U.S. Department of the Interior
Bureau of Land Management

Finding of No Significant Impact
DOI-BLM-NV-L030-2012-0029-EA
June 15, 2012

Condor Canyon Restoration Project

Location: North Lincoln County, Eastern Nevada

U.S. Department of the Interior
Bureau of Land Management
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BLM

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELY DISTRICT OFFICE

INTRODUCTION

The Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) (DOI-BLM-NV-L030-2012-0029-EA) that analyzed the effects of conducting riparian and stream restoration in Condor Canyon. The EA considered the Proposed Action and No Action Alternative. This EA is tiered to, incorporates by reference, and is in conformance with the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/FEIS), released in November 2007 (BLM 2007).

I have reviewed the EA entitled "Condor Canyon Restoration Project" (DOI-BLM-NV-L030-2012-0029 EA), dated April 30, 2012. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action associated with the Condor Canyon restoration project identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

I have also considered the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

Condor Canyon is located in Lincoln County Nevada approximately 2.5 miles NE of the town of Panaca. The action area would include the Condor Canyon corridor from the culvert near the Delmue ranch on the NE end, to the mouth of the canyon on the SW end. The riparian area in Condor Canyon encompasses approximately 50 acres and is located within the Dry Valley and Panaca Valley Watersheds (#207 and #210).

Lincoln County is sparsely populated, with approximately 4,300 people living mostly within five scattered towns. Condor Canyon is not located within Wilderness, a Wilderness Study Area, a Wild Horse Herd Management Area, or within desert tortoise habitat, however recreational use of the canyon is common. Condor Canyon contains the only known regular and critical habitat for the threatened Big Spring spinedace fish (*Lepidomea mollispinis pratensis*). Grazing currently occurs in the area, and it will continue to at the same level as allowed under the last permit renewal (permit expires 2/14/2010 – NV045-2009-0017-EA). Ownership is largely BLM, but there are private inholdings within the Condor Canyon corridor.

This proposed restoration project would be effective in improving/enhancing Big Spring spinedace habitat and restoring Condor Canyon to a more natural state. Removal of cattail and bulrushes in and around the waterway, reintroduction of willows to the stream edge, reconnection of the perched spring, and restoration and recontouring in Reach 7, as described in the Proposed Action, will allow natural recovery of this site.

Intensity:

1) ***Impacts that may be both beneficial and adverse.***

The Environmental Assessment considered both, beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance (i.e., exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc.). None of the resource impacts are intensely adverse. We expect that over time the consequences of implementing the proposed action will be beneficial to the spinedace and other native fishes and wildlife in Condor Canyon.

2) ***The degree to which the proposed action affects public health or safety.***

The Proposed Action will not result in potentially substantial or adverse impacts to public health and safety.

3) ***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

The Ely RMP EIS has evaluated the impacts of vegetation manipulation on natural resources and unique geographic characteristics found on public lands throughout the district. Additionally, effects to historical and cultural resources and ecologically critical areas were addressed within the EA. There are no parks, wetlands, prime farmlands, or wild and scenic rivers within the project area.

Historic and cultural resources were identified, reviewed, analyzed for potential effects or impacts associated with the Proposed Action. Through consultation, the Nevada State Historic Preservation Office concurred with our findings that none of the activities posed \adverse effects to historic properties (see #8 below for additional details).

In addition, effects to Areas of Critical Environmental Concern (ACECs) were addressed in the EA. The Condor Canyon ACEC was designated in the Ely RMP/EIS (November 2007) and ROD (2008) to protect, conserve, and enhance Big Spring spinedace and its critical habitat. As the purpose of this project is to improve spinedace habitat and thereby recover or improve the population over time, no adverse effects to the Condor Canyon ACEC would occur.

4) ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

Restoration or enhancement of once suitable habitat to its former natural state for the benefit of a Threatened species contrives little, if any, controversy, especially when done in such a short section of stream in rural Nevada. As noted by the dearth of public comments (2 comments – 1 in favor, 1 instructional, 0 opposing), the effects of the Proposed Action on the quality of the human environment are not highly controversial.

5) ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The potential effects of the Proposed Action are known and analyzed in the EA. Reasonable and prudent measures with Terms and Conditions from the Biological Opinion, as well as 12 programmatic measures will be used to help reduce all potential effects to Big Spring spinedace and its habitat. There are no highly uncertain or unknown risks not already addressed in the EA.

6) ***The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Restoring, improving, and enhancing habitat for the Big Spring spinedace does not establish a precedent for other land management actions or decisions. Any future actions or projects - within either the proposed action area or surrounding areas - will be analyzed and evaluated as a separate action, independent of the current proposed action.

7) ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

8) ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

There were 10 sites and two potentially eligible sites identified through the cultural resources inventory and subsequent consultation with the Nevada State SHPO. In their concurrence letter dated April 10, 2012 (citing BLM report 8111 CRR NV040-11-1955/Undertaking #2012-2032) they "conditionally concurred with the BLM's determination that the proposed undertaking (36 CFR Part 800.4.a.4.) will not pose an adverse effect to any historic properties with the stated monitoring plan as well as the use of the Secretary of Interior's Standards in the development and implementation of the culvert within the railroad grade." Therefore, the proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

9) ***The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.***

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. Formal consultation with the U.S. Fish and Wildlife Service was completed with receipt of a Biological Opinion (84320-2012-F-0107) dated March 13, 2012. Therein the Service clearly states that based on the Biological Assessment and the effects of the Proposed Action, it "is within the scope of the PBO and is therefore not likely to jeopardize the continued existence of the Big Spring spinedace or adversely modify its critical habitat."

10) ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that the proposed action will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

Victoria Barr
Field Manager
Caliente Field Office

6/21/12
Date

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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http://www.blm.gov/nv/st/en/fo/ely_field_office.html

TAKE PRIDE IN AMERICA

JUN 21 2012

In Reply Refer To:
7220 (NVL030)

DECISION

Condor Canyon Restoration Project	:	Decision Record DOI-BLM-NV-L030-2012-0029-EA

I have reviewed the Environmental Assessment, DOI-BLM-L030-2012-0029-EA, and have made a Finding of No Significant Impact (FONSI) for the Condor Canyon Restoration Project. Based on that review and the record as a whole, I approve the Proposed Action.

RATIONALE:

1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section 2.3 of the Environmental Assessment documents the conformance review.

2) The Proposed Action is consistent with all other federal, state, local, and tribal policies and plans, including the Condor Canyon Habitat Management Plan (HMP 1990 – signed by the BLM and NDOW) and the U.S. Fish and Wildlife Service (USFWS - 1994) Big Spring Spinedace Recovery Plan.

3) The Proposed Action will improve the vegetative conditions of the riparian area in Condor Canyon, returning it to a more natural state. In addition, removal of cattails and bulrushes and increased willow cover will improve year round habitat for the Threatened Big Spring spinedace and native desert fishes found in the stream. Over time, this should increase spinedace distribution and abundance throughout the Canyon.

4) The Proposed Action will improve reach 7 in Condor Canyon by creating a more natural flow pattern with a flood plain to dissipate energy from high flow events and more closely resemble occupied spinedace habitat.

5) The Proposed Action will reattach the perched spring that was cut off due to activities associated with the railroad more than a century ago. It will run from the North side of the canyon through the railroad bed towards the south joining the main channel. Through this process, the spring will provide additional seasonal flow critical to this desert stream.

PUBLIC INVOLVEMENT:

The Preliminary Environmental Assessment was made available to the public on May 10, 2012 and comments were accepted through May 25, 2012. Two comments were received, one letter of support from the Nevada Department of Wildlife and one informational comment from the Nevada state water engineer's office. In addition, the Preliminary EA was made available for comment to the local or interested tribes for 30 days starting April 20, 2012. After 30 days, no comments were received from the tribes.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and 43 CFR Part 5003.1. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the below address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
Box 237
Caliente, NV 89008

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U.\S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard

Arlington, VA 22203

This Decision will remain in effect during the appeal unless a petition for Stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,
(2) The likelihood of the appellant's success on the merits,
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Approved by:

Victoria Barr
Field Manager
Caliente Field Office

6/21/12
Date