

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

[X] HRFO (1000) [] BRFO (3000) - [] NCA (3500) [] District (0000)

CX#: DOI-BLM-NV-W010-2012-0036-CX	Date: 5/7/2012
Regulatory Authority (CFR or Law): 2800 BLM Manual: 2800 Subject Function Code: 2870	Lease / Case File / Serial #: N-60342
Project Lead Preliminary Review: Yes Is the project located within a Sage Grouse Preliminary Priority Habitat and/or Preliminary General Habitat? No	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Julie McKinnon
3. Project Title: Well site Right-of-way Amendment
4. Applicant: Humboldt County
5. Project Description: (briefly describe who, what, when, where, why, how)

Humboldt County has submitted an application to amend their existing well site right-of-way authorization N-60342, to move from using a generator to electric power supplied by NV Energy. The use of electric power would provide a more reliable source of power to the well. Their proposal is to run a buried powerline from an existing aerial powerline to the existing authorized well site. The existing aerial powerline runs parallel to Jungo Rd. within the Jungo Rd. maintenance berm and perpendicular to the existing well site. NV Energy would upgrade their transformer, near the railroad tracks, and then place a phased splitter on a power pole in which Humboldt County would then tie in their proposed buried powerline. The powerline would be underground, in approved conduit, to minimize disturbance to the transportation of heavy mine equipment and traffic to and from Hycroft Mine along Jungo Rd.

The powerline would be a minimum of four feet deep with a construction and maintenance area of 15 feet wide and approximately 200 feet in length.

Humboldt County would be responsible for the buried section of powerline not NV Energy.

Recently, with the Wild Horse and Burro issues identified in the Jackson Mountains HMA, this well site was identified as possible area to get water and haul to an alternate location for the horses. Humboldt County has agreed to this option and has filed for a temporary change of use for the water. Last week the motor for the existing generator blew up and currently there is no way to pump water from the well head into the reservoir.

Although portions of this proposed amendment are outside the boundaries of the well site right-of-way it encompasses boundaries of three other existing rights-of-way.

Project dimensions (length, width, height, depth): 200'x 15' Acreage: 0.070. Will the project result in new surface disturbance? Yes X No _____

Part I: Plan Conformance Review

The proposed Action is subject to the:

- Paradise-Denio Management Framework Plan

The PD MFP does not have a specific objective for rights-of-way but under the FLPMA we are authorized to review and issue grants for rights-of-way across public lands.

- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions *(formerly 516 DM2 Appendix 1)* (Define Exclusion – see lists available at: S:\NEPA_2010\NEPA Templates 2010\CX\CX Lists\ DOI CXs)

- 516 DM11.9, (BLM) E. Realty #13 (Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.) and (Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.)

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (<i>Scientific</i>) Name	May Be Affected?	Mitigation for BLM Sensitive Species (<i>Attach ESA Section 7 Compliance to Form</i>)
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	

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			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer's blackbird (<i>Euphagus cyanocephalus</i>), Brewer's sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None needed.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	
	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks: (if there are any applicable mitigation measures, including any standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit, state "See Attached" and attach a copy to the CX.)

Part III: DECISION: I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. Project authorization is subject to mitigation measures identified above.

Remarks reserved for authorized officer:

Authorized Official _____/s/Michael Truden _____ Date: 5/16/2012
 (Signature)

Pursuant to 2805.13, a right-of-way grant is effective after both the applicant and the BLM sign it, which carries the full force and effect of the decision. Full force and effect means that the decision can be implemented immediately even if the decision is appealed to the IBLA. An affected party has the opportunity to file a petition for a stay with an appeal to the IBLA. Immediate implementation is an option, not a requirement, of the decision.

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Field Manager, Humboldt River Field Manager, 5100 East Winnemucca Boulevard, Winnemucca,

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Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).