

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

[X] HRFO (1000)	[ ] BRFO (3000)	[ ] District (      )
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<b>CX#: DOI-BLM-NV-W010-2012- 0013 -CX</b>	<b>Date:1-4-12</b>
Regulatory Authority (CFR or Law): 43 CFR 2920 BLM Manual: 2920 Subject Function Code: 2920	Lease / Case File / Serial #: N-090681
Project Lead Preliminary Review: Is the project located within a Sage Grouse 75% Bird Breeding Density Area? No	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Debbie Dunham
3. Project Title: Safe Haven LUP
4. Applicant: Safe Haven Rescue Zoo
5. Project Description: (briefly describe who, what, when, where, why, how)

Safe Haven Rescue Zoo, located at 9605 Highway 400 in Imlay, NV, is a non-profit, charitable organization that provides an animal rescue facility for displaced animals that are in need. It is also an education facility in the Northern Nevada area that serves schools, adults, senior citizens, retirement homes, etc. for wildlife. They currently receive about 1,000 visitors per year and also serve as a resource for problem facilities, such as the recent Ohio animal disaster.

Safe Haven enjoys a partnership with the Community Foundation of Western Nevada, which connects non-profit organizations with individuals who wish to establish life income gifts, gift annuities, and other plans for long-term giving.

Access to the project would be from Highway 400 to about nine miles off of Route 80, and then would follow an existing county maintained road to the zoo.

On August 24, 2011, Safe Haven Rescue Zoo applied for a LUP (Land Use Permit), to use an existing unoccupied building, year round, on BLM administered lands within the Winnemucca District. This permit would be good for a term of three years and is renewable at the discretion of the Authorized Officer.

According to BLM records (Historical Index and LR2000,) this building appears to be a 44LD 513 authorization (Nev-043481) that was issued to the Corps of Engineers in 1956 for a radar annex. The authorization was terminated on August 24, 1961, and transferred to the BLM. No other records exist for this site.

Safe Haven is totally dependent on solar electricity, which includes water, for their property and their associated facilities. The limited amount of electricity available from such a system is unable to provide the power capacity needed for their facility expansion, such as freezer storage load requirements.

**DOI-BLM-NV-W010-2012-0013 -CX**  
**Applicant: Safe Haven Rescue Zoo**  
**Project Title: Safe Haven LUP**

Safe Haven would like to rent the current unoccupied building (30' X 30'), located within one mile of Safe Haven's facility. There is an NV Energy service pole within 40-50 feet of the building with two transformers that have provided service to the building in the past. There is also a telephone line service attached to the building. Safe Haven would solicit an electrical contractor to provide the building service panel for NV Energy to connect to and also penetrate the exterior wall that may or may not be through the existing service connector. Wall plugs for individual chest freezers as well as minimal lighting would be required in order to access the freezers.

The main building issues are cleaning and painting and securing the doors and windows. The buildings back door is open and the rest have many bullet holes that would need to be evaluated and fixed as necessary. The roof is intact and there is no evidence of leaking so Safe Haven would evaluate that as they move forward. The approximate time to repair the building would be two weeks.

No permanent water access is needed. Portable tank trucks and pressure cleaning would be provided if an unforeseen need arises.

There would be no new road construction as there is already road access provided.

This unoccupied building has full electrical grid access, as well as security, to support the additional freezers for storage of food for rescued animals. This building would enable Safe Haven to further support future rescues and their organizations growth that is dependent on electrical grid access.

Project dimensions (length, width, height, depth): 30' X 30' building Acreage: 0.22

Would the project result in new surface disturbance? Yes  No

Has the project area been previously disturbed? Yes  No  N/A . If yes, what percent of the project area has been disturbed? 100%. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 31 N., R. 35 E., sec. 16, SE1/4NE1/4 NW1/4

USGS 24k Quad name: Eugene Mtns

100k map name: Star Creek Ranch

Land Status: BLM  Private  Other

**Part I: Plan Conformance Review**

The proposed Action is subject to the:

Paradise-Denio Management Framework Plan

Sonoma-Gerlach Management Framework Plan. This project would be in conformance with the land use plan because of Objective L-4, To provide lands for rights-of-ways on or across public lands.

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)*

516 DM11.9, (BLM) Categorical Exclusion E. Realty #19 Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

**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"/>	X
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.	X	<input 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"/>	X

**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 (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	X	Western burrowing owl ( <i>Athene cunicularia hypugaea</i> )	<input type="checkbox"/> Yes X No	none
<input type="checkbox"/>	X	Loggerhead shrike ( <i>Lanius ludovicianus</i> )	<input type="checkbox"/> Yes X No	none
<input type="checkbox"/>	X	Brewer’s sparrow ( <i>Spizella breweri</i> )	<input type="checkbox"/> Yes X No	none
<input type="checkbox"/>	X	BLM sensitive bat species	<input type="checkbox"/> Yes	See mitigation measures/remarks section.

			X 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
	<input type="checkbox"/> Yes X No	None.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<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: See Attached Terms and Conditions.*

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**Applicant: Safe Haven Rescue Zoo**  
**Project Title: Safe Haven LUP**

**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. It is my decision to implement the project, as described, with the mitigation measures identified above.

Remarks reserved for authorized officer:

Authorized Official Michael Truden  
(Signature)

Date: May 9, 2012

**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 Office, 5100 East Winnemucca Boulevard, Winnemucca, 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)).