



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Egan Field Office  
HC33 Box 33500 (702 N. Industrial Way)  
Ely, Nevada 89301-9408  
[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

In Reply Refer To:  
6513 (NVI.0100)

AUG 31 2012

### Decision Record Newark Valley Barrick/NDOW – Three Wildlife Water Developments

#### **Introduction**

The Bureau of Land Management (BLM) Egan Field Office has determined to develop the Newark Valley Barrick/Nevada Department of Wildlife (NDOW) three wildlife water developments. A BLM interdisciplinary team reviewed the Proposed Action for the Barrick/NDOW Water Developments DNA. Based on this review the Egan Field Manager determined that the proposed action is substantially similar to the actions analyzed within the Giroux Wash and Horse Range Wildlife Water Developments EA and found to have no significant impacts, thus an EIS is not required.

BLM proposes to construct three water developments for wildlife within the Newark Valley, White Pine County. The Bureau of Land Management (BLM) has the authority to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archeological values under the Federal Land Policy and Management Act of 1976 (43 United States Code 1701 et seq.).

The funding and labor for the project will consist of contributions from both Barrick Mining Company and NDOW. The contribution from Barrick is to help mitigate the effects of the Bald Mountain Mine on mule deer (*Odocoileus hemionus*).

On December 3, 2009 the Finding of No Significant Impact (FONSI) for the Giroux Wash and Horse Range Wildlife Water Developments (DOI-BLM-NV-L010-2009-0018-EA) was signed. A Determination of NEPA Adequacy confirms that the action is adequately analyzed in existing NEPA document(s) and is in conformance with the land use plan (H-1790-1-National Environmental Policy Act (NEPA) BLM Handbook).

BLM proposes to allow construction of these water developments to allow wildlife to make use of habitat in the area.

Each water development would consist of four buried tanks with a metal apron fitted with gutters to channel rainwater and snowmelt into the tanks underneath. A separate ground level drinker would be built for each guzzler, with a pipe rail fence consisting of two 1-5/8" steel rails at 24" and 42" above the ground built around them to exclude livestock and wild horses. A four-strand,

barbed wire fence would be constructed around the tanks/aprons to prevent damage to the apron from livestock, wildlife, or wild horses. The bottom wire would be barbless. The apron fence would be approximately 10' wider than the outer edges of the apron. The apron, steel fencing, and any exposed pipe would be left to rust and corrode, thus visually integrating the project into the surrounding environment. The tanks would be hidden underneath the aprons.

The water development sites would be accessed using existing two-track roads and no new road construction would be needed. A rubber-tired backhoe would be used to level the areas where the storage tanks and aprons would be located. Approximately one day would be needed to prepare each site using a backhoe and an estimated two days per site would be needed to install the water developments.

Installation of the water developments would result in < 1/2 acre of total surface disturbance each. Access to the sites for subsequent annual inspections and routine maintenance would be on existing access routes. Maintenance of the water developments will be done by NDOW in conformance with a cooperative agreement.

### **Decision**

It is my decision to authorize construction of the Newark Valley Barrick/NDOW Water Developments in FY2012 or FY2013 in accordance with the description of the Proposed Action in the Determination of NEPA Adequacy (DOI-BLM-NV-L010-2012-0020-DNA). I concur with my staff's assessment of the environmental impacts and authorize the Proposed Action subject to the procedures described in the DNA (DOI-BLM-NV-L010-2012-0020-DNA).

### **Rationale**

The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section B of the DNA documents the conformance review. The Proposed action is consistent with all other federal, state, local, and tribal policies and plans to the maximum extent possible. Actions will improve available habitat and water resources for wildlife.

### **Public Involvement**

Although the Giroux Wash and Horse Range Wildlife Water Developments EA (DOI-BLM-NV-L010-2009-0018-EA) conducted public and interagency review relative to the proposal; it has been determined that additional public involvement is necessary for the Newark Valley Barrick/NDOW Water Developments DOI-BLM-NV-L010-2012-0020-DNA. The EA included both internal and external scoping of issues. External scoping included letters notifying the interested public and tribes of the Giroux Wash portion of the Proposed Action which were sent May 21, 2009. No issues were expressed during the public scoping period. Letters notifying the interested public and Tribes of the Horse Range portion of the Proposed Action were sent November 4, 2009. No comments were received.

The grazing permittee, Tumbling JR Ranch, was contacted about this project and provided supportive comments.

BLM also coordinated with the Nevada Department of Wildlife during the development of this Determination of NEPA Adequacy.

## **Appeal**

In accordance with 43 CFR 4.470 and 4160.4, any person who wishes to appeal or seek a stay of a BLM decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the Proposed Decision becomes final as provided in 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer Doris Metcalf, Field Manager for Egan Field Office, BLM Ely District Office, HC 33 Box 33500, 702 North Industrial Way, Ely, Nevada 89301. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(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.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

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)).

### **Authority**

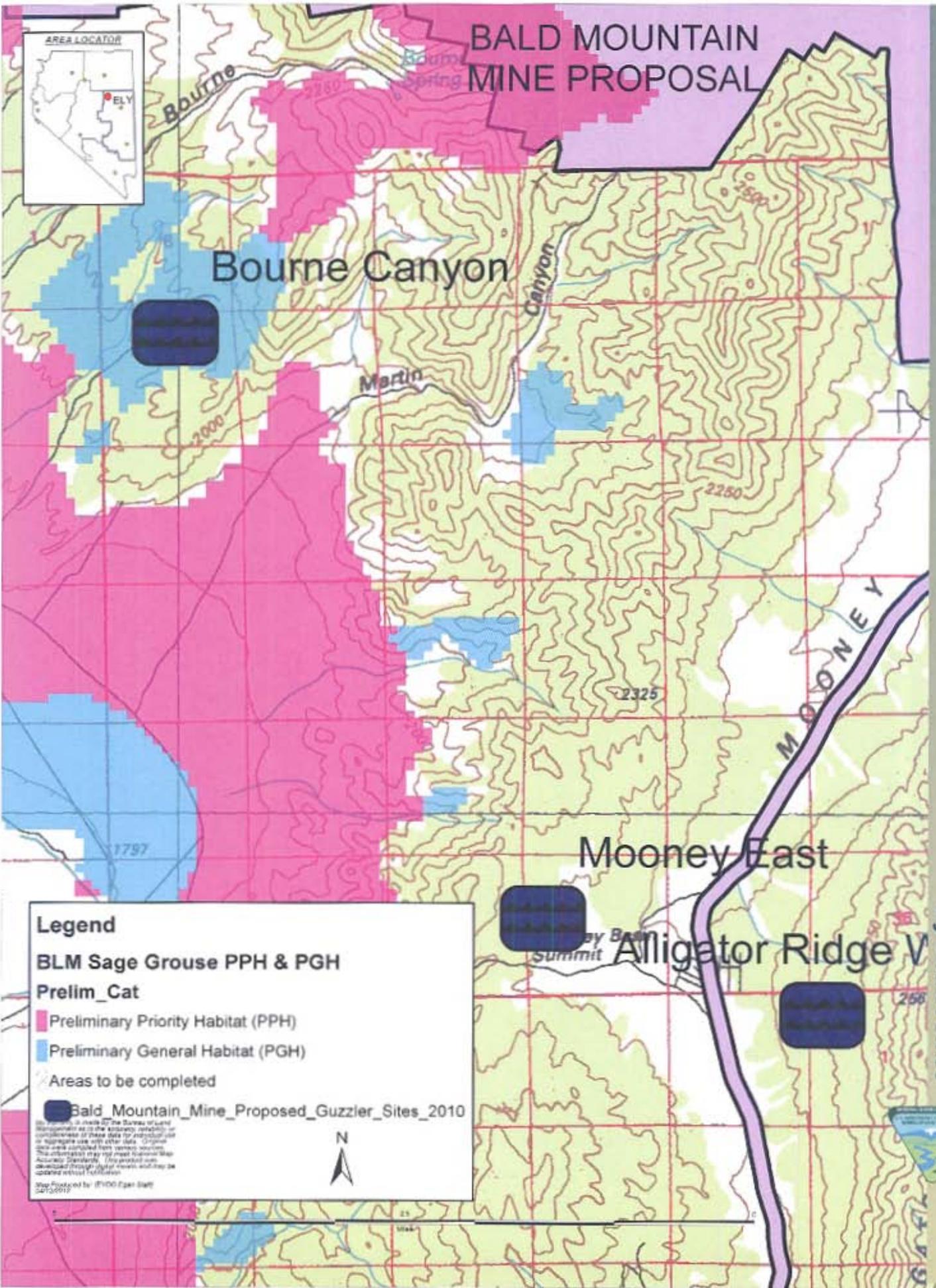
The authority for this Decision is contained in Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976. The Bureau of Land Management (BLM) has the authority to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archeological values under the Federal Land Policy and Management Act of 1976 (43 United States Code 1701 et seq.).

Sincerely,

A handwritten signature in blue ink that reads "Doris A. Metcalf". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Doris Metcalf  
Acting Field Manager  
Egan Field Office

# BALD MOUNTAIN MINE PROPOSAL



### Legend

BLM Sage Grouse PPH & PGH

#### Prelim\_Cat

■ Preliminary Priority Habitat (PPH)

■ Preliminary General Habitat (PGH)

◇ Areas to be completed

■ Bald Mountain Mine Proposed Guzzler Sites 2010

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Map Produced by: IF100 Egan Staff  
2/12/2012



Ely District Office

