

**FINAL ENVIRONMENTAL ASSESSMENT  
FONSI and DECISION RECORD**

**Highlands Park Recreation &  
Public Purposes Act Lease**

DOI-BLM-NV-C020-2012-0025-EA

U.S. Department of the Interior  
Bureau of Land Management  
Carson City District  
Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
775-885-6000

**November 2012**



## **1.0 INTRODUCTION/PURPOSE AND NEED**

### **1.1 Introduction, Purpose and Need**

Over the past 60 years, Americans have demonstrated an ever growing level of interest and active participation in outdoor recreation. Throughout the U.S., expanding urban populations, increased mobility and leisure time, and higher standard of living have generated a demand for more and better recreation facilities. Urban expansion and a growing population have increased the need for more public services, such as schools, community buildings, hospitals, wastewater treatment facilities, community parks, and more.

Recognizing the strong public need for a nationwide system of parks and other recreational and public purpose area, the Congress, in 1954, enacted the Recreation and Public Purposes (R&PP) Act (68 Statute 173; 43 United States Code 869 et. seq.) as a complete revision of the Recreation Act of 1926 (44 Stat. 741). This law is administered by the Bureau of Land Management (BLM). This Act authorizes the sale or lease of public lands for recreational or public purposes to state and local governments and to qualified nonprofit organizations. Examples of typical uses under the R&PP Act include historic sites, campgrounds, schools, firehouses, law enforcement facilities, hospitals, parks, and fairgrounds.

The purpose of the proposed project is for the County of Lyon, Nevada, to lease two and one half (2.5) acres of public land in the community of Moundhouse, Nevada, in order to establish the Highlands Drive Park. The 2.5 acre area discussed in this document is currently managed by the BLM and would be leased by Lyon County through the authority of the R&PP Act.

The need for the proposed project would be to accommodate a community of 270 middle class homes of which many house children. The nearest existing public recreation facility or park is approximately one (1) mile away and the children would have to cross U.S. Highway 50, which is a notoriously dangerous stretch of roadway. The proposed site is on level, highly disturbed land within the said community and is within safe walking distance for all the residents.

### **1.2 Land Use Plan Conformance Statement**

The Proposed Action and No Action Alternative described below are in conformance with the Carson City Field Office Consolidated Resource Management Plan (CRMP), dated May 11, 2001, and meet the following elements of the plan amendment decisions:

**LND-5 (6.) LAND USE ALLOCATIONS**, Identify the following tracts as available for transfer out of federal ownership to state, county, or local government agencies, or to non-profit corporations and associations, for recreation and public purposes.

The subject lands are included in the 160 acres designated for disposal in the Pine Nut Planning Unit (P7 & P8 Moundhouse).

**LND-6, ADMINISTRATIVE ACTIONS**, (4.), The methods for tenure adjustments for these lands include lease and sale under the Recreation and Public Purposes Act (R&PP); and lease, sale, or exchange under Federal Land Policy and Management Act (FLPMA).

### **1.3 Decision to be Made**

The Authorized Officer would decide whether to proceed with the proposed R&PP lease or to deny the R&PP application.

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Alternative A: Proposed Action**

The Proposed Action is to issue an R&PP lease to Lyon County, on 2.5 acres of BLM-managed lands for the purposes of developing a community park and playground. A preliminary site plan is provided as Attachment A. The 2.5 acre parcel is located in the community of Moundhouse, Nevada, and legally described below.

Mount Diablo Meridian

T. 16 N., R. 21 E.,  
sec. 31, SW1/4SW1/4SE1/4NW1/4.

The subject parcel is within a current lease by Lyon County, which contains a community wastewater treatment facility. The current lease with Lyon County would need to be amended, and have the subject 2.5 acre parcel removed from the leased area.

The subject parcel, under the R&PP lease would be developed as a community park and playground as shown on the site plan or plan of development (POD) provided by Lyon County Parks Department. A list of amenities has also been submitted which approximates the development cost to be \$36,750.00, which would come from the Lyon County Park Tax Fund.

The intent of this proposal would be to issue an R&PP lease with an option to acquire title. The lease would be for a period of five years, during which time Lyon County Parks Department would develop the subject parcel. BLM would monitor the development and terms and conditions of the lease, ensure compliance, and move towards transfer of title to Lyon County.

### **2.2 Alternative B: No Action**

Under the No Action Alternative, the 2.5 acres of land would remain in federal ownership and would continue to be managed in accordance with the CRMP. The 2.5 acres of land would not be removed from an existing 20 acre R&PP lease issued to Lyon County for the purposes of constructing, maintaining, and operating a wastewater treatment plant. The 2.5 acres of land is currently undeveloped, but could be developed by future expansion of the wastewater treatment facility operated by Lyon County utilities.

## **3.0 AFFECTED ENVIRONMENT**

### **3.1 General Setting**

The project area is located at approximately 5,000 feet above sea level. The project area is located within the community of Moundhouse, and the site is located next to housing developments. The R&PP site is highly disturbed from the previous development of a wastewater treatment facility.

### 3.2 Supplemental Authorities

Appendix 1 of BLM's NEPA Handbook (H-1790-1) identifies Supplemental Authorities that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents.

**Table 1. Supplemental Authorities\*.**

Resource	Present Yes/No	Affected Yes/No	Rationale
Air Quality	N		The project area is not in a non-attainment area. During construction there would be some increase in emissions from vehicles and equipment, and particulates (dust), but this would not change the overall air quality status of the project area.
Areas of Critical Environmental Concern	N		Resource not present.
Cultural Resources	Y	N	The proposed R&PP lease/conveyance area has previously been subject to Class III cultural resources inventories (reports CRR 3-953, 3-1817, and 3-2373). A portion of the old Virginia & Truckee Railroad (V&T RR) grade passes through the southwest corner of the parcel. This segment of the grade has been determined non-contributing to the overall NRHP eligibility of the V&T RR. The segment that passes through the R&PP parcel now is represented by a two-lane, mechanically maintained road that is paved up to the western edge of this parcel. The leasing, conveyance, or development of this parcel would have no effect to historic properties under Section 106 of the National Historic Preservation Act of 1966, as amended.
Environmental Justice	Y	N	A neighborhood park would be beneficial for the community at-large, and specifically benefit any low income residents in the area.
Farm Lands (prime or unique)	N		Resource not present.
Floodplains	N		Resource not present.
Invasive, Nonnative Species	Y	N	The site is highly disturbed, construction of a developed playground would reduce the occurrence of any invasive, non-native species. Lyon County parks staff would control the occurrence of any such plants.
Migratory Birds	N		The affected 2.5 acres is predominantly heavily disturbed, flat ground with no vegetation. Roughly 1/10 of an acre has native vegetation, but also has two dirt roads running through it. The 2.5 acres sits between two housing developments of several hundred homes. The area behind the housing developments is crisscrossed with additional dirt roads. It is highly unlikely that migratory birds use shrubs on the small piece of vegetated ground for nesting.
Native American Religious Concerns	N		In July 2012 notification of this project was provided to the Washoe Tribe of Nevada & California. No comments were received..
Threatened or Endangered Species (animals)	N		Resource not present.
Threatened or Endangered Species (plants)	N		Resource not present.
Wastes, Hazardous or Solid	N		Best management practices would be implemented by Lyon County during construction activities and would address any inadvertent oil

			or gas spill if it were to occur during project construction.
Water Quality (Surface/Ground)	N		No surface streams are present in the project area.
Wetlands/Riparian Zones	N		Resource not present.
Wild and Scenic Rivers	N		Resource not present.
Wilderness/WSA	N		Resource not present.

*\*See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.*

*Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

*Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.*

### 3.3 Resources or Uses Other Than Supplemental Authorities

BLM specialists have evaluated the other potential impacts of the Proposed Action and No Action Alternative on these resources and documented their findings Table 2. Resources or uses that “may be affected” by the Proposed Action or No Action Alternative are further described in this EA.

**Table 2. Resources or Uses Other Than Supplemental Authorities.**

Resource or Issue**	Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species (animals)	N		The affected 2.5 acres is predominantly heavily disturbed, flat ground with no vegetation. Roughly 1/10 of an acre has native vegetation, but also has two dirt roads running through it. The 2.5 acres sits between two housing developments of several hundred homes. The area behind the housing developments is crisscrossed with additional dirt roads. It is highly unlikely that the small piece of vegetated ground provides habitat for any BLM sensitive species. The project area is not within preliminary general or priority habitat for the greater sage-grouse.
BLM Sensitive Species (plants)	N		Resource not present.
Fire Management/Vegetation	N		Resource not present.
Forest Resources	N		Resource not present.
General Wildlife	N		The affected 2.5 acres is predominantly heavily disturbed, flat ground with no vegetation. Roughly 1/10 of an acre has native vegetation, but also has two dirt roads running through it. The 2.5 acres sits between two housing developments of several hundred homes. The area behind the housing developments is crisscrossed with additional dirt roads. It is highly unlikely that the small piece of vegetated ground provides habitat for wildlife species.
Global Climate Change	Y	N	Although there is public and scientific debate about human-caused contributions to global climate change, no methodology currently exists to correlate greenhouse gas emissions (GHG) from the Proposed Action, and to what extent these contributions would contribute to global climate change.
Greenhouse Gas Emissions	Y	N	Under the Proposed Action there would be negligible contribution of emissions from construction equipment and vehicle emissions, a GHG. No methodology currently exists to correlate these GHG emissions to any specific resource impact within the project area.
Land Use Authorization	Y	Y	Carried forward for analysis.

Lands with Wilderness Characteristics	N		Resource not present.
Livestock Grazing	Y	N	The project area is located within the Carson Plains/Gold Hill Grazing Allotment currently used for sheep. The project area is highly disturbed and provides no forage.
Minerals	Y	N	A minerals review was completed in October 2012 and there is low potential for minerals in the project area and no potential for oil and gas.
Paleontological	N		Resource not present.
Recreation	Y	Y	Carried forward for analysis.
Socioeconomics	N		Resource not present.
Soils	Y	N	During construction there would be short-term disturbance of the soils conditions during any construction activities, which would be minimized with BMP's, over the long-term soil would be stabilized which would be a beneficial effect.
Travel Management	Y	N	Resource not present.
Vegetation	Y	N	Most of the proposed site is highly disturbed; vegetation present is highly fragmented and of poor quality.
Visual Resources	Y	N	The proposal would not be inconsistent with the VRM Class for the project area (Class III).
Wild Horses and Burros	N		Resource not present.

*\*\*Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

*Resources or uses determined to be Present/May Be Affected may be carried forward in the document.*

## **4.0 ENVIRONMENTAL CONSEQUENCES/CUMULATIVE EFFECTS**

The Affected Environment and Cumulative Effects Study Area for the Proposed Action and No Action Alternative area the same, and consist of approximately 2.50 acres of BLM-managed lands.

### **4.1 Land Use Authorization**

#### *Affected Environment*

A preliminary report from LR2000, dated September 13, 2012, indicates the property is subject to the following BLM Right-Of-Way Grants:

1. A 100 foot wide Right-Of-Way Grant (NVN 083101) for an underground water line in Highlands Drive, issued to Lyon County, Nevada.
2. A 20 Acre Right-Of-Way Grant (NVN 039762) for a waste water treatment facility, access road, and drain field, issued to Lyon County, Nevada.

#### *Environmental Consequences*

The environmental impacts to the subject lands would be very minimal given that the land has been heavily disturbed already and is essentially a graveled cul-de-sac or turnaround for Highlands Drive and is void of any vegetation. The improvements proposed would not involve any heavy excavation or filling as the site is relatively flat already. The proposed improvements include; ground work, play structure, swings, bench, in-ground trash receptacle, ground surfacing barrier, mulching, fencing, concrete flat work, and parking lot.

A Mineral Report was prepared in October 2012 to determine the impact of the Proposed Action on the mineral estate. The site is not considered prospectively valuable for coal, oil and gas, or geothermal resources. The site has low potential for the development of metallic mineral resources.

After a search of environmental records and field investigation, it has been determined that the parcel involved with the Proposed Action does not have any evidence of hazardous substances, petroleum contamination, or environmental liability.

#### *Cumulative Effects*

Under the Proposed Action, the 2.5 acre site would be leased to Lyon County for recreational purposes. This would have a cumulatively beneficial effect as construction of a community playground would ensure that the lands are used to their greatest public purpose.

### **4.2 Recreation**

#### *Affected Environment*

The 2.5 acre site is currently adjacent to a wastewater treatment facility and serves no recreational purpose. The site is highly disturbed and provides ingress and egress to the facility.

#### *Environmental Consequences*

Under the Proposed Action, Lyon County would construct, operate and maintain a community playground. This action would benefit the nearby residents by providing outdoor recreational opportunities in an urbanized setting.

#### *Cumulative Effects*

Under the Proposed Action, the 2.5 acre site would be leased to Lyon County for recreational purposes. This would have a cumulatively beneficial effect as construction of a community playground would ensure that the lands are used to their greatest public purpose.

## **5.0 PERSONS, GROUPS, AND AGENCIES CONSULTED**

### **5.1 Public Review**

The Draft EA had been made available to the public for review and comment for 30-days. The comment period closed on November 17, 2012. All comments received were reviewed and categorized. Although not required for an EA by regulation, an agency may respond to *substantive* and *timely* comments received. Substantive comments:

1. question, with reasonable basis, the accuracy of information in the EA;
2. question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis;
3. present new information relevant to the analysis;
4. present reasonable alternatives other than those analyzed in the EA; and/or
5. cause changes or revisions in one or more of the alternatives.

The BLM received two relevant comments on the Draft EA. One comment from the State Historic Preservation Officer concerned a typo in the document that had been corrected. The

second comment was from the Nevada Division of State Lands concerning lighting practices. These concerns will be provided to Lyon County for use in the design of the playground. These comments did not result in any change to the alternatives nor their analysis.

**5.2 List of Preparers**

**Bureau of Land Management**

Name	Title	Project Expertise
Perry Wickham	Realty Specialist	Land Use Authorizations
Brian Buttazoni	Planning and Environmental Coordinator	NEPA
Arthur Callan	Outdoor Recreation Planner	Recreation
Pilar Ziegler	Wildlife Biologist	General Wildlife, Migratory Birds, BLM Sensitive Species

**6.0 FINDING OF NO SIGNIFICANT IMPACT**

Based on the analysis of potential environmental impacts contained in this Final EA, and considering the significance criteria found in 40 CFR 1508.27, I have determined that the Proposed Action would not have a significant effect on the human environment. An environmental impact statement (EIS) is not required.

*ACTING FOR*

B2 Buttazoni  
 Leon Thomas  
 Field Manager  
 Sierra Front Field Office

11-20-2012  
 Date

**7.0 DECISION**

It is my Decision to implement this R&PP lease to Lyon County for the purposes establishing the "Highlands Drive Park" in the community of Moundhouse, Nevada.

*ACTING FOR*

B2 Buttazoni  
 Leon Thomas  
 Field Manager  
 Sierra Front Field Office

11-20-2012  
 Date

## **APPEAL PROCEDURES**

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas  
Field Manager  
BLM, Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.