

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE**

**Serial Number: NVN-90693
EA# DOI-BLM-NV-B010-2012-0077-EA**

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2012-0077-EA, dated November 2012. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action with the project design specifications, including minimization or mitigation measures identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

It has been determined that the proposed action is in conformance with the approved Shoshone-Eureka Resource Management Plan, and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments.

This finding and conclusion is based on my consideration of 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

In December 2011, the Mount Lewis Field Office (MLFO), of the Bureau of Land Management (BLM), received an application from the Lander County Combined Sewer and Water District #2, (the Austin, NV Sewer and Water Department), for a Right-of-Way (ROW) to construct a new water supply system for the town on public land.

The water supply for the town of Austin, NV exceeds the Environmental Protection Agency (EPA) standards for arsenic which is now 10 parts per billion (ppb). A source of arsenic compliant ground water has been identified approximately 7 miles southwest of the town in the Reese River Valley. Construction of a new water supply system will bring the town's water supply into compliance with federal and state drinking water standards. Most of the new water facilities will be constructed on public land.

The portions of the proposal located on public lands will include:

- A new 500' deep water well and pump station within a fenced 100' wide by 225' long site on public land located approximately 2.25 miles southeast of the Austin airport along Gold Ventures Road.

- A 12” diameter buried steel pipeline within a 50-ft wide ROW running from the well to the north along Gold Ventures Road to where it will turn northeasterly and follow an existing power line and buried fiber optic line to the Austin rodeo grounds. (Approximately 0.5 miles of this segment will cross private land.)
- A 250,000-gallon water tank within a fenced 100’ wide by 150’ long site near the Austin rodeo grounds.

A final delivery pipeline, booster pump station, pressure relief valve (PRV), and the necessary connections to Austin’s existing water system will be located on private land.

The application for the ROW is made under the authority of Section 504 of the Federal Land Policy and Management Act of 1976, as amended, (FLPMA).

Funding for construction will be provided by Lander County.

Intensity

1. Impacts that may be both beneficial and adverse.

The EA considered both beneficial and adverse impacts of the new water supply system and ROW. The proposal would result in a new, reliable, arsenic-compliant water supply, which would also be in compliance with other Federal and Nevada State regulations for such systems. The ROW will not significantly complicate or otherwise affect the management of other nearby existing ROWs, and there are no other proposed developments at those locations.

Adverse impacts of the proposed ROW are minimal, as described in the EA. The proposed project will impact the Nevada Department of Transportation (NDOT) ROW for U.S. Highway 50, because in order to connect it to the town’s existing water system, the final delivery line will be bored under the highway ROW. This portion of the project is located on private land. NDOT regulations require Lander County to obtain an “Encroachment Permit” from them.

None of the environmental consequences discussed in detail in Chapter 4 of the EA are considered significant.

2. The degree to which the proposed action affects public health and safety.

The effects of the proposed action on public health and safety are considered to be positive. The new water system will provide a reliable year round community water supply in compliance with all federal and state drinking water standards, including EPA guidelines for arsenic.

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

The area of potential effect for the Proposed Action was surveyed for cultural resources. A total of 14 sites were identified, 13 of which were determined to be non-significant and therefore not eligible for inclusion on the National Register of Historic Places.

The 14th site is the Austin Cemetery which is listed on the National Register of Historic Places. No construction would occur within the defined boundaries of the cemetery, but because the final water delivery pipeline would be placed alongside the cemetery, construction shall be monitored by a qualified Cultural Resources Specialist. In addition, monitoring shall be required during replacement of the PRV near the intersection of 6th and Bateman streets within the town.

Duckwater Shoshone, Yomba Shoshone and Fallon Paiute-Shoshone Tribal representatives were notified of the proposed project as a part of BLM's regular coordination with the Tribes. There are no known tribally identified traditional cultural properties near the project area nor is the area known to be used for traditional Native American cultural or spiritual activities. The Yomba Shoshone Tribe noted that the area around the Austin Rodeo Grounds was a frequent gathering place for various Shoshone Tribes. Per their request, they will be notified and offered an opportunity for a tribal monitor to be present during any ground disturbing construction activities in that location.

Finally, Section 4.4 of the EA describes mitigation measures that would be required in case of an inadvertent discovery of any cultural resources.

The proposed action is not located near any park lands, prime or unique farmlands, wetlands, wild and scenic rivers or Areas of Critical Environmental Concern (ACECs).

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

The proposed action is not expected to be controversial because it is needed to provide a safe and reliable water supply for the town of Austin. Much of the construction would occur alongside existing ROWs, adjacent to existing disturbance or on private land.

A letter providing a 15-day opportunity for comments on the proposal and EA was mailed to those individuals and groups that have expressed a continuing interest in MLFO NEPA actions, as well as the proponent and holders of adjacent rights-of-way or permits, and other agencies through the State of Nevada Clearinghouse. A notice of availability of the EA was also placed on the MLFO website. The comment period ran for 15 days, closing on November 7, 2012.

No comments were received from the general public.

ATT-Nevada Bell responded by letter on October 4, 2012 that they had no objections to the project because the project would closely parallel but not cross their nearby buried fiber optic telephone line.

NV Energy responded by email that they wanted a set of design drawings because the project would also parallel but not cross their nearby power line. A set of design drawings was sent to and received by them on October 3, 2012. They had no further response.

Two Nevada State agencies responded with comments through the State of Nevada Clearinghouse. The Nevada State Historic Preservation Office responded in support of the document as written. The Nevada Bureau of Safe Drinking Water responded that plans and specifications for proposed water system improvements need to be submitted to them for review and approval prior to construction. The proponent is aware of this requirement. None of these comments identified new issues or raised questions regarding the environmental analysis presented in the EA.

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

There are no known effects of the proposed action identified in the EA which are considered to be uncertain or involve unique or unknown risks.

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 is necessary because the water supply for the town of Austin does not comply with the EPA's standards for arsenic levels in drinking water. Rights-of-way for pipelines and associated equipment, such as water transmission and storage facilities, are common authorizations under the FLPMA. The proposed action has been found to cause no significant effects to the environment when appropriate mitigation measures are applied and does not represent a decision in principle about any other future consideration. It is unlikely that the Austin, NV Sewer and Water Department would apply for another such facility or apply to amend their existing one in the immediate area. Any future actions on public lands within the surrounding area would be analyzed on their own merits and carried out, or not, independently of the action currently proposed.

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

Past, present and reasonably foreseeable future actions have been considered in the Cumulative Impacts analysis in the EA (Section 4.5.3). The Cumulative Impacts analysis examined all of the other appropriate actions and determined that the proposed action would not have significant cumulative impacts or incrementally contribute to significant cumulative impacts.

There are no known reasonably foreseeable future actions proposed within the cumulative effects study area. For any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to authorizing surface disturbing activities on public land managed by the BLM.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

A pipeline which will tie the proposed action into the town of Austin's existing water system will be placed near, but outside of the fenced eastern boundary of the Austin Cemetery which is listed on the National Register of Historic Places. While no construction would occur within the defined boundaries of the cemetery, construction will be monitored by a qualified cultural resources specialist. Because replacement of the existing PRV will occur within the boundaries of the Austin Historic Town site which is listed on the National Register of Historic Town Sites, monitoring shall be required during replacement of the PRV near the intersection of 6th and Bateman streets within the town.

The same pipeline will be drilled under U.S. Highway 50 which is designated by NDOT as "The Loneliest Road in America". No impacts will occur to the highway itself.

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 Endangered Species Act of 1973.

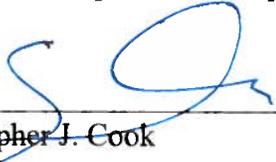
The U.S. Fish and Wildlife Service (USFWS), the Nevada Department of Wildlife (NDOW), and the Nevada Natural Heritage Program (NNHP) were contacted for information concerning threatened or endangered species. The USFWS (letter of March 26, 2012, Appendix B) indicated that there were no listed or proposed species known to be present in the project area, but that a candidate species, greater sage-grouse (*Centrocercus urophasianus*), is known to occur in or near the project area. The NDOW responded (letter of March 22, 2012, Appendix B), indicating that sage-grouse summer distributions, winter distributions, and nesting habitat are known to occur within portions of the project area. Consultation with NDOW indicated that there are no known greater sage-grouse leks or core breeding habitat in the vicinity of the project area. A sage-grouse survey of the project and surrounding areas was performed during the sage-grouse strutting season, but no leks or sage-grouse were detected.

The action would permanently disturb approximately ½ acre and temporarily disturb about 35 acres of sage-grouse general habitat and result in minimal habitat fragmentation. Construction in the project area would increase human activity and noise, which could temporarily deter sage-grouse use of the area. Overall, project impacts to sage-grouse would be minimal and affect individuals only. Impacts on local or regional sage-grouse populations are not anticipated.

Impacts to nesting greater sage-grouse and other migratory birds would be avoided through implementation of mitigation measures requiring a pre-construction migratory bird nesting survey and avoidance of active nests and an associated buffer area, approved by the BLM and developed in conjunction with USFWS recommendations.

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.



Christopher J. Cook
Field Manager
Mount Lewis Field Office



Date