U.S. Department of the Interior
Bureau of Land Management

Environmental Assessment

East Fork High Rock Canyon Acquisition
DOI-BLM-NV-W030–2013–0002–EA

July 2013

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Prepared by
U.S. Department of the Interior
Bureau of Land Management
Winnemucca District Office
Black Rock Field Office
Winnemucca, NV

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Chapter 1. Introduction

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1.1. Identifying Information

East Fork High Rock Acquisition

1.1.1. Title, EA number, and type of project

East Fork High Rock Canyon Acquisition, DOI-BLM-NV-W030-2013-0002-EA

1.1.2. Location of Proposed Action

T. 41 N., R. 23 E., Sec. 1, SE¼, Sec. 12, E½NE¼, E¼SE¼, Sec. 13 E½NE¼, SW¼NE¼.

1.1.3. Name and Location of Preparing Office

Lead Office - Black Rock Field Office (W035)

5100 E. Winnemucca Blvd.

Winnemucca, NV 89445

1.1.4. Identify the subject function code, lease, serial, or case file number

Subject Function Code 2100

Case file number N-91161

1.1.5. Applicant Name

Bureau of Land Management (BLM) Winnemucca District

1.2. Introduction

The Bureau of Land Management (BLM) is proposing to acquire 320 acres of private lands adjacent to the East Fork High Rock Canyon Wilderness (Wilderness) and within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (Black Rock NCA), located within Washoe County, Nevada. The lands surrounding the proposed acquisition parcels are public lands managed by the BLM Winnemucca District Black Rock Field Office (BRFO) pursuant to the Wilderness Act and the National Conservation Act.

The proposed acquisition parcels are needed to acquire priority wildlife habitat, and recreational and cultural resource sites located within the Wilderness and Black Rock NCA. These characteristics are considered valuable to the surrounding Wilderness area.

1.3. Purpose and Need for Action

The purpose for the action is to acquire 320 acres of private edge holding within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) along the western edge of the East Fork High Rock Canyon Wilderness in Washoe County, in Nevada.

Section 205 of the Federal Land Policy and Management Act of 1976, as amended, (FLPMA) authorizes the BLM to purchase lands provided that such purchase is consistent with the BLM's mission and applicable land use plans. The need for this action is based on the following objective identified in the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada:

> *When practical and appropriate, to pursue opportunities within the planning area to acquire private parcels or interests only from willing owners who initiate the sale or exchanges processes leading to public acquisition of their lands.*

1.4. Decision to be Made

The BRFO Field Manager will decide whether to proceed with the proposed acquisition or to terminate the acquisition process.

1.5. Scoping, Public Involvement and Issues

Internal identification of issues by the BLM interdisciplinary team was conducted early in the development of this environmental assessment.

A News Release and scoping letter seeking public input were posted November 21, 2012, to the BLM Winnemucca external webpage (http://www.blm.gov/nv/st/en/fo/wfo/blm_information/nepa0.html). The scoping letter was also mailed to interested parties, Washoe County Commissioners, and Native American tribes for a 30 day comment period. Comments received are discussed below.

The BLM received four comment letters during the external scoping period. All commenters supported the BLM in acquiring the 320 acres of private lands to be managed in accordance with the NCA, Wilderness and to meet objectives in place for wildlife. One commenter asked the BLM to maintain roads prior to acquiring any more land.

As a result of internal and external scoping efforts, the following issues have been identified:

- How would cultural resources located within the proposed acquisition area be affected?
- How would the Wilderness and the Black Rock NCA be affected by the proposed acquisition? Do they remain in-holdings or automatically become part of the NCA and/or Wilderness?
- How would the acquisition affect access to the Wilderness?
- Would mineral entry be permitted on the lands proposed to be acquired? If so, how would that occur and be managed?
- Would grazing be permitted on all or portions of land proposed to be acquired? If so, how would that occur and be managed?

- Would the proposed acquisition remove valuable land from the tax rolls depriving Washoe County of substantial property tax revenues?

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action

All of the lands to be acquired, 320 acres, eight contiguous 40 acres parcels, are in Washoe County, Nevada, within the Black Rock NCA, along the western edge of the East Fork High Rock Canyon Wilderness. The BLM would acquire the subject parcels through purchase. (Figure 1)

Once acquired, a separate Land Use Plan would be prepared to determine how best to manage the acquired lands, in accordance with the goals and objectives for the acquisition. Interim management would be subject to the Resource Management Plan for the Black-Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada and the Surprise Field Office Resource Management Plan. The acquired parcels would be evaluated for wilderness characteristics as required under the provisions of FLPMA.

2.2. No Action Alternative

Under the No Action Alternative BLM would not acquire the parcels. The 320 acres would remain in private ownership available for development in accordance with Washoe County Master Plan. Closure of the privately owned parcels to public access would also remain a possibility.

2.3. Conformance

The proposed action is in conformance with the *Resource Management Plan for the Black-Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada* (July 2004) (herein referred to as the NCA RMP) (BLM 2004a).

The NCA RMP Management Action LAND-7 states: "BLM may acquire private lands or property interests within the planning area that will provide public benefits. Land acquisitions may occur through exchange proposed by private owners where no disposal of public land occurs within the NCA or Wilderness; through purchase from willing landowners or their agents; or through donation. Acquired lands would be subject to applicable sections of the RMP".

2.4. Relationship to Other Laws, Treaties, and Executive Orders; Regulations; and Policies, Plans, and Protocols

Acquisition of priority wildlife habitat, and recreational and cultural resource sites in the East Fork High Rock Canyon area and Black Rock NCA would be consistent with other laws, treaties, and executive orders; regulations; and policies, plans, and protocols; including, but not limited to:

Laws, Treaties and Executive Orders

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.)
- Endangered Species Act of 1973, as amended
- Federal Land Management and Policy Act of 1976, as amended (FLPMA)

- Federal Land Transaction Facilitation Act of 2000, as amended (FLTFA)
- Migratory Bird Treaty Act of 1918, as amended, and Executive Order 13186
- National Historic Preservation Act of 1966, as amended (NHPA)

Regulations

- Innocent Landowners Standards for Conducting All Appropriate Inquiries (40 CFR Part 312)
- Standards and Guidelines for Rangeland Health Developed by the Sierra Front-Northwestern Nevada and the Northeastern California-Northwestern Nevada Resource Advisory Councils (43 CFR 4180.2c)

Policies, Plans and Protocols

- BLM Policy for Pre-Acquisition Environmental Site Assessments (H-2101-04)
- BLM Policy for Special Status Species Management (BLM Manual 6840)
- Department of the Interior (DOI), 602 Departmental Manual, Chapter 2 Real Property Pre-Acquisition Environmental Site Assessments (602 DM 2)
- Management Issues for Lands Acquired by Purchase (Instruction Memorandum No. NV-2005-062)
- Supplemental Authorities to Consider in National Environmental Policy Act (NEPA) Documents (Instruction Memorandum No. NV-2009-030 and Change 1)
- Nevada Partners in Flight Bird Conservation Plan (Neel, 1999)
- Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada, approved July 2004
- Surprise Resource Management Plan, approved April 2008

Chapter 3. Affected Environment

3.1. Supplemental Authorities

(Formerly referred to as Critical Environmental Elements of the Human Environment)

A variety of laws, regulations, and policy directives mandate that the effects of a proposed action and alternative(s) on certain environmental elements be considered. These are referred to as Supplemental Authorities. In addition, there are other resources that require impact analysis relative to the proposed action and alternative. Not all of the Supplemental Authorities and other resources will be present, or if they are present, may not be affected by the proposed action and alternative (Table 3.1).

The proposed action has been analyzed to assess direct, indirect, and cumulative impacts to the Supplemental Authorities and other resources. Those Supplemental Authorities and other resources marked as "not present" in Table 3.1 are not present within or adjacent to the proposed acquisition lands and are not discussed further in this EA. Those Supplemental Authorities and other resources marked as "present not affected" may be present within or adjacent to the proposed acquisition parcels, but would not be impacted by the proposed action. The "Rationale" column may contain comments for those resources that are present but not affected and are therefore not analyzed in this EA. Those Supplemental Authorities marked as "present affected" may be found within or adjacent to the proposed acquisition parcels and may be impacted by the proposed action.

Table 3.1. Supplemental Authorities (Critical Elements of the Human Environment)

Supplemental Authorities	Not Present	Present Not Affected	Present Potentially Affected	Rationale
Air Quality		X		The proposed change of ownership from private to public would have no impact on air quality.
Areas of Critical Environmental Concern (ACECs)	X			The parcels proposed to be acquired are not located in or near any ACECs.
Cultural Resources			X	Refer to Section 3.1.1, "Cultural Resources"
Environmental Justice	X			There would be no environmental justice issues associated with the proposed change from private to public ownership.
Floodplains	X			The parcels proposed to be acquired are not located in any FEMA-designated floodplains.
Invasive, Nonnative Species			X	Refer to Section 3.1.2, "Invasive-Nonnative Species"
Migratory Birds			X	Refer to Section 3.1.3, "Migratory Birds"
Native American Religious Concerns	X			The proposed change of ownership from private to public would have no impact on Native American religious concerns.
Prime or Unique Farmlands	X			The parcels proposed to be acquired are not located in or near any prime or unique farmlands.
Threatened & Endangered Species	X			Refer to Section 3.1.5, "Threatened and Endangered Species"
Wastes, Hazardous or Solid	X			Refer to section Section 3.1.6, "Wastes, Hazardous or Solid"

Supplemental Authorities	Not Present	Present Not Affected	Present Potentially Affected	Rationale
Water Quality (Surface/Ground)		X		The proposed change of ownership from private to public would have no direct impact on surface or ground water quality. Changes in management activities on the acquired parcels could result in unknown future impacts on water quality which are outside the scope of the acquisition
Wetlands and Riparian Zones	X			
Wild and Scenic Rivers	X			
Wilderness		X		These parcels are adjacent to the East Fork High Rock wilderness, but acquisition of the subject parcels by BLM would not affect the wilderness.

3.1.1. Cultural Resources

Although the area where the parcels described in the proposed action are located is considered sensitive for cultural resources, there are no recorded sites present. The parcels have not been inventoried for cultural resources. It is likely that prehistoric sites are present and possible that small historic sites related to ranching or homesteading may be present within the parcel.

3.1.2. Invasive-Nonnative Species

Weeds are defined in this EA as plants that are exotic or non-native plants. Non-native weeds have the ability to out-compete and replace native plants, often creating their own monotypic plant community. Uncontrolled noxious weed infestations result in decreases of native vegetation diversity, reductions in forage and wildlife habitat, and declines in agricultural crop values. Once exotic weeds become established it is extremely difficult to eradicate them and bring back the native communities that have been displaced.

3.1.3. Migratory Birds

A migratory bird is a bird that has a seasonal and somewhat predictable pattern of movement. All birds in the acquisition area are considered migratory birds except for the Gallinaceous birds, e.g. (California quail (*Callipepla californicus*), greater sage-grouse (*Centrocercus urophasianus*), chukar (*Alectoris chukar*) etc., and raptors. Migratory birds are protected and managed under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et. seq.*) and Executive Order 13186. The MBTA prohibits taking of migratory birds, their parts, nests, eggs, and nestlings without a permit. Executive Order 13186 signed January 10, 2001, directs federal agencies to protect migratory birds by integrating bird conservation principles, measures, and practices.

The East Fork High Rock (EFHR) parcel is considered an Important Bird Area (IBA) as designated by the Audubon society. The EFHR parcel is characterized by Wyoming and basin big sagebrush vegetation types that provide foraging areas and cover diversity for migratory birds. There are approximately 20 bird species known to inhabit the area of the acquisition. Appendix A,

Migratory Bird Species List provides a representative list of birds that are typically associated with the habitats found in the East Fork High Rock Canyon parcels.

3.1.4. Native American Religious Concerns

Letters requesting consultation went out to the following tribes; Summit Lake Paiute Tribe, Susanville Indian Rancheria, Reno-Sparks Indian Colony and Pyramid Lake Paiute Tribe on November 26, 2012. No concerns were brought forward on this proposed action in consultation meetings with the Summit Lake Paiute Tribe. Since there are no concerns brought forward by the tribes, this topic is dropped from further analysis.

3.1.5. Threatened and Endangered Species

A list of federally listed, proposed or candidate species was requested from the U.S. Fish and Wildlife Service (USFWS) for the proposed project area on November 21, 2012 and on February 19, 2013. The USFWS list was received on February 19, 2013. Based on coordination with the USFWS, there are no known Threatened or Endangered species present within the area of analysis. The Greater sage-grouse (*Centrocercus urophasianus*) was the only candidate species. The Greater sage-grouse was determined to be a candidate species in 2010, but its listing has been precluded by other species. Impacts to the Greater sage-grouse are analyzed in Section 3.2.7, "Special Status Species". Since no Threatened or Endangered species have been identified in the project areas, this resource is dismissed from further analysis.

3.1.6. Wastes, Hazardous or Solid

A Phase I Environmental Site Assessment (ESA) for the East Fork High Rock Acquisition parcels was prepared by John Callan, Environmental Protection Specialist, Winnemucca District. The requirements of CERCLA, 602 DM 2, and BLM policy H-2101-04 for any BLM proposed acquisition of real property or an interest in real property to which environmental liability can attach, whether discretionary or nondiscretionary, specify that the subject property/interests to be acquired undergo an environmental site assessment (ESA) prior to acquisition by BLM. The only exception would be a determination, with the concurrence of the Office of the Solicitor (on behalf of the Department of Justice), that no environmental liability will attach to such interest.

Specifically, the ESA conducted for the East Fork High Rock Acquisition was intended to:

- Evaluate the potential environmental liability associated with acquisition;
- Require the Authorized Officer to consider the potential liability in making an acquisition decision;
- Estimate the cost of remediation and assure that appropriated funds are not used without required approvals;
- Provide documentation to enable the BLM to assert one of the CERCLA Landowner Liability Protections by completing all appropriate inquiries; and
- Provide information to Congress through DOI on risks and liability associated with the proposed acquisition.

No obvious signs of any effects of contamination were identified for any of the described conditions or occurrences. No other recognized environmental conditions were identified on the parcels.

3.1.7. Wilderness

These parcels are adjacent to the East Fork High Rock wilderness, but acquisition of the subject parcels by BLM would not affect the wilderness.

3.2. Additional Affected Resources

In addition to the supplemental authorities above, the following resources may be affected by the Proposed Action and/or the No Action Alternative:

Table 3.2. Additional Affected Resources

Additional Affected Resources	Not Present, Not Affected	Present Not Affected	Present Potentially Affected	Rationale
Lands and Realty	X			The proposed acquisition area does not contain any land use authorizations.
Lands with Wilderness Characteristics	X			Pursuant to FLPMA, lands would be inventoried for Wilderness Characteristics after acquisition.
National Conservation Area			X	Refer to Section 3.2.2, "National Conservation Area"
Paleontological Resources	X			Refer to Section 3.2.3, "Paleontology"
Rangeland Management			X	Refer to Section 3.2.4, "Rangeland Management"
Recreation		X		Refer to Section 3.2.5, "Recreation"
Social Values and Economics			X	Refer to Section 3.2.6, "Social Values and Economics"
Soils		X		
Special Status Species			X	Refer to Section 3.2.7, "Special Status Species"
Vegetation			X	Refer to Section 3.2.8, "Vegetation"
Wild Horses				Refer to Section 3.2.9, "Wild Horses"
Wildlife			X	Section 3.2.10, "Wildlife"

3.2.1. Lands and Realty

The lands proposed to be acquired are edge holdings adjacent to the East Fork High Rock wilderness. The lands proposed to be acquired are located in mountainous terrain. An existing "cherry stem" route provides access to the private parcels and a route to access the wilderness. These parcels are private inholdings within the NCA and would be managed in accordance with the Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada.

3.2.2. National Conservation Area

The Black Rock Desert High Rock Canyon Emigrant Trails National Conservation Area (NCA) was established in 2000. The focal point of the NCA is the Applegate and Nobles emigrant trails, the Act also identifies other resources and uses of national significance including pre-history, paleontology, wildlife, wild horses and recreation.

3.2.3. Paleontology

Little is known about the paleontological resources present in the proposed acquisition parcels. There are no mapped fossils in the BLMs database and the area is described as having either low potential for the presence of vertebrate fossils or unknown/moderate potential.

3.2.4. Rangeland Management

The parcel proposed for acquisition is located within the Wall Canyon East grazing allotment administered by the Surprise Field Office located in Cedarville, California. The cattle grazing allotment includes 41,051 acres of sagebrush-steppe rangelands. Management of livestock grazing practices follow the decision record in the BLM Environmental Assessment, CA-370-2001-03, Environmental Assessment for Livestock, Grazing Authorization and Grazing Plan Revision; *Wall Canyon East Allotment Actions to Meet Rangeland Health Standards,* (BLM 2000b) which include 656 cattle grazing from May 1st through September 30th each year in a four pasture rotational system. The maximum harvest allowed is 3,234 AUMs of forage.

The 320 acre parcel does not contain any water sources or vegetation resources that would be attractive for cattle use. Additionally there are no projects on the parcel for the management of livestock (e.g. fences, corrals, etc.). Based upon condition and productivity of adjacent areas in the allotment it is expected that livestock forage on the 320 acre parcel is 12 to 15 AUMs.

It is recognized that livestock grazing in the vicinity of the acquired lands may be modified in the future during the development of grazing management or other activity plans that would include objectives and actions required to meet an appropriate mix of multiple-uses consistent with the applicable Land Use Plans (LUPs).

3.2.5. Recreation

Recreation within these parcels is generally associated with hunting, rock hounding, photography, wildlife viewing. Although the exact number of visitor days at these parcels is not known, these areas receive use throughout the year by members of the public due to the high resource values that are present within these parcels, especially during the summer months and fall when higher levels of recreation occurs locally.

3.2.6. Social Values and Economics

The parcels proposed to be acquired are located in a remote, sparsely populated area of northern Washoe County, Nevada. There are two unincorporated communities nearby in Washoe County -Gerlach and Empire – but no nearby unincorporated communities in Humboldt County.

The population of this area of northern Washoe County is approximately 500 people. The main sources of income for the area are agriculture, recreation and tourism.

The only significant development near the parcels proposed for acquisition is the Soldier Meadows Ranch, with a resident population less than 10.

The private parcels are currently on the property tax roll of either Washoe or Humboldt County, but because of their isolation and low intensity land usage, pay only nominal amounts of property taxes. For the 2012 property tax year, total property taxes collected were $254.34 Washoe County.

3.2.7. Special Status Species

Special Status Species are taxa that are not already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species: or (2) State of Nevada listed species. BLM policy is to provide these species with the same level of protection as provided for candidate species in BLM Manual 6840.06C, that is to "ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed".

No on-the-ground field surveys were conducted for Special Status plant or animal species. However, the Nevada Natural Heritage Program (NNHP) database (February 2013), the Great Basin Bird Observatory (GBBO) point-count survey database (February 2013) and the Nevada Department of Wildlife (NDOW) Diversity database (February 2013) were reviewed for the possible presence of Special Status plant or animal species. A letter from NDOW, sent on December 18, 2012, identified several species that inhabit the parcels. Based on the information received and the database searches, a total of thirteen BLM Sensitive animal and plant species are known to occur or may occur within one mile of the parcels to be acquired. Several other BLM Special Status species, including plants may occur in the acquisition area based on habitat characteristics, although not confirmed.

Table 3.3, "Special Status Animal Species" lists the Special Status animal and plant species that are known to occur or may occur in the vicinity of the proposed action. The acquisition areas may support special status plants although no formal survey has been conducted.

Table 3.3. Special Status Animal Species

COMMON NAME	SCIENTIFIC NAME
Nevada BLM Sensitive Bird Species	
Brewer's sparrow	*Spizella breweri*
Ferruginous hawk	*Buteo regalis*
Golden Eagle	*Aquila chrysaetos*
Greater sage-grouse	*Centrocercus urophan*
Loggerhead Shrike	*Lanius ludovicianus*
Sage thrasher	*Oreoscoptes montanus*
Swainson's Hawk	*Buteo swainsoni*
Western Burrowing Owl	*Athene cunicularia*
Nevada BLM Sensitive Mammal Species	
California bighorn sheep	*Ovis canadensis californiana*
Pygmy rabbit	*Brachylagus idahoensis*
Bats	Several species, grouped together
Nevada BLM Sensitive Plant Species	
Tiehm Milkvetch	*Astragalus tiehmii*
Crosby's Buckwheat	*Eriogonum crosbyae*

Nevada BLM Sensitive Species

Brewer's sparrow: Brewer's sparrows are most likely to occur in the EFHR parcel because they are sagebrush specialists with a wide distribution ranging through Utah, eastern California, northern Arizona, southeastern Oregon, southern Idaho, and almost the entire state of Nevada (Floyd et al. 2007). These birds forage on insects in spring and summer, and seeds in the fall and winter (Alsop 2001). This species is undergoing a significant range wide population decline, which is attributed to habitat loss and degradation (Paige & Ritter 1999, Floyd et al. 2007).

Ferruginous Hawk: Ferruginous hawks can most likely be found in the EFHR parcel because they inhabit sagebrush shrublands (Floyd et al. 2007). These birds often forage on small mammals, such as ground squirrels and jackrabbits (Paige & Ritter 1999). Ferruginous hawks are uncommon throughout its range and may be declining due to loss of habitat (Floyd et al. 2007, Alsop 2001).

Golden Eagle: Golden eagles are protected under the Bald and Golden Eagle Protection Act. Nevada's Golden Eagle population is thought to be stable to declining. They are primarily cliff nesters and would utilize the EFHR parcel to forage for prey species such as jackrabbits and other small mammals.

Greater Sage-grouse: The USFWS determined the protection of the Greater sage-grouse under the Endangered Species Act (ESA) was warranted but precluded by higher listing priorities. The Greater sage-grouse is currently listed as a candidate species. The Greater sage-grouse is a sagebrush obligate species and is strictly associated with sagebrush/grasslands. Greater sage-grouse may eat a variety of grasses, forbs, and insects during the breeding and brooding seasons. They feed almost entirely on sagebrush during the winter months, selecting shrubs with high protein levels (Paige and Ritter, 1999).

The parcel is within the Massacre Population Management Unit (PMU) in an area that provides year-round habitat for Greater sage-grouse. According to NDOW, the area is surrounded by numerous Greater sage-grouse leks and is considered essential and irreplaceable habitat. The parcel falls within Preliminary Priority Habitat (PPH) for Greater sage-grouse.PPH are areas offering the highest quality Greater sage-grouse habitat based on bird density, lek location, community composition, intactness or other variables.

Loggerhead Shrike: Loggerhead shrikes could possibly be in the EFHR parcel area because they tend to favor arid, open country with just a few perches or lookouts. They nest in isolated trees and large shrubs and feed mainly on small vertebrates and insects. Populations of Loggerhead shrikes have shown significant declines in the Intermountain West (Floyd et al. 2007).

Sage Thrasher: Sage Thrashers may be found within the project area because they are associated with intact stands of sagebrush but can also occur in greasewood or bitterbrush dominated shrublands (Floyd et al. 2007). The Sage Thrasher is an insectivore that favors Mormon crickets and their eggs (Paige & Ritter 1999). These birds are declining in Nevada; most likely from habitat fragmentation and degradation (Floyd et al. 2007).

Swainson's Hawk: Swainson's hawks could be found in the project area because they inhabit sagebrush shrublands with open sagebrush/bunchgrass vegetation communities (Paige & Ritter 1999, Floyd et al. 2007). Swainson's hawks forage on insects, small mammals, and birds (Paige & Ritter 1999, Aslop 2001, Floyd et al. 2007). The Swainson's hawk was once considered to be "the most common hawk in suitable habitat" (Paige & Ritter 1999). Swainson's hawks are now

considered a rare breeder within the Great Basin, which may be due to loss of breeding, foraging, and wintering habitat (Paige & Ritter 1999, Alsop 2001, Floyd et al. 2007).

Western Burrowing Owl: Burrowing owls could occur in the area. Abandoned mammal burrows, (such as those created by badgers and rodents) in open areas can provide nesting and brooding habitat. Nesting in areas with limited vegetation (such as recently burned sites or areas trammeled by livestock) provides the owls with unobstructed views for predator detection around the burrows. Healthy range lands and riparian areas provide favorable habitat for many of the owls' prey species.

California Bighorn Sheep: The EFHR parcel contains year round California Bighorn Sheep habitat. Bighorn sheep typically reside in mountainous habitat areas. Topography is the primary source of cover for bighorns, and steep broken escarpments (60% plus slope) or rock outcrops at least five acres in size with accessible terraces is optimum. Grasses have high importance in bighorn sheep diets, but forbs and shrubs are also important. Desirable bighorn habitat consists of sagebrush/bunchgrass communities, wet meadows, and riparian areas adjacent to rock outcrops and rimrock.

Pygmy Rabbit: The EFHR parcel could contain pygmy rabbit habitat because the pygmy rabbit is typically restricted to the sagebrush-grass complex. A dietary study of pygmy rabbits showed that they are dependent on sagebrush year round. Sagebrush was eaten throughout the year at 51% of the diet in summer and 99% in the winter. They also showed a preference for grasses and to lesser extent forbs in the summer (Green and Flinders, 1980). Pygmy rabbits are found in a variety of vegetation types that include big sagebrush and friable soils suitable for creating their burrow system. There has been no inventory for pygmy rabbits on the EFHR parcel and no sightings have ever been documented. High quality habitat for the pygmy rabbit would be restricted to sagebrush dominated habitats with low to moderate slope and loamy soils conducive to digging.

Bats: Several species of bats may use the parcels, primarily for foraging. Roosting areas are common within the EFHR parcel area due to the presence of abundant rock outcrops and cliffs. Most bats in Nevada are year-round residents. In general, bats eat a wide variety of insects and arthropods during the warmer seasons and hibernate in underground structures during the cooler seasons. Bats commonly roost in caves, mines, outcrops, buildings, trees and under bridges. Bats thrive where the plant communities are healthy enough to support a large population of insect prey.

Tiehm Milkvetch: Tiehm Milkvetch is a plant that is part of the legume family and can be found in whitish fluviolacustrine volcanic ash deposits weathering to deep clay soils, generally on gentle slopes of any aspect with an elevation of 5280-5750 feet.

Crosby's Buckwheat: Crosby's Buckwheat is a plant that is part of the buckwheat family and can be found in outcrops of rhyolite or whitish fluviolacustrine volcanic ash deposits, and derived shallow sandy to clay soils, on gentle to steep slopes of all aspects with an elevation of 4600-7000 feet.

3.2.8. Vegetation

Vegetation on the EFHR parcel is dominated by Wyoming big sagebrush, Lahontan sagebrush and low sagebrush with sparse understories of Sandberg's bluegrass and bottlebrush squirrel tail bunch grasses. The distribution (e.g. the dominant sagebrush species and densities of the herbaceous species) of the vegetation is controlled by landscape position and exposure of ashy

outcrops. Relative productivity is low for sagebrush sites in the northwestern great basin due to the low precipitation levels.

3.2.9. Wild Horses

The EFHR parcels lie within the Wall Canyon Herd Management Area (HMA) that is managed by the Surprise Field Office. The HMA is managed for an AML range of 15-25 wild horses. Horses were last gathered in the fall of 2011 when the population was over 100 animals. After the gather the population was 34 horses. Based upon historic growth rates the 2012 population is estimated to be 40 horses. Wild horses in the Wall Canyon East and adjacent HMAs are known to migrate between HMAs especially during the winter when the gates between the HMAs are left open to facilitate horse movement.

The 320 parcel does not contain water or vegetation resources considered as important for wild horses. It is not expected that wild horses would use the parcel any differently than any other areas in the vicinity of the subject parcel. There are an estimated 12-15 AUMs of forage on the subject parcel that would be suitable for wild horse use. There are no fences or other structures on the parcel that constrain the free roaming behavior of wild horses such as fences.

Wild Horses forage primarily on grasses and grass-like plants and congregate around riparian-wetland zones during the dry summer months for the green forage and water resources associated with this area but not located on the subject parcel.

3.2.10. Wildlife

The proposed action area is characterized by Wyoming big sagebrush and short sagebrush vegetation types. The heterogeneity of vegetation types provides habitat for numerous bird, mammal, reptile, and amphibian species. Mammal species are typical of those found in the Great Basin ecosystem and include several species of rabbits and rodents, coyotes, bobcats, bats, and a few large ungulates such as mule deer, and pronghorn antelope.

Mule deer – The EFHR parcel lies within a movement corridor for Mule Deer. Mule deer utilize the EFHR parcel and surrounding land as a migration route from crucial summer habitat on the Sheldon National Wildlife Refuge to crucial winter range near Little High Rock Lake and the North end of the Calico Mountains.

Pronghorn antelope –The EFHR parcel contains summer range habitat for Pronghorn antelope. Pronghorn antelope roam in scattered bands in summer and graze on numerous grasses and forbs.

Chapter 4. Environmental Effects

4.1. Direct and Indirect Impacts

The direct and indirect effects of the Proposed Action and the No Action Alternative on resources present and brought forward for analysis are discussed in this section. Cumulative impacts are discussed separately in Section 4.2, "Cumulative Impacts". Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8).

4.1.1. Cultural Resources

Proposed Action

Acquisition of the private lands would have no direct or indirect short-term impacts on Cultural Resources because no changes in on-the-ground management would occur as a result of the acquisition. Over the long-term, the potential exists to increase protection of Cultural Resources, as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated. Acquisition of the parcels would extend federal protection to both historic and prehistoric resources listed in or eligible for the National Register of Historic Places. Under the Proposed Action the BLM would have responsibility to manage the cultural resources present within the acquired parcels. The East Fork High Rock parcels would become part of the NCA.

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to manage or protect cultural resources on the affected parcels.

4.1.2. Invasive-Nonnative Species

Proposed Action

BLM would have the ability to treat noxious weeds when located without having to enter into a cooperative agreement with the landowner. The BLM has already completed programmatic noxious weed EAs for manual, mechanical, cultural, biological, and chemical noxious weed control methods (EA#'s NV-020-02-19, and NV-020-08-11) and would have the ability to treat weed infestations when they are still small and have not crossed ecological thresholds. Over the long-term, the potential exists to improve upland vegetation communities throughout the area, as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated.

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to treat weed infestations without entering into a cooperative agreement with the

landowner. Weed infestations, if they occur, could become large and cross ecological thresholds, threatening wildlife habitat, and potentially dispersing onto adjacent public lands.

4.1.3. Migratory Birds

Proposed Action

Acquisition of the private lands would have no direct or indirect short-term impacts on migratory bird species because no changes in on-the-ground management would occur as a result of the acquisition. Over the long-term, the potential exists to improve habitats for migratory species as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated. The migratory bird habitat within the EFHR parcel would be managed in accordance with the NCA RMP, which requires conservation principles, measures and practices whenever there are activities that may affect migratory birds species' populations and habitat (NCA RMP FW-3 [BLM 2004b]).

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to manage migratory bird habitat on private land.

4.1.4. Lands and Realty

Proposed Action

The acquisition would transfer private in-holdings located in sensitive ecological areas into public ownership and management. Acquiring the East Fork High Rock parcels would make the acquired land part of the NCA. Parcels within the NCA would automatically become part of the Black Rock NCA and would be managed in accordance with the Black Rock NCA RMP. Land uses incompatible with the management of habitat for species protection and enhancement would no longer be possible on currently private lands in sensitive areas.

No Action Alternative

The lands proposed for acquisition and transfer to public ownership would remain in private ownership. Roads on private parcels would be subject to closure by the land owner regardless of impacts on access to nearby public lands. Development could occur on the private lands subject only to local building and planning requirements. Sensitive habitat could be damaged by new construction. The public would be greatly limited in its ability to influence or guide future land uses on the private lands.

4.1.5. National Conservation Area

Proposed Action

The proposed acquisition parcels are located within the NCA. The Proposed Action would reduce fragmentation of the NCA and ensure public access to this portion of the NCA. Acquisition of the subject parcels would help preserve the viewshed of the Emigrant Trail for which the NCA

was established. However, impacts are expected to be minimal given the size of the proposed acquisition (320 acres) within the NCA (approximately 800,000 acres).

No Action Alternative

Under the no action alternative, the parcels located within the NCA would not be acquired and would remain available for potential development. Public access to the parcels could be closed. However, impacts are expected to be minimal given the size of the proposed acquisition area (320 acres) within the NCA (approximately 800,000 acres).

4.1.6. Paleontology

Proposed Action

There would be no adverse effects to paleontological resources as a result of the proposed action because no disturbance to the area is anticipated. Any changes to existing conditions would be analyzed in a management plan subject to NEPA if the parcels were acquired. If any paleontological resources proved to be present in the parcels the proposed action would likely afford them protections they do not currently enjoy.

No Action

There would be no effect on paleontological resources as a result of the no action alternative because there would be no change to existing conditions.

4.1.7. Rangeland Management

Proposed Action

The addition of 320 acres to the Wall Canyon East allotment, and the conversion from private to Federal ownership would have little impact on opportunities for improved rangeland management on upland sagebrush-steppe habitats. As part of the term grazing permit renewal and NEPA process, the BLM would evaluate the carrying capacity of the newly acquired lands and make necessary changes in permitted grazing use in consultation and coordination with the interested publics, as appropriate to effectively manage wildlife habitat.

The additional 12-15 AUMs of livestock forage would be available to livestock use, but is unlikely to be added to the currently licensed 3,234 AUMs.

No Action Alternative

Under the No Action Alternative the BLM would not consider vegetation or other resources for the East Fork High Rock private parcels when adjusting livestock management on the Wall Canyon East allotment. The parcels would not be acquired and would remain in private ownership. If in the future the landowner chose to fence the parcel, there would be little impact on rangeland management because the parcel has no water sources and low forage value.

4.1.8. Recreation

Proposed Action

The Proposed Action would increase recreational opportunities as public access would be maintained through current private lands as a result of acquiring these parcels. The BLM would have the opportunity to evaluate recreational use and potential issues such as improper disposal of waste, OHV use, and camping and implement Best Management Practices (BMP) to protect sensitive resources. Additionally the BLM would have the opportunity to increase recreational opportunities for the public through actions consistent with the applicable RMP's.

No Action

Under the No Action Alternative the proposed lands would not be acquired and the BLM would not have the opportunity to manage recreational activities. This would continue to lead to improper disposal of human waste, OHV use that damages sensitive habitats and camping in sensitive areas. Recreational opportunities would be reduced compared to the proposed action due to the BLM not being able to implement BMP's to protect and preserve important biological and cultural resources. If private landowners decide to restrict public access from these parcels in the future, public use and enjoyment of the resources and values would be reduced.

4.1.9. Social and Economic Values

Proposed Action

Public acquisition of the currently private lands would remove the private parcels from the property tax rolls of Washoe County thereby reducing the amount of taxes collected from these isolated lands by approximately $254.34 in property taxes. The loss of property taxes could be offset in part by Payment in Lieu of Taxes (PILT) from the Department of the Interior.

The lifestyle of the local northern Washoe County residents would not change. Although tourism is expected to increase regionally, no appreciable increase in tourism or associated expenditures would be expected due to this acquisition. Therefore, the proposed action is not expected to increase employment or income in the tourism or service sectors.

No Action Alternative

Adoption of the No Action Alternative would result in this acreage remaining under private ownership. Public access and recreational use of the property could be closed by the private landowner, and private use of the property would be governed by Washoe County. Washoe County would continue to collect property taxes on the 320 acres instead of receiving PILT payments from the Department of the Interior.

4.1.10. Special Status Species

Proposed Action

Acquisition of the private lands would have no direct or indirect short-term impacts on special status species habitat because no changes in on-the-ground management would occur as a result of the acquisition. Over the long-term, the potential exists to improve habitat for special status species as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated. Special status species habitat within the parcel would be managed in accordance with the NCA RMP, which provides for the conservation

and recovery of special status populations and habitats (NCA RMP SSS-2 [BLM 2004b]). Sage-grouse and other sagebrush obligate species habitat within the EFHR parcel would be managed for the long-term sustainability of sage-grouse and other sagebrush-dependent wildlife species (NCA RM FW-2 [BLM 2004b]).

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to manage special status species' habitat on private land.

4.1.11. Vegetation

Proposed Action

Acquisition of the private lands would have no direct or indirect short-term impacts on vegetation because no changes in on-the-ground management would occur as a result of the acquisition. Over the long-term, the potential exists to improve vegetation for wildlife and other uses as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated. The vegetation habitat within the EFHR parcel would be managed in accordance with the NCA RMP, which requires conservation principles, measures and practices whenever there are activities that may vegetation resources.

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to manage vegetation resources on private land.

4.1.12. Wild Horses

Proposed Action

Acquisition of the 320 acre parcel would have little impact on wild horses. The lack of water sources or desirable vegetation does not provide any particular attraction for horses. This parcel is also unfenced and horses would continue to use the parcel as they have historically with the change in ownership.

No Action

If the present use of the parcel, as open rangeland, continues in the future, there would be no impact on wild horses. If the parcel was fenced in the future to prevent use by livestock or wild horses, the free roaming behavior of wild horses would be reduced in the immediate vicinity of the parcel. Within the entire HMA there would be no impact on the behavior of wild horses.

4.1.13. Wildlife

Proposed Action

Impacts under the Proposed Action would be similar to those described under Section 4.1.10, "Special Status Species". Acquisition of the private lands would have no direct or indirect short-term impacts on wildlife habitat because no changes in on-the-ground management would

occur as a result of the acquisition. Over the long-term, the potential exists to improve wildlife habitat as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated.

No Action

Under the No Action Alternative, the parcels would not be acquired and the BLM would not have the opportunity to manage wildlife habitat on private land.

4.2. Cumulative Impacts

The Council on Environmental Quality (CEQ) regulations that implement NEPA define a cumulative impact as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions." Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

4.2.1. Assumptions for Cumulative Analysis

The cumulative assessment area for this project is comprised of the Wall Canyon East allotment administered by the Surprise Field Office (Figure 2).

The area consists of approximately 40,801 acres of which about 38,989 acres are public lands, and 1,755 acres are private lands. These parcels are fairly isolated and access would be by four-wheel drive.

4.2.2. Past and Present Actions

On the basis of aerial photographic data, BLM Legacy Rehost 2000 database (which records lands and mineral actions) reports ran in May 15, 2013 (BLM 2013), agency records and current agency GIS records and analysis, the following past and present actions, which have impacted the assessment area to varying degrees, have been identified:

- In 1898 a fire burned into the northern end of the assessment area burning approximately 319.74 acres;
- In 1937 Fish and Wildlife Service acquired approximately 595 acres of private land for the Sheldon Wildlife Refuge.
- In 2000 the East Fork High Rock area was designated as Wilderness and the Black Rock Desert High Rick Canyon Emigrant Trails was designated as a National Conservation Area.
- In 2010, a 48" natural gas pipeline was constructed and passes through the northern portion of the assessment area. Various existing access roads were used during the construction of the pipeline and would be used intermittently for maintenance purposes;
- Livestock grazing on both private and public lands;
- Recreational activities including wildlife viewing, hunting and fishing, camping;

4.2.3. Reasonably Foreseeable Future Actions

Past and present actions discussed above are expected to continue into the reasonably foreseeable future, include, livestock grazing, wildland fires, recreational activities, although the relative intensity of these actions could vary depending on economic and other factors. Population could increase, but at a slower rate than overall growth in Humboldt and Washoe Counties. The demographic group expected to show the most growth is expected to be retirees resulting in a greater need for tourist related services near the assessment area (BLMc 2005).

4.2.4. Cumulative Impacts

Impacts associated with past, present, and reasonably foreseeable future actions are generally created by ground or vegetation-disturbing activities that effect natural and cultural resources in various ways. Of particular concern is the accumulation of these impacts over time. This section of the EA considers the nature of the cumulative effect and analyzes the degree to which the Proposed Action and No Action Alternatives contribute to the collective impact.

Proposed Action

Under the proposed action, BLM would manage the parcels acquired in the Black Rock NCA in accordance with the existing NCA RMP and the Surprise RMP.

Acquisition of the proposed parcels would provide BLM with opportunities to manage all of the resources identified in this EA. Identification and treatment of invasive, nonnative species would be possible as part of the Winnemucca and Surprise BLM noxious weed control programs. The proposed action would also allow BLM to manage cultural resources, recreation uses, habitat for migratory birds, the greater sage-grouse, special status species, wild horses and other wildlife resources. The acquisition would continue a regional trend of decreasing private ownership as landowners voluntarily sell their lands to federal land management agencies.

No Action Alternative

The lands proposed for acquisition would remain private. Therefore, there would be no opportunities for the BLM to manage habitat and water quality, nor implement noxious weed control on private land. This trend results in improved public access, slight decreases in tax revenues to the affected counties and decreased need for services provided by state and local government. There would also be no opportunities to protect any significant cultural resources that may be present in the parcels.

Past and present actions would likely continue and possibly increase. New private development would also be permissible under planning and building ordinances of Washoe County. Over time it is possible that there would be impacts to not only the private lands but also to the adjacent public lands within the assessment area.

Chapter 5. Monitoring

5.1. Monitoring

Monitoring of the acquired lands would be in accordance with overall management and monitoring incorporated into existing Land Use Plans. The acquired lands would be managed in accordance with the NCA and Surprise RMPs.

Chapter 6. Tribes, Individuals, Organizations, or Agencies Consulted

6.1. Native American Consultation

On November 26, 2012, letters providing information of the Proposed Action were set to Summit Lake Paiute Tribe, Susanville Indian Rancheria, Reno Sparks Indian Colony and the Pyramid Lake Paiute Tribe.

6.2. Coordination and/or Consultation (Agencies)

A list of federally listed, proposed or candidate species was requested from the U.S. Fish and Wildlife Service (USFWS) for the proposed project area on November 21, 2012 and on February 19, 2013. The USFWS list was received on February 19, 2013.

6.3. Individuals Consulted

On November 21, 2012, a public scoping letter was sent to interested parties and a News Release was published in the local paper and published on the BLM external webpage. Scoping results are addressed in Section 1.5, "Scoping, Public Involvement and Issues"

On May 13, 2013, a dear interested public letter was sent to potentially interested parties notifying them the preliminary EA was available for a 30 day comment period. The preliminary EA was also posted to the Winnemucca external website and a news release was prepared and sent to news affiliations for notification. On June 7, 2013, the news release was published in the Reno Gazette Journal. Three written comments were received, all in support of acquiring the subject parcels.

After the preliminary EA was made available to the public, the BLM continued to review the document. Some typographical errors were found and corrected. This section was updated to reflect the results of the public commenting period. No other changes were made.

Chapter 7. List of Preparers

Table 7.1. List of Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Julie McKinnon	Project Lead / Lands and Realty Specialist	Lands and Realty
Eric Baxter	Weeds Specialist	Invasive, Non-native Species
Greg Page	Recreation Specialist	Recreation
Kathy Ataman	Archaeologist	Cultural Resources and Paleontology
Kathy Cadigan	Wildlife Biologist	Threatened and Endangered Species, Special Status Species, Wildlife
Kristine Struck	Wilderness Specialist	Lands with Wilderness Characteristics, Wilderness, and NCA
Mark Hall	Native American Consultation Coordinator	Native American Concerns
Roger Farschon	Natural Resource Specialist	Vegetation, Rangeland Management, and Wild Horses
Zwaantje Rorex	Planning and Environmental Coordinator	NEPA Compliance
John Callan	Environmental Protection Specialist	Waste, hazardous or solid

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Chapter 9. Figures

Figure 1 Project Area.

(Figure 1)

Figure 2 Cumulative Assessment Area.

(Figure 2)

Appendix A. Migratory Bird Species List

Table A.1.

Bird List
Black-throated sparrow *(Amphispiza bileneata)*
Brewer's blackbird *(Euphagus cyanocephalus)*
Brewer's sparrow (*Spizella breweri)**
California Quail (*Callipepla californica*)
Canyon wren *(Catherpes mexicanus)*
Common poorwill (*Phalaenoptilus nuttallii)*
Ferruginous hawk *(Buteo regalis)**
Golden eagle *(Aquila chrysaetos)**
Gray flycatcher *(Epidonax wrightii)*
Greater Sage-grouse (*Centrocercus urophasianus*)*
Green-tailed towhee *(Pipilo chlorurus)*
Horned lark *(Eremophilia alpestris)*
Loggerhead Shrike *(Lanius ludovicianus)**
Prairie Falcon *(Falco mexicanus)*
Rock wren *(Salpinctes obsoletus)*
Sage sparrow *(Amphispiza belli)*
Sage thrasher *(Oreoscoptes montanus)**
Short-eared owl *(Asio flammeus)*
Swainson's Hawk (*Buteo swainsoni*)*
Vesper sparrow (*Pooecetes gramineus)*
Western Burrowing owl *(Athene cunicularia)**
Western meadowlark *(Sturnella neglecta)*

* Denotes Special Status Species