

**DECISION RECORD  
EAST FORK HIGH ROCK ACQUISITION PROJECT  
ENVIRONMENTAL ASSESSMENT  
DOI-BLM-NV-W030-2013-0002-EA**

**Introduction**

The Bureau of Land Management (BLM), Winnemucca District (WD), Black Rock Field Office (BRFO) is preparing to acquire 320 acres of private land adjacent to the East Fork High Rock (EFHR) Wilderness within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (Black Rock NCA). The project is located in Washoe County, Nevada in T. 41 N., R. 23 E., Sec. 1, SE $\frac{1}{4}$ , Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 13 E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  in the Mount Diablo Meridian and Base.

**Land Use Plan Conformance**

The acquisition is consistent with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands Resource Management Plan (RMP), the Surprise RMP and the Federal Land Policy and Management Act (FLPMA).

- Black Rock 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 with 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.”

The acquisition is consistent with the plans and policies of neighboring local, county, state, tribal and federal governments to the greatest extent possible. No federal state, or local law, or requirement imposed for the protection of the environment will be threatened or violated by this acquisition.

**Decision**

Based on the East Fork High Rock Acquisition Environmental Assessment (EA), DOI-BLM-NV-W030-201300002-EA, and the attached Finding of No Significant Impact (FONSI) it is my decision to select the proposed action alternative for implementation as described in the EA. The proposed action is to acquire 320 acres of private land adjacent to the East Fork High Rock Wilderness. The FONSI demonstrates that an Environmental Impact Statement (EIS) pursuant to Section 102(C) of the National Environmental Policy Act (NEPA) is not required.

**Mitigation Measures**

No mitigation will be required for the addition of 320 acres of land to the East Fork High Rock Wilderness or NCA. Monitoring of the acquired lands will be in accordance with overall management and monitoring incorporated into the Black Rock NCA RMP and the Surprise RMP.

**Authority**

The authority for this decision is contained in the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701) and 43 CFR 2100.

**Public Involvement**

On November 21, 2012, a scoping letter was sent to interested parties notifying the public about the initiation of an EA for the EFHR acquisition. We received five comments, four of the comments were in support of the acquisition and one was not relevant to the proposed action.

*Preliminary EA*

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.

The Individuals Consulted Section 6.3 was updated to reflect the results of the public commenting period. No other changes were made from the preliminary EA to the final EA.

*Native American Consultation*

On November 26, 2012, letters providing information relating to the Proposed Action were sent to Summit Lake Paiute Tribe, Susanville Indian Rancheria, Reno-Sparks Indian Colony and Pyramid Lake Paiute Tribe. On May 31, 2013 and June 24, 2013 letters and copies of the PEA were sent to the above mentioned tribes. To date, no traditional cultural properties or Executive Order (EO) 13007 sites have been identified within the area of acquisition that might be impacted by the Proposed Action.

**Rationale**

1. The Proposed Action is in conformance with the Black Rock NCA RMP and the Surprise RMP;
2. The Proposed Action complies with FLPMA, the National Environmental Policy Act, and other federal, state, local and tribal laws and policies to the greatest extent possible;
3. The land acquisition will provide the BLM with opportunities to manage all of the resources identified in the EA; and
4. Based on the environmental analysis in the EA, no unnecessary or undue environmental degradation of public lands has been identified. No impacts to any threatened or endangered species or significant scientific resources are anticipated.

**Appeal**

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Victor Lozano, Associate District Manager, Winnemucca District, 5100 East Winnemucca

Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

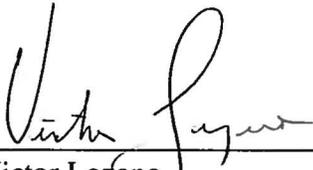
In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Victor Lozano  
Associate District Manager  
Winnemucca District

September 3, 2013  
Date

Attachments:

EA

FONSI

Form 1842-1