U.S. Department of the Interior
Bureau of Land Management
Carson City District Office

CATEGORICAL EXCLUSION
ENVIRONMENTAL REVIEW AND APPROVAL

Project Lead: Dan Erbes
Field Office: Sierra Front
Lead Office: Sierra Front
Case File/Project Number: N/A
Applicable Categorical Exclusion (cite section): 516 DM 11.9: J.(8) Installation of minor devices to protect human life (e.g., grates across mines).

NEPA Number: DOI-BLM-NV-C020-2013-0015-CX

Project Name: Sutro Tunnel Air Shaft AML Closure

Project Description: The Nevada Division of Minerals in association with BLM are proposing to mitigate human health and safety risks associated with Sutro Tunnel Air Shaft (ST-67) in Lyon County, Nevada. This feature would be addressed by installing a bat compatible closure device (bat gate, grate or cupola). During the proposed action should any cultural resources be uncovered, the project would be discontinued and appropriate measures taken to ensure that all cultural resources are protected. NDOW has conducted a biological survey at the subject location and the proposed closure method is based on the results of that survey. Surface impacts from closure would be limited to the immediate vicinity, within a 30-foot radius, of the mine hazard opening. The subject closure is scheduled to occur in the spring of 2013.

Is the project located within preliminary general habitat for sage-grouse? ☐Yes ☒No
Is the project located within preliminary priority habitat for sage-grouse? ☐Yes ☒No

Applicant Name: NDOM
Project Location (include Township/Range, County): Section 33, R. 17 N., T. 21 E., Storey County, Nevada.
BLM Acres for the Project Area: Less than 0.1 acres
Land Use Plan Conformance (cite reference/page number): This action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001) pg. MIN-1; Identify hazards to the public around inactive and active mine claims through signing, fencing or other appropriate means.

Name of Plan: NV – Carson City RMP.

Screening of Extraordinary Circumstances: The following extraordinary circumstances apply to individual actions within categorical exclusions (43 CFR 46.215). The BLM has considered the following criteria:

If any question is answered 'yes' an EA or EIS must be prepared.	YES	NO
1. Would the Proposed Action have significant impacts on public health or safety? (project lead/P&EC)		X
2. Would the Proposed Action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds (EO 13186); and other ecologically significant or critical areas? (wildlife biologist, hydrologist, outdoor recreation planner, archeologist)		X
3. Would the Proposed Action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA 102(2)(E)]? (project lead/P&EC)		X
4. Would the Proposed Action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? (project lead/P&EC)		X
5. Would the Proposed Action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? (project lead/P&EC)		X
6. Would the Proposed Action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? (project lead/P&EC)		X
7. Would the Proposed Action have significant impacts on properties listed, or eligible for listing, on the NRHP as determined by the bureau or office? (archeologist)		X
8. Would the Proposed Action have significant impacts on species listed, or proposed to be listed, on the list of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? (wildlife biologist, botanist)		X
9. Would the Proposed Action violate federal law, or a State, local or tribal law or requirement imposed for the protection of the environment? (project lead/P&EC)		X
10. Would the Proposed Action have a disproportionately high and adverse effect on low income or minority populations (EA 12898)? (project lead/P&EC)		X
11. Would the Proposed Action limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)? (archeologist)		X
12. Would the Proposed Action contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? (botanist)		X

CONCLUSION: Based upon the review of this Proposed Action, I have determined that the above-described project is a categorical exclusion, in conformance with the LUP, and does not require an EA or EIS.

Approved by:

B2 Brett

for Leon Thomas
Field Manager
Sierra Front Field Office

2-11-2013
(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, Sierra Front Field Manager
BLM, Carson City District 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.