

**Bureau of Land Management
Winnemucca District Office
HRFO (W010)**

Categorical Exclusion

CX#: DOI-BLM-NV-W010-2013-0019-CX

Date: 9/6/2012

Lease / Case File / Serial #: NVN 091385

Regulatory Authority (CFR or Law): 3604

BLM Manual: N/A

Subject Function Code: 3600

Is the project located within a Preliminary Priority Habitat? Yes No

Is the project located within a Preliminary General Priority Habitat? Yes No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)? Yes No

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Daniel Atkinson

3. Project Title: Sheep Camp Road Free Use Permit CX

4. Applicant: Humboldt County Road Department

5. Project Description: (briefly describe who, what, when, where, why, how)

This Proposed Action is to authorize a Free Use Permit to remove up to 10,000 cubic yards of pit run decomposed granite by Humboldt County Road Department from the proposed Sheep Camp Road pit to repair damage caused to the Sheep Camp Road by Fire Suppression efforts during the Holloway Fire. The removal of this material would create up to five acres of new surface disturbance. Material would be loaded into belly- or end-dump trucks using either a front-end loader or backhoe. Access would be along the existing Sheep Camp Road. Standard stipulations would be attached to the permit.

Project dimensions (length, width, height, depth): 350 feet X 550 feet

Total Acres: Approximately 5 acres of Surface Disturbance

BLM Acres: Approximately 5 acres of Surface Disturbance

Will the project result in new surface disturbance? Yes No

Has the project area been previously disturbed? Yes No N/A

If yes, what percent of the project area has been disturbed? 10% . If only part of the project area

CX#: DOI-BLM-NV-W010-2013-0019-CX
Applicant: Humboldt County
Project Title: Sheep Camp Free Use Permit CX

has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one): See attached map.

6. Legal Description: T. 45 N., R. 31 E., sec. 28, SW 1/4 NE 1/4

USGS 24k Quad name: Howard Hot Spring

100k map name: Denio

Land Status: BLM Private Other _____.

7. Maps attached

Part I: Plan Conformance Review

The Proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

Objective M-3: Provide sand, gravel, and other mineral materials as needed for constructions purposes to federal, state, local government, private industries, and individuals.

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)

516 DM 11.9, (BLM) F.10-Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

CX#: DOI-BLM-NV-W010-2013-0019-CX
Applicant: Humboldt County
Project Title: Sheep Camp Free Use Permit CX

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (<i>Scientific</i>) Name	May Be Affected?	Mitigation for BLM Sensitive Species (<i>Attach ESA Section 7 Compliance to Form</i>)
<input type="checkbox"/>	<input type="checkbox"/>	burrowing owl (<i>Athene cunicularia</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), vesper sparrow (<i>Pooecetes gramineus</i>), sage thrasher (<i>Oreoscoptes montanus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See mitigation for MBTA (Table 2)
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Recommended Mitigation
black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer’s blackbird (<i>Euphagus cyanocephalus</i>), Brewer’s sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), loggerhead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1 st through August 31 st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols. Notify BLM at least 10 working days in advance of proposed survey. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If active nests are

CX#: DOI-BLM-NV-W010-2013-0019-CX
Applicant: Humboldt County
Project Title: Sheep Camp Free Use Permit CX

shrike (<i>Lanius ludovicianus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)		located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion. Native vegetation may be cleared in the project area outside of avian breeding season (March 1 st through August 31 st) to deter birds from nesting there. Vegetation shall be cleared ONLY in the area projected to be disturbed for that year.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Mitigation Measures/Remarks:

In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols. Notify BLM at least 10 working days in advance of proposed survey. Survey results must be reviewed and approved by BLM before surface disturbance can occur. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.

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CX#: DOI-BLM-NV-W010-2013-0019-CX
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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)).