

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

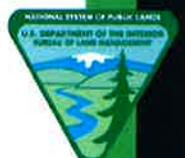
**Finding of No Significant Impact
DOI-BLM-NV-L030-2012-0041-EA
April 23, 2013**

Small Volume Wildlife Water Developments North Pahros

Location: Lincoln County, Nevada

***Applicant: Cooperative Project with the
Nevada Department of Wildlife***

U.S. Department of the Interior
Bureau of Land Management
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**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELY DISTRICT OFFICE**

INTRODUCTION

The Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) (DOI-BLM-NV-L030-2012-0041-EA) that analyzed the effects of constructing six small volume wildlife water projects in the North Pahrocs mountain range. The EA considered the Proposed Action and No Action Alternative. This EA is tiered to, incorporates by reference, and is in conformance with the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/FEIS), released in November 2007 (BLM 2007).

I have reviewed the EA entitled “Small Volume Wildlife Water Developments North Pahrocs” (DOI-BLM-NV-L030-2012-0041-EA), dated March 14, 2013. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action associated with the small volume wildlife water developments project identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

I have also considered 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:

The North Pahrocs mountain range is located in Lincoln County Nevada approximately 30 miles northwest of the city of Caliente. The action area includes the footprint of each unit which would be approximately 625 square feet (with a 25’x 25’ fence). Total amount of permanently disturbed habitat for all six water developments would be 3,750 square feet, or roughly less than one tenth of an acre. The project area is located within the White River South Watershed.

Lincoln County is sparsely populated, with approximately 4,300 people living mostly within five scattered towns. The project area is not located within Wilderness, or within a Wilderness Study Area, nor within desert tortoise habitat. Grazing currently occurs in the area and will continue at the same level as allowed under the last permit renewal. Ownership of the project area is BLM public lands.

This proposed project would improve distribution of small animal water resources as determined by the Nevada Department of Wildlife. Due to a lack of water sources in the North Pahroc Range of the Caliente Field Office (Ely District BLM), there is a need to expand water distribution for small wildlife. To help offset the lack of water sources, BLM and NDOW propose to construct and maintain six small volume wildlife water developments in the North Pahroc mountain range. Small game water developments benefit upland birds and other small species of wildlife present in the habitats surrounding them by providing reliable water sources, decreasing habitat fragmentation, and enhancing species viability.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance (i.e., exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc.). None of the resource impacts are intensely adverse. We expect that over time the consequences of implementing the proposed action will be beneficial to wildlife species in the North Pahrocs.

2) *The degree to which the proposed action affects public health or safety.*

The Proposed Action will not result in potentially substantial or adverse impacts to public health and safety.

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

The Ely RMP EIS has evaluated the impacts of vegetation manipulation on natural resources and unique geographic characteristics found on public lands throughout the district. There are no parks, wetlands, prime farmlands, ecologically critical areas, or wild and scenic rivers within the project area. Cultural inventories have been performed and no sites eligible for nomination to the National Register of Historic Places are located at the Proposed Action sites.

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

Enhancement of wildlife habitat for the benefit of wildlife and sportsmen contrives little, if any, controversy, especially when done in such a remote and small area in rural Nevada. As noted by the dearth of public comments (one comment in favor of the project), the effects of the Proposed Action on the quality of the human environment are not highly controversial.

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

The potential effects of the Proposed Action are known and analyzed in the EA. Many projects of this type have been constructed in the past. There are no highly uncertain or unknown risks not already addressed in the EA.

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 will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Enhancing habitat for wildlife does not establish a precedent for other land management actions or decisions. Any future actions or projects - within either the proposed action area or surrounding areas - will be analyzed and evaluated as a separate action, independent of the current proposed action.

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

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

8) ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

No sites eligible for nomination to the National Register of Historic Places are located at the proposed water development locations. Therefore, the proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

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 ESA of 1973.***

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. There is no habitat for threatened, endangered, or proposed species within the project area, therefore, no effects are anticipated.

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.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that the proposed action will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

Clint Weitz Acting
Victoria Barr
Field Manager
Caliente Field Office

4-23-13
Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

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http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
6000 (NVL0300)

DECISION

Small Volume Wildlife Water
Developments North Pahros

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Decision Record

DOI-BLM-NV-L030-2012-0041-EA

I have reviewed the Environmental Assessment, DOI-BLM-L030-2012-0041-EA, and have made a Finding of No Significant Impact (FONSI) for the Small Volume Wildlife Water Developments North Pahros Project. Based on that review and the record as a whole, I approve the Proposed Action.

RATIONALE:

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section 2.3 of the Environmental Assessment documents the conformance review.
- 2) The Proposed Action is consistent with all other federal, state, local, and tribal policies and plans.
- 3) The Proposed Action will enhance wildlife habitat for upland game birds as well as increase hunting opportunities for sportsmen.

PUBLIC INVOLVEMENT:

The Preliminary Environmental Assessment was made available to the public on March 14, 2013 and comments were accepted through March 31, 2013. One comment was received, a letter of support from the Nevada Department of Wildlife.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations

contained in 43 CFR, Part 4 and 43 CFR Part 5003.1. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the below address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
Box 237
Caliente, NV 89008

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U.S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

This Decision will remain in effect during the appeal unless a petition for Stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall 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.

Approved by:

Clint Wertz (Acting)

Victoria Barr
Field Manager
Caliente Field Office

4-23-13
Date