

# FINDING OF NO SIGNIFICANT IMPACT

Leo K. Stewart (#2703863) and Lynn Kitchen (#2705132) on the  
Lower Lake West Allotment (#11013)

DOI-BLM-NV-L030-2013-0001-EA

I have reviewed Environmental Assessment (EA) (DOI-BLM-NV-L030-2013-0001-EA). After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewals identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Environmental Assessment DOI-BLM-NV-L030-2013-0001-EA has been reviewed through the interdisciplinary team process.

## **Rationale:**

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP/ROD) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008).

This proposed term permit renewal would be effective in maintaining rangeland health and watershed condition on public lands within the Lower Lake West Allotment. Through the introduction and implementation of the sound livestock management practices associated with the Proposed Action, progression will be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

The finding and conclusion of no significant impact is based on my consideration of 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 Lower Lake West Allotment, a land based allotment having two permittees, is located in central Lincoln County, Nevada. It is approximately 60 miles southwest of Caliente, Nevada and approximately 20 miles south of Hiko, Nevada (Appendix I, Map #1 of EA). It is located within the White River South Watershed (#160C), and is approximately 48,497 acres in size. Cattle are the type of livestock grazed on the allotment. Elevations range from approximately 7,000 feet near the north boundary of the allotment to approximately 3,500 feet near the east boundary.

Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA), wilderness or wilderness study area.

The east portion of the Lower Lake West Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix I, Map #2 of EA). Desert tortoise

critical habitat and desert tortoise Areas of Critical Environmental Concern (ACEC) do not exist within the allotment. The central and west portions of the allotment also contain desert bighorn sheep (*Ovis canadensis nelsoni*) habitat.

The Shooting Gallery cultural ACEC occurs in the northwest portion of the allotment (Appendix I, Map #2 of EA).

There are no known riparian areas located within the allotment on BLM managed lands.

There are two existing permanent livestock watering locations on the allotment, to which the permittees haul water. Consequently, this constitutes the sole means by which water is supplied in the allotment. The permittee has proposed eight additional waterhaul locations within the allotment, to attain better livestock distribution, which will yield a total of ten waterhauling locations (Appendix I, Map #2 of EA).

Lincoln County is sparsely populated, with approximately 5,345 (2010 census) people living mostly within five towns. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

**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 a decline in the population of a listed species, etc.). None of the resource impacts are intensely adverse or beneficial.

**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 livestock grazing on natural resources and unique geographic characteristics found on public lands throughout the district, and decisions were made to eliminate grazing in areas where the impacts could cause unacceptable degradation to natural resources and unique geographic characteristics. No site specific concerns were identified in the EA.

There are no parks, wetlands, or wild and scenic rivers found within the allotment.

No prime farmland exists within the allotment.

As noted, the Shooting Gallery cultural ACEC occurs in the northwest portion of the allotment. A Findings for the Cultural Resources Needs Assessment was completed on June 28, 2013. It states: "The CFO archaeologist and range staff identified no known grazing conflicts between the current grazing practices and sensitive cultural resources. Should conflicts be discovered at a future date the BLM will make the permittee aware of the situation and BLM will take steps to mitigate or eliminate the impacts to cultural resources."

It further states, "All new range improvements will be subject to standard Section 106 and Native American Consultation efforts."

It further clarifies: "All new range improvements will be subject to standard Section 106 and Native American Consultation efforts. All necessary Tribal Notification and Consultation will be carried out by the Ely District Native American Coordination. All necessary Public Notification Needs will be carried out under the Standard Practices (or the Ely District NEPA review process.)"

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

Whereas, it may be controversial to continue to permit livestock grazing on public lands in spite of the effects, there is little controversy as to what they are. The Ely RMP EIS analyzed several alternatives with various effects to conflicting uses of natural resources and disclosed these effects. Decisions were made to continue livestock grazing in areas deemed appropriate.

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

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives and maintain or achieve rangeland health. The Ely RMP EIS analyzed the effects of livestock grazing throughout the district and has eliminated grazing in areas where unique environmental risks could occur.

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. Renewing the grazing permits does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future actions or projects - within either the proposed action area or

surrounding areas - will be analyzed and evaluated as a separate action; and, independently 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 propose 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.***

See number 3, above, regarding cultural 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.

Wildlife species (plant and animal) that occur in or near the project area are listed in Appendix V of the EA.

The east portion of the Lower Lake West Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix I, Map #2 of EA). Desert tortoise critical habitat and desert tortoise Areas of Critical Environmental Concern (ACEC) do not exist within the allotment.

On April 23, 2013, the BLM sent a memorandum to the U.S. Fish and Wildlife Service requesting Section 7 consultation, regarding the proposed action, for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). The FWS provided a response, dated June 24, 2013, which was received by the BLM on July 8, 2013.

The conclusion of the consultation stated: "After reviewing the current status of the desert tortoise, the environmental baseline for the action area, the effects of the proposed action and the cumulative effects, it is the Service's biological opinion that the proposed action is within the scope of the PBO issued to the Ely District Office and is therefore, not likely to jeopardize the continued existence of the Mojave desert tortoise."

The introduction of eight new waterhaul locations within the allotment, in combination with the two existing waterhauls, would provide an additional means of controlling livestock; especially with respect to the potential to relieve grazing pressure, within the designated desert tortoise habitat, by displacing livestock to the areas serviced by the new water sites. This would be especially important in the east portion of the allotment where three of the eight proposed watering locations would be located, where desert tortoise habitat is found, and where there is currently only one watering location.

Having ten total watering locations throughout the allotment would also enable the permittees to rotate grazed areas, during the year, in a manner which would allow periodic rest for grazed plants; especially, during the spring critical growing period.

Additionally, under the discretion of the BLM, the strategic use of multiple watering locations at any one time should maintain livestock distribution in a manner which would promote a uniform utilization level within the allotment. When coupled with the introduction of allowable use levels, it would aid in preventing overall negative impacts to the soil and plant resource accordingly.

**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.

*Clint Weitz*

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Victoria Barr  
Field Manager  
Caliente Field Office

*7-24-13*

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Date