

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

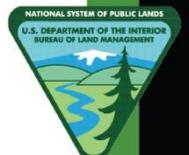
Finding of No Significant Impact
DOI-BLM-NV-L010-2011-0036-EA
April 2015

Overland Pass Habitat Improvement Project



South Ruby Mountains
White Pine and Elko Counties, Nevada

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INTRODUCTION

In September 2014, an Environmental Assessment (EA; DOI-BLM-NV-L010-2011-0036-EA) for the Overland Pass Habitat Improvement Project (Project) was prepared in compliance with the National Environmental Policy Act (NEPA) and other relevant federal laws and regulations. The EA disclosed the direct, indirect, and cumulative environmental effects that would result from implementing the Proposed Action and No Action Alternative. Other alternative actions were considered and discussed in the EA. The EA was released to the public for 30-day comment period in November 2014. Comments received were considered and incorporated as applicable into the final EA, dated April 2015.

The Project Area encompasses approximately 45,220 acres. The Project occurs on lands managed by the Bureau of Land Management's (BLM) Egan Field Office and United States Forest Service's (USFS) Humboldt-Toiyabe National Forest, Ruby Mountains Ranger District. Approximately 25,265 acres occur on USFS managed lands and 18,378 acres occur on BLM managed lands (see Table 2.3-1 in EA). Some small in-holdings of private land occur within the Project Area (approximately 1,577 acres); although the proposed Project does not include conducting treatments on these lands unless a cooperative agreement is in place with the land owner and Federal agency.

The Project goals are to improve habitat for various wildlife species, reduce fuel loading, and improve vegetation diversity and community resilience. Most treatments would focus on improving sagebrush (*Artemisia* sp.) communities by removing overstory trees and improving understory grasses and forbs. The BLM and USFS propose to focus vegetation treatments over approximately 18,570 acres and ten treatment units over the next ten (10) years. Approximately 70-80 percent (13,000 to 14,850 acres) of the treatment units would receive treatment. Various treatment methods (mechanical, prescribed fire, chemical, etc.) would be used to shift vegetation communities closer toward reference conditions and Fire Regime Condition Class 1, including restoration of Cracker Johnson Spring #2. Areas outside the ten treatment units (approximately 7,900 acres), but within the Project Area may receive a hand-thinning treatment (described in Section 2.3.1 of the EA) to reduce singleleaf pinyon (*Pinus monophylla*) and Utah juniper (*Juniperus osteosperma*) trees in sagebrush communities exhibiting Phase I woodland development. Treatments would focus on creating a diverse vegetation community that is resilient to future disturbances and improving habitat for wildlife species.

PROJECT LOCATION

The Project is located approximately 57 miles south of Elko, Nevada, in the southern portion of the Ruby Mountains, and is within White Pine and Elko Counties. Figure 1 below shows the Project location.

The Project is located within all or parts of the following sections:

- Township (T) 24 North (N), Range (R) 56 East (E), Section 1;
- T24N, R57E, Sections 1-6;
- T25N, R56E, Section 2-5, 9-11, 13-16, 21-28, 34-36;
- T25N, R57E, Sections 3-4, 9-11, and 13-36;
- T26N, R56E, Sections 20-22, 27-29, and 32-34; and

T26N, R57E, Sections 15-16, 21-22, 27, 28, 33, and 34 (Mount Diablo Base and Meridian).

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the EA for the Overland Pass Habitat Improvement Project (DOI-BLM-NV-L010–2011–0036–EA), dated April 2015. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action (Selected Alternative), with the project design features, 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 and further discussed below:

Context

For the Proposed Action and No Action Alternative, the context of the environmental effects is based on the environmental analysis documented in the EA prepared for this project.

The Proposed Action is a site-specific action that by itself does not have international, national, region-wide or state-wide importance. Although there are no significant effects of the Proposed Action, most direct effects are limited to the Project Area, which includes portions of the Ruby Mountains, South Ruby Valley, Overland Pass, and Huntington and Ruby Valleys. Also not significant, cumulative effects occur over large areas, depending on resource, but are focused between US Highway 50 and Interstate 80 and between the Diamond Mountains and US Highway 93 in White Pine and Elko Counties, Nevada.

Intensity

Intensity is a measure of the severity, extent, or quantity of impacts, and is based on information from the effects analysis of the EA and the references in the project record. The impacts of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agencies have taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. The Finding of No Significant Impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b). These factors are described below.

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The finding of no significant impact is not biased by the beneficial effects of the action. The beneficial effects of habitat improvement for greater sage-grouse, mule deer, and other wildlife, concurrent with the benefit of fuels reduction, have not been used to balance adverse effects of the treatments. Potential adverse effects were considered when developing Project design features which were incorporated into the Proposed Action. Project design features are specifically included to minimize or eliminate potential adverse effects from the proposed treatments. Effects determinations were made independently from the beneficial effects of

the proposed treatment, but considered the Project design features. A discussion of potential effects is included in Chapters 3 and 4 of the EA and in the resource specialist reports (available in the project record).

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

No significant impacts on public health and safety were identified in the analysis. Implementation of this project will reduce threats to public health and safety from high severity wildfire by reducing the intensity of wildfires and their resistance to control by fire suppression efforts. Smoke and air quality effects from pile burning cannot be completely eliminated; however, burn plans addressing public safety and air quality will be completed in cooperation with air quality agencies prior to prescribed burning. Application of herbicide will follow all safety requirements listed on the approved labels as well as all agency, Federal, and State laws. Signs will be posted in the Project Area notifying the public of the Project with a description of the goals and actions. Any areas treated with herbicides will be adequately posted to notify the public of the activity and of safe re-entry dates, if a public notification requirement is specified on the label of the herbicide.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Portions of the Pony Express Trail and the Hastings Cutoff of the California Trail occur within the Project Area, and the Fort Ruby historic site is adjacent to the Project boundary. Treatment design features incorporated into the Proposed Action will protect the integrity of these historic resources. Implementation of the programmatic agreement (Appendix C of the EA) will ensure protection of all cultural and historical resources eligible for listing with the National Register of Historic Places. The Project will not adversely affect parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, as these resources are not present within the project area.

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

The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented the expected environmental effects of the Proposed Action in Chapters 3 and 4 of the EA and resource specialist reports (available in the project record). The Proposed Action and associated Project design features address the various issues raised by those who commented on the project. The proposed treatments are consistent with the best available science and current direction for improving wildlife habitat through pinyon-juniper removal. While some members of the public are opposed to pinyon-juniper removal for habitat improvement, this action is not highly controversial within the scientific context of the NEPA.

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

The analysis indicates the effects are not uncertain, and do not involve unique or unknown risk (Chapters 3 and 4 of the EA; resource specialist reports located in the project record). Design features of the proposed action have been developed to address known risks and limit uncertainties. The USFS and BLM have considerable experience with the types of activities

to be implemented. The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information including monitoring information from similar past projects.

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects. While monitoring results may be used to design future actions, such actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Cumulative impacts of this action are discussed in Chapter 4 of the EA (pgs. 112-137) and within the effects analysis for specific resource areas (as presented in the resource specialist reports available in the project file). No cumulative significant impacts were identified in the EA.

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

The Proposed Action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Proposed Action will not cause a loss or destruction of significant scientific, cultural, or historical resources. A programmatic agreement between the USFS, BLM and the Nevada State Historic Preservation Office (SHPO) includes methods of consultation between the USFS, BLM, the SHPO, and area Tribes to limit or avoid effects to historic properties (Section 2.3.3.5 Cultural Resources on pg. 38 and Appendix C of EA). Design features from the programmatic agreement are included in the Project design features associated with the Proposed Action.

Native American consultation is ongoing with future efforts directed toward unit-specific implementation. Consultation has occurred with all tribes in the surrounding area as described in the EA (pgs. 52-53).

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 Endangered Species Act of 1973.

The greater sage-grouse is a candidate species for listing as threatened or endangered under the Endangered Species Act (ESA). The Proposed Action is targeted at improving habitat for the greater sage-grouse, so effects will be mostly beneficial. As described in the EA, Project design features (Section 2.3.3) were incorporated into the Proposed Action to minimize any potential effects associated with disturbance and treatments will occur outside of the sage-grouse breeding season. According to the EA and associated specialist reports, no listed

threatened or endangered plant or animal species have been located within the Project Area; therefore, there will be no adverse impacts to any species listed under the ESA.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action is in full compliance with all Federal, State, and local law requirements imposed for environmental protection. Best Management Practices to protect water quality are included in the Project design features of the Proposed Action (Section 2.3.3.11 Hydrology pgs. 40-41, Appendix F, and Hydrology-Soils Specialist Report available in the project record). There will be no significant impacts to air quality (pgs. 47-48) and a smoke variance permit, issued by the Nevada Division of Environmental Protection, would be required for all prescribed burning. The proposed action is consistent to the maximum extent possible with Federal, State and local policies and plans.

APPROVAL

/s/ Stephanie Trujillo, Acting
Jill A. Moore
Field Manager
Egan Field Office

April 8, 2015
Date

Figure 1. Location Map of Overland Pass Habitat Improvement Project

