

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

Categorical Exclusion

CX#: DOI-BLM-NV-W010-2013-0062-CX

Date: 6/12/2013

Lease / Case File / Serial #: N-86794

Regulatory Authority (CFR or Law): 2881

BLM Manual: 2800

Subject Function Code: 2881

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: Julie McKinnon
 3. Project Title: Paiute Pipeline Temporary Workspace ROW Renewal
 4. Applicant: Paiute Pipeline Co.
 5. Project Description: (briefly describe who, what, when, where, why, how)

Paiute Pipeline Co. has submitted an application to renew their existing authorization for a temporary workspace for an additional two years. Paiute Pipeline is planning to install natural gas control equipment at a Pressure Limiting Station for the purpose of improving efficiency and for the economical operation of Paiute's facilities. This pressure limiting station is along Paiute's main pipeline.

The original authorization was for an area 50 feet wide by 100 feet in length. This proposal would increase the temporary work spaces slightly to allow for their work vehicles to maneuver more easily. The northern work space is proposed to be 25 feet wide by 100 feet in length; this disturbance would be wholly within the existing right-of-way footprint. The southern temporary work space is proposed to be 75 feet wide by 450 feet in length. This work space would be slightly outside of the existing right-of-way footprint. Most of the area is currently disturbed. The construction period would last approximately three weeks.

Rehabilitation of the surface disturbance areas would be included as a term and condition of the authorization.

CX#: DOI-BLM-NV-W010-2013-0062-CX
Applicant: Paiute Pipeline Co.
Project Title: Temp. work area ROW Renewal

Project dimensions (length, width, height, depth): 25' x 100' and 75' x 450'

Total Acres: 0.83

BLM Acres: 0.83

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? Approximately 75% . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 42 R., 40 E., sec. 26, SW¹/₄SE¹/₄NE¹/₄

USGS 24k Quad name: Little Poverty

100k map name: Quinn River Valley

Land Status: BLM Private Other_____.

8. 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 LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The Paradise-Denio MFP is silent on ROWs. In accordance with FLPMA Section 501(1), the BLM are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands...

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) E. Realty #19: Issuance of a short-term (3 year or less rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

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 (The following stipulation(s) is/are recommended to be applied to the authorization) (Attach ESA Section 7 Compliance to Form, if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Swainson’s hawk (<i>Buteo swainsoni</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Golden eagle (<i>Aquila chrysaetos</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>	Loggerhead shrike (<i>Lanius ludovicianus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>See Mitigation Measures/Remarks</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sage thrasher (<i>Oreoscoptes montanus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>See Mitigation Measures/Remarks</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Brewer’s sparrow (<i>Spizella breweri</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>See Mitigation Measures/Remarks</i>

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 (The following stipulation(s) is/are recommended to be applied to the authorization)
black-throated sparrow (<i>Amphispiza bilineata</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>See Mitigation Measures/Remarks</i>
Brewer’s blackbird (<i>Euphagus cyanocephalus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>See Mitigation Measures/Remarks</i>

CX#: DOI-BLM-NV-W010-2013-0062-CX
Applicant: Paiute Pipeline Co.
Project Title: Temp. work area ROW Renewal

canyon wren (<i>Catherpes mexicanus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
gray flycatcher (<i>Empidonax wrightii</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
green-tailed towhee (<i>Pipilo chlorurus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
rock wren (<i>Salpinctes obsoletus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
sage sparrow (<i>Amphispiza belli</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
western meadowlark (<i>Sturnella neglecta</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>
vesper sparrow (<i>Pooecetes gramineus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See <i>Mitigation Measures/Remarks</i>

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

Migratory birds

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, and should be approved by the BLM biologist prior to being implemented. 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.

(Migratory Bird Treaty Act) **(WO-IM-2010-110 P)**

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Part III: DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official /s/Derek Messmer _____ Date: 7/29/2013 _____
(Signature)

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Derek Messmer, Acting Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

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.

CX#: DOI-BLM-NV-W010-2013-0062-CX
Applicant: Paiute Pipeline Co.
Project Title: Temp. work area ROW Renewal

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)).