

**Bureau of Land Management  
Winnemucca District Office  
BRFO (W030)**

**Categorical Exclusion/Cultural Resources Inventory Needs Assessment Form**

**CX#: DOI-BLM-NV-W010-2014-0005-CX**

**Date: 10/23/2013**

Lease / Case File / Serial #: N/A

Regulatory Authority (CFR or Law): FLPMA

BLM Manual: BLM Manual 1745

Subject Function Code: 6500

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

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1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Kathy Cadigan

3. Project Title: Calico Mountains & Threemile Creek Bighorn Sheep Releases

4. Applicant: NDOW

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

Nevada Department of Wildlife (NDOW) plans to augment the California bighorn sheep population in the Santa Rosa Range on or around January 2014 or January 2015 as a continuing effort to ensure adequate numbers exist for a thriving population.

NDOW plans on up to two releases within the Santa Rosa Range. The first release would be 30 animals near Threemile creek. The second release would be 20-30 animals near Mahogany Pass/Calico Creek. These animals would be transported to the release sites (see attached maps) via pickup truck and trailer. The sheep would be released from the trailer off of the existing two track roads; the trailer doors would be opened and the sheep would be able to leave the trailer. No ground disturbance is anticipated from the release. The sheep would be released on BLM lands. NDOW plans to acquire the sheep through capture efforts within BLM's Winnemucca District; the proposed source populations are Pine Forest Range, Calico Mountains/High Rock Canyon Area (Unit 012), Montana Mountains, Double H Mountains, and Black Rock Range. NDOW does not anticipate capturing the sheep within Wilderness Areas or Wilderness Study Areas.

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NDOW plans to notify Winnemucca District BLM at least one month in advance to allow BLM to notify livestock permittees prior to release.

Project dimensions (length, width, height, depth): N/A

Total Acres: 1

BLM Acres: 1

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? % . 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. 46 N., R. 39 E., sec. 31, 1/4 1/4  
T. 45 N., R. 42 E., sec. 7, 1/4 1/4

USGS 24k Quad name: Capitol Peak

100k map name: Quinn River Valley

Land Status:  BLM  Private  Other3T

3T

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**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):

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):

WL 1.20 identifies the Santa Rosa Range as potential bighorn sheep range. (43 CFR 1610.5, BLM Manual 1617.3).

**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) A. Fish and Wildlife (5): “Routine augmentations, such as fish stocking, providing no new species are introduced”

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**ESA and BLM Sensitive Status Species**

<b>Evaluation Criteria</b>	<b>Yes</b>	<b>No</b>
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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

<b>ESA</b>	<b>BLM</b>	<b>Common (Scientific) Name</b>	<b>May Be Affected?</b>	<b>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)</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Greater Sage-Grouse	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Bighorn Sheep	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None needed. This action is to augment the existing population.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pygmy Rabbits	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Table 2. Migratory Bird Treaty Act Consideration**

<b>Potential MBTA Species w/in the Project Area Common (Scientific) Name</b>	<b>May Be Affected?</b>	<b>Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)</b>
black-throated sparrow (Amphispiza bilineata), Brewer’s blackbird (Euphagus cyanocephalus), Brewer’s sparrow (Spizella breweri), canyon wren (Catherpes mexicanus), gray flycatcher (Empidonax wrightii), green-tailed towhee (Pipilo chlorurus), rock wren (Salpinctes obsoletus), sage sparrow (Amphispiza belli), sage thrasher (Oreoscoptes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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montanus), western meadowlark ( <i>Sturnella neglecta</i> ), and vesper sparrow ( <i>Pooecetes gramineus</i> )		
	<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:*

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 Section 102. [43 U.S.C. 1701] (a)(8), 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.

Section 102. [43 U.S.C. 1701] (a)(8) "The Congress declares that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."

Authorized Official \_\_\_\_\_/S/ Derek Messmer \_\_\_\_\_ Date: 12/19/2013  
(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, 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.

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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.

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)).