

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

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

**CX#: DOI-BLM-NV-W030-2014-0016-CX**

**Date: 6/9/2014**

Lease / Case File / Serial #: W03500-001

Regulatory Authority (CFR or Law): Federal Land Policy and Management Act of 1976

BLM Manual: M-9113 -Roads Manual

Subject Function Code: 8360 - Visitor Services

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: Rory Glueckert

3. Project Title: Black Rock Station Directional Sign

4. Applicant: BLM

5. Project Description:

The proposed action is the request to install a directional signs notifying the public of where the Black Rock Station is located. The directional signs location would be at the intersection of HWY 447 and Transfer Station Rd (refer to maps). The signs would be installed with two 6'' treated wood posts at a depth of 3'. The signs dimensions are 78''x 24'', and are double sided and would be installed on both sides of the two posts. Installation would require the use an engine powered auger and hand tools. The disturbance area would be less than 2' in circumference and 3' depth.

Project dimensions (length, width, height, depth): 10' long, 78'' wide, 7' high, and 3' depth

Total Acres: .005 Acres

BLM Acres: .005 Acres

Will the project result in new surface disturbance?  Yes  No

Has the project area been previously disturbed?  Yes  No  N/A

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**Applicant: BLM**

**Project Title: Black Rock Station Directional Sign**

If yes, what percent of the project area has been disturbed? 100%. 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):

Disturbed by road construction and ongoing maintenance.

6. Legal Description: T.32 N., R.23 E., Sec.16, NE1/4 NE1/4

USGS 24k: Gerlach, NV P.E. 1990

100k map name: Gerlach, NV P.E. 1990

Land Status:  BLM  Private  Other\_\_\_\_\_.

**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):

**Objective R1:** Provide as many recreational opportunities as possible without undo environmental degradation in the Sonoma-Gerlach area.

**Objective L1:** Provide maximum acreage of public land for multiple use and sustained yield.

Also FLPMA sec. 302

**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,

Appendix 4.G.2: Installation of routine signs, markers, culverts, ditches, waterbars, gates or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan or eligible for incorporation in such plan.

Appendix 4.G.4: Placement of recreational, special designation or information signs, visitor registers, kiosks, and portable sanitation devices.

**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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	burrowing owl ( <i>Athene cunicularia</i> ), loggerhead shrike ( <i>Lanius ludovicianus</i> ), sage thrasher ( <i>Oreoscoptes montanus</i> ), vesper sparrow ( <i>Pooecetes gramineus</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See mitigation for MBTA (Table 2)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input 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>
The following is a representative, but not an inclusive list of migratory birds that may utilize the proposed project area.  Prairie falcon ( <i>Falco mexicanus</i> ), ferruginous hawk ( <i>Buteo regalis</i> ), western meadowlark ( <i>Sturnella</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	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 1 <sup>st</sup> through August 31 <sup>st</sup> ). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow

<p><i>neglecta</i>), black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer’s blackbird (<i>Euphagus cyanocephalus</i>), Brewer’s sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)</p>		<p>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.</p> <p>(Migratory Bird Treaty Act) (WO-IM-2010-110 P)</p>
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

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 Federal Land Policy and Management Act of 1976 , 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/ William Mack  
(Signature)

Date: 9/8/14

#### **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 Shonna Dooman, Black Rock 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.

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)).