

**FINAL ENVIRONMENTAL ASSESSMENT
FINDING OF NO SIGNIFICANT IMPACT &
DECISION RECORD**

**YERINGTON WATER TANK,
UTILITY LINE, AND ROAD
RIGHT-OF-WAY PROJECT –
LYON COUNTY, NEVADA**

DOI-BLM-NV-C020-2015-0010-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701
775-885-6000

November 2014



It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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- A Plan of Development

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[Note: maps are not embedded in this document in order to maintain a small file size, maps are available on the Project website. Look under the Navigation Pane for “Maps.”]

- A Project Vicinity Map
- B Project Site Plan Map
- C Proposed Alternative Locations Map

1.0 INTRODUCTION

On September 12, 2014, the City of Yerington submitted a Right-of-Way (ROW) application to the Bureau of Land Management (BLM) - Nevada, Sierra Front Field Office, proposing to construct and maintain a water tank, utility line, and access road in Lyon County, Nevada (Figures A and B).

1.1 Background

The residents of the Sunset Hill area (northwest of Yerington) reached a legal settlement with local mine owners regarding the unsafe drinking water contained in their private domestic wells. The drinking water was unsafe due to groundwater contamination associated with nearby mining operations. The settlement mandated the mine owners to fund the creation of a new water system that would provide safe drinking water to the affected residents. The project has been requested in accordance to the legal settlement.

In order to evaluate this proposal, the BLM has prepared this final environmental assessment (EA) to comply with the National Environmental Policy Act (NEPA).

Key elements of the Proposed Action include:

- Installation and maintenance of a 500,000 gallon water tank;
- Installation and maintenance of a 12-inch buried water pipe along 1,200 feet of Luzier Lane;
- Use of an 0.60 acre area to temporarily store pipe during construction; and
- Use and maintenance of an access road to the water tank within Luzier Lane.

1.2 Purpose and Need

Per the settlement, the City of Yerington proposes to construct and maintain a new water system located in northwest of the city.

The purpose of the project is for the BLM to authorize the construction, operation, and maintenance of a water tank, utility line, and access road on BLM-administered public land to provide the residents identified in the settlement with safe drinking water.

The need of the project is established by the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to a request for a ROW for a water tank and utility line on public land.

1.3 Scoping and Issues Identification

On August 27, 2014, an interdisciplinary team met with representatives of the City of Yerington and Farr West Engineering. A site inspection was held on August 29, 2014. Based on these discussions, the following preliminary issues were identified:

- To what extent have cultural resource inventories been completed in the project vicinity?
- What is the best location of the water tank given the use of the Recreation and Public Purposes (R&PP) Act lease for recreational archery shooting nearby, the terrain, and need for a location above a certain elevation?

1.4 Decision to be Made

The BLM has received an application (DOI Standard Form 299) and draft Plan of Development (POD) for a ROW from the City of Yerington. Based on this environmental documentation, the BLM Authorized Officer would decide whether to grant or deny the ROW. If the BLM grants the proposed ROW, the BLM Authorized Officer would decide whether to add terms and conditions (stipulations) to the final ROW grant.

1.5 Land Use Plan Conformance Statement

The Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (CRMP 2001). The applicable section of the CRMP includes LND 7 #6:

- “Exchanges and minor non-Bureau initiated realty proposals will be considered where analysis indicates that are beneficial to the public.”

1.6 Relationships to Statutes, Regulations, and Other Plans

The Proposed Action and alternatives comply with the following:

- National Environmental Policy Act of 1969 (42 U.S.C. § 4321 *et seq.*);
- Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1701 *et seq.*);
- National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f);
- Consultation and Coordination with Indian Tribal Governments (E.O. 13175); and
- Safe Water Drinking Water Act of 1974, as amended (42 U.S.C. § 300f *et seq.*)

2.0 ALTERNATIVES

2.1 Description of Alternatives

2.1.1 *Alternative A: Proposed Action*

The project area is located northwest of Yerington (see Figure A and B). The proposed water tank would be located on a hill north of Luzier Lane. The proposed utility line would be installed along Luzier Lane on public land and connect to the water tank. The access road would be used and maintained within Luzier Lane for ingress and egress to the project area. The entire project area would encompass approximately 2.40 acres. An additional 0.60 acres would be used as a temporary use area during installation. The preferred location for the water tank and utility line was proposed by the City of Yerington during the site inspection conducted on August 29, 2014.

Under the Proposed Action, the portions of the project area would include:

- Installation and maintenance of a 500,000 gallon, 55 foot diameter, water tank;
- Installation and maintenance of a 12-inch buried water pipe along 1,200 feet of Luzier Lane;
- Use of an 0.60 acre area to temporarily store pipe during construction; and
- Use and maintenance of a 1,200-foot access road to the water tank within Luzier Lane.

Installation of the proposed water facilities would be completed in an area within and near Luzier Lane. Prior to installation, the proposed ROW boundary and centerline would be staked. Approximately ten people and eight vehicles per day would be needed for installation. Equipment that may be used during construction and installation would include wheel loader, excavators, dump trucks, water truck, soil compactor, and motor grader.

Water Tank

The proposed water tank would be used by the City for water storage. Water for storage would be provided from the City's existing water tank located on private land. A booster station located on private land would be used to lift the water from the City's tank to the proposed water tank. The proposed water tank and would be installed at the surface and placed at a specific elevation near the location of the residential area it would service. In this case, a tank elevation of approximately 4,600 feet would be necessary to create sufficient pressure for the water system. Installation of the proposed tank would include tank assembly and a concrete foundation. The concrete foundation would require leveling of an approximate 12,000 square foot pad, concrete pouring, trenching, finish grading, and gravel obtained off-site. A security fence would be installed and maintained surrounding the water tank.

Utility Line

A new utility line would be installed and connected to the proposed water tank. A majority of the line would be installed within the Luzier Lane access road ROW (NVN 046764). The utility line would consist of 1,200-foot long 12-inch pipeline. The utility line would be placed and buried approximately four feet below the surface of Luzier Lane. A four-foot wide by four-foot deep trench, sand for pipe bedding, pipe, back fill, and compaction would be needed to install the line. The proposed utility line would consist of PVC pipeline manufactured for use in potable

water systems. The pipe wall thickness would be at 0.943 inches and have a power per square inch (psi) rating at 305. The pipeline would be designed for fire flows of up to 1,000 gallons per minute. The anticipated operating temperature of the pipeline would be at approximately 70° F.

Access Road

An access road to the tank site would be required for ingress and egress during installation and maintenance. The proposed access road would 1,200 feet long and 35 feet wide. The proposed access road would be located within the existing Luzier Lane access road ROW issued to Lyon County (NVN 046764). Minor grading might be needed to reshape the road and road shoulder.

Temporary Use Area

A temporary use area of 0.60 acres would be located within the northern portion of an existing Recreation and Public Purposes (R&PP) lease issued to Lyon County (NVN 046761). This temporary use area would be used to store pipe during construction.

Schedule

Construction and installation of the water tank and utility line would be expected to take approximately three months, and would begin in April 2015.

Maintenance

The City of Yerington personnel would conduct post-installation maintenance and inspections. The water tank would require periodic inspections and maintenance. The utility line would need maintenance on or after 50 years and which may require removal or addition of pipe. During the lifetime of the utility line, pipeline valves would require routine exercising and periodic hydrostatic testing. Any water releases would occur on privately owned land. Periodic maintenance to the access road would be conducted as necessary to ensure access to the tank site.

Contingency planning associated with the Proposed Action would include the City of Yerington Public Works protocol for leak repair.

Upon termination of the Proposed ROW, the majority of the components associated with the proposed water facility would be dismantled and hauled off-site. The pipe would remain buried onsite. The site would be graded to match the existing contours and the soil would be reseeded per BLM specifications.

2.1.1.2 Resource Commitments

The project area is located within Visual Resource Management Class III. This classification allows for moderate changes to the visual character of the landscape. A water tank is consistent with this classification if the paint color used conforms to the color of the surrounding environment. As a stipulation to the ROW grant, the BLM would require the City of Yerington to apply a color that blends with the surrounding environment to minimize visual contrast.

2.1.2 Alternative B: No Action

Under the No Action Alternative, the BLM would not grant the ROW. As a result, the project would not be authorized and the applicant would need to seek an alternate approach to develop

the water facility. This alternative would not meet the purpose and need described in Section 1.2.

2.1.3 Alternative Considered but Dismissed from Further Analysis

Location within Existing Archery Range Recreation & Public Purposes Act Lease Area.

During the site inspection on August 29, 2014, the City of Yerington presented an alternative location under consideration for the water tank and utility line (Figure C). This location would position the water tank and utility line within an existing R&PP Act Lease Area used for archery. The Applicant dismissed this location because it lacked the proper elevation needed for adequate water pressure and may conflict with the archery use

3.0 AFFECTED ENVIRONMENT

This chapter identifies and describes the current condition and trend of elements or resources in the human environment, which may be affected by the No Action Alternative and Proposed Action. The Affected Environment is the same for all alternatives.

3.1 Setting

The Project area is located within a rural area in Lyon County, northwest of the City of Yerington. The Proposed Action would occur on public land in an area within and near Luzier Lane. The Project area is located at an elevation approximately 4,600 above sea level. The dominate vegetation types include annual grasses, invasive plants such as cheatgrass (*Bromus tectorum*), and sagebrush (*Artemisia sp.*).

3.1.1 Resources Considered for Analysis

The BLM is required to address specific elements of the environment that are subject to requirements in statute or regulation or by executive order (BLM 2008). Table 1 lists the elements that must be addressed in all environmental analysis and indicates whether the Proposed Action and Alternatives affect those elements. Other resources of the human environment that have been considered for analysis are listed in Table 2.

Table 1. Supplemental Authorities*.

Resource	Present Yes/No	Affected Yes/No	Rationale
Air Quality	Y	N	The project area is located within an attainment air basin. Although the project would create emissions from vehicles and equipment, and fugitive dust from use of roads, the amount emitted would not result in a change to the air basin status and best management practices would be implemented to limit fugitive dust.
Areas of Critical Environmental Concern	N		Resource not present.
Cultural Resources	Y	N	The Proposed Action would have no effect on sites eligible for listing on the National Register of Historic Places (CRR-3-2701).
Environmental Justice	N		Resource not present.
Farm Lands (prime or unique)	N		Resource not present.
Floodplains	N		Resource not present
Invasive, Non-Native Plant Species	Y	N	Cheatgrass (<i>Bromus tectorum</i>) is present in the project area. Noxious weeds are not known to occur in the project area.
Migratory Birds	Y	N	
Native American Religious Concerns	N		The BLM is coordinating with the Yerington Paiute Tribe on the project. To date no religious concerns have been identified.
Threatened or Endangered Species (animals)	N		Resource not present.
Threatened or Endangered Species (plants)	N		Resource not present.
Wastes, Hazardous or Solid	Y	N	Best management practices would be implemented to minimize potential for spills from equipment or vehicles.
Water Quality (Surface/Ground)	Y	N	Resource not present.
Wetlands/Riparian Zones	N		Resource not present.
Wild and Scenic Rivers	N		Resource not present.
Wilderness/WSA	N		Resource not present.

*See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.

Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.

Table 2. Resources or Uses Other Than Supplemental Authorities.

Resource or Issue**	Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species	N		Resource not present. Based on a review of existing GIS data there are no known active raptor nest within a three-mile radius of the project area. The project area is not located within preliminary or general priority habitat for the greater sage-grouse (<i>Centrocercus urophasianus</i>).
Fire Management	Y	N	The Proposed Action would not affect access into the project area during wildfire suppression activities.
Forest Resources	N		Resource not present.
General Wildlife	Y	N	The project area involves less than two acres of low quality habitat. Mule deer (<i>Odocoileus hemionus</i>) may infrequently forage in the project area. During construction activities there would be displacement if any wildlife is present during the activities. Because of permanent disturbance there would be a loss of 2.40 acres; however, this type of wildlife habitat is common regionally.
Global Climate Change	Y	N	Although there is public and scientific debate about human-caused global climate change, no methodology currently exists to analyze to what extent the negligible contributions of greenhouse gases (GHG) would contribute to climate change from implementation of the Proposed Action.
Greenhouse Gas Emissions	Y	N	Although under the Proposed Action there would be negligible contribution of GHG from vehicle/equipment emissions, no methodology exists to assess resource impacts within the project area from such contributions of GHG.
Land and Realty	Y	Y	Carried forward for analysis.
Lands with Wilderness Characteristics	N		Pursuant to Sections 101, 201 and 202 of the Federal Land Policy and Management Act, GIS spatial imagery was reviewed by the BLM. No LWCs were identified within the project area.
Livestock Grazing	N		Resource not present
Minerals	N		Resource not present.
Paleontological	N		Resource not present.
Public Health and Safety	Y	Y	Carried forward for analysis.
Recreation	N		Resource not present.
Socioeconomics	N		Resource not present.
Soils	Y	N	Best management practices would be implemented to minimize potential for increased soil erosion from the Proposed Action.
Travel Management	N		Resource not present.
Vegetation	Y	N	The vegetative community in the project area is low quality dominated by low grasses and some low-density sagebrush. New disturbance would result in 3 acres of short-term disturbance and result in 2.40 acres of permanent disturbance to vegetation. The vegetative community is common regionally.
Visual Resources	Y	N	The project area is within Visual Resource Management Class III, which allows for moderate changes to the visual character of the Project area. The Proposed Action is consistent with VRM III.
Wild Horses and Burros	N		The project area is not within a Herd Management Area.

**Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

Resources or uses determined to be Present/May Be Affected may be carried forward in the document.

3.2 Land and Realty

The Proposed Action would occur in 2.40-acre area on public land located in the following:

Mount Diablo Meridian, Nevada,
T. 13 N., R. 25 E.,
sec. 6, lot 3;
T. 14 N., R. 25 E.,
sec. 31, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

There are three existing land authorizations within the project area:

1. NVN 046764 – a ROW grant for a 35-foot wide Luzier Lane access road issued to Lyon County;
2. NVN 062298 – a ROW grant for a 24.9 kV transmission line issued to Sierra Pacific Power Company; and
3. NVN 046761 – a 68.83 acre Recreation and Public Purposes (R&PP) Act lease for an archery range issued to Lyon County.

The proposed access road, temporary use area, and a portion of the proposed utility line would be located within the existing Luzier Lane access road ROW grant (NVN 046764) and within the northern portion of R&PP lease (NVN 046761). Lyon County has no objections to the installation the access road, temporary use area, and utility line within their existing authorizations (letter on file with BLM).

3.3 Public Health and Safety

The purpose of the Federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300f *et seq.*), as amended, was passed to protect public health by regulating the public drinking water supply. The SDWA authorizes the Environmental Protection Agency (EPA) to set national health standards for drinking water. The SDWA defines contaminant as “any physical, chemical, biological, or radiological substance or matter in water” (42 U.S.C. § 300f [6]). In accordance to SDWA, the EPA established National Primary Drinking Water Regulations to set legal limits on the levels of certain contaminants found in drinking water (42 U.S.C. § 300g *et seq.*).

Due to nearby mining activities, the groundwater supplied to private drinking wells in the Sunset Hill area exceeded the EPA’s limits for maximum contaminant levels of uranium (EPA 2013). As a result, homes that had well water that tested at uranium levels above 25 micrograms/liter (ug/L) received bottle water from Atlantic Richfield Company (ARC). (*Id.*). A recent class-action settlement mandated new water supply facilities to deliver safe drinking water to the Sunset Hills area.

4.0 ENVIRONMENTAL CONSEQUENCES

4.1 Introduction

This chapter describes the potential direct, indirect, and residual effects to resources that may result from the Proposed Action or Alternatives, as well as identifies the potential monitoring needs associated with the specific resources. In this document, the terms “effect” and “impact” are used synonymously. In this document, the term “beneficial effect” refers to a positive effect on a resource. The terms “adverse” and “negligible” refer to detrimental effects to a resource.

4.2 Land and Realty

Alternative A: Proposed Action

The Proposed Action would be located in Lyon County northwest of the City of Yerington. The Proposed Action would include the installation and maintenance of a water tank, utility line, a temporary use area, and an access road. Impacts to land use authorizations within the Project area would primarily result from initial construction activities to install the tank and utility lines.

The Proposed Action would not interfere with the 24.9 kV transmission line (NVN 062298). However, the Proposed Action would cause impacts to the access road ROW (NVN 046764). During construction, impacts on the existing road would include digging a deep trench within the road to place sand bedding and pipe, backfill and compaction to fill in the trench, heavy construction equipment, minor grading of the road, and shaping of the shoulders.

The Proposed Action also intersects an R&PP Act lease for an archery range (NVN 046761). Short-term impacts to the lease would involve a temporary use area of 0.60 acres during the three-month construction phase to store pipes. Additionally, a portion of the utility line would be installed within the lease. Impacts to the lease from the utility line installation would include digging a deep trench to place sand bedding and pipe, backfill and compaction to fill in the trench, and heavy equipment traffic during construction.

Long-term impacts from the Proposed Action to the land use authorizations identified above would mainly be a result from periodic maintenance of the proposed facilities. Long-term impacts on the existing road ROW and R&PP lease would arise from periodic maintenance of the facilities (water tank, utility line, and access road) and traffic on the access road during ingress and egress.

Alternative B: No Action

Until expiration or termination of the ROW, the land use authorizations would remain in existing conditions. No water facilities would be installed and maintained, an alternative location would need to be identified.

4.3 Public Health and Safety

Alternative A: Proposed Action

Under this alternative, the construction and maintenance of the new facility would result in beneficial impacts to Public Health and Safety. The water tank and utility line would help provide dependable and safe water supply for the population in the Sunset Hill area. In the long-

term, water supply from the water tank would be safer than water from domestic wells that contain contaminated groundwater.

Alternative B: No Action

Under the No Action Alternative, in order to comply with the legal settlement, the proponents would have to find an alternate source of safe drinking water supply. Residents of Sunset Hill would continue to be exposed to private domestic wells that produce unsafe drinking water due to groundwater contamination. As a result, Sunset Hill residents would have to seek safe drinking water through other alternative sources.

5.0 CUMULATIVE EFFECTS

A cumulative effect is defined under NEPA as “the change in the environment which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other action”. “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR Part 1508.7). Past, present, and reasonably foreseeable future actions are analyzed to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the Proposed Action and/or Alternatives may have an additive and significant relationship to those effects.

Cumulative Effects Geographic Area.

The geographic area of the cumulative effects analysis is the 2.40 acres of BLM-administered land that encompasses 1,200 feet of an existing access road ROW (NVN 046764) and the northern portion of an existing R&PP lease (NVN 046761).

Timeframe for Effects Analysis.

Short-term cumulative effects would occur during the construction of the proposed water facilities and access road. Construction would take approximately three months, beginning April 2015. The timeframe for cumulative effects is 10 years although the ROW would be issued for 30 years.

Past, Present, and Reasonably Foreseeable Actions.

Past and Present Actions.

Within the Project area, past actions include the BLM’s issuance of an existing R&PP lease, a ROW grant for the Luzier Lane access road, and a ROW granted for a 24.9 kV transmission line. Present actions would involve construction and maintenance of a water tank, buried utility lines, an access road, and the use of a temporary storage area.

Reasonably Foreseeable Actions.

The BLM does not currently have any requests before it in the project area.

Effects Analysis.

Land and Realty

Land and Realty authorizations affected by the Proposed Action include existing access road ROW for Luzier Lane (NVN 046764) and the existing R&PP lease for an archery range (NVN 046761). Cumulative impacts to the exiting authorizations would include temporary disturbance from installation and maintenance of the water tank, the utility line, and access road. The installation of the utility line in Luzier Lane would be temporary because trenching would be backfilled and compacted. The use of an access road within Luzier Lane would be minor because the Applicant proposes to use the road for periodic ingress and egress to the site during construction. Long-term impacts to Luzier Lane and R&PP Act lease would involve slight increase in traffic and use of the area during inspection and maintenance of the facilities. Impacts may occur during the lifetime of the utility line when pipeline valves undergo routine exercising and periodic hydrostatic testing. However, impacts would be minor because water

flushing would occur off-site. Additional impacts may occur to the existing authorizations when the utility line needs maintenance that requires removal or addition of pipe. Impacts caused by removal or addition of pipe would need prior approval from the BLM.

The City of Yerington could modify the water facilities or the access road after the ROW is granted. In order, to modify the ROW grant, the City would need to apply for an amendment. Before modification, the City would need to obtain BLM approval for the amendment and the proposal would undergo additional environmental analysis.

If the ROW grant terminated or expired without renewal, all components of the project, except for the buried pipeline, would be dismantled and hauled offsite. The site would be graded to match the existing contours and the soil would be reseeded per BLM specifications. The utility pipeline would be left in the ground.

Public Health and Safety

The No Action Alternative would pose the greatest long-term risk to public health and safety. The residences affected by mining activities would continue to be exposed contaminated groundwater in their domestic wells.

Under the Proposed Action, a new water system would be installed. The long-term cumulative impacts from the construction of a new water system would be beneficial to public health and safety because it would provide residences with safe drinking water. Alternatively, the Sunset Hill residents would need to procure safe drinking water through other means.

6.0 CONSULTATION AND COORDINATION

6.1 Public Review and Comment

The *Yerington Water Tank, Utility Line, and Road Right-of-Way Project Draft Environmental Assessment* (DOI-BLM-NV-C020-2015-0010-EA) had been made available for public review for 15-days from November 10, 2014 until November 24, 2014. The BLM received one substantive comment letter from NV Energy regarding design and operation. The BLM received one non-substantive comment email.

6.2 Individuals, Tribes, Organizations and Agencies Consulted

The following Tribes, and agencies were consulted during the preparation of this final EA:

6.2.1 Tribes

Yerington Paiute Tribe

6.2.2 Agencies

State Clearinghouse (multiple agencies)

6.3 List of Preparers

BLM staff that contributed to this document.

Name	Resource
Brian Buttazoni	Project Manager, NEPA Compliance
Perry Wickham	Land and Realty
Rachel Crews	Archeologist
Shaina Shippen	Land and Realty

7.0 REFERENCES

Bureau of Land Management (BLM) 2001. *Consolidated Resource Management Plan*. Carson City District Office. May.

_____. 2008. *National Environmental Policy Act Handbook*, H-1790-1. Washington D.C. January.

Environmental Protection Agency (EPA) 2013. *Anaconda Mine Site, Groundwater Investigation Update*. Washington D.C. August.

8.0 FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in this Final EA, and considering the significance criteria found in 40 CFR 1508.27, I have determined that the Proposed Action, will not have a significant effect on land use authorizations and on the human environment. An environmental impact statement (EIS) is not required.



Leon Thomas
Field Manager
Sierra Front Field Office

11-25-14

Date

9.0 DECISION

It is my Decision to approve the action as proposed and grant a right-of-way under the Federal Land Policy Management Act (43 U.S.C. § 1701 *et seq*) and regulations contained in 43 CFR 2800 *et seq*.

The public lands identified for the right-of-way and temporary use area are described as follows:

Mount Diablo Meridian Nevada

T. 13 N., R. 25 E.,

sec. 6, lot 3;

T. 14 N., R. 25 E.,

sec. 31, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 2.40 acres, more or less.



Leon Thomas
Field Manager
Sierra Front Field Office

11-25-14

Date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas
Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.