

FINAL ENVIRONMENTAL ASSESSMENT

United States Navy Cotton Peak Right of Way and Communications Improvement Project

Decision Record

DOI-BLM-NV-C010-2015-0005-EA

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

May 2015



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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**DECISION RECORD
UNITED STATES NAVY.
COTTON PEAK RIGHT OF WAY AND COMMUNICATIONS
IMPROVEMENT PROJECT
CHURCHILL COUNTY, NEVADA**

**Environmental Assessment
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INTRODUCTION

The United States Navy (Navy) currently operates a microwave communication link on an existing Right of Way (ROW), NVN-043346, in Churchill County, Nevada (NV) that provides communication for Naval Aviation training on Navy withdrawn training and bombing ranges. The Navy is proposing to expand the current ROW from .06 acres to 1.5 acres and replace the failing equipment located at the Cotton Peak site (refer to Appendix 1, maps and figures of the Environmental Assessment (EA)). The Navy is also proposing to replace the current helicopter landing area with one further up the ridge to improve communications and improve site safety for maintenance and equipment inspections.

The communication site expansion would be adjacent to the existing Navy ROW, approximately 150 feet away. The new location of the microwave communication would improve communication with a better line of sight to other communication relays, in the area. The new landing area would improve safety and the ability to perform maintenance on the communication equipment.

The purpose of the Cotton Peak Project (Proposed Action) is to grant the Navy a communications site ROW expansion in Churchill County, Nevada approximately 20 miles northeast of Fallon, NV adjacent to the existing Navy ROW site. This ROW amendment would allow the Navy to expand the current ROW, to install a semi-improved helicopter landing area, and to install microwave communication equipment in a location approximately 150 feet away from the existing facilities. The new location of the microwave communication would improve communication with a better line of sight to other communication relays, in the area. The new landing area would improve safety and the ability to perform maintenance on the communication equipment.

The Navy needs the Proposed Action because the current link is degraded and cannot support the amount of data required to support current operations. The change in location would replace the current ageing system with a modern one increasing the broadband and give a clear line of sight to the other microwave sites. The increase size and better location of the proposed helicopter landing zone would allow safer access to conduct maintenance and equipment inspections in a larger range of weather situations.

BACKGROUND

On June 26, 1986 the Bureau of Land Management (BLM), Carson City District (CCD) issued a ROW to the Department of the Navy to locate, construct, use, control, maintain, improve, and repair a remote relay station site for the Tactical Aircrew Combat Training System (TACTS) Site

No. T23. This ROW is located at Mount Diablo Meridian (MDM), Township (T) 24 North (N), Range (R) 35 East (E) Section 3 Northeast (NE) ¼, and Southwest (SW) ¼ in Churchill County, NV.

The current ROW site does not meet the Navy's needs for current training and communications within the area. The current proposal for the Cotton Peak site is to expand the site to allow for the construction and installation of new equipment at the site and a new helipad to meet current training and communication needs for the Navy. The Cotton Peak site is part of a communication ring that runs from Naval Air Station Fallon (NASF) Main Station to Desert Peak to Bravo-20 (B-20) to Cotton Peak to New Pass to Fairview and back to NASF Main Station. All range communication (including aircraft tracking) for the Fallon Range Training Complex (FRTC) runs through this ring so any break in the link would compromise naval operations in this area and all communication would stop.

The Cotton Peak project would place a new microwave link that relays between B-20 and New Pass Peak. The current infrastructure in this link is degraded and this project would be step one in repairing that capability. In future years, other upgrades to the B-20 link would be made, but the Cotton Peak upgrades needs to occur before the other upgrades can occur. The current link capability has dropped from three video channels to one and from four data channels to one. The addition of the new microwave relay would increase the broadband capabilities and increase the amount and type of data that is needed for training operations. The new location for the semi-improved helicopter landing area would improve safety for the pilot and any crew that is needed for repair and inspection of the site. It would also allow the maintenance and repair in a wider range of weather conditions.

This link is critical to the FRTC as the current link is degraded and cannot support the amount of data required to support operations. As a result some training has shifted to other ranges, but due to the increasing number of units coming to NASF, this link would need to be upgraded as soon as possible to support current and future training requirements.

The potential environmental impacts from the Proposed Action and No Action Alternatives were evaluated in EA# DOI-BLM-NV-C010-2015-0005-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action are not considered significant and therefore an environmental impact statement (EIS) will not be prepared. This is documented in the attached Finding of No Significant Impact (FONSI).

PUBLIC INVOLVEMENT

The Navy's internal scoping included a site visit attended by Navy personnel on December 8, 2011 and internal scoping meetings for the EA held on November 8, 2013. During that time, Navy personnel identified key issues and concerns regarding the Proposed Action.

The proposed action was scoped through the BLM's interdisciplinary team (ID Team) on July 28, 2014. BLM resources specialists identified the supplemental authorities and other resources and uses to be addressed in the EA. A consultation letter was sent to Nevada State Historic Preservation Office (SHPO) on January 6, 2012. The response of concurrence was received on

February 6, 2012. The Fallon Paiute-Shoshone Tribe (FPST) was notified of the proposed ROW and action via certified letter on January 12, 2012.

The EA was made available for a 30-day public review and comment period on February 23, 2015 until March 25, 2015. A press release was issued on February 23, 2015 to local media outlets and sent electronically to the Nevada State Clearinghouse. The EA was also made available by hard copy at the Carson City District Office and on the District webpage at: http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html. During the comment period, one comment was received from the Nevada Division of State Lands through the Nevada Clearinghouse regarding lighting. The Proposed Action does not include lighting, hence no changes no changes were made to the analysis in the EA.

DECISION

Based on the analysis in the *Cotton Peak Right of Way and Communications Improvement Project* EA# DOI-BLM-NV-C010-2015-0005-EA, it is my decision to issue a right-of-way (ROW) grant amendment to the Navy which implements the Proposed Action as described in Chapter 2 of the EA with mitigation measures as identified in Chapter 3 of the EA document. This decision is contingent on meeting all terms and conditions outlined in the right of way grant and mitigation measures identified in the EA. The mitigation measures are included in Chapter 3 of the EA and reiterated below in this Decision Record.

1. Approve the SF-299 and Plan of Development submitted by the United States Navy on June 14, 2013.

This management decision for the Cotton Peak Project is issued pursuant to 43 Code of Federal Regulations (CFR) §2800. This Decision is effective immediately upon signature and acceptance of the ROW grant by both parties (BLM and Navy) and payment of ROW fees. This decision will remain in effect while appeals are pending before the Office of Hearings and Appeals (OHA) unless OHA grants a stay under §4.2 I (b) of this title. The SF-299 Right of Way Application and Plan of Development for the Project is hereby approved subject to the terms and conditions of the ROW grant and mitigation measures identified below for implementation of the Project. The US Navy must conduct activities as described in the Plan of Development (as described in Chapter 2 of the EA under the Proposed Action), in accordance with the terms and conditions attached to the ROW grant and the mitigation measures contained in this Decision.

The rationale for the attached FONSI supports this decision. The Proposed Action coupled with the ROW terms and conditions, and mitigation measures detailed in Chapter 3 of the EA and listed in this document, have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and significant impacts will not result from implementation of the Proposed Action as identified in the EA. This decision is consistent with the 2001 Carson City Field Office Consolidated Resource Management (CRMP).

2. Mitigation Measures Identified in Chapter 3 of the EA.

The Navy would comply with all terms and conditions attached to the ROW grant (attached). In addition the US Navy will also institute the following mitigation measures as part of the Proposed Action to reduce or eliminate impacts to resources:

VISUAL RESOURCES MANAGEMENT

- All new structures should be painted using dark greens or dark browns similar to Beetle, Juniper Green, or Shadow Gray as found on the BLM Standard Environmental Color Chart CC-001 to reduce visibility from areas most likely to be viewed by the public.
- Microwave dish (and covers) should be painted similar dark colors as long as this does not conflict with aviation guidelines, since this will be the most visible part of the structures.
- Vegetation removed during construction phase should be used as vertical mulching on any areas with surface disturbance
- Surface disturbance should be kept to the minimum required to install equipment. Surface disturbance on side slopes on edge of ridge should be avoided.
- Maintenance on existing structures should include painting with similar dark colors when necessary to reduce the cumulative impacts of the site.

MIGRATORY BIRDS

- If surface disturbing activities need to occur during the bird nesting season (March 1 through July 31 for raptors and April 1 through July 31 for all other species), a pre-construction site survey by a qualified biologist will be required. The exact area to be surveyed will be determined by BLM based on the scope of the surface disturbing activity. The survey must be done no more than fourteen (14) days before start of surface disturbing activities. If it is determined that nesting birds are present, a BLM approved buffer zone (generally 250 foot buffers for passerine species, buffers for raptor species will vary) will be established and maintained until a qualified biologist has determined that the young birds have fledged or the nest has failed.

RATIONALE

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action as described in Chapter 2 of the EA with the terms and conditions attached to the ROW grant and the mitigation measures identified above (from Chapter 3 of the EA) will not have a significant impact to the human environment and that an EIS is not required. Refer to the attached FONSI.

AUTHORITY

The Proposed Action is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001, the regulations at 43 CFR §2800, and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to

statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The SF-299 ROW Application in combination with the preceding mitigation measures, ROW grant terms and conditions, and the attached FONSI show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the proposed communication site expansion and improvements.

The proposed action is in conformance with the Carson City CRMP, even though it is not specifically provided for, because it is clearly consistent with Administrative Actions listed on page ROW-4 of the Right-of-way Corridors section and would comply with the Standard Operating Procedures listed on pages ROW-4 through ROW-6.

The Administrative Actions listed on page ROW-4 specify that all applicants for ROW grants, whether or not they are within corridors, are subject to standard approval procedures as outlined in the right-of-way regulations at 43 CFR §2800. These procedures include preparation of an EA, if applicable, in accordance with the National Environmental Policy Act (NEPA); a determination of compliance of the applicants proposed plan with applicable federal and state laws; consultation with federal, state, and local agencies; and any other action necessary to fully evaluate and make a decision to approve or deny the application and prescribe suitable terms and conditions for the grant or permit. Consultation with the public, including adjacent landowners, is to occur throughout the process.

APPROVAL

The *Cotton Peak Right of Way and Communications Improvement Project* EA# DOI-BLM-NV-C010-2015-0005-EA and associated ROW Application are approved for implementation with incorporation of ROW Grant stipulations and the above described mitigation measures. This decision is effective immediately upon signature and acceptance of the ROW grant by both parties (BLM and US Navy) and payment of ROW fees in accordance with Title 43 of the Code of Federal Regulations (CFR) at 2800.

This Decision is in conformance with the National Environmental Policy Act of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); the Carson City Consolidated Resource Management Plan of 2001, the regulations at 43 CFR §2800, the Federal Land Policy and Management Act and with current BLM policies, plans and programs.

Teresa J. Knutson, Acting

Teresa J. Knutson, Manager
Stillwater Field Office
Carson City District Office

05-08-15

Date

APPEAL PROCEDURES

If you wish to appeal this decision, it 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:

Teresa J. Knutson, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NY 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, therefore they will not be accepted.