Categorical Exclusion

United States of America Road Reservation, NVN 093925 Yerington, Nevada

Carson City District Office

Carson City

Nevada

89701

775-885-6000

Categorical Exclusion Review

On December 19, 2014 the National Defense Authorization Act for Fiscal Year 2015 (Act) was signed into law (Public Law [PL] 113-291). Included in this Act is Section 3009 (a), a provision affecting public lands managed by the Bureau of Land Management (BLM) Carson City District Office. The conveyance area is located east of Yerington, Nevada in Lyon and Mineral counties.

Section 3009 titled the "Northern Nevada Land Conveyances" requires the BLM to convey to the City of Yerington (City) approximately 10,400 acres public lands. The Act requires to the BLM to convey the lands to the City within 180 days of enactment; the lands are to be sold at fair market value. The Act requires the BLM to convey all right, title and interest of the United States in and to the federal land. The conveyance lands are subject to valid existing rights.

According to the Carson City Consolidated Resource Management Plan, LND-7, Lands and Realty, Standard Operating Procedures, Item 3; "Rights-of-way will be reserved where appropriate to provide public access prior to disposal of public lands."

Title V of the Federal Land Policy and Management Act (FLPMA) of 1976, Rights-of-Way for Federal Agencies, Sec. 507. [43 U.S.C. 1767] "(a) The Secretary concerned may provide under applicable provisions of this title for the use of any department or agency of the United States a right-of-way over, upon, under or through the land administered by him, subject to such terms and conditions as he may impose."

While BLM employees have a right to enter the public land and manage uses on public land, they do not have an unrestricted right to cross private lands or use private roads to reach public lands. In order to facilitate continued management of adjacent public lands, a right-of-way reservation shall be issued in the name of the BLM across the following described lands being conveyed to the city of Yerington:

Mount Diablo Meridian, Nevada
T. 13 N., R. 26 E.,
  sec. 35, NE1/4;
  sec. 36, N1/2.
T. 13 N., R. 27 E.,
  sec. 28, NW1/4;

sec. 29;
sec. 30, SE1/4;
sec. 31, N1/2.

The right-of-way would be reserved for the exclusive use of the United States of America including the right of access for the people of the United States for lawful and proper purposes. The right-of-way would be for the use of existing roads and no new surface disturbance should be permitted within the right-of-way boundaries other than normal maintenance work. The right-of-way reservation should be made in perpetuity.

BLM Office:

LLNVC00000

Lease/Serial/Case File No.:

NVN 093925

Location of Proposed Action:

Mount Diablo Meridian, Nevada
T. 13 N., R. 26 E.,
sec. 35, NE1/4;
sec. 36, N1/2.
T. 13 N., R. 27 E.,
sec. 28, NW1/4;
sec. 29;
sec. 30, SE1/4;
sec. 31, N1/2.

Description of Proposed Action:

A right-of-way would be reserved for the exclusive use of the United States of America including the right of access for the people of the United States for lawful and proper purposes. The right-of-way would be for the use of existing roads and no new surface disturbance should be permitted within the right-of-way boundaries other than normal maintenance work. The right-of-way reservation should be made in perpetuity.

Land Use Plan Conformance

Land Use Plan Name: Nevada, Carson City Consolidated Resource Management Plan

Date Approved/Amended: May 2001

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LND-7, Lands and Realty, Standard Operating Procedures, Item 3;

"Rights-of-way will be reserved where appropriate to provide public access prior to disposal of public lands."

Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.
The applicable section is: 516 DM 11.9 (E) 16.

I considered the following:

Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist
		Brian Buttazoni, Planning & Environmental Coordinator

Impacts on Natural Resources or Unique Geographic Characteristics

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist

Level of Controversy

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

Highly Uncertain or Unique or Unknown Environmental Risks

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

Precedent Setting

5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

Cumulatively Significant Effects

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	**NO**	**REVIEWER/TITLE**
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

Impacts on Cultural Properties

7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	**NO**	**REVIEWER/TITLE**
	X	Rachel Crews, Archeologist

Impacts on Federally Listed Species or Critical Habitat

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	**NO**	**REVIEWER/TITLE**
	X	Brian Buttazoni, Planning & Environmental Coordinator

Compliance with Laws

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	**NO**	**REVIEWER/TITLE**
	X	Brian Buttazoni, Planning & Environmental Coordinator

Environmental Justice

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	**NO**	**REVIEWER/TITLE**
	X	Brian Buttazoni, Planning & Environmental Coordinator

Sacred Sites

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	**NO**	**REVIEWER/TITLE**
	X	Rachel Crews, Archeologist

Noxious and Non-Native Invasive Species

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	**NO**	**REVIEWER/TITLE**
	X	Brian Buttazoni, Planning & Environmental Coordinator

Approval Information

Ralph Thomas District Manager Ralph L. Thomas	Date 4/23/15

This categorical exclusion worksheet does not constitute the decision to approve this project. See accompanying decision record for appeal information.