BLM

Yerington Land Conveyance

FINAL Finding of No Significant Impact

DOI-BLM-NV-C000-2015-0001-EA

July 2015

Background

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 (Figure 1 of the final EA).

Section 3009 (a) titled the "Northern Nevada Land Conveyances" requires the BLM to convey to the City of Yerington (City) approximately 10,150 acres[1] public lands (Figure 3 of the final EA). 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.

The Act exempts the conveyance from the land use planning requirements of Sections 202 and 203 of the Federal Land Management Policy Act. The BLM must still comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA), although the scope and timeframe for the compliance with NEPA and NHPA was changed by the Act.

Determination

On the basis of the information contained in the *Yerington Land Conveyance Final Environmental Assessment* (EA) (DOI-BLM-NV-C000-2015-0001-EA), I have determined that the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore an environmental impact statement (EIS) would not be required.

This finding is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and *intensity* of the impacts described in the final EA, which is hereby incorporated by reference.

Context

The majority of the Conveyance Area is located in Lyon County, Nevada with the eastern extent located in Mineral County, Nevada. Elevations range from approximately 4,300 feet to 6,300 feet above sea level. The climate is characterized by semi-arid temperate conditions with cold wet winters, wet springs, and warm dry summers. Precipitation is erratic and variable, and ranges from four to eight inches per year. The soils are predominantly variations of sand, sandy loam, loam, and clay loam with gravel and stone components. Soils are generally well-drained and much of the soil is alkaline-affected. The predominant vegetation types are salt desert shrub with shrub composition ranging from 20 to 70 percent.

The Conveyance Area has had a long history of surface disturbance from previous mining, mine exploration, and off-highway vehicle recreation.

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[1] The Legislative Conveyance Area dated December 19, 2012 (Figure 2 of the final EA) consisted of approximately 10,400 acres, was modified by the City. The area being conveyed based on this revision is approximately 10,150 acres.

Intensity

1) Impacts that may be both beneficial and adverse.

The final EA evaluated the effects from the conveyance of land to the City. Under this administrative change, the lands would no longer be subject to the Federal Land Management Policy Act and other public land laws. Effects from reasonably foreseeable future actions not subject to BLM decision-making may include economic benefits from development of the land area, and adverse effects to those natural resources present. These non-federal activities would be subject to local, county, and State approval and regulation.

2) The degree to which the proposed action affects public health or safety.

The Proposed Action is to convey approximately 10,150 acres of public land to the City. This administrative action would have no effect to public health or safety.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no unique resources within the Conveyance Area, such as Areas of Critical Environmental Concern, prime farmlands, wild and scenic rivers or wetlands. A cultural resources inventory has been completed for the Conveyance Area. The inventory identified 105 sites within the Area of Potential Effect. Of those, one prehistoric site and two historic sites have been determined eligible for listing on the National Register of Historic Places. Two prehistoric sites remain unevaluated pending further research.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Proposed Action is to convey approximately 10,150 acres of public land to the City. This conveyance is non-discretionary and there are no uncertainties for this conveyance.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks[2].

The Proposed Action is to convey approximately 10,150 acres of public land to the City. There are no unique or unknown risks for this action.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action is required by the Act. Reasonably foreseeable future actions have been disclosed in the final EA. Those actions that would occur post-conveyance would not be subject to BLM discretion nor decision-making.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

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[2] According to the Interior Board of Land Appeals (88 IBLA 143) the term "highly controversial" refers to "substantial dispute as to the size, nature or effect of a major federal action rather than to the existence of opposition to a use."

The Proposed Action is to convey approximately 10,150 acres of public land to the City. Cumulative effects from reasonably foreseeable future actions have been disclosed but those non-federal activities cannot be modified or prevented by BLM decision-making.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss of destruction of significant scientific, cultural, or historical resources.
As defined in the implementing regulations for Section 106 of the National Historic Preservation Act, found at 36 CFR 800.5 (a)(2)(vii), conveyance of land out of federal ownership is a categorical adverse effect to historic properties. Impacts to historic properties have been mitigated by negotiating and executing a Memorandum of Agreement (MOA) for resolving adverse effects to historic properties, and by developing and implementing a Historic Properties Treatment Plan (HPTP) (Attachment C of the final EA).

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA or 1973.
No federally listed species under the Endangered Species Act (ESA), or its critical habitat for such species occurs within the Conveyance Area.

10) Whether the action threatens a violation of federal, State, or local law or requirements imposed for the protection of the environment.
Implementation of the Proposed Action would not violate or threaten to violate any federal, State, or local law or requirement imposed for the protection of the environment.

Ralph L. Thomas

Ralph Thomas
District Manager
Carson City District Office

7/16/15
Date