

FINDING OF NO SIGNIFICANT IMPACT & DECISION RECORD

D'Andrea Water Tank Number 2 and Access Road Right-of-Way Project

DOI-BLM-NV-C020-2015-0036-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

September 2015



Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in the Final Environmental Assessment (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 the human environment. An environmental impact statement (EIS) is not required.

ACTIVE
FOR


Leon Thomas
Field Manager
Sierra Front Field Office

9-15-2015
Date

Decision Record

Introduction

Truckee Meadows Water Authority (TMWA) has submitted a draft Plan of Development (POD) for a Right-of-Way (ROW) for the construction and maintenance of a water tank to allow for construction of the future residential phases of the D'Andrea Master Plan Community. Within the ROW would be the proposed D'Andrea Water Tank Number 2, a 20-foot wide access road, the associated roadside ditch for drainage and tank overflow, a 12-inch diameter ductile iron and polyvinyl chloride (PVC) pipe to fill the tank, and 3H:1V (Horizontal to Vertical) cut slopes (Project).

Figure 1 of the Final EA shows the location of the Project, which encompasses 3.5 acres. The Project is located in northeastern Sparks, Washoe County, Nevada, legally described as Southwest quarter of Section 31, Township 20 North, Range 21 East, Mount Diablo Baseline, and Meridian.

Public Involvement

On July 27, 2015, a Bureau of Land Management (BLM) interdisciplinary team reviewed this Project and on July 29, 2015, they participated in a field visit to the Project area. Based on this meeting, the BLM determined which resources would require analysis as a part of the Final EA (see Section 3.0).

In early October 2014, the BLM notified the Reno-Sparks Indian Colony Tribal Historic Preservation Officer (THPO) about the cultural resources inventory for the Project and offered a site visit. On April 30, 2015, the BLM emailed the THPO Project information and negative cultural resources inventory report for review and comment. On July 23, 2015, the BLM provided the final inventory report to the THPO and followed up with phone and email communications, and invited the THPO to the site visit on July 29, 2015. The THPO did not identify concerns from the Project during the visit, but expressed concerns about potential impacts from future development in the area. These concerns were discussed and the THPO requested formal consultation. The BLM initiated formal consultation with the Reno-Sparks

Indian Colony with a letter dated August 17, 2015, requesting information regarding cultural resources, sensitive natural resources, resource access, or religious concerns relative to the Project. Government-to-government consultation with the Reno-Sparks Indian Colony will continue for the duration of the Project.

On August 31, 2015, the BLM announced a 15-day public scoping period. The notice was to solicit input from the public regarding the Project. The draft POD, maps, and information on how to comment were made available. The scoping period closed on September 14, 2015. The BLM did not receive any public comments.

Land Use Conformance

The Project is in conformance with the Carson City Field Office Consolidated Resource Management Plan (CRMP), May 2001, page SOP-1, RMP Standard Operating Procedures Common to All, #4 and #5:

- “All areas of new surface disturbance will be rehabilitated, where such action is necessary and practical, to replace ground cover and prevent erosion;” and
- “Construction of all fences (except in cases of public safety) will conform to the objectives and specifications in Bureau Manual 1737 to minimize impacts to wildlife, wild horses, recreation, and visual resources.”

The Project is also in conformance with the CRMP, May 2001, page LND-7, RMP Administrative Actions, #6:

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

The Project is also in conformance with the CRMP, page ROW-5, RMP Standard Operating Procedures, #5, #6, #7 and #9:

- “The right-of-way holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful and proper purposes, except in areas designated as restricted by the Bureau in order to protect the public safety or facilities constructed on the right-of-way;”
- “The Bureau will approve the location of all rights-of-way prior to construction through an analysis of the proposed action in an environmental assessment unless the proposal is categorically excluded or adequately analyzed in a previously prepared NEPA document. The environmental assessment will include cultural resource clearances, evaluations of impacts to threatened and endangered species, visual resources and other issues raised during scoping;”
- The right-of-way holder will use every reasonable means to minimize erosion and soil damage in connection with construction, rehabilitation or maintenance operations under a grant, including (but not limited to) construction of water bars, cross ditches, or other structures;” and
- “Revegetation of disturbed land will be required as specified by the Bureau. The appropriate seed mixture and proper planting techniques will be specified by the Bureau.”

The Project is also in conformance with the CRMP, page VRM-4, RMP Administrative Actions, #1 and #2:

- “Visual resource management objectives and mitigation will be established on a case-by-case basis through the environmental assessment process;” and
- “Visual resources will continue to be evaluated as part of activity and project planning. Such evaluation will consider the significance of the proposed project and the visual sensitivity of the affected area.”

Authority

The authority to grant the Proposed Action is under the authority of Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) and the regulations at 43 CFR 2800.

Mitigation Measures

Rationale

Proposed Action (Selected Alternative)

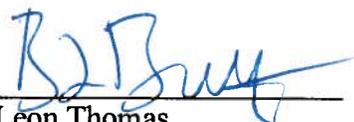
The Proposed Action addresses the BLM’s purpose and need, which is to respond to an application for ROW under the authority of Title V of FLPMA and the regulations at 43 CFR 2800. Granting the use of BLM-managed lands would facilitate TMWA’s purpose and need, which is to obtain a ROW to construct, operate, and maintain a water tank, access road, waterline, and associated roadside ditch and slopes to provide water storage for municipal supply, emergency supply, and fire suppression to local residents.

No Action Alternative

Under the No Action Alternative, the BLM would not approve TMWA’s request for a ROW. TMWA would not construct the water tank, access road, waterline, and associated ditch and slopes in the Project area. The need for the Proposed Action would not be met.

Decision

It is my Decision to issue a 30-year FLPMA ROW to TMWA for the installation, operation, maintenance, and termination of a 300,000-gallon water tank, access road, waterline, and associated roadside ditch and slopes as described in the Proposed Action of the Final EA. The ROW will be subject to environmental protection measures proposed by TMWA in the POD and BLM stipulations. Use of this ROW will be effective upon issuance by the BLM. The TMWA would likely begin construction of the Proposed Action in early 2016.

ACTING
FM

Leon Thomas
Field Manager
Sierra Front Field Office

9-15-2015
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.