

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE**

**Argenta Settlement Agreement Range Improvements Environmental Assessment  
DOI-BLM-NV-B010-2016-0008-EA**

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed the Argenta Settlement Agreement Range Improvements Environmental Assessment (EA) DOI-BLM-NV-B010-2016-0008-EA dated March 2016. After consideration of the environmental effects as described in the EA, and incorporated herein, I have found that the Proposed Action with the project design features identified in the EA will not significantly affect the quality of the human environment individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per section 102(2)(c) of the National Environmental Policy Act (NEPA).

Environmental Assessment DOI-BLM-NV-B010-2016-0008-EA has been reviewed through the interdisciplinary team process; as well as being sent to the Nevada State Clearinghouse and the public for a 30-day comment period. Five comment letters were received. These comments did not identify any significant new issues or concerns that warrant additional analysis. The comments resulted only in editorial and clarifying revisions to the EA. Comments and BLM responses are provided in Appendix A of the EA.

After consideration of the environmental effects of the Bureau of Land Management's (BLM) preferred alternative (Proposed Action) described in the EA and the supporting documentation, it has been determined that the Proposed Action identified in the EA is not a major Federal action and will not significantly affect the quality of human environment.

It has been determined that the Proposed Action is in conformance with the approved Shoshone-Eureka Resource Management Plan and its amendments, the Nevada Northeast California Greater Sage-Grouse Approved Resource Management Plan Amendment, and is consistent with the plans and policies of neighboring local, county, state, tribal, and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

**Context**

The BLM, Mount Lewis Field Office (MLFO), has prepared an EA to analyze the impacts on two riparian exclosures in accordance with the June 2015 Argenta Settlement Agreement. The objective is to improve riparian habitat at two locations while continuing to provide access to water for livestock.

The Ferris Creek enclosure will be located at T. 28 N R. 46 E Sec. 4 and 9 MDBM. The area will be approximately 23.4 acres, tying in to the Carico Lake/Argenta Allotment boundary fence. The fence would be 0.8 miles long and enclose 21.3 acres of riparian habitat and adjacent uplands. This proposed enclosure includes the lotic portion of Ferris Creek within the Argenta Allotment.

The proposed North Fork of Mill Creek enclosure will be located at the T. 29 N R. 45 E Sec. 36 MDM and the area will be approximately 11.2 acres. The fence would be 1.1 miles long and enclose 8.8 acres of riparian habitat and adjacent uplands. A BLM Decision issued September 2, 2015 authorized the construction of a small enclosure around the lentic spring source that is the headwater of North Fork of Mill Creek. That enclosure will be extended to include the lotic portion of North Fork of Mill Creek on that section of BLM administered land. A water gap and road crossing would be constructed where the existing road crosses the stream. Additionally, two cattle guards would be installed allowing the road to continue in its existing course which allows for an additional spring to be included in the enclosure.

The fence lines in the project area would be buffered by 20 feet in order to estimate the potential ground disturbance of the proposed action. In addition, a 2,500 sq/ft temporary construction lay down area is proposed in previously disturbed areas for construction equipment and stock piling of fencing materials at each of the two locations. Access to the springs during construction would be through existing access roads; however, minimal (<0.1 mile) overland vehicle travel may be required to access each site. The total disturbance area for the proposed action, including the stream sections, fenced areas, and temporary lay down area is approximately 29.7 acres.

The following design features are outlined in Section 2.2 of the EA and are intended to minimize the effects of the enclosures on various resources:

### **Cultural Resources**

Where feasible, the fences would be constructed at least 10 meters from the boundaries of historic properties identified in the project areas, as stipulated by Section V. E. 7 in the State Protocol Agreement between The Bureau of Land Management, Nevada and The Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act.

A BLM qualified archaeological monitor would be present during construction to ensure appropriate placement of the fence so the eligibility of identified sites would not be affected.

### **Livestock Grazing**

Each enclosure would have a gate to allow for removal of livestock that may become trapped inside the enclosures.

Fences would be constructed in accordance with BLM Handbook 1741-1 Chapter 4 Fence Design and Construction Standards.

To the extent possible, fence lines would be placed where existing disturbance and topography would limit impacts of livestock trailing.

Access during construction would be reserved to existing roads and limited overland travel by vehicles to no more than 0.1 mile at each site.

Cattle guards would be installed to allow continued use of existing open roads. All activities would be halted immediately in the event of a discovery of a cultural resource.

#### **Noxious Weeds, Invasive and Non-Native Species**

Any equipment or vehicles exposed to weed infestations or arriving on site carrying soil or plant debris would be cleaned before moving into or within the project area to help control the spread of weed infestations along roadsides and other areas.

#### **Wastes, Hazardous or Solid**

All refuse generated during the project would be removed and disposed of in an authorized off-site landfill facility, consistent with applicable regulations. No refuse would be disposed of or left on site. A portable chemical toilet would be used during the time the construction crew is on site.

Diesel fuel and gasoline would be stored in fuel delivery systems (i.e. manufacturer installed gas tanks) on construction equipment and support vehicles. All containers of hazardous substances would be labeled, handled, and stored in accordance with the Nevada Division of Environmental Protection (NDEP) regulations. If regulated materials such as gasoline or diesel fuel are spilled at the project site, the operator should take measures to control the extent of the spill and contact the NDEP (888-331-6337) and BLM (775-635-4000). Any hazardous substance spills would be cleaned up immediately and any resulting waste would be transferred offsite in accordance with all applicable local, state, and federal regulations. Contract construction crews would maintain spill kits on site in case of a spill.

#### **Migratory Birds**

In order to avoid potential impacts to breeding migratory birds, a nest survey would be conducted by a BLM biologist prior to building the riparian exclosures if during the avian breeding season (March 1 through July 31 for raptors, and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed. If active nests are located around the project area, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depends on the habitat requirements of the species) would be delineated and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young. The site characteristics to be used to determine the size of the buffer area are as follows: 1) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; d) sensitivity of the species to nest disturbances; and e) the protection status of the species.

#### **Wildlife**

The proposed fencing will be designed and constructed in accordance with BLM's H-1741-1 Fencing Standards Manual (BLM 1990). For barb wire fence, the fourth strand will be a smooth wire for safe ingress and egress for all wildlife species including mule deer and pronghorn antelope.

### **Greater Sage-Grouse**

To avoid potential anthropogenic noise impacts to Greater Sage-Grouse (GRSG), surface-disturbing activities in GRSG PHMA and GHMA have certain seasonal restrictions that will be followed from the GRSG ARMPA (MD-SSS 2 and MD-SSS-3) for constructing each of the enclosures:

Ferris Creek: construction will only take place from September 16th through October 31<sup>st</sup>.

North Fork Mill Creek: construction will only take place from September 16th through October 31<sup>st</sup>.

GRSG reflective fence markers will be added to the enclosures that contain sections of barb wire fence to reduce GRSG collisions.

### **Intensity**

#### ***1. Impacts that may be both beneficial and adverse.***

Potential impacts to the environment as identified in Chapter 3 of the EA include the following:

**Fish Habit:** USFWS indicated there may be habitat for Lahontan cutthroat trout in the project area. However, from field surveys and local NDOW information (BLM 2015), there are no present or historic populations of Lahontan cutthroat trout that exist within the project area.

**Migratory Birds:** The project may result in minimal, temporary disturbance to potential nesting and foraging habitat. The project design features and environmental protection measures for migratory birds would minimize direct impacts to sensitive bird species.

**Native American Concerns:** No impacts have been identified. However, tribal relations and coordination will continue throughout the project life.

**Noxious Weeds, Invasive, and Non-native Species:** There is a low potential for promoting the spread and establishment of noxious weeds, invasive and non-native species during the construction phase. The project design features and environmental protection measures identified in section 2.2 of the EA will minimize the potential. Additionally, the proposed action would promote improved condition of plant communities and reduce the vulnerability of the project area to weed infestations.

**Threatened, Endangered and Special Status Species:** There is habitat for Greater Sage-Grouse, and nine sensitive bat species in or near the project area. The effects are discussed in section 3.13 of the EA.

**Water Resources and Water Quality:** The proposed action would have positive impacts to water resources in the project area. In each stream segment the water quality would likely improve as a result of being fenced off to exclude livestock grazing.

**Wetlands and Riparian Areas:** The project is expected to have positive effects on riparian areas within the exclosures. Changes to riparian areas outside of the exclosures would be expected to be minimal given stubble height limitations, and impacts and trends would remain similar to current management practices.

**Livestock Grazing:** There will be no reduction of AUMs. Livestock access to water will be slightly reduced, but as access and control of water availability increase, so does the livestock operators' ability to control livestock and improve livestock distribution.

**General Wildlife:** Wildlife, including big game, would have safe and easy ingress and egress to the water and riparian vegetation.

**Recreation:** Potential effects to recreation include reduced motorized activities within the exclosures and the elimination of 0.32 miles of unauthorized road. Additionally, the recovery of the riparian areas has potential to attract game species to the area which would result in more hunting opportunities.

**Visual Resources:** The exclosures would only have a small impact to the landscape due to their low profile and remote location. Fencing off the riparian area would likely increase the health and vitality of the area from the decreased disturbance to the landscape from livestock. These changes to the landscape would lead to a more visually appealing area from the reestablishment of native vegetation.

**Soils:** There would be temporary impacts to soil during construction and impacts along the fence lines from livestock trailing. Impacts from trailing will be mitigated by placing the exclosures along existing roads or traversing steeper slopes. The exclusion of livestock will increase soil stability and water holding capacity in fenced off areas, allowing riparian vegetation to expand. The increased root structure and surface roughness is expected to reduce future erosion and downstream sedimentation.

**Vegetation:** For upland vegetation, short term disturbance is expected to occur as a result of overland travel, site work, and installation of the fencing. These short-term impacts would be minimized and mitigated by having construction crews use areas that are not vegetated to reduce overall disturbance, and seeding of areas impacted by these activities to re-establish vegetation. Long-term disturbance is expected to result from trampling of vegetation due to increased trailing along the fence lines by livestock. These impacts are typically small and would be further mitigated by placing most of the fence lines along existing roads, loafing areas or traversing steeper slopes where disturbances already exist or that livestock typically avoid.

Riparian vegetation is expected to improve over time as a result of eliminating livestock access to the fenced off stream segments. Native riparian and wetland vegetation will re-establish and reach its potential. As the soil is able to store more water, the extent, frequency and composition of vegetation will improve.

The EA identifies Air quality, Cultural Resources, Floodplains, Minerals, and Social and Economic Values as a resources that are present but not affected by the Proposed Action. Effects on air quality would be limited to the construction phase and would be minimal. Cultural

resources would be avoided. There are no designated floodplains in the area, but part of the project may cross areas subject to flooding. Floodplain function would not be affected. No mining claims or mineral resources would be affected as a result of the project. AUMs would stay the same and there would be no long term jobs created by the project, therefore there will be no effects to social and economic values. Additional information regarding these resources can be found in Table 3.1 of the EA.

None of the environmental impacts disclosed above and discussed in detail in Chapter 3 of the EA are considered significant.

The No Action Alternative represents no change to current grazing of riparian areas. Under the No Action Alternative, riparian vegetation would not experience the same level of recovery and in some areas could continue to degrade from livestock trampling. No new structures would alter vegetation where construction disturbance occurs.

***2. The degree to which the proposed action affects public health and safety.***

The Proposed Action will not affect public health and safety as the project is considered a range improvement. The project and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

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

The Project Areas are located in the Argenta Grazing Allotment on the Battle Mountain District. The nearest town is Battle Mountain, Nevada, which lies approximately 20 to 25 miles northwest of the project areas. There are no park lands, prime farmlands, or wild and scenic rivers in the vicinity.

There are known significant cultural resources located within the Project Area. In accordance with the NHPA (P.L. 89-665), NEPA (P.L. 91-190), the Federal Land Policy and Management Act (P.L.94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601), and Executive Order 13007, the BLM must provide affected tribes an opportunity to comment and consult on the proposed project. BLM must attempt to identify locations having traditional/cultural importance and reduce or possibly eliminate any negative impacts to identified traditional, cultural, spiritual sites, activities, and/or resources. Public notice letters seeking input from the Battle Mountain Band and the Te-Moak Tribe of the West Shoshone Nation were sent out on November 25, 2015. A follow up call on December 2, 2015 to the Te-Moak Tribe and Battle Mountain Band seeking input was also made. No comments or input have been provided from either group.

In addition, the EA did not identify any significant impacts to unique species or their habitats in the Project Area.

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

The Proposed Action in the EA is not expected to have highly controversial effects on the quality of the human environment. The impacts of riparian exclosure projects, along with associated reclamation of the laydown areas are well established. The project area is at a distance from human habitations. Except for ranching, mining, mineral exploration, and recreation, the project area is typically uninhabited. Battle Mountain, the nearest town, is approximately 20-25 miles northwest of each of the three sites.

The exclosures are expected to enhance the riparian area, promote ecological health, and wildlife habitat which will enhance recreation opportunities.

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

There are no known effects of the Proposed Action identified in the EA that are considered highly uncertain or involve unique or unknown risks. Range improvement projects similar to what is described in the Proposed Action have been constructed over many decades on BLM-administered land and the effects are well understood. This is demonstrated through the effects analysis in Chapter 3 of the EA.

***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 described in the EA will not establish a precedent for future actions with significant effects or represent a decision about a future consideration. Construction of these exclosures would not establish a precedent for authorization of other range improvement projects or for grazing management alternatives that would be considered during the permit renewal process. Any future projects within the area or in surrounding areas will be analyzed on their own merits, independent of the actions currently selected.

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

Direct and indirect impacts of the Proposed Action were analyzed in Chapter 3 (Affected Environment and Environmental Consequences) of the EA. None of the environmental impacts disclosed under item 1 above and discussed in detail in Chapter 3 of the EA are considered significant. Past, present and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within Chapter 4 of the EA. The cumulative impacts analysis examined all of the affected resources plus present and reasonably foreseeable actions within the Cumulative Effects Study Area and determined that the Proposed Action would not result in cumulatively significant impacts. In addition, for any actions that might be proposed in the future, further site-specific environmental analysis, including assessment of cumulative impacts, would be required.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.**

The Area of Potential Effect (APE) consists of all areas that will be directly and indirectly affected. For this project, this is the .15 acres of designated for construction lay down areas and a 20 foot buffer zone on the outside of each enclosure fence that will potentially incur more concentrated cattle trampling/trailing. A Class III inventory was not completed for the entirety of the APE; however, according to Section V. E. 7. of the State Protocol, fences can be categorically determined to have no adverse effect when fences are constructed with a 10 meter buffer zone from known boundaries of historic properties, or if they follow existing roads or similar surface disturbances. This procedure only applies when an area has been sufficiently inventoried and evaluated by a BLM-qualified archaeologist. In the areas that have not been inventoried, a Class III inventory would be conducted prior to the construction of the fence so this stipulation can be met. At the Ferris Creek location, a portion of the fence line would be placed across segments of an eligible site. The integrity of the surface of this site in these areas has already been compromised due to cattle trampling, however it is the potential for subsurface deposits that makes the site eligible under Criterion D. Therefore, any cattle trailing on the surface alongside the outside of the proposed fence would not have any additional effects that the site has not already incurred, nor would it effect the subsurface deposits, avoiding all adverse effects to the eligibility to the site. If any cultural or paleontological resources are discovered during the project activities, all project activities in the vicinity would be halted, the discovery would be left intact and reported to the authorized BLM officer.

**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 Endangered Species Act (ESA) of 1973.**

The United States Fish and Wildlife Service (USFWS), the Nevada Natural Heritage Program (NNHP) and the Nevada Department of Wildlife (NDOW) data was used to identify threatened and endangered and sensitive species that have the potential to occur within the project area. In addition, the BLM Sensitive Species List and Special Status Species (threatened and endangered) lists for the Battle Mountain District were evaluated.

The BLM and NDOW have determined that no federally listed species were identified near the project site through the use of the USFWS Information, Planning, and Consultation System (IPAC) online tool.

Greater Sage-grouse (*Centrocercus urophasianus*) is a candidate species and habitat was identified within the Project Area.

Impacts to threatened and endangered and special status species or their habitat from the proposed action are analyzed in Chapters 3 and 4 of the EA. These impacts are expected to be beneficial in the long term, based on the implementation of the design features outlined in Chapters 2 and 3.

The action complies with the Endangered Species Act (ESA), in that potential effects of the decision on listed species have been analyzed and documented. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973, as amended.

***10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The Proposed Action will not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment.

  
\_\_\_\_\_  
Jon D. Sherve  
Field Manager  
Mount Lewis Field Office

5/31/2016  
Date

\\blm\dfs\inv\bm\pub\PEC\Projects\Active Projects\Argenta Settlement Agreement\FONSI\20160307DraftArgentaFONSI.docx

