BLM

Sierra Front Field Office, Nevada

FINDING OF NO SIGNIFICANT IMPACT & DECISION RECORD

USA Parkway Right-of-Way Project

DOI-BLM-NV-C020-2016-0003-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

December 2015

Finding of No Significant Impact

The Federal Highway Administration (FHWA) was delegated as federal lead for the preparation of the Environmental Assessment (EA). The Bureau of Land Management (BLM) Sierra Front Field Office has participated as a Cooperating Agency in the development of the EA and hereby adopts the EA. The BLM has determined that the EA satisfies the NEPA regulations and is consistent with the BLM NEPA Handbook (H-1790-1).

Based on the analysis of potential environmental impacts contained in the 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.

Ralph Thomas
District Manager
Carson City District Office

DEC 2 1 2015
Date

Decision Record

Introduction

The Nevada Department of Transportation (NDOT) has submitted a draft Plan of Development (POD) and a Right-of-way (ROW) application for the operation, construction, and maintenance for an arterial roadway, State Route 439 (USA Parkway). The USA Parkway would consist of two 100-foot travel lanes in each direction and would connect Interstate 80 (I-80) to US Route 50 (US 50) through Lyon and Storey Counties. The ROW would be approximately 400 feet wide and cross approximately three miles of public land managed by the BLM (approximately 169 acres). Specific locations for bridge structures, retaining walls, material sites, drainage facilities, utilities, wildlife crossings, signalization and dynamic messaging, and other ancillary installments on public land would be determined by the design-builder and entirely within the ROW boundaries. The USA Parkway would be a permanent transportation facility and the BLM would issue NDOT a perpetual ROW grant subject to terms and conditions.

The ROW on public land would be located on:
Mount Diablo Meridian, Nevada
T. 18 N., R. 24 E.,
sec. 17, SW1/4NW1/4SW1/4, SW1/4SW1/4 and SW1/4SE1/4SW1/4;
sec. 20, SW1/4NW1/4NE1/4, SW1/4NE1/4, SW1/4SE1/4NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4, NE1/4NW1/4NW1/4, NE1/4SE1/4, NE1/4NW1/4SE1/4, and NE1/4SE1/4SE1/4;
sec. 21, S1/2NE1/4SW1/4, S1/2NW1/4SW1/4, N1/2SW1/4SW1/4, N1/2SE1/4SW1/4, S1/2NE1/4SE1/4, S1/2NW1/4SE1/4, N1/2SW1/4SE1/4, and N1/2SE1/4SE1/4;
sec. 22, S1/2NE1/4SW1/4, S1/2NW1/4SW1/4, N1/2SW1/4SW1/4, N1/2SE1/4SW1/4, SW1/4NE1/4SE1/4, S1/2NW1/4SE1/4, N/2SW1/4SE1/4, and SE1/4SE1/4.

Public Involvement

NDOT coordinated with members of the public that could be impacted by the project and any agency that oversees the management of the resources in the project area.

In January 2012 NDOT in coordination with FHWA conducted scoping for the Project. Scoping included notification and meetings with 30 public agencies between December 2011 and May 2012. Letters to 400 adjacent landowners were sent out to provide notice of a public hearing that was held on January 17, 2012 in Silver Springs. Approximately 200 people were in attendance. Notices of the hearing were published in the *Reno Gazette-Journal*, *Nevada Appeal* and *Lahontan Valley News*.

On October 21, 2014 the NDOT in coordination with FHWA released the draft environmental assessment for 30-days public comment and review. During this period, NDOT and FHWA also held a public hearing in Silver Springs. There were approximately 295 members of the public in attendance. The comment period ended on November 21, 2014. Comments received during the hearing were addressed in the FHWA Finding of No Significant Impact, issued on January 13, 2015.

Land Use Conformance

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."

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.

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 NDOT's purpose and need, which is to obtain a ROW to construct, operate, and maintain a roadway to enhance access and mobility to I-80 and US 50 in Storey and Lyon Counties.

No Action Alternative

Under the No Action Alternative, the BLM would not approve NDOT's request for a ROW. NDOT would not construct the roadway in the Project area. The need for the Proposed Action would not be met.

Decision

It is my Decision to issue a perpetual FLPMA ROW to NDOT for the installation, operation, maintenance, and termination for an arterial roadway, State Route 439 (USA Parkway), as

described in the Proposed Action of the EA. The ROW will be subject to environmental protection measures proposed in the POD, EA, and BLM guide stipulations. Use of this ROW will be effective upon issuance by the BLM. The NDOT would likely begin construction of the roadway in 2017.

Ralph Thomas
District Manager
Carson City District Office

DEC 2 1 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:

Bryant D. Smith
Acting 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.