BLM

U.S. Department of the Interior
Bureau of Land Management

Finding of No Significant Impact

Cattle Drive Right-of-Way
DOI-BLM-NV-E020–2016–0004–EA; NVN092421

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Chapter 1. Finding of No Significant Impact

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1.1. Cattle Drive Right-of-Way

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Background

The City of Elko (City) applied for a transportation and utility right-of-way (ROW) from the Bureau of Land Management (BLM) Tuscarora Field Office. The City proposes to construct transportation, utility, and related utility facilities in the northwest part of Elko, Nevada in Section 18, Township 34 North (T34N), Range 55 East (R55E), Mount Diablo Base and Meridian (Map A.1, "General Location"). The total disturbance area would be approximately 45.31 acres and consist of two access roads, two water storage areas, and utility ROWs. The proposed project would be located on public lands administered by the BLM Tuscarora Field Office.

The purpose of the Proposed Action is to provide the City with legal access across public land managed by the BLM to support additional transportation and utility infrastructure in the northwest portion of Elko. The City is experiencing rapid urban growth and expansion, thus there is a need for additional transportation and utility infrastructure in the northwest portion of Elko. The Cattle Drive roadway would serve as a loop road for the city, connecting the northwest and west areas of the community. The roadway would be considered a minor arterial road in the City of Elko Master Plan. Traffic using the roadway would be typical of a municipal environment. The extension of water service along the proposed ROW in Section 18 would provide connectivity between existing water infrastructure to potential future infrastructure development on private property annexed into the city in the Section 19 area.

The BLM's purpose and need would be to process, review, and respond to the City's proposed project under applicable laws and regulations including the Federal Land Management Policy Act of 1976, the National Environmental Policy Act (signed January 1, 1970), and the BLM's regulations concerning Rights-of-Way at 43 CFR 2800. Should BLM determine that a grant authorization would be appropriate in these circumstances, the BLM must also determine what, if any, stipulations, conditions of approval, and performance bonds should be attached to the grant. Should a grant be authorized, then the BLM's purpose and need becomes an obligation to ensure compliance with applicable laws and requirements during construction and operation, avoidance of undue and unnecessary degradation of the public lands during and following the project lifespan, and to ensure adequate reclamation of the public lands for future productivity.

The decision to be made by the BLM's Tuscarora Field Office would be whether or not to authorize a ROW grant on public land along the proposed alignment for the construction and maintenance of the proposed project, or to select the No Build alternative by denying the application. If a decision is made to authorize the Proposed Action, then the decision would also determine what stipulations and conditions of approval should be attached to the grant, if any.

Findings

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-E020–2016–0004–EA dated July 2016. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

The proposed action is in conformance with the approved Elko Resource Management Plan, and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. 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.

1.2. Context:

The Proposed Action would be located in the northwest part of Elko, Nevada, within portions of Section 18, T34N, R55E, Mount Diablo Base and Meridian.

NEPA directs the BLM and other federal agencies to rigorously explore a range of reasonable alternatives, including those not within the jurisdiction of the agency. Due to existing infrastructure locations and topographic limitations within the section, alternative routes were deemed not feasible or practical. The proposed route was deemed feasible based on the location of existing infrastructure and terrain.

No other alternative routes have been suggested that would meet the purpose and need for the project while lessening the impact on the resources identified. Design features have been incorporated into the Proposed Action to avoid or minimize disturbance to resources within and near the project area

1.3. Intensity:

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

   Both beneficial and adverse impacts of the construction, operation, maintenance, and termination of the transportation and utility infrastructure were considered in the EA. The evaluation of the Proposed Action included an examination of the general setting, identification of the critical elements and other affected resources and uses of concern in the vicinity of the Proposed Action, a description of the affected environment, and a prediction of the associated environmental consequences.

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

   Implementation of the Proposed Action would not result in potentially substantial or adverse impacts to public health and safety. No hazardous materials or solid wastes are associated with the proposal with the exception of a negligible amount of construction-related fuels, construction-related debris, and prescribed use of herbicides, all of which would be subject to controls imposed through mitigation measures identified in the EA. Design features and mitigation measures were identified in the EA and would be made a condition of the grant for any public health and safety elements associated with any potentially affected resource. These would include dust control measures to protect air quality, erosion control measures to prevent undue degradation of surface water quality and drainage ways, weed control and revegetation measures to repair and prevent damage to soils and wildlife habitat.

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.*

The project area is not considered an ecologically critical area. It is outside of areas preliminarily identified as prime habitat for sage grouse. It does not contain park lands, prime farmlands, or wild and scenic rivers, and would not impact any perennial streams, intermittent/ephemeral streams, wetlands, water quality, or floodplains. Because the Proposed Action would be limited to surface and immediate subsurface disturbance, it is not anticipated that the proposed project would result in any reduction to surface water or groundwater within or adjacent to the project area as a result of aquifer drainage.

No impacts to cultural resources are associated with the Proposed Action . A Class III cultural resource inventory of the project area did not find any eligible National Register of Historic Places sites. Therefore, no historic properties would be affected by the Proposed Action. The project is not within a known Traditional Cultural Property.

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

   None of the issues identified during the NEPA process and analyzed in the EA were deemed to be highly controversial. The Proposed Action would not interfere with other land uses or prevent existing access to public or private lands with the proposed project area.

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 or possible effects identified in the EA which are considered uncertain or involve unique or unknown risks. All construction methods proposed to be employed would utilize and conform to accepted standard practices.

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 does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. All future ROW projects, if they occur, would be subject to the same environmental assessment standards and independent decision making.

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

   Historic activities in the cumulative effects study areas (CESA) have included linear and site-specific ROW activities (e.g., roads, power lines and electric substations), grazing, recreation, wildfire suppression and burned area rehabilitation activities associated with three wildfires, and oil and gas exploration. Reasonably foreseeable future actions include continuation of housing development, recreation, livestock grazing, wildfires and burned area rehabilitation, oil and gas exploration activities, and other linear ROW activities typically associated with corridors and urban fringes. These types of projects and activities, seen together with other on-going land disturbing activities in the area, are not expected to result in cumulatively significant impacts at the local or watershed scale on land use, air quality, cultural resources, and livestock grazing. Cumulative effects would be negligible to minor for resources including surface and ground water quality, soils, vegetation and noxious weeds, land use, recreation, visual resources, and wildlife, including special status species and migratory birds. Cumulative effects would be moderate for noise and vegetation.

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 or destruction of significant scientific, cultural, or historical resources.*

   There are no districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP located within the project area. The proposed ROW is not associated with the potential threat of loss or destruction of significant scientific, cultural, or historical resources.

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 of 1973.*

   Initial queries indicated a potential for several special status species to occur within the project area. Further analysis determined that suitable habitat for those species is lacking or very limited within the project area; therefore, impacts to special status species would be long-term and negligible.

   The project area is mapped as approximately 606 acres of GHMA and approximately 28 acres of OHMA by the Nevada Sagebrush Ecosystem Program. NDOW habitat characterization and field visits did not identify viable habitat in the project area. One lek was reported approximately 3.5 miles from the northwest corner of the project area and was determined to be inactive during the 2014 NDOW lek survey. Although occurring within GHMA and OHMA, suitability of the project area for use by greater sage-grouse is decreased because the project area lies within the wildland-urban interface. Additionally, there was no evidence of greater sage-grouse use in the project area during baseline surveys. The Proposed Action would have long-term negligible impacts on greater sage-grouse and their habitat. The project is in conformance with applicable Required Design Features for the GHMA/OHMA category set forth in Appendix C of the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment.

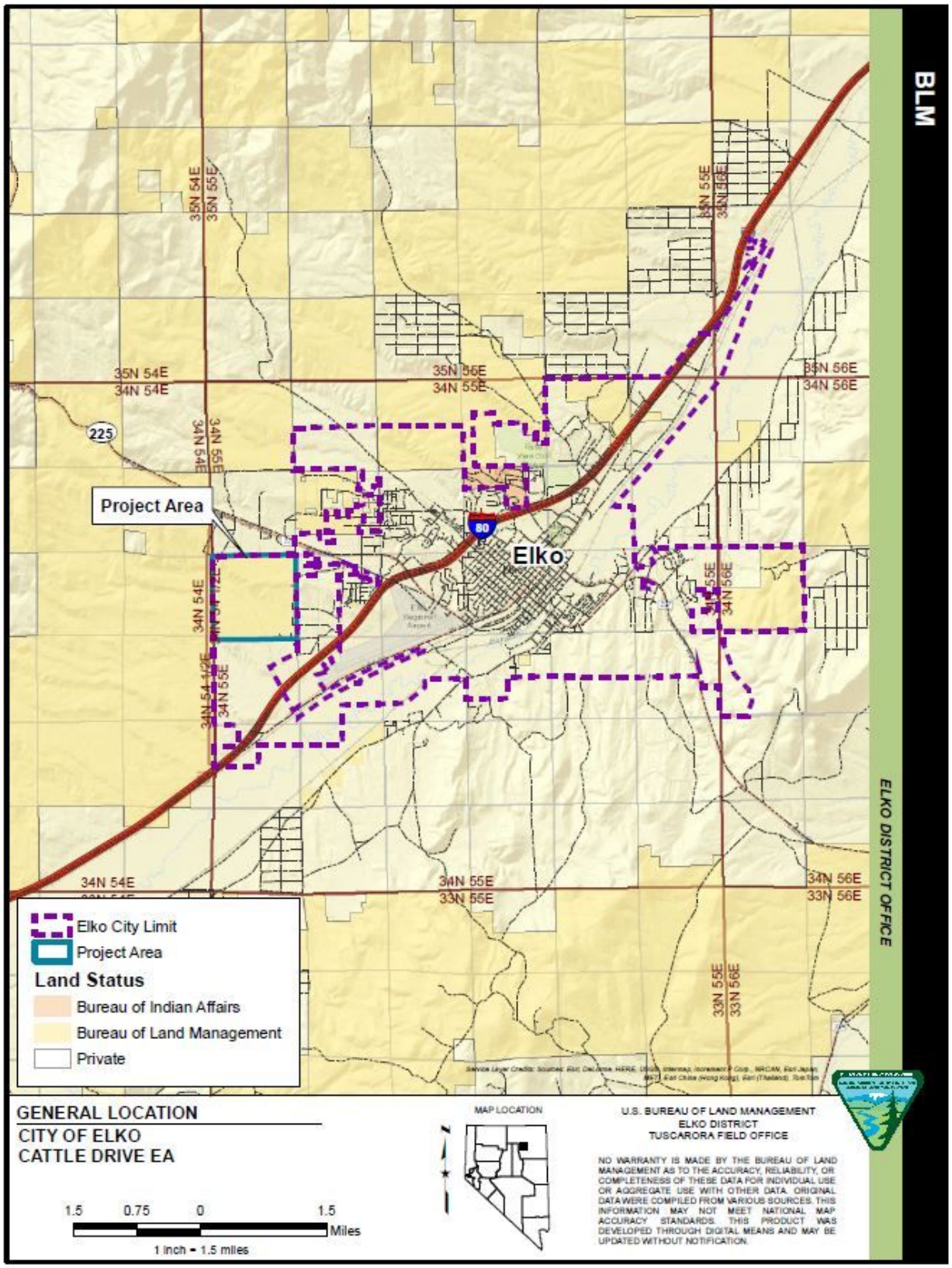
10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

    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.

1.4. Signed:

Melanie A. Peterson [Date]
Field Manager

Appendix A. Map



Map A.1. General Location