

**United States Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact

Upgrade of Penny Wildlife Water Development

DOI-BLM-NV-S020-2015-0010-EA

PREPARING OFFICE

**U.S. Department of Interior
Bureau of Land Management
Lead Office- Red Rock/Sloan Field Office
Southern Nevada District
Las Vegas, Nevada 89130
702-515-5000**



1.1. Introduction

1.1.1. Proposed Action Title/Type: Upgrade of Penny Wildlife Water Development

1.1.2. Applicant/Proponent: Nevada Department of Wildlife (NDOW)

1.1.3. Location of Proposed Action: The action is located in the McCullough Mountains of Sloan Canyon NCA, northeast of North McCullough Wilderness M.D.M. T.23S., R.62E., sec. 27, NESW and T.23S., R.63E., sec. 6, SWSWNW.

1.1.4. Overview of the Proposed Action:

The NDOW has requested to upgrade the existing Penny wildlife water development to improve the function and reliability of the water source for desert bighorn sheep and other wildlife. The Penny wildlife water development provides critical water to desert bighorn sheep during the warmest and driest parts of the year is proposed to be upgraded to a self-leveling design instead of the outdated float valve system that is currently in place and has the potential to fail. The action would involve the current system being upgraded to a self-leveling system using four plastic tanks painted to resemble the surrounding landscape. These tanks would hold 2,300 gallons a piece for a total of 9,200 gallons, which exceeds the capacity of the current development. This additional storage capacity would give the development a greater buffer during times of extreme drought. The tanks which measure 16'x8'4" will be placed within the footprint of the current tank pad and an existing disturbed area adjacent to the tank pad. An additional 160 ft² (0.00367 acres) of permanent ground disturbance would be required to fit four tanks into the current footprint of the system. This system would utilize the current slick-rock dam for collection purposes. A self-leveling drinker will be placed >30' from the tanks in an area which has been disturbed by desert bighorn sheep adjacent to the current drinker. The drinker will be held in place by concrete and rocks. All materials will be slung in with a helicopter. Water located in the existing tanks will be pumped out into the new tanks as they are laid onto the tank pad. The redundant tanks will be removed after they are emptied. The redundant drinker will also be removed. Labor will be done by volunteers under the supervision of NDOW staff. Construction and demolition will likely take place in the winter of 2016-2017 to give the new system time to recharge and avoid the hottest months of the year.

1.2. CONSISTENCY WITH LAND USE PLANS, LAWS, REGULATIONS, AND POLICIES:

The EA is in conformance with the goals, objectives, and decisions of the following BLM Land Use Plans:

- Sloan Canyon National Conservation Area Record of Decision for the Approved Resource Management Plan (2006).

The proposed action and alternatives are in compliance with the following laws:

- The Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996).

- The Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282).
- The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994).

The proposed action and alternatives are in conformance with the following guidelines and manuals:

- Wildlife Management Guidelines (House Report No. 101-405, Appendix B).
- Rangeland plan for managing habitat of desert bighorn sheep on public lands. U.S. Department of the Interior. Gov Doc I53.2: B48.
- Mountain Sheep Ecosystem Management Strategy in the 11 Western States and Alaska. Fish and Wildlife 2000 series.

1.3. SELECTED ALTERNATIVE

The Selected Action is the Proposed Action as described in Chapter 2 of the EA, Alternative 2. The proposed wildlife water development upgrade would occur at the existing Penny water development located in the McCullough Mountain of the Sloan Canyon NCA and northeast of North McCullough Wilderness. The water development would be upgraded to a self-leveling system using four plastic tanks painted to resemble the surrounding landscape within the footprint of the current tank pad and an existing disturbed area adjacent to the tank pad. The tanks would hold a total of 9,200 gallons of water designed for a reliable water source for desert bighorn sheep and other wildlife for many years to come.

1.4. FINDING OF NO SIGNIFICANT IMPACT

The Las Vegas Field Office interdisciplinary review and analysis of EA# DOI-BLM-NV-S020-2015-0010 determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and will result in no significant impacts to the environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement (EIS) to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. "Significantly" as used in NEPA requires considerations of both context and intensity.

In making this Finding of No Significant Impact (FONSI), the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27.

2.1. Context:

This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in Environmental Assessment (EA) # DOI-BLM-NV-S020-2015-0010. The context of the EA analysis was determined to be at a local and regional scale in Clark County, Nevada. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

2.2. Intensity:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

Beneficial Effects: Increase in the water capacity at the existing water development would provide reliable water source for desert bighorn sheep and other wildlife for many years to come.

Adverse Effects: Wildlife, including BLM sensitive species such as chuckwalla and desert bighorn sheep may be temporarily disturbed by the action of placing new water tanks at the existing site. This displacement would be temporary however, and the long term impact to these species would be beneficial.

2) The degree to which the selected alternative will affect public health or safety.

The environmental analysis documented no significant effects on public health and safety from any of the actions described in the proposed action. Mitigation measures, including compliance with FAA protocols, will ensure safety of personnel conducting project activities.

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

The EA evaluated the area of the proposed action and determined no unique geographic characteristics such as Wild and Scenic Rivers, Prime or Unique Farmlands, Areas of Critical Environmental Concern, designated Wilderness areas, or Wilderness Study Areas were present or within the immediate vicinity. Implementation of the proposed action will have no effect on such resources.

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

Under (40 CFR 1508.27(b) (4)), "You must consider the degree to which the effects are likely to be highly controversial. Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. There would always be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the proposed action would indicate that the effects are likely to be highly controversial."

Effects on the quality of the human environment from authorizing the selected action of upgrading an existing wildlife water development are not likely to be highly controversial from a scientific perspective. The action of upgrading an existing wildlife water development is one which will not likely evoke strong emotional responses in people. The action is upgrading an existing wildlife water development and is a permissible use of public land and not likely to evoke significant negative responses.

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

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). The selected action is not unique or unusual, and understanding of the resources in the area is thorough. The effects of upgrading an existing wildlife water development on BLM managed lands has been done at multiple other sites and the BLM has extensive experience evaluating the environmental effects associated these actions. The environmental analysis did not identify any highly uncertain, unique, or unknown risk effects on the human environment which would result from authorizing the project.

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.

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, as reflected in the EA, and implementation of the mitigation measures identified for the selected action, it is determined that the selected action would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set precedent for, or automatically applies to future transplantation actions that the BLM is reviewing. Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. This project neither establishes a precedent nor represents a decision in principle about future actions.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

The EA considered various types of past, present, and reasonably foreseeable projects on both public and private land within the geographic area of the selected action. No significant site specific or cumulative impacts associated with the Penny wildlife water development upgrade have been identified that could not be avoided through mitigation, or that are inconsistent with those identified within the Sloan Canyon NCA RMP.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or other 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 historical resources.

The BLM archaeologist has determined that the Upgrade of Penny Wildlife Water Development project is exempt from Section 106 of the National Historic Preservation Act as no new surface disturbance is authorized.

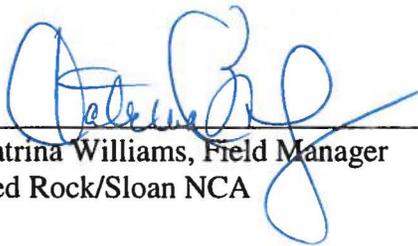
9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

As explained in Chapter 3 of the EA, the Upgrade of Penny Wildlife Water Development Project will not result in adverse effects to federally listed species. The project will however have impacts to desert bighorn sheep, a BLM sensitive species. However, potential impacts will be mitigated to below the level of significance by the measures described in Chapter 4 of the EA.

10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The Selected Action does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the "public health" factor. The project will not violate environmental laws as documented in the EA and in this FONSI.

2.3 Review and Approval:

Approved by: 
Catrina Williams, Field Manager
Red Rock/Sloan NCA

4/19/16
Date