

# Categorical Exclusion

**Pine Nut Mountains Spring Enclosures**  
Sierra Front Field Office  
Carson City, Nevada 89701  
Phone: 775-885-6000

NEPA Document Number: **DOI-BLM-NV-C020-2022-0024-CX**

## *Categorical Exclusion Review*

### **Background**

**BLM Office:**

Sierra Front Field Office, LLNVC02000

**Lease/Serial/Case File No.:**

Allotment #: NV03022

Authorization #: 2703932

**Location of Proposed Action:**

- Mount Diablo Meridian, Lyon County, Nevada.
- Little Nettles: Township 16 North, Range 22 East, Section 28 NESW (UTM 281826 4344178).
- Rose Spring Township 16 North, Range 22 East, Section 14 NESE (UTM 286580 4347295).

See attached map (Appendix A)

**Description of Proposed Action:** These projects are designed to protect two springs from overuse by wild horses within the Pine Nut Mountains Herd Management Area (HMA). Overuse by wild horses has resulted in the almost complete loss of riparian vegetation which is important to native wildlife species and the compaction of soils at the springs source which can decrease or eliminate spring flow. These springs are located in the northern area of the Pine Nut Mountains HMA a few miles south of Dayton Nevada.

The enclosures will be designed to allow native wildlife including mule deer and pronghorn into the enclosures. Water will be allowed to flow under the enclosures for access by wild horses, there will also be other non-fenced water sources nearby which wild horses can access.

The exclosures will either be steel pipe attached to posts pounded into the ground, or steel buck and rail sitting on the surface. There is no livestock use in this area, There is no active grazing preference for livestock in these allotments.

An example of a Steel Buck and Rail style fence.





An example of a Steel Posts Driven into the Ground and Pipe style fence.



## **Land Use Plan Conformance**

**Land Use Plan Name:** Nevada, Carson City Consolidated Resource Management Plan

**Date Approved/Amended:** May 2001

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

The Carson City RMP identifies the Clifton and Eldorado Allotments in custodial (C) status and available for livestock grazing and wild horse use. However, livestock are not currently grazed on these allotments.

- LSG DO 1. Maintain or improve the condition of the public rangelands.
- LSG SOP 3. Construction of fencing will minimize impacts to wildlife, wild horses, recreation, and visual resources.
- LSG SOP 4 The clearing of vegetation from project sites will be restricted to the minimum amount necessary.
- RIP-2 ILD 1. Implement and evaluate livestock grazing management systems prior to initiating extensive fencing. There is no livestock grazing within the Eldorado and Clifton Allotments. Riparian and fisheries habitat protection measures will involve fencing of some specific areas to prevent over-utilization and trampling.
- WHB-4 SOP 2. New fences will be marked to make fencing more visible to horses.
- WLD-2 DO 5. Maintain or improve the habitat condition of meadow and aquatic areas.

### **Sage Grouse Compliance:**

The project areas are outside of identified sage-grouse habitat.

### **Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9,

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 40 CFR 1508.4, 46 CFR 46.215 apply.

The applicable section is as follows:

A. Fish and Wildlife:

1. Modification of existing fences to provide improved wildlife ingress and egress.
2. Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle).
7. Installation of devices on existing facilities to protect animal life, such as raptor electrocution prevention devices.

K. Other

9. Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas

I considered:

NOTE: Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project.  
 If the answer to all Extraordinary Circumstances is NO, the use of the CX is appropriate.  
 If the answer to any one Extraordinary Circumstance is MAYBE or UNKNOWN, an EA is the appropriate NEPA document.  
 If the answer to any Extraordinary Circumstance is YES, an EIS is required.

<b>EXTRAORDINARY CIRCUMSTANCES</b> <i>Does the proposed action...</i>	<b>NO/MAYBE OR UNKNOWN/YES &amp; RATIONALE</b> (If appropriate)	<b>RESOURCE/PROGRAM SPECIALIST(S) ASSIGNED REVIEW</b>	<b>NAME OF TEAM MEMBER(S) ASSIGNED REVIEW</b>	<b>INITIALS AND DATE</b>
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### Impacts to Public Health and Safety

1. Have significant impacts on public health and safety?				
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020

## Impacts to Natural Resources or Unique Geographic Characteristics

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?

	<b>NO</b>	Wild Horse and Burro Spec	John Axtell	JDA 11/22/2021
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020
	<b>NO</b>	Assistant Field Manager- Renewable Resources	Paul Fuselier	PF 12/11/2020

## Level of Controversy

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(C)]?

	<b>NO</b>	Wild Horse and Burro Spec	John Axtell	JDA 11/22/2021
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020

## Highly Uncertain or Unique or Unknown Environmental Risks

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

	<b>NO</b>	Wild Horse and Burro Spec	John Axtell	JDA 11/22/2021
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020

## Precedent Setting

5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?				
	<b>NO</b>	Wild Horse and Burro Spec	John Axtell	JDA 11/22/2021
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020

## Cumulatively Significant Effects

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?				
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020

## Impacts to Cultural Resources

7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?				
	<b>NO</b>	Archeologist	Shannon Goshen	SMG 3/28/23

## Impacts to Federally Listed Species or Critical Habitat

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?				
	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020
	<b>NO</b>	Assistant Field Manager- Renewable Resources	Paul Fuselier	PF 12/11/2020



## Compliance with Other Laws

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?

	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020
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## Environmental Justice

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?

	<b>NO</b>	Planning and Environmental Coordinator	Gerrit Buma	GWB 12/11/2020
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## Access to Sacred Sites

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?

	<b>NO</b>	Archeologist	Shannon Goshen	SMG 3/28/23
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## Noxious Weeds or Non-Native Invasive Species

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?

	<b>NO</b>	Assistant Field Manager- Renewable Resources	Paul Fuselier	PF 12/11/2020
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Approval and Contact Information

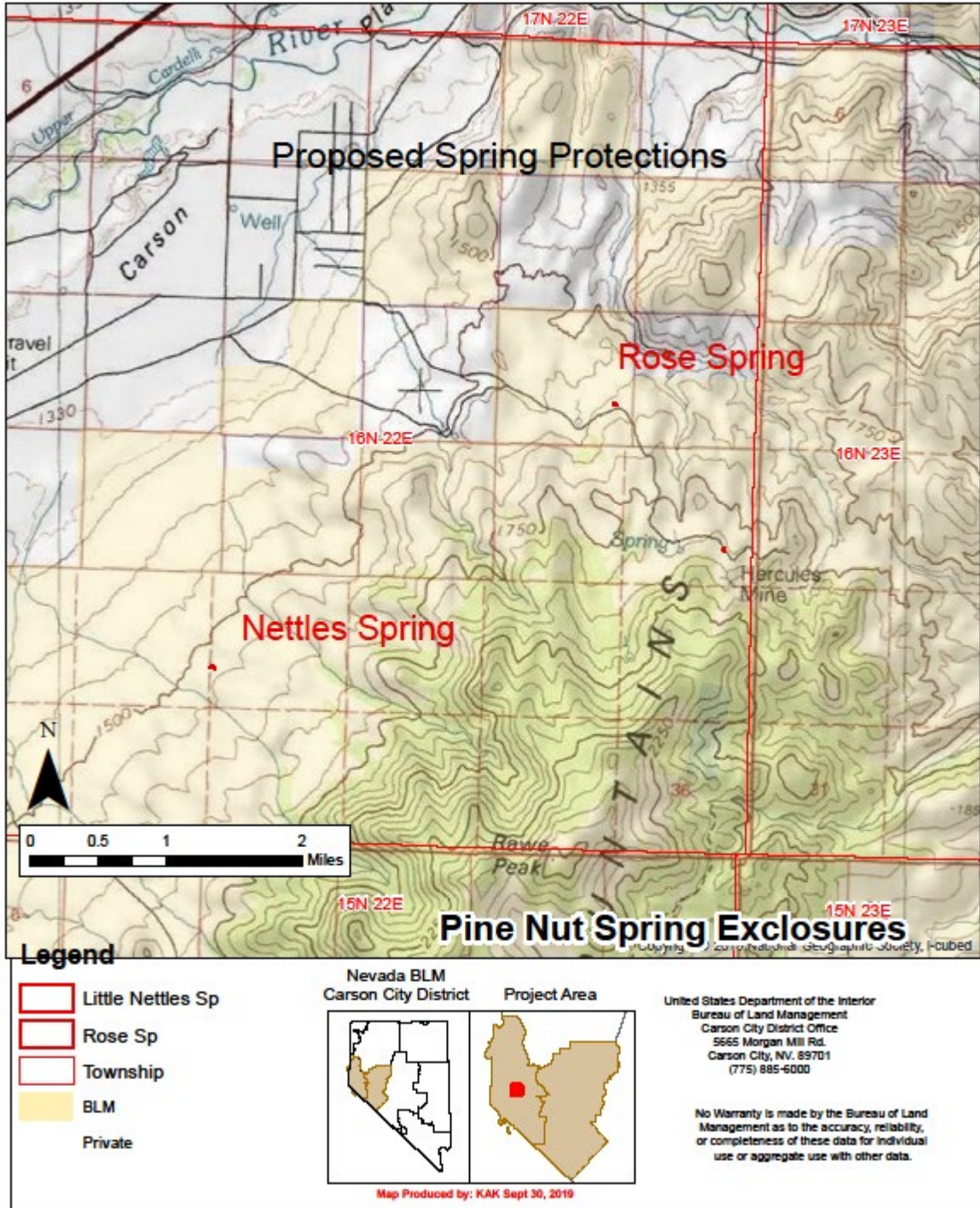
<p>Paul J. Fuselier Acting Field Manager Sierra Front Field Office</p>	<p>Date:</p>
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**Contact Person**

John Axtell  
Wild Horse and Burro Specialist  
Email: [jaxtell@blm.gov](mailto:jaxtell@blm.gov)  
Phone: 775-885-6146

# APPENDIX A

## Pine Nut HMA Spring Protection Exclosures Map



**Little Nettles Spring**



**Rose Spring**



## **DECISION**

Based on the analysis of the Pine Nut Mountains Spring Enclosures Project, found in Categorical Exclusion (CX) # DOI-BLM-NV-C020-2022-0024-CX, it is my decision to implement the Pine Nut Mountains Spring Enclosures, as identified in the aforementioned CX document.

Upon analyzing the impacts of the proposed action and interdisciplinary review of the action, I have determined that implementing the proposal will not have a significant impact on the human environment and further environment analysis is not required.

I have reviewed the proposed project for conformance with the Carson City Consolidated Resource Management Plan (CRMP) of 2001 and reviewed the environmental analysis for compliance with the National Environmental Policy Act (NEPA) of 1969 and have determined that this project is in conformance with the CRMP and that the NEPA documentation is adequate for this proposal.

## **RATIONALE**

The Pine Nut Mountains Spring Enclosures, CX# DOI-BLM-NV-C020-2022-0024-CX is approved for implementation. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at §4120.3 and 4160.3. Any appeal of this decision must follow the procedures set forth in 43 CFR §4160.4 and 4.470.

I have reviewed the project and determined that the proposed action is categorically excluded under

### **A. Fish and Wildlife:**

1. Modification of existing fences to provide improved wildlife ingress and egress.
2. Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle).
7. Installation of devices on existing facilities to protect animal life, such as raptor electrocution prevention devices.

### **K. Other**

9. Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas

None of the exceptions found in 516 DM 2, Appendix 2 apply to this action as determined through the BLM Interdisciplinary Team review stated in the CX document.

This Decision is in conformance with the National Environmental Policy Act of 1969 (P.L. 91-190) (NEPA) as amended (72 USC 4321 et.seq.); the CRMP of 2001, [other laws that may apply], and current BLM policies, plans and programs.

**AUTHORITY AND APPROVAL OF THE AUTHORIZED OFFICIAL**

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Paul J. Fuselier  
Field Manager (Acting)  
Sierra Front Field Office

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Date

## **Appeal Procedures**

If you wish to appeal this decision, it 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:

Paul J. Fuselier  
Acting Field Manager  
BLM, Carson City District Office  
5665 Morgan Mill Road  
Carson City, NY 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; therefore, they will not be accepted.