

FINAL ENVIRONMENTAL ASSESSMENT**Bently Land Acquisition**

DOI-BLM-NV-C020-2018-0020-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Sierra Front Field Office
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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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1.0 INTRODUCTION

The Bently Land Acquisition was nominated and approved for Environmentally Sensitive Land Acquisition through the Round 15, application process for the Southern Nevada Public Land Management Act (SNPLMA). The purpose for the nomination was federal protection of the property's cultural, vegetative, wildlife, and scenic resources and consolidation of public land in the Pine Nut Mountains. As part of the Round 15 review process, there was a 15-day public comment period from July 13 to July 28, 2016. After successful completion of the screening and evaluation process involving the Departments of the Interior and Agriculture, the nomination was approved for acquisition funding by the Secretary of the Interior on January 6, 2016 (BL63, Priority 15-1).

This Environmental Assessment (EA) has been prepared for compliance with the National Environmental Policy Act (NEPA), and other relevant federal and state laws and regulations, to determine potential environmental consequences associated with purchasing land for management as part of the Sierra Front Field Office, Carson City District, Bureau of Land Management.

All maps are located in appendix A.

Case File Number – NVN-095587

Background Information

The Bently Land Acquisition is composed of approximately 14,522 acres of private inholding lands in the Pine Nut Mountains of Douglas, Carson, and Lyon Counties. The Pine Nut Mountains run north-south for approximately 38 miles, of which the Bently properties are located within a centralized 20-mile section. The topography of the Pine Nut Mountains varies from rolling hills around 5,000 feet in elevation to high ridges and peaks that are over 9,000 feet in elevation. As a result, the Bently properties are highly scenic because of the steep, rugged ridges and canyon slopes that rise above the narrow riparian canyon bottoms. High quality riparian areas exist along the ponds, springs, and perennial streams, creating important riparian vegetation and wildlife habitat.

The entire Bently acquisition is located within the Bi-State Sage Grouse Pine Nut Planning Management Unit, and more than 9,552 acres are located within the Endangered Species Act Critical Habitat Area proposed by the U.S. Fish and Wildlife Service, October 28, 2013, Federal Register, Vol. 78, No. 28. Three Bently parcels are adjacent to the Burbank Canyons Wilderness Study Area.

Several creeks cross the proposed Bently Land Acquisition in the Pine Nut Mountains, the largest and most important of which are Pine Nut and Buckeye Creeks. Recent telemetry and GPS monitoring studies by the U.S. Geological Service indicate that areas along Buckeye Creek and other upland drainages and stringer meadows provide important Bi-State Sage Grouse brood rearing habitat. The Bently properties also contain meadows, seasonal ponds, and numerous named and unnamed springs, including Erastra, Mineral, Lebo, Pipe, and Buffalo. Sagebrush, bunchgrass, rabbitbrush, bitterbrush, aspen, piñon pine, and juniper are abundant, offering a unique ecologically diverse mosaic of habitat important to numerous species of plants and wildlife.

Purpose and Need

The purpose for the action is to analyze the proposed SNPLMA acquisition of 14,522 +/- acres to implement BLM objectives for open space and natural resource protection, including cultural, vegetative, wildlife, and scenic resources.

The need for the action is to respond to and process the approved nomination in accordance with the Federal Land Policy Management Act (FLPMA) and the Southern Nevada Public Land Management Act (SNPLMA), and in compliance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA).

Land Use Plan Conformance Statement

Carson City District Consolidated Resource Management Plan (CRMP), May 2001:

The Proposed Action and Alternative described below are in conformance with the Carson City District Consolidated Resource Management Plan (CRMP) (BLM 2001); the proposed acquisition is in compliance with the following sections:

NATIONAL POLICY: 1. Acquire lands and interests in lands needed to manage, protect, develop, maintain, and use resources on public lands and further provide access for public use and enjoyment of such lands (as exemplified by perpetual access to lands having outstanding recreational value); provided such acquisitions are within the limitations of applicable authorities and available funds and are in conformity with land-use plans that apply to the area involved (Page LND-1).

LAND TENURE DECISIONS: 2. Consolidate by land acquisition 34,880 acres of private land that is important as wildlife habitat in the Pine Nut-Markleeville Planning Units (Pine Nut Mountains) (Page LND-5).

Bi-State Sage-Grouse Land Use Plan Amendment, Record of Decision (ROD) signed May 27, 2016

The Proposed Action and Alternative described below are in conformance with the 2016 Bi-State Action Plan; Greater Sage-Grouse Bi-State Distinct Population Segment (DPS) Land Use Plan Amendment; and US Department of Agriculture Sage Grouse Initiative.

This acquisition will meet the following Actions for the Bi-State DPS and Bi-State DPS Habitat: Lands and Realty: 7. Acquire lands or interests in lands when there is an opportunity to protect and/or enhance BSSG habitat.

Relationships to Statutes, Regulations, Other Plans and Environmental Analysis Documents

The Proposed Action and Alternative are consistent with federal laws and regulations, plans, programs and policies of affiliated tribes, other federal agencies, State and local governments, including, but not limited to, the following:

- The National Environmental Policy Act of 1969 (42 United States Code (U.S.C.) §§ 4321 et seq.);
- Federal Land Policy Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996); and
- Southern Nevada Public Land Management Act (SNPLMA).

Decision to Be Made

The Authorized Officer will decide whether to proceed with the proposed acquisition or to terminate the acquisition process.

Scoping and Public Involvement

The BLM focuses its analysis on issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). Issues have a relationship with the proposed action; are within the scope of analysis; and are amenable to scientific analysis. Issues are identified by internal and public scoping.

This project was reviewed by the BLM Interdisciplinary Team (IDT) through the preliminary review process conducted during internal scoping. No resource concerns were identified by the IDT.

A public scoping period was conducted from June 25 to July 15, 2018. Eleven comments were received, all were supportive of the project and none identified any issues.

2.0 THE PROPOSED ACTION AND NO ACTION ALTERNATIVE

The previous chapter presented the purpose and need for the proposed Bently Acquisition (project). In order to meet the purpose and need of the proposed project in a way that resolves any resource conflicts and issues, the BLM has developed a range of reasonable action alternatives. These alternatives (including a No Action Alternative) are presented below.

Proposed Action

The proposed action is for the Bureau of Land Management to acquire approximately 14,522 acres of environmentally sensitive fee lands owned by Bently Family Limited Partnership as part of the Southern Nevada Public Lands Management Act (SNPLMA) Round 15 nominations. The land proposed to be acquired in fee is located in the Pine Nut Mountain Planning Management Unit of the Bi-State Action Plan, would consolidate federal ownership and management for the protection of Bi-State Sage Grouse Critical Habitat, cultural resources, riparian areas, and other wildlife habitat, and improve public access (Figure 1). See Appendix B for a list of Assessor's Parcel Numbers (APN's) of the parcels proposed for purchase. This would be a fee simple acquisition of property, which includes appurtenant water rights, surface (land) and subsurface (mineral) rights.

No development of the property is currently planned by the BLM. If acquired by the United States, the property would be managed in accordance with the CRMP with the acquired parcels managed consistent with the adjacent land uses identified in the CRMP. Specific resources that this applies to are:

- **Land Use Authorizations.** All potential rights of ways and other valid and existing rights would be evaluated in the acquisition process to determine if the encumbrance is acceptable to acquire. Encumbrances would either be resolved by the current land owner prior to acquisition or be otherwise addressed through the acquisition process.
- **Allotment Management.** Acquired lands located within the boundaries of existing grazing allotments would be incorporated into those allotments. Those lands would be managed per that allotment's plan and permit until such time that the allotment plan and permit are renewed. Any acquired parcels that fall outside an existing allotment boundary would not be grazed unless a future determination was made subject to project specific NEPA (Figure 2).

Allotments in which parcels proposed for acquisition may be located:

Buckeye
Pine Nut
Sunrise
Churchill Canyon
Spring Gulch
Red-Burbank

Most of the parcels are located within the Buckeye and Pine Nut allotments.

No Action Alternative

In accordance with Chapter VI, Section 6.6.2 of BLM Handbook H-1790-1, this EA evaluates the No Action Alternative, as well. The objective of the evaluation of a No Action Alternative is to describe the environmental consequences that may result if the Proposed Action were not implemented. The No Action Alternative forms the baseline from which the impacts of the Proposed Action can be measured.

Under the No Action Alternative, the property would not be acquired by the United States. The property would remain in non-federal ownership and future uses of the property would be governed by the laws, regulations, and ordinances of the State of Nevada and the County the property is located in. The acquisition process would be terminated by the BLM.

3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

This chapter identifies and describes the current condition and trend of elements or resources in the human environment which may be affected by the Proposed Action and the anticipated environmental consequences. Per the Council on Environmental Quality (CEQ) regulations found at 40 Code of Federal Regulations (CFR) 1508.8, 'effects' and 'impacts' are synonymous in this EA. Effects include ecological (such as the effects on natural resources and on the components,

structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.

Scoping and Issue Identification

In accordance with BLM Handbook H-1790-1 internal scoping was conducted by the SFFO interdisciplinary team (ID) to identify potential resources which may be impacted by implementation of the Proposed Action and Alternatives. Resources identified by the SFFO ID team as not being present or present but not affected are outlined in Tables 1 and 2.

Resources Considered for Analysis

The BLM is required to address specific elements of the environment that are subject to requirements in statute or regulation or by executive order (BLM 2008). Table 1 lists the elements that must be addressed in all environmental analyses and indicates whether the Proposed Action and Alternatives affect those elements. Other resources of the human environment that have been considered for analysis are listed in Table 2.

BLM Nevada IM NV-2009-030 (Supplemental Authorities to Consider in National Environmental Policy Act (NEPA) Documents) provides guidance to BLM District and Field Offices on how supplemental authorities outlined in Appendix 1 of H-1790-1 should be considered in NEPA documents. Attachment 1 to IM NV-2009-030 provides the Supplemental Authorities list as a screening tool for review and documentation of relevant authorities (laws, regulations, executive orders, directives, etc.) in NEPA documents.

The Supplemental Authorities list is organized by elements of the human environment; the elements and corresponding legal authorities are collectively referred to as “Supplemental Authorities.” The list expands on Appendix 1 of H-1790-1 to include other legal authorities, with requirements specified by statute or executive order, which must be considered in all Nevada BLM EA documents. The table below lists the Supplemental Authorities, their status in relation to the Proposed Action, and rationale for whether the topic will be carried forward for detailed analysis. Supplemental Authorities determined to not be present or present, but not affected by the Proposed Action need not be carried forward or discussed further. Supplemental Authorities determined to be present and may be affected may be carried forward in the document if there are issues which warrant a detailed analysis.

Table 1: Supplemental Authorities

Resource or Issue	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		The proposed change of ownership would have no impact on air quality. Future BLM management of the site would be subject to project-specific NEPA analysis.
Areas of Critical Environmental Concern	X			
Cultural Resources		X		Although cultural resources may be present on the property, this administrative action would have no effect on any such resources. Acquisition of these properties would require that future management of the lands consider any cultural (or historic) resources present under the protection of the National Historic Preservation Act.
Environmental Justice	X			
Farm Lands (Prime and Unique)	X			
Floodplains	X			
Invasive, Nonnative, and Noxious Species		X		Although invasive, non-native plant species may be present, this administrative action would not affect their presence or distribution. Future BLM management of the site would be subject to project-specific NEPA analysis.
Migratory Birds		X		Although migratory birds may utilize habitat on the property, this administrative action would not affect their use of the site. Future BLM management of the site would be subject to project-specific NEPA analysis.
Native American Religious Concerns	X			
Threatened or Endangered Species (animals)	X			

Threatened or Endangered Species (plants)	X			
Wastes, Hazardous or Solid	X			A Phase I Environmental Site Assessment (ESA) will be prepared by the BLM SFFO.
Water Quality, Surface/Ground	X			
Wetlands/Riparian Zones		X		
Wild Horse and Burros		X		Although Wild Horses may utilize habitat on the property, this administrative action would not affect their use of the site.
Wild and Scenic Rivers	X			
Wilderness	X			

Resources or Uses Other Than Supplemental Authorities

BLM specialists have evaluated the potential impact of the Proposed Action or Alternatives on these resources and documented their findings in Table 2. Resources or uses that may be affected by the Proposed Action or Alternatives are further described in this EA (BLM, 2008).

Table 2: Resources or Uses Other Than Supplemental Authorities

Resource or Uses	Not Present	Present/Not Affected	Present/ May be Affected	Rationale
General Wildlife		X		Although wildlife may utilize habitat on the property, this administrative action would not affect their use of the site. Future BLM management of the site would be subject to project-specific NEPA analysis.
Land Use Authorization		X		All potential Rights of Ways and other valid and existing rights will be evaluated in the acquisition process. Future applications for land use authorizations would be subject to project-specific NEPA analysis.
Livestock Grazing		X		Lands acquired will incorporated into the surrounding allotments and will be managed per that allotments plan and permit.
Geology and Minerals	X			
Public Health and Safety	X			

Recreation/Access	X			
Socioeconomics	X			
Soils	X			
Travel Management	X			
Vegetation	X			
Visual Resources	X			
Noise	X			
Global Climate Change/ Greenhouse Gas Emissions	X			

Resources/Uses Present and Brought Forward for Analysis

A BLM IDT consisting of NEPA and Resource Specialists, contributed to this EA. The IDT used various sources of information to prepare the EA, including existing data inventories, and data collected during field visits. The potential impacts to the Supplemental Authorities and resource uses listed in Tables 1 and 2 were evaluated by the IDT to determine if detailed analysis would be necessary. Through this process, the IDT determined there were no resources/uses that warranted a detailed analysis in this EA.

4.0 Cumulative Impacts Analysis

The Council on Environmental Quality formally defines cumulative impacts as follows:

‘...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time’ (40 CFR 1508.7).

Since no issues were identified and no resources concerns were brought forward for analysis there are no issues or resources that need to be analyzed for Cumulative Effects.

5.0 PERSONS, GROUPS OR AGENCIES CONSULTED

A number of agencies and organizations were contacted during the nomination process, including but not limited to: Douglas, Carson City and Lyon Counties, and Nevada Department of Wildlife.

List of Contributors

Table 3: BLM Resource Specialists

NAME	TITLE	PROJECT EXPERTISE
Victoria Wilkins	Sierra Front Field Manager (Acting)	Authorized Officer
Colleen Dingman	Carson City District Office	Project Management
Matt Simons	Realty Specialist	Land Use Authorization
Gerrit Buma	Planning and Environmental Coordinator	NEPA Compliance

6.0 LIST OF REFERENCES

BLM (US Department of Interior, Bureau of Land Management). 2001. Carson City Field Office Consolidation Resource Management Plan. U.S Department of Interior, Bureau of Land Management, Carson City, Nevada.

_____. 2008. Handbook H-1790-1, National Environmental Policy Handbook. US Department of the Interior, Bureau of Land Management, Washington, DC. January 2008.

_____. 2016 Nevada and California Greater Sage-Grouse Bi-State Distinct Population Segment Record of Decision

7.0 Appendices

Appendix A – Figures

Appendix B – Proposed Parcels APN's

Appendix A - Figures

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