United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
http://www.blm.gov/

In Reply Refer to:
2700 (LLNVB01000)
N-84039

Dear Reader:

The Bureau of Land Management, (BLM), Mount Lewis Field Office, (MLFO), has prepared an Environmental Assessment, (EA), to analyze the impacts from the proposed sale of two parcels of public land southwest of Austin, Nevada. Pursuant to the National Environmental Policy Act, (NEPA), and the Council on Environmental Quality regulations on implementing NEPA, the EA identifies, describes, and evaluates resource impacts from the proposed land sale.

The two parcels of public land totaling 878.34 acres, more or less, are located approximately 16 miles southwest of Austin, Nevada in Lander County. The 1986 BLM Shoshone-Eureka Resource Management Plan identifies these parcels of public land as suitable for disposal. The proposed sale would be by open competitive bidding procedures at no less than the appraised fair market value as determined by a BLM approved appraiser.

Conveyance of the parcels will include certain mineral interests and be subject to valid existing rights and encumbrances of record.

Copies of the EA may be obtained by notifying the MLFO at the letterhead address above or, from the internet address below.

http://www.blm.gov/nv/st/en/fo/battle_mountain_field/blm_information/national_environmental.html

Written comments on the EA will be accepted at the above letterhead address, until 4:30 p.m., November 23, 2009. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you have any questions or comments regarding this proposed sale of public land, please contact Chuck Lane, Realty Specialist or Dave Davis, Planning and Environmental Coordinator at the above Mount Lewis Field Office address or at (775) 635-4000.

Sincerely,

Douglas W. Furtado
Field Manager
Mount Lewis Field Office

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

Environmental Assessment DOI-BLM-NV-B010-2009-0011-EA
DATE: September, 2009

Reese River Valley Land Sale
ENVIRONMENTAL ASSESSMENT

File Number: N-84039

Mount Lewis Field Office
50 Bastian Road
Battle Mountain, NV 89820
Phone: 775-635-4000
Fax: 775-635-4034

BLM

Mount Lewis Field Office

NATIONAL SYSTEM OF PUBLIC LANDS

BUREAU OF LAND MANAGEMENT
REESE RIVER VALLEY LAND SALE
DRAFT ENVIRONMENTAL ASSESSMENT

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ACRONYM LIST

°F	**Degree Fahrenheit**
AUM	**Animal Unit Month**
BAPC	**Nevada Bureau of Air Pollution Control**
BLM	**Bureau of Land Management**
BMDO	**Battle Mountain District Office**
BMPs	**Best Management Practices**
CEQ	**Council on Environmental Quality**
CFR	**Code of Federal Regulations**
CESA	**Cumulative Effects Study Area**
DOI	**U.S. Department of Interior**
EA	**Environmental Assessment**
EPA	**Environmental Protection Agency**
FEMA	**Federal Emergency Management Agency**
FLPMA	**Federal Land Policy and Management Act of 1976**
GPS	**Global Positioning Satellite**
ID Team	**BLM Interdisciplinary Team**
MBTA	**Migratory Bird Treaty Act**
MDB&M	**Mount Diablo Base and Meridian**
MLFO	**Mount Lewis Field Office**
MOU	**Memorandum of Understanding**
NAAQS	**National Ambient Air Quality Standards**
NAC	**Nevada Administrative Code**
NDEP	**Nevada Division of Environmental Protection**
NDOW	**Nevada Department of Wildlife**
NEPA	**National Environmental Policy Act**
NNHP	**Nevada Natural Heritage Program**
NORA	**Notice of Realty Action**
NRCS	**Natural Resource Conservation Service**
NRHP	**National Register of Historic Places**
NRS	**Nevada Revised Statutes**
PILT	**Payments in Lieu of Taxes**
RFFA	**Reasonably Foreseeable Future Action**
RMP	**Resource Management Plan**
ROD	**Record of Decision**
ROW	**Right-of-Way**
TCP	**Traditional Cultural Properties**
TDS	**Total Dissolved Solids**
USC	**United States Code**
USFS	**United States Forest Service**
USFWS	**United States Fish and Wildlife Service**
VRM	**Visual Resource Management**

BUREAU OF LAND MANAGEMENT
ENVIRONMENTAL ASSESSMENT

1 INTRODUCTION / PURPOSE OF AND NEED FOR ACTION

1.1 Introduction

The U.S. Department of the Interior (DOI), Bureau of Land Management (BLM), Mount Lewis Field Office (MLFO) manages parcels of land that have been identified for disposal by sale in the BLM Battle Mountain District Shoshone-Eureka Resource Management Plan (RMP) (BLM 1986). This Environmental Assessment (EA) analyzes and discloses the potential environmental effects associated with the proposed sale of two specific parcels of public land located in Lander County, Nevada (Figure 1.1.1). This sale of public land would be administered by the BLM, MLFO. The parcels totaling 878.34 acres and are located in Reese Valley about 16 miles southwest of the town of Austin, Nevada (Subject Parcels). The Subject Parcels are situated in the west half of Section 13, Township 17 North, Range 41 East, (T17N, R41E), (Parcel 2), and the eastern half, the eastern half of the southwestern quarter, the southwest quarter of the northwest quarter, and Lots 2 through 4 of Section 18, Township 17 North, Range 42 East (T17N, R42E) (Parcel 1), Mount Diablo Base and Meridian (MDB&M) (Figure 1.1.2). Lee Renfro Road is used to access Parcel 1, but there is no authorized public access to Parcel 2. This EA considers the quality of the natural environment based on the physical impacts to public and private lands that may result from implementation of the proposed sale of the Subject Parcel (Proposed Action).

In response to a request of a local rancher, the BLM proposes the sale of the Subject Parcels. Due to the Subject Parcels location and the public access to them, the Subject Parcels would be sold by open competitive bidding, which would allow for local ranchers and any other interested party to bid on the property. The purchaser of the Subject Parcels is herein defined as the Proponent. BLM regulations require the land to be sold at not less than fair market value, which will be determined by a BLM approved appraiser arranged for by the BLM. The BLM may elect to sell less than the total acreage analyzed in this EA.

If portions of the Subject Parcels do not meet the criteria for sale because they have been identified as having important environmental, biological, or cultural resources, or other public values that could be negatively impacted by the disposal of the public lands, then they would be retained by the BLM.

Other reasons for retaining the parcels in public ownership include:

- Credible objections from the public as well as other public agencies;
- No interested buyers in the parcels;
- Other proposed uses of the resource; and
- Conflicts with county planning.

The proposal for public land sale is made under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 United States Code [USC] 1701, 1713, 1740).

Figure 1.1.1: General Project Location Map

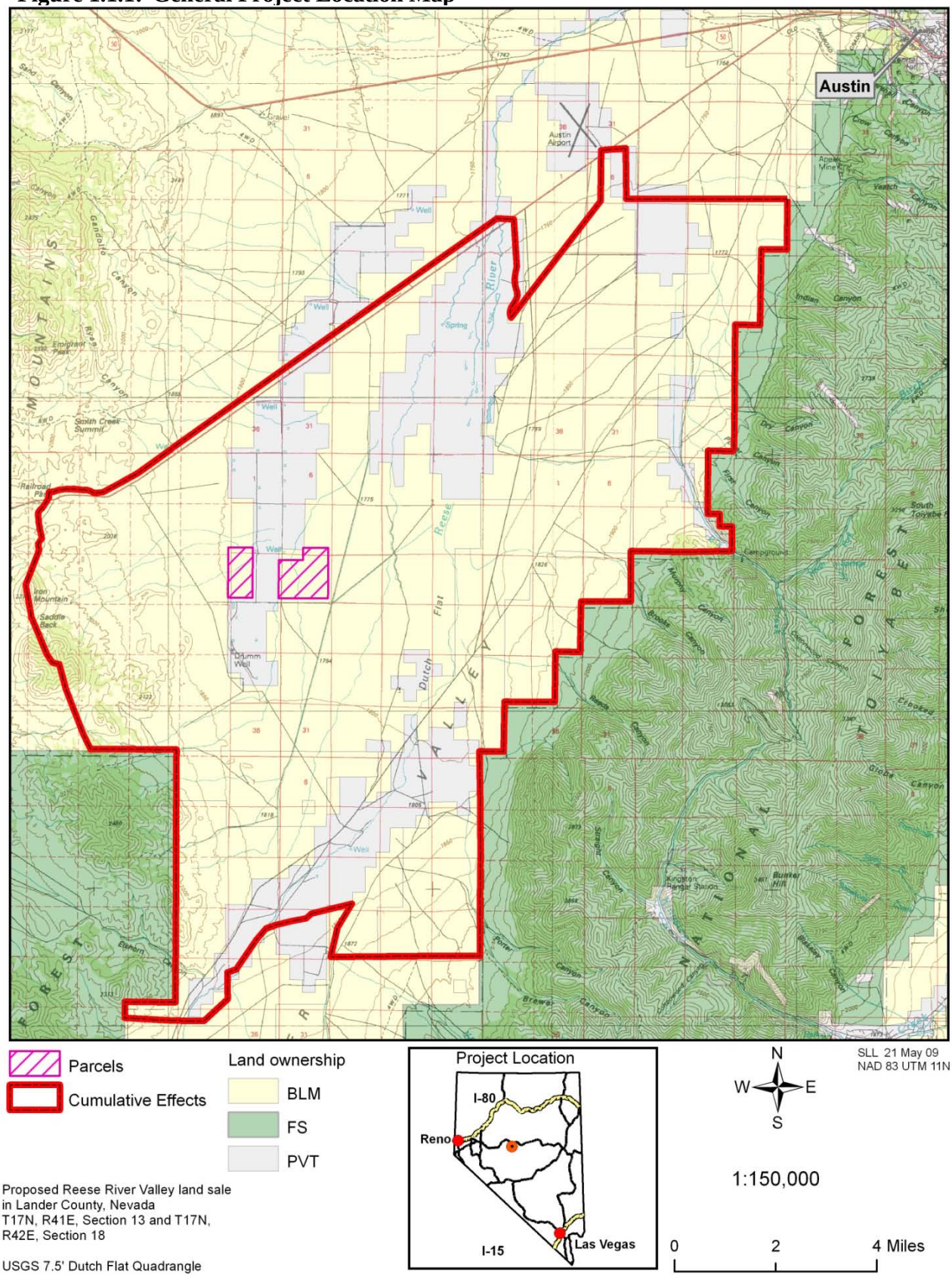
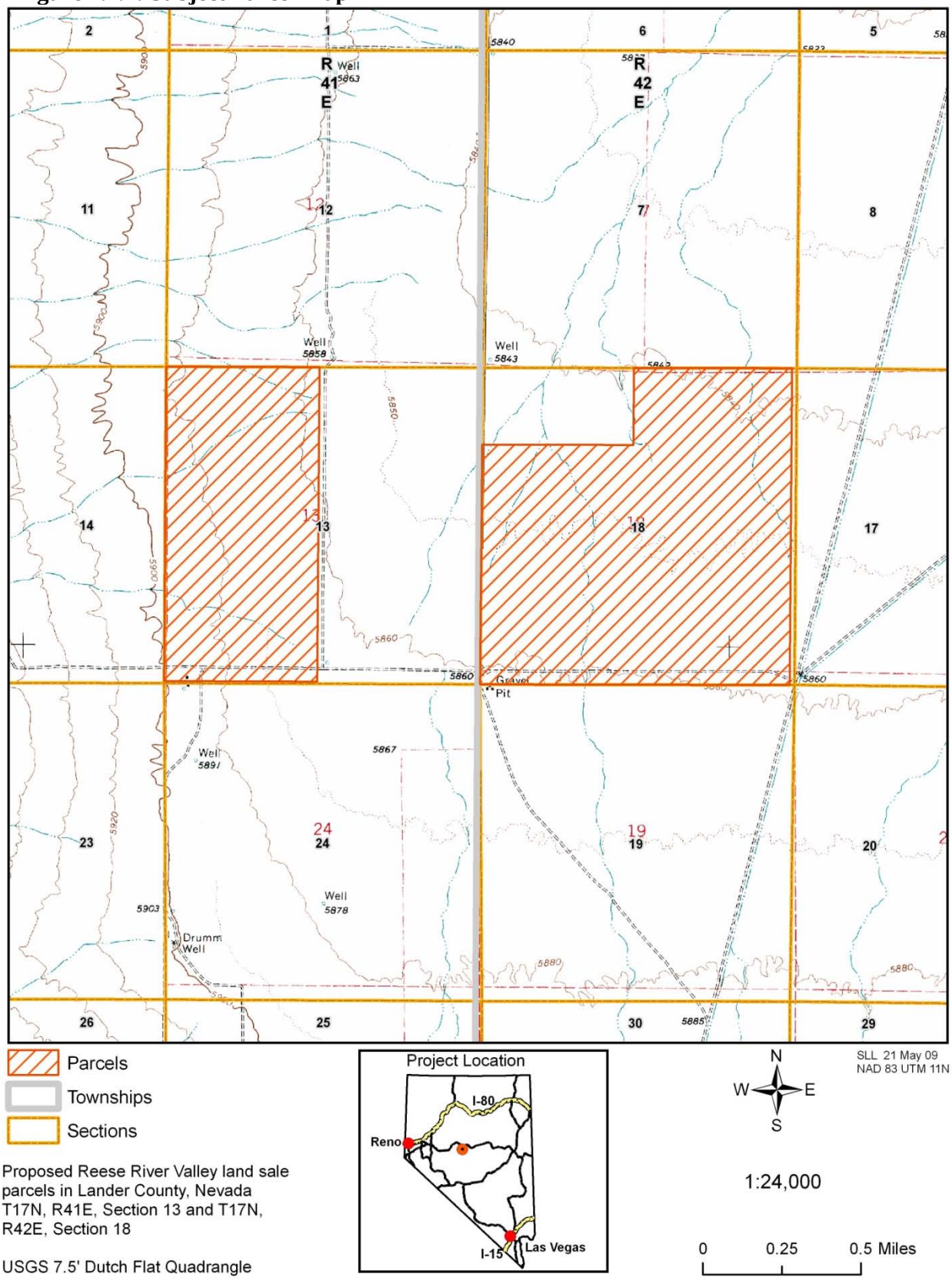


Figure 1.1.2: Subject Parcel Map



These activities, and their approval by the BLM pursuant to FLPMA, constitute a federal action subject to the provisions of the National Environmental Policy Act (NEPA). This EA is not a decision document, but analyzes the potential direct, indirect, and cumulative impacts from the Proposed Action and alternatives to that action. This EA has been prepared by EMI for the BLM MLFO to meet the requirements of the NEPA. Preparation has been in accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500 et. seq.), BLM guidelines for land use planning in BLM Handbook H-1601-1, BLM guidelines for implementing NEPA in BLM Handbook H-1790-1, BLM State Office Instruction Memorandum IM-90-435, BLM Washington Office Bulletin 94-310, and the BMDO NEPA Handbook. The BLM Handbook provides instructions for compliance with the CEQ regulations for implementing the procedural provisions of the NEPA and the DOI's Department Manual on NEPA (516 DM 1-7).

1.2 Purpose of and Need for Action

The purpose of the Proposed Action is consolidation for more economic agricultural use through the orderly disposal of public lands, under the authority of, and in accordance with, Sections 203 and 209 of the FLPMA (90 Stat. 2750, 43 USC 1713 and 1719) and the Federal Land Transaction Facilitation Act of 2000 (FLTFA), commonly known as the BACA Bill (Public Law 106-248, 114 Stat. 613 et seq.). The need for the Proposed Action is to enable potential bidders to expand their land ownership interests in lands that are confined by the surrounding Federal Lands administered by the BLM. In order to address the purpose and need, the BLM would auction both parcels totaling 878.34 acres of Federal Land [43 CFR 2710.0-6].

1.3 Land Use Conformance Statement

The Proposed Action and the alternative described in this EA are in conformance with the Shoshone-Eureka RMP (BLM 1986) and the Record of Decision (ROD) approved in March 1986, and to the maximum extent possible, are consistent with federal, state and local laws, regulations, and plans. The Shoshone-Eureka RMP and ROD is the BMDO's planning document required by the FLPMA, as amended. The subject parcels were identified for disposal in the RMP/ROD, which is available for review at the BLM MLFO, 50 Bastian Road, Battle Mountain, Nevada.

1.4 Relationship to Other Statutes, Regulations, and Plans

The FLPMA was passed to authorize BLM's management of public lands. The Proposed Action would be conducted under the authority of FLPMA. The sale of the Subject Parcels would also be governed under the FLTFA. The FLPMA sections regulating or authorizing the disposal of public lands relative to the Proposed Action are as follows:

- FLPMA Section 102(a)(1) gives the BLM the authority to sell public lands under certain criteria and states that: "the public lands be retained in Federal ownership, unless as a result of the land use planning procedure... it is determined that disposal of a particular parcel will serve the national interest."

- FLPMA Section 203(a) (3) allows disposal (selling) of public land if it will serve a public benefit. Disposal (sale) of the parcel would serve the public benefit by making additional lands available for community expansion and private economic development, increase the potential for economic diversity, and add to the municipal tax base, thereby adding revenue to the community for services such as schools and roads.

- FLPMA 203(d) requires that public lands be sold at no less than fair market value. The two parcels of land would be appraised by a BLM approved appraiser to determine their fair market value.

- FLPMA 203(f) describes the allowable methods of sale. The public lands would be sold using the open competitive method as described (or required) by Federal regulation at 43 CFR 2711.3-1.

- FLPMA 209(b) (1) describes the allowance and means to convey mineral interests owned by the United States to the prospective surface owner when a parcel leaves federal ownership if it is proven there are no known mineral values in the land, or if the reservation of mineral rights in the name of the United States would interfere with or preclude appropriate non mineral development of the land and that such development is a more beneficial use of the land than mineral development.

When compatible with local government plans, Federal lands should be made available for state, local government, and private uses.

Title 43 CFR § 2710.0-3 (a)(2) is the authority for the sale. Title 43 CFR § 2170.0-6 (c)(3)(i) describes the policy for open competitive sales and Title 43 CFR § 2711.3-1 describes the procedures for conducting open competitive sales.

Relationships to other statutes, regulations, and plans are:

- Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa to 470ll
- National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et. seq.
- National Environmental Policy Act of 1969, 42 U.S.C. 4321 et. seq.
- Clean Air Act of 1970, as amended, 42 U.S.C. 7401 et. seq.
- Clean Water Act of 1972, as amended, 33 U.S.C. 1251 et. seq.
- Council on Environmental Quality, Title 40 CFR, part 1500

Any water used on the described lands should be provided by an established utility or under permit issued by the Division of Water Resources, State Engineer's Office. All waters of the state belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS).

1.5 Scoping/Issues

A Notice of Realty Action (NORA) announcing the proposed sale was published in the Federal Register on October 15, 2008 followed by publication in local newspapers. This notice also segregated the land for a two year period from appropriation under the public land laws and the mining laws to prevent nuisance filings attempting to block the proposed sale.

If a Finding of No Significant Impacts from the proposed action is warranted, a second NORA must be published in the Federal Register and local newspapers. The second NORA states the appraised values (and therefore minimum acceptable bids) for the two parcels and provides the time, date, place and general bidding procedures and instructions that will be used to conduct the sale.

1.6 EA Public Review

After completion of an internal administrative review, a 30 day comment period would be provided to gather public comments regarding the Proposed Action. In addition, the EA would be submitted to the Nevada Department of Administration (State Clearing House) for internal review by state agencies. Any relevant comments would be incorporated into the revised EA.

2 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The BLM proposes an open competitive land sale of approximately 878.34 acres of public lands (Figure 1.1.2). The proposal to sell public land is made under the authority of Section 203 of the FLPMA (43 USC 1701, 1713, 1740). The applicable authorities require fair market value appraisals of the public lands. Appraisals of these lands would be conducted and submitted for review and approval by the BLM in accordance with federal appraisal standards and guidelines. The procedures for the sale are detailed under 43 CFR 2711.

2.1.1 Sale Procedure

Interested parties would be allowed to submit sealed bids accompanied by a bid deposit of guaranteed funds of not less than 10 percent or more than 30 percent of the bid amount. The minimum acceptable oral bid must be accompanied by a bid deposit of guaranteed funds of not less than 20 percent of the bid. In either case, fair market value as determined by an approved appraisal will serve as the minimum acceptable bid. The approved appraisal report would be available for public review at the Mount Lewis Field Office. If not sold, the parcels described above may be identified for sale at a later date and/or at another location.

A mineral report (section 3.11) was prepared for the BLM to determine the mineral values of the land. No mining claims of record were found on the parcels. No evidence of mining related activity was seen during field examination.

2.1.2 Subject Parcel Parameters

The Subject Parcels would be conveyed together with all mineral interests consistent with the findings of the mineral potential assessment and report discussed in Section 3.11. The Subject Parcels would be conveyed to the highest bidder subject to all valid prior and existing rights, such as rights-of-way (ROWs) for utilities, and federal, state, and county roads.

All livestock grazing animal unit months (AUMs) associated with the Subject Parcels currently under grazing permits would expire on October 3, 2010. This date will be two years after the current grazing permittee was given notice as required by 43 CFR 2711.1-3 and 43 CFR 4110.4-2(b). These AUMs associated with the Subject Parcels would be relinquished by the permit holder through a waiver or cancelled by the BLM after a two year notice.

Use of existing water rights and future development of other water rights on the Subject Parcels fall under the jurisdiction of the Nevada State Engineer under existing Nevada law. Any current water wells or reservoirs on the selected land would be maintained or abandoned by the proponent

consistent with existing guidelines of the Nevada Division of Water Resources. These activities would be the responsibility of the proponent or its successors in interest.

The Federal Emergency Management Agency (FEMA) has defined floodplains that have development restrictions, which are required to be upheld by the county in order to retain federal flood insurance. Land use restrictions would be imposed on those lands within FEMA-defined floodplains, specifically Zone A floodplains. These restrictions would require that such land be used only for agricultural purposes, or for park and non-intensive open space purposes and not for dwellings or buildings.

Following the sale, the former federal lands would be governed in accordance with the land use policies, plans, and regulations of Lander County. For the purpose of analyzing the environmental impacts, the Proposed Action includes the following assumption:

> Lands that transfer to private ownership would be managed for the Highest and Best use. The "Highest and Best" use is based on the current economic and growth forecasts for the area, use of similar nearby lands, and availability of access, power, and telephone.

The Highest and Best use of the Subject Parcels is assumed to be agricultural. The Lander County Master Plan specifies A-3 or Farm and Ranch District zoning for the Subject Parcels (personal communication, Deborah Teske, Community Development Specialist, Lander County, August 14, 2009). Permitted land uses within the A-3 District are primarily associated with ranching and farming such as the raising of livestock or growing of commercial crops. In addition, permitted uses in A-1 and A-2 Districts, such as residential dwellings are allowed within the A-3 District as long as the minimum lot size of 20 acres is adhered to (personal communication, Deborah Teske, Community Development Specialist, Lander County, August 14, 2009). Following the transfer of ownership, the anticipated land use of the Subject Parcels would be for livestock grazing (Subsequent Land Use).

2.1.3 Environmental Protection Measures

2.1.3.1 Cultural Resources

Protection of cultural sites that are eligible for inclusion in the National Register of Historic Places (NRHP) would be ensured through deletion of the parcels or portion thereof from the proposed sale.

2.2 No Action Alternative

The No Action Alternative is defined as no change in current land ownership or management practices. Under the No Action Alternative, a land sale would not take place and the Subject Parcels would remain as public land administered by the BLM.

2.3 Alternatives Considered But Eliminated from Detailed Analysis

No other alternatives were considered other than the No Action Alternative or the open competitive sale under the Proposed Action. The Proposed Action is the only alternative that meets the purpose and need; therefore, no other alternative were considered.

3 AFFECTED ENVIRONMENT

3.1 Introduction

The purpose of this section is to describe the existing environment of the Subject Parcels to be affected by the alternative under consideration. To comply with the National Environmental Policy Act (NEPA), the Bureau of Land Management is required to address specific elements of the environment that are subject to requirements in stature or regulation or by executive order (BLM 1988, BLM 1997, BLM 2008). The Supplemental Authorities were considered by the BLM interdisciplinary team (ID Team) during the project scoping meeting and it was determined that the following elements are not present in or near the Subject Parcels and would not be affected by the Proposed Action: Areas of Critical Environmental Concern; Prime or Unique Farmlands; Wild and Scenic Rivers; and Wilderness. Therefore, these elements are not discussed further in this EA. The remaining Supplemental Authorities have all been analyzed to determine whether the resource is present or if the resource would be potentially impacted. Table 3.1-1 summarizes the discussion of the affected environment and environmental consequences analysis and whether the Supplemental Authorities are present and/or potentially affected. Floodplains, Water Quality, and Wetlands/Riparian Zones are discussed under the heading of Water Resources (Sections 3.10 and 4.1.8).

Table 3.1-1: Supplemental Authorities of the Human Environment

Supplemental Authority[1]	Not Present[2]	Present/Not Affected	Present/May be Affected[3]	Rationale
Air Quality		**X**		Subsequent land use would be the same as the current land use, therefore there would be no new impacts to air quality.
Area of Critical Environmental Concern (ACEC)	**X**			There are no ACECs in the vicinity of the Project area.
Cultural/Historical		**X**		A Class III cultural resource survey was conducted on the subject property. Two sites were found, neither of which are NRHP eligible. The SHPO concurred with this finding.
Environmental Justice	**X**			No minority or low-income population would be affected by the Proposed Action.
Farmlands, Prime or Unique	**X**			The proposed project is not located in or near any prime or unique farmlands.
Noxious Weeds and Invasive Nonnative Species			**X**	Carried forward for analysis.
Native American Traditional Values			**X**	Presently no impacts to Native American traditional values have been identified. Consultation is ongoing, therefore Native American traditional values are carried forward for analysis.

[1] See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.
[2] Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document.
[3] Supplemental Authorities determined to be Present/May be Affected ***must*** be carried forward for analysis in the document.

Floodplains		**X**		The Subsequent Land Use would be consistent with the FEMA development restrictions and any BLM deed restrictions. Therefore no impacts are anticipated from the subsequent land use relative to floodplains.
Riparian/Wetlands	**X**			The proposed Project is not located near any wetlands or riparian zones.
Threatened, Endangered Species		**X**		Subsequent land use would be the same as the current land use, therefore there would be no new impacts to any T & E species.
Migratory Birds		**X**		Subsequent land use would be the same as the current land use, therefore there would be no new impacts to any migratory bird species.
Waste, Hazardous/Solid		**X**		A Phase I ESA identified no evidence of hazardous substances having been used or placed on the land. Subsequent land use would be the same as the current land use; therefore hazardous substances would not be used on the land as a result of the proposed action.
Water Quality		**X**		Subsequent land use would be the same as the current land use; therefore there would be no new impacts to water quality.
Wild & Scenic Rivers	**X**			No Wild and Scenic rivers occur in the Project area.
Wilderness	**X**			No Wilderness Areas occur in the Project area.

Following the description of the identified Supplemental Authorities, the remainder of this chapter discusses the Other Resources, identified by the ID Team, which may be present within the Subject Parcels or could be affected by the Proposed Action or the alternative. Table 3.1-2 summarizes the Other Resources of the human environment that have been considered for this environmental assessment.

Table 3.1-2: Other Resources of the Human Environment

Other Resources	Not Present[4]	Present/Not Affected	Present/May be Affected	Rationale
Geology and Minerals		**X**		Transfer of the mineral interests with the property would create no impacts to minerals. A Mineral Potential report identified no indications of valuable mineral deposits on the land except sand and gravel which are easily replaceable from nearby areas.

[4] Other Resources determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document based on the rationale provided.

Land Use Authorizations and Recreation		**X**		Subsequent land use would be the same as the current land use; therefore there would be no new impacts to existing land use authorizations or recreation.
Range/Livestock Grazing			**X**	Carried forward for analysis.
Socioeconomic Values			**X**	Carried forward for analysis.
Soils		**X**		Subsequent land use would be the same as the current land use; therefore there would be no new impacts to soils.
Vegetation		**X**		Subsequent land use would be the same as the current land use; therefore there would be no new impacts to vegetation.
Visual Resources		**X**		Subsequent land use would be the same as the current land use; therefore there would be no impacts to visual resources.
Wildlife		**X**		Subsequent land use would be the same as the current land use; therefore there would be no impacts to wildlife.

3.2 Air Resources

The Subject Parcels occurs in a high-desert environment characterized by arid to semi-arid conditions, bright sunshine, low annual precipitation, and wide daily temperature ranges. Data from the Reese Valley Carper, Nevada meteorological monitoring station indicate that the average maximum temperature is 64.2 degrees Fahrenheit (°F) and the average minimum temperature is 29.1°F, with temperatures ranging from 89.4°F in July to 13.5°F in January (Western Regional Climate Center 2009). The average annual precipitation in Reese Valley is 9.21 inches per year and the average annual snowfall is 13.3 inches (Western Regional Climate Center 2009). The arid climate in the region is influenced by the high-elevation, north-south trending Sierra Nevada Range located approximately 180 miles to the west. The normal weather patterns move from west-to-east, and the Sierra Nevada mountains form a significant rain shadow in the Great Basin. The climate is further influenced by the numerous, intervening north-south trending mountain ranges, which are situated between Reese Valley and the Sierra Nevada.

The Subject Parcels are located within the Middle Reese River Valley Air Basin, which is currently unclassified for all pollutants having an air quality standard (40 CFR 81.329), due to the limited number of emission sources and, therefore, is assumed to be in compliance with the National Ambient Air Quality Standards (NAAQS). Current emissions within the area include vehicle combustion emissions, fugitive dust from travel on unimproved roads and agricultural cultivation, industrial and commercial activities, and wildland fires. Emissions of all pollutants are generally expected to be low due to the limited number of sources. In addition, regulations exempt land sales from air conformity determinations as stated at 40 CFR 93-153(c)(2)(xiv).

3.3 Cultural Resources

A Class III survey of 878.34 acres on and around the Subject Parcels was conducted by Knight & Leavitt Associates during November 2008. The Subject Parcels were surveyed by qualified archeologists along transects spaced no greater than 30 meters apart with ground control provided by global positioning satellite (GPS) units. Report number BLM 6-2786 outlining the results of the

survey was prepared by Knight & Leavitt Associates and submitted to the MLFO in November 2008 (Knight & Leavitt Associates 2008).

Two prehistoric lithic sites were found during the survey. The two sites are both thin lithic scatters. These sites were recorded and recommended as not eligible for inclusion on the National Register of Historic Places (NRHP). The Nevada State Historic Preservation Office (SHPO) concurred with this determination.

3.4 Environmental Justice

On February 11, 1994, President William Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. In April of 1995, the Environmental Protection Agency (EPA) released the document titled Environmental Justice Strategy: Executive Order 12898. The document established EPA-wide goals and defined the approaches by which the EPA would ensure that disproportionately high and adverse human health or environmental effects on minority communities and low-income communities are identified and addressed.

According to the 2000 United States Census, the American Indian and Hispanic populations constitute approximately 4.0 percent and 18.5 percent, respectively, of the total population of Lander County. Black, Asian, and Pacific Islanders comprise 0.2, 0.3, and 0.0 percent, respectively, of Lander County's population (United States Census Bureau 2000). For Nevada as a whole, American Indian and Hispanic persons made up 1.3 and 19.7 percent, respectively, of the population in 2000. Black, Asian, and Pacific Islanders constituted 6.8, 4.5, and 0.4 percent of the population, respectively in the State of Nevada in 2000 (United States Census Bureau 2000).

In accordance with EPA's Environmental Justice Guidelines (EPA 1998), these minority populations should be identified when either of the following exists:

- The minority population of the affected area exceeds 50 percent; or
- The minority population of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

Neither population of American Indians, Hispanics, Blacks, Asians, or Pacific Islanders exceeds 50 percent of the population for Lander County. Although persons of American Indian heritage constitute a higher percentage of the total population within Lander County than the minority population in the State of Nevada, the Subject Parcels are located on BLM-administered lands adjacent to predominantly vacant, rural lands, and public lands. Since the Subject Parcels are undeveloped and unpopulated, the minority population within the Subject Parcels is not meaningfully greater than the percentage for the State of Nevada as a whole. Therefore, for the purposes of screening for environmental justice concerns, the identified populations defined in EPA's guidance (EPA 1998) do not exist within the Subject Parcels.

The median household incomes in Lander County and the State of Nevada in 2007 were $61,466 and $54,996, respectively (United States Census Bureau 2009). According to the Census Bureau's Small Area Income and Poverty Estimates for Nevada Counties in 2007, the percentage of individuals below the poverty level in Lander County was 10.5 percent and for the entire State of Nevada was 10.6 percent (United States Census Bureau 2008). The median income was higher in Lander County

than for the state as a whole in 2007 and the poverty rate slightly lower; therefore a low income population group as defined in EPA's guidance (EPA 1998) for the purposes of screening for environmental justice concerns is not present in the Subject Parcels. Therefore, there would be no impacts from the Proposed Action relative to Environmental Justice concerns and no further analysis of this critical element is included in this document.

3.5 Noxious Weeds and Invasive, Nonnative Species

Noxious weeds (designated so by Nevada Revised Statute) and invasive species are typically non-native plants that quickly infest an area, if left unchecked. The BLM defines noxious weed as "a plant that interferes with management objectives for a given area of land at a given point in time." The strategy for noxious weed management is to "prevent and control the spread of noxious weeds through local and regional cooperative efforts…to ensure maintenance and restoration of healthy ecosystems on BLM managed lands." When introduced to an area, noxious weeds can quickly dominate native species, particularly in area with ground disturbance making them more difficult to control.

The BLM Battle Mountain District (BMD) has developed an Integrated Weed Management Plan and District specific Environmental Assessment. In addition, there are existing laws, executive orders, regulations, policies, and agreements that pertain to invasive non-native species, including the following: Federal Noxious and Invasive Weed Laws, Executive Order 13112 (Prevention and Control of Invasive Species), BLM Manuals and Partners Against Weeds Action Plan, BLM Cooperative Agreements, and NRS and NAC Chapter 555.

Invasive or non-native species found within the Proposed Land Sale area include infestations of cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomeratus*), Russian thistle (*Salsola iberica*), broom snakeweed (*Gutierrezia sarothrae*), common cocklebur (*Xanthium strumarium*) and field bindweed (*Convolvus arvensis*).

Noxious weeds like hoary cress (*Cardaria draba*) can quickly invade following disturbance and should be monitored along roadsides regularly. Additional noxious weeds found in the area include Tall white top (*Lepidium latifolium*), Russian knapweed (*Rhaponticum repens*), salt cedar (*Tamarisk ramosissima*), musk thistle (*Carduus nutans*), Scotch thistle (*Onopordum acanthium*), and poison hemlock (*Conium maculatum*). Infestations of invasive Mormon crickets (*Anabrus simplex*) also use this area in the spring and summer months, however their numbers fluctuate seasonally.

3.6 Migratory Birds

"Migratory bird" means any bird listed by the United States Fish and Wildlife Service (USFWS) in 50 CFR 10.13. All native birds found commonly in the United States, with the exception of native resident game birds, are protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-711). The MBTA prohibits taking of migratory birds, their parts, nests, eggs, and nestlings. Executive Order 13186, signed January 10, 2001, directs federal agencies to protect migratory birds by integrating bird conservation principles, measures, and practices.

Additional direction comes from a December 19, 2007 Interim Management Guidance (IM 2008-050, *Migratory Bird Treaty Act – Interim Management Guidance*) between the BLM and the USFWS. This IM strengthens migratory bird conservation through enhanced collaboration between the two agencies, in coordination with state, tribal, and local governments. The IM identifies management practices that could impact populations of high priority migratory bird species including

migratory bird nesting, migration, and over-wintering habitats, and develops objectives and recommendations that will avoid or minimize these impacts.

Approximately 400 bird species have been reported in Nevada. More than 240 breeding bird species have been recorded in Nevada. The species of birds known to have a distribution that overlaps with the Subject Parcels are listed in Table 3.6-1 (Great Basin Bird Observatory 2006).

Table 3.6-1: Migratory Bird Species with a Distribution that Overlaps the Subject Parcels

Common Name	Scientific Name	PIF[1] "Immediate Action" Species	PIF[1] "Long-term Planning and Responsibility" Species	PIF[1] "Management"	NVPIF[2] Priority Species
Black-throated gray warbler	*Dendroica nigrescens*	No	Yes	No	Yes
Black rosy-finch	*Leucosticte atrata*	No	Yes	No	Yes
Brewer's sparrow	*Spizella breweri*	No	No	Yes	No
Ferruginous hawk	*Buteo regalis*	No	No	No	Yes
Gray flycatcher	*Empidonax hammondii*	No	Yes	No	Yes
Mountain bluebird	*Sialia currucoides*	No	Yes	No	No
Pinyon jay	*Gymnorhinus cyanocephalus*	No	No	Yes	Yes
Prairie falcon	*Falco mexicanus*	No	No	No	Yes
Sage sparrow	*Amphispiza belli*	No	Yes	No	Yes
Sage thrasher	*Oreoscoptes montanus*	No	Yes	No	Yes
Short-eared owl	*Asio flammeus*	No	No	No	Yes
Vesper sparrow	*Pooecetes gramineus*	No	No	No	Yes
Western scrub jay	*Aphelocoma californica*	No	Yes	No	No
Ash-throated flycatcher	*Myiarchus cinerascens*	No	No	No	Yes
Swainson's Hawk	*Buteo swainsoni*	No	No	Yes	Yes
Western bluebird	*Sialia mexicana*	No	No	No	Yes
Willow flycatcher	*Empidonax traillii*	No	No	Yes	Yes
Wilson's warbler	*Wilsonia pusilla*	No	No	No	Yes
Yellow-breasted chat	*Icteria virens*	No	No	No	Yes
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	No	Yes	No	No
Black-throated sparrow	*Amphispiza bilineata*	No	No	Yes	No
Burrowing owl	*Athene cunicularia*	No	No	No	Yes
Loggerhead shrike	*Lanius ludovicianus*	No	No	No	Yes

[1]Partners in Flight
[2]Nevada Partners in Flight

3.7 Native American Religious Concerns

Federal legislation and executive orders dictate that federal agencies must consider the repercussion of their actions when Native American traditions and religious practices are involved. Therefore, the BLM must make efforts to identify locations having traditional cultural or religious values to Native Americans and insure that land management actions do not unduly or unnecessarily burden the pursuit of traditional religion or life ways by inadvertently damaging important locations or hinder access to them.

Locations and associated activities of cultural/traditional importance include , but are not limited to: existing antelope traps; certain mountain tops used for prayer, guidance, and reflection; medicinal and edible plant gathering locations; prehistoric and historic village sites and gravesites; sites associated with creation stories; material used for basketry and cradle board making; locations of stone tools such as points and grinding stones (i.e., mono and matate); chert and obsidian quarries; hunting sites; sweat lodge locations; locations of pine nut ceremonies, traditional gatherings, and camping; rocks or boulders used for offerings and medicine gathering; tribally identified Traditional Cultural Properties (TCPs); TCPs found eligible for the NRHP; rock shelters; "rock art" locations; lands that are near, within, or bordering current reservation boundaries; lands that conflict with tribal land acquisition efforts that involve the Nevada Congressional Delegation; and water resources in general (i.e., hot and cold springs, streams, etc.).

Informal communications occurred early on the project, with a formal letter having been sent to the Yomba Shoshone Tribe on September 1, 2009. Prior to this letter, the Yomba Shoshone Tribe requested a site visit. Native American consultation and communication/coordination efforts with the Yomba Shoshone Tribe are ongoing with a site visit being arranged. The Yomba Shoshone Tribe is the most local Tribal entity with reservation boundaries located approximately 15 miles south of the proposed land sale.

3.8 Special Status Species

Special status species are those species for which state or federal agencies afford an additional level of protection by law, regulation, or policy. For the purpose of this EA, special status species meet one or more of the following criteria:

- Listed as rare, threatened, or endangered by a state or federal agency;
- Proposed to be listed as rare, threatened, or endangered by a state or federal agency;
- NDOW protected species, species of special concern, or a harvest species;
- Tracked by the Nevada Natural Heritage Program (NNHP); or
- Included in the BLM Nevada Sensitive Species List.

According to an NNHP letter dated June 1, 2009, there are no documented occurrences of special status species within the Subject Parcels; however, suitable habitat could be available for the pygmy rabbit (*Brachylagus idahoensis*), a taxon determined to be vulnerable by the Nevada Natural Heritage Program (Appendix A).

In addition, the BLM wildlife biologist, Mike Stamm, identified other Special Status Species that have a high probability of occurrence in the general area (personnel communication March 4, 2009). The species identified in that EA included the following mammals: pygmy rabbit (*Brachylagus idahoensis*); pallid bat (*Antrozous pallidus*); small-footed myotis (*Myotis cilialabrum*); little brown myotis (*Myotis ciliolabrum*); Yuma myotis (*Myotis yumanensis*); western pipestrelle (*Pipistrellus hesperus*); and Brazilian free-tailed bat (*Tadarida braziliensis*). The following bird species were also listed: northern goshawk (*Accipiter gentilis*); golden eagle (*Aquila chrysaetos*); short-eared owl (*Asio flammeus*); long-eared owl (*Asio otus*); burrowing owl (*Athena cunicularia*); greater sage grouse *(Centrocercus urophasianus*); prairie falcon (*Falco mexicanus*); and the vesper sparrow (*Pooecetes gramineus*). The following plant species were listed: elko rockcress (*Arabis falcifructa*); eastwood milkweed (*Asclepias eastwoodiana*); Nevada willowherb (*Epilobium nevadense*); windloving buckwheat (*Eriogonum anemophilum*); ligulate feverfew (*Parthenium ligulatum*); and Tiehm beardtongue (*Penstemon tiehmii*).

3.9 Wastes, Hazardous and Solid

A Phase 1 Environmental Site Assessment was conducted on the Subject Parcels that included a site inspection on October 22, 2008 and April 28-29, 2009, communications with relevant agencies, and a review of historical records to evaluate the potential for hazardous or toxic substance contamination at the Subject Parcels (Ecosystem Management, Inc. 2009). The visual inspection, available hazardous materials management agency records, personal communications, and historical records did not reveal any meaningful hazardous materials storage violations or spill incidents on the Subject Parcels, nor was there any visual evidence of meaningful hazardous material releases or spills on the Subject Parcels at the time of the site inspection. Further, no off-site sources appear to have a potential to impact environmental conditions on the Subject Parcels (Ecosystem Management, Inc. 2009).

The Subject Parcels are primarily undeveloped rangeland. Minor amounts of trash, such as corrugated metal and abandoned components for farming equipment are present in the Subject Parcels. There was no evidence of past uses of the property except fences and road tracks. Adjoining land uses are agricultural fields, livestock grazing, and housing.

3.10 Water Resources

The Subject Parcels are located within the Upper Reese River Valley Hydrographic Basin (Number 56) (Division of Water Resources 1991). Based on the surface drainage patterns, the regional ground water flow in the general vicinity is to the north. There are several ephemeral drainages that traverse the Subject Parcels (see Figure 1.1.2). The drainages were not evident during field surveys conducted in April 2008. The Reese River is located approximately 1 mile to the east of one subject parcel and 2.5 miles to the east of the other subject parcel. It is the principal drainage in the valley. The Reese River flows from south to north with seasonal intermittent flows. The Reese River originates approximately 50 miles to the south of the Subject Parcels in the Toiyabe Mountains, and then continues northerly from the Subject Parcels about 70 miles where it joins the Humboldt River near Battle Mountain.

Although the Reese River Valley is the largest sub-basin drainage area (3,600 square miles) within the Humboldt River Basin, water from the Reese River only reaches the Humboldt River during severe storm and flood events (Nevada Department of Conservation and Natural Resources 2000). Typically, seasonal discharge from the Reese River terminates ten to 20 miles south of Battle Mountain and the main stem of the Humboldt River. Due to the fact that the normal surface flows are internally draining, the Reese River Valley sub-basin is in effect a closed hydrographic sub-basin (Nevada Department of Conservation and Natural Resources 2000).

Portions of the Reese River are listed by the Nevada Division of Environmental Protection (NDEP) as a Section 303(d) Clean Water Act waterbody that warrants further investigation (NDEP 2006). The specific water quality issues under consideration are the pH and water temperature found in the water from the confluence of the Reese River with Indian Creek to State Route 722 (old U.S.Highway 50) (NDEP 2009). This segment of the Reese River lies approximately 1 mile to the east of the Subject Parcels.

Based on data from the Nevada State Engineer, the nearest municipal public water supply well is located in the town of Austin, which is approximately 15 miles northeast of the Subject Parcels.

According to the FEMA mapping database, the easternmost Subject Parcel, is classified as a special flood hazard area inundated by 100-year flood (FEMA Map Website 2009; http://map1.msc.fema.gov). It is further identified as within Zone A, which means that no base flood elevations have been determined (FEMA Map Website 2009; http://map1.msc.fema.gov). The westernmost Subject Parcel is classified as within Zone X of Other Areas. These areas are determined to be outside the 500-year floodplain (FEMA Map Website 2009; http://map1.msc.fema.gov).

The National Wetlands Inventory does not identify any wetlands within the Subject Parcels or the surrounding area (http://wetlands.fws.er.usgs.gov 2009).

3.11 Geology and Minerals

In the general area of the Subject Parcels, the Shoshone Mountains consists mostly of Tertiary extrusive volcanic rocks which have been intruded by later Tertiary intrusive rhyolite. This package of rocks dips gently to the east toward the Reese River. The oldest known volcanic rocks in vicinity of the subject parcels are identified as the Bates Mtn. tuff, which is the widest distributed volcanic unit in the area. The Bates Mtn. tuff varies in thickness from over 700 feet in the northern Toquima range to less than 50 feet in outlying areas. In the Shoshone Mountains, the basal unit is dated at 24.7 m.y. by the K-AR method. The thickness of the volcanic section is unknown, but the nearest oil test well, in NW4NW4 sec 27, T32N., Range 45E., indicates a total volcanic thickness of 2710 feet (Stewart 1977).

Paleozoic sedimentary rocks underlie the Tertiary volcanic rocks in the region. Of these, the Cambrian age Crane Canyon and the Ordovician age Valmy Formations are the oldest and most widely exposed sedimentary formations in the Toiyabe Range to the east of the subject parcels. They consist of laminated limestone and black shale of the Crane Canyon formation and interbedded quartzite, chert, siltstone and argillite of the Ordovician Valmy formation. The Valmy constitutes part of the assemblage of deep water siliceous and volcanic rocks which are found in the upper plate of the Roberts Mountains thrust fault, and are thrust over the underlying Cambrian Crane Canyon Formation. The Roberts Mountain thrust fault is well exposed in the Toiyabe Range.

There is no geologic formation exposed on the subject parcels except for Quaternary Alluvium. The surface is predominantly covered by grayish brown silty clay with sparse to common ¼" well rounded gravels derived from both the volcanic rocks to the west and the Paleozoic rocks to the east. Rare cobbles to 6" are also present. Some areas within the parcels are gravel free on the surface. The thickness of this unit on the property itself is unknown but the log from the deepest water well located in theW2 Sec.1 T.17N., R.41E, due north of the Subject Parcel in Section 13, records a thickness in excess of 600' (NDCNR Well Log Database).

The nearest mining districts to the Subject Parcels are the Reese River (Austin) District, Birch Creek District and the Big Creek District. These districts are located approximately 12 miles to 22 miles to the northeast, east and southeast in the Toiyabe Range.

The Reese River (Austin) District is located approximately 22 miles northeast of the subject parcels. The majority of the historic production came from silver-bearing quartz veins that occur along joints in Jurassic age granitic rocks which intrude Paleozoic sedimentary rocks. These granitic rocks

consist of granodiorite and quartz monzonite and are locally intruded by lamprophyre, aplite, and pegmatite dikes. The Rundberg uranium deposit is hosted by Cambrian age sedimentary rocks near the southwest edge of the district. Turquoise deposits occur in Ordovician age sedimentary rocks near the northeast corner of the district.

The Birch Creek District is located approximately 10 miles south of Austin and approximately 16 miles east of the Subject Parcels. Minor amounts of gold and silver were produced from quartz veins within and along the contact of Jurassic age granitic rocks which are most likely related to the Jurassic rocks which occur at Austin. Tungsten has been produced from along the contact zone of the Jurassic granite and the enclosing lower Paleozoic sedimentary rocks. Uranium has also been produced from a similar contact zone (Stewart, 1977).

Austin Gold Ventures "Quito Project" is located approximately 14 miles south of Austin and approximately 10 miles southeast of the Subject Parcels in the Big Creek District. This is a disseminated gold deposit hosted by lower Paleozoic sedimentary rocks similar to those known as "Carlin type" deposits mined elsewhere in northern Nevada. Production at the Quito project is reported to be up to 200,000 ounces of gold from about 1986 to 1989. Interest in and around the mine area has recently resumed (BLM LR2000 search).

There are no mining claims located on the Subject Parcels, and there are no active oil, gas or geothermal leases in the immediate area. The closest active mineral material site is a gravel pit at the NW corner of Sec. 19, T.17N., R.42E. to the south of the easternmost parcel.

A separate Mineral Report was prepared that evaluated the mineral potential of the Subject Parcels (Mulhollen 2008). The Report provides a detailed assessment of the geology of the area and associated mineral potential, and concluded that a low potential exists for all locatable minerals (metallic minerals, uranium and thorium and nonmetal/industrial minerals) and leasable minerals (coal, geothermal, sodium/potassium, oil and gas). The Report indicates that there is a high potential for saleable minerals (sand and gravel), but concluded that the Subject Parcels are not unique compared to the surrounding valley fill material.

3.12 Land Use

The Subject Parcels are characterized by undeveloped range land and are primarily utilized for livestock grazing associated with the San Juan Allotment. A private road (Lenox Farm) borders the eastern boundary of the westernmost Subject Parcel. A two-track road borders the southern boundary of the Subject Parcels. Powerlines are located on the western boundary of the westernmost Subject Parcel. There are also overhead powerlines on the eastern and southern boundaries of the other Subject Parcels. Fences are located along a portion of the north side of the easternmost Subject Parcel. On the western Subject Parcel, there are fences along the eastern and southern boundaries. There is no natural gas service, propane service, public water or sewer service, electrical service, or telephone service to the Subject Parcels. There is a house and agricultural land to the south of the westernmost Subject Parcel. There are also homes to the east and south of the Subject Parcels. Cultivated fields are predominantly utilized for pivot-irrigated alfalfa production. Other adjoining lands are used for livestock grazing. The Subject Parcels are not known to be used for recreational activities (personal communication, Christopher Neville, BLM, Outdoor Recreation Specialist, March 4, 2009).

As stated previously, the Subject Parcels are designated as an A-3 District by the Lander County Planning Commission (personal communication, Deborah Teske, Community Development

Specialist, Lander County, August 14, 2009). Permitted land uses within the A-3 District are primarily associated with ranching and farming such as the raising of livestock or growing of commercial crops. In addition, permitted uses in A-1 and A-2 Districts, such as residential dwellings are allowed within the A-3 District as long as property owners adhere to the minimum lot size of 20 acres (personal communication, Deborah Teske, Community Development Specialist, Lander County, August 14, 2009). Following the transfer of ownership, the anticipated land use of the Subject Parcels would be the same as the current use.

3.13 Range

The Subject Parcels are located within the San Juan Allotment, which is presently managed for approximately 9,169 AUMs annually. An AUM represents the amount of forage required to support cow/calf pair, one horse, five sheep or five goats for one month. The San Juan Allotment consists of approximately 64,832 acres of public land and 18,457 acres of private land, for a total of 83,289 acres. The allotment was recently subdivided into use areas and there are currently two permittees operating in the area of the Subject Parcels with a cattle rancher and a sheep operation (personal communication, Jason Spence, BLM, Range Specialist, March 4, 2009). There are approximately 57 acres assigned per AUM for the use area affected by the Proposed Action.

3.14 Socioeconomics

The Subject Parcels are located in Lander County, which had an estimated population of 5,086 in 2008 (United States Census Bureau 2009). The City of Battle Mountain has an estimated population of 2,740 people (Lander County 2006). The June 2009 unemployment rate for Lander County was 6.9 percent (Nevada Workforce Informer 2009). The unemployment rate for the State of Nevada for June 2009 was 12.0 percent (Nevada Workforce Informer 2009). According to the 2000 Census, Lander County had a housing vacancy rate of 24.7 percent. The median household incomes in Lander County and the State of Nevada in 2007 were $61,466 and $54, 996, respectively (United States Census Bureau 2009).

3.15 Soils

The soils found in the Subject Parcels have been mapped and described by the Natural Resource Conservation Service (NRCS) in their Soil Survey of Lander County, Nevada, South Part (NRCS 2009). A total of seven soil map units (Table 3.3) occur within the Subject Parcels.

Soils on the Subject Parcels consist of primarily silt and sandy loams. Hazard of erosion by water and wind is high and moderate respectively for all these soils. Soils in the Subject Parcels vary from nonsaline to moderately saline. The soils are primarily derived from mixed rock outwash of alluvial fans from the surrounding mountains, and often being influenced by windblown dust and volcanic ash.

Table 3.15-1 Soil Series within the Subject Parcels

Association	Landscape position/ % Slope	Profile Soil Texture	Erosion by water	Erosion by wind	Drainage Class	Acres
Beoska-Whirlo-Misad 175	Fan remnants 0-2% slopes	Very fine sandy loam, silty clay loam, stratified gravelly sandy loam	High	Moderate	Well drained	337

McConnel-Rasille-Wholan 633	Bench terraces 2-8% slopes	Gravelly loam, fine sandy loam	High	Moderate	Well drained	34
McConnel-Rasille 635	Beach terraces 2-4% slopes	Gravelly loam, fine sandy loam	High	Moderate	Well drained	115
Relley silt loam, frequently flooded, 0 to 2 percent slopes 854	Fan skirts 0-2% slopes	Silt loam	High	Moderate	Well drained	33
Sonoma-Wendane 990	Flood plains 0-2% slopes	Silt loam, Stratfied silt loam to silty clay loam	High	Moderate	Somewhat poorly drained	42
Wholan-Rasille, non-alkaline 1178	Fan skirts 0-2% slopes	Silt loam, very fine sandy loam	High	Moderate	Well drained	217
Ricert-Orovada-Broyles 1287	Fan remnants 2-4% slopes	Very gravelly very fine sandy loam, loam	High	Moderate	Well drained	100

Source: NRCS 2009

3.16 Vegetation

The Subject Parcels fall within the Intermountain Basins big sagebrush shrubland and Intermountain Basins mixed salt desert scrub plant communities as defined by the Southwestern regional GAP Analysis (2005). The Subject Parcels are located in the Reese River Valley and have been disturbed by agricultural operations in the past. The dominant vegetation included big sagebrush (*Artemisia tridentata*) patches with bud sage (*A. spinescens*) scattered Indian ricegrass (*Achnatherum hymenoides*), broom snakeweed (*Gutierrezia sarothrae*), rabbitbrush (*Chrysothamnus* spp.), halogeton (*Halogeton glomeratus*), four-wing saltbush (*Atriplex canescens*), and cheatgrass (*Bromus tectorum*).

3.17 Visual Resources

Scenic quality is a measure of the visual appeal of a parcel of land. Section 102(a)(8) of FLPMA places an emphasis on the protection of the quality of scenic resources on public lands. Section 101(b) of the NEPA requires that measures be taken to ensure that aesthetically pleasing surroundings be retained for all Americans. To ensure that these objectives are met, the BLM devised the Visual Resources Management (VRM) System. The VRM system designates classes for BLM-administered lands in order to identify and evaluate scenic values to determine the appropriate levels of management during land use planning. Each management class portrays the relative value of the visual resources and serves as a tool that describes the visual management objectives.

VRM classes are typically assigned to public land units through the use of the visual resource inventory classes in the BLM's land use planning process. One of four VRM classes is assigned to each unit of public lands. Once visual resource classes and objectives are established, the analysis stage is used to determine whether the potential visual impacts from proposed surface-disturbing activities will meet the management objectives established for the area. A visual contrast rating process is used for this analysis, which involves comparing the project features with the major existing landscape features using the basic design elements of form, line, color, and texture.

The Subject Parcels are located in a Class IV VRM area. The objective of this class is to provide for management activities that allow for major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. Management activities could dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of such activities through careful location, minimal disturbance and repeating the basic elements of line, form, color, and texture (BLM 1986).

3.18 Wildlife

The wildlife species that inhabit the Subject Parcels are typical of the arid/semi-arid environment in the central Great Basin. The common species of wildlife known to populate Reese Valley include pronghorn antelope (*Antilocapra americana*), coyotes (*Canis latrans*), badger (*Taxidea taxus*), gray foxes (*Urocyon cinereoargenteus*), kit foxes (*Vulpes macrotis*), collard lizard (*Crotaphytus collaris*), sage thrasher (*Oreoscoptes montanus*), and numerous small mammals, birds, and reptiles (personal communication, Mike Stamm, BLM, Wildlife Management Biologist, March 4, 2009). Additionally, greater sage-grouse (*Centrocercus urophasianus*) have distributions that overlap with the Subject Parcels (personal communication, Mike Stamm, BLM, Wildlife Management Biologist, March 4, 2009).

4 ENVIRONMENTAL CONSEQUENCES

The Proposed Action is the sale and transfer of ownership of the Subject Parcels described in Section 1.1. In addition, the need for the Proposed Action is to provide private land for livestock grazing as outlined in Section 2.1.1. The following sections analyze the environmental consequences of both the proposed action and the subsequent land use for the critical and non-critical elements for which there are potential impacts. It should be noted that the subsequent land use represents the proposed future use scenario for the Subject Parcels and would result in indirect effects, whereas the proposed action represents the action for which NEPA analysis was required and would result in direct effects.

4.1 Proposed Action

4.1.1 Air Resources

There would be no direct impacts to air resources as a result of the Proposed Action because the Proposed Action is merely the transfer of land ownership.

Subsequent Land Use would be consistent with the current use and would not result in impacts to air quality.

4.1.2 Cultural Resources

There would be direct impacts to cultural resources as a result of the Proposed Action however, the sites are not eligible for inclusion on the NRHP list.

The BLM determined that the two recorded sites are not eligible for inclusion on the National Register of Historic Places (NRHP) and the Nevada State Historic Preservation Office (SHPO) concurred with the BLM's eligibility determination. The Proposed Action and Subsequent Land Use will affect cultural resource sites, however neither of the sites is eligible for inclusion on the NRHP.

The prehistoric isolated artifacts are categorically not eligible for inclusion on the NRHP, per the State Protocol Agreement between the Bureau of Land Management and the State Historic Preservation Office.

As a result, neither the Proposed Action nor the Subsequent Land Use would adversely affect any eligible cultural sites.

4.1.3 Noxious Weeds and Invasive, Nonnative Species

There would be no direct impacts from noxious weeds and invasive, nonnative species as a result of the Proposed Action, which is merely the transfer of land ownership.

Invasive plant, noxious weed, and pests could potentially be introduced to or spread within the Subject Parcel as a result of the Subsequent Land Use; however, the Subsequent Land Use would be a continuation of the current use and is not expected to result in impacts from invasive, nonnative species. In addition, if infestations were to occur, they would be treated by the Proponent.

4.1.4 Migratory Birds

Migratory birds and their nests are protected by the Migratory Bird Treaty Act (MBTA). There would be no direct impacts to migratory birds as a result of the Proposed Action, which is merely the transfer of land ownership.

The Subsequent Land Use would be a continuation of the current use and is not expected to result in impacts to migratory birds.

4.1.5 Native American Religious Concerns

There would be no impacts to Native American religious concerns as a result of the Proposed Action because it is merely the transfer of land ownership. Various tribes and bands of the Western Shoshone have stated that federal projects and land actions can have widespread effects to their culture and traditional practices as they consider the landscape as sacred and as a provider. Various locations throughout the BLM Mount Lewis Field Office administrative area continue to host traditional/spiritual/cultural use activities and resources.

Native American consultation and communication/coordination efforts with the Yomba Shoshone Tribe are ongoing with a site visit being arranged. The Yomba Shoshone Tribe is the most local Tribal entity with reservation boundaries located approximately 15 miles south of the proposed land sale.

Although traditional/cultural activities and/or resources are not known (to the BLM) to occur within or in close proximity to the project area, participating tribal representatives request the opportunity to identify any such resources before they might fall under private ownership (this also includes any potential loss of access).

4.1.6 Special Status Species

There would be no direct impacts to special status species as a result of the Proposed Action. The biological survey concluded that the proposed action is not likely to result in a trend toward federal listing or a loss in population viability for federal or state species of concern.

According to an NNHP letter dated June 1, 2009, there are no documented occurrences of special status species within the Subject Parcels (Appendix A). The parcels had low quality suitable habitat for both pygmy rabbits (*Brachylagus idahoensis*) and greater sage grouse (*Centrocerus urophasianus*). Foraging and nesting habitat for threatened and endangered species may be impacted by the Proposed Action, however, since the subsequent land use will not change, there would be minimal to no impacts on the wildlife species.

4.1.7 Wastes, Hazardous and Solid

There would be no direct impacts from hazardous and solid waste as a result of the Proposed Action because the Proposed Action is merely the transfer of land ownership.

The Subsequent Land Use would be a continuation of the current use and should not lead to the creation of hazardous wastes. Therefore, the Subsequent Land Use would not result in impact from hazardous and solid waste.

4.1.8 Water Resources

There would be no direct impacts to water resources as a result of the Proposed Action because it is merely the transfer of land ownership.

The Subsequent land use would be consistent with the current use; therefore there would be no impacts to water quality, water supply, or riparian zones beyond those associated with the current use.

As discussed in Section 2.1.1, those portions of the Subject Parcels within the 100-year floodplain would be subject to FEMA development restrictions as imposed and regulated by the county. Further, any portions of the Subject Parcels within a Zone A floodplain would be conveyed to the Proponent subject to permanent deed restrictions imposed by the BLM as a condition of the sale. The Subsequent Land Use would be consistent with the FEMA development restrictions and the BLM deed restrictions. Therefore, no impacts are anticipated from The Subsequent Land Use relative to floodplains.

4.1.9 Geology and Minerals

The Mineral Potential Report concluded that the mineral potential within the Subject Parcels is minimal (Mulhollen 2008). Transfer of the mineral estate to the Proponents as part of the Proposed Action would, therefore, have little impact. Further, there would be no impacts to geology and minerals from the Subsequent Land Use.

4.1.10 Land Use and Recreation

The Proposed Action could have direct impacts to land use because the land uses would be designated and governed by Lander County, which has zoned the Subject Parcels as A-3. However, land use changes as a result of the Subsequent Land Use would be minimal since the land, which is currently vacant and used for livestock grazing, would continue to be used for the same purpose. In addition, the Subsequent Land Use is in keeping with the local and county plans and is consistent with use of rural land parcels lacking public access. Adjacent public lands offer similar dispersed recreation opportunities, therefore recreation would be minimally impacted within the Subject Parcels due to the Proposed Action.

4.1.11 Range/Livestock Grazing

In accordance with the two year waiver notice sent September 30, 2008, a total of 64 AUMs could be withdrawn from the San Juan Allotment (32 within the West Native Pasture and 32 within the River Bottom Pasture). AUMS in the San Juan Allotment would not be reduced as a result of the Proposed Action. The BLM would disperse the existing AUMs over the remaining acres within the allotment. Grazing permittees would be compensated for any loss of investment for authorized range improvements within the Subject Parcels. Therefore, the Proposed Action or the Subsequent Land Use could have an impact on existing ranching operations within the allotment.

4.1.12 Socioeconomics

The Proposed Action would have direct impacts to socioeconomics from the loss of payments in lieu of taxes now paid to Lander County by the BLM. The Lander County PILT is based on a payment of $0.15 per acre annually. This amounts to a payment of approximately $131.70 annually for the Subject Parcels. However, property tax assessments on the bare land would more than offset the PILT. Assuming tax revenues on parcels in the Austin area, based on taxes currently collected, the Subject Parcels would bring in approximately $1,031.05 of property taxes to the county annually (Lander County Tax Assessor's Office 2009). Therefore impacts on socioeconomics from the Proposed Action would be beneficial.

The Subsequent Land Use would have no measurable impact to socioeconomics because the Subject Parcels would continue to be utilized under the current use. Grazing permittees would be compensated for their investments in authorized range improvements.

4.1.13 Soils

There would be no direct impacts to soils as a result of the Proposed Action.

The Subsequent Land Use would be a continuation of the current use and is not expected to result in impacts to soils.

4.1.14 Vegetation

There would be no direct impacts to vegetation as a result of the Proposed Action.

The Subsequent land use would be consistent with the current use; therefore there would be no impacts to the existing vegetation beyond the current use.

4.1.15 Visual Resources

There would be no direct impacts to visual resources as a result of the Proposed Action.

The Subsequent Land Use would be consistent with the current use and would not result in any changes to the elements of line, form, color, or texture; therefore there would be no visual impacts.

4.1.16 Wildlife

There would be no direct impacts to wildlife as a result of the Proposed Action.

Foraging and nesting habitat for wildlife may be impacted by the proposed land sale. However, since the subsequent land use will not change, there would be minimal to no additional impacts to wildlife or wildlife habitat.

4.2 No Action Alternative

Under the No Action Alternative, the Subject Parcels would remain under the administration of the MLFO and the impacts identified above as a result of implementation of the Proposed Action would not occur. Current management would continue, however, the stated purpose and need for the Proposed Action would not be achieved.

4.3 Cumulative Impacts

For the purposes of this EA, the cumulative impacts are the sum of all past and present actions, the Proposed Action, and reasonably foreseeable future actions (RFFAs). The purpose of the cumulative analysis in the EA is to evaluate the significance of the Proposed Action and the Subsequent Land Use's contributions to cumulative impacts. A cumulative impact is defined under federal regulations as follows:

> "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable 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).

As required under the NEPA and the regulations implementing NEPA, this chapter addresses those cumulative effects on the environmental resources in the Cumulative Effects Study Areas (CESAs), which could result from the implementation of the Proposed Action (direct effects); past actions; present actions; and RFFAs including the Subsequent Land Use (indirect effects). The extent of any given CESA will vary with each resource, based on the geographic or biologic limits of that resource. As a result, the list of projects considered under the cumulative analysis may vary according to the resource being considered. In addition, the length of time for cumulative effects analysis will vary according to the duration of impacts from the Proposed Action on the particular resource.

For the purposes of this analysis and under federal regulations, "impacts" and "effects" are assumed to have the same meaning and are interchangeable. The cumulative impacts analysis was accomplished through the following three steps:

- Step 1: Identify, describe, and map CESAs for each resource to be evaluated in this chapter;
- Step 2: Define time frames, scenarios, and acreage estimates for cumulative impact analysis.
- Step 3: Identify and quantify the location of possible specific impacts from the Proposed Action and judge these contributions to the overall impacts.

Environmental consequences of the Proposed Action and the Subsequent Land Use were evaluated previously in Chapter 4 for the various environmental resources. Based upon the analysis of the environmental resources, the resources, which are considered to have the potential to be cumulatively impacted by actions within the identified CESA for that resource are discussed in the following sections. Based on the preceding analysis, the Proposed Action and the Subsequent Land Use would not impact the following critical elements or they are not present and thus do not have cumulative impacts; Air Quality, Areas of Critical Environmental Concern, Environmental Justice, Hazardous and Solid Wastes, Migratory Birds, Prime or Unique Farmlands, Special Status Species, Water Quality/Supply, Wetlands/Riparian Zones, Wild and Scenic Rivers, and Wilderness. The Proposed Action and the Subsequent Land Use are also not expected to impact the following resources and thus do not have cumulative impacts; Geology and Minerals, Range/Livestock Grazing, Soils, Floodplains, or Visual Resources. These critical elements and resources are not discussed further in the cumulative impacts section.

The BLM determined that the two recorded sites are not eligible for inclusion on the National Register of Historic Places (NRHP) and the Nevada State Historic Preservation Office (SHPO) concurred with the BLM's eligibility determination. The Proposed Action and Subsequent Land Use will affect cultural resource sites, however, neither of the sites is eligible for inclusion on the NRHP. As a result, neither the Proposed Action nor the Subsequent Land Use would adversely affect any eligible cultural sites.

At this time, it cannot be said that Native American Religious Concerns are not present. However, given the limited number of major surface disturbing projects in the area, limited number of proposed projects overall in Reese Valley, no known TCPs, results of past consultation efforts, and the fact that the proposed use of this land is not inconsistent with current use, it is unlikely that this specific project will significantly contribute to cumulative impacts to NARC.

For this cumulative impact analysis, the Subject Parcels comprises the CESA for the following resources: Invasive Nonnative Species, Land Use and Recreation, Vegetation, and Wildlife (Figure 1.1.2).

The CESA for socioeconomics is Lander County, which covers approximately 35,977,500 acres or 5,621 square miles. Table 4.3-1 outlines the CESA area by each resource.

Table 4.3-1: Cumulative Effects Study Areas for Each Resource

Resource	CESA	Resource	CESA
Noxious Weeds and Invasive, Nonnative Species	Subject Parcels	Vegetation	Subject Parcels
Land Use and Recreation	Subject Parcels	Wildlife	Subject Parcels
Socioeconomics	Lander County		

4.3.1 Past Actions

The past actions have been associated primarily with ranching/livestock grazing, agricultural production, mineral exploration and mining (within the county and air basin), wildland fire, and BLM land management (e.g., road maintenance, range improvements, fencing, and wildland fire suppression).

4.3.2 Present Actions

Present actions include mineral exploration and mining (within the county and air basin), community and residential development (within the county), livestock grazing, agricultural production, and BLM land management.

4.3.3 Reasonably Foreseeable Future Actions

RFFAs include the following: mineral exploration and mining (within the county and air basin); federal land disposal or exchanges (within the county); livestock grazing; agricultural production; BLM land management; and the Subsequent Land Use.

4.3.4 Cumulative Impact Analysis

4.3.4.1 Noxious Weeds and Invasive, Nonnative Species

No direct cumulative impacts from noxious weeds and invasive, nonnative species would occur as a result of the Proposed Action.

The past actions of livestock grazing, wildland fire, and BLM land management could have introduced and increased the spread of noxious weeds and invasive species in the CESA. Although the Proposed Action would have no cumulative impact from noxious weeds and invasive species, the present actions and RFFAs of wildland fire and the Subsequent Land Use could result in the introduction and spread of noxious weeds and invasive species within the CESA, which is the subject parcels. The potential for introduction or spread of noxious weeds and invasive plants and pests within the Subject Parcels would be the same as under the current use. In addition, if infestations were to occur, they would be treated by the Proponent. Wildland fire in the Subject Parcels would be suppressed and have minimal impact from noxious weeds and invasive, nonnative species. Therefore, the indirect cumulative impacts from noxious weeds and invasive plants are expected to be minimal.

4.3.4.2 Land Use and Recreation

Neither the Proposed Action, nor the Subsequent Land Use would have impacts on access or recreation. Although the Proposed Action and the Subsequent Land Use would have impacts to land use in the CESA, which is the Subject Parcels, there are no other past or present actions, or RFFAs within the CESA; therefore, there would be no direct or indirect cumulative impacts to Land Use.

4.3.4.3 Socioeconomics

The Proposed Action in combination with other land sales or land exchanges within Lander County, including the present actions and RFFAs of the Subsequent Land Use, would have direct and indirect cumulative impacts to socioeconomics from the loss of PILT now paid to the county by the BLM.

However, property tax assessments on the private land would more than offset the loss of PILTs and thus result in beneficial direct and indirect cumulative impacts to socioeconomics.

4.3.4.4 Vegetation

No direct cumulative impacts to vegetation would occur as a result of the Proposed Action.

The past actions of livestock grazing, BLM land management, and wildland fire could have resulted in the alteration of vegetation within the CESA. The present action and RFFA of wildland fire in combination with the Subsequent Land Use could result in indirect cumulative impacts to vegetation. However, the potential impacts to vegetation within the Subject Parcels would be the same as under the current use and the dominant vegetation types within the Subject Parcels are abundant in the surrounding areas. In addition, wildland fire in the Subject Parcels would be suppressed resulting in minimal impacts to vegetation. Therefore, indirect cumulative impacts on vegetation are expected to be minimal.

4.3.4.5 Wildlife

No direct cumulative impacts to wildlife would occur as a result of the Proposed Action.

The past actions of livestock grazing, BLM land management, and wildland fire may have impacted wildlife in the CESA. The present action and RFFA of wildland fire in combination with the Subsequent Land Use could result in indirect cumulative impacts to wildlife. However, impacts to wildlife or wildlife habitat within the Subject Parcels from the Subsequent Land Use would be the same as under the current use and habitat similar to what exists within the Subject Parcels is abundant in the surrounding areas. In addition, wildland fire in the Subject Parcels would be suppressed and should have a minimal impact on wildlife. Therefore, no native wildlife species would be eliminated as a result of the past and present actions and RFFAs and the indirect cumulative impacts on wildlife should be minimal.

5 CONSULTATION AND COORDINATION

This EA was prepared at the direction of the BLM, Mount Lewis Field Office, Battle Mountain, Nevada, by Ecosystem Management, Inc., under a contract with the BLM. The following is a list of individuals responsible for preparation of the EA.

5.1 List of Preparers

Bureau of Land Management, Battle Mountain Field Office

Chris Worthington	NEPA Compliance, Environmental Justice, Socioeconomics
Jason Spence	Vegetation, Range, Soils
Christopher Neville	Recreation, Visual Resources, Wilderness and WSAs
Mike Stamm	Migratory Birds, Wildlife, Special Status Species, Wetlands and Riparian Zones
Charles Lane	Project Lead, Lands and Realty
Janice George	Cultural Resources
Mike Vermeys	Noxious weeds and Invasive Nonnative Species
Jon Sherve	Water Quality
Steve Drummond	Wastes, Hazardous or Solid, Minerals

Gerald Dixon	Native American Religious Concerns

Ecosystem Management, Inc.

Mike Tremble	Project Manager, Wastes, Hazardous and Solid, Air Quality
Stephanie Lee	Assistant Project Manager, Environmental Justice, Native American Religious Concerns, Water Resources, Cultural Resources, Land Use and Recreation, Range/Livestock Grazing, Socioeconomics, Visual Resources Migratory Birds, Special Status Species, Soils, Vegetation, Wildlife
Nina Harris	Cultural Resources
Ralph Mulhollen	Geology and Minerals

5.2 Persons, Groups and Agencies Contacted

Agencies, Organizations Contacted

Joy Brandt, Lander County Commissioners
Ms. Wynkoop, NV Energy
Gail White, Nevada Division of Environmental Protection
Deborah Teske, Lander County
Lura Duvall, Lander County Assessor's Office
Elisabeth Ammon, Great Basin Bird Observatory

Native Americans

Yomba Shoshone Tribe
Western Shoshone Tribe

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APPENDIX A

Nevada Natural Heritage Program Database Search

ALLEN BIAGGI
Director

Department of Conservation
and Natural Resources

JENNIFER E. NEWMARK
Administrator

JIM GIBBONS
Governor

Nevada Natural Heritage Program
Richard H. Bryan Building
901 S. Stewart Street, Suite 5002
Carson City, Nevada 89701-5245
U.S.A.

tel: (775) 684-2900
fax: (775) 684-2909

Nevada Natural Heritage Program

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Nevada Natural Heritage Program

http://heritage.nv.gov

01 June 2009

Stephanie Lee
Ecosystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, NM 87107

RE: Data request received 21 May 2009

Dear Ms. Lee:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or at risk plant and animal taxa recorded on or near the Reese Valley Land Sale Project area in Lander County. We searched our database and maps for the following, a five kilometer radius around:

Township 17N	Range 41E	Section 13
Township 17N	Range 42E	Section 18

There are no at risk taxa recorded within the given area. However, habitat may be available for, the Pygmy rabbit, *Brachylagus idahoensis*, a Nevada Bureau of Land Management Sensitive Species. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-.120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,

Eric S. Miskow
Biologist III/Data Manager

(NSPO 8-08)