



# 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/nv/st/en.html>



In Reply Refer to:  
2800 (LLNVB01000)  
NVN-48618

JUL 30 2010

Dear Interested Public:

Pursuant to the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations for implementing NEPA the Bureau of Land Management (BLM) Mount Lewis Field Office (MLFO) has prepared an Environmental Assessment (EA) which analyzes the impacts of a proposed Right-of-Way (ROW) amendment near Eureka, Nevada. The EA identifies, describes and evaluates resource protection measures that would mitigate the possible impacts from the proposal.

The Eureka County Public Works Department has applied for an amendment to their existing ROW grant, N-48618, which authorizes a series of buried waterlines, a well and a booster pump station. The amendment would allow for the addition of a new 350,000 gallon water storage tank and a 6,500' long buried water line which would connect the Devil's Gate 1&2 General Improvement (water) Districts and increase the efficiency of both water supply systems. The buried pipeline would be located within the Nevada Department of Transportation's (NDOT) ROW for U.S. Highway 50. The proposed project is located northwest of the intersection of U.S. Highway 50 and Nevada State Highway 278, west of Eureka.

According to the regulations found at 43 CFR 4.410, you have the right to appeal the decision analyzed in this EA if you have a legally recognizable interest which has been, or could be, adversely affected by it. An adversely affected party can be one who has participated in the decision making process by commenting on an environmental document however, such comments must be substantive in content.

The EA will be available for a 30-day public comment period. Written comments on this EA will be accepted at the above address until 4:30 p.m., September 10, 2010. The EA can be viewed on the BLM Battle Mountain District website at:

[http://www.blm.gov/nv/st/en/fo/battle\\_mountain\\_field/blm\\_information/national\\_environmental.html](http://www.blm.gov/nv/st/en/fo/battle_mountain_field/blm_information/national_environmental.html)

Before including your address, phone number, e-mail, 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 to obtain a hard copy of this document, please contact Chuck Lane, Project Lead, or Angelica Rose, Planning and Environmental Coordinator, at the above 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-B010-2010-0080-EA  
July 2010**

**Eureka County Public Works Department  
Devil's Gate Districts #1 and #2  
Water Tank and Pipeline ROW**

**ENVIRONMENTAL ASSESSMENT**

U.S. Department of the Interior  
Bureau of Land Management  
Battle Mountain District  
Mount Lewis Field Office  
Phone: 775-635-4000  
Fax: 775-635-4034



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## LIST OF ACRONYMS

<b>ARPA</b>	Archaeological Resources Protection Act
<b>AUM</b>	Animal Unit Month
<b>BLM</b>	Bureau of Land Management
<b>BMP</b>	Best Management Practice
<b>CEQ</b>	Council on Environmental Quality
<b>CESA</b>	Cumulative Effects Study Area
<b>CFR</b>	Code of Federal Regulations
<b>EA</b>	Environmental Assessment
<b>FLPMA</b>	Federal Land Policy and Management Act
<b>MDD</b>	Maximum Daily Demand
<b>NAC</b>	Nevada Administrative Code
<b>NAGPRA</b>	Native American Graves Protection and Repatriation Act
<b>NDEP</b>	Nevada Division of Environmental Protection
<b>NDOT</b>	Nevada Department of Transportation
<b>NEPA</b>	National Environmental Policy Act
<b>NNHP</b>	Nevada Natural Heritage Program
<b>NRCS</b>	Natural Resources Conservation Service
<b>PVC</b>	Polyvinyl chloride
<b>R</b>	Range
<b>RMP</b>	Resource Management Plan
<b>ROD</b>	Record of Decision
<b>ROW</b>	Right-of-Way
<b>SR 278</b>	State Route 278
<b>T</b>	Township
<b>TCP</b>	Traditional Cultural Property
<b>US 50</b>	U.S. Highway 50
<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>VRM</b>	Visual Resource Management

# **CHAPTER 1 INTRODUCTION**

## **1.1 INTRODUCTION**

The Eureka County Public Works Department (Eureka County) proposes to amend its existing right-of-way (ROW), N-48618, which authorizes a water supply well, booster pump, and series of pipelines. The proposed amendment is to construct an above ground water storage tank and additional buried pipeline in order to provide adequate water storage for the Town of Eureka and the Devil's Gate Water Districts #1 and #2. The project would be located northwest of the town of Eureka, Nevada, and north of U.S. Highway 50 (US 50) (Figure 1). Because the project would be located on public lands managed by the Bureau of Land Management (BLM), Eureka County prepared an SF299 application for Transportation and Utility Systems and Facilities on Federal Lands. The application was submitted to the BLM Battle Mountain District, Mount Lewis Field Office on January 5, 2010, requesting an amendment to its existing Right-of-Way (ROW) grant N-48618. Other water pipeline segments, wells, and components of Eureka County's water infrastructure are already authorized by ROW N-48618.

The BLM has prepared this Environmental Assessment (EA) as part of the decision process in consideration of the requested ROW. Through this decision process, BLM meets obligations under the Federal Land Policy and Management Act (FLPMA) of 1976, National Environmental Policy Act (NEPA), and other Public Land Acts.

## **1.2 AGENCY PURPOSE AND NEED FOR THE PROPOSED ACTION**

The purpose of the Proposed Action is to allow Eureka County to provide Devil's Gate Districts #1 and #2 with water storage capacity that is compliant with Nevada Administrative Code (NAC), Section 445A.6674. NAC 445A.6674 requires that a public water system maintain a storage capacity that provides the amount of water required for the maximum daily demand (MDD), emergency reserve (75 percent of MDD), and fire flow demand. The BLM's need is to respond to Eureka County's SF299 application for additional ROW and ensure that the action would avoid undue or unnecessary degradation of public land.

The existing system provides no water storage. The Devil's Gate Districts #1 and #2 existing water supply is pumped from two wells that deliver water directly to any given connection in the systems. Additionally, without a storage facility, there is no emergency supply in the event of pump failure or power outages. Frequent and regular pumping also increases the operational cost of the system.

To meet Eureka County's need, new storage capacity must fulfill the following objectives:

- The water system must be dependable and capable of reliably conveying water to the Devil's Gate Districts #1 and #2.
- Storage capacity must provide for fire emergencies and must be compliant with NAC Section 445A.6674 storage capacity requirements.
- The water system must be cost effective to operate and maintain.

### **1.3 RELATIONSHIP TO PLANNING AND CONFORMANCE WITH PLANS**

The public lands administered by the BLM in the project vicinity are managed in accordance with the Shoshone-Eureka Resource Management Plan (RMP) and Record of Decision (ROD) for the Shoshone-Eureka Resource Area (BLM 1984; 1986). The proposed action is in conformance with the RMP, even though it is not specifically provided for, because it is consistent with the following RMP decisions (objectives, terms, and conditions): "Management Actions Not Expressly Addressed by the Resource Management Plan– ROD PART II.E."

## CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES

### 2.1 PROPOSED ACTION

#### 2.1.1 Description

Eureka County Public Works Department proposes to construct a water storage tank and an underground pipeline that would connect the tanks to the existing water system in the Devil's Gate Districts #1 and #2. The specific components are as follows:

- 408,000-gallon water storage tank, approximately 24 feet high and 55 feet in diameter. Ancillary features include perimeter fencing, an overflow pipeline, and a pipeline connection to an existing town of Eureka waterline for emergencies. The proposed tank site is approximately 1.42 acres, located within Section 34, Township 20 North (T20N), Range 53 East (R53E) (Figure 2).
- The 1.42-acre tank site includes sufficient space for a second 408,000-gallon water storage tank, should one be needed in the future (Figure 2). Should an additional tank be proposed in the future, additional site-specific environmental analysis would be performed.
- 6,679 linear feet (1.26 miles) of buried 16-inch pipeline made from polyvinyl chloride (PVC) or ductile iron. The pipeline would include fittings, valves, and other appurtenances where needed. This portion of the ROW amendment would be 60 feet wide requiring 9.2 new acres, located along the northern side of US 50 (Figure 3), within Sections 28, 33, and 34, T20N, R53E. The pipeline would be placed within the ROW NEV-04979 granted to Nevada Department of Transportation (NDOT) for US 50.

The pipeline along US 50 would connect the storage tank to an existing 6-inch water main at Frontier Street. Pipeline construction would consist of first excavating a trench approximately 6 feet deep and 9 feet wide (3 feet wide at the base of the trench). Material to be placed in the trench would include the pipe and clean bedding material. The pipe would be placed at a minimum depth of 48 inches below existing ground (Figure 4). The trench would then be backfilled with native material. Bedding and backfill material, and compaction density would meet requirements of Nevada Standard Details for Public Works Construction and standards used by Eureka County Public Works Department. The disturbed ground surface would be reclaimed to preconstruction contours and seeded with a BLM-approved seed mix. Disturbance on public land for the pipeline would be 9.2 acres and would be limited to the width of the ROW (60 feet).

Preparation of the tank site would include clearing, grading, and construction of a gravel foundation. The gravel foundation would allow the storage tank to rest on top of a stable

platform. To reduce the visual contrast of the tank, Eureka County would paint the tank a color that matches natural colors found in the surrounding environment. Any solid waste generated by the project would be taken to the Eureka County landfill for disposal.

Construction equipment would access the project via Frontier Road, SR 278, and US 50. Because of its proximity to the town of Eureka, the Proposed Action would not require additional disturbance for equipment staging/fueling areas. Construction activities would begin as soon as the grant for the ROW amendment is issued to Eureka County. Construction would take place during the 2010 construction season and would last approximately 90 days. The facilities would be owned, operated, and maintained by Eureka County.

The tank would add storage capacity to the existing system and convert it from a demand pumping system into a gravity supply system. Water would still be pumped from the two wells and travel through the existing distribution pipelines in the districts. However, it would also be pumped through the proposed pipeline to the storage tank. When a demand is generated in the Devil's Gate Districts #1 and #2, water would travel from the tank and back through the proposed pipeline to the connection generating the flow using gravitational force alone. This would ensure that water is available to the districts at all times, even during power outages and pump failures. The storage capacity of the tank would ensure adequate water is available in the event of a fire emergency and would provide storage capacity compliant with NAC Section 445A.6674. Should either of the wells become impaired or unusable, the tank would be connected to an existing gravity supply water line and booster pump station that services the town of Eureka. This connection would be used only during emergencies. Additionally, the system would require less pumping and would be more cost effective to operate than the existing system.

### **2.1.2 Environmental Protection Measures**

The following Environmental Protection Measures are incorporated into the proposed action in order to reduce or avoid adverse effects.

1. To reduce visual contrast, the tank would be painted a color that matches natural colors found in the surrounding environment.
2. To minimize impacts to vegetation, all surface disturbance would be limited to the boundaries of the requested ROW. Ground disturbed for pipeline construction would be reclaimed to the pre-construction contours and seeded with the erosion control seed mix as described in Section 3.17 Mitigation Measures.
3. To protect water quality, Eureka County and/or its contractors would implement Best Management Practices (BMPs) at all times during construction. BMPs are defined by the Nevada Division of Environmental Protection (NDEP) in State of Nevada Non-Designated Area Water Quality Management Plan, Handbook of Best Management Practices (1994).

4. As a part of its BMP plan, Eureka County and/or its contractors would implement measures for spill prevention and cleanup. Eureka County and/or its construction contractor would not fuel equipment at the project site. No washing of oil, grease, or other petroleum products would be allowed onsite during construction. In the event of oil, fuel, and hydraulic fluid leaks, cleanup would be conducted immediately after detection. If the leak is on a compacted surface, an oil-absorbing product would be applied. Once the cleanup product has absorbed the leak it would be swept up and disposed of according to federal, state, or local regulations. If the leak occurs on soil, the contaminated soil would be removed and disposed of according to federal, state, or local regulations.

### 2.1.3 Permits and Approvals

Eureka County is responsible for obtaining valid permits and approvals from all relevant federal, state, and local agencies to construct the proposed project. Table 1 lists the permits and approvals needed for this project.

**Table 1 Permits and Approvals**

Authorizing Action/Permit	Agency
Encroachment Permit	Nevada Department of Transportation
Stormwater General Permit NVR10000	Nevada Division of Environmental Protection, Bureau of Water Pollution Control
Air Quality Operating Permit Surface Area Disturbance	Nevada Division of Environmental Protection, Bureau of Air Pollution Control

## 2.2 PIPELINE ALTERNATIVE

Under this alternative, the location of the proposed pipeline to Frontier Street would be slightly different from that of the Proposed Action. Instead of constructing the pipeline inside of the NDOT US 50 ROW, this alternative would place the pipeline outside of the NDOT US 50 ROW (Figure 3). The southern boundary of the alternative ROW would coincide with the NDOT ROW fence, and the centerline of the proposed pipeline would be offset 30 feet from the NDOT ROW fence. The proposed tank site would be constructed in the same manner and location as described in the Proposed Action.

## 2.3 NO ACTION ALTERNATIVE

Under the No Action Alternative, the BLM would not grant a ROW amendment to Eureka County for the proposed pipeline and water tank. Devil's Gate Districts #1 and #2 would continue to rely on water supply from the town of Eureka during fire emergencies, power

outages, and pump failures. The Devil's Gate Districts #1 and #2 would continue without adequate water storage that meets NAC requirements.

## **2.4 SCOPING**

The project was internally scoped by the BLM Interdisciplinary Team from February 2010 to May 2010. The BLM Interdisciplinary Team identified the supplemental authorities and other resources to be addressed in this document as further discussed in Section 3.2. The encroachment permit filed by Eureka County to NDOT was also raised as an issue during the internal scoping of this project. NDOT expressed concern that the 400-foot ROW for US 50 is needed to accommodate future widening of US 50, and the existing US 50 ROW is already encumbered with ROWs for telephone and buried telephone lines. Eureka County met with NDOT and was able to resolve this concern; see Land Use Section 3.3 for more information.

**CHAPTER 3**  
**AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

**3.1 RESOURCES CONSIDERED FOR ANALYSIS**

The BLM is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by executive order (BLM 1988, BLM 1997, BLM 2008). The following table lists the elements that must be addressed in all environmental analyses and indicates if the Proposed Action or the Pipeline Alternative affects those elements. Supplemental Authorities determined to be Not Present or Present but Not Affected need not be carried forward for analysis or discussed further in the document.

**Table 2 Supplemental Authority Elements Considered for Analysis**

Supplemental Authority Element	Not Present	Present/ Not Affected	Present/ May Be Affected	Rationale
Air Quality		✓		The proposed project is not within an area of non-attainment or area where total suspended particulates or other criteria pollutants exceed Nevada air quality standards. There would be an increase in particulate matter due to fugitive dust during construction; however, Nevada air quality standards would not be exceeded.
Area of Critical Environmental Concern (ACEC)	✓			Resource is not present.
Cultural Resources	✓			Resource is not present. The Proposed and Alternative Action areas were surveyed (BLM6-1751, BLM6-1771, and BLM6-2191). No sites eligible for the National Register of Historic Places were found. Section 3.7 discusses the measures that would be implemented in the event that previously unknown cultural resources are discovered.
Environmental Justice and Socioeconomics			✓	Impacts are assessed in Section 3.5
Farm Lands (Prime or Unique)	✓			Resource is not present.
Fish Habitat	✓			Resource is not present.
Noxious Weeds/Non-native invasive Non-native Species			✓	Impacts are assessed in Section 3.11.
Native American Religious Concerns	✓			Resource is not present. Broader Native American concerns and the measures which would be implemented in the event that Native American resources are discovered are discussed in Section 3.6.
Floodplains	✓			Resource is not present.

<b>Supplemental Authority Element</b>	<b>Not Present</b>	<b>Present/ Not Affected</b>	<b>Present/ May Be Affected</b>	<b>Rationale</b>
Wetlands/Riparian Zones	✓			Resource is not present.
Threatened and Endangered Species			✓	Impacts are assessed in Section 3.14.
Migratory Birds			✓	Impacts are assessed in Section 3.15.
Waste–Hazardous and Solid			✓	Impacts are assessed in Section 3.16.
Water Quality (Surface/Ground)	✓			Resource is not present. The project provides storage capacity and does not increase water demand or increase water withdrawals.
Wild & Scenic Rivers	✓			Resource is not present.
Wilderness	✓			Resource is not present.
Forests and Rangelands (HFRA only)	✓			This project does not meet the criteria to qualify as an HFRA project.
Human Health and Safety	✓			Resource is not present

Other resources of the human environment that have been considered for EA are listed in the table below. Elements that may be affected are further described in the EA.

**Table 3 Other Resources Considered for Analysis**

<b>Other Resources</b>	<b>Not Present</b>	<b>Present/ Not Affected</b>	<b>Present/ May Be Affected</b>	<b>Rationale</b>
Grazing Management			✓	Impacts are assessed in Section 3.12.
Homeland Security of Drinking Water Systems		✓		The Proposed Action would support the existing water supply system to Devils Gate Districts #1 and #2 in the vicinity of Eureka. A vulnerability assessment of this community water system is not required per the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. These assessments are required for systems serving populations of more than 3,300 persons.
Land Use Authorization			✓	Impacts are assessed in Section 3.3.
Minerals			✓	Impacts are assessed in Section 3.8.
Paleontological Resources	✓			Resource is not present. Composition of soil and parent material is not supportive of paleontological resources.
Recreation		✓		The project area lacks established facilities, lacks

Other Resources	Not Present	Present/ Not Affected	Present/ May Be Affected	Rationale
				unique natural features, and is in proximity to US 50. Within the vicinity of the project area there are no designated public recreation trails, campgrounds, or parks.
Soils			✓	Impacts are assessed in Section 3.9.
Vegetation			✓	Impacts are assessed in Section 3.10.
Visual Resources			✓	Impacts are assessed in Section 3.4.
Wild Horses and Burros	✓			Resource is not present.
Wildlife			✓	Impacts are assessed in Section 3.13. Impacts to BLM sensitive wildlife are assessed in Section 3.14.

As noted in the tables above, the following resources will not be brought forward for further analysis in this EA because they are not present within the project area or would not be affected by the proposed action and alternatives: Air Quality, Areas of Critical Environmental Concern, Farm Lands (Prime and Unique), Fish Habitat, Floodplains, Wetlands/Riparian Zones, Water Quality (Surface/Ground), Wild and Scenic Rivers, Wilderness, Forest and Rangelands, Human Health and Safety, Paleontological Resources, Recreation, and Wild Horses and Burros. Native American Concerns and Cultural Resources are not expected to be present but are brought forward for discussion in Sections 3.6 and 3.7, respectively, in order to discuss measures that would be implemented should either of the resources be discovered during construction.

The following sections describe the affected environment for each resource and the environmental consequences resulting from the Proposed Action. Mitigation measures and the analysis of other alternatives and residual impacts are discussed at the end of this chapter. The analysis of cumulative effects is contained in Chapter 3. Photographs of the project area are contained in Appendix A.

### 3.2 GENERAL SETTING

The project area is located 3 to 3.5 miles northwest of downtown Eureka, near the southern edge of the Diamond Valley, in Eureka County, Nevada. Diamond Valley is bounded on the east by the north-south-trending Diamond Mountains and on the west by the Sulphur Springs Range, Whistler Mountain, and Mountain Boy Range. A large playa occupies the floor of the Diamond Valley at an elevation of about 5,770 feet above mean sea level. According to the description in the *Soil Survey of Diamond Valley Area, Nevada, Parts of Elko, Eureka, and White Pine Counties* (SCS 1980), the climate in the Diamond Valley area is generally described as semiarid mid-latitude steppe climate, with temperatures in summer being warm to hot while winters are near or below freezing. In summer when daytime temperatures are hot, the nighttime temperatures are relatively cool. Precipitation ranges from 8 to 12 inches per year in the valley

and 16 to 18 inches in the mountains. Elevations in the project area range between approximately 6,000 and 6,130 feet above mean sea level.

Most of the Diamond Valley area is sparsely populated with most of the population living in the town of Eureka and the southern part of the valley. The area is dominated by mining, ranching, and irrigated farming. The town of Eureka is the only town in the area and is also the county seat of Eureka County. Surrounding the commercial core of the town are primarily residential land uses with other mixed uses interspersed.

Major features in the project area include US 50, which is aligned in a general east-west direction, and SR 278, a paved surface road which is aligned in a north-south direction. Both roads are heavily used by local traffic and through traffic. Frontier Street, which is maintained by Eureka County, is also a key feature in the project area. Frontier Street is a gravel road that accesses a residential subdivision in Devil’s Gate District #1.

### 3.3 LAND USE AUTHORIZATIONS

#### 3.3.1 Affected Environment

Table 4 lists the existing land use authorizations within the project area.

**Table 4 Proposed Action—Existing ROWs**

Existing ROWs	Description of ROW	Relationship to Proposed Action
NVN 0004979 and NVN 0006317 – Federal Aid Highways	ROW for US 50; ROW held by NDOT	Encroached longitudinally by the Proposed Action
NVN 048618 – Water Facilities	50-foot-wide ROW for existing pipeline; held by Eureka County	Proposed Action would tie into these facilities
NVN 061641 – Water Facilities	ROW for existing 6-inch water main in the Devil’s Gate General Improvement District #1, adjacent to Frontier Road. ROW held by Devil’s Gate General Improvement District #1	Proposed Action would tie into these facilities
NVN 037190 – Telephone and Telegraph	ROW for a buried telephone line held by Nevada Bell	Encroached longitudinally and crossed by the Proposed Action
NVN 066394 – Telephone and Telegraph	ROW for a buried fiber optic telephone cable held by AT&T extending between Reno, Nevada, and Utah, adjacent to US 50	Located on opposite side of US 50 from the Proposed Action

#### 3.3.2 Environmental Consequences

The water pipeline would be placed within the NDOT ROW for US 50 and would require review and approval by NDOT to ensure encroachment within its ROW would not affect operation and maintenance of the highway facility. In a letter dated May 6, 2010, NDOT determined that

placing the water supply pipeline within its ROW would be acceptable provided that Eureka County obtain all necessary permits and approvals, including the completion of this EA and issuance of a ROW grant by the BLM. NDOT's correspondence is contained in Appendix B. Based on NDOT's review of the project, the Proposed Action is not expected to adversely impact its ROW.

The Proposed Action is also not expected to adversely impact the other ROWs. The Proposed Action would tie into existing water facilities (NVN 048618 and NVN 061641) and is intended to improve the use of those existing water facilities. The pipeline would first cross the existing underground telephone line (NVN 037190) and would then be constructed parallel to, but sufficiently far away from, the existing underground telephone line to prevent damage during construction. ROW grant NVN 066394 authorizes a buried fiber optic telephone cable and would not be affected by the Proposed Action.

The BLM will notify all ROW grantees of the Proposed Action before a decision is made.

### **3.4 VISUAL RESOURCES**

#### **3.4.1 Affected Environment**

The BLM's Visual Resource Management (VRM) process is used to manage the quality of landscapes on public land and evaluate the potential impacts to visual resources resulting from development and land utilization activities. VRM class designations identify various permissible levels of landscape alteration while protecting the overall visual quality of the region. They are divided into four levels (Classes I, II, III, and IV). Class I is the most restrictive, and Class IV is the least restrictive (BLM 1986).

At present, the RMP does not provide a VRM classification for the project area (BLM 1984); however, the area is managed as VRM Class IV. The Class IV objective provides for (1) management activities that require major modifications to the existing character of the landscape and may dominate the view of the casual observer or attract attention and (2) a level of change that can be high. Every attempt should be made to minimize impacts of activities by carefully locating activities and repeating the basic elements found in the natural features (form, line, color, and texture) of the landscape.

In general, the visual setting of the project area can be described as an altered landscape typical of areas near developed towns in central Nevada. The landscape consists of large, open spaces with a backdrop of tall mountains in the distant horizon. Predominant vegetation in this area consists of low shrubs with areas of bare soil and rock. However, the natural landscape has been altered by manmade structures and construction. Residential development in the Devil's Gate Districts #1 and #2, the Ruby Hill Mine, US 50, SR 278, and past disturbance from construction of various utilities are all visible within or from the project area and contribute to the visual setting.

### **3.4.2 Environmental Consequences**

Visual impacts resulting from implementation of the Proposed Action would be minimal and in conformance with the objectives of BLM VRM Class IV. During construction of the project, various pieces of construction equipment and machinery may be present and visible from US 50. However, these visual impacts would be temporary and short term until construction is completed. Construction would also result in the removal of vegetation. However, this impact would be temporary and short term until the disturbances are successfully revegetated through reclamation seeding. The proposed reclamation seed mix is contained in Section 3.17, Mitigation Measures.

The storage tank would be visible from US 50 and possibly from the Devil's Gate Districts #1 and #2. Although the storage tank site would contribute new and permanent impacts to the visual landscape of the area, impacts would be minimal. As a project design feature, the tank would be painted a color that matches a natural color found in the surrounding environment to reduce visual contrast. Additionally, the presence of existing visual features in the area, including roads, residential development, mining disturbances, and utilities, make the addition of the storage tank site, a new visual feature, less severe.

## **3.5 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE**

### **3.5.1 Affected Environment**

Eureka County is a predominantly rural county encompassing approximately 4,176 square miles of land. Eureka County has been dependent on the mining industry since it was first founded in 1864. This trend continues to present day, as the mining industry employs the majority of Eureka County residents. In addition to mining, agriculture is an important part of Eureka County's socioeconomics and includes cattle and sheep ranching and hay farming. Aside from mining and ranching, much of Eureka County socioeconomics are influenced by the federal government, as more than 80 percent of Eureka County is managed by federal agencies. The unincorporated town of Eureka is Eureka County's seat for local government. In addition to mining and ranching, travel and tourism contribute to the town's social and economic status.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations. U.S. Census Bureau data indicate there are no poverty areas in Eureka County, which includes Eureka (U.S. Census Bureau 2009b). The percentage of the population below the poverty level in Eureka County in 2007 was lower than the national average (9.1 percent versus 13.0 percent). Census data also indicate that there are no areas where the minority populations exceed 50 percent of the total populations in Eureka County, which includes Eureka. The population of Eureka County is predominantly white, comprising 92 percent of the estimated population in Eureka County in 2008, compared with 66 percent in the United States as a whole.

### **3.5.2 Environmental Consequences**

Impacts to socioeconomics would be negligible. The Proposed Action is not expected to generate a substantial number of employment opportunities. The minimal number of employment opportunities generated would be temporary, terminating upon completion of the construction. According to Eureka County, it is expected that a licensed contractor would come from out of town due to the lack of qualified licensed contractors available locally. Less than four workers would be anticipated, and they would expect to find accommodations and meals in Eureka for less than 60 days. The Proposed Action would not increase population in the area or generate demand for housing and community services.

There are no minority communities or poverty areas within the project area, and therefore no environmental justice populations would be adversely affected by the Proposed Action.

## **3.6 NATIVE AMERICAN CONCERNS**

### **3.6.1 Affected Environment**

Various tribes and bands of the Western Shoshone have stated that federal projects and land actions can have widespread effects to their culture and religion as they consider the landscape as sacred and as a provider. The proposed action lies within the traditional territory of the Western Shoshone. Sites and resources considered sacred or detrimental to the continuation of tribal traditions include, but are not limited to, prehistoric and historic village sites, sources of water (hot and cold springs), pine nut gathering locations, sites of ceremony and prayer, archaeological sites, burial locations, “rock art” sites, medicinal/edible plant gathering locations, areas associated with creation stories, or any other tribally designated Traditional Cultural Property (TCP).

Project activities are located adjacent to US 50 and near Devil’s Gate District #1 residential community. Tribally identified TCPs and specific Native American cultural, traditional, or spiritual activities, sites, or resources are not known to exist within the vicinity of the project area. Notification of the project was provided to Duckwater Tribe representatives as a part of BLM’s regular coordination with the Tribe.

### **3.6.2 Environmental Consequences**

The project is located close to the town of Eureka and near the existing development of US 50 and residences in the Devil’s Gate District #1. The pipeline would be constructed in proximity to US 50 and adjacent to previous disturbance associated with the buried telephone line, a two-track roadway, and the NDOT US 50 ROW fence. The two-track road and US 50 can be seen on Figure 3. Considering the location and previous disturbances, it is unlikely that the Proposed Action would adversely affect any Native American religious site, religious practice, or ceremony, or any other traditional/spiritual/cultural use site or resource. The Proposed Action does not appear to have the ability to compromise the physical integrity of any traditional/spiritual/cultural or ceremonial use

area. This action would not limit or prevent access to any unknown (to BLM) or known traditional or ceremonial sites currently in use.

The inadvertent discovery of previously unidentified Native American gravesites would require Eureka County to implement the measures described in Section 3.17 Mitigation Measures. These measures would ensure that such a discovery is protected in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), the FLPMA, and the Archaeological Resources Protection Act (ARPA). Therefore, impacts to Native American religious concerns would not occur as a result of the Proposed Action.

### **3.7 CULTURAL RESOURCES**

#### **3.7.1 Affected Environment**

Three cultural resource inventories have been completed within the proposed pipeline ROW in association with US 50 and buried telephone line construction (BLM6-1751 1994; BLM6-1771 1996; BLM6-2191 2001). Two historic and one prehistoric site within the Proposed Action area were located. All were determined ineligible for nomination to the National Register of Historic Places. The BLM completed a cultural resource inventory within the proposed ROW for the tank site. No sites were found.

#### **3.7.2 Environmental Consequences**

No known cultural resources sites or historic properties eligible for National Register of Historic Places would be affected by the project. Additionally, the pipeline would be constructed adjacent to previously disturbed and developed areas where undiscovered cultural resources are unlikely. However, the possibility of a discovery of previously unidentified cultural resources cannot be ruled out. In order to minimize impacts to previously unidentified cultural resources, Eureka County would implement the mitigation measures listed in Section 3.17. These protection measures would ensure that cultural resources are protected compliant with the FLPMA and the ARPA.

### **3.8 MINERALS**

#### **3.8.1 Affected Environment**

A search of BLM's LR2000 database indicated that several unpatented mining claims have been staked by Homestake Mining Company in the same section as the proposed action. Additionally, active mining and processing of gold occurs at the Ruby Hill Mine, located less than 1 mile south of the proposed storage tank site.

#### **3.8.2 Environmental Consequences**

The proposed action is not expected to impact mining claims filed in the project area. The BLM would notify potentially affected claimants of the Proposed Action before a decision is made.

## 3.9 SOILS

### 3.9.1 Affected Environment

Soils have been mapped by the Natural Resources Conservation Service (NRCS), and are described in the *Soil Survey of Diamond Valley Area, Nevada, Parts of Elko, Eureka, and White Pine Counties* (NRCS 2006; SCS 1980). The pipeline and the storage tank site construction would be constructed on the following four soil units:

- Alhambra-Shipley complex
- Credo fine sandy loam, 2 to 4 percent slopes
- Rubyhill fine sandy loam, 2 to 8 percent slopes
- Shipley silt loam, 0 to 2 percent slopes

### 3.9.2 Environmental Consequences

The construction of the gravel foundation for the water storage tank would cover 1.42 acres of substrate. Construction of the pipeline would temporarily disturb 9.2 acres of soil substrate through excavation and backfill. Impacts would be minimized through use of BMPs during construction to control erosion and siltation, and would include reclamation of the disturbed areas to pre-construction contours. All disturbed areas would be seeded with the BLM-approved seed mix in mitigation measures listed in Section 3.17.

## 3.10 VEGETATION

### 3.10.1 Affected Environment

JBR Environmental Consultants, Inc. (JBR) conducted a vegetation survey on April 9, 2010. Vegetation over the project site is Wyoming sagebrush (*Artemisia tridentata wyomingensis*), with smaller amounts of green (Douglas) rabbitbrush (*Chrysothamnus viscidiflorus*) and Basin wildrye (*Leymus cinereus*) (Photographs 1 and 2). The height of the sagebrush varies from approximately two feet in much of the survey area to approximately three feet toward the western end of the pipeline alignment. Density of the sagebrush also varies, and the densest sagebrush occurred near the western end of the proposed waterline. A number of prickly pear cactus (*Opuntia erinacea* and/or *O. polyacantha*) were found along the alignment. Existing vegetation disturbance within the proposed ROW include a two-track roadway and buried telephone line. The two-track can be seen on Figure 3, and the buried telephone line is shown in Photograph 4.

### 3.10.2 Environmental Consequences

Up to 1.42 acres of vegetation would be lost at the tank site. Following grading, the tank site area would be compacted and covered with a gravel foundation which would prevent the growth or establishment of vegetation. Construction of the pipeline would impact existing vegetation through excavation, sidecast, and subsequent backfill. Shrubs cleared from the pipeline construction area would be replaced by perennial grasses used in the erosion control mix.

Impacts to vegetation in the pipeline ROW would not high because the ROW has already been disturbed by an existing two-track roadway and buried telephone line. In order to minimize impacts to vegetation, Eureka County would reclaim disturbed areas using the BLM-approved seed mix listed in Section 3.17 Mitigation Measures. Seeding would allow for the re-establishment of native vegetation which would lessen impacts to vegetation and visual resources in the area.

### **3.11 NOXIOUS WEEDS AND NON-NATIVE INVASIVE, NON-NATIVE SPECIES**

#### **3.11.1 Affected Environment**

Within Nevada, noxious weeds are defined in the Nevada Revised Statutes 555.005 as “any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.” The Nevada Department of Agriculture’s Noxious Weed Website ([http://agri.state.nv.us/PLANT\\_NoXWeeds\\_index.htm](http://agri.state.nv.us/PLANT_NoXWeeds_index.htm)) provides a list of all weeds currently listed as noxious for the State of Nevada.

A noxious weed inventory was conducted on April 9, 2010, at the onset of the growing season. No State of Nevada noxious weeds were observed. Only small amounts of cheatgrass were noted in the project area, but additional cheatgrass may emerge as the season progresses.

#### **3.11.2 Environmental Consequences**

The Proposed Action would temporarily disturb 9.2 acres during construction of the pipeline, Approximately 1.42 acres would be developed at the storage tank site. Ground disturbance increases the risk of colonization by noxious and non-native invasive weeds. While no Nevada state-designated noxious weeds were identified in the survey area, the proposed ROW would be prone to colonization by weeds because it is located in proximity to US 50 and a regularly used two-track runs longitudinally along the proposed pipeline ROW, on which weed seeds can be transported (Figure 3). Species such as spotted knapweed (*Centaurea stoebe* [formerly *C. maculosa*]) readily invades disturbed soils and could become established.

Eureka County would minimize the potential for the establishment of noxious weeds and spread of non-native invasive species by implementing BMPs. ROW areas disturbed during construction would be reseeded with the erosion control mix listed in Section 3.17 Mitigation Measures. As an environmental protection measure built into the Proposed Action, BMPs would be implemented that would reduce the potential for weed establishment. BMPs would include washing construction equipment prior to entering the project area and using only certified weed-free hay if hay bales are used for erosion control.

## **3.12 GRAZING MANAGEMENT**

### **3.12.1 Affected Environment**

The project area is entirely within the 32,888-acre Shannon Station grazing allotment, which is located on the north side of US 50. The 32,888-acre allotment supports 2,520 Animal Unit Months (AUMs), the amount of forage necessary to sustain a cow and calf for one month. Cattle are permitted to utilize the allotment during all seasons of the year. The 1.42-acre tank site is the only portion of the project that livestock would have access to. The pipeline alignment is located inside the NDOT US50 ROW fence and excludes livestock grazing.

### **3.12.2 Environmental Consequences**

The tank site would be cleared, graded, and fenced, making 1.42 acres of forage no longer available to livestock. Impacts are expected to be negligible because the permanent loss available forage is negligible, representing a loss of less than 0.1 AUM.

The BLM would notify all permittees with allotments that could be potentially affected by the Proposed Action, along with other interested parties, to comment on the Proposed Action during the NEPA review process.

## **3.13 WILDLIFE**

### **3.13.1 Affected Environment**

JBR conducted a wildlife survey on April 9, 2010. Wildlife observed in the project area included black-tailed jackrabbits (*Lepus californicus*), a least chipmunk (*Tamias minimus*), common ravens (*Corvus corax*), and sage sparrows (*Amphispiza belli*). Western meadowlarks (*Sturnella neglecta*) were recorded nearby. Conversation with Mike Podborny of the Nevada Department of Wildlife (Mike Podborny to Dave Worley, April 13, 2010) indicated small numbers of mule deer (*Odocoileus hemionus*) move through the area.

Other species that would be expected to utilize the Wyoming sagebrush and open habitats present in the project area include horned larks (*Eremophila alpestris*), sage thrashers (*Oreoscoptes montanus*), Brewer's sparrows (*Spizella breweri*), lark sparrows (*Chondestes grammacus*), Brewer's blackbirds (*Euphagus cyanocephalus*), and potentially brown-headed cowbirds (*Molothrus ater*), as well as small rodents and reptiles. Other wildlife species besides those directly stated within this document may utilize the area.

The quality of habitat has been compromised by the heavy use of US 50 and SR 278, the existing disturbance from the buried telephone line and two-track roadway within the proposed pipeline ROW, and, to a lesser degree, residential development in the Devil's Gate District #1. The highways fragment habitat and contribute to mortality from vehicle strikes. The highways create noise, and the two-track roadway increases human presence which deters some wildlife.

### 3.13.2 Environmental Consequences

Up to 9.2 acres of wildlife habitat would be temporarily disturbed during pipeline construction, and 1.42 acres of wildlife habitat would be lost at the tank site. Impacts would be minimal because the majority of the impacts are considered temporary as they would be reseeded allowing for revegetation of the habitat. Specific impacts to mule deer are expected to be minimal for this reason and because the number of deer known to pass through the project area is small. Additionally, the project's proximity to US 50 and SR 278 and the presence of existing disturbances within the proposed ROW have compromised the quality of wildlife habitat, which reduces the severity of impacts.

## 3.14 SPECIAL STATUS SPECIES INCLUDING THREATENED AND ENDANGERED SPECIES

### 3.14.1 Affected Environment

Special Status Species include U.S. Fish and Wildlife Service (USFWS) listed species (i.e., threatened and endangered species), USFWS candidate and proposed species, and species included on the BLM's sensitive species list for Nevada. USFWS candidate species are those species or subspecies (i.e., taxa) that may warrant listing as threatened or endangered, and for which the USFWS has sufficient information on biological vulnerability and threat(s) to support a rule to list as threatened or endangered, but for which the issuance of a proposed rule to list is precluded by higher listing priorities. Proposed species are taxa for which the USFWS has published a proposal to list as threatened or endangered in the Federal Register. The BLM affords BLM-designated sensitive species the same level of protection as federal candidate species. The BLM's policy for sensitive species is to avoid authorizing actions that would contribute to listing a species as threatened or endangered.

According to a letter from the USFWS dated April 16, 2010, no federally listed or proposed plant or animal species are known to occur in the project area. However, the agency notes that greater sage-grouse (*Centrocercus urophasianus*) is a candidate species which may occur within the project area (Appendix B). The Nevada Natural Heritage Program (NNHP) indicated that habitat for the BLM sensitive species Lahontan beardtongue (*Penstemon palmeri* var. *macranthus*) may occur within 400 feet of the project area. The NNHP has also indicated that the BLM sensitive bat species, western small-footed myotis (*Myotis ciliobrum*), is known to occur in the area, as are active greater sage-grouse leks.

No Lahontan beardtongue plants were found during vegetation surveys conducted April 9, 2010, and May 1, 2010. The Lahontan beardtongue is a tall perennial herb found alongside roads and washes, and in canyon floors. The plant is usually found where subsurface moisture is available throughout summer, particularly on carbonate-containing substrates. Observations of this plant have been recorded at elevations as low as 3,428 feet above sea level to as high as 4,550 feet above sea level. The elevation of the project area is generally greater than 6,000 feet above sea level, higher than known occurrences of Lahontan beardtongue.

The western small-footed myotis is found in pinyon-juniper forest habitat, roosting in cliffs, crevices, buildings, caves, and mines. The project area and surrounding vicinity does not contain pinyon-juniper habitat or suitable roosting sites. However, the bat species may forage in the project area.

No evidence of greater sage-grouse was found in the proposed ROW for the pipeline and tank site. Conversation with Mike Podborny of the Nevada Department of Wildlife (Mike Podborny to Dave Worley, April 13, 2010) indicated that sage-grouse rarely occur in the project area.

Other BLM sensitive avian species that have been known to utilize or nest in the area include ferruginous hawk (*Buteo regalis*), prairie falcon (*Falco mexicanus*), and burrowing owl (*Athene cunicularia*). The ferruginous hawk and prairie falcon may forage in the project area but would not be expected to nest within the project site. Ferruginous hawks typically nest on cliffs or in juniper trees that overlook open foraging habitat. Prairie falcons nest on cliffs and outcrops. No outcrops or trees exist in the project area or (with the exception of planted trees in a nearby residential area) in the surrounding vicinity. The burrowing owls would not be expected to utilize the project site as they prefer open habitat with much less sagebrush cover.

The burrows and pellets of pygmy rabbits (*Brachylagus idahoensis*), a BLM sensitive species, were found at several locations along the proposed pipeline alignment. Most burrows were found in taller, dense Wyoming sagebrush near the western end of the proposed alignment. Burrows were either clearly inactive or had been excavated by domestic dogs, coyotes (*Canis latrans*), or foxes (probably kit foxes, *Urocyon cinereoargenteus*) (Photograph 5). Conversation with Mike Podborny of the Nevada Department of Wildlife (Mike Podborny to Dave Worley, April 13, 2010) indicated that domestic dogs are also likely disturbing burrow sites as local residents use the two-track roadway to walk their dogs. No evidence of pygmy rabbits was found in the proposed water tank site.

### **3.14.2 Environmental Consequences**

The Proposed Action would not affect special status plant species, including Lahontan beardtongue, because the project area does not contain suitable habitat. Vegetation surveys of the proposed ROW confirmed the absence of Lahontan beardtongue.

Impacts to western small-footed myotis foraging habitat would be minimal because the majority of impacts are temporary and suitable foraging areas are available outside of the project area. Impacts to greater sage-grouse would also be minimal because they rarely occur in the project area. No signs of greater sage-grouse were found during wildlife surveys. Impacts to greater sage-grouse habitat would also be minimal because the habitat has been impacted by its proximity to US 50 and SR 278. The roads are heavily used and would contribute to mortality from vehicle strikes and disturbance from highway noise. Habitat quality has been further diminished by the two-track roadway that increases human presence.

No active pygmy rabbit burrows would be affected by the pipeline construction, but sagebrush shrubs which provide cover and forage would be lost along the pipeline alignment. The loss of habitat would have minor impacts to pygmy rabbit because the habitat has been previously impacted by frequent disturbance from canids (domestic dogs, coyotes, and/or foxes).

### **3.15 MIGRATORY BIRDS**

#### **3.15.1 Affected Environment**

Migratory birds are defined in 50 CFR 10.12 as any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR 10.13, and any bird which is a mutation or a hybrid of any such species. The definition extends to include any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof. Migratory bird species are protected under the Migratory Bird Treaty Act of 1918. This act prohibits killing or taking migratory bird species without a permit. Protection under the act extends to nesting birds and their eggs.

Migratory birds that may nest in the area include horned larks, sage thrashers, Brewer's sparrows, and lark sparrows. Avian species composition and density in the project area varies with season and habitat type. Avian species diversity is highest during the spring and summer months, when **more** migrant species are present in the area. Species diversity decreases markedly during the fall and winter season, when many nesting species move south, out of the project area. The horned larks are a resident species. The sage thrasher and sparrows are migratory and would occur in the area during the spring, summer, and early fall. Other migratory bird species may utilize the project area in addition to the species directly specified within this EA.

#### **3.15.2 Environmental Consequences**

Approximately 1.42 acres of vegetation suitable for migratory bird nesting would be lost at the tank site, and 9.2 acres of vegetation would be disturbed during pipeline construction. Impacts to migratory birds are expected to be minimal because the tank site area is small and is surrounded by suitable habitat. Additionally, migratory bird habitat that would be disturbed from pipeline construction is next to an existing two-track road where presence of humans is common, making the effects of additional disturbance to this area less severe.

However, the presence of migratory bird nests cannot be ruled out. Disturbance to nesting migratory birds could be avoided by constructing the project outside the migratory bird nesting season (March 1 through August 31 for raptors and April 1 through July 31 for other migratory birds). If the project is constructed during the migratory bird nesting season, a preconstruction survey for nesting migratory birds would be conducted by a qualified biologist; see Section 3.17 Mitigation Measures. If active nests are found, nests would be avoided until the nesting attempt has been completed.

### 3.16 HAZARDOUS AND SOLID WASTE

#### 3.16.1 Affected Environment

Solid waste generated by the project would include excess sidecast material, cleared vegetation, left over construction material, and construction debris. All solid waste generated during construction that cannot be reused would be hauled to the Eureka County landfill for disposal. The proposed action would not generate, use, or dispose of any hazardous waste. Petroleum products are excluded as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, Section 101 (14). Diesel, oil, and lubricants would not be stored on-site.

#### 3.16.2 Environmental Consequences

Impacts from solid waste would be negligible because any waste generated by the project would be disposed of in the Eureka County landfill. No impacts from hazardous substances would occur because no hazardous material would be used or generated by the project.

As would be specified in the project BMP plan, Eureka County and/or the County's construction contractor would implement BMPs for spill prevention and cleanup; see Environmental Protection Measures Section 2.1.2. Eureka County and/or the County's construction contractor would not maintain and fuel equipment at the project site. Vehicles would be cleaned prior to delivery to the construction site. No washing of oil, grease, or other petroleum products would be allowed on-site during construction. In the event of oil, fuel, and hydraulic fluid leaks, cleanup would be conducted immediately after detection.

### 3.17 MITIGATION MEASURES

The following mitigation measures would be implemented in conjunction with the Proposed Action. These measures are designed to reduce the severity of impacts associated with the Proposed Action to below potentially significant thresholds.

#### Vegetation, Soils, Noxious Weeds

1. In order to minimize impacts to vegetation and soils and to minimize the potential for weeds to establish, Eureka County would reclaim disturbed areas using the BLM-approved seed mix. The proposed seed mix and application rates in pounds per acre of pure live seed are as follows:

<u>Species</u>	<u>Scientific Name</u>	<u>Rate pounds per acre</u>
Bottlebrush Squirreltail	Elymus elymoides	3.0
Indian Ricegrass	Achnatherum hymenoides	5.0
Needle and Thread	Hesperostipa comata	5.0
Great Basin Wildrye	Leymus cinereus	5.0
Palmer's Penstemon	Penstemon palmeri	2.0

Additionally, construction equipment would be washed prior to entering the project area. Only certified weed-free hay would be used if hay bales are used for erosion control.

### Native American and Cultural Resources

2. The ARPA, as well as the NAGPRA, both provide protection for historic properties, cultural resources, and Native American funerary items, gravesites, and/or physical remains located on federal land. Section (3)(d)(1) of NAGPRA states that the discovering individual must notify the land manager in writing of such a discovery. In addition, ARPA provides for the assessment of criminal and/or civil penalties for damaging cultural resources. Any unplanned discovery of surface and/or subsurface cultural properties, items, or artifacts (e.g., stone tools, projectile points, etc.), human remains, items of cultural patrimony, sacred objects, or funerary items requires that all activity in the vicinity of the find ceases and notification be made to Doug Furtado, Field Manager, Mount Lewis Field Office, 50 Bastian Way, Battle Mountain, NV 89820 (775-635-4000) by telephone, with written confirmation to follow, immediately upon such discovery. The location of the find should not be publically disclosed, and any human remains must be secured and preserved in place until a Notice to Proceed is issued by the authorized officer.

### Migratory Birds

3. Constructing the project during the migratory bird nesting season (March 1 through August 31 for raptors and April 1 through July 31 for other migratory birds) could potentially disturb nesting migratory birds. If the project is constructed during the migratory bird nesting season, a preconstruction survey for nesting migratory birds would be conducted by a qualified biologist. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) would be delineated and the entire area avoided preventing destruction or disturbance to nests until they are no longer active.

## **3.18 PIPELINE ALTERNATIVE**

### **3.18.1 Affected Environment**

The affected environment for the alternative pipeline ROW is the same as for the Proposed Action, in part because the pipeline ROWs for the Proposed Action and Alternative lie side by side, separated by the NDOT ROW fence (Figure 3). Differences in the existing environment are limited to land use authorizations, vegetation, grazing management, and special status species.

A cultural resources inventory of the alternative pipeline ROW performed by the BLM found no sites eligible for the National Register of Historic Places. Therefore, cultural resources are not carried forward for analysis of alternatives.

### Land Use Authorization

Fewer existing ROW grants are located within the alternative pipeline ROW compared with the Proposed Action (Table 5). Because the alternative would be constructed outside the US 50 ROW, NDOT grants NVN 0004979 and NVN 0006317 and the buried telephone line NVN 037190 would not be affected.

**Table 5 Alternative Pipeline ROW—Existing ROWs**

Existing ROWs	Description of ROW	Relationship to Alternative
NVN 048618 – Water Facilities	50-foot-wide ROW for existing pipeline; held by Eureka County	Alternative would tie into these facilities. Same as Proposed Action.
NVN 061641 – Water Facilities	ROW for existing 6-inch water main in the Devil’s Gates District #1, adjacent to Frontier Road. ROW held by Devil’s Gate General Improvement District #1.	Alternative would tie into these facilities. Same as Proposed Action.

### Vegetation

The vegetation within the alternative pipeline ROW consists of a Wyoming sagebrush community similar in density and stature to what is found within the Proposed Action. The alternative pipeline ROW is undisturbed, lacking the disturbance from the two-track roadway and buried telephone line that are found within the Proposed Action area.

### Grazing

The alternative pipeline ROW is located within the 32,888-acre Shannon Station allotment. The alternative pipeline alignment to Frontier Street is on the outside of the NDOT ROW fence which would place it inside the allotment fence. Thus, unlike the Proposed Action, forage within the pipeline ROW would be available to livestock. The alternative ROW contains approximately 9.85 acres of forage representing 0.8 AUMs.

### Special Status Species

JBR conducted a wildlife survey on April 9, 2010, and a supplemental survey on May 1, 2010. Because the alternative lies next to the Proposed Action, the alternative pipeline ROW contains the similar habitat for Special Status Species as the Proposed Action, including potential habitat for greater sage-grouse and forage habitat for western small-footed myotis. Like the Proposed Action, the alternative pipeline ROW supports greater sage-grouse habitat that has been impacted by its proximity to US 50 and frequent use by humans. No evidence of greater sage-grouse was observed.

As with the Proposed Action, the alternative pipeline ROW, the burrows and pellets of pygmy rabbits were found at numerous locations. The difference is that the number of burrows found in the alternative pipeline ROW is greater than in the Proposed Action, and two burrows appear to be active. The two burrows were partially excavated by canids. Aside from the two apparently active burrows, the other burrows were either old and/or had been excavated by canids. Several

additional burrows that appeared to be active were found within 250 feet beyond the north boundary of the alternative pipeline ROW. These also had been partially excavated by canids.

### **3.18.2 Environmental Consequences**

#### Land Use Authorization

The construction of the pipeline outside US 50 ROW would result in fewer impacts to land use authorizations than the Proposed Action. Impacts would be minimal to none as the existing ROW grants listed in Table 5 contain existing water supply infrastructure to which the proposed tank and pipeline would be connected.

#### Vegetation

Although the construction of the pipeline outside US 50 ROW would impact the same number of acres of vegetation as the Proposed Action, impacts would be slightly greater because the vegetation has not been previously disturbed. In order to minimize impacts to vegetation, Eureka County would reclaim disturbed areas using the BLM-approved seed mix listed in Section 3.17 Mitigation Measures. Seeding would allow for the re-establishment of native vegetation, which would lessen impacts to vegetation and visual resources in the area.

#### Grazing Management

The construction of the pipeline outside US 50 ROW would result in greater direct impacts to grazing management than the Proposed Action. Up to 9.2 acres of forage representing 0.8 AUMs would be disturbed from pipeline construction. Impacts are expected to be minimal because reclamation of the disturbed areas using the BLM-approved seed mix listed in Section 3.17 Mitigation Measures would allow for the re-establishment of native vegetation over time.

#### Special Status Species

The construction of the pipeline outside the US 50 ROW would result in greater impacts to pygmy rabbit than the Proposed Action because the proposed alternative ROW would be constructed in proximity to two apparently active pygmy rabbit burrows. While active burrows could be avoided by adjusting the location of the pipeline within the ROW, sagebrush shrubs which provide cover and forage would be lost along the pipeline alignment until sagebrush is naturally reestablished after construction. The loss of sagebrush habitat would have minor impacts to the pygmy rabbit because the habitat has been already impacted from the frequent disturbance from canids.

### **3.19 NO ACTION ALTERNATIVE**

Under the No Action Alternative, the BLM would not grant the ROW amendment. No tank or pipeline would be constructed. The Devil's Gate Districts #1 and #2 and the Eureka municipal water system would continue to have inadequate storage for fire emergencies, when pumps fail,

or during power outages. No new environmental effects would occur under the No Action Alternative.

### **3.20 RESIDUAL IMPACTS**

Residual impacts are those that would remain after mitigation is successfully implemented.

#### **3.20.1 Proposed Action**

With the successful implementation of the environmental protection measures and mitigation measures, the proposed project would result in only minimal residual impacts. Placement of the storage tank and development of the tank site would represent a permanent loss of 1.42 acres of soils, natural vegetation, and wildlife habitat.

#### **3.20.2 Pipeline Alternative**

Because the Pipeline Alternative includes placement of the storage tank in the same location as the Proposed Action, it would result in the same residual impacts. As with the Proposed Action, residual impacts would be minimal.

#### **3.20.3 No Action Alternative**

No residual impacts would occur under the No Action Alternative.

## **CHAPTER 4 CUMULATIVE EFFECTS**

### **4.1 CUMULATIVE IMPACTS ASSESSMENT**

A cumulative impact is defined under NEPA as “the change in the environment which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other action” (40 CFR Part 1508.7). “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (NEPA 40 CFR Part 1508.7).

A 7,081-acre area extending more or less 2 miles north, south, and west of the project area was identified as the cumulative effects study area (CESA). The eastern limits of the CESA are defined by US 50 and SR 278 (Figure 5). This area was identified as the CESA because the Proposed Action is unlikely to have measureable effects outside of this area. The CESA boundary shown in Figure 5 is used for all resources analyzed for cumulative impacts. The time frame for the cumulative effects analysis is 40 years, the expected life of the project facilities.

### **4.2 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS**

Past and present activities within the CESA include the projects listed below. For those projects that have resulted in ground disturbance, National Aerial Imagery Program aerial photographs from 2006 were used to approximate the acreage of disturbance.

- Agricultural fields - 1,188 acres
- Ruby Hill Mine - 700 acres
- Residential development in the Devil’s Gate Districts - 275 acres
- US 50 ROW - 247 acres
- SR 278 - 27 acres
- Gravel pit south of US 50 - 27 acres
- Various dirt roads - 15 acres
- Wells and waterline for the town of Eureka - 5 acres
- Buried telephone line and buried telephone line adjacent to US 50 - minimal disturbance
- Grazing on public lands
- Wildlife use

Reasonably foreseeable future actions in the CESA include:

- Eureka County landfill expansion - 80 acres
- Mt. Hope power line - 24 miles
- Grazing on public lands
- Wildlife use
- Ruby Hill Mine proposed land sale - 150 acres of land already disturbed by mining and waste rock facilities.

### **4.3 CUMULATIVE EFFECTS TO RESOURCES**

Resource topics considered under the cumulative effects analysis include all resources identified in Table 2 for which the Proposed Action or Pipeline Alternative may cause direct or indirect impacts. Since negligible to no impacts were identified for land use, socio-economics, cultural resources, Native American religious concerns, minerals, grazing management, and solid waste, these resources are not addressed in the cumulative impacts assessment. Cumulative impacts are addressed for the following resources:

- Visual Resources
- Soils
- Vegetation
- Noxious Weeds/Non-native Invasive Species
- Special Status Species
- Wildlife
- Migratory Birds

#### **4.3.1 Visual Resources**

The types of past and present actions within the CESA that have impacted and continue to impact visual resources consist primarily of agricultural activities, mining, residential development, and roads. Past and present actions have caused approximately 2,484 acres of disturbance and feature manmade structures and modifications that have changed the visual landscape.

An additional 80 acres of new disturbance and visual change would occur in the reasonably foreseeable future if the expansion of the Eureka County landfill is fully implemented. The Mt. Hope power line would also add to a change in the visual landscape. Because these projects would require BLM approval, cumulative impacts would be minimized through the environmental review process for each project. Prior to approval, the BLM would require the applicant to conduct site-specific environmental analysis of visual resource impacts. Impacts to

visual resources would be minimized through avoidance, minimization and mitigation measures such as reclaiming and revegetating surface disturbances.

#### Proposed Action

In order to reduce visual contrast, the Proposed Action would include painting the tank a color that matches color the existing environment and revegetating construction disturbances. As a result, the contribution of the Proposed Action to past, present, and reasonably foreseeable cumulative impacts to visual resources would be minimal.

#### Pipeline Alternative

The cumulative impact of the Pipeline Alternative would be the same as the Proposed Action.

#### No Action Alternative

Under the No Action Alternative, no impacts would occur and therefore, there would be no cumulative effect.

### **4.3.2 Vegetation and Soils**

Past and present cumulative actions have resulted in loss of approximately 2,484 acres of native vegetation and 1,296 acres of soil resources within the CESA. The acreage difference between vegetation and soil lost is based on the assumption that soils are not lost when native vegetation is converted to agriculture. Within the CESA, the primary causes of native vegetation loss are agriculture, mining, residential development, and road construction.

Additional loss of vegetation and soil would result from implementation of reasonably foreseeable future actions. Specifically, an additional 80 acres would be lost from the expansion of the Eureka County landfill. The amount of soil and vegetation disturbance from the Mt. Hope power line is unknown at this time. Since these projects would require BLM approval, cumulative impacts would be minimized. BLM would require site specific analysis of impacts to vegetation and soil resources. BLM would also likely require the project applicant to avoid, minimize and mitigate potential adverse effects to soils and vegetation, and would likely include the standard mitigation measure requiring the successful reclamation and revegetation of all surface disturbance at the end of the project. Implementation of minimization and mitigation measures would reduce cumulative losses.

Other reasonably foreseeable future actions include use livestock grazing on public lands and wildlife use. Livestock use would continue to be managed by BLM in accordance with the Shoshone Eureka RMP in a manner that balances use with the protection of vegetation and sensitive resources. Therefore continued livestock grazing is not expected to increase loss of vegetation or soils.

#### Proposed Action

The Proposed Action would cause 1.42 acres of permanent loss to vegetation and soils, an extremely small and incremental cumulative impact. Permanent loss of 1.42 acres of vegetation

represents 0.09 percent of the total cumulative impact to vegetation within the CESA. Cumulative effects would be reduced with the implementation of BMPs and revegetation of areas disturbed by construction.

#### Pipeline Alternative

The cumulative impact of the Pipeline Alternative would be the same as the Proposed Action.

#### No Action Alternative

Under the No Action Alternative, no impacts would occur and therefore, there would be no cumulative effect.

### **4.3.3 Noxious Weeds and Non-native Invasive Species**

The loss and/or disturbance to vegetation and soils resulting from cumulative actions have contributed to the spread and establishment of noxious weeds and non-native invasive species. Reasonably foreseeable future actions would cause an additional disturbance to 80 acres of vegetation, increasing the risk of further spread and establishment of weeds. However, the Diamond Valley Weed District and the Ruby Hill Mine actively monitor and control weeds within the CESA, reducing the threat of weed infestation. Additionally, successful reclamation mining disturbance at Ruby Hill Mine and successful reclamation and revegetation of the landfill cap at closure would potentially minimize risk of weed establishment. Prior to approval of these actions, BLM would require the project applicant to avoid and/or mitigate potential adverse effects, thus minimizing cumulative losses.

#### Proposed Action

The Proposed Action would cause 1.42 acres of permanent loss to vegetation and soil and up to 9.2 acres of temporary disturbance. The risk of spread and establishment of noxious weeds and non-native invasive species would be minimized by the Proposed Action through BMPs and reseeded of areas disturbed during construction. Cumulative effects would be reduced, and would be minor.

#### Pipeline Alternative

The cumulative impact of the Pipeline Alternative would be the same as the Proposed Action.

#### No Action Alternative

Under the No Action Alternative, no impacts would occur and therefore, there would be no cumulative effect.

### **4.3.4 Wildlife, Migratory Birds, and Special Status Species**

An estimated 2,484 acres of natural habitat for wildlife, migratory birds, and special status species have been lost within the CESA from past and present cumulative actions. This acreage equates to 35 percent of the land contained in CESA. Nearly all of the natural habitat loss is from agriculture, mining, residential development and road construction.

Additional loss of 80 acres of natural habitat for wildlife, migratory birds, and special status species would result from the expansion of the Eureka County landfill. The amount of habitat disturbance from the Mt. Hope power Line is unknown at this time. However, these actions require BLM approval, and a site-specific environmental analysis, including an assessment of cumulative impacts for wildlife, migratory birds, and special status species. For unavoidable impacts to wildlife, migratory birds, and special status species, the project applicant would be required to minimize and mitigate potential adverse effects, thus minimizing cumulative losses.

Other reasonably foreseeable future actions affecting wildlife include the use of the CESA by livestock. Grazing would continue to be managed by BLM in accordance with its RMP objectives for grazing management. Livestock use would be managed in a manner that maintains and improves habitat for wildlife and sensitive species (BLM 1984). Therefore, continued livestock grazing is not expected to increase the loss of wildlife habitat.

#### Proposed Action

The Proposed Action would contribute an additional permanent loss of 1.42 acres of habitat, a very small and incremental increase (0.05 percent) in habitat loss within the CESA. Cumulative effects would be reduced with the implementation of BMPs and revegetation of habitat disturbed by construction.

#### Pipeline Alternative

The cumulative impact of the Pipeline Alternative would be the same as the Proposed Action.

#### No Action Alternative

Under the No Action Alternative, no impacts would occur and therefore, there would be no cumulative effect.

## **CHAPTER 5 LIST OF PREPARERS AND SOURCES**

### **5.1 REPORT PREPARERS**

This EA was prepared by the following individuals:

JBR Environmental Consultants, Inc.  
Nancy Kang, Project Manager  
George Dix, Environmental Analyst  
David Worley, Biologist  
Christine Johnson, GIS/Mapping Specialist

Eureka County Public Works  
Ron Damele, Director

#### **BLM**

Chuck Lane, Realty Specialist  
Lynn Maple, Planning and Environmental Coordinator  
Ryan Sandefur, Wildlife Biologist  
Tom Darrington, Rangeland Management Specialist  
Christopher Neville, Outdoor Recreation Planner  
Leesa Marine, Minerals Land Law Examiner  
Teresa Dixon, Archaeologist  
Gerald Dixon, Native American Coordinator  
Michael Vermeys, Weed Management Specialist  
Daniel Tecca, Hazardous Materials Specialist

### **5.2 PERSONS, GROUPS, AND AGENCIES CONSULTED**

Martin Ugalde, P.E., Day Engineering, Inc.  
Mike Podborny, Nevada Department of Wildlife  
Eric Miskow, NNHP  
Robert Williams, USFWS  
Katherine Weaver, NDOT  
Susan Martinovich, NDOT

### 5.3 REFERENCES

Board of Eureka County Commissioners. 2000. Eureka County Master Plan. Eureka, Nevada.

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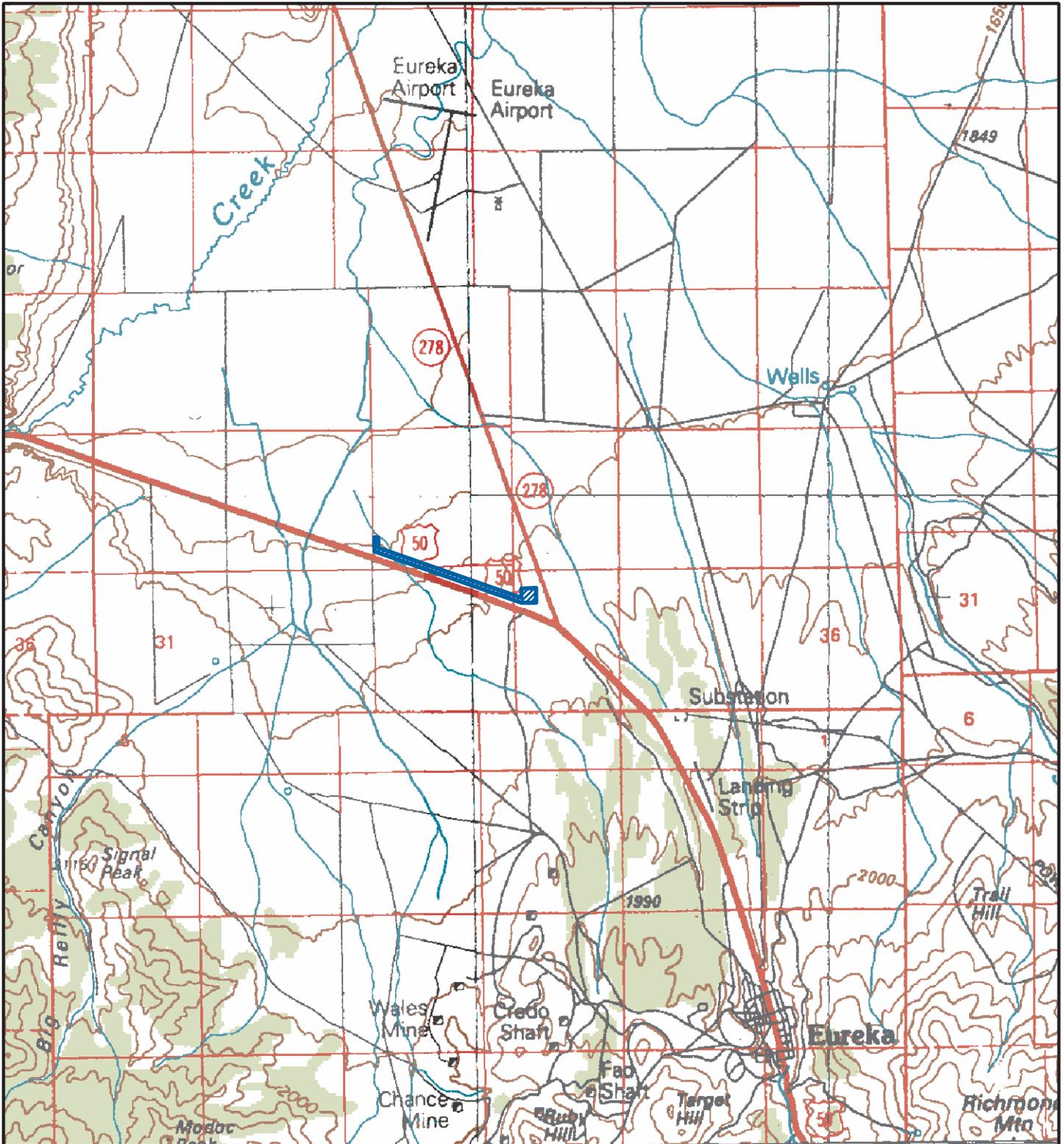
Soils Conservation Service (SCS). 1980. Soil Survey of Diamond Valley Area, Nevada (Parts of Elko, Eureka, and White Pine Counties). Washington, D.C.: U.S. Government Printing Office.

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U.S. Census Bureau. 2009. State and County Quick Facts. Accessed December 2009, at <http://quickfacts.census.gov/qfd/index.html>.

## **FIGURES**

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BASE MAP: USGS 100K DRG

MAP DATE: July 13, 2010

**LEGEND**

 PROJECT AREA



IF THE ABOVE BAR DOES NOT SCALE 1 INCH, THE DRAWING SCALE IS ALTERED

SCALE: 1 : 1 MILE

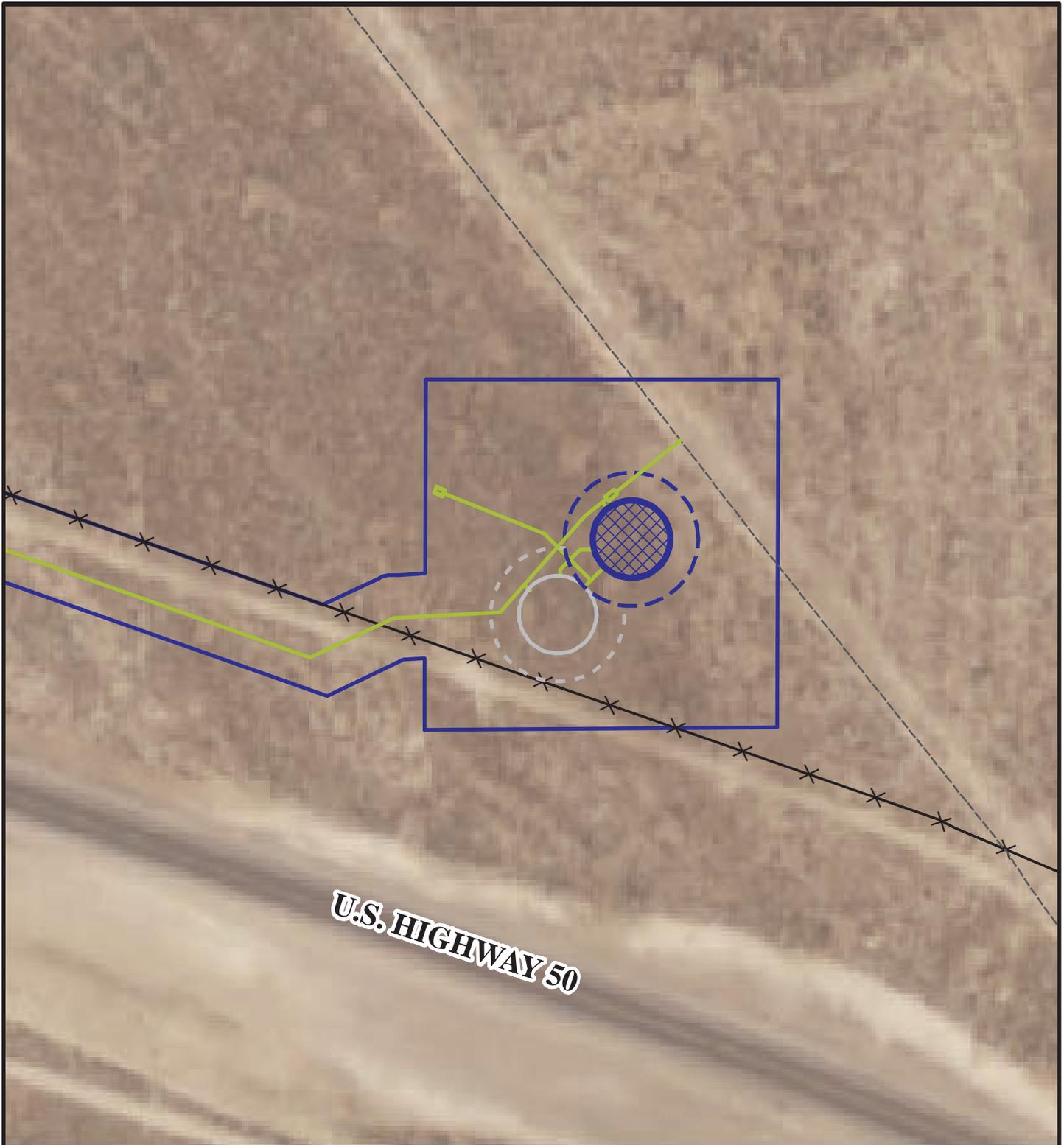


EUREKA COUNTY  
PUBLIC WORKS DEPARTMENT  
ROW N-48618 AMENDMENT

FIGURE 1  
GENERAL LOCATION MAP



BLM Battle Mountain District Office  
50 Bastian Road  
Battle Mountain, NV 89820



<p><b>LEGEND</b>      BASE MAP: NAIP IMAGERY      MAP DATE: July 13, 2010</p>	<p>EUREKA COUNTY PUBLIC WORKS DEPARTMENT ROW N-48618 AMENDMENT</p>
<ul style="list-style-type: none"> <li> Proposed Tank and Pad</li> <li> Possible Future Tank and Pad</li> <li> Proposed Water Pipeline</li> <li> Proposed ROW Amendment</li> <li> Existing Fence</li> <li> Existing Pipeline</li> </ul> <p>IF THE ABOVE BAR DOES NOT SCALE 1 INCH, THE DRAWING SCALE IS ALTERED</p> <p>SCALE: 1 : 1,200</p> <p>0      50      100      200      Feet</p>	<p style="text-align: center;"><b>FIGURE 2</b> <b>TANK SITE DETAIL</b></p>  <p>BLM Battle Mountain District Office 50 Bastian Road Battle Mountain, NV 89820</p>

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.



BASE MAP: NAIP IMAGERY

MAP DATE: July 13, 2010

**LEGEND**

-  Proposed ROW Amendment
-  Alternative Pipeline ROW
-  Existing Fence
-  Existing Pipeline
-  Existing Easement



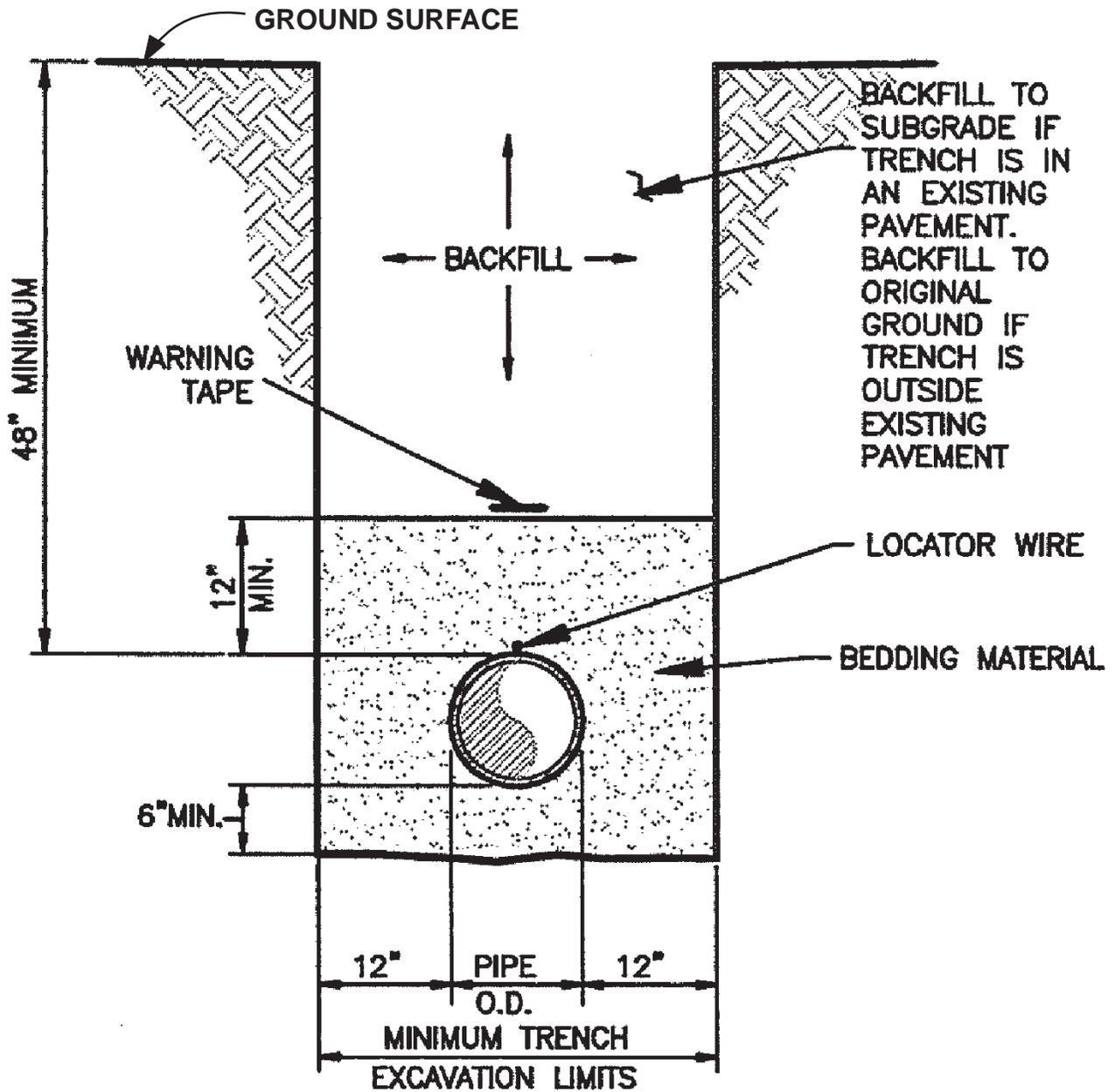
EUREKA COUNTY  
PUBLIC WORKS DEPARTMENT  
ROW N-48618 AMENDMENT

FIGURE 3  
PIPELINE ALIGNMENT



BLM Battle Mountain District Office  
50 Bastian Road  
Battle Mountain, NV 89820

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.



MAP DATE: July 13, 2010

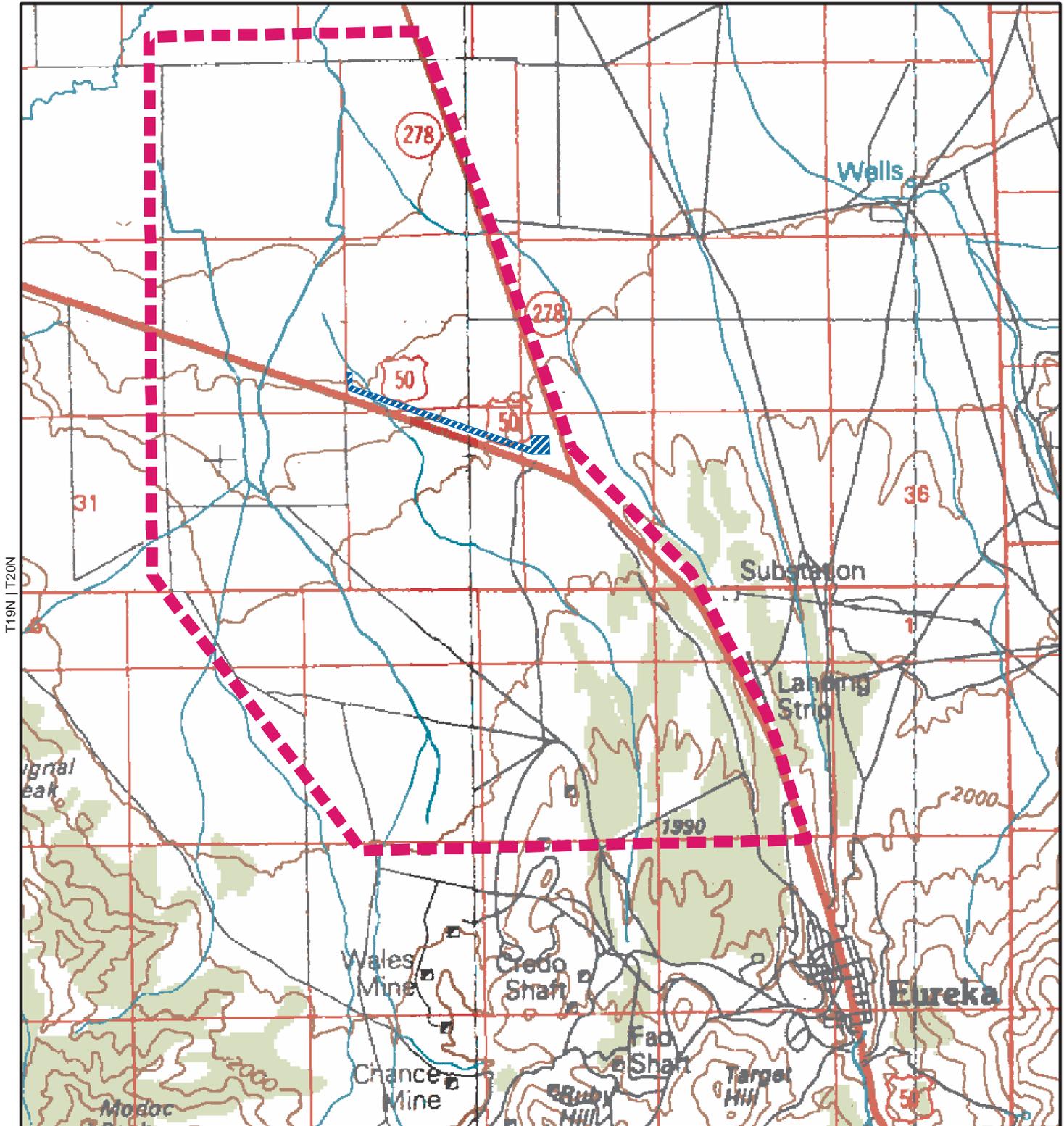
PIPELINE CROSS-SECTION PROVIDED BY DAY ENGINEERING  
DRAWING NOT TO SCALE

EUREKA COUNTY  
PUBLIC WORKS DEPARTMENT  
ROW N-48618 AMENDMENT

FIGURE 4  
PIPELINE CROSS-SECTION DETAIL



BLM Battle Mountain District Office  
50 Bastian Road  
Battle Mountain, NV 89820



BASE MAP: USGS 100K DRG

MAP DATE: July 13, 2010

**LEGEND**

-  CUMULATIVE EFFECTS STUDY AREA (CESA)
-  PROJECT AREA



IF THE ABOVE BAR DOES NOT SCALE 1 INCH, THE DRAWING SCALE IS ALTERED

SCALE: 1 : 50 000



EUREKA COUNTY  
PUBLIC WORKS DEPARTMENT  
ROW N-48618 AMENDMENT

FIGURE 5  
CUMULATIVE EFFECTS STUDY AREA



BLM Battle Mountain District Office  
50 Bastian Road  
Battle Mountain, NV 89820

# **APPENDIX A**

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Photographs



Photograph 1  
View of proposed Tank Site  
and WNW over pipeline  
alignment toward Frontier  
Street



Photograph 2  
WNW down proposed  
pipeline ROW, inside NDOT  
ROW fence



Photograph 3  
West end of proposed  
pipeline ROW east of  
Frontier Street



Photograph 4  
Proposed pipeline ROW  
showing buried telephone  
line



Photograph 5  
Excavated pygmy rabbit  
burrow. Note fox tracks in  
front of burrow

# **APPENDIX B**

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Agency Coordination



JIM GIBBONS  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street  
Carson City, Nevada 89712  
May 6, 2010

SUSAN MARTINOVICH, P.E., *Director*

In Reply Refer to:

Ronald Damele  
Director of Public Works  
P.O. Box 714  
Eureka, NV 89316

Re: Devils Gate GID Water Supply Pipeline

Dear Ron:

This is in follow-up to our meeting on April 23, 2010 in which we discussed your desire to construct a water line longitudinally in NDOT right-of-way on US-50 and our position for the need for permittees to review all their alternatives prior to assuming the use of NDOT right-of-way.

As a part of reviewing alternatives, we have verified that the Department has a right-of-way easement of 400 feet for this stretch of US-50 (200 feet on either side of the centerline) from the BLM. It also appears that you have completed a portion of this alternatives analysis by providing a memorandum from JBR Environmental Consultants, Inc, dated April 22, 2010 indicating pygmy rabbit concerns located on BLM land outside or just north of the US-50 right-of-way fence. With this new information, I am amenable to installing the water line within NDOT right-of-way as long as all the required clearances, BLM easement and permits are executed, and any mitigation necessary for its installation is completed.

It also appears that based on the information provided, that you still need to complete the NEPA EA documents for the BLM, for not only the water line, but also the water storage tank that is located on BLM land.

Please resubmit the permit application with the BLM easement and appropriate environmental clearances to District III for our review and approval.

Sincerely,

Susan Martinovich, PE  
Director

cc: Jim Ithurrealde, Eureka County Commissioner  
Paul Saucedo, NDOT Right-of-Way  
Kevin Lee, District Engineer



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



STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
**Nevada Natural Heritage Program**  
<http://heritage.nv.gov>

25 March 2010

David Worley  
JBR Environmental Consultants, Inc.  
595 Double Eagle Parkway, Suite 200  
Reno, NV 89521

RE: Data request received 24 March 2010

Dear Mr. Worley:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or At Risk plant and animal taxa recorded within or near the Eureka County Devils Gate Water Supply Tank and Pipeline Project area. We searched our database and maps for the following, a five kilometer radius including:

Township 20N Range 53E Sections 33 and 34

The enclosed printout lists the taxa recorded within the given area. Please be aware that habitat may also be available for, the western small-footed myotis, *Myotis ciliolabrum*, 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 Chet VanDellen, Nevada Department 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. Additionally, there are active Greater Sage-grouse (*Centrocercus urophasianus*) leks near your project area. For more information please contact Shawn Espinosa at NDOW (775) 688-1523 to further assess any potential Impacts your project may potentially incur.

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 /Data Manager

# At Risk Taxa Recorded Near the Eureka Co. Devils Gate Water Supply Tank and Pipeline Project Area

Compiled by the Nevada Natural Heritage Program for JBR Environmental Consultants, Inc.

25 March 2010

<u>Scientific name</u>	<u>Common name</u>	<u>Usfws</u>	<u>Blm</u>	<u>Usfs</u>	<u>State</u>	<u>Srank</u>	<u>Grank</u>	<u>UTME</u>	<u>UTMN</u>	<u>Prec</u>	<u>Last observed</u>
<b>Plants</b>											
<i>Penstemon palmeri</i> var. <i>macranthus</i>	Lahontan beardtongue		N			S2?	G4G5T2?	586872.00	4378523.00	S	1981-06-26

Bureau of Land Management (Blm) Species Classification:

N Nevada Special Status Species - designated Sensitive by State Office

Precision (Prec) of Mapped Occurrence:

Precision, or radius of uncertainty around latitude/longitude coordinates:

S Seconds: within a three-second radius

M Minutes: within a one-minute radius, approximately 2 km or 1.5 miles

G General: within about 8 km or 5 miles, or to map quadrangle or place name

Nevada Natural Heritage Program Global (**Grank**) and State (**Srank**) Ranks for Threats and/or Vulnerability:

- G Global rank indicator, based on worldwide distribution at the species level
- T Global trinomial rank indicator, based on worldwide distribution at the infraspecific level
- S State rank indicator, based on distribution within Nevada at the lowest taxonomic level
  - 1 Critically imperiled and especially vulnerable to extinction or extirpation due to extreme rarity, imminent threats, or other factors
  - 2 Imperiled due to rarity or other demonstrable factors
  - 3 Vulnerable to decline because rare and local throughout its range, or with very restricted range
  - 4 Long-term concern, though now apparently secure; usually rare in parts of its range, especially at its periphery
  - 5 Demonstrably secure, widespread, and abundant
    - A Accidental within Nevada
    - B Breeding status within Nevada (excludes resident taxa)
    - H Historical; could be rediscovered
    - N Non-breeding status within Nevada (excludes resident taxa)
    - Q Taxonomic status uncertain
    - U Unrankable
    - Z Enduring occurrences cannot be defined (usually given to migrant or accidental birds)
    - ? Assigned rank uncertain

# At Risk Taxa Recorded Near the Eureka Co. Devils Gate Water Supply Tank and Pipeline Project Area

Compiled by the Nevada Natural Heritage Program for JBR Environmental Consultants, Inc.

25 March 2010

<u>Scientific name</u>	<u>Common name</u>	<u>Usfws</u>	<u>Blm</u>	<u>Usfs</u>	<u>State</u>	<u>Srank</u>	<u>Grank</u>	<u>UTME</u>	<u>UTMN</u>	<u>Prec</u>	<u>Last observed</u>
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    - Q Taxonomic status uncertain
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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office

1340 Financial Blvd., Suite 234

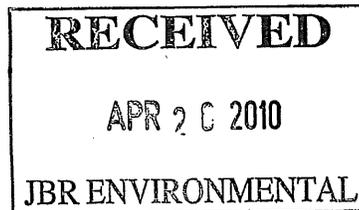
Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301

April 16, 2010

File No. 2010-SL-0244

Mr. David Worley  
JBR Environmental Consultants, Inc.  
595 Double Eagle Court, Suite 2000  
Reno, Nevada 89521



Dear Mr. Worley:

Subject: Species List Request for Devil's Gate Waterline Project, Eureka County,  
Nevada

This responds to your letter received on March 26, 2010, requesting a species list for the Devil's Gate Waterline Project in Eureka County, Nevada. To the best of our knowledge, no listed or proposed species occur in the subject project area; however, the following is a list of candidate species which may occur in the subject project area:

- Greater sage-grouse (*Centrocercus urophasianus*), candidate

This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on listed species pursuant to section 7(c) of the Endangered Species Act of 1973, as amended (Act), for projects that are authorized, funded, or carried out by a Federal agency. Candidate species receive no legal protection under the Act, but could be proposed for listing in the near future. Consideration of these species during project planning may assist species conservation efforts and may prevent the need for future listing actions.

Greater sage-grouse (*Centrocercus urophasianus*) are known to occur within and/or near the project area; therefore, we recommend that you analyze potential impacts from this project on the species to ensure that the proposed action does not exacerbate further decline of the species. On March 23, 2010, the Service's 12-month status review finding for the species was published in the Federal Register (75 FR 13910). We determined that the greater sage-grouse and the Bi-State Distinct Population Segment (DPS) of the greater sage-grouse (previously referred to as

TAKE PRIDE  
IN AMERICA 

the Mono Basin area population) warrant the protection of the Act but that listing the species and the Bi-State DPS at this time is precluded by the need to address higher priority species first. The greater sage-grouse and the Bi-State DPS of the greater sage-grouse will be placed on the candidate list for future action, meaning the species and the DPS do not receive statutory protection under the Act, and States will continue to be responsible for managing the species. The Western States Sage and Columbian Sharp-tailed Grouse Technical Committee, under direction of the Western Association of Fish and Wildlife Agencies, has developed and published guidelines to manage and protect greater sage-grouse and their habitats in the Wildlife Society Bulletin (Connelly *et al.*, 2000). We ask that you consider incorporating these guidelines (<http://www.ndow.org/wild/conservation/sg/resources/guidelines.pdf>) into the proposed project. On a more local level, the Sage Grouse Conservation Plan for Nevada and Portions of Eastern California was completed in June 2004. The Plan is available online at: <http://www.ndow.org/wild/conservation/sg/plan/SGPlan063004.pdf>. Additionally, Appendix L of this Plan is particularly useful in understanding the conservation needs and concerns for the Bi-State DPS of the greater sage-grouse located in portions of Alpine, Inyo, and Mono Counties, California and portions of Carson City, Douglas, Esmeralda, Lyon, and Mineral Counties, Nevada. We encourage you to adopt all appropriate management guidance from this Plan as you analyze and implement your proposed action and to engage your local State and Federal wildlife biologists early in the project planning process.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we are adopting Heritage's sensitive species list and partnering with them to provide distribution data and information on the conservation needs for sensitive species to agencies or project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or in serious decline. Consideration of these sensitive species and exploring management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at [www.heritage.nv.gov](http://www.heritage.nv.gov). For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 901 South Stewart Street, Suite 5002, Carson City, Nevada 89701-5245, (775) 684-2900. Please indicate on the form that your request is being obtained as part of your coordination with the Service under the Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address. Furthermore, certain species of fish and wildlife are classified as protected by the State of Nevada (see <http://www.leg.state.nv.us/NAC/NAC-503.html>). Before a person can hunt, take, or possess any parts of wildlife species classified as protected, they must first obtain the appropriate license, permit, or written authorization from the Nevada Department of Wildlife (visit <http://www.ndow.org> or call 775-777-2300).

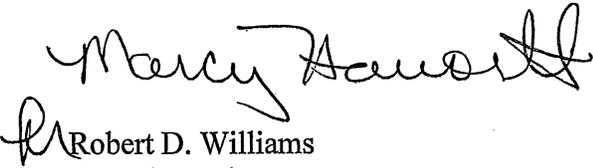
We note that the pygmy rabbit (*Brachylagus idahoensis*) may occur within the planning area and could be affected by it. On January 8, 2008, the Service published a substantial 90-day finding on a petition to list the pygmy rabbit as threatened or endangered under the Act, thus initiating a status review of the species. Draft survey guidelines have been developed for this species and

are available upon request from the Nevada Fish and Wildlife Office. We encourage you to survey the proposed project area for pygmy rabbits prior to any ground disturbing activities and to consider the needs of this species as you complete project planning and implementation. The Bureau of Land Management State Director for Nevada has directed all Field Office staff in Nevada to address the pygmy rabbit in all upcoming Land Use Plan revisions.

Based on the Service's conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703 *et seq.*), we are concerned about potential impacts the proposed project may have on migratory birds in the area. Given these concerns, we recommend that any land clearing or other surface disturbance associated with proposed actions within the project area be timed to avoid potential destruction of bird nests or young, or birds that breed in the area. Such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be harmed, nor may migratory birds be killed. Therefore, we recommend land clearing be conducted outside the avian breeding season. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (*i.e.*, mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

Please reference File No. 2010-SL-0244 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact me or James Harter at (775) 861-6300.

Sincerely,

  
Robert D. Williams  
State Supervisor