



## TRANSPORTATION NOTICE PUBLIC NOTICE

### Material Site WP 05-01 Steptoe Valley North of McGill US-93 milepost WP 71.01

**PURPOSE OF NOTICE:** The Nevada Department of Transportation (NDOT), in cooperation with the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM), has prepared an Environmental Assessment (EA) to analyze a proposal to expand an existing 40 acre material source site by an additional 100 acres located on BLM administered lands.

The site is located on public lands administered by the BLM Schell Field Office, Ely District Office, White Pine County, Nevada, five miles north of McGill on the east side of US-93 at mile post WP 71.01.

**WHY:** The purpose of this Proposed Action is for the FHWA to appropriate public land and to expand an existing 40-acre material source site to provide materials for the construction and maintenance of US Highway 93. This area contains base, borrow, aggregate, riprap and plantmix bituminous surface material that meets highway construction and maintenance requirements.

Material source sites are necessary for the construction and long-term maintenance of highways. These sites are generally located on lands under the jurisdiction of BLM.

**WHERE YOU COME IN:** You are invited to review and comment on the EA. You may request a copy of the EA from the Environmental Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712, 775-888-7013 or you may view an electronic copy of it at: [http://www.nevadadot.com/Public\\_Involvement/Meetings/Meetings,\\_Hearings\\_and\\_Notices.aspx](http://www.nevadadot.com/Public_Involvement/Meetings/Meetings,_Hearings_and_Notices.aspx)

Your comments can be submitted for the public record through 5:00 p.m. **September 27, 2013**. You may email your comments to [info@dot.state.nv.us](mailto:info@dot.state.nv.us) with a reference to this project in the subject line or fax it to 775-888-7104, or you may mail your comments to Steve M. Cooke, P.E., Chief Environmental Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712.

**CONTACT:** For general project information, Nova Simpson, Environmental Services Division, Nevada Department of Transportation, 1263 S. Stewart Street, Carson City, NV 89712, (775) 888-7035, [NSimpson@dot.state.nv.us](mailto:NSimpson@dot.state.nv.us).

**NOTE:** Reasonable efforts will be made to assist and accommodate individuals with disabilities desiring to review and comment on the EA. Requests for these services should be made to Julie Maxey, Nevada Department of Transportation, Public Hearings Officer at (775) 888-7171.

# ENVIRONMENTAL ASSESSMENT

## **Material Site WP 05-01 BLM Case Serial Number N-91509**

North of McGill, White Pine County Nevada  
US-93 milepost WP 71.01



Lead Agency:  
**Federal Highway Administration**

Cooperating Agency:  
**Bureau of Land Management**

Coordinating Agency:  
**Nevada Dept. of Transportation**  
acting on behalf of the Federal Highway Administration

**July 2013**

Material Site WP 05-01  
US-93 WP 71.01  
Steptoe Valley North of McGill  
White Pine County Nevada

100-acre Site Expansion: N-91509  
Adjacent to 40-acre site: CC022494

MDM, T.19N R.64E Section 27  
NE $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$

NDOT/FHWA contact:  
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Environmental Services Division, NDOT  
As a representative for the  
Federal Highway Administration  
1263 South Stewart Street, Room 104  
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BLM Contact:  
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## 1.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared to analyze the use of a 100-acre expansion (BLM Case Serial Number N-91509) to a 40-acre material source site (BLM Case Serial Number CC022494) located on BLM-managed public land in White Pine County, Nevada. The site is five miles north of McGill on the east side of US-93 at milepost WP 71.01. The project proponents are the Federal Highway Administration (FHWA) and the Nevada Department of Transportation (NDOT) acting on behalf of the FHWA, and in cooperation with the BLM.

The EA is a site-specific analysis of potential impacts that could result from the implementation of the Proposed Action or No Action Alternative. The EA assists the FHWA, NDOT, and BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. “Significance” is defined by NEPA and is found in Chapter 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

### 1.1 PURPOSE AND NEED

The purpose of this proposed action is for the FHWA to appropriate public land to expand an existing 40-acre material site to provide materials for the construction and maintenance of all federal aid highways in the vicinity. This area contains base, borrow, aggregate, riprap and plantmix bituminous surface material that meets highway construction and maintenance requirements. Material source sites are necessary for the construction and long-term maintenance of highways. These sites are generally located on lands under the jurisdiction of BLM. The primary site users are NDOT contracted construction companies performing highway construction and maintenance on all federal aid highways in the vicinity. NDOT maintenance crews obtaining material for highway maintenance are secondary site users.

### 1.2 RELATIONSHIP TO LAWS, POLICIES, AND PLANS

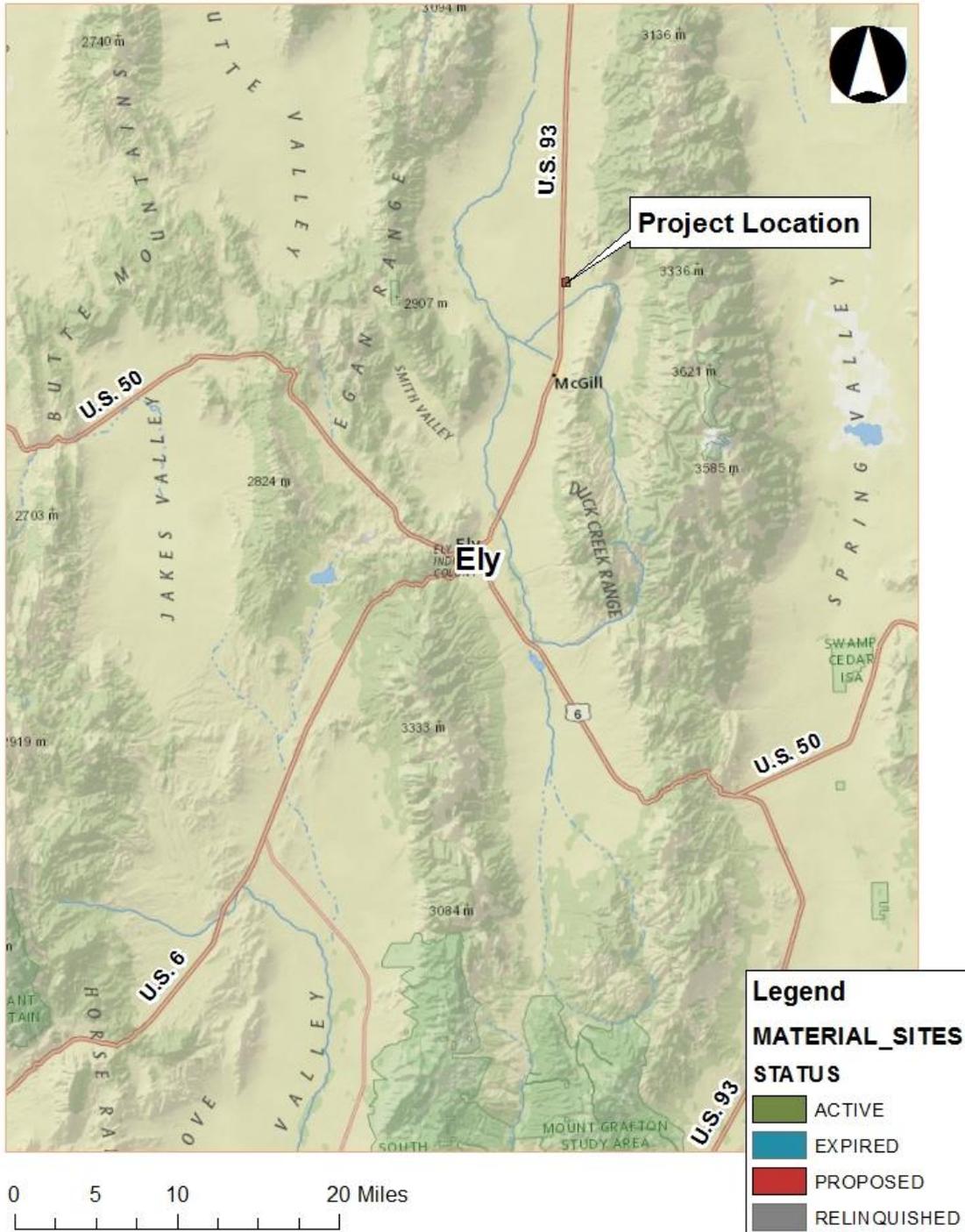
#### 1.2.1 Conformance with BLM Land Use Plan:

This action is in conformance with the 2008 BLM Ely Approved Resource Management Plan (RMP).

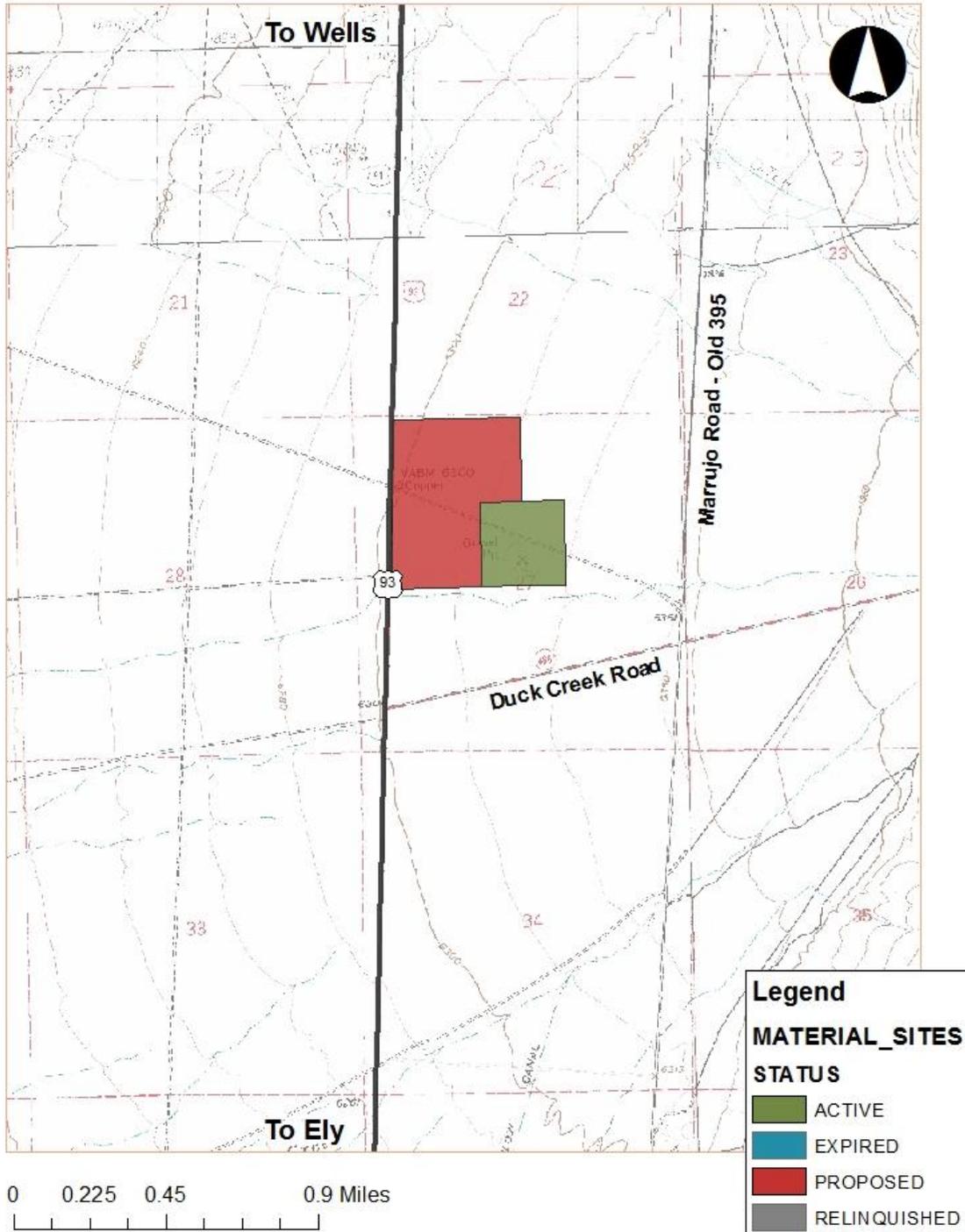
#### 1.2.2 Relationship to Statutes, Regulations, or other Plans:

- Title 23 U.S.C. Sections 107(d) and 317, Interstate and Defense Highways Act and the Federal-aid Highway Acts authorizes the appropriation of public lands for maintenance and construction of federal-aid highways.
- The Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. Sections 1737, P.L. 94-579) defines the legitimate uses of public land.
- This document is prepared for compliance with the National Environmental Policy Act of 1969 (NEPA).
- A Memorandum of Understanding (MOU), November 2007, between NDOT, BLM, and the FHWA, and the BLM-FHWA Interagency Agreement executed in 1982 defines the roles of each agency in relationship to NEPA and Title 23 easement deed rights-of-way.

**Proposed NDOT Material Site Expansion**  
**Material Site WP 05-01 / US 90 Mile Marker WP 71.07**  
**T.19N R.64E S.27**



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**Material Site WP 05-01 / US 90 Mile Marker WP 71.07**  
**T.19N R.64E S.27**



## 2.0 PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and No Action Alternative have been evaluated and are presented below.

The alternatives considered but eliminated from consideration are summarized. The potential environmental consequences resulting from the project implementation for each of the identified issues are analyzed in Section 3.

## **2.1 PROPOSED ACTION**

The FHWA/NDOT proposes to expand NDOT material site WP 05-01 located in Steptoe Valley, approximately five miles north of the McGill in White Pine County, Nevada. This site would be used to obtain material for multiple highway construction and maintenance projects funded from State and Federal monies all federal aid highways in the vicinity over the next 20 years.

The proposed material site intersects US-93 at milepost WP 71.01. The original application for CC022494 is for 40 acres, described as M.D.M. T.19N, R.64E section 27, E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ . The additional 100-acres lies between the highway and the existing material site in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of section 27.

The primary site users are NDOT contracted construction companies performing highway construction and maintenance on all federal aid highways in the vicinity. NDOT maintenance crews obtaining material for highway maintenance are secondary site users. Site occupancy is generally from three to twelve months, but can be longer for large projects. Site dormancy can be from one week to three years or longer between projects. NDOT maintenance crews generally utilize stockpiled material annually. An NDOT Resident Engineer oversees the specific highway project the material site is used for and is responsible for ensuring the contractor meets all requirements for material site use.

### **2.1.1 Site Development**

Development of the site would result in surface and subsurface disturbance, including vegetation clearing, test hole drilling and backfilling, material extraction through excavation and a variety of processing activities. Materials suitable for producing asphalt, borrow, base aggregates, concrete aggregates, riprap and shouldering material would be excavated, crushed, sorted, stockpiled, processed, and transported from the site to the project area. Highway project material type requirements would determine the specific location within the material site where excavation would occur and developed incrementally. As an area is exhausted of usable material, it would be re-contoured and re-vegetated. Over time, the entire site could be subject to disturbance.

Material site access would be directly off US 93 on an existing, unauthorized, constructed gravel road approximately 25' wide by 1,400' long. The road is required to access the material site and is within the expansion area, where it intersects the highway right-of-way at an existing entrance. The access point is presently an unlocked wire gate across a gravel road. A cattle guard would be installed prior to material site use.

All surface disturbances would be confined to the specific area needed for extraction, processing, and stockpiling of the aggregate materials. All available topsoil and overburden would be stockpiled separately and stabilized for use later in site reclamation. Overburden would be removed to the minimum depth necessary for the production of acceptable aggregate and only in the amount needed for production of the required quantity of aggregate material.

The aggregate material would be crushed to a size and gradation that is acceptable for its intended purpose. If a crusher is used, it would be set within the site boundaries. Material is fed

into the crusher by earthmoving equipment. Material screened during the crushing operation would be stockpiled adjacent to the source area. Rejected material would also be stockpiled, with stockpiles kept relatively close together.

If hot mix or concrete plants for mixing asphalt materials or concrete are to be established at the site, they would be set adjacent to the stockpiles. These plants, when used, would be fed by large earthmoving equipment from the stockpiles and the resultant asphalt or concrete mix would be hauled in trucks to the highway construction site for use. All truck transport activity is restricted to one access entry location where the material site overlaps the highway right-of-way.

The contractor is responsible for furnishing power to the site. Usually on-site generators are used to power the plant rather than electrical power on new power poles. Several mobile trailers may be located on-site to accommodate office and testing facilities for the project. If the contractor chooses to use this location to set up the crusher and hot plant, scales must also be installed. No permanent residences or structures would be constructed.

### **2.1.2 Resource Protection and Monitoring**

NDOT is responsible for staking site boundaries and ensuring contractors stay within the designated boundaries. The material site corner boundaries would be surveyed and staked with permanent metal boundary markers. The lines between the permanent corner markers would be staked with temporary markers (wooden or metal stakes approximately 3 feet high) prior to site use for each specific project. These temporary markers would be clearly visible and within site distance of each other. They would remain in place until the specific project is completed and removed when the contractor vacates the site.

**2.1.2.1 Air Quality:** Any contractor choosing to utilize the site must comply with existing Federal, State, and local air quality regulations. Prior to engaging in surface disturbance at the site, contractors would be required to obtain, and pay for, required permitting. If the contractor plans to operate material-processing plants at the site, such as those for production of concrete, hot-mix asphalt, or any crushing, screening, or conveyance of raw material, then the contractor would be required to obtain, and pay for, the appropriate stationary-source air quality permit for these material-processing plants. The contractor would be required to implement Best Management Practices (BMPs) for control of fugitive dust, as specified in the permit. After the contractor completes a project, they would be required to stabilize disturbed areas of the site according to those BMPs specified in the permit.

**2.1.2.2 Threatened and Endangered Species:** No threatened or endangered species occupy or utilize this site. Should a species on the endangered species list be found during a survey, a consultation with the U.S. Fish and Wildlife Service will be conducted and reasonable and prudent measures developed to minimize the potential impacts to the listed species.

**2.1.2.3 Migratory Birds:** Vegetation removal would be conducted to conform with the Migratory Bird Treaty Act (MBTA) to avoid impacts to listed migratory birds (50 CFR 10.13) that may be actively utilizing vegetation for nesting. When possible, vegetation removal would not occur during avian breeding season (May 1 through July 31). If vegetation removal must occur during avian breeding season, nesting surveys would be conducted by a qualified biologist within ten days prior to land disturbance. If nesting sites are found, a suitable species-specific buffer area around the nest site would be established utilizing the BLM Ely District recommended bird nest buffer sizes. Nest areas would be flagged and avoided until the birds fledge.

**2.1.2.4 Wildlife, Special Status Species:** The site will be surveyed for special status species prior to each use. If populations of special status species are found, a wildlife biologist will determine appropriate avoidance or minimization measures in coordination with the appropriate agency. A sage grouse survey will be conducted prior to material site use. Surveys will be conducted within ten days of ground disturbance activities during breeding and nesting season. If sage grouse are found within the site, or within a 600 foot buffer area surrounding the site, the appropriate agency biologist will be contacted to determine site use restrictions.

**2.1.2.5 Forestry & Vegetation:** Plant surveys would be conducted prior to site use to determine if sensitive plant species have colonized the site. If populations of sensitive plant species are found, appropriate avoidance or minimization measures would be applied.

**2.1.2.6 Noxious Weed Management:** Past and present actions with impacts created from noxious weeds, invasive and nonnative species include mineral exploration, wildland fires, grazing operations, road construction and maintenance, or dispersed recreation that could have disturbed vegetation and soils creating an opportunity for invasive plant colonization and the introduction of noxious weed seeds. NDOT will complete weed surveys prior to site use. If noxious weeds or other invasive species are found, an appropriate treatment plan would be developed and implemented. Control standards and measures would comply with applicable State and federal regulations. Weed treatments may include the use of herbicides and only those herbicides approved for use on public lands by the BLM would be evaluated for use.

If weeds are found on site during plant surveys prior to materials site use, an NDOT biologist would notify the contractor of weed type, location, and treatment options. Contractors using the site are required to submit a Noxious Weed Management Plan to NDOT Environmental Services via the Resident Engineer prior to occupying the site. The plan would include weeds to be controlled along with appropriate eradication/control methods based on weed type, location, and applicator certification. Monitoring would be conducted throughout the life of the project and retreatment completed as necessary. The plan would also include methods for keeping equipment, personnel, staging areas, construction and excavation sites, and roadways clear of noxious weed plants and seeds. Equipment leaving noxious weed infested areas shall be cleaned prior to moving to another location. Equipment coming into or leaving the project area shall be cleaned and the cleaning area kept clear of plant material and contaminated dirt to prevent weed spread. The plan shall also address the treatment of weeds in topsoil salvage material. Materials used for erosion control and re-vegetation must be certified weed-free.

Halogeton (*Halogeton glomeratus*) has heavily infested the existing site immediately adjacent to the proposed expansion. NDOT staff will implement a weed management plan to keep Halogeton from spreading to the proposed expansion site and adjacent public lands. NDOT staff would inspect the site while in use to prevent further weed infestations on to the site, and assure that the Noxious and Invasive Weed Standard Operating Procedures found in the July 2012 Ely District Integrated Weed Management Plan are being followed.

**2.1.2.7 Cultural Resources:** A BLM Class III cultural resource survey has been conducted using BLM Nevada State Office Cultural Resources Inventory General Guidelines and Standards. Cultural and archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701). No eligible sites were found. During excavation, if any historical, archaeological, or paleontological resources are discovered, operations with the potential to affect the resources would cease immediately and the discovered materials and surrounding area would be

protected. If any surface and/or subsurface cultural properties, items, or artifacts (stone tools, projectile points, etc.) are encountered, such items will not be collected and the land manager will be contacted immediately. NDOT archaeologists would investigate the site, assess the significance of those resources, and contact the BLM archaeologist to determine the best course of action. Any unplanned discovery of cultural resources, human remains, items of cultural patrimony, sacred objects, or funerary items requires that all activities within 100 meters of the cultural find ceases. The NDOT Cultural Resources Manager (775-888-7666) and BLM District Manager (775-289-1800) must be notified immediately by telephone, with written confirmation to follow. 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.

**2.1.2.8 Water Resources:** Temporary erosion control measures would be implemented on the site and for the haul road, addressing both fugitive dust abatement and water pollution controls. These measures include water and occasionally other dust palliatives. Water would be used in accordance with all applicable State of Nevada and Federal regulations and, if necessary, approval from the appropriate water rights owner must be obtained by the contractor. Use of dust palliatives would be used in accordance with all applicable State and Federal regulations.

An ephemeral stream along the southern boundary will be protected from site use impacts prior to contractor occupancy via the creation of a berm within the material site boundary. The berm will be approximately two feet wide, four feet high, and fifteen hundred feet in length. The berm will be sloped, compacted and stabilized to assure disturbances stay within the material site boundary and erosive material does not enter the stream channel. A vegetation buffer of at least 50 feet will occur between the berm and the stream channel embankment.

Material stockpiles would be placed a minimum of 100-feet away from concentrated flows of storm water and drainage channels. Non-active material stockpiles (not moved for longer than 21 days) would be covered or protected to stabilize the soil and control sediment using a temporary perimeter sediment control barrier (silt fence, berm, straw wattles, etc.). Active stockpiles would be protected with a temporary sediment control barrier installed prior to the onset of predicted precipitation. The sediment control barrier will be monitored and maintained to assure it is functional. These measures are part of the contractor's Storm Water Pollution Prevention Plan. Operations would be conducted to avoid the accumulation of standing water within the project area.

Storm water discharges from this site are permitted by NDEP under the General Permit for Storm Water Discharges Associated with Industrial Activity (Permit No. NVR050000) defined in 40 CFR §122.26(b)(14). This permit covers borrow activities. Contractors utilizing this site would obtain coverage under NDEP's General Permit for Storm Water Discharges Associated with Construction Activity (Permit No. NVR100000) for the project the material would be used for. The permit would cover any temporary concrete, asphalt, and material plants or operations associated with this material site. A Storm Water Pollution Prevention Plan (SWPPP) is required to address specific storm water controls for the project, including material site use.

Based on contractor needs, a water well may be drilled onsite. The contractor is responsible for Nevada Division of Water Resources (NDWR) notification and permit acquisition, and for retaining a Nevada licensed driller to properly install and abandon the well pursuant to NAC 534. Wells drilled on a material site are temporary, supplying water for project use for the duration of the project only. Water use is project related and project specific. Usually water is in an above ground tank. Occasionally water is pumped into a lined holding tank. It is used to fill

water trucks for dust control; crushing and milling operations; hot plant processing; and other project related activities. Upon project completion, the well would be plugged in accordance with NAC 534.

**2.1.2.9 Visual Resources:** Measures to minimize site use visibility would be incorporated into the site use stipulations, including; using neutral, non-obtrusive colors like tan, brown, white or gray for structures when possible; adding earthen berms made of topsoil or other excavated materials on the western boundary of the project area to block the view of operations from the traffic on U.S. Highway 93; using water for dust abatement on the haul road; and only using reflective metals when necessary for safety purposes. No structures, excavation, or developments would occur on ridgelines. Between uses and when this site is no longer needed, the area would be contoured and reseeded with natural and native vegetation to minimize visual impacts, blending the site in with its surroundings. Stockpiles of unused material will be knocked down unless NDOT has plans to utilize them within a two year period.

**2.1.2.10 Livestock Grazing:** The existing and proposed sites are within the BLM administered Gallagher Gap Allotment. The existing NDOT site is not fenced to prevent cattle from accessing the project site. Currently, the U.S. Highway 93 right-of-way fence at the material site entrance has an unlocked wire drop down gate. A cattle guard will be installed on the fence line located along Highway 93 to prevent livestock from accessing the highway. Any additional fence that is constructed around the project area will be built in accordance with BLM specs.

**2.1.2.11 Health and Safety/Hazardous Materials:** During site use, solid waste (e.g. asphalt and concrete) would be removed and disposed of in accordance with applicable laws or regulations. Should an unforeseen incident occur, reportable quantity releases of all hazardous or regulated materials would be reported to federal and state authorities as required by 40 CFR 302.6. Resultant impacted material would be remediated and/or disposed in accordance with applicable state and federal requirements.

All state and federal safety standards would be followed. In keeping with NDOT policy, all environmental requirements resulting from this assessment would be stipulated in the contract documents. The site would not be accessible to the general public during active use. The site would be inspected annually during non-active use to assure it is not being used for illegal dumping. If public access creates a safety or environmental hazard, NDOT would consult with the BLM to determine the best course of action to remedy the situation.

**2.1.2.12 Reclamation:** At the end of each project, any disturbance created would be restored to BLM standards. All equipment would be removed from the site. With the exception of topsoil stockpiles and solid waste, all stockpiles remaining after operations cease would be used to backfill the site unless arrangements are made to retain these materials on the site or move them to another site for use on other federal aid highways. All slopes would be contoured to no more than a 3:1 and stabilized unless the slopes are subject to special stipulations. Site reclamation would conform to the topography of the natural land formations of the area. Slope re-grading would resemble the natural topography, including drainage, slope, and valley gradients, which blend in with the natural landforms and mimic natural systems. The gradients would ensure hill slopes effectively dissipate energy from rainfall events without causing erosion or gullies. When the area would no longer be used, re-vegetation would occur with a native plant seed mix approved by BLM. After re-contouring and stabilization have been completed, stockpiled topsoil would be spread uniformly over the area of disturbance and reseeded. Reclamation is considered complete when re-vegetation is successful as deemed by BLM at the time of relinquishment.

## 2.2 NO ACTION ALTERNATIVE

Under the No Action Alternative, the existing material site would not be expanded. Highway construction and maintenance require a material source, which means obtaining material at an existing site, creating a new site, or not performing highway construction and maintenance activities. The closest developed NDOT material sites are WP 28-01 (NEV042773J) 15 miles to the south on SR-490 north of Ely, and WP 05-04 (NEV067377) on US-93 at milepost 85.5, 15 miles to the north. These sites are too far away to provide material for highway projects near this location. Use of commercial material sites greatly increases project costs.

## 2.3 OTHER ALTERNATIVES CONSIDERED BUT ELIMINATED FROM ANALYSIS

Other material source sites were not analyzed in detail for the following reasons:

- This is a proposed expansion of an existing material site, with the expansion area between the existing site and the highway.
- The closest existing sites are 15 miles away in both directions. Finding a material site location in between the existing sites defeats the purpose of utilizing existing sites and keeping them appropriately spaced to avoid checkerboard land disturbance.

## 3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL IMPACTS

This section describes the environment that may be affected and describes the potential impacts of the Proposed Action. The analysis of the Proposed Action includes potential direct and indirect effects.

In general, the proposed action would directly affect a maximum of 100-acres of public land adjacent to a 40-acre site already granted to NDOT for use as a material source. The site would be used for multiple highway construction and maintenance projects over the next 20 years.

### 3.1 IDENTIFICATION OF RESOURCES

Resources are identified and evaluated for further analysis based on the following criteria:

- analysis of the resource is necessary to make a reasoned choice between alternatives.
- the proposed action may have a significant direct, indirect, or cumulative impact, or further analysis is necessary to determine the significance of impacts.
- there is a disagreement about 1) the best way to use a resource, 2) resolve an unwanted resource condition, or 3) the potential significance of effects.

Field reviews and scoping were conducted by an interdisciplinary team that analyzed the potential direct, indirect, and cumulative consequences of the Proposed Action to the listed resources. FHWA, BLM, and NDOT internal, external, public, state and federal agency coordination and Native American tribal consultation were completed during the development of this EA. The EA is made available for public review and comment for thirty days. The resources analyzed are listed in Table 1. Resources warranting further analysis are described in more detail after the table.

**Table 1: Resource Identification**

RESOURCE	Further Analysis	Rationale
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Air Quality	N	<p>The site is in the Steptoe Valley Hydrographic Basin (HA 179), within the Central Region of the Great Basin.</p> <p>Air Quality in the proposed project analysis area is assessed against National Ambient Air Quality Standards for seven criteria pollutants (Total Suspended Particles, Sulphur Dioxide, Carbon Monoxide, Particulate Matter less than 10 microns, Particulate Matter less than 2.5 microns, Nitrogen Dioxide, and Ozone). Air Quality in the analysis area is characterized as “cannot be classified” for TSP and SO<sub>2</sub>; “unclassifiable/attainment” for CO, O<sub>3</sub>, and PM<sub>2.5</sub>; “unclassifiable” for PM<sub>10</sub>; and “cannot be classified or better than National Standards” for NO<sub>2</sub>. [From CFR Title 40, Volume 17, section 81.329]</p> <p>Ephemeral increases of CO and PM in the form of dust may occur inside the project area but would not affect the Air Quality classifications within the project analysis area.</p>
Cultural Resources	N	<p>In June of 2011, a Class III archaeological inventory was completed for the expansion of material pit WP 05-01, east of US 93. The inventory was conducted using BLM Nevada State Office Cultural Resources Inventory General Guidelines and Standards. The survey resulted in the identification of one isolated artifact (bottle glass fragments). No sites were recorded. No previously recorded sites were present within the APE, based on the file searches conducted within the NDOT Cultural Resources Section and the BLM Ely District Office. Isolated artifacts are categorically not eligible for NRHP inclusion. The cultural resources assessment of the expansion of material pit WP 05-01 was negative, with no historic properties affected (36CFR800). A final report has been submitted to the Ely BLM (BLM report #8111 NV-04-12-1995 and NDOT report number WP-12-022P) and was accepted October 1, 2012.</p>
Paleontology		<p>Currently there are no known resources identified within the proposed area of project effect. Any unplanned discovery of paleontological resources requires that all activity be stopped within 100 meters of the find and that the NDOT Cultural Resources Manager (775-888-7666) and BLM District Manager (775-289-1800) must be notified immediately by telephone, with written confirmation to follow.</p>
Native American Concerns	N	<p>Though the possibility of disturbing Native American gravesites within the project area is extremely low, inadvertent discovery procedures will be specified for site use. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with</p>

		an authorized use, the activity which caused the discovery is to cease and the materials are to be protected until the land manager can respond to the situation.
ACEC	N	None Present.
Threatened or Endangered Species	N	None Present
Special Status Species	Y	State and Federally listed special status species, and their habitat, occur on or near the site. Greater sage grouse, pygmy rabbit, raptors, and bats have been documented near the project area. Pre-construction site surveys for special status species will be required prior to material site use.
Wildlife & Fish	Y	Vegetation removal directly affects resident wildlife and may affect migratory wildlife.
Migratory Birds	Y	Vegetation removal may affect migratory birds.
Wild Horses	N	Site is not within a Herd Management Area and no burros or horses were observed on or near the site.
Grazing/Range	N	Site is within the Gallagher Gap Allotment. A cattle guard will be installed at the material site entrance along the US-93 right-of-way fence.
Forestry & Vegetation	Y	Vegetation removal would occur.
Noxious Weeds	Y	Halogeton has heavily infested adjacent lands, and poses a considerable risk for further spread. No other noxious weed infestations occur on the site; however, land disturbance increases the risk of invasion.
Wetlands & Riparian	N	No wetlands or riparian areas are present on the site. An irrigation ditch with ephemeral flows occurs to the south of the site. Duck Creek is south of Duck Creek Road.
Wild & Scenic Rivers	N	None Present.
Wilderness & WSA	N	None Present.
Farm Lands, Prime and Unique	N	None Present.
Floodplain	N	Site is not in a floodplain. The flood map is 32033C250B.
Land Use	N	Public land at this site is managed for multi-use & land use designation is not changed by this action.
Noise	N	The remote location of the material site does not warrant traffic or construction noise modeling or field ambient

		<p>recording since it is not near residential or frequent public use areas such as parks, schools, churches, or hospitals. Typically ambient noise levels for highway construction projects, including material site operations, are in the low to mid 40 decibel range, well below the 66 decibels Noise Abatement Criteria that is classified as adverse traffic noise.</p>
Recreation	N	<p>The site does not contain or adjoin recreation facilities or routes.</p>
Socioeconomic & Environ. Justice	N	<p>The site is in a rural, undeveloped area. The adjacent land is public land. Highway maintenance and construction projects for which this site would be used can bring temporary construction employment opportunities to the area and may generate revenue for local businesses. During construction, truck traffic increases between the material site and the project site.</p>
Soils	Y	<p>Excavation activities affect soils and are analyzed in Section 3.5.</p>
Visual Resources	Y	<p>The viewshed would be affected by material extraction and processing operations. BLM Visual Resource Management classification for this area is Class III. This action falls within the scope of the class designation.</p>
Water Resources	N	<p>The site is in the Steptoe Valley Hydrographic Basin (HA) 179, within the Central Region of the Great Basin. No perennial streams, lakes or ponds occur within the material site boundary or in the vicinity. The ephemeral stream to the south will be protected from impacts.</p>
Wastes, Hazardous or Solid	N	<p>None present or anticipated.</p>
Other Rights-of-Way	N	<p>Existing and future rights-of-way (ROW) within the proposed material site boundary will be identified on pitch sketch maps and avoided during excavation and production activities. These include highway and utility ROWs.</p>
Lands with Wilderness Characteristics	N	<p>Resource not present.</p>
Mineral Resources	N	<p>The proposed action could eliminate up to 100 acres of land suitable for mineral materials. However, 100 acres is insignificant when considering the available acreage for mineral resources in Steptoe Valley.</p>

### 3.2 WILDLIFE, INCLUDING MIGRATORY BIRDS AND SPECIAL STATUS SPECIES

**3.2.1 Affected Environment.** Field surveys were conducted by NDOT biologists in March 2010, July 2011, and May 2012. Evidence of the following species was encountered: mule deer, elk, pronghorn antelope, coyote, black-tail jackrabbit, ravens, horned larks, meadowlarks, sage sparrows, brewer's blackbirds, northern harrier, and small rodent and reptile burrows. Nevada Department of Wildlife (NDOW) has recorded observations of the following species within the vicinity of the project area: big brown bat, California myotis, western small-footed myotis, Townsend's big-eared bat, all BLM special status species (BLM SSS), also inereus shrew, common nighthawk, Great Basin gophersnake, Great Basin rattlesnake, montane vole, pygmy rabbit (BLM SSS), and western rattlesnake.

Migratory bird protection responsibilities are defined in the Executive Order issued January 11, 2001 under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711). Nesting season is generally May 1<sup>st</sup> - July 31<sup>st</sup> for most species in this area. The Nevada Comprehensive Bird Conservation Plan (August 2010) identifies the following priority bird species associated with sagebrush: greater sage-grouse, Swainson's hawk, ferruginous hawk, golden eagle, prairie falcon, burrowing owl, common poorwill, gray flycatcher, sage thrasher, Brewer's sparrow, and sage sparrow. Shrub and ground nesting birds may use the site for forage, cover, and nesting. Raptors may use this area for foraging.

NDOW has records of the following raptors occurring within a three-mile radius of the project area: American kestrel, barn owl, burrowing owl, Cooper's hawk, ferruginous hawk, golden eagle, great horned owl, long-eared owl, merlin, northern goshawk, northern harrier, northern saw-whet owl, osprey, peregrine falcon, prairie falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk, short-eared owl, Swainson's hawk, and turkey vulture. Bald eagle, golden eagle, northern goshawk, and northern harrier have been directly observed in the vicinity of the project area. A golden eagle nest occurs three miles to the west. Burrowing owl, ferruginous hawk, northern goshawk, peregrine falcon, short-eared owl, and Swainson's hawk are NDOW species of special concern and are target species for conservation as outlined by the Nevada Wildlife Action Plan.

The U.S. Fish and Wildlife Service identified greater sage-grouse, pygmy rabbit, and Steptoe Valley crescent-spot as occurring in Steptoe Valley. These species are also BLM special status species. The larval host plant for the butterfly is the western (long-leaved) aster. This plant does not occur on the site. The Nevada Natural Heritage Program (NNHP) had no recorded risk taxa in the project area, however their report indicated habitat may be available for the pygmy rabbit and dark sandhill skipper.

The BLM Ely District Special Status Species which may occur in this area include: greater sage-grouse, bald eagle, golden eagle, western burrowing owl, Ferruginous hawk, Swainson's hawk, peregrine falcon, loggerhead shrike, sage thrasher, and Brewer's sparrow. Pygmy rabbits are known to occur to the east of the project site. As noted above, special status bat species occur in the area and may utilize the project area for forage.

Greater sage-grouse is a BLM special status species warranted for listing under the Endangered Species Act, but precluded by other species of higher priority (Federal

Register/Vol. 75, No. 55/March 23, 2010). The site is within the Schell/Antelope Sage Grouse Population Management Unit (PMU). According to the White Pine County Sage Grouse Conservation Plan published in 2004, “thirty-five leks are known to occur on the benches of the Schell Creek Range, Antelope Range, Kern Mountains and Snake Range. A breeding complex also exists in Duck Creek Basin (Schell Creek Range). Important nesting and brood rearing areas are located in the north Antelope Range, in many middle to upper elevations basins in the north Schell Creek Range as well as Duck Creek Basin. Brood rearing is also documented on alfalfa fields/other agricultural lands as well as riparian areas on benches and high valley bottoms. Sage grouse winter throughout the PMU on suitable mountain benches, mid to upper elevation mountain habitats on all ranges and lower rolling hills”.

In March 2012, NDOW published a Greater Sage-grouse Habitat Categorization White Paper describing five sage grouse habitat classifications: 1 – Essential/Irreplaceable Habitat, 2 – Important Habitat, 3 – Habitat of Moderate Importance, 4 – Low Value Habitat and Transitional Range, and 5 – Unsuitable Habitat. The categorization map is available on NDOW’s website. This project site is within NDOW Category 3 classification as Habitat of Moderate Importance, and is considered potential sage grouse nesting, summer and winter distribution habitat. No known sage-grouse leks are in the vicinity of the project area. Core breeding habitat occurs in the sagebrush communities to the southeast in the foothills of the Schell Creek Range.

The BLM issued two Instructional Memoranda in December 2011 regarding sage grouse conservation: “Interim Management Policies and Procedures” (IM 2012-043) and “Land Use Planning Strategy” (IM 2012-044). Using the best available data, Nevada BLM and Forest Service (FS) identified and mapped Preliminary Priority Sage-Grouse Habitat (PPH) and Preliminary General Sage-Grouse Habitat (PGH). Instructional Memorandum NV-2012-058 issued in August 2012 provides clarification and direction related to sage grouse conservation actions on BLM managed lands in Nevada. This project area is within PGH, which is described as “areas of occupied seasonal or year-round habitat outside of priority habitat.” This designation provides BLM and FHWA/NDOT an opportunity to work together to minimize habitat loss, fragmentation, and direct and indirect effects to greater sage-grouse and their habitat when an application for land use for highway project rights-of-way is proposed. This project proposal falls into that category.

The site was surveyed specifically for sage grouse, pygmy rabbit, and burrowing owl. The site is marginal habitat for these species and they were not found within the site or within a 200 foot buffer area surrounding the site. Pygmy rabbits do occur to the east of the project area, in an area with denser big sagebrush stands.

**3.2.2 Impact Analysis.** The greatest direct effect from this proposal is to mammalian and reptilian species with low mobility. Soil disturbance and excavation destroys animal burrows, injuring or killing trapped animals. Mobile animals would be displaced by the excavation activities, resulting in loss of cover, forage, and travel routes.

Displacement into surrounding habitats already at population capacity would result in mortality increases not only to individuals displaced, but to resident populations being encroached upon. During long periods of material site inactivity, individuals may re-colonize the area, and then be displaced when the site is active. Direct effects to wildlife from habitat removal and disturbance include population reduction from loss of individuals through direct death and harassment which can reduce reproduction potential.

Loss of potential nesting, perching and foraging areas may impact resident and migratory birds. Ground clearing activities during avian breeding season (roughly May 1 to July 31) would have the highest potential impact to nesting birds. Direct effects to migratory birds would be minimized by recommending land clearing activities do not occur during avian breeding season. If land clearing activities must occur during that time, avian nesting surveys would be conducted by a qualified biologist within ten days before new land disturbance. If nesting sites are found, an appropriate avoidance area would be established around the nest site. The buffer area would be at least 200 feet, but may be greater based on the species. If burrowing owls were found onsite, the USFWS survey methods and mitigation measures described in “Protecting Burrowing Owls at Construction Sites” would be implemented.

The project proposal was evaluated through the process established in the BLM Interim guidance memorandums for potential effects to sage grouse and sage grouse habitat. During site surveys, no sage grouse or evidence of sage grouse use was found within the proposed project area or 200 feet beyond the proposed site boundaries. Based on site evaluation and known sage grouse core breeding areas in the vicinity, use of the area as a material source is not in conflict with sage grouse conservation measures. The proposed expansion area is between an existing material site, the highway, and the paved Duck Creek Basin road. However, the presence of water in the ephemeral creek to the south of the site is considered good sage grouse habitat and will be protected from disturbance. Habitat disturbance minimization measures will include the construction of a berm within the project area boundaries, at least 50 feet away from the creek, to protect the creek and adjacent vegetation from impacts from site development activities. In addition, sage grouse surveys will be conducted within ten days prior to material site use. The surveys will extend to 600 feet beyond the proposed disturbance boundaries. If evidence of sage grouse is found, the appropriate agency biologist will be contacted to determine site use restrictions. After use, the area of disturbance will be re-vegetated using a BLM approved seed mix and monitored to determine if re-vegetation is successful.

Indirect effects of the dust, noise and vibration caused by construction activities may cause terrestrial and avian species to abandon adjacent habitat they currently use for forage, cover, and nesting. During material site use, operations could cause resident and migratory animals to avoid the area, altering their movement patterns into unfamiliar territory, which could increase their risk of exposure to injury and predators.

**3.2.3 Cumulative Effects.** Cumulative effects of habitat fragmentation from all types of ground disturbing activities, including gravel pit operations, mining, power stations and transmission lines, and commercial and residential development reduce the area available to wildlife, restricts or alters their movement, and can expose animals to higher risks of death, injury, and illness. Habitat fragmentation impacts would be minimized by confining the new disturbance to an area adjacent to a roadway.

### **3.3 FORESTRY AND VEGETATION**

**3.3.1 Affected Environment.** The site lies within the Carbonate Sagebrush Valleys of the Central Basin and Range ecoregion. Vegetation is a mixture of sparse, carbonate and drought tolerate shrubs dominated by big and low sagebush (*Artemisia tridentata* and *A. arbuscula*). This particular site is primarily low sagebrush, with a few small patches of big sagebrush. Associate shrubby vegetation includes shadscale (*Atriplex confertifolia*), budsage (*Artemisia spinescens*), broom snakeweed (*Gutierrezia sarothrae*), spiny horsebrush (*Tetradymia spinosa*), rabbitbrush (*Chrysothamus vicidiflorus* & *Ericameria nauseosa*), and winterfat

(*Krascheninnikovia lanata*). Herbaceous plants include: globemallow (*Sphaeralcea ambigua*), western salsify (*Tragopogon dubius*), miner's lettuce (*Lepidium perfoliatum*), Indian paintbrush (*Castilleja chromosa*), thread-leafed daisy (*Erigeron filifolius*), and phlox (*Phlox hoodii*). Annual weedy species in the disturbed areas are bur buttercup (*Ranunculus testiculatus*), cheatgrass (*Bromus tectorum*), halogeton (*halogeton glomeratus*), and poverty weed (*Iva axillaris*). Grasse include: indian rice grass (*Achnatherum hymenoides*), squirrel tail (*Elymus elymoides*) crested wheat (*Agropyron cristatum*), Sandberg bluegrass (*Poa secunda*), and desert needlegrass (*Achnatherum speciosum*).

**3.3.2 Impact Analysis.** Vegetation removal reduces vegetative cover, and contributes to soil erosion, particularly when combined with excavation activities which change the landform topography. An excavated area can affect adjacent land by altering the flow of storm water, removing vegetation, creating gullies and rills across hillsides and deposition of soils at the base of slopes. As discussed above, another indirect effect of vegetation removal is reduction and fragmentation of habitat for wildlife use. The potential for invasive plant species to colonize the site is discussed further below in the noxious weed section.

**3.3.3 Cumulative Effects.** The cumulative effect of vegetation removal from excavation activities is the permanent alteration of vegetation type and landform. Reclamation activities would be conducted to create landforms consistent with the surrounding environment and topography and to re-establish native vegetation, but would not return it to its original condition. Native vegetation from adjacent land would eventually re-colonize the site.

## 3.4 NOXIOUS WEEDS

**3.4.1 Affected Environment.** The material site does not currently contain noxious weeds; however, invasive species are documented within the existing site immediately adjacent to the proposed expansion.

**3.4.2 Impact Analysis.** Disturbance of native soils and vegetation allows opportunistic noxious and invasive weed species to invade. If these species are not controlled, they may prevent reestablishment of native species in the disturbed areas in addition to moving into undisturbed areas and out-competing the native vegetation. The likelihood of a noxious weed invasion increases if noxious weeds are present on adjacent sites or if seeds are transported from an invaded area to a disturbed area by equipment or soil movement. As indicated in section 2.1.2.6 Noxious Weed Management, BMP's and a treatment plan would be required for any project in this area and the Noxious and Invasive Weed Standard Operating Procedures would be followed.

**3.4.3 Cumulative Effects.** The cumulative effects of land disturbance are loss of native vegetation to bare ground, which creates a niche for invasive species establishment. In Nevada, cheat grass and Russian thistle, both annual invasive species, readily colonize disturbed sites. These species are more fire-prone than native perennial grasses and shrubs, increasing fire frequency and intensity. Generally, invasive species do not provide adequate forage or cover for wildlife, rendering the area unusable wildlife habitat. Since invasive species spread easily, their establishment along disturbed areas like roadways and cleared areas can also increase the likelihood of weed infestations spreading into undisturbed lands.

### 3.5 SOILS

**3.5.1 Affected Environment.** The Natural Resources Conservation Service (NRCS) Soil Survey classifies the site as 160 – Zerk-Heist-Tosser association, slightly sloping, well-drained gravelly loam to gravelly coarse sand. The landform is a fan skirt. The soil is not hydric.

**3.5.2 Impact Analysis.** Material site use could disturb up to 100 acres of soil over the course of 20 years. The disturbance would change the soil structure and function, thus reducing its productivity. A change in soil structure may lead to greater amounts of soil compaction which could result in less moisture available to plants, decreased water infiltration, and increased run off and erosion. This would impact the nutrient cycling and would indirectly affect the productivity and formation of the soils. To the extent possible, impacts would be mitigated through site reclamation. The area would be re-sloped and reseeded to reduce erosion and improve water infiltration and nutrient cycling, however the site alteration is permanent and resources are not recoverable.

**3.5.3 Cumulative Effects.** The cumulative effects of material removal are alterations in soil structure and composition. The removal of vegetation and soil reduces decomposition and nutrient cycling in the soil. Soil compaction reduces water infiltration and available moisture for plants, so plant establishment is more difficult and the opportunity for erosion is greater. Extraction, processing, and use of aggregate material for highway construction and maintenance remove subsurface rock resources from the site. Resources extracted from this site are permanently removed and not replaceable.

### 3.6 VISUAL RESOURCES

**3.6.1 Affected Environment.** The site is adjacent to the east side of US-93, north of the Duck Creek Road on the northern end of the Success Loop. The eastern viewshed is dominated by the Schell Creek and Duck Creek mountain ranges.

**3.6.2 Impact Analysis.** The BLM initiated the Visual Resource Management (VRM) process to manage the quality of landscapes on public land and to evaluate the potential impacts to visual resources resulting from development activities. VRM class designations are determined by assessing the scenic value of the landscape, viewer sensitivity to the scenery, and the distance of the viewer to the subject landscape. These management classes 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). VRM classes serve two purposes: (1) as an inventory tool that portrays the relative value of visual resources in the area, and (2) as a management tool that provides an objective for managing visual resources.

The VRM classification for this area is Class III. The objective of VRM Class III is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer.

Use of this site as a material source would be evident and would attract the attention of the casual observer traveling on US-93, but would not dominate the view. The removal of desert vegetation and exposure of the lighter soils would create a moderate visual contrast with the surrounding vegetation. Continued disturbance to the alluvial fan would create a moderate visual contrast with the surrounding landscape forms.

Visual impacts are most evident during active operations. Measures to minimize site use visibility would include using neutral, non-obtrusive colors like tan, brown, white or gray for structures when feasible; using water for dust abatement on the haul road; and only using reflective metals for safety purposes. The site location is flat, so no structures, excavation, or developments would occur on ridgelines.

To minimize visibility during non-use, stockpiles left on site would be a minimal height and contoured to mimic the characteristic landscape. Reclamation would be designed to restore the characteristic line and color elements. Areas where reclamation is not complete or successful would continue to contrast with visual resources in the area.

**3.6.3 Cumulative Effects.** If the measures to minimize visibility are followed, the proposed project would be in compliance with VRM Class III management objectives. The completion of reclamation activities would assist in reclaiming the site to a more natural looking landscape, however site alterations are permanent because of material extraction and cannot be restored to pre-existing conditions.

## **4.0 OVERALL CUMULATIVE IMPACTS**

Statewide, as with most mining activities, the development of material sites contributes to the cumulative degradation of Nevada ecosystems by creating a larger surface area of disturbance. This land disturbance is in an arid environment where restoration efforts have met with limited success due to low precipitation, poor soil growing conditions, and the spread of invasive species (cheatgrass) which promote more frequent fire cycles. Consequently, full restoration is difficult to achieve and can take a decade or longer. Until full restoration is achieved, there would be an increase in the level of disturbance, potential spread of invasive species, a reduction in habitat that may be beneficial to special status species, and an increased visual impact.

In general, material sites cause an alteration in land use in the vicinity of the site. Since excavation, crushing, loading, and transporting operations involve large equipment during operations, wildlife and recreational users are likely to avoid the area. During non-use, material site accessibility can lead to illegal dumping. Illegal dumping has a detrimental visual and physical effect on the environment, can become a safety hazard, and is costly to clean up.

## **5.0 MITIGATION AND MONITORING**

The resource protection and monitoring measures described in section 2.1.2 of the Proposed Action are requirements for site use. Consequently, no additional mitigation or monitoring actions are proposed.

## 6.0 CONSULTATION AND COORDINATION

### 6.1 PERSONS, GROUPS AND AGENCIES CONSULTED

- Nevada State Historic Preservation Office (SHPO)
- Nevada Natural Heritage Program (NNHP)
- U.S. Fish and Wildlife Service (FWS)
- Nevada Department of Wildlife (NDOW)
- Nevada Department of Environmental Protection (NDEP)
- Nevada Division of Water Resources (NDWR)

### 6.2 LIST OF PREPARERS AND REVIEWERS

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## 7.0 REFERENCE AND ACRONYMS

### 7.1 REFERENCES

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## **7.2 ACRONYMS**

**ACEC**-Area of Critical Environmental Concern  
**BLM**-Bureau of Land Management  
**BMP**-Best Management Practice  
**CFR**-Code of Federal Regulations  
**DR**-Decision Record  
**EA**-Environmental Assessment  
**ESA**-Endangered Species Act  
**FHWA**-Federal Highway Administration  
**FLPMA**-Federal Land Policy and Management Act  
**FONSI**-Finding of No Significant Impact  
**FWS**-U.S. Fish and Wildlife Service  
**MTBA**-Migratory Bird Treaty Act  
**NDOT**-Nevada Department of Transportation  
**NDEP**-Nevada Division of Environmental Protection  
**NDOW**-Nevada Department of Wildlife  
**NEPA**-National Environmental Policy Act  
**NNHP**-Nevada Natural Heritage Program  
**RMP**-Resource Management Plan  
**SWPPP**-Storm Water Pollution Prevention Plan