

Decision Record and Finding of No Significant Impact

for

White Pine County Public Works Department

South Duck Creek Gravel Pit

N-78390

EA # NV-040-06-033

DECISION: It is my decision to authorize the White Pine County Public Works Department gravel pit located in White Pine County and described in the proposed action of the Environmental Assessment (EA). I concur with my staff's assessment of the environmental impacts and authorize the proposed action subject to the Ely District's Standard Operating Procedures for Mineral Materials, the standard conditions that are a part of State and Federal operating regulations for mineral materials, the Egan Resource Management Plan including the Egan Resource Management Plan Oil and Gas Leasing Amendment, and the site-specific terms and conditions as listed below:

Rationale:

I have determined the proposed action is in conformance with the approved Egan Resource Management Plan including the Egan Oil and Gas Leasing Amendment, and the White Pine County Land Use Plan.

Terms and Conditions:

1. As well as the following site specific conditions of approval listed below, surface operations will follow the Conditions of Approval (COAs) contained in the *Egan Resource Management Plan, Oil and Gas Leasing Amendment and Record of Decision* (also found in Appendix 2 of the EA) and the attached Standard Operating Procedures for Mineral Materials
2. In all areas of proposed disturbance, all available topsoil will be salvaged and stockpiled separately from any other material. The topsoil will be seeded immediately with the attached interim seed mix in order to stabilize the soil and help prevent the establishment of invasive and non-native weeds. An additional interim seeding may be required.
3. Gravel used for pad or access road construction may be placed only after the underlying topsoil has been salvaged. If not removed prior to reclamation, the road base will be ripped so that it is mixed with the underlying material prior to being covered with the stockpiled topsoil.
4. Final reclamation will consist of recontouring and ripping the gravel pit and associated disturbance, re-spreading the topsoil, and reseeding with the attached final seed mixture. Seeding is recommended between October 1 and March 15. The performance goal for successful revegetation is that the reclaimed area will have

100% of the perennial canopy cover of the existing adjacent plant cover. The site will be evaluated by the Ely BLM for vegetative progress after at least one full growing season. If not successful, the BLM reclamation specialist will review the reclamation procedures with the operator to decide on the best course of action.

5. Access road construction will include salvaging all available topsoil in a windrow along the edge of the road and immediately seeding it with the same interim seed mixture as used for the pad. Final reclamation will be similar to that for the location pad: regrading, ripping the road surface, recovering with the salvaged topsoil, and final seeding. All of the newly constructed road will be reclaimed. A berm will be constructed at the intersection with WP-29 to discourage travel over the reclaimed project area.
6. The operator will erect and maintain a livestock exclosure fence around the entire operations area. The fence will not be removed until vegetation has been successfully reestablished.
7. The operator will be responsible for complete control of noxious and invasive weeds that result from implementation of the proposed action. The operator will implement the Ely Field Office Noxious Weed Prevention Schedule and SOPs for weed treatments, with special emphasis on the following actions. Prior to entering the site, all construction, drilling equipment, and vehicles will be washed down and cleaned to prevent the importation of noxious weed seeds from prior places of work. Vehicles will stay on roads and avoid driving through any weed patches. All seeds used in reclamation will be certified weed-free. The operator will assist in monitoring for noxious and invasive weeds during the life of the project, until reclamation is complete.

Monitoring:

The monitoring measures included in the proposed action are sufficient to ensure mitigation of the potential impacts. No additional monitoring measures are proposed.

Rationale:

Implementation of the proposed action will allow White Pine County Public Works Department to fulfill its obligation to maintain County roads in a safe and responsible condition. Any impacts resulting from the proposed action will be minimized through the carefully planned proposed action developed in the mining and reclamation plan, the standard State and Federal operating regulations for mineral materials, and the site specific conditions of approval as listed above. As a result of the analysis for the proposed gravel pit, it was determined that the Proposed Action will not result in unnecessary or undue degradation to the public lands. The proposed action is in conformance with Egan Resource Management Plan and is consistent with the White Pine County Land Use Plan_(2007).

FONSI:

Finding of No Significant Impact: I have reviewed Environmental Assessment (EA) NV-040-06-033, dated February 22, 2008. After consideration of the environmental impacts as described in the EA, and incorporated herein, I have determined that the proposed gravel operations, with the standard operating procedures as described in the EA, will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: The area potentially affected is the approximately 5.7 million acres of rural White Pine County, Nevada. The project is a site-specific action directly involving approximately 5 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance.

Intensity:

- 1) Impacts that may be both beneficial and adverse.

The environmental assessment has considered both beneficial and adverse impacts of the gravel pit project. On the whole, the project will provide affordable gravel for the County to maintain roads for increased public use, safety, and enjoyment.

Operation of the gravel pit will infringe upon the solitude of local residents and recreationists. Wildlife will be disrupted during periods of operation.

Successful reclamation efforts will re-establish native vegetation to the 5 acres. Until vegetation is firmly reestablished, the project area will be increasingly susceptible for weed invasion.

- 2) The degree to which the proposed action affects public health or safety.
Implementation components of the proposed action will not result in potentially substantial or adverse impacts to public health and safety.
- 3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
There are no unique cultural or environmental characteristics that would be disturbed in the geographic area. It is located 2.3 miles west of the High Schells Wilderness Area. Public lands in the Duck Creek Basin are used for recreation – mainly OHV use and hunting - cattle and sheep grazing, and wildlife.
- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
The proposed gravel pit operations are accepted methods to meet resource and management objectives and are not considered highly controversial.
- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
There are no effects of the proposed action identified in the EA which are

considered uncertain or involve unknown risks. All reclamation actions proposed to be employed have been developed through the operation of over 100 gravel pits in the Ely BLM District and are accepted standard practices.

- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant cumulative impacts have been identified in the EA. The spacing from the only other gravel pit in the Duck Creek Basin, and its size are appropriate for the Egan Resource Area.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places were identified in the project area through the EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The field visits and review of existing records for this EA determined that no endangered or threatened species or their habitats are present in the project area.

- 10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment.

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Jeffrey A. Weeks
Assistant Field Manager
Nonrenewable Resources

Date

ENVIRONMENTAL ASSESSMENT

NV-040-06-033

WHITE PINE COUNTY PUBLIC WORKS DEPARTMENT

SOUTH DUCK CREEK GRAVEL PIT

N-78390

WHITE PINE COUNTY, NEVADA

PREPARED BY

BUREAU OF LAND MANAGEMENT
ELY FIELD OFFICE

AUTHOR

William R. Wilson

February 22, 2008

I. BACKGROUND INFORMATION

Introduction

On March 31, 2004, the Ely Field Office of the Bureau of Land Management received a request from the White Pine County Public Works Department to establish a new gravel in Duck Creek Basin, located in Section 31, T. 18 N., R. 65 E., MDBM. (Figure 1.) The gravel would be used to maintain the dirt portion of WP-29 in the southern portion of the basin. A backhoe test pit was excavated on April 21, 2004 to ensure that the gravel resource was present. Duck Creek residents and other interested parties raised concerns over impacts, chiefly visual, of a new gravel pit in the Duck Creek Basin. Therefore, the BLM determined that an environmental assessment was appropriate.

The Public Works Department resubmitted their request on February 8, 2006. An onsite tour with local residents and BLM staff was held on April 29, 2006, to evaluate impacts to visual, cultural, wildlife, or other site specific resources and formulate mitigation measures.

Need and Purpose for the Proposal

White Pine County operates the Gallagher Gap gravel pit in the north end of Duck Creek Basin which is used to help maintain the 10.5 mile paved section of WP-29 that extends from US 93 southward to the Berry Creek road junction. The proposed pit is located approximately one half mile south of the end of the pavement and 7.4 miles south of the Gallagher Pit. The dirt road, from Berry Creek south to Success Summit was constructed without the benefit of gravel. It is difficult to maintain, often dusty, muddy, rutted, and marginally safe for travel. Hauling gravel from the Gallagher Pit, the no action alternative, would be more costly for the County and may delay or minimize improvements to the southern portion of WP-29.

The purpose of the proposed South Duck Creek Gravel Pit would be to provide a low operating cost gravel source to maintain the southern, dirt portion of WP-29.

Relationship to Planning and other National Environmental Policy Act (NEPA) Documents

The Egan Resource Area Record of Decision and Management Decisions Summary (February 3, 1987) is silent on mineral materials disposals. However, the proposed Action is inferred to be in conformance with the Resource Management Plan (RMP) because the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (FEIS), September 21, 1984, states “the public lands shall remain open and available for mineral exploration and development unless withdrawal or other administrative action is clearly justified in the national interest” (p15).

Duck Creek basin has been the subject of study by several cooperative groups that have issued management plans:

- Duck Creek Coordinated Resource Management Plan, 1996
- White Pine County Elk Management Plan, 2002
- Duck Creek Basin Transportation Plan 2004

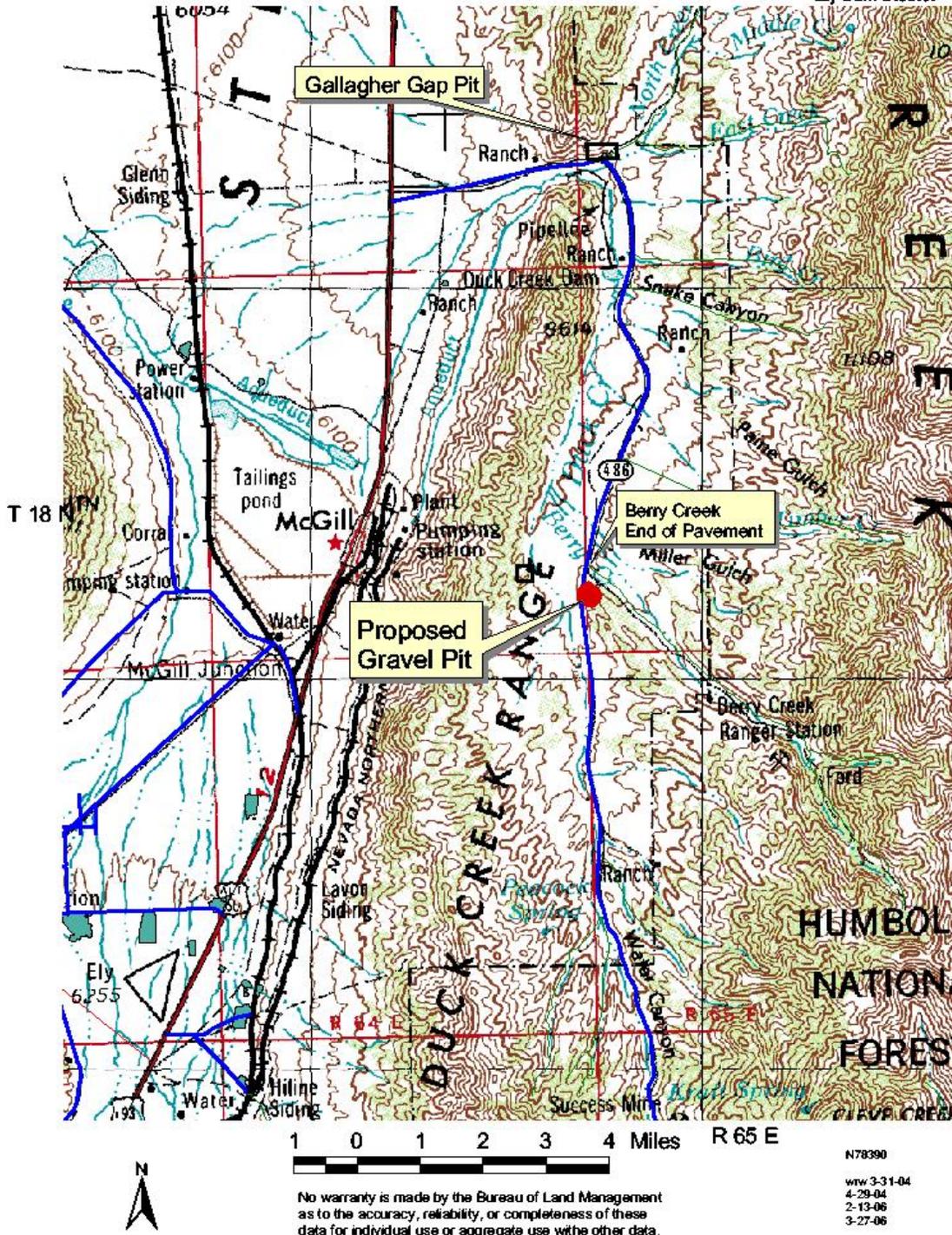
Figure 1. Location Map of the South Duck Creek Gravel Pit

Duck Creek Valley 7.5' Quad
T18N R65E Sec 31 NWNW

Proposed Duck Creek Basin Gravel Pit
White Pine Co Road Department



Ely BLM District



This EA is tiered to the Proposed Egan Resource Management Plan and Final Environmental Impact Statement, September 21, 1984, and to the Egan RMP Proposed Oil and Gas Leasing and Final Environmental Impact Statement (August 1993).

Issues

Visual resources, recreation, and wildlife were identified as issues to be addressed during internal scoping.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The White Pine County Public Works Department proposes to establish a new gravel pit in Duck Creek Basin along County road WP-29 approximately one half mile south of the Berry Creek road junction in T. 18 N., R. 65 E., Sec 31 (Figure 2). Access to the pit from WP-29 would be along a 500 foot road constructed over an existing 2-track road. The site is in a small drainage and partially hidden by pinion-junipers. As many trees as possible would be left.

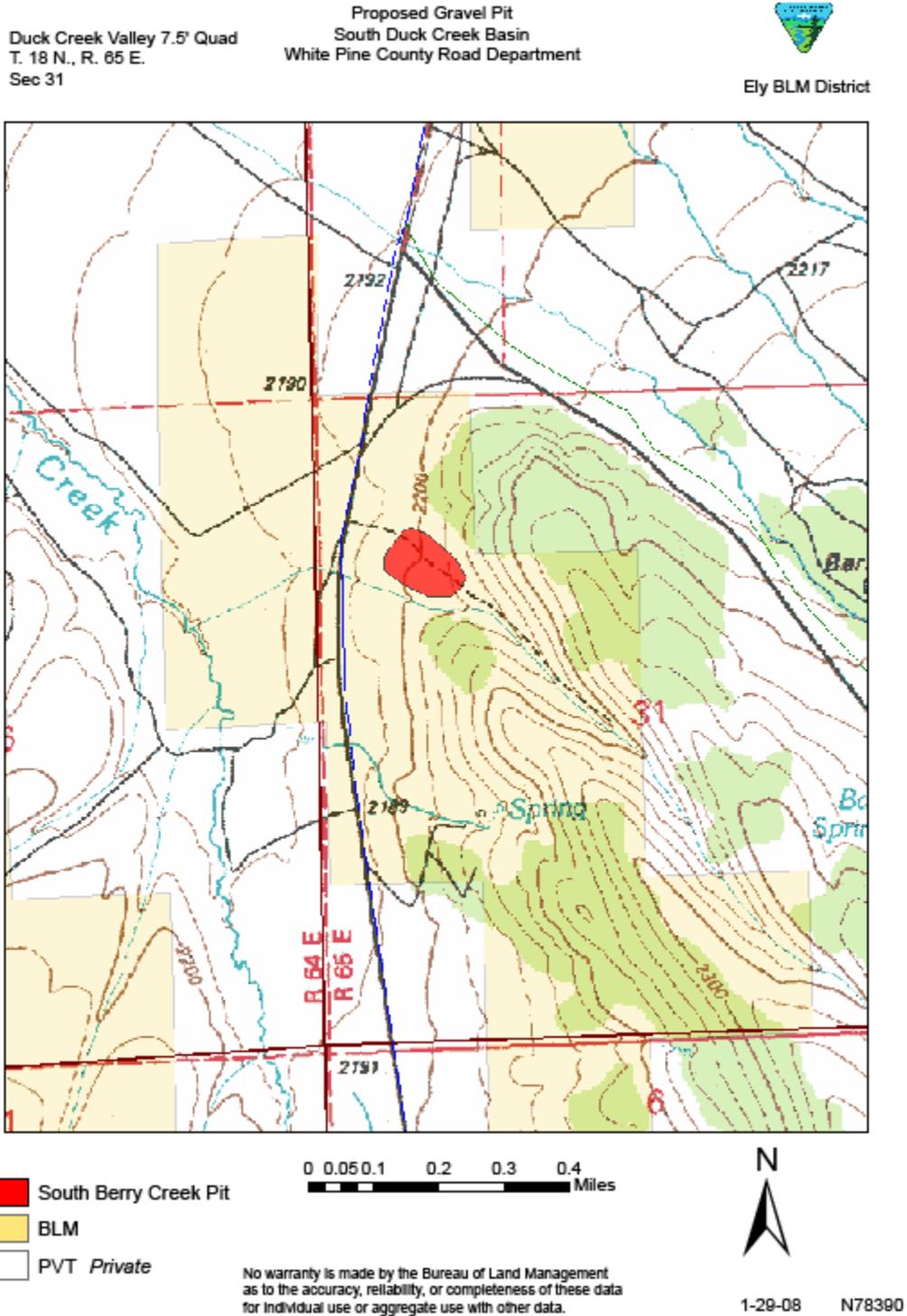
The project area would be composed of a pit and a process area. Total disturbance would be approximately 5 acres. The pit would be designed and operated in phases so that mined out portions would be reclaimed as additional portions are developed. Operations would consist of scraping off and stockpiling topsoil from these areas, excavating gravel, screening off oversize material, stockpiling gravel, and reloading and hauling gravel out for the road maintenance. Equipment would consist of a dozer and grader, as needed, front end loader, haul trucks, water truck, and support equipment. The disturbed areas will be covered with gravel to reduce fugitive dust emissions during operations and periods of inactivity. Operations would follow the Ely BLM District's Standard Operating Procedures for Mineral Materials (Attachment 1).

The project area would be fenced to exclude cattle and wildlife, protect against theft, vandalism and other unauthorized uses. Recommended construction standards for enclosure fences in livestock areas are shown in Attachment 2.

Major gravel operations would occur on a scheduled basis. Months of activity may be followed by a year or more of inactivity. No equipment or supplies would be stored on site during idle periods. Pit walls would be sloped to a 3:1 grade. Topsoil stockpiles would be immediately seeded with an interim seed mixture to prevent soil erosion and weed infestation (Attachment 3). A final reclamation seed mixture (Attachment 4) would be applied during the first recommended growing season (October 1 to March 15) and at the completion of all reclamation activities.

White Pine County Public Works Department would be responsible for the control of noxious and invasive weeds in the project area through implementation of the BLM's noxious and invasive weed SOPs. Site specific implementation measures are included in the attached weed Risk Assessment (Attachment 5)

Figure 2. Map of the South Duck Creek Gravel Pit Project Area



New construction would not be allowed to commence during the period May 1 to July 15 due to the provisions of the Ely District policy management actions for the conservation of migratory birds. An exception to this policy would be made if a qualified wildlife biologist surveys the project area for nesting migratory birds and determined that the impacts would be negligible.

Site-specific actions were agreed upon during the April 2006 on-site visit and are included in the proposed action and Conditions of Approval. Standard operating procedures for mineral materials are included in Attachment 1.

Reclamation

Reclamation would begin concurrently with pit area construction activities. Topsoil would be stockpiled along the sides of the gravel pit and process area and not commingled with other material. Topsoil would be scraped from the access road and furrowed along its edges. All stockpiles would be seeded immediately and again, if needed, during the first recommended seeding period (October 1 to March 15) with the interim seed mixture shown in Attachment 3.

Final reclamation would commence at the end of life of the gravel source. Any remaining gravel material would be pushed back into the gravel pit. Pit walls would be re-contoured to a 3:1 slope. The stockpiled topsoil would be redistributed over all uncovered areas. All disturbance would then be scarified and seeded with the recommended final seed mix (Attachment 4). Seeds would be planted on contour with a drill seeder or broadcast technique during the recommended seeding period of October 1 to March 15. The fence would remain through reclamation in order to enhance the potential for successful revegetation.

The 500 foot access route would be ripped, scarified, re-covered with the furrowed topsoil, and seeded with the same seed mixture recommended for the pit area. Road reclamation would be done concurrently with the gravel pit reclamation and follow the same procedures. Any gravel left on the roads would be ripped and mixed with the underlying material prior to re-covering the roads with topsoil and seeding.

Monitoring

Monitoring needed to assess reclamation success and continuing environmental stewardship would consist of periodic compliance inspections of the area during the life of the gravel operation by an authorized officer of the BLM. This monitoring would consist of checks on initial location of facilities, conformance to the operating plan and Conditions of Approval, and the status of any reclamation. Post-operation compliance inspections would document, among other things, conformance with the proposed action, completion of earthworks of the reclamation plan, and monitoring for vegetative success and any new noxious weed infestations.

The No Action Alternative

The no action alternative is to not develop the South Duck Creek gravel pit. Gravel would be hauled from the closest available gravel pit, the Gallagher pit, to maintain the dirt portion of WP-29, a distance of 7.5 miles. It is assumed that the operation of the Gallagher pit would be similar

in size and nature as that for the proposed pit.

Other Alternatives Considered but not Analyzed in Detail

Other locations in the middle to southern portion of Duck Creek basin were looked at, but none provided public access, partial topographic and vegetative shielding, and proximity to the dirt portion of WP-29 comparable to the proposed site.

Other Alternatives

No other alternatives are necessary to respond to unresolved conflicts concerning alternative uses of available resources.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT WITH THE ASSOCIATED ENVIRONMENTAL CONSEQUENCES

General Setting

Duck Creek basin was developed in the early 1900's to provide water, through a system of dams and pipelines, to the copper reduction facilities in McGill, Nevada. Ranches were able to develop large cattle operations due to the abundance of water and open rangeland. Of the approximately 24 square miles of non-US Forest Service managed lands in the basin, about one fourth are privately owned.

Resources Not Present or Not Affected by the Proposed Action

There would be no impacts to; floodplains, wetlands and riparian areas; wilderness values; areas of critical environmental concern; wild and scenic rivers; prime or unique farmlands; special status species (Federally listed, proposed or candidate threatened or endangered species, and State sensitive species); wild horses and burros; water quality (drinking/ground); wastes, hazardous and solid; migratory birds; cultural, paleontological and historical resource values; Native American religious concerns; or environmental justice.

The above resources are not known to occur in the project area, will be avoided, or will be negligibly affected by the proposed action.

The High Schells Wilderness boundary is located approximately 2.3 miles east of the project area.

A cultural survey conducted during the April 21, 2004 site visit located only a small contemporary can scatter within the Area of Project Effects. A historic roadway in the very northwest corner of the section will not be affected. There will be no effect to known cultural resources within the proposed APE. If archeological resources are encountered during construction and the active life of the gravel pit, then work must cease and the archeologist at Ely BLM Field Office must be immediately contacted.

Visual Resources Management (VRM)

Affected Environment

The proposed project is located within a picturesque, sparsely inhabited, portion of White Pine County. Presently unclassified for Visual Resource Management (VRM), due to its proximity to the High Schells Wilderness Area and location within the Duck Creek basin, the area is being proposed as Class II. The objective for the Class II zone is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Nearly all existing residences in Duck Creek basin are located north of the Berry Creek road junction. New developments are planned along Berry Creek and farther south along various portions of the Success Loop.

Environmental Consequences

Proposed Action

The project area can be viewed from one residence. It would be visible by travelers along a three quarter mile stretch of WP-29, south of the Berry Creek road junction. Visibility would be partially limited by topography and vegetation. (See Figure 3.) No pit operations or road maintenance activities, other than noise and fugitive dust, would be noticeable from residences or travelers north of the Berry Creek road junction. Because of its location on the west side of a small ridge, it is not easily visible from the High Schells Wilderness. The preservation of as many pinyon and juniper trees as possible, use of the existing 2-track route, and reclamation measures of the proposed action would enable the project to meet the Class II visual objectives.

No Action Alternative

Increased gravel operations and associated additional ground disturbance at the Gallagher pit would be visible to all travelers who access Duck Creek basin from the north end of WP-29.

Gravel trucks would travel the full length of paved road past most of the basin's residences south of North Creek and East Creek.

Recreation

Affected Environment

Duck Creek basin is an extremely popular area for outdoor recreationists such as sightseers, campers, hunters, fishermen, hikers, horse backers, and OHV enthusiasts. The basin offers the

Figure 3a. Photo of 2-track access road and project area, looking east.



Figure 3b. Photo of project area, looking east.



primary access to the High Schells Wilderness. The paved portion of WP-29 provides access to several US Forest Service (USFS) campgrounds along creeks in the Schell Creek Range.

The 2-track road that passes through the proposed gravel pit has been designated closed in the Duck Creek Basin Transportation Plan.

Environmental Consequences

Proposed Action

Operation of the gravel pit would cause minor interference with travel along the adjacent portion of WP-29.

The closed 2-track road would be reclaimed for 1,000 feet east of WP-29.

No Action Alternative

Impacts to recreation associated with operations at the Gallagher pit would be similar to those of the proposed action. There would be a small increase in traffic due to gravel hauling along the paved portion of WP-29 during operations.

Soils and Vegetation

Affected Environment

Figure 3 shows the moderate topography and vegetation of the project site. Precipitation averages 12” to 14” per year. The soils are a very gravelly loam classified as Amelar-Bobs association. Dominant vegetation consists of juniper, mountain big sagebrush, bluebunch wheatgrass, and Indian ricegrass. A test trench showed approximately 12” of gravelly loam above the gravel.

Environmental Consequences

Proposed Action

There would be an immediate loss of 5 acres of existing vegetation for wildlife and grazing. It would be difficult to completely reestablish native vegetation to the project area due to the small amount of available topsoil over the rocky slopes and the 10 or more years of operation and maintenance of the topsoil stockpiles.

Productivity of the soil would be lessened due to loss of the soil structure during construction and reclamation activities. The moderate amount of annual precipitation (12-14”) may be able to promote revegetation.

No Action Alternative

Under the no action alternative, similar impacts would occur at the Gallagher Pit.

Mitigation Measures

The techniques described in the proposed action are sufficient to restore the soil cover and vegetation, as much as possible, to its pre-project condition. The performance goal for successful revegetation is that the reclaimed area would have 100% of the native perennial canopy cover of the existing adjacent plant cover. The site would be evaluated by the Ely BLM for vegetative progress after at least one full growing season. If not successful, the BLM reclamation specialist would review the reclamation procedures with the County to decide on the best course of action.

Wildlife

Affected Environment

Duck Creek basin is important habitat for many popular species of fish, deer, birds, and other wildlife. Elk were re-introduced into White Pine County in the 1960's and have aggressively adapted to the basin. Protected species identified within the basin include sage grouse, ferruginous hawk, pinion jay, gray vireo, goshawk, dark sandhill skipper, White River wood nymph, pygmy rabbit, long eared bat, and Schell Creek mountain snail. None of these species are known to occur within the project area or the limits of additional protection: two mile radius for sage grouse leks and one half mile for ferruginous hawks. No evidence of pygmy rabbits was found during either of the on-site visits. Protected species not documented within the project area cannot be dismissed and still have potential to occur within the project area.

Environmental Consequences

Proposed Action

There would be a long term loss of 5 acres of existing vegetation for wildlife forage and nesting. Upon completion of reclamation measures of the proposed action, vegetation would be restored, as much as possible, over the new disturbance. Once the exclosure fence is removed, wildlife would again have access to these 5 acres.

Noise, operation of equipment, and graveling WP-29 would disrupt wildlife during periods of gravel operations. There would be direct mortality to wildlife (small mammals, reptiles, etc) that could not flee equipment or hide in burrows. Fencing increases perch sites for raptors, increasing bird, small mammal, and reptile mortality in the general area.

No Action Alternative

Under the no action alternative, the loss of vegetation available for forage and nesting, as described above, would be similar to that at the Gallagher pit.

Collisions between wildlife and gravel trucks could occur along the 7.4 miles of the paved portion of WP-29.

Livestock Grazing

Affected Environment

Duck Creek basin is primarily used for cattle ranching. The proposed gravel pit site is located within the Duck Creek Grazing Allotment. This allotment is grazed seasonally by cattle. The vegetation at the site provides forage for cattle as well as wildlife.

Environmental Consequences

Proposed Action

There would be a long term loss of 5 acres of existing vegetation for grazing. It is estimated that less than one AUM of forage would be lost over the life of the gravel operation. Upon completion of reclamation measures of the proposed action would, vegetation would be restored, as much as possible, over the new disturbance.

There are no anticipated conflicts between livestock grazing and the proposed action.

No Action Alternative

Under the no action alternative, the loss of vegetation available for grazing, as described above, would be similar to that at the Gallagher pit.

Collisions between livestock and gravel trucks could occur along the 7.4 miles of the paved portion of WP-29.

Invasive, Non-Native Species (Including Noxious Weeds)

Affected Environment

The BLM defines a weed as a non native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weed's presence deteriorates the health of the site, it makes efficient use of natural resources difficult, and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations. Noxious weeds designated by the State of Nevada can be found in **Attachment 5**. A zero tolerance policy for these weeds is in effect for project disturbances such as this gravel pit. No noxious weeds were found during the two site visits. However, musk thistle (*Carduus nutans*), spotted knapweed (*Centaurea stoebe*), Canada thistle (*Cirsium arvense*), bull thistle

(*Cirsium vulgare*), black henbane (*Hyoscyamus niger*), hoary cress (*Lepidium draba*), and Scotch thistle (*Onopordum acanthium*) have been inventoried along roads and drainages leading to the project area. There is also probably cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomerus*), horehound (*Marrubium vulgare*), bur buttercup (*Ranunculus testiculatus*), and Russian thistle (*Salsola kali*) scattered along roads in the area.

Environmental Consequences

Proposed Action

A noxious and invasive weed risk assessment was completed for this project. **See Attachment 6.** The overall risk for noxious and invasive weeds was calculated as moderate based on BLM Manual 9015. Approximately 5 acres of new disturbance would be susceptible to noxious and invasive weed infestation. In order to minimize the risk of spreading noxious and invasive weeds to the project area the standard BLM noxious and invasive weed BMPs should be followed. The proposed interim and final reclamation seedings, cleansing of equipment, and using weed free seed would decrease the amount of invasive weeds infesting the reclaimed project area. The prevention, monitoring, and eradication measures incorporated in the proposed action are adequate to mitigate any potential invasive and noxious weed invasion.

No Action Alternative

Under the no action alternative, the increased chance of invasive and possible noxious weed infestations would be less since less acres would be disturbed.

Mitigation Measures

The operator will be responsible for complete control of any noxious weeds that become established within the project area during the life of this project through final reclamation. This would include the responsibility for control of noxious weeds along the access roads, pad location, and any gravel sources. Noxious and invasive weeds, which may be introduced due to soil disturbance and reclamation, will be treated by methods to be approved by the authorized officer. Bond release is contingent upon the absence of noxious weeds.

The operator would be responsible for taking steps to mitigate the spread or increased densities of noxious and invasive weeds that result from implementation of the proposed action. The operator would implement the Ely Field Office Noxious Weed Prevention Schedule and BMPs for weed treatments, with special emphasis on the following actions: Prior to entering the site, all construction, drilling equipment, and vehicles would be washed down and cleaned to prevent the importation of noxious weed seeds from prior places of work. Vehicles would stay on roads and avoid driving through any weed patches. All seeds used in reclamation would be certified weed-free. The operator would assist in monitoring for noxious and invasive weeds during the life of the project, until reclamation is complete.

Air Quality

Affected Environment

Periodic degradation of air quality occurs due to winds blowing dust from nearby areas, vehicle traffic on WP-29, and occasional regional air pollution.

Environmental Consequences

Proposed Action

There would be a localized, increase of dust levels as a result of construction activities, gravel quarrying and screening, and vehicle use. Wind blown dust from these exposed areas could cause a temporary degradation in air quality. Nevada State Air Quality standards would apply to this operation, and the operator would be required to apply water for dust abatement if the problem was above a threshold level as stated in the standards. Following reclamation of the site and successful revegetation, the local air quality would return to pre-operation conditions.

The gravel applied to the gravel pit, process area and access road will help reduced wind blown dust during operation and periods of inactivity.

No Action Alternative

Under the no action alternative, there would be no change to air quality at the proposed site. Operations at the Gallagher pit would generate fugitive dust in amounts similar to the proposed action. Dust would likely be blown off of the gravel trucks during travel along the paved portion of WP-29.

IV. CUMULATIVE IMPACTS

According to the BLM publication Guidelines for Accessing and Documenting Cumulative Impacts (1994), the amount of analysis that is necessary can be greatly reduced by limiting cumulative analysis only to those issues and resource values identified during scoping that are of major importance. The issues and resource values of major importance or public concern which visual resources, recreation, and wildlife. The area of cumulative effects is the Duck Creek basin.

Cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts could result from individually minor, but collectively significant actions, taking place over a period of time (Council on Environmental Quality, Regulations for Implementation of NEPA, 1508.7).

A. Visual Resource Management (VRM)

Past Actions

Cumulative impacts to VRM were considered in the 1993 Egan RMP Proposed Oil and Gas Leasing and FEIS. There have been no actions since that time until present that would cumulatively impact VRM.

Present Actions

Some of the patented ranch lands are being developed for private residences. Currently there are about 12 residences in the basin. Major improvements include one paved road – WP-29, over 390 miles of dirt roads and OHV trails, power lines, and three developed campgrounds.

The High Schells Wilderness located on the east side of Duck Creek basin, was designated through the White Pine Conservation, Recreation, and Development Act on 2006.

Reasonably Foreseeable Future Actions

Due to the abundance of private land in the basin, residential development will likely increase. Increased development would require additional gravel which may be provided from public or private lands.

Portions of the basin are under lease for oil and gas. Should drilling or geophysical operations be initiated, there would be ground disturbance, subject to reclamation, associated with these activities.

Impacts - Proposed Action

The proposed action would add 5 acres of ground disturbance to the development described in the past, present, and reasonably foreseeable future actions.

Maintaining the dirt portion of WP-29 allow easier access for enjoying the scenery. On the other hand, increased traffic may detract from the solitude and natural setting of the southern portion of the basin.

Impacts - No Action Alternative

Gravel operations based out of the Gallagher pit would affect the northern, more highly developed portion of Duck Creek basin, as well as the southern portion.

B. Wildlife

Past Actions

Cumulative impacts to wildlife were considered in the 1993 Egan RMP Proposed Oil and Gas

Leasing and FEIS. There have been no actions since that time until present that would cumulatively impact wildlife.

Present Actions

The White Pine Elk Management Plan was adopted in 2002 in order to provide coordinated interagency management of Elk.

The Nevada Department of Wildlife regulates hunting and fishing throughout the State.

Reasonably Foreseeable Future Actions

Same as past actions.

Impacts - Proposed Action

The proposed action would remove five acres of habitat from use by wildlife. With increasing private development and human activity in the basin, the proposed action would alter wildlife behavior in the immediate area of the proposed pit.

Impacts - No Action Alternative

Impacts from the operation of the Gallagher pit would be similar to those of the proposed action, but affect the northern portion of Duck Creek basin. In addition, during periods of operation, wildlife, including some of the protected species, would be exposed to gravel hauling along the paved portion of WP-29.

C. Recreation

Past Actions

Three campgrounds have been developed along tributaries to Duck Creek within the USFS managed portion of the basin. Success Loop (WP-29) is an established scenic route used by local residents and tourists for sightseeing or access to other activities in the Cave Lake to Duck Creek basin area.

Present Actions

Duck Creek basin is an extremely popular area for outdoor recreationists such as sightseers, campers, hunters, fishermen, hikers, horse backers, and OHV enthusiasts. The basin offers the primary access to the High Schells Wilderness. Some property owners are posting their properties in an attempt to minimize property damage and interference with their ranching operations.

In recent years, OHV use, primarily for hunting, has increased the amount of 2-track roads from

254 miles to 390 miles. The BLM and USFS are implementing provisions of the Duck Creek Basin Transportation Plan in an effort to reduce the number of unnecessary and redundant roads and trail in the basin.

Reasonably Foreseeable Future Actions

Same as present and past actions.

Impacts - Proposed Action

Reclamation of the existing 2-track road into the gravel pit area would be in conformance with the Duck Creek Basin Transportation Plan

Impacts - No Action Alternative

Use of the paved portion of WP-29 for gravel hauling would have a negligible effect on recreational opportunities.

V. PROPOSED MITIGATING MEASURES

Along with the mitigating measures discussed in Chapter III, the preventative measures and procedures of the proposed action and the attached Standard Operating Procedures for Mineral Materials (**Attachment 1**) are adequate to mitigate adverse effects to the human environment.

VI. SUGGESTED MONITORING

The monitoring measures included in the proposed action are sufficient to ensure mitigation of the potential impacts described above. No additional monitoring measures are proposed as a result of the impact analysis.

VII. CONSULTATION AND COORDINATION

Intensity of Public Interest and Record of Contacts

Local residents and other individual were concerned with the effects that an additional gravel pit would have on the scenic qualities and sense of isolation in the Duck Creek basin. Of the ten individuals contacted in 2004, six opposed the project. With the County's resubmittal of the project in April, 2006, a letter was mailed to approximately 87 interested parties that contained information about the project, informed them of a field tour, and requested scoping comments. The project was posted on the Ely BLM website and a press release published in the local newspaper. An onsite tour with nine local residents plus BLM staff was held on April 29, 2006. There was one negative response. The proposed action was discussed at the BLM's regular Tribal Coordination meeting on February 23, 2006.

Record of Internal District Review

| | |
|-----------------|---|
| Kari Harrison | Soil, Air, Water Quality |
| Bonnie Waggoner | Invasive, Non-Native Species |
| Chris Mayer | Range |
| Kari Harrison | Riparian/Wetlands |
| Lisa Gilbert | Cultural Resources |
| Nancy Williams | Wildlife, Migratory Birds, Special Status Species |
| Dave Jacobson | Wilderness |
| Dave Jeppesen | Visual Resources, Recreation |
| Elvis Wall | Native American Consultation |
| Sheri Wysong | Environmental Coordinator |

Attachment 1

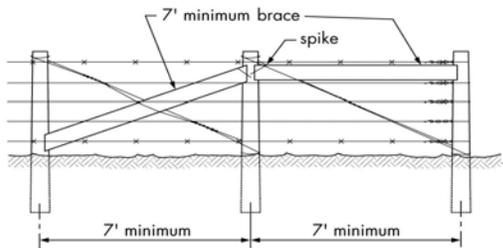
STANDARD OPERATING PROCEDURES FOR MINERAL MATERIALS

1. Regulations for mineral materials appear in 43 CFR 3600. Information is available on the Ely BLM web site at: <http://www.nv.blm.gov/ely/minerals.htm> or by calling the Ely Field Office at (775) 289-1800.
2. Removal of mineral material and associated operations will be restricted to the disturbed area within existing pit boundaries unless authorization to enlarge pit margins has been obtained from the Ely District Manager. If such authorization has been obtained, stipulations No. 3 and No. 4 apply. (All other stipulations apply in either case.)
 3. All vegetative clearing will be held to the minimum necessary to accommodate the planned operation. To provide for effective rehabilitation of the disturbed areas, all available growth medium, as practical, will be removed and stockpiled.
 4. Topsoil stockpiles, if scheduled to be left in place over the growing season, will be seeded, immediately upon construction, with an approved site specific interim seed mix. This will reduce erosion, preserve the organic community and prevent establishment of cheatgrass and other undesirable plant species.
5. For public safety, all roads and trails leading to the pit area must have a clearly recognizable combination of any two of the following measures: warning signs, berms, or fencing.
6. Upon completion or temporary suspension of operations, all holes and trenches will be backfilled and the pit re-contoured to the natural slope, if possible, with pit walls greater than 3' in height knocked down and sloped at 3 horizontal to 1 vertical or less.
7. If seeding is required, the stockpiled topsoil shall be redistributed over the re-graded disturbance, raked parallel to the contour of the land, and reseeded with a recommended site-specific seed mixture. Seeding is recommended only between October 1 and March 15 for the northern part of the District, and November 1 through March 1 for the southern part of the District.
8. All Federal, State, and local air quality standards will be strictly adhered to. An operating permit and registration certificate may be required by the State Division of Environmental Protection in compliance with Public Law 95-95 prior to commencement of operations. Operators may be required to apply water to the work area in order to keep airborne dust to a minimum.

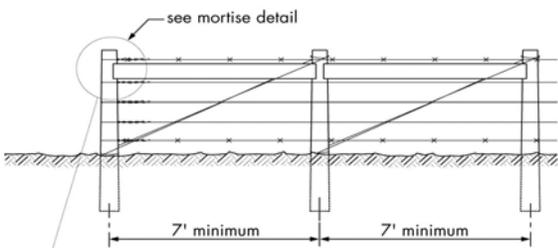
9. All trash, garbage, debris and foreign matter must be removed and properly disposed. Site must be maintained and left in a clean and safe condition.
10. The District Manager or an authorized representative will be notified within 5 days of completion of reclamation work so that timely compliance inspections can be completed.
11. When antiquities or other objects of historical or scientific interest, including historic or prehistoric ruins, vertebrate fossils, or artifacts are discovered, they will be left intact and immediately brought to the attention of the District Manager.
12. All survey monuments, witness corners, and reference monuments must be protected against destruction, obliteration, or damage. Any damaged or obliterated markers must be reestablished in accordance with accepted survey practices at the expense of the permittee.
13. The operator shall make every effort to prevent, control or suppress any fire in the operating area. Reports of uncontrolled fires will be relayed immediately to the District Manager or an authorized representative. The BLM Fire Dispatch telephone number is (775) 289-1925. After working hours call 911 or the Sheriff's office at (775) 289-8801.
14. To reduce vehicular transport of weed seeds, working vehicular equipment will be washed down prior to accessing the work area. The wash down will concentrate on the undercarriage, with special emphasis on axles, frame, cross members, motor mounts, and on and underneath steps, running boards, and front bumper/brush guard assemblies.
15. Any new disturbance commencing between May 1 and July 15 must first be surveyed for nesting migratory birds by the BLM.
16. The operator must comply with all stipulations attached to the BLM's written approval of the project.

Attachment 2

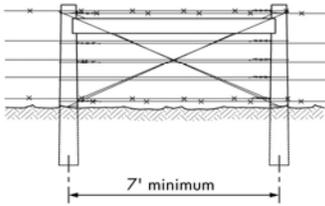
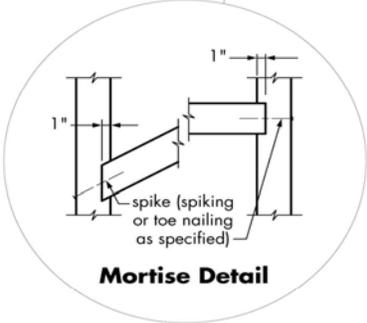
Recommended construction standards for enclosure fences in livestock areas.



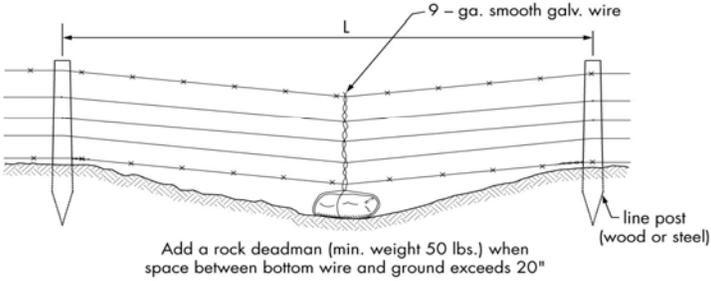
End Panel-Type 1



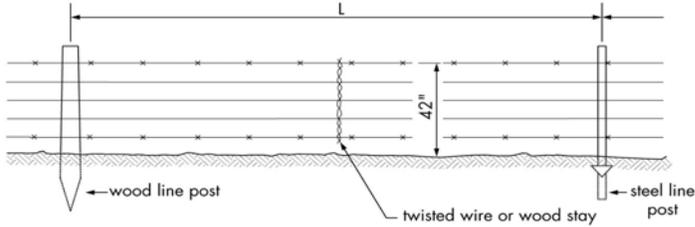
End Panel-Type 2



Stress Panel



Panel at Minor Depression



Line Panels

Attachment 3

Interim Stabilization Seed Mix For Topsoil Stockpiles and Roadside Berms South Duck Creek Gravel Pit

| <u>Species</u> | <u>Seeds/sq ft</u> | <u>Seeds/Lb</u> | <u>Seed rate</u> | |
|---|--------------------|-----------------|------------------|-----------------|
| | | | lbs/ac | |
| Elymus lanceolatus spp. dasystachyum (Thickspike wheatgrass) | | 154,000 | 10.0 | 35 |
| Secale cereale (Cereal rye) | | 18,000 | 40 | 16 |
| Psathyrostachys juncea (Russian Wildrye, variety -Bozoisky Select) | | 175,000 | 5 | 20 |
| Total | | | 55 lbs/ac | 71 seeds/sq ft. |

Seeds should be planted immediately after disturbance. If there is very hot weather, may need repeated seeding in fall or spring
 Substitutions can be made depending on seed price and availability. Contact the BLM if substitutions are required.

* Seed rate - Adjust listed pounds/acre for pure live seed.

$$\text{Pure Live Seed pounds/acre} = \frac{\text{Seed rate (listed above lbs/acre)}}{(\% \text{ germination}) (\% \text{ purity})}$$

Attachment 4

Recommended Final Reclamation Seed List for South Duck Creek Gravel Pit

| <u>Species</u> lbs/acre | <u>Seeds/Lb</u> | * <u>Seed rate</u> | <u>Seeds/sq ft</u> |
|--|-----------------|-----------------------|--------------------|
| Thickspike wheatgrass (Agropyron dasystachyum) | 154,000 | 3.0 | 10 |
| Elymus cinerus (Magnar Great Basin Wildrye) | 95,000 | 5.0 | 11 |
| Pseudoroegneria spicata spp. spicata (Bluebunch wheatgrass) | 140,000 | 4.0 | 13 |
| Oryzopsis hymenoides (Indian ricegrass) | 141,000 | 2.0 | 6 |
| Penstemon palmeri (Palmer penstemon) | 610,000 | 0.25 | 3 |
| Linum lewisii (Appar Blue Flax) | 293,000 | 0.5 | 3 |
| Atriplex confertifolia (Shadscale) | 64,900 | 4.0 | 6 |
| Artemisia tridentata vaseyana (Mountain Big Sagebrush) | 2,500,000 | 0.1 | 5 |
| Total | | 18.85 lbs/ac | 57 seeds/sq ft |

Seeds should be planted between October 1 and March 15.

Substitutions can be made depending on seed price and availability. Contact the BLM if substitutions are required.

* Seed rate - Adjust listed pounds/acre for pure live seed.

Pure Live Seed pounds/acre = $\frac{\text{Seed rate (listed above lbs/acre)}}{(\% \text{ germination}) (\% \text{ purity})}$

Attachment 5

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

South Duck Creek Gravel Pit White Pine County, Nevada

On January 30th, 2008 a Noxious & Invasive Weed Risk Assessment was completed for the south Duck Creek gravel pit project located in White Pine County, Nevada.

The White Pine County Public Works Department proposes to establish a new gravel pit in Duck Creek Basin along County road WP-29 approximately one half mile south of the Berry Creek road junction in T. 18 N., R. 65 E., Sec 31. Access to the pit from WP-29 would be along a 500 foot road constructed over an existing 2-track road. The site is in a small drainage and partially hidden by pinion-junipers. The project area would be composed of a pit and a process area. Total disturbance would be approximately 5 acres. Operations would consist of scraping off and stockpiling topsoil from these areas, excavating gravel, screening off oversize material, stockpiling gravel, and reloading and hauling gravel out for the road maintenance. Equipment would consist of a dozer and grader, as needed, front end loader, haul trucks, water truck, and support equipment. The disturbed areas will be covered with gravel to reduce fugitive dust emissions during operations and periods of inactivity. Topsoil stockpiles would be seeded with an interim seed mixture to prevent soil erosion and weed infestation.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. There are currently no known noxious weed infestations within the proposed project area. The following weed species are found in the surrounding areas:

| | |
|----------------------------|------------------|
| <i>Carduus nutans</i> | Musk thistle |
| <i>Centaurea stoebe</i> | Spotted knapweed |
| <i>Cirsium arvense</i> | Canada thistle |
| <i>Cirsium vulgare</i> | Bull thistle |
| <i>Hyoscyamus niger</i> | Black henbane |
| <i>Lepidium draba</i> | Hoary cress |
| <i>Onopordum acanthium</i> | Scotch thistle |

There is also probably cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomerus*), horehound (*Marrubium vulgare*), bur buttercup (*Ranunculus testiculatus*), and Russian thistle (*Salsola kali*) scattered along roads in the area.

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

| | |
|----------------|--|
| None (0) | Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area. |
| Low (1-3) | Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area. |
| Moderate (4-7) | Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area. |
| High (8-10) | Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area. |

For this project, the factor rates as Moderate (5) at the present time. Due to the amount of ground disturbance and heavy machinery use associated with this project, it is likely that the project activities will result in any new weed infestations to the area, especially of non-native, invasive weeds such as cheatgrass.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

| | |
|--------------------------|--|
| Low to Nonexistent (1-3) | None. No cumulative effects expected. |
| Moderate (4-7) | Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited. |
| High (8-10) | Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable. |

This project rates as High (8) at the present time. The project area is currently considered to be weed free so any new infestations would have adverse cumulative effects on the nearby native plant community. Also, any increase of cheatgrass could alter the fire regime in the area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

| | |
|------------------|---|
| None (0) | Proceed as planned. |
| Low (1-10) | Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area. |
| Moderate (11-49) | Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations. |
| High (50-100) | Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations. |

For this project, the Risk Rating is Moderate (40). This indicates that the project can proceed as planned as long as the following measures are followed:

- Monitoring will be conducted for a period no shorter than the life of the permit or until bond release and monitoring reports will be provided to the BLM. If the spread of noxious weeds is noted, appropriated weed control procedures will be determined in consultation with BLM

personnel and will be in compliance with the appropriate BLM handbook sections and applicable laws and regulations. All weed control efforts on BLM-administered lands will be in compliance with BLM Handbook H-9011, H-9011-1 Chemical Pest Control, H-9014 Use of Biological Control Agents of Pests on Public Lands, and H-9015 Integrated Pest Management. Should chemical methods be approved, the lessee must submit a Pesticide Use Proposal to the Authorized Officer 60 days prior to the planned application date. A pesticide Application Report must be submitted to the Authorized Officer by the end of the fiscal year follow chemical application.

- Prior to the entry of vehicles and equipment to a project area, areas of concern will be identified and flagged in the field by a weed scientist or qualified biologist. The flagging will alert personnel or participants to avoid areas of concern. These sites will be recorded using global positioning systems or other Ely Field Office approved equipment and provided to the Field Office Weed Coordinator or designated contact person.
- Prior to entering public lands, the contractor, operator, or permit holder will provide information and training regarding noxious weed management and identification to all personnel who will be affiliated with the implementation and maintenance phases of the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.
- To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Field Office Weed Coordinator or designated contact person.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for reclamation or stabilization activities, feed, bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all source sites such as borrow pits, fill sources, or gravel pits used to supply inorganic materials used for construction, maintenance, or reclamation will be inspected and found to be free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office. Inspections will be conducted by a weed scientist or qualified biologist.
- Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Reclamation would normally be accomplished with native seeds only. These would be representative of the indigenous species present in the adjacent habitat. Rationale for potential seeding with selected nonnative species would be documented. Possible exceptions would include use of non-native species for a temporary cover crop to out-compete weeds. Where large acreages are burned by fires and seeding is required for erosion control, all native species

could be cost prohibitive and/or unavailable. In all cases, seed mixes would be approved by the BLM Authorized Officer prior to planting.

- Mixing of herbicides and rinsing of herbicide containers and spray equipment would be conducted only in areas that are safe distance from environmentally sensitive areas and points of entry to bodies of water (storm drains, irrigation ditches, streams, lakes, or wells).
- Methods used to accomplish weed control objectives would consider seasonal distribution of large wildlife species.
- No noxious weeds will be allowed on the site at the time of reclamation release. Any noxious weeds that become established will be controlled.

Reviewed by: _____
Bonnie Waggoner
Ely District Noxious & Invasive Weeds Coordinator

1/30/2008
Date