

FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

TRACY AGGREGATE PROJECT WESTERN NEVADA MATERIALS, LLC MATERIAL SALE APPLICATION NO. N-85679 NEPA COMPLIANCE NO. DOI-BLM-NV-C020-2009-0007-EA

INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) that analyzes the affected environment, environmental impacts and proposed mitigation measures associated with the sale of mineral materials from public land administered by the BLM Carson City District Office (CCDO), Sierra Front Field Office (SFFO). Western Nevada Materials, LLC (WNM) is proposing to expand their existing aggregate operations on private land by obtaining the acceptance and approval from BLM for a competitive mineral material sale contract on the adjacent public land located north of Tracy Pond in Washoe County, Nevada (Tracy Aggregate Project). The Project would be located on public and private land in Section 22 and 27 (Sec. 22 & 27), respectively, Township 20 North, Range 22 East (T. 20 N., R. 22 E.), Mount Diablo Base and Meridian (MDM), approximately 15 miles east of Reno, Nevada (Project Area). The Project Area is accessed by traveling east on Interstate 80 (I-80) from Reno, Nevada, approximately 15 miles to Exit 32 just beyond the Tracy Power Plant then crossing under I-80 on Clark Station Road and proceeding north to WNM's existing aggregate processing facility and continuing on existing dirt access roads that travel north from the processing facility.

The Proposed Action consists of expanding WNM's existing aggregate extraction operation over 40-acres of private land in N2N2NW, Sec. 27, T. 20 N., R. 22 E., MDM, and onto 424 acres of public land in Sec. 22, T. 20 N., R. 22 E., MDM. With the Proposed Action, WNM would disturb a total of between 300 and 320 acres within the 464-acre Project Area over a thirty year period to facilitate the removal of up to 83 million tons of aggregate. Mining activities would include the development of three new open pits and the construction of topsoil and overburden stockpiles, access roads, and a mined material transport system. The aggregate mined in the Project Area would be transported via a conveyor or haul truck to WNM's existing processing facility located, approximately 1,200 feet south of the Project Area. WNM would also conduct developmental exploration activities, including drilling and bulk sampling, within the three pits to quantify the optimal timing and location of the mining activities throughout the Project lifespan. The legal description of the proposed 520-acre material site on the public land which encompasses the public land in the Project Area for the Proposed Action is Sec. 22, S2N2, S2N2N2, SW, N2SE, SWSE; T. 20 N., R. 22 E.; MDM.

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action is consistent with Federal law, BLM regulations and policy, and the BLM CCDO Consolidated Resource Management Plan (2001). The U.S. Department of the Interior's mineral material disposal regulations at Title 43 Code of Federal Regulations Subpart 3600 (43 CFR 3600) and BLM policy contain provisions that allow for the exploration, development and disposal of mineral material resources on the public land, and for the protection of the resources and the environment. The Proposed Action, with mitigation measures proposed by WNM and accepted by the BLM, as well as additional measures stipulated by the BLM, will protect public land resources and the environment and minimize damage to public health and safety.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based on the analysis of the Tracy Aggregate Project EA (DOI-BLM-NV-C020-2009-0007-EA), I have determined that the action will not have a significant effect on the human environment and an environmental impact statement (EIS) will not be prepared. This finding is based on the context and intensity of the project as described:

Context

The Proposed Action is the exploration, development and disposal of up to 45-million cubic yards of mineral material from a 520 acre area of public land in east-central Washoe County, Nevada, over an approximate thirty year period. The nearest community is Reno, Nevada, 15-miles to the west. The City of Fernley, Nevada, is located 16-miles to the east. The types of surface disturbance associated with this mining and exploration project include exploration trenching and drilling, removal of topsoil and overburden to stockpiles, construction of three new open pits, construction and maintenance of access roads, and the construction and use of either a conveyor system or haul road to transport mined material off-site to private land for processing. Reclamation would be conducted concurrently as each mine pit is completed. At the end of mining, all ancillary facilities and equipment on the public land would be dismantled and/or removed, and all remaining surface disturbances would be reclaimed.

Intensity

The Council on Environmental Quality regulations include the following ten considerations for evaluating intensity:

1) Impacts that may be both beneficial and adverse. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed any known threshold of significance, either beneficial or adverse. The Proposed Action is aggregate mining consisting of exploration trenching and drilling, removal of topsoil and overburden to stockpiles, construction of open pits, construction and maintenance of access roads, and the construction and use of either a conveyor system or haul road to transport mined material off-site. The Proposed Action would occur on up to 320 acres of public land within the Project Area over a thirty year period. Mine pit disturbances would be reclaimed concurrent with mining, while reclamation of all remaining surface disturbances would be completed at the termination of mining activities. All mining disturbances would be re-contoured and slopes would not exceed 3 Horizontal (H): 1 Vertical (V). All mine pits would be sloped and contoured so as to drain into pre-existing drainages at the completion of mining.

2) The degree to which the selected alternative will affect public health or safety.

The Proposed Action would not result in any impacts to public health or safety. Surface disturbing activities operations would be conducted in conformance with all Federal and State health and safety requirements to protect public health and safety. Reclamation of mine pits would be completed concurrent with mining, while remaining disturbances would be reclaimed as soon as practicable after operations are completed. Access restrictions and personnel working on site would keep the public away from active mining operations. All trash would be contained and hauled to an approved disposal facility. Dust from traffic associated with project activities would be minimized by observance of prudent speed limits and strategic watering of access roads when conditions warrant.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, Wilderness, wild and scenic rivers, or ecologically critical areas.

There are no park lands, prime farm lands, wild and scenic rivers or ecologically critical areas in or near the Project Area analyzed in the EA. The entire area of potential effect from the Proposed Action has been inventoried at an intensive level for the presence/absence of cultural resources. As a result of these investigations (Gnomon 2008a and 2008b), four historic isolates and one historic-era site were documented as within the Project Area. BLM has determined that these cultural resources are not eligible for listing in the National Register of Historic Places (NRHP). Therefore, no historic properties are present, and, relative to cultural resources, there exists no need to alter the Proposed Action in order to protect public land resources and the environment. However, should unanticipated historic-era or prehistoric resources be uncovered by Project activities, these would be reported immediately to the BLM.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Proposed Action would not have highly controversial effects on the quality of the human or natural environment. The parameters of aggregate exploration and mining, and reclamation of associated roads and mine pits are well established. The Project Area is in a semi-remote area of east-central Washoe County, 15-miles east of Reno, Nevada, adjacent to an existing aggregate facility. Except for being encumbered by several linear utility corridor Right-of-Ways the Project Area is virtually uninhabited. A major transportation corridor (I-80) is located 0.65-mile south of the Project Area. A prominent ridgeline conceals the Project Area from the view of vehicles travelling east- or west-bound on I-80.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Proposed Action to conduct exploration and mining of aggregate material is not unique or unusual. The action described in the EA is exploration trenching and drilling, removal of topsoil and overburden to stockpiles, construction of open pits, construction and maintenance of access roads, construction and use of either a conveyor system or haul road to transport mined material off-site, and reclamation of the associated surface disturbance. There are no predicted effects on the human environment that are considered highly uncertain or involve unique or unknown risks.

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

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about a future consideration. This EA does not establish a precedent for other assessments or authorization of other aggregate mining projects. Any future projects within the Project Area or in surrounding areas will be analyzed on their own merits and implemented, or not, independent of the acceptance of the subject EA.

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

Past, present and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within Chapter 5 of the EA. The cumulative impacts analysis examined all of the other appropriate actions and determined that the Proposed Action would not incrementally

contribute to significant impacts on any of the resources that are present and may be affected by the Proposed Action.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or other 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.

The entire area of potential effect from the Proposed Action has been inventoried at an intensive level for the presence/absence of cultural resources. As a result of these investigations (Gnomon 2008a and 2008b), BLM has determined that no historic properties eligible for the NRHP are present within the area of potential effect. Hence, relative to cultural resources, there exists no need to alter the Proposed Action. However, should unanticipated historic-era or prehistoric resources be uncovered by Project activities, these would be reported immediately to the BLM.

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 ESA of 1973.

As described in the EA, no known threatened or endangered species or critical habitat has been identified within the Project Area. There are a number of BLM sensitive species with potential habitat in or adjacent to the Project Area as indicated in Appendix B of the EA. The proposed Project includes reclamation and reseeded of disturbed areas to their pre-mining conditions to mitigate impacts. Furthermore, similar habitat exists outside the Project Area and would likely provide alternative habitat for any potentially displaced animals. Therefore, it has been determined that the Proposed Action would not result in substantial net loss of potential habitat and would not contribute to a loss of viability for any one special status species.

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

As described in the EA, the Proposed Action does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. An interdisciplinary team of specialists from the BLM CCDO-SFFO were involved in preparation of the EA and officials from the U.S Fish and Wildlife Service, State of Nevada Natural Heritage Program, Washoe County, the Pyramid Lake Paiute Tribe, and the Washoe Tribe of Nevada and California were notified and allowed to comment on the proposal.

DECISION

As a result of the analysis presented in the EA, it is my decision to sell mineral materials on a competitive basis from the Project Area and approve the Tracy Aggregate Project Mining and Reclamation Plan with mitigation measures presented in the EA and listed below. This management decision for the Tracy Aggregate Project and the associated competitive sale of mineral materials is issued under 43 CFR 3600 and is effective immediately upon signing of this Decision Record (DR).

The preceding rationale for the Finding of No Significant Impact (FONSI) supports this decision. The Proposed Action coupled with operating, environmental mitigation and reclamation measures detailed in the EA and listed in this document have led to my decision that all practicable means have been adopted to protect public land resources and the environment and minimize damage to public health and safety. This decision is consistent with the BLM CCDO Consolidated Resource Management Plan (2001) and Record of Decision.

All resource values impacted by the Proposed Action have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible for all resources.

Mitigation Measures/Environmental Protection Measures/Monitoring

The decision to sell mineral material from the Project Area on a competitive basis and approve the Tracy Aggregate Project Mining and Reclamation Plan is subject to operating, mitigation, reclamation and monitoring measures proposed therein by WNM and additional BLM stipulations set forth in the EA and restated in this FONSI/DR. The conditions outlined in WNM's special use permit (SUP) issued by Washoe County are also included below for completeness.

The following section describes the operating procedures and mitigation measures that were proposed by WNM:

- WNM-1. Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures such as reduced vehicle speeds and surface application of water from a water truck.
- WNM-2. Surface water drainage and sedimentation control would follow existing WNM practices which utilize a drainage control/sedimentation basin constructed as part of WNM's existing operations in Section 27, T20N, R22E, MDB&M, immediately south of the Project Area.
- WNM-3. All eligible and unevaluated cultural sites would be avoided or treated to ensure compliance of Section 106 of the National Historic Preservation Act.
- WNM-4. Pursuant to 43 CFR 10.4(g), WNM would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), WNM would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days or when notified to proceed by the BLM authorized officer.
- WNM-5. WNM would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits; or any historical or archaeological site, structure, building or object. If WNM discovers any cultural or paleontological resource that might be altered or destroyed by operations, the discovery would be left intact and reported to the authorized BLM officer.
- WNM-6. All applicable state and federal fire laws and regulations would be complied with and all reasonable measures would be taken to prevent and suppress fires in the Project Area.
- WNM-7. Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.
- WNM-8. Activities would be restricted to frozen or dry ground conditions where feasible. Operations would be curtailed when saturated and soft soil conditions exist.

- WNM-9. In the event that any existing roads are severely damaged as a result of WNM activities, WNM would return the roads to their original condition.
- WNM-10. Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.
- WNM-11. Only nontoxic fluids would be used in the drilling process.
- WNM-12. Regulated wastes would be removed from the Project Area and disposed of in a state, federally, or locally designated area.
- WNM-13. The generation, transportation, treatment, storage, and disposal of all regulated wastes would be managed in accordance with applicable federal, state and local requirements.
- WNM-14. BMPs, including but not limited to dust control, check dams, waddles, and filter fences, would be implemented to minimize runoff, sedimentation, and soil loss.
- WNM-15. Surface water drainage and sedimentation control would follow existing WNM practices which utilize a drainage control/sedimentation basin constructed as part of WNM's existing operations in Section 27, T20N, R22E, MDB&M, immediately south of the Project Area.
- WNM-16. Disturbed areas would be reclaimed as soon as practicable in order to re-establish stabilizing vegetation cover that minimizes soil erosion potential and sedimentation.
- WNM-17. Noxious weeds would be controlled through implementation of preventive measures (e.g., vehicle inspections and washing) and eradication measures should noxious weeds be detected within the Project Area.
- WNM-18. The entrance would be gated and locked when mining activities are not taking place.
- WNM-19. A gravel apron approximately 50 feet in length and 24 feet in width would be provided at all access points that intersect paved rights-of-way (ROWs).

The following section describes conditions outlined in WNM's special use permit (SUP) issued by Washoe County.

- SUP-1) The applicant shall demonstrate substantial conformance to the Mining and Reclamation Plan and the application submittal approved as part of the special use permit. The Department of Community Development shall determine compliance with this condition.
- SUP-2) A copy of the Action Order stating conditional approval of the special use permit shall be attached to all applications for administrative permits issued by Washoe County.

- SUP-3) The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- SUP-4) Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.
- SUP-5) During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
- SUP-6) Applicant shall in no way increase drainage and/or runoff water to or from any adjacent property. The County Engineer shall determine compliance with this condition.
- SUP-7) To protect the visual qualities of the Truckee Canyon planning area as viewed from I-80, visibility of mining activities from I-80 will be minimized to the greatest extent possible through the following methods:
- a) Mining in Area 1 shall begin north of the ridgeline between the northern boundary of APN: 84-120-28 and the southern boundary of APN: 84-030-19 and shall leave the ridgeline intact to shield visibility from I-80 during this time;
 - b) The ridgeline between the northern boundary of APN: 84-120-28 and the southern boundary of APN: 84-030-19 shall be left intact to shield visibility from I-80 during the mining in Area 2 and Area 3;
 - c) Mining of the ridgeline between the northern boundary of APN: 84-120-28 and the southern boundary of APN: 84-030-19 shall only begin after final reclamation has been initiated in previously mined areas; and,
 - d) Mining of the ridgeline between the northern boundary of APN: 84-120-28 and the southern boundary of APN: 84-030-19 shall be done using a minimum of equipment and take no more than one year to minimize the duration of visibility from I-80.
- SUP-8) During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on stockpiles. On all haul roads, and for any material processing to the satisfaction of the District Health Department. Applicant shall submit a copy of the air quality operations permit to Community Development.

- SUP-9) During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
- SUP-10) If the operation should cease for a period of twelve (12) months, the special use permit shall become null and void. Should the applicant desire to operate after this time period, the applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
- SUP-11) Applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, the special use permit shall become null and void.
- SUP-12) Applicant shall submit a yearly compliance report as required in Section 332.30 of the Development Code. In this report, the applicant shall detail how they have complied with each condition of the special use permit. If not in compliance with a particular condition, applicant shall detail how compliance will be reached together with a fixed timeline to reach compliance. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and, subject to the provisions of Article 910, Enforcement, of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners, by their operational ordinances.
- SUP-13) The Planning Commission shall review the conditions of approval at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. This review shall conform to the requirements of Section 332.40(a) of the Washoe County Development Code. The Department of Community Development shall determine compliance with this condition.
- SUP-14) Hours of operation shall be from 6:00 A.M. to 6:00 P.M., Monday through Saturday. Additional hours may be approved by the Department of Community Development upon written request. The Department of Community Development shall determine compliance with this condition.
- SUP-15) Straw bales are being proposed as BMPs in managing storm water runoff. The Truckee Meadows Structural Controls Design Control Manual prohibits the use of straw bales. Alternatives such as waddles can be used in place of straw bales. The Department of Community Development shall determine compliance with this condition.
- SUP-16) Equipment storage, material stockpiles, and crushing operations shall be screened from view from I-80 by earthen berms that follow the appearance of the natural terrain, as required. The Department of Community Development shall determine compliance with this condition.

- SUP-17) Concurrent reclamation shall take place during each phase of the project. Seed type, mix, and application quantity shall require review by the Truckee-Storey Conservation District before application. All disturbed land shall be graded, seeded, and covered with a tackifier no later than the month of March in the spring or the month of November in the fall of the year mining activities in that area are completed. In the interim, adequate onsite dust control of the mining area shall be provided. Maximum disturbed area at any one time shall be thirty (30) acres. The Department of Community Development shall determine compliance with this condition.
- SUP-18) All slopes created because of road construction shall be immediately stabilized and reseeded. The Department of Community Development shall determine compliance with this condition.
- SUP-19) On-site signs shall conform to code requirements and shall be approved by the Department of Community Development prior to their installation.
- SUP-20) Deleted.
- SUP-21) The following conditions shall be completed to the satisfaction of the Engineering Division:
- a) The applicant shall apply for a Mining Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP) and shall submit proof of application to the Engineering Division prior to mining activities.
 - b) A restoration bond of \$1,500 per acre of newly disturbed area within the privately owned portion of the project shall be provided to the Engineering Division prior to mining activities. It is anticipated that the BLM shall require a restoration bond for the publicly owned land, but if the BLM does not require bonding, then Washoe County shall require \$1,500 per acre for all newly disturbed area within the entire project boundary.
 - c) Approved Occupancy Permits shall be obtained from the BLM for access and proposed mining activities on BLM owned properties. A copy of said permit(s) shall be provided to the Engineering Division prior to start of mining activities.
- SUP-22) The project will require a stormwater permit from the Bureau of Water Pollution Control. A copy of this permit shall be submitted to the Department of Community Development.
- SUP-23) Applicant shall submit a copy of the air quality permit to the Department of Community Development prior to commencing operations. The applicant shall provide a letter from the Health Department indicating all conditions of their letter dated February 4, 2003, have been met prior to issuance of a business license.

- SUP-24) The following condition shall be completed to the satisfaction of Division of Water Resources:
- a) Water rights in accordance with Article 422 shall be dedicated to Washoe County prior to release of any building permits. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the DWR. The subject water rights will then be made available to the Applicant via a water lease-back agreement, which will allow the water rights to be leased back to the Applicant for 99 years, at no cost to the Applicant.
- SUP-25) The applicant shall comply with all requirements of the City of Reno Fire Department as identified in their letter dated October 27, 2009. The Reno Fire Department shall determine compliance with this condition.
- a) As outlined in Section 508.1 of the International Fire Code (IFC), an approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are constructed within the jurisdiction. The applicant shall install fire hydrants with fire flows acceptable to the Reno Fire Department. For fire flow information and exact location(s) please contact the Plan Review Services for the Division of Fire Prevention, Reno Fire Department.
 - b) Approved fire apparatus access roads shall be provided as outlined in Section 503 IFC. The apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Permanent all-weather fire apparatus access roads shall be provided, following Washoe County Public Work's standards, not less than 20 feet in width and an unobstructed vertical clearance of not less than 13'-6". Turns in the fire access roadways shall provide a minimum 40-foot centerline turning radius. Emergency vehicle turnarounds shall be provided.
 - c) Once an occupancy classification has been determined, a fire sprinkler and/or fire alarm system may be required for any new administrative and maintenance buildings associated with the operation as outlined in Chapter 9 of the 2003 edition of the International Fire Code.
 - d) When hazardous materials regulated under the International Fire Code are to be stored, transported on site, dispensed, used or handled in excess of the amounts listed in Table 105.6.21 of the International Fire Code, then a Hazardous Materials Inventory Statements (HMIS) and/or Hazardous Materials Management Plan (HMMP) is required as outlined in Chapter 27 of the International Fire Code. Please provide this document prior to submittal for a building permit.
 - e) An operational permit from the Reno Fire Department is required prior to any blasting operations in accordance with Section 105.6.14 IFC. Blasting operations

shall be conducted only by approved, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the provisions of Section 3307 IFC and NFPA 495. The applicant shall submit as part of any building permit a "defensible space" program to the satisfaction of the Reno Fire Department. The applicant is directed to comply with nationally recognized standards such as the latest edition of the "*International-Wildland Urban Interface Code*" and "*Living With Fire: A Guide for the Homeowner*" written by Ed Smith, University of Nevada Cooperative Extension.

The following section describes the operating, mitigation, reclamation and monitoring measures required by the BLM or recommended by Nevada State agencies. Some of the measures duplicate those committed to by WNM in the Mining and Reclamation Plan or are already conditions in the SUP, but are included below for completeness. The measures are listed by resource:

Air-Quality-1. All required activities shall be performed under an air quality permit from the Washoe County Health District, Air Quality Management Division.

Air-Quality-2. Emissions of fugitive dust from disturbed surfaces shall be minimized by utilizing appropriate control measures as warranted by the conditions including the surface application of water from a water truck or use of a surface surfactant (e.g., magnesium chloride).

Air-Quality-3. Speed limits on Project roads shall be established to minimize dust emissions from vehicular travel.

Air-Quality-4. The operator shall perform concurrent reclamation of surface disturbance created under the Proposed Action to reduce ongoing impacts and eliminate the potential for long-term impacts to air quality resources.

Land Use and Access -1. The operator shall prepare a blasting plan for approval by the BLM Authorized Officer and applicable state and local agencies prior to conducting any blasting on the public land. The blasting plan shall be prepared in consultation with ROW holders in the Project Area to ensure that the existing utilities are protected.

Land Use and Access -2. The operator shall coordinate with ROW holders in the Project Area on the engineering necessary to construct crossings within utility easements.

Land Use and Access -3. To avoid disturbance of existing ROWs, there will be no excavation within 100 feet of power poles, tower footings, telephone poles, pole anchors, pipelines or the nearest side of an existing ROW access road without prior written approval from the BLM Authorized Officer.

Water Resources -1. In the event that ground water is encountered during the course of mining activities, the operator shall immediately notify the BLM and other appropriate federal, state, and local agencies so that potential impacts to ground water quality can be evaluated and mitigated accordingly.

Water Resources -2. Mine pits shall not be allowed to impounded surface drainage without prior written approval from the Authorized Officer.

Wastes -1. No sewage, petroleum products, or refuse will be dumped from any trailer or vehicle pursuant to 43 CFR 8365.1-1(b)(3).

Wastes -2. The release of any hazardous waste in excess of reportable quantities in listed in 40 C.F.R. Part 302 will be reported to BLM and the Nevada Division of Environmental Protection (NDEP). All spills will be contained. Regulated wastes will be removed from the Project Area and disposed of in a state, federally, or locally designated facility.

Wastes -3. Petroleum spills resulting in excess of 25 gallons, three cubic yards of contaminated material, or in the presence of or in ground water shall be reported to BLM and NDEP.

Wastes -4. All refuse generated during the Project will be removed and disposed of in an authorized landfill facility off site, consistent with applicable regulations. No refuse will be disposed of or left on site.

Cultural -1. The operator shall not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object. If the operator discovers any cultural resource that might be altered or destroyed by operations, the discovery shall be left intact and reported to the authorized BLM officer. The operator shall also "ensure that all activities associated with the undertaking, within 100 meters of the discovery are halted and the discovery is appropriately protected, until the BLM authorized officer issues a Notice To Proceed" as outlined in the State Protocol Agreement between the BLM and the State Historic Preservation Office.

Cultural -2. Pursuant to 43 CFR 10.4(g), the operator shall notify the BLM authorized officer, by telephone and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator shall immediately stop all activities in the vicinity of the discovery and not commence again for 30 days or when notified to proceed by the BLM authorized officer.

Cultural -3. Any survey monuments, witness corners, or reference monuments will be protected to the extent economically and technically feasible.

Weeds -1. The Project Area will be surveyed annually for the presence of noxious weeds for the duration of Proposed Action. In the event noxious weeds are found, the operator will develop a noxious weed treatment plan that conforms to BLM standards. Depending on the type of weed eradication treatment needed, the following proposals and reports would be required, for any weed treatment activities occurring on Federal land: Pesticide Use Proposal; Pesticide Application Record and the Pesticide Use Report. For any biological control agents used, the following would be required: Biological Control Agent Release Proposal; and Biological Control Agent Release Record.

Fire -1. The operator will, independently and in cooperation with local, state and Federal authorities, take all reasonable action to prevent and suppress fires in the Project Area. Independent initial action will be prompt and will include the use of all personnel and equipment available in the Project Area.

Fire -2. All equipment will be properly muffled and equipped with suitable and necessary fire suppression equipment. Vehicle catalytic converters will be inspected often and cleaned of all vegetative debris. Adequate firefighting equipment (e.g. shovel, Pulaski, extinguishers), and/or an ample water supply will be kept at the staging/processing area.

Fire -3. Welding operations will be conducted in areas free -or mostly free -of vegetation. An ample water supply and shovel will be on hand to extinguish any fires created from errant sparks. Extra personnel would also be at the welding site to act as look outs and to extinguish any fire that may ignite.

Fire -4. The operator shall contact the Carson City District Office, Division of Fire and Aviation when conducting operations during the months of May through September to determine if any fire restrictions are in place for the area of operation and to advise the BLM of approximate beginning and ending dates for project activities. BLM and/or other fire agencies may require that the operator comply with additional emergency measures during periods of high fire danger, including the necessary shutting down of equipment or portions of operations.

Fire -5. The operator shall report ALL wildland fires on or in the vicinity of the Project Area to the Sierra Front Interagency Dispatch Center by dialing (775) 883-5353 or by dialing 911. When reporting a fire, provide the following information: name, call back telephone number, project name, location, and fire description.

Fire -6. Under Title 43 CFR 9212 the operator may be held liable for any and all costs should a wildland fire occur caused by the activities associated with the construction, maintenance, or operation of the Proposed Action. Fire trespass action might be initiated and wildfire suppression costs may be collected from the operator.

Reclamation -1. All mine pits shall be designed to drain into pre-existing drainages upon final reclamation and comply with Washoe County special use permit condition SUP-6 (above).

Reclamation -2. Pit walls and nearby pit floor areas shall be reclaimed as described below, as soon as practicable after each section reaches the final pit boundary.

Reclamation -3. Pit reclamation shall consist of the following requirements:

- a) Sloping pit walls to not steeper than 3H:1V, blending with surrounding contours;
- b) Scarifying the pit floor to loosen compacted soils;
- c) Spreading stockpiled topsoil evenly over the sides and bottom of the pit excavation;
- d) Upon pit exhaustion the access shall be reclaimed in a manner similar to the pit floor.

Reclamation -4. Areas stripped of vegetation shall be re-seeded consistent with all BLM recommendation for mix constituents, application rate, and seeding method identified below:

Species	Release	Mix %	Standard Seeding Rate (lb/acre)	Standard Seeds/ft ²	Actual Seeding Rate (lb/acre)	Actual Seeds/ft ²	Total PLS (lbs/320 acres)	Germ %	Purity %	*Total lb. Bulk
desert globemallow	n.a.	5	3.87	40.0	0.19	2.0	61.92	÷	÷	=
desert needlegrass	n.a.	15	7.74	40.0	1.16	6.0	371.52	÷	÷	=
fourwing saltbush	Rincon	10	16.75	20.0	1.67	2.0	536	÷	÷	=
James' galleta	n.a.	15	11.47	40.0	1.72	6.0	550.56	÷	÷	=
Sandberg Bluegrass	n.a.	15	1.66	40.0	0.24	6.0	79.68	÷	÷	=
Shadscale Saltbush	n.a.	10	14.37	20.0	1.43	2.0	459.84	÷	÷	=
squirreltail	n.a.	15	9.07	40.0	1.36	6.0	435.36	÷	÷	=
winterfat	n.a.	10	7.86	20.0	0.78	2.0	251.52	÷	÷	=
yellow spiderflower	n.a.	5	17.25	40.0	0.86	2.0	276.0	÷	÷	=

*Total Bulk Pounds is the actual amount of seed needed and can only be calculated at the time the seed is purchased. This is because the germination quality and the purity of the seed vary from year to year. The germination quality of the seed is dependent on the growing and climatic conditions found at the site. The purity of the seed is dependent on how the seed was collected and processed. The information on the germination and purity of the seed is available from the seed vendor and can be obtained in advance of seed purchase. This information is then used to calculate the Total Bulk Pounds needed for the job.

All seed must be certified as “weed free”. Broadcast seeding is the preferred seeding method for the Proposed Action. Seed shall be broadcast during the late fall or early winter months immediately following completion of reclamation earthwork. The native species listed above are adapted to the environmental conditions at the site. Availability of the seed for each species may vary. If certain species are not available, then a native species substitute may be used when approved by the BLM Authorized Officer.

Public Safety -1. Public safety will be maintained throughout the life of the Proposed Action. All equipment and other facilities will be maintained in a safe and orderly manner. Operations will be conducted in conformance with all applicable Federal and State health and safety requirements.

Public Safety -2. All mine pits and trenches that pose a hazard or nuisance to the public, wildlife or livestock shall be built with a sloped end for easy egress or adequately fenced to preclude ingress.

Public Safety -3. Project-related traffic will observe prudent speed limits to enhance public safety, protect wildlife and livestock and minimize dust production.

Rationale for Full Force and Effect Decision

The reasons for issuing the decision for the Big Canyon Placer Mine Project under 43 CFR 3809 are as follows: The Proposed Action, as mitigated, meets the criteria described in the Federal Land Policy and Management Act of 1976 to prevent undue and unnecessary degradation of public land and the 43 CFR §3809. The Proposed Action is in conformance with the Carson City District Office Consolidated Resource Management Plan (2001) which states that the BLM desired outcome is to *encourage development of energy and mineral resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses* (page MIN 1). The Proposed Action is also in conformance with the President's National Energy Policy as put forth in Executive Order 13212 and will not have an adverse impact on energy development, production, supply and/or distribution. The action must also comply with applicable rules and regulations of other local, State, and Federal agencies.

APPEAL AND PETITION FOR STAY

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the BLM State Director in Nevada review this decision. If you request a State Director review, the request must be received in the BLM Nevada State Office, 1340 Financial Blvd. 89502, P.O. Box 12000, Reno, Nevada 89520-0006, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director.

If the Nevada State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Sierra Front Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.



Linda J. Kelly
Field Manager,
Sierra Front Field Office

Feb 24, 2010
Date

Enclosure: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

-
- | | |
|---------------------------------|--|
| 1. NOTICE OF APPEAL..... | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
|---------------------------------|--|
-
- | | |
|---|--|
| 2. WHERE TO FILE NOTICE OF APPEAL..... | Bureau of Land Management
5665 Morgan Mill Road, Carson City, NV 89701 |
| WITH COPY TO SOLICITOR..... | Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior
2800 Cottage Way, Suite E2753, Sacramento, CA 95825 |
-
- | | |
|------------------------------------|---|
| 3. STATEMENT OF REASONS | Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior
2800 Cottage Way, Suite E2753, Sacramento, CA 95825 |
-
- | | |
|--------------------------------|--|
| 4. ADVERSE PARTIES..... | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. |
|--------------------------------|--|
-
- | | |
|---------------------------------|--|
| 5. PROOF OF SERVICE..... | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
|---------------------------------|--|
-
- | | |
|---------------------------------|--|
| 6. REQUEST FOR STAY..... | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |
|---------------------------------|--|
-

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)

ENVIRONMENTAL ASSESSMENT
DOI-BLM-C020-2009-0007-EA

WESTERN NEVADA MATERIALS, LLC

TRACY AGGREGATE PROJECT
WASHOE COUNTY, NEVADA



U.S. Department of the Interior
Bureau of Land Management
Carson City District
Sierra Front Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
775-885-6000



February 2010

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

DOI-BLM-C020-2009-0007-EA

**WESTERN NEVADA MATERIALS, LLC
TRACY AGGREGATE PROJECT
WASHOE COUNTY, NEVADA**

**ENVIRONMENTAL ASSESSMENT
EA#: DOI-BLM-NV-C020-2009-0007-EA**

February 2010

**U.S. Department of the Interior
Bureau of Land Management
Carson City District Office
Sierra Front Field Office**

**WESTERN NEVADA MATERIALS, LLC
TRACY AGGREGATE PROJECT
WASHOE COUNTY, NEVADA
ENVIRONMENTAL ASSESSMENT**

TABLE OF CONTENTS

ACRONYMS.....iv

1 INTRODUCTION / PURPOSE OF AND NEED FOR ACTION..... 1-1

1.1 Introduction..... 1-1

1.2 Purpose and Need for Action..... 1-1

1.3 Land Use Conformance Statement..... 1-3

1.4 Relationship to Laws, Regulations, and Other Plans 1-3

1.4.1 Resource Management Plans..... 1-4

1.4.2 Local Land Use Planning and Policy 1-4

2 ALTERNATIVES INCLUDING THE PROPOSED ACTION 2-1

2.1 Proposed Action 2-1

2.1.1 Location and Access..... 2-3

2.1.2 Open Pit Mining..... 2-3

2.1.3 Mined Material Transport 2-4

2.1.4 Access and Road Construction 2-4

2.1.5 Developmental Exploration Activities..... 2-5

2.1.6 Equipment 2-5

2.1.7 Work Force..... 2-6

2.1.8 Water Use 2-6

2.1.9 Surface and Ground Water Control 2-6

2.1.10 Solid and Hazardous Materials 2-7

2.1.11 Reclamation 2-7

**2.1.12 Environmental Protection Measures Including Special Use Permit
 Conditions..... 2-10**

2.2 No Action Alternative..... 2-14

3 AFFECTED ENVIRONMENT 3-1

3.1 Introduction..... 3-1

3.2 Air Quality 3-2

3.3 Cultural Resources..... 3-3

3.4 Native American Religious Concerns..... 3-3

3.5 Waste, Hazardous and Solid 3-4

3.6 Water Resources 3-4

3.6.1 Surface Water..... 3-4

3.6.2 Ground Water 3-4

3.7 Land Use (Including Access)..... 3-4

3.8 Range Resources 3-5

3.9 Social Values and Economics..... 3-6

3.10 Visual Resources 3-6

3.11 Soils, Minerals, and Geology..... 3-7

3.12 Invasive, Nonnative Species 3-9

3.13 Vegetation 3-9

3.14	Wildlife and Fisheries	3-10
3.14.1	General Wildlife and Fisheries	3-10
3.14.2	Game Species	3-11
3.15	Special Status Species (Plants and Animals)	3-11
3.15.1	Threatened, Endangered, Proposed for Listing, and Candidate Species ...	3-11
3.15.2	BLM Sensitive Species	3-12
3.16	Migratory Birds	3-13
4	ENVIRONMENTAL CONSEQUENCES AND MITIGATION.....	4-1
4.1	Proposed Action	4-1
4.1.1	Air Quality	4-1
4.1.2	Cultural Resources.....	4-1
4.1.3	Native American Religious Concerns.....	4-1
4.1.4	Waste, Hazardous and Solid	4-2
4.1.5	Water Resources	4-2
4.1.6	Land Use (Including Access).....	4-2
4.1.7	Range Resources	4-3
4.1.8	Social Values and Economics.....	4-3
4.1.9	Visual Resources	4-3
4.1.10	Soils, Minerals, and Geology.....	4-4
4.1.11	Invasive, Nonnative Species	4-4
4.1.12	Vegetation	4-4
4.1.13	Wildlife and Fisheries	4-5
4.1.14	Special Status Species (Plants and Animals)	4-5
4.1.15	Migratory Birds	4-6
4.2	No Action Alternative	4-7
5	CUMULATIVE IMPACTS	5-1
5.1	Introduction.....	5-1
5.2	Past and Present Actions	5-3
5.3	Reasonably Foreseeable Future Actions.....	5-3
5.4	Proposed Action Impact Analysis.....	5-3
5.4.1	Air Quality	5-3
5.4.2	Wastes, Hazardous and Solid	5-4
5.4.3	Water Resources	5-4
5.4.4	Land Use (Including Access).....	5-5
5.4.5	Range Resources	5-5
5.4.6	Visual Resources	5-6
5.4.7	Soils, Minerals and Geology.....	5-6
5.4.8	Vegetation	5-7
5.4.9	General Wildlife and Fisheries	5-8
5.4.10	Special Status Species (Plants and Animals)	5-8
5.4.11	Invasive, Nonnative Species	5-9
5.4.12	Migratory Birds	5-9
5.5	No Action Alternative Impact Analysis	5-10

6 CONSULTATION AND PUBLIC INPUT..... 6-1
6.1 List of Preparers 6-1
6.2 Persons, Groups and Agencies Contacted 6-1
6.3 Public Involvement 6-2

7 REFERENCES..... 7-1

LIST OF TABLES

Table 2.1 -1 Acreage of Proposed Project Disturbance Haul Road Option 2-1
Table 2.1 -2 Acreage of Proposed Project Disturbance Conveyor Option 2-1
Table 2.1 -3 Proposed Revegetation Seed Mix 2-9
Table 3.1 -1 Supplemental Authorities and Rationale for Detailed Analysis..... 3-1
Table 3.1 -2 Resources or Uses Other Than Supplemental Authorities 3-2
Table 3.7 -1 Rights-of-Way within the Project Area 3-5
Table 5.1 -1 Cumulative Effects Study Areas..... 5-3

LIST OF FIGURES

Figure 1.1.1 Project Area..... 1-2
Figure 2.1.1 Proposed Action 2-2
Figure 5.1.1 Cumulative Effects Study Areas..... 5-2

APPENDICES

**APPENDIX A: United States Fish and Wildlife Letter and Bureau of Land
Management Sensitive Species List for the Project Area**
**APPENDIX B: Migratory Bird Species with Potential to Occur within the Project
Area**

ACRONYMS

3H:1V	3:1 horizontal-to-vertical slope ratio
amsl	above mean sea level
ACEC	Area of Critical Environmental Concern
AUMs	Animal Unit Months
BLM	Bureau of Land Management
BMPs	Best Management Practices
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CESA	Cumulative Effects Study Area
CO	Carbon Monoxide
°F	degrees Fahrenheit
EA	Environmental Assessment
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FLPMA	Federal Land Policy and Management Act
I-80	Interstate 80
ID	Interdisciplinary
KOP	Known Observation Point
kV	Kilovolt
MDB&M	Mount Diablo Base and Meridian
MBTA	Migratory Bird Treaty Act
Mining Law	General Mining Law of 1872, as amended
MOU	Memorandum of Understanding
MSDSs	Material Safety Data Sheets
MSHA	Mine Safety and Health Administration
NO ₂	Nitrogen Dioxide
NAAQS	National Ambient Air Quality Standards
NDOW	Nevada Department of Wildlife
NDWR	Nevada Division of Water Resources
NRCS	Natural Resources Conservation Service
NEPA	National Environmental Policy Act
O ₃	Ozone
OHV	Off-highway vehicle
Plan	Plan of Operations
PM-2.5	particulate matter with an aerodynamic diameter less than 2.5 microns
PM-10	particulate matter with an aerodynamic diameter less than 10 microns
RMP	Resource Management Plan
RFFAs	Reasonably Foreseeable Future Actions
ROWs	Rights of Way
SIP	State Implementation Plan
SUP	Special Use Permit
SO ₂	Sulfur Dioxide
TEC	Threatened, Endangered, or Candidate
tpy	tons per year
US 395	United States Highway 395
USDOT	United States Department of Transportation

USFS	United States Forest Service Region 5
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UTM	Universal Transverse Mercator
VRM	Visual Resource Management
WCAQMD	Washoe County Health District, Air Quality Management Division
WNM	Western Nevada Materials, LLC

**WESTERN NEVADA MATERIALS, LLC
TRACY AGGREGATE PROJECT
ENVIRONMENTAL ASSESSMENT**

1 INTRODUCTION / PURPOSE OF AND NEED FOR ACTION

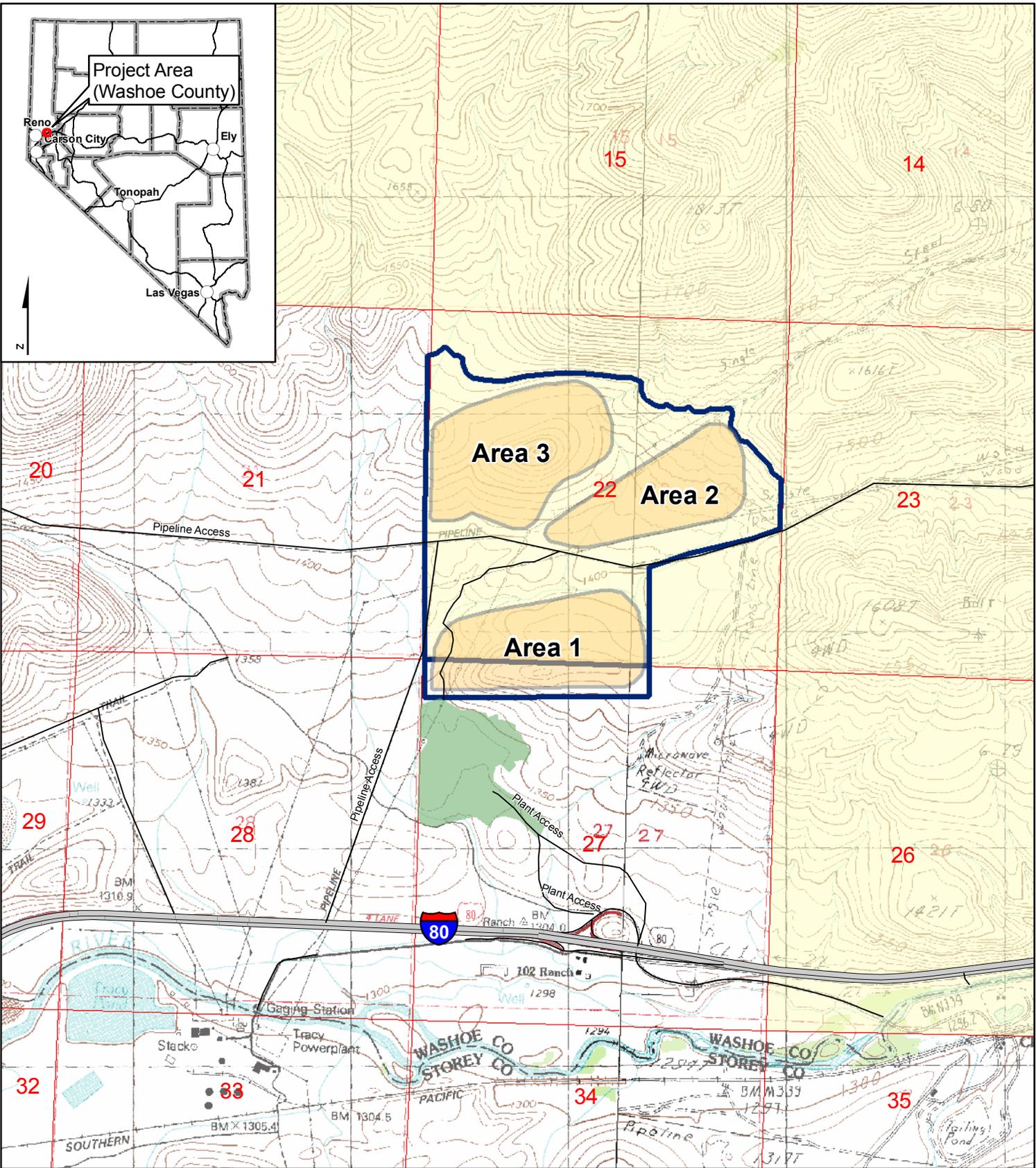
1.1 Introduction

Western Nevada Materials, LLC (WNM) proposes to expand their existing aggregate operations by obtaining the acceptance and approval of a competitive bid for a mineral material sale contract on lands administered by the Bureau of Land Management, Carson City District Office, Sierra Front Field Office (BLM) near Tracy Pond in Washoe County, Nevada (Project). The material sale contract would allow WNM to extract approximately 45 million cubic yards of aggregate material from 464 acres of public land administered by the BLM and private land owned by WNM. The Project would be located within Sections 22 and 27, Township 20 North, Range 22 East (T20N, R22E), Mount Diablo Base and Meridian (MDB&M) (Project Area), approximately 15 miles east of Reno, Nevada (Figure 1.1.1). WNM would expand their existing aggregate operation located on private land adjacent to the Project Area by developing three new open pits covering approximately 259.5 acres and constructing a material transport system (i.e., a conveyor or haul roads) (Proposed Action). The aggregate mined in the Project Area would be transported via a conveyor or haul truck to WNM's existing processing facility located in Section 27, T20N, R22E, MDB&M, approximately 1,200 feet south of the Project Area.

WNM conducted exploratory bulk sampling in 2007 and 2008 that demonstrates the existence of viable material for the production of aggregate-based products (i.e., sand, gravel, cement, asphalt) within the Project Area. These exploration activities included digging 48 test pits under Mineral Material Exploration Permit Nos. NVN-83508 and NVN-84488 (Permits). The total surface disturbance created under the Permits was less than one acre and was caused by overland travel, small-scale bulk sampling excavations, and backfilling activities. The results of this exploration have prompted WNM to initiate the application process for a Special Use Permit (SUP) with Washoe County and to submit a Plan of Operations (Plan) to the BLM in November 2008. The Plan has been accepted by the BLM and it was determined that an Environmental Assessment (EA) would be necessary in order to authorize a material sale and to comply with the National Environmental Policy Act of 1969 (NEPA) to analyze the impacts that the Proposed Action and alternatives could have on the environment. This EA follows the Council on Environmental Quality (CEQ) regulations implementing the provisions of the NEPA under the Code of Federal Regulations, Title 40, Parts 1500-1508 (40 CFR 1500-1508), and the BLM's NEPA Handbook H-1790-1 (BLM 1988).

1.2 Purpose and Need for Action

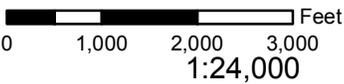
The purpose of the Proposed Action is to allow WNM to expand their aggregate extraction operations onto public lands for a minimum of 30 years. The overall Project lifespan would be determined by the economic conditions and aggregate product market demand throughout the life of the Project. The Proposed Action would yield an estimated 82.6 million tons of aggregate material (approximately 45 million cubic yards) from public lands adjacent to WNM's exiting operation. At an estimated average rate of production of 900,000 tons per year (tpy), the projected maximum lifespan of the Proposed Action would be 92 years (Black Eagle 2008).



Legend

- Existing Roads
- Existing Plant Area
- Proposed Project Area
- Proposed Mining Areas
- Sections
- Bureau of Land Management Lands

Projection: UTM Zone 11 North, NAD27
 Township 20 North / Range 22 East



WESTERN NEVADA MATERIALS

TRACY AGGREGATE PROJECT

Project Area

Date: 1/16/2009	Drawn By: cvd
Revised:	Project No.: 2051
Base Map:	
File Name:	p2051_ProjectLocation.mxd

Figure 1.1.1

The need for the Project is to provide aggregate material for use in the construction industry and to construction material suppliers, such as asphalt, concrete, and ready-mix plants, for use in the Reno-Sparks metropolitan area. The proximity to Reno would allow WNM to keep production costs at a minimum by reducing the transportation distance for materials, equipment, and personnel traveling to the mine site and for finished product delivery from the Project Area. The added production of aggregate materials under the Proposed Action, combined with the cost savings afforded by the location of the Project Area in relation to the market for aggregate products, would allow WNM to provide valuable resources for both private and public construction projects with a minimum of impact to the environment and the local economy.

1.3 Land Use Conformance Statement

The Proposed Action and the No Action Alternative described in this EA are in conformance with the Carson City District Office Consolidated Resource Management Plan (RMP), specifically with administrative actions and standard operating procedures set forth for minerals (BLM 2001). It is the policy of the Department of the Interior to encourage the development of energy and mineral resources on lands in a timely manner to meet national, regional, and local needs consistent with the objectives for other public land uses. The EA is also consistent with federal, state, and local laws, regulations, and plans.

1.4 Relationship to Laws, Regulations, and Other Plans

The BLM is responsible for the preparation of this EA, which was prepared in conformance with the policy guidance provided in the BLM's NEPA Handbook (BLM Handbook H-1790-1) and the Carson City District Office's NEPA Compliance Guidebook (Draft) (BLM 2009a).

On lands open to location under the General Mining Law of 1872, as amended (Mining Law), the BLM administers the surface acres of public land and federal subsurface mineral estates under the Mining Law and the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA also governs the BLM's administration of public lands not open to location under the Mining Law.

The public land encompassed by the Project was withdrawn from the operation of the locatable mining laws on July 7, 2001, as part of the Southern Washoe County Urban Interface Plan (Southern Washoe Plan) Amendment (BLM 2001). However, the majority of the area associated with that plan amendment inclusive of the area of the Proposed Action remains available for salable mineral disposal. The Southern Washoe Plan also supports that: Existing and/or permitted aggregate operations will be maintained and developed; provision for new aggregate operations on public lands will be secondary to protection of open space values; and, that the following guidelines will be followed:

- Existing aggregate facilities on public land will continue to operate. Expansion of existing operations will require standard approval through a joint permitting process with the BLM (Mineral Materials Sale Contract) and Washoe County (Special Use Permit).
- New permanent aggregate facilities will be restricted to locations that are topographically screened or concealed from sight of existing or planned residential areas and major transportation corridors.

- New temporary aggregate facilities will be available to government entities only. Proposed sites will be restricted to locations that are topographically screened or concealed from sight or visually unobtrusive to existing or planned residential areas and major transportation corridors.

1.4.1 Resource Management Plans

The Proposed Action conforms to the BLM's Carson City District Office Consolidated RMP (BLM 2001).

1.4.2 Local Land Use Planning and Policy

The Proposed Action is consistent with all federal, state, and local laws, regulations, and plans to the maximum extent possible, including, but not limited to, the Washoe County Comprehensive Plan Volume 1 (Washoe County 1994), the FLPMA, NEPA, and 43 CFR 3600, Mineral Materials Disposal.

2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Proposed Action

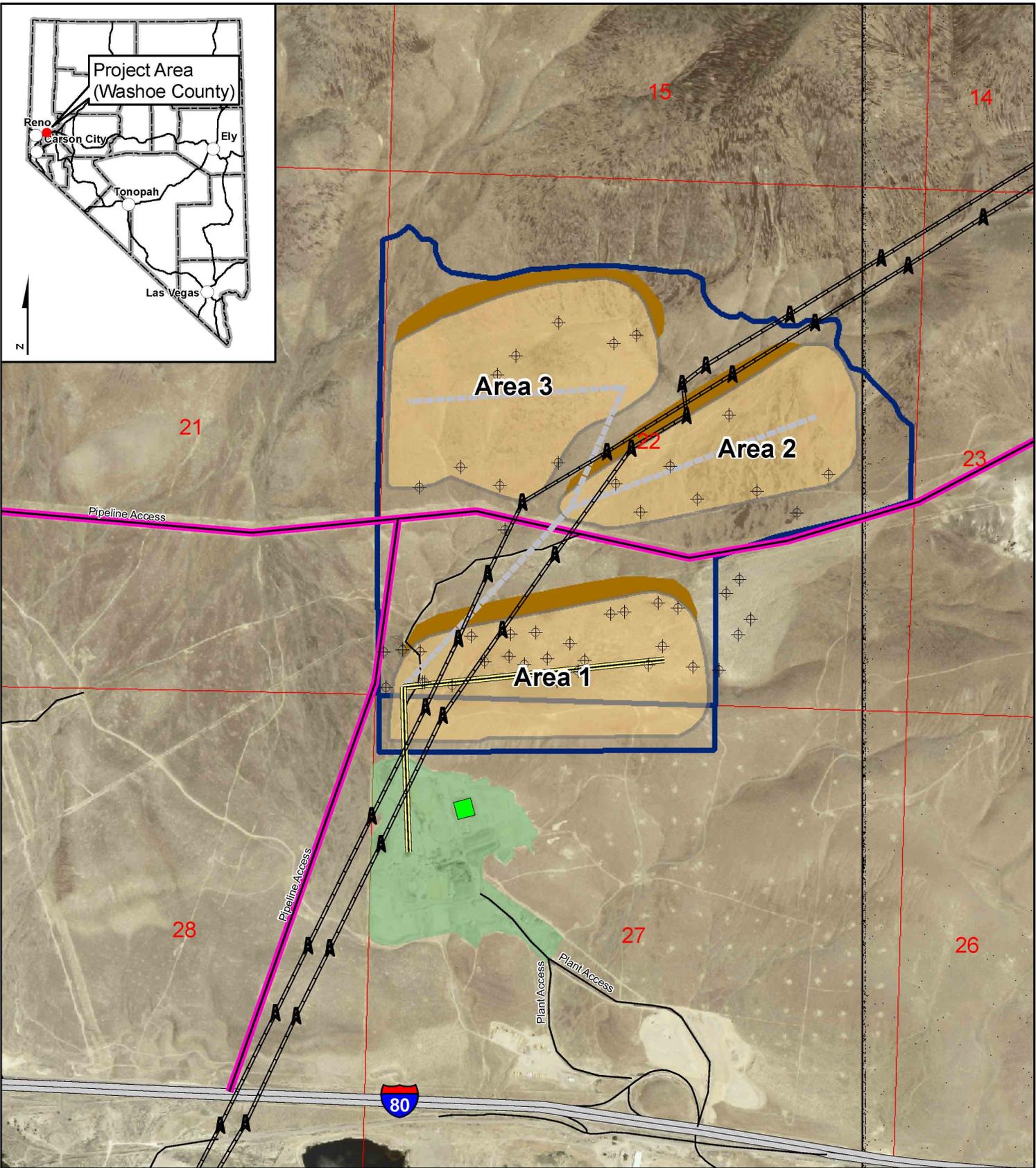
The Proposed Action consists of expanding WNM’s existing aggregate extraction operation in Section 27, T20N, R22E, MDB&M into the northern 40 acres of that section on private land and onto 424 acres of public land in Section 22, T20N, R22E, MDB&M administered by the BLM. Expanded mining activities would include the construction of three new open pits, topsoil and overburden stockpiles, access roads, and a mined material transport system. Aggregate material would be mined from the open pits using a sequential panel method that would allow WNM to perform concurrent reclamation as mining proceeds through adjacent panels within each pit. Mined material would be transported from the open pits to WNM’s existing processing facility by either haul truck or conveyor. The method of material transport would affect the total surface disturbance created by the Proposed Action. WNM would also conduct developmental exploration activities, including drilling and bulk sampling, within the three pits (Areas 1, 2 and 3), shown on Figure 2.1.1, to quantify the optimal timing and location of the mining activities throughout the Project lifespan. Mining would begin in Area 1 and would proceed into Areas 2 and 3 based on the results of exploration activities and the current economic conditions and market demand for finished aggregate products (Figure 2.1.1). The estimated amount of surface disturbance that would be created by the Proposed Action is outlined in Tables 2.1-1 and 2.1-2 and is detailed by type of activity.

Table 2.1-1 Acreage of Proposed Project Disturbance Haul Road Option

Activity	Land Status	Proposed Area I	Proposed Areas 2 and 3	Total Disturbance Acres Analyzed in EA	
Open Pit Mining	Public	61.7	170.2	231.9	259.5
	Private	27.6	0.0	27.6	
Topsoil/Overburden Stockpiles	Public	12.7	20.2	32.9	32.9
	Private	0.0	0.0	0.0	
Haul Roads	Public	6.3	19.8	26.1	27.4
	Private	1.3	0.0	1.3	
Total Disturbance Acres Analyzed	Public	80.7	210.2	290.9	
	Private	28.9	0.0	28.9	
	Total	109.6	210.2	319.8	

Table 2.1-2 Acreage of Proposed Project Disturbance Conveyor Option

Activity	Land Status	Proposed Area I	Proposed Areas 2 and 3	Total Disturbance Acres Analyzed in EA	
Open Pit Mining	Public	61.7	170.2	231.9	259.5
	Private	27.6	0.0	27.6	
Topsoil/Overburden Stockpiles	Public	12.7	20.2	32.9	32.9
	Private	0.0	0.0	0.0	
Conveyors	Public	1.9	5.9	7.8	8.2
	Private	0.4	0.0	0.4	
Total Disturbance Acres Analyzed	Public	76.3	196.3	272.6	
	Private	28.0	0.0	28.0	
	Total	104.3	196.3	300.6	



Legend

- Transmission Towers
- Transmission Lines
- Existing Roads
- Natural Gas Pipeline
- Existing Plant Area
- Drainage Control/Sedimentation Basin
- Sections
- Permitted Test Pits
- Proposed Project Area
- Proposed Mining Areas
- Proposed Overburden Stockpiles
- Proposed Haul Roads/Conveyors
- Area 1
- Subsequent Areas

WESTERN NEVADA MATERIALS

TRACY AGGREGATE PROJECT

Proposed Action

Projection: UTM Zone 11 North, NAD27
Township 20 North / Range 22 East



Date: 1/22/2009	Drawn By: cvb
Revised:	Project No.: 2051
Base Map:	
File Name:	p2051_ProjectLocation.mxd

Figure 2.1.1

The activities conducted in Area 1 would include disturbance to public and private land as outlined in Tables 2.1-1 and 2.1-2. The total surface disturbance that would be created under the Proposed Action would be dependent upon the construction and use of either haul trucks or conveyors for the transportation of mined material to the processing facility. Table 2.1-1 shows the disturbance created by the Proposed Action using the haul road option. Table 2.1-2 shows the disturbance created by the Proposed Action using the conveyor option.

The total disturbance created using the haul road option would be approximately 320 acres (Table 2.1-1) whereas the total disturbance created using the conveyor option would be approximately 301 acres (Table 2.1-2). Disturbance created by the construction of either haul roads or conveyors would follow the same alignment through the Project Area (Figure 2.1.1). Total surface disturbance created by these options would differ in the disturbance width required by each option. The construction of haul roads would require a disturbance width of approximately 100 feet, while the construction of conveyors, and their associated access roads, would only require a disturbance width of approximately 30 feet. These options are described in detail in Section 2.1.3. Since the selection of a mined material transport method has not been finalized at this time, this EA analyzes both options as if either would be employed under the Proposed Action. Therefore, for the purposes of this EA, the total surface disturbance that would be created under the Proposed Action is assumed to be approximately 320 acres, the maximum amount of disturbance under either material transport option.

Mining operations would begin approximately five to seven years after the approval of the material sale by the BLM and the receipt of a SUP from Washoe County. As stated previously, mining operations would begin in Area 1 and move into Areas 2 and 3 throughout the course of the Project (Figure 2.1.1). In order to provide the BLM with relevant information concerning the proposed location and types of surface disturbance in a given year, WNM would provide documentation (i.e., work plans) for the timing and extent of the activities proposed for that year. Additionally, WNM would provide the BLM an annual report on, or before, April 15th of each year that documents the surface disturbance locations, types of surface disturbance, and any completed concurrent reclamation that had taken place the previous year.

2.1.1 Location and Access

The Project is located in Sections 22 and 27, T20N, R22E, MDB&M, in Washoe County, Nevada (Figure 1.1.1). The Project can be located on the United States Geological Survey (USGS) 7.5-minute topographic quadrangles Derby Dam and Patrick. The Project Area is accessed by traveling east on Interstate 80 (I-80) from Reno, Nevada, approximately 15 miles to Exit 32 just beyond the Tracy Power Plant then crossing under I-80 on Clark Station Road and proceeding north to WNM's existing aggregate processing facility and continuing on existing dirt access roads that travel north from the processing facility.

2.1.2 Open Pit Mining

WNM's mining activities would consist of conducting open pit mining using a sequential panel excavation technique within each mine area (Figure 2.1.1). Mine areas would be divided into panels based on existing exploration results and results from developmental exploration. Panels would be excavated sequentially with preceding panels being completed before mining would begin on the next adjacent panel. Topsoil and growth media from each panel would be stripped

and stockpiled prior to the excavation of the underlying aggregate material. Overburden and waste material from the first panel in each area would be stockpiled adjacent to the open pit mine area for use as backfill during final reclamation (Figure 2.1.1). Overburden and waste material from subsequent panels would be used as backfill into preceding panels. This would allow concurrent reclamation to be performed on panels that have been completed as mining equipment and operations move into new panels. WNM plans to maintain a 3:1 horizontal-to-vertical slope ratio (3H:1V) during mining operations and would contour pit walls to 3H:1V during final reclamation. WNM would employ this panel mining method to reduce the total amount of stockpiled overburden at any given time, the total amount of equipment necessary to excavate the entire mine area, and the amount of time required for final reclamation.

Material would be excavated from the mine areas using a Komatsu 375 bulldozer, or equivalent. Excavated material would be loaded into a 36-inch by 48-inch jaw crusher by a Cat 988 or Komatsu 600 loader (or equivalent). Loaders would then pass the crushed material through a six-foot by 20-foot three-deck screen before material is transported to WNM's existing processing facility. Fine material would be retained within the mining area for use as backfill during reclamation.

WNM does not expect that drilling and blasting would be necessary to extract the aggregate material from Area 1. However, should blasting be necessary in subsequent mining areas, WNM would prepare a blasting plan for approval by the BLM and applicable state and local agencies. The blasting plan would be prepared in consultation with Southwest Gas Corporation (Southwest Gas) and NV Energy, Inc. (NVEnergy) to ensure that the existing gas pipeline and electrical transmission lines would be protected. In addition, WNM would only perform blasting during daylight hours and under strict safety protocols as defined by the Mine Safety and Health Administration (MSHA).

2.1.3 Mined Material Transport

Mined material would be transported to WNM's existing processing facility by either three Komatsu 35-ton haul trucks (or equivalent) or by conveyor. The method of transport would be determined in consultation with the BLM and would be based on the potential impacts to existing facility infrastructure (i.e., natural gas pipelines, electrical transmission lines) and the environment, as well as economics. WNM expects that transporting mined material to the existing processing facility would require the same amount of linear disturbance for either the haul road or conveyor transport method. Approximately 4,303 feet of either conveyor or haul road would be constructed to transport material from Area 1 to the existing processing facility. Subsequent mine areas would require an estimated 8,607 additional feet of conveyor or haul road construction to transport material from the remaining mine areas to the processing plant (Figure 2.1.1). Haul roads would be constructed with a 100-foot disturbance width to accommodate bi-directional travel by 35-ton haul trucks. The conveyor corridor would be constructed with a 30-foot disturbance width to provide vehicle access for maintenance and monitoring.

2.1.4 Access and Road Construction

The amount of road construction would be dependent upon the method of material transport from the proposed mine areas to WNM's existing processing facility. Up to 12,910 feet of potential

haul roads or conveyor access roads would be constructed to facilitate and maintain the transport of mined material. Both haul roads and conveyor access roads would be used to access the mine areas within the Project Area. Maintenance of roads would be conducted on an as-needed basis and would include minor seasonal regrading and maintenance of drainage features as necessary. Road maintenance would also consist of grading rutted surfaces and filling holes on existing access roads, as necessary. Erosion control structures such as water bars would be constructed as needed and monitored in the spring and fall.

2.1.5 Developmental Exploration Activities

WNM would conduct developmental exploration activities throughout the life of the Project in order to further quantify the quality, quantity, and location of mineral deposits within the proposed pit areas (Figure 2.1.1). Developmental exploration activities would include drilling, bulk sampling (i.e., trenching), and overland travel prior to construction of a pit or development of new panels within the pit. Drilling would be completed on overland drill sites using a reverse circulation or core drill rig. Sumps and spoil piles would be constructed as necessary within the drill site disturbance area to collect drill cuttings and manage drill water. Bulk sampling would be conducted using a Cat 365 excavator, or equivalent, to dig test pits no more than 20 feet below the ground surface. Topsoil/growth media would be salvaged and stockpiled for use during reclamation prior to the construction of sumps and bulk sampling pits. Because the developmental exploration activities would be conducted in the footprint of the open pit mining areas, no additional disturbance would be created; therefore, disturbance associated with these activities is included with the open pit mining in Tables 2.1-1 or 2.1-2.

Upon completion of drilling activities, sumps and bulk sampling pits would be backfilled to original grade and recovered with salvaged topsoil. All overland travel and drill site disturbance would be lightly scarified and left in a rough state to relieve compaction, inhibit soil loss from runoff, and prepare the seedbed for revegetation. Final reclamation of the areas disturbed by developmental exploration activities would be completed as part of the final reclamation activities of the open pit mine areas in which they are located. Final reclamation would include reseeded in accordance with the Reclamation Plan described in Section 2.1.11.

2.1.6 Equipment

The following equipment is anticipated to be used for the Proposed Action:

- One bulldozer - Komatsu 375 or equivalent;
- One front-end loader - Cat 988, Komatsu 600, or equivalent;
- One excavator - Cat 365 or equivalent;
- One 36-inch by 48-inch jaw crusher;
- One six-foot by 20-foot three-deck screen;
- Up to three Komatsu 35-ton highway-rated haul trucks;
- Up to 12,910 feet of 36-inch conveyor for crushed material;
- One reverse circulation or core drill rig;
- One 1,000- to 4,500-gallon water truck;
- One all-terrain vehicle with a seed broadcaster; and
- Four-wheel drive vehicles for Project personnel transportation.

Generally, WNM would employ the Komatsu 375 bulldozer and Cat 365 excavator, or equivalent, for the majority of the aggregate extraction activities within the open pit mine areas. The front-end loader, jaw crusher, and three-deck screen would then be used for the preliminary refinement and separation of mined material prior to transport to the processing facility. The bulldozer and excavator would also be used to construct roads and bulk sampling trenches where needed. Project personnel would access the Project Area in four-wheel drive vehicles (i.e., pick-up trucks). WNM would conduct developmental drilling with a reverse circulation or core drill rig and support equipment. Project-related surface disturbance would be reclaimed using the excavator and all-terrain vehicle with a seed broadcaster, or comparable method.

WNM would take steps to prevent fires by ensuring that each field vehicle carries hand tools and a fire extinguisher. Water trucks may be used in the event of a fire, depending upon access and terrain issues. Communication would be available on the Project site through two-way radios and/or mobile phones. All equipment would be properly muffled and maintained in proper working order throughout the duration of the Proposed Action.

All Project-related traffic would observe prudent speed limits to enhance public safety, protect wildlife and livestock, and minimize dust emissions. All Project-related equipment operation would be conducted in conformance with applicable federal, state, and local health and safety regulations. All portable equipment, including bulldozers, loaders, excavators, drill rigs, support vehicles, and drilling supplies, would be removed from the Project Area during extended periods of non-operation.

2.1.7 Work Force

WNM would reassign a minimum of two existing personnel to operate the bulldozer and loader during mining activities. Additional Project personnel would be reassigned from their current positions, as necessary, to operate the excavator, water truck, and drill rig throughout the life of the Project. The decision to use haul trucks to transport mined material would increase the number of Project related personnel by three. Therefore, WNM expects that between two and six people would be working within the Project Area at any given time throughout the life of the Project.

2.1.8 Water Use

Water would be used during the course of the Proposed Action for dust control, drilling, and for miscellaneous use. Water is currently available from a production well located on WNM's private land in Section 27, T20N, R22E, MDB&M. Water would be stored in an above-ground, lined storage tank and transferred to the water truck for use within the Project Area.

2.1.9 Surface and Ground Water Control

Best Managements Practices (BMPs) for sediment control would be employed during construction, operation, and reclamation to minimize sedimentation from disturbed areas. The topography of the Project Area generally consists of south and southwest sloping hills traversed by small ephemeral drainages that contain water only during periods of heavy precipitation and snowmelt. Site drainage is accomplished primarily by sheet flow into these drainages. There are no perennial streams within the Project Area. No ground water was encountered during

exploration activities, and no ground water is expected to be encountered during the life of the Project.

Surface water drainage and sedimentation control would follow existing WNM practices which utilize a drainage control/sedimentation basin constructed as part of WNM's existing operations in Section 27, T20N, R22E, MDB&M, immediately south of the Project Area (Figure 2.1.1.). Topsoil stockpiles would be constructed in accordance with Washoe County approved methods for dust abatement and erosion control. Proposed road construction would avoid drainages whenever possible. When drainages must be crossed by a road BMPs would be followed to minimize surface disturbance and erosion potential. Water diversion structures, such as water bars and diversion channels, would be constructed along access and/or haul roads as needed.

Developmental exploration activities would take place such that drill cuttings and drill fluids would not be allowed to flow off drill sites. Sumps would be used to collect cuttings and manage drill water and would be backfilled at the end of drilling activities. The management of drill cuttings would be conducted in a manner that is consistent with BMPs. None of the drilling fluids to be used under the Proposed Action contain hazardous substances and all are approved for well drilling and would not contaminate ground water aquifers. Material Safety Data Sheets (MSDSs) for common drill additives are included in the Plan.

2.1.10 Solid and Hazardous Materials

No hazardous chemicals would be used in the mining and processing of materials within the Project Area. Diesel fuel for use by mining equipment would be contained in a portable, above-ground storage tank that includes a secondary containment vessel to prevent fuel spills should the tank rupture. Gasoline, lubricating grease, antifreeze, and solvents would also be used to maintain and operate Project equipment and vehicles. MSDSs for these materials are included in the Plan. No waste products would be generated or introduced during Project operations that could enter or degrade surface or ground water sources.

All refuse generated by the Project would be disposed of at an authorized, off-site landfill facility consistent with applicable regulations. No refuse would be disposed of on site. Water and/or nontoxic drilling fluids or products, including EnviroPlug, abantonite, Alcomer 120L, bentonite, EZ-mud, cement, and CPD superplug, would be utilized as necessary during drilling and would be stored at the Project Area.

2.1.11 Reclamation

Reclamation would begin within disturbed areas considered inactive, without potential, or completed, at the earliest practicable time. Reclamation is expected to take place concurrently with Project-related activities and would be carried out on completed panels as subsequent panels are being mined. Final reclamation would take place within each mine area at the conclusion of mining activities. Short-term reclamation goals would be to stabilize disturbed areas and protect adjacent undisturbed areas from unnecessary or undue degradation. Long-term reclamation goals would ensure public safety, stabilize the Project Area, and establish productive vegetative communities consistent with pre-existing conditions.

Reclamation would be completed to the standards described in 43 CFR 3601.40. Reclamation activities on public land for the Proposed Action would be designed to achieve post-mining land uses consistent with the BLM's land use management plans for the area. Earthwork (e.g., regrading and recontouring) and revegetation activities would be limited by the time of year during which they can be effectively implemented. Seedbed preparation would generally be completed in the fall, either concurrently with or immediately prior to seeding. Seeds would be sown in late fall to take advantage of winter and spring precipitation and optimum spring germination potential. Seeding may take place in early spring should unfavorable fall weather conditions exist. In either case, seeding would not take place when the ground is frozen or snow covered. Reclamation activities would be coordinated with the BLM as necessary. Reclamation of the Proposed Action is expected to take place within approximately one year from the initiation of final reclamation activities. Final reclamation activities would be initiated within two years following the completion of the Proposed Action. Revegetation success is anticipated to take up to three years from the time of seeding.

Reclamation activities during the Proposed Action would begin with the salvaging of topsoil/growth media from the proposed mine areas. Topsoil/growth media in the mine areas are generally four to six inches deep. All topsoil/growth media in areas of proposed surface disturbance would be removed and stockpiled for use during reclamation of pit slopes, floors, and roadways. Growth media stockpiles would be signed and separated from other overburden stockpiles intended for use as backfill (Figure 2.1.1). WNM's proposed sequential panel mining technique would reduce the amount of stockpiled growth media at any given time and would decrease the amount of time between mining activities and reclamation in any given area. Therefore, WNM does not anticipate the need for stockpiles to be seeded with an interim seed mix. However, check dams, weed-free straw bales, filter fences, and other appropriate BMPs would be installed around stockpiles, if necessary, to prevent erosion and sedimentation from surface runoff and runoff.

All disturbed areas within the Project Area would be regraded and recontoured to approximate the topography of the existing terrain prior to disturbance. Following the completion of mining activities within each panel and/or each entire open pit area, open pit slopes would be backfilled and contoured not to exceed 3H:1V before replacing growth media and revegetating. Upon completing mining activities within the entire open pit area, all remaining slopes would also be backfilled and contoured not to exceed 3H:1V. Constructed roads would be decompacted and recontoured once it has been determined that a road would not be of use to ongoing mining activities. Fill material, enhanced with growth media, would be pulled onto the roadbeds to fill the road cuts and restore the slope to approximate the preexisting natural contours, not to exceed 3H:1V. Drill pads and tire tracks (trails created by drill rigs) from overland travel would be lightly scarified and left in a rough state as necessary to relieve compaction, inhibit soil loss from runoff, and prepare the seedbed for revegetation. Bulk sampling excavations would be refilled and topped with growth media as described in Section 2.1.5 above. Regrading and reshaping activities would be completed with a Caterpillar 365 excavator or equivalent. Final reclamation of the Project Area would ensure that the slope and topography of reclaimed areas are consistent with the proposed post-mining land use.

Should any drainages be disturbed under the Proposed Action they would be reshaped to recreate the pre-construction channel contours. The resulting channels would be of the same capacity as

up and downstream reaches and would be made non-erosive by use of surface stabilization techniques, such as rip-rap, where necessary and ultimately revegetated.

Following earthwork, all reclaimed areas would be broadcast seeded with a BLM approved seed mix (Table 2.1-3) at the appropriate time of year for optimum seed sprouting and plant growth. Only certified weed-free seed would be used for reclamation seeding. The seed mix is based on known soil and climatic conditions and was selected to establish a plant community that would support the post-Project land use. The mix is designed to provide species that can exist in the environment of northwestern Nevada, are proven species for revegetation, and/or are native species found in the plant communities prior to disturbance. Broadcast seeding would be completed using a cyclone-type bucket spreader or mechanical blower. Broadcast seed application rate would be calculated based on the “Total Pounds of Bulk” seed needed for the project which is dependent on the germination and purity of the seed at the time the seed is purchased (see Table 2.1-3). Broadcast seed would be covered by harrowing, raking, or other appropriate site-specific methods as necessary to provide seed cover and enhance germination. Reclaimed surfaces would be left in a textured or rough condition (small humps, pits, etc.) to enhance moisture retention and revegetative success while minimizing erosion potential. Changes and/or adjustments to the reclamation plant list and/or application rate would be made in consultation with, and approved by, the BLM.

Table 2.1-3 Proposed Revegetation Seed Mix

Species	Release	Mix %	Standard Seeding Rate (lb/acre)	Standard Seeds/ft ²	Actual Seeding Rate (lb/acre)	Actual Seeds/ft ²	Total PLS (lbs/320 acres)	Germ %	Purity %	*Total lb. Bulk
desert globemallow	n.a.	5	3.87	40.0	0.19	2.0	61.92	÷	÷	=
desert needlegrass	n.a.	15	7.74	40.0	1.16	6.0	371.52	÷	÷	=
fourwing saltbush	Rincon	10	16.75	20.0	1.67	2.0	536	÷	÷	=
James' galleta	n.a.	15	11.47	40.0	1.72	6.0	550.56	÷	÷	=
Sandberg Bluegrass	n.a.	15	1.66	40.0	0.24	6.0	79.68	÷	÷	=
Shadscale Saltbush	n.a.	10	14.37	20.0	1.43	2.0	459.84	÷	÷	=
squirreltail	n.a.	15	9.07	40.0	1.36	6.0	435.36	÷	÷	=
winterfat	n.a.	10	7.86	20.0	0.78	2.0	251.52	÷	÷	=
yellow spiderflower	n.a.	5	17.25	40.0	0.86	2.0	276.0	÷	÷	=

*Total Bulk Pounds is the actual amount of seed needed and can only be calculated at the time the seed is purchased. This is because the germination quality and the purity of the seed vary from year to year. The germination quality of the seed is dependent on the growing and climatic conditions found at the site. The purity of the seed is dependent on how the seed was collected and processed. The information on the germination and purity of the seed is available from the seed vendor and can be obtained in advance of seed purchase. This information is then used to calculate the Total Bulk Pounds needed for the job.

Upon completion of Project related activities WNM would remove all mining equipment, supplies, scrap, and debris from the Project Area. No permanent structures or surface occupancy is expected during the Project. All signage and protective fencing would be removed from the Project Area upon the successful completion of final reclamation activities.

Post-closure management, including remedial earthwork and reseeded if required, would commence on any reclaimed area following completion of the reclamation work for that area. Post-closure management would extend until the reclamation of the site or component has been accepted by the BLM. Yearly visits to the site would be conducted to monitor the success of the revegetation for a period of three years following seeding. Annual reports showing reclamation progress would be submitted to the BLM.

2.1.12 Environmental Protection Measures Including Special Use Permit Conditions

WNM has committed to the following environmental protection measures to prevent unnecessary and undue environmental degradation during construction, operation, and reclamation activities associated with the Proposed Action. The conditions outlined in the SUP, which are applicable to the following resources, have been summarized and included where appropriate.

Air Quality

- Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures such as reduced vehicle speeds and surface application of water from a water truck.
- Per the SUP, during the period of operation, WNM would provide adequate on-site dust control in the pit area, on stockpiles, on all haul roads, and for any material processing to the satisfaction of the District Health Department. Applicant shall submit a copy of the air quality operations permit to Community Development.
- Per the SUP, during the period of operation, all loads of material exiting the site would be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.

Water Quality

- BMPs, including but not limited to dust control, check dams, weed-free straw bales, filter fences, and the management of drilling water and cuttings, would be implemented to minimize runoff, sedimentation, and soil loss.
- Surface water drainage and sedimentation control would follow existing WNM practices which utilize a drainage control/sedimentation basin constructed as part of WNM's existing operations in Section 27, T20N, R22E, MDB&M, immediately south of the Project Area.

- Per the SUP, WNM would obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection, Bureau of Water Pollution, and submit proof of the application to the Engineering Division prior to initiating mining activities.

Cultural Resources

- All eligible and unevaluated cultural sites would be avoided or treated to ensure compliance of Section 106 of the National Historic Preservation Act.
- Pursuant to 43 CFR 10.4(g), WNM would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), WNM would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days or when notified to proceed by the BLM authorized officer.
- Per the SUP, should any prehistoric or historic remains/artifacts be discovered during site development, work would be temporarily halted at the specific site and the State Historic Preservation Office would be notified to record and photograph the site. The period of temporary delay would be limited to a maximum of two working days from the date of notification.
- WNM would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits; or any historical or archaeological site, structure, building or object. If WNM discovers any cultural or paleontological resource that might be altered or destroyed by operations, the discovery would be left intact and reported to the authorized BLM officer.

Fire Management

- All applicable state and federal fire laws and regulations would be complied with and all reasonable measures would be taken to prevent and suppress fires in the Project Area.
- Per the SUP, emergency vehicle access and turnaround complying with Chapter 60 of the Washoe County Code would be provided and maintained.
- Per the SUP, combustible liquid storage/dispensing would comply with Chapter 60 of the Washoe County Code and would be approved by the Reno Fire Department.
- Per the SUP, further development would require fire protection water complying with duration and flow meeting the provisions of Chapter 60 of the Washoe County Code.
- Per the SUP, fire fuel breaks would be provided and maintained around equipment and machinery to avoid initiating wildland fire.

Public Safety

- Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.
- Activities would be restricted to frozen or dry ground conditions where feasible. Operations would be curtailed when saturated and soft soil conditions exist.
- In the event that any existing roads are severely damaged as a result of WNM activities, WNM would return the roads to their original condition.

Hazardous or Solid Wastes

- Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.
- Only nontoxic fluids would be used in the drilling process.
- Regulated wastes would be removed from the Project Area and disposed of in a state, federally, or locally designated area.
- The generation, transportation, treatment, storage, and disposal of all regulated wastes would be managed in accordance with applicable federal, state and local requirements.

Erosion and Sediment Control

- BMPs, including but not limited to dust control, check dams, waddles, and filter fences, would be implemented to minimize runoff, sedimentation, and soil loss.
- Surface water drainage and sedimentation control would follow existing WNM practices which utilize a drainage control/sedimentation basin constructed as part of WNM's existing operations in Section 27, T20N, R22E, MDB&M, immediately south of the Project Area.
- Disturbed areas would be reclaimed as soon as practicable in order to re-establish stabilizing vegetation cover that minimizes soil erosion potential and sedimentation.
- Per the SUP, WNM would in no way increase drainage and/or runoff water to or from any adjacent property.
- Per the SUP, jute erosion control blankets would be used on all 2H:1V slopes for slope reclamation.
- Per the SUP, all slopes created because of road construction shall be immediately stabilized and reseeded.

- Per the SUP, on-site signs would conform to code requirements and would be approved by the Department of Community Development prior to their installation.

Invasive, Nonnative Species

- Noxious weeds would be controlled through implementation of preventive measures (e.g., vehicle inspections and washing) and eradication measures should noxious weeds be detected within the Project Area.

Visual

- Per the SUP, equipment storage, material stockpiles, and crushing operations would be screened from view from I-80 by earthen berms that follow the appearance of the natural terrain, as required.
- Per the SUP, to protect the visual qualities of the Truckee Canyon planning area as viewed from I-80, visibility of mining activities from I-80 will be minimized to the greatest extent possible through the methods outlined in the SUP General Conditions (Number 7).

Other Conditions from the SUP

- During the period of operation, WNM would notify the Department of Community Development of seasonal or permanent shutdown occurrences.
- Hours of operation shall be from 6:00 A.M. to 6:00 P.M., Monday through Saturday. Additional hours may be approved by the Department of Community Development or upon written request.
- Vector control for the detention basin and the lined water storage basin would be installed and would meet all requirements of the District Health Department.
- Concurrent reclamation shall take place during each phase of the Project. Seed type, mix, and application quantity would be approved by the Truckee-Storey Conservation District before application. All disturbed land would be graded, seeded, and covered with a tackifier no later than the month of March in the spring or the month of November in the fall of the year mining activities in that area are completed. In the interim, adequate on-site dust control of the mining area would be provided. Maximum disturbed area at any one time would be 30 acres.
- The entrance would be gated and locked when mining activities are not taking place.
- A gravel apron approximately 50 feet in length and 24 feet in width would be provided at all access points that intersect paved rights-of-way.

2.2 No Action Alternative

In accordance with BLM NEPA guidelines H-1790-1, Chapter V (BLM 2008a), this EA evaluates alternatives to the Proposed Action. Due to the size and scope of the Proposed Action, the only alternative for consideration proposed in this EA is the No Action Alternative. The objective of the No Action Alternative is to describe the environmental consequences that would result if the Proposed Action were not implemented.

Under the No Action Alternative, the BLM would not approve WNM's application and bid for the material sale and the Proposed Action would not be implemented. The No Action Alternative would result in two possible scenarios as follows: 1) the Project Area would remain available for other management purposes, as approved by the BLM, and no surface disturbance associated with aggregate mining would be created within the Project Area; or 2) the BLM would approve a materials sale with another company and the Project Area would be disturbed from aggregate mining activities similar to those outlined under the Proposed Action.

3 AFFECTED ENVIRONMENT

3.1 Introduction

The purpose of this section of the EA is to describe the existing environment of the Project Area affected by the Proposed Action or alternative under consideration. Supplemental Authorities that are subject to requirements specified by statute or executive order must be considered in all BLM environmental documents. Table 3.1-1 lists the Supplemental Authorities and their status in the Project Area as well as the rationale to determine whether a Supplemental Authority present in the Project Area would be affected by the Proposed Action. Supplemental Authorities that may be affected by the Proposed Action are discussed in Section 4.

Table 3.1-1 Supplemental Authorities and Rationale for Detailed Analysis

Supplemental Authority	Not Present*	Present/ Not Affected*	Present/ May Be Affected**	Rationale
Air Quality			X	See sections 3.2 and 4.1.1.
Areas of Critical Environmental Concern (ACECs)	X			Element is not present.
Cultural Resources			X	See Sections 3.3.and 4.1.2.
Environmental Justice	X			Element is not present.
Fish Habitat	X			Element is not present.
Flood Plains	X			Element is not present.
Invasive, Nonnative Species			X	See Sections 3.12 and 4.1.11.
Migratory Birds			X	See Sections 3.16 and 4.1.15.
Native American Religious Concerns			X	See Sections 3.4 and 4.1.3.
Prime or Unique Farmlands	X			Element is not present.
Threatened or Endangered Species (plants and animals)		X		In a letter from the USFWS dated April 23, 2009, the USFWS identified cui-ui and Lahontan cutthroat trout as two federally-listed species that could occur in the Project Area. See Section 3.15.1.
Wastes, Hazardous and Solid			X	See Sections 3.5 and 4.1.4.
Water Quality (Surface-Ground)			X	See Sections 3.6 and 4.1.5.
Wetlands and Riparian Zones	X			Element is not present.
Wild and Scenic Rivers	X			Element is not present.
Wilderness	X			Element is not present.

*Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

**Supplemental Authorities determined to be Present/May Be Affected must be carried forward in the document.

In addition to the supplemental authorities of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. Other resources or uses of the human environment that have been considered for this EA are listed in Table 3.1-2 below. Resources or uses that may be affected by the Proposed Action or No Action Alternative are further considered in the EA.

Table 3.1-2 Resources or Uses Other Than Supplemental Authorities

Other Resources	Present/ Not Affected*	Present/ May Be Affected**	Rationale
Range Resources		X	See Sections 3.8 and 4.1.7.
Soils, Minerals and Geology		X	See Sections 3.11 and 4.1.10.
Land Use (including Access)		X	See Sections 3.7 and 4.1.6.
Social Values and Economics		X	See Sections 3.9 and 4.1.8.
Special Status Species (Plants and Animals)		X	See Sections 3.15 and 4.1.14.
Vegetation		X	See Sections 3.13 and 4.1.12.
Visual Resources		X	See Sections 3.10 and 4.1.9.
Wildlife and Fisheries		X	See Sections 3.14 and 4.1.13.

*Resources or uses determined to be Present/Not Affected need not be carried forward or discussed further in the document.

**Resources or uses determined to be Present/May Be Affected must be carried forward in the document.

The affected environment for the Proposed Action includes approximately 40 acres of privately owned land and 424 acres of public lands administered by the BLM and encompasses portions of Sections 22 and 27, T20N, R22E, MDB&M, Washoe County, Nevada. The Proposed Action would disturb a maximum of approximately 320 acres of public lands.

3.2 Air Quality

The Project Area is located on the southern and southwestern slopes of the Pah Rah Range, approximately 3,500 feet north of I-80, 15 miles east of Reno, Nevada. The Project ranges in elevation between approximately 4,410 and 4,955 feet above mean sea level (amsl), with an average elevation of approximately 4,710 feet amsl. The climate and vegetation within the Project Area are typical of the desert environment of the Basin and Range Province. The climate is arid with wide fluctuations in seasonal temperatures. Winter temperatures are typically cool with periods of very cold weather and an average snowfall of less than six inches per year with no accumulation. Summer temperatures are hot with rainfall averaging less than an inch per month. The average maximum and minimum temperatures are 68.3 and 36.7 degrees Fahrenheit (°F), respectively (Western Regional Climate Center 2008).

The Washoe County Health District, Air Quality Management Division (WCAQMD) is the agency in the State of Nevada that is responsible for controlling sources of air pollution and assuring compliance with federal, state, and local environmental laws governing air quality. The WCAQMD has implemented State Implementation Plans (SIPs) as a means to creating clean air in Washoe County that meet National Ambient Air Quality Standards (NAAQSs). The Project Area is within the Tracy Segment hydrographic basin of the Truckee River Basin Region. The Tracy Segment basin is designated “Attainment/Unclassifiable” by the Environmental Protection Agency (EPA) Region 9 NAAQSs for carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM-2.5 and PM-10), sulfur dioxide (SO₂), and the 8-hour ozone (O₃) standard (EPA 2009). The Tracy Segment basin has been classified as “Marginal” for the 1-hour O₃ NAAQS, representing three years of “Nonattainment” designation by the EPA (EPA 2009). Attainment status within the Project Area is determined by monitoring ambient levels of criteria

pollutants. The attainment or unclassified designation means that no violations of NAAQs have been documented in the region.

3.3 Cultural Resources

Following BLM regulations (43 CFR Part 8100) and other federal laws including the National Historic Preservation Act (16 USC § 470f) and its implementing regulations (36 CFR Part 800), as amended, BLM reviewed the immediate region for historic properties prior to a federal undertaking (such as a material sale). Such an action has a potential for adverse impacts to cultural resources and/or historic properties if they are present. By definition, a historic property is a “prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places” and includes “artifacts, records, and remains that are related to and located within such properties” (36 CFR 800.16(l)(1)).

Based on research of files at the Carson City Field Office and the Nevada State Museum, the Project Area is an area known to be of ethnographic importance to the Washoe and Northern Paiute Native American groups (Elston 1986 and Lowie 1939). Prehistoric period sites are common on and near the Truckee River, representing resource procurement, residential use, and rock art. Historically, the lands in and around the Project Area became part of western Nevada’s growing ranching and agricultural industry. Regional known site types include prehistoric camp sites; prehistoric limited activity/procurement sites; rock art; rock alignments and talus pits; historical stone structures; historical refuse scatters; prospecting areas; transportation sites; and a historical ranching camps. Further details on local site types and the potential for effects to historic properties from activities associated with the a material sale are available in a technical report prepared for this Project (CR Report Number 3-2423 and 3-2423-1) and submitted to the BLM in 2008 (Gnomon 2008a and 2008b). Given the prehistoric and historic archaeological contexts of the Project Area, it is not unlikely that archaeological material would be encountered during the course of the Project.

Specific to the Project Area lands, WNM retained Gnomon, Inc. in January and October 2008 to conduct a Class III cultural resource inventory. The results of these inventories are detailed in CR Report Number 3-2423 and 3-2423-1 (Gnomon 2008a and 2008b). Four historic isolates and one historic-era site were documented as within the Project Area. BLM has determined that these cultural resources are not eligible for listing in the National Register of Historic Places. Therefore, no historic properties are present, and, relative to cultural resources, there exists no need to alter the Proposed Action in order to prevent unnecessary or undue degradation.

The techniques and methods used to conduct the cultural resource inventory were such that most existing resources within the Project Area visible to surface examination have been identified (Gnomon 2008a and 2008b). However, should unanticipated historic-era or prehistoric resources be uncovered by Project activities, these would be reported immediately to the BLM.

3.4 Native American Religious Concerns

The Native American Tribes (Tribes) that have cultural affiliation with the Project Area are the Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, and the Washoe Tribe of Nevada and California. These Tribes were consulted in 2008 and 2009 relative to this undertaking (per 36 CFR 800 and 43 CFR 8100 [BLM], as amended). A consultation letter was sent to the PLPT,

RPIC, and the Washoe on January 6, 2009, concerning the proposed Project, and results of the cultural resources inventories (CRR 3-2423 and CRR 3-2423-1) were provided to the Tribes. The Native American peoples that were associated with this area in the past maintain some association today, and they incorporate land use issues within their religious system. Therefore, the three tribal entities do have traditional, cultural, or religious property concerns in the Project Area. The Tribes have each stated that any impacts to cultural resources should be avoided; however, to date there are no Native American religious concerns specifically identified relative to the proposed material sale.

3.5 Waste, Hazardous and Solid

All refuse generated by the Project would be disposed of at an authorized landfill facility offsite, consistent with applicable regulations. No refuse would be disposed of on site. Water and/or nontoxic drilling fluids or products, including EnviroPlug, abantonite, Alcomer 120L, bentonite, EZ-mud, cement, and CPD superplug, would be utilized as necessary during drilling and would be stored at the Project Area. Toxic substances that would be utilized under the Proposed Action would include diesel fuel, gasoline, lubricating grease, antifreeze, and solvents used to maintain and operate Project equipment and vehicles.

3.6 Water Resources

3.6.1 Surface Water

According to the Nevada Department of Conservation and Natural Resources, Division of Water Resources (NDWR) hydrographic ground water basin designations, the Project is located within the Tracy Segment hydrographic basin of the Truckee River Basin Region (NDWR 2009a). The major perennial drainage in the vicinity of the Project Area is the Truckee River, located approximately one mile to the south. Surface flow through the Project Area is generally south/southwest through intermittent/ephemeral drainages that carry water after periods of significant rainfall or seasonal snowmelt. There are no recorded seeps or springs located within the Project Area.

3.6.2 Ground Water

NDWR well log records indicate that one water well was drilled within the southwestern corner of the Project Area. This well was drilled in 1983 by the Phillips Petroleum Company to a depth of 300 feet and did not encounter ground water. A well located approximately 830 feet to the west of the Project Area was drilled in 1981 to a depth of 300 feet and also did not encounter ground water (NDWR 2009b). The Project Area extends to the north/northeast, up-gradient from these well locations. No ground water was encountered within the Project Area during exploration activities. Ground water is not expected to be encountered as a result of the Proposed Action.

3.7 Land Use (Including Access)

Public lands administrated by the BLM comprise the majority of land within the Project Area (424 acres). Public lands administered by the BLM are managed for multiple uses including range, forestry, watershed, mineral extraction, recreation, wilderness, and wildlife habitat. The

current land use of the Project Area includes mineral exploration, grazing, dispersed recreation, and wildlife habitat.

The lands surrounding the Project Area are comprised of BLM-administered lands to the northwest, north, northeast, and east. The Project Area is bordered by privately owned lands to the west, southwest, south, and southeast (Figure 1.1.1). Currently, public access to the proposed Project site requires overland travel from the north or east which greatly restricts recreation use within the Project Area. The Project Area is traversed by several public utility rights of way (ROWs) (BLM 2009b). Two ROWs associated with 345-kilovolt (kV) transmission lines owned by NVEnergy (formerly Sierra Pacific Power Co.) traverse the Project Area from the southwest corner to the northeast boundary. A natural gas pipeline owned by Southwest Gas crosses the middle of the Project Area from east to west through a series of 50-foot ROWs. Access roads used to service these facilities exist within each designated ROW. Three 40-foot ROWs cross the southern portion of the Project Area and are associated with a NVEnergy 40-kV transmission line and two telephone lines owned by AT&T (formerly Nevada Bell). Several pre-1981 roads and four-wheel drive vehicle tracks also traverse the Project Area.

Table 3.7-1 Rights-of-Way within the Project Area

Serial Number	Holder	Width (in feet)
OVERHEAD POWER LINES		
NEV-061475	Sierra Pacific Power Co.	40
NVN-007639*	Sierra Pacific Power Co.	140
NVN-025152	Sierra Pacific Power Co.	75
BURIED NATURAL GAS PIPELINES		
NEV-058689	Paiute Pipeline Co.	50
NVN-055315	Southwest Gas Co.	50
NVN-074310	Tuscarora Gas Co.	50
OVERHEAD TELEPHONE LINES		
NVCC-020776	Nevada Bell	Varying
NVCC-021089	Nevada Bell	40

*Includes access roads

WNM has initiated consultation with NVEnergy and Southwest Gas to discuss any issues regarding access, blasting, and road crossings over the gas pipeline. Southwest Gas informed WNM that additional fill could be necessary for access routes crossing over the gas pipeline in order to meet their engineering requirements. Southwest Gas would provide WNM with the specific engineering requirements for the crossings, as appropriate. In addition, Southwest Gas has notified WNM that a written request to utilize the easement for crossings would be necessary.

3.8 Range Resources

The Project Area is within the Olinghouse grazing allotment within the Lahontan administrative unit. The following range resources information has been collected from the BLM GeoCommunicator online mapping application (BLM 2009b).

The Olinghouse allotment encompasses approximately 35,595 acres of rangeland. Of the total Olinghouse allotment acreage, 23,162 acres (65 percent) are located on public lands. The authorized permitted use for the entire allotment is 3,156 animal unit months (AUMs). An AUM

represents the amount of forage required to support one cow and her calf, or the equivalent in horses, sheep, or other livestock, for one month. Of the total authorized AUMs in the Olinghouse allotment, 696 AUMs (22 percent) are actively in use by two permittees for cattle grazing from January 1 to May 15 and November 1 to December 31 each year. The active AUMs per acre for the entire allotment equates to .02. The Project Area encompasses 424 acres of public land and would impact approximately eight AUMs, approximately one percent of the active AUMs. The Olinghouse allotment has been classified “C” (i.e., Custodial) status by the BLM to indicate that limited rangeland management occurs.

3.9 Social Values and Economics

The Project Area is located north of I-80 in Washoe County, Nevada, approximately 15 miles east of Reno, Nevada. WNM expects to extract an estimated 45 million cubic yards of aggregate material, at an average rate of 900,000 cubic yards per year, depending on market conditions, over the course of the Proposed Action. This material would be processed at WNM’s existing facility located immediately south of the Project Area. Finished products would include cement, asphalt, gravel, ready-mix, and other products intended for use by the Reno-Sparks construction industry. Two to six existing employees or contractors would be reassigned to conduct the mining activities associated with the Proposed Action. These workers commute from the Reno-Sparks metropolitan area and utilize services in these areas. Therefore, the socioeconomic impacts associated with the Proposed Action are limited to Washoe County, Nevada.

Washoe County

Washoe County is located in the northwestern corner of Nevada and encompasses 6,342 square miles. The county lies north of the Truckee River and is bordered by California to the west and Oregon to the north. Washoe County is bordered by Humboldt, Pershing, Churchill, Lyon, Storey, and Carson City Counties to the east, southeast, and south. I-80 traverses the southern portion of Washoe County from the east and west and United States Highway 395 (US 395) travels across the southwest corner of the county from Carson City County to California.

The total population of Washoe County in 2006 was estimated to be 396,428, which was an increase of 56 percent since 1990 (population 254,667). The population density as of 2006 was 62.5 persons per square mile, primarily concentrated in the Reno-Sparks metropolitan area. The population in Reno, the largest city and county seat, in 2006 was estimated to be 210,255 (US Census 2009). Reno is home to numerous restaurants, retail outlets, hotel casinos, and a University of Nevada campus.

The median household income in Washoe County in 2004 was \$50,167 annually (US Census 2009). Major employment sectors are mining, agriculture, tourism and entertainment, and educational, health and social services. The unemployment rate in Washoe County was 9.0 percent in December 2008, which was the same as the statewide unemployment rate (State of Nevada 2009).

3.10 Visual Resources

Section 102(a)(8) of the FLPMA of 1976 emphasizes protection of the quality of scenic resources on public lands. Section 101(b) of NEPA requires that measures be taken to ensure that aesthetically pleasing surroundings be retained for all who wish to enjoy public lands.

The Project Area is located in the northern Great Basin section of the Basin and Range physiographic province. The Great Basin is defined by a rhythmic pattern of isolated mountain ranges and broad basins. Clear skies and broad, open vistas characterize this landscape. Locally, the Project Area is characterized by the gently sloping hills forming the southern and southwestern slopes of the Pah Rah Range. The Project Area is located approximately 3,500 feet north of I-80, behind an existing aggregate production facility, and is mostly shielded from view by the surrounding hills.

The Project Area is located in a Class III Visual Resources Management (VRM) area. The objective of this class is to partially retain the existing character of the landscape. Management activities may attract attention but should not dominate the visual landscape nor should they be the main focus of viewer attention. Changes to the landscape should repeat the basic elements found in the predominant natural features of the characteristic landscape. Every attempt would be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of line, form, color, and texture (BLM 1986).

3.11 Soils, Minerals, and Geology

Information regarding soils within the Project Area was obtained from the United States Department of Agriculture National Resources Conservation Service (NRCS). The soils within the Project Area are made up of the following five soil map units: the Bombadil-Hefed-Rubble land association; the Osobb-Rezave-Fireball association; Indian Creek extremely stony sandy loam; the Sutcliff-Bundorf-Kleinbush association; and the Singatse-Fireball-Rednik association.

The majority (44 percent) of the soils within the Project Area are made up of the Bombadil-Hefed-Rubble land association. These soils are located in the northern half of the Project Area. The Bombadil soil series (45 percent of the association) derives from residuum from volcanic rocks and consists of stony fine sandy loam approximately seven to 14 inches deep above lithic bedrock. Hefed soils (35 percent of the association) derive from colluvium from volcanic rocks and consist of very stony sandy loam above very cobbly and very gravelly sandy loams at least 60 inches deep. Both of these soil series occur on hills with slopes between 15 and 70 percent and are well drained. The remaining 20 percent of the Bombadil-Hefed-Rubble land association is made up of rock rubble and minor components. The Bombadil-Hefed-Rubble land association is moderately susceptible to wind and water erosion (NRCS 2009).

Twenty-three percent of the Project Area is made up of the Osobb-Rezave-Fireball association. These soils are located in the southeastern corner of the Project Area on hills with zero to 50 percent slopes. All three soil series in the Osobb-Rezave-Fireball association derive from residuum and colluvium from volcanic rocks and are well drained. Osobb soils make up 35 percent of the association and consist of very fine sandy loam approximately eight to 19 inches deep. Rezave soils make up 25 percent of the association and consist of stony very fine sandy loam approximately 14 to 20 inches deep. Fireball soils also make up 25 percent of the association and consist of extremely stony fine sandy loam approximately 40 to 60 inches deep. All three soil series overlay lithic bedrock. The remaining 15 percent of the Osobb-Razave-

Fireball association is comprised of minor components. The Osobb-Razave-Fireball association is slightly susceptible to wind and water erosion (NRCS 2009).

Indian Creek extremely stony sandy loam makes up 17 percent of the soils within the Project Area. This soil series is located on fan remnants with slopes between two and eight percent in the northwestern corner and in the eastern portion of the Project Area. Indian Creek extremely stony sandy loam derives from mixed alluvium and is approximately 14 to 20 inches deep over duripan. This soil series is well drained and is slightly susceptible to wind erosion and moderately susceptible to water erosion (NRCS 2009).

The Sutcliff-Bundorf-Kleinbush association covers 14 percent of the Project Area and derives from mixed alluvium. These soil series are well drained and form on fan piedmonts and remnants with zero to 15 percent slopes located primarily in the center and southwestern border of the Project Area. Sutcliff and Bundorf soils each make up 35 percent of the association and consist of very stony loam over very cobbly loam approximately 40 to 60 inches deep and very gravelly loam 14 to 20 inches deep, respectively. Both soils overlay duripan. Kleinbush soils make up 15 percent of the association and consist of very cobbly loamy sand over clay and clay loams greater than 60 inches deep. The remaining 15 percent of the Sutcliff-Bundorf-Kleinbush association is comprised of minor components. The Sutcliff-Bundorf-Kleinbush association is moderately susceptible to wind and water erosion (NRCS 2009).

The remaining two percent of the soils within the Project Area are made up of the Singatse-Fireball-Radnik association. These soils are found on hills with eight to 50 percent slopes located in the eastern corner of the Project Area. Singatse soils make up 40 percent of the association and derive from residuum and colluvium from volcanic rocks. Singatse soils consist of very gravelly loam approximately eight to 14 inches deep over lithic bedrock and are somewhat excessively drained. Fireball soils make up 25 percent of the association and consist of extremely stony fine sandy loam derived from residuum and colluvium from volcanic rocks. Fireball soils are well drained and approximately 40 to 60 inches deep over lithic bedrock. Rednik soils make up 20 percent of the association and derive from mixed alluvium. Rednik soils are well drained and have the potential for rare flooding. Rednik soils consist of very gravelly sand loam greater than 60 inches deep. The remaining 15 percent of the Singatse-Fireball-Radnik association is comprised of minor components. The Singatse-Fireball-Radnik association is moderately susceptible to wind erosion and slightly susceptible to water erosion (NRCS 2009).

The Proposed Action would take place on the gently rolling hills forming the south/southwest facing slopes of the Pah Rah Range. The Project Area consists of Quarternary stream deposits, talus, slope wash, and alluvial fan and eolian deposits with Tertiary Pyramid sequence basalt, andesite, and dacite flows, flow breccia, mudflow breccias, agglomerates, tuffs, and associated intrusives and Tertiary basalt and sedimentary rocks described as basalt, basaltic andesite, and pyroxene flows, pyroclastics, and associated intrusive phases. Major faults cross the northern portion of the Project Area in an approximately east-west orientation at the toe of the Pah Rah Range.

3.12 Invasive, Nonnative Species

An "invasive species" is defined as a species that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health (Executive Order 13112, signed February 3, 1999). Invasive, nonnative species are species that are highly competitive, highly aggressive, and spread easily. They include plants designated as "noxious" and animals designated as "pests" by federal or state law.

The Nevada Department of Agriculture maintains a Nevada Noxious Weed List. The BLM defines "noxious weed" as "a plant that interferes with management objectives for a given area of land at a given point in time." The strategy for noxious weed management is to "prevent and control the spread of noxious weeds through local and regional cooperative efforts... to ensure maintenance and restoration of healthy ecosystems on BLM-managed lands." Noxious weed control would be based on a program of "...prevention, education, detection, and quick control of small infestations." Animal and plant species designated as "pests" are generally species that are injurious to agricultural and nursery interests or vectors of diseases, which may be transmissible and injurious to humans. There are no known invasive, nonnative animal species (i.e., pests) that are mandated for control in the Project Area; therefore, pests are not further addressed in this EA. No noxious weeds were located in the Project Area. The following nonnative weedy species were located along roads and within disturbed areas: crossflower (*Chorispora tenella*), Russian thistle (*Salsola kali*), cheatgrass (*Bromus tectorum*), redstem stork's bill (*Erodium cicutarium*), and tall tumbled mustard (*Sisymbrium altissimum*).

3.13 Vegetation

The Project Area has vegetation typical of the lowland and foothill areas of the Great Basin, which is normally sparse because the soils have high salinity contents. The quality of vegetation is low and a mixture of native and nonnative species. The Project Area supports two vegetation communities: sagebrush and salt desert scrub (USGS 2009). Vegetation species within each community were identified from the Soil Survey of Washoe County, Nevada, South Part (United States Department of Agriculture 1980) and from a field survey conducted in April 2009 by Enviroscientists, Inc.

Power transmission lines and towers, natural gas pipelines, and existing roads occur in the Project Area. The combination of these surface disturbing activities has resulted in overall low quality vegetation within the Project Area. The sagebrush community is found in remnant patches in the northern portion of the Project Area and supports Wyoming big sagebrush (*Artemisia tridentata* ssp. *wyomingensis*), basin big sagebrush (*Artemisia tridentata* ssp. *tridentata*), bud sagebrush (*Artemisia spinescens*), winterfat (*Krascheninnikovia lanata*), spiny hopsage (*Grayia spinosa*), and cheatgrass (*Bromus tectorum*). The remnant sagebrush community is disturbed and dominated by cheatgrass.

Salt desert scrub vegetation community dominates the majority of the Project Area. Plant species found within the salt desert scrub include Bailey's greasewood (*Sarcobatus baileyi*), fourwing saltbush (*Atriplex canescens*), littleleaf horsebush (*Tetradymia glabrata*), yellow rabbitbrush (*Chrysothamnus viscidiflorus*), green rabbitbrush (*Ericameria teretifolia*), shadscale (*Atriplex*

confertifolia), Indian ricegrass (*Oryzopsis hymenoides*), bottlebrush squirreltail (*Elymus elymoides* ssp. *elymoides*), and Mormon tea (*Ephedra viridis*). Additional plant species found in the Project Area include orange globemallow (*Sphaeralcea munroana*), Palmer's buckwheat (*Eriogonum palmerianum*), kochia (*Bassia* sp.), whitestem blazingstar (*Mentzelia albicaulis*), Sandberg bluegrass (*Poa secunda*), Anderson's larkspur (*Delphinium andersonii*), western tansymustard (*Descurainia pinnata*), plains pricklypear (*Opuntia polyacantha*), and bristly fiddleneck (*Amsinckia tessellata*). Shrubs within this community are low growing and have very sparse cover as a result of the extremely xeric environment and level of past surface disturbance, except in ephemeral drainages where the shrubs are denser and taller.

3.14 Wildlife and Fisheries

3.14.1 General Wildlife and Fisheries

Sagebrush and intermountain cold desert scrub are the two habitat types found in the Project Area as described in the Nevada Department of Wildlife (NDOW) Wildlife Action Plan (NDOW 2006). Remnant patches of sagebrush occur in the northern portion of the Project Area (Section 22) and provide marginal habitat for various Great Basin wildlife species such as scorpions (Family: Arachnid), Great Basin collared lizard (*Crotaphytus bicinctores*), horned lizard (*Phrynosoma* sp.), long-nosed leopard lizard (*Gambelia wislizenii*), Brewer's sparrow (*Spizella breweri*), and sage sparrow (*Amphispiza belli*).

Intermountain cold desert scrub is the dominant vegetation community in the Project Area (Sections 22 and 27) and provides habitat for burrowing and denning wildlife such as kangaroo mouse (*Microdipodops* sp.), vole (Family: Cricetidae), shrew (Family: Soricidae), California black-tailed jackrabbit (*Lepus californicus*), and kit fox (*Vulpes macrotis*) because the soils accumulate and form hummocks at the base of shrubs. Bailey's greasewood, littleleaf horsebrush, fourwing saltbush, yellow rabbitbrush, green rabbitbrush, and shadscale in this vegetation community provide a safe nesting place for many species of birds including loggerhead shrike (*Lanius ludovicianus*), sage sparrow, Brewer's sparrow, sage thrasher (*Oreoscoptes montanus*), and black-throated sparrow (*Amphispiza bilineata*). Washes are prominent topographic features in the intermountain cold desert scrub and can serve as travel corridors.

Wildlife resources are primarily limited by the lack of perennial water sources within the Project Area. The topography of the Project Area generally consists of south and southwest sloping hills traversed by small ephemeral drainages that contain water only during periods of heavy precipitation and snowmelt. No perennial streams and no fish habitat occur in the Project Area. There are no trees, caves, or old mine workings in the Project Area that could provide roosting habitat for bats and the lack of perennial water sources and low abundance of forbs would not entice bats to forage in the Project Area. Wildlife resources may also be limited by existing disturbance from a developed utility infrastructure, dispersed recreation, transportation routes (i.e., I-80), and mining/aggregate operations within and adjacent to the Project Area. Areas of native vegetation occur between segments of existing roads, transmission towers, and natural gas pipelines in the Project Area.

According to the NDOW, several raptor species including the American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*), merlin

(*Falco columbarius*), long-eared owl (*Asio otus*), great horned owl (*Bubo virginianus*), golden eagle (*Aquila chrysaetos*), and barn owl (*Tyto alba*) occur or have been known to occur in the Project Area (NDOW 2008a). These species are protected under the Migratory Bird Treaty Act (MBTA) and/or the Bald and Golden Eagle Protection Act (BGEPA). Reptile species known to occur within or near the Project Area include the desert horned lizard (*Phrynosoma platyrhinos*), desert spiny lizard (*Sceloporus magister*), and the Great Basin collared lizard (*Crotaphytus bicinctores*).

3.14.2 Game Species

Big game species that may utilize the Project Area include California bighorn sheep (*Ovis canadensis californica*), mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), and pronghorn antelope (*Antilocapra americana*) (NDOW 2008b). The Pah Rah Range is listed as potential bighorn sheep habitat and extends throughout the entire Project Area. Small populations of California bighorn sheep currently inhabit northwestern and north-central Nevada. As a result of the small population density, there is an increased risk from predation and disease. Current management objectives include expanding the California bighorn sheep range through active water development and by trapping and transplanting individuals (NDOW 2006). California bighorn sheep could utilize the Project Area; however, the habitat is highly disturbed and would not provide plentiful forage.

The Project Area is surrounded by mule deer habitat. Important mule deer habitat occurs along and predominately below I-80 and the Truckee River south of the Project Area in the lower portion of Section 27. According to the NDOW, 50 percent of the mule deer population has declined since the 1980's (NDOW 2006). Currently there is an ongoing multi-agency approach to improve mule deer range that focuses on restoration of mule deer range. Mule deer could utilize the Project Area; however, the habitat is highly disturbed and would not provide plentiful forage.

The Project Area falls within current black bear range; however, it is unlikely that black bear utilize the Project Area as a result of the sparse vegetative cover and height.

The Project Area also falls within pronghorn antelope crucial winter range. Current management practices for this species include determining herd status and trend and habitat monitoring (NDOW 2003). Pronghorn antelope could utilize the Project Area; however, the habitat is highly disturbed and would not provide plentiful forage.

3.15 Special Status Species (Plants and Animals)

BLM Manual 6840 - Special Status Species Management, establishes policy for management of species listed or proposed for listing pursuant to the Endangered Species Act and BLM sensitive species which are found on BLM-administered lands (BLM 2008b).

3.15.1 Threatened, Endangered, Proposed for Listing, and Candidate Species

The Endangered Species Act (ESA) was passed in 1973 to address the decline of fish, wildlife, and plant species in the U.S. and throughout the world. The species and habitat administered under the ESA are collectively known as federally listed species. This includes those listed as

threatened, endangered, proposed for listing, and candidate species. Each federally listed species carries its own level of management and habitat delineation including critical habitat designation.

In a letter from the USFWS dated April 23, 2009, the USFWS identified the endangered cui-ui (*Chasmistes cujus*) and threatened Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*) as federally listed species that could occur in the Project Area (Appendix A). Cui-ui and Lahontan cutthroat trout (LCT) utilize habitat consistent with intermountain rivers and streams as described in the NDOW Wildlife Action Plan (NDOW 2006). Intermountain rivers and streams are described as riparian areas most often associated with streams, lakes, springs, and wetlands that may also occur on upland influenced by topography, elevation, and precipitation that produce sufficient moisture to support the appropriate vegetation (NDOW 2006).

The Truckee River, located approximately one mile south of the Project Area, supports populations of cui-ui and historically supported populations of LCT. Cui-ui populations in the Truckee River declined dramatically throughout the 19th Century as a result of over fishing by the local Native American's and non-Native American settlers, as well as by increased demands for water for domestic, industrial, and agricultural uses (USFWS 1977). LCT became extirpated from the Truckee River basin during the 19th Century as a result of pollution, dams, and commercial marketing (USFWS 1994).

Limited water resources, resulting in poor spawning and rearing habitat in the lower Truckee River, currently preclude even occasional achievement of the minimum flow required for LCT to reproduce and rear in the lower reaches of the river (USFWS 1994). Some of these flows could be provided concurrently with cui-ui spawning flows in the lower Truckee River; however, LCT would need these flows on nearly an annual basis to maintain population abundance, while cui-ui survive with flows on an irregular basis over a period of years. It would also take much larger flows during May, June, and July to meet LCT spawning needs than are required for cui-ui spawning. The Project Area does not contain any perennial water sources or intermountain rivers and streams; therefore, the Project Area does not contain habitat for cui-ui or LCT.

3.15.2 BLM Sensitive Species

Species designated by the BLM as sensitive must be native species found on BLM-administered lands for which the BLM has the capacity to significantly affect the conservation status of the species through management, and either:

1. There is information that a species has recently undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk across all or a significant portion of the species range, or
2. The species depends on ecological refugia or specialized or unique habitats on BLM-administered lands, and there is evidence that such areas are threatened with alteration such that the continued viability of the species in that area would be at risk.

The two habitat types that occur in the Project Area are intermountain cold desert scrub and sagebrush (NDOW 2006). The BLM sensitive species that occur or could occur because there is potential habitat in the Project Area are listed in Appendix A. There are no BLM sensitive plants

known to occur in or near the Project Area; therefore, BLM sensitive plant species are not further addressed in this EA.

The sagebrush and intermountain cold desert scrub would provide habitat for BLM sensitive species such as birds. Of the BLM sensitive bird species listed in Appendix A, there would be no nesting habitat of trees or cliffs/large rocky outcrops for raptors such as golden eagle or long-eared owl. The power transmission towers within the Project Area would provide good perching locations for raptor foraging; however, foraging habitat would be limited as a result of the low density of available small mammals due to the level of past surface disturbance and low quality habitat.

Habitat of open country with scattered shrubs is available in the Project Area for loggerhead shrike for breeding. Suitable hunting perches of power transmission towers are available within the Project Area, as well as a diversity of reptiles for forage.

Greater sage-grouse (*Centrocercus urophasianus*) is not known within the Project Area; however, the northern boundary of the Project Area is immediately adjacent to the Pah Rah greater sage-grouse population management unit (NDOW 2008b) and greater sage-grouse winter habitat. The Pah Rah and Virginia Population Management Units (PMUs) encompass 402,748 acres in southern Washoe County, Nevada. This area is bounded on the west by Highway 395, Long Valley, and I-80. This area is bounded on the south by the Cities of Reno and Sparks, Nevada. The PMU is bounded to the east and north by State Highway 446. Wildfires have burned approximately 35 percent of this PMU converting sagebrush dominated shrub lands to annual grasses and weeds. Wildfires occurred during the years of 1999 through 2001 and were particularly devastating burning some of the last strong holds of greater sage-grouse habitat remaining in both the Pah Rah and Virginia Mountain Ranges (NDOW 2009).

According to the NDOW, greater sage-grouse has experienced a 50 percent population decline since 1966 that is principally linked to habitat degradation (NDOW 2006). Federal listing of greater sage-grouse remains a possibility; however, implementation of BLM, NDOW, and local planning efforts including habitat management, habitat restoration, habitat connectivity, hunting restrictions, and research on predation, population status and trend, and bird health may reverse declining trends. There are three stands of sagebrush habitat remaining within the Project Area that have a low habitat value as a result of prior surface disturbance, high percentage of cover by cheatgrass, low percentage of available forbs, and fragmentation. The Project Area would not provide suitable habitat for greater sage-grouse due to a combination of the habitat constraints and the lack of perennial water sources.

3.16 Migratory Birds

On January 11, 2001, President Clinton signed Executive Order 13186 (Land Bird Strategic Project) placing emphasis on conservation and management of migratory birds. The species are not protected under the Endangered Species Act; however, most are protected under the Migratory Bird Treaty Act of 1918. Management for these species on BLM administered lands is based on Instruction Memorandum (IM) - IM 2008-050 dated December 18, 2007 (BLM 2007). Based on this IM, migratory bird species of conservation concern include Species of Conservation Concern and Game Birds Below Desired Conditions (GBBDC).

The Intermountain West is the center of distribution for many migratory western birds. Over half of the biome's species of continental importance have 75 percent or more of their population in the Intermountain West (Beidleman 2000). The Project Area is located within the Bird Conservation Region (BCR) 9, the Great Basin Region (NABCI 2009). The two habitat types that occur in the Project Area that support life cycle functions of migratory birds are intermountain cold desert scrub and sagebrush (NDOW 2006). The migratory bird species that occur or could occur because there is potential habitat in the Project Area are listed in Appendix B. Not every species listed would use the Project Area for a life cycle function, some would simply fly over the Project Area.

Due to the extent of the existing disturbance within the Project Area and in the surrounding area, the intermountain cold desert scrub and sagebrush habitat within the Project Area would provide marginal habitat for migratory birds. Of the bird species listed in Appendix B, there would be no nesting habitat of trees or cliffs/large rocky outcrops for raptors such as golden eagle or long-eared owl. The power transmission towers within the Project Area would provide good perching locations for raptor foraging; however, foraging habitat would be limited as a result of the low density of available small mammals due to the level of past surface disturbance and low quality habitat.

Habitat of open country with scattered shrubs is available in the Project Area for loggerhead shrike for nesting. Suitable hunting perches of power transmission towers are available within the Project Area, as well as a diversity of reptiles for forage. The Passerine birds in Appendix B could utilize the Project Area for both nesting and foraging.

The National Audubon Society has established a program of identifying areas of importance for migratory birds. Although Important Bird Areas (IBA) have no legal status or recognition within the official BLM wildlife program, they are useful for planning analysis. There are no IBAs associated with the Project Area (McIvor 2005).

4 ENVIRONMENTAL CONSEQUENCES AND MITIGATION

The direct and indirect effects of the Proposed Action on resources present and brought forward for analysis are discussed in this chapter. Cumulative impacts are discussed separately in Chapter 5. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8).

4.1 Proposed Action

4.1.1 Air Quality

The Proposed Action has the potential to disturb approximately 320 acres of private land and public land administered by the BLM. The construction of roads (haul roads or conveyor access roads), overland travel and developmental drilling, and the excavation, pre-processing, and transport of aggregate material would create fugitive dust emissions, causing a minor impact to air quality resources. The removal of vegetation within the Project Area also has the potential to increase dust emissions by increasing soil vulnerability to wind caused erosion. All required activities would be performed under an air quality permit from the WCAQMD. Fugitive dust emissions would be controlled by minimizing surface disturbance and by utilizing other control measures, such as spraying roads with water from water trucks. Speed limits on Project roads would be established to minimize dust emissions from vehicular travel. The concurrent reclamation of surface disturbance created under the Proposed Action would reduce ongoing impacts and eliminate the potential for long-term impacts to air quality resources. Impacts to air quality resources would also be minimized by the implementation of the environmental protection measures described in Section 2.1.12.

4.1.2 Cultural Resources

No sites eligible for listing with the National Register of Historic Places were identified within the Project Area. Should cultural resources be uncovered as a result of Project activities, all Project activities would immediately cease and the findings would be reported to the BLM. Therefore, there would be no impacts to cultural resources as a result of the Proposed Action.

4.1.3 Native American Religious Concerns

Although consultation with Native American Tribes is ongoing, no concerns associated with the Proposed Action were identified to date. All pertinent documentation of cultural sites and activities available to the BLM has been considered in this EA. WNM has committed to the environmental protection measures associated with the potential impacts to Native American religious concerns (Section 2.1.12) including the avoidance of all cultural sites and the protection of existing access routes utilized by traditional practitioners. Therefore, no impacts to Native American religious concerns from the Proposed Action are anticipated.

4.1.4 Waste, Hazardous and Solid

The Proposed Action would result in the use, handling, and disposal of the following materials classified as hazardous by 49 CFR 172.101: diesel fuel; gasoline; antifreeze; lubricating greases; and solvents. All hazardous materials would be transported to and from the Project Area in accordance with the United States Department of Transportation (USDOT) hazardous materials regulations. All regulated wastes would be managed in accordance with applicable Federal, state and local requirements. All spills, regardless of size, would be reported immediately to WNM's Project Manager, who would be responsible for the clean-up of spills. Spills of petroleum products would be recorded and reported to the appropriate local, state, and federal agencies as required by applicable regulations. Solid wastes would be disposed of off site in an approved landfill facility consistent with applicable regulations.

4.1.5 Water Resources

4.1.5.1 Surface Water

The Project Area receives an average of less than eight inches of precipitation per year, mostly in the form of snow, and contains no sources of surface water (i.e., perennial streams, seeps, or springs). Therefore, the potential to impact surface water quality within the Project Area is minimal. The implementation of BMPs and environmental protection measures (Section 2.1.12) would also minimize the potential impacts of sediment-laden run-off to nearby surface water sources, including the Truckee River.

4.1.5.2 Ground Water

It is not anticipated that extraction activities would encounter ground water or impact ground water quality as a result of the Proposed Action. In the event that ground water is encountered during the course of mining activities, WNM personnel would immediately notify the BLM and other appropriate federal, state, and local agencies so that potential impacts to ground water quality could be evaluated and mitigated accordingly.

4.1.6 Land Use (Including Access)

The Proposed Action would result in temporary impacts to Project Area land use and access. Direct impacts would include the loss of open space for dispersed recreation and grazing and alterations in the access to and operation of existing utility infrastructure within the Project Area. Public safety would be maintained throughout the life of the Project through the implementation of the environmental protection measures described in Section 2.1.12. Access to the Project Area would be restricted with the exception of existing utility infrastructure ROWs. Project activities would be conducted such that existing infrastructure features (i.e., transmission line poles, natural gas pipelines, and telephone poles) would remain accessible and would be protected by a buffer area sufficient to maintain the structural and supportive characteristics of the infrastructure foundation. The operator would also contact Underground Service Alert (1-800-227-2600) prior to initiating excavation activities within the Project Area to determine the location of any buried utilities.

As stated in Section 2.1.2 WNM does not expect that drilling and blasting would be necessary to extract the aggregate material from Area 1. However, should blasting be necessary in subsequent

mining areas, WNM would prepare a blasting plan for approval by the BLM and applicable state and local agencies. The blasting plan would be prepared in consultation with Southwest Gas Corporation and NVEnergy to ensure that the existing gas pipeline and electrical transmission lines would be protected thus minimizing potential impacts to these land uses. In addition, WNM would coordinate with Southwest Gas on the engineering necessary to construct crossings within the pipeline easement.

Indirect impacts would include an alteration in the access to public lands adjacent to the Project Area. Public lands adjacent to the Project Area include BLM-administered lands to the northwest, north, northeast, east, and southeast. These lands are contiguous and are accessible from I-80 to the east of the Project Area (Figure 1.1.1). Although access to the public lands within the Project Area will be restricted by the Proposed Action, access to the adjacent public lands would remain unaltered. Therefore, recreation and other land uses would be minimally impacted by the Proposed Action. Furthermore, reclamation of the Project Area would minimize any long term impacts to land use, access, and recreation within the Project Area.

4.1.7 Range Resources

The Project Area is located within the Olinghouse range allotment, which supports 3,156 AUMs on 35,595 acres (approximately 11 acres per AUM) of public and private land. Currently, only 696 of the total AUMs (22 percent) are permitted for use within the allotment (BLM 2009b). The impacts to range resources within the Project Area would include a loss of approximately 424 acres of public rangeland, or approximately eight active AUMs. This is a loss of approximately one percent of the total capacity of the Olinghouse allotment. Therefore, the Proposed Action would have minimal impacts to range resources within the Project Area.

4.1.8 Social Values and Economics

The Proposed Action would require the reassignment of two to six individuals that commute to and from the Reno-Sparks metropolitan area. These individuals would not create any additional demand in public or private services. However, these individuals would support local businesses and provide income to the community through the purchase of goods and services. In addition, the Proposed Action would extend the timeframe for employment and result in future employment opportunities through attrition. The Proposed Action would also extend the length of time that royalty payments would be made. Therefore, the impacts to the social values and economics of Washoe County that would be caused by this workforce would be beneficial.

Impacts to the local aggregate product market or construction industry from the Proposed Action would be beneficial. However, the magnitude and effects of these impacts are dependent on continually fluctuating market conditions and are impossible to foresee at this time.

4.1.9 Visual Resources

The Project Area is designated Class III for BLM prescribed VRM objectives. The Proposed Action would result in impacts to visual resources within the Project Area, principally affecting the visual elements of color and texture due to the removal of vegetation and exposure of bare soil and rock on a visible hillside. No key observation points (KOPs) were selected to analyze the impacts to visual resources. However, impacts due to Project activities would be briefly

visible to people traveling from east to west on I-80. The visual resources of the area in and around the Project Area are dominated by the existing aggregate production facility located in Section 27, T20N, R22E, immediately south of the Project Area. Therefore, impacts to the visual resources within the Project Area would be minimal. Furthermore, the successful reclamation of the Project Area would substantially reduce the long-term visual impacts of the Proposed Action.

4.1.10 Soils, Minerals, and Geology

The Proposed Action would disturb up to 320 acres of soils within the Project Area. The soils within the Project Area are moderately to slightly susceptible to wind and water erosion. Project related activities have the potential to increase the soil erosion potential by removing stabilizing vegetation cover and disturbing the existing soil composition. Impacts to soil resources would be minimized by the implementation of BMPs and environmental protection measures (Section 2.1.12) and the successful reclamation of the Project Area. Successful reclamation would include the removal and stockpiling of topsoil for use as growth media during revegetation and the mitigation of soil erosion hazards through temporary revegetation, water-based dust control, and the construction of sediment control structures (e.g., berms, silt fences, fiber rolls, or sediment traps) as needed. Therefore, the long-term impacts to soil resources within the Project Area would be minimal.

The Proposed Action includes the extraction and removal of approximately 45 million cubic yards of aggregate material in accordance with 43 CFR 3600. Although these materials would no longer be available, concurrent and post-Project reclamation would support future mineral exploration and development within the Project Area.

4.1.11 Invasive, Nonnative Species

Surface disturbance as a result of the Proposed Action may have the potential to facilitate the introduction or establishment of invasive, nonnative species, and noxious weeds. The implementation of the environmental protection measures described Section 2.1.12 would minimize the impacts of invasive, nonnative species, and noxious weeds. In addition, mitigation would be required such that the Project Area will be surveyed annually for the presence of noxious weeds for the duration of the time the area is occupied by the Project proponent. In the event noxious weeds are found, the Project proponent will develop a noxious weed treatment plan that conforms to BLM standards. Furthermore, the successful revegetation of the Project Area, as determined by the BLM, would minimize the potential long-term impacts from the establishment and spread of noxious weeds.

4.1.12 Vegetation

Impacts as a result of the Proposed Action would include the removal of up to 320 acres of existing vegetation over the life of the Project. These impacts would be minimized by the successful re-establishment of vegetation cover consistent with the pre-mining land use (i.e., grazing) as part of the reclamation activities under the Proposed Action. Reclamation would include the seeding of disturbed areas with the BLM-approved seed mix and the monitoring of the revegetation efforts to ensure the successful establishment of a self-sustaining vegetation community.

4.1.13 Wildlife and Fisheries

4.1.13.1 General Wildlife and Fisheries

Direct impacts to wildlife would result from the loss of 320 acres combined of intermountain cold desert scrub and sagebrush habitat and disturbance from human activity including the creation of noise and dust over a 92-year period. Potential effects to wildlife are expected to be minimal because the area has already been disturbed historically and the Project Area is surrounded by similar habitat. Wildlife displaced by Project activities would likely shift spatially into adjacent available habitat. Areas that pose a hazard to wildlife such as exploratory trenches, drill holes, or open pits with steep walls would be fenced to prevent wildlife from entering. There is no perennial water in the Project Area. The Proposed Action does not involve the use of pesticides. Any potential injury or death is expected to involve a limited number of individual animals and would likely involve small mammals and relatively less mobile animals such as invertebrates and reptiles. BLM and NDOW would be notified of any wildlife mortality. Effects are expected to be short-term because reclamation would occur and wildlife habitat would be re-established consistent with pre-mining conditions within three years of Project completion.

4.1.13.2 Game Species

Habitat for game populations (i.e., California bighorn sheep, black bear, mule deer, and pronghorn antelope) consists of large areas such as watersheds or mountain ranges. The Project Area represents only a small portion of their overall range. Game species are expected to be affected primarily by disturbance associated with human activity such as noise, dust, and visuals. Redistribution of individuals and shifts in habitat-use patterns may occur; however, the Project Area is surrounded by suitable habitat. Perimeter fencing is not part of the Proposed Action and therefore would not affect wildlife movements across the landscape. The quality and quantity of habitat for game species would not likely be greatly affected in the long-term because reclamation to reestablish vegetation would take place within three years of project completion. The native seed mix for reclamation would likely improve forage quality by providing a greater abundance of native plant species than what currently occurs.

4.1.14 Special Status Species (Plants and Animals)

4.1.14.1 Threatened, Endangered, Proposed for Listing, and Candidate Species

The Proposed Action would result in a loss of up to 320 acres of intermountain cold desert scrub and sagebrush habitat combined over a 92-year period from surface disturbance related to open pit mining and road construction. There is no habitat of perennial water sources or intermountain rivers and streams within the Project Area; therefore there will be no impact to cui-ui or LCT as a result of the Proposed Action.

4.1.14.2 BLM Sensitive Species

The Proposed Action would result in a loss of up to 320 acres of intermountain cold desert scrub and sagebrush habitat combined over a 92-year period from surface disturbance related to open pit mining and road construction. Human activity associated with Project implementation would result in the creation of noise and dust. No drilling or blasting would occur and the Project does not involve the use of any pesticides. Golden eagle, long-eared owl, and loggerhead shrike would continue to be able to use the Project Area for foraging during Project activities. Surface

disturbance would be dispersed throughout the Project Area leaving areas of native vegetation between Project activities allowing sensitive bird species to continue to be able to forage in the native habitat in the Project Area during Project activities (Figure 2.1.1).

Potential greater sage-grouse habitat occurs in the northern portion of the Project Area; however, it is unlikely that greater sage-grouse utilize this area as a result of the extensive historic surface disturbance that has left it highly-fragmented and there are no perennial water sources within the Project Area. Project activities such as road construction, drill pads, and trenches would further fragment habitat in the short-term; however, long-term impacts from fragmentation are expected to be minimal because reclamation would reestablish vegetation within three years of Project completion. Furthermore, the native seed mix for reclamation would result in higher-quality habitat by providing a greater abundance of native plant species than what currently occurs.

The majority of the Project Area is intermountain cold desert scrub and includes portions of sagebrush which are relatively abundant habitats over the surrounding landscape. There would be minimal impacts to individual special status wildlife species and no impacts to regional populations as a result of the Proposed Action. Long term improvement would occur through reclamation efforts and the Proposed Action would not result in a substantial net loss of potential habitat and would not contribute to a loss of viability for any one BLM special status species.

4.1.15 Migratory Birds

The Proposed Action would result in a loss of up to 320 acres of intermountain cold desert scrub and sagebrush habitat combined over a 92-year period from surface disturbance related to open pit mining and road construction. Human activity associated with Project implementation would result in the creation of noise and dust. No drilling or blasting would occur, and the Project does not involve the use of any pesticides. Potential impacts to individual birds from habitat loss and disturbance include the destruction of eggs, the destruction of nests and nesting habitat, habitat fragmentation, a reduction in habitat patch size, and displacement (e.g., spatial shifts). Effects to birds using the Project Area are expected to be minimal because the area is already highly disturbed, the area is surrounded by similar habitat, and effects would likely be short-term. Habitat loss/fragmentation is not expected to be permanent because reclamation will occur within three years of project completion. The native seed mix for reclamation would likely improve habitat quality by providing a greater abundance of native plant species than what currently occurs that could be utilized by the life cycle functions of migratory bird species.

The majority of the Project Area is intermountain cold desert scrub and includes portions of sagebrush which are relatively abundant habitats over the surrounding landscape. There would be minimal impacts to individual migratory bird species and no impacts to regional populations as a result of the Proposed Action. Long term improvement would occur through reclamation efforts and the Proposed Action would not result in a substantial net loss of potential habitat and would not contribute to a loss of viability for any one migratory bird species.

4.2 No Action Alternative

The No Action Alternative could result in no new disturbance on BLM-administered lands in the Project Area if no material sale is approved. Under this alternative there would be no impacts associated with the Proposed Action. However, with the No Action Alternative, it is likely that construction aggregate would need to be derived from another location on public or private lands in the Reno-Sparks area. Under that scenario, a similar mining operation would be developed and result in similar impacts to resources as the Proposed Action but at a different location in the Reno-Sparks area.

It is also likely under the No Action Alternative that construction aggregate would have to be derived from a more distant source resulting in overall greater transport distance from source to point of use, and greater impacts to air quality. In addition, aggregate derived from a more distant source could impact the overall cost for aggregate products for both private construction projects and public works accordingly.

Although the No Action Alternative would not result in new disturbance on BLM-administered lands within the Project Area, the ongoing activities currently permitted would continue to occur and impacts to wildlife would be similar, although proportionally less than under the Proposed Action.

5 CUMULATIVE IMPACTS

A cumulative impact is defined under federal regulations as follows:

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

For the purposes of this EA, the cumulative impacts are the sum of all past, present (including proposed actions), and reasonably foreseeable future actions (RFFAs) resulting primarily from mining, commercial activities, and public uses. The purpose of the cumulative analysis in this EA is to evaluate the significance of the Proposed Action's contributions to cumulative impacts.

As required under the NEPA and the regulations implementing NEPA, this chapter addresses those cumulative effects on the environmental resources in the Cumulative Effects Study Areas (CESAs) which could result from the implementation of the Proposed Action and No Action Alternative, past actions, present actions, and RFFAs. The extent of the CESA will vary with each resource based on the geographic or biologic limits of that resource. As a result, the list of projects considered under the cumulative analysis may vary according to the resource being considered. In addition, the length of time for cumulative effects analysis will vary according to the duration of impacts from the Proposed Action on the particular resource. For the purposes of this analysis and under federal regulations, 'impacts' and 'effects' are assumed to have the same meaning and are interchangeable.

The cumulative impacts analysis was accomplished through the following three steps:

Step 1: Identify, describe and map CESAs for each resource to be evaluated in this chapter.

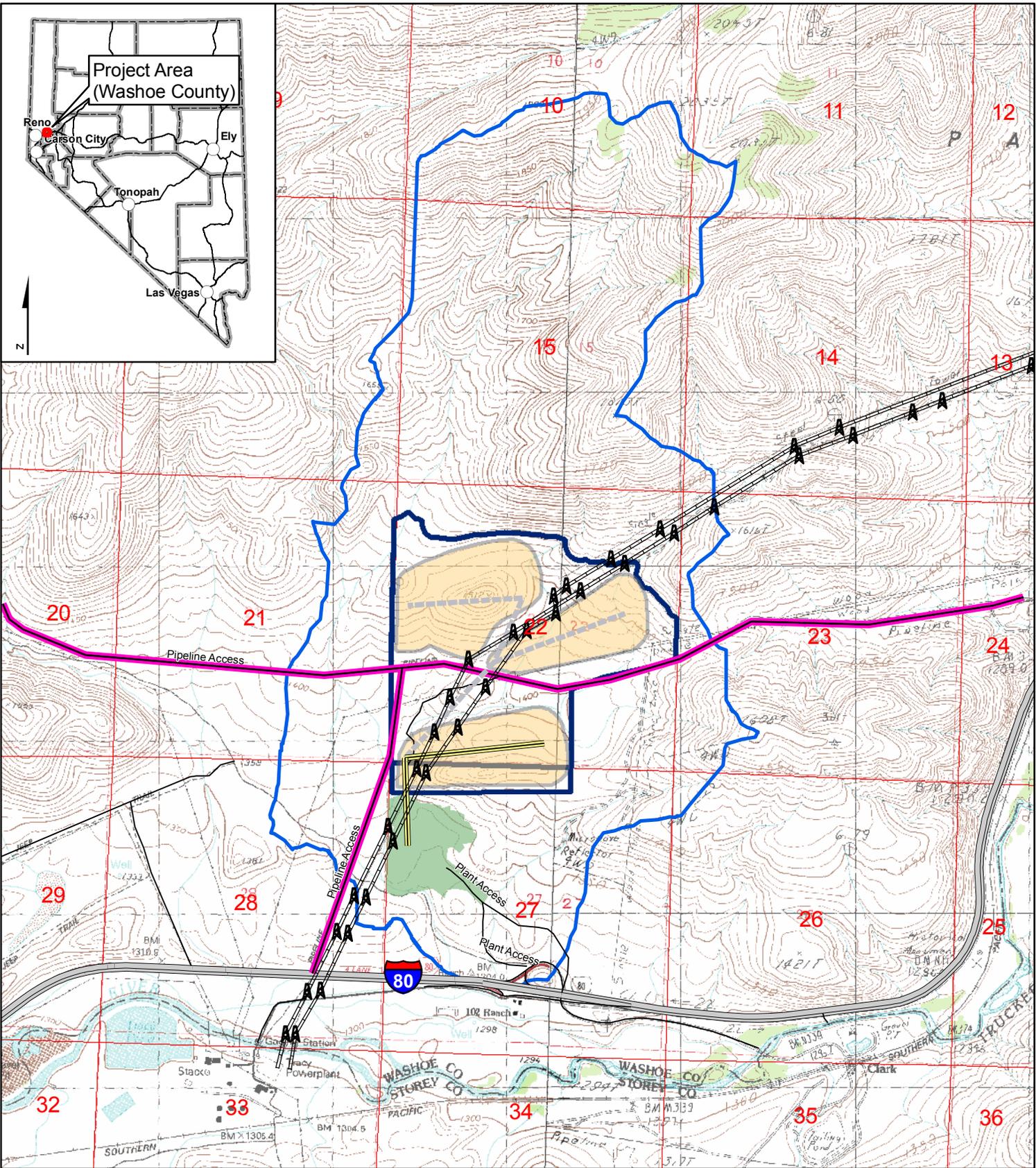
Step 2: Define time frames, scenarios, and acreage estimates for cumulative impact analysis.

Step 3: Identify and quantify the location of potential specific impacts from the Proposed Action and evaluate these contributions to the overall impacts.

5.1 Introduction

Environmental consequences of the Proposed Action were evaluated previously in Chapter 4 for the various environmental resources. The resources that have the potential to be cumulatively impacted by the Proposed Action within the identified CESA are discussed in the following sections. Based on the previous analysis of each environmental resource, the Proposed Action would not impact cultural resources or Native American religious concerns and impacts to social values and economics would be minimal and beneficial. Therefore, cumulative impacts to these resources would not result and these resources are not analyzed further.

The geographical areas considered for the analysis of cumulative effects vary in size and shape to reflect each evaluated resource and its potential area of impact from the Proposed Action, as determined through the analysis in Chapter 4. As shown in Figure 5.1.1, two different CESAs



Legend

- ▭ Hydrological CESA
- ▭ Proposed Project Area
- ▭ Proposed Mining Areas
- ▭ Existing Plant Area
- ▭ Sections
- ▭ Subsequent Areas
- A Transmission Towers
- Transmission Lines
- Existing Roads
- Natural Gas Pipeline
- Proposed Haul Roads/Conveyors
- Area 1
- Subsequent Areas

Projection: UTM Zone 11 North, NAD27
 Township 20 North / Range 22 East



WESTERN NEVADA MATERIALS

TRACY AGGREGATE PROJECT

Cumulative Effects Study Areas

Date: 1/22/2009	Drawn By: cvd
Revised:	Project No.: 2051
Base Map:	
File Name: p2051_Project.Location.mxd	

Figure 5.1.1

have been developed to address the resources that could be impacted cumulatively based on the extent or geographic distribution of the resource. The two CESAs are the 464-acre Project Area and the immediate watershed (2,274 acres). Table 5.1-1 identifies the resources associated with each CESA area.

Table 5.1-1 Cumulative Effects Study Areas

Resource	Cumulative Effects Study Area	Size (acres)
Wildlife, Soils, Invasive, Nonnative Species, Migratory Birds, Special Status Species, and Vegetation	Project Area	464
Air Quality, Surface and Ground Water Resources Visual Resources, Land Use Authorizations and Access, Rangeland Management, and Soils, Minerals and Geology	Immediate Watersheds	2,274

5.2 Past and Present Actions

Past and present activities in the CESAs include livestock grazing, mineral exploration, mining, and recreational use. In addition, as outlined in Section 3.7 and Table 3.7-1, there are a number of land use authorizations in the CESAs.

5.3 Reasonably Foreseeable Future Actions

The RFFAs within the CESAs include electric, gas, and telephone ROW maintenance; livestock grazing; aggregate exploration, mining and processing; dispersed recreation; road maintenance; and, potential wildland fires. These activities have the potential to continue during the next 10-year period.

5.4 Proposed Action Impact Analysis

The CEQ does not give clear guidance in describing the intensity of impacts for a given resource; however, “low adverse effect,” “moderate adverse effect,” “high adverse effect,” “beneficial effect,” and “no effect” are used in an example shown on page A-8 of Considering Cumulative Effects under the NEPA (CEQ 1997). For the purpose of the cumulative assessments in this EA, high impacts would be those impacts that were considered significant; medium impacts would be those impacts that were considered moderate and would occur over an extended time frame, and low impacts would be considered minimal and short term in length.

5.4.1 Air Quality

Past and Present Actions: Impacts to air quality from past and present actions have resulted from background emission sources including windblown dust and dust from off-highway vehicle (OHV) use and recreation, traffic related to exploration and mining activities, construction and maintenance of utility lines and gas pipelines, road construction and maintenance, and livestock grazing. The impacts due to emissions from background sources and mineral exploration are considered to have been low. Point source emissions have resulted and continue to result from the WNM aggregate processing facility located on private land in Section 27, T20N, R22E, MDB&M. However, emissions from the facility are regulated by the WCAQMD. Therefore,

cumulative impacts to air quality from past and present actions in the CESA are considered to be moderate.

Reasonably Foreseeable Future Actions: Impacts to air quality from RFFAs could result from the generation of dust from continued OHV use and recreational traffic on unpaved roads, livestock grazing, mineral exploration, aggregate mining and processing, and fugitive emissions from wildland fires. Dust from public traffic on unpaved roads would likely create a low impact to air quality. Impacts from mineral exploration, mining, and reclamation would be regulated by the WCAQMD; thus, cumulative impacts to air quality from RFFAs in the CESA would be moderate.

Cumulative Impact: The impacts to air quality as a result of the Proposed Action are analyzed in Section 4.1.1. The cumulative impact on air resources from the incremental impact of the Proposed Action when added to the past actions, present actions, and RFFAs would be fugitive, point source, and mobile combustion emissions, which would be moderate.

5.4.2 Wastes, Hazardous and Solid

Past and Present Actions: Impacts related to solid and hazardous wastes from past and present actions could have resulted from mineral exploration, mining, and processing activities or the construction and maintenance of utility infrastructure. However, there is no evidence to suggest that significant impacts have occurred. Therefore, past and present actions to hazardous and solid wastes are considered to be low.

Reasonably Foreseeable Future Actions: Impacts from solid and hazardous wastes could result from continued mineral exploration, mining, or processing activities or from the ongoing maintenance of utility infrastructure. However, the transport of hazardous materials for use in the CESAs would be subject to USDOT regulations. Furthermore, the generation, treatment, storage, and disposal of hazardous wastes would be subject to applicable federal, state and local requirements. Compliance with applicable regulations would minimize the potential impacts. Therefore, cumulative impacts as a result of RFFAs would be low.

Cumulative Impact: The impacts from hazardous and solid wastes as a result of the Proposed Action are analyzed in Section 4.1.4. The cumulative impact from solid and hazardous wastes from the incremental impact of the Proposed Action when added to the past actions, present actions, and RFFAs would be low.

5.4.3 Water Resources

Past and Present Actions: Impacts to water resources could have resulted from dispersed recreation, livestock grazing, mining, mineral exploration, aggregate processing, and the construction and maintenance of roads and utility infrastructure. Prior to the initiation of the Clean Water Act, few, if any, measures to control or minimize impacts to ground water resources were required. Most ground water quality impacts consisted of the improper abandonment of wells and the mixing of ground water with surface water. Impacts to ground water resources from present actions are similar to the impacts from past actions.

There are no perennial streams or creeks within the Project Area or immediate watershed CESA. Therefore, impacts to water resources from past and present actions are considered to be low.

Reasonably Foreseeable Future Actions: Impacts to water resources could result from continued recreation, livestock grazing, mining, mineral exploration, aggregate processing, and road and utility infrastructure maintenance. However, due to the implementation of the Clean Water Act and other regulations, most of the RFFAs would be subject to federal, state, and local requirements and would implement BMPs to control runoff and sedimentation. Therefore, impacts to water resources as a result of RFFAs would be low.

Cumulative Impact: The impacts to water resources as a result of the Proposed Action are analyzed in Section 4.1.5. The cumulative impacts to water resources from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs includes the potential to affect water quality through spills, runoff, or sedimentation. These impacts would be mitigated by the implementation of BMPs and the adherence to federal, state, and local laws and statutes. Therefore, the cumulative impacts to water resources would be low.

5.4.4 Land Use (Including Access)

Past and Present Actions: Land use, access and recreation could have been impacted by dispersed recreation, livestock grazing, mining, mineral exploration, and the construction and maintenance of roads and utility infrastructure. These impacts could have included restricted access to public lands and the potential loss of open public lands. However, these potential impacts have had little to no impact on past and present land use, access, and recreation within the CESAs; therefore, cumulative impacts to these resources as a result of past and present actions are considered to be low.

Reasonably Foreseeable Future Actions: Ongoing mineral exploration, mining, livestock grazing, road maintenance and utility infrastructure maintenance could result in temporary restrictions to public land access within the CESAs. However, these impacts would be similar, if not identical, to those caused by past and present actions. Therefore, impacts to land use, access, and recreation as a result of RFFAs would be low.

Cumulative Impact: The impacts to land use, access, and recreation as a result of the Proposed Action are analyzed in Section 4.1.6. These impacts would include the removal of the pit areas for other uses and restrictions to access to surrounding public lands. The Proposed Action would not preclude future land use authorizations or multiple uses of the lands within the CESAs. Therefore, the cumulative impacts to land use, access, and recreation from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be low to moderate.

5.4.5 Range Resources

Past and Present Actions: Past and present impacts to range resources would have resulted from the removal of vegetation due to recreation, mining, mineral exploration, or construction of roads and utility infrastructure. These impacts would have included the removal of potential grazing vegetation or the loss of AUMs. Reclamation and reseeding of disturbed areas would minimize

these impacts. Therefore, impacts to range resources as a result of past and present actions are considered to be low.

Reasonably Foreseeable Future Actions: Future mineral exploration, mining, and road and utility infrastructure maintenance could result in the additional loss of grazing vegetation or a further reduction in AUMs. However, the reclamation and restoration of disturbed areas would minimize these impacts. Therefore, the impacts to range resources as a result of RFFAs would be low.

Cumulative Impact: The impacts to range resources as a result of the Proposed Action are analyzed in Section 4.1.7. These impacts include the removal of vegetation and the potential loss of eight active AUMs. However, the Proposed Action includes reclamation and reseeding activities that would return the Project Area to pre-mining conditions that is able to support past and present land uses. Therefore, the cumulative impacts to range resources from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be low.

5.4.6 Visual Resources

Past and Present Actions: Past and present actions that have impacted visual resources within the CESA include the development of roads and utility infrastructure, mineral exploration, and mining and mineral processing activities. Impacts resulting from these actions consist of moderate alterations to the line, color, and texture of the natural environment. Although these impacts are considered to be moderate, they are consistent with the VRM classification for the CESAs.

Reasonably Foreseeable Future Actions: Future mineral exploration, mining, and processing and the ongoing maintenance of roads and utility infrastructure would result in visual impacts within the CESA similar, if not identical to, those caused by past and present actions. RFFAs would also be consistent with the VRM classification for the CESAs. Therefore, impacts to visual resources as a result of RFFAs would be moderate.

Cumulative Impact: The impacts to visual resources as a result of the Proposed Action are analyzed in Section 4.1.9. These impacts would include the creation of open pits and overburden and topsoil storage areas and the construction of roads and/or a conveyor system that would alter the natural color, line and texture of the Project Area. However, these alterations are consistent with the VRM classification for the Project Area and would be temporary pending the successful reclamation of disturbed areas. Therefore, the cumulative impacts to visual resources from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be moderate.

5.4.7 Soils, Minerals and Geology

Past and Present Actions: Past impacts to soil resources would have included an increase in sedimentation and erosion potential as a result of the removal of vegetation and the alteration of surface soil conditions. These impacts could have been caused by dispersed recreation, mining, mineral exploration, or the construction of roads and utility infrastructure. Similar impacts would be caused by the present actions of recreation, livestock grazing, mining, mineral exploration, and the maintenance of roads and utility infrastructure. Reclamation and reseeding of disturbed

areas would minimize the impacts to soil resources. Therefore, the impacts to soil resources as a result of past and present actions are considered to be low to moderate.

Geology and mineral resources could have been impacted by mining, mineral exploration, and the construction of roads and utility infrastructure. These impacts could have included the removal of mineral resources within the CESAs. Due to the moderate potential impacts to mineral resources caused by past and present aggregate mining, and the relatively minimal potential impacts to those resources from other past and present actions, the overall impact to geology and mineral resources as a result of past and present actions are considered to be moderate.

Reasonably Foreseeable Future Actions: Mineral exploration, mining, and road and utility infrastructure maintenance could result in additional loss of stabilizing vegetation cover or other potential impacts to soil resources. However, the restoration/reclamation of areas disturbed by RFFAs would mitigate the potential impacts to soil resources within the CESAs. Therefore, impacts to soil resources as a result of RFFAs are considered to be low to moderate.

Impacts to geology and mineral resources as a result of RFFAs would be similar, if not identical, to those caused by past and present actions. Therefore, impacts to geology and mineral resources as a result of RFFAs would be moderate.

Cumulative Impact: The impacts to soil resources as a result of the Proposed Action are analyzed in Section 4.1.10. These impacts include the removal of stabilizing vegetation cover and the removal and stockpiling of soils for use during reclamation. However, the Proposed Action would implement BMPs to reduce soils loss and erosion potential and includes reclamation and reseeding activities that would return the Project Area to pre-mining conditions. Therefore, the cumulative impacts to soils from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be low to moderate.

The impacts to geology and mineral resources as a result of the Proposed Action are analyzed in Section 4.1.10. These impacts would include the removal of mineral resources but would not preclude future exploration or mineral development. Therefore, cumulative impacts to geology and mineral resources from the incremental impacts of the Proposed Action combined with past actions, present actions, and RFFAs would be moderate.

5.4.8 Vegetation

Past and Present Actions: Past impacts to vegetation would have resulted from the removal of vegetation due to recreation, mining, mineral exploration, or the construction of roads and utility infrastructure. Present actions that would impact vegetation in the CESAs would also include livestock grazing. Impacts would include the removal or disturbance of the natural vegetation cover. However, reclamation and reseeding activities would minimize these impacts. Therefore long-term impacts to vegetation as a result of past and present actions are considered to be low to moderate.

Reasonably Foreseeable Future Actions: RFFAs include similar activities as the past and present actions and similar, if not identical, impacts to vegetation within the CESAs. RFFAs would also

include reclamation and reseeding activities; therefore, the impacts to vegetation would be low to moderate.

Cumulative Impact: The impacts to vegetation as a result of the Proposed Action are analyzed in Section 4.1.12. These impacts include the removal of the existing vegetation cover during the construction of Project facilities. However, the Proposed Action includes reclamation and reseeding activities that would return disturbed areas to their pre-mining conditions. Therefore, the long-term cumulative impacts to vegetation from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be low to moderate.

5.4.9 General Wildlife and Fisheries

Past and Present Actions: Past and present actions have resulted in the loss and degradation of wildlife habitat from the removal of vegetation, dispersed recreation, livestock grazing, mining and mineral exploration, and the construction and maintenance of roads and utility infrastructure.

Reasonably Foreseeable Future Actions: Future actions and related impacts would likely be similar to those described above. If necessary, impacts from future actions would likely be minimized by implementing mitigation measures.

Cumulative Impact: The impacts to general wildlife and fisheries as a result of the proposed action are analyzed in Chapter 4. The proposed project includes reclamation and reseeding of disturbed areas to their pre-mining conditions to mitigate impacts. Furthermore, similar habitat exists outside the project area throughout the CESA and would likely provide alternative habitat for any potentially displaced animals. Therefore, cumulative impacts from the proposed project are expected to be minimal.

5.4.10 Special Status Species (Plants and Animals)

5.4.10.1 Threatened, Endangered, Proposed for Listing, and Candidate Species

The impacts to threatened, endangered, and candidate species as a result of the Proposed Action are analyzed in Chapter 4. There would be no cumulative effects because there would be no direct or indirect impacts to threatened, endangered, or candidate species from the proposed Project.

5.4.10.2 BLM Sensitive Species

Past and Present Actions: Past and present actions have resulted in the loss and degradation of habitat for special status species from recreation, livestock grazing, mining and mineral exploration, and the construction and maintenance of roads and utility infrastructure.

Reasonably Foreseeable Future Actions: Future actions would include activities similar to those described above. If necessary, impacts from future actions would likely be minimized by implementing mitigation measures.

Cumulative Impact: The impacts to sensitive species as a result of the Proposed Action are analyzed in Chapter 4. The proposed Project includes reclamation and reseeding of disturbed areas to their pre-mining conditions to mitigate impacts. Furthermore, similar habitat exists

outside the Project Area throughout the CESA and would likely provide alternative habitat for any potentially displaced animals. Therefore, cumulative impacts from the proposed Project are expected to be minimal.

5.4.11 Invasive, Nonnative Species

Past and Present Actions: Past and present actions, particularly recreation, mineral exploration and mining, livestock grazing, and the construction and maintenance of roads and utility infrastructure, have resulted in disturbance to the natural vegetation community and may have introduced invasive, nonnative species into the CESAs. However, no noxious weeds or invasive species are currently known to exist within the CESAs, and, therefore, the impacts caused by invasive, nonnative species as a result of past and present actions are considered to be low.

Reasonably Foreseeable Future Actions: Impacts from noxious weeds, invasive and nonnative species could result from the following RFFAs: livestock grazing; dispersed recreation; mineral exploration and mining activities; wildland fires; and utility infrastructure and road maintenance. These impacts would include the introduction and/or spread of invasive, nonnative species throughout the CESAs. However, BMPs and other environmental protection measures would be implemented. Therefore the potential impacts from invasive, nonnative species as a result of RFFAs are considered to be low.

Cumulative Impact: The impacts from invasive, nonnative species as a result of the Proposed Action are analyzed in Section 4.1.11. These impacts would include the introduction and/or spread of invasive, nonnative species throughout the Project Area and CESAs. However, the cumulative impacts of invasive, nonnative species from the incremental impact of the Proposed Action combined with past actions, present actions, and RFFAs would be low based on the current absence of invasive, nonnative species within the Project Area and the implementation of environmental protection measures and BMPs.

5.4.12 Migratory Birds

Past and Present Actions: Past and present actions have resulted in the loss and degradation of habitat for special status species from recreation, livestock grazing, mining and mineral exploration, and the construction and maintenance of roads and utility infrastructure.

Reasonably Foreseeable Future Actions: Future actions would include activities similar to those described above. If necessary, impacts from future actions would likely be minimized by implementing mitigation measures.

Cumulative Impact: The cumulative impact on migratory birds from the incremental impact of the Proposed Action when added to the past actions, present actions, and RFFAs is minimal (excluding wildfire) on individuals, and there is little to no impact on local or regional populations within the CESA. Therefore, cumulative impacts from the proposed Project are expected to be minimal.

5.5 No Action Alternative Impact Analysis

Potential impacts to resources from the No Action Alternative were analyzed in Section 4.2 of this EA. Based on the Section 4.2 impacts analysis there would be no cumulative impacts from the incremental impact of the No Action Alternative when added to past and present actions under the scenario where no material sale is approved. However, under the No Action Alternative, RFFAs would include activities similar to the Proposed Action, if not in the CESAs, in another possibly more distant location to the Reno-Sparks area. Therefore, cumulative impacts including RFFAs could be similar, if not identical, to those of the Proposed Action with the exception of air quality impacts. Impacts to air quality could increase with the likelihood that construction aggregate would have to be transported from a more distant location to the point of use.

6 CONSULTATION AND PUBLIC INPUT

6.1 List of Preparers

Bureau of Land Management, Sierra Front Field Office

Linda Kelly	Sierra Front Field Office Manager
Dan Erbes	EA Project Team Leader, Minerals Specialist
Desna Young	Planning and Environmental Coordinator
Ken Nelson	Realty Specialist
Terry Neuman	HazMat Coordinator
Arthur Callan	Outdoor Recreation Planner
James Carter	Supervisory Archaeologist
Jim Schroeder	Supervisory Hydrologist
Steep Weiss	Forester
Dean Tonnena	Botanist
Rita Suminski	Supervisory Wildlife Biologist
John Axtell	Wild Horse and Burro Specialist
Randy Mead	Rangeland Management Specialist
Keith Barker	Fire

Enviroscientists, Inc.

Opal Adams	Project Manager
Jennifer Thies	Assistant Project Manager, Senior Environmental Specialist
Chet Van Dellen	GIS/Resource Specialist
Michele Lefebvre	Senior Biologist/Environmental Specialist
Sara Thorne	Biologist/Environmental Specialist

Western Nevada Materials, LLC.

Paul R. Gianoli	Managing Member
-----------------	-----------------

6.2 Persons, Groups and Agencies Contacted

Federal Agencies

U.S Fish and Wildlife Service

State Agencies

State of Nevada, Department of Conservation and Natural Resources, Nevada Natural Heritage Program

County Agencies

Washoe County

Organizations

Southwest Gas Corporation
Nevada Energy

Native Americans

Pyramid Lake Paiute Tribe
Washoe Tribe of Nevada and California

6.3 Public Involvement

Public scoping is discretionary under NEPA. Public scoping was not conducted in association with the Project due to the remote location of the Project Area and the absence of residences within a one-mile radius.

7 REFERENCES

- Beidleman, C. (ed) 2000. Partners in Flight Land Bird Conservation Plan, Version 1.0 Colorado Partners in Flight, Estes Park, Colorado
- NABCI. 2009. Bird Conservation Region Map. <http://www.nabci-us.org/map.html>.
- Black Eagle Consulting, Inc. (Black Eagle). 2008. Geotechnical Conclusions, Revised Pit Design, and Reserve Estimate. Prepared for Western Nevada Materials, LLC – Tracy Project. Section 22, Township 20N, Range 22E, Washoe County, Nevada. June 5, 2008. Revised December 17, 2008.
- Bureau of Land Management (BLM). 1986. Visual Resource Inventory. BLM Manual Handbook 8410-1.
- _____. 1988. National Environmental Policy Act Handbook. BLM Handbook H-1790-1. October 15, 1988.
- _____. 2001. Consolidated Resource Management Plan. Carson City District Office.
- _____. 2001. Final Southern Washoe County Urban Interface Plan Amendment, Carson City District Office.
- _____. 2003. Nevada BLM sensitive species on the Carson City District taken from <http://www.nv.blm.gov/wildlife/documents/sensitivespecies.pdf>. Unpub. Doc. CCDO files.
- _____. 2007. IM-2008-050 Migratory Bird Treaty Act - Interim Guidance. Dated December 18, 2007. Unpub. Doc. CCFO files.
- _____. 2008a. National Environmental Policy Act Handbook. BLM Handbook H-1790-1. October 15, 2008.
- _____. 2008b. BLM Manual 6840 - Special status species management. Release Date 12/12/2008 under IM-2009-039. U.S. Dept. Int. - Bureau of Land Management, Washington, D.C.
- _____. 2009a. Carson City District NEPA Compliance Guidebook (Draft)
- _____. 2009b. National Integrated Land System. GeoCommunicator. <http://www.geocommunicator.gov/GeoComm/index.shtm>.
- Council on Environmental Quality (CEQ). 1997. Considering Cumulative Effects Under the National Environmental Policy Act. Executive Office of the President.
- Elston, Robert G. 1986. Prehistory of the Western Area. Handbook of North American Indians. Vol. 11: Great Basin. ed. Warren L. d’Azevedo. pp. 135-148. Smithsonian Institution, Washington.

- Environmental Protection Agency (EPA). 2009. Region 9: Air Programs, Air Quality Maps. http://www.epa.gov/region09/air/maps/maps_top.html.
- Gnomon, Inc. (Gnomon). 2008a. A Class III Cultural Resource Inventory for the Western Nevada Materials (Formally American Ready Mix) Materials Pit Expansion, near Tracy, Washoe County, Nevada. CR Report Number: 3-2423. Submitted to the BLM February 2008.
- _____. 2008b. Addendum to a Class III Cultural Resource Inventory for the Western Nevada Materials (Formally American Ready Mix) Materials Pit Expansion, near Tracy, Washoe County, Nevada. CR Report Number: 3-2423-1. Submitted to the BLM December 2008.
- Great Basin Bird Observatory. 2005. Landbirds of Nevada and the Habitats They Need: A Resource Manager's Guide to Conservation Priority Species. Great Basin Bird Observatory Technical Report No. 05-01. www.gbbo.org.
- Lowie, Robert. 1939. Ethnographic Notes on the Washoe. University of California Publications in American Archaeology and Ethnography. Vol. 36. pp. 301-352.
- McIvor M. 2005. Important Bird Areas of Nevada. Lahontan Audubon Society. Reno, NV.
- NatureServe. 2009. An Online Encyclopedia of Life. <http://www.natureserve.org/explorer>.
- Nevada Department of Conservation and Natural Resources, Division of Water Resources (NDWR). 2009a. GIS Data. State Engineers Basin Boundaries. http://water.nv.gov/is/gis/state_engineer_basin_boundaries.zip.
- _____. 2009b. Well Log Database. Online Data. <http://water.nv.gov/Engineering/wlog/wlog.cfm>.
- Nevada Department of Wildlife (NDOW). 2003. Nevada's Pronghorn Antelope Ecology, Management, and Conservation. May 2003.
- _____. 2006. Nevada Wildlife Action Plan.
- _____. 2008a. Personal Communication with Ralph Phenix, Staff Specialist. December, 29, 2008.
- _____. 2008b. GIS Data. Bighorn Sheep, Greater Sage-Grouse and Mule Deer Habitat Distributions.
- _____. 2009. Pah Rah-Virginia Population Management Unit Conservation Plan. www.ndow.org/wild/conservation/.../pmu/pahrah/pop_conservation_plan.pdf
- Nevada Natural Heritage Program (NNHP). 2001. Rare Plant Fact Sheets. Nevada Rare Plant Atlas. <http://heritage.nv.gov/atlas/atlasndx.htm>.
- Natural Resource Conservation Service (NRCS). 2009. Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/>.
-

- State of Nevada. 2009. Nevada Department of Employment, Training, and Rehabilitation. Nevada Workforce Informer. Local Area Profile. Washoe County. <http://www.nevadaworkforce.com>.
- United States Census Bureau (US Census). 2009. State and County Quick Facts. Washoe County, Nevada. <http://quickfacts.census.gov/qfd/states/32/32031.html>.
- United States Department of Agriculture (USDA). 1980. Soil Survey of Washoe County, Nevada, Southern Part. Soil Conservation Service.
- United States Fish and Wildlife Service (USFWS). 1977. Cui-ui Recovery Plan. Portland, Oregon. 58 pp.
- _____. 1994. Lahontan Cutthroat Trout, *Oncorhynchus clarki henshawi*, Recovery Plan. Portland, Oregon. 147 pp.
- _____. 2009. Memorandum dated April 23, 2009 addressing federally listed species within the Project Area.
- United States Geological Survey (USGS). 2009. Gap Analysis Program. National Biological Information Infrastructure. GIS Data. <http://gapanalysis.nbi.gov/>.
- Washoe County. 1994. Comprehensive Plan. Department of Community Development, Planning Division.
- Western Regional Climate Center. 2008. Period of Record Monthly Climate Summary. <http://www.wrcc.dri.edu/summary/Climsmnv.html>.

APPENDIX A

UNITED STATES FISH AND WILDLIFE
SERVICE LETTER AND BLM SENSITIVE
SPECIES LIST FOR THE TRACY PROJECT



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office

1340 Financial Blvd., Suite 234

Reno, Nevada 89502

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

April 23, 2009

File No. 2009-SL-0264

Mr. Chet Van Dellen
 Enviroscientists, Inc.
 4600 Kietzke Lane, Suite C129
 Reno, Nevada 89502

Dear Mr. Van Dellen:

Subject: Species List Request for Tracy Aggregate Project, Washoe County, Nevada

In response to your letter received on April 8, 2009, the following federally-listed species may occur in the subject project area or be affected by it:

- Cui-ui (*Chasmistes cujus*), endangered
- Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), threatened

This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on listed species pursuant to section 7(c) of the Endangered Species Act of 1973, as amended (Act), for projects that are authorized, funded, or carried out by a Federal agency.

Your proposed project is located within a existing metapopulation for Lahontan cutthroat trout (LCT), and as such, the area is necessary for the species' recovery. The LCT Truckee River Recovery Implementation Team (TRIT) has finalized a *Short-Term Action Plan* for the species in the Truckee River basin (http://www.fws.gov/nevada/protected_species/fish/documents/lct/final-trit.pdf). This *Short-Term Action Plan* (2003) identifies priority areas with current or potential opportunities to support LCT or important habitats that would sustain various life history stages. Under the Act, completed projects should not preclude future recovery and survival of this species. We recommend that projects be reviewed for all direct and indirect impacts that they may have on riparian and aquatic habitats as they relate to LCT, and that you consult with the Service accordingly under section 7 of the Act.

TAKE PRIDE[®]
 IN AMERICA 

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

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

We are concerned that the proposed project may impact the greater sage-grouse (*Centrocercus urophasianus*), a species listed as sensitive under the Heritage Program. On February 26, 2008, the Service published in the Federal Register an initiation of a status review for the species as threatened or endangered under the Act. The Western States Sage and Columbian Sharp-tailed Grouse Technical Committee, under direction of the Western Association of Fish and Wildlife Agencies, has developed and published guidelines to manage and protect sage grouse and their habitats in the Wildlife Society Bulletin (Connelly *et al.* 2000). We ask that you consider incorporating these guidelines (<http://ndow.org/wild/sg>) into the proposed project. On a more local level, the Sage Grouse Conservation Plan for Nevada and Portions of Eastern California was completed in June 2004. The Plan is available online at: <http://www.ndow.org/wild/sg/plan/index.shtm>. We encourage you to adopt all appropriate management guidance from this Plan as you implement your proposed action.

Because wetlands, springs, or streams occur in the vicinity of the project area, we ask that you be aware of potential impacts project activities may have on these habitats. Discharge of fill material into wetlands or waters of the United States is regulated by the U.S. Army Corps of Engineers (Corps) pursuant to section 404 of the Clean Water Act of 1972, as amended. We recommend you contact the Corps' Regulatory Section, 300 Booth Street, Room 2103, Reno, Nevada 89509, (775) 784-5304, regarding the possible need for a permit.

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

Please reference File No. 2009-SL-0264 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact me or James Harter at (775) 861-6300.

Sincerely,



 Robert D. Williams
State Supervisor

APPENDIX A

BLM sensitive species expected, or found in or adjacent to the Project Area are listed below (BLM 2003).

Golden eagle (*Aquila chrysaetos*)

Long-eared owl (*Asio otus*)

Greater sage-grouse (*Centrocercus urophasianus*)

Loggerhead shrike (*Lanius ludovicianus*)

APPENDIX B

MIGRATORY BIRD SPECIES OF CONCERN FOR THE TRACY PROJECT

APPENDIX B

Migratory Bird Species of Concern that may occur within the Project Area are listed below as per BLM Instruction Memorandum-IM 2008-050 dated December 18, 2007 (BLM 2007).

Golden eagle (*Aquila chrysaetos*) - foraging only, no nesting habitat available

Greater sage-grouse (*Centrocercus urophasianus*)

Loggerhead shrike (*Lanius ludovicianus*)

Brewer's sparrow (*Spizella breweri*)

Sage sparrow (*Amphispiza belli*)