



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
RIPS 013162 (NVE0200)

FINDING OF NO SIGNIFICANT IMPACT Maggie and Susie Creek Fish Barriers Environmental Assessment DOI-BLM-NV-N020-2011-0035-EA

Based on the attached environmental assessment (EA) for the Maggie and Susie Creek Fish Barriers (DOI- BLM-NV-N020-2011-0035-EA), I have determined that the actions to be implemented, as described and analyzed in the EA, will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required prior to my issuance of a decision to implement the selected actions.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and the intensity of impacts, as discussed in the EA and summarized below.

Context:

Construction of fish barriers in the lower reaches of Maggie and Susie Creeks would prevent non-native fish species from the Humboldt River from gaining access to these streams. Maggie Creek supports Lahontan cutthroat trout (LCT), a federally listed threatened species; while Susie Creek represents a potential LCT reintroduction site. Non-native fish have the potential to destroy or reduce native fish, amphibian and mollusk populations directly or indirectly through hybridization, predation and competition. Installation of the barriers would ensure cooperative efforts to enhance or reestablish native LCT in the Maggie and Susie Creek Basins are successful.

Intensity:

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

The analysis identifies both beneficial and adverse impacts including impacts to aquatic wildlife species, water resources, channels, riparian areas, land uses, soils and upland vegetation that may arise through implementation of the selected actions. Measures are incorporated to avoid or reduce adverse impacts while providing benefits to special status aquatic wildlife species.

2) *The degree to which the proposed action affects public health or safety.*

Although scoping identified potential impacts to a Nevada Department of Transportation (NDOT) right-of-way (ROW) on State Route 766 paralleling Maggie Creek and to the buried natural gas

pipeline crossing lower Susie Creek, design features were incorporated to avoid or mitigate any potential impacts. Application of herbicides to treat weeds in areas affected by construction activities could affect public health; however, the exposure to herbicides should be minimal by following the application protocols including the standard operating procedures.

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

The proposed plan incorporates procedures for the protection of historic and cultural resources in the project area. No park lands, special recreation management areas, prime or unique farmlands, wild and scenic rivers, or ecologically critical areas exist in the affected area.

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

The effects of the selected actions are not considered to be highly controversial. The proposed action was developed in close coordination with affected interests. Special design features were incorporated into the proposed action to minimize or eliminate any potentially controversial impacts.

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

Placement of structures in stream channels carries an inherent risk. No structure can be designed to withstand catastrophic flooding with any degree of certainty. Greatest risks of failure are economic in nature and/or loss of effectiveness. Channel stability would not be appreciably affected over the long-term as any effects would be localized and short-term. In addition, the selected actions are subject to stipulations and protective measures to prevent undue environmental harm and risk.

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

This action does not make any commitments for Bureau of Land Management (BLM) approval for any future actions. All proposed decisions for other actions would continue to be subject to further consideration in accordance with National Environmental Policy Act (NEPA) regulations and policies.

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

All resources are evaluated for cumulative impacts in the EA, and no significant adverse impacts are identified. As a standard procedure, cumulative impacts would continue to be subject to further review as projects are proposed, and on a site-specific basis.

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

The selected actions incorporate standard operating procedures to identify and protect significant cultural resources from adverse effects. Although the Maggie Creek Fish Barrier encroaches slightly onto a NDOT highway right-of-way (ROW), BLM worked closely with NDOT during the design phase to address, avoid or mitigate any potential issues.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.* No listed species are known to occur within the project area. The selected actions will indirectly benefit listed and candidate species of wildlife including LCT and the Columbia spotted frog.

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

The selected actions have been developed and reviewed in coordination with applicable agencies to ensure its consistency with plans and requirements of other Federal, State and local agencies.

11). *Whether or not the action(s) limits access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affects the physical integrity of such sacred sites? (Executive Order 13007— Sacred Sites).*

The selected actions will have no impact on Indian sacred sites.

12). *Will this project contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?*

Environmental protection measures including washing of equipment, treatment and identification of weeds during or after construction activities and reseeding of disturbed areas have been incorporated into the proposed action and will prevent spread of noxious weeds. The selected actions are designed to limit further spread of non-native aquatic wildlife.

/s/ David Overcast

David Overcast
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Nov. 1, 2011

Date