

**FINAL
ENVIRONMENTAL ASSESSMENT**

Yerington Land Conveyance

DOI-BLM-NV-C000-2015-0001-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
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Carson City, Nevada 89701
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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.

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- Attachment A Section 3009 (a) of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law [PL] 113-291)
- Attachment B Biological Technical Report for the Yerington Land Conveyance
- Attachment C Executed Memorandum of Agreement

1.0 INTRODUCTION/PURPOSE AND NEED

1.1 Introduction

The City of Yerington (City) has worked in coordination with Lyon County and Nevada Copper to develop the concept of the Yerington Lands Conveyance. The concept required passage of federal legislation that would allow the City to purchase, at fair market value, a portion of public land managed by the Bureau of Land Management (BLM), Carson City District.

Discussions on a land conveyance began in 2011 and were presented to the Nevada Congressional delegation in 2012. A conveyance would allow the City to annex lands in proximity to the City as shown in Figure 1, Project Vicinity Map. The concept of land conveyance would include public lands surrounding the Nevada Copper-controlled Pumpkin Hollow Property, and would encourage the expedited development of the Pumpkin Hollow copper mine, and would allow for other economic development in the vicinity of the mine. The conveyance and subsequent annexation would also result in tax benefits to the City, and provide funding for development of infrastructure that could support future commercial and industrial development. This effort was seen as a means of rapidly stimulating economic recovery in the community. A conveyance was also viewed as a long-term opportunity for the City to develop recreational facilities and open space buffers. Potential recreational facilities include a large outdoor concert / special event center and motocross track.

On December 19, 2014 the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Act) was signed into law (Public Law [PL] 113-291). The Act included Section 3009 (a), a provision affecting public lands managed by the BLM (Attachment A). The Legislative Conveyance Area as shown in Figure 2 consists of approximately 10,400 acres located east of Yerington, Nevada in Lyon and Mineral counties.

1.2 Purpose and Need

Section 3009 of the Act titled the “Northern Nevada Land Conveyances” requires the BLM to convey to the City approximately 10,400 acres of public lands. The Act requires the BLM to convey the lands to the City within 180-days of enactment (June 17, 2015). The lands are to be sold at fair market value. The Act requires the BLM to convey all right, title, and interest of the United States in and to the federal land. The conveyance lands are subject to valid existing rights.

The purpose and need of this final Environmental Assessment (EA) is to comply with the Act. The final EA is intended to meet the intent of the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA) and the related statutes, regulations and plans listed in Section 1.6. This final EA describes and discloses the Proposed Action, affected environment, and environmental consequences specific to the conveyance of subject lands from federal ownership under management authority of the BLM to the City.

1.3 Scoping and Issue Identification

The BLM determined that public scoping was not required. The two primary purposes of public scoping are: the development of alternatives and/or to develop mitigation measures to avoid or reduce effects from a proposed action. The conveyance of public lands is non-discretionary under the Act. The Act removed from the BLM the possibility of considering alternative resource uses, therefore no new alternatives could be considered. Modifying or preventing effects from the potential economic development activities once the lands would be conveyed are outside the BLM's jurisdiction.

On October 21, 2014 the BLM interdisciplinary team (IDT) held a field visit with representatives of Nevada Copper and the City. Items discussed included the location of resources and potential future land uses under the conveyance.

On March 24, 2015 the BLM IDT met with City representatives to kick-off this NEPA compliance. The primary issue discussed was:

- How would the jurisdictional change from BLM to City management of public lands affect known resources, authorizations or uses within the Conveyance Area?

On January 12, 2015 the BLM sent letters to the Walker River Paiute Tribe (WRPT) and the Yerington Paiute Tribe (YPT), informing them of the land conveyance and inviting them to share comments and concerns with the BLM. On April 10, 2015 and May 19, 2015, the BLM sent letters to the WRPT and the YPT inviting these tribes to participate in the development of the Memorandum of Agreement (MOA) (see Sections 3.4.1 and 4.1.1).

On April 21, 2015 the BLM issued a press release to announce the opportunity for public input on the development of the MOA. On May 2, 2015 this news release was published in the *Reno Gazette-Journal*. On June 24, 2015 and July 1, 2015 consulting party meetings were held. The participants for the MOA included: the BLM, the SHPO, Nevada Copper, City of Yerington, Walker River Paiute Tribe, and Yerington Paiute Tribe (see Attachment C).

1.4 Decision to Be Made

The Act requires the BLM to convey the lands to the City within a 180-day timeframe. Under the Act, the conveyance is non-discretionary, any decision the BLM would issue would have to comply with the Act.

1.5 Land Use Plan Conformance Statement

Section 3009(a) (2) (A) of the Act exempts the conveyance from the land use planning and land sales requirements of Sections 202 and 203 of the Federal Land Management Policy Act (FLPMA).

1.6 Relationships to Statutes, Regulations and Other Plans

The Proposed Action is consistent with the following documents:

- Taylor Grazing Act of 1934 as amended;
- Federal Land Policy and Management Act of 1976;
- National Defense Authorization Act PL 113-291, Section 3009;
- Title 43 of the Code of Federal Regulations Subpart 4100 – Grazing Administration;
- National Environmental Policy Act of 1969;
- National Historic Preservation Act of 1966, as amended (NHPA) (16 USC 470f), implemented through the State Protocol Agreement between BLM Nevada and the Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act (2014) under the provisions of the National Programmatic Agreement between the BLM and the Advisory Council on Historic Preservation; and
- Consultation and Coordination with Indian Tribal Governments – EO 13175.

2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 No Action Alternative

Under the No Action Alternative, the BLM would not convey the public lands to the City and would continue to manage these lands under applicable public land laws. The No Action Alternative would not comply with the Act. Consistent with 43 Code of Federal Regulations (CFR) 46.310 (b), when there are no unresolved conflicts with respect to alternative uses of available resources, a No Action Alternative does not need to be considered (*Federal Register* Volume 73, Number 200, October 15, 2008, page 61321). Therefore the No Action Alternative has not been carried forward for detailed analysis.

2.2 Land Conveyance (Proposed Action)

Under the Proposed Action, the BLM would convey public lands to the City and comply with Section 3009 (a) of the Act. The Legislative Conveyance Area (Figure 2) included approximately 10,400 acres of public lands. On March 13, 2015, the City submitted to the BLM a revised/agreed to conveyance area (Figure 3). The City's revised conveyance area (Conveyance Area) is slightly smaller, approximately 10,150 acres. The Proposed Action would convey approximately 10,150 acres to the City at fair market value.

In order to convey approximately 10,150 acres to the City, the BLM has carried out the following tasks under the Proposed Action:

- A. On June 24, 2015, the BLM completed a Cadastral Survey. Due in part to the irregular shape of the conveyance lands, a cadastral survey was completed for all or portions of the Conveyance Area. This action was necessary before the fair market value (FMV) of the Conveyance Area can be finalized, and the BLM can patent public lands to the City;
- B. On June 17, 2015, the BLM completed the compliance with the NEPA. The Act did not specifically exempt this federal law from compliance, however it did change the scope and timeframe for compliance. As described in Section 1.2, this final EA meets this obligation in accordance with the scope (mandatory land conveyance) and timeframe (180-days) set forth in Section 3009 (a) (2) (A) the Act;
- C. On July 16, 2015, the BLM complied with the National Historic Preservation Act (NHPA). The Act did not specifically exempt this federal law from compliance, however it did change the scope and timeframe for compliance. As described in Section 3.4.1, compliance with NHPA has been completed through execution of a MOA (Attachment C);
- D. Determined the Fair Market Value. An appraisal through the Office of Valuation Services (OVS) is being completed to determine the FMV of the lands to be conveyed to the City. OVS is codified by the US Department of the Interior (DOI) Manual Chapter 112 DM 33 and supports the overall mission of the DOI as an independent body charged to evaluate fair market value of land transactions as required by law (DOI 2015). A determination of FMV is anticipated to be completed in August 2015;

- E. On June 25, 2015, the BLM completed a Mineral Potential Report (MPR) (report on file). As described in Section 3.4.6, a MPR was completed to determine if mineral resources are within the Conveyance Area, and if so, the fair market value of those resources; and,
- F. On June 24, 2015, the BLM completed a Phase I – Environmental Site Assessment (ESA) (report on file). As described in Section 3.4.3, an ESA was completed to determine to what extent the Conveyance Area has contaminants or physical safety hazards (such as abandon mine lands).

3.0 AFFECTED ENVIRONMENT

This chapter identifies and describes the current condition and trend of elements or resources in the human environment which may be affected by the Proposed Action.

3.1 General Setting

The majority of the Conveyance Area is located in Lyon County, Nevada with the eastern extent located in Mineral County, Nevada. Elevations range from approximately 4,300 feet to 6,300 feet above sea level. The climate is characterized by semi-arid temperate conditions with cold wet winters, wet springs, and warm dry summers. Precipitation is erratic and variable, and ranges from four to eight inches per year. The soils are predominantly variations of sand, sandy loam, loam, and clay loam with gravel and stone components. Soils are generally well-drained and much of the soil is alkaline-affected. The predominant vegetation types are salt desert shrub with shrub composition ranging from 20 to 70 percent.

The Conveyance Area has had a long history of surface disturbance from previous mining, mine exploration, and off-highway vehicle recreation.

3.2 Supplemental Authorities

Appendix 1 of BLM's NEPA Handbook (H-1790-1) identifies supplemental authorities that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents (BLM 2008). Table 1 lists the Supplemental Authorities and their status in the Conveyance Area. Supplemental authorities that "may be affected" by the Proposed Action are further described in this final EA.

Table 1. Supplemental Authorities.

Resource*	Present Yes/No	Affected Yes/No	Rationale
Air Quality	Y	N	The Conveyance Area is within an air attainment basin. The Nevada Department of Environmental Protection is responsible for the permitting of activities that may produce emissions or particulates. Under the Proposed Action, the change in ownership of approximately 10,150 acres from the BLM to the City does not impact this permitting process. Therefore this resource would not be affected by this administrative change in land ownership.
Areas of Critical Environmental Concern	N	NA	Resource not present.
Cultural Resources	Y	Y	Carried forward for analysis. See sections 3.4.1 and 4.1.1.
Environmental Justice	N	NA	Resource not present.
Farm Lands (prime or unique)	N	NA	Resource not present.
Floodplains	N	NA	Resource not present.
Invasive, Non-native Species and Noxious Weeds	Y	N	Only invasive species are present in the Conveyance Area. No noxious weeds are present based on the Biological Technical Report, Attachment B. This resource would not be affected by this administrative change in land ownership.
Migratory Birds	Y	Y	Carried forward for analysis. See Biological Resources sections 3.4.2 and 4.1.2, and Biological Technical Report, Attachment B.
Native American Religious Concerns	N	NA	Consultation with the Walker River Paiute Tribe and Yerington Paiute Tribe were initiated in January 2015. Consultation is on-going. To date, no religious concerns have been identified for the Conveyance Area.
Threatened or Endangered Species	N	NA	Resource not present.
Wastes, Hazardous or Solid	Y	Y	Carried forward for analysis. See sections 3.4.3 and 4.1.3.
Water Quality (Surface/Ground)	Y	N	The Conveyance Area contains only ephemeral surface streams. Those streams and any underground water are not affected by this administrative change in land ownership. The Nevada Department of Environmental Protection is responsible for the permitting of activities that may affect surface and ground waters.
Wetlands/Riparian Zones	N	NA	Resource not present.
Wild and Scenic Rivers	N	NA	Resource not present.
Wilderness/WSA	N	NA	Resource not present.

*See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.

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 may be carried forward in the document.

3.3 Resources or Uses Other Than Supplemental Authorities

BLM specialists have evaluated the potential impact of the Proposed Action on these resources and documented their findings Table 2. Resources or uses that “may be affected” by the Proposed Action are further described in this final EA (BLM 2008).

Table 2. Resources or uses other than Supplemental Authorities.

Resource or Issue*	Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species (animals)	Y	Y	Carried forward for analysis. See Biological Resources sections 3.4.2 and 4.1.2, and Biological Technical Report, Attachment B.
BLM Sensitive Species (plants)	Y	Y	Carried forward for analysis. See Biological Resources sections 3.4.2 and 4.1.2, and Biological Technical Report, Attachment B.
Fire Management	N	NA	Resource not present.
General Wildlife	Y	Y	Carried forward for analysis. See Biological Resources sections 3.4.2 and 4.1.2, and Biological Technical Report, Attachment B.
Global Climate Change	Y	N	This administrative action would have no effect on global climate change.
Greenhouse Gas Emissions	Y	N	This administrative action would not cause an increase in greenhouse gas emissions. Activities that could cause an increase in greenhouse gas emissions would be under the permitting responsibility of the Nevada Department of Environmental Protection.
Land Use Authorization	Y	Y	Carried forward for analysis. See sections 3.4.4 and 4.1.4.
Lands with Wilderness Characteristics	N	NA	There are no delineated Lands with Wilderness Characteristics in the Conveyance Area. No lands within the Conveyance Area were considered suitable for wilderness designation when the BLM completed a review in 1989.
Livestock Grazing	Y	Y	Carried forward for analysis. See sections 3.4.5 and 4.1.5.
Minerals	Y	Y	Carried forward for analysis. See sections 3.4.6 and 4.1.6.
Paleontological	N	NA	Resource not present.
Recreation	Y	Y	Carried forward for analysis. See sections 3.4.7 and 4.1.7.
Socioeconomics	Y	Y	Carried forward for analysis. See sections 3.4.8 and 4.1.8.
Soils	Y	N	This administrative change in land ownership from the BLM to the City would have no effect on soils in the Conveyance Area.
Travel Management	Y	Y	Carried forward for analysis. See sections 3.4.9 and 4.1.9.
Vegetation	Y	Y	Carried forward for analysis. See Biological Resources sections 3.4.2 and 4.1.2, and Biological Technical Report, Attachment B.
Visual Resources	N	NA	The public lands within the Conveyance Area are unclassified for Visual Resource Classifications. This resource would not be affected by an administrative change in land ownership.
Wild Horses and Burros	N	NA	There is not a herd management area within the Conveyance Area.

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

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

3.4 Resources Considered for Analysis

The following resources are or may be present in the Conveyance Area and may be affected by the Proposed Action.

3.4.1 Cultural Resources

The Area of Potential Effect (APE) for the conveyance includes approximately 10,150 acres of public land to be conveyed to the City. Under Section 106 of the NHPA, an APE is defined as “. . . the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist.” The term “cultural resources” generally refers to material evidence of past human activities, usually more than 45 or 50 years old. The term “site” generally refers to a non-architectural cultural resource, such as a prehistoric lithic scatter or a historic debris scatter. The term “historic property” has a specific regulatory meaning under the NHPA. A historic property is any prehistoric or historic-age district, site, building, structure, or object listed on, or eligible for listing on, the National Register of Historic Places (NRHP).

The National Park Service has established three main standards that a cultural resource must meet to qualify for listing on the NRHP: age, integrity, and significance. To meet these criteria, a cultural resource generally must be at least 50 years old, possess integrity (of location, design, setting, materials, workmanship, feeling, and association, depending on the significance criteria), and must demonstrate significance under one or more of the following criteria:

- Criterion A – Be associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B – Be associated with the lives of persons significant in our past; or
- Criterion C – Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D – Has yielded, or is likely to yield, information important in prehistory or history.

In fulfilling the requirements of Section 106 of the NHPA, the BLM must make a good-faith effort to identify historic properties in the APE. The common approach to identification is to perform archival research, followed by pedestrian inventory of the APE. For that purpose, Western Cultural Resource Management, Inc. (WCRM) conducted a Class III cultural resources inventory of approximately 14,273 acres in Lyon and Mineral counties, Nevada (Figure 4) (Stoner et al. 2015). Of this acreage, approximately 1,347 acres are privately owned. The remaining acreage (approximately 12,927 acres) is public land managed by the BLM. The inventory was completed prior to passage of the Act, when the exact conveyance area was not yet known. The inventory provided complete coverage of the APE, and also covered lands outside the APE. The privately owned land located inside the larger Conveyance Area is not part of the APE.

The cultural resources inventory identified 105 sites within the APE. Of these, 79 are historic in age, 24 are prehistoric in age, and two have both historic and prehistoric components (Table 3). The majority of the historic sites are related to community development and include road segments, refuse deposits, a ditch, and a historic geoglyph (the large letter “Y” that can be seen on Luhr Hill). The other historic sites are related to 20th century mining efforts associated with the Yerington Mining District and the Mountain View Mining District. The prehistoric sites in the inventory area reflect the reduction of locally available chert toolstone, beginning in the Early Archaic and persisting into the Late Prehistoric period. The majority of the prehistoric sites are simple flaked stone assemblages. The two multicomponent sites are a prehistoric simple flaked stone assemblage and historic mining/prospecting site, and a prehistoric simple flaked stone assemblage and historic refuse deposit.

Of the 105 sites within the APE, one prehistoric site and two historic sites have been determined eligible for the NRHP, and two prehistoric sites remain unevaluated pending further research (Stoner et al. 2015).

Table 3. Archaeological sites within the APE.

Site Type	NRHP Eligible / Unevaluated	NRHP Not Eligible	Total
Prehistoric	3	21	24
Historic	2	77	79
Multicomponent	0	2	2
Total	5	100	105

3.4.2 Biological Resources

The Biological Technical Report (Attachment B) summarizes the results of surveys and habitat analysis for the Conveyance Area, which is hereby incorporated by reference. The Biological Study Area is shown as Figure 1 in Attachment B. The Biological Technical Report is briefly summarized below.

Vegetation. The BLM National Range Handbook, H-4410-1, establishes policy and management direction for rangeland vegetation. Land cover and ecological site maps are included in the Biological Technical Report (Attachment B). The Conveyance Area is dominated by Intermountain Basins Mixed Salt Desert Scrub communities with small inclusions of Great Basin Xeric Mixed Sagebrush Shrubland, Intermountain Basins Big Sagebrush Shrubland, and Intermountain Basins Semi-Desert Shrub Steppe (RCI 2015). Shrub compositions varies from 20-75 percent between different ecological sites. The dominate shrubs are Bailey’s greasewood (*Sarcobatus baileyi*), shadscale (*Atriplex confertifolia*), bud sagebrush (*Picrothamnus desertorum*). The herbaceous component of the vegetation is variable and includes grasses ranging from 25 to 75 percent of the composition that include bottlebrush squirreltail (*Elymus elymoides*), Sandberg bluegrass (*Poa sandbergii*), desert needlegrass (*Achnatherum speciosum*), Indian ricegrass (*Achnatherum hymenoides*), and James’ galleta (*Hilaria jamesii*). Forb composition is variable and dependent primarily upon spring precipitation. Common forbs include pincushion (*Chaenactis douglasii*), desert dandelion (*Malacothrix glabrata*), winged four o’clock (*Mirabilis alipes*), globemallow (*Sphaeralcea parviflora*), Bailey buckwheat (*Eriogonum*

baileyi) and Panamint prince’s plume (*Stanleya elata*). Invasive species include halogeton (*Halogeton glomeratus*), cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*), Russian thistle (*Salsola tragus*), and tansy mustard (*Descurainia sophia*). No noxious weeds were detected within the Conveyance Area.

BLM Sensitive Species (Plants). BLM Manual 6840 establishes policy and 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. The BLM provided sensitive species lists for the BLM Carson City District and BLM Nevada that included 33 sensitive plant species. These were evaluated in the Biological Technical Report for potential to occur in the Conveyance Area based upon habitat descriptions and habitat availability (RCI 2015). Table 4 lists the seven species that were found to have habitat and the potential for occurrence in the Conveyance Area.

Table 4. BLM Sensitive Plant Species with Habitat and Potential to Occur in the Conveyance Area.

SPECIES COMMON NAME GENERAL HABITAT
Plants
Eastwood milkweed (<i>Asclepias eastwoodiana</i>) Small washes or other moisture-accumulating microsites, in the shadscale, mixed-shrub, sagebrush, and lower piñon–juniper zones
Tonopah milkvetch (<i>Astragalus pseudiodanthus</i>) Sand dunes and deep sand habitat
Sand cholla (<i>Grusonia pulchella</i>) Sand dunes and deep sand habitat
Oryctes (<i>Oryctes nevadensis</i>) Sand dunes and deep sand habitat
Nevada beardtongue (<i>Penstemon arenarius</i>) Sand dunes and deep sand habitat
Wassuk beardtongue (<i>Penstemon rubicundus</i>) Open, rocky to gravelly soils on perched tufa shores

Botanical surveys conducted in the Conveyance Area in 2007 by JBR Environmental Consultants, Inc. and in 2014 by Resource Concepts, Inc. are summarized in Attachment B (RCI 2015). One BLM sensitive plant species was detected in the Conveyance Area: sand cholla. Mojave prickly pear (*Opuntia erinacea*) was also detected in the Conveyance Area. While Mojave prickly pear is not classified as a BLM sensitive species, both cacti are protected and regulated by Nevada Revised Statutes 527.060.120 and Nevada Administrative Code chapter 527.

Wildlife. The Nevada Department of Wildlife (NDOW) has general management authority over wildlife within the State of Nevada pursuant to the Nevada Revised Statutes. NDOW

documented a variety of reptile species in the Conveyance Area including Great Basin whiptail (*Aspidoscelis tigris tigris*), zebra-tailed lizard (*Callisaurus draconoides*), Great Basin rattlesnake (*Crotalus oreganus lutosus*), Great Basin collared lizard (*Crotaphytus bicinctores*), desert horned lizard (*Phrynosoma platyrhinos platyrhinos*), western fenced lizard (*Sceloporus occidentalis*), and others (RCI 2015). Mammals known to occur include Meriam’s kangaroo rat (*Dipodomys merriamii*), North American deer mouse (*Peromyscus maniculatus*), golden-mantled ground squirrel (*Spermophilus canus*), coyote (*Canis latrans*), mountain lion (*Felis concolor*), and others.

Various species of raptors, which use diverse habitat types, are known to reside within the vicinity and may use the Conveyance Area for hunting. NDOW species of interest that have been documented with a four-mile buffer area around the Conveyance Area include bald eagle, burrowing owl, ferruginous hawk, golden eagle, northern goshawk, peregrine falcon, prairie falcon, and short-eared owl. Other raptors that may use the Conveyance Area are listed in Attachment B. Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

BLM Sensitive Species (Animal). BLM Manual 6840 establishes policy and management of species listed or proposed for listing pursuant to the Endangered Species Act and Bureau sensitive species which are found on BLM-administered lands. The BLM provided sensitive species lists for the BLM Carson City District and BLM Nevada that included 21 mammal, 12 bird, one reptile, three amphibian, five fish, three insect, and two mollusk species. These were evaluated in Attachment B for potential to occur in the Conveyance Area based upon habitat descriptions and habitat availability (RCI 2015). Table 5 lists ten species that were found to have habitat and the potential for occurrence in the Conveyance Area.

Table 5. BLM Sensitive Animal Species with Habitat and Potential to Occur in the Conveyance Area.

SPECIES COMMON NAME GENERAL HABITAT
Mammals
Townsend’s big-eared bat (<i>Corynorhinus townsendii</i>) Salt desert scrub habitat with caves and abandoned mines
Western small-footed myotis (<i>Myotis ciliolabrum</i>) Sagebrush steppe and pinyon-juniper
Fringed myotis (<i>Myotis thysanodes</i>) Desert scrub. Roosts in mines and caves
Long-legged myotis (<i>Myotis volans</i>) Occasionally in salt desert shrub and sagebrush. Night roosts in caves, mines
Western pipistrelle (<i>Pipistrellus hesperus</i>) Salt desert shrub; rock crevices, caves and mines for nesting
Dark kangaroo mouse (<i>Microdipodops megacephalus</i>) Shrubs associated with gravel soils and sand dunes

SPECIES COMMON NAME GENERAL HABITAT
Pale kangaroo mouse (<i>Microdipodops pallidus</i>) Fine sand supporting <i>Atriplex</i> , <i>Artemisia</i> , and <i>Sarcobatus</i>
Birds
Golden eagle (<i>Aquila chrysaetos</i>) Eagles may hunt within the Conveyance Area and may nest on tall powerline structures
Burrowing owl (<i>Athene cunicularia hypugaea</i>) Salt desert scrub
Loggerhead shrike (<i>Lanius ludovicianus</i>), Open habitats with thorny shrubs
Brewer's sparrow (<i>Spizella breweri</i>) Sagebrush and desert scrub

Unidentified bats were observed in the Conveyance Area as well as a burrowing owl and Brewer's sparrows. No raptor nests were detected within the Conveyance Area, and no other BLM sensitive animal species were observed.

Migratory Birds. Migratory birds are protected by Executive Order 13186 issued by President Clinton on January 11, 2001 and the Migratory Bird Treaty Act of 1918. Management for these species on BLM land is based on Information Bulletin (IB) No. 2010-110 which transmits the 2010 Memorandum of Understanding (MOU) between the BLM and the FWS for the conservation of migratory birds, and Instruction Memorandum IM 2008-050.

A list of 20 migratory bird species for Lyon and Mineral counties was compiled from the US Fish and Wildlife Service Information, Planning, and Conservation System database. Four of these have habitat and potential for occurrence in the Conveyance Area: golden eagle, burrowing owl, loggerhead shrike (*Lanius ludovicianus*) and Brewer's sparrow.

3.4.3 Wastes, Hazardous or Solid

As part of the land conveyance process, a Phase 1 Environmental Site Assessment (ESA) was prepared for the Conveyance Area and lands immediately surrounding it. The ESA provides the BLM and the City knowledge of the full range of environmental issues and liabilities associated with the land identified in Conveyance Area, and satisfy the Notice requirements of Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. §§ 9601 et seq., and 40 CFR part 373 – Reporting Hazardous Substance Activity When Selling or Transferring Federal Property.

The ESA was conducted using standards established by the by the American Society for Testing and Materials (ASTM) Standard on Environmental Site Assessments for Commercial Real Estate (E-1527-13); Departmental Manual 602, Chapter 2; and BLM Handbook for Environmental Site Assessments for Disposal of Real Property (H-2000-02). The ESA was reviewed and approved by the BLM.

3.4.4 Land Use Authorization

As part of the land conveyance process, an appraisal through the Office of Valuation Services (OVS) was completed to determine the fair market value of the land to be conveyed to the City.

The BLM is authorized to allow various land uses per the BLM 2800 Manual, Handbook, and Instructional Memorandum Series for issuing, administering, assigning, amending, renewing and terminating right-of-way grants under the FLPMA. Table 6 lists all existing land use authorizations within the Conveyance Area. All current authorization holders were notified of the conveyance and pending land ownership change on January 22 and April 17, 2015 with an offer to discuss their holdings and possible options.

Table 6. Existing Land Use Authorizations within the Yerington Land Conveyance Area.

Authorization Holder	Authorization Type	Authorization Description
Nevada Department of Transportation	Right-of-Way	Material Site
Nevada Department of Transportation	Right-of-Way	Material Site
Los Angeles Department of Water and Power	Right-of-Way	Power
Los Angeles Department of Water and Power	Right-of-Way	Access
Verizon California, Inc.	Right-of-Way	Telephone
Sierra Pacific Power	Right-of-Way	Power
Private Individual	Right-of-Way	Water
Private Individual	Right-of-Way	Access
Lyon County	Right-of-Way	Access / Utility
Nevada Hospital Association*	Right-of-Way*	Cable
Gridflex**	Land Withdrawal**	Not Applicable
Bureau of Land Management	Right-of-Way	Access

*Right-of-way relinquishment is pending.

**Application to withdraw public lands expired on April 10, 2015.

3.4.5 Livestock Grazing

The Conveyance Area overlaps with a portion of the Perry Springs-Deadman Allotment shown in Figure 5. The Allotment consists of approximately 57,885 acres and is administered by the Stillwater Field Office. Approximately 55 percent of the Allotment is located in Lyon County, with the remaining 45 percent located in Mineral County. An Allotment Management Plan has been implemented since 1970. The Allotment is divided into three pastures, and the Conveyance Area is located primarily within the Pumpkin Hollow Pasture, with the eastern extension of the Conveyance Area extending into the Hendricks Pasture. The permitted class of livestock is cattle and the permitted use is 2,400 animal unit months (AUMs), all of which are active. The authorized period of use is from December 1 until March 31. Two existing range improvements are located within the Conveyance Area. A cattleguard is located along East Pursel Lane on the western boundary of the Conveyance Area, and the Pumpkin Hollow Well is located in Section 34, T 13.N, R 26.E.

3.4.6 Minerals

The majority of the mineralization within the Conveyance Area is located on private inholdings controlled by Nevada Copper. All mining claims within the Conveyance Area are controlled by Nevada Copper. As part of the land conveyance process, a MPR was completed for the Conveyance Area. The MPR cataloged the mineral potential, including all solid and fluid mineral resources that are known to be present on the land to be conveyed. This report was required to be completed as part of the conveyance process. The MPR was completed per BLM standards as described by BLM Manual 3060 and was reviewed and approved by the BLM.

3.4.7 Recreation

The Conveyance Area is currently open to casual recreational uses, and is available for permitted events per the BLM Recreation Permit Administration Handbook H-2930-1. Current recreational uses include, but are not limited to, hiking, biking, and off-highway vehicle riding. Special recreational events have been permitted in the past within portions of the Conveyance Area. The Mason Valley Dirt Squirts event is one example of an annual off-highway vehicle event that has been previously permitted within portions of the Conveyance Area. An event is planned in September 2015, but would occur outside the Conveyance Area. There are currently no recreational permits issued within the Conveyance Area.

3.4.8 Socioeconomics

The Conveyance Area is primarily located within Lyon County, Nevada with the eastern extension of the Conveyance Area located in Mineral County, Nevada. The City of Yerington is located adjacent to the northwest corner of the Conveyance Area, and is centrally located in a larger geographic area known as the Mason Valley. Mason Valley was settled as an agricultural hub beginning in the mid-1850s, prior to the City (City of Yerington, Nevada 2015). Yerington was incorporated as a City in 1907, and is the county seat for Lyon County (City of Yerington, Nevada 2015). Agriculture remains a major economic driver for Mason Valley and the City, along with mining and recreation. The Anaconda Copper Corporation operated west of the City from 1950 to 1978, becoming the world's third largest copper mine for a time (City of Yerington, Nevada 2015). Recreation, including but not limited to, fishing, camping, hunting, recreational shooting, hiking and off-highway vehicle riding are popular for City and County residents as well as visitors. Popular attractions in and around the Mason Valley include the Mason Valley Wildlife Management Area and Fish Hatchery, Wilson Canyon, the Mason Valley Trap, Rifle and Pistol Range as well as the Walker River including both the East and West Forks (City of Yerington, Nevada 2015). Yerington remains one of only two incorporated cities in Lyon County with an estimated population of 3,138 (Lyon County, Nevada 2015).

Lyon County is the third most populous county in Nevada with a population of around 50,000, but maintains a rural character (Lyon County, Nevada 2015). Historically, growth was slow yet consistent, but for three years in the early 2000s Lyon County was one of the ten fastest growing counties in the country on a percentage basis with a 52.6-percent population increase from 2000 to 2009 (Lyon County, Nevada 2015). Since 2009 the County has undergone a population decline of 3.57-percent, become the third most economically stressed county in the country for counties with a minimum 25,000 population, and experienced Nevada's highest foreclosure rate and unemployment rate at 18.7-percent as of December 2010 (Lyon County, Nevada 2015).

Lyon County has an area of 2,013 square miles, or 1.3 million acres, consisting of approximately 75-percent public lands and 25-percent private lands (Lyon County, Nevada 2015). Approximately six percent of the land in Lyon County is developed, while approximately 10.4-percent is classified as agricultural land and 1.7-percent as commercial or industrial (Lyon County, Nevada 2015).

3.4.9 Travel Management

The Conveyance Area is currently undesignated per the BLM Travel and Transportation Management Manual 1626, and managed the same as open areas with unrestricted vehicle use. The Conveyance Area is located adjacent to the Mason Valley and the City of Yerington. Due to its close proximity to a population center, its management for unrestricted vehicle use, and past mineral exploration, the Conveyance Area has well over 100 miles of roads and unimproved trails as shown in Figure 6, as well as cross country travel. Major points of public access to the Conveyance Area include:

- From the north: Fox Lane and South Bybee Lane via US 95A;
- From the west: Cemetery Lane, East Cremetti Lane, East Pursel Lane (Nevada State Route 827), and East Tognoli Lane;
- From the South: East Walker Road; and,
- From the East: Unimproved dirt and gravel roads accessible from US 95A or East Walker Road.

4.0 ENVIRONMENTAL CONSEQUENCES

This chapter describes the potential direct, indirect, and residual effects to resources that may result from the Proposed Action, and describes other activities associated with the conveyance process. In this document, the terms “effect” and “impact” are used synonymously.

4.1 Land Conveyance (Proposed Action)

Upon completion of the Yerington Land Conveyance, approximately 10,150 acres of public lands managed by the BLM would be conveyed to the City. The subject lands would no longer be managed as public lands and all pertinent federal laws, regulations and directives specific to such management would no longer apply. The lands would no longer be managed for multiple public uses under the FLPMA.

4.1.1 Cultural Resources

A Class III Cultural Resource inventory has been conducted in all areas identified for the conveyance (Stoner et al. 2015). Cultural resources (i.e., archeological sites) were evaluated for the NRHP based on a set of criteria outlined in Section 3.4.1. Cultural resources determined not eligible for the NRHP are not further considered. As defined in the implementing regulations for Section 106 of the NHPA, found at 36 CFR 800.5 (a)(2)(vii), conveyance of land out of federal ownership is a categorical adverse effect to historic properties. Impacts to historic properties have been mitigated by negotiating and executing a Memorandum of Agreement (MOA) for resolving adverse effects to historic properties, and by developing and implementing a Historic Properties Treatment Plan (HPTP) (Attachment C).

The HPTP addresses all affected historic properties. The HPTP includes, but not be limited to: a list of all historic properties affected by the conveyance, a detailed description of the treatments proposed for historic properties, an archaeological research design for those historic properties, and an outline of interpretive or documentary methods that would be used to address NRHP values that cannot be mitigated through archaeological data recovery.

Of the 105 sites within the APE, one prehistoric site and two historic sites have been determined eligible for the NRHP and two prehistoric sites remain unevaluated pending further research (Stoner et al. 2015). The Proposed Action would result in five sites determined eligible and/or unevaluated for the NRHP, being affected by the conveyance (Table 7). The BLM has determined that there are no indirect impacts to historic properties because the only impact is a change in ownership.

Table 7. Impacts to Determined Eligible/Unevaluated Sites.

BLM Site Number	NRHP Eligibility	Site Type	Type of Impact
CrNV-03-8607	Unevaluated	Simple Flaked Stone Assemblage	Conveyance out of federal ownership is an adverse effect under the NHPA
CrNV-03-8623	Unevaluated	Prehistoric Quarry / Single Reduction Assemblage	Conveyance out of federal ownership is an adverse effect under the NHPA
CrNV-03-8634	Eligible; Criteria A and D	Historic Mining / Prospecting Site	Conveyance out of federal ownership is an adverse effect under the NHPA
CrNV-03-8663	Eligible; Criterion A	Historic Geoglyph (the Yerington “Y”)	Conveyance out of federal ownership is an adverse effect under the NHPA
CrNV-03-8679	Eligible; Criterion D	Simple Flaked Stone Assemblage with Concentration	Conveyance out of federal ownership is an adverse effect under the NHPA

4.1.2 Biological Resources

Under the Proposed Action, BLM sensitive species would no longer be managed in accordance with BLM Manual 6840. Rangeland vegetation would no longer be managed in accordance with BLM Handbook H-4410-1, National Range Handbook.

Cacti would continue to be protected and regulated by Nevada Revised Statutes 527.060.120 and Nevada Administrative Code Chapter 527 when proposed for removal or possession at “commercial” rates or quantities. General wildlife would still be managed under State authority through the Nevada Department of Wildlife through pertinent Nevada Revised Statutes.

Migratory birds would continue to be regulated by US Fish and Wildlife Service under the authority of Executive Order 13186 issued by President Clinton and the Migratory Bird Treaty Act of 1918. Bald and golden eagles would continue to be protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) that prohibits anyone without a permit issued by the Secretary of the Interior from “taking” eagles, including their parts, nests, or eggs; or possess, sell, purchase or barter any eagle, alive or dead, or any part, nest, or egg. The Act defines ‘take’ as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.”

While BLM sensitive plants and animals are present in the Conveyance Area, the conveyance is an administrative change. That action alone would not result in direct impacts to vegetation, general wildlife, BLM sensitive plants and animals or their habitat.

4.1.3 Wastes, Hazardous or Solid

Per BLM Handbook H-2000-02 Environmental Site Assessments of Disposal of Real Property, a disclosure of recognized environmental conditions, solid waste, physical hazards and other issues affecting the use of the property that could impose a liability on the conveyee must be made.

The Phase 1 ESA completed in conjunction with the conveyance process identified and disclosed present or potential physical hazards, solid waste, or other issues currently located within the Conveyance Area. Under the Proposed Action BLM would have no jurisdiction over hazardous or solid wastes within the Conveyance Area once the conveyance is complete under the Hazard Management and Resource Restoration Manual 1703 or any pertinent federal regulations managing such wastes on public land.

4.1.4 Land Use Authorization

On July 13, 2015 the BLM published in the *Federal Register* a Notice of Realty Action officially segregating the Conveyance Area from further appropriation under public land laws, including mining claims and right-of-way authorizations (Vol. 80 No. 133, Pages 40084-40085). The Act specifies that the conveyance to the City be subject to valid existing rights, and the City would administer those rights under the terms and conditions of the existing authorizations until expiration or other negotiated agreement.

4.1.5 Livestock Grazing

Under the Proposed Action, approximately 10,150 acres of BLM-managed lands within the Perry Springs-Deadman Allotment would be conveyed to the City. Upon completion of the conveyance, approximately 18 percent of the Allotment area would no longer be permitted for grazing by the BLM. Based on original forage adjudication mapping approximately 312 AUMs, or 13 percent of the active AUMs may be impacted. Range improvements impacted would include a cattleguard along East Pursel Lane and the Pumpkin Hollow Well as shown in Figure 5.

The current permittee was notified of the conveyance and pending land ownership change on January 12, 2015. The Act did not exempt regulation 43 CFR 4110.4-2(b) from compliance. This regulation provides the grazing permittee receive a two-year notification before grazing preference may be canceled in whole or in part, unless the permittee chooses to waive the two-year notification.

Under the Proposed Action, grazing would no longer be managed by BLM per the Grazing Administration Manual M-4100 or under authority of the Taylor Grazing Act and Federal Land Policy and Management Act. The existing BLM Allotment boundary would need to be revised, a new grazing permit would be issued with reduced AUMs, and the existing allotment management plan would be updated. These issues would be resolved when the BLM prepares a new term livestock grazing permit at a future (post-conveyance) date. The grazing decision for the new term permit would be subject to protest under 43 CFR 4160.2 and appeal under 43 CFR 4.470, 4160.3(c), and 4160.4.

4.1.6 Minerals

The MPR completed in conjunction with the conveyance process identified and disclosed mineralization or mineral resources within the Conveyance Area. The MPR was used in development of the final appraisal of the Conveyance Area.

Under the Proposed Action, no new mineral leases would be granted by the BLM within the Conveyance Area per the BLM 2880 Manual, Handbook, and Instructional Memorandum Series

for issuing, administering, assigning, amending, renewing and terminating right-of-way grants pursuant to Section 28 of the Mineral Leasing Act (MLA) as amended (30 USC 185). Additionally, the BLM would no longer have authority to administer fluid and solid minerals within the Conveyance Area pursuant to the following: the General Mining Act of 1872 pertaining to locatable “hard rock” minerals; the Materials Act of 1947 pertaining to saleable mineral materials such as sand & gravel; the MLA pertaining to oil & gas, and; the Geothermal Steam Act of 1970 pertaining to geothermal resources.

The Conveyance Area includes mining claims held by Nevada Copper, and the City would be willing to accept title subject to those claims. Additional mineral resources identified by the MPR were accounted for in the assessment of fair market value as part of the conveyance process.

4.1.7 Recreation

Under the Proposed Action, no new recreational permits would be granted by the BLM within the Conveyance Area per the BLM Recreation Permit and Fee Manual 2930. There are no permitted recreational events in the Conveyance Area. Future recreational activities could be displaced from the Conveyance Area, and could increase use on adjoining public lands surrounding the Conveyance Area.

4.1.8 Socioeconomics

Under the Proposed Action, there would be a reduction in AUMs on the Perry Springs-Deadman Allotment that would result in direct economic loss to the grazing permittee and an indirect economic loss to the City and Lyon County. Based on an estimated loss of 312 AUMs there would be a direct economic impact to the permittee.

The social and economic benefits associated with grazing operations would be decreased. The reduction in AUMs would likely have a multiplier effect on aspects of the local economy that are associated with the ranching community. Because it is not possible to quantify the specific monetary impacts to the individual permittee, it is also not possible to accurately estimate the resulting effects on the local economy. A reduction in AUMs would result in a corresponding reduction in regional economic activity from a likely reduction in the permittee’s spending in the local economy, and tax revenues.

Per the Act, the City is required to provide fair market value for any lands conveyed. Annexation of the Conveyance Area would increase the overall footprint of the City, and could result in increased costs for development of infrastructure and increased demand for emergency services. The conveyance could result in increased tax revenue.

Lyon County encompasses approximately 1.3 million acres consisting of approximately 75-percent public lands and 25-percent private land (Lyon County, NV 2015). The Conveyance Area represents less than one percent of the total County land area. There are approximately 869,718 acres of BLM-managed public lands within the County, and the Conveyance Area represents approximately 1.2-percent of those lands. The conveyance would result in loss of BLM-managed lands, and a portion of the annual payment in-lieu of taxes paid to Lyon County.

The estimated loss of payment in-lieu of taxes would be approximately \$24,900 per 2014 payments (US Department of the Interior 2015).

4.1.9 Travel Management

Under the Proposed Action, the Conveyance Area would no longer be subject to travel and transportation planning per the BLM Travel and Transportation Manual 1626. At present there is no travel management planning designation for the Conveyance Area. Travel on the existing roads and trails within the Conveyance Area could be restricted, and use redirected to roads and trails located on adjoining public lands which are also managed as open area with unrestricted vehicle use. Public land access points from Cemetery Lane, East Cremetti Lane, East Pursel Lane (State Route 287), and East Tognoli Lane could be impacted or altered, while existing public land access points from Fox Lane, South Bybee Lane, and East Walker Road would not be impacted as shown in Figure 6.

4.2 Residual Effects

“Residual effects” are those adverse effects that remain after implementation of mitigation measures. No major adverse effects (aka “significant effects”) have been identified in this final EA.

5.0 CUMULATIVE EFFECTS

A cumulative effect is defined under NEPA as “the change in the environment which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other action”. “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR Part 1508.7). Past, present, and reasonably foreseeable future actions are analyzed to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the Proposed Action may have an additive relationship to those effects.

5.1 Geographic Scope

The analysis below examines potential cumulative effects from past, present, and reasonably foreseeable future actions combined with the Proposed Action within the cumulative effects study area (CESA) specific to the resource for which cumulative impacts may occur. Table 8 shows the specific CESA name, size in acres, and description as well as a reference to the appropriate figure showing the geographic extent of the CESA.

Table 8. Cumulative Effects Study Areas.

CESA Name	CESA Size (Acres)	CESA Description	Figure
Cultural	10,910	The CESA for cultural resources includes the Conveyance Area and the private parcel located between US 95A and the northwest portion of the Conveyance Area where a new access road is anticipated to be developed.	7
Hazardous or Solid Wastes; and Land Use Authorization	10,150	The CESA for hazardous or solid wastes, and land use authorizations is the Conveyance Area.	7
Biological Resources	19,130	The CESA for biological resources includes the Biological Study Area as described in the Biological Technical Report (Attachment B), plus the private parcel located between US 95A and the northwest portion of the Conveyance Area where a new access road is anticipated to be developed.	8
Livestock Grazing	57,885	The CESA for livestock grazing includes the Perry Springs-Deadman Allotment.	9
Recreation and Travel Management	84,360	The CESA for recreation and travel management includes the Conveyance Area and surroundings as bound by: US 95A to the north; Tribal Lands to the east; East Walker Road to the south and the Conveyance Boundary to the west.	9
Minerals and Socioeconomics	1,300,000	The CESA for minerals and socioeconomics includes Lyon County.	10

5.2 Time Frame of Effects

Under the Proposed Action, the timeframe for effects would be indefinite as the conveyance of public lands under BLM management to the City is a permanent change.

5.3 Past and Present Actions

Past and present actions in the Conveyance Area include, but are not limited to, operation and closure of the Lyon County dump, land use authorization as listed in Table 6, development of roads, development of power transmission lines, permitted livestock grazing in the Perry Springs-Deadman Allotment, development of range improvements, permitted recreational events, dispersed recreational activities, travel on established roads and trails as well as cross-country travel, and mineral exploration. Activities include present active exploration and development of an underground mining operation on private in-holdings within the Conveyance Area as well as operation and development of the Nevada Copper office complex and farm.

Specific to the Cultural and Biological CESAs, the private parcel located between the northwest corner of the Conveyance Area and US 95A had previously been partially developed for agricultural use. The parcel has been recently cleared of remaining natural vegetation for further expansion of agricultural development.

Specific to the Biological CESA, several past and present actions have occurred outside of the Conveyance Area. The Regan Mine, located to the east of the Conveyance Area, was developed and subsequently closed.

Specific to the Livestock Grazing CESA, several past and present actions have occurred outside of the Conveyance Area. The Regan Mine, located to the east of the Conveyance Area, was developed and subsequently closed. Range improvements have been developed and maintained as shown in Figure 5.

Specific to the Recreation and Travel Management CESA, Travel Management within the CESA is the same as the Conveyance Area and is currently undesignated per the BLM Travel and Transportation Management Manual 1626, and managed the same as open areas with unrestricted vehicle use.

Specific to the Mineral and Socioeconomic CESA, several past and present actions have occurred outside of the Conveyance Area. In regards to minerals:

- Evidence of past mineral exploration activities are prevalent within the Conveyance Area and adjoining public lands;
- The Regan Mine, located to the east of the Conveyance Area, was developed and subsequently closed;
- The Anaconda Mine, located to the west of the Conveyance Area, was developed and subsequently closed;

- The Nevada Department of Environmental Protection’s mine reclamation databased shows the following mineral-related activities within Lyon County (Pers. Comm. NDEP 2015):
 - Six active exploration projects covering approximately 71 acres of private land and 342 acres of public land; and
 - One dormant exploration project covering 4.8 acres of private land; and
 - One reclaimed exploration project.
 - Six active mine projects covering approximately 890 acres of private land and 97 acres of public land;
 - One bankrupt mine project covering approximately 505 acres of private land and 97 acres of public land;
 - Two closed mine projects covering approximately 40 acres of private land and 603 acres of public land; and
 - Two new applications for mine projects covering approximately 73 acres of private land.

5.4 Reasonably Foreseeable Future Actions

This Reasonably Foreseeable Future Actions (RFFA) section represents a disclosure of the possible actions that are likely to occur. These actions are based on preliminary planning documents that have been made available publically as related to the land conveyance. Modifying or preventing effects from the potential future activities once the land is conveyed are outside the BLM’s discretion. However, any future activities would still be required to comply with local, City and county, and State of Nevada codes, ordinances, regulations and laws as well as any associated public processes. Post-conveyance activities which require federal permitting or approval could require new NEPA analysis.

Under the Proposed Action, the City would purchase approximately 10,150 acres of BLM administered federal land and annex the land into the City (City of Yerington, Nevada 2014). After the conveyance is completed, preliminary planning documents suggest that the following could occur:

- Approximately 37 percent of the Conveyance Area, or about 3,800 acres, would be utilized for development of the Pumpkin Hollow Mine (City of Yerington, Nevada 2014);
- Approximately 20 percent of the Conveyance Area, or about 2,000 acres, would be utilized for new infrastructure and economic development activities (City of Yerington, Nevada 2014); and
- Approximately 43 percent of the Conveyance Area, or about 4,450 acres, would be available for recreation and open space including an 800-acre recreational and concert events center (City of Yerington, Nevada 2014).

Preliminary planning documents also suggest that the following infrastructure could be developed:

- A new power transmission line extending from present private inholdings to the eastern extent of the Conveyance Area;
- A new mine haul and access road from US 95A to the Conveyance Area; and
- A re-routing of East Pursel Lane within the Conveyance Area.

The above broad-scale activities are based on preliminary conceptual planning documents. However, the certainty and scale of these actions are subject to future funding, timing, mineral market fluctuations, and other factors which make the predictability of these activities uncertain.

5.5 Effects Analysis

Resource topics considered under the Effects Analysis include all resources identified in Tables 1 and 2 in Section 3.0 which “may be affected” by direct or indirect effects of the Proposed Action. Effects analysis considered all identified past, present and reasonably foreseeable actions within the CESA.

5.5.1 Cultural Resources

Effects to historic properties within the Conveyance Area would be mitigated through the MOA and the HPTP. Therefore, cumulative effects to historic properties within the Conveyance Area could not occur. It is possible that implementation of other future projects on the private parcel north of the conveyance area could result in impacts to historic properties, if present. Potential cumulative impacts could include destruction or alteration of prehistoric or historic resources or the introduction of elements out of character with their NRHP values.

5.5.2 Biological Resources

Under the Proposed Action, short-term adverse cumulative effects would not occur due to the administrative change made as a result of the conveyance. Per the RFFA, long-term adverse cumulative effects could occur as a result of future development. Effects could include:

- The loss or disturbance of approximately 6,600 acres of vegetation;
- The loss or disturbance of cacti within the 6,600 acres of proposed development;
- The loss or disturbance of Nevada beardtongue located outside of the Conveyance Area, but within the Biological Study Area, pending final alignment of the new mine haul and access road;
- The loss or disturbance of approximately 6,600 acres of habitat suitable for BLM sensitive animal species with the potential to occur within the Conveyance Area;
- The loss or disturbance of approximately 6,600 acres of habitat suitable for general wildlife species with the potential to occur within the Conveyance Area; and,
- The loss or disturbance of approximately 6,600 acres of habitat suitable for migratory birds with the potential to occur within the Conveyance Area.

While modifying or preventing effects from the potential future activities once the lands are conveyed would be outside the BLM’s jurisdiction, such future activities would still be required

to comply with applicable local, State and federal laws and regulations pertinent to the above-listed biological resources.

5.5.3 Wastes, Hazardous or Solid

Under the Proposed Action, short-term adverse cumulative effects would not occur due to the administrative change made as a result of the conveyance. Per the RFFA, long-term adverse cumulative effects could occur as a result of future development. While modifying or preventing effects from the potential future activities once the lands are conveyed are outside the BLM's discretion, such future activities would still be required to comply with applicable local, State and federal laws and regulations pertinent to hazardous or solid wastes.

5.5.4 Land Use Authorization

Under the Proposed Action, short-term adverse cumulative effects could occur due to the administrative change made as a result of the conveyance. Per the Act, the conveyance must recognize all valid existing rights. Per the RFFA, long-term adverse cumulative effects could occur on existing land use authorizations once the respective existing terms expire. Any future land use authorizations would have to be authorized by the City or subsequent owner, and future authorizations would be subject to pertinent local and State law and regulations.

5.5.5 Livestock Grazing

Under the Proposed Action, short-term adverse cumulative effects would not occur due to the administrative change made as a result of the conveyance. Per the RFFA, the City could elect to allow or prohibit livestock grazing within the Conveyance Area. If the City does not allow future livestock grazing, up to 10,150 acres could be eliminated from this use from an existing allotment of 57,885 acres. If the City does allow future livestock grazing, in the long-term, up to 6,600 acres of the lands currently available for grazing could be disturbed or eliminated from this use.

5.5.6 Recreation and Travel Management

Under the Proposed Action, short-term adverse cumulative effects could occur due to the administrative change made as a result of the conveyance. Per the RFFA, the City could elect to allow or prohibit access to portions or all of the Conveyance Area. While multiple alternative access points are available for remaining public lands adjacent to the Conveyance Area, restricted access could result in decreased access to lands immediately adjoining the Conveyance Area. Also per the RFFA, access and recreational opportunities could be improved in the long-term. Access to lands immediately adjoining the Conveyance Area could be enhanced if public access is allowed along the re-routed East Pursel Lane and/or along the new mine access road from US 95A. Recreational opportunities could be enhanced through the development of planned recreational facilities as well as maintenance of open space so long as public access is permitted.

While modifying or preventing effects from the potential future activities once the lands are conveyed are outside the BLM's discretion, future recreation and travel management activities would still be required to comply with pertinent local and State laws and regulations, and associated public processes.

5.5.7 Minerals

Under the Proposed Action, short-term adverse cumulative effects would not occur due to the administrative change made as a result of the conveyance. Per the RFFA, approximately 3,800 acres of the Conveyance Area would be utilized for development of the Pumpkin Hollow Mine. Any other future mining or mineral related activity within the Conveyance Area would no longer be subject to BLM administration.

Development of the Pumpkin Hollow Mine per the RFFA would greatly increase active mining within the CESA as it is nearly four-times larger in area than all other active mines operating in Lyon County combined.

While modifying or preventing effects from the potential future activities once the lands are conveyed are outside the BLM's discretion, future mining and mineral extraction activities would still be required to comply with pertinent local and State laws and regulations.

5.5.8 Socioeconomics

Under the Proposed Action, short-term adverse cumulative effects on socioeconomics would not occur due to the administrative change made as a result of the conveyance. Per the RFFA, the City could annex up to 10,150 acres. If livestock grazing in the Conveyance Area ends, there would be a long-term adverse effect from grazing activities contributions to the local economy. Future development of up to 6,600 acres could require development of new infrastructure, and expansion of the City's emergency services area. It is anticipated that infrastructure developed to support the mine project could be used for additional economic development activity within the Conveyance Area (City of Yerington, NV 2014). The anticipated future mine development is estimated to generate 500 to 600 construction jobs and up to 1,100 direct jobs and 2,500 total jobs at full operation (City of Yerington, NV 2014). Mine operation jobs are estimated to last for at least 22 years with an average annual wage of \$85,907 (City of Yerington, NV 2014). New jobs for both construction and operation of the mine would require additional community infrastructure such as emergency services and schools. It is estimated that the mine project could contribute \$15-25 million annually in property and net proceeds taxes that would go to the City, State of Nevada, and Lyon County including the Lyon County School District, South Lyon Hospital District, and Mason Valley Fire Protection District (City of Yerington, NV 2014). Additional jobs could be created by future economic development or through future recreational events, but it is unclear to what degree that would occur as current planning is preliminary.

6.0 PERSONS, GROUPS, AND AGENCIES CONSULTED

6.1 List of Preparers

Table 9 lists the individuals responsible for preparing this document.

Table 9. List of Preparers for the Yerington Land Conveyance Final EA.

Name	Title	Affiliation	Project Expertise
Jeremy Drew	Project Manager	Resource Concepts, Inc.	NEPA
Sheila Anderson	Senior Resource Specialist	Resource Concepts, Inc.	NEPA, Biological Resources
Don Henderson	Senior Range Specialist	Resource Concepts, Inc.	Livestock Grazing
Jody Matranga	Senior Word Processor	Resource Concepts, Inc.	Word Processing
Drew Foglesong	GIS Specialist	Resource Concepts, Inc.	Mapping
Ed Stoner, M.A., RPA	Project Director	Western Cultural Resource Management, Inc.	Cultural
Mark Demuth, AICP	Principal Environmental Planner	Western Cultural Resource Management, Inc.	Cultural
Jim Abbott	Project Manager	City of Yerington	NEPA
Brian Buttazoni	Project Manager	BLM, Sierra Front Field Office	NEPA
Rachel Crews	Archaeologist	BLM, Sierra Front Field Office	Cultural
Dan Erbes	Geologist / Hazmat Coordinator	BLM, Sierra Front Field Office	Solid and Hazardous Wastes, and Minerals
Melanie Hornsby	Outdoor Recreation Planner	BLM, Sierra Front Field Office	Recreation and Travel Management
Chelsey Simerson	Rangeland Management Specialist	BLM, Stillwater Field Office	Livestock Grazing
Perry Wickham	Realty Specialist	BLM, Sierra Front Field Office	Land Use
Pilar Ziegler	Wildlife Biologist	BLM, Sierra Front Field Office	Biological Resources

6.2 Public Review

On May 11, 2015 the BLM made the draft EA and accompanying draft Finding of No Significant Impact available for 30-days public review and comment. The BLM issued a press release to the local media on May 7, 2015.

The BLM held a workshop at the Yerington High School multi-purpose room on May 14, 2015. Twenty members of the public attended this workshop. Notice of the workshop was included in an article on the conveyance in the *Reno Gazette-Journal* on May 8, 2015. An article also appeared in the *Reno-Gazette Journal*, Upcoming Events on both May 2 and May 15, 2015.

The BLM received four comment letters or emails on the draft documents. Of those, there were 11 comments that are addressed in Appendix A, Comments and Responses to Comments.

6.3 Tribes, Individuals, Organizations or Agencies Consulted

The following individuals, organization, tribes and agencies were consulted during the preparation of the draft EA or commented on the draft EA:

6.3.1 Tribes

Walker River Paiute Tribe
Yerington Paiute Tribe

6.3.2 Organizations

City of Yerington
Lyon County
Nevada Copper
Great Basin Resource Watch

6.3.3 Agencies

Multiple State Agencies through the Nevada Clearinghouse.
State Historic Preservation Office

6.3.4 Individuals

Rosemary French
Marjorie Sill

7.0 REFERENCES

- Bureau of Land Management (BLM). 2008. *National Environmental Policy Act Handbook*, H-1790-1. Washington D.C. January.
- City of Yerington, Nevada. 2015. Internet website: [Yerington, Nevada](#). Accessed on April 7, 2015.
- City of Yerington, Lyon County, and Nevada Copper Inc. 2014. *Fact Sheet, Lyon County Economic Development and Conservation Act of 2013*. 4 pp + Appendices.
- Department of Interior. 2015. Internet website: Office of Valuation Services. [U.S. Department of the Interior](#). Accessed on April 16, 2015.
- Lyon County, Nevada. 2015. Internet website: [Lyon County](#). Accessed on April 7, 2015.
- Nevada Division of Environmental Protection (NDEP). 2015. Personal communication with Richard Gantt, Permit Writer. April 20, 2015. Carson City, Nevada.
- Resource Concepts, Inc. (RCI). 2015. *Biological Technical Report, Yerington Lands Conveyance, Lyon and Mineral County, Nevada*. Prepared for the BLM Carson City District and the City of Yerington. 45 pp + Appendices.
- Stoner, E. J., M. C. Ringhoff, R. C. Kolvet, and J. Raley. 2015. *A Class III Cultural Resources Inventory for the Yerington Lands Conveyance, Lyon and Mineral Counties, Nevada CRR-3-2610*. Western Cultural Resource Management, Inc., Sparks, Nevada. Prepared for the City of Yerington, Nevada, under contract with Nevada Copper Corp. and on file at the BLM Carson City District Office, Carson City, Nevada.

APPENDIX A. Comments and Responses to Comments on the Draft EA.

The *Yerington Land Conveyance Draft Environmental Assessment* (DOI-BLM-NV-C000-2015-0001-EA) had been made available for a 30-day review and comment period. The comment period closed on June 9, 2015.

Although not required for an EA by regulation, an agency may respond to *substantive* and *timely* comments. Substantive comments:

- 1) question, with reasonable basis, the accuracy of information in the EA;
- 2) question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis;
- 3) present new information relevant to the analysis;
- 4) present reasonable alternatives other than those analyzed in the EA; and/or
- 5) cause changes or revisions in one or more of the alternatives.

No response is necessary for non-substantive comments (BLM, 2008).

The BLM received four comment letters or emails on the draft documents. Of those, 11 comments are responded to below.

APPENDIX A – Comments and Responses to Comments on the Draft EA

#	Comment	BLM Response
1.	<p><u>Individual</u>. The commentor stated that BLM should analyze the Pumpkin Hollow mine expansion. The commentor stated that a lack of analysis of the mine subverts the purpose of NEPA and does not provide the community with information on the long-term effects of the mine project. The commentor stated that the BLM should not allow the [mine expansion] project to go forward.</p>	<p>The BLM explained the purpose and need of the DEA in Section 1.2 (DEA, page 1) which is to comply with Section 3009 (a) (2) (A) of the Act, and to convey public lands to the City of Yerington (aka “Proposed Action”) within 180-days. As the Act includes “shall” language, the land conveyance is non-discretionary/mandatory. The Act did not use the term “may” convey which indicates discretion on the part of a federal agency. The Act also did not provide the BLM the discretion to extend the 180-day timeframe.</p> <p>Section 3009 (a) (2) (A) requires the BLM to convey public lands to the City of Yerington within 180-days. Section 102 of the NEPA states “The Congress authorizes and directs that, to the fullest extent possible...” The Council on Environmental Quality regulations at 40 CFR 1500.6 states “The phrase ‘to the fullest extent possible’ in section 102 means that each agency of the Federal Government shall comply with that section unless existing law applicable to the agencies operations prohibits or makes compliance impossible.”</p> <p>As such, Section 3009 (a) (2) (A) of the Act is a statutory obligation the BLM must comply with (shall convey lands within 180-days). This statutory obligation is similar to <i>Flint Ridge Development Company v. Scenic Rivers Association of Oklahoma</i> (1976) where a federal agency was faced with a mandatory action within a specified statutory timeframe. In <i>Flint Ridge</i>, the U.S. Supreme Court held that circumstance presented a “irreconcilable and fundamental conflict” with compliance with the NEPA. The Court found that where a clear and unavoidable conflict in statutory authority exists, the NEPA must yield. In this circumstance, the BLM has not avoided compliance with the NEPA. Through publication of this final EA, the BLM has met its duties to comply with the NEPA to the extent that it can, within the statutory timeframe.</p> <p>In Section 1.4 (DEA, page 4) the BLM explained that “any decision the BLM would issue would have to comply with the Act.” Therefore the BLM has analyzed the conveyance to the extent to what is within the BLM’s responsibility under the Act, to the extent that can be reasonably analyzed within a 180-day timeframe, and to the extent that information is available to the BLM on post-conveyance land uses from public sources.</p> <p>The BLM has properly considered reasonably foreseeable future actions (post-conveyance land uses) in Section 5.4 (DEA, page 23). As required by 40 CFR 1508.7, the BLM has considered non-federal actions that are foreseeable (such as for the development of the Pumpkin Hollow mine expansion). Since this development would occur after conveyance of public lands to the City of Yerington, such development would not be under BLM jurisdiction or decision-making.</p> <p>As stated in Section 5.4 (DEA, page 23), although not subject to BLM decision-making, the Pumpkin Hollow mine expansion would still be required to comply with State, county and local laws, regulations, ordinances etc. Additionally, post-conveyance lands would continue to be subject to compliance under applicable federal laws such as the Clean Water Act, Clean Air Act, and Endangered Species Act, as examples. However, the post-conveyance lands would no longer be subject to the provisions of FLPMA.</p>

#	Comment	BLM Response
2.	<u>Individual</u> . The commentor stated that the failure to conduct an Environmental Impact Statement on the mine expansion would have adverse effects to water quality and quantity adjacent to the mine. The commentor stated that the BLM should prepare an EIS for the mine.	See responses to comment #1. The agency responsible for permitting activities that could affect water quality and quantity is the Nevada Department of Environmental Protection (NDEP). Land use decisions, whether under the purview of the BLM or not, would be reviewed and permitted by the NDEP. The Act does not change the responsibility of the NDEP.
3.	<u>State Historic Preservation Office</u> . SHPO outlined the activities to date to comply with the NHPA, including the development of a Memorandum of Agreement.	Comments noted.
4.	<u>Great Basin Resource Watch</u> stated that the BLM needs to clarify whether the Pumpkin Hollow mine project would be subject to NEPA.	Section 3009 (a) (2) (A) directs the BLM to convey public lands to the City of Yerington within 180-days of enactment of the Act (which was June 17, 2015). The “action” before the BLM is to comply with the Act (“...the Secretary shall convey...”). Post-conveyance land uses would not be subject to compliance with NEPA (or the NHPA) <i>by the BLM</i> . Post-conveyance land uses that require approval or permitting by other federal agencies could trigger new NEPA compliance. Post-conveyance land uses would continue to be subject to applicable State, county, and local laws, regulations, ordinances etc. As described in the executed MOA, post-conveyance land uses that could affect archeological sites would have oversight by the SHPO. As post-conveyance land uses are reasonably foreseeable future actions, the BLM has properly considered them in Section 5 (DEA, page 23). For example, as described in Section 5.5.2 (DEA, page 24), the BLM disclosed that foreseeable land uses would result in the loss or disturbance of approximately 6,000 acres of vegetation, based on the extent of information publically available to the BLM. When permitting mining activities on public lands under the 3809 regulations, the BLM requires the submittal of a Plan of Operations (PoO) for its consideration and approval. A PoO is then subjected to compliance with NEPA (and NHPA among other applicable federal environmental laws). The BLM does not have before it a PoO for it to consider; therefore there is no “action” before the BLM to approve a PoO (and thus a mine expansion) as a proposed action in a NEPA document. The land conveyance is required by the Act, and this conveyance is the Proposed Action in this NEPA document. If a mine expansion were to occur post-conveyance, it would not be subject to BLM decision-making because the land and land uses would no longer be under BLM jurisdiction.

#	Comment	BLM Response
5.	<u>Great Basin Resource Watch</u> stated that the BLM should have conducted public scoping and there is no constraint to have done so.	Public scoping was not warranted because: 1) the BLM has determined that under the narrow “action” under the Act [land conveyance], an environmental assessment is the appropriate level of compliance with NEPA (public scoping is only mandatory for an EIS [40 CFR 1501.7]); and 2) compliance with Section 3009 (a) (2) (A) requires the BLM to convey the lands within 180- days, making public scoping for an environmental assessment impossible to do. As stated in Section 1.3 (DEA, page 1), public scoping was not required because alternative uses of resources are not available. Section 3009 (a) (2) (A) states that “...the Secretary shall convey to the City, subject to the agreement of the City...” This Proposed Action is to convey lands to the City of Yerington. Under this mandatory conveyance, no alternative uses of the land could be considered by the BLM (one of the purposes of scoping).
6.	<u>Great Basin Resource Watch</u> stated that the Pumpkin Hollow mine expansion would have significant effects to the environment, and Nevadans will not be aware of the consequences of this project [without an EIS].	In Section 5.4 (DEA, page 23), based on the information available to the BLM from public websites, the BLM has disclosed in Section 5.5.2 (DEA, page 23) the consequences from foreseeable post-conveyance land uses. Although the consequences have been disclosed from foreseeable future land uses, the effects of these uses cannot be prevented or modified by the BLM, therefore these effects are not additive to the effects from the conveyance of the land itself. Approval of the Pumpkin Hollow mine expansion project post-conveyance does not foreclose the public’s opportunity for input. As stated in Section 5.5.2 (DEA, page 23), approval of the Pumpkin Hollow mine expansion project would be subject to review, approval and public input under applicable State, County and local laws, regulations and ordinances. In addition the various permits for water and air quality issued by the NDEP would be subjected to public review and input. If any permitting is required by any other federal agency, public input may also be afforded during permit approval.
7.	<u>Great Basin Resource Watch</u> stated that the draft EA violates NEPA. The draft EA does not analyze the impacts of the Pumpkin Hollow mine expansion.	See also response to comment #1. Section 3009 (a) (2) (A) of the Act directs the BLM to convey public lands. The Act did not exempt the conveyance action from the NEPA; however, the BLM’s responsibility in scope and timeframe while still complying with the NEPA was changed by the Act. The BLM does not have before it a PoO that would be subject to its approval. The “action” before the BLM is to comply with the Act which is non-discretionary (“shall” convey) and within a 180-day timeframe. An environmental assessment is the appropriate level of compliance to disclose the consequences of land conveyance.
8.	<u>Great Basin Resource Watch</u> stated that the draft EA failed to analyze the project’s direct, indirect and cumulative impacts.	GBRW made no specific comments on the content in Chapter 4 (DEA, pages 16-20). The BLM did address the direct and indirect effects to resources in Chapter 4 from the “action” which is to convey land. The “Proposed Action” is to convey land, not to approve a PoO for the Pumpkin Hollow mine expansion. The BLM has properly considered the mine expansion in addition to other post-conveyance land uses in Section 5.4 as Reasonably Foreseeable Future Actions in its Cumulative Effects chapter (DEA, page 23). GBRW made no specific comments on the content in Chapter 5 (DEA, pages 21-26). Included in this section (5.5.2, DEA, page 23) was the disclosure, based on information available to the BLM and public, of the consequences of foreseeable land use actions, including the potential mine expansion.
9.	<u>Great Basin Resource Watch</u> stated that the BLM’s decision not to prepare an EIS was ‘arbitrary and capricious’ because the BLM lacks critical knowledge of baseline conditions.	See also response to comment #1. GRBW made no specific comments on Attachment B (Biological Resources Baseline Report) or the summary included in section 3.4.1 regarding cultural resources (DEA, page 8). The BLM has a complete baseline inventory of the biological and cultural resources of the Conveyance Area. The findings of these baseline studies were summarized in the draft EA in Chapters 3 and 4 (DEA, pages 5-20). On the basis of this information, and in the context of the BLM’s “action” (land conveyance), the BLM had determined that an environmental assessment is the appropriate level of compliance with NEPA.

#	Comment	BLM Response
10.	<p><u>Great Basin Resources Watch</u> stated that because the draft EA is inadequate, and a FONSI cannot stand. <u>Great Basin Resources Watch</u> also stated that the BLM claimed the inadequate reviewed action will not have significant impacts.</p>	<p>GBRW made no specific comments on the content in the draft FONSI that had been made available for public review.</p> <p>The BLM properly explained its rationale in making a preliminary determination that a FONSI is appropriate for a land conveyance. The “action” before the BLM and subject to its compliance with NEPA (because of the Act) is limited to land conveyance. Analysis of the impacts of a Pumpkin Hollow mine expansion is outside the scope of the BLM’s NEPA review, except as a Reasonably Foreseeable Future Action in Section 5.5.2 (DEA, page 23), where information on the cumulative consequences of foreseeable land uses, to the extent available to the BLM and public, was disclosed. The BLM did not preliminarily determine that any significant effects would occur as a result of the land conveyance as directed by the Act (DEA, FONSI).</p>
11.	<p><u>Great Basin Resource Watch</u> stated that the land conveyance is not in the public interest required by FLPMA.</p>	<p>The BLM’s consideration of the public interest for the conveyance was eliminated with the Act, which directs the BLM to convey public lands to the City of Yerington ([Section 3009 (a) (2) (A)] “...the Secretary shall convey...”). The conveyance of lands is mandatory, and as described in Section 1.2 (DEA, page 1), the BLM’s obligation is to comply with the Act and its mandatory timeframe.</p> <p>GBRW asserts that FLPMA requires that public interest <u>must be met</u> [emphasis added]. There is no such provision in FLPMA specifically addressing and mandating Secretarial review of the public interest for special Congressional legislation that mandates land conveyance. The Act specifically exempted the “action” from sections 202 and 203 of FLPMA (DEA, page 2). By enacting this Act, Congress and the Executive Branch determined that conveyance of lands to the City of Yerington is in the public interest. Section 3009 (a) (2) (A) of the Act directs the BLM to convey public lands and the BLM’s obligation is to comply with this mandate within the timeframe set by the Act.</p>
12.	<p><u>Great Basin Resource Watch</u> cited a number of cases whereby a federal agency was found to have not been in compliance with NEPA because an EIS had not been completed.</p>	<p>See response to comment #1.</p> <p>All of these cases cited by GBRW were <i>discretionary</i> in nature on the part of the federal agency. The Act, in Section 3009 (a) (2) (A), uses the terms “shall convey” indicating the <u>mandatory legislative intent</u> of the Act, rather than “may convey” when an agency has discretion whether to act. Also the Act did not provide the BLM the discretion to extend the timeframe (Section 3009 (a) (2) (A) “Not later than 180 days after the date of enactment...” (emphasis added).</p>