

**U. S. Department of the Interior
Bureau of Reclamation**

**Mid-Pacific Region
Lahontan Basin Area Office
Carson City, Nevada**

**Finding of No Significant Impact
and
Environmental Assessment**

**Battle Mountain Community Pasture Barn Demolition
Humboldt Project, Nevada
LO-2010-1004**

July 2011

FONSI NO. LO-11-01

Prepared by:


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Date:

7/5/11

Recommended:


Robert J. Edwards
Resource Division Manager

Date:

7/5/2011

Approved:


Chau Nguyen
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Date:

7/5/2011

FINDING OF NO SIGNIFICANT IMPACT
Battle Mountain Community Pasture Barn Demolition
Humboldt Project, Nevada

I. Background, Proposed Action, and Purpose and Need

The Humboldt Project, located in north central Nevada, is a Bureau of Reclamation (Reclamation) storage project. Authorized in 1933, the Humboldt Project includes federal lands that were withdrawn from the public domain and dedicated to the Project (withdrawn lands), and private lands that were purchased for dedication to the Project (acquired lands). The Humboldt Project includes three primary features – Humboldt Sink, Rye Patch Dam and Reservoir, and the Community Pasture. The Humboldt Sink is located in Pershing and Churchill Counties. The Rye Patch Reservoir is located in Pershing County approximately 22 miles north of Lovelock. The Community Pasture encompasses approximately 30,000 acres of acquired pasture lands located in or near the unincorporated town of Battle Mountain.

One of the various facilities that are located within the Battle Mountain Community Pasture land is an old barn, located east of Battle Mountain. This barn is no longer structurally sound, and is unsafe for human or livestock use. Reclamation proposes to allow Pershing County Water Conservation District (PCWCD) to demolish and remove the barn.

The purpose of the proposed action is to eliminate a human safety hazard. The barn is not structurally sound, and poses a safety hazard to any humans or livestock that enter the barn.

II. Summary of Impacts

Proposed Action Alternative:

- **Wildlife:** A pair of great horned owls (*Bubo virginianus*) was observed roosting inside the barn during a site visit. Great horned owls may use barns as nesting sites. The demolition of the barn during an active nesting attempt would be a violation of the Migratory Bird Treaty Act. Therefore timing of the demolition may occur only after June 15th or before January 1st. If raptors are roosting in the barn at the time of demolition, they need to be instigated to vacate the barn before demolition can continue.

Destruction of the barn will eliminate its future use as roosting and nesting habitat by these owls and other raptors that may roost in the barn. However, the removal of the barn is anticipated to have minimal effect on raptors, due to the proximity of the river, mountains, and other alternative roosting and nesting sites. During the barn demolition and burning of debris, other local wildlife may be displaced

by the noise and disturbance. These potential effects to wildlife would be minimal and temporary.

- **Threatened and Endangered Species:** There are no threatened or endangered species within the barn or in its immediate vicinity.
- **Water Resources:** There would be no impacts to groundwater from the construction activities of the Proposed Action Alternative. Despite the proximity of the barn to the Humboldt River, the demolition and burning activities would have a very small impact area, and would have no effect on water resources in the river.
- **Air Quality:** Current air quality in the project area is good. Under the Proposed Action, there may be temporary small increases in fugitive dust emissions from demolition activities, and smoke emission from burning of the debris. These dust and smoke emissions will be short-term and temporary.
- **Vegetation:** The vegetation immediately in the vicinity of the barn currently consists primarily of weedy species, including saltgrass. This area has been driven over by vehicles and heavily trampled by livestock for decades. There is no vegetation inside the barn, and the demolition and burning of the barn would temporarily impact the vegetation immediately surrounding the barn over the short-term.
- **Cultural Resources:** The activities associated with the proposed action alternative include the demolition and removal of the Battle Mountain Community Pasture Barn. The activities for this alternative constitutes an undertaking as defined by Section 301 of the NHPA (16 USC 470), and therefore compliance with Section 106 of the NHPA is necessary. A cultural resources field inspection of the barn was conducted on October 20-21, 2009. One cultural resource, the barn, was identified within the APE. Reclamation applied the National Register criteria for evaluation (36 CFR Part 60.4) to the barn and determined it was not eligible for inclusion in the National Register. Based on this information, Reclamation consulted with the Nevada SHPO for concurrence that the demolition and removal of the barn will result in a determination of no historic properties affected pursuant to 36 CFR 800.4(d)(1). Following requests for supplemental information, SHPO concurred with Reclamation's determination of eligibility and finding of no historic properties. Due to SHPO's concurrence with Reclamation's findings, Reclamation has satisfied its compliance responsibilities with Section 106 of the NHPA, and no impacts to historic properties are associated with the preferred alternative.
- **Indian Trust Assets:** There are no trust resources within the affected area of the Battle Mountain Community barn demolition and removal.

- Environmental Justice: The Proposed Action Alternative would not disproportionately affect minority or low-income populations within the community.

The No Action Alternative: No impacts to the existing environment would occur. The health and safety hazard would continue to exist.

Irreversible and Irretrievable Commitments / Cumulative impacts:

No irreversible and irretrievable commitments of resources would occur under either alternative.

There would be no known cumulative effects to the human environment from the proposed action when combined with past actions and any known current or reasonably foreseeable future actions.

III. Comments Received on the EA

No scoping comments were received.

No comments were received on the EA and Draft FONSI.

IV. Findings

Reclamation prepared an environmental assessment on the impacts of allowing PCWCD to demolish and remove the barn. The EA documents that compliance has occurred with the Endangered Species Act, Section 106 of the National Historic Preservation Act, Indian Trust Assets, Clean Air Act, Clean Water Act, Environmental Justice, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and the National Environmental Policy Act.

The Lahontan Basin Area Office has found that the proposed action is not a major federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out this action.

Following are the reasons why the impacts of the proposed action are not significant:

1. There would be no impact to most resources analyzed, including water resources and vegetation. There would be a positive impact to health and safety due to removal of the unsafe structure.
2. There will be no impact to Threatened or Endangered Species.

3. There will be short-term temporary impacts to air quality and local wildlife. As mitigated by timing of the barn destruction, there would be no impact to nesting owls present in the barn.
4. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities.
5. There will be no impact to Indian Trust Assets.
6. Historic or cultural resources: Proposed destruction of the Battle Mountain barn constitutes an undertaking with the potential to effect historic properties; however there would be no adverse effect to historic properties.

V. Mitigating Measures / Resource Commitments

PCWCD is responsible for obtaining and complying with, any necessary permits to burn the barn following demolition.

Due to the presence of nesting barn owls, demolition may occur only after June 15th or before January 1st.

PCWCD must also comply with other pertinent federal, state and local laws.

VI. Decision

My decision is to concur with the environmental assessment and allow PCWCD to demolish and remove the barn.

RECLAMATION

Managing Water in the West

Battle Mountain Community Pasture Barn Demolition and Removal Environmental Assessment



U. S. Department of the Interior
Bureau of Reclamation
Lahontan Basin Area Office
705 N. Plaza, Room 320
Carson City, NV 89701

July 2011

ENVIRONMENTAL ASSESSMENT
BATTLE MOUNTAIN COMMUNITY PASTURE BARN
DEMOLITION AND REMOVAL

Lander County, Nevada

U.S. Bureau of Reclamation
Lahontan Basin Area Office
Carson City, Nevada

July 2011

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1.0 INTRODUCTION

1.1 Background

The Humboldt Project, located in north central Nevada, is a Bureau of Reclamation (Reclamation) storage project. Authorized in 1933, the Humboldt Project includes federal lands that were withdrawn from the public domain and dedicated to the Project (withdrawn lands), and private lands that were purchased for dedication to the Project (acquired lands). A Memorandum of Agreement between Reclamation and the Pershing County Water Conservation District (PCWCD) was entered into on May 6, 2004, to convey all right, title, and interest in and to the lands and features of the Humboldt Project, including all water rights for storage and diversion to PCWCD.

The Humboldt Project includes three primary features – Humboldt Sink, Rye Patch Dam and Reservoir, and the Community Pasture. The Humboldt Sink encompasses approximately 32,650 acres of withdrawn lands in Pershing and Churchill Counties. The Rye Patch Reservoir, located in Pershing County approximately 22 miles north of Lovelock, includes approximately 8,460 acres of withdrawn lands and approximately 12,340 acres of acquired lands. The Community Pasture encompasses approximately 30,000 acres of acquired pasture lands located in or near the unincorporated town of Battle Mountain.

One of the various facilities that are located within the Battle Mountain Community Pasture land is an old barn, located east of Battle Mountain. This barn is no longer structurally sound, and is unsafe for human or livestock use. In this Environmental Assessment, Reclamation proposes to allow PCWCD to demolish and remove the barn, and evaluates any environmental impacts that may be associated with the proposed demolition and removal.

1.2 Location of Battle Mountain Community Pasture Barn

The Humboldt Project, located in the high desert of north central Nevada, includes the Humboldt Sink, the Rye Patch Dam and Reservoir, and the Battle Mountain Community Pasture. These areas are contained within three separate noncontiguous areas along the Humboldt River. The Humboldt River is the longest river within the State of Nevada and is the major source of irrigation water for the Humboldt Project.

The Battle Mountain Community Pasture is located approximately 125 miles upstream of the northern end of Rye Patch Reservoir and is traversed by the Humboldt, Rock Creek and Reese River. The elevation is approximately 4,500 feet throughout the Battle Mountain Community Pasture. There are pasture lands primarily north and east of the unincorporated town of Battle Mountain, the county seat of Lander County, Nevada. Project lands are accessible by several paved and unimproved roads.

The Battle Mountain Community Pasture barn is located east of Battle Mountain, on the north side of I-80 (Figures 1 and 2). The legal description of the location of the barn is MDM, T. 32 N., R 44 E., Section 11, NE1/4SW1/4SE1/4.

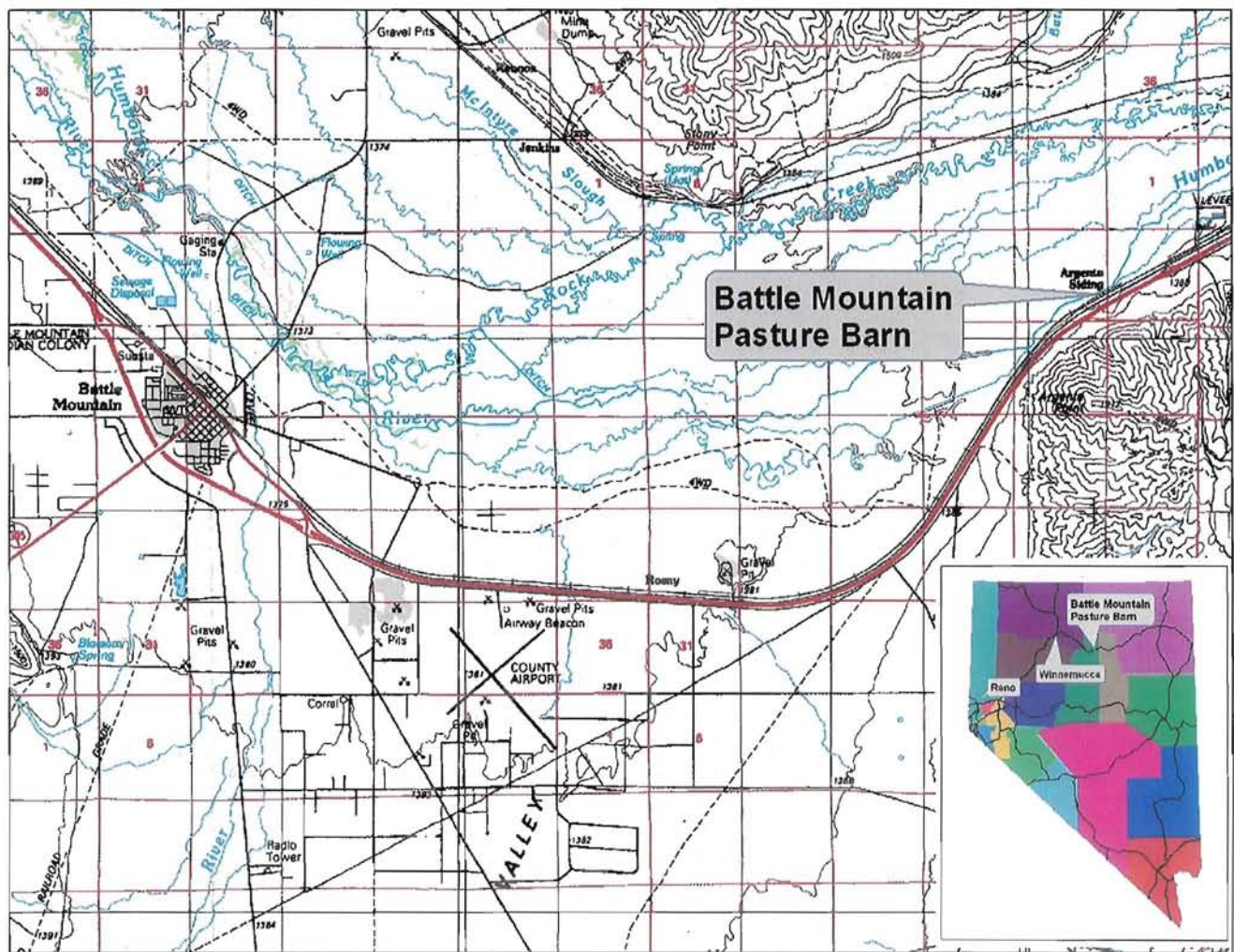


Figure 1. Location Map.

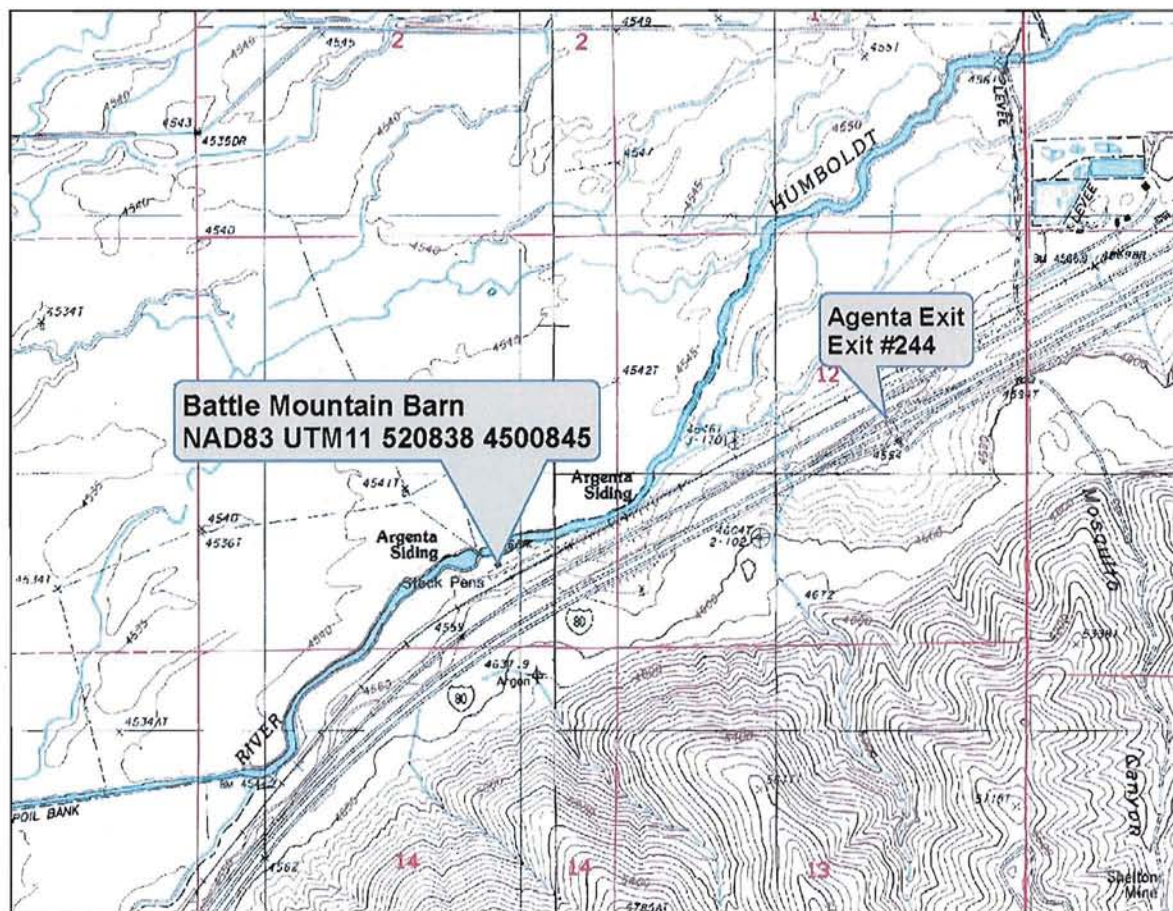


Figure 2. Location Map.

1.3 Purpose and Need for Action

The purpose of the proposed action is to eliminate a human safety hazard. The barn is not structurally sound, and poses a safety hazard to any humans or livestock that enter the barn.

1.4 Public Involvement, Consultation and Coordination

An advertisement describing the proposed Battle Mountain Community Pasture barn demolition and removal and requesting scoping comments was published in the Battle Mountain Bugle on November 6, 2007. A press release on the proposed project requesting comments was also released on November 6, 2007 to Reclamation's Regional "Mid-Pacific All the News" list. The list consists of television, radio, newspapers, and regional entities interested in Reclamation's actions.

2.0 ALTERNATIVES

Reclamation is analyzing the impact of allowing PCWCD to demolish and remove the Battle Mountain Community Pasture barn.

2.1 Alternative 1 - Proposed Action

Reclamation would allow PCWCD to demolish and remove the Battle Mountain Community Pasture barn. PCWCD proposes to push the barn down with a bucket loader, and burn the wood from the barn structure. The adjacent corral fencing would be left standing. PCWCD proposes to start the barn demolition as soon as possible. PCWCD is responsible for obtaining and complying with, any necessary permits to burn the barn following demolition.

2.2 Alternative 2 - No Action

Reclamation would not allow PCWCD to demolish and remove the barn, and the hazard that exists to human and livestock safety would continue to exist, as long as the barn is standing, and until it collapses.



Figure 3. Battle Mountain Community Pasture barn.



Figure 4. Battle Mountain Community Pasture barn.



Figure 5. Battle Mountain Community Pasture barn.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Environmental resources potentially impacted by the alternatives and other issues of concern are described in this section. The impacts include identifying any direct, indirect, or cumulative effects.

3.1 Site Description/Affected Environment

The barn is located just north of I-80, approximately 10 miles east of Battle Mountain. The barn is situated within 100 feet south of the Humboldt River. It is surrounded by sparse weedy grasses and shrubs, and sandy soil. There is wooden and barbed wire fencing, comprising several cattle enclosures, surrounding the barn.

3.2 Environmental Consequences

The following resources are not discussed in this EA: economics, hydrology, climate, soils, floodplains and wetlands, fisheries, geology, noise, visual resources, mineral resources, recreation, land use, transportation, topography, energy, or hazardous waste. Impacts to these resources were considered but not analyzed in detail because they are not affected by the project.

3.2.1 No Action Alternative

There would be no effects and no change from current conditions from the No Action Alternative to any of the resources analyzed in this EA.

3.2.2 Proposed Action Alternative

3.2.2.1 Wildlife

During the barn demolition and burning of debris, local wildlife may be displaced by the noise and disturbance. These potential effects to wildlife would be minimal and temporary.

A pair of great horned owls (*Bubo virginianus*) was observed roosting inside the barn during a site visit. Great horned owls may use barns as nesting sites. Courtship and egg laying will occur in January-February. Eggs hatch in about 35 days, and hatchlings and branchlings are ready to fly well and fend for themselves a little at 10 weeks.

The demolition of the barn during an active nesting attempt would be a violation of the Migratory Bird Treaty Act. Therefore timing of the demolition should occur no earlier than early June or later than January. If raptors are roosting in the barn at the time of demolition, they need to be instigated to vacate the barn before demolition can continue.

Destruction of the barn will eliminate its future use as roosting and nesting habitat by these owls and other raptors that may roost in the barn. However, the removal of the barn is anticipated to have no effect on raptors, due to the proximity of the river, mountains, and other alternative roosting and nesting sites.



Figure 6. Great horned owl inside the Battle Mountain Community Pasture barn.

3.2.2.2 Threatened and Endangered Species

There are no threatened or endangered species within the barn or in its immediate vicinity.

3.2.2.3 Water Resources

There would be no impacts to groundwater from the construction activities of the Proposed Action Alternative. Despite the proximity of the barn to the Humboldt River, the demolition and burning activities would have a very small impact area, and would have no effect on water resources in the river.

3.2.2.4 Air Quality

Current air quality in the project area is good. Under the Proposed Action, there may be temporary small increases in fugitive dust emissions from demolition activities, and smoke emission from burning of the debris. These dust and smoke emissions will be short-term and temporary.

3.2.2.5 Vegetation

The vegetation immediately in the vicinity of the barn currently consists primarily of weedy species, including saltgrass. The vegetation surrounding the barn and corral areas is rubber rabbitbrush and black greasewood. Vegetation along the Humboldt River, which is adjacent to

the barn, is willows, currant and Woods rose. There is no vegetation inside the barn, and the demolition and burning of the barn would temporarily impact the vegetation immediately surrounding the barn over the short-term. This area has been driven over by vehicles and heavily trampled by livestock for decades.

3.2.2.6 Historic and Cultural Resources

The National Historic Preservation Act (NHPA) of 1966, as amended, is the primary legislation that outlines the Federal government's responsibility to cultural resources. Section 106 of the NHPA requires that Federal agencies take into consideration the effects of their undertakings on historic properties. Cultural resources is a term used to describe both archaeological sites, depicting evidence of past human use of the landscape and the built environment, which is represented in structures such as dams, canals, and buildings. Historic properties are cultural resources that are listed on or eligible for inclusion in the National Register of Historic Places (National Register). The 36 CFR Part 800 regulations implement Section 106 of the NHPA and outline the procedures necessary for compliance with the NHPA.

Compliance with the Section 106 process follows a series of steps that are designed to identify if cultural resources are present and to what level they will be affected by the proposed Federal undertaking. The Federal agency must first determine if the proposed action is the type of action that has the potential to affect historic properties. Once that has been determined and an action, or undertaking, has been identified, the Federal agency must identify interested parties, determine the area of potential effect (APE), conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties. The Federal agency consults with the State Historic Preservation Officer (SHPO) on agency determinations and findings and seeks their concurrence with the Federal agency findings.

No Action Alternative:

Under the no action alternative, Reclamation would not move forward with any action and the barn would remain in place. There would be no undertaking as defined by Section 301 of the NHPA (16 USC 470). Without an undertaking, Reclamation would not initiate Section 106 of the NHPA. The condition of cultural resources would be the same as under the existing conditions. No impacts to historic properties are associated with this no action alternative.

Proposed Action Alternative:

The activities associated with the proposed action alternative include the demolition and removal of the Battle Mountain Community Pasture Barn. The activities for this alternative constitutes an undertaking as defined by Section 301 of the NHPA (16 USC 470), and therefore compliance with Section 106 of the NHPA is necessary. A cultural resources field inspection of the barn was conducted on October 20-21, 2009. One cultural resource, the barn, was identified within the APE. Reclamation applied the National Register criteria for evaluation (36 CFR Part 60.4) to the barn and determined it was not eligible for inclusion in the National Register. Based on this information, Reclamation consulted with the Nevada SHPO on November 19, 2010 for concurrence that the demolition and removal of the barn will result in a determination of no historic properties affected pursuant to 36 CFR 800.4(d)(1). SHPO responded with additional questions on December 15, 2010. Reclamation submitted the supplemental information to SHPO on December 17, 2010 and SHPO concurred with Reclamation's determination of eligibility and

finding of no historic properties on December 21, 2010. Due to SHPO's concurrence with Reclamation's findings, Reclamation has satisfied its compliance responsibilities with Section 106 of the NHPA and no impacts to historic properties are associated with the preferred alternative.

3.2.2.7 Indian Trust Assets

Indian Trust Resources are legal interests in property or natural resources held in trust by the United States for Indian Tribes or individuals. The Secretary of the Interior is the trustee for the United States on behalf of Indian Tribes. Examples of trust resources are lands, minerals, hunting and fishing rights, and water rights. There are no trust resources within the affected area of the Battle Mountain Community barn demolition and removal.

3.2.2.8 Environmental Justice

Executive Order No. 12898, Environmental Justice, is "intended to promote nondiscrimination in Federal programs substantially affecting human health and the environment, and to provide minority and low-income communities' access to public information on, and an opportunity for participation in, matters relating to human health and the environment." It requires each federal agency to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including social and economic effects, of its programs, policies, and activities on minority and low-income populations.

EPA guidelines for evaluating potential adverse environmental effects of projects require specific identification of minority populations when a minority population either exceeds 50 percent of the population of the affected area or represents a meaningfully greater increment of the affected population than of the population of some other appropriate geographic unit.

The Proposed Action Alternative would not disproportionately affect minority or low-income populations within the community.

4.0 OTHER NEPA CONSIDERATIONS

4.1 Cumulative Impacts

There will be no effect on environmental resources from cumulative impacts with regards to the demolition and removal of the Battle Mountain Community Pasture barn.

4.2 Irreversible and Irretrievable Commitments

Irreversible commitments are decisions affecting renewable resources such as soils, wetlands and waterfowl habitat. Such decisions are considered irreversible because their implementation would affect a resource that has deteriorated to the point that renewal can occur only over a long

period of time or at great expense, or because they would cause the resource to be destroyed or removed.

Irretrievable commitment of natural resources means loss of production or use of resources as a result of a decision. It represents opportunities forgone for the period of time that a resource cannot be used. Irretrievable refers to the permanent loss of a resource including production, harvest, or use of natural resources. For example, production or loss of agricultural lands can be irretrievable, while the action itself may not be irreversible.

The demolition and removal of the Battle Mountain Community Pasture barn would not result in any operational changes or other physical impacts that would irreversibly or irretrievably commit renewable resources from this federal action.

5.0 LIST OF PREPARERS

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