FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
Hodges Transportation/Nevada Automotive Test Center (NATC)
Land Use Authorization – Test Course Operation
EA-NV-030-02-021

DECISION: It is my decision to approve the Proposed Action as described in EA-NV-030-01-021. The proposed action is BLM's authorization of NATC's use of approximately 235 miles of existing roads on federal lands administered by BLM and the Bureau of Reclamation for vehicle testing and NATC's use of a 740-acre area of Sand Mountain and a 185-acre area of Four Mile Flat for testing both on and off roads. BLM will issue a 3-year land use permit in accordance with Section 302 of the Federal Land Policy and Management Act and regulations contained in 43 CFR 2920. The permit will be renewable at BLM's discretion.

Mitigating measures are detailed in Section 4.3 of the EA and monitoring is detailed in Section 4.6 of the EA. Mitigation requirements that are not part of the Proposed Action described in the EA, have been developed into measurable and enforceable stipulations. This decision is contingent on NATC operating as described in the Proposed Action of the EA and in compliance with all stipulations and monitoring requirements listed below.

1. This permit is issued subject to the permit holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations Part 2920. Failure of the permit holder to comply with applicable law or any provision of this permit shall constitute grounds for suspension or termination thereof.

2. All operations involving vehicle testing activities on federal lands shall be in strict conformity with Environmental Assessment (EA) NV-030-02-021 and the Road Maintenance Plan (May 2002) which were approved and are made part of this permit. Any use that is not in accord with the EA and Road Maintenance Plan shall not be initiated without the prior written approval of the BLM authorized officer.

3. This permit does not authorize new surface disturbance. Testing or maintenance activities by NATC that result in surface disturbance beyond the limits of the existing disturbed areas associated with roads authorized for NATC's use shall be a permit violation and shall constitute grounds for suspension or termination thereof. This stipulation does not apply to the Sand Mountain or Four Mile Flat areas.

4.a. Any cultural (historic or prehistoric site or object) or paleontological resource or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The permit holder shall suspend

all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the BLM authorized officer.

4.b. For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The permit holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the BLM authorized officer.

4.c. For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the permit holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer. The permit holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the BLM authorized officer after consulting with the permit holder.

5. Mechanized maintenance shall not be permitted on the segment of road designated as CrNV-03-5528 shown on Exhibit A of the permit.

6. The permit holder shall not perform maintenance that would involve blading, excavating or removal of wooden culverts at railroad crossings which are designated as CrNV-03-1614 shown on Exhibits B and C of the permit.

7. If the permit holder is prohibited or restricted by a private or other landowner from utilizing a segment of road for vehicle testing and no existing turn-around area exists on public lands, the permit holder must discontinue testing on the road segment on federal land.

8. Damage to range improvements from permit holder activities shall be immediately reported to the BLM authorized officer by telephone, followed by written confirmation. The permit holder is further required to repair damage or replace improvements to the satisfaction of the BLM authorized officer.

9. The permit holder is required to periodically inspect gas pipeline crossings on permitted roads and maintain appropriate soil cover to protect the integrity of the pipeline as directed by Paiute Pipeline.

10. If erosion occurs as a result of NATC's authorized operations in the immediate vicinity of Nevada Bell's existing communication cable, the permit holder is required to perform road maintenance to stabilize the soil and protect the integrity of the cable.

11. For testing of vehicles in excess of 26,000 pounds, the permit holder is required to place temporary signs along the specific portion of roadway used for the test to notify the public of this use. The signs should remain in place only during the actual testing period.

12. The permit holder shall not operate in a manner that prevents public use of any roads or areas authorized for vehicle testing by this permit.

13. Vehicle testing in the vicinity of the Wabuska community pit may be reduced or eliminated by the BLM authorized officer if necessary for expansion of the pit area.

14. The permit holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), U.S.C. 9601 (14), nor does the term include natural gas.

15. BLM may halt testing activities authorized by this permit when warranted for resource protection or public health and safety. Situations resulting in temporary shut-downs could include but would not be limited to: extreme wet or dry conditions, poor road conditions, conflicts with other public land users and new information on sensitive resources which could be impacted by continued testing.

16. The permit holder shall ensure that all gates opened for passage of test vehicles are immediately closed following passage of the vehicles.

17. BLM shall notify the permit holder of scheduled OHV events on roads included in this authorization a minimum of 14 days prior to the event. The permit holder (NATC) shall suspend testing on these roads during approved OHV events.

18. The permit holder shall notify BLM at least 48 hours prior to use of the Sand Mountain area for testing. BLM may prohibit testing at Sand Mountain based on public use of the area.

19. No testing or testing-related activities shall be permitted on road segments within Bull and Mineral Canyon shown on Exhibit D of the permit between March 1st and June 15th. Between June 16th and February 28th testing involving no more than 4 vehicle round-trips per day may be permitted if advance approval for each test is requested from and granted by BLM. No mechanized maintenance (grading, dragging, etc.) shall be permitted on these road segments unless specifically requested and directed by BLM.

20. All test drivers shall have completed a wildlife awareness training provided by the permit holder prior to operating on federal lands. This training, at a minimum, shall

include information on nesting raptors, migratory birds and burrowing owls and shall instruct drivers not to stop vehicles in areas adjacent to nests or riparian vegetation or occupied burrows, other than in emergency situations.

21. No testing shall be permitted within the Four Mile Flat area between May 20th and August 15th, unless the area has been surveyed for presence of snowy plover nesting prior to testing. Survey results shall be provided to BLM for final approval of testing. If evidence of nesting is found, no testing shall be permitted until after the nesting and brooding period.

Monitoring
BLM will monitor NATC's uses authorized on federal lands to ensure compliance with the terms and conditions of the land use permit.

FINDING OF NO SIGNIFICANT IMPACT: Based on the information and analysis presented in Environmental Assessment EA-NV-030-01-021, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

RATIONALE: The proposed action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001). The public was involved in the analysis and review of this project through a public meeting, public notices and direct mailings soliciting scoping comments and review of an earlier version of the environmental assessment. Public and other agency concerns have been addressed in the EA through revisions of the proposed action and adoption of mitigation measures. The need for the proposed action is generated by a nationwide commercial and Department of Defense demand for vehicle and equipment testing services that NATC provides.

Impacts to resources and other issues associated with NATC's proposed testing were analyzed and specific mitigation measures were developed to address identified impacts. The environmental assessment did not identify any unmitigated adverse impacts, resulting from authorization of the proposed vehicle and equipment testing, that are considered significant to the following resources and issues: air quality, cultural resources, prime or unique farmlands, land uses/structural improvements, road condition and maintenance, Native American religious concerns, public health and safety, range and livestock operations, recreational use, socio-economics, vegetation, noxious weeds, special status species, visual resources, wetlands and riparian zones, wild horses and burros, and wildlife. The following critical elements of the human environment were determined to be not present or present but not affected by the proposed action: areas of critical environmental concerns, environmental justice, paleontology, hazardous wastes, wild and scenic rivers, wilderness, floodplains and water quality. Authorization of the proposed action will not preclude future recovery and survival of the Lahontan cutthroat trout.

Consideration of the factors listed above which are supported by analysis presented in the environmental assessment lead me to find that no significant impacts to the human environment would be expected from implementation of the proposed action.

Implementation Period
In accordance with 43 CFR 2920.2-2, this decision is effective as of the date of execution (shown below) and will remain effective pending appeal unless the Secretary of the Interior rules otherwise.

APPEAL PROCEDURES

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address), within 30 days from receipt of this Decision. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21, or 43 CFR 2920.2-2 for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413), at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

STANDARDS FOR OBTAINING A STAY

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

1. The relative harm to the parties if the stay is granted or denied.

2. The likelihood of the appellant's success on the merits.

3. The likelihood of immediate and irreparable harm if the stay is not granted, and

4. Whether the public interest favors granting the stay.

s/Charles P. Pope 05/20/02
Charles P. Pope Date
Assistant Manager, Non-Renewable Resources
Carson City Field Office