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4.1. CUMULATIVE IMPACTS

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

The Proposed Action would transfer lands from federal ownership to the PCWCD, the State of Nevada, and Pershing and Lander Counties. With the exception of the 5,850 acres in the Community Pasture proposed to be transferred to the State of Nevada, and the isolated parcels proposed to be transferred to Pershing and Lander Counties, there would be no substantial change in overall resource management by the receiving entities. PCWCD would continue to operate the Rye Patch Dam and Reservoir in a manner consistent with its current contract(s) with Reclamation. The 22,500 acres within the Community Pasture will continue to be managed and operated for livestock grazing by PCWCD patrons. The State would continue to manage lands within the Humboldt Sink as a Wildlife Management Area and would continue to manage the Rye Patch State Recreation Area.

Future uses of the land proposed for transfer to the State of Nevada in the Community Pasture and the isolated parcels proposed to be transferred to Pershing and Lander Counties, may result in cumulative land use impacts when considered in combination with the effects of development by others (existing and planned) within the project area.

Under the Proposed Action, Pershing County would receive withdrawn lands adjacent to Derby Airfield, the county's airport. Pershing County is planning to develop an Airport Master Plan, which may include economic development of the transferred lands. With the development of Derby Field, county planners anticipate that the site could provide additional growth to the local economy, although the current pattern of use is unlikely to be affected.

Lander County would receive title to approximately 1,100 acres of lands in or near the Community Pasture. The proposed expansion of the County Fairgrounds adjacent to the Livestock Events Center and the reuse of the maintenance shop would occur on lands that are already developed.

The 932-acre parcel adjacent to the sewage treatment plant will transfer to Lander County for potential industrial development. The area is currently zoned as Industrial. Transfer of these lands from federal to county ownership may change the rate of growth in this area because these lands would be available for industrial development in the future. Any development would be subject to applicable Lander County Zoning regulations. The county should review future proposed industrial development to assure that there would be no adverse effects to groundwater quantity and quality that could impact the Humboldt River and either no direct discharges to the Humboldt River or limited discharges that meet federal and State requirements. Provided that future industrial development did not affect the quality of water in the Humboldt River and associated lowland riparian habitats, no adverse secondary or indirect impacts of industrial development of this parcel are anticipated.

Development of a low-maintenance primitive day-use recreational area, parking lot, and river easement adjacent to State Route 806 and the Humboldt River south of White Bridge has the potential to increase recreation use in the area. The parking and primitive recreation area and access easement along the river would provide public access to the river and riparian corridor and offer hiking, hunting, fishing, and wildlife viewing opportunities. Impacts of increased use include soil compaction, litter control, and

safety issues. The easement provides an official dedication of an area unofficially used by hunters, fishermen, and other recreational users to access the Humboldt River with PCWCD permission and establishes Lander County as the official party responsible for managing this easement. Potential impacts resulting from increased public use of the river corridor resulting from the establishment of an official parking lot and public access easement could be offset by improved management by the county, including controlled access gates, signage, and regular patrols.

Under the Proposed Action, the State of Nevada would receive title to approximately 5,850 acres of Community Pasture lands. These lands are proposed for management by NDOW for the purpose of wetland development (Hunt 2004). It is NDOW's goal to restore up to 2,000 acres of wetlands and lowland riparian habitat, but specific management plans, including water sources for recovery and vector control, have not been finalized. Restoration of these lands would attract hunters, anglers, wildlife watchers, and other recreational users and tourists, potentially providing added economic benefit and diversity to the region. These benefits would be directly related to the ability of the State to obtain the water rights and successfully implement the comprehensive master plan for wetland and riparian restoration.

In conclusion, no adverse cumulative impacts on the environment are expected to occur as a result of the proposed title transfer when considered together with other past, present, or reasonably foreseeable future actions.

4.2. SHORT-TERM USES OF THE ENVIRONMENT AND LONG -TERM PRODUCTIVITY

NEPA requires consideration of the relationship between short-term uses of the environment and longterm productivity associated with a proposed action. The Proposed Action is an administrative action that would not result in a direct physical change to the environment.

Under the Proposed Action, PCWCD would obtain legal title to land, water, and facilities for which it has paid in full. This ownership change will allow greater control and accountability of lands currently managed by PCWCD. Centralized control of lands currently managed by PCWCD will provide greater certainty and financial stability for future planning. The State of Nevada would obtain legal title to lands it has historically managed at the Humboldt WMA and at Rye Patch Reservoir. This ownership change will allow the State to better plan for future recreational and wildlife resource needs in these areas. PCWCD has agreed to maintain a 3,000 acre-foot minimum operational pool at Rye Patch Reservoir, thereby allowing the State to manage fishery resources more effectively.

The State would receive approximately 5,850 acres of lands within the Battle Mountain Community Pasture for the potential development of wetland habitat. Transfer of these lands to the State would impose a short-term economic impact to PCWCD by reducing the number of acres available for livestock grazing. Under the Conceptual Memorandum of Agreement between PCWCD and the State of Nevada, PCWCD may continue to graze livestock on these lands until development of wetlands begins. Subsequent to wetlands development, NDOW would allow continued grazing in restored habitat if it is a viable invasive and noxious weed control/vegetation management practice, with the grazing pursuant to a Grazing Plan developed by a mutually accepted range consultant.

Pershing County would receive ownership of lands occupied by the Derby Airport, allowing better control of future airport development and expansion. Lander County would receive lands beneath the existing rodeo grounds and surrounding acreage for future expansion of the facilities, industrial lands adjacent to the sewage treatment plant, and lands for the potential development of enhanced recreational

opportunities along the Humboldt River. Ownership of these lands will allow Lander County to incorporate these lands in future planning decisions.

Receipt of these lands by the PCWCD, State of Nevada, and Pershing and Lander Counties would reduce the amount of lands in federal control, but will allow greater control and future planning by the receiving entities.

4.3. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

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 transfer of land from the federal government to the PCWCD, State of Nevada, and Pershing and Lander Counties would not cause any direct physical impacts to existing biological, cultural, or physical resources. The title transfer in and of itself would not result in any operational changes or other physical impacts that would irreversibly or irretrievably commit renewable resources from this federal action. Development of lands near project lands may occur in the future. However, because these decisions are vague, speculative, and will depend on a number of future political, planning, zoning, and economic factors, they cannot be solely attributed to this federal title transfer action, but instead will result from the outcomes of these future, uncertain decisions and processes.

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This chapter summarizes the consultation and coordination that Reclamation has conducted with various state, federal, and local agencies while preparing for and compiling the EIS. The PCWCD participated in the consultation and coordination activities as a cooperating agency in this EIS. Consultation and coordination will continue through the preparation of the Final EIS.

5.1. PROJECT SCOPING

The scoping process provides the federal, state, and local agencies; organizations; tribes; and interested individuals the opportunity to provide input on key issues and concerns that they believe should be evaluated in the EIS.

The objectives of scoping for the Proposed Project included:

- Identification of significant issues related to the proposed title transfer,
- Determination of the range of alternatives to be evaluated,
- Identification of environmental review and consultation requirements,
- Identification of interested and affected public, and
- Provision of information to the public regarding the project.

Two notices were published in the Federal Register regarding the proposed title transfer. The first notice was published on February 26, 2003 [68 FR 8924] and indicated Reclamation's intent to prepare an EIS. The second notice, a Notice of Public Scoping, was published in the Federal Register on January 14, 2004 [69 FR 2157] and announced that two scoping meetings would be conducted in February 2004 to receive public input on issues to be addressed in the draft EIS. In addition, a scoping letter was mailed to approximately 250 federal, state, and local agencies; organizations; tribes; and interested individuals. Notices were also placed in four local newspapers (Reno-Gazette Journal, February 15-19, 2004; The Humboldt Sun, February 13-16, 2004; The Lovelock Review-Miner, February 12, 2004; and the Elko Daily Free Press, February 9, 2004).

The scoping meetings were held on the dates and locations listed below:

- February 18, 2004, Battle Mountain Civic Center, Battle Mountain, Nevada
- February 19, 2004, Washoe County Bartley Ranch Park, Reno, Nevada

Approximately 26 people attended the Battle Mountain and Reno meetings. An interagency scoping meeting was also held during the day on February 19. Sixteen comments were received during the scoping meetings and 23 letters and e-mails were received by Reclamation during and immediately after the comment period.

5.2. FEDERAL AGENCY COORDINATION

5.2.1. U.S. Fish and Wildlife Service

Under Section 7(a)(2) of the ESA, 16 USC. § 1536(a)(2), each federal agency must, in consultation with the Secretary of the Interior, ensure that any discretionary action authorized, funded, or carried out by the agency "is not likely to jeopardize the continued existence of any [listed] species or result in the

destruction or adverse modification" of designated critical habitat. To assist agencies in complying with the requirements of Section 7(a)(2), the statute and implementing regulations set out a detailed consultation process for determining the biological impacts of a proposed discretionary activity. The consultation is described in regulations promulgated at 50 CFR § 402.

By letter to the FWS on February 14, 2003, Reclamation requested a list of special status species (i.e., endangered, threatened, and candidate species) in the project area to help focus the biological resources assessment (**Appendix H**). The FWS responded by letter on March 3, 2003 to Reclamation providing a list of endangered species that may potentially occur in the project area. Greystone staff biologists met with FWS and NDOW in April 2004 to obtain additional information regarding habitat conditions and potential species that may occur on lands proposed to be transferred. Consultation and coordination with the FWS and other federal and state agencies will continue through the preparation of the Final EIS.

5.2.2. National Historic Preservation Act Compliance

Section 106 of the NHPA of 1966 requires that federal agencies take into account the effects of their actions on historic properties and to afford the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment when an action will have an effect on historic properties. The "Protection of Historic Properties" (36 CFR Part 800) defines the process of implementing requirements of Section 106, including procedures for determining project effects and mitigating adverse effects on historic properties, in consultation with the appropriate State Historic Preservation Office, the Council, relevant Tribes, and other parties.

Pursuant to Section 106 regulations, Reclamation shall involve consulting parties in findings and determinations made during the Section 106 process pursuant to 36 CFR 800.02 (4). In addition to the State Historic Preservation Officer and Indian tribes, representatives of local government with jurisdiction over the area in which the effects of an undertaking may occur are entitled to participate as consulting parties (36 FR 800.2(3).

The first step of the Section 106 process, as set forth at 36 CFR 800.3(a), is for the agency official to "determine whether the proposed federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects to historic properties." Reclamation has determined that the Proposed Action/Preferred Alternative meets the definition of an undertaking, and that the undertaking has the potential to affect historic properties because lands will be transferred from federal ownership. Reclamation is consulting with the Nevada SHPO regarding the identification of historic properties in the project area. Because title transfer, by definition, is an adverse effect to historic properties, Reclamation will notify the Council of the finding pursuant to 36 CFR 800.6(a)(1) once the inventory and evaluation are complete. If the consulting parties agree that a PA should be prepared pursuant to 36 CFR 800.14(b), Reclamation shall invite the Council to participate in the consultation as specified at CFR 800.6(a)(1)(I)(C). Reclamation consulted with interested Tribes, the Lovelock Indian Colony and the Battle Mountain Band of the Te-Moak, regarding sites of religious and cultural significance within the title transfer area, and will continue to do so as the Section 106 process proceeds

5.2.3. Indian Trust Assets

Indian trust assets 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 assets are lands, minerals, hunting and fishing rights, and water rights.

5.3. STATE AND LOCAL AGENCY COORDINATION

Since 1996, Reclamation in cooperation with the PCWCD has been engaged in ongoing communications and negotiations with the Nevada Department of Conservation and Natural Resources, including the Division of State Parks and the Division of Water Resources, the Nevada Department of Wildlife, representatives from Lander and Pershing Counties, and members of the Office of the Governor, and other elected officials at the state and local level.

Subsequent to these negotiations, terms and conditions of the title transfer were drafted and set forth in the MOA between PCWCD and Lander County dated January 24, 2000; the Letter of Agreement between Pershing County and State of Nevada dated April 16, 2002; and the MOA between PCWCD and the U. S. Bureau of Reclamation dated May 6, 2004. Consultation and coordination activities with affected state and local agencies will continue throughout the NEPA process.

5.4. NON-GOVERNMENTAL ORGANIZATIONS AND GENERAL PUBLIC COORDINATION

Since 1996, Reclamation and PCWCD have met with a number of environmental groups, mining groups, and citizens interested in the project area. Coordination with these groups has included individual and group meetings, followed by written correspondence and telephone calls.

Prior to the Notice of Intent (NOI) to prepare this EIS, Reclamation staff and PCWCD met with members of the Lahontan Audubon Society, the Toiyabe Chapter of the Sierra Club, Ducks Unlimited, Barrick Mining Group, the Humboldt River Basin Water Authority, and other stakeholders to solicit comments and to understand areas of concern. Coordination with non-governmental agencies and the general public will continue with the issuance of the Draft EIS, with an accompanying invitation to provide comments and notification of hearings to receive public comment on the Draft EIS.

5.5. DISTRIBUTION LIST

Reclamation sent the following offices, organizations, individuals, and media outlets either a copy of the Draft EIS, a letter notifying the recipient of the draft EIS availability, or a press release.

- 3-H Corporation, Karl Hostman Am-Arcs of Nevada Anker RanchAnkers Inc. Arias, Jose C. Arias, Ricardo & Phyllis ATI Systems International Audubon Society, Phyllis Jo Dean Aufdermaur, John & Bobbie Bales, Steven & Nancy Battle Mountain Band - Te-Moak Shoshone, Greg Holley Battle Mountain Band - Te-Moak Shoshone, Joe Holley Battle Mountain Band - Te-Moak Shoshone, Lydia Johnson Battle Mountain Branch Library Battle Mountain Bugle, Jan Ehlert Battle Mountain Chamber of Commerce, Shar Peterson Battle Mountain Rod & Gun Club, Herb Buhl Bendure. Ted Bennett, Mark Benolkin, Philip & Gail Bing, Peter
- Bishop, Franklin BLM - Battle Mountain, Jim Currivan BLM - Battle Mountain, Jon Sherve BLM - Battle Mountain, Mike Neff BLM – Elko, Bill Fawcett BLM – Elko, Cathie Jensen BLM - Elko, Donna Nyrehn BLM - Reno, Bob Abbey BLM - Reno, Dennis Samuelson BLM - Winnemucca, Barbara Kehberg BLM - Winnemucca, Jeff Johnson Bray, Terry Brinkerhoff Ranches Brinkerhoff, Allen Brinkerhoff. Gene & Teresa Brinkerhoff. Walter Brooks, Tom & Joan Bumpus, Carle & Patrick Bureau of Indian Affairs, Tom Strekal Bureau of Reclamation - Bob Shaffer

Burrows, Ronnie Carpenter, John Kenneth Carter, Lawrence & Gwen Ceresola, Cyndy Cerini. Frank & Diane Cerini, Susan Chadek, Lynne M. Chazier, Jerry Churchill County Museum, Jane Pipelow Clinger Ranch Consolidated Farm Service Agency, Bob Baldwin Consolidated Land & Livestock Cooney, Robert & Loretta Crimmins. Duane D. Crofoot. Dan Daoust, Robert & Carol Davenport, Jerry Davis, Dave Denier, William & Dale Denio, Karen Dennler. Herman Detweiler, Ken Dick and Pauleta Souza Dickerson, Richard Ducks Unlimited, Inc., John Nagel Echeverria, Paul & Sally Elko County Conservation Association, Merlin McColm Elko County Library, Patrick Dunn Elko Daily Free Press, Adella Harding Elko Daily Free Press, Jeff Mullins Elko Land & Livestock, Ron Powell Environmental Defense Fund, David Yardas Espinosa, Ray Fallon Paiute-Shoshone Tribe, Alvin Moyle Fisk, Walter M. Fox. Daniel & Susan Francke, Robert Frank R. Maxwell, Nevada Wildlife Federation, Inc. Gibbons. James A. Gibson. Bob Giudici, Jim Gonsalves, Stanley Goodin, James Goodman, Bob Gottschalk, John & Eleanor Gottschalk, Mike & Mikey Great Basin Bird Observatory, Ed Eidel Great Basin Bird Observatory, Elizabeth Ammon Hansen, Vernice Harman, Mike Heap, Richard Heinz, Dan Himelspach, Gerald Hoevet, Janet Holcher, Paul Hooper, Bobby W. Humboldt County Commissioner, Dan Cassinelli Humboldt County Court House Library Humboldt County Library, Jeff Marcinik Humboldt Feeding Inc. Humboldt Museum, Judy Adams Humboldt River Basin Water Authority, Mike Baughman

Humboldt River Basin Water Authority, Paul Miller Humboldt-Toivabe National Forest, Tom Baker Intermountain Farm Credit, Scott McKinley Intermountain Range Consultants, Bob Schweigert Intermountain West Joint Venture, Jim Cole Irvin, Larry Jackson, Jason Jackson, Shelly Johnson Ranch, Dale Johnson Keil, Rusty Kernen, Joyce R. Kiel, Ronald King, Donald Knight, Dan Knisley, C. Ray & Barbara Knisley, Dan & Tracey L. & B. Galli, H. & S. Van Vliet Lahontan Audubon Society, Ed Mark Lahontan Audubon/Wetlands Coalition, Jane Sunday Lahontan Wetland Coalition, Bob Goodman Lahontan Wetland Coalition, Ed Tilzey Lahontan Wetland Coalition, Norm Saake Lahontan Wetland Coalition, Rose Strickland Lahontan Wetland Coalition, Tina Nappe Landa, John & Kathryn Lander County Advisory Board, Tony Carone Lander County Assessor's Office, Luva Duvall Lander County Commissioner, Mickey Yarbro Lander County Commissioners Office Lander County Conservation District, Jerry Nuefeld Lander County Court House Library Lander County Economic Development Authority, Deborah Hinze Latter Day Saints Church, David Knight Leland Campsey, Natural Resource Conservation Service Lenz, Joel List Cattle Co. List, Jim Lovelock Paiute Tribe, Alfred Happy, Lovelock Paiute Tribe, Harry & Nancy Summerfield Lovelock Paiute Tribe, Monte George Lovelock Paiute Tribe, Richard Happy Lovelock Paiute Tribe, Stephanie Stairwalt MacDougall, Steven Mancero, Roger Marcuerquiaga, Rosie Martin, Les Marvel, John McDougal Livestock Co. McDougal, Richard Medeiros, John Meinle, Leona Mendenhall, Frank & Marion Monroe, Ethel U. Monroe, Robert T. & Robin Montrosc, Karl Hugh & Sharon Mori Ranches, Nelo Mori Moura, Tom & Darlene Munk Brothers Ranch, Paul Davidson Munk, Devoy Munk, Gerald National Audubon Society

Natural Resource Conservation Service, Craig Plummer Natural Resource Conservation Service, Jim Evans Natural Resource Conservation Service, Mel Cheney Natural Resources Defense Council, Hal Candee Neeley, Dorothy Nevada Archaeological Association, Alanah Woody Nevada Archaeological Association, Oyvind Frock Nevada Cattlemen's Association Nevada Cattlewomen's Association, Mary Eldridge Nevada Department of Water Resources, Hugh Ricci P.E. Nevada Department of Water Resources, Michael Anderson Nevada Department of Water Resources, Robert Martinez Nevada Department of Wildlife, Jim French Nevada Division of State Lands Pam Wilcox Nevada Division of State Lands, Ruth Danner Nevada Division of State Parks Nevada Division of State Parks, Allen Newberry Nevada Division of State Parks, David Morrow Nevada Division of State Parks, Gary Orr, Nevada Division of State Parks, Steve Weaver Nevada Division of State Parks, Wayne Perock Nevada Division of Wildlife, Bob McQuivey Nevada Division of Wildlife, Doug Hunt Nevada Division of Wildlife, Terri Crawforth Nevada Farm Bureau Nevada Important Bird Areas Program, Don McIvor Nevada Rock Art Foundation Nevada State Clearinghouse Nevada State Library Nevada State Museum, Eugene Hattori, Nevada Waterfowl Association, Clint Wells Nevada Waterfowl Association, Hugh Judd Nevada Waterfowl Association, John Rogers Nevada Wildlife Federation, Chris Miller Nevada Wildlife Federation, Gale and Elsie Dupree Nevada Wildlife Federation, Karen Boeger Nevada Wildlife Federation, Ruby Rowan Odle, Keith & Diane Oregon California Trail Association, Leslie Fryman Payne, Albert PCWCD, Bennie Hodges Pennington, Rebecca Pershing County Board of Education Pershing County Court House Library, Elizabeth Gonzalez Pershing County District Attorney's Office, Jim Shirley Pershing County Library, Jeanne Munk, Phelps, R. C. Public Resource Associates, Susan Lynn Pulver. Ken Quadrio, Lawrence Renfroe, John & Nancy Reno County Library Reno Gazette-Journal, Jeff Delong Rezek, Shirley Rhoads, Dean Rodabaugh, Kelly Ray Rose, Peggy

Rutherford, Frank A. Safford, James Sample, Calvin & Billie Saralegui, Geraldine Schein, Robert Schroeder Law Offices Senators Harry Reid's Office, Mary Connelly Sevon, Mike Shepherd, Shirley Sill, Marge Sims, Don & Martha Smith, Douglas Starr, Craig State Historic Preservation Office. Alice Baldrica State Historic Preservation Office, Rebecca Palmer State of Nevada, Governor Kenny Guinn's Office Stovall, Sean & Nan Tenente, Alfonso The Humboldt Sun The Lovelock Review-Miner The National Wildlife Federation The Nature Conservancy of Nevada The Oasis at Rye Patch, Astrid & Casey Mahaney Thompson, Helen Thoms. Al Thomsen, Olaf & Maxine Three Bar S Ranch, Craig Starr Toiyabe Chapter of the Sierra Club, Dennis Ghiglien Toiyabe Chapter of the Sierra Club, Rose Smith Toiyabe Chapter of the Sierra Club, Rose Strickland Tomera Ranches, Dan Tomera Tomera Ranches, Lynn & Pete Tomera Tomera Ranches, Paul & Paula Tomera Trout Unlimited, Joe McGurrin Trout Unlimited, Matt Holford Trout Unlimited, Steve Moyer U. S. Geological Survey, Russell W. Plume U.S. Bureau of Reclamation, John Keys U.S. Fish and Wildlife Service, Bob Williams U. S. Fish and Wildlife Service. Chad Mellison United States Senate, Harry Reid United States Senate, John Ensign University of California at Davis, Eric Larsen Vera Smith Insurance, Donna L. Campbell Vera Smith Insurance, Vera Smith Verdi Community Library & Wildlife Education Center Wagner, Ed Waite, Mark Washoe County Library (Courthouse) Watson, Charles S. Weagant, Theyel J. Western Range Service, Al Steninger Winnemucca Council Colony, Bill Williams Worley, David Yearman, Scott York, Gary & Shirley Young Enterprises