

**City of Carson City  
Agenda Report**

**Date Submitted:** April 10, 2012

**Agenda Date Requested:** April 19, 2012  
**Time Requested:** Consent

**To:** Mayor and Supervisors

**From:** Parks and Recreation Department - Open Space Division

**Subject Title:** For possible action to authorize the City Manager to execute documents designating Carson City as a cooperating agency regarding the preparation of a revised Resource Management Plan and Environmental Impact Statement for the Bureau of Land Management Carson City District.

**Staff Summary:** This action is to authorize staff to join other agencies in assisting the BLM with the preparation of an update to the Resource Management Plan and related Environmental Impact Statement as a cooperating agency. Carson City's responsibilities include the review of draft documents and the costs are to be covered through the standard staff duty functions. The City Manager or his designee will become the point of contact for this effort, which is expected to last approximately 15 months.

**Type of Action Requested:** (check one)

Resolution       Ordinance  
 Formal Action/Motion       Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to authorize the City Manager to execute documents designating Carson City as a cooperating agency regarding the preparation of a revised Resource Management Plan and Environmental Impact Statement for the Bureau of Land Management Carson City District.

**Explanation for Recommended Board Action:** Staff is of the opinion that Carson City will be able to become aware and exercise more effective participation in this BLM Resources Management Plan update by joining as a cooperative agency. Carson City's responsibilities are enumerated in the attached memorandum. The City Management or his designee should become the point of contact. The update of the BLM plan is important to Carson City due to the implementation of the Federal Lands Bill and the large amount of lands under the jurisdiction of the BLM within Carson City.

**Applicable Statute, Code, Policy, Rule or Regulation:** National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

**Fiscal Impact:** To be absorbed as part of staff routine operations and activities.

**Explanation of Impact:** The participating agencies are responsible for standard operation costs such as their staff time, reproduction of documents, transportation to meetings, and similar expenditures.

**Funding Source:** Open Space Division accounts

**Alternatives:** Not to approve Carson City becoming a cooperating agency.

**Supporting Material:**

- Cover letter from Chris McAlear, Director, BLM - Carson City Management District
- Draft Memorandum of Understanding
- Flowchart and Timeline

Prepared By: Juan F. Guzman Date: 4/10/12

Juan F. Guzman, Open Space Manager  
for Juan Guzman

Reviewed By: Roger Moellendorf Date: 4/10/12

Roger Moellendorf, Parks & Recreation Director

Lawrence A. Werner Date: 4/10/12  
Lawrence A. Werner, City Manager

Mureen Scully Date: 4/10/12  
District Attorney's Office

Unil Blonk Date: 4/10/12  
Finance Department

**Board Action Taken:**

Motion: \_\_\_\_\_ 1: \_\_\_\_\_ Aye/Nay

2: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Carson City District Office

5665 Morgan Mill Road

Carson City, Nevada 89701

[http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field.html](http://www.blm.gov/nv/st/en/fo/carson_city_field.html)

In Reply Refer to:

1610/(LLNVC00000)

*RECEIVED*  
MAR 26 2012

Larry Werner  
City Manager  
Carson City  
201 N Carson St., Suite 2  
Carson City, NV 89701

*MAR 27 2012*

Dear Larry Werner:

The Bureau of Land Management (BLM), Carson City District Office (CCD) has begun the process to revise its Resource Management Plan (RMP). This major planning effort will revise the 2001 Carson City Field Office Consolidated Resource Management Plan. The BLM has selected a contractor, EMPSi, to assist in the development of the RMP and associated environmental impact statement (EIS).

In the spirit of cooperative consultation and collaborative public involvement, the CCD is requesting that the Carson City formally participate in the planning process as a Cooperating Agency for the duration of the RMP/EIS process. The Council on Environmental Quality's regulations (40 CFR 1501.6 and 1508.5) implementing the National Environmental Policy Act (NEPA) allow federal agencies (as lead agencies) to invite tribal, state, and local governments, as well as other federal agencies, to serve as Cooperating Agencies in the preparation of environmental impact statements. Cooperating Agency status provides the opportunity for us to work together and to enhance the BLM's planning efforts.

The description and duties of a cooperating agency are found at 40 CFR 1501.6(b).

"Each cooperating agency shall:

- 1) Participate in the NEPA process at the earliest possible time.
- 2) Participate in the scoping process (as described in 43 CFR 1501.7).
- 3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.
- 4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
- 5) Normally use its own funds. The lead agency shall, to the extent available and as funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests."

Agencies and the public have participation opportunities such as attending public meetings and reviewing and commenting on plan documents. Being a Cooperating Agency provides the opportunity for interested agencies to take on additional roles and responsibilities beyond basic participation opportunities. Cooperating Agencies have obligations to contribute staff to the RMP/EIS team, assist with analysis of a discipline in which they have special expertise or jurisdiction by law, and fund their own participation.

Cooperating Agencies would be expected to provide a point of contact to attend meetings to accomplish the tasks set forth in a Memorandum of Understanding (MOU). The BLM anticipates 12 Cooperating Agency meetings (more if warranted) over the first 12 to 15 months of the planning process, with an additional 3 to 4 meetings over the following year. There will also be specified timelines and deadlines to review and provide comment on documents.

Specific information about Cooperating Agency relationships is available at the following website: [http://www.blm.gov/wo/st/en/info/nepa/cooperating\\_agencies.html](http://www.blm.gov/wo/st/en/info/nepa/cooperating_agencies.html)

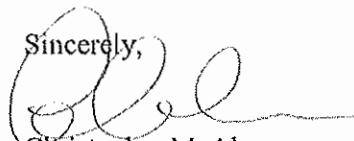
As a Cooperating Agency, you would work closely with BLM and other agencies throughout the RMP/EIS process. While Cooperating Agency status does not eliminate rights to protest or appeal the EIS Record of Decision, it is expected that your agency would have had sufficient opportunity to work with BLM and others during the planning process so that a protest or appeal would not be necessary.

The BLM requests that agencies declining to accept Cooperating Agency status also respond to this invitation. Should you choose not to become a Cooperating Agency, be assured that we will still provide your agency with ample opportunity to participate in the planning process.

Please respond, in writing, to Colleen Sievers at the above address within 15 days of receipt of this letter. The CCD will need to sign an MOU that describes the roles and responsibilities of the BLM and your agency. A draft of the MOU is attached for your review. The CCD will need a point of contact to finalize the MOU and the name of the person who will represent your agency for the planning process.

If you have questions regarding Cooperating Agency status or want more information concerning opportunities available for your agency to participate in the land use planning process, do not hesitate to call Colleen Sievers, Project Manager, at (775) 885-6168 or email [csievers@blm.gov](mailto:csievers@blm.gov).

Thank you for your interest in the planning process and administration of your public lands. The CCD looks forward to working with you as we proceed with this land use planning effort.

Sincerely,  
  
Christopher McAlear  
District Manager

1 Attachment

Memorandum of Understanding (8 pp)

February 2012

MEMORANDUM OF UNDERSTANDING  
February, 2012

United States Department of Interior  
Bureau of Land Management



And

List of Cooperating Agencies

**MEMORANDUM OF UNDERSTANDING**  
Between  
**THE U. S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT,**  
**CARSON CITY DISTRICT**  
And  
List all participating agencies  
as a Cooperating Agency

Regarding the Preparation of the Bureau of Land Management, Carson City District Revised  
Resource Management Plan  
and  
Environmental Impact Statement

**I. INTRODUCTION**

- A. This Memorandum of Understanding (MOU) establishes a cooperating agency relationship between the Department of the Interior through the Bureau of Land Management (BLM), and the AAA County, BBB County, Military, etc. (Agencies) for the purpose of preparing the Resource Management Plan (RMP) and Environmental Impact Statement (EIS). The BLM acknowledges that Cooperating Agencies have special expertise applicable to the RMP/EIS, as defined at 40 CFR 1508.15 and 1508.26. This MOU describes responsibilities and procedures agreed to by the Agencies and the BLM (the Parties).
- B. The National Environmental Policy Act (NEPA) was passed by Congress in 1969 and signed into law on January 1, 1970. This legislation encourages environmental protection and informed decision-making. It provides the means to carry out these goals by:
  1. mandating that every Federal agency prepare a detailed statement of the effects of "major Federal actions significantly affecting the quality of the human environment,"
  2. establishing the need for agencies to consider alternatives to those actions,
  3. requiring the use of an interdisciplinary process in developing alternatives and analyzing environmental effects,
  4. requiring that each agency consult with and obtain comments of any Federal, State, tribal, and local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and,
  5. requiring that detailed statements and the comments and views of appropriate Federal, State, tribal, and local agencies be made available to the public.
- C. The Council on Environmental Quality (CEQ) was established by NEPA to establish policies for implementation of the Act. CEQ regulation (40 CFR 1501.6) provides for and describes both lead and cooperating agency status, and emphasizes agency cooperation early in the NEPA process. To this end, BLM

offered Agencies the opportunity to participate in this RMP/EIS development relative to its expertise and jurisdictional responsibility.

## II. PURPOSE

The purpose of this MOU between the BLM, and the Agencies is to identify each of the Agencies as a cooperating agency and establish the roles and responsibilities of BLM and Agencies in the preparation of the RMP/EIS. The BLM and Agencies recognize the need to work together and develop coordinated action plans; to provide a basis for timely disposition of material issues or problems connected with the development of the RMP/EIS; and to achieve maximum efficiency for their respective agencies. This MOU will serve as a single-project MOU for the RMP/EIS.

## III. AUTHORITY

- A. This MOU is entered into by BLM under the following authorities:
  1. Title IV of the Inter-Governmental Cooperative Act of 1968.
  2. The Taylor Grazing Act of June 28, 1934, (48 STAT. §1259, 43 U.S.C. §315, as amended.
  3. The Federal Land Policy and Management Act of 1976, as amended 43 USC §1737(b), P.L. 94-579 (FLPMA).
  4. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
  5. Implementation of the National Environmental Policy Act (43 C.F.R. Part 46).
  6. Alternative Dispute Resolution Act of 1990 (5 U.S.C. 581 et seq.).
- B. This agreement is not intended to limit any Federal or State laws, rules, or regulations. This agreement is not intended to give any agency or entity additional authority beyond current laws, rules or regulations.

## IV. PROCEDURES

- A. The BLM agrees to:

Maintain responsibility for the administration and management of public lands. The BLM will be the lead agency in the NEPA process as described by Federal Regulations 40 C.F.R. § 1501.5, 1508.16. As the lead agency, the BLM will use its final environmental analysis document drafted pursuant to NEPA, as a basis a Record of Decision (ROD).

B. The Agencies agree to:

Participates as a cooperating agency in the NEPA process as described by Federal Regulations 40 CFR 1501.6 and 1508.5.

C. All Parties agree to:

1. Meet as needed on a mutually agreed date to review and evaluate the implementation of current conditions and trends concerning the intent and functioning of this MOU. This meeting will also serve as a coordination session to determine immediate and future timing requirements and the general programming of cooperative actions as related to the RMP/EIS.
2. Adhere to the applicable Federal, State, and local laws and regulations.
3. Any agency participating in this MOU may opt out of participating in the RMP/EIS by letter from the signing authority or designated agent for that agency with 30 days notice.

V. RESPONSIBILITIES

A. The BLM Responsibilities:

1. Ensure that Agencies have an opportunity to review and comment on documents related to the NEPA process and the RMP/EIS within its identified area of expertise. If necessary, BLM may withhold certain documents from general circulation based on their proprietary nature or other Privacy Act concerns.
2. Coordinate the exchange of information among the Parties and the RMP/EIS Contractor Environmental Management and Planning and Solutions, Inc. (EMPSi) and its subcontractors who will be preparing the RMP/EIS for the BLM.
3. Invite all cooperating agencies, to attend meetings with Federal, State, Native American, regional and local agencies, and other groups as appropriate to discuss the alternatives, engineering details, expected public benefits and mitigation. Agencies will be invited to participate in any major long term planning meetings.
4. Provide regular verbal and/or written progress updates of the NEPA review to all cooperating agencies.
5. Lead the Section 7 Endangered Species Act consultation with the U.S. Fish and Wildlife Service regarding the proposed RMP/EIS. To the extent appropriate, ensure that studies and surveys for the consultations are conducted in accordance with requests of cooperating agencies.

MEMORANDUM OF UNDERSTANDING REGARDING THE PREPARATION OF THE CARSON CITY DISTRICT RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT

6. Lead the Section 106 National Historic Preservation Act (16 USC 470f) consultation with the Nevada State Historic Preservation Office, including Native American consultation, in accordance with the regulations at 36 CFR Part 800.
7. BLM will review proposed treatments, alternatives and mitigation to determine if they should be carried forward into analysis in the RMP/EIS. BLM will notify Agencies in writing of changes to the alternatives, preferred alternative, methods or mitigation measures.

B. The Agencies Responsibilities:

1. Participate as a Cooperating Agency in the document review and preparation of the RMP/EIS.
2. Participate in communications regarding the NEPA review of the project, including, but not limited to, conference calls, meetings, and emails, particularly when such communication concerns Agencies' jurisdiction or expertise. When appropriate, send a representative(s) to attend project related meetings scheduled by the BLM (this could include public meetings for the Draft or Final EIS documents).
3. Provide guidance and expertise in establishing baseline information concerning Agencies resources.
4. Provide written comments on EIS-related documents, including mitigation compliance and public notices, for which review and comments are requested by BLM. Provide review and written comments for those portions of the administrative versions of the Draft and Final EIS directly relating to Agencies resources, within the established timeframe of receipt of draft versions. The comment time for the formal Draft EIS and the Final EIS will remain consistent with 40 CFR § 1506.10(c) timing of agency action.
5. Maintain the confidentiality of the documents and deliberations during the period prior to public release by BLM of any project related work products, including, but not limited to drafts, proprietary information, sensitive resource data and locations, baseline reports and other RMP/EIS related documents.
6. Identify a point of contact (POC) and alternate POC on the Agencies' behalf regarding comments and input for the agency in RMP/EIS project documents.
7. Funding for Agencies participation in the RMP/EIS development process will be a responsibility of Agencies.

C. BLM and Agencies Joint Responsibilities:

BLM and EMPSI will have the lead responsibility in maintaining the Administrative Record; however, Agencies shares the responsibility with BLM for ensuring that the Administrative Record is complete and accurate.

VI. ADMINISTRATION

A. It is mutually agreed and understood by all parties that:

1. Nothing in this MOU will be construed as affecting the authorities of the participants or as binding beyond their respective authorities, or to obligate the BLM, Agencies, State of Nevada or the United States to any current or future expenditure in advance of the availability of appropriations from Congress for such expenditures. Nor does this agreement obligate the BLM, Agencies, State of Nevada, or the United States to spend funds on any particular project or purpose, even if funds are available.
2. Information furnished to the BLM or Agencies during and related to the RMP/EIS process may be subject to the Freedom of Information Act (5 U.S.C. 552).
3. This MOU in no way restricts the BLM, or Agencies from participating in similar activities with other public or private agencies, organizations, and individuals, or from accepting contributions and donations for activities related to the preparation of the RMP/EIS.
4. Nothing in this MOU shall require the BLM or Agencies to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the BLM and Agencies require execution of separate agreements and would be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
5. This MOU is not intended to and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
6. Conflicts between the participants concerning procedures under this MOU which cannot be resolved at the operational/staff level will be referred to successively higher levels as necessary for resolution.

7. Upon request by either of the parties, each party shall review this MOU to assure that it continues to reflect the appropriate understandings and procedures to provide for current needs and capabilities and adherence to the Public Laws.
8. The terms of this MOU may be renegotiated at any time at the initiative of either party after providing a 30-day notice to the other party. Such changes will be in the form of an amendment and will become effective upon signature by the MOU participants.
9. The Federal Government's liability shall be governed by the provisions of the Federal Tort Claims Act (28 U.S.C. 2671-80). The parties shall operate in conformance with the Code of Federal Regulations and the United States Code.
10. The Parties shall comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color, handicap, or national origin; b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §1681-16783, and §1685-1686), which prohibits discrimination on the basis of sex.
11. Any party may terminate their involvement under this MOU upon providing a 30-day written notice of such termination to all parties.
12. Unless otherwise provided, this agreement is not intended to supersede provisions of other agreements between both parties, in whole or in part, unless there is a conflict between the two agreements. This MOU is limited to the preparation of the RMP/EIS.

## VII. APPROVALS

This MOU will become effective upon the last date of signature and shall remain in effect through: (A) Completion of the Record of Decision (ROD); or (B) upon thirty days (30) advance written termination notice by Agencies or BLM.

**Bureau of Land Management, Carson City District Office**

*Christopher McAlear, District Manager*

Date

Agency

*Name, Title*

Date

MEMORANDUM OF UNDERSTANDING REGARDING THE PREPARATION OF THE CARSON CITY DISTRICT RESOURCE  
MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT

## RMP/EIS POINT OF CONTACT LIST

### *Bureau of Land Management Carson City District*

|  |  |              |
|--|--|--------------|
| Christopher McClear – District Manager | <a href="mailto:cmclear@blm.gov">cmclear@blm.gov</a>   | 775-885-6000 |
| Colleen Sievers – Project Manager      | <a href="mailto:csievers@blm.gov">csievers@blm.gov</a> | 775-885-6168 |
| 5665 Morgan Mill Rd.                   |  |              |
| Carson City, NV 89701                  |  |              |

### *Agency*

**PLANNING ISSUES** are conflicts or concerns over a resource management topic that is well defined and entails alternative actions or decisions. Based on the lands and resources that we manage, the BLM has identified categories of issues.

*Issue 1. Restoring Ecological Health*

*Issue 2. Air and Atmospheric Values*

*Issue 3. Water*

*Issue 4. Cultural Resources, Native American Concerns, and Paleontology*

*Issue 5. Visual Resource Management*

*Issue 6. Special Status Species (including Threatened, Endangered, and Sensitive Status Species)*

*Issue 7. Fish and Wildlife*

*Issue 8. Wild Horses and Burros*

*Issue 9. Fire Management*

*Issue 10. Livestock Grazing*

*Issue 11. Recreation and Visitor Services*

*Issue 12. Lands and Realty*

*Issue 13. Mineral Resources*

*Issue 14. Hazardous Materials*

*Issue 15. Special Designations*

*Issue 16. Renewable Energy*

*Issue 17. Socio-Economics*

*Issue 18. Environmental Justice*

*Issue 19. Sustainable Development*

*Issue 20. Comprehensive Travel and Transportation Management*

*Issue 21. Cave and Karst Resources*

*Issue 22. Urban Growth*

*Issue 23. Forest/Woodland Management*

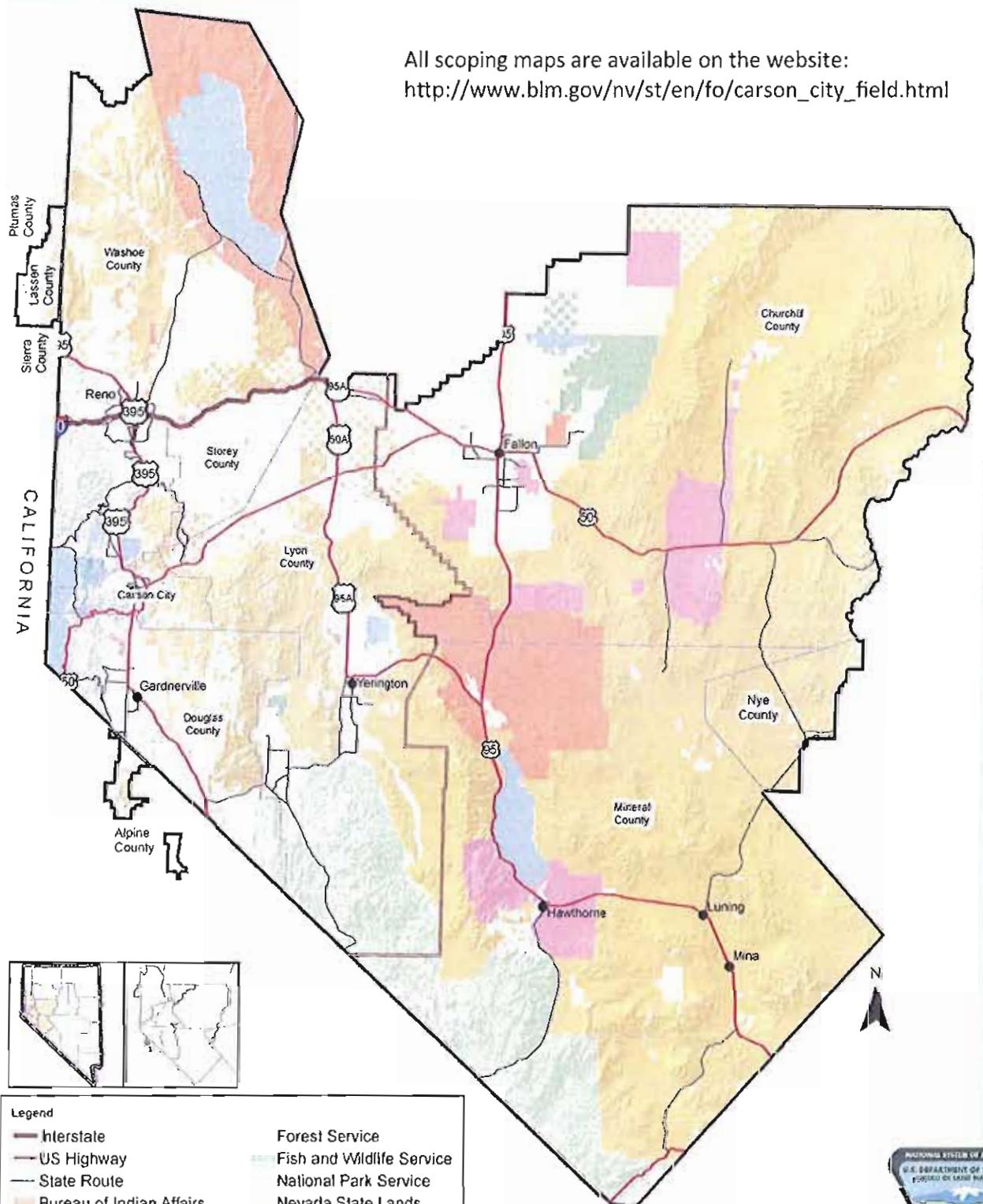
We expect most public issues and concerns fall within one of these statements; however, we do not presume that they are all-encompassing.



# 2.3

## BLM CARSON CITY DISTRICT Map

Christopher McAlear, CCD Manager  
5665 Morgan Mill Road, Carson City, NV 89701  
Office hours are 7:30 am to 4:30 pm  
Phone: (775) 885-6000  
FAX: (775) 885-6147



BLM

2.3—CCD Map

