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United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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FEB 25 2010

In Reply Refer To:
4160 (NVB0100)

Dear Interested Public:

PROPOSED DECISION BALD MOUNTAIN WILDLIFE ENHANCEMENT PROJECT CARICO LAKE ALLOTMENT

INTRODUCTION

The BLM Mount Lewis Field Office (MLFO) proposes to thin (reduce the density of) pinyon pine and juniper trees on up to 3,000 acres of an approximately 18,000 acre project area near Bald Mountain, of the northern Toiyabe Range. The project area is approximately 30 miles south of the town of Crescent Valley, Nevada. The project lies within the Carico Lake grazing allotment (see attached map for project location).

BACKGROUND

Pinyon and juniper woodlands are expanding throughout the Great Basin region at the expense of shrubs, grasses, and forbs. Increases in both density and distribution of pinyon and juniper trees are especially evident in the Bald Mountain area, resulting in a decreased quantity and quality of wildlife habitat. Removal of these trees will enhance habitat for wildlife, particularly habitat for the Greater Sage-Grouse, by reversing or retarding the degradation of remaining high-value wildlife habitats. Livestock and wild horses would also benefit from the proposed project.

The thinning of pinyon and juniper trees in the project area would be accomplished by crews, on foot, using chainsaws. Felled trees would remain in place without further treatment (such as lop and scatter) in order to minimize costs. However, harvest of downed trees by the public would be encouraged in order to reduce fuel loading. Operations could begin as early as spring 2010 and would continue on a seasonal basis for multiple years as priorities and funding allow. Riparian areas (springs, seeps and especially wet meadows) would receive treatment priority. The project would proceed with NEPA compliance under Environmental Assessment (EA) # NV062-EA08-083.

On June 23rd, 2009 a consultation, coordination and cooperation (CCC) letter was mailed to the interested public for a 15 day comment period. Comments provided by the State of Nevada, Division of Forestry were carefully considered in the development of the EA, which was mailed to the interested public on January 25th, 2010, and in the proposed decision. No other comments were received either on the CCC letter or the EA.

PROPOSED DECISION

It is my proposed decision to authorize thinning of pinyon pine and juniper trees as prescribed by the Bald Mountain Wildlife Habitat Enhancement Project in accordance with 43 CFR 4120.3-1 (f).

RATIONALE

There is general agreement that pinyon pine and juniper trees have increased both in range and density within the Great Basin region. Research suggests that the area covered by pinyon-juniper woodlands in the Great Basin has increased dramatically since the late 1800's (see EA # NV062-EA08-083, Bald Mountain Wildlife Habitat Enhancement Project). As these trees begin to dominate sites, the shrub-grass-forb understory is diminished and eventually lost through competitive exclusion. In the Bald Mountain area, the expansion and increasing densities of pinyon-juniper is having a detrimental effect on both the amount and the quality of wildlife habitat. Pinyon and juniper trees have increased at the expense of shrubs, grasses and forbs in the project area.

The BLM's Shoshone-Eureka Resource Management Plan (1986) articulates the following wildlife habitat management objectives:

1. To maintain and improve wildlife habitat and to reduce habitat conflicts while providing for other appropriate resource uses.
2. To provide habitat sufficient to allow big game populations to achieve reasonable numbers in the long-term.
3. To improve and maintain habitat for state listed sensitive species and federally listed threatened or endangered species

The BLM's Shoshone-Eureka Rangeland Program Summary (1988) includes the following wildlife management objectives specific to the Carico Lake grazing allotment:

1. Manage rangeland habitat to enhance sage grouse strutting and nesting areas, in conformance with other objectives of the RMP.
2. In the long term, provide habitat to support 1,750 AUMs (forage needs for reasonable numbers) of big game use, in conformance with other objectives of the RMP (re-affirmed by the Final Multiple Use Decision, Carico Lake Allotment, September, 2005).

In order to meet these objectives, the BLM's MLFO must implement reasonable measures to stem the degradation and eventual loss of high-value wildlife habitat in the Bald Mountain project area that is occurring due to the encroachment of pinyon-juniper woodland. While other methods of pinyon-juniper reduction were considered, including prescribed fire, mechanical

thinning, and herbicidal treatments, crews on foot using chainsaws to thin the trees is deemed to be the most targeted and environmentally benign approach.

AUTHORITY

The authority for this Proposed Decision is contained in the following Title 43 of the Code of Federal Regulations:

Specific Authority-

43 CFR 4120.3-1 (f) – Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

43 CFR 4160.1 (a) – Proposed decisions – Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

PROTEST AND APPEAL PROVISIONS

Protest:

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to the authorized officer (Douglas W. Furtado, authorized officer, Mount Lewis Field Office, 50 Bastian Road, Battle, NV 89820) within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

Appeal:

In accordance with 43 CFR 4.470, 4160.3 (d), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In

accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.461 and 4160.3 (d), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer (Douglas W. Furtado, authorized officer, Mount Lewis Field Office, 50 Bastian Road, Battle Mountain, NV 89820), within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890. Pursuant to 43 CFR 4.471 (c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor, and any other person named in the decision (43 CFR 4.472 (b)).

At the conclusion of any document that a party must serve, the party or its' representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c) (2)).

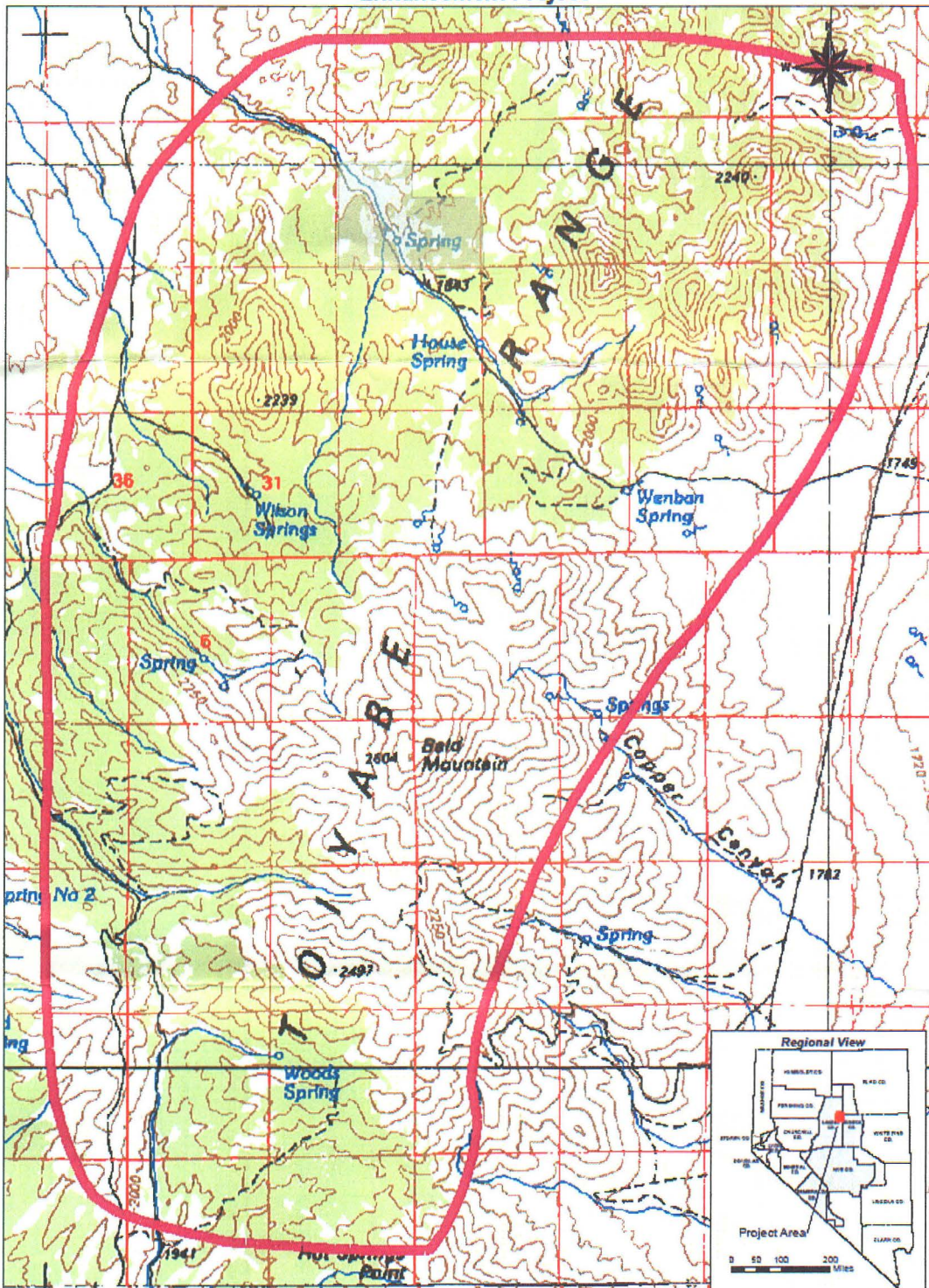
Sincerely,



Douglas W. Furtado
Field Manager
Mount Lewis Field Office

Enclosure

Bald Mountain Wildlife Habitat Enhancement Project



Note:
*All land not shown as Non-BLM Administered land is BLM Administered land



- Legend**
- Project Boundary
 - Non-BLM Administered Land*

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6/2/2009 - BMDO Staff