



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
HC33 Box 33500
Ely, Nevada 89301-9408
702-289-1800

10/6/98
WHA
RESPONDED

*frequently
has led*

In Reply Refer To:
4700(NV-042)

OCT 6 1998

Dear Interested Public:

The Nevada Department of Transportation (NDOT) has identified portions of highway 93 and alternate route 93 north of Ely as being in need of fencing to address safety issues associated with livestock and wild horses crossing the highway. The identified highway segments are as follows: beginning on highway 93 north of Shellbourne at a point approximately thirty miles north of McGill at the existing end of the highway right-of-way fence, and continuing approximately twenty-two miles on both sides of the highway to the Elko County line. Additionally, that portion of alternate route 93 from Lages Junction on both sides of the highway to the Elko County line (approximately six miles) will be fenced. The fences will be entirely within the existing rights-of-way (CC018255, NEV02256). Construction of these fences is considered routine maintenance of the existing road and is implicit to the right-of-way grant. NDOW is complying with 43CFR part 2801.2(b)(6), which discusses right-of-way holders responsibility for compliance with state standards for public health and safety.

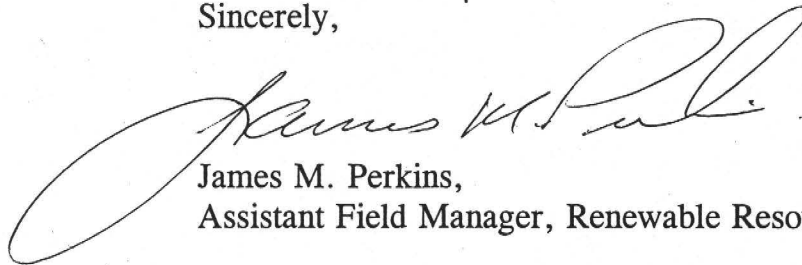
The identified fence and subject road bisect the Antelope Wild Horse Herd Management Area (see attached map). The disposition of the western portions of the herd management area (HMA) following fencing would be as follows. The portion west of the highway and south of highway 93 to the county line would no longer be available as habitat for wild horses. The triangular portion framed by highway 93 and alternate 93 would remain open to the north and would continue to be accessible to wild horses residing in the Antelope Valley HMA (administered by the Elko District, BLM).

The western portion of the Antelope HMA, which will no longer be available as habitat for wild horses, has supported minimal wild horse use, and contains no free water. The nearest regular wild horse use occurs on the West Schell Bench east of the highway surrounding the water sources of the area and in association with the nearby vegetative cover provided by the Pinion/Juniper woodlands.

When fencing is completed, or shortly before, any wild horses remaining west of the highway would be gathered and removed from the area and released east of the highway. They may also be herded out of the area. The enclosed administrative determination was prepared to analyze the environmental impacts associated with this action, as required by NEPA.

If you have any questions regarding the fencing, please feel free to contact Shane DeForest or Bob Brown at (702) 289-1800.

Sincerely,

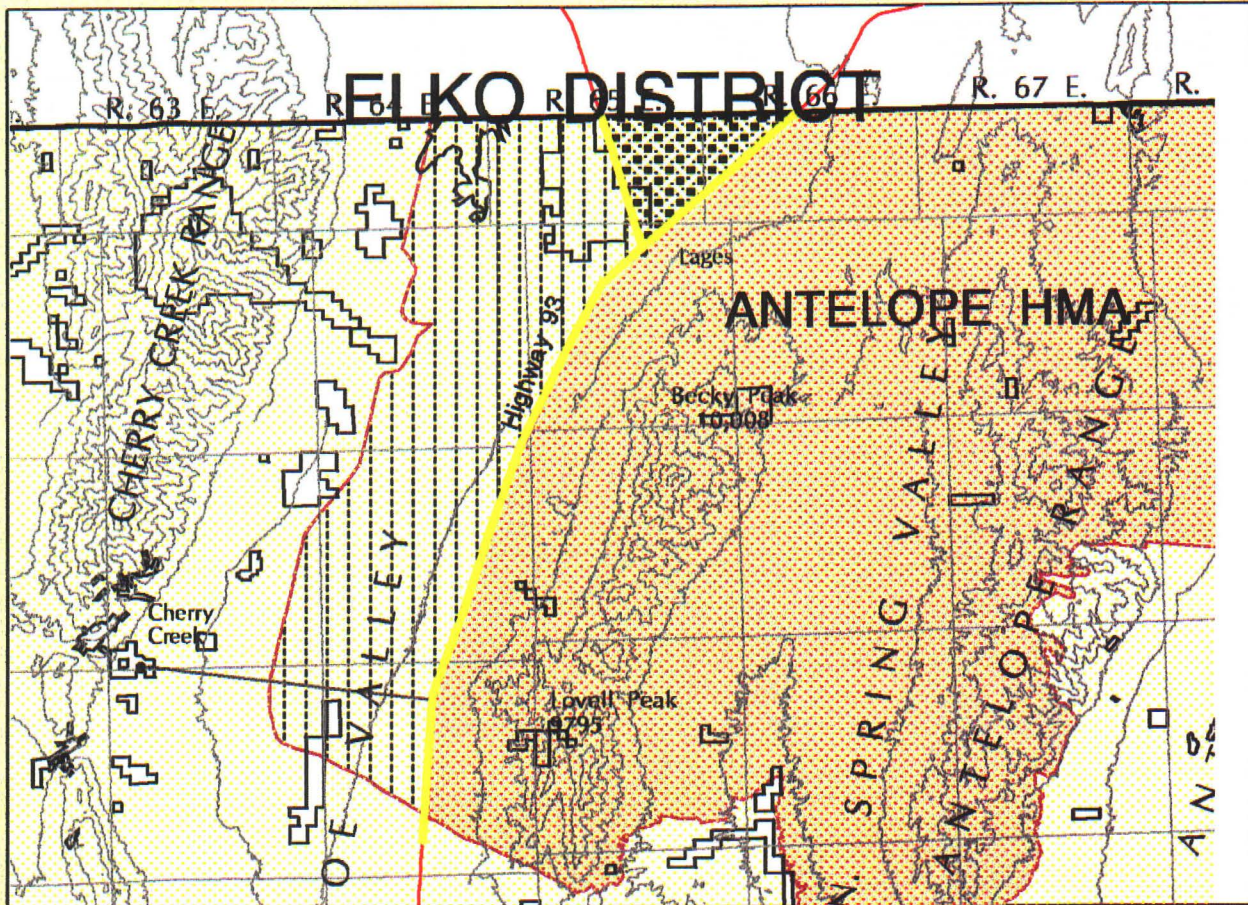
A handwritten signature in cursive script, appearing to read "James M. Perkins".

James M. Perkins,
Assistant Field Manager, Renewable Resources

2 Enclosures

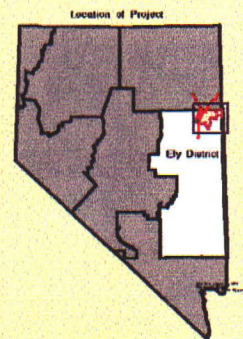
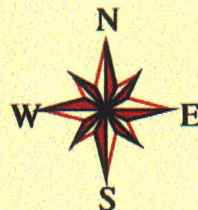
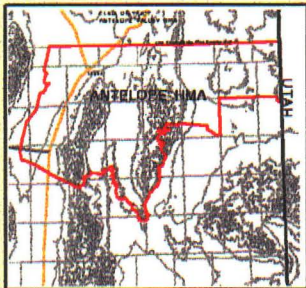
1. Area Map (1pp.)
2. Administrative Determination/FONSI(4pp.)

EFFECT OF HIGHWAY 93 FENCING



- Fence Location Within HMA
- Antelope HMA
- State Highway 35
- U.S. Highway 93
- Excluded from Antelope HMA, and Becoming Horse Free
- Excluded from Antelope HMA, and Remaining Open to Elko District's Antelope Valley HMA

3.6 0 3.6 Miles



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ADMINISTRATIVE DETERMINATION

BLM Office: NV-040

Project File Number:

NV-040-5-27(S198)

Proposed Action Title: Highway 93 Right-of-Way Fence

Location and Legal Description of Proposed Action (attach map):

T. 23 N. R. 64 R. Sections 28, 21, 16, 9, 3

T. 24 N. R. 64 E. Sections 34, 27, 26, 23, 14, 12, 11

T. 25 N. R. 64 E. Section 36

T. 25 N. R. 65 E. Sections 31, 30, 20, 17, 16, 10, 9, 3, 2

T. 26 N. R. 65 E. Sections 36, 35, 34, 27, 22

T. 26 N. R. 66 E. Sections 31, 30, 29, 21

Description of Proposed Action (including Mitigation): The proposed action is to construct fences, along each side of two Rights-of-Way for Highway 93(CC018255 and NEV02256). The project is authorized under 43 CFR part 2801.2(b)(6) regarding the responsibilities of the right-of-way holder regarding state standards for public health and safety. The project would be built to BLM specifications and standard operating procedures as outlined in the Newark Valley Highway 50 Right-Of-Way Fence Environmental Assessment No. EA-NV-040-5-27

NEPA REVIEW

This type of proposed action has been previously analyzed in the following existing NEPA document(s): Programmatic Newark Valley Highway 50 Right-Of-Way Fence EA NO. NV-040-5-27. Date approved: August 10, 1988. This NEPA document has been reviewed against the following criteria to determine if it covers the proposed action:

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
3. There has been no significant change in circumstances or significant new information germane to the proposed action.
4. The methodology/analytical approach previously used is appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document. No additional analysis is necessary.

6. The proposed action would not change the previous analysis of cumulative impacts.
7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

Prepared by:

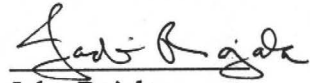


Shane DeForest
Wild Horse Specialist

10/1/98

Date

Reviewed by:



Jake Rajala
Environmental Coordinator

10/1/98

Date

DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT

Decision: I have reviewed this Administrative Determination and it is my decision to accept the project design as proposed.

Rationale: The proposed action is in conformance with the approved Egan Resource Management Plan part II,A,4,(c) and reduces the risk of animal/vehicle collision along the portion of the highway to be fenced. This action is in compliance with 43CFR Part 2801.2(b)(6) which addresses responsibilities of the right of way holder with respect to public safety. While the proposed action would partition off a part of a designated Wild Horse Herd Management Area, the portion to be excluded from use has historically supported very little wild horse use. In addition, very low wild horse use has occurred east of the highway even with the presence of nearby water and cover. The Bureau has committed to removing any horses caught on the west side of the highway before or shortly after the fence is completed. The fence would be built to Bureau standards for Antelope, and finally, the risk of invasion by noxious weeds would be mitigated through implementation of minimal disturbance procedures and no plowing of the fenceline.

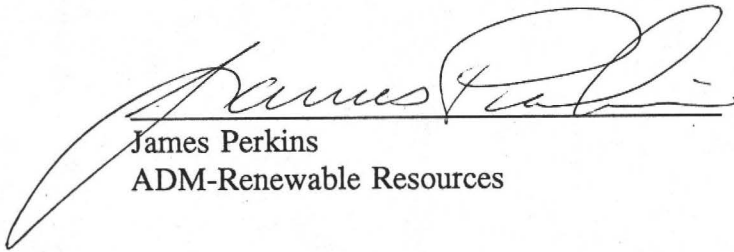
FONSI: I have determined that no significant impacts will occur to the quality of the human environment as a result of this decision; therefore, an EIS is not required.

Rationale: My finding of no significant impact is based on the following:

- The project will have no adverse effects on such unique characteristics as cultural resources, wilderness areas, wetlands, or riparian areas.
- The environmental effects of the project are neither controversial nor do they involve unique or unknown risks.
- The project will have no adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.
- The project does not threaten to violate a Federal, State, or local law or requirements imposed for the protection of the environment.
- The project will have no adverse effects on the human health or environment of

minority or low income populations.

- A weeds assessment of the proposed Highway 93 Fence Right-of-way fence indicates a low potential for spread of noxious weeds with implementation of minimum disturbance procedures (the contractor would be allowed to knock down brush, but would not plow the site).



James Perkins
ADM-Renewable Resources

10/2/98
Date

Antelope HMA 10/1/98

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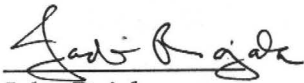


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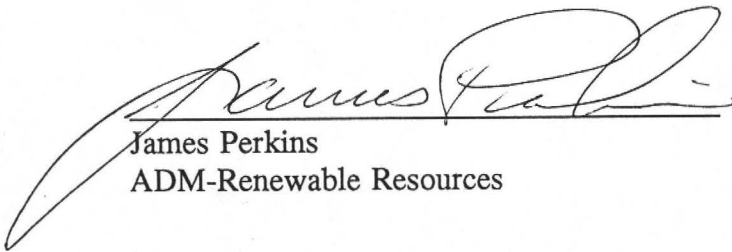
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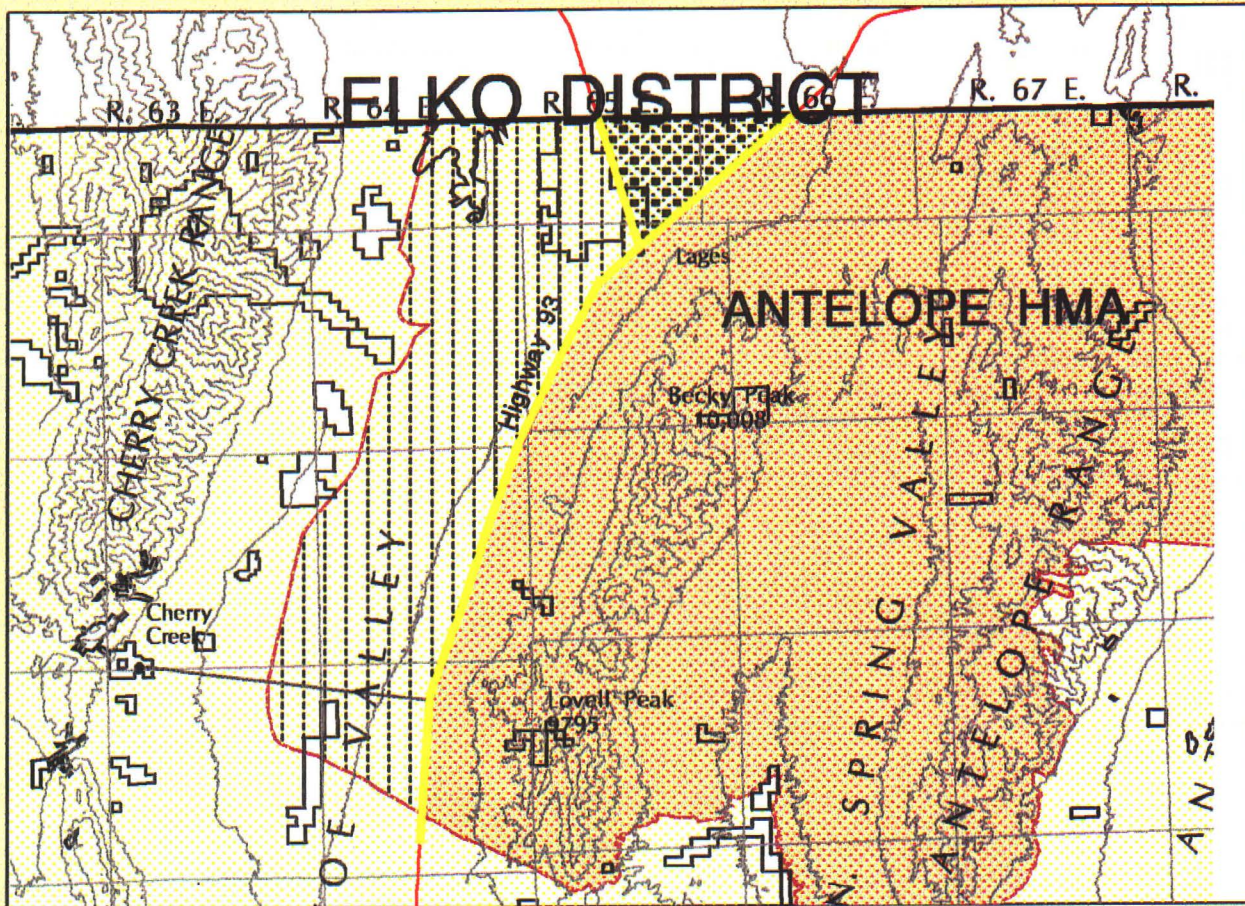
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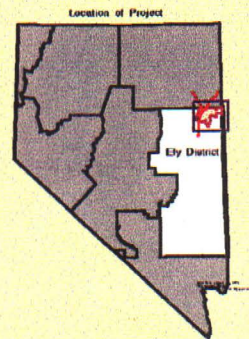
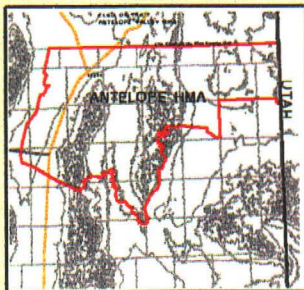
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- Excluded from Antelope HMA, and Remaining Open to Elko District's Antelope Valley HMA

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