



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Ely, Nevada 89301-9408
<http://www.nv.blm.gov>



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~~JAN 28 2004~~

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

In Reply Refer To:
4160
NV-045.09

JAN 23 2004

Dear Interested Public:

On January 23, 2004 the Decision Record and Finding of No Significant Impact (DR/FONSI) for the Thorley Division Fence Environmental Assessment (EA) No. NV-040-03-008 was signed. The DR/FONSI is attached. The enclosed DR/FONSI is the proposed decision and is issued in accordance with 43 CFR 4120.3-1(f).

The proposed action associated with EA No. NV-040-03-008 is to install a standard Bureau 4-wire fence approximately 4.5 miles in length to separate two grazing operations in two use areas of the **Wilson Creek Allotment**.

The project name proposal was posted in 2003 in the initial planning column on the NEPA webpage. The EA was posted for a 30-day review period on December 24, 2003. No comments were received on the EA.

PROTEST:

Any applicant, permittee, lessee or other affected interest may protest the proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Richard A. Orr, Assistant Field Manager, Caliente Field Station, P.O. Box 237, Caliente, Nevada 89008. You have 15 days to protest this decision. All protests should be received in the Caliente Field Station no later than February 18, 2004. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal.

The appeal must be filed in the office of the authorized officer as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed with the Office of the

7 Dept LAKE
Wilson Creek F Area
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Field Solicitor, Suite 6201, Federal Building, 125 South State Street, Salt Lake City, Utah,
84138.

Should you wish to file a motion for stay, the appellant 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.

Sincerely,



Richard A. Orr
Assistant Field Manager
Caliente Field Station

Enclosure:

1. Decision Record and Finding of No Significant Impact for EA NV-040-03-008

DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT

THORLEY DIVISION FENCE
ENVIRONMENTAL ASSESSMENT
NO. NV-040-03-008

Decision: I have reviewed the Environmental Assessment (EA) for the Thorley Division Fence. The site specific analysis for the proposed action is technically adequate, addresses the mandatory elements of the human environment and requires no further analysis. I approve the proposed action, which is to install an open-ended drift fence to provide for increased livestock control between two allotments. This project was identified and recommended in the Final Allotment Evaluation for the Wilson Creek Allotment. Mitigating measures will be fully implemented which include strictly following the BLM fencing guidelines for wildlife including post and wire spacing, use of flagging along the entire fence for short-term visibility, and leaving the west end of the fence open for wild horses. The project will be constructed under applicable Standard Operating Procedures provided to the permittee prior to construction.

For the protection of migratory birds, no construction activities will occur during the period of May 1 through July 15 unless a breeding bird survey is completed first. No hazardous materials will be stored at the project site. To help prevent the establishment of noxious and invasive weeds, control treatments will be initiated if weeds are detected during monitoring. Other monitoring includes compliance visits during construction and inspections every four years thereafter to ensure the fence is properly maintained for the health and safety of the public as well as for wildlife, wild horses, and livestock.

Rationale: The project would accomplish the need for separating two distinct grazing operations in the Thorley and Dry Lake Valley Use Areas of the Wilson Creek Allotment while allowing for better control of livestock and thereby managing for healthier rangelands. By keeping two unequally sized grazing operations separate, the BLM will be more able to adequately determine the effect of grazing on the health of the rangeland resources in these two areas. This will allow for the evaluation of livestock grazing to determine if the Mojave Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines for Rangeland Health are being met, if livestock are a factor, and would dispel any notion that problems are being caused by cattle drifting from other areas.

The project will greatly reduce livestock drift as cattle will have to travel 4.5 miles out of their way to leave their respective allotments.

Finding of No Significant Impact: No significant impacts to the quality of the human environment will occur as a result of implementing the Thorley Division Fence. An Environmental Impact Statement is not required.

CC: Interested Publics

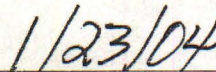
NAME	CERTIFIED RECEIPT NO.
Gary McCuin, Department of Agriculture	7099 3400 0004 7939 7076
George Andrus	7099 3400 0004 7939 7045
George Lea, Public Lands Foundation	7099 3400 0004 7939 7014
Nevada State Clearinghouse	7099 3400 0004 7939 6987
Katie Fite, Committee for the High Desert	7099 3400 0004 7939 6956
Steven Carter, Carter Cattle Co.	7099 3400 0004 7939 6925
Steve Foree, Nevada Division of Wildlife	7099 3400 0004 7939 6864
Melvin Gardner	7099 3400 0004 7939 6833
Shelley Hartmann	7099 3400 0004 7939 6802
Dan Heinz	7099 3400 0004 7939 6772
Lincoln County Commission	7099 3400 0004 7939 6741
John McLain, Resource Concepts Inc.	7099 3400 0004 7939 6710
Betsy Macfarlan	7099 3400 0004 7939 6680
Jon Marvel, Western Watersheds Projectq	7099 3400 0004 7939 6659
Amy Lavoie, USFWS, Southern Field Office	7099 3400 0004 7939 6628
Jule Wadsworth	7099 3400 0004 7939 6598

Rationale: My Finding of No Significant Impact is based on the following:

1. The project will have no adverse effects on such unique characteristics as cultural resources, wilderness areas, wetlands, riparian areas, wild and scenic rivers, prime or unique farmlands, water quality and quantity (drinking and ground), air quality, or wastes - hazardous or solid.
2. The project will have no adverse effects on species listed or proposed to be listed as threatened or endangered or their habitats.
3. The effects of the project are neither controversial nor do they involve unique or unknown risks.
4. The project does not threaten to violate a Federal, State, or local law or requirements imposed for the protection of the environment.
5. The project will have no adverse effects on the health or environment of minority or low income populations.
6. The project will have no adverse effects with regard to weed establishment or encroachment.
7. Any impacts due to the implementation of the project will be within acceptable limits as identified in the Environmental Assessment and will be minimized by the adherence to the Standard Operating Procedures.
8. The project does not pose an impact to Native American religious concerns.



Richard A. Orr, Assistant Field Manager



Date Signed