



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
702-623-1500

FVA 3/30/98
✓

*- we subvced to
1997 FMSD for
Happy Creek Allotment
- wild horse use and distribution
were well addressed.
we support the actions*

In Reply Refer To:
4160
(NV-22.13)

March 30, 1998

Dear Interested Party:

Please find enclosed the Environmental Assessment and Decision Record for the **Happy Creek** Exclosure. The need for the fences was identified through the allotment evaluation process and is further documented in the resulting Final Multiple Use Decision for the Happy Creek Allotment dated February 14, 1997.

43 CFR Sec. 4120.3-1(f) states:

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 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

Therefore, the Decision Record following the Environmental Assessment for the Happy Creek Exclosure is my proposed decision. Protest and appeal procedures follow:

Any applicant, permittee, lessee, or other affected interests may protest the proposed decisions under Sec. 43 CFR 4160.1, in person or in writing within 15 days after receipt of such decision to:

Colin P. Christensen
ADM Renewable Resources
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

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.

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 under 43 CFR 4160.4, §4.21 and §4.470. The appeal and petition for stay must be filed in the office of the authorized officer, 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.

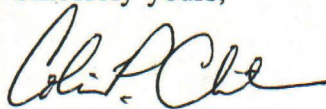
Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (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.

As noted above the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please feel free to call Lynnda Jackson of my staff at 702-623-1500.

Sincerely yours,



Colin P. Christensen
ADM Renewable Resources

Enclosure

cc: CERTIFIED MAIL NO. Z 374 096 002 Ms. Johanna H. Wald, Natural Resources
Defense Council
CERTIFIED MAIL NO. Z 374 096 003 Mr. Roy Shurtz, Happy Creek, Inc.
CERTIFIED MAIL NO. Z 374 096 004 Mr. Craig C. Downer
CERTIFIED MAIL NO. Z 374 096 005 Mr. William R. Brigham, Desert Bighorn Council
CERTIFIED MAIL NO. Z 374 096 006 Mr. Richard Heap, Nevada Division of Wildlife
CERTIFIED MAIL NO. Z 374 096 007 Carlos Mendoza, US Fish and Wildlife Service
CERTIFIED MAIL NO. Z 374 096 008 Mr. Chuck Crisman, Trout Unlimited, Sagebrush
Chapter
CERTIFIED MAIL NO. Z 374 096 009 Ms. Dawn Lappin, Wild Horse Organ. Assist.
CERTIFIED MAIL NO. Z 374 096 010 Ms. Nancy Whitaker, Animal Protection Institute
of America
CERTIFIED MAIL NO. Z 374 096 011 U.S. Humane Society
CERTIFIED MAIL NO. Z 374 096 012 Ms. Cathy Barcomb, Commission for the
Preservation of Wild Horses
CERTIFIED MAIL NO. Z 374 096 013 Ms. Karen Sussman, International Society for the
Protection of Mustangs and Burros
CERTIFIED MAIL NO. Z 374 096 014 American Horse Protection Assn.
CERTIFIED MAIL NO. Z 374 096 015 Humboldt County Commissioners
CERTIFIED MAIL NO. Z 374 096 016 Nevada Division of Wildlife
CERTIFIED MAIL NO. Z 374 096 017 Mr. Charles Watson, Nevada Outdoor Recreation
Association
CERTIFIED MAIL NO. Z 374 096 018 Nevada Cattlemen's Association
CERTIFIED MAIL NO. Z 374 096 019 Stephen A. Moen
CERTIFIED MAIL NO. Z 374 096 020 Mr. John Falen
CERTIFIED MAIL NO. Z 374 096 021 Mr. Doug Busselman, Nevada Farm Bureau
Federation
CERTIFIED MAIL NO. Z 374 096 022 N. Riedy, The Wilderness Society
CERTIFIED MAIL NO. Z 374 096 023 Resource Concepts, Inc.
CERTIFIED MAIL NO. Z 374 096 024 Nevada Bighorns Unlimited

ACTIVITY:

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
EA FACE SHEET

OFFICE: Winnemucca FY & REPORT #: NV-020-08-15

ACTION: Happy Cr. Exclosure NO. OF PAGES: _____

LOCATION: Sec. 21,22,27,28 SERIAL NO: _____

T41N, R23E, MDB&M

<u>TEAM SIGNATURES</u>	<u>TITLE</u>	<u>RESOURCE VALUES ASSIGNED</u>	<u>HOURS</u>
<i>[Signature]</i>	RMS	Range	
<i>[Signature]</i>	Biologist	Wildlife	
<i>[Signature]</i>	Biologist	T&E Species	
<i>[Signature]</i>	Archeologist	Cultural Resources	
<i>[Signature]</i>	Wild Horse Spec.	Wild Horses	
<i>[Signature]</i>	Recreation Spec.	Visual Resources	
<i>[Signature]</i>	Soil Scientist	Soil & Air	
<i>[Signature]</i>	Hydrologist	Water	

ENVIRONMENTAL COORDINATOR: *[Signature]* 18 March 98
(Signature) (Date)

COMPLIANCE OFFICER: RMS
(Title or Name)

DISTRICT MANAGER/ASSISTANT DISTRICT MANAGER, ~~NON~~ RENEWABLE RESOURCES *[Signature]*
(Signature)

3/18/98
(Date)

Environmental Assessment
Happy Creek Exclosure

I. Introduction/Overview

Purpose and Need

The proposed action is to construct a corridor fence along 1.5 miles of Happy Creek. The purpose of the proposed project is to protect riparian habitat. The fence would prevent grazing of riparian vegetation and mechanical impacts to the streambank and vegetation.

The proposed action was identified for evaluation through the planning process in the Final Multiple Use Decision for Happy Creek Allotment dated February 14, 1997.

The proposed action is consistent with the Paradise-Denio Management Framework Plan and with federal, state and local laws, regulations, and policies.

II. Proposed Action and Alternatives

Proposed Action

The proposed action is to fence approximately 120 acres along Happy Creek within Sections 21, 22, 27 and 28, T41N, R32E, MDB&M. The fenced area would include streambank riparian habitat. The western portion of the proposed fence would be located immediately adjacent and parallel to the existing dirt road. The fence would be a four strand barbed wire fence built to antelope specifications. Access to the site would be by existing road with some cross country travel on the east side of the project site.

This project would be implemented under a cooperative agreement. The Bureau would provide materials. The permittee would construct and maintain the project.

No Action Alternative

Under the no action alternative the fence would not be constructed. The riparian habitat would continue to be impacted by livestock, and to a lesser degree by wild horses.

III. Affected Environment

The dominant riparian vegetation is sedge, rush, bluegrass, willow and cottonwood. Upland vegetation is predominantly Wyoming big sagebrush, squirreltail and Sandberg bluegrass.

Happy Creek is a water source for wildlife species including: mule deer, pronghorn, jack rabbits, cottontails, chukar, sage grouse and numerous rodent and songbird species. In addition, the riparian area along the creek provides nesting habitat for songbirds and provides food for wildlife.

Happy Creek has been selected as a potential reintroduction site for Lahontan cutthroat trout, a threatened species.

At this time the stream section that would be fenced is in poor to fair condition. Limiting factors include bank cover, bank stability and sediment introduction into the stream.

Assessment of riparian functionality determined that the section is functioning-at risk with a downward trend. Risk factors included inadequate vegetative cover, root masses and woody debris to withstand high flows; lack of diverse age structure of vegetation; inadequate ability to filter sediment; and poor width/depth ratio.

The proposed fence site is within the Jackson Mountains Wild Horse Herd Management Area.

The proposed project would be located within a Class IV Visual Resource Management area.

The area is currently grazed by livestock April 1 through July 15.

The project area includes CrNV-21-6428, a cultural site that has been determined eligible for the National Register.

U.S. Fish and Wildlife Service Species of Concern and/or BLM Sensitive Species that may occur in the area are as follows:

pygmy rabbit	<u>Brachylagus idahoensis</u>
spotted bat	<u>Euderma maculatum</u>
small footed myotis	<u>Myotis ciliolabrum</u>
long-eared myotis	<u>Myotis evotis</u>
fringed myotis	<u>Myotis thysanodes</u>
long-legged myotis	<u>Myotis volans</u>
pale Townsend's big-eared bat	<u>Plecotus townsendii pallescens</u>
Pacific Townsend's big-eared bat	<u>Plecotus townsendii townsendii</u>
California bighorn sheep	<u>Ovis canadensis californiana</u>
western burrowing owl	<u>Athene cunicularia hypugea</u>
northern goshawk	<u>Accipiter gentilis</u>
black tern	<u>Chlidonias niger</u>
least bittern	<u>Ixobrychus exilis hesperis</u>
white-faced ibis	<u>Plegadis chihi</u>
ferruginous hawk	<u>Buteo regalis</u>

weak milk-vetch
Osgood Mountains
milk-vetch

Astragalus solitarius
Astragalus yoder-williamsii

US Fish and Wildlife Service Candidate Species:

spotted frog Rana pretiosa

No on-the-ground field investigation was conducted for sensitive/protected plants and animal species. However, according to the Nevada Threatened and Endangered Plant Map Book, as updated, no sensitive plants have been observed in the project area.

Salt cedar, a noxious weed species, has been observed within the project area. No other known noxious weed species have been identified in the project area.

Consult the Paradise-Denio Grazing EIS for a more complete description of the environment.

The following critical elements of the human environment are not present or are not affected by the proposed action or alternatives: air quality, areas of critical environmental concern, prime or unique farmland, Native American religious concerns, paleontological resources, waste (hazardous or solid), wild and scenic rivers, and wilderness.

IV. Environmental Consequences

Implementation of the proposed action would result in minimal, short term damage to vegetation where some brush is removed during construction. Disturbance to soil would be negligible.

After completion of the proposed action the area enclosed by the fence would not be grazed by livestock. The adjacent area would be grazed 04/01 through 08/30. Wildlife would continue to have access to the creek.

Implementation of the proposed action would result in improvement of the condition of riparian habitat along Happy Creek. Banks would be expected to show an increase in shrub cover and more herbaceous cover, including a higher density of Carex and Juncus as opposed to Poa species. An increased bank shrub component would stabilize banks, dissipate stream energy during flood events, provide increased stream shading, provide hiding and nesting habitat for wildlife, and provide forage for browsing species. The stream channel would be expected to narrow and deepen.

Fishery habitat conditions should improve. Number and quality of pools could increase as undercuts of stable banks and root wads begin to form. Terrestrial insect availability as a food source should increase as overhanging vegetation increases.

The functionality rating would be expected to improve from functional-at risk to proper functioning condition. Both woody and herbaceous vegetation would increase and result in improve functionality.

Implementation of the proposed action would be expected to have no impact on the distribution of wild horses. Water would be available at both ends of the fence as well as at springs and seeps located nearby. The horses in the allotment are well adjusted to fences and move freely around them.

In consultation with the State Historic Preservation Officer (SHPO), BLM has determined CrNV-21-6428 is eligible for the National Register. The preliminary design of the fence was modified by extending the fence line five meters west to parallel the road. Under the final design, 98% of the site would be enclosed by the fence. SHPO concurs with the BLM's determination of no adverse effect for the undertaking, with the following conditions:

The BLM will ensure that an archeologist monitors the construction of the proposed fences and enclosures within the boundaries of the above historic properties.

Cultural resources are protected under the Archeological Resources Protection Act. Cattle or horse use within the enclosure has the potential to damage the site. The enclosure is not intended as a holding facility and will be signed as closed to grazing. If or when the BLM proposes to introduce cattle into the Happy Creek enclosure, the agency will consult with SHPO regarding the effect of this activity on CRNV-21-6428.

The proposed action would have no adverse impact to sensitive plant or animal species.

Removal of salt cedar would be assessed under a separate EA. Left untreated, this noxious weed would be expected to spread, displacing native plant species.

Visual resources were considered in the analysis of the project and were determined not to be impacted by the proposed action. Therefore, a VRM worksheet was not completed.

Cumulative Impact Analysis

All resources have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or alternative.

V. Specialist Coordination/Concurrence Comments

The specialists who have signed the face sheet of this document have been involved in the development and review of the proposed project and concluded it would not

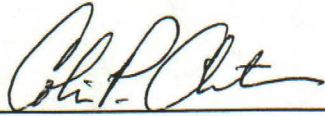
significantly impact their resources.

The Nevada Division of Wildlife, Nevada State Historic Preservation Officer and grazing permittee have been consulted on the proposed action. In addition, publics interested in the Happy Creek Allotment have been consulted through the allotment evaluation process.

FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND DECISION RECORD

FONSI

The EA adequately analyzes the environmental impact of the proposed action. Since no significant negative impacts are expected as a result of implementing the decision, an EIS is not required.



Colin P. Christensen
ADM Renewable Resources
Winnemucca Field Office

3/18/98

Date

DECISION RECORD

Based on the Environmental Assessment (EA), a net beneficial impact to the total environment would result from implementing the proposed action. Therefore, the proposed action is adopted in its entirety with the following stipulations:

The BLM will ensure that an archeologist monitors the construction of the proposed enclosure within the boundaries of the historic properties.

If or when the BLM proposes to introduce cattle into the Happy Creek Enclosure, the agency will consult with the State Historic Preservation Officer.



Colin P. Christensen
ADM Renewable Resources
Winnemucca Field Office

3/18/98

Date

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HAPPY CREEK ENCLOSURE

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR THE
PRESERVATION OF WILD HORSES

123 W. Nye Lane, Room 248
Carson City, Nevada 89706-0818
Phone (702) 687-1400 • Fax (702) 687-6122

April 2, 1998

Colin P. Christensen
ADM Renewable Resources
BLM-Winnemucca District Office
Winnemucca, NV 89445

Dear Mr. Christensen,

Thank you for the opportunity to review and comment on the EA and Decision Record for the Happy Creek Enclosure.

We embraced the 1997 FMUD for this allotment. Wild horse use and distribution were well addressed. We support this action.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Administrator