



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Winnemucca Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
<http://www.nv.blm.gov/winnemucca>



*Blue Wing*

In Reply Refer To:  
(NV-22.10)  
4160/4120

April 1, 1999

CERTIFIED MAIL NO. Z188119107  
RETURN RECEIPT REQUESTED

C-Punch,  
c/o Larry Irvin  
900 Industrial Way  
Sparks, NV 89431

Dear Mr Irvin:

I am sending you the Environmental Assessment and Decision Record for the Blue Wing/Majuba Boundary Fence.

The grazing regulations require range improvements projects to be reviewed in accordance with the National Environmental Policy Act and the Decision Record is considered a proposed decision. The regulation, 43 CFR 4120.3-(f) in full states:

Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environment 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 Blue Wing/Majuba Boundary Fence is my proposed decision.

## PROTEST PROCEDURES:

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

Colin P. Christensen  
Assistant District Manager, Renewable Resources  
5100 East Winnemucca Blvd.  
Winnemucca, NV 89445

The protest, if filed, shall 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 my final decision.

APPEAL PROCEDURES:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by 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 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 reason(s) 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 contact Rich Adams at (702)<sup>735</sup> 623-1500.

Sincerely yours,



Colin P. Christensen,  
Assistant District Manager  
Renewable Resources

Enclosure - Blue Wing/Majuba Fence Environmental Assessment

CC

Certified

Tim Delong	Z188119108	
Buster Dufurrena	Z188119109	
John Espil	Z188119110	
Wes Cook	Z188119111	
Bob Irvin	Z188119112	
Marlowe Jevning, Pershing Cty Sportsmen's		Z188119113
Myron J. Goldsworthy	Z188119114	
NV Land & Res Co., LLC	Z188119115	
CPWH	Z188119116	
WHOA	Z188119117	
Hugh Montrose	Z188119118	
Marion McClellan, Pershing Cty Concerned Citizens		Z188119119
Pershing Cty Commissioners	Z188119120	
NDOW	Z188119121	
Intermountain Range Consultants	Z188119122	
Wilderness Society	Z188119123	
Desert Bighorn Council	Z188119124	
NV Woolgrowers	Z188119125	
NV Cattlemens	Z188119126	
Human Society of U.S.	Z188119127	
ISPMB	Z188119128	
Lassen PCA	Z188119129	
Joe Dahl	Z188119130	
Keith Guenther	Z188119131	
Sierra Club-Toiyabe Chap	Z188119132	
NRDC	Z188119133	
FLB of Sacramento	Z188119134	
Friends of NV Wilderness	Z188119135	

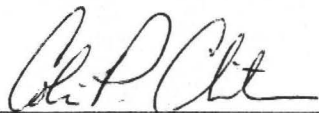
Non-Certified

NRSC Lovelock/Reno	RCI	Honorable Harry Reid
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FINDING OF NO SIGNIFICANT IMPACT (FONSI)/DECISION RECORD

**FONSI**

The Environmental Assessment analyzes the environmental impacts 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

4/1/99  
Date

**DECISION RECORD**

Based on the Environmental Assessment, a net beneficial impact to the environment would result from implementing the proposed action. Therefore, the proposed action is adopted in its' entirety.



Colin P. Christensen  
ADM Renewable Resources  
Winnemucca Field Office

4/1/99  
Date

Environmental Assessment  
Blue Wing/Majuba Boundary Fence

I. Introduction

Background

The 1994 Blue Wing/Seven Troughs Allotment evaluation and subsequent Final Multiple Use Decision (FMUD) implemented a north/south grazing strategy for the permittee, C-Punch. The decision required C-Punch to graze livestock in the northeast portion of the allotment, an area in that in the past hasn't had substantial livestock numbers. Once C-Punch places large number of cattle in this area, cattle could drift over Imlay and Antelope Summits and through Poker Brown Gap toward Rye Patch Reservoir. This would create a management problem for BLM (dealing with unauthorized use), C-Punch and Delong in the Majuba Allotment.

The Land Use Plan (LUP) identified the Antelope Range Herd Area (HA) as an area that would not be managed for wild horses. This was due to the checkerboard land pattern and requests from the land owners to remove wild horses from their private lands. Since then the District has completed six gathers to remove wild horses. Due to a lack of topographic barriers, horses from the Kamma Mountains and Seven Troughs Herd Management Areas (HMAs) return to the Antelope Range HA.

The 1994 Blue Wing/Seven Troughs Allotment Evaluation recognized these problems and recommended a north/south fence be constructed (page 62 of the Final Evaluation). The 1986 Blue Wing/Seven Troughs Herd Management Area Plan identified constructing a fence along the allotment boundaries to keep wild horses in the HMAs (page 17).

Purpose and Need

Construct a boundary fence between the Blue Wing/Seven Troughs and Majuba Allotments. This fence serves two purposes: 1.) Livestock management and 2.) Maintain wild horses within the Kamma Mountains and Seven Troughs HMAs and out of the Antelope Range HA. The proposed fence changes the historic allotment boundaries and a Rangeline Agreement or decision would have to be approved.

Building the fence would be in conformance with the Sonoma-Gerlach Land Use Plan.

## II. Proposed Action and Alternatives

Construct about 32 miles of fence (see attached map). There would be no blading along the fence route. The fence would be four wires, with the bottom wire smooth. The wire spacing would be 18" for the bottom wire, 24" for the second wire, 32" for the third wire, and 38" for the top wire. The wire spacing is a modification of BLM's specification based on comments received in the planning stages. Line posts would be 16.5' ( a rod) apart. Gates would be installed on every minor road/trail, every mile if there are no roads/trails, adjacent to cattle guards, and more frequent in areas where domestic sheep graze. All gates would have either wire or mechanical gate closures installed. Off-set gates would be constructed in the Kamma Mountain HMA. This would expedite moving horses that stray onto the checkerboard lands, back to the HMA. Fabric strips would be installed 50 feet either side of the gates. The line posts would be red with white tops except near the Applegate-Lassen Trail (California Trail on the map) and the Nobels Route (near Rosebud Canyon) where the posts would be green with white tops. The red posts might make it easier for the horses to see the fence line. The green posts should blend into the surroundings. Cattle guards would be installed on the county/major roads (4), the road to Judge's Place and the access roads to Placerities. A gate would be constructed across the Applegate-Lassen Trail. If there is a problem with the gate being left open, then BLM will initiate Section 106 consultation with the State Historic Preservation Office (SHPO) on installing a cattle guard. The cattle guard on the Trail would be painted so it would blend with the surrounding area. All the cattle guards would be of sufficient size and load bearing strength based on expected traffic. The cattle guards would have rebar welded between each rail to prevent horses from stepping between the rails and becoming caught.

Steel pipe would be used to construct corners, stretch panels and gates. In the vicinity of Rocky Canyon rock cribs could be used for corners. Posts along the Trails would be wooden.

BLM would continue to manage wild horses on the west side of the fence, but east of the fence BLM would manage for zero wild horses. The appropriate management level (AML) for both HMAs would not be adjusted because of the fence.

The proposed fence would require adjustments in the historical allotment boundary lines (see allotment boundary map). C-Punch would run their livestock on the west side of the fence. Tim Delong's operation would be entirely on the east side of the fence, in the Majuba Allotment. Buster Dufurrena's and John Espil's sheep operations would continue to graze in their historic use areas, both sides of the fence.

The BLM and permittees are cooperating in the construction of the proposed fence. The costs would be split about 50-50. C-Punch would maintain the fence starting at the southern end north to the road going into the Judge's Place. Tim DeLong's portion begins there and continue to the road to Wildrose (Etchart) Spring in the Kamma Mountains. Buster Dufurrena would maintain the fence from there to the railroad tracks. John Espil and Wes Cook would not be assigned fence maintenance.

### Alternatives

**Alternative 1: From Mauds Well, follow the HMA boundary north-** The location of the southern portion of the fence would remain the same to Mauds Well, where the fence would intersect the HMA boundary. At Mauds Well, the fence would follow the Kamma Mountains HMA boundary north to the railroad tracks. Fence construction techniques, specifications and materials would be the same. This route would require at least four more gates and go through more rugged terrain.

Tim DeLong would graze livestock on both sides of the fence. Both sheep operators would still use both sides of the fence.

**Alternative 2: No Action** - the fence would not be built.

#### Other Alternatives:

The following alternatives were considered but were dropped because they would not meet resource needs. There will be no further analysis.

**Alternative 3:** Construct a fence along the adjudicated allotment boundary line.

**Alternative 4:** Construct a fence along the top of the Kamma Mountains to the boundary fence of Hy Croft Mine.

### **III. Affected Environment**

See Attachment 1 for a list of vegetative species found along the proposed fence line. The south end of the fence would cross a salt desert shrub community. From Rocky Canyon to the Jungo Road, the vegetation community is sagebrush/grassland. From Jungo Road to the railroad tracks the vegetation community is greasewood/desert shrub. There are no noxious weeds along the proposed route. The soils range from a sandy loam at the south end grading into droughty loams and silty loams at the higher elevations to a sodic terrace near the railroad tracks.

The predominate wildlife species are song birds, jack rabbits and reptiles. Pronghorn are the dominate big game species found along the proposed fence. The closest known sage grouse lek is located about one mile from the proposed route.

The proposed fence location is within a Class IV Visual Resource Management Area.

A Class III cultural resource inventory, CR2-2746(P), of the proposed fence line was conducted by Don Zerga and Associates in August of 1998. The proposed fence crosses the Applegate-Lassen Emigrant Trail (CrNV-22-822) which is listed on the National Register of Historic Places. The trail at this location has also been evaluated as a Class II segment by Don Buck of the Oregon-Oregon California Trails Association (OCTA). According to the OCTA Handbook, a Class II trail segment is defined as follows:

"The trail retains elements of its original condition but shows use by motor vehicles, typically as a two-track road overlaying the original wagon trail. There is little or no evidence of having been altered permanently by modern road improvements, such as widening, blading, grading, crowning, or graveling..."

The handbook calls for preserving Class II segments "from any further man-made alterations and intrusions, including road improvements..."

The fence route also crosses the National Register eligible Nobles Route (CrNV-22-4665). The Nobles Route in this area is a bladed well travelled road and is not considered a contributing element of the eligible route. In addition, one small lithic scatter, CrNV-22-4665 was recorded. The site was determined to be not eligible to the National Register.

No Native American consultation was undertaken for this project because the proposed fence does not cross any known areas of Native American concern and the project was not considered to have the potential to adversely impact Native American sacred sites or traditional cultural properties.

The proposed fence would cross portions of the Kamma Mountains and the Seven Troughs HMAs. The FMUD established the following AML ranges:

Kamma Mountains

58 to 77 wild horses

Seven Troughs

117 to 156 wild horses  
35 to 46 burros

The attached map shows wild horse locations documented on census flights. The



distribution flights were not used. The census flights tend to have more accurate wild horses numbers than the distribution flights. A helicopter is used for censusing while an airplane is used for determining distribution. The distribution flights had the same patterns as the census flights. Only the Kamma Mountains HMA data was put on the map since this would be the most controversial area.

The table shows wild horse numbers east (checkerboard lands) and west of the proposed fence by HMA:

Year	Kamma Mountains		Seven Troughs	
	<u>East</u>	<u>West</u>	<u>East</u>	<u>West</u>
1983	5	26	--	--
1984	15	99	319	322
1987	6	13	78	650
1989	0	11	23	161
1992	4	12	32	397
1994	22*	27	13	317
1995	23	25	Not Counted	292
1997	0	100	**	
1998	0	14	Not Counted	531

\* Relocated 37 wild horses from the Humboldt HA and 6 from the Trinity HA in 1993 into the Kamma Mountains HMA.

\*\* HMA not censused in 1997. Scheduled to be censused summer of 1998.

Approximately 11,000 acres of the Kamma Mountains HMA would be east of the proposed fence. Approximately 30,000 acres of the Seven Troughs HMA would be east of the fence. Since this township is checkerboard, about half (15,000) of those acres are public lands. There are no waters located between the road and Kamma Mountains HMA boundary. The only waters are located east, outside, of the HMA boundary; Mitchum Spring and Mauds Well. These water rights are owned by Tim Delong and the spring is located on private land. With adequate snow melt or rainfall, water would collect along roads or in depressions which would allow wild horses and livestock to make some use of those acres. This water is not dependable.

There are two operating mines in the Kamma Mountains HMA, Hy Croft and Rosebud. Hy Croft is an open pit mine with leach pads and other associated facilities. Rosebud is an underground mine. None of the ore is processed on site but is hauled to the Twin Creek Mine near Golconda, Nevada. The haul road passes through the HMA and is just east of the proposed fence line. The Environmental Assessment for the ore hauling identified a potential conflict of wild horses being struck by the ore trucks. Wild horse mitigation identified in the

EA required a slower speed limit and warning signs to be posted. Based on current projections, ore should be hauled until 2004. Hauling may continue longer, pending on-going exploration and ore body delineations which may extend the life of the mine. To date, there are no accounts of a wild horse/haul truck collision or near miss.

No on the ground field investigation has been 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. There could be a potential impact to the Western burrowing owl, a Nevada BLM sensitive species. The owl is a small underground nesting bird of prey which lives in colonies inside abandoned rodent and small mammal dens. The openings appear as obvious holes in the ground marked by whitewash excrement from the colony. None were observed during the survey and design of the fence.

Other Nevada BLM sensitive species that may occur in the proposed project area are the golden eagle, ferruginous hawk, and western sage grouse.

The following critical elements of the human environment are not present and/or not affected by the proposed action or alternatives: air quality, areas of critical environmental concerns, prime or unique farm lands, flood plains, Native American Religious concerns, paleontology, threatened or endangered species, wastes - hazardous or solids, water quality, wetlands/riparian zones, wild and scenic rivers, wilderness, and noxious weeds.

#### **IV. Environmental Consequences**

##### Proposed Action

Construction would cause some short-term impacts to the vegetation from crushing, trampling, and breaking. The vegetation should recover within 2-3 years after construction. The soils along the fence would withstand the impacts of driving and any animals that might walk along the fence without causing any accelerated wind or water erosion. There shouldn't be much driving along the fence line during construction and for maintenance since there are multiple roads.

There should be no impacts to wildlife and domestic sheep movements since the bottom wire would be smooth and 18" off the ground. Both animals should easily pass through the fence while keeping cattle and wild horses in the appropriate use areas. There would be some inconvenience for the sheep herders getting through the fence if a gate was not near by.

The proposed fence would cross one ineligible lithic scatter, CrNV-22-4665, a non-contributing element of the eligible Nobles Route, and the National Register listed Applegate-Lassen Trail. A barbed-wire gate would be built where the fence crosses the Applegate-Lassen Trail. A swale helps conceal the fence from view from the Trail. Consequently visual impacts to the integrity of setting of the trail would be minimal and the proposed fence has been determined to have no adverse impact on National Register values.

OCTA was also consulted. Although they preferred a simple wire gate, their letter indicated that a cattle guard painted an inconspicuous color would be acceptable. It was decided to install a gate. If it becomes a problem with the gates being left open then a cattle guard would be installed after consulting with SHPO.

No impacts to Native American sites are anticipated.

For the short term (3-5 years) there could be problems of wild horses running into the fence until they are conditioned to the fence. Based on the census flights the majority of horses were found west of the fence. It would appear the area between the fence and HMA boundary does not provide substantial habitat for the horses. There are no water sources for wild horses and C-Punch livestock in this area. The 22 and 23 horses located east of the proposed fence line, 1994 and 1995 respectively, were probably horses relocated from the Humboldt and Trinity HAs trying to establish a new home range. They do not reflect the normal pattern of horses native to the area. It is documented that horses move freely between the HMA and the Antelope Range HA. Once the horses are accustomed to the fence, BLM would not have to gather horses in the Antelope Range HA.

The portion of the Seven Troughs HMA that is east of the proposed fence is checkerboard. The wild horses on this portion of the HMA tend to interact more with the horses in the Antelope Range HA than with the horses in the western portion of the HMA. Again, the majority of the horse were found west of the proposed fence when the HMA was censused. It would appear the area between the proposed fence and the eastern HMA boundary does not provide substantial habitat for the horses.

The proposed fence should eliminate any chances of wild horses being struck by a haul truck. Livestock generally use the area east of the road.

The impacts to western burrowing owls should have a low probability of occurring due to the scattered distribution of the species and the likelihood that vehicles would not knowingly drive into the den openings since they are obvious. If the fence was constructed during the spring, there could be disturbance and/or displacement of the birds. This could possibly lead to the abandonment of the young if the fence was too close to the burrows. A possible positive impact to the

young if the fence was too close to the burrows. A possible positive impact to the burrowing owl would be an elevated perch to facilitate hunting of prey.

Visual resources were considered in the analysis of the project and were determined not to be impacted by the proposed action. Though the area is rated Class IV, the fence was staked using topographic features to screen the proposed fence from the major roads. Therefore, a VRM worksheet was not completed.

### Alternatives

**Alternative 1: From Mauds Well, follow the HMA boundary** - The proposed fence would have the same impacts as the proposed action. The impacts to the livestock operations and wild horses would differ.

The area between the road and proposed fence could not readily be used by livestock since there is not dependable water. The livestock would be fighting the fence to get to the water, causing increased maintenance. Mr. Delong was approached about putting an extension on his pipeline to put water in the HMA. Mr. Delong did not want to pursue this project.

Wild horses would utilize the entire Kamma Mountains HMA, but would still not be able to make substantial use of the land between the road and proposed fence since dependable water is lacking. There would be increased fence maintenance with wild horses attempting to get to the water. In addition, wild horses would be at greater risk of being hit by the haul trucks.

**Alternative 2, No Action** - The fence would not be constructed. C-Punch would be required to place large numbers of cattle in this area. Placing that number of cattle in this portion of the allotment could increase the chances that cattle would drift over Imlay and Antelope Summits and through Poker Brown Gap toward Rye Patch Reservoir. This would be a management problem for BLM, C-Punch and other operators. With C-Punch riding more there could still be a problem of livestock drifting out of the allotment.

Wild horses would continue using the Antelope Range HA. BLM would continue with periodic wild horses removals. The monies used for these removals could be used elsewhere addressing pressing resource issues. No impacts to cultural resources or Native American sites would occur.

### **Cumulative Impact Analysis**

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

## V. Specialists 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 action.

The following individuals were consulted and have provided comments during the planning stages of the project:

Charles H. Dodd	Oregon-California Trails Association
Dawn Lappin	WHOA
Cathy Barcomb	CPWH
John Espil	Permmittee
Larry Irvin (C-Punch)	Permmittee
Tim DeLong	Permmittee
Buster Dufurrena	Permmittee

The following individuals/organizations provided comments on the preliminary EA:

John Espil  
Larry Irvin  
Tim DeLong  
Buster Dufurrena  
Nevada Division of Wildlife  
Rosebud Mine

Attachment #1

Grasses:

Indian Ricegrass  
Bottlebrush Squirretail  
Sandberg bluegrass  
Thurber's needlegrass  
Cheatgrass  
basin wildrye

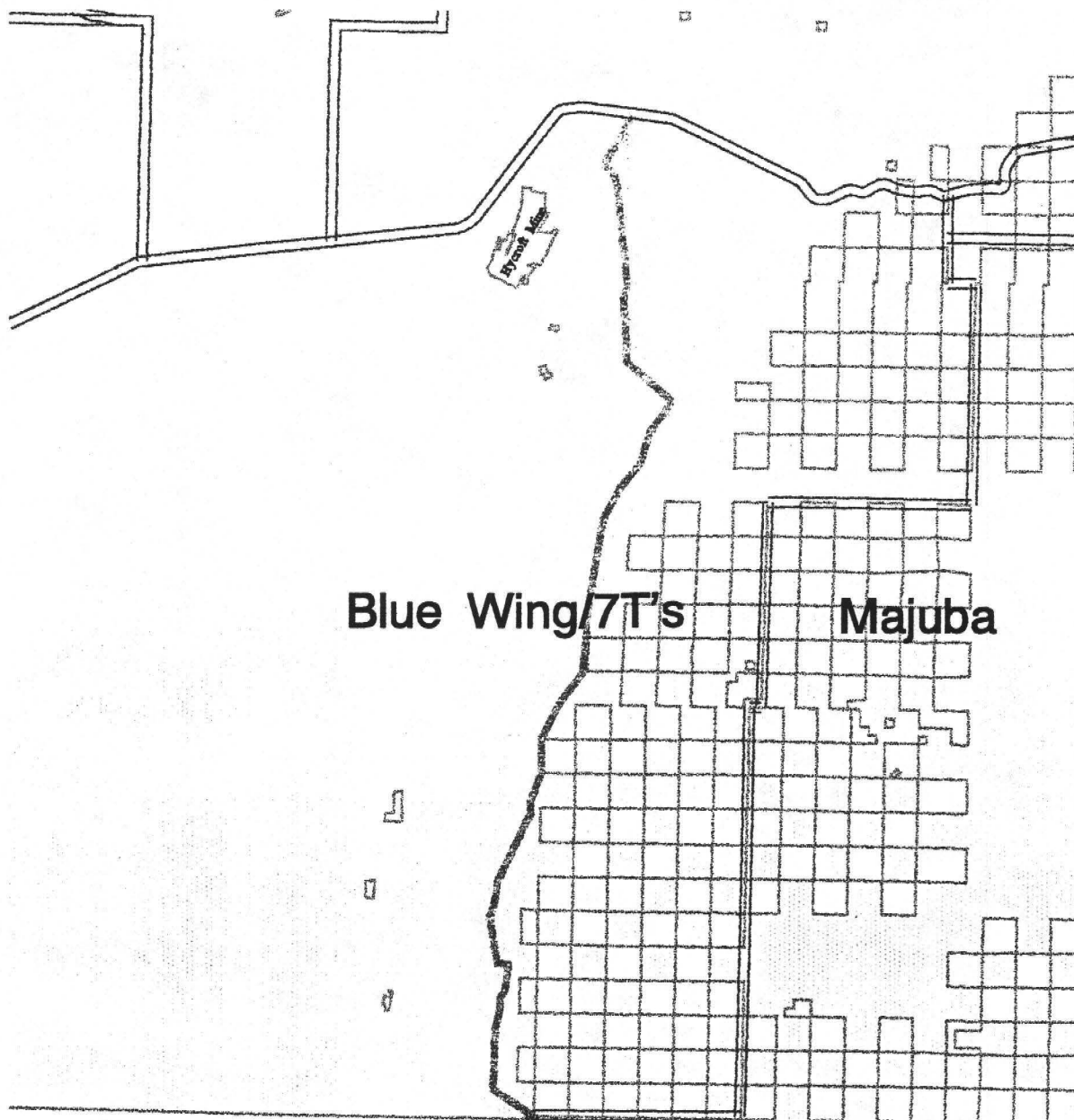
Forbs:

globemallow  
lupine  
Indian Paintbrush  
phlox  
tansy tumbledustard  
fiddleneck  
halogeton  
biscuitroot  
pepperweed  
milkvetch

Shrubs:

horsebrush  
spiny hopsage  
green mormon tea  
shadscale  
winter fat (white sage)  
eriogonum  
Bailey greasewood  
bud sage  
Wyoming big sagebrush  
low sage  
rabbitbrush

# Blue Wing/Majuba Fence




2 0 2 4 Miles



 ALLOTMENT BOUNDARIES

 BLUE WING/MAJUBA FENCE

LAND STATUS

 BLM

 PRIVATE LAND

Map Date: 2/27/98  
Created by: Rich Adams

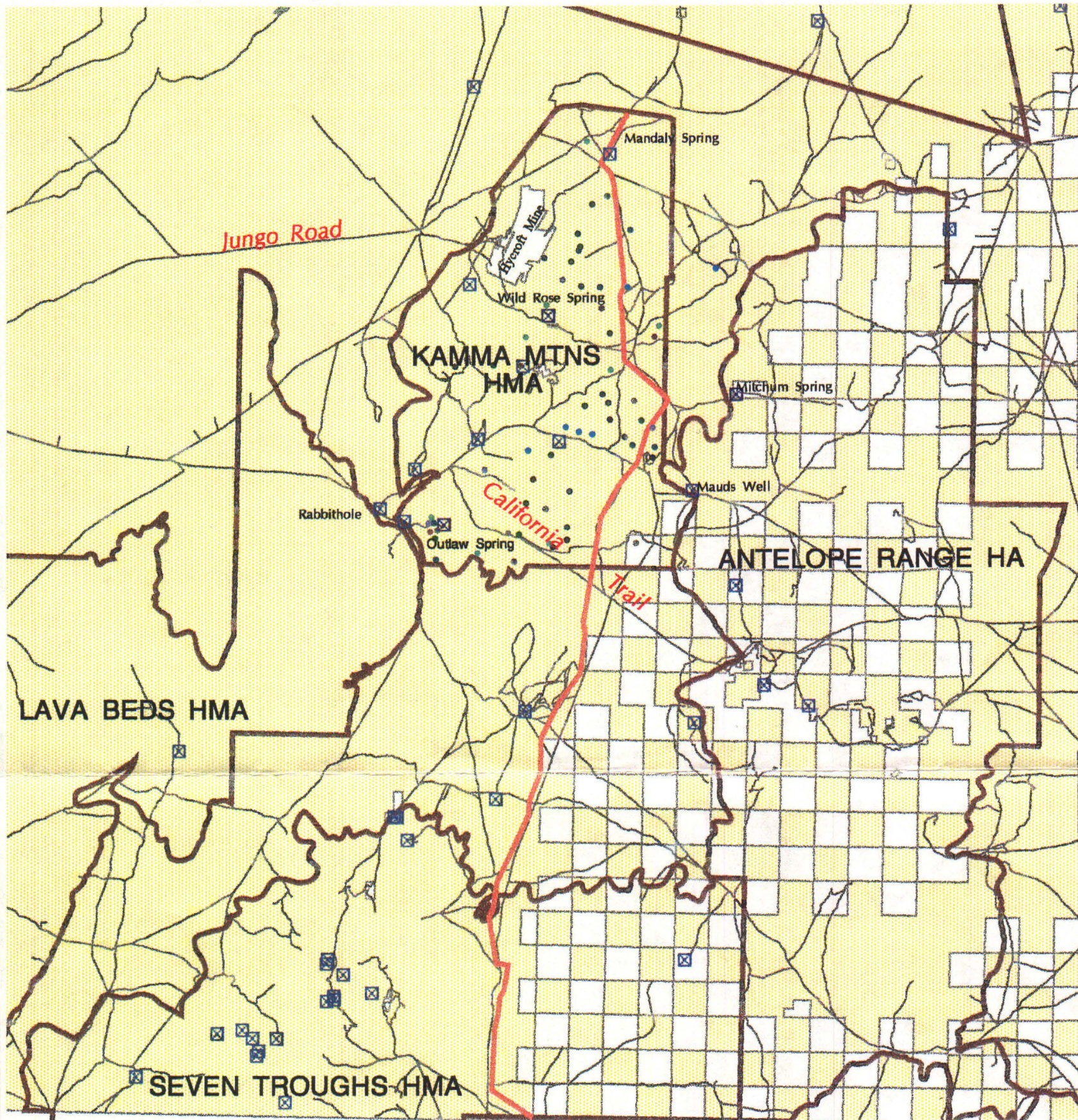
Map Projection: UTM, Zone 11, Datum NAD27  
ArcView Project: Igis6/rich/bwence/Blue\_Wing\_Majuba\_Fence

United States Department of the Interior  
Bureau of Land Management  
Winnemucca District Office  
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# Blue Wing/Majuba Fence



**WILD HORSE LOCATIONS**

- 1983
- 1984
- 1987
- 1988
- 1989
- 1992
- 1994
- 1995
- 1997

- ☒ SPRINGS/WELLS
- BLUE WING/MAJUBA FENCE
- ROADS

- ☐ WILD HORSE MANAGEMENT AREAS/HERD AREAS
- LAND STATUS
- BLM
- PRIVATE LAND

Map Date: 2/27/98  
Created by: Rich Adams

Map Projection: UTM, Zone 11, Datum NAD27  
ArcView Project: /gis6/rich/bwfence/Blue\_Wing\_Majuba\_Fence

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