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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
775-623-1500
<http://www.nv.blm.gov/winnemucca>

In Reply Refer To:
(NV-22.18)
4160.1

DEC 21 1999

Certified Mail Number Z188121558
Return Receipt Requested

Cathy Barcomb
NCPWH
123 West Nye Lane, Suite 248
Carson City, NV 89706-0818

LITTLE
OWYHEE
ALLOT
Good

Dear Interested Public:

Please find enclosed the Environmental Assessment and Record of Decision for the East Fork of the Little Owyhee River Riparian Pasture.

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 (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 is my proposed decision.

PROTEST PROCEDURES:

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

Colin P. Christensen
AFM 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.

APPEAL PROCEDURES:

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.

Sincerely yours,



Colin P. Christensen
Assistant Field Manager
Renewable Resources

Enclosure - East Fork of the Little Owyhee River Riparian Pasture Environmental Assessment
- Decision of Record

CC:

Nevada First Corporation	Z374096276
Charley Amos	Z374096277
James Bonavia	Z374096278
Humboldt County Commissioners	Z374096279
RCI	Z374096280
Sierra Club	Z188121547
NRDC	Z188121548
NDOW - Fallon	Z188121549
NDOW - Winnemucca	Z188121550
USFWS	Z188121551
USDA	Z188121552
Nevada Cattlemen's Assoc.	Z188121553
Idaho Watersheds Project	Z188121554
Desert Bighorn Council	Z188121555
Trout Unlimited - Sagebrush Chapter	Z188121556
WHOA	Z188121557
NCPWH	Z188121558
Jerry Harper	Z188121559

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

EA FACE SHEET

OFFICE: Winnemucca NV020 FY & REPORT # NV-020-99-11
 ACTION: East Fork Riparian Pasture NO. OF PAGES 4
 (Project Name, Case Type, etc.)
 LOCATION: T.45N., R.41E., Sec. 1,12 SERIAL NO. N-
T.45N., R.42E., Sec. 6,7

<u>TEAM SIGNATURES:</u>	<u>TITLE</u>	<u>RESOURCE VALUES ASSIGNED</u>	<u>HOURS</u>
<i>Hana Seiditz</i>	Supervisory RMS		
<i>Peter Court</i>	Archeologist		
<i>Bob Bushnell</i>	Biologist		
<i>Lynn J. Clemons</i>	Outdoor Rec. Planner		
<i>John P. R.</i>	Support Services		
<i>Dan R. Stebbins</i>	Wild Horse/Burro Specialist		
<i>George Danblin</i>	Rangeland Management Specialist		

ENVIRONMENTAL COORDINATOR: *Frank H. [Signature]* 07 December 99
 (Signature) (Date)

COMPLIANCE OFFICER: _____
 (Title or Name)
Asst. Field
 DISTRICT/AREA MANAGER *Ch. P. [Signature]*
 (Signature)
12/28/99
 (Date)

ENVIRONMENTAL ASSESSMENT
EAST FORK OF LITTLE OWYHEE RIVER RIPARIAN PASTURE

I. **Introduction/Overview**

Purpose and Need

The proposed project is to fence the upper public reaches of the East Fork of the Little Owyhee River and associated wetland riparian habitats. The proposed riparian pasture would be located in the Antelope pasture of the Little Owyhee Allotment. The project would minimize livestock grazing and trampling of streambank riparian and wetland riparian habitats. Limited livestock use could occur inside the riparian pasture after the habitats have had rest to recover from past livestock utilization. When livestock use is authorized in this riparian pasture, an allowable use level of 30% will be enforced. Once utilization levels reach 25% on herbaceous and or woody species, the permittee would be given a five (5) day notice to remove the livestock from the riparian pasture.

This project was initiated as part of the Stipulation For Dismissal Of The Nevada First Corporations Appeals, on the Little Owyhee Allotment, dated February 17, 1995.

This action is in conformance with the Paradise-Denio Area Land Use Plan.

II. **Proposed Action and Alternatives**

Proposed Action

The proposed action is to fence the streambank riparian habitat of the East Fork of the Little Owyhee River and some wetland riparian habitats. The proposed enclosure would be located in T.45N., R.41E. Sec. 1&12 and T.45N., R.42E., Sec. 6 &7 (see attached map). The fenced areas would include riparian vegetation associated with the wetland riparian/streambank riparian habitats and associated upland sagebrush/grass communities. The proposed riparian pasture would be approximately 16,300 feet long or 3.07 miles with one Type A drainage crossing. The riparian pasture fence would consist of four strands of fence wire, steel posts, steel pipe panels and would be built to BLM manual pronghorn specifications (16", 22", 28", and 40", top three wires barbed, bottom wire smooth). The fence would tie into an existing pasture fence to the north and would end up terminating into a natural barrier along the Calico Mountains. Due to the steep topography at the termination point, livestock will not enter this area. The contractor would be allowed to knock down brush along the proposed route, but the surface would not be cleared. Access to the construction site would be by existing roads/trails and some cross country travel would occur.

This project would be implemented under a cooperative agreement. The BLM would fund and construct the proposed project while the permittee, Nevada First Corporation,

would be assigned maintenance as per Stipulation For Dismissal Of The Nevada First Corporation Appeals dated February 17, 1995.

No Action Alternative

The riparian pasture would not be constructed. The riparian vegetation would continue to be impacted by livestock. The BLM and Nevada First Corporation would not be adhering to the Stipulation For Dismissal Of The Nevada First Corporation Appeals.

III. **Affected Environment**

The riparian pasture would be located in a sagebrush-grass/riparian vegetation types. Slopes are flat to moderately steep and the soils are shallow to moderately deep. The proposed riparian pasture is located within a mule deer winter range, pronghorn summer range, and a sage grouse general distribution area. Numerous nongame species inhabit the area.

Noxious weeds are not present in the vicinity of the project area.

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. The proposed action would have no adverse impact to sensitive plants.

The following BLM State sensitive species and the U.S. Fish and Wildlife Service candidate species and species of concern may occur in the proposed project area:

Candidate Species

Spotted Frog

Species of Concern

Pygmy rabbit	Spotted bat
Small-footed myotis	Long-eared myotis
Fringed myotis	Long-legged myotis
Pacific townsend's big-eared bat	Western burrowing owl
Pale Townsend's big-eared bat	Black tern
Least bittern	White-faced ibis

Of these species, the Western burrowing owl and the pygmy rabbit have the highest probability of experiencing effects as a result of constructing the fence.

The Western burrowing owl is a small underground nesting bird of prey which lives in colonies inside abandoned rodent and small mammal dens.

Interior redband trout (*Oncorhynchus mykiss gibbsi*) are known to inhabit parts of the Owyhee River drainage. No inventories have been conducted to identify the presence of populations of redband trout in this reach of the East Fork of the Little Owyhee River, but it is possible that a population may occur.

The proposed exclosure site is located within a Class IV Visual Resource Management (VRM) Area.

Please consult the Paradise-Denio Grazing EIS for a more complete description of the affected environment.

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 concern, cultural resources, prime or unique farm lands, flood plains, Native American religious concerns, paleontology, threatened or endangered species, wastes-hazardous or solid, water quality, wild and scenic rivers, wilderness, and noxious weeds.

IV. **Environmental Consequences**

Proposed Action

Implementation of the proposed action would result in an improvement of the condition of the riparian areas.

Wildlife populations in the area would benefit from the proposed action. Construction of the riparian pasture would result in an increase in vegetative cover and wildlife habitat associated with the streambank riparian and wetland riparian habitats. Increased vegetative cover would also stabilize the soils, reduce soil erosion and control sediment deposition in the riparian areas. This would result in improved water quality and quantity available for wildlife utilizing these habitats.

Construction of the riparian pasture would cause some short-term damage to vegetation from crushing, trampling, and breaking during construction.

The proposed project would be constructed to pronghorn specifications, thus, there would be minimal adverse impacts to wildlife.

The proposed project is located within a Class IV Visual Resource Management (VRM) Area. Visual resources were considered in the analysis of the project and were determined not to be impacted by the proposed action. Therefore, a VRM work sheet was not completed.

Potential impacts to the burrowing owl from construction of the proposed project include possible damage to burrow entrance by construction vehicles along with

temporary displacement of broods. The opening appears as a obvious hole in the ground which is well marked by whitewash excrement from the colony.

Following construction, any resident owls would experience a positive benefit from the creation of a new series of perching areas.

The pygmy rabbit exists in sagebrush/grass communities and is therefore widely distributed. Potential impacts to the pygmy rabbit during construction of the proposed project are from short term damage to vegetation by construction vehicles along with temporary displacement of the young. These impacts would be short term and would occur over a small area relative to the entire community and is therefore not considered to be significant.

The short term sediment discharge may impact water quality and thus adversely impact any redband trout that may exist in this reach of stream. The long term improvement to bank cover and stability, and water quality would definitely benefit redband trout if they exist in this reach.

A cultural resource inventory CR2-1345 (N) was conducted and found to be negative.

There are no known Native American concerns.

No Action Alternative

The riparian pasture would not be constructed. The riparian vegetation would continue to be impacted by livestock.

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 alternative.

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 project and concluded it would not significantly impact their resources.

The permittee, Nevada First Corporation, has been involved in the coordination of the proposed enclosure.

The following interested publics have been consulted on the proposed action: Nevada First Corporation, Charley Amos, James Bonavia, Humboldt County Commissioners, RCI, Sierra Club, NRDC, NDOW, USFWS, USFS, Nevada Cattlemen's Association, Idaho Watersheds Project, Desert Bighorn Council, Trout Unlimited, WHOA, NCPWH, and Jerry Harper.

FINDING OF NO SIGNIFICANT IMPACTS (FONSI) / DECISION RECORD

FONSI

Based on the analysis contained in the Environmental Assessment (EA), I have determined that the action will not have a significant effect on the human environment and therefore, an Environmental Impact Statement is not required according to section 102 (2) (c) of NEPA.

DECISION RECORD

Based on the EA, the proposed action to construct a fence would create a net beneficial impact to the total environment by implementation of the proposed action. Therefore, the proposed action is adopted in its' entirety.

MITIGATING MEASURES

The following mitigating measures which were identified in the EA will be adopted as stipulations:

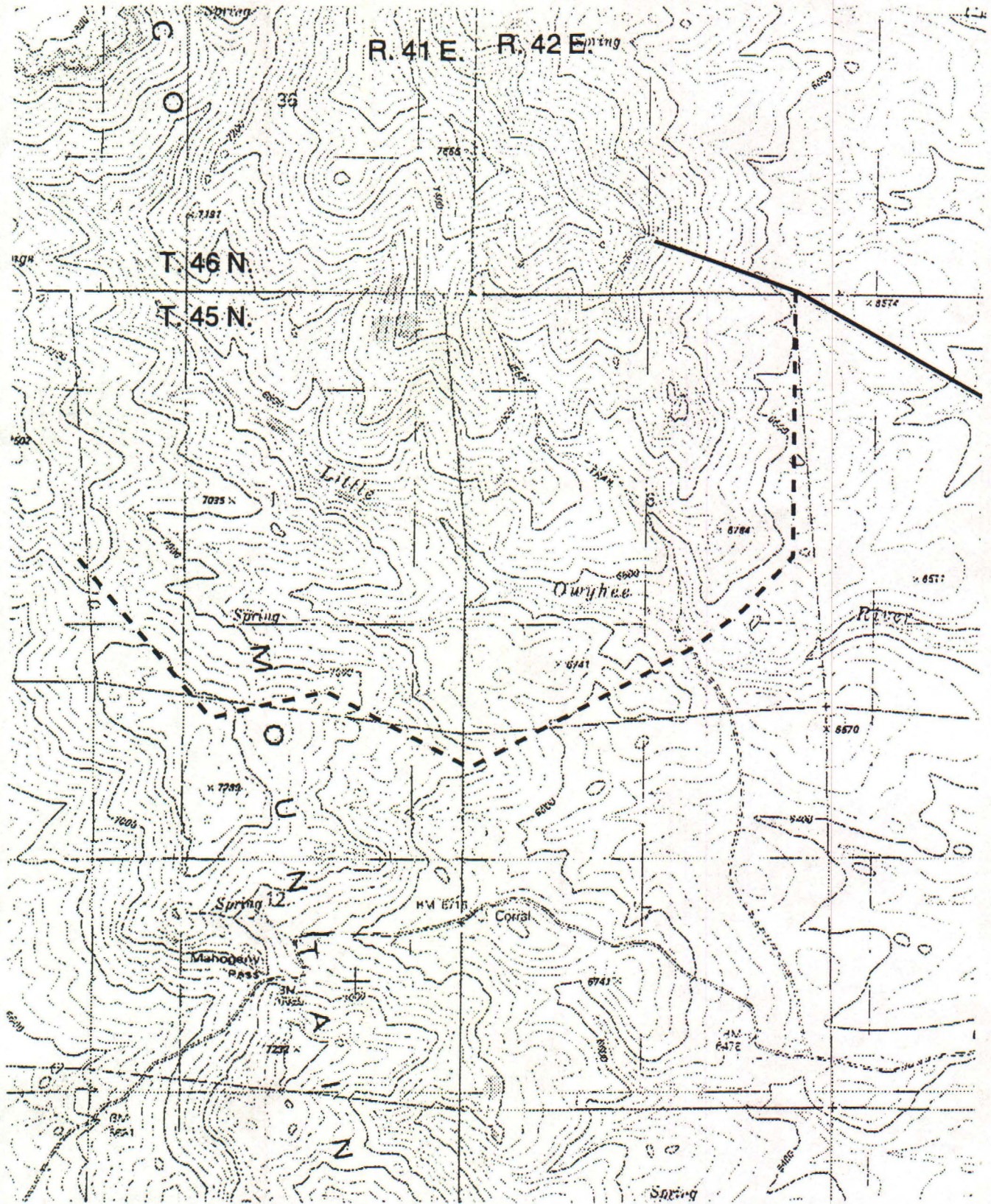
1. The proposed fence would be built to antelope specifications and would consist of four strands of fence wire, (16",22",28",40" top three wires barbed, bottom wire smooth), steel posts and steel pipe panels.
2. "Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2) Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer."





Assistant Field Manager
Renewable Resources

12/20/99
Date

Proposed East Fork Riparian Pasture Fence



1:24000

-  Existing fences
-  Proposed fence

