

m 7/18/01



# United States Department of the Interior



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

In Reply Refer To:  
4160.1 (NV-022.14)

CERTIFIED MAIL NO. 7000 1670 0007 8535 3406  
RETURN RECEIPT REQUESTED

Dear Interested Public:

Please find enclosed the environmental assessment for the Pole Canyon / Rodeo Creek Allotments and Pyramid Lake Indian Reservation Management Boundary Fence. The purpose and need for this fence is described in the environmental assessment.

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 and appeal procedures follow:

Any applicant, permittee, lessee, or other affected interests may protest the proposed decision under Sec. 43 CFR 4160.2, 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.

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. 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  
Division of Renewable Resources

Enclosures: Environmental Assessment Pole Canyon / Rodeo Creek Allotments and Pyramid Lake Indian  
Reservation Management Boundary Fence  
FINDING OF NO SIGNIFICANT IMPACTS (FONSI) /DECISION RECORD

CC: John and Vella Torvick	7000 1670 0007 8535 3451
Stan Ceresola	7000 1670 0007 8535 3444
Pyramid Lake Paiute Tribe	7000 1670 0007 8535 3437
NDOW - Fallon	7000 1670 0007 8535 3420
RCI	7000 1670 0007 8535 3413
WHOA	7000 1670 0007 8535 3406
Nevada Cattlemen's Association	7000 1670 0007 8535 3390
Sierra Club c/o Rose Strickland	7000 1670 0007 8535 3383
Nevada Wool Growers Association	7000 1670 0007 8535 3376
ISPMB	7000 1670 0007 8535 3369
Orient Farms	7000 1670 0007 8535 3352
NCPWH	7000 1670 0007 8535 3345
Washoe Cnty Dept. Community Develop	7000 1670 0007 8535 3338
Friends of Nevada Wilderness	7000 1670 0007 8535 3321
Nevada Outdoor Recreation Association	7000 1670 0007 8535 3314



**Environmental Assessment  
Pole Canyon/Rodeo Creek Allotments  
and  
Pyramid Lake Indian Reservation Management Boundary Fence**

**I. Introduction/Overview**

Purpose and Need

The proposed action is for the reconstruction/construction of the common management boundary fence between the Pole Canyon and Rodeo Creek Allotments, and the Pyramid Lake Indian Reservation. The reconstruction/construction of the management boundary fence is a cooperative effort between the Winnemucca Field Office and the Pyramid Lake Paiute Tribe to repair/replace the original management boundary fence constructed by the Tribe in the 1930's. The proposed project is located approximately 35 miles southwest of Gerlach, Nevada. The need is to provide a physical barrier that will reduce and/or eliminate the uncontrolled seasonal movement of wild horses, and the drift of livestock between public and Pyramid Lake Indian Reservation land.

In the Pole Canyon Allotment Final Multiple Use Decision (FMUD) of April 5, 2000, the fence was required before livestock grazing could occur. The fence will allow for the implementation of intensive grazing management practices to improve the condition and productivity of public lands.

This action is in conformance with the Sonoma-Gerlach Resource Area Land Use Plan. Even though it is not specifically provided for, it is clearly consistent with the following LUP decision: RM 1.4.

**II. Proposed Action and Alternative**

Proposed Action

The proposed action is to reconstruct/construct and remove unsalvageable materials on approximately 23.5 miles of fence across public land and reservation land. The fence would start on the west side of Nevada State Highway 447 at T. 27 N., R. 23 E., section 22, and end at the Union Pacific Railroad track at T. 29 N., R. 20 E., Section 24. The fence would be located on the common boundary except for areas where terrain or other physical factors (rockiness) require modifying the location. The fence would divide the Pole Canyon and Rodeo Creek Allotments from the Pyramid Lake Indian Reservation. Reconstruction would occur on approximately 17 miles of existing fence which coincides with the boundary between the Rodeo Creek Allotment and the Pyramid Lake Indian Reservation. New fence construction would be required on

approximately 6.5 miles of the boundary between the Pole Canyon Allotment and the Pyramid Lake Indian Reservation. (See attached Map) The fence would enable wild horse management actions and resource management objectives to be achieved. The fence would consist of four strands of fence wire, steel posts, wooden or steel pipe panels, and would be built to modified bureau bighorn sheep specifications (20", 35", 39", and 43"; smooth bottom wire, top three wires barbed). These fence specifications also accommodate deer and antelope. The fence contractor would be allowed to knock down brush along the proposed route, but the surface would not be cleared. Access to the construction sight would be by existing roads in the allotments and the Pyramid Lake Indian Reservation and by cross country travel.

The fence would be scheduled for reconstruction/construction in Fall/Winter 2001. The permittee's (John Torvick and Stan Ceresola) and the Pyramid Lake Paiute Tribe would be assigned maintenance responsibility for this fence.

### No Action Alternative

The fence would not be reconstructed/constructed. The uncontrolled movement of wild horses between the Fox & Lake Range HMA and the Pyramid Lake Indian Reservation would not be reduced and/or eliminated, livestock would continue to drift between public and Pyramid Lake Indian Reservation lands, and livestock grazing would not be authorized in the Pole Canyon Allotment. Resource objectives would not be met.

### **III. Affected Environment**

The proposed fence would be located in a sagebrush-bluegrass-needlegrass vegetation type at higher elevations to greasewood-saltbush vegetation at lower elevations. Topography is high elevation north- south trending Lake Range and the Fox Range which descends to the valley floor of the Smoke Creek Desert. Washes in the area are intermittent and flow only during spring snowmelt and intense rainstorms. The fence will cross Mullens Canyon and a Type A drainage crossing is proposed.

The proposed fence is on the southern boundary of the Fox & Lake Range Herd Management Area (HMA). The appropriate management level for wild horses in the HMA is 204 head, which are managed in a range from 122 to 204. Following the removal of 455 wild horses in February 2001, the estimated wild horse population in the HMA is 130 head.

Mammals that inhabited the area include mule deer, pronghorn antelope, coyote, badger, and small animals common to the Great Basin. Numerous species of birds inhabit the area, including western meadow larks, horned larks, ravens and several species of sparrows. The area also provides potential habitat for California bighorn sheep and sage grouse, although no leks or nesting activity has been documented. No fisheries exist in the area of fence construction.

The proposed action and the alternatives in the Sonoma-Gerlach Grazing Environmental Impact Statement did not consider migratory birds which were later added as a critical element of

environmental concern. A complete migratory bird inventory has not been completed in these allotments. There is a chance that some migratory birds may occur in the allotment. The proposed action should not impact migratory bird populations.

Complete noxious weed inventories have not been completed on the Pole Canyon or Rodeo Creek Allotments. Currently, it is known that noxious weeds are found on the allotments and are for the most part, located near water courses, springs, and along roads or trails. The noxious weed species and locations are being identified as the monitoring process continues. The treatment of noxious weeds has primarily been mechanical, utilizing pulling and chopping by BLM staff and the permittee. Treatments have primarily dealt with the thistles but spraying will commence on the perennial pepperweed. There are several noxious weeds found in this general area, with the following being the most common:

Noxious Weeds found in the vicinity:

<u>Code</u>	<u>Scientific Name</u>	<u>Common Name</u>
ONAC	<i>Onopordum acanthium L.</i>	Scotch thistle
CIAR	<i>Cirsium arvense L.</i>	Canada thistle
CERE	<i>Centaurea repens</i>	Russian knapweed
LELA	<i>Lepidium latifolium L.</i>	Perennial pepperweed

The proposed action should not further promote the spread of noxious weeds.

Threatened species and species of concern that may occur in the area of the Rodeo Creek Allotment.

Threatened Species

**Bird**

Bald eagle *Haliaeetus leucocephalus*

Species of Concern

**Mammals**

Pygmy rabbit	<i>Brachylagus idahoensis</i>
Spotted bat	<i>Euderma maculatum</i>
Small-footed myotis	<i>Myotis ciliolabrum</i>
Long-eared myotis	<i>Myotis evotis</i>
Fringed myotis	<i>Myotis thysanodes</i>
Long-legged myotis	<i>Myotis volans</i>
Pale Townsend's big-eared bat	<i>Plecotus townsendii pallescens</i>
Pacific Townsend's big-eared bat	<i>Plecotus townsendii townsendii</i>



## Birds

Northern goshawk	<i>Accipiter gentilis</i>
Western burrowing owl	<i>Athene cunicularia hypugea</i>
Black tern	<i>Chlidonias niger</i>
Least bittern	<i>Lxobrychus exilis hesperis</i>
White-faced ibis	<i>Plegadis chihi</i>
Western Sage Grouse	<i>Centrocercus urophasianus</i>

The fencing project actions addressed in this environmental assessment should not impact the species of concern which are listed above.

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 and the Nevada Natural Heritage's program data (March 2000), the western Lahontan springsnail (*Pyrgulopsis longiglans*), a sensitive species, was observed approximately four miles south of the project area in the vicinity of Nugent Spring.

The proposed fence would be located on the southern boundary of the Fox Range (NV-020-14) and Pole Creek (NV-020-14A) Wilderness Study Areas (WSA's). Visual Resource Management (VRM) within the WSA's is managed as Class I, however, no portion of the proposed fence will be within the WSA boundaries. The remainder of the proposed fence would be located within a Class IV Area.

A combined Class II/ Class III level cultural resource investigation was conducted by BLM archaeologists between June 6 and June 8, 2001 (CR2-2804 (P)). Background information indicated that the existing Pole Creek/Rodeo Creek/Pyramid Lake Reservation Fence had been constructed by a Navajo CCC crew during the 1930's. As such, the fence and any associated artifact or features qualify as an archaeological property under the National Historic Preservation Act (36 CFR 60.4).

A Class II evaluation revealed that the fence (CrNV-22-7428) had undergone a number of modifications and repairs that have resulted in significant losses of integrity. A large number of the original cedar posts had been replaced and the original wooden stays have been replaced almost entirely with metal T-posts. In general, it is in very poor repair. Therefore, the fence itself is not considered a contributing element to the sites eligibility. However, a series of hand-engraved stone monuments and brass caps dated 1911, and a later series dated 1928, are situated along the fence. These represent the original survey of the reservation and a later resurvey. The monuments and brass caps are considered a contributing element and overall the site is considered eligible for the National Register under Criteria A and D.

Since the fence is not considered a contributing element, the proposed undertaking will have no adverse effect on the sites eligibility. It is recommended that the project be allowed to proceed with the stipulation that those elements that contribute to the sites eligibility (i.e., the stone monuments and brass caps) not be disturbed during the reconstruction.

A Class III inventory was conducted on the approximately 6.5 mi of the proposed new fence construction. No cultural resources were identified along the proposed route. Therefore, it will have no effect on cultural resources and it is recommended that the new construction be allowed to proceed as planned.

Native American concerns were considered through consultation and coordination with Tribal representatives and the Western Nevada Agency of the Bureau of Indian Affairs from the initial proposal for construction of the fence outlined in the Pole Canyon Allotment Evaluation. Consultation and coordination has consisted of meetings (office and on site) with Tribal representatives (Norm Harry - former Tribal Chairman, and Gerry Emm - Environmental Coordinator) and numerous telephone calls, starting in July 1999.

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, prime or unique farmlands, flood plains, threatened or endangered species, wastes-hazardous or solid, water quality, wetland-riparian zones, wild and scenic rivers, paleontology, migratory birds, and environmental justice.

Please consult the Sonoma-Gerlach Grazing EIS for a more complete description of the affected environment.

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

Implementation of the proposed action would result in better resource management capabilities for wild horses and livestock on the Pole Canyon and Rodeo Creek Allotments. Management of the allotments would be more efficiently controlled through use of the boundary fence.

Reconstruction/construction of the fence would cause short-term damage to vegetation from crushing, trampling, and breaking during construction.

The proposed fence would be built to bighorn sheep specifications, thus, there would be minimal adverse impacts to wildlife, including deer and antelope. The proposed fence should not impact migratory birds. There would be some disturbance and displacement of wildlife during construction.

The proposed project is located on the boundary of VRM Class I and Class IV Areas. 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.

No impacts to cultural resources are anticipated to occur. If cultural resources are encountered during construction of the new section of the proposed fence, the location could be modified to avoid impacts to cultural resources.

No impacts to Native American concerns are anticipated to occur since Tribal representatives



have been involved in the planning of the proposed fence from the initial proposal outlined in the Pole Canyon Allotment Evaluation.

The proposed fence would provide a physical boundary between the Fox and Lake Range HMA and the Pyramid Lake Indian Reservation that would reduce and/or eliminate the uncontrolled movement of wild horses, and allow for implementation of population level management. The movement patterns of a small number of wild horses that inhabit the area adjacent to the proposed fence may be affected by the proposed project. Impacts to wild horses could result from animals becoming entangled in fences when attempting to cross or during removal operations. A small number of horses could be denied access to traditional habitat areas on the Pyramid Lake Indian Reservation, such as water or forage, during periods of environmental extremes. Such impacts could result in the death of a few wild horses, depending on the circumstances which occur. However, the overall impact of the proposed fence to wild horses in the HMA would be minimal. Wild horses should adjust to the proposed fence in a short period of time.

#### No Action Alternative

The fence would not be built and the Pole Canyon Allotment would not be grazed by authorized livestock. Wild horses and livestock would continue to drift between the allotments and the Pyramid Lake Indian Reservation, and resource objectives would not be met.

#### 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.

### **V. Consultation and Coordination**

#### A. List of Preparers:

Jonathan Sheeler	Author-Rangeland Management Specialist
Gene Seidlitz	Supervisory Rangeland Management Specialist
Tom Seley	Wild Horse and Burro Specialist
Mike Bilbo	Visual Resource Management/Wilderness
Clarence Covert	Wildlife/T&E Specialist
Jeff Johnson	Environmental Coordinator
Mike Whalen	Noxious Weed Coordinator
Mark Ennes	Archaeologist

#### B. Persons, Groups, and Agencies Consulted

John and Vella Torvick  
Stan Ceresola

Pyramid Lake Paiute Tribe  
NDOW - Fallon  
RCI  
WHOA  
Nevada Cattlemen's Association  
Sierra Club  
Nevada Wool Growers Association  
ISPMB  
Orient Farms  
NCPWH  
Washoe County Commissioners  
Friends of Nevada Wilderness  
Nevada Outdoor Recreation Association  
The Wilderness Society  
John Davis  
Roger Scholl  
Phil Briggs  
Paul Clifford  
Nevada Heritage Program  
Natural Resources Defense Council  
Leah Brashear  
Tom Myers  
Public Resources Associates

## **VI. Mitigation Measures**

The following mitigating measures would be adhered to during the reconstruction/construction of the proposed project.

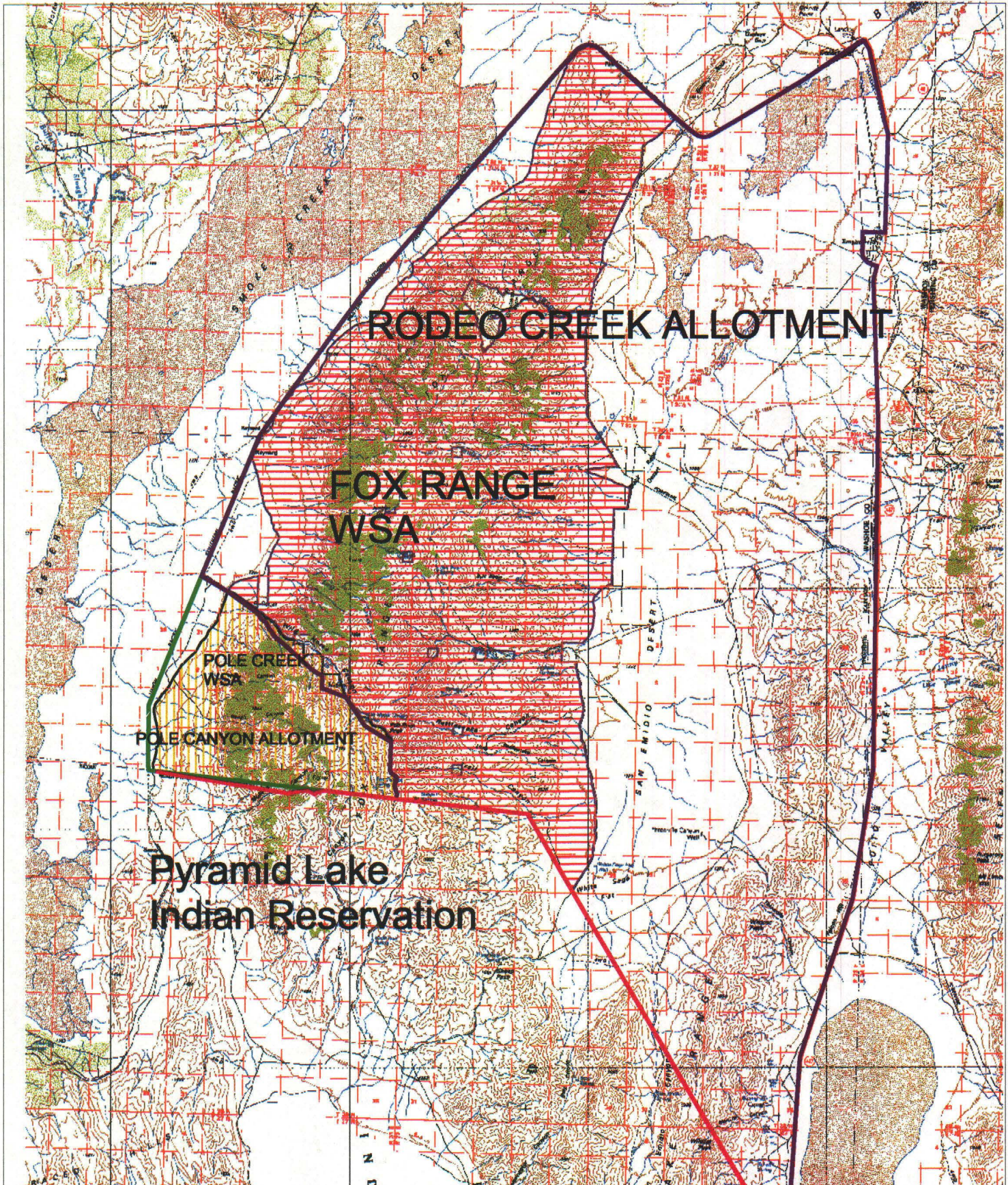
1. "Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony(as defined at 43 CFR 10.2). Further, pursuant 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."
2. If cultural resources are encountered during construction of the new section of the proposed fence, the Field Office Archeologist will be notified so action(s) can be taken to avoid impacts to cultural resources.
3. All fence materials that are replaced in the existing fence and construction debris associated with the proposed project would be removed from the area and transported to a landfill.

4. Selected portions of the new or reconstructed fences would be flagged or otherwise marked (i.e., snow fence, jute, etc.) for one year after construction to provide a visible sight barrier for the wild horses.
5. The entire fence will be built to Bureau Specifications as outlined in the Proposed Action.
6. Access to the construction sight would be by existing roads in the allotments and the Pyramid Lake Indian Reservation and by cross country travel.

In addition, the following mitigating measures would be adhered to during reconstruction/construction of the proposed project along the boundary of the Fox Range (NV-020-14) and Pole Creek (NV-020-14A) WSA's:

1. Vehicular access to the fence would be from Pyramid Lake Indian Reservation.
2. Mechanized equipment would not be allowed within the WSA's.





**RODEO CREEK ALLOTMENT**

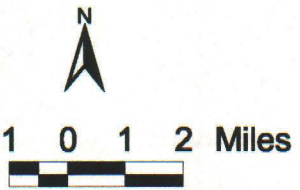
**FOX RANGE WSA**

**POLE CREEK WSA**

**POLE CANYON ALLOTMENT**

**Pyramid Lake Indian Reservation**

-  Rodeo Creek Allotment
-  Pole Canyon Allotment
-  Proposed Project
-  Fox Range WSA
-  Pole Creek WSA



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## 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/reconstruct and install the 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 would be adhered to during the reconstruction/construction of the proposed project.

1. "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."
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3. All fence materials that are replaced in the existing fence and construction debris associated with the proposed project would be removed from the area and transported to a landfill.
4. Selected portions of the new or reconstructed fences would be flagged or otherwise marked (i.e., snow fence, jute, etc.) for one year after construction to provide a visible sight barrier for the wild horses.
5. The entire fence will be built to Bureau Specifications as outlined in the Environmental Assessment.
6. Access to the construction sight would be by existing roads in the allotments and the Pyramid Lake Indian Reservation and by cross country travel.

In addition, the following mitigating measures would be adhered to during reconstruction/construction of the proposed project along the boundary of the Fox Range (NV-020-14) and Pole Creek (NV-020-14A) WSA's:

1. Vehicular access to the fence would be from Pyramid Lake Indian Reservation.
2. Mechanized equipment would not be allowed within the WSA's.

  
Assistant Field Manager  
Renewable Resources

  
DATE