

**U.S. Department of the Interior  
Bureau of Land Management**

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**PROPOSED DECISION**  
November 2008

**Miller Canyon Drift Fence**

*Location: White Pine County, NV*

U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office  
Egan Field Office  
Phone: (775) 289-1800  
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# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
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## In Reply Refer to:

4160 (NV-043)

JOHN UHALDE & CO

CERTIFIED MAIL

## PROPOSED DECISION

Miller Canyon Drift Fence

### Background Information

On November 25, 2008 the Finding of No Significant Impact (FONSI) for the Miller Canyon Drift Fence (EA NV-043-08-007) was signed, the action has been analyzed in an EA and found to have no significant impacts, thus an EIS is not required. The Environmental Assessment (EA) and the FONSI are attached. This proposed decision is issued in accordance with 43 CFR 4120.3-1 (f).

### Summary of Proposed Action and Alternatives

The proposed action associated with EA NV-043-08-007 is to construct approximately 0.2 mile of linear drift fence and install a cattle guard along the Bothwick Road in Miller Canyon on the Thirty Mile Spring Allotment in FY2009. The fence site is located entirely within T 19 N, R 61 E, Section 28. The proposed action will be in accordance to the description provided in EA NV-043-007.

The need for the fence is to limit/prevent cattle from drifting from the Marking Corral area of the Thirty Mile Spring Allotment through Miller Canyon and onto the South Butte Allotment (00504) in Butte Valley. Restricting livestock movement through the canyon will help reduce unauthorized use (trespass) and allow for better livestock control/management and enhance range/habitat conditions.

The installation, supplying of materials, and maintenance of the fence and cattle guard will be implemented as currently agreed to by the cooperators and the contribution of the cooperators.

Monitoring will be conducted in the form of compliance checks during and after construction of the project. Rangeland monitoring data would continue to be collected for the Thirty Mile Spring Allotment to determine if the livestock management practices are meeting allotment objectives and progressing towards achieving the Standards for Rangeland Health as provided by the Northeastern Great Basin RAC. Monitoring will be consistent with the Ely District Approved Resource Management Plan (August 2008) as identified on page 88.

The no action alternative was analyzed the EA. The No action represents the status quo – not approving or implementing the Proposed Action. No installation of fence would be implemented and livestock drift/ trespass from the Thirty Mile Spring Allotment onto the South Butte Allotment would continue.

## **Coordination**

A two week external review/public comment period was established from July 2, 2008 to July 14, 2008 to allow interested public to express any concerns not addressed in the document. A notice of the proposed action was published on the Ely District NEPA website during the two week external public period and all interested parties were sent a notification letter that welcomed comments. No comments were received during the external scoping period. Formal tribal coordination letters were sent to local tribes on November 4, 2008. No comments were received.

## **Conformance**

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan dated August 2008 and signed August 20, 2008. Miller Canyon Drift Fence (EA NV-043-08-007) is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).

- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999).
- Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997).
- White Pine County Land Use Plan (2007).
- White Pine County Elk Management Plan (2007 revision)

## **Decision**

It is my decision to authorize the construction of the Miller Canyon Drift Fence located perpendicular to the Bothwick Road in Miller Canyon on the Thirty Mile Spring Allotment in FY2009 and in accordance as described in the proposed action of the Environmental Assessment (EA NV-043-08-007). I concur with my staff's assessment of the environmental impacts and authorize the proposed action subject to the standard operating procedures that are part of fence construction described in the EA (EA NV-043-08-007).

## **Rational**

Implementation of the proposed action will meet the need for the action, to limit/prevent cattle from drifting from the Marking Corral area of the Thirty Mile Spring Allotment through Miller Canyon and onto the South Butte Allotment (00504) in Butte Valley. Restricting livestock movement through the canyon will help reduce unauthorized use (trespass) and allow for better livestock control/management and enhance range/habitat conditions. As a result of the environmental analysis for the proposed drift fence, it was determined that the proposed action will not result in unnecessary or undue degradation to the public lands. The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan dated August 2008 and signed August 20, 2008.

## **Protest and Appeal**

### **Protest**

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to Jeff Weeks, Field Manager for Egan Field Office, Ely District Office Box 33500 702 North Industrial Way HC33 Ely, Nevada 89301 within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), 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.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

### **Appeal**

In accordance with 43 CFR 4.470 and 4160.4, any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the proposed decision becomes final as provided in 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer Jeff Weeks, Field Manager for Egan Field Office, BLM Ely District Office, Box 33500 702 North Industrial Way HC33 Ely, Nevada 89301. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must 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.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Sincerely,

*/s/ Chris Mayer for*

Jeffrey A. Weeks  
Field Manager  
Egan Field Office  
NV-043

Enclosure (2):

1. Finding of No Significant Impact (FONSI)
2. EA NV-043-08-007

**United States Department of the Interior Bureau of Land Management  
Egan Field Office  
Finding of No Significant Impact**

**Miller Canyon Drift Fence  
Environmental Assessment NV-043-08-007**

**Finding of No Significant Impact**

I have reviewed Environmental Assessment (EA) NV-043-08-007, dated November 2008. After consideration of the environmental impacts as described in the EA, I have determined that the construction of the drift fence in Miller Canyon, with the standard operating procedures as described in the EA will not significantly affect the quality of the human environment and therefore an Environmental Impact Statement (EIS) is not required to be prepared. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

**Context:** The project is located approximately 30 miles northeast of Ely, Nevada. The area affected is 0.2 mile of linear BLM administered land perpendicular to a County road. The site-specific action does not have any relevant short- and long-term effects on land with international, national, state-wide, or regional importance.

**Intensity:**

**1.) Impacts that may be both beneficial and adverse.**

The environmental assessment has considered both beneficial and adverse impacts of the drift fence project. For all of the resources considered, impacts are anticipated to be negligible, or the resource is not present in the proposed project area. The beneficial impacts to range will be to limit/prevent cattle drift. Restricting livestock movement through the canyon, by constructing the fence will help reduce unauthorized use (trespass) and allow for better livestock control/management and enhance range/habitat conditions.

**2.) The degree to which the proposed action affects public health or safety.**

Design features of the proposed action will not result in potentially adverse impacts to public health or safety.

**3.) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There are no historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas in or near the project area.

**4.) The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

There were no comments or issues submitted during the public comment period.

**5.) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

There are no effects of the proposed action identified in the EA which are considered uncertain or involve unique or unknown risks. Construction of the proposed action would follow standard operating procedures to minimize impacts to the environment. The stipulations will be adhered to through completion of the project.

**6.) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The proposed action does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. Other fencelines or rangeland improvement projects occurring within other allotments in the Ely District, if they occur, would be subject to the same environmental assessment standards and independent decision making.

**7.) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The environmental assessment analyzed cumulative impacts on relevant resources, there are no significant direct or indirect cumulative impacts, nor is this action related to any other nearby actions. The analysis of the proposed action does anticipate subsequent projects.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The proposed action will not cause loss or destruction or loss of scientific, cultural or historical resources. No National Register eligible districts, sites, highways, structures, or objects were identified in the project area and EA. Design features identified in the proposed action in the EA for dealing with newly discovered items of cultural significance are specified as a condition of approval for the proposed action.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Analysis in the EA determined that no special status species (Federally listed, proposed or candidate, threatened or endangered and State sensitive) occur within or near the project area.

**10.) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

*/s/ Chris Mayer for*

11/25/2008

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Jeffrey A. Weeks  
Field Manager  
Egan Field Office  
NV-043

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Date

# U.S. Department of the Interior Bureau of Land Management

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Environmental Assessment NV-043-08-007  
November 2008

## Miller Canyon Drift Fence

*Location: White Pine County, NV*

U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office  
Phone: (775) 289-4505  
Fax: (775) 289-1910





## **1.0 Introduction: Need for Action**

This document identifies issues, analyzes alternatives, and discloses the potential environmental impacts associated with the proposed establishment of a cattle drift fence in Miller Canyon on the Thirty Mile Spring Allotment (00503) approximately 30 miles northeast of Ely, Nevada. The legal description of the project is as follows: T 19 N, R 61 E, Section 28.

### **1.1 Introduction of the Proposed Action.**

The Bureau of Land Management (BLM) Egan Field Office proposes to prevent cattle drift by constructing approximately 0.2 mile of drift fence and installing a cattle guard along the Bothwick Road in Miller Canyon on the Thirty Mile Spring Allotment (see map, Appendix I).

### **1.2 Need for the Proposed Action.**

The Ely District Egan Field Office proposes to limit/prevent cattle from drifting from the Marking Corral area of the Thirty Mile Spring Allotment through Miller Canyon and onto the South Butte Allotment (00504) in Butte Valley. Restricting livestock movement through the canyon will help reduce unauthorized use (trespass) and allow for better livestock control/management and enhance range/habitat conditions.

### **1.3 Objectives for the Proposed Action.**

**1.3.1.** To limit/prevent unauthorized use (trespass) on the adjacent allotments occurring between the permittee of the Thirty Mile Spring Allotment and the permittee of the South Butte Allotment.

**1.3.2.** To improve vegetative health and growth conditions on the Thirty Mile Spring and South Butte Allotments and continue to strive to reach the rangeland Standards and Guidelines for rangeland health.

### **1.4 Relationship to Planning and Conformance**

#### **1.4.1 Relationship to Planning**

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan dated August 2008 and signed August 20, 2008.

#### **1.4.2 Relationship to Other Plans**

The proposed action is consistent with the following Federal, State, and local plans to the maximum extent possible.

- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999).

- Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997).
- White Pine County Land Use Plan (2007).
- White Pine County Elk Management Plan (2007 revision)

### **1.4.3 Tiering**

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).

### **1.5 Relevant Issues and Internal Scoping/Public Scoping.**

The Miller Canyon Drift Fence was presented to the Egan Field Office ID team/Resource specialists on June 23, 2008 to identify any relevant issues. **During the internal scoping session no resource value issues were identified by the interdisciplinary resource specialist team.** No issues were identified because of the minimal ground disturbance nature of the proposed action and the need for the proposed fence line.

A two week external review/public comment period was established from July 2, 2008 to July 14, 2008 to allow interested public to express any concerns not addressed in the document. A notice of the proposed action was published on the Ely District NEPA website during the two week external public period and all interested parties were sent a notification letter that welcomed comments. No comments were received during the external scoping period.

## **2.0 Alternatives Including the Proposed Action**

### **2.1 Proposed Action**

The proposed action is to construct approximately 0.2 mile of linear drift fence and install a cattle guard along the Bothwick Road in Miller Canyon on the Thirty Mile Spring Allotment (see map, Appendix I) in FY2009. The fence site is located entirely within T 19 N, R 61 E, Section 28.

#### **2.1.1 The following describes the cooperators and contribution for construction of the fence.**

The proposed fence would be constructed in cooperation with John Uhalde and Co. (permittee) and authorized BLM official. The BLM will supply fence materials.

While constructing the fence, the rocks of Miller Canyon will be utilized to minimize fence length. Fence construction would involve the use of pick-up trucks, post-hole diggers attached to tractors or backhoes and other equipment as necessary. The permittee will need to walk the materials for installation because of the rugged nature and steep slope of the proposed site, minimizing surface disturbance. White flagging will be attached to the top wire between posts during construction to alert wildlife, wild horses, and livestock to the existence of the new fence. Although there is minimal surface disturbance performed by the on-foot-nature of the installation process, a 16 ft. corridor of the .2 mile linear fence will be analyzed as the amount of disturbance area for the purpose of this environmental assessment. The drift fence will be the standard BLM

4-wire fence (three barbed wire strands and one smooth wire strand) and steel T-posts. The cattle guard will consist of two 14 foot panels, concrete bases, two wings and two cedar wing posts.

The standard operating procedures that are applicable to this project from the programmatic district fenceline Environmental Assessment NV-040-05-027 and proposed mitigation are as follows:

1. Ensuring that all strands of fence wire between fence posts are tightly stretched and secured to the fence posts by metal clips or staples as appropriate for the type of post.
2. Ensuring that all fence posts are securely in place and that bent, broken, or missing posts and stays are replaced as needed.
3. Ensuring that all wooden stretch panels, corner braces, and gate posts are securely in place and in sound condition. Rotten or broken posts must be replaced as needed.
4. Ensuring that all strands of fence wire and fence spacing wire or wood poles which form the gates are properly stretched and secured. Each gate should have a mechanical latch for secure closure of the gate.
5. Ensuring that the appropriate Bureau standards are maintained.
6. Ensuring that the spacing of all wires is maintained as built to original specifications.

The permittee will supply the cattle guard. The cattle guard will consist of two 14 foot panels, concrete bases, two wings and two cedar wing posts. The White Pine County Road Department will install cattle guard. The BLM will provide funding for installation of cattle guard.

**2.1.2 The following describes the cooperators and contribution of the cooperators for fence maintenance responsibility.**

John Uhalde and Co. would assume normal maintenance. Maintenance of fences is defined as the labor and materials needed to keep an existing fence in a condition adequate to prevent livestock movement through, under, or over the fence. At this time maintenance responsibility would consist of:

1. Ensuring that all strands of fence wire between fence posts are tightly stretched and secured to the fence posts by metal clips or staples as appropriate for the type of post.
2. Ensuring that all fence posts are securely in place and that bent, broken, or missing posts and stays are replaced as needed.
3. Ensuring that all wooden stretch panels, corner braces, and gateposts are securely in place and in sound condition. Rotten or broken posts must be replaced as needed.

4. Ensuring that all strands of fence wire and fence spacing wire or wood poles which form the gates are properly stretched and secured. Each gate should have a mechanical latch for secure closure of the gate.
5. Ensuring that the appropriate Bureau standards are maintained.
6. Ensuring that the spacing of all wires is maintained as built to original specifications.

John Uhalde and Co. would also maintain one cattleguard (2-14' panels) along the Bothwick Road (T 19 N, R 61 E, Section 28). Normal maintenance and upkeep of cattle guards includes:

1. Cleaning the pit under the cattle guard to the extent required to prevent livestock movement over it and to ensure adequate drainage.
2. Any rails that are cut or damaged would be returned to original Bureau standards.
3. Any wings that are cut or damaged would be returned to original Bureau standards. This also includes keeping wires taut that are stretched between the wings and posts.

### **2.1.3 Cultural Resources**

A Class III Cultural Resource inventory was performed on June 27, 2008, prior to ground disturbing activities, six isolated artifacts were located and mapped. The construction of the fence will not affect the cultural resources located during the surveys. If cultural resources are encountered during the construction phase of the project all work would be halted within 100 meters of the discovery. The discovery would be protected and the Ely BLM archeologist would be contacted.

### **2.1.4 Invasive, Non-Native Species and Noxious Weeds**

The project area was inventoried for the presence of noxious weeds on June 27, 2008, prior to installation. The stipulations listed in the Weed Risk Assessment (See Appendix II) will be followed when construction of the fence and cattle guard occurs.

### **2.1.5 Migratory Birds**

Migratory birds, as well as permanent resident species, were surveyed for nesting in the project area on June 27, 2008. To be consistent with WO IM No. 2008-050 (December, 2007) and protect any migratory birds that may be in the area, construction will take place outside migratory bird nesting season.

### **2.1.6 Monitoring**

Monitoring will be conducted in the form of compliance checks during and after construction of the project. Rangeland monitoring data would continue to be collected in accordance with the Ely District Approved Resource Management Plan (August 2008) on page 88. Monitoring for the Thirty Mile Spring Allotment will include analysis of the livestock management practices

meeting allotment objectives and progressing towards achieving the Standards for Rangeland Health as provided by the Northeastern Great Basin RAC.

## **2.2 No Action Alternative**

The No Action Alternative represents the status quo – not approving or implementing the Proposed Action. No installation of fence would be implemented and livestock drift/ trespass from the Thirty Mile Spring Allotment onto the South Butte Allotment would continue.

## **2.3 Alternatives Considered but Eliminated from Further Analysis**

No other alternatives are needed to address unresolved conflicts concerning alternative uses of available resources.

## **3.0 Description of the Affected Environment and Associated Environmental Consequences.**

### **3.1 Thirty Mile Spring Allotment General Description**

The Thirty Mile Spring Allotment consists of 178,763 acres of which 3,080 acres are privately owned and the remainder under Bureau of Land Management administration. The allotment is located in White Pine County approximately 20 miles west of Ely, Nevada within the Great Basin physiographic region. Elevation varies from 6,230 feet in Butte Valley to 9,540 feet in the Egan Range.

Annual precipitation ranges from as little as five inches in the valley bottoms to over twenty inches at the higher elevations on the allotment. Precipitation occurs as winter snow or spring/fall thunder showers and rains. July and August are normally very hot, dry months. Average annual air temperature is from 42 to 48 degrees Fahrenheit. The average frost-free season is from 85 to 110 days.

The vegetation within the Thirty Mile Spring Allotment is diverse with salt desert shrub/sagebrush/grass plant communities dominating the lower elevations while sagebrush/mountain shrub/ grass/pinyon-juniper/mountain-mahogany plant communities dominate the higher elevation sites.

The Thirty Mile Spring Allotment lies within portions of the Triple B Complex. A Notice of Final Multiple Use Decision for the Thirty Mile Spring Allotment portion of the Butte Wild Horse Herd Management Area was issued July 19, 2001 establishing an appropriate management level (AML) of 12 wild horses yearlong (144 AUMs). A Notice of Final Multiple Use Decision for the Thirty Mile Spring Allotment portion of the Buck and Bald Wild Horse Herd Management Area was issued July 19, 2001 establishing an appropriate management level (AML) of 49 wild horses yearlong (588 AUMs).

Thirty Mile Spring Allotment is a cattle and sheep allotment with a total permitted use of 8,405 AUMs with no suspended use. The season of use is from April 15 to February 28. (see Table 1). Thirty Mile Spring Allotment was ranked an “I” (improve) category allotment in the Egan Rangeland Program Summary (May 1988).

Table 1. Season of Use on the Thirty Mile Spring Allotment.

Allotment Number/Name	Livestock Number/ Kind	Grazing Period		Type Used	AUMs
		Begins	End		
00503 Thirty Mile Spring	325 Cattle	04/15-02/28		Active	3,419
	2,340 Sheep	04/15-02/28		Active	4,924

### 3.2 Resources Considered

According to the guidance provided in the BLM NEPA Handbook H-1790-1 (2008), “The affected environment section of an EA succinctly describes the existing condition and trend of issue related elements of the human environment that may be affected by implementing the proposed action or an alternative.”

Ely BLM Resource Specialists considered the following resources/concerns of the human environment, presented below.

<u>Resources/Concerns Considered</u>	<u>No Further Analysis Necessary</u>		<u>Present and Affected</u>	<u>Rationale</u>
	<u>Not Present or No Impact</u>	<u>Present, Negligible impact</u>		
Areas of Critical Environmental Concern (ACEC)	Not Present •			No ACECs occur in the proposed project area.
Air Quality	No Impact •			The proposed action describes design features such as minimal ground disturbance activities, that will have no direct and cumulative impacts to air quality.
Cultural and Historical Resource Values		Negligible Impact •		Avoidance is the primary design feature described in the proposed action for cultural resources. The proposed action does not affect any cultural sites. A Class III cultural inventory was performed on June 27,

	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
				2008. As a result direct and cumulative Impacts to cultural resources would be negligible.
Environmental Justice	Not Present •			No environmental justice issues are present at or near the project area.
Floodplains	Not Present •			No floodplains occur in the proposed project area.
Solid Wastes and Hazardous Material	Not Present •			No solid waste or hazardous material is associated with the nature of the proposed action.
Invasive, Non-Native Species and Noxious Weeds		•		Minimal levels of ground disturbance activities combined with few noxious weeds in proximity to the project site would result in negligible direct and cumulative impacts to the spread of invasive, non-native species; see Weed Risk Assessment (Appendix II).
Native American Religious	No Impact •			No concerns were identified through coordination letters sent on November 4, 2008. Direct

	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
				impacts and cumulative impacts would not occur because there were no identified concerns.
Farm lands (Prime or Unique)	Not Present •			No prime and/or unique Farm lands occur in the proposed project area.
Riparian and/ or Wetland Zones	Not Present •			No riparian areas and/or wetland zones are present in the proposed project area.
Special Status Plant Species	Not Present •			No federally threatened, endangered species proposed for listing, or BLM sensitive species are known to be in the proposed project area.
Special Status Animal Species	Not Present •			No federally threatened, endangered species proposed for listing or BLM sensitive species are known to be in the proposed project area.
Water Quality- (Drinking/Ground/Surface)	Not Present •			No developed drinking water sources occur within the proposed project area, no ground/ surface water occurs in the proposed project area, which could be affected by the proposed



	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
				action.
Wild and Scenic Rivers	Not Present •			No wild and scenic rivers occur in the proposed project area.
Wilderness	Not Present •			No wilderness occurs in the proposed project area.
Access and Land Use		•		There would be no modifications to land use authorizations through the proposed action therefore no impacts would occur. No direct or cumulative impacts would occur to access and land use.
Minerals		•		There would be no modifications to mineral resources through the proposed action therefore no direct or cumulative impacts would occur to minerals.
Visual Resources		•		The proposed action is consistent with the VRM classification 4 for the area therefore no direct or cumulative impacts to visual resources would occur.

	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
Soils		•		Design features identified in the proposed action combined with minimal ground disturbance activities would result in negligible impacts to soil resources.
Recreation		•		Design features identified in the proposed action combined with the minimal ground disturbance activities would result in negligible impacts to recreational activities.
Range			•	Beneficial impacts to range are consistent with the need of the proposed action. No further analysis is needed.
Vegetation		•		Design features identified in the proposed action combined with minimal levels of ground disturbance activities would result in no more than negligible disruption of any particular vegetative community.
Wildlife				The presence of wildlife in the project area would

	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
		•		temporarily be displaced during construction. However, due to minimal levels of construction, duration time, and ground disturbances proposed combined with the Standard Operating Procedures already in place, impacts to wildlife resources are anticipated to be negligible.
Woodland Resources	Not Present •			No woodland occurs in the proposed project area.
Socioeconomics		•		Due to the minimal level of development proposed, direct and cumulative impacts to socioeconomic resources are anticipated to be negligible.
Migratory Birds		•		Presence of migratory birds in the project area could temporarily be displaced during construction. However, due to minimal levels of construction, short duration time, and small ground disturbances proposed combined with the Standard Operating

	<b><u>No Further Analysis Necessary</u></b>			
<b><u>Resources/Concerns Considered</u></b>	<b><u>Not Present or No Impact</u></b>	<b><u>Present, Negligible impact</u></b>	<b><u>Present and Affected</u></b>	<b><u>Rationale</u></b>
				Procedures already in place, direct and cumulative impacts to migratory birds are anticipated to be negligible. Also migratory bird habitat will not be altered to any degree, resulting in negligible impact.
Wild Horses and Burros		•		The proposed action location is not within wild horse and burro herd management areas. During construction activities wild horses could temporarily be displaced. However, the design features of the proposed action would result with negligible direct and cumulative impacts to wild horse and burro resources.

**3.2 Affected Environment and Environmental Consequences Analysis Conclusion**

For all of the resources considered, impacts are anticipated to be negligible, or the resource is not present in the proposed project area. For the impact to range, the beneficial effect is described in the need for the proposed action. Therefore, a more thorough detailed analysis of environmental consequences is not warranted.

### **3.3 No Action Alternative**

Under the no action alternative, no installation of fence would be implemented and livestock drift/ trespass from the Thirty Mile Spring Allotment onto the South Butte Allotment would continue.

## **4.0 Cumulative Impacts**

### **4.1 Basis for Analysis**

This Chapter analyzes the potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the fence line proposed range improvement within a defined Cumulative Effects Study Area (CESA). As defined by the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, Cumulative Effects (40 CFR 1508.7) are defined as, “The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

The guidance provided in The National BLM NEPA Handbook H-1790-1 (2008), for analyzing cumulative effects issues states, “determine which of the issues identified for analysis may involve a cumulative effect with other past, present, or reasonably foreseeable future actions. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource (p.57).” No major issues were identified during scoping and no direct or indirect impacts to resources were identified, therefore no cumulative impacts are anticipated and a more detailed analysis is not warranted. The impact on range is identified with the proposed action meeting the need for the action, a detailed analysis of cumulative effects is not necessary.

## **5.0 Proposed Mitigation and Monitoring**

### **5.1 Proposed Mitigation**

Outlined design features incorporated into the proposed action are sufficient. No additional mitigation is proposed based on the analysis of environmental consequences.

### **5.2 Proposed Monitoring**

Appropriate monitoring has been included as part of the Proposed Action. No additional monitoring is proposed as a result of the impact analysis

## **6.0 Consultation and Coordination**

### **6.1 List of Preparers - BLM Egan Field Office Resource Specialists**

Gina Jones	Ecology
John Longinetti	Natural Resource Specialist, Operations
Sheri Wysong	Planning and Environmental Coordinator
Kathleen McConnell	Archaeologist
Bonnie Million	Noxious and Invasive, Non-native Species
Marian Lichtler	Wildlife, Special Status Species, Migratory Birds
Kalem Lenard	Recreation, Visual Resources
Doris Metcalf	Lands
Mindy Seal	Rangeland Resources, Vegetation, Soil, Water, Air, Wetlands and Riparian
Bill Wilson	Geology and Mineral Resources
Ruth Thompson	Wild Horse and Burro Resources
Melanie Peterson	Hazardous and Solid Waste and Safety
Elvis Wall	American Native Cultural Concerns
Chris Mayer	Supervisory Rangeland Management Specialist

## 6.2 Persons, Groups or Agencies Consulted

The following persons, groups, and agencies were contacted during the preparation of this document.

### •Permittees

- John Uhalde and Co.
  - Gracian Uhalde
  - John Uhalde
- Sam and Clelia Henriod (South Butte Allotment)

### •White Pine County Road Department

- Kerry Sprouse

### •Nevada Department of Wildlife

- Steve Foree

### •Tribal Consultation

- Tribal Coordination Letters sent November 4, 2008. No concerns were identified through coordination

### Public Notice of Availability

On July 2, 2008 scoping letters were sent to interested persons and organizations on the Ely District Rangeland Management Interested Public List. A copy of the scoping Interested Public letter was posted on the BLM Ely District website at [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

### **References**

Northeastern Great Basin Resource Advisory Council (RAC). Standards and Guidelines for Northeastern Great Basin Area. February 12, 1997.

State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office. 1999.

USDOI BLM. Ely Resource Management Plan Final Environmental Impact Statement. August 20, 2008.

USDOI BLM. IM-2008-050: Migratory Bird Treaty Act—Interim Management Guidance. December 18, 2007.

USDOI BLM. NEPA Handbook. 2008.

White Pine County Land Use Plan. May 1998.

# Miller Canyon Drift Fence

BLM



Ely District Office





# RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

## Miller Canyon Drift Fence & Cattle Guard White Pine County, Nevada

On June 16<sup>th</sup>, 2008 a Noxious & Invasive Weed Risk Assessment was completed for the Miller Canyon drift fence and cattle guard on the Thirty Mile Spring allotment in White Pine County, NV. The proposed action is to construct approximately 1/4 miles of fence along each side (Northwest direction and Southeast direction) of the Bothwick Road (total fence length is 1/2 mile). The Legal location is T 19 N, R61E, section 28. The proposed fence will be constructed to tie into the rocks of “Miller Canyon”. Bothwick Road is a County Road and a cattle guard will be installed. The need for this project is to prevent cattle drift from the Thirty Mile Spring Allotment onto the South Butte, Butte Seeding, and South Butte Seeding Allotments.

A field weed surveys was completed for this project on June 27<sup>th</sup>, 2008. The Ely District weed inventory data was consulted. There are currently no documented weed infestations at the proposed project location. The following species are found along roads and drainages leading to the area:

<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Onopordum acanthium</i>	Scotch thistle

These allotments were last inventoried for noxious weeds in 2006. While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomerus*), horehound (*Marrubium vulgare*), bur buttercup (*Ceratocephalus testiculatus*), and Russian thistle (*Salsola kali*).

**Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.**

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Low (3) at the present time. With the minimal amount of ground disturbance over the entire project area the risk of introducing weeds to the project area is low. The area most at risk for infestation is where the cattle guard is being installed, due to the amount of disturbance associated with that action.

**Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.**

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. If new weed infestations establish within the project area could have an adverse impact those native plant communities since the area is currently considered to be weed-free. Also, any increase of cheatgrass could alter the fire regime in the area.

**The Risk Rating is obtained by multiplying Factor 1 by Factor 2.**

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (24). This indicates that the project can proceed as planned as long as the following measures are followed:

- To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for reclamation or stabilization activities, feed, bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all source sites such as borrow pits, fill sources, or gravel pits used to supply inorganic materials used for construction, maintenance, or reclamation will be inspected and found to be free of plant species listed on

the Nevada noxious weed list or specifically identified by the BLM Ely Field Office. Inspections will be conducted by a weed scientist or qualified biologist.

- Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Reclamation would normally be accomplished with native seeds only. These would be representative of the indigenous species present in the adjacent habitat. Rationale for potential seeding with selected nonnative species would be documented. Possible exceptions would include use of non-native species for a temporary cover crop to out-compete weeds.
- Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by: /s/ Bonnie Million

7/1/2008

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Bonnie Million  
Ely District Noxious & Invasive Weeds  
Coordinator

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Date

