



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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[http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/elko_field_office.html)



In Reply Refer To:  
6300 (NV-013)  
NV-010-033 & 027

### **Interim Management Policy for Lands Under Wilderness Review NOTICE OF ACTION**

**Wilderness Study Area (WSA) Name:** Bluebell NV-010-027 and Goshute Peak NV-010-033

**Location Within WSA:** See attached maps.

**Notification Period Begins:** January 10, 2011

**Notification Period Ends:** February 11, 2011

This notice is to inform interested publics that natural riparian areas occurring within the Bluebell and Goshute Peak Wilderness Study Areas (WSA) have been severely degraded and what action the Bureau of Land Management (BLM) intends to take to mitigate this damage. An Environmental Assessment will be prepared and provided to interested parties for comment at a later date.

#### Background

On August 5, 2010, Caleb McAdoo, Nevada Department of Wildlife (NDOW) Game Biologist for Management Unit 10 which includes the Goshute Mountains, was conducting a seep and spring inventory within the Bluebell WSA to determine the adequacy of perennial water sources for wildlife values. Mr. McAdoo noted several springs had been negatively impacted by wild horses and that some of the perennial waters were at risk of being lost due to the consistent trampling and over-use by wild horses. Mr. McAdoo noted heavy to extreme use by wild horses on Rock Spring, Tunnel Spring, Morgan Spring, and Sidehill Spring (see attachment 1). Mr. McAdoo was concerned with the riparian degradation and informed Bruce Thompson, Wild Horse Specialist with the BLM, of these issues on August 6, 2010.

On August 23, 2010 BLM and NDOW representatives met to discuss the aforementioned riparian degradation and to discuss potential solutions to resolve the problem. Tamara Hawthorne (Outdoor Recreation Planner/Wilderness Coordinator), Donna Jewell (Assistant Wells Field Office Manager for Renewable Resources), Nycole Burton (Wildlife Biologist), Bruce Thompson (Wild Horse Specialist), and Bryan Fuell (Wells Field Office Manager) represented the BLM and Ken Gray (Supervising Biologist) and Caleb McAdoo (Game Biologist) represented NDOW.

On August 25<sup>th</sup>, 2010 Bruce Thompson re-visited the springs that Caleb McAdoo had previously visited on August 5<sup>th</sup>. Mr. Thompson's findings were consistent with that of Mr. McAdoo's and he found Erickson spring to also be extremely impacted by wild horse use.

NDOW and BLM biologists also noted that historic water sources near the top of the Goshute Range have been depleted and were no longer producing. These include Chokecherry, Lion, and Serviceberry Springs. The Nevada Department of Wildlife has identified water as the limiting factor for many native wildlife species which could otherwise occur in the Goshute Range. In order to distribute wildlife use and maintain populations of native wildlife, it is recommended that new water developments are established at or near the top of the mountain range to re-distribute native wildlife to these areas that were historically and customarily occupied by wildlife when natural water was present. Several historic accounts document the presence, diversity, and apparent abundance of wildlife in the area of the Goshute Range. On May 19, 1831, John Work, in his travels with the Hudson Bay Company, noted several wildlife species in the area of the present day Goshute Range, "...*The tracks of elk, black-tail deer and sheep were seen in the mountains, but could not be approached. Cabrie [pronghorn antelope] are seen in the plains, but are very shy.*"

Undoubtedly, the diversity and abundance of wildlife in the Goshute Range has decreased with the loss of natural spring sources mentioned above. Since there is no natural means to restore these spring sources that historically provided water for wildlife in the area, providing natural looking, non-impairing water developments in the vicinity of the historical water sources would allow wildlife to utilize otherwise suitable habitats that are currently water limited. Based on these findings, the Wells Field Office of the Bureau of Land Management and the Nevada Department of Wildlife have developed proposed actions to protect Wilderness values and improve wildlife habitat.

#### Description of Proposed Actions

The Wells Field Office of the Bureau of Land Management and the Nevada Department of Wildlife proposes the following actions:

- 1.) To construct temporary pipe rail fences around Rock, Sidehill, Morgan, Tunnel and Erickson springs to ensure wilderness values (i.e. "naturalness") remain viable in perpetuity by protecting the presently damaged spring sources. The fences around the spring heads would be no larger than 90 feet by 90 feet and would allow wildlife access to the existing water holding device. Dimensions of the fences would be minimized to the extent possible and camouflaged with color tones which would be similar to the surrounding vegetation to mitigate visual impacts. The fences would be substantially unnoticeable, temporary, create no cumulative impact, non-dependent on vehicular access for maintenance, and would perform a function that a non-structural device could not. Fencing materials could be flown in, as necessary, to the sites using a helicopter. Helicopter use would be limited to the extent possible.
- 2.) To repair or modify existing "grandfathered" water troughs to functioning conditions. This could include removing old or damaged water troughs, tanks and pipes and replacing with newer or sturdier materials. Troughs would be placed outside of the pipe-rail fence to provide water access to wild horses

and wildlife.

- 3.) Construction of two water developments for wildlife, which would alleviate wildlife use on the damaged perennial spring sources, and provide relief to the vegetative resources around the aforementioned perennial springs by allowing wildlife to use otherwise suitable habitat. Each unit would be modular and constructed under the following specifications: a storage capacity of approximately 7,500 gallons with 6 poly tanks, a suspended 45 foot x 40 foot corrugated steel canopy, and 1 self-leveling steel drinker approximately 3 foot x 4 foot. A three-strand barbwire fence with dimensions of 55 x 55 feet would encompass the apron and tanks. A fence would be constructed around the self-leveling drinker, the dimensions of which would be no more than 71 feet x 71 feet. Total surface disturbance for each unit would be less than a quarter of an acre.

Dimensions of the fences would be minimized to the extent possible and camouflaged with color tones which would be similar to the surrounding vegetation to mitigate visual impacts. The units would be designed so as to be substantially unnoticeable based on materials, camouflaging, and surrounding terrain. Fencing materials could be flown in, as necessary, to the sites using a helicopter. Helicopter use would be limited to the extent possible.

Monitoring and maintenance of all repairs and developments will not be dependent on regular vehicle use. The authorizing document will describe how the projects will be maintained and monitored without regular vehicle access.

#### IMP Analysis

##### **Action 1 – Install temporary fences**

The proposed action 1, to fence the said spring sources from wild horse damage, is clearly and justified under the Interim Management Policy for Lands Under Wilderness Review (IMP) Chapter III, section E. Wild Horses and Burro Management which states:

*Taking into account that wild horse and burro numbers fluctuate dramatically within WSAs due to a variety of factors, the Bureau must still endeavor to make every effort not to allow populations within WSAs to degrade wilderness values, or vegetative cover as it existed on the date of the passage of FLPMA. Wild horse and burro populations must be managed at appropriate management levels as determined by monitoring activities to ensure a thriving natural ecological balance.*

*Wild horse and burro developments existing within WSAs as of October 21, 1976, may continue to be utilized and maintained. Although these developments existed prior to the passage of FLPMA, there may be opportunities for mitigating their impacts on wilderness values. Motor vehicles may not be used in the maintenance of these developments unless the development is on an existing way or trail.*

*Helicopters and fixed wing aircraft may be used for the installation of new temporary facilities, for aerial surveys, for law enforcement activities, and for the*

*gather of wild horses and burros.*

BLM historically and currently monitors springs on the east side of the Goshutes and has conducted horse gathers as needed for the Horse Management Area. Regardless, spring sources have continued to decline and according to NDOW historical records, wildlife habitat and dispersion of wildlife has been declining in the Goshute Mountains.

Past horse gathers and repairs to the Rock Spring pipeline and trough, has not resulted in revegetation of the area and the spring source continues to be degraded. Installing the temporary pipe rail fences is necessary to ensure the cessation of undue degradation to wilderness values associated with the natural spring sources and has been determined to be the minimum tool.

### **Action 2 – Repair or modify spring developments**

The IMP describes “grandfathered” as those range and wildlife improvements that may continue in the same manner and degree. Maintenance of “grandfathered” livestock developments will be permitted to insure that the usefulness of the project for its intended purposes may be realized, but will not be allowed to modify a facility to exceed the physical and visual impacts existing on October 21, 1976. Modification exceeding this standard will be evaluated under the nonimpairment standard. Tunnel, Rock, Morgan, Sidhill and Erickson springs were all present and developed at the time of Wilderness Study Area designation.

Action 2, to repair or modify existing “grandfathered” water troughs, is justified under Chapter III, section D. Rangeland Management, item 4, Specific Guidelines for Livestock Developments, d. Water Developments, which states:

*In both grandfathered and non-grandfathered grazing, new, permanent water developments will be allowed for the purpose of enhancing wilderness values. Such water developments must meet the criteria in Sections 2.a and 3.c, above. In most instances, development will be limited to springs where the water trough blends into the surrounding landscape and plant cover is restored.*

Section 2.a: Changes in Grazing. *In both grandfathered and non-grandfathered grazing, changes may be allowed in number, kind, or season of use if, following the preparation of an EA (if not adequately addressed in an existing NEPA document), the effects are found to be negligible. Changes cannot cause declining conditions or trend to the vegetation or soil and cannot cause unnecessary or undue degradation of the lands. The assessment of the proposal must include an evaluation of the effect on the following parameters and wilderness values (see Chapter II B.6.c for specific analysis requirements):*

- *The natural ecological condition of the vegetation.*
- *The visual condition of the lands and waters.*
- *Erosion.*
- *Changes in the numbers or natural diversity of fish and wildlife.*
- *All wilderness values (refer to definitions at Chapter II.B.1 and II.B.6.c).*

Section 3.c: New, Permanent Livestock Developments. *New, permanent livestock developments may be approved if, after completing a similar analysis as*

*required in Section 2.a, above, they truly enhance wilderness values, and the developments are substantially unnoticeable. New, permanent developments must not require motorized access if the area were designated as wilderness. (This requirement must be noted in the case file, in the stipulations, and the grazing permit.)*

### **Action 3 – Construct new water developments**

New, permanent livestock developments may be approved if they truly enhance wilderness values, and the developments are substantially unnoticeable. New, permanent developments must not require motorized access if the area was designated as wilderness.

Action 3, construction of two new water developments, falls under exception 4 within H-8550-1, Interim Management Policy for Lands Under Wilderness Review (IMP), as it relates to nonimpairment criteria, Chapter I, section B., Specific Policy Guidance, 2. Nonimpairment. The IMP states that permitted exceptions to the nonimpairment standard are as follows:

- (1) Emergencies such as suppression activities associated with wildfire or search and rescue operations;*
- (2) Reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;*
- (3) Uses and facilities which are considered grandfathered or valid existing rights under the IMP;*
- (4) Uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values; and,*
- (5) Reclamation of pre-FLPMA impacts.*

Washington Office Instruction Memorandum (IM) No. 2004-140, which revised and clarifies portions of the IMP, as it pertains to Chapter III, section G. Wildlife, under Permanent Installations/Surface Disturbing Activities Including Disruption of Vegetation, states:

*Permanent structures and facilities and surface disturbing activities in support of wildlife management such as guzzlers, water tanks, exclosure fences, vegetation manipulation, and surface modifications that change the lands natural contour are normally not permitted under the non-impairment criteria described on page 9 of the handbook.*

*There are, however, five possible exceptions to the nonimpairment criteria, also listed on page 9 of the Handbook. One of them, Exception 4, may apply directly to wildlife management.*

*Exception 4 may allow certain new wildlife related projects that would otherwise be impairing, if those projects can be shown to clearly protect wilderness values. Wilderness values that may be enhanced by wildlife management activities that support healthy wildlife populations include naturalness, primitive and unconfined recreation opportunities, and ecological values. Examples of permanent structures and facilities and associated surface disturbing activities which may meet the criteria of Exception 4 are:*

- *Permanent structures or facilities built with approval of the administering agency for the benefit of threatened, endangered, or special status species if they are determined essential to the species conservation and recovery, and they contribute to a visitor wilderness experience.*
- *Permanent riparian, wetland, and aquatic structures and facilities permitted under the following conditions: their purpose is to maintain or enhance wilderness values, protect or maintain natural conditions, restore deteriorated habitat resulting from human influence, and they can be constructed to be substantially unnoticeable.*
- *Installations to enhance wildlife and wildlife related activities which were identified in the wilderness inventory and study of the specific WSA as a wilderness value of the area and which do not degrade the values of roadlessness, naturalness, solitude, or primitive and unconfined recreation opportunities that initially qualified the area for designation as a WSA.*

These proposed water developments under Action 3, would facilitate an increase in diversity and abundance of native fauna which would provide the following wilderness values to visiting publics: Species such as deer, elk or potentially bighorn sheep would provide an additional, “special feature” to the wildlife diversity in the Goshute Range and would provide, “primitive and unconfined recreation” by providing unconfined viewing, photographic opportunity, and hunting opportunity of a native species in a natural setting. The water developments would be placed at or near the top of the mountain range in the vicinity of Black Point, Lion Spring, Serviceberry Spring or Chokecherry Spring. Due to the technological advances in guzzler construction, necessary maintenance would be minimal. Major repairs would be conducted via helicopter and normal maintenance would be conducted on foot. These water developments would not have a permanent negative impact on habitat in the WSA, would create no cumulative impact, would be non-dependent on vehicular access for maintenance, and would perform a function that a non-structural device could not, given the natural setting. Furthermore, the units would be substantially unnoticeable based on materials, camouflaging, and surrounding terrain. To the extent possible and feasible, and where appropriate, these developments would be placed within the areas recommended as non-wilderness.

*The following factors should be met for each permanent installation or surface disturbing activity that has met the standard for the exception as set out above:*

- a) Is substantially unnoticeable,*
- b) Will not have a permanent negative impact on habitat in the WSA,*
- c) Will not create a cumulative impact through its proximity to other pre-existing facilities in the WSA,*
- d) Is not dependent on regular vehicle use for access and/or maintenance. The authorizing document must describe how the project will be maintained and monitored without regular vehicle access. Existing ways may be used for access in WSAs during the interim period as long as such use is consistent with FLPMA’s nonimpairment standards and applicable RMPs: and*
- e) A determination has been made that alternative sites outside of the WSA or nonstructural alternatives will not accomplish the objectives of the proposed project.*

Expected Decision and Implementation

An environmental assessment will be prepared following the guidance provided in the IMP and outlined above. Proposed actions could change as we continue with the process. Interested publics will be notified and provided the EA for review. **Estimated decision date for an EA is late summer 2011.**

For more information please contact Tamara Hawthorne, Outdoor Recreation Planner/Wilderness Coordinator, Elko Field Office at (775) 753-0356. Any comments you may have on wilderness character are to be sent directly to the Elko District Manager, Ken Miller at the above address by February 11, 2011.

/s/

KENNETH E. MILLER,  
Elko District Manager

1/5/11

Date

**Attachment 1**



**Photo 1 Looking across (northwest) Rock spring. Riparian vegetation has been de-nuded by wild horses.**



**Photo 2 Looking west Tunnel Spring. Extremely heavy horse use has eliminated riparian vegetation at the site**



**Photo 3 Looking across channel (north) at the source of Morgan Spring. As evidenced by this picture, heavy trampling by wild horses is severely impacting this spring.**



**Photo 4 Looking west across Sidehill Spring. Extreme Horse use is threatening the viability and function of this spring source.**



**Photo 5 Photo showing the sever de-nuding of riparian vegetation at Erickson spring. Wilderness values are clearly being compromised at this location.**