



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Surprise Field Office
P. O. Box 460
Cedarville, CA 96104
www.ca.blm.gov/surprise

In Reply Refer To:
4160 (LLCAN0700) P

August 22, 2014

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Paso Spring and Pothole Spring Development Riparian Projects

The Bureau of Land Management (BLM) is proposing to construct one resource protection enclosure and redevelop livestock watering sites at Paso and Pothole Springs which include the relocation of existing troughs and installation of underground pipelines and removal of unnecessary fencing at Paso Springs. The proposed projects are scheduled for construction in the summer of 2015 but could change due to wildfire, funding and other priorities. The proposed projects would be located in the Home Camp and Denio Allotment within northern Washoe County, Nevada, T39.5N, R21E, Section 24, and T40N R22E Section 20. The proposed projects are shown on attached maps.

BACKGROUND

An environmental assessment was prepared for the proposed Paso Spring and Pothole Spring Riparian Projects: DOI-BLM-CA-N070-2013-0011 EA. The EA analyzed the Proposed Action, No Action Alternative and the Enhanced Riparian Recovery Alternative. These alternatives were developed as result of internal and external scoping.

Based on those determinations, the Surprise Field Office is proposing to implement the EA's proposed action. A four strand (3 barbed, and one bottom smooth wire) barbed wire fence would be constructed at Paso Spring that would tie into the existing pasture division fence. This fenced area would be managed as a part of the existing enclosure that currently fences a portion of Paso Spring. A total of .63 miles of fence would be built around the spring enclosing approximately 27 acres. An off-site water development for cattle would be placed in two locations to serve the Home Camp and Denio Allotments. A total of 1120 feet of new pipeline would be installed under the proposed action. A water trap fence with gates would be built around one of the troughs to provide water for cattle in the Denio Allotment and allow for control of livestock. Sage-grouse collision markers would be installed on the fences. Unnecessary fencing within the riparian zone at Paso Spring would be removed to reduce the possibility of wildlife entanglements and fence strikes. A total of .27 miles of fence would be removed under the Proposed Action. All broken troughs and broken infrastructure would be removed from the site. Map 1 shows a diagram of the enclosure, fence removal and water trough locations. The total acres fenced within the old enclosure and new enclosure would total approximately 165 acres.

The Pothole Spring off-site water would consist of repairing the springbox, trenching and installing pipe down the existing road and installing a watering trough location outside the riparian area. The existing trough would be removed from the site. See Map 2 for a diagram of the pipeline and water trough. A total of 2136 feet of pipe would be installed to the new trough location. The total riparian area size at Pothole Spring is approximately 5 acres.

In addition to the description of the proposed action provided in the EA, the following language has been added to clarify the intent of the proposed action and address resource concerns that arose as a result of internal and external scoping and public involvement.

Paso Spring-

Water would be split at the springbox between trough and riparian area to maintain adequate flow to the riparian area from the spring source. The water system will be installed and functioning properly before installing the fences on the Home Camp and Denio Allotments. Due to the continued drought, both springs are currently not producing water so construction of the project may be delayed until spring source recharge occurs. The pit reservoir within the enclosure will be breached following construction of the water developments to reduce West Nile virus risk to sage-grouse and increase the length of wetted riparian area. All broken troughs and pipes would be removed from the site.

Pothole Spring-

Two new troughs would be installed, with one on each side of protection fence (see attached map). Four years after the completion the BLM will assess functionality of the riparian system and if objectives in the EA are not met by that point in time, the BLM would fence the site and tie it into Paso Spring enclosure as outlined in the EA and described in Alternative 3. The new off-site water system would remain in place and all previous broken troughs and pipes would be removed from the site.

PUBLIC INVOLVEMENT

Interested publics were notified of the proposal to construct the projects through a scoping letter on March 7, 2013. Letters of response were received from Western Watersheds Project, Nevada Department of Wildlife, and Bill Phillips, and verbal comments were received from the Denio Allotment permittees. As a result of external scoping, an alternative was developed based on Western Watersheds comments (Alternative 3). The Denio permittees opposed the project and preferred the project to be maintained in the same location. These comments were incorporated in as the No Action Alternative. No other comments were received in response to the scoping letter. Several meetings were held with permittees from the Denio and Home Camp Allotments. Issues discussed were project design to ensure that cattle from both allotments would be able to access water and the placement of watering troughs. On August 14, 2013, interested parties were notified of the availability of the EA and the public comment period via letter. One comment letter from the Nevada Department of Wildlife was received in response to the release of the EA favoring Alternative 3 as the preferred alternative based on the benefits to wildlife, including Greater sage-grouse.

FIELD MANAGER'S PROPOSED DECISION

It is my proposed decision to implement the EA's Proposed Action, the construction of the Paso Spring and Pothole Spring Riparian Projects. The project would be constructed to specifications identified in the EA and Decision Record (DR). The Proposed Decision was developed after a review of resource issues, and conditions found on the Denio and Home Camp Allotments. Environmental Assessment NEPA # DOI-BLM-CA-N070-2013-0011-EA was prepared to analyze the alternatives in consultation with the permittees, state agencies and interested publics.

RATIONALE

Based on the review of resources issues identified during field visits and analysis in the EA, environmental effects of the proposed actions were found to be minimal. The proposed action would eliminate impacts to cultural resources at Paso Springs and restore riparian habitat at Paso and Pothole Springs, while still providing water to livestock and wildlife including improving habitat for Greater sage-grouse. The proposed action would address the purpose and need and reduce heavy use, soil churning, denuded vegetation, and soil erosion in the surrounding area. Restricting access to these riparian sites and moving livestock impacts away from the riparian

area would achieve riparian objectives and make progress towards rangeland health standards for wetland/riparian areas.

This decision conforms to the Surprise Resource Management Plan (RMP) and Record of Decision, April 2008, and is consistent with federal, state and local laws, regulations, and plans to the maximum extent consistent with federal law.

FUTURE MONITORING

The Surprise Field Office will conduct field inspections in the future to ensure projects are constructed and maintained to Bureau standards, and to ensure water is made available on yearlong basis. Allotment resource monitoring will continue as identified in the applicable decision or activity plan.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

§4100.0-8 “The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans.”

§4120.3-1(a) “Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.”

§4120.3-4 “Range improvement permits and cooperative range improvement agreements shall specify the standards, design, construction and maintenance criteria for the range improvements and other additional conditions and stipulations or modifications deemed necessary by the authorized officer.”

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Heather Whitman, Acting Surprise Field Manager, PO Box 460, 602 Cressler Street, Cedarville, California 96104 within 15 days after receipt of such decision. 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 unless otherwise provided in the Proposed Decision. In the event a protest is received, the authorized officer will consider the protest points and issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 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 and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

In accordance with 43 CFR 4.21(b) (1), 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.

Sincerely,

/s/ Heather Whitman,
Acting Surprise Field Manager

Attachments:

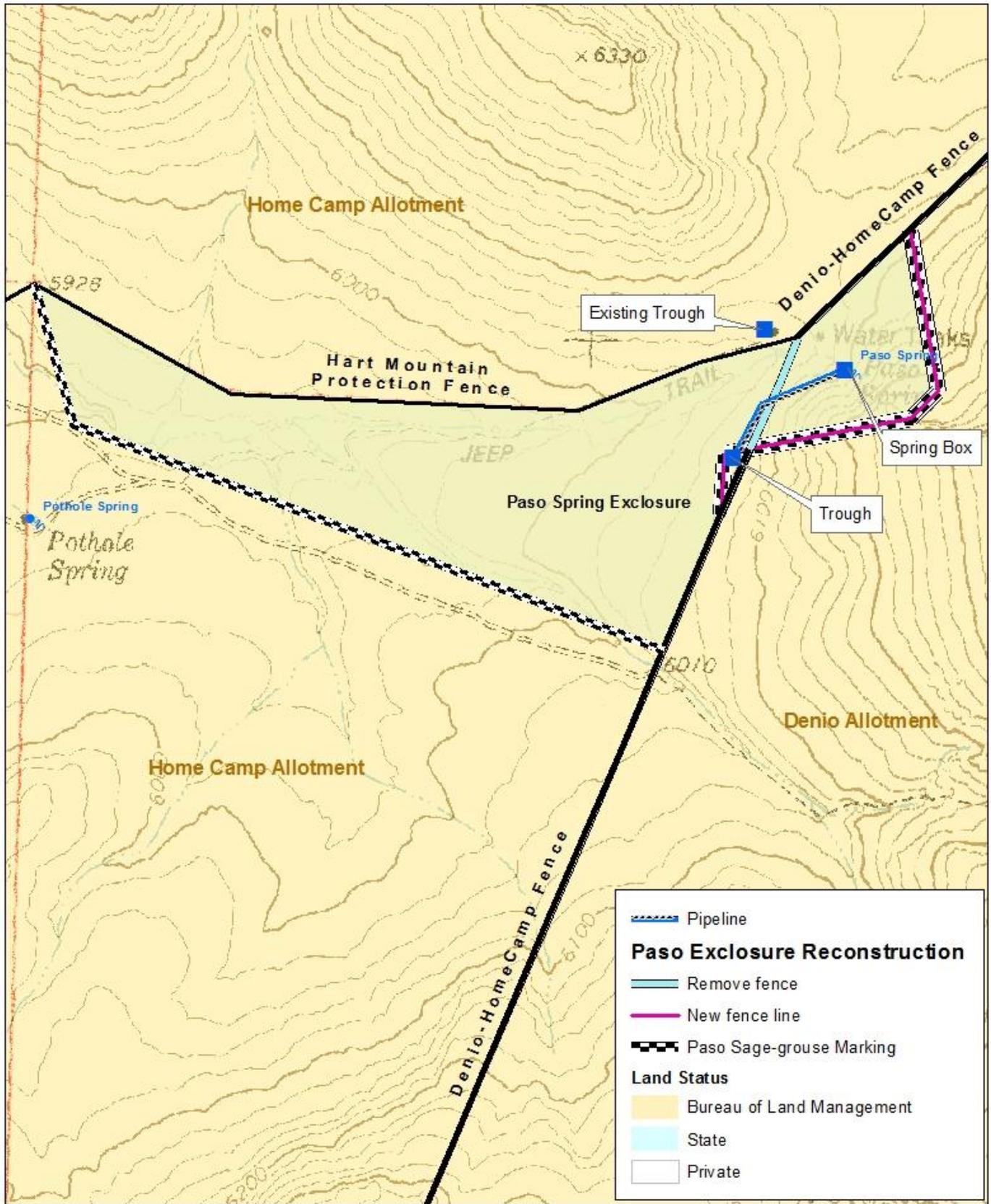
Project maps (2)

Cc: (See attached mailing list)

Paso Spring/Pothole Spring Project Proposed Decision mailing list:

Mailing List:

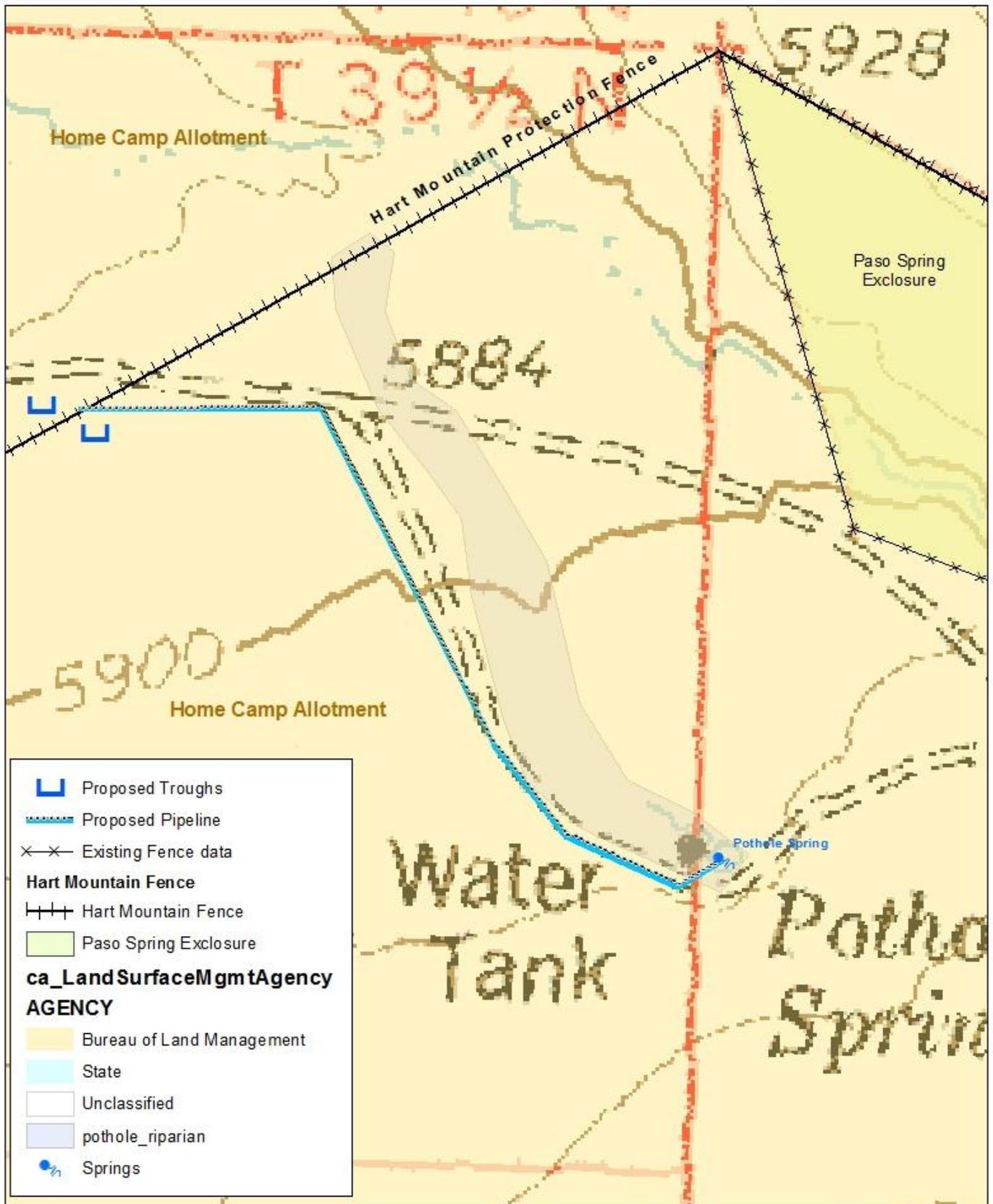
Alan or Ed Berryessa-(Certified Mail)
Summit Lake Paiute Tribe-(First Class Mail)
Betty Cockrell-(Certified Mail)
Robert R. Depaoli -(Certified Mail)
Fort Bidwell Indian Community-(First Class Mail)
Jim Cockrell-(Certified Mail)
Western Watershed Project-(Certified Mail)
Cedarville Rancheria Tribal Council-(First Class Mail)
Robert & Judy Cockrell-(Certified Mail)
Mel & Judy Hein-(Certified Mail)
Nevada Department of Wildlife-(First Class Mail)
Will & Debra Cockrell-(Certified Mail)
Samuel, Hough, Luebben, Johnson, & Barnhouse LLP-(First Class Mail)
Grove Brothers-(Certified Mail)
Modoc Cattlemen's Association-(First Class Mail)
Nevada Bighorns Unlimited-(First Class Mail)
Cassie Oyarzum-(Certified Mail)
Bill Phillips-(First Class Mail)
Sean Curtis, Modoc/Washoe ESP-(First Class Mail)
Meghan L. Brown-Rural Representative for Congressman Mark Amodei-(First Class Mail)
Paul Davis-(First Class Mail)
Nevada State Clearinghouse-(First Class Mail)
Dean Cockrell-(Certified Mail)



Paso Spring Exclosure



US Department of the Interior
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 Date Prepared: 2/14/2013
 Project: paso_exclosure.mxd



Pothole Spring




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