



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Surprise Field Office
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UPPER TULEDAD VALLEY HABITAT RESTORATION AND FUELS REDUCTION PROJECT DECISION RECORD DOI-BLM-CA-N070-0024-DR

INTRODUCTION

The purpose of this restoration effort is to reduce hazardous fuels and restore the sage steppe ecosystem processes and vegetation conditions that resemble historic mosaic plant communities, so that historic fire return intervals in the sage steppe ecosystems can be sustained. The proposed restoration projects would restore habitat for sagebrush obligate species including Greater sage-grouse and mule deer, improve hydrologic conditions and enhance the forage base for wildlife and domestic animals.

Vegetation, soil and cultural resources within the project area have been determined to be at substantial risk of wildfire due to heavy fuels buildup. Based on this risk and review of the EA for the Upper Tuledad Valley Habitat Restoration and Fuels Reduction Project (DOI-BLM-CA-N070-0024-EA), it is the decision of the BLM to implement the project using a combination of treatments discussed in the proposed action as presented in the EA. The actions will improve vegetation diversity and habitat in the project area. The actions will prevent the substantial risk of vegetation conversion to invasive species and soil loss due to heavy fuels buildup, and will prevent the occurrence of catastrophic wildfire.

DECISION

It is my decision to authorize the Upper Tuledad Valley Habitat Restoration and Fuels Reduction Project as described in the Proposed Action of Environmental Assessment DOI-BLM-CA-N070-0024-EA with the following SOP's, mitigation and monitoring measures outlined in the aforementioned EA. This decision is contingent on meeting all stipulations and monitoring requirements listed below.

DESCRIPTION OF THE SELECTED ALTERNATIVE

The proposed action is to utilize a combination of mechanical, prescribed fire and hand treatments to improve sage-steppe habitat for sage-steppe obligate species, reduce hazardous fuels, increase the ability of fire managers to control unplanned wildfire and restore fire adapted ecosystems on 2,562 acres of sagebrush-steppe ecosystem within the Upper Tuledad Valley Habitat Restoration and Fuels Reduction Project Area. The proposed action consists of two separate units on public lands within the Tuledad Allotment as described in the EA.

Treatment units will be rested from livestock grazing for a minimum of two grazing seasons. The Tuledad Aspen project unit would be rested one growing season prior to broadcast burning

and two grazing seasons following burning. This will be accomplished by adjustments in the pasture/use area grazing schedule, and herding.

No new permanent roads will be constructed to complete this project work. Temporary roads will be used where appropriate in mechanical treatment sites and will be decommissioned following use. These roads will involve minimal ground disturbance and will be reclaimed following use (one to three years). Landings will be constructed within the project area and will be rehabilitated following use. See Appendix 3, Tulead Standard Operating Procedures, for specific temporary road and landing requirements. Areas identified within the project boundaries as having important cultural, botanical, hydrological, recreation, and wildlife resources that require protection will be excluded from mechanical treatment. These areas of concern will have specific operating procedures to maintain the integrity of the resource, see Appendix 3: Tulead Standard Operating Procedures. Historic woodlands within the project areas will be preserved and mature/old growth stands of Western juniper will be identified and protected.

MITIGATION MEASURES

The following mitigation measures are to reduce impacts to sage-grouse, other sage-steppe species, as well as other wildlife.

- No pile burning is allowed on south facing slopes and aspects within the Upper Tulead Project due to the presence of cheatgrass and the high likelihood of cheatgrass dominance in sites that are burned.
- Pretreat fuels around bitterbrush and mountain mahogany to prevent loss during prescribed burning. This would prevent large patches of important deer fall forages from being burned.
- Prescribed burned acres would be less than 123 acres. This recommendation is found in both the Buffalo-Skedaddle sage-grouse conservation plan and a recommendation in the Partners in Flight publication, *Birds in a sagebrush sea*. This mitigation would reduce habitat fragmentation of important bird habitats.
- Leave all snags greater than 25 cm (10 inches) standing and create additional snags. This recommendation/mitigation would benefit many species including bats such as long-eared myotis.
- Any active raptor nest found should be reported to the wildlife biologist and project activities ceased in the area (generally ¼ mile buffer) until surveys indicate that project activities would not disturb breeding activities.

The following mitigation measures would reduce visual impacts to the VRM Class II and Class III project areas:

- Rehabilitation of roads, prescribed fire control lines, and staging areas within one year of treatment would reduce the likelihood of the tracks being used by the public. Placement of rocks and brush or trees within the tracks and trails would discourage public use and blend the disturbance into the background. Reseeding of scalped and

smoothed areas would speed up the rate of vegetation cover in these sites and reduce the chance of invasive or noxious species gaining a foothold in these denuded sites.

- Specific monitoring of road rehabilitation areas would insure that erosion is not occurring and that re-vegetation is effective.
- To reduce the contrast of the boundaries of all treatment units, treatments activities involving juniper removal would feather in the major tree removal with the adjacent untreated edges by leaving a selection of larger and smaller trees.
- To reduce the short term impact of yellowing and browning needles of felled trees in areas proposed for manual thinning/lop and scatter treatment, branches of the larger felled trees which project above the profile of the shrubs would be cut down to a height of three feet or less.

STANDARD RESOURCE PROTECTION MEASURES (SRPM'S)

For all those cultural properties recommended eligible or are unevaluated to the National Register:

1. Cultural Resource Staff will brief crew personnel on avoidance areas within a defined cutting area before project implementation occurs. (See inadvertent discovery procedures).
2. Prior to project initiation, in mechanical treatment areas, all archaeological sites will be flagged with a 10 meter (11 yards) protection buffer. Flagging will be the standard BLM Northeastern California Archaeology shops' black and red striped flagging.
 - a. Flagged sites will be avoided for roads, staging areas, and any other unforeseen use by mechanical or large equipment.
 - b. New roads and staging areas for the Project Area (but located outside the Project Area) will be surveyed at a Class III level prior to project initiation.
3. All standing juniper within 20 meters (60 feet) of the toe or rim of rimrock outcroppings around rock art panels will be removed to prevent fire damage to rock art sites. Exceptions include when a tree is a significant cultural component of the site. Mitigation measures in these instances will be based on field survey results and will be approved by the Field Office Manager before implementation occurs. These mitigation measures will be generated and approved by a qualified Archaeologist and will be documented in the project file.
4. Areas with high densities of identified archaeological sites will be left untreated (i.e. lithic sources, rock art, etc.).
5. At this time, only hand treatment and/or prescribed fire will be utilized within National Register sites, significant (sites eligible for the National Register) sites, and unevaluated sites (which are afforded the same protection as National Register sites) at the discretion of the Field Office Archaeologist. This action will prevent an oasis effect where livestock can congregate and limit the creation of islands which would increase public/animal congregation. All lop and scatter materials will be removed from archaeological sites. Those sites deemed not eligible or significant may be subjected to mechanical treatment.
 - a. If trees are left on the site, then an island of trees will be left off site in a location most likely to deter livestock from shading under the tree(s) on the site. In most cases, this is between the site and the nearest utilized water source. Trees on the island will be

limbed up in order to attract livestock to that location. Ideal locations for islands include areas where the livestock are already shading.

- b. In regards to sites with rock features, hand treatment will not be utilized within a 45 feet (15 meters) radius of a rock feature or concentration of rock features. These areas will be flagged with non-“red and black striped flagging”; the color of flagging used will be documented in the DNR and made clear to the tree-cutters. This is to protect rock features from falling trees.
 - c. If possible, trees around structures will be directly felled in order to avoid damaging the structure. If directional falling is not possible, then the trees will be avoided.
6. Historic arborglyphs, generally found in aspen stands, will be preserved in place, will not be cut or damaged, and burnable materials will be removed from a 15 feet diameter area to avoid impacts of prescribed burning. However, the diameter around the arborglyph may increase depending on slope and aspect. Cut juniper 15 feet away will be piled no more than 5 feet high to avoid heat damage to the tree (aspen trees are vulnerable to fire damage as their bark does not offer sufficient protection against heat). Heat resistant wrap and/or colorless foam may also be used in order to protect the tree.
 7. All temporary roads will have a Class III survey prior to construction initiation.
 8. Mitigation measures for prescribed burns will follow the SRMPs outlined in the California Statewide Protocol Agreement (Appendix E).
 9. If fencing is required in order to rest areas from livestock after juniper have been removed, then all fences will avoid eligible or unevaluated archaeological sites and culturally sensitive areas. Additional survey at a Class III inventory is required before fence building is initiated if proper Class III inventory was not accomplished in the proposed fence line area in the initial survey.
 10. Additional mitigation measures will be put in place as needed to avoid adverse impacts to cultural resources. These mitigation measures will be based on field survey results and will be approved by the Field Office Manager before implementation occurs. These mitigation measures will be generated and approved by a qualified Archaeologist and will be documented in the project file.

Cultural Resources- Inadvertent Discovery

In the event of inadvertent discovery of un-flagged and/or undocumented cultural resources during implementation of an undertaking, the following procedure shall be undertaken: Field Office Cultural Staff and the Field Office Manager shall be immediately notified by personnel responsible for project implementation. All work shall cease immediately at the site of discovery and all other work which may damage the cultural resource shall also cease. The Field Office Cultural Staff shall make an assessment of the situation and, in consultation with the Field Office Manager, may prescribe the emergency implementation of appropriate physical and administrative conservation measures as enumerated in BLM Manual Series 8140. The Field Office Cultural Staff shall notify the SHPO, as needed, in order to develop an agreement on the appropriate course of action, and such agreement shall reflect the intent of BLM Manual Series 8140.28B. The agreement shall be memorialized in writing and documented in project files. The Field Office Cultural Staff shall document implementation of

the agreed-upon steps and shall report the discovery event and the manner of its resolution in the annual accomplishment reporting required under this Protocol.

For all of the ineligible cultural properties no mitigation measures are recommended.

TULEDAD STANDARD OPERATING PROCEDURES

Air Quality

- All prescribed fire projects would be completed pursuant to the standards specified by the Clean Air Act and would comply with all federal, State and local air pollution requirements.
- An approved Prescribed Fire Plan would be in place prior to ignition of any prescribed fire.
- The prescribed fire burn plan would be adhered to throughout the project. Emissions would be managed by timing and atmospheric dispersal.
- Prescribed burning would be concentrated in spring (mid-April through mid-June) and fall (mid-September through mid-November) to avoid coinciding with peak summer levels of air pollutants from other human-caused activities in the area and the winter inversion potential.
- Computer modeling to assess smoke dispersion, and related smoke management techniques would be implemented where practicable.

Fire Management

- The NorCal Fire Management Plan identifies aggressive, full suppression as the strategy for fire suppression in the Vya PMU Habitat Restoration and Fuels Reduction Project Area under conditions of severe fire intensity, especially within the WUI. However, exceptions may be made where resource objectives could safely be achieved.
- Under conditions of low fire intensity, a less aggressive suppression strategy, such as containment/confinement, would be implemented in previously identified areas likely to benefit from wildland fire use.
- Engines, aircraft, retardant, hand crews, and heavy equipment may be used for initial attack.
- The use of heavy equipment would be avoided in known NRHP-eligible sites, unless approved by the line office.
- Local resources and contractors would be used as much as possible for suppression efforts.

Woodcutting

- The areas excluded from woodcutting would be signed to indicate that woodcutting is not allowed. The Surprise Field Office would make maps available to the public indicating areas open and closed to woodcutting within the Project Area.
- Wood Cutting would not be allowed in areas where wood gathering would have the potential to have adverse effects on cultural resources as determined by the archaeologist and Field Manager.

Hydrology

- Minimize management activities within perennial and intermittent drainages where such activities would compromise normal watershed processes or functions.
- Entry into wet spring areas would be limited to hand treatments with chainsaws and broadcast/pile burning. During the dry summer months some access to spring areas may be allowed only after on-site inspections occur to ensure minimal impacts.
- Crossings over ephemeral stream channels would be identified by the Contracting Officer's Technical Representative (COTR) and be limited to dry, rocky and stable areas. Crossing channels with mechanized equipment would be at locations that are stable and naturally armored with rock. Stream channels would be crossed at right angles and number and width of crossings would be limited to areas that have cobble and naturally occurring rocky areas to protect the channel. A minimal amount of passes over dry stream channels would be allowed and would be monitored by the project COTR.

Soils

- Adverse effects on soil resources would be minimized through management practices and adherence to Standard 1 of the Standards and Guidelines.
- Broad-scale vegetation treatment plans will specify appropriate levels of woody residue required for site protection.
- Damage to high shrink-swell soils will be prevented by limiting compacting activities to periods when soils are sufficiently dry to resist damage from the activity.

In addition, BLM would implement management practices to achieve or maintain significant progress toward achieving the criteria described below to meet Standard 1 of the Rangeland Health Standards and Guidelines for Northeastern California and Northwestern Nevada. The criteria to meet the standard are:

- Groundcover (vegetation, litter, and other types of groundcover such as rock fragments) is sufficient to protect sites from accelerated erosion;
- Evidence of wind and water erosion, such as rills and gullies, pedestaling, scour or sheet erosion, and deposition of dunes, is either absent, or if present, does not exceed what is natural for the site; and
- Vegetation is vigorous, diverse in species composition and age class, and reflects the potential natural vegetation or desired plant community for the site.

Water bars on temporary roads and scattered juniper material would be used to reduce sedimentation during high rainfall and or snow melt. Rehabilitating areas of compacted soil would be accomplished by ripping the soil with mechanized equipment to increase infiltration and reduce runoff, and encourage vegetative growth.

Livestock Grazing

- Grazing use authorized by BLM is subject to all provisions of the grazing regulations (43 CFR Parts 4100) and other applicable law and regulation. Grazing use will be in accordance with the Rangeland Health Standards and Guidelines for Northeast California and Northwestern Nevada Final EIS approved by the Secretary of the Interior on July 13, 2000. Grazing use authorization may be modified in accordance with regulation to attain progress towards achieving rangeland health standards (subpart 4180.1 and 4180.2 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration).
- Treatment units would be rested from livestock grazing for a minimum of one growing season prior to and two growing seasons following broadcast burns through adjustments in the pasture/use area grazing schedule, and herding. All other treatments would be rested for at least one full year the first season of treatment and one growing season the following year. Decisions to resume grazing will be objective based.
- Compliance for resting of treatments will be based on utilization limits, with 20% or more utilization during a required rest period resulting in extending the rest by an additional growing season.
- Grazing can resume in treatments following rest periods after the following objective have been met. 2/3 of key native grass plants within the dominant ecological site in the treatment site have produced full seedheads. This objective will be measured annually at the end of the growing season, using 1 square meter plots at the designated SSER FEIS monitoring point(s) for the treatment.
- BLM would seek all opportunities to minimize the impacts on grazing permittees due to livestock removal to facilitate rest. These efforts would include but not be limited to:

- design of projects to minimize rest on non-treated acres;
- use of identified turnout areas, modified salting practices and herding to provide growing season rest in broadcast burn sites;
- Modified allotment management plans during rest periods.
- Livestock trailing would allowed on existing roads

Riparian Areas

- Treatments within perennial or intermittent creeks and springs would be limited to hand treatments within the 250 foot buffer zone. Crews would use chainsaws to fall Western juniper trees, which would then be piled for burning at a later date.

Vegetation

- Mechanical juniper shearing and chipping operations will comply with conservation measures.
- Native juniper woodlands would be maintained within the landscape positions where they historically occurred.

SSER Treatment Monitoring and Adjustment

A monitoring and adjustment approach would be implemented within constraints of rules and regulations, Forest Plan/Resource Management Plan, NEPA and the Sage Steppe Ecosystem Restoration Strategy. The approach would include systematic monitoring of site-specific treatments with assessments of the results being achieved to effectively make real time adjustments and corrections, within the scope of the ongoing project, if appropriate. Monitoring and data collection will follow the Sage Steppe Ecosystem Restoration Strategy protocols and will be made available on the database for other agencies and the public.

The project components that would be monitored would vary depending upon the type of restoration activity and site-specific conditions. The monitored components would be evaluated on a frequency that would allow for adjustments in the implementation of specific restoration activities. The monitoring and adjustment program would be focused on achieving the desired landscape conditions, based on site-specific characteristics for each treatment area.

Old Growth Juniper

Individual old growth trees in restoration areas would be identified using morphological characteristics (Miller *et al.* 2005) and preserved for their many social and ecological values. These characteristics would include:

- Rounded or unsymmetrical tops that may be sparse and contain dead limbs.
- Deeply furrowed, fibrous bark on the trunk that is reddish in color.

- Branches near the base of the tree that may be very large and covered with fruticose lichens.
- Limited terminal leader growth on branches in the upper 25 percent of the canopy.

In addition to preserving individual old growth trees, efforts would be made to maintain functioning ecosystems in historic juniper woodlands, especially those with a significant old growth component. These sites are typically present in areas with shallow, rocky soils surrounded by limited fine fuels, which historically were relatively protected from stand-replacing fire. Soils data could be used to identify potential historic juniper woodlands, but on-the-ground verification of their presence would be completed before project implementation.

Juniper woodlands would be low priority for treatment because they are generally not considered outside the historic range of variability, and juniper reduction in these sites would not be expected to enhance sage steppe ecosystems. Any treatments proposed in such sites would be designed to mimic natural fire processes given the specific topography, such as the removal of pockets of young trees in drainages. The following categories provide general guidance for treatments:

- In stands where more than 75% of trees exhibit old growth characteristics, no juniper will be cut
- In stands with 50-75% old growth, up to 25% of young trees may be removed
- In stands with 25-50% old growth, up to 50% of young trees may be removed

Special-Status Plants

- No Special Status Species are known to occur within the project area, if species were discovered during implementation the species would be identified, flagged, and would not be disturbed with any treatment activities. Buffer zone sizes around sensitive plant sites would be identified at the discretion of the botanist and Field Manager. BLM requirements for special-status plant management are found in BLM Manual Handbook 6840-1, *Special Status Plant Management*, 1996.

Wildlife

- Retain vegetation buffers for wildlife cover at water sources, wetlands, and riparian sites.
- Limited Operation Periods (LOPs) and buffer zones would be implemented as necessary to reduce disturbances to wildlife.
- Close and rehabilitate cherry stem and temporary project roads to reduce disturbances to wildlife.

- Actions requiring vegetation/habitat disturbance such as construction of temporary roads and landings, and skidding or other movement of trees and related materials, should be accomplished in a manner resulting in as minimal disturbance as possible.
- Leave all snags greater than 25 cm (10 inches) standing and create additional snags. This recommendation/mitigation would benefit many species including bats such as long-eared myotis.
- All fencelines within 1 mile of an active sage-grouse lek where juniper is cut will be marked with dark brown and white fence markers.
- All fencelines around riparian areas within 2 miles of an active sage-grouse lek where juniper is cut will be marked with dark brown and white fence markers.
- All active bird nests within juniper trees will be avoided and left standing during the breeding season (March 1-June 30).

Ungulates

- Implement seasonal protection measures and buffer zones as appropriate for permitted activities.

Sagebrush-Obligate and Associated Species

- Locally developed conservation strategies or plans developed for sage-grouse, pygmy rabbit, burrowing owl and other special-status species would be used to identify high-priority treatment and fire suppression areas.
- To the extent possible, utilize local native plants and seeds in seeding, restoration and rehabilitation projects, in accordance with BLM California's Native Seed Policy.

Other Native Wildlife Species

- Protect known raptor nesting trees from removal during project activities.
- Manage migratory birds in accordance with the Migratory Bird Treaty Act and Migratory Bird Executive order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*.

Federal State and BLM Listed Terrestrial and Aquatic Species

- Follow management guidelines within applicable biological opinions and conservation strategies.
- Implement seasonal protection measures and buffer zones as appropriate for permitted activities.

Currently there are no known federally threatened or endangered species known within or adjacent to the project area. If, during the implementation of the Proposed Action,

threatened, endangered, BLM Sensitive species, or other species of interest are found, then areas of important or necessary habitat in the project area would be identified, flagged and protected from project activities in coordination with the SFO wildlife biologist. Project activities may be subject to seasonal restriction dates and buffer zones to protect specific wildlife species and their habitats. Project activities would be implemented consistent with the local Conservation Strategy for Sage-Grouse (*Centrocercus urophasianus*) and the Sagebrush Ecosystems within the Buffalo Skedaddle Population Management Unit.

Noxious Weed Species

- All vegetation manipulation areas will be managed following treatment to ensure that noxious and invasive weeds do not become established.

Activities associated with the Proposed Action that are prone to noxious weeds, such as temporary roads, landings and skid trails would be monitored post treatment for new occurrences for three years. Newly discovered populations of noxious weed species would be mapped and treated using management techniques outlined in SFO Integrated Weed Management EA. To minimize the potential spread of noxious weed species the equipment associated with the Proposed Action would be pressure washed prior to engaging in project activities and before transport to new work areas.

Equipment operators and project inspectors would be provided with a noxious weed identification guide for species that are known to occur in northeast California. If a noxious weed site is discovered, project activities should cease and the Noxious Weed Coordinator notified of the occurrence. Project activities should not resume in the area until treatments and prevention procedures are in place.

Recreation

To the extent possible, roads that provide access to developed recreation sites for safety concerns would be used minimally. If necessary to use them for treatment activities, these roads would be avoided during weekends.

Areas where undeveloped hunting campsites occur would be excluded from mechanized treatment. Buffer zones would be established around these areas to maintain aesthetic values and would be coordinated with SFO recreation manager. Hand treatment in these areas would include use of chainsaws to thin juniper densities and hand pile construction. Slash piles would be burned during winter months.

OTHER ALTERNATIVES CONSIDERED BUT NOT SELECTED

One alternative considered was prescribed burning all units to thin or remove western juniper which has established on sagebrush sites. This alternative was eliminated from detailed analysis because of the difficulty in keeping fire within the targeted vegetation types and the inability to prevent the burning of the existing shrub and grass understory. The goal is to maintain the existing shrub and grass component and remove enough trees in order to allow the shrub and grass component to reach ecological site potential. Cheatgrass invasion could occur with prescribed burning in this area also and was another factor considered with eliminating this alternative.

DECISION RATIONALE

As a result of the analysis in the Upper Tuledad Valley Habitat Restoration and Fuels Reduction Project EA, and the Finding of No Significant Impact, the BLM has determined that the decision to implement a combination of treatments described in the proposed action will not result in unnecessary or undue degradation to public lands or cause significant impacts to public health and safety.

Implementing the proposed action will improve sage-steppe habitat for a myriad of wildlife species including Greater sage-grouse and mule deer, reduce hazardous fuels, which will provide better wildfire protection for private lands in the Tuledad Allotment and increase the forage base of wildlife and livestock. Reducing the heavy fuel continuity will decrease fire intensity of wildfires that would occur in the area. Creating a mosaic of treated and non-treated areas will improve watershed stabilization and reduce size of any future wildfires in the area. Long term benefits will include improved watershed stability and wildlife habitat, and increase vegetation diversity. Improved habitat will directly benefit mule deer, sage-grouse, and other sagebrush obligates, because sagebrush habitat that has been encroached by juniper would be restored. The implementation of the proposed action in this decision would prevent substantial risk to soils and vegetation from wildfire.

Closing and deferring the project area to livestock grazing for two growing seasons post treatment will allow for successful treatment response. Resting the treatment areas from grazing will facilitate plant establishment and reproduction.

The No Action Alternative was not selected because it would allow continued encroachment of juniper and loss of the shrub canopy and herbaceous understory and would allow for continued accumulation of heavy fuel loads that contribute to large, high intensity fires. The No Action Alternative would not reduce the substantial risk to vegetation and soils from wildfire due to heavy fuels build up. Juniper expansion into sagebrush sites would continue causing perennial grass and sagebrush composition to decrease in the community. Habitat for sage-grouse, mule deer and other wildlife species would continue to diminish as forb and grass species continue to be out-competed by juniper.

CONSULTATION AND COORDINATION

There are no known federally listed species in the project area. The area in the vicinity of the proposed action is inhabited by a variety of terrestrial and aquatic species including BLM sensitive species and several important game species. Major habitat types include juniper, sagebrush and bitterbrush with inclusions of mountain mahogany. Field office wide surveys have been conducted for sage-grouse, pygmy rabbit, golden eagle, other bird species and aquatic species. Additional visits were made to all project sites in 2014 to observe habitat conditions/availability and to look for signs of other species that might be present. The only known BLM sensitive species found within the project boundaries is the Greater sage-grouse (*Centrocercus urophasianus*) which use portions of the allotment all year long.

PUBLIC INVOLVEMENT

Public participation was encouraged throughout the development of the Upper Tuledad Valley Habitat Restoration and Fuels Reduction Project Environmental Assessment. Collaboration included representatives from Tribes, local representatives from Federal and State agencies, local governments, landowners, permittees, other interested persons, community-based groups, and other nongovernmental organizations.

Formal comment period for this project was 31 days, February 20, 2014 to March 21, 2014. A letter was sent out to identified interested parties. The BLM received two letters in response to public scoping from the Modoc Cattlemen's Association and the Nevada Department of Wildlife.

The concerns brought up during scoping have been addressed within the Upper Tulead Valley Habitat Restoration and Fuels Reduction Project Environmental Assessment.

PLAN CONSISTENCY

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Sage Steppe Ecosystem Restoration Strategy Record of Decision (ROD) and Final Environmental Impact Statement and the Surprise Resource Management Plan/Final Environmental Impact Statement (RMP/ROD/FEIS), April 2008. This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

VII. ADMINISTRATIVE REMEDIES

1.8. Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR) Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Surprise Field Office, Bureau of Land Management, U.S. Department of the Interior, 602 Cressler Street, Cedarville, CA 96104, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards to Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.

1.9. Authorizing Official:

/s/ Heather Whitman

09/12/14

Heather Whitman, Acting Surprise Field Manager

Date

1.10. Contact Person

For additional information concerning this Finding, contact Scott Soletti-Wildlife Biologist
Surprise Field Office 602 Cressler Street Cedarville, CA 96104 ssoletti@blm.gov or 530-279-
2824.