



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office

702 North Industrial Way, HC 33 Box 33500

Ely, NV 89301

http://www.blm.gov/nv/st/en/fo/ely_field_office.html



In Reply Refer To:
9210 (NVL0200)

DECISION RECORD
Woods McCullough, Burnt Canyon and Reeds Cabin
Habitat Improvement Maintenance Project
(DOI-BLM-NV-L020-2010-0036-DNA)

Background

The Bureau of Land Management has completed planning and a Determination of NEPA Adequacy (DNA) to conduct maintenance on three existing habitat improvement projects (Woods McCullough, Burnt Canyon and Reeds Cabin). The objective of this project is to reduce the regenerating pinyon and juniper trees within the existing project areas. Total project area is approximately 3,226 acres in three locations; the Woods McCullough project (1,046 acres), the Burnt Canyon project (1,604 acres) and the Reeds Cabin project (576 acres). On May 17, 2010 a Finding of No Significant Impact (FONSI) for the Woods McCullough, Burnt Canyon and Reeds Cabin Habitat Improvement Maintenance Project was determined and signed by the approving official. The FONSI was based on environmental effects disclosed in DOI-BLM-NV-L020-2010-0036-DNA that was completed for the project.

Decision

It is my decision to implement the Woods McCullough, Burnt Canyon and Reeds Cabin Habitat Improvement Maintenance Project as described in the proposed action of the attached DNA (DOI-BLM-NV-L020-2010-0036-DNA). All actions, mitigation measures, standard operating procedures and monitoring as described in the proposed action will be incorporated during project implementation.

Rationale

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section B of the Determination of NEPA Adequacy (DNA) documents the conformance review.
- 2) The Proposed Action is consistent with all other federal, state, local, and tribal policies and plans to the maximum extent possible.

Public Involvement

Public involvement and interagency review is adequate for the current proposed action because the original action was based on the project implementation utilizing mechanical methods and the new action will take place in the original project area using the less invasive manual treatment method. An internal interdisciplinary team did not identify any issues with the project.

Appeal Procedures

All of the documents supporting this decision are available for review by the public.

Appeal procedures for this decision are outlined in Title 43 of the Code of Federal Regulations (CFR), Part 4.

In accordance with Title 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). In accordance with Title 43 CFR 4.411, a person who wishes to appeal the decision must file a notice that he wishes to appeal in the office of the authorized officer who made the decision. In accordance with Title 43 CFR 4.413, within 15 days of filing the notice of 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 on the Office of the Solicitor in the manner prescribed in Title 43 CFR 4.401(c). The office to file notice of appeal and a copy of the notice to appeal:

Bureau of Land Management
Schell Field Office
HC 33 Box 33500
Ely, NV 89301

and a copy to

Office of the Regional Solicitor
Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. In accordance with Title 43 CFR 4.411 (b), the notice of appeal may include a statement of reasons for the appeal, a statement of standing if required by Title 43 CFR 4.412 (b), and any arguments the appellant wishes to make. In accordance with Title 43 CFR 4.412 (a), if the notice of appeal did not include a statement of reasons for the appeal or the appellant wishes to file additional statements of reasons, the appellant shall file such statements with the Board within 30 days after the appeal was filed. The address to file such statements to the Board is:

Board of Land Appeals
Office of Hearings and Appeals
801 North Quincy Street
Arlington, VA 22203

If statement of reasons for appealing were filed with the “Notice of Appeal”, no additional statement is necessary.

Pursuant to Title 43 CFR 4.21 (b), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the notice of appeal.

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 [Title 43 CFR 4.422(c)(2)].

Approval

/s/Tye H. Petersen
Tye H. Petersen
Fire Management Officer
Ely District

5/17/2010
Date

Attachments:
Woods McCullough, Burnt Canyon and Reeds Cabin Habitat Improvement Maintenance Project
DNA (DOI-BLM-NV-L020-2010-0036-DNA)

Finding of No Significant Impact (FONSI)

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

Determination of NEPA Adequacy and FONSI

DOI-BLM-NV-L020-2010-0036-DNA

May 17, 2010

Woods McCullough, Burnt Canyon and Reeds Cabin

Habitat Improvement Maintenance Project

Schell Field Office

Ely, Nevada

Phone: (775) 289-1800

Fax: (775) 289-1910



Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: NVL00440 and NVL02000

TRACKING NUMBER: DOI-BLM-NV-L020-2010-0036-DNA

PROPOSED ACTION TITLE/TYPE: Woods McCullough, Burnt Canyon and Reeds Cabin Chaining Maintenance

LOCATION/LEGAL DESCRIPTION:

Woods McCullough T6N, R69E, Secs. 10, 15, 16, 21, 22, & 23

Burnt Canyon T4N, R70E, Secs. 3, 4, 8, 9, 10, 15, 16, 17, 20, & 21

Reeds Cabin T4N, R70E, Secs. 13, 14, 23, 24, 25, & 26

A. Description of the Proposed Action and any applicable mitigation measures:

The proposal is to conduct maintenance on the Woods McCullough, Burnt Canyon, and Reeds Cabin Habitat Improvement Projects (Map 1). These habitat improvement projects were completed in 1996 for Woods McCullough, 1976 for Burnt Canyon, and 1993 for Reeds Cabin using mechanical methods to remove the pinyon and juniper trees. Total project area is approximately 3,226 acres in three locations; the Woods McCullough project (1,046 acres), the Burnt Canyon project (1,604 acres) and the Reeds Cabin project (576 acres). Maintenance of these projects would consist of hand crews using chain saws to cut the regenerating pinyon and juniper trees within the previously treated areas. Slash from the cutting would be scattered in areas with fewer trees and then piled in areas with thicker trees. Piles would be a maximum of 5 feet by 5 feet by 5 feet in size. The majority of these piled would then be disposed of through prescribed burning. The remaining piles would be left for small game habitat. Prescribed burning would take place during the winter when there is snow on the ground and/or following a precipitation event. If cutting operations occur during migratory bird season the trees would be inspected for nests before cutting would occur. If a nest is present the trees would be flagged and avoided until after the migratory season. Project implementation would begin in 2010 and proceed as funding is available until completed.

B. Land Use Plan (LUP) Conformance

LUP Name*

Date Approved

Ely District Record of Decision and Approved Resource Management Plan

August 2008

** List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The proposed action is in conformance with the following Vegetation Decisions:

VEG-1: Emphasize treatment areas that have the best potential to maintain desired conditions or respond and return to the desired range of conditions and mosaic upon the landscape, using all available current or future tools and techniques.

VEG-4: Design management strategies to achieve plant composition within the desired range of conditions for vegetation communities, and emphasize plant and animal community health at the mid scale (watershed level).

VEG-5: Focus restoration of undesirable conditions initially on those sites that have not crossed vegetation transitional thresholds.

VEG-6: Emphasize the conservation and maintenance of healthy, resilient, and functional vegetation communities before restoration of other sites.

VEG-16: Implement actions to attain the desired vegetation states shown in **Table 7**.

**Table 7
Desired Range of Conditions of Sagebrush (Distribution of Phases and States)**

State/Phase Name	Total Herbaceous State (Early, Mid, and Late Phases) ¹	Total Shrub State	Total Tree State	Altered State Annual/Perennial Invasive	Altered State Nonnative Perennial Seeded
LANDFIRE Classes	A, B, and C	D	E	Uncharacteristic	Uncharacteristic
Approved RMP ²	85% (4,776,500 acres)	5% (281,000 acres)	5% (281,000 acres)	0% (0 acres)	5% (281,000 acres)

¹ Sagebrush in the mid-late phase of the herbaceous state is desired for wildlife habitat

² The Approved RMP approximates and incorporates the LANDFIRE Biophysical Setting Models for Great Basin xeric mixed sagebrush and Inter-Mountain Basin big sagebrush. Altered states (annual/perennial invasive and nonnative perennial seeded) are an uncharacteristic condition not recognized by LANDFIRE Biophysical Setting Models but are part of current conditions.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

The proposed action is covered in the following NEPA documents:

Environmental Analysis Record for the Proposed Meadow Valley PL 566 Project (Burnt Canyon Chaining & Protection Fence) (1976).

Reeds Cabin Summit Vegetation Treatment Final Environmental Assessment NV-040-2-16, 1993

Woods McCullough Vegetation Conversion, Plan Conformance/NEPA Compliance Review, 1996

Ely Proposed Resource Management Plan and Final Environmental Impact Statement (2007).

The proposal is also consistent with other Federal, State and local plans including, but not limited to, the following:

Ely District Managed Natural and Prescribed Fire Plan (2000) vegetation management objectives are to manage for the desired plant community for each vegetative type. The proposed project area is within the Highlands and South Egan Range, Meadow Valley-Deerlodge, and Southern Benches HVH Fire Management Units (FMUs). The Proposed Action is consistent with the resource objectives for these FMUs in that they support the use of prescribed fire and other treatments in order to enhance and improve rangeland health, forest health, habitat conditions and other watershed values through vegetative regeneration, establishment, species diversity and age-class diversity.

Final Programmatic Environmental Report (PER) – Vegetation Treatments on BLM Lands in 17 Western States (June 2007) Chapter 2 – Vegetation Treatment Programs, Policies and Methods, Pages 2-1 through 2-49.

The Lincoln County Elk Management Plan (July 1999, revised 2006) was developed by a Technical Review Team (TRT) that consisted of representatives from the United States Forest Service (USFS), the Bureau of Land Management (BLM), the National Park Service (NPS), the Natural Resources Conservation Service (NRCS), Nevada Division of Wildlife (NDOW), sportsmen, ranchers, general public, conservationists, hunting guides, Lincoln County Public Lands Committee, Farm Bureau and the Goshute Indian Tribe. The plan identified vegetation conversion projects by NDOW management units that would improve wildlife habitat by creating a more diverse mixture of grasses, forbs and shrubs. The project areas lie within NDOW Management Unit 231, which was identified as a maintenance area for project development for habitat improvement projects to improve habitat and promote growth of the elk herd.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes No Documentation of answer and explanation:

The new action is essentially similar to the proposed action analyzed in the previous NEPA documents for these project areas. The action in the original NEPA documents called for mechanical treatment of pinyon and juniper trees EA. The current actions would involve treatment of regenerating pinyon and juniper trees with manual methods. The action is within the same analysis area with similar resource conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes No Documentation of answer and explanation:

Range of alternatives analyzed in the previous NEPA documents included no action and manual methods of treatment. The new proposed action involves manual methods where as the original treatment method was mechanical. The current environmental concerns, interests and resource values have not changed at the site since the time the existing NEPA documents were prepared.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM – sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes No Documentation of answer and explanation:

The existing analysis is valid. However, the BLM-sensitive species list was update to include the sage grouse. However, implementation of this new proposed action should have a beneficial effect on the sage grouse. A Suggested Management Practice for habitat restoration and enhancement outlined in the Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy is to consider removal of conifers (e.g., cutting, burning, chaining, etc.) where they have encroached upon sage-grouse habitat. It can reasonably be concluded that this new information or new circumstances would not substantially change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes No Documentation of answer and explanation:

The issues and affected environment are similar to those described in the EA. The new action will take place in the original area analyzed. The direct, indirect and cumulative affects resulting from implementation of the new proposed action would be less than those analyzed in the original NEPA documents because mechanical methods were used originally to remove pinyon and juniper trees and manual methods will be used in the new action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes No Documentation of answer and explanation:

Public involvement and interagency review on the original projects involved public meetings, meetings with other agencies and general public inquires. In addition public involvement and interagency review is adequate for the current proposed action because the original action was based on the project implementation utilizing mechanical methods and the new action will take place in the original project area using the less invasive manual treatment method. The Nevada Department of Wildlife is in support of the project.

E. Persons/Agencies /BLM Staff Consulted

Name	Title	Resource/Agency Represented
Mark D'Aversa	Hydrologist	Soils, Water Quality, Floodplains,
Zach Peterson	Forester	Air Quality, Forest, Environmental Justice, Environmental Coordinator
Mindy Seal	Natural Resource Specialist	Invasive, Non-Native Species
Chelsy Simerson	Rangeland Management Specialist	Range, Vegetative
Nancy Williams	Wildlife Biologist	Riparian/Wetlands, Wildlife, Migratory Birds, Special Status Animals & Plants, ,
Kurt Braun	Archeologist	Archeology/Historic & Paleontological
Ben Noyes	Wild Horse/Burro Specialist	Wild Horses & Burros
Dave Jacobson	Wilderness Planner	Wilderness Values, VRM,
John Miller	Outdoor Recreation Planner	Recreation
Brenda Linnell	Realty Specialist	Lands
Dave Davis	Geologist	Minerals
Melanie Peterson	Environmental Protection Specialist	Wastes, Hazardous & Solid
Elvis Wall	Native American Coordinator	Native American Religious Concerns, Tribal Coordination,
Cody Coombs	Supervisory Natural Resource Specialist (Fuels)	Fuels
Mike Scott	Wildlife Biologist	Nevada Department of Wildlife
Kyle Teel	Fire Ecologist	Fire/Project Lead

Conclusion *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the
 applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Kyle Teel

Signature of Project Lead

/s/ Cody Coombs

Signature of NEPA Coordinator

/s/ Tye H. Petersen

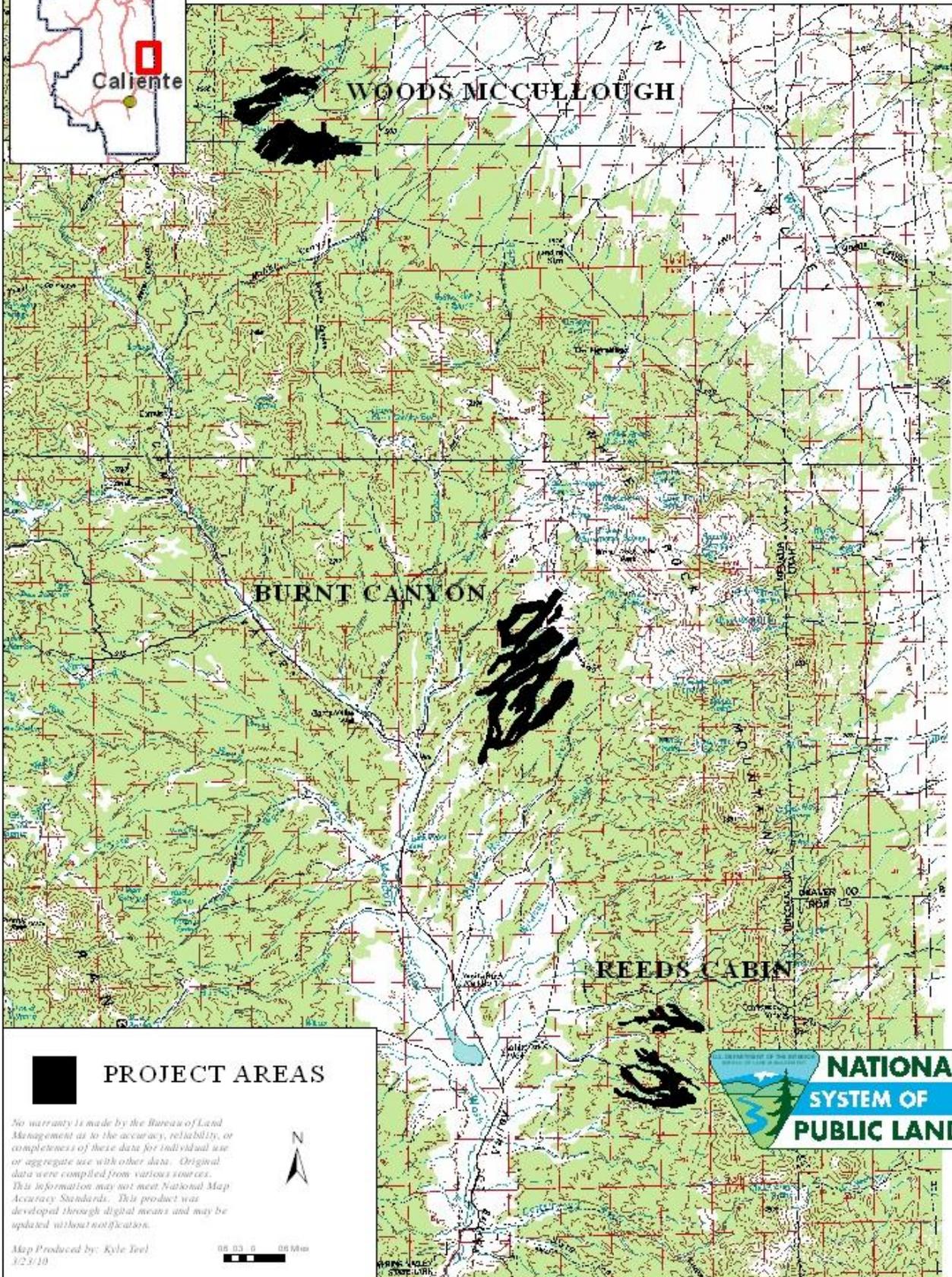
5/17/2010

Signature of the Responsible Official:

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

MAP 1 - WOODS MCCULLOUGH, BURNT CANYON AND REEDS CABIN HABITAT IMPROVEMENT MAINTENANCE PROJECT



PROJECT AREAS

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



Map Produced by: Kyle Teel
8/23/10



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

INTRODUCTION

I have reviewed the Determination of NEPA Adequacy (DNA) DOI-BLM-NV-L020-2010-0036 DNA, for the Woods McCullough, Burnt Canyon and Reeds Cabin Habitat Improvement Maintenance Project, dated May 17, 2010, taking into consideration the project design specifications, including minimization or mitigation measures identified in the applicable NEPA documents listed in Section C of the DNA.

I have also considered the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA:

Context:

The project areas analyzed in the DNA are located along the lower to middle benches on the west side of the White Rock Mountains and the east side of the Wilson Creek Range. The project areas occur within the Spring Valley South East and Hamblin Valley Watersheds. The project areas are existing habitat improvement projects with re-generating pinyon and juniper trees. Total project area is approximately 3,226 acres in three locations; the Woods McCullough project (1,046 acres), the Burnt Canyon project (1,604 acres) and the Reeds Cabin project (576 acres). All of the lands within the project area are public lands administered by the BLM.

The project area occurs at the following legal location:

Woods McCullough T6N, R69E, Secs. 10, 15, 16, 21, 22, & 23

Burnt Canyon T4N, R70E, Secs. 3, 4, 8, 9, 10, 15, 16, 17, 20, & 21

Reeds Cabin T4N, R70E, Secs. 13, 14, 23, 24, 25, & 26

Intensity: Provide Rationale for each Criteria

1) Impacts that may be both beneficial and adverse:

Beneficial impacts resulting from the proposed action include improving the condition and longevity of the existing habitat improvement projects. These projects provide habitat for wildlife, wild horses, livestock, and improve the health and resilience of other watershed values. Implementation of the proposed

action could cause temporary displacement of wildlife and wild horses in the immediate area, although there is sufficient habitat nearby which could be utilized during this period of time.

2) *The degree to which the Proposed Action affects public health or safety:*

There are no affects to public health or safety anticipated as a result of implementation of the proposed action.

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

There are no unique characteristics of the geographic area associated with the project areas.

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

There are no highly controversial effects on the quality of the human environment anticipated as a result of implementation of the proposed action. The Ely District has successfully completed several similar projects throughout the district in very similar habitat conditions without causing any adverse effects on the human environment.

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

There are no known effects which are highly uncertain or involve unique or unknown risks to the human environment. As previously mentioned, the Ely District has successfully completed several similar projects throughout the district in very similar habitat conditions without causing any adverse effects on the human environment.

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:*

This action will not establish a precedent for any future actions. Any future actions will be analyzed independently in a separate environmental analysis.

- 7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:

This action would occur in the same areas previously analyzed. The cumulative impacts would not be different than those already analyzed in the original NEPA documents.

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

The action would not affect cultural or historic resources.

- 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:

There are no threatened or endangered species or its habitat within the project areas.

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

The proposed action does not threaten a violation of any Federal, State, local or tribal law or requirements imposed for the protection of the environment. It has been determined that the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (2008). The proposal is also consistent with other Federal, State and local plans including, but not limited to, the, the *Ely District Managed Natural and Prescribed Fire Plan* (2000), the *Final Programmatic Environmental Report (PER) – Vegetation Treatments on BLM Lands in 17 Western States* (2007), , and the Lincoln County Elk Management Plan (July 1999, revised 2006) .

FINDING OF NO SIGNIFICANT IMPACT

I have concluded that the analysis in the documents listed in Section C of the DNA is sufficient to determine that the proposed action would not have a significant effect on the quality of the human environment.

/s/ Tye H. Petersen
Tye H. Petersen
Fire Management Officer
Ely District

5/17/2010
Date