

Decision Memorandum on Action and for Application of:  
Categorical Exclusion 1.12

**Elly Mountain Protection Project**

US. Department of the Interior  
Bureau of Land Management  
Ely Field Office  
Lincoln County, Nevada

**Purpose/Need for the Action and Proposed Action**

The purpose/goal of the project is to reduce the risk of wildfire to the improvements and structures on Elly Mountain through the use of mechanical and prescribed fire methods on approximately 37 acres of public land within the wildland-urban interface (WUI) on Elly Mountain (Map 1). Installations on Elly Mountain include a fire lookout and several communication sites. These installations are located on the top on a mountain and the head of a steep canyon with high fuel loads located below them. Wildfires have occurred in the past and in the summer of 2005 just south and west of Elly Mountain. These wildfires have emphasized the need to implement fuel reductions on Elly Mountain to reduce the threat of wildfire to the improvements and structures located there. Implementation of this project would reduce the ability of a fire burning up hill from reaching the installations and damaging or destroying them.

The proposed action is to reduce the risk of wildfire to the improvements and structures on Elly Mountain by clearing brush within 50 feet of the structures and reducing tree density to approximately 20-25 trees per acre or a tree being left approximately every 45 to 50 feet and removing pinyon/juniper underneath and within 50 feet of the ponderosa pine stand (Map 1). Project implementation would take place utilizing manual methods. Hand crews using chainsaws would be utilized to clear the brush and reduce tree density. The remaining trees would consist of the larger mature trees (12 inches or greater in diameter) and the smaller saplings and immature trees greater than two feet tall would be targeted for removal. Any opportunity to utilize the biomass created from this project is very limited due to the terrain. This would result in the majority of the cut trees being piled and removed later through prescribed fire. Some slash, mainly smaller branches would be left on site to degrade naturally. Slash piles created would be removed as soon as possible to reduce the likelihood of the piles becoming infested with insects. The burning would likely occur when there is snow on the ground or after a precipitation event to prevent extreme soil heating. Treatments identified above could be implemented in future years as maintenance treatments to maintain original project objectives.

## **Plan Conformance**

The proposed projects are not specifically identified in the Caliente Management Framework Plan, but are consistent with the following objectives:

1. Forestry Objective 3 – To protect and manage all forest resources (rare or common) and to prevent their elimination from the ecosystem.
2. Forestry Recommendation 3.1 – Develop a fire protection plan that benefits Ponderosa Pine, Aspen, Bristlecone pine and white fir stands in the Caliente Planning Unit.
3. Recreation Objective 1 – Protect important botanic, zoologic, geologic, and paleontologic values to assure they are not lost, destroyed, or substantially altered.
4. Recreation Objective 6 - Provide for the maximum safety of the visitor, for the protection of personal property, and for the quality of the natural environment through development of a sound fire management and suppression program.

The proposed action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities (mechanical treatments and prescribed fire). The project is in conformance with the Healthy Forest Initiative.

## **Compliance with the National Environmental Policy Act**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516DM 2, Appendix 1, 1.12. The projects are less than 1,000 acres for mechanical and 4,500 acres for prescribed burning. The project is also within a WUI area. The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effect which may significantly affect the environment. None of the exceptions apply. Exceptions are listed in 516 DM Chapter 2, Appendix 2.

I considered project size (less than 1,000 acres for mechanical, 4,500 acres for prescribed burning), project location (within wildland urban interface), proposed method of implementation, vegetation condition and setting during the design of the activities, standard operating procedures, and proposed mitigation measures when determining that no potential significant effects from implementation of this project would occur.

## **Persons or Agencies Consulted**

Letters describing the project objectives and intent to complete this project were mailed to individuals and groups who have expressed interest in participating in hazardous fuels reduction projects as well as state and federal wildlife agencies. An article was also placed in the Lincoln County Record concerning the project and was presented at the Tribal Coordination meeting on November 17, 005. The project design and objectives

were also sent to the science community (Eastern Nevada Landscape Coalition Science Committee) for review and comment.

During the scoping period, comments were received from three members of the public. Two inquiries requesting general information about the project and how it would be implemented were received. Comments received from the Western Watersheds Project were inquiring about current vegetation conditions, requests for more information, project costs, links to other actions, and the meaning of certain terms. All comments received have been incorporated as appropriate into the development of the proposed action.

On February 15, 2006, the preliminary categorical exclusion document for the proposed project was sent to adjacent landowners, groups and individuals who have expressed interest in projects of this nature. The Confederated Tribes of the Goshute Indian Reservation were the only group who responded during the review and comment period, which ended on March 10, 2006. The tribe stated they had no objections to the proposed action.

**Decision and Rationale for Action**

I have decided to implement the Elly Mountain Protection Project without modifications. I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved Caliente Management Framework Plan and that no further environmental analysis is required.

**Implementation Date**

This project will be implemented on or after April 25, 2006.

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Gene Kolkman  
Field Manager,  
Ely Field Office  
Bureau of Land Management

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Date

**Administrative Review or Appeal Opportunities**

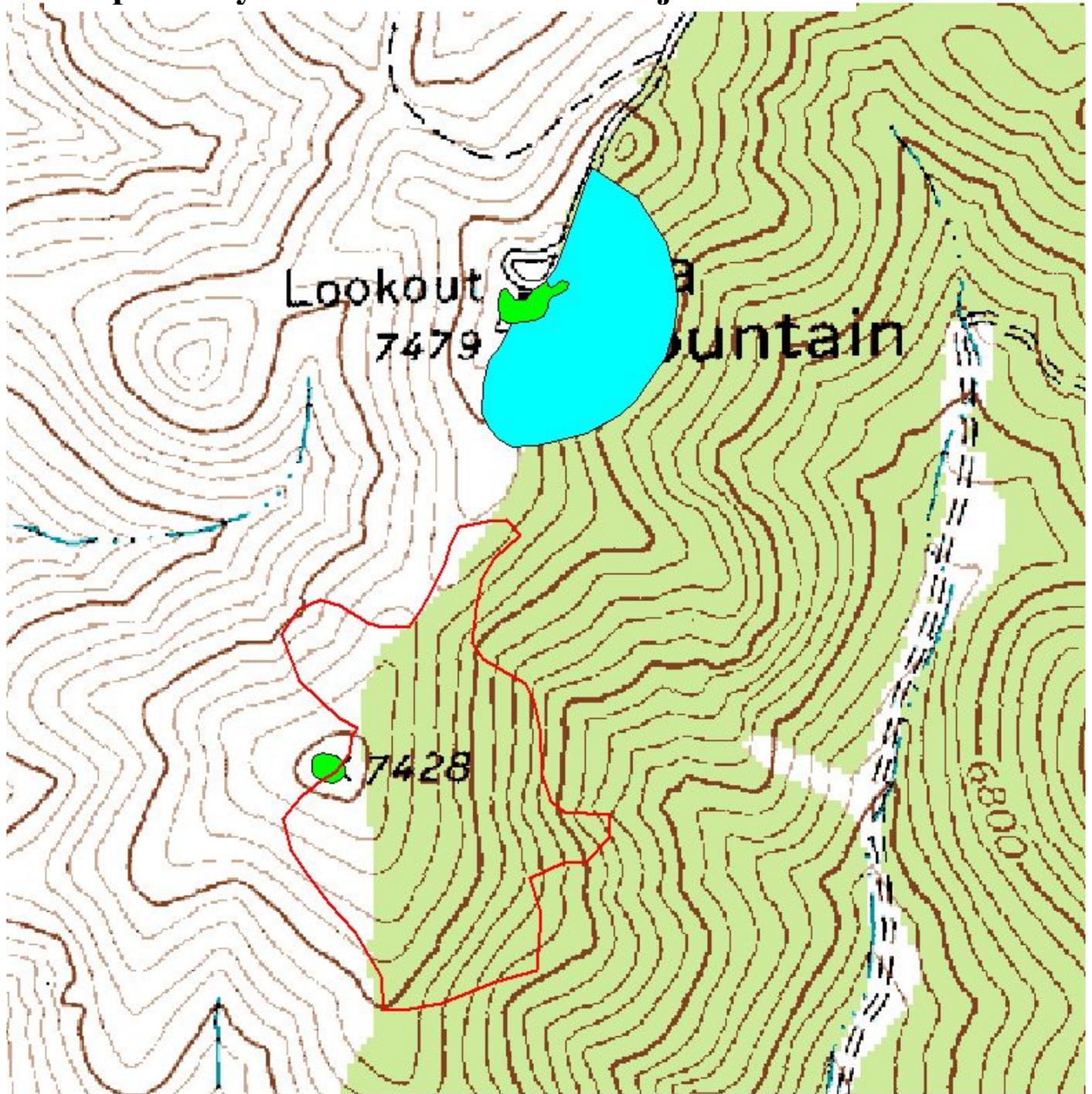
Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, follow procedures outlined in the attached form, "Information on taking

appeals to the Board of Land Appeals.” An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Please also supply this office with a copy of the Statement of Reasons. Also within 30 days of receipt of this decision, appellants have a right to file a petition for stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the form “Information on taking appeals to the Board of Land Appeals.” The appellant has the burden of proof to demonstrate that the stay should be granted.

### **Contact**

For additional information concerning this decision, contact Kyle Teel, Fire Ecologist, at the Caliente Field Station, P.O. Box 237, Caliente, NV 89008; Telephone (775) 726-8117.

# Map 1: Elly Mountain Protection Project



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Ely Field Office  
7/13/05



Pinyon/Juniper Thinning - 10 acres  
500 foot buffer



P/J Removal Area & Ponderosa Pine Understory Burn - 26 acres



Brush Removal - 1 acre  
50 foot buffer



**ELY DISTRICT  
CATEGORICAL EXCLUSION (CX) REVIEW  
AND APPROVAL**

Team Leader  Kyle Teel  Date  February, 3 2006

Name of Proposed Action  Elly Mountain Protection Project

CX Number:  CX-NV-040-06-07  Project or Serial Number:  JD57

**CATEGORICAL EXCLUSION REFERENCE**

516 Departmental Manual 1.12—Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing not to exceed 1,000 acres. Such activities shall be limited to areas (1) in wildland-urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside of the wildland-urban interface; Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-year Comprehensive Strategy Implementation Plan;” Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative materials if the primary purpose of the activity is hazardous fuels reduction.

**DESCRIPTION OF PROPOSED ACTION AND STANDARD OPERATING PROCEDURES**

The proposed action is to conduct fuels reduction through the use of mechanical and prescribed fire methods on approximately 37 acres of public land within the wildland-urban interface (WUI) on Elly Mountain (Map 1).

The proposed project area is located approximately 14 miles south of Caliente, Nevada on Elly Mountain within the Clover Mountain Range. Structures and improvements located on Elly Mountain include a fire lookout and several communication sites. Wildfires that occurred in the summer of 2005 burned just south and west of Elly Mountain. The fire season of 2005 emphasized the need to implement fuel reductions on Elly Mountain to reduce the threat of wildfire to the improvements and structures located there.

The purpose/goal of the project is to reduce the risk of wildfire to the improvements and structures on Elly Mountain by clearing brush within 50 feet of the structures and reducing tree density to approximately 20-25 trees per acre or a tree being left approximately every 45 to 50 feet and removing pinyon/juniper underneath and within 50 feet of the ponderosa pine stand (Map 2). Project implementation would take place utilizing manual methods. Hand crews using chainsaws would be utilized to clear the brush and reduce tree density. The remaining trees would consist of the larger mature trees (12 inches or greater in diameter) and the smaller saplings and immature trees greater than two feet tall would be targeted for

removal. Any opportunity to utilize the biomass created from this project is very limited due to the terrain. This would result in the majority of the cut trees being piled and removed later through prescribed fire. Some slash, mainly smaller branches would be left on site to degrade naturally. Slash piles created would be removed as soon as possible to reduce the likelihood of the piles becoming infested with insects. The burning would likely occur when there is snow on the ground or after a precipitation event to prevent extreme soil heating. Treatments identified above could be implemented in future years as maintenance treatments to maintain original project objectives.

The project resource objectives are:

Short Term (Immediately Post Treatment)

1. Reduce 90 – 100 percent of the shrub cover within 50 feet of the lookout and communication sites.
2. Reduce pinyon and juniper tree density to 20 - 25 trees per acres within 500 feet of the lookout and communication sites.
3. Remove pinyon and juniper tree density underneath the ponderosa pine stand and within 50 feet of the canopy.
4. Reduce shrub and duff cover by 60-80 percent within 80 – 90 percent of the ponderosa pine community through a low intensity understory burn.

Long Term (Five to Ten Years Post Treatment)

1. Reduce the risk of wildfire to the fire lookout and communication site on Elly Mountain.

The following Standard Operating Procedures Would Apply to the Project

A burn plan would be prepared and a smoke permit would be acquired from the State of Nevada prior to burning.

All treatment actions would comply with the *Ely District Policy Management Actions for the Conservation of Migratory Birds* (Instruction Memorandum NV-040-2001-02).

A cultural survey of the treatment area would be conducted and appropriate site documentation would be completed prior to project implementation. National Register eligible cultural resources would be avoided or impacts would be mitigated as necessary before treatments occur.

The Ely District Noxious Weed Prevention Schedule and Policy would be adhered to during project treatments. Recommendations contained in the Weed Risk Assessment for the project would be followed.

**CONSULTATION AND COORDINATION**

Letters describing the project objectives and intent to complete this project were mailed to individuals and groups who have expressed interest in participating in hazardous fuels

reduction projects as well as state and federal wildlife agencies. An article was also placed in the Lincoln County Record concerning the project and was presented at the Tribal Coordination meeting on November 17, 005. The project design and objectives were also sent to the science community (Eastern Nevada Landscape Coalition Science Committee) for review and comment.

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On February 15, 2006, the preliminary categorical exclusion document for the proposed project was sent to adjacent landowners, groups and individuals who have expressed interest in projects of this nature. The Confederated Tribes of the Goshute Indian Reservation were the only group who responded during the review and comment period, which ended on March 10, 2006. The tribe stated they had no objections to the proposed action.

The specialists listed in Table 2 below were involved in reviewing the proposed action for impacts and the screening questions (listed below) for Categorical Exclusions.

**Table 2.** Specialist involved in reviewing the proposed action for exceptions to National Environmental Policy Act Categorical Exclusions

<b>NAME</b>	<b>RESOURCE ASSIGNED</b>
Ann Perkins	Lands and Realty
Ryan Pitts	Invasive, Non-Native Species and Noxious Weeds
Jared Bybee	Wild Horses & Burros
Kurt Braun	Arch/Historic/Paleontological
Steve Leslie	Wilderness Values and VRM
Paul Podborny	Air Quality, Water Quality, Floodplains
Bill Smith	Riparian/Wetlands, Wildlife, Migratory Birds, Special Status Animal & Plants
Matt Wilkin	Wastes, Hazardous and Solid
Elvis Wall	Native American Religious Concerns
Carolyn Sherve-Bybee	Environmental Coordinator, Environmental Justice

**SCREENING FOR EXCEPTIONS TO CATEGORICAL EXCLUSIONS**

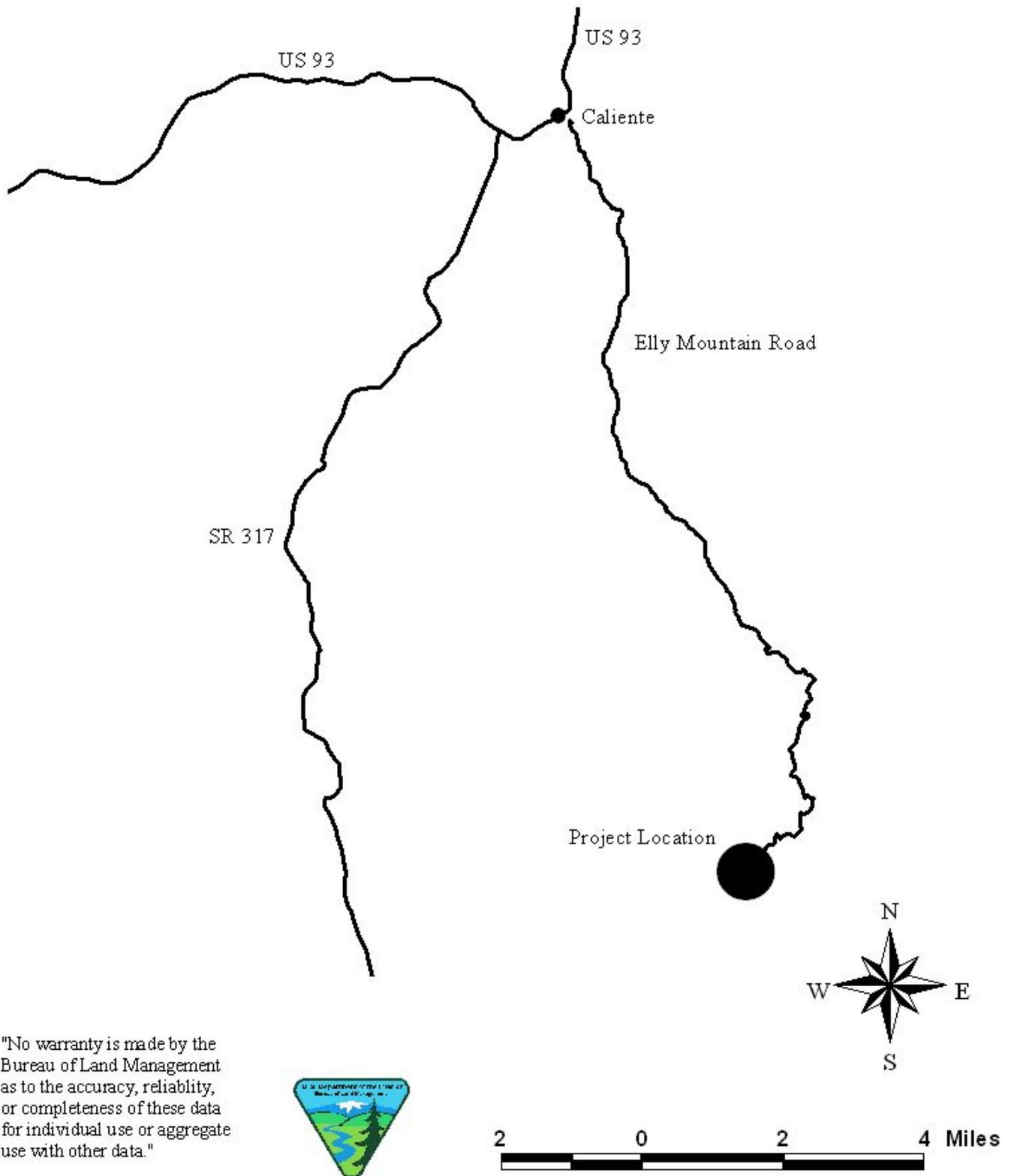
The following exceptions apply to actions being considered as categorically excluded. Environmental documents must be prepared if any of these exceptions apply. Place an "X" in appropriate box. Would the proposed action:	Yes	No
1. Have significant adverse effects on public health or safety?		X
2. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?		X
3. Have highly controversial environmental effects?		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?		X
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?		X
8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?		X
9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?		X
10. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?		X

**FINDINGS**

Based on review of the proposal and the ten exceptions listed above, this action qualifies as a categorical exclusion and an environmental analysis is not required. The proposed action is in conformance with current BLM Land Use Plans.

Approving Official: \_\_\_\_\_ Date: \_\_\_\_\_  
 Raymond W. Maestes  
 Fire Management Officer

# Map 1: General Location of the Elly Mountain Protection Project

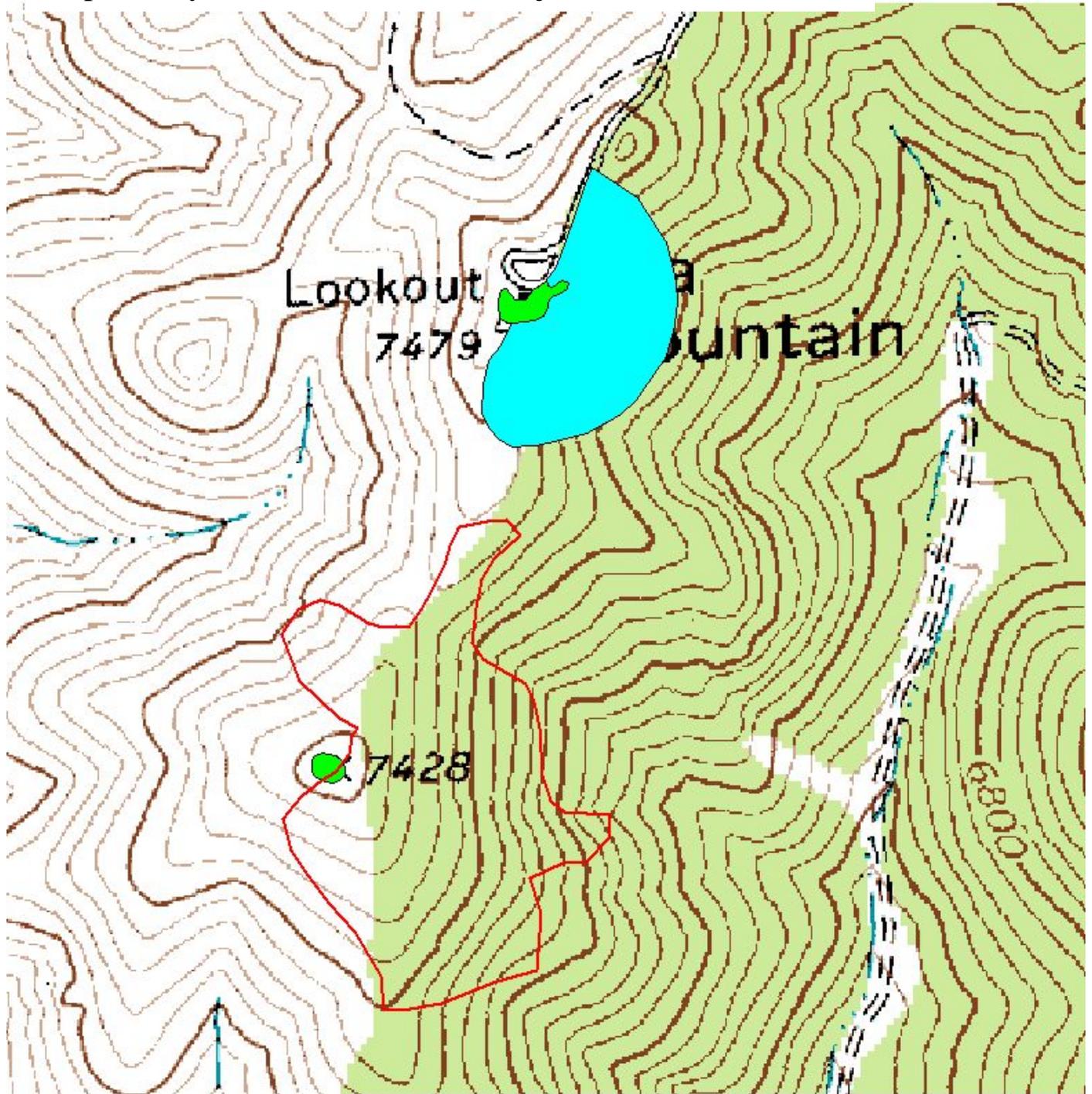


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Ely Field Office  
1/4/06

## Map 2: Elly Mountain Protection Project



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Ely Field Office  
7/13/05



-  Pinyon/Juniper Thinning - 10 acres  
500 foot buffer
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