DECISION RECORD
for the

Black Rock Desert – High Rock Canyon Emigrant Trails National Conservation Area
Wilderness Management Plan Environmental Assessment
DOI-BLM-NV-W030-2011-0001-EA

Introduction:

The ten wilderness areas covered by this plan were added to the National Wilderness Preservation System by the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (Public Law 106-554 Dec. 21, 2000; amended Nov. 6, 2001). The Resource Management Plan for the Black Rock-Desert–High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness and other Contiguous Lands in Nevada (BLM 2004) established preparation of a Wilderness Management Plan (WMP) as a priority (2.2.6 Wilderness).

The purpose of creating a WMP is to preserve the areas' wilderness characteristics by identifying the conditions and opportunities that will be managed for within the wilderness areas over the next ten years.

The need for the plan stems from the Wilderness Act of 1964, which defines wilderness and mandates that the primary management direction is to preserve wilderness character. The plan creates specific management guidance addressing resources and activities in these wilderness areas. Wilderness character is a complex idea and is not explicitly defined in the Wilderness Act. Wilderness characteristics are commonly described as:

- Untrammeled – area is unhindered and free from modern human control or manipulation.
- Natural – area appears to have been primarily affected by the forces of nature.
- Undeveloped – area is essentially without permanent improvements or human occupation and retains its primeval character.
- Outstanding opportunities for solitude or a primitive and unconfined type of recreation – area provides outstanding opportunities for people to experience solitude or primitive and unconfined recreation, including the values associated with physical and mental inspiration and challenge.
- Supplemental values – complementary features of scientific, educational, scenic or historic values.

Decision:

It is my decision to select the proposed action alternative and to approve and implement the WMP for the Black Rock Desert Wilderness, Calico Mountains Wilderness, East Fork High Rock Canyon Wilderness, High Rock Canyon Wilderness, High Rock Lake Wilderness, Little

High Rock Canyon Wilderness, North Black Rock Range Wilderness, North Jackson Mountains Wilderness, Pahute Peak Wilderness, and South Jackson Mountains Wilderness.

Rationale for Decision:

1) The authority for this decision is contained in the Wilderness Act of 1964, BLM Manual 6340 and BLM Manual 8561.
2) This decision is in conformance with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, which was enacted by Congress to create special designations for 1.2 million acres of public lands managed by the BLM in northwestern Nevada.
3) This decision is in conformance with the Resource Management Plan (RMP), approved July 2004 for the Black Rock-Desert–High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness and other Contiguous Lands in Nevada.
4) Based on the consultation, coordination and public involvement that has occurred, it is determined that this is a well informed decision. (See sections below.)
5) Based on the environmental analysis, it is determined that this decision will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.
6) The selected alternative will not adversely impact any threatened or endangered species or significant scientific, cultural or historical resources.
7) The proposed action meets the purpose and need for the federal action.
8) The EA and FONSI support this decision.
9) Based on the President's National Energy Policy and Executive Order 13212, the Proposed Action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse: Energy Impact" is required per WO IM No 2002-053 and NV IM 2002-049.

The proposed action (Wilderness Management Plan) was selected over the alternatives because it met the need and objectives. The proposed action has been analyzed and determined that there is no significant impact as referenced in the Finding of No Significant Impact attached to the EA. The proposed plan will guide management so that the preservation objectives of the Wilderness Act can be met.

Land Use Plan Conformance:

The Proposed Action and alternatives are in conformance with the applicable BLM land use plan for the area, which is the Black Rock-Desert–High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness and other Contiguous Lands in Nevada, (BLM 2004).

- To maintain or enhance the natural and untrammeled character of the Wilderness Areas.

- To provide outstanding opportunities for visitors to experience solitude and participate in primitive and unconfined recreation, consistent with the preservation of the area's wilderness character.

Native American Consultation:

On February 12, 2009, a letter was sent to tribes (Cedarville Rancheria, Fort Bidwell Indian Community Council, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, and Susanville Indian Rancheria) inviting comments on the WMP. Only Reno-Sparks Indian Colony responded with a phone call. Their primary concern was potential resource damage by ATVs and were reassured that mechanized vehicles were prohibited in wilderness. On May 16, 2009, the Proposed WMP was presented at a Tribal Coordination Meeting at the Summit Lake Reservation. The tribe expressed the desire to have a former vehicle route within wilderness reopened and it was explained that only Congress can alter wilderness boundaries. On May 18, 2011, the Proposed WMP and Black Rock Desert – High Rock Canyon Emigrant Trails NCA WMP Preliminary EA were sent to the tribes (based on previous interest, only Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, and Susanville Indian Rancheria). No comments were received.

Endangered Species Act Consultation

In 2012, a list of federally listed, proposed or candidate species was requested from the U.S. Fish and Wildlife Service (USFWS) for the proposed project area (USFWS 2010).

In May 2011, the Proposed WMP and Black Rock Desert – High Rock Canyon Emigrant Trails National Conservation Area WMP Preliminary EA was sent to USFWS.

On May 1, 2012, a Biological Assessment (BA) was sent to the USFWS.

On September 14, 2012, the BO was received by the WD and recommended no mitigation measures or changes to the document. In part, the biological opinion stated, "...the plan as proposed, is not likely to jeopardize the continued existence of the Lahontan cutthroat trout (LCT). This conclusion was based on the following:

1. Many of the proposed actions in the proposed WMP will generally maintain or improve the potential habitat for LCT.
2. The BLM will analyze all projects and plans completed under this proposed WMP for effects to LCT, and request future consultation as necessary.

Public Involvement:

On December 15, 2005, the first internal scoping meeting was held at the Winnemucca District Office.

On February 8, 2006, a letter requesting public input was sent to individuals and organizations on the Winnemucca District Office wilderness mailing list advising of the BLM's intention to prepare a Wilderness Management Plan for the Black Rock High Rock Area. The 30 day scoping period which ended on March 30, 2006 was announced to the general public in a press release as well as in the letter to the mailing list.

On October 10, 2007, the first interdisciplinary team meeting was held.

On December 17, 2008, a letter was sent to affected grazing permittees asking for input on the BLM's assessment of access needs for existing range improvements/developments.

On April 25, 2011, the preliminary EA was made available to the public for review through June 1, 2011.

On May 9, 2011, interested parties from the wilderness mailing list including permittees, outfitters and guides, and conservation organizations were notified of the public review period and public meetings. Public meetings were held in Winnemucca, Lovelock, Gerlach, and Reno, NV the week of May 23, 2011.

Public Comment:

Thirty comments were received during the scoping period. The following topics were identified and addressed in the EA:

- Opportunities for solitude and primitive, unconfined recreation;
- Protecting and enhancing the undeveloped and natural appearance of the wilderness areas;
- Preserving naturalness, primeval character and influence of the wilderness areas and;
- Management of special non-wilderness uses allowed by the Wilderness Act.

Some issues identified during public scoping are already addressed in existing planning documents or policy and are not within the scope of this plan. These items are listed below:

- Issuance of livestock permits—The Wilderness Act explicitly allows grazing to continue where it existed prior to wilderness designation. The Congressional Grazing Guidelines direct decisions regarding livestock grazing within wilderness to be made in Grazing Permits/Allotment Management Plans;
- Wild Horse and Burro Herd Management Areas (HMA) and Appropriate Management Levels (AMLs) — Adjustments to established AMLs are done through a Decision Record for other plans including Herd Management Area Plans (HMAPs);
- Aircraft over flights—Neither the Wilderness Act nor the NCA Act include jurisdiction of aircraft flying above wilderness areas;

- New surface disturbing projects—existing guidance provided by manual sections and handbooks is adequate to address any future projects within wilderness. Decisions related to future surface disturbing projects, except for those specifically identified in the plan, will be excluded from the plan;
- Management of fish and wildlife populations—Both the Wilderness Act and the NCA Act provide for the continued jurisdiction of the State of Nevada for the management of fish and wildlife; and
- Allowing public use of motorized or mechanized vehicles or equipment within wilderness or moving wilderness boundaries to allow motorized access to adjacent areas—The Wilderness Act prohibits motorized vehicles in wilderness and only Congress has the authority to modify wilderness boundaries.

Comments received during the comment period on the Preliminary EA were given serious consideration. Comments generally addressed the same themes as the scoping comments. Some comments were not incorporated as they were beyond the scope of this plan. The following changes were made to the WMP based on public comments:

- Formatting changes were made including adding page numbers for Tables and Maps and clarifying language on maps;
- Discussion and analysis of Greater sage-grouse was expanded;
- Language regarding livestock grazing levels was clarified;
- An additional vegetation map was added; and
- The portion of the document detailing access and maintenance of range improvements/developments was removed. This subject will instead be addressed in individual grazing permit issuances/renewals as required by the Congressional Grazing Guidelines.

Appeal Opportunities:

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not IBLA), in writing to Gene Seidlitz, District Manager, Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

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 (43 CFR 4.422(c)(2)).

Gene Seidlitz

12/21/12

Gene Seidlitz
District Manager
Winnemucca District

Date

Attachment:
Form 1842-1