



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
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<http://www.nv.blm.gov>



File To:
4120
Project File
NV-045.09

CERTIFIED MAIL 70051820000241000552
RETURN RECEIPT REQUESTED

PROPOSED DECISION

Dear Interested Public:

On August 8, 2006 the Finding of No Significant Impact (FONSI) for the Scotty Meadows/South Spring Valley Allotment Division Fence environmental assessment (EA No. NV-040-03-030) was signed. This proposed decision is issued in accordance with 43 CFR 4120.3-1(f).

The proposed action associated with EA No. NV-040-03-030 is to construct approximately 1.0 miles of fence east/west through public lands in eastern White Pine County, Nevada. The fence would occur on the east side of South Spring Valley, in the South Spring Valley Watershed, dividing the Scotty Meadows and South Spring Valley Allotments. The fence would tie into the existing private land boundary approximately 50 yards west of State Road 733 and extend across the state road easterly on public land to the U.S. Forest Service boundary on the lower west slopes of the Snake Range Mountains (below Wheeler Peak). A cattleguard for the fence has already been installed on the state road.

The fence will be a Barbed Wire Fence (Nevada Specs 4-wire x 16 1/2'). Gates will be installed on either side of the existing cattle guard. The fence will be constructed by the existing grazing permittees, who have already signed a cooperative agreement to maintain the project. The cattleguard will be maintained by White Pine County. BLM will provide fencing materials and will supervise construction of the fence.

The need for the fence is to prevent livestock movement from one allotment to another, which results in unauthorized use and potential negative impacts to native rangelands. The project would create an effective allotment boundary for improved administration of native rangelands, and improve livestock management. The project would enable more efficient and fewer compliance checks. The project would aid BLM and the grazing permittee in meeting the Standards for Rangeland Health and other multiple use objectives for the allotments.

The draft EA was mailed out to the 2005 Range Actions Interested Publics Mail List with a review period on January 24, 2006 which ended on February 28, 2006. No comments or concerns were received from the public on the EA. The project proposal was posted on the Ely Field Office website on March 17, 2006. The website listing will be updated when this decision, the Finding of No Significant impact (FONSI), and the final EA are mailed to the Interested Public Mail List.

PROTEST

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to the authorized officer (William E Dunn, Ely Field Office, HC Box 33 Box 33500 Ely, NV 89301) within 15 calendar days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

APPEAL

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 calendar days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer (William E Dunn, Ely Field Office, HC Box 33 Box 33500 Ely, NV 89301). Within 15 days of filing the 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 listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(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.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition.

Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

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)).

Sincerely,

William E Dunn
Assistant Field Manager
Renewable Resources

Enclosure:

EA and FONSI (Finding of No Significant Impact) EA NV-040-03-030

cc: From the 2005 Range Actions Public Mail List:

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ENVIRONMENTAL ASSESSMENT

NV-040-03-030

SCOTTY MEADOWS/SOUTH SPRING VALLEY ALLOTMENT DIVISION FENCE

United States Department of the Interior
Bureau of Land Management
Ely Field Office

Prepared by: Mark Lowrie
August 8, 2006

I. BACKGROUND INFORMATION

Introduction

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to implement the Scotty Meadows/South Spring Valley Allotment Division Fence, an allotment boundary fence range improvement. This EA fulfills the National Environmental Policy Act (NEPA) requirement for a site-specific analysis.

Need for the Proposal

The need for the fence range improvement proposal is to prevent livestock movement from one allotment to another, which results in unauthorized use and potential negative impacts to native rangelands. The proposal would create an effective allotment boundary for improved administration of native rangelands. The proposal would enable more efficient and fewer compliance checks.

Indirectly, the proposal would assist the Bureau and livestock permittee in meeting Rangeland Health Standards and the multiple use management vegetative objectives for the Scotty Meadows and South Spring Valley Allotments.

Relationship to Planning

The proposed project is in conformance with the Schell Management Framework Plan (MFP) of April, 1983, and the Schell Resource Area Decision Summary and Record of Decision of July, 1983. The MFP decision RM-4.1 states in pertinent part: "Install livestock management facilities to enhance range management" and "assist grazing permittees to develop those facilities consistent with the findings of EAs."

The project is also consistent with the White Pine County Land Use Plan of May, 1998 which states the following:

- "The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives." (page 7)
- "Range improvements should be encouraged where appropriate incentive programs and participating financing should be provided." (page 7)

The fence proposal would contribute to achieving the Northeastern Great Basin Area Resource Advisory Council Standards and Guidelines for Grazing Administration and Healthy Rangelands. Standards and Guidelines for grazing administration were developed by the Northeastern Great Basin Area Resource Advisory Council, and approved by the Secretary of the Interior on February 12, 1997. Page one of the document states that "Standards and Guidelines will be implemented through terms and conditions of grazing permits, leases, and other authorizations, grazing – related portions of activity plans, and through range improvement related activities."

Issues

The main issues in regard to the proposed action were identified during the internal scoping process as the effectiveness of the fence in controlling livestock movements and preventing unauthorized livestock use, and the impact of the fence on watershed, rangeland health, and native vegetative condition.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to install approximately one mile of fence in an east/west direction through public lands in eastern White Pine County, in South Spring Valley. The fence would be an allotment boundary fence, dividing the Scotty Meadows and South Spring Valley Allotments (See Map A). The Scotty Meadows and South Spring Valley Allotments are both category "M" (maintain) allotments. The fence would tie in to the existing private land boundary approximately 50 yards west of State Road 733 and extend across the state road easterly on public land to the U.S. Forest Service boundary on the lower west slopes of the Snake Range Mountains. A cattleguard for the fence has already been installed on the state road in this area.

In terms of Township and Range, the fence would begin at:

T. 12N., R. 67E., Section 12, SE ¼ SE ¼ and would extend east between Sections 7 and 18, T. 12N., R. 68E. to the U.S. Forest Service Boundary (Map B). The fence would run through Wyoming big sagebrush/perennial grass native rangeland.

The fence would be standard BLM 4-wire fence with steel posts placed every 16 feet. The fence would be built to meet standards regarding cattle and wildlife specifications (BLM Manual 1737), consisting of a smooth bottom wire and three strands of barbed wire. White topped steel posts would be used to increase visibility for livestock and wildlife. White flagging from 18 to 24 inches long would be attached to the top wire between posts during construction and left for one year following construction to alert livestock or wildlife to the new fence. The fence would not occur within a Wild Horse Herd Management Area (HMA). Sixteen foot steel gates would be installed on either side of the existing cattleguard, and gates would also be installed at other appropriate locations on the fence line.

The authorized permittees, Huntsman Ranches and El Tejon Livestock, would construct the fence while BLM would provide the fence materials. The authorized permittees would share in the maintenance of the project. They have already signed a Cooperative Agreement for Range Improvements for this improvement. Nevada Department of Transportation (NDOT) has installed the cattleguard and has also signed a cooperative agreement for maintenance of the cattleguard.

Construction work on the fence would commence during the summer of 2006 or 2007 and would take from two days to one week. Cross country travel by vehicles and construction equipment would be permitted along the fence line route during construction and for maintenance. Heavy

equipment may be used to clear a narrow swath of brush to facilitate fence construction. This equipment would be washed prior to entering the project area in order to help prevent weed establishment.

It is not expected that the fence would be constructed during the migratory bird nesting period, from May 1 to July 15. If the fence is constructed during that period, a survey of the fence route would be completed prior to construction by the Ely Field Office wildlife biologist in order to determine if construction can proceed.

BLM would supervise and monitor construction of the fence to insure specifications and standard operating procedures (SOP's) are followed, particularly those requirements that would minimize impacts to the vegetative resource. SOP's for this proposed action are those approved by management and are listed in Appendix I to this document.

Upon completion of the fence, a final inspection would be made to ensure compliance with specifications. Any deficiencies would be corrected at that time. Periodic compliance checks for maintenance would be made by the rangeland management specialist following fence completion in conjunction with routine rangeland monitoring of the Scotty Meadows and South Spring Valley Allotments.

The vegetative resource would continue to be monitored in the long term using several rangeland monitoring methods. Monitoring and data collection would continue in the form of establishing key areas, monitoring utilization levels, frequency trend, ecological condition, cover, observed apparent trend, actual use reports, and compliance checks. This data would be collected by the rangeland management specialist.

The disturbed area would also be monitored following construction for noxious or invasive weeds or nonnative species. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix II.

No Action Alternative

Under the no action alternative, the proposed fence would not be built. Unauthorized cattle drift would continue, which could result in a decline in native rangelands, unhealthy watershed condition, and vegetative objectives not being achieved. The number of compliance checks would remain the same or increase. The grazing permittees would have to continue searching for and gathering cows that drift to the wrong allotment.

Alternatives Considered but Eliminated From Detailed Analysis

Herding livestock using horses was also considered as a method of controlling livestock movement. Herding of livestock was eliminated from detailed analysis for the following reasons:

1. Herding with horses is a far less effective means of controlling cattle than a fence. Without a physical barrier in place, cattle would still drift off their authorized

- allotment.
2. Herding would need to be repeated a minimum of once weekly, costing the livestock permittee time and money.
 3. The potential for negative impacts to the vegetative resource would be greater for herding.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The affected environment is described in the Schell MFP of April, 1983. The Scotty Meadows Allotment (10128) encompasses approximately 17,322 public land acres. The allotment is situated in South Spring Valley in the eastern portion of the Ely District approximately 50 air miles southeast of Ely, Nevada. Elevations range from 5,770 feet at valley bottom to 6,800 feet near Spring Creek on the western benches of the Snake Range Mountains. Average annual precipitation for the area is from 6 - 10 inches annually. The allotment occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA). The allotment occurs within the South Spring Valley Watershed (120C).

The South Spring Valley Allotment (10130) encompasses approximately 79,323 public land acres. The allotment is situated in South Spring Valley south of the Scotty Meadows Allotment, approximately 54 air miles southeast of Ely, Nevada. Elevations range from approximately 6,400 feet at the valley bottoms to approximately 8,000 feet on the western benches of the Snake Range Mountains. Average annual precipitation for the area is from 6 – 12 inches annually. The allotment occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA). The allotment occurs within the South Spring Valley Watershed (120C).

The predominant vegetative types within the above two allotments are sagebrush and salt desert shrub plant communities. The fence would occur in a Wyoming big sagebrush community where Wyoming big sagebrush is very dominant. Other native plants present in the community include Douglas rabbitbrush, Nevada ephedra, Indian ricegrass, needle-and-thread, bottlebrush squirreltail, and globemallow. Scattered Utah juniper and single-leaf pinyon pine trees are present throughout the area. The east end of the fence would stop at the Humboldt National Forest boundary.

Range

The Scotty Meadows Allotment has not been formally evaluated. A multiple use decision has not been issued for the allotment. The allotment is permitted for 378 cattle from June 1 to September 30 for 1,228 active AUMs grazing use. The fence would occur in predominately Wyoming sagebrush range with a limited perennial grass understory that currently gets utilized moderately each summer by cattle. Most cattle use on the Scotty Meadows Allotment occurs west of the county road, outside the fence project area. The permittee authorized to graze in the Scotty Meadows Allotment is Huntsman Ranches.

The South Spring Valley Allotment has also not been formally evaluated. However, an agreement has been signed and implemented (2002) between the grazing permittee and Bureau of Land Management (BLM) that addresses grazing management changes to facilitate progress

toward meeting Rangeland Health Standards. The intent of the agreement is to provide a deferred rotation grazing system for the allotment, and to make annual adjustments based on annual monitoring data. The permitted active use for the allotment is listed below in Table 1. The big sagebrush plant community where the proposed fence would be constructed is utilized moderately each winter and spring by cattle, with occasional short duration (approximately two weeks) sheep use in late spring. The permittee for the South Spring Valley Allotment is El Tejon Cattle Company.

Table 1. Permitted grazing use for South Spring Valley Allotment.

ALLOTMENT	LIVESTOCK		GRAZING PERIOD		TYPE USE	AUMs	
	Name	Number	Kind	Begin			End
South Spring Valley		800	Sheep	05/01	06/15	Active	242
		800	Sheep	09/01	09/30	Active	158
		13971	Sheep	05/01	06/15	Non-Use*	4226
		431	Cattle	02/01	02/28	Active**	397
		386	Cattle	03/01	05/31	Active	1168
		280	Cattle	06/01	06/15	Active	138

*AUMs held in voluntary nonuse for the conservation and protection of natural resources.

**Cattle use will not exceed 1,703 AUMs in South Spring Valley Allotment.

Wild Horses and Burros

The proposed fence does not occur within a wild horse herd management area (HMA). No wild horse use has been observed in the area for several years.

Vegetation

The range sites in eastern White Pine County in the proposed project area have not been mapped yet by the Natural Resources Conservation Service (NRCS). The fence would occur in a Wyoming sagebrush site that resembles a Shallow Loam 8-10" P.Z. site (028BY080NV), potentially dominated by Wyoming big sagebrush, Indian ricegrass, and needleandthread grass. Average annual precipitation is about 8 inches. Normal year plant community production is 400 lbs. per acre. This area is in poor (early seral) to fair (mid seral) ecological condition based on professional observation. Perennial grass species produce less than 5% of the current annual production of the plant community. Wyoming big sagebrush is very dominant in this area.

Soils

The soils in the proposed fence area have not been mapped yet by the NRCS. The soils are gently sloping (2 - 8% slopes) fan piedmont types. The upper third of the proposed fence would occur on a stony soil. The potential for water or wind erosion is slight to light.

Cultural Resources

A Class III cultural inventory for the project area was completed in August, 2003. A total of 1.0 miles was inventoried for cultural resources. No archaeological sites were located during this inventory. A cultural report will be completed and filed in the EA file.

Wilderness Values

The Scotty Meadows and South Spring Valley Allotments do not occur within a wilderness study area (WSA). The nearest WSA is the Fortification Range WSA which is approximately 20 miles south of the proposed fence. The Shoshone Ponds Instant Study Area (ISA) occurs approximately one mile west of the proposed fence. The main county road and other allotment fencing divide the project area from the Shoshone Ponds ISA.

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)

There are no known sage grouse leks (strutting grounds) within the immediate vicinity of the proposed project. Sage grouse have been observed in the project area at varying times of the year. Sage grouse have been documented utilizing brooding habitats in the vicinity of Shoshone Ponds which is approximately one mile to the west of the project area. No documented ferruginous hawk nest sites are within the project area. Bald eagles have been observed in the project area during the winter/early spring period.

No special status plant species are known to occur in the project area.

Wildlife

Mule deer and pronghorn antelope utilize habitats within the project area on a year-long basis. Elk use is occasional in the area. During winters with abundant snowfall mule deer will migrate to winter ranges to the south. Passerine and other bird species, small mammals, reptiles and amphibians common to the great basin environment can also be found in the project area.

Recreation

Recreation in this area includes infrequent large and small game hunting, wildlife observation and photography, hiking, and occasional off road vehicle exploration. These activities are more prevalent at higher altitudes.

Noxious Weeds and Invasive, Non-native Species

No known noxious weeds are present in the project area. Currently the invasive weed species halogeton (Halogeton glomeratus) and the non-native grass cheatgrass (Bromus tectorum) have been identified in the project area. Other invasive species present in the project area include Russian thistle.

IV. ENVIRONMENTAL CONSEQUENCES

The following resources do not occur and would not be impacted by the construction of the proposed fence.

- 1) Floodplains and Wetlands.
- 2) Wilderness Values, Areas of Critical Environmental Concern (ACECs), and Wild and Scenic Rivers.
- 3) Prime or Unique Farmlands.
- 4) Water Quality (drinking/ground), or Riparian Areas.

The environmental consequences of the following resources have been considered.

- 5) Native American Religious Concerns.

A Tribal coordination meeting was held at the Ely BLM Field Office on November 17, 2005. No concerns were expressed by Native Americans in regard to the proposed action.

- 6) Environmental Justice.

No disparate impacts would occur to low income or minority peoples.

- 7) Paleontological and Historic Resource Values.

No paleontological or historic resource values were discovered during field survey.

- 8) Hazardous Wastes.

Hazardous wastes do not exist on the project site nor would they be introduced by the proposed action.

- 9) Migratory Birds.

Impacts to migratory birds would not occur because of mitigation built into the proposed action.

Anticipated Impacts of the Proposed Action

1. Range

Specific impacts include better control of cattle movements, resulting in less unauthorized use on the Scotty Meadows and South Spring Valley Allotments. Controlling cattle movements would result in improved cattle distribution and utilization of key forage species in the two allotments. Improvement in cattle distribution and utilization would result in enhanced forage production,

ground cover, vigor, species composition, diversity, and range condition and trend. Forage availability could increase for livestock. Progress would be made in achieving Standards and Guidelines for Grazing Administration.

2. Soils

Short term impacts to soils (impacts for the first year following project construction) from fence building activities should be minimal. A minor increase in soil compaction and disturbance to soil structure would result due to vehicle, equipment, and human activity during construction. Minor soil loss could occur as a result of wind and water erosion. In the long-term (after the first year following fence construction) soils immediately along the fence corridor would become compacted by cattle trailing. The total area of soil compaction would be approximately two acres. In the long-term it is not expected that soil characteristics would be negatively impacted in the area outside the immediate fence corridor. Soil erosion potential would remain the same.

3. Vegetation

From ten to twenty pinyon or juniper trees would need to be cut and removed from the upper end of the project area. A narrow corridor of sagebrush approximately 20 feet wide may be cleared to facilitate fence construction and allow for fence maintenance. No other vegetation clearing or removal would be required. In the short-term, some vegetation would be crushed due to equipment activity during construction. The equipment activity would consist of trucks, trailers, and ATVs traveling the fence corridor. These crushing impacts could be minimized by limiting travel along the fence corridor to that which is necessary and by employing ATVs more than full sized trucks. Other fence construction activities would result in minimal crushing and trampling of vegetation.

In the long-term, following one year after fence construction, vegetation along the fence corridor would be impacted by cattle trailing. Cattle trailing along a fence is considered natural livestock behavior and can not be mitigated. The total area impacted by seasonal trailing along a one mile fence would be approximately 2 acres. The resulting cattle trail would also be used for infrequent fence maintenance. The fence is expected to lead to positive vegetation impacts to the plant community outside the immediate impact area such as improved vigor, increased cover, increased production and forage availability, and an improved rangeland condition and trend, and thus an improved watershed condition.

4. Wildlife

In the short-term, during construction of the fence, resident wildlife attendant to the fence, including birds, small mammals, rodents, and reptiles would be temporarily disturbed and displaced by fence construction activity. In the long-term, after fence construction, wildlife habitat would be enhanced by improved ground cover and a better quantity and availability of forage resulting from proper livestock distribution.

The area of the fence is a high intensity use area for mule deer during the summer/late summer period because of the close proximity of cultivated alfalfa fields. There is a possibility of mule

deer becoming entangled in the fence. The potential also exists for elk and antelope to become entangled by the fence and become injured. Sage grouse may also collide with the fence until they learn of its presence. The fence will provide additional perches for raptors to hunt from.

Since the fence would be constructed to big game standards, impacts to big game would be minimized and animals should be able to safely negotiate the fence in most circumstances.

5. Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)

No sage grouse leks are located on or near the proposed fence development. Sage grouse would not be affected by the proposed action or the resulting grazing use. No special status plants are located on or near the proposed fence, thus special status plants would not be affected by the proposal. No impacts are expected to migratory birds because of mitigation identified in this EA.

6. Cultural Resources

There would be no impacts to any Historic Properties or paleontological resources by this project.

7. Recreation

Both during and following fence construction, there would be minimal impacts to existing recreational activities. The fence corridor is not expected to lead to increased off-highway vehicle (OHV) use in the area, in part due to rough, rocky topography at the upper end of the fence line.

8. Visual Resources Management (VRM)

The fence corridor would introduce visual contrasts into the landscape. Vegetative and topographic screening would hide some of the contrasts. Shrubs, grasses, and forbs would be trampled or crushed during fence installation, resulting in a minor visual disturbance. The proposed project is consistent with the Visual Resource Management (VRM) Class IV objectives for this area. According to BLM Manual H-8410-1, the VRM Class IV Objectives are as follows:

“The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.” {form, line, color, and texture}.

9. Air Quality

A short term, minor, and local impact to air quality could result due to ground disturbance by vehicles and construction activities. Impacts would be temporary and would dissipate quickly.

10. Solid Wastes

A limited amount of solid waste would be generated by the construction of this project. The waste would be cleaned up and disposed of properly.

11. Social and Economic Values

Lifestyles of local residents would not be impacted. The proposed range improvement would provide economic benefits for the two grazing permittees in these allotments by improving the efficiency of their overall operation. The proposed fence would facilitate livestock management in that cattle would remain located in the proper allotment. This would reduce costs related to herding and supervision checks for both the permittees and BLM. Installation of projects which serve the public interest would improve the relationship between the local public and the BLM.

12. Noxious Weeds and Invasive, Non-native Species

Fence building activity would not result in an increase in noxious weeds to the area impacted by fence line construction. The Risk Factor for spread of noxious weeds is low at the present time (See Appendix II for the Noxious Weed Risk Assessment). However, fence line building activity could result in an increase in invasive or nonnative species in the project area. Trucks, trailers, and ATVs used in construction activity would be washed prior to working in the area. Both the immediate disturbed area and a broad area beyond the immediate fence line would be monitored on a regular basis for noxious or invasive weeds or nonnative species. Control treatments would be initiated on noxious weed populations that become established in the project area.

13. Cumulative Impacts

According to the 1994 BLM Handbook "Guidelines for Assessing and Documenting Cumulative Impacts," cumulative analysis can be focused on those issues and resource values identified during scoping that are of major importance. The issues of major importance have been identified as the effectiveness of the fence in controlling livestock movements and preventing livestock drift, and the impact of the fence on watershed and native vegetative condition. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There have been limited previous actions occurring in the project area. There has been no historical oil or gas production or exploration. Mineral mining was historically common in the Osceola area approximately 10 miles north of the project area. There has been very little

historical woodcutting or pinyon nut gathering. Hunting, wildlife viewing, and other recreational activities including OHV use have been minimal. These activities have generally occurred at higher elevations. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildfires have been very infrequent in this sagebrush area. Wildlife use has not fundamentally altered the plant communities.

Livestock grazing has been intensive historically and may be a contributing factor to the presence of invasive plant species and the low occurrence and production of perennial grasses and forbs. There has been a lack of range improvements to distribute cattle use and improve forage utilization. Rangeland monitoring has been a common activity in the area.

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining or oil and gas exploration. Woodcutting and pinyon nut gathering are non-existent. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. There have been no recent wildfires. Current livestock grazing and wildlife use are not intensive in the area. The project area continues to be monitored to determine if grazing management practices are meeting the vegetative objectives for the allotment, and to assess watershed condition and rangeland health. The current Northeastern Great Basin Area Standards and Guidelines for Grazing Administration and Healthy Rangelands provide management direction for this area.

Reasonably Foreseeable Future Actions

No other range improvements are planned for the project area. If constructed, the fence would improve grazing administration, livestock control, and grazing management, resulting in fewer compliance checks, less searching for livestock, and improved watershed and vegetative conditions. There would be little cumulative visual impairment to the area as a result of the project. There are no anticipated increases in mining, woodcutting, pinyon nut gathering, hunting, or OHV use in the area in the reasonably foreseeable future. Rangeland monitoring is expected to continue in about the same manner and scope as it has in the past. The South Spring Valley Watershed is scheduled for watershed assessment during the 2006 and 2007 fiscal years. At this time it is unknown what changes in grazing management practices or what, if any, vegetation treatment projects, range improvements, or other actions might result from the watershed assessment.

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. The draft RMP/EIS is currently out for public review and comment. According to the new RMP/EIS, resources management will occur on a watershed basis. The area of the proposed action occurs within the South Spring Valley Watershed (#120C).

Impacts

Past and present actions have resulted in less than desirable range and watershed conditions. The proposed action in association with other actions would improve range and watershed conditions.

Anticipated Impacts of the No Action Alternative

According to the No Action Alternative, the allotment boundary fence would not be constructed, and impacts as described above would not occur. Livestock drift onto unauthorized allotments would continue. BLM would have to continue to make compliance checks and the ranchers would have to continue gathering cattle with horses. Continued unauthorized livestock drift could easily lead to negative impacts to the vegetative resource. Livestock distribution and forage utilization would not improve. Rangeland health and watershed condition would not improve. There would be no economic benefit to the livestock permittees. There would be no impact to wildlife, soils, special status species, recreation, visual resources, air quality, or noxious weeds or invasive, non-native species, from the no action alternative.

V. PROPOSED MITIGATION MEASURES

Appropriate mitigation measures have been included in the proposed action (Section II). No additional mitigation measures are proposed as a result of the analysis of the potential impacts.

VI. SUGGESTED MONITORING

Appropriate monitoring has been included as part of the proposed action (Section II). No additional monitoring is suggested as a result of the analysis of potential impacts.

VII. CONSULTATION AND COORDINATION

Public Interest and Record of Contacts

A summary of the proposed action was originally posted on the Ely BLM website on March 25, 2003. Normally, a draft EA would be posted for a thirty day public review and comment period on the Ely BLM external website. However, the BLM external website was unavailable to the public in January, 2005. Thus, a hard copy of the draft EA (dated January 24, 2005) was mailed, for a thirty day public comment and review period, to those interested publics who have expressed an interest in range management actions on the Scotty Meadows and South Spring Valley Grazing Allotments. No comments were received from the interested publics concerning this project. Thus, no changes were made to the EA based upon public input.

The BLM external website became accessible to the public in March, 2006. The final EA and Decision Record/Finding of No Significant Impact (DR/FONSI) will be posted on the website for a 15 day protest period and a 30 day appeal period. Interested publics will also be notified by mail when the final EA is completed and the Decision Record/Finding of No Significant Impact (DR/FONSI) is signed. The signed DR/FONSI initiates the 15 day protest period and a 30 day

appeal period.

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range improvement actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2005, have requested additional information regarding range developments or range improvement programs within the Scotty Meadows and South Spring Valley Grazing Allotments:

Curtis A. Baughman, Nevada Division of Wildlife
Dave Buhlig, Nevada Land & Resource Company
Steven J. Carter, Carter Cattle Co.
Coalition for Nevada's Wildlife
El Tejon Sheep Company
Katie Fite, Western Watersheds Project
Steve Foree, Nevada Division of Wildlife
Brad Hardenbrook, Nevada Division of Wildlife
Betsy Macfarlan, Eastern Nevada Landscape Coalition
Nevada State Clearinghouse
PLUAC c/o Virginia Lani
Ben Roberts, Great Basin National Park
U.S. Fish and Wildlife Service

Record of Personal Consultation and Coordination

Lyman Huntsman, Huntsman Ranches
Matt Pickering, Huntsman Ranches
Paul Branham (formerly with Huntsman Ranches)
Melchor Gragerina (El Tejon Livestock)
Rick Makely, Nevada Department of Transportation (NDOT)
Ross Sanborn, (NDOT)
Kathy Weaver, (NDOT)
Chandler Mundy, Kathy Johnson (USFS)

The proposed action was discussed with representatives of the Ely Shoshone Tribe during the Ely Field Office Tribal Coordination Meeting held on November 17, 2005. No concerns were identified during this meeting.

Internal District Review

Chris Mayer	Range, Environmental Coordination
Mark Lowrie	Range, Environmental Coordination, Environmental Assessment &

Brad Pendley
Carolyn Sherve-Bybee
Fred Fisher
Larry Martin
Harry Rhea
Elvis Wall
Dave Anderson
Brenda Linnell
Lynn Bjorklund

Weed Risk Assessment
Wildlife, Riparian, Special Status Species, Migratory Birds
Environmental Coordination, Cultural Resources
Operations
Engineering
Operations & Weed Management
Native American Coordination
Recreation, Visual Resources
Lands
Geology

APPENDIX I STANDARD OPERATING PROCEDURES

The following SOP's that apply to the proposed action should be adhered to for the pipeline project:

1. Maintenance of the fence line will be accomplished by the operator(s) through cooperative agreements with the BLM, or through range improvement permits.
2. White flagging will be tied at each wire stay from visibility to animal herds. These will remain for a time sufficient to allow deer and antelope to see the newly constructed fence.
3. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. Construction activities will be limited to times when soils are not wet or saturated, to lessen soil compaction by equipment. In addition, construction activities may be delayed by the authorized officer due to severely dry conditions, to prevent unnecessary erosion of soil resources.
5. Vehicle travel shall only be permitted along the proposed fence line corridor during the construction phase. Access will be via existing roads and trails whenever possible. Where existing roads are not available, off road travel will be kept to the minimum necessary for construction.
6. Maximum corridor width of the fence line would be a total of 16 feet.
7. All equipment and assorted materials associated with the construction of the project must be removed within 30 days after completion of the project. Project area cleanup will be accomplished by removing all refuse to an approved sanitary landfill.
8. If the need to use, store, and/or dispose of hazardous materials arises, which is not identified in this EA, the authorized person(s) constructing the project would notify and seek authorization from the BLM.
9. Removal of vegetation will be held to the minimum necessary for construction, access, and to provide for safety.
10. Fence specifications for wildlife concerns will be strictly adhered to in the construction of this fence. These specifications are to be provided to the builder prior to construction.

The "no activity" period for all management actions in migratory bird habitat is from 5-1 to 7/15

unless a survey is done to determine no migratory bird breeding or nesting is occurring in the area.

For any activity scheduled between 5/1 and 7/15 the following must take place:

Area which is going to be disturbed must be clearly identified on appropriate maps.

The wildlife team will conduct breeding bird surveys to identify if migratory bird breeding or nesting is occurring in the area.

APPENDIX II NOXIOUS WEED RISK ASSESSMENT

On February 4, 2004 a Noxious Weed Risk Assessment was completed by Mark Lowrie, rangeland management specialist, for the Scotty Meadows/South Spring Valley Allotment Boundary Fence, located in South Spring Valley, White Pine County, Nevada. The legal location for the fence line is as follows:

T. 12N., R. 67E., Section 12, SE 1/4.
T. 12N., R. 68E., Sections 7, 18.

This project will disturb approximately 2 acres of public lands, which were surveyed for noxious weeds during the cultural resources inventory during the summer of 2003.

Factor 1 assesses the likelihood of noxious weed species spreading to the project area.

For this project, the factor rates as (low, 3) at the present time. This means that noxious weeds were located adjacent to, but not within, the project area. The Ely Field Office has inventoried the public lands surrounding the project area, and has not located any noxious weeds.

Factor 2 assesses the consequences of noxious weed establishment in the project area.

For this project, the factor rates as (low, 3) at the present time. This means that no cumulative effects to the native plant community are expected. There is little likelihood that noxious weeds will spread into the project area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

For this project, the Risk Rating is (low, 9) at the present time. The project can proceed as planned. Control treatments would be initiated on noxious weed populations that get established in the area. Preventative management measures for noxious weeds should be developed as follows:

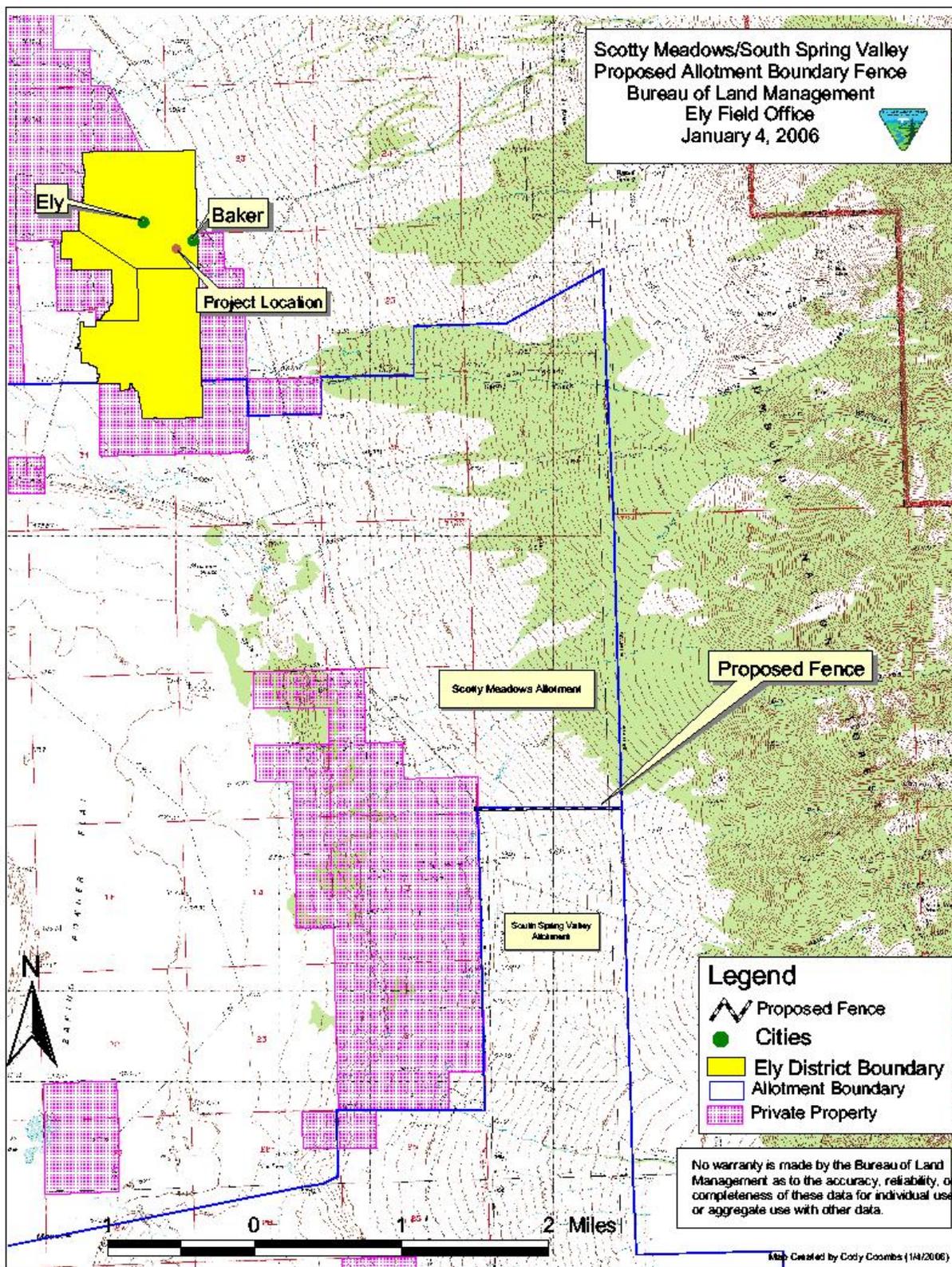
1. The grazing permittees and BLM range specialist will watch for and report or eradicate any small noxious weed patches in the project area.
2. The fence line project inspector (PI) and range specialist will include weed detection into project compliance inspection activities. The permittees and BLM range specialist will attend weed identification workshops when offered.
3. Any trucks, trailers, or ATVs used to construct the fence line will be washed prior to entering the project area.
4. The project area will be monitored for noxious weeds for at least three consecutive years. Newly established populations will be controlled and follow-up treatments will occur for

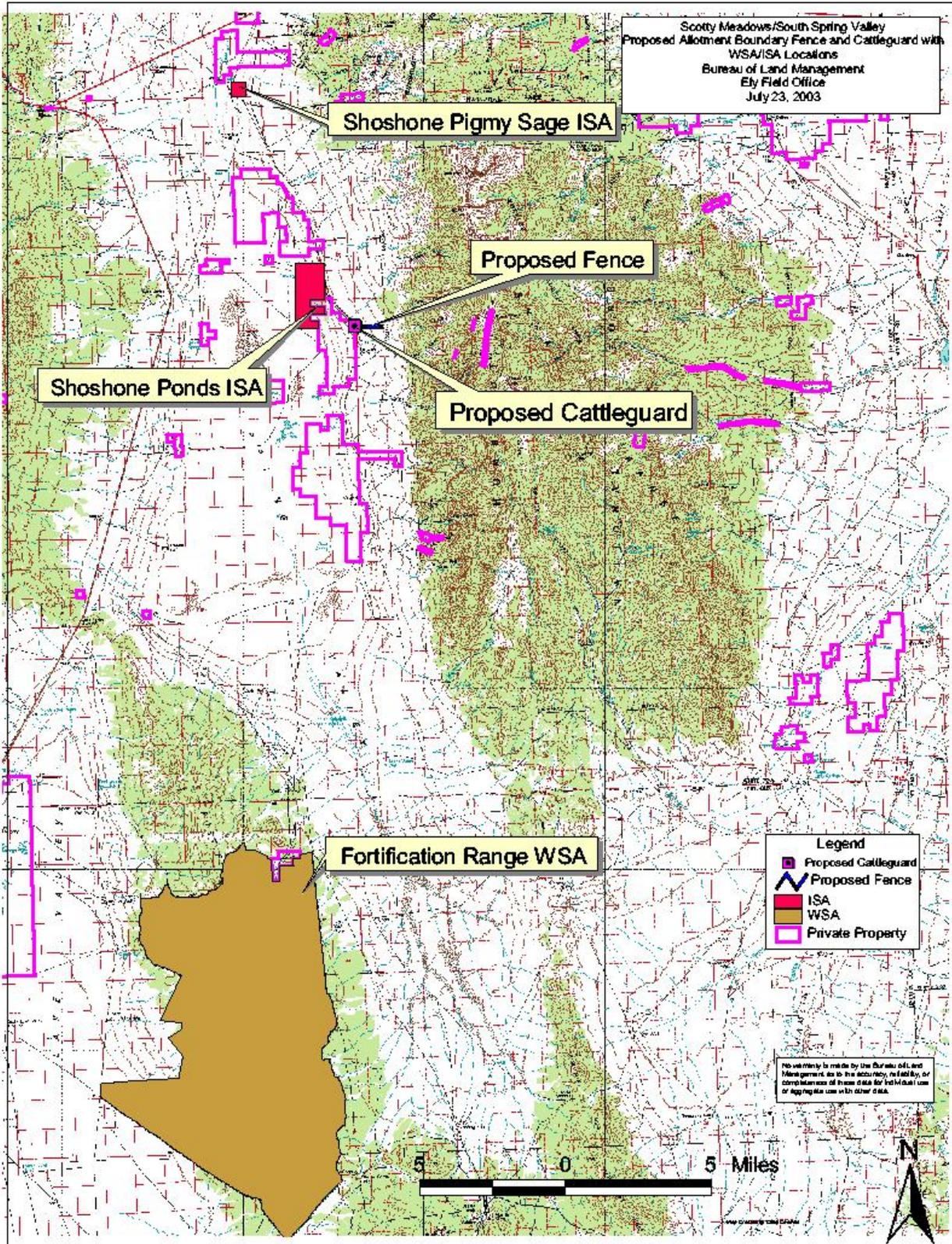
previously treated infestations.

The project can proceed as planned. Control treatments would be initiated on noxious weed populations that get established in the project area. It is possible noxious weed seed could be imported to the area via livestock, wildlife, people, vehicles, or other modes of transport.

Reviewed by: _____

Date:





**FINDING OF NO SIGNIFICANT IMPACT
(FONSI) FOR THE
SCOTTY MEADOWS/SOUTH SPRING VALLEY ALLOTMENT DIVISION FENCE
EA NO. NV-040-03-030**

I have reviewed Environmental Assessment (EA) NV-040-03-030, dated August 8, 2006. After consideration of the environmental impacts as described in the EA, and incorporated herein, I have determined that the proposed allotment division fence, with the project design and standard operating procedures as described in the EA, will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Rationale:

I have determined the proposed action is in conformance with the approved Schell Management Framework Plan (MFP), the White Pine County Land Use Plan, and is consistent with the plans and policies of neighboring local, county, state, tribal, and federal agencies and governments. This proposed project would be effective in restoring watershed health and range condition on public lands in the Spring Valley Watershed. Approval of the proposed action would assist the Bureau and ranchers in improving or maintaining rangeland health, watershed condition, and in meeting the multiple use management objectives established for the Scotty Meadows and South Spring Valley Grazing Allotments. The proposed action would also result in fewer and more efficient compliance checks. Through control of cattle drift, which results in unauthorized grazing use, progression will be made towards achievement of Standards and Guidelines for Grazing Administration.

Context:

The proposed project is located within the South Spring Valley Watershed of the Ely District BLM. The project would occur at the boundary of the Scotty Meadows and South Spring Valley Grazing Allotments, on the east side of the valley, on the west benches of the Snake Range Mountains. The project would occur in Wyoming big sagebrush range with scattered pinyon and juniper trees present. The project area is located about 40 miles southeast of Ely, Nevada. The project would disturb a total of approximately two acres.

Intensity:

- 1) Impacts that may be both beneficial and adverse.

The environmental assessment has considered both beneficial and adverse impacts of the allotment division fence. This project would improve watershed condition and rangeland health by preventing unauthorized livestock use of native range. It would improve the grazing management for the permittee. Adverse effects would include the temporary loss of approximately 2 acres of sagebrush rangelands and soils for grazing and wildlife uses, in addition to a disruption of the visual resource.

2) The degree to which the proposed action affects public health or safety.

The proposed action will not result in potentially substantial or adverse impacts to public health and safety.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no unique cultural or environmental characteristics in the geographic area. The project area has been completely surveyed for cultural resources. The project area does not contain any park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

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

Presently there is little controversy on the effects of the project on the quality of 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 of the proposed project identified in the EA which are considered uncertain or involve unique or unknown risks. The allotment division fence would be constructed to standard practices and standard operating procedures.

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.

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

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

No significant cumulative impacts have been identified in the EA.

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

No districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places were identified in the project area and EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical 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.

No endangered or threatened species or their habitats are present in the project area.

10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment.

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

William E. Dunn
Assistant Field Manager
Renewable Resources

Date