BLM

Sierra Front Field Office, Nevada

FINAL ENVIRONMENTAL ASSESSMENT
FONSI and DECISION RECORD

Ray May Fire – Emergency Action, Temporary Closures

DOI-BLM-NV-C020-2012-0013-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Sierra Front Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
775-885-6000

November 2011

NATIONAL SYSTEM OF PUBLIC LANDS

1.0 INTRODUCTION/PURPOSE AND NEED

1.1 Introduction, Purpose and Need

On August 16, 2011 the Ray May Fire (Fire) was started by an escaped campfire in an undeveloped portion of Bureau of Land Management (BLM) land. The Fire occurred on the west side of the Pine Nut Mountains in Douglas County, Nevada (Map 1). The Fire was controlled after burning approximately 4,180 acres public and private acres, and was declared out on August 29, 2011. The Ray May Fire burn area is within the administrative jurisdiction of the BLM, Sierra Front Field Office.

Post fire analysis suggests that most of the burn area on BLM-managed lands was exposed to moderate to high intensity fire, causing a loss of substantial perennial vegetation. Approximately 2,267 acres of BLM-managed lands, and 1,913 acres of private lands (including 1,095 acres of Indian Trust lands) are included within the burn area.

This Proposed Action would: 1) restrict motorized vehicle use to posted roads and two-track trails on BLM-managed lands; and 2) close BLM-managed lands within the burn area to wood harvesting and/or tree cutting. The proposed restrictions would be in effect until August 1, 2014. Under the Proposed Action, the BLM would install signs informing the public that they are entering a temporarily restricted area where all Off-Highway Vehicle (OHV) travel is limited to posted routes. Existing dirt roads and two-track trails within the burn area would be posted as open to motorized vehicle use. Signs would also notify the public that they are entering BLM-managed lands where wood harvesting and/or tree cutting is prohibited.

Establishing these restrictions would enable resource recovery over three growing seasons, and provide the BLM time to implement post-fire recovery and rehabilitation as outlined in the *BLM NV Post-Fire Recovery Plan, Emergency Stabilization and Burned Area Rehabilitation, 2011 Plan, Ray May Fire* (Plan). The Plan can be found in Appendix A of this Final EA. The BLM-managed lands that would be affected by the Proposed Action are located in following Township (T) and Range (S) sections:

T. 11 N., R. 21 E.

Sec. 1, SW¼, SW¼SE¼;
Sec. 3, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼.
Sec. 4, Lots 21-24, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 12, NW¼NE¼, N½NW¼.

T. 12 N., R 21 E.

Sec. 26, SE¼SW¼, S½SE¼;
Sec. 34, W½SW¼, SE¼SW¼;
Sec. 35, E½, N½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;

Sec. 36, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼.

The Proposed Action would not apply to private lands within the burn area.

The authority for the proposed restriction and closure order is 43 Code of Federal Regulations (CFR) 8364.1. Furthermore, this order would be published in the *Federal Register* after issuance of this Decision Record. This Final Environmental Assessment (EA) serves as documentation of compliance with the National Environmental Policy Act (NEPA) for this action per BLM Instructional Memorandum (IM) No. 2010-028, Change 1.

The purpose of this action is to restrict and close BLM-managed lands to certain uses during a duration of approximately three years to facilitate and implement post-fire rehabilitation efforts as described in the Plan. The need for this action is to address adverse environmental impacts to the burn area that are occurring and would continue to occur for several years from off-highway vehicle (OHV) use, and associated wood harvesting and tree cutting activities.

1.2 Land Use Plan Conformance Statement

The Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (May 2011). This emergency action is consistent with 43 CFR 46.150 (DOI NEPA Regulations). The Sierra Front Field Authorized Officer has identified this effort as an emergency action and this EA/FONSI/DR serves as the document to fulfill compliance with NEPA.

1.3 Decision to be Made

The Authorized Officer would decide whether to implement the Proposed Action which would: 1) restrict motorized vehicle use to posted roads and two-track trails on BLM-managed lands; and 2) close BLM-managed lands within the burn area to wood harvesting and/or tree cutting until August 1, 2014. The Authorized Officer would decide whether to post existing dirt roads and two-track trails within the burn area as open to motorized vehicle use at each point where the road or two-track trail enters the BLM-managed lands within the burn area.

2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 Alternative A: Proposed Action

This Proposed Action would: 1) limit motorized vehicle use to posted roads and two-track trails on BLM-managed lands; and 2) close BLM-managed lands within the burn area to wood harvesting and/or tree cutting until August 1, 2014. The BLM-managed lands that would be affected by the Proposed Action are located as follows:

T. 11 N., R. 21 E.

Sec. 1, SW¼, SW¼SE¼;
Sec. 3, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼.
Sec. 4, Lots 21-24, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 12, NW¼NE¼, N½NW¼.

T. 12 N., R 21 E.

Sec. 26, SE¼SW¼, S½SE¼;
Sec. 34, W½SW¼, SE¼SW¼;
Sec. 35, E½, N½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 36, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼.

The Proposed Action would not apply to private lands within the burn area (Map 1).

The authority for the proposed restriction and closure order is 43 Code of Federal Regulations (CFR) 8364.1. Furthermore, this order would be published in the *Federal Register* after issuance of this Decision Record.

Under the Proposed Action, the BLM would post existing dirt roads and two-track trails within the burn area as open to motorized vehicle use at each point where the road or two-track trail enters the BLM-managed lands within the burn area. Signs would notify the public that off-road vehicle use is prohibited, and that they are entering BLM-managed lands where wood harvesting and/or tree cutting is prohibited. The BLM would maintain the signage during the duration of the restriction and closure order (until August 1, 2014).

2.2 Alternative B: No Action

The BLM would not limit motorized vehicle use to existing posted roads and two-track trails within the burn area, and would not close the burn area to wood harvesting and/or tree cutting. Since the time of the Fire, and in the near-term until annual and perennial vegetation re-grows, user defined single and two-track trails would be created and spread potentially throughout the burn area. The result is adverse effects to soil and vegetative resources as a result of off-highway vehicle (OHV) use on burned lands are occurring and would likely continue for several years. Furthermore, post-fire rehabilitation efforts described in the Plan such as re-seeding would be compromised.

3.0 AFFECTED ENVIRONMENT

3.1 General Setting

The burn area is located on the west side of the Pine Nut Mountains (Map 1). Elevations throughout the burn area range from 5,600 to 7,700 feet above sea level. The burn area is a mixture of private lands (including lands held in Indian Trust), and BLM-managed lands.

3.2 Supplemental Authorities

Appendix 1 of BLM's NEPA Handbook (H-1790-1) identifies Supplemental Authorities that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents.

Table 1. Supplemental Authorities*.

Resource	Present Yes/No	Affected Yes/No	Rationale
Air Quality	N		Resource not present.
Areas of Critical Environmental Concern	N		Resource not present.
Cultural Resources	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no adverse effect on cultural resources, where present.
Environmental Justice	N		Resource not present.
Farm Lands (prime or unique)	N		Resource not present.
Floodplains	N		Resource not present.
Invasive, Nonnative Species	Y	Y	See Vegetation section.
Migratory Birds	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no adverse effect on migratory birds.
Native American Religious Concerns	N		Resource not present.
Threatened or Endangered Species (animals)	N		Resource not present.
Threatened or Endangered Species (plants)	N		Resource not present.
Wastes, Hazardous or Solid	N		Resource not present.
Water Quality (Surface/Ground)	Y	Y	See Soils section.
Wetlands/Riparian Zones	N		Resource not present.
Wild and Scenic Rivers	N		Resource not present.
Wilderness/WSA	N		Resource not present.

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**See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.*
Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.
Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.

3.3 Resources or Uses Other Than Supplemental Authorities

BLM specialists have evaluated the other potential impacts of the Proposed Action and No Action Alternative on these resources and documented their findings Table 2. Resources or uses that "may be affected" by the Proposed Action or No Action Alternative are further described in this EA.

Table 2. Resources or Uses Other Than Supplemental Authorities.

Resource or Issue**	Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species (animals)	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no adverse effect on sensitive animals.
BLM Sensitive Species (plants)	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no adverse effect on sensitive plants.
Fire Management/Vegetation	Y	Y	See Vegetation section.
Forest Resources	Y	Y	See Vegetation section.
General Wildlife	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no adverse effect on general wildlife.
Land Use Authorization	N		Resource not present.
Lands with Wilderness Characteristics	N		Resource not present.
Livestock Grazing	Y	N	The BLM has issued a temporary closure of affected lands for the Buckeye Allotment. Livestock grazing would not be affected by this separate closure.
Minerals	N		Resource not present.
Paleontological	N		Resource not present.
Public Safety	Y		Resource not present.
Recreation	Y	Y	Carried forward for analysis.
Socioeconomics	N		Resource not present.
Soils	Y	Y	Carried forward for analysis.
Travel Management	Y	Y	See Recreation section.
Vegetation	Y	Y	Carried forward for analysis.
Visual Resources	Y	N	Temporarily closing BLM-managed lands to wood harvesting and/or tree cutting, and limiting motorized vehicle use to posted existing roads and trails would have no effect on the visual character and classification of the burn area.
Wild Horses and Burros	N		Resource not present.

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***Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

Resources or uses determined to be Present/May Be Affected may be carried forward in the document.

4.0 ENVIRONMENTAL CONSEQUENCES/CUMULATIVE EFFECTS

The Affected Environment for the Proposed Action and No Action Alternative area the same, and consist of those BLM-managed lands within the burn area (approximately 2,267 acres). The cumulative effects analysis area is the entire burn area, consisting of approximately 4,180 acres of BLM-managed lands and private lands.

4.1 Recreation

Affected Environment

Under the CRMP, the Ray May Fire burn area is designated "open" to OHVs. Although the burn area currently has dirt roads and two-track trails, allowable use in the area also includes use of single-track trails, off-road and cross-country travel. Other dispersed recreation that occurs in the area includes hunting, rockhounding and hiking.

Since the Fire was extinguished in August, BLM personnel have observed an increase in user defined OHV trails within the burn area. This is primarily due to increased accessibility to the area due to the loss of vegetation and the high visibility of recently created single and two-track OHV trails in the burn area.

Environmental Consequences

Under the Proposed Action, the proposed restriction and closure order would limit motorized vehicles to existing posted roads and two-track trails. Use of single track trails, off-road and cross country travel would be prohibited. The restriction and closure order would not affect other dispersed forms of recreation that may occur in the burn area.

Cumulative Effects

Cumulative effects to recreation would be short-term, the restriction and closure order would be in place until August 1, 2014. BLM-managed lands in the region would continue to provide for a wide variety of recreation opportunities. This order would only adversely affect and limit those recreationists interested in use of the specific lands for a short period of time.

4.2 Soils

Affected Environment

Soil associations within the Ray May burn area include Cagle-Nosrac, Devada-Burnborough Variant, Duco-Cagle-Nosrac, Duco-Devada-Norsac, Duco-Nosrac and Kram-Puett Variant. The erosion hazard for these soils is moderate to severe (Soil Survey Douglas County Area, Nevada).

Environmental Consequences

Limiting motorized vehicle use to existing posted roads and two-track trails would allow soils affected by the fire to stabilize and vegetation re-growth to occur over several growing seasons. Additionally, under the Plan, over the next approximately three years the BLM would implement a number of measures to respond to the effects of the fire including: aerial seeding, lateral tree falling (to decrease soil erosion and increase water infiltration), and monitoring for

noxious weed species. These management treatments over the long-term will benefit soil conditions and reduce the likelihood of severe soil erosion.

Cumulative Effects
Implementing the proposed restriction and closure order would cumulatively benefit soil conditions by allowing soil stabilization and re-growth of perennial plants. Rehabilitation of the burn area would also be aided by BLM post-fire treatment as described in the Plan.

4.3 Vegetation
Affected Environment
Pre-fire perennial vegetation in the burn area was composed of pinion pine (*Pinus monophylla*) and western juniper (*Juniperus occidentalis*). Understory in the burn area was composed of big sagebrush species (*Artemesia tridentate* var *vaseyana*, *Wyomingensis* and *tridentata*) and bitterbrush (*Purshia tridentata*) along with perennial grasses such as Thurber needlegrass (*Achnaterum thurberianum*), basin wildrye (*Leymus cinereus*), bluegrass species (*Poa* sp.), Indian ricegrass (*Achnatherum hymenoides*), bluebunch wheatgrass (*Pseudoroegneria spicata*), and bottlebrush squirreltail (*Elymus elymoides*). Invasive, non-native species present in the burn area include: cheatgrass (*Bromus tectorum*), yellow star-thistle (*Centaurea solstitialis*), Scotch thistle (*Onopordum acanthium*), hoary cress (*Cardaria draba*) and perennial pepperweed (*Lepidium latifolium*).

Environmental Consequences
Limiting motorized vehicle use to existing posted roads and two-track trails would allow vegetation re-growth to occur over several growing seasons. Additionally, under the Plan, over the next approximately three years the BLM would implement a number of measures to respond to the effects of the fire that would benefit vegetation including: aerial seeding, lateral tree falling (to decrease soil erosion and increase water infiltration), and monitoring for noxious weed species.

Cumulative Effects
Implementing the proposed restriction and closure order would cumulatively benefit vegetation by allowing soil stabilization and re-growth of perennial plants. Rehabilitation of the burn area would also be aided by BLM post-fire treatment as described in the Plan.

5.0 MONITORING PLAN

In addition to measures described in the Plan, the BLM would implement the following monitoring measures during the duration of the proposed closure:

- Adequate patrols of the burn area by BLM law enforcement to ensure compliance with the restriction of motorized vehicle use to posted roads and two-track trails;
- The BLM would maintain posted signs and make adjustments, as needed;
- The BLM would monitor re-seeding and erosion control measures for effectiveness.

Should monitoring determine that additional measures are warranted, the BLM would use adaptive management that could:

- Increase or decrease the number of roads and/or two-track trails that are open for public use;
- Increase or decrease BLM law enforcement measures as needed to address new adverse impacts to resources;
- Modify post-fire rehabilitation efforts as described here and in the Plan to increase effectiveness or respond to changes on the ground.

6.0 PERSONS, GROUPS, AND AGENCIES CONSULTED

6.1 List of Preparers

Bureau of Land Management

Name	Title	Project Expertise
Ryan Elliot	Fire Planner	Post-Fire Recovery
Ken Nelson	Realty Specialist	Land Use Authorizations
Brian Buttazoni	Planning and Environmental Coordinator	NEPA
Arthur Callan	Outdoor Recreation Planner	Recreation
Katrina Leavitt	Rangeland Management Specialist	Livestock Grazing

7.0 FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in this EA, and considering the significance criteria found in 40 CFR 1508.27, I have determined that the Proposed Action, will not have a significant effect on the human environment. An environmental impact statement (EIS) is not required.

Bryan Hockett
Acting Field Manager
Sierra Front Field Office

11/23/2011
Date

8.0 DECISION

It is my Decision to approve this emergency action and issue a Notice of Temporary Restriction and Closure of Public Lands for publication in the Federal Register under the provisions of the Federal Land Policy Management Act (90 Statute 2743; U.S.C. 1701) and regulations contained in 43 CFR 8364.1.

This EA may also be used to approve the issuance of Federal Register notices for the described closure, subject to any changes in appropriate policies, regulations or statutes.

The public lands identified for temporary restriction and closure are described as follows:

T. 11 N., R. 21 E.

Sec. 1, SW¼, SW¼SE¼;
Sec. 3, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼.
Sec. 4, Lots 21-24, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 12, NW¼NE¼, N½NW¼.

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Sec. 34, W½SW¼, SE¼SW¼;
Sec. 35, E½, N½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 36, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼.

Bryan Hockett
Acting Field Manager
Sierra Front Field Office

11/23/2011
Date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Bryan S. Hockett
Acting Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.