



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely District Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
6300

DECISION RECORD

For The

Issuance of Authorizations to Nevada Department of Wildlife for Wildlife Water Development Inspection, Maintenance and Repairs within BLM Wilderness areas in Nevada

**Bureau of Land Management
Environmental Assessment
DOI-BLM-NVL030-2012-0003-EA**

Decision:

It is my decision to approve the authorization for inspection, maintenance and repair of the 35 wildlife water developments. For the Ely District, the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (2008). Furthermore, the proposed action within Southern Nevada District has been determined to be in conformance with both the Record of Decision for the Approved Las Vegas Resource Management Plan (1998) and Sloan Canyon National Conservation Area Record of Decision for the Approved Resource Management Plan (2006).

Background Information:

The Nevada Department of Wildlife (NDOW), in partnership with the Bureau of Land Management (BLM), have previously constructed wildlife water developments in the Mojave Desert to improve the distribution and subsequent use of habitat by wildlife species, in particular, desert bighorn sheep (*Ovis canadensis nelsoni*).

The Delamar Mountains, Far South Egans, Meadow Valley Range, and Mormon Mountains Wilderness areas were designated as wilderness by the Lincoln County Conservation, Recreation and Development Act of 2004 (Public Law 108-424; November 30, 2004; LCCRDA). The Arrow Canyon Wilderness, Muddy Mountains Wilderness, and North McCullough Wilderness areas were designated as such by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282; November 6, 2002; CCCPLNRA).

Sec. 208(c) and Sec. 209(c) of CCCPLNRA and LCCRDA, respectively, state: "Consistent with section 4(d)(1) of the Wilderness Act and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep...." And Sec. 208(d) and Sec. 209(d) of CCCPLNRA and LCCRDA, respectively, state: "Subject to subsection (f), the Secretary shall, authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas...if (1) the structures and facilities will....enhance wilderness values by promoting healthy, viable, and more natural distributed wildlife populations."

Legal Compliance:

- The Wilderness Act of 1964 (16 U.S.C. §§ 1131-1136, September 3, 1964, as amended 1978).
- The Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996).
- The Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282).
- The Lincoln County Conservation, Recreation and Development Act of 2004 (Public Law 108-424).
- The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994).
- Management of Designated Wilderness Areas (43 CFR Part 6300).
- Executive Order 13443: Facilitation of Hunting Heritage and Wildlife Conservation (2007).

Public Involvement:

A Notice of Proposed Actions, Lands in Wilderness was released in October 2011, when the project was initiated. This notification was distributed to the Ely District and Southern Nevada District Wilderness mailing lists. A 30-day public comment period on the draft EA was initiated on December 1, 2011 and published on the national BLM EPlanning website on the same day. All parties on the two Districts' Wilderness mailing lists, and interested parties were notified of the comment period. Six comments were received during the 30-day comment period.

Public Comment:

Comments received during the 30-day comment period were given serious consideration. Some comments were not incorporated into the final EA as they are already addressed in existing planning documents or policy, or were beyond the scope of this project. The following changes were made to the plan based on public comments:

- The proposed action for four big game wildlife water developments (Nerkspiffle, Rowberry, Safari, and Poppy) was changed from foot/pack stock to helicopter access method. Additional information was obtained during the comment period, which changed the proposed action.
- Additional information from the Minimum Requirements Decision Guides was brought forward into the EA.
- Provisions were included for replacement of entire components of big game water developments so long as repair and replacement remain in the existing footprint of present disturbance.
- Inclusion of slingload availability for developments for which a helicopter is approved.
- Clarification of the minimum tool intention in the current MOU (Section VII) in regards to “Immediate Actions”.

Rationale For Decision:

The purpose of the proposed action is to issue authorizations to the Nevada Department of Wildlife (NDOW) for the annual inspection, maintenance, and repair of big game, small game and bird wildlife water developments within designated BLM wilderness areas in Nevada on a multiple-water development, multiple-year basis if conditions at each water development site remain relatively constant.

The wildlife water developments are located across a wide expanse and inspection, maintenance, and repairs are typically executed as a regional grouping and within a limited time frame. While the access MRDG determined the minimum tool for individual wildlife water developments, the proposed action represents the minimum necessary to efficiently and effectively complete activities on these 35 wildlife water developments within wilderness areas as a group within a limited period of time.

The proposed action was selected with the subsequent action required to revise the Memorandum of Understanding between the NDOW and the BLM to include parameters for coordination, reporting and notification. Specifically, the MOU should be revised to ensure:

- Coordination before planned inspection flights or visits
 - Anticipated dates of flights, developments identified for over-flights and/or landings for inspections
- Notification after flights and visits are performed to notify the BLM of:
 - Dates and duration of flights over wilderness

- Date and location of landings, including:
 - Name of the wilderness area
 - Name and location of the water development
 - Identification of any problem and the maintenance and/or repairs performed
 - Future maintenance and/or repairs needed
- Developments for which landings were not required, over-flights performed
- If subsequent visits are required for additional repairs, coordination would be required regarding the date and duration of future visits, and:
 - Type of motorized and mechanized equipment planned
 - Proposed dates of the maintenance/repair
 - An estimate of the number of persons to be involved
 - The estimated number of landings or sling load trips to be made
- Upon completion of maintenance or repairs made outside of the inspection period, notification as listed above is required.
- Section VII “Immediate Actions and Procedures” should be clarified to reflect that NDOW would select the appropriate minimum tool needed to accomplish the task. District Manager approval is not required prior to the activity. NDOW is required, as soon as possible after the action, to notify the BLM of:
 - Name of the wilderness area
 - Name and location of the water development
 - Identification of problem and the repairs performed
 - Type of motorized and mechanized equipment used
 - Number of persons involved
 - Number of landings or sling load trips made
 - Dates and duration of activity

The proposed action was selected over the alternatives because it met the purpose and need outlined in the EA. The proposed action has been analyzed and determined that there is no significant impact as referenced in the (FONSI) attached to the EA. This project fulfills land management responsibilities dictated from The Federal Land Policy and Management Act of 1976, The Clark County Conservation of Public Land and Natural Resources Act of 2002, and The Lincoln County Conservation, Recreation and Development Act of 2004.

Appeal Opportunities:

All parties involved in the process will be notified by certified mail and will have 30-days after receiving notification to appeal the decision.

Approved by: Rosemary Thomas 1/13/2012
Rosemary Thomas
District Manager
Ely District Office
Date

Approved by: Mary Jo Rugwell 1/13/2012
FOR Mary Jo Rugwell
District Manager
Southern Nevada District Office
Date

Enclosures (3):

Form 1842-1

FONSI for Issuance of Authorizations to Nevada Department of Wildlife for Wildlife Water Development Inspection, Maintenance and Repairs within BLM Wilderness areas in Nevada

CD with Final EA for Issuance of Authorizations to Nevada Department of Wildlife for Wildlife Water Development Inspection, Maintenance and Repairs within BLM Wilderness areas in Nevada