

Decision Record
Effective Immediately

DOI-BLM-NV-W010-2012-0015-DNA
USDA-NIFA Rangeland Research Project

INTRODUCTION

The broad objective of this work is to evaluate seeding success along precipitation and soil texture gradients in the Great Basin. Five key sites have been identified in the Winnemucca District distributed over precipitation and soil gradients that would be ideal for this project. All sites have experienced previous disturbance, principally wildfire, and are now dominated by cheatgrass with little native shrub or grass existing.

COMPLIANCE/CONFORMANCE

I have reviewed the USDA-NIFA Rangeland Research Project and Determination of National Environmental Policy Act Adequacy (DNA) and have determined that the proposed action is in conformance with the Paradise-Denio Management Framework Plan (P-D MFP), 1982, and complies with the, Federal Land Management Policy Act, National Historic Preservation Act and other laws that govern the proposed project.

The proposed action is in conformance with the P-D MFP, because it is specifically provided for in the following District Standard Operating Procedures (SOP) located at P-D MFP, Appendix I:

SOP .45 Soil -Water-Air #2 states: “Consider rehabilitating areas which have had protective, vegetative cover destroyed by wildfire, flood, or mechanical disturbance. For wildfires, treatment should be initiated on the ground Within 90 days of the fire. For others, action should begin as soon as possible after the event. Utilize seeding and other watershed stabilization techniques as required. Seed mixture should include native perennial grasses and/or exotic species which have previously been introduced into the ecosystem. Rehabilitation must be protected from grazing until adequate seedling establishment has been attained. A minimum of two years is normally required for seedling establishment.”

CONSULTATION AND COORDINATION IN DEVELOPMENT OF THE DNA

Outside of Native American consultation, the need for other specific consultation and coordination was not needed due to the scope and nature of this project.

NATIVE AMERICAN CONSULTATION

Based on consultation with the Fort McDermitt Tribe, notification of any herbicide spraying will be preceded by a two week notification of this activity. This notification will come from the BLM Field Manager.

DECISION

On the basis of the information contained in the USDA-NIFA Rangeland Research Project DNA, DOI-BLM-NV-W010-2012-0015-DNA, it is my determination that implementation of the proposed action will not have environmental impacts beyond those already addressed in the existing NEPA documents cited in the DNA.

Based on the aforementioned factors, and the following rationale for making this decision effective immediately, it is my decision to implement the project, as described, in the DNA.

RATIONALE

The proposed action has the potential to further our knowledge and understanding of the factors the involved with failure or success of seedling establishment in those highly disturbed areas of cheatgrass dominance.

The following constitutes the rationale for making this decision effective upon issuance with the condition that the Fort McDermitt Tribe has been given two week lead time regarding the spraying phase of the project: Due to the life cycle of cheatgrass, it is imperative that spraying occur prior to development of viable seed from the current year's growth. Therefore, spraying needs to happen as soon as possible after spring emergence.

AUTHORITY

The authority for this decision is contained in the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1737 *et seq.*) "The Secretary may conduct investigations, studies, and experiments, on his own or in cooperation with others involving the management, protection, development, acquisition, and conveying of the public lands."

APPEAL PROVISIONS

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 the board), in writing to Michael V. Truden, Field Manager, Humboldt River Field 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. 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 4.471(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.

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)).

/S/ Michael V. Truden
Michael V. Truden
Field Manager
Humboldt River Field Office

Date 04/24/2012