

**Bureau of Land Management  
Winnemucca District Office  
HRFO (W010)**

**Categorical Exclusion**

**CX#: DOI-BLM-NV-W010-2012- 0052-CX**

**Date: 8/7/2012**

Lease / Case File / Serial #: N/A

Regulatory Authority (CFR or Law): FLMPA Sec.307 [43 U.S.C. 1737] “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.”

BLM Manual: N/A

Subject Function Code: 7100

Is the project located within a Preliminary Priority Habitat?  Yes  No

Is the project located within a Preliminary General Priority Habitat?  Yes  No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)?  Yes  No

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1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Robert Burton

3. Project Title: Restoration Research Regarding Cheatgrass Stand Failure

4. Applicant: Owen Baughman, Graduate Research Assistant, University of Nevada, Reno

5. Project Description: (briefly describe who, what, when, where, why, how)

**Objective:** This research aims to determine if the phenomenon of cheatgrass stand replacement failure (die-off) represents an opportunity for native restoration of severely invaded areas in the Great Basin.

**Site location:**

Previous research and recent field observations have lead the UNR research team to identify one location in the Winnemucca area as a desired experimental location. The area, dubbed ‘Dun Glen’, is a degraded former sagebrush community, consisting exclusively of cheatgrass and tall tumble-mustard. The UNR research team has been observing cheatgrass stand failure and dynamic cheatgrass patterns at this area since 2008, and believe it is a very appropriate location to conduct our work. The area last experienced wildfire in 2001, as part of the Willow Tree Fire

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(J431). The UNR research team has identified two specific sites (1 and 2) within the Dun Glen area that would contain our research (Table 1).

**Table 1.** Field mapped location information for Dun Glen sites 1 and 2. Site 1 is 200m x 100m and encompasses roughly 5 acres, and site 2 is 70m x 50m and encompasses roughly 1 acre. All UTM coordinates are zone 11 NAD 83.

site	corner	UTM Northing	UTM Easting
Dun Glen 1	NW	4504587	419036
Dun Glen 1	NE	4504587	419236
Dun Glen 1	SE	4504487	419236
Dun Glen 1	SW	4504487	419036
Dun Glen 2	NW	4504535	419396
Dun Glen 2	NE	4504535	419445
Dun Glen 2	SE	4504465	419445
Dun Glen 2	SW	4504465	419396

BLM Acres: 6 acres

**Site preparation and Experimental Treatments:**

In order to protect our plots from trampling by wildlife and livestock, The UNR research team would construct a barbwire enclosure fence around each of the two sites described above. This fence would consist of 4 strands on t-posts using the following schedule: Ground to 1<sup>st</sup> strand (smooth) -16", then to 22" (barbed), then to 28" (barbed) and then to 40" (barbed) from the ground surface, respectively. An additional t-post would be placed with each site upon which weather monitoring equipment would be mounted.

After sites are fenced, we would be 'precision planting' seeds of native species as well as cheatgrass. Precision seeding would consist of attaching individual seeds to markers (toothpicks) and planting approximately 1cm deep in dozens of replicated blocks of 20 seeds each. These blocks would be established under several different treatments. Treatments would include hand-removal of matted cheatgrass litter and manual water addition using water pillows (zippered plastic bags). Treatments for each block would affect an area no greater than 3 square feet. No pesticides or herbicides would be applied.

The UNR research team would be planting locally collected and commercially produced seeds of several native species, as well as locally collected cheatgrass. These species would be bottlebrush Squirreltail, Sandberg bluegrass, winterfat, and rubber rabbitbrush. All species would be collected locally (within ten miles), and commercial varieties of bottlebrush Squirreltail and Sandberg bluegrass would be obtained from an agency approved seed vender. Commercial varieties will be accompanied with AOSCA certified seed lab tests for Nevada weed-free, Purity and Live Seed (TZ), at a minimum.

**Measurements:**

The UNR research team would monitor seedling emergence and survival over the course of three

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years post-planting. Over the course of the three years, all planted individuals would be removed for weighing. The UNR research team would also be collecting temperature and precipitation data using remote data loggers. The fence would remain in place for five years to accommodate any potential follow up studies.

**Timeline:**

Seed collection and site preparation/fencing	May-September 2012
Precision planting	September-November 2012
Seed/seedling monitoring	September 2012 – November 2015
Fence removal	September 2017

Will the project result in new surface disturbance?  Yes  No

Has the project area been previously disturbed?  Yes  No  N/A

If yes, what percent of the project area has been disturbed? 100% . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T.33 N., R. 36 E., sec. 32, NW 1/4 SE 1/4

USGS 24k Quad name: Dun Glen

100k map name: Winnemucca, NV

Land Status:  BLM  Private  Other\_\_\_\_\_.

T:\NV\GIS\_Work\WMDO\Project\Vegetation\cheat\_grass\_study\cheatgrass\_study.pdf

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**Part I: Plan Conformance Review**

The Proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Land Use Plan: Sonoma-Gerlach Management Framework Plan (MFP) Date Approved 1982

Section .45 Soil -Water-Air advises: "Consider rehabilitating areas which have had protective vegetative cover destroyed by wildfire.....Utilize seed 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."

Winnemucca Field Office Fire Management Plan, 2004.

Non-Fire Fuels Treatment Objectives and Strategies

1. "Break up monocultures through the use of chemical, biological, and/or mechanical means to stop the spread of the affected area especially in areas that border important habitats."
2. "Seed areas with perennial grass species to reduce the dominance of cheatgrass...Non-fire fuels treatments would be utilized to achieve resource goals and objectives based on site-specific habitat conditions"

**Part II: NEPA Review**

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)

Appendix III, pg. 145:

1.6 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

Appendix III, pg. 146:

1.11 Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

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516 DM 11.9, (BLM)

Appendix 4 BLM Categorical Exclusions,

J. Other: Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

**ESA and BLM Sensitive Status Species**

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Table 2. Special Status Species that may occur in the project area:**

ESA	BLM	Common ( <i>Scientific</i> ) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Table 3 Migratory Bird Treaty Act Consideration**

Potential MBTA Species w/in the Project Area Common ( <i>Scientific</i> ) Name	May Be Affected?	Recommended Mitigation
The following is a representative, but not inclusive list of migratory birds that may utilize the proposed project area.  Killdeer ( <i>Charadrius wilsonia</i> ) Common nighthawk	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	It is the responsibility of the Applicant to notify the BLM project lead and biologist of the proposed disturbance dates.  Vegetative structure is limited in the study area and minimal nesting is anticipated. However, the

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<p>(<i>Chordeiles minor</i>)</p> <p>Horned lark (<i>Eremophila alpestris</i>)          Rock wren (<i>Salpinctes obsoletus</i>)</p> <p>Western meadowlark (<i>Sturnella neglecta</i>)</p> <p>California quail (<i>Callipepla californica</i>)</p> <p>Red tailed hawk (<i>Buteo jamaicensis</i>)</p> <p>Mourning dove (<i>Zenaida macroura</i>)</p>		<p>substrate provides provides potential nesting sites for ground-nesting species.</p> <p>Land clearing or other surface disturbance associated with the proposed action should be conducted outside of the migratory avian breeding season, whenever feasible, to avoid potential destruction of active bird nests. Nests are considered active if they contain eggs or young or if evidence of reproductive behavior (i.e. mated pairs, courtship displays, territorial defense, carrying nesting materials, transporting food, etc.) is observed (MBTA 1918). When surface disturbance must be created during the migratory avian breeding season (March 1 – August 31), a survey performed by a BLM approved biologist would be conducted for active nests. This survey would be conducted no more than ten (10) days prior to and no less than one (3) days prior to proposed disturbance activities. If active nests are located, disturbance activities may be postponed, a protective buffer may be established, or other appropriate protective measures would be instituted to avoid disturbance to the nest or reproductive behaviors until the nests are no longer active. The start and end dates of the seasonal restriction may be based upon site-specific information such as species, elevation, and weather patterns which affect breeding chronology. The Applicant must notify the BLM biologist a <i>minimum</i> of fifteen (15) work days prior to the proposed disturbance date to allow time for survey coordination.</p> <p>If preparation of the study site is performed in stages, (i.e. weeding smaller areas, segmented fence installation, etc., resulting in more than a 10 day period of time elapsing from the initial survey date, subsequent surveys may be required. Consultation with the BLM will be necessary to determine the need for further surveys.</p>
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**Applicant:Owen Baughman**

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	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

*Mitigation Measures/Remarks:*

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

### **Part III: DECISION:**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official \_\_\_\_\_ Ken Loda\_/s/\_\_\_\_\_ Date: 09/26/2012\_

#### **Administrative Review or 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 the board), in writing to name and title of authorized official signing this CX , 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.

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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)).