



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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In Reply Refer To:

9210 (NV064)

DOI-BLM-NV-B010-2013-0032-EA

## DECISION

### Wildland-Urban Interface (WUI) Fire Defense System Battle Mountain, Nevada

#### INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-NV-B010-2013-0032-EA, which analyzes the affected environment, environmental impacts, and identifies environmental protection measures associated with the Battle Mountain WUI Fire Defense System Project. The Project is located in Lander County adjacent to the town of Battle Mountain, Nevada. The Project area consists of approximately 2,839 acres of BLM administered lands.

#### BACKGROUND

In September 2003, the BLM assessed current conditions in the project area with findings and recommendations cited in the *Battle Mountain Site Assessment*, which is the Battle Mountain District's (BMD) risk assessment for the community of Battle Mountain. The purpose of the action is to reduce the intensity and severity of future wildland fires in the WUI by reducing hazardous fuels on the ground and by creating a defensible buffer to provide for a safer suppression environment. The project area consists of 2,839 acres of BLM administered land and all of those acres will be targeted for treatment.

#### PUBLIC INVOLVEMENT

Native American tribal consultation invitation/initiation letters were sent in June 2012 to the following: Te-Moak Tribe of Western Shoshone, Battle Mountain Band, Duckwater Shoshone Tribe, Elko Band, South Fork Band, and Yomba Tribe. No site visits were requested by the tribes.

A public meeting was held in Battle Mountain on March 6, 2013 to inform the public of the

intent of the proposed project.

The EA was made available for a 30-day public comment period ending on August 27, 2013. Notifications of the availability of the EA were sent to persons and agencies on the project mailing list and the EA was posted on the Battle Mountain District website. Public comments were received from the Badger Ranch south of Battle Mountain. Comments have been included as Appendix C in the EA.

All correspondence relative to this planning process is part of the public record and available for review at the Mount Lewis Field Office.

## **DECISION**

As a result of the analysis presented in the EA, making a Finding of No Significant Impact, and after carefully considering the comments and input received from the public, it is my decision to approve the Proposed Action (Battle Mountain Wildland-Urban Interface Fire Defense System). The management decision is issued under Title 43 Code of Federal Regulations Subpart 4190.1 (CFR 4190.1) and is effective immediately upon signing of this decision.

## **RATIONALE**

The proposed action in combination with the analysis in the EA, and the enclosed FONSI, show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the Battle Mountain WUI Fire Defense System.

## **RATIONALE FOR FULL FORCE AND EFFECT DECISION**

Implementation of the proposed action will reduce this risk to the community of Battle Mountain and its infrastructure and reduce the risk of fire ignited on private land and spreading to the wildland and improving fire management within and adjacent to this community.

I have determined that:

- Vegetation, soils and other significant natural and human resources;
- The private and public properties of the Community of Battle Mountain and surrounding Federal Lands;
- Public safety; and
- The current potential working environment for all wildland fire fighters

are all at substantial risk from the threat of wildland fire/wildfire.

I am making this rangeland wildfire management decision effective on the date this document is signed per the Code of Federal Regulations, Part 4100-Grazing Administration-Exclusive of Alaska, Subpart 4190.1.

This decision is in conformance with the Shoshone-Eureka Resource Management Plan, Record of Decision and amendments.

In 2003, Congress passed the Healthy Forests Restoration Act (HFRA) (Public Law [P.L.] 108-148). For all EAs completed under the HFRA, the Bureau of Land Management (BLM) must use the *Guidance for Environmental Assessments for Forest Health Projects*, provided in a December 9, 2002 memorandum from the CEQ. This EA has been prepared in accordance with CEQ's guidance for preparing National Environmental Policy Act (NEPA) documents authorized under the HFRA of 2003 (USFS 2012).

## **AUTHORITY**

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); General and Title V of the Federal Land Management and Policy Act of 1976 (FLPMA); 43 CFR Part 4190.1 Effect of Wildfire Management Decisions.

## **APPEAL OF THE DECISION**

In accordance with Title 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). In accordance with Title 43 CFR 4.411, a person who wishes to appeal the decision must file a notice that he wishes to appeal in the office of the authorized officer who made the decision. In accordance with Title 43 CFR 4.413, within 15 days of filing the notice of 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 on the Office of the Solicitor in the manner prescribed in Title 43 CFR 4.401(c). Your Notice of Appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820, within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Request for a Stay**

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that

a stay should be granted.

Standards for Obtaining a Stay

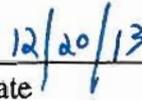
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.



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Christopher J. Cook  
Field Manager  
Mount Lewis Field Office



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Date

Enclosure

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT**

Based on the interdisciplinary analysis conducted in the Environmental Assessment (EA) for the Wildland-Urban Interface (WUI) Fire Defense System, Bureau of Land Management (BLM), Battle Mountain District (BMD), DOI-BLM-NV-B010-2013-0032-EA, dated May 2013 and my consideration of the Council on Environmental Quality’s (CEQ) criteria for “significance” (40 Code of Federal Regulations [CFR] 1508.27), both with regard to the context and the intensity, I have determined that the impacts associated with implementation of the Proposed Action will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102(2)(c) of the National Environmental Policy Act (NEPA).

**Context**

This EA has been prepared to analyze the proposed project to reduce hazardous fuels in the WUI on approximately 2,839 acres of public lands (administered by the BLM) in and around the community of Battle Mountain. The Proposed Action would include mechanical treatment methods (i.e. mowing/green-stripping), biological treatment methods (i.e. prescribed grazing), chemical treatment methods (i.e. herbicides), and reclamation efforts (i.e. seeding and monitoring). The proposed project would take place on four treatment units near the community of Battle Mountain (Table 1).

**Table 1  
Proposed Treatment Methods for the Treatment Units**

| <b>Treatment Unit</b>     | <b>Acres</b> | <b>Treatment Method</b>          | <b>Maximum Acres Treated</b> |
|---------------------------|--------------|----------------------------------|------------------------------|
| Battle Mountain West Unit | 193          | mechanical, chemical             | 193                          |
| Copper Basin Unit         | 309          | mechanical, chemical             | 309                          |
| Blossom Spring Unit       | 498          | mechanical, chemical, biological | 498                          |
| Airport Unit              | 1,839        | mechanical, chemical, biological | 1,839                        |
| <b>Total</b>              | <b>2,839</b> |                                  | <b>2,839</b>                 |

The Draft Environmental Assessment (EA) for the WUI Fire Defense System was made available to the interested public for a 30-day review and comment period. All comments were reviewed and considered in completion of the Final EA.

## **Intensity**

### *1. Impacts that may be both beneficial and adverse.*

The EA considered both beneficial and adverse impacts of the reduction of hazardous fuels from the proposed treatment units within the Battle Mountain WUI.

Design features are in place (and documented in the EA) to minimize or reduce any environmental impacts that would occur from implementation of the Proposed Action.

Under the Proposed Action, the following would be accomplished:

- Reduced shrub density from current unhealthy and hazardous levels, which would reduce fire behavior in the WUI;
- Reduced overall fuel loading (burnable aboveground biomass) in the WUI;
- Reduced average height and decreased horizontal continuity of shrubs, forbs, and grasses to reduce anticipated fire behavior in the WUI; and
- Restored vegetation in areas where noxious weeds and non-native invasive species (especially cheatgrass [*Bromus tectorum*]) have taken over.

### *2. The degree to which the Proposed Action affects public health and safety.*

The Design Features outlined in the EA would be followed to conduct the proposed hazardous fuel reduction projects. These features are designed to protect human health and safety. Therefore, the Proposed Action would have minimal effects on public health or safety.

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

There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the proposed treatment units.

Significant impacts to cultural resources are not anticipated because the BLM would conduct a cultural resources inventory in compliance with Section 106 of the NHPA, as amended, at each

treatment unit prior to ground-disturbing activities associated with the Proposed Action. The BLM would avoid all cultural resources identified in the project area, utilizing the standard avoidance procedures outlined in the State Protocol Agreement between the Bureau of Land Management, Nevada and Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act.

Long-term impacts to floodplains are not anticipated because the BLM would avoid occupancy and modification of the 100-year floodplain surrounding the Humboldt River during project activities. In addition, the BLM would buffer the river by 100 feet during chemical applications.

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

The effects that would occur from implementation of the proposed hazardous fuel reduction are well known and understood. This is demonstrated through the “Effects Analysis” section in the EA. No unresolved issues concerning the impacts to resources or the human environment were raised following the public outreach process.

*5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the “Effects Analysis” section in the EA.

*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.*

Future projects occurring within the proposed treatment units would be evaluated with the appropriate level of NEPA documentation. The Proposed Action does not set a precedent for future actions.

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

The Proposed Action is not related to other actions within the project area that would result in cumulatively significant impacts. Proper environmental analysis would be completed for all future actions. Cumulative impacts were analyzed 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 historic resources.*

The Proposed Action would not affect significant scientific, cultural, or historic resources. The BLM would conduct a cultural resources inventory in compliance with Section 106 of the NHPA, as amended, at each treatment unit prior to ground-disturbing activities associated with the Proposed Action. The BLM would avoid all cultural resources identified in the project area, utilizing the standard avoidance procedures outlined in the State Protocol Agreement between the Bureau of Land Management, Nevada and Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act.

**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.**

There are no known threatened or endangered species present in the project area.

9. *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The Proposed Action would not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable regulations under 43 CFR. The Proposed Action would not violate the Migratory Bird Treaty Act or the Endangered Species Act.



Christopher J. Cook  
Mount Lewis Field Manager  
Battle Mountain District

12/20/13  
Date