

Paiute Canyon Grazing Allotment Fuels & Weed Treatments, Webber's ivesia Fencing

Decision Record

DOI-BLM-NV-C020-2013-0033-EA

January 2015



Introduction

The Bureau of Land Management (BLM), Sierra Front Field Office has prepared the *Paiute Canyon Grazing Allotment Final Environmental Assessment (EA)* (DOI-BLM-NV-C020-2013-0033-EA). The Proposed Action includes three actions that are addressed in this Decision: fuels treatments; weed treatments; and exclosure fencing. A *separate decision-making process* is underway for the livestock grazing component of the Final EA. The BLM has also signed a Finding of No Significant Impact (FONSI), which is hereby incorporated by reference.

Fuels Treatments. The BLM proposes to remove juniper trees on approximately 2,173 acres in order to improve greater sage-grouse (*Centrocercus urophasianus*) habitat characteristics and modify fire behavior by reducing fire intensity and spotting potential (Figure 8 of the Final EA). Since the 1860's, many bunchgrass and sagebrush-bunchgrass communities, which dominated the Intermountain West, have shifted to pinyon and juniper woodland (*Pinus monophylla-Juniperus osteosperma*) or introduced annual-dominated communities (West 1984, Miller et al. 1994). Studies conclude that barring some major environmental change or management action, loss of understory species would occur and decreased fire frequency would continue until trees dominate most of the sites favorable to their expansion. This tree dominance then jeopardizes the historic woodland sites because under the right conditions, a crown fire could result in a stand replacement wildfire with catastrophic consequences because of the continuous tree canopy. Studies further show that in pinyon-juniper communities that are overstocked, the ability of the understory to respond after a fire is dramatically reduced and potentially opens the site to the invasion by exotics. Any treatments or rehabilitation of these areas could be difficult and costly.

Weed Treatments. The BLM proposes to treat noxious weeds with herbicides. The BLM has identified 26 units in the Allotment, consisting of approximately 844 acres, that would be treated with BLM-approved herbicides. There are a number of vectors that can spread noxious weeds. Grazing animals, wind, vehicles and equipment, and people can spread vegetative material and/or seed from one site to another. The BLM has an on-going program to monitor and treat non-native plant species and noxious weeds. The BLM has mapped populations of weeds in the Allotment (Figures 5-7 of the Final EA), which are listed below:

Noxious Weeds and Scientific Name.

Common Name	Scientific Name
Hoary Cress	<i>Cardaria draba</i>
Canada thistle	<i>Cirsium arvense</i>
Musk Thistle	<i>Carduus nutans</i>
Perennial Pepperweed	<i>Lepidium latifolium</i>
Scotch Thistle	<i>Onopordum acanthium</i>
Yellow Star-Thistle	<i>Centaurea solstitialis</i>

For some noxious weed species such as perennial pepperweed, mechanical treatment by hand cutting is ineffective, due to the extensive root and rhizome networks produced by these plants and their capability to grow new shoots in response to cut stems. By chemically treating these noxious weeds, the BLM would curb their spread in the Allotment and to other areas outside the Allotment.

Exclosure Fencing. To address critical habitat for Webber's ivesia (*Ivesia webberi*), the BLM proposes to construct approximately 10,840 feet of fencing and enclose a 90 acre area of public land to protect the occupied/critical habitat (Figure 9 of the Final EA). The BLM has documented that over the past two decades, user-created routes caused by off-highway vehicles (OHV) have proliferated in the area and have fragmented the occupied habitat. To prevent further deterioration of the habitat, the BLM proposes to enclose the occupied habitat by fencing, which would result in the closure of approximately 1.3 miles of routes.

Public Involvement

On August 14, 2013 the BLM mailed a scoping letter to individuals and organizations on the project "interested party" list. The scoping period closed on August 30, 2013. The BLM received no public comments during the scoping period.

On December 13, 2013, this project was considered during an interdisciplinary team meeting. Issues discussed included:

- What is the status of deep-rooted perennial bunchgrass recruitment in the Allotment?
- What is the impact of grazing on riparian areas?
- What is the impact of frequent large fires on the Allotment?
- What is the impact of juniper encroachment into the sagebrush steppe vegetation?
- What is the impact of OHV use on the proposed critical habitat for Webber's ivesia within the Allotment?

On July 2, 2014, the BLM sent information and maps on this project to the Reno-Sparks Indian Colony (RSIC) and the Pyramid Lake Paiute Tribe (PLPT). The BLM made a presentations on the project to the RSIC and PLPT council meetings on July 16 and July 18, 2014, respectively. Phone calls to follow-up on the letters were made to RSIC on July 24, 2014 and to PLPT on July 29, 2014. The Allotment surrounds the RSIC Hungry Valley community and the Tribe has an interest in how these lands are managed. No religious concerns have been identified.

On August 13, 2014 the BLM made the draft EA available for public review and comment. Letters were sent to "interested parties" on the project mailing list and notification was made to the Nevada State Clearinghouse. The draft EA, maps, Allotment Evaluation, and Standards and Guidelines Determination document were available on-line. The public comment period ended on September 11, 2014. The BLM received three comment letters, which are summarized in Appendix D of the Final EA. *The BLM did not receive any substantive comments on the proposed fuels and weed treatments.* Based on comments received from the U.S. Fish and Wildlife Service, the BLM revised the perimeter of the exclosure fencing to protect the Webber's ivesia (*Ivesia webberi*). *No other substantive comments were received on the proposed exclosure fencing.*

Land Use Conformance

The fuels and herbicide treatment described in the Proposed Action are in conformance with the Carson City Consolidated Resource Management Plan (2001) as described below:

- FIR-2: “Restore fire as an integral part of the ecosystem; improve the diversity of vegetation and to reduce fire hazard fuels.”
- LSG-8: “Application of herbicides...would be in accordance with procedures established in Bureau Manual 9222...to ensure non-impairment of other than target species.”

Authority

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976.

Rationale

Fuels Treatments.

Juniper trees would be removed on approximately 2,173 acres in order to improve greater sage-grouse habitat characteristics and modify fire behavior by reducing fire intensity and spotting potential. The treatment units are located in the Tule and Fall pastures. (Figure 8 of the Final EA). Juniper trees would be lopped and scattered on site with hand and small mechanized tools (chainsaws). Hand treatments would be utilized to promote healthy, productive, and diverse habitats in the sagebrush and riparian communities.

Depending on BLM funding, staff availability and workload priorities, the fuels treatment may be completed in one effort that would take approximately one to three months to complete, or in phases that may take multiple years to complete. Crew size would range from two to 20 people. Motorized vehicles would remain on existing roads.

Treatment Design

This project would manage the treatment area in Phase 1 woodland development (Tausch et al. 2009). Trees are present but shrubs and grasses are the dominant vegetation that influences ecological processes on the site. Stump height would be less than six inches and slash height would not exceed two feet in depth. Treatment area edges would be irregular in shape.

Post Treatment Management

The treatment area would require periodic maintenance to remain effective for fire behavior modification and enhanced greater sage-grouse habitat characteristics. Monitoring would be conducted periodically to assess changes in fuel loads and habitat characteristics in the treatment area. When fuel loads increase to unacceptable levels or habitat characteristics are degraded to an unacceptable level, maintenance actions would be initiated.

Adaptive Management/Monitoring

The principle of adaptive management would be used as treatments are applied and monitored for effectiveness in meeting project objectives. Monitoring would be conducted throughout the treatment area both during and after implementation. Monitoring would consist of surveys to:

- Ensure that the initial fuel treatment objectives are met;
- Evaluate fuel load recovery;
- Evaluate the need to remove conifers that were passed over the first time;
- Evaluate habitat characteristics; and

- Identify invasive species for subsequent treatment.

Weed Treatments.

To address the presence of noxious weeds within the Allotment and within one-mile of the Allotment boundary, the BLM has identified 26 units, consisting of approximately 844 acres, that would be treated with BLM-approved herbicides (Figures 5-7 of the Final EA).

Unit Number, Unit Acres, Noxious Weeds Present.

Unit Number	Unit Acres*	Species Present**
1	157.02	Scotch Thistle
2	.07	Perennial Pepperweed
3	.02	Scotch Thistle
4	.02	Musk Thistle
5	141.65	Scotch Thistle, Hoary Cress, Yellow Star-Thistle, Perennial Pepperweed
6	.81	Scotch Thistle, Hoary Cress
7	6.56	Perennial Pepperweed
8	.12	Perennial Pepperweed
9	.39	Scotch Thistle
10	.01	Hoary Cress
11	.56	Scotch Thistle
12	.02	Perennial Pepperweed
13	.02	Yellow Star-Thistle
14	.02	Perennial Pepperweed
15	.20	Perennial Pepperweed
16	.67	Perennial Pepperweed, Hoary Cress
17	36.04	Scotch Thistle
18	.12	Hoary Cress
19	.64	Scotch Thistle
20	67.14	Yellow Star-Thistle
21	.02	Scotch Thistle, Hoary Cress, Yellow Star-Thistle, Perennial Pepperweed, Canada Thistle
22	410.36	Hoary Cress

Carson Wandering Skipper Area of Critical Environmental Concern		
23-26	22.3	Perennial Pepperweed, Hoary Cress, Musk Thistle, Scotch Thistle

* Unit acres based on public and private lands. No BLM work would occur on private lands.

** Based on surveys conducted between 2008 and 2011.

The application of herbicides would be in compliance with Informational Bulletin No. 2014-069 and the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) and Record of Decision* (BLM 2007), which is hereby incorporated by reference. Several treatment units occur partially on private lands. The BLM would coordinate with the private land owner to treat the weeds present. No BLM actions would occur on private lands.

The Proposed Action would also include the option, in coordination with the AMP assessment process, to include protein supplements during dormant season grazing to encourage cattle to eat dried cheatgrass (*Bromus tectorum*), reducing both the non-native plant species and the fine fuel load.

Chemical Treatment Description.

Herbicides would be used to control and/or eliminate areas of noxious weeds. Chemical methods include the use of backpack sprayers, all-terrain vehicles mounted with a power sprayer (when allowed), or a truck mounted with a power sprayer. The chemicals would be either liquid or granular form.

Approved herbicides include those in the PEIS and subsequent updates to lists of BLM-approved herbicides. As new active ingredients become available and allowed for BLM use, they would be considered for use. All personnel applying restricted use herbicides would be a Certified Pesticide Applicator or under the direct supervision of one. The table below lists the known noxious weeds in the Allotment and the active ingredient that would be used to eliminate or control the species. The application rate, procedures and restrictions would be within label rates and according to direction in the PEIS.

Noxious Weeds and Active Ingredient.

Common Name	Active Ingredient
Hoary Cress	2, 4-D
Canada thistle	2, 4-D
Musk Thistle	2, 4-D
Perennial Pepperweed	Glyphosate, 2, 4-D
Scotch Thistle	2, 4-D
Yellow Star-Thistle	2, 4-D

Standard Operating Procedures.

The following Standard Operating Procedures (SOPs) would be followed during treatments, in addition to others described in Appendix B of the PEIS:

- Conduct a site survey prior to treatment in a proposed area documenting areas of concern including waterways, wilderness study areas, private property, cultural sites or the presence of sensitive species/habitat;
- Determine the efficacy of a product on a target weed species through manufacturer, government, scientific and user testimony;
- Ensure the product is labeled for the targeted weed and/or project site; consider the rate of application and weigh product labeling instructions and restrictions against site-specific variables;
- Use chemicals authorized by BLM pesticide use proposals;
- Contact private land owners, through written notice or by phone, with property in the vicinity of the proposed treatment unit;
- The BLM or contracted applicators would conduct pesticide handling training and risk management analysis for applicators prior to project implementation;
- Verify treatments are conducted or supervised by BLM Certified Pesticide Applicators;
- Maintain and frequently update all appropriate product labels and Material Safety Data Sheets;
- Use GPS/GIS technology to map and estimate size of infestation and treatment unit;
- Conduct, evaluate and post-treatment monitor project through reporting; and
- Complete a “lessons learned” evaluation following each treatment session.

Monitoring.

Treatment units would be monitored to determine whether the treatment was successful given the species present. Monitoring activities may include site re-visits, the collection of additional GIS data, review of any pre and post treatment photo points, and use of permanent transects. Re-application of herbicides may be necessary. Intensively treated units may require restoration of native plants through broadcast seeding. Monitoring would also be used to determine the locations of new noxious weed infestations. In addition to the units described above and depicted in Figures 5-7, newly discovered areas of noxious weeds would be treated following the same procedures described in Section 2.2.7 of the Final EA.

Other Treatment Methods.

To effectively treat and remove noxious weeds, treatment methods in addition to the application of herbicides may be necessary. Mechanical treatments would be implemented following the same procedures described in Section 2.2.7 of the Final EA. Mechanical treatments may include use of hand-held power cutters to cut the noxious weeds, uprooting plants by hand, and removal of root and rhizome network by hand.

Webber's Ivesia Exclosure Fencing and Route Closure.

To address Webber's ivesia critical habitat, the BLM proposes to install exclosure fencing around approximately 90 acres of public lands located in the Shovel Springs Pasture (Figure 9 of the Final EA). The fencing would be approximately 10,840 feet in length and would meet BLM standards, including measures to minimize impacts to wildlife. Installation of the exclosure fencing would result in temporary disturbance to less than one acre of public land.

The BLM would issue a temporary restriction order to close 1.3 miles of routes within the proposed exclosure area. This Final EA provides the analysis necessary for this order, which would be published in the *Federal Register*, per BLM Instructional Memorandum (IM) No. 2010-008, Change 1. The authority for this order is found at 43 CFR 8364.1. This restriction orders would apply to the following section of the Reno, Nevada USGS 7.5 minute quad: T 21E, R20E, Section 20. This order would remain in effect until a permanent closure is made in the Travel Management Plan or Resource Management Plan. Only after that permanent closure is approved would the BLM proceed to reclaim/rehabilitate the routes within the exclosure area.

Mitigation Measures

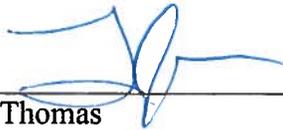
The following resource commitments will be implemented by the BLM to minimize or avoid potential adverse effects during implementation of the fuels treatments, weed treatments and construction of exclosure fencing:

- There are no known active leks in the Allotment (the nearest active lek is three miles north of the Allotment boundary). If an active lek is located within 3.2 miles of a fuels treatment unit, no fuels treatments will occur during the breeding season (March 1 to May 15) in that unit;
- No fuels treatments will occur within known nesting and early brood-rearing habitat (generally within 3.2 miles of an active lek) between March 15 and June 30;
- Fuels treatment units would be surveyed to determine whether noxious weeds are present, and application of herbicides may occur at a later date;

- Based on soils with a high likelihood of their occurrence, prior to the implementation of fuels treatments, weed treatments and the Webber's ivesia exclosure fencing, the BLM will complete surveys to determine whether BLM sensitive plant species are present, and if so include measures to minimize or avoid impacts to occupied habitat during implementation;
- The BLM will coordinate with the permittee to minimize impacts to livestock operations when conducting the fuels and weed treatments;
- Herbicide treatments of noxious weeds in and adjacent to the Carson Wandering Skipper (CWS) Area of Critical Environmental Concern will be deferred between May 1 and July 31, encompassing the CWS flight season; and
- Installation of fencing around Webber's ivesia occupied habitat will be deferred between May 1 and June 30, considered the flowering season for the plant.

Decision

It is my Decision to implement the fuels and weed treatments, and to install fencing to enclose occupied/critical habitat for the Webber's ivesia included in the *Paiute Canyon Grazing Allotment Final Environmental Assessment* (EA) (DOI-BLM-NV-C020-2013-0033-EA). This Decision authorizes the removal of juniper trees on approximately 2,173 acres within the Allotment, the application of herbicides to control and/or remove noxious weeds in 26 units consisting of 844 acres, and the enclosure of approximately 90 acres of public lands to protect Webber's ivesia.



Leon Thomas
Field Manager
Sierra Front Field Office

1-9-15

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:

Leon Thomas
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.