



United States Department of the Interior



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In Reply Refer To:
4160 (NVB0100)

DEC 23 2013

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

TOIYABE WEST WILDLIFE HABITAT ENHANCEMENT PROJECT

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PROPOSED DECISION

Dear Interested Public:

The Bureau of Land Management (BLM) Mount Lewis Field Office (MLFO) is proposing to thin (reduce the density of) or substantially remove encroaching pinyon and juniper trees (expansion woodlands) from as much as 6,000 acres of important wildlife habitat on the western slope of the Toiyabe Mountain Range (see enclosed map). The proposed project area is located in central Nevada, approximately 20 miles north of the town of Austin, and lies within the Austin grazing allotment.

The primary purpose of this project is to enhance habitat for wildlife, particularly for greater sage-grouse, whose numbers have declined in Nevada. Livestock and wild horses would also benefit from the project.

BACKGROUND

Pinyon and juniper woodlands are expanding throughout the Great Basin region at the expense of shrubs, grasses, and forbs. Increases in both density and distribution of pinyon and juniper trees are especially evident in the proposed project area, resulting in a decreased quantity and quality of wildlife habitat. Removal of pinyon and juniper trees from selected portions of the proposed project area would reverse or retard the degradation of remaining high-value wildlife habitats.

Crews, on foot using chainsaws, would accomplish the thinning of pinyon and juniper trees in the project area. Felled trees would, in most cases, remain in place without further treatment (such as lop and scatter) in order to minimize costs. However, harvest of downed trees by the public would be encouraged in order to reduce fuel loading. Operations could begin as early as

summer 2014, and would continue on a seasonal basis for multiple years as priorities and funding allow. Riparian areas (springs, seeps and especially wet meadows) would receive treatment priority. The project would proceed with NEPA compliance under Environmental Assessment (EA) # DOI-BLM-NV-B010-2013-0020-EA.

On January 30, 2013 a consultation, coordination and cooperation (CCC) letter was mailed to the interested publics for a 15-day comment period. A single comment letter was received. This letter expressed general support for BLM efforts to manage greater sage-grouse habitats, but also expressed concern that sound forestry management practices be employed in the selection of treatment sites and in implementation of the proposed project. These comments and concerns were carefully considered throughout the development of the EA, which was made available for a 30-day public comment period on November 1, 2013. No other comments were received relative to either the CCC letter or the EA.

PROPOSED DECISION

It is my decision to authorize thinning or substantial removal of pinyon and juniper trees from selected habitats, up to 6,000 acres, within the boundaries of Toiyabe West Wildlife Habitat Enhancement Project, as prescribed in the EA, in accordance with 43 CFR 4120.3-1 (f).

RATIONALE

There is general agreement that pinyon and juniper trees have increased both in range and density within the Great Basin region. Research suggests that the area covered by pinyon and juniper woodlands in the Great Basin has increased dramatically since the late 1800's (see DOI-BLM-NV-B010-2013-0020-EA DOI, Toiyabe West Wildlife Habitat Enhancement Project, page 4). As these trees begin to dominate sites, shrub-grass-forb understories are diminished and eventually lost through competitive exclusion. In the proposed project area, the expansion and increasing densities of pinyon and juniper trees are having a detrimental effect on both the amount and the quality of wildlife habitat. Pinyon and juniper trees have increased at the expense of shrubs, grasses and forbs in the project area.

The BLM's Shoshone-Eureka Resource Management Plan (1986) articulates the following wildlife habitat management objectives:

1. To maintain and improve wildlife habitat and to reduce habitat conflicts while providing for other appropriate resource uses.
2. To provide habitat sufficient to allow big game populations to achieve reasonable numbers in the long-term.
3. To improve and maintain habitat for state listed sensitive species and federally listed threatened or endangered species

In order to meet these objectives, the BLM's MLFO must implement reasonable measures to stem the degradation and eventual loss of high-value wildlife habitat in the Toiyabe West project area that is occurring due to the encroachment of pinyon and juniper expansion woodlands. While other methods of pinyon and juniper reduction were considered, including prescribed fire,

mechanical thinning, and herbicidal treatments, for reasons discussed on pages 10 and 11 of the EA, chain sawing was deemed most appropriate to the purposes of the proposed project.

AUTHORITY

The authority for this proposed decision is contained in the following Title 43 of the Code of Federal Regulations (CFR):

Specific Authority:

43 CFR 4120.3-1 (f) - Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

43 CFR 4160.1 (a) – Proposed decisions – Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

PROTEST AND APPEAL PROVISIONS

Protest:

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 43 CFR 4160.1 of this title, in person or in writing to the authorized officer (Christopher J. Cook, Field Manager, Mount Lewis Field Office, 50 Bastian Road, Battle Mountain, NV 89820) within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

Appeal:

In accordance with 43 CFR 4.470, 4160.3 (d), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.461 and 4160.3 (d), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer (Christopher J. Cook, Field Manager, Mount Lewis Field Office, 50 Bastian Road, Battle Mountain, NV 89820), within 15 days of filing the 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 listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890. 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 the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor, and any other person named in the decision (43 CFR 4.472 (b)).

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)).

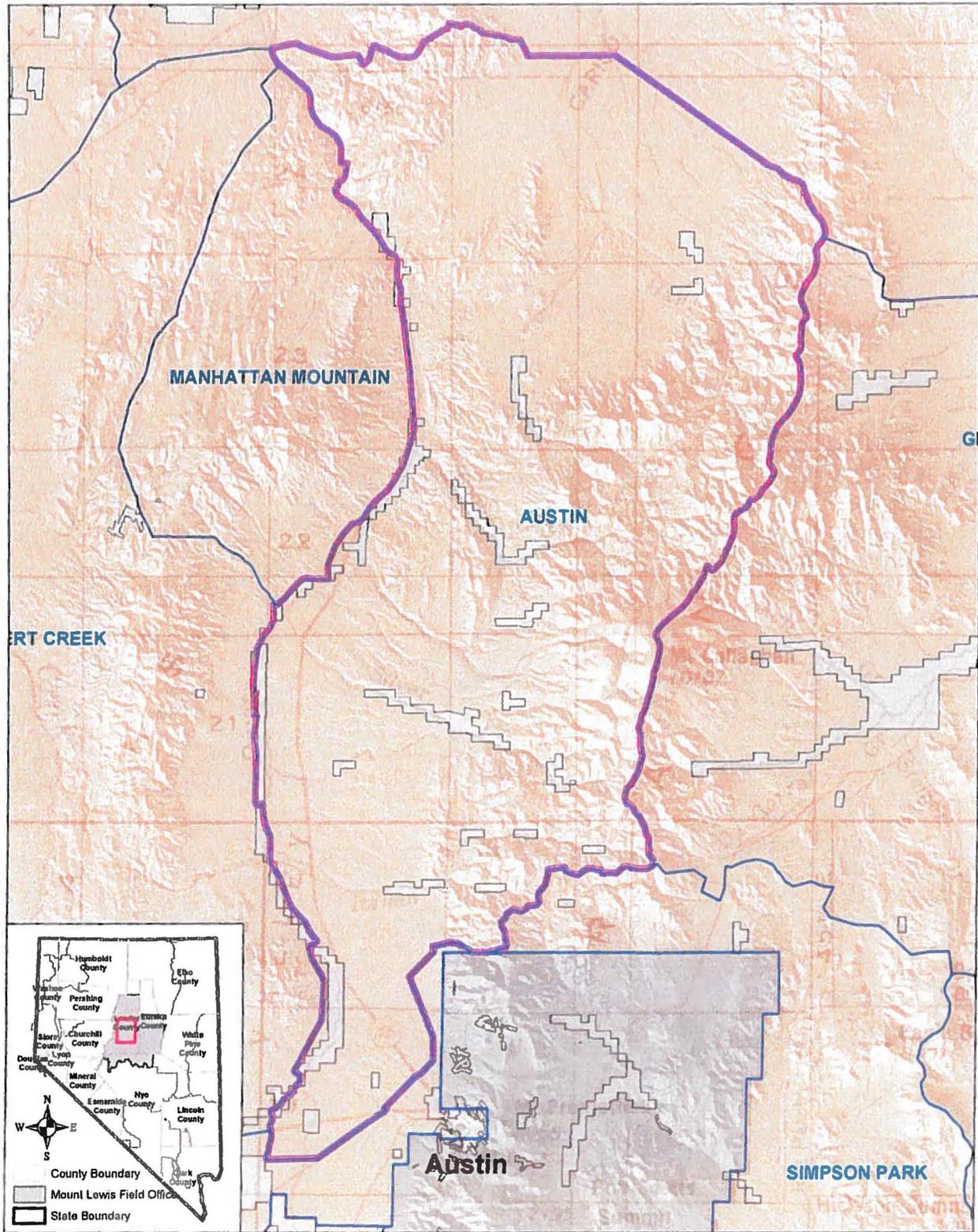
Sincerely,



Christopher J. Cook
Field Manager
Mount Lewis Field Office

Enclosure:

Toiyabe West Wildlife Habitat Enhancement Project



12/13/2012 BMDO Staff

Legend

-  Allotment Boundary
-  Project Boundary
-  Bureau of Land Management
-  Forest Service
-  Private



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