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Bureau of Land Management

Final Environmental Assessment
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Bailey Spring Development

Wilson Creek Allotment
Dry Lake Valley Watershed
Lincoln County, Nevada

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1.0 Introduction

This Environmental Assessment (EA) has been prepared to analyze the environmental effects of the proposed Bailey Springs Development, enclosure fencing, associated pipeline and trough(s). The EA is a site-specific analysis of potential effects that could result from the implementation of the proposed action or alternatives. The EA assists the Bureau of Land Management (BLM) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any significant impacts could result from the analyzed actions. “Significance” is defined by NEPA and is found in Chapter 40 of the Code of Federal Regulations (CFR) §§1508.27. This EA provides evidence for determining whether impacts may be significant. If it is found that the impacts are not significant a “Finding of No Significant Impact” (FONSI) will be prepared. If impacts are found to be potentially significant an Environmental Impact Statement must be prepared for the project to continue.

1.1 Background Information

The proposed project area is located on public land within the Fairview Use Area of the Wilson Creek Allotment (01201) in Lincoln County, Nevada, approximately 15 air miles northwest of Pioche, Nevada. The legal description of the project is as follows: southwest quarter of Section 30 T04N R65E (see Map 1).

William McGill, Vice President and General Manager, of the Adams-McGill Company filed a Proof of Appropriation of Water for Irrigation from Bailey Spring with the State Engineer of Nevada on 02/18/1914. Mr. McGill stated that the Adams-McGill Company purchased the right to use the water from a Mr. Angelo Biasio “who has had possession of same for many years from about the year 1880 or as nearly as can be acclaimed...” The water was placed into pipes and ditches to irrigated about four tenths of an acre for crops and pasture of unsurveyed land. Water was also to be used for stock watering and domestic beneficial uses or as stated in the document “garden + pasture and watering stock”.

A map filed with the State Engineer showed three buildings at the Bailey Spring source: a cellar, house, and shop. A two-inch pipeline ran northwest to a trough. From the trough a ditch ran southwesterly to a garden area where three laterals provided water.

One of the spring sources flows from within a historical structure. The project would drain the water from inside the historical structure and prevent further deterioration of the site (see Figures 1 and 2).

Another spring source flows from where the horses have pawed at the side of a hill to the north of the historical structures. The water from both sources flows together and in the spring, water flows across the road.

1.2 Purpose and Need

BLM's purpose for the riparian enclosure fence, water pipeline and trough is to improve and restore the health and functionality of Bailey Spring while still allowing access to a dependable water source for livestock, wild horses and wildlife and to further enhance the achievement of the Mojave Southern Great Basin Resource Advisory Council standard for riparian and wetland sites.

The need for the proposed action is defined by the lack of desirable conditions at the Bailey Spring riparian area due to excessive use of the spring source by wild horses and wildlife, lack of appropriate watering facilities and continued impacts to historic structures.

1.3 Relationship to Planning

This EA is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP, 2008), which states the following for desired range of conditions:

"...In addition to achieving riparian proper functioning condition, composition, structure, and cover of riparian vegetation will occur within capabilities of the site. Ground cover and species composition will be appropriate to the site (page 32)."

- VEG-23 states, "Promote vegetation structure and diversity that is appropriate and effective in controlling erosion, stabilizing stream banks, healing channel incisions, shading water, filtering sediment, and dissipating energy, in order to provide for stable water flow and bank stability (page 33)."
- VEG-24 states, "Focus management actions on uses and activities that allow for the protection, maintenance, and restoration of riparian habitat (page 33)."
- WL-18 states, "Restore natural water sources (i.e., springs and seeps to increase water availability through restoration of riparian habitats and proper livestock and wild horse management (p.36)."

1.4 Relationship to Statutes, Regulations, or Other Plans

The project is in compliance with the following laws, regulations, Executive Orders, and county public land plans:

- The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994)
- The Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996)
- Mojave Southern great Basin Resource Advisory Council (RAC) Standards and Guidelines.

- State Protocol Agreement between the Bureau of Land Management (BLM), Nevada and the Nevada State Historic Preservation Office (October 26, 2009)
- National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470 as amended through 2000)
- Safe Drinking Water Act, as amended (42 USC 300f *et seq.*)
- Clean Water Act of 1977
- Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989)
- The Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544, December 28, 1973, as amended 1976-1982, 1984, and 1988)
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds (2001)
- Lincoln County Sage Grouse Conservation Plan (2004)
- Lincoln County Elk Management Plan (1999)

1.5 Tiering

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS) released in November 2007. Should a determination be made that implementation of the proposed or alternative actions would not result in “significant environmental impacts” or “significant environmental impacts beyond those already addressed in the RMP/FEIS”, a FONSI would be prepared to document that determination.

1.6 Scoping and Public Involvement and Issues

The Bailey Spring Development proposal was internally scoped by the Schell Field Office interdisciplinary (ID) team on April 18, 2011 to determine preliminary issues with the proposed action and alternatives. The preliminary issues identified were effects on water resources and cultural concerns.

Tribal coordination letters were mailed on May 12, 2011. No comments were received.

The preliminary EA was presented to the Schell Field Office ID team on June 23, 2014 for review and updates as needed. No additional comments or concerns arose from this meeting.

The preliminary EA for Bailey Springs Development (DOI-BLM-NV-L020-2011-025-EA) was posted on August 22, 2014 to the National NEPA Register web page at <http://on.doi.gov/1p23XNg> for a 30 day comment period. BLM received 3 comments received from interested parties. A review of the comments points was conducted and a written response to the comment points was completed and placed in the BLM administrative record for this water development. After reviewing the comments points, no changes were made to the Proposed Decision.

2.0 Description of the Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to construct an enclosure fence around the Bailey Spring area, install a springbox and/or other collection system at the spring source, and install a pipeline, approximately 500 feet in length, to transport water to two watering troughs outside the fenced area (see Figure 3).

The installation of the springbox and/or other collection system at the spring source allow for collection points for the water, which is then piped outside the riparian enclosure to troughs. The springbox and/or collection system, discharge pipe and trough(s) would be designed and installed to meet standard BLM specifications. Spring development and site cleanup could include the use of heavy equipment (i.e. backhoe-loader tractors) as well as pick-up trucks.

The enclosure would be less than one acre in size. The fence would be wooden pole rails around the front and sides then a standard four-strand barbed wire around the back. White flagging would be attached to the top wire between posts during construction to alert livestock, wildlife and wild horses to the existence of the new fence. A walk-through gate would be installed to allow public access to the area. The fence would be built to BLM specifications and standard operating procedures as outlined in the District Fenceline Environmental Assessment EA-NV-040-5-27. Fence construction may involve the use of pick-up trucks, post-hole diggers attached to tractors or backhoes and other equipment as necessary.

The project is proposed for completion during fall following the completion of the NEPA process. Maintenance responsibilities would be assigned to the BLM.

Standard Operating Procedures (SOP's) would be followed for this proposed action (see Appendix 1).

2.1.1 Migratory Birds

The following design features would apply to avoid impacts to wildlife:

- Construction is not anticipated to occur during the migratory bird nesting period, from April 15 to July 15. If construction is necessary during that period, a survey of the construction site would be completed prior to construction by a wildlife biologist in order to identify active nests so that they may be avoided.
- Trees identified for removal will be checked for raptor nests. If a nest is present, the tree containing the nest will not be removed even if the nest was not used during the past nesting season.
- White flagging to the top wire between posts during construction to alert wildlife to the new fence, would prevent impacts.
- Wildlife escape ramps will be installed in the trough.

2.1.2 Noxious and Invasive Non-Native Species

The stipulations listed in the Weed Risk Assessment (see Appendix II) would be followed when construction of the fence, pipeline, and trough occurs.

2.1.3 Construction Monitoring

The project inspector (PI) or representative from the BLM would make periodic site visits to check on compliance of specifications and progress during the construction phase. Upon completion of the project, a final inspection would be made to ensure construction and installation specifications were met. Periodic compliance checks would be made following project completion to ensure the project remains in proper functioning condition.

2.2 No Action Alternative

Under the no action alternative, the proposed fence and associated water pipeline and troughs would not be built. Without the proposed fence and spring development, wildlife and wild horses would continue to have access and use of the spring, resulting in continued trampling and heavy use to the spring source. This alternative would also allow for continued degradation of historical structures at the site.

2.3 Alternatives Considered but Eliminated From Detailed Analysis

Building the pipeline without installing the enclosure fence was considered as an alternative. However, it was eliminated from detailed analysis because it did not provide adequate protection of the cultural resources and still allowed full access of wild horses and livestock to the spring source.

3.0 Affected Environment

3.1 Resources/Concerns Considered for Analysis

The following items have been evaluated for the potential for significant impacts to occur, either directly, indirectly, or cumulatively, due to implementation of the proposed action. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general, and to the Ely District BLM in particular.

Table 1: Resources/Concerns Considered and Rationale for Detailed Analysis or Rationale for Dismissal from Further Analysis

Resource/Concern Considered	Issue(s) Analyzed ? (Y/N)	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	No	The proposed action would not measurably affect air quality in the project analysis area or in Lincoln County. Implementation and construction activities could create ephemeral dust during fence post and spring box placement. Detailed analysis is not required.
Areas of Critical Environmental Concern (ACEC)	No	Resource not present within the project area.
Cultural Resources	Yes	Detailed analysis is provided below.
Environmental Justice	No	No minority or low-income groups would be disproportionately affected by health or environmental effects. Detailed analysis is not required.
Fish and Wildlife	No	The spring is within mule deer crucial winter habitat (<i>Odocoileus hemionus</i>). Many other species of mammals, birds and reptiles may use the riparian area. Some wildlife would be displaced during construction, but this would be a short-term effect. Design features that have been incorporated are sufficient to mitigate any potential impacts to fish and wildlife. Detailed analysis is not required.
Floodplains	No	Resource is not present within the analysis area.
Forest Health	No	The proposed action would remove a minimal number of trees resulting in negligible effects to forest health and the availability of forest resources. Detailed analysis is not required.
Grazing Uses	No	Livestock grazing occurs in the Fairview and Muleshoe Use Areas during the winter and early spring. However, livestock rarely use the project area. No impacts are expected from the construction and maintenance of this project. Detailed analysis is not required.
Lands and Realty	No	Resource is not present in the project area.
Migratory Birds	No	No construction from either the proposed action is anticipated during the migratory bird nesting period from April 15 to July 15. If construction is necessary during that period, nest surveys would be completed prior to construction by a wildlife biologist in order to avoid nests. Trees containing raptor nests will not be removed. Detailed analysis is not required.
Mineral Resources	No	There would be no impacts to minerals resources. Detailed analysis is not required.
Native American Religious Concerns	No	No concerns were identified during coordination.

Resource/Concern Considered	Issue(s) Analyzed ? (Y/N)	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Noxious and Invasive Non-Native Species	No	A weed risk assessment (WRA) conducted for this proposed project (see Appendix II) and no noxious weeds were found in the project area. There were invasive species present and mitigation measures described in the WRA would help minimize the spread of the invasive species. Detailed analysis is not required.
Paleontological Resources	No	Currently, there are no identified resources within the project area.
Prime or Unique Farmlands	No	Resource is not present within the analysis area.
Rangeland Health, including Vegetative Resources	Yes	Detailed analysis is provided below.
Recreation Uses	No	The proposed project is adjacent to the Silver State OHV Trail (SST). The proposed pipeline and trough will minimize water collection on the portion of the SST that runs alongside the project area during the dry months of the year; which will improve road conditions for OHV users. However, portions of the trail would still be limiting two-wheel drive vehicles. Detailed analysis is not required.
Social and Economic Values	No	There would be no impacts to social or economic values. Detailed analysis is not required.
Soil Resources	Yes	Detailed analysis is provided below.
Special Status Animal Species other than those listed or proposed by the FWS as Threatened or Endangered	No	Special status bird species including golden eagle (<i>Aquila chrysaetos</i>), ferruginous hawk (<i>Buteo regalis</i>), and loggerhead shrike (<i>Lanius ludovicianus</i>) may be present within or near the project area. However, adherence to the Migratory Bird Treaty Act as discussed above will avoid impacts to the aforementioned species. Due to the lack of riparian vegetation at Bailey Spring, sage grouse (<i>Centrocercus urophasianus</i>) would not utilize this riparian area for brood rearing. The area is classified as low value habitat for sage grouse by NDOW and BLM. Detailed analysis is not required.
Special Status Plant Species other than those listed or proposed by the FWS as Threatened or Endangered	No	Resource is not present within the project area.
FWS Listed or proposed for listing Threatened or Endangered Species	No	No federally listed or proposed species are present in the project area.

Resource/Concern Considered	Issue(s) Analyzed ? (Y/N)	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Visual Resource Management (VRM)	No	Project lies within VRM class III: This project will by definition: Partially retain the existing character of the landscape. Change allowed: moderate. Activities may attract the attention of the casual observer but should not dominate the view of the casual observer. However, every attempt would be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of line, form, texture and color. In addition, vertical mulching and seeding will lessen the contrast of the disturbance. The post and rail fence will be constructed from natural wood post and rails. Detailed analysis is not required.
Wastes, Hazardous or Solid	No	The proposed action would not result in the creation of hazardous or solid wastes. Detailed analysis is not required.
Water Quality, Drinking/Ground	No	No water within the analysis area is used for domestic or drinking beneficial uses and the proposed project would not affect water quality. Detailed analysis is not required.
Water Resources	No	Water resources for the purpose of this EA are defined as surface and subsurface water sources, water rights, and use of water that occurs in the proposed project area. The only water source, water right, and permitted use of water in the project area is associated with Permit 2315 described in the background of this EA. BLM would work with water right holder and protect private property rights associated with the water right. The proposed project would not affect existing or pending water rights for Bailey Spring or within the project area. Continued use of the project area in accordance with BLM management objectives for the grazing allotments and potential changes to the permitted use of water within the allotment is not expected to lead to a measureable change in the surface and subsurface water sources, water rights, and quantity of water that occurs in the project area. Detailed analysis is not required.
Wetlands/Riparian Areas	Yes	Detailed analysis is provided below.
Wilderness	No	Resource is not present within project area.
Lands with Wilderness Characteristics (LWC)	No	Resource is not present within project area.
Wild and Scenic Rivers	No	Resource is not present within project area.

Resource/Concern Considered	Issue(s) Analyzed ? (Y/N)	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Wild Horses	No	The project area is within the Silver King Wild Horse Herd Management Area (HMA). The trough location outside the fence would provide water for wild horses. Temporary displacement of wild horses is possible during construction but would have a negligible effect in the long-term. Detailed analysis is not required.

3.2 Cultural Resources

A total of 22 acres of the project area were inventoried for cultural resources. The Class III cultural resources inventory was conducted by BLM Archaeologists and recorded the results of this inventory on May 9, 2012 a report was received by the Nevada State Historic Preservation Office (SHPO) on August 20, 2012.

The Class III inventory updated and consolidated two previously recorded sites, resulting in the assignment of the single site number of 26LN1743 to the historic property. The site consists of a historic homestead which at one point was controlled by the Adams-McGill Corporation, which is rapidly degrading under current conditions. This site is eligible for listing in the National Register of Historic Places. Construction of this project would provide a benefit to the historic structures and associated cultural resources by eliminating the wild horse use within the site.

3.3 Rangeland Standards and Health, including Vegetative and Wetland/Riparian Resources

Within the project area, upland species including pinyon pine (*Pinus monophylla*), Utah juniper (*Juniperus osteosperma*), and Fremont’s mahonia (*Mahonia fremontii*) dominate the area. Some none native locus trees associated with historic dwellings are found within the project area as well.

Due the severe overuse of the spring site by an excessive wild horse population little riparian plant species exist. Riparian species including rushes and sedges could likely colonize the area with sufficient recovery time and the removal of wild horses. However, facultative species such as rabbits foot grass (*Polypogon sp.*) are likely to be the potential for the spring due to the drought prone climate of the area.

3.4 Soil Resources

Soil in the analysis area formed from residuum and colluvium derived from limestone and dolomite parent materials. Surface textures tend to be coarse in the range of extremely cobbly loam and soil profile chemistry calcareous. Surface horizon textural classes composition is

approximately 45 percent sand, 42 percent silt, and 13 percent clay. Water infiltration and permeability rates are moderate. Average hillside slopes are about 40 percent.

Since there is a historic record of human occupation at Bailey Springs, there may be locations within the analysis area of poorly sorted anthropogenic soil with higher than average percentages of organic material. Anthropogenic soil horizons may occur both on the surface and subsurface.

Currently excessive use by wild horses has resulted in high amounts of bare ground accelerating the erosion rates around the spring. The spring is actively being excavated by the pawing action of the horses, resulting in the erosion of the hillside. Trampling of wet soils likely is creating a compaction layer that could reduce the productivity of the soils.

4.0 Environmental Effects

4.1 Cultural Resources

4.1.1 Proposed Action

A letter from the SHPO dated August 24, 2012 states that the SHPO concurs with the BLM's determination that the proposed undertaking will have no effect to historic properties. This correspondence records and fulfills consultation requirements under Section 106 of the National Historic Preservation Act (NHPA).

4.1.2 No Action Alternative

If this project is not implemented, the resulting effects will be continued degradation of the cultural resources which will result in an adverse effect to a historic property. This will result in required consultation with the State Historic Preservation Office in order to mitigate and resolve the adverse effect through alternative means. Failure to do so would place the BLM in violation of the National Historic Preservation Act.

4.2 Rangeland Standards and Health, including Vegetative and Wetland/Riparian Resources

4.2.1 Proposed Action

The impacts to vegetative resources from the construction of the project are expected to be minimal. Construction activities may affect up to 0.2 acres of vegetation but actual disturbance to the upland and riparian vegetation communities would likely be less due to the current poor ecological condition of the area.

The creation of the enclosure fence would have a beneficial effect for the vegetation communities within the area. Although the proposed action is meant to capture all water at the spring source to preserve the cultural resource present, some riparian vegetation is likely to

become established at the source. In addition, upland species are likely to establish within the enclosure.

4.2.2 No Action Alternative

The project would not be constructed, so there would be no impacts to vegetative resources from the construction and installation of the fence and spring development as described above. However continued degradation of the riparian area would occur. Continued use by excessive wild horse numbers would prevent riparian plant species from establishing at the site.

4.3 Soil Resources

4.3.1 Proposed Action

Soil surface disturbance would occur to the width of the equipment used to bury the proposed pipeline including excavation and backfilling the trench for the pipe. Pipeline construction and installation of the water trough would disturb approximately 0.1 acres of land surface. Minor soil loss could occur as a result of erosion by wind until disturbed soil surfaces re-vegetate. Minor soil surface disturbance would occur as a result of vehicle travel necessary for construction of the fence (about 0.2 acres). Maintenance access roads for the pipeline and fence would be minimal and used sporadically during the life of the facilities and is not expected to cause undue or excessive soil or vegetation disturbance.

The exclusion of wild horses from the spring area would have beneficial affects to the soils within the enclosure by reducing erosion through increased vegetative ground cover and reduced soil compaction.

4.3.2 No Action Alternative

The project would not be constructed, so there would be no impacts to soil resources from the construction and installation of the fence and spring development as described above. Compaction of hydric soils and excavation of the spring would continue from the impacts of wild horse use at the spring.

4.4 Cumulative Effects

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the Proposed Action and alternatives within the area analyzed for impacts in Chapter 3 specific to the resources for which cumulative impacts may be anticipated. A cumulative impact is defined as “the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 Code of Federal Regulations 1508.7).

4.4.1 Past, Present, and Reasonably Foreseeable Future Actions

The Cumulative Effects Study Area (CESA) for the cumulative effects analysis is defined by the Dry Lake Valley Watershed.

4.4.1.1 Past Actions

Livestock grazing has a long history in the region dating back to the late 1800's. Throughout its history, livestock grazing has been characterized by localized areas of intense use. Hunting, trapping, wildlife viewing, wild horses and other activities have occurred on the watershed year round. OHV use has occurred on a variety of roads and two-tracks and the Silver State OHV Trail was designated in 2004 through the Lincoln County Conservation, Recreation and Development Act (LCCRDA). Range improvements have been installed in the Dry Lake Valley Watershed to improve grazing management including fencing and stockwater developments. Wildfires have occasionally occurred in the watershed.

4.4.1.2 Present Actions

Livestock grazing by both cattle and sheep occurs in the Dry Lake Valley Watershed. Hunting, trapping, wildlife viewing, wild horses and other activities occur in the watershed year round. OHV use primarily takes place along the Silver State OHV Trail and consists of approximately 260 miles of established roads and trails. The Dry Lake Valley Watershed Analysis, which is an assessment of overall watershed health, is currently being conducted.

4.4.1.3 Reasonably Foreseeable Future Actions

Livestock grazing, along with hunting, trapping, wildlife viewing, wild horses and other present land use activities will likely continue to occur at current levels. In addition, wild horse gathers are conducted periodically in order to try to achieve and maintain wild horse populations at the Appropriate Management Level. Wildfires are a natural part of the vegetative community present and are expected to continue to occur within the CESA.

4.4.2 Cumulative Effect Summary

4.4.2.1 Cultural Resources

4.4.2.1.1 Proposed Action

The cumulative effects of the proposed action would benefit cultural resources by excluding wild horses from a large portion of the site and preventing further degradation of the ground surface through hoof action. The Class III cultural inventory report states that, "The Bailey Spring fence and pipeline project is an absolute necessity in order to eliminate further deterioration of this site by wild horse use." The proposed action will also encourage vegetation growth and therefore stabilize soil erosion. The overall cumulative effects of the proposed action may reasonably be

expected to be of great benefit to the cultural resources present by stabilizing the ground surface and excluding bioturbation agents from the affected area.

4.4.2.1.2 No Action

Cumulative effects under the no action alternative would reasonably be expected to include further degradation of the historic property through wild horse use.

4.4.2.2 Rangeland Standards and Health, including Vegetative Resources and Riparian/Wetland Resources

4.4.2.2.1 Proposed Action

It is anticipated that the proposed action, in combination with the past, present and reasonably foreseeable future actions, would help restore at least a portion of the riparian area at Bailey Spring and would provide for the desired riparian and rangeland health conditions over the long term. Although the proposed action is meant to capture all water at the spring source, some riparian vegetation is likely to become established at the source. In addition, upland species are likely to establish within the enclosure.

4.4.2.2.2 No Action

It is anticipated that the no action alternative in combination with the past, present and reasonably foreseeable future actions, would allow the current conditions to continue. The health and functionality of Bailey Spring would likely not improve as it would by erecting the riparian enclosure and therefore not provide for improvement in the desired riparian and rangeland health conditions.

4.4.2.3 Soil Resources

4.4.2.3.1 Proposed Action

It is anticipated that the proposed action, in combination with the past, present and reasonably foreseeable future actions, would encourage healthy and productive soil within the enclosure. Compaction would still occur outside the enclosure.

4.4.2.3.2 No Action

The current soil conditions would likely continue, which would include constant pressure, resulting in compaction on and around the spring site.

6.0. Tribes, Individuals, Organizations, or Agencies Consulted

A Tribal Coordination letters was sent on May 12, 2011 to the tribes listed below, notifying them of the proposed action and to solicit comments within 30 days of the date of the letter.

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Ely Shoshone Tribe	Tribal Consultation and Coordination	No comments were received
Paiute Indian Tribe of Utah	Tribal Consultation and Coordination	No comments were received
Moapa Band of Paiutes	Tribal Consultation and Coordination	No comments were received
Duckwater Shoshone Tribe	Tribal Consultation and Coordination	No comments were received
Indian Peaks Band of Paiutes	Tribal Consultation and Coordination	No comments were received
Cedar Band of Paiutes	Tribal Consultation and Coordination	No comments were received
Confederated Tribes of the Goshute Reservation	Tribal Consultation and Coordination	No comments were received
Shivwits Band of Paiutes	Tribal Consultation and Coordination	No comments were received

7.0. List of Preparers

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Native American Cultural Concerns
Hazardous Materials, Safety
Minerals
Noxious and Invasive and Non-Native Species
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8.0 References, Glossary and Acronyms

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8.2 Acronyms and Definitions

BLM-Bureau of Land Management
CFR-Code of Federal Regulations
DR-Decision Record
EA-Environmental Assessment
EIS-Environmental Impact Statement
FLPMA-Federal Land Policy and Management Act
FMUD-Final Multiple Use Decision
FONSI-Finding of No Significant Impact
ID-Interdisciplinary
IM-Instructional Memorandum
Lentic - Still Water riparian systems
Lotic - Flowing Water riparian systems
NEPA-National Environmental Policy Act
RFFA-Reasonably Foreseeable Future Action
RMP-Resource Management Plan

Map 1: Location Map

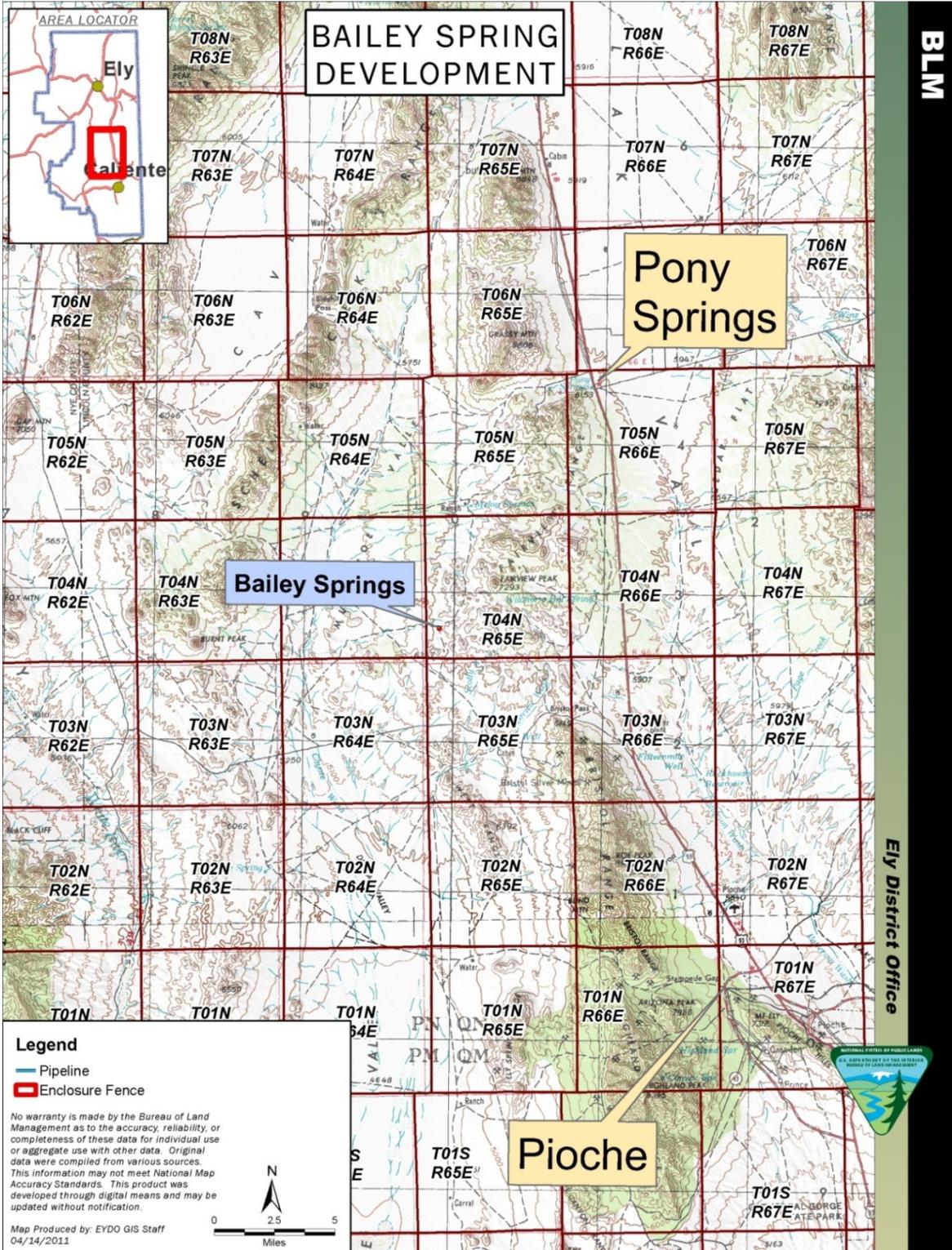


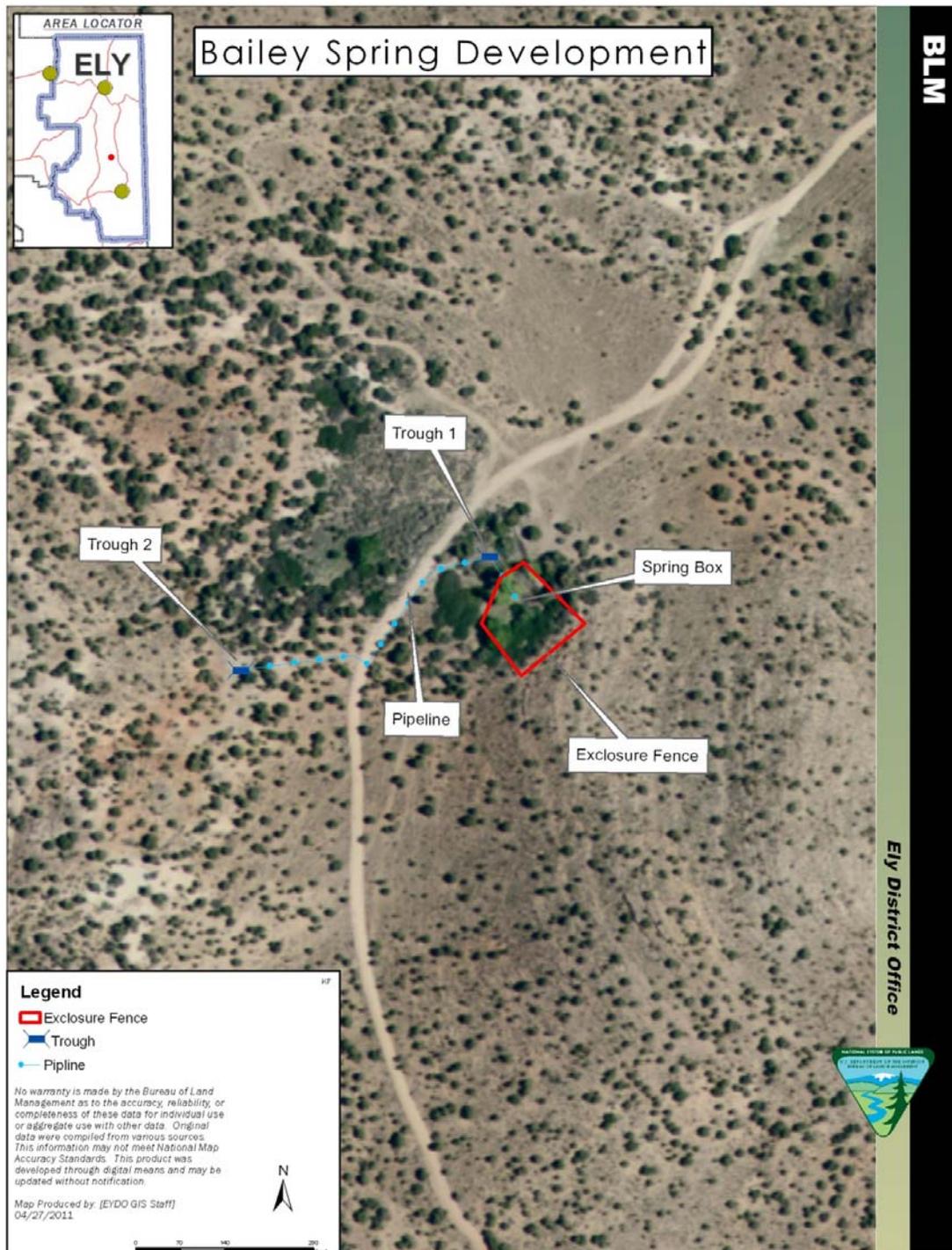
Figure 1: Bailey Spring Area Photo, April 26, 2011



Figure 2: Bailey Spring Area Photo, April 26, 2011



Figure 3: Proposed riparian fence enclosure, associated pipeline and trough



Appendix I: Standard Operating Procedures

The following SOP's that apply to the proposed action should be adhered to for the riparian fence project:

1. Removal of vegetation will be held to the minimum necessary for construction, access, and to provide for safety.
2. Construction activities will be limited to times when soils are not wet or saturated, to lessen soil compaction by equipment. In addition, construction activities may be delayed by the authorized officer due to severely dry conditions, to prevent unnecessary erosion of soil resources.
3. Vehicle travel shall only be permitted along the proposed fence line corridor during the construction phase. Access will be via existing roads and trails whenever possible. Where existing roads are not available, off road travel will be kept to the minimum necessary for construction.
4. White flagging will be tied at each wire stay for visibility to animals such as deer and sage grouse. These will remain for a time sufficient to allow animals to see the newly constructed fence.
5. Maximum corridor width of the fence line would be a total of 16 feet.
6. If the need to use, store, and/or dispose of hazardous materials arises, (which is not identified in this EA), the authorized person(s) constructing the project would notify and seek authorization from the BLM.
7. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
8. All equipment and assorted materials associated with the construction of the project must be removed within 30 days after completion of the project. Project area cleanup will be accomplished by removing all refuse to an approved sanitary landfill.
9. Fence specifications for wildlife concerns will be strictly adhered to in the construction of this fence. These specifications are to be provided to the builder prior to construction.
10. The "no activity" period for all management actions in migratory bird habitat is from 4/15 to 7/15 unless a survey is done to determine no migratory bird breeding or nesting is occurring

in the area. For any activity scheduled between 4/15 and 7/15 the following must take place:

The wildlife team will conduct breeding bird surveys to identify if migratory bird breeding or nesting is occurring in the area.

11. For sage grouse wintering grounds, disturbance should be avoided from November 1 to March 31.

Appendix II: Risk Assessment for Noxious & Invasive Weed Species

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Bailey Spring Development Lincoln County, Nevada

On June 06, 2011 a Noxious & Invasive Weed Risk Assessment was completed for the Bailey Spring Development project. See attached map for project location. The proposed action is to construct an enclosure fence around the Bailey Spring area, install a spring box and/or other collection system at the spring source, and to install a pipeline to transport water to two watering troughs outside the fenced area. The installation of the spring box and/or other collection system at the spring source is to provide water outside the enclosure for wildlife and wild horses and to protect existing cultural structures at the site. Existing debris (wire, broken pipes, old water trough, etc.) would be removed from the site.

The two troughs would be installed, one directly outside the enclosure and the other approximately 500 feet away across the road to allow less competition among animals when drinking. The enclosure would be less than one acre in size. The fence would be wooden pole rails around the front and sides, then a standard four-strand barbed wire around the back. White flagging would be attached to the top wire between posts during construction to alert wildlife and wild horses to the existence of the new fence. A walk-through gate would be installed to allow the public access to the area. The fence would be built to BLM specifications and standard operating procedures as outlined in the District Fenceline Environmental Assessment No. EA-NV-040-5-27. Fence construction may involve the use of pick-up trucks, post-hole diggers attached to tractors or backhoes and other equipment as necessary.

The spring box and/or collection system, discharge pipe and troughs would be designed and installed to meet standard BLM specifications. Spring development and site cleanup could include the use of heavy equipment (i.e. backhoe-loader tractors) as well as pick-up trucks.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. No weeds were found within the project area. Cheatgrass (*Bromus tectorum*) is present in the area although the cover is estimated to be less than ten percent. Bur buttercup (*Ceratocephala testiculatus*) and Russian thistle (*Salsola kali*) are also likely to be scattered along roads in the area. The area was last inventoried for noxious weeds in 2003.

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Low (1) at the present time. Due to the heavy machinery use associated with this project and ground disturbance, it is likely that the project activities will result in the introduction of new weed infestations to the area and/or the increase of non-native, invasive weeds such as cheatgrass.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as Low (1) at the present time. New infestations are not likely to establish in the area due to the construction of the project if measures are taken to control the introduction of invasive weeds from the construction equipment.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is low (1). This indicates that the project can proceed as planned as long as the following measures are followed:

- Monitoring will be conducted for a period no shorter than three years and the spread of noxious weeds is noted, appropriated weed control procedures will be determined in consultation with BLM personnel and will be in compliance with the appropriate BLM handbook sections and applicable laws and regulations.
- To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global

positioning systems or other mutually acceptable equipment and provided to the Ely District Weed Coordinator or designated contact person.

- Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)

Reviewed by:



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06/14/2011

Date

