Olinghouse Grazing Allotment Water Hauls

Decision Record

DOI-BLM-NV-C020-2015-0005-DNA

October 2014

BLM

Sierra Front Field Office, Nevada

Introduction

According to the U.S. Drought Monitor, the Sierra Front Field Office (SFFO) managed lands as a whole are currently in extreme to exceptional drought conditions as defined by the U.S. Drought Monitor. The water haul authorizations are being undertaken to mitigate these conditions. These drought management actions were analyzed in the Carson City District Drought Management Environmental Assessment (DOI-BLM-NV-C000-2013-0001-EA) (Drought EA).

Public Involvement

The public involvement and interagency review associated with CCD Drought EA is adequate for the Proposed Action. Comments were accepted on the CCD Drought EA for a 30-day period from March 12, 2013 through April 12, 2013. Postcards mailed to 147 individuals, organizations and agencies were mailed on March 12, 2013. Emails were sent to 10 individuals, organizations and agencies, and notification of the availability of the CCD Drought EA was sent to 61 other State and federal agencies was made through the Nevada State Clearinghouse on March 14, 2013. The CCD published a news release on March 12, 2013. The CCD also posted the Dear Reader Letter and CCD Drought EA on the project website on March 12, 2013. On March 20, 2013 a BLM representative attended both the Churchill County and Mineral County Commissioners meeting and informed the Commissioners and other attendees that the CCD Drought EA was out for public review. The representative also provided five hard copies of the CCD Drought EA and 20 postcards at each of the meetings for the Commissioners and others.

All comments were reviewed, considered, and then categorized into topics when feasible. Distinct topics and comments are summarized in Appendix 7 of the CCD Drought EA. During the comment period approximately 6,950 comment letters and emails were received from numerous individuals, State agencies, and non-governmental organizations by email, fax or mail. Organizations included the Sierra Club, the Cloud Foundation, and the American Wild Horse Preservation Campaign. State agencies that commented include the Nevada Division of Water Resources, the State Historic Preservation Officer, the Nevada State Grazing Board District N-3, and the Nevada Department of Wildlife. Minor non-substantive changes were made to the EA as a result of these comment letters.

Land Use Conformance

The following sections of the Consolidated Resource Management Plan are applicable to this project:

- Maintain or improve the condition of the public rangelands to enhance productivity for all rangeland and watershed values;
- Provide adequate, high quality forage for livestock by improving rangeland condition;
- Maintain a sufficient quality and diversity of habitat and forage for livestock, wildlife, and wild horses through natural regeneration and/or vegetation manipulation methods;
- Improve the vegetation resource and range condition by providing for the physiological needs of the key plant species; and

- Reduce soil erosion and enhance watershed values by increasing ground cover and litter.

Authority

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

Rationale

The SFFO managed lands as a whole are currently in extreme to exceptional drought conditions as defined by the U.S. Drought Monitor. In response to these drought conditions the permit holder has agreed to voluntarily reduce cattle numbers. Drought conditions have also necessitated changes in cattle distribution across the allotment by the use of water hauls. These changes are being made in response to reduced water availability and the need to move livestock to areas where forage is available.

These drought management actions were analyzed in the Carson City District Drought Management Environmental Assessment (DOI-BLM-NV-C000-2013-0001-EA) (Drought EA). A Determination of NEPA Adequacy to the Drought EA has been completed for this Decision and is enclosed.

Decision

It is my decision to allow the permit holder of the Olinghouse Allotment to place up to 3 water haul complexes of up to 3 tanks along the previously disturbed pipeline right of way (see accompanying map) to better distribute cattle during drought.

ACTING FOR

Leon Thomas
Field Manager
Sierra Front Field Office

10/15/2014
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.