



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Schell Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
1742 (NVL0200)

Hand Delivered

DECISION

Nevada Department of Wildlife
1218 N Alpha St
Ely, Nevada 89301

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DOI-BLM-NV-L020-2015-0020-CX

It is my decision to approve the DOI-BLM-NV-L020-2015-0020-CX and implement the McCoy Creek Exlosures as described in the *Documentation of Categorical Exclusion* associated with the proposal. This decision will become effective at the end of the 30-day appeal period described below.

Background Information:

An Interdisciplinary team scoped the proposed action for extraordinary circumstances in the Schell Field Office from January 26, 2015 to July 29, 2015. Team members determined that there would not be significant or otherwise unacceptable impacts to the resources and concerns identified in the attached *CX Extraordinary Circumstances Documentation*.

Rational For Decision:

As determined on the associated *Documentation of Categorical Exclusion*, the proposed action is in conformance with the Ely District Approved Resource Management Plan (August 20, 2008) and the qualifications of a categorical exclusion. No further environmental analysis is required based on review of the proposal and the 12 exceptions to categorical exclusions.

Appeal:

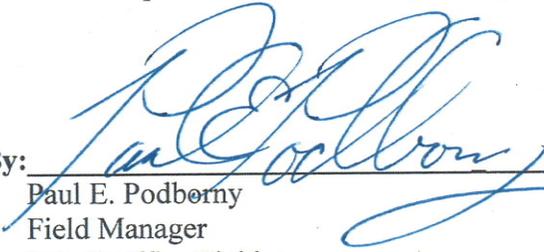
This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management, Ely District Office, 702 N. Industrial Way, Ely, NV within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date

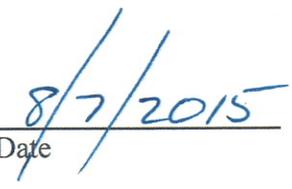
Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall 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.

Approved By: _____


Paul E. Podborny
Field Manager
Schell Office Field


Date

CC:

Interested Public Mailing List

Attachments:

Documentation of Categorical Exclusion

CX Extraordinary Circumstances Documentation

**U.S. Department of the Interior
Bureau of Land Management**

Documentation of Categorical Exclusion

DOI-BLM-NV-L020-2015-0020-CX

July 24, 2015

MCCOY CREEK ENCLOSURES

White Pine County

Ely District Office
Schell Field Office
Ely, Nevada
Phone: (775) 289-1800
Fax: (775) 289-1910





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Ely District Office

HC33 Box 33500 (702 N. Industrial Way)

Ely, Nevada 89301-9408

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

A. Background

BLM Office: Schell Field Office

Lease/Serial/Case File No.: NA

Proposed Action Title/Type: McCoy Creek Enclosures

Location of Proposed Action: McCoy Creek Allotment

Description of Proposed Action: The proposed action is to install up to 10 enclosures surrounding monitoring locations within the McCoy Creek Allotment. Each enclosure is approximately 4 acres and serves as control plots to monitor the effectiveness of proposed treatments. Between 1982 and 1987, four wildfires have burned the majority of this area along the bench, and there is a high cheatgrass component. Proposed treatments on the bench of the Schell Creek Mountains (including the McCoy Creek Allotment) include targeted spring grazing of cheatgrass by sheep, as well as the East Shell Bench restoration project. The objective is to improve wildlife habitat for sage-grouse and mule deer within the burned areas by decreasing cheatgrass and increasing perennial grasses and shrubs. Monitoring would be conducted in accordance with the AIM protocol. Monitoring would be conducted by the Nevada Department of Wildlife.

The fences would be built to BLM specifications (i.e., four-strand wire fence with a smooth bottom wire and using steel t-posts), and standard operating procedures as outlined in the District Fenceline Environmental Assessment EA-NV-040-5-27. Fences would be monitored and maintained by the Nevada Department of Wildlife. Fences would be equipped with sage-grouse markers.

B. Land Use Plan (Plan) Conformance

LUP Name: Ely Resource Management Plan Date Approved/Amended: August 20, 2008

There are no management decisions that specifically provide for the proposed action. However it is clearly consistent with the goals and objectives of the Plan Management Action LG-4. In addition, management decisions for other resources and concerns that would possibly be impacted by the project were reviewed, and it was determined that the proposed action is in conformance with the Plan.

While the proposed action is not specifically mentioned within the RMP it is consistent with the following Plan goals and objectives:

- LG-4: Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5, H-9 "Construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

D: Signature

Authorizing Official: _____



(Signature)

Date: _____

8/7/2015

Name: _____

Paul E Podborny

Title: _____

Field Manager, Schell Field Office

Contact Person

For additional information concerning this CX review, contact Matt Rajala, Assistant Field Manager, Schell Field Office, (775) 289-1821.

CX Extraordinary Circumstances Documentation

The proposed categorical exclusion action will:

- 2.1 Yes [] No [X] Have significant impacts on public health or safety.

Rationale: The construction of small protective exclosures for the purpose of monitoring would not have an impact on public health or safety.

- 2.2 Yes [] No [X] Have significant impacts on such resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Rationale: The proposed action would not have significant impacts on historic or cultural resources, park, refuge, wilderness areas, wild or scenic rivers, floodplains, national natural landmarks, principal drinking water aquifers, prime farmlands, wetlands, national monuments, migratory birds, ecologically significant or critical areas. None of these resources of concern would be affected by the proposed action.

- 2.3 Yes [] No [X] Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

Rationale: The proposed action would not have highly controversial environment effects. The effects of these small enclosures within the Schell Field Office are well documented. There are no identified unresolved conflicts regarding alternative uses of available resources and the construction of the fences would not preclude any other uses on public lands.

- 2.4 Yes [] No [X] Have highly uncertain and potentially significant environment effects or involve unique or unknown environmental risks.

Rationale: The environmental effects of the construction and maintenance of small protective enclosures has been well documented within the Ely District and there are no extenuating circumstances that would indicate that the effects of these exclosures would be different than what has been observed.

- 2.5 Yes [] No [X] Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Rationale: The construction of these exclosures represent independent actions and do not establish a precedent for future actions.

2.6 Yes [] No [X] Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Rationale: The proposed action would provide control plots for monitoring the effects of grazing. The enclosures are not connected to other actions and do not establish a precedent for future actions.

2.7 Yes [] No [X] Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Rationale: A class III inventory has been completed of the proposed fence locations and the enclosures would not have an effect on properties listed, or eligible for listing, on the National Register of Historic Places.

2.8 Yes [] No [X] Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Rationale: The proposed action is not within an area where endangered or threatened species or their critical habitat have been found.

2.9 Yes [] No [X] Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Rationale: The proposed action complies with all applicable laws and regulations.

2.10 Yes [] No [X] Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Rationale: The proposed action would have no measurable effect on low-income or minority populations.

2.11 Yes [] No [X] Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

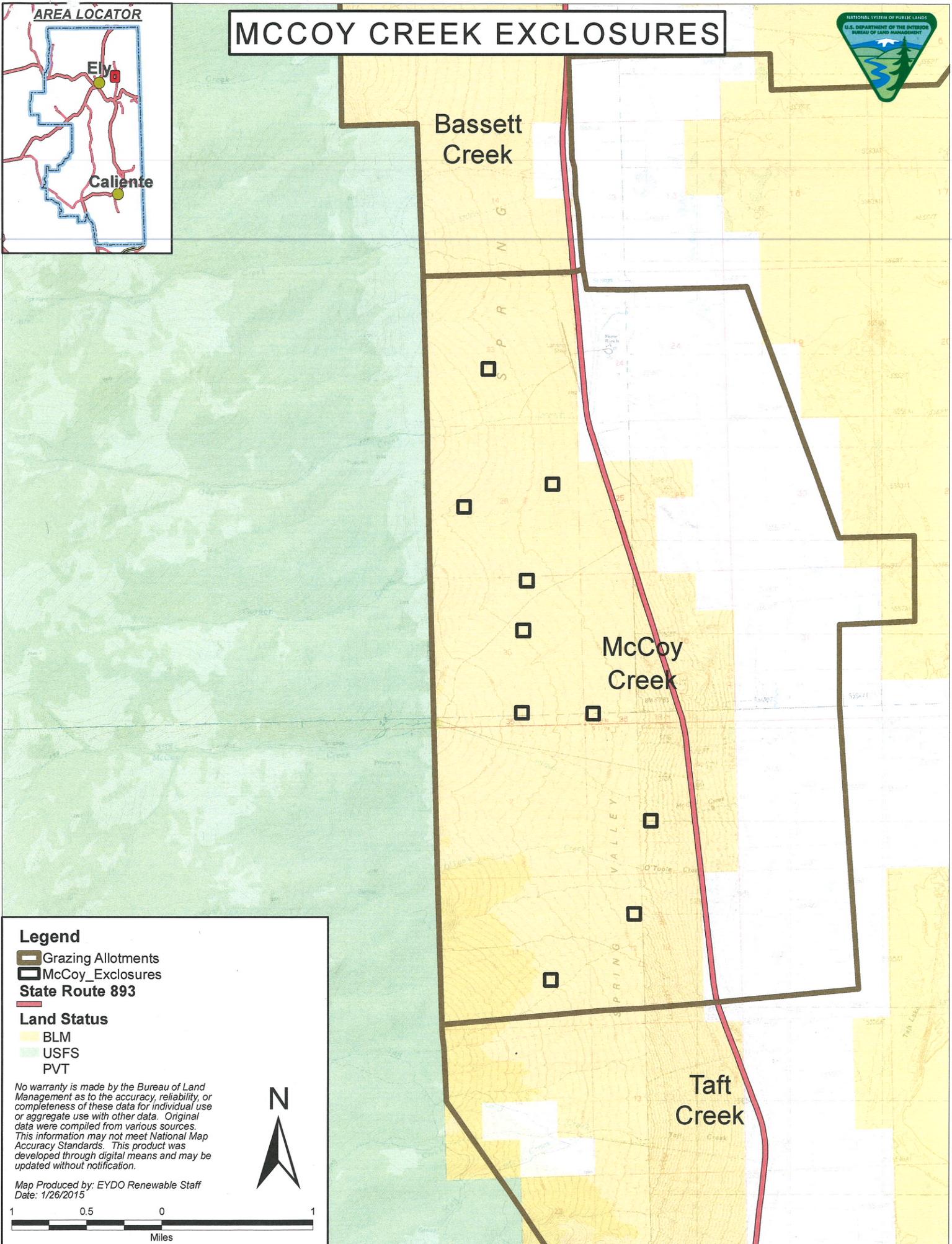
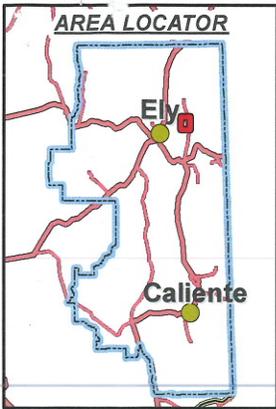
Rationale: The proposed action does not limit access to or the ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

2.12 Yes [] No [X]

Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Rationale: The proposed action would not change the rate of introduction, continued existence or spread of noxious weeds or invasive species. The construction and maintenance of the fence would adhere to the best management practices to minimize the spread and establishment of noxious and invasive weeds.

MCCOY CREEK EXCLOSURES



Legend

- Grazing Allotments
- McCoy_Exclosures
- State Route 893
- Land Status**
- BLM
- USFS
- PVT

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Map Produced by: EYDO Renewable Staff
Date: 1/26/2015

