FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-NV-L030-2015-0029-EA

I have reviewed Environmental Assessment (EA) (DOI-BLM-NV-L030-2015-0029-EA). After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated will not significantly affect the quality of the human environment, and that an Environmental Impact Statement (EIS) is not required. Environmental Assessment DOI-BLM-NV-L030-2015-0029-EA has been reviewed through the interdisciplinary team process.

Rationale:

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP/ROD) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008).

The proposed temporary to permanent Emergency Stabilization and Rehabilitation (ESR) range improvements (fencing), and the addition of 3200' of fencing to the Garden Spring ESR fence, will offer livestock operators additional management options, such as deferred rotation and rest rotation of the pastures, as well as the ability to respond to changes and seasonal variability in forage production and plant health.

The finding and conclusion of no significant impact is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The Bureau of Land Management (BLM) has determined that 4 temporary fences constructed for Emergency Site Rehabilitation (ESR) are beneficial to manage livestock operations in the Mustang, Rattlesnake, Garden Spring and Barclay allotments (Maps 1-8). New fence construction (3200') on the west end of the Garden Spring allotment ESR fence will be installed to provide a better geographic barrier for cattle.

These fences were constructed in response to Emergency Fire Rehabilitation Plans for the purpose of excluding or reducing livestock from burned areas. The four allotments lie northwest and southeast of Caliente, Nevada in Lincoln County, Nevada. These grazing allotments are part of the Mojave-Southern Great Basin Area Standards that provide direction for soil, riparian and biotic rangeland health. Livestock were excluded from fire seeded areas through construction of the subject fences. The fire rehabilitation and seeding efforts have been successful, and these fences were slated for removal from grazing allotments under their respective Decisions, unless further Environmental Assessment indicated that the existing 12.45 miles of ESR fence and 3200' of new fence were appropriate for grazing allotment use. This has been completed in DOI-BLM-NV-L030-2015-0029-EA

Other resources present:

- The North Pahroc ESR Fence is within the Silver King Herd Management Area (HMA) and the Blue Garden ESR Fence is in Blue Nose Peak Herd Area (HA).
- Three authorized rights-of-way (ROW) exist within the vicinity of the Mustang and Kendall fences. There are no existing authorizations in the vicinity of the North Pahroc and Garden Spring fences.

An interdisciplinary team (IDT) prepared an Environmental Assessment (EA) and concluded that although other resources may be present in the planning area, they did not warrant further analysis.

The IDT determined, in the EA, that no effects to wild horses are anticipated because the ESR fence in the Silver King HMA (North Pahroc fence) is open-ended on its south end, and the fence has been in place since 2002 without observed impacts. The Blue Garden ESR Fence is in Blue Nose Peak Herd Area (HA) and these HA's have been slated to be absent for wild horses since the 2008 Ely RMP, although ongoing wild horses do persist on many HA units in the Field Office.

The Decision also provides that although there are three authorized Rights of Ways (ROW) in the vicinity of Mustang and Kendall fences, the fences, as they exist, do not impact the ROWs. In addition, an extension of the Garden fence would not impact existing ROWs as there are none in the vicinity.

For livestock grazing, the addition of the four ESR fences and the extension, would permit additional rotation grazing opportunities for BLM's livestock permittees. Cross-allotment fencing, even if open-ended, can better enable livestock operators to respond to changes and seasonal variability in forage production and plant health.

Intensity:

1) ***Impacts that may be both beneficial and adverse.***

   The Environmental Assessment considered beneficial impacts of leaving the fences in place, as well as a no action alternative. Adverse action (removal of existing fences) impacts of the proposed action were included in original ESR National Environmental Policy Act (NEPA) planning documents listed in DOI-BLM-NV-L030-2015-0029-EA, Chapter 2, Table 1. None of the impacts disclosed in the EA approach the threshold of significance (i.e., exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc.). None of the resource impacts are intensely adverse or beneficial.

2) ***The degree to which the proposed action affects public health or safety.***

   The proposed action will not result in potentially substantial or adverse impacts to public health and safety.

3) ***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

A Cultural Resources Inventory Needs Assessment (CRINA) was completed on September 9, 2015. The 4 fences that are being proposed for conversion from temporary to permanent fences are existing facilities and no additional ground disturbance is being proposed. The extension of the Garden Spring Fence was inventoried by a District Archaeological Technician while the route was being GPSed. No cultural resources were identified by this inventory. Given that the proposed action is to convert four temporary fences to permanent fences and there will be no additional ground disturbance no inventory is necessary as they are existing facilities. As for the fence extension, a negative report will be submitted documenting the inventory effort that has already taken place.

There are no parks, wetlands, prime farmland or wild and scenic rivers found within the allotment.

4) ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

The Ely Proposed Resource Management Plan/Final Environmental Impact Statement (Ely PRMP/FEIS, Volumes I and II) (November 2007) analyzed several alternatives with various effects to conflicting uses of natural resources and disclosed these effects. Decisions were made to continue livestock grazing in areas deemed appropriate. Under CFR 4120.3 regulation; *any permittee or lessee may apply for a range improvement permit to install, use, maintain, and/or modify removable range improvements that are needed to achieve management objectives for the allotment in which the permit or lease is held.* The subject improvements are located on remote grazing allotments in southeastern Nevada, and through an ID team process were found to be unlikely to affect drinking water, air quality or other human environmental parameters.

5) ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The effects of livestock grazing are well known and documented. Management practices, including range improvements such as fencing, are employed to meet resource objectives and maintain or achieve rangeland health. The Ely PRMP/FEIS analyzed the effects of livestock grazing throughout the district and has eliminated grazing in areas where unique environmental risks could occur.

6) ***The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The proposed action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Converting subject fences from temporary to permanent range improvements, and allowing 3200' of new fencing does not predicate or predispose future Decisions without further application of the NEPA process. Any future actions or projects - within either the proposed action area or

surrounding areas - will be analyzed and evaluated as a separate action; and, independently of the current proposed action.

7) ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be propose in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

8) ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

There are no districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) located in the vicinity of the project area. The actions necessary to carry out this project will not cause the loss or destruction of significant scientific, cultural or historical resources as areas that meet these requirements are not present in the project area.

9) ***The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.***

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. It was determined that this action will not intersect any federally threatened, endangered, candidate or proposed species.

10) ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Christopher Carlton
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9/29/15
Date