



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Tonopah Field Office  
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In Reply Refer To:  
4120 (NVB0200)  
15546831

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alan Jenne	:	
Nevada Department of Wildlife	:	Range Improvement Project
6980 Sierra Center Parkway #120	:	VMAP # 15546831
Reno, NV 89511	:	Exclosure Fence

### Proposed Decision Clifford Spring Restoration Project

Dear Mr. Jenne,

On May 9, 2024, the Bureau of Land Management (BLM) Tonopah Field Office (TFO) Consulted, Coordinated, and Cooperated (CCC) by means of a public consultation letter with the Nevada Department of Wildlife (NDOW) and the interested public on a proposed spring restoration project located on public lands managed by the TFO. After consultation, the final proposed project consists of installing drill steel fencing, pipelines, a single water trough, and a storage tank.

## INTRODUCTION

Nevada is the driest state in the nation in terms of annual average precipitation. In the recent past, Nye and Esmeralda Counties have been in Extreme or Exceptional drought. Drought conditions further strain the limited number of available riparian habitat and water sources available for wildlife. Increased winter precipitation during the last two years has helped to reduce pressures but has not removed all threats to native species. Under the current climatic and hydrologic conditions, there is an increased need to provide reliable water sources to wildlife, particularly big game species such as pronghorn antelope and mule deer.

The BLM, TFO has completed a Categorical Exclusion (CX), DOI-BLM-NV-B020-2025-0012-CX, to document the interdisciplinary review of the proposed project.

The proposed action would approve a request from NDOW for the issuance of range improvements to authorize the construction of exclusionary fencing, a tire trough, one in-ground tank, and associated buried pipelines at Clifford Spring. The purpose of the project is to improve riparian habitat while continuing to provide water to free roaming horses and wildlife. This spring has been heavily utilized by free roaming horses and/or cattle leading to the loss of riparian vegetation, increased soil erosion, and reduced surface water expression.

The project has three main priorities in descending order of importance: (1) restoration of natural spring flows, native vegetation, and water quality, (2) provide a continuing water source for wildlife and free roaming horses to prevent displacement of local populations that could lead to increasing pressure on alternative water sources in the area, and (3) supply livestock with water if other management objectives are being met. Over time, the reestablishment of native vegetation at the water sources would decrease the amount of soil erosion and preserve the available water benefitting all users.

The proposed project involves the construction of an estimated 730 feet of welded drill steel two-rail fence, two gates, up to 360 linear feet of buried pipelines, one in-ground tank equipped with a thermo riser, and one tire trough located outside of the enclosure. The springhead would be protected by a wildlife friendly fence capable of withstanding pressure from horses, livestock, and inclement weather. The fence would be composed of 2 3/8" drill steel pipe welded together with line posts spaced ten feet apart. Posts would be driven into the ground up to 48 inches to minimize ground disturbance or installed with an excavated depth of 36 inches. Excavated line posts may include concrete to six inches below grade with native soil backfilled to grade. Pipes would be welded together and sealed/capped off. The top rail would be constructed 42 inches from grade while the bottom would be 22 inches from grade. Gates would be constructed out of the same materials as above and would be designed to prevent access and allow for egress of entrapped animals. They would be eight feet wide and hinged to allow for inward/outward movement. Gates would be locked via a daisy chain of padlocks to maintain access for all parties involved in the construction and maintenance of these structures.

The tank would be constructed out of a 12-24" HDPE pipe or culvert. The culvert would be inserted into the ground to provide a geothermal sink preventing the tank from freezing over the winter and allow access to the supply lines for maintenance. This culvert would be covered with a lid encircled by an insulative donut ring to help prevent cold air from entering the tank. The tank would be fed by a pipeline placed beneath the frost line (36" below grade) that runs from the collection point to the tank. Water would enter the pipeline via a standpipe installed at a height that allows for excess water to enter the tank system. This would help retain the water needed within the spring to contribute to its restoration while simultaneously moving excess water to the storage tank. Standpipe height would be adjusted as needed throughout the life of the project to maintain multiple use objectives. A float valve within the tank would act as a secondary mechanism for managing flows into the tank to ensure it does not overflow.

A rubber tire stock water trough would be installed outside of the enclosure and fed by a pipe installed below the frost line (36") running from the tire tank to the base of the trough. The trough would be laid flat partially in the ground atop a 6" thick concrete plug where the pipe would run through to feed water into the system. Wildlife escape ramps would be placed on opposite ends of the trough.

Access to the site is possible through existing roads and no new roads would be constructed during the installation process. No cross-country travel with motorized vehicles shall take place when the ground is muddy and could cause ruts to form. No blading or scraping of the ground along the fence line or to the site is permitted. Overland travel along the fence line would be permitted. A cultural monitor will be present during all ground disturbing activities with the ability to halt operations if necessary to protect resources. If unknown cultural sites are found during construction operations, work on the project shall be stopped until a data recovery plan is prepared and completed in accordance with the National Historic Preservation Act and the State Historic Preservation Office.

To encourage revegetation of the disturbed site and create a buffer to invasive weeds, seeding of native species may occur within and around the enclosure at standard rates. Seed mixes would match historically dominant vegetation occurring in the reference state of the present ecological site descriptions.

## **ALTERNATIVES CONSIDERED BUT NOT SELECTED**

The initial proposal was for liberty pipe fencing that completely excluded the spring head from wild equine and livestock usage. The grazing permit holder for the surrounding range allotment raised concerns about water access for Wild Horse in Stone Cabin Valley. Consultation and coordination occurred between BLM, NDOW, and the interested party to develop the current proposal.

Alternative locations were not considered due to the limited size of the resource and specific goals of the proposed project.

A no action alternative was considered but would result in further degradation and may result in the loss of water expression at the spring head location.

## **COMPLIANCE**

The selected Proposed Action is in conformance with the Tonopah Record of Decision (ROD) and Approved Resource Management Plan (RMP) (BLM 1997). Although the proposed action is not specifically provided for in the RMP, it is consistent with the goals and objectives of the RMP.

The Proposed Action is in conformance with the LUP because it conforms with the following LUP decisions:

- Vegetation Management Determination 1, page 5. “Manage the vegetation resources for desired plant communities.”
- Wildlife Habitat Management Objective, page 7: “Maintain and enhance wildlife habitat and provide for species diversity.”
- Wildlife Habitat Management Determination 6, page 8: “Manage pronghorn antelope habitat for best possible condition within the site potential.”
- Special Status Species Determination 3, page 9: “Habitat for all Federally Listed or Threatened & Endangered Species or Nevada BLM Sensitive Species (plant or animal) will be managed or maintained to increase current populations of these species.”
- Riparian Habitat Management Objective, page 10. “To achieve and maintain the presence of adequate vegetation, landform, or large woody debris to dissipate stream energy, associated with high water flows for all riparian-wetland areas (proper functioning condition).”

## **DECISION**

It is my decision to implement the Clifford Spring Restoration Project as described in the proposed action of the cited CX. All actions, design features, standard operating procedures and monitoring as described in the proposed action will be incorporated during project implementation.

## **RATIONALE FOR THE DECISION**

The decision to implement the Clifford Spring Restoration Project as described in the proposed action of the cited CX is consistent with the Tonopah Record of Decision (ROD) and Approved Resource Management Plan (RMP) (BLM 1997), as amended.

- Based on the resource review within the CX, it is determined that the proposed action will not result in any undue or unnecessary environmental degradation to public lands and is consistent with federal, state, and local laws, regulations and plans.
- The proposed action will not adversely impact any threatened or endangered species, migratory birds, or significant scientific, cultural, or historical resources.

All relevant design features identified in DOI-BLM-NV-B020-2025-0012-CX will be incorporated to protect the natural resources associated with public lands and prevent unnecessary and undue degradation of those lands.

## **PUBLIC INVOLVEMENT**

On May 9, 2024, the Bureau of Land Management Tonopah Field Office Consulted, Coordinated, and Cooperated by means of a public consultation letter with the Nevada Department of Wildlife and the interested public. Comments were received on June 10, 2024, regarding the project. Meetings with interested parties who commented occurred on February 10, 2025, and March 19, 2025, to address concerns. The proposed decision is the result of agreements made during these meetings to address the concerns of parties involved. The BLM's interdisciplinary team did not identify any issues with the project or conflicts regarding available resources on public lands that would necessitate analysis of other alternatives.

## **AUTHORITY**

All citations are from Part 43, Code of Federal Regulations (CFR), Subpart 4100 (2005).

- § 4120.3-l(a)-Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management.
- § 4120.3-l(b)-Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.
- § 4120.3-l(e)-A range improvement or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.
- § 4120.3-l(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 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.
- § 4120.3-2(d)-Range improvement work performed by a cooperator or permittee on the public lands or lands administered by the Bureau of Land Management does not confer the exclusive right to use the improvement or the land affected by the range improvement work.
- § 4120.3-7 -The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of this part.

## **PROTEST PROVISIONS**

In accordance with 43 C.F.R. § 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under § 4160.1 of this title in person or in writing to the authorized officer, Perry B. Wickham, Field Manager, Tonopah Field Office, Bureau of Land Management, P.O. Box 911, Tonopah, NV 89049, within 15 days after receipt of such decision. In accordance with 43 C.F.R. § 4160.3 (b), upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion of her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

In accordance with 43 C.F.R. § 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. If the proposed decision were to become the final decision it may be appealed in accordance with the following section.

## **APPEAL PROVISIONS**

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 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 decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant 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 receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer Perry B. Wickham, Field Manager, Tonopah Field Office, Bureau of Land Management, P.O. Box 911, Tonopah, NV 89049. 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 that 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 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 to the petition, 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)).

**APPROVAL FROM AUTHORIZING OFFICER**

*For*

Perry B. Wickham  
Field Manager  
Tonopah Field Office

*Perry B. Wickham*

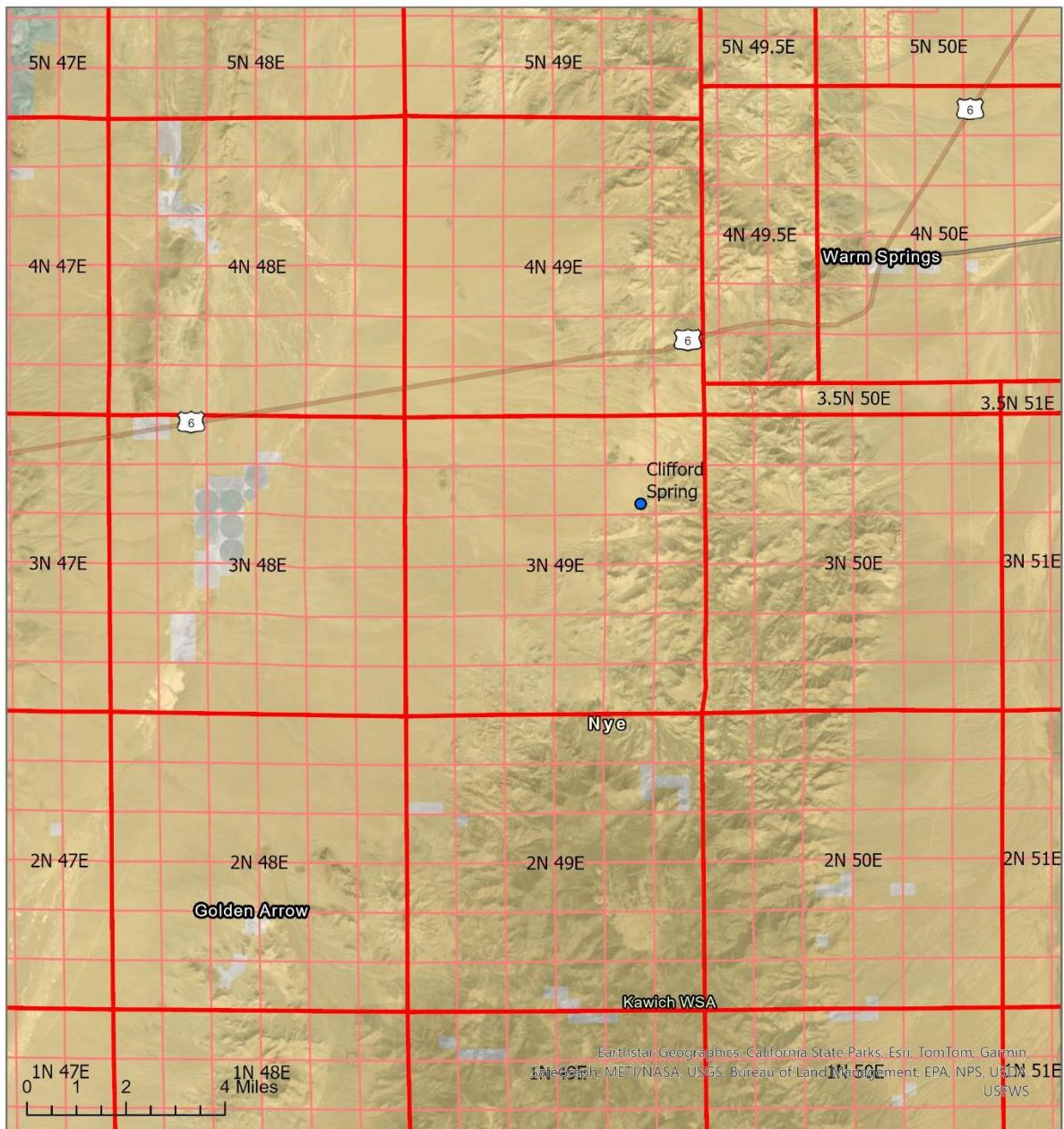
*7.18.2025*

Date

Enclosures  
Exhibit 1 – Maps  
Exhibit 2 – Figures  
Exhibit 3 – Legal Land Description

## Exhibit 1 - Maps

### Clifford Spring Restoration 2025



#### Legend



Bureau of Land Management	Spring Locations
Forest Service	PLSS Township
Private	Section

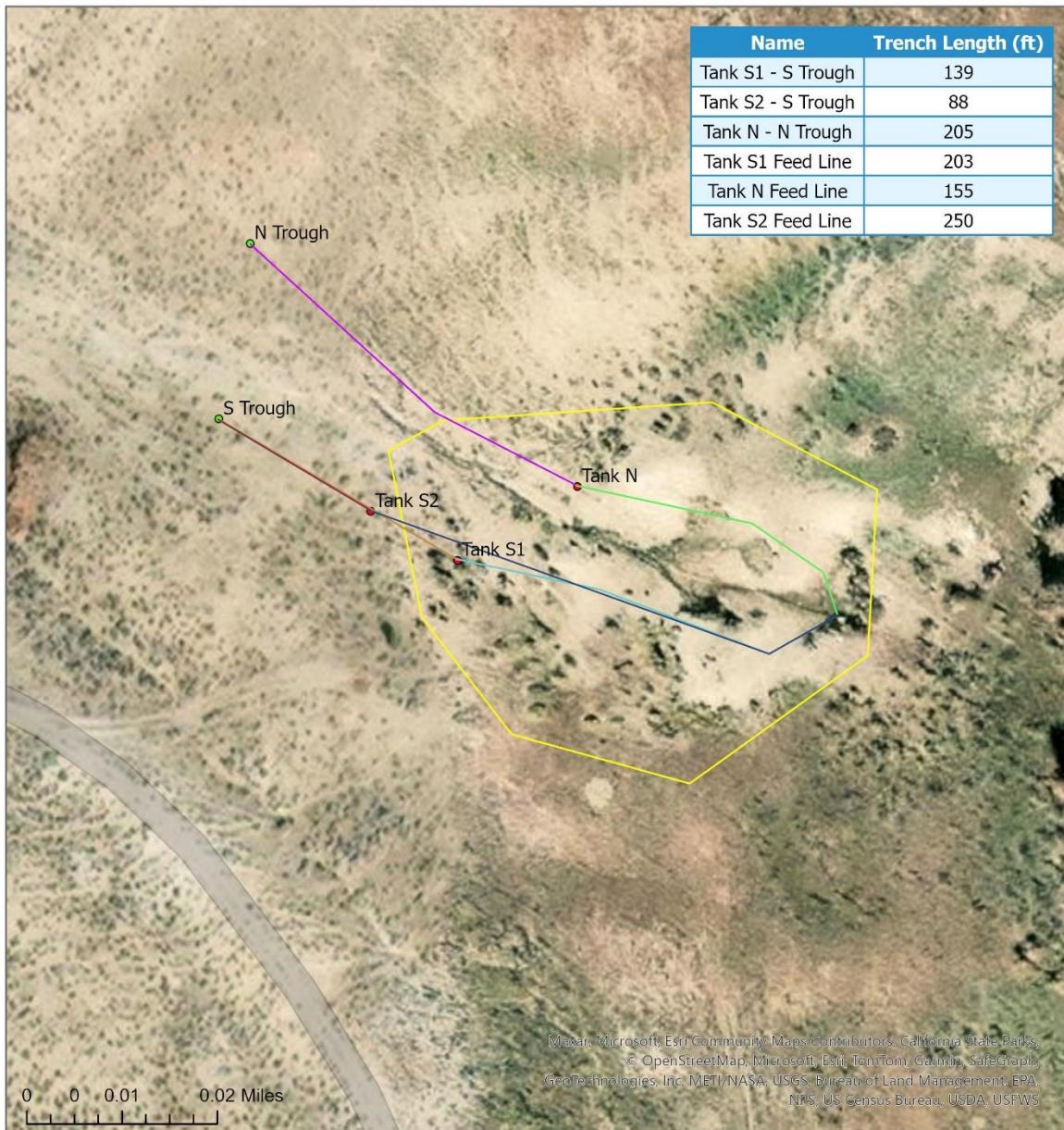


No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual use or aggregate use with other data.

Map 1 - Map Displaying the location of Clifford Spring.

## Exhibit 1 - Maps

### Clifford Spring Restoration 2025



#### Legend

Proposed Facilities		Proposed Pipelines	
Tank Proposed	●	Tank N - N Trough	—
Trough Proposed	●	Tank N Feed Line	—
Proposed Fence		Tank S1 - S Trough	—
Proposed Fence	■	Tank S1 Feed Line	—
		Tank S2 - S Trough	—
		Tank S2 Feed Line	—



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Map 2 - Map displaying the location of proposed facilities. Multiple possible locations for the proposed trough, storage tank, and pipelines are displayed with only one set proposed for construction.

## Exhibit 2 - Figures



Figure 1 - An example of the welded drill steel exclusionary fencing.



Figure 2 - Photo of the spring head with minimal standing water and evidence of heavy trampling.

## Exhibit 2 - Figures

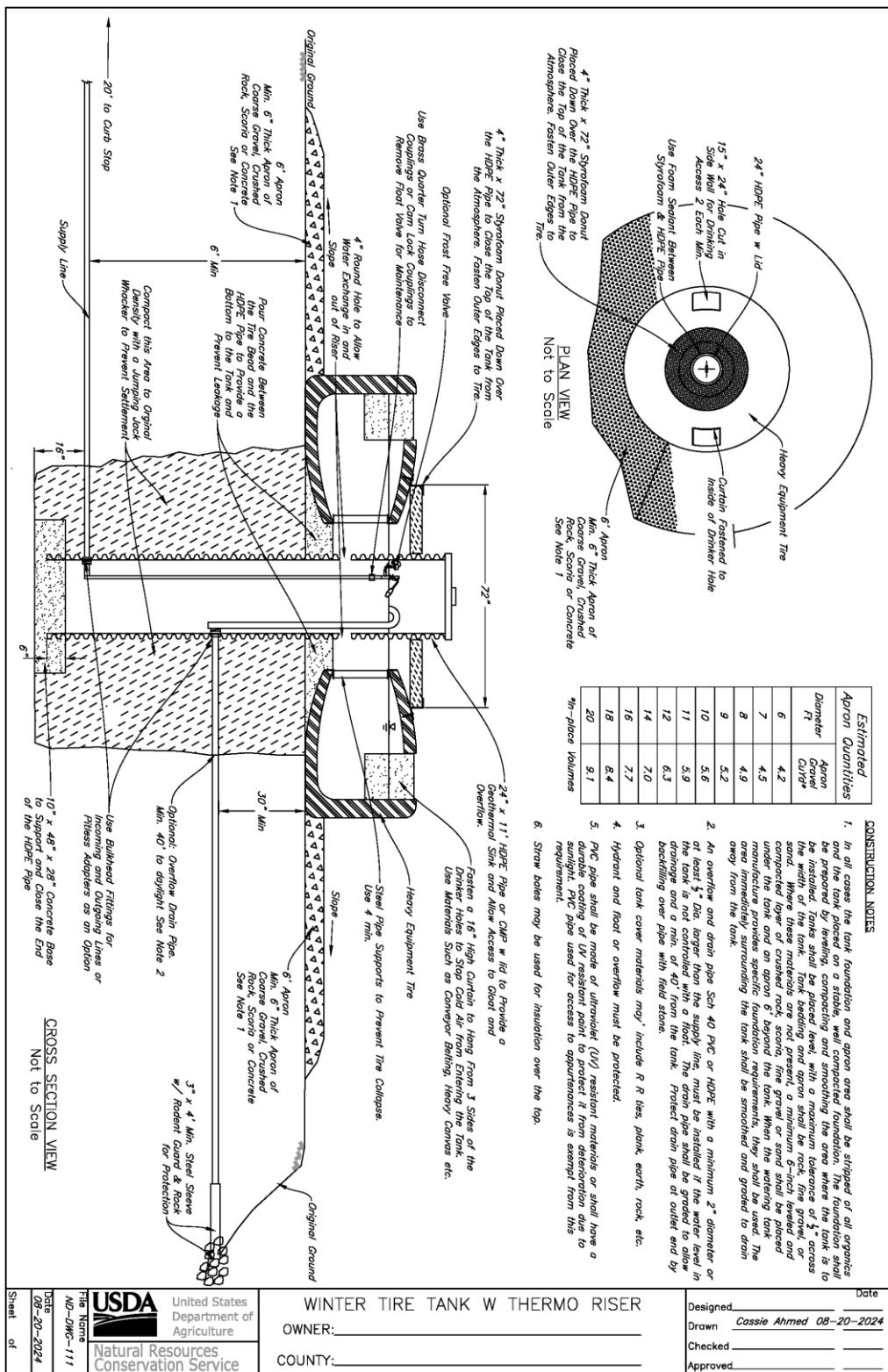


Figure 3 - Example of Thermoriser tank. The end product will be similar in design with adjustments made due to on-ground conditions and project needs.

## Exhibit 2 - Figures

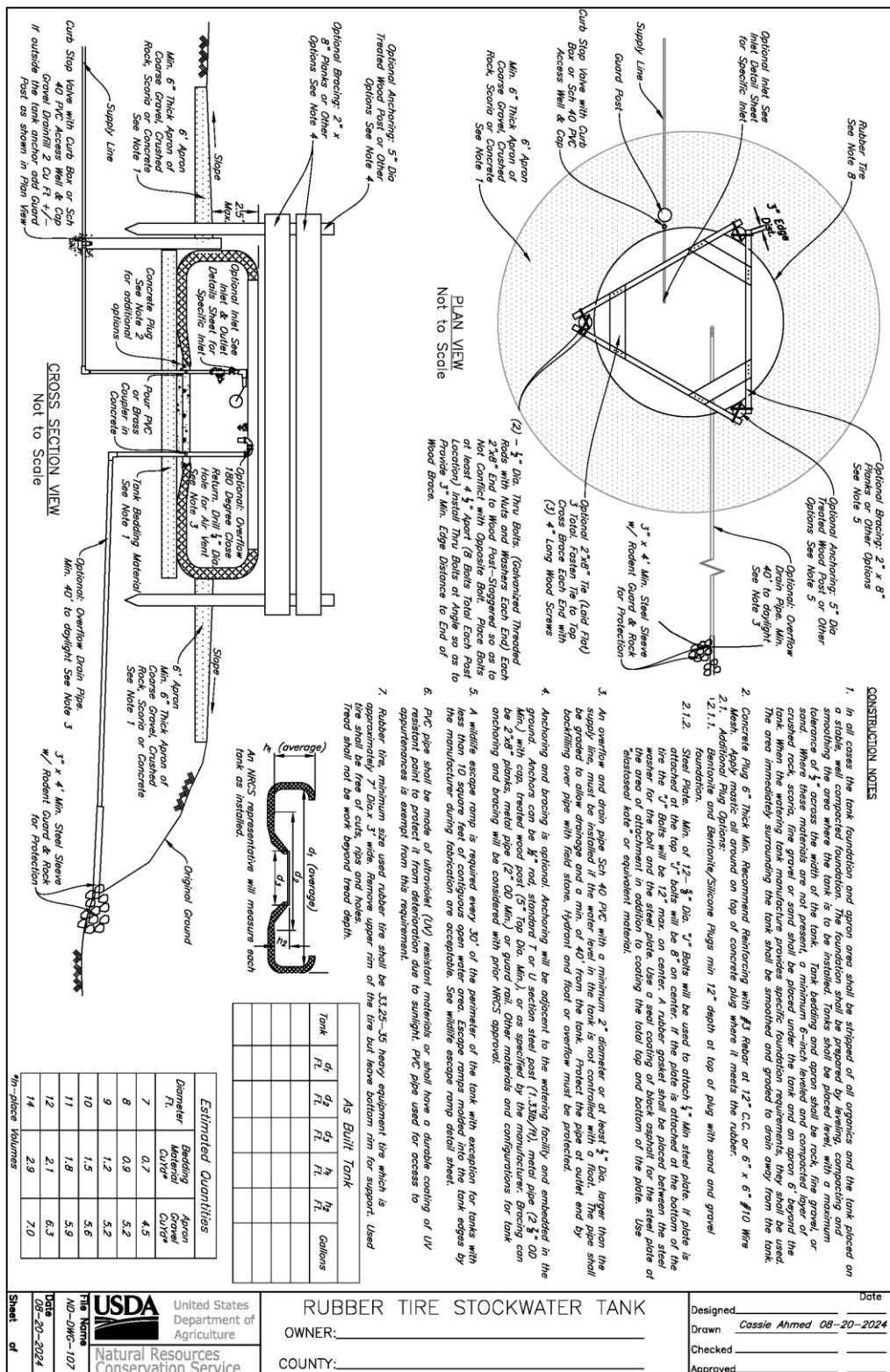


Figure 4 - Example of a tire trough. The end product will be similar in design with adjustments made due to on-ground conditions and project needs.

Exhibit 3 – Legal Land Description

**Clifford Spring**

Mount Diablo Meridian, Nevada

T. 3 N., R. 49 E.,

sec. 11, SW1/4SE1/4.