

Decision Record - Memorandum

Prepared by
U.S. Department of the Interior
Bureau of Land Management

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Chapter 1. Decision
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1.1. DECISION

It is my decision to authorize large capacity and small capacity wildlife water developments in the Surprise Field Office as described in the Proposed Action of the DOI-BLM-CA-N070-2013-0002 Environmental Assessment with all the Standard Operating Procedures and monitoring measures outlined in the aforementioned EA. This decision is contingent on meeting all stipulations, Standard Operating Procedures, and monitoring requirements listed below.

1.2. DESCRIPTION OF THE SELECTED ALTERNATIVE

The Nevada Department of Wildlife (NDOW), Nevada Bighorns Unlimited and the BLM cooperatively propose to construct nine large capacity wildlife water developments in the SFO. The location of each guzzler is given on Table 1.1 and shown on the attached site location maps. These guzzlers would benefit California bighorn sheep, mule deer, antelope, chukar partridge, sage-grouse, and non-game species. Additionally, NDOW and BLM propose to construct additional large and small capacity wildlife water developments within the analysis area which would benefit bighorn sheep, mule deer, pronghorn antelope, chukar partridge, sage-grouse, and non-game species. Construction of all water developments would occur over the next ten years.

The wildlife water developments would provide dependable, evenly distributed, sources of free water for big game and upland game birds in areas with suitable habitat. Wildlife water developments would be authorized by a cooperative agreement between the proponent and the BLM. Typically, the proponent would have maintenance responsibility for them. However, the BLM may construct and maintain its own wildlife water developments.

Typical construction of large capacity wildlife water developments would consist of the following:

Guzzlers will consist of a tank, an apron, a drinker, and a fence to protect the entire guzzler. Each guzzler would have up to a 6 tank system (7500 gallons), 54'X60' apron (60'X70' barbed wire fence around apron). Each guzzler will require a 2,000 square foot apron to capture snowmelt and rainwater to fill the tank. Tanks will be located underground and will be connected by pipe to a self-leveling drinker. Spoils including rock will be spread within the disturbed area. The drinker will have a roughened escape ramp in place to allow ease of use by larger animals and to prevent accidental drowning of smaller wildlife species e.g. rodents, reptiles, birds. A steel pipe rail fence will be placed around the guzzler to prevent damage from domestic livestock and wild horses however big game and smaller wildlife species will have unimpeded access to the guzzler. The entire site will cover approximately 0.5 acres. Total disturbance per site would be less than 1 acre.

Typical construction of the small capacity wildlife water developments would consist of the following:

A 325-gallon fiberglass tank (5' X 5' X 2') would be buried beneath a 12' X 8' steel apron that would be supported on four corners by 2" X 2" angle iron steel posts. Spoils including rock will be spread within the disturbed area. The bases of the corner posts would be buried about 2' deep. A gutter catches the moisture run-off from the steel apron and directs it to the water tank underneath the apron via a down-spout. A barbed-wire fence would be constructed immediately adjacent to each wildlife water development to prevent cattle and wild horses from damaging the structure. Total disturbance per site would be less than 0.1 acre.

Table 1.1. Guzzler Locations

Name	Type	Township	Range	Section	Overland Travel/Sling
Surprise Valley Rim Big Game	Big game guzzler	39N	18E	27	Sling site
Boulder Lake Big Game	Big game guzzler	40N	20E	6	Overland Travel Site
Table Lakes #1	Big game guzzler	41N	18E	34	Overland Travel Site
Table Lakes #3	Big game guzzler	40N	18E	9	Overland Travel Site
Coleman Rim	Big game guzzler	47N	20E	28	Overland Travel site
Cherry Mtn. #1	Big game guzzler	38N	20E	21	Existing route to site
Cherry Mtn. #2	Big game guzzler	38N	20E	32	Existing route to site
Cherry Mtn. #3	Big game guzzler	38N	20E	31	Existing route to site
Cherry Mtn. #4	Big game guzzler	38N	20E	35	Existing route to site

Disturbed areas will be hand seeded with native species (shrubs, grasses, and forbs) to prevent establishment of noxious weeds, to reduce visual impacts, and to provide hiding cover from aerial and terrestrial predators near the guzzler. Vehicle use will be discontinued if rutting over 4 inches occurs. Overland travel will be minimized to the extent possible to minimize effects on resources. Where vehicle access is limited or nonexistent and overland travel is not feasible or is not approved, helicopters will be used to transport equipment, construction materials, and personnel as needed. To minimize visual impacts, guzzlers will be painted as needed to blend in with naturally occurring vegetation as determined by the BLM. To the extent possible, guzzlers will be located in areas where natural topography conceals the location.

Sites will need to be excavated to accommodate the tank and drinker. The fence will require excavation of 16 holes that are 16” wide x 30” deep. The apron will not require any excavation and will sit on the surface of the site. When a guzzler project site can be accessed by equipment the following equipment will be used: Projects will be completed by either a volunteers or NDOW employees.

Vehicle Access Sites:

Volunteer project: 20 ATV/UTV’s - 15 trucks – 5 trailers - 1 backhoe.

NDOW guzzler crew project : 2 ATV’s, 2 trucks – 2 trailers - 1 backhoe.

Additional tools used in construction of guzzlers includes: Pipe wrenches, levels, measuring tapes, tin tools, shovels, picks, digging bars, electric sawz-all, electric drills, generators, chop saw, auger, and post pounders.

Guzzlers built by the 2 man NDOW crew require a 2 week build time (8 days straight) per guzzler. A backhoe is brought in/out once, to the project site, 2 trucks and 2 trailers access the site a total of 4 times with truck and trailer for material delivery. Personnel would then access via one truck in/out per day or 2 ATV’s in/out per day for 7 days. Volunteer projects will be completed in

one weekend, with up to 50 or more people participating in construction of a guzzler with all equipment being brought in and out during the two day construction period.

Non-Vehicle Access Sites:

If a site cannot be accessed with equipment or materials cannot be brought to the site, the site will be blasted and material will be slung into the site via helicopter. Blasting consists of digging approximately 25 charge holes in the area of construction- tanks, trench line, and drinker. Detonation cord, boosters and ammonium phosphate will be used to complete the blasting. Sites would be blasted to loosen soils for hand digging. All other digging is done with digging bars, picks and shovels. Blasting is done just prior to construction. Blasting will not be allowed until the SFO BLM clears the site for blasting and the Field Manager in coordination with the Fire Management Officer approved the blasting date to minimize the risks of a wildland fire starting and for public safety. NDOW will provide fire extinguishers or water, shovels, pulaskis, and a form of communication e.g. satellite phone, radio etc. in the case of a wildland fire start. The SFO BLM will be immediately notified if a fire start occurs.

Materials will be “slung” in by helicopter using sling straps, cables and cargo nets. Approximately 15 loads (trips) will occur per site. A staging area close to the guzzler site will be established where materials can be prepped and the helicopter can land for fueling. This is generally a wide spot in a road.

Campsites and parking for volunteer projects will be cleared and approved with the SFO BLM prior to volunteer groups arriving and camping and parking at a site. NDOW will provide the SFO BLM at least one month prior advance notice to clear a camping site. These guzzlers will be attractive projects to the sportsmen of Reno, so volunteer numbers could be high, however volunteer numbers will not be known until the day of the project.

Guzzlers will be constructed by the volunteers under the supervision of NDOW or by NDOW employees. Work personnel will either camp on site or in close proximity. No disturbance to vegetation or soil beyond that associated with the project will be allowed. No additional activities except those outlined in this EA are authorized. BLM will provide onsite inspection to ensure all rules are being followed.

BLM will be notified prior to construction beginning and NDOW will meet with BLM, if requested, for a pre-work meeting. NDOW in conjunction with the SFO BLM will obtain permission from private landowners before crossing any private lands. All trash and refuse that is generated from the construction of the guzzlers will be removed when construction is completed. Fence construction will comply with BLM fence specifications and standards. NDOW will be responsible for maintenance of guzzlers after construction and will maintain a record of maintenance performed on guzzlers. NDOW will send the BLM an accurate record of performed maintenance so the BLM can update project files. NDOW and BLM will continue monitoring of multiple wildlife species (bighorn sheep, mule deer, pronghorn antelope, and sage grouse) to assess the effectiveness of these types of projects.

If any cultural resources (surface or subsurface) are discovered during construction, construction will cease. The BLM will be notified immediately and an archaeologist will visit the site to determine mitigation measures that are needed and if construction will be allowed to continue.

Prior to construction of any future water developments beyond the 9 sites approved for immediate construction; a Class III cultural resource inventory would be completed for each wildlife water development site and no guzzler sites will be built in National Register Eligible sites.

Construction would comply with the guidelines found in the Buffalo-Skedaddle, Vya and Massacre Sage Grouse PMU Conservation Strategies. These generally recommend construction of water developments a minimum of 6/10th mile from leks. The SFO lek database would be consulted prior to authorization of any future wildlife water developments, and they would also comply with the guidelines cited above. Water developments would only be authorized on public land administered by BLM and land status (master title plat) would be checked for each new proposal. The current Nevada Natural Heritage Data Base would be consulted prior to authorizing any proposed wildlife water developments

1.3. WILDLIFE WATER DEVELOPMENT STANDARD OPERATING PROCEDURES AND REQUIRED MONITORING

Standard Operating Procedures:

All crews working on this project would be alerted to the potential existence of cultural resources within the project area. The inadvertent discovery of cultural resources during project preparation or implementation would be reported to the Field Office archeologist, and work on the project would be halted until the site is evaluated for NRHP eligibility.

The following operating procedures would be followed to minimize impacts.

1. Proposed sites would be identified with flagging for specific location of guzzler placement.
2. Juniper trees with wood rat nests, cavities or other signs of wildlife use would not be cut or disturbed and juniper having old growth characteristics would not be cut; all other juniper within one acre of the guzzler site can be cut to facilitate installation of the guzzler.
3. Disturbed soil areas will be revegetated with native seed/vegetation.
4. Guzzlers would be located in areas where visual impacts are minimized.
5. Helicopters will be used for transporting construction materials and personnel where no roads are present or vehicle use is not feasible.
6. No work or vehicle access to the project area will be allowed until the soils are dry enough to support the weight of the vehicles used (less than 4 inch rutting).
7. Blasting of guzzler sites will occur when soils are too rocky for machinery alone or sites are inaccessible to machinery.
8. Blasting will only occur after approval by the SFO Fire Management Officer and Field Manager.
9. All guzzlers sites will be surveyed for the presence of cultural resources prior to implementation. If a National register Eligible site is discovered, the guzzler site will be moved so there is no impact to the site.

10. Overland travel with vehicles and equipment to and from guzzler sites will be minimized to the extent possible to reduce impacts to resources. If overland travel results in an apparent route to a guzzler site that could be driven to with a vehicle with relative ease; NDOW would be responsible for moving rocks and vegetation in a manner that would discourage off road use in the future.
11. No guzzlers will be located within active pygmy rabbit burrows.
12. No guzzlers will be located within .6 miles of an active sage-grouse lek unless the wildlife water development sites were located in areas where sage-grouse use is not expected to occur e.g. mahogany stands, rock rims, slopes greater than 30%, sage-grouse leks deemed inactive, etc. as determined by BLM and NDOW biologists.
13. The Operator must paint all structures within BLM's Visual Resource Management (VRM) system Class II. All structures will be painted with a BLM approved color that enables the facility to blend with the natural background color of the landscape as seen from a viewing distance and location typically used by the public. The selected color should be one or two shades darker than the dominant background color, typically a vegetation color. BLM approved colors charts can be requested at: BLM_NOC_PMDS@blm.gov.

Table 1.2. Water Development Sites and Objective Areas

Water Development Site	Objective Area
Boulder Lake Guzzler	Class IV
Cherry Mt #1 Guzzler	Class IV
Cherry Mt #2 Guzzler	Class IV
Cherry Mt #3 Guzzler	Class IV
Cherry Mt #4 Guzzler	Class IV
Coleman Rim Guzzler	Class II
Surprise Valley Rim Guzzler	Class II
Table Lakes #1 Guzzler	Class II
Table Lakes #3 Guzzler	Class II

Monitoring and/or Maintenance:

Periodic maintenance of the guzzlers will be conducted by NDOW and a report of the monitoring and maintenance will be sent to the BLM to update project files.

1.4. OTHER ALTERNATIVES CONSIDERED BUT NOT SELECTED

Developing pit reservoirs, improving naturally occurring seeps, and fencing riparian areas was considered as an alternative but was eliminated from further analysis because distribution of water resources would not be improved compared to the construction of guzzlers and water would be less predictable than guzzlers during drought seasons.

1.5. DECISION RATIONALE

As a result of the analysis in the **DOI-BLM-CA-N070-2013-0002** EA, and the above Finding of No Significant Impact, the BLM has determined that the decision to authorize construction

of wildlife guzzlers as described in the proposed action will not result in unnecessary or undue degradation to public lands or cause significant impacts to public health and safety.

Implementing the proposed action will increase and maintain upland game/ nongame and big-game populations and to reduce the risk of disease transmission and infection to bighorn sheep from contact with domestic sheep or goats. Habitat suitability for a myriad of wildlife species known to exist in the SFO will be increased as a result of the proposed action. Suitable habitat, currently lacking sufficient water to sustain wildlife populations during mid-June to October would be improved as a result of the proposed action.

The No Action Alternative was not selected because distribution of water resources would not be improved and water would be less predictable than guzzlers during drought seasons. Competition at water sources between wildlife and livestock and wild horses would continue unabated. During drought periods, wildlife would be forced to disperse longer distances to find water sources and compete with other animals for limited water. Wildlife mortality and body condition declines during drought periods would continue to occur under the No Action Alternative. The quality of drinking water for wildlife and bacterial contamination and fecal coliform levels would not improve under the No Action Alternative due to wildlife having to share water sources with livestock and wild horses.

1.6. CONSULTATION AND COORDINATION:

There are no known federally listed species in the project area. The area in the vicinity of the proposed action is inhabited by a variety of terrestrial and aquatic species including BLM sensitive species and several important game species. Major habitat types include juniper, sagebrush and bitterbrush with inclusions of mountain mahogany. Field office wide surveys have been conducted for sage-grouse, pygmy rabbit, golden eagle, other bird species and aquatic species. Additional visits were made to all project sites in 2011 and 2012 to observe habitat conditions/availability and to look for signs of other species that might be present. The only known BLM sensitive species found within the project boundaries during field surveys were Greater sage-grouse (*Centrocercus urophasianus*) and California bighorn sheep (*Ovis canadensis californiana*) which use portions of the analysis area all year long.

Tribal Consultation was completed with the Fort Bidwell Tribe, Summit Lake Tribe and Cedarville Rancheria during the project planning process. No concerns relating to the project were expressed.

1.7. PUBLIC INVOLVEMENT:

Public participation was encouraged throughout the development of the Large Capacity and Small Capacity Wildlife Water Development Environmental Assessment. Collaboration included representatives from Tribes, local representatives from Federal and State agencies, local governments, landowners, other interested persons, community-based groups, and other nongovernmental organizations.

Formal comment period for this project was two 30 day scoping periods for a total of 60 days. The first public comment period was from February 12, 2011 to March 16, 2011. A letter was sent out to all identified interested parties. The BLM received 2 letters in response to public scoping from the Friends of Nevada Wilderness and Nevada Division of State Lands. The second scoping period was from December 5, 2012 to January 5, 2013. The BLM received 2 letters in response to

public scoping from Nevada Bighorns Unlimited and Nevada Division of State Lands, both of which supported the installation of guzzlers.

The concerns brought up during scoping have been addressed within the Large Capacity and Small Capacity Wildlife Water Development Environmental Assessment.

1.8. PLAN CONSISTENCY:

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Surprise Resource Management Plan/Final Environmental Impact Statement (RMP/ROD/FEIS), April 2008. This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

1.9. ADMINISTRATIVE REMEDIES:

In accordance with 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). In accordance with 43 CFR 4.411, a person who wishes to appeal the decision must file a notice that he wishes to appeal in the office of the authorized officer who made the decision. In accordance with 43 CFR 4.413, a copy of the notice to appeal must be sent to the Office of the Solicitor in the manner prescribed in 43 CFR 4.401(c) not later than 15 days after filing the document. The offices to file notice of appeal:

Bureau of Land Management, Surprise Field Office

602 Cressler Street

Cedarville, CA 96104

and a copy to

Office of the Regional Solicitor

Pacific Southwest Region

U.S. Department of Interior

2800 Cottage Way, Room E-2753

Sacramento, CA 95825-1890

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service.

In accordance with 43 CFR 4.411 (b), the notice of appeal may include a statement of reasons for the appeal, a statement of standing if required by 43 CFR 4.412 (b), and any arguments the appellant wishes to make. In accordance with 43 CFR 4.412 (a), if the notice of appeal did not

include a statement of reasons for the appeal or the appellant wishes to file additional statements of reasons, the appellant shall file such statements with the Board within 30 days after the appeal was filed. The address to file such statements to the Board is:

Board of Land Appeals

Office of Hearings and Appeals

801 North Quincy Street

Arlington, VA 22203

If statement of reasons for appealing were filed with the "Notice of Appeal", no additional statement is necessary.

Pursuant to 43 CFR 4.21 (b), an appellant also 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 the date the proposed decision becomes final or 30 days after receipt of the final decision.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website (<http://www.blm.gov/ca/st/en/fo/surprise.html>).

1.10. Authorizing Official:

/S/ Tim Burke
Acting Surprise Field Manager

Date
1/23/13