



Public Scoping and Notice of Proposed Action & Opportunity to Comment

**United States
Department of
Agriculture**

Forest Service

**Humboldt-
Toiyabe
National Forest**

North Fork Humboldt River Fish Barrier

**Mountain City Ranger District
Elko County
Nevada**

December, 2012

Comments Welcome

The Mountain City Ranger District of the Humboldt-Toiyabe National Forest welcomes your comments on the North Fork Humboldt River Fish Barrier Project. Written, facsimile, hand delivered, oral, and electronic comments concerning this action would be accepted for 30 calendar days following the publication of the 36 CFR 215 Notice of Proposed Action in the Elko Daily Free Press. For detailed information on how to provide comments please refer to the “Comment Process” section of this document on page 6.

This document initiates both the scoping process pursuant to Council on Environmental Quality regulations at 40 CFR 1501.7 and provides notice of the 30-day comment period pursuant to Forest Service regulations at 36 CFR 215. The purpose of the scoping process is to solicit public comment early in the analysis. The purpose of the 30-day comment period is to provide an opportunity for the public to provide meaningful input on the proposed action prior to a decision by the Responsible Official. For this project the Forest Service has decided to run the two periods simultaneously.

Purpose and Need

The purpose and need for this barrier/stream gauge is to secure habitat for Lahontan cutthroat trout (LCT) in the North Fork Humboldt River watershed. Construction of a fish barrier/gauge will protect upstream LCT from being displaced by downstream non-native fishes. The barrier/stream gauge will also assist in quantifying recovery of the aquifer by monitoring stream flows in the North Fork Humboldt River (NFHR). The headwaters of the North Fork Humboldt River occur within a “Priority Metapopulation Recovery Area” that has been identified by state and federal agencies.

Forest Plan Compliance

This action responds to the goals and objectives outlined in the Humboldt National Forest Land and Resource Management Plan (USFS 1986).

Specifically, this project responds to the following Forest Plan goals (pages IV-4 and IV-5):

#13 Improve the quality and quantity of lake and stream habitats through increased coordination with other land use programs, cooperation with Nevada Department of wildlife, and direct habitat improvement.

#15 Manage classified species bald eagle (E), Peregrine falcon (E), Lahontan cutthroat trout (T), Bonneville cutthroat trout (S) habitat to maintain or enhance their status through coordination with other land use programs, agency coordination, and direct habitat improvements.

Decision Framework

Based on the environmental analysis and disclosure, the District Ranger would decide 1) whether to select the proposed action as proposed or modified; 2) what mitigation measures are needed; and 3) what monitoring is required.

It is expected that this project can be categorically excluded from documentation in an environmental impact statement or environmental assessment. This project fits within category 6 – Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction (36 CFR 220.6(e)(6)) Documentation is proposed to be done with a Decision Memo.

The Proposed Action

Gateway Gold Corp. (a wholly owned subsidiary of Victoria Gold Corp.) proposes to construct a permanent fish passage barrier/gauging station on the North Fork Humboldt River, Elko County, Nevada. Once constructed the barrier would isolate Lahontan cutthroat trout in upstream portions of the North Fork Humboldt River watershed from brook trout (*Salvelinus fontinalis*) a non-native trout species.

The proposed barrier site is located near the National Forest boundary approximately 150 feet to north of Forest Service Road 732 near a non-functional USGS gauging station. There is currently an old road that leads to the gauging station. Clear access to the barrier site would be needed and would require the construction of temporary access. The access corridor is expected to be a short spur off a nearby road and approximately 15-20 ft. in width and would require clearing large vegetation.

The barrier/gauge would be constructed of concrete (and reinforced with rebar) and would be anchored into already existing rocky banks on both sides the creek. The structure would be cast in-place. Implementation is planned to take place in the fall of 2013 (when flows are low) and would take approximately 2-4 weeks to complete.

Heavy equipment would be necessary to construct the fish passage barrier/gauge. Heavy equipment (excavator) would be used to level the stream bottom, and stream banks prior to barrier/gauge construction. Heavy equipment would also be used to place large rock to secure/embed the ends of the structure into the adjacent stream banks. Water would be diverted using pipes or hoses around the areas actively under construction.

The barrier structure would include a stream discharge gauge and fish ladder to allow future fish passage if desired. The passive gauge would likely be a notch in the barrier which would allow for easy visual observations of the discharge level. This fish passage feature (fish ladder) would remain closed until brook trout are removed from the North Fork Humboldt River below the barrier.

All equipment used would be cleaned prior to arriving at the construction site and spill pads would be used under all equipment to prevent introducing hazardous material to the stream. All equipment would be inspected daily to assure no leakage is occurring.

Areas for fuel storage, refueling, and servicing of construction equipment, vehicles, and pumps would be at least 150 feet from the stream channel and all machinery fueling and maintenance would occur within a contained area.

During the Project, Gateway Gold Corp. (Gateway) would cooperate with the Forest Service to monitor all project activities. Monitoring would include but not be limited to:

- Sediment control
- Road maintenance
- Reclamation
- Noxious weed control

At the conclusion of the Project, reclaimed areas would be monitored for at least three years to ensure successful establishment of vegetation, per the revegetation standards established in the *Nevada Guidelines for Successful Revegetation* for the NDEP, the Bureau of Land Management, and the Forest Service, are attained. Monitoring for the control of erosion and control of noxious weeds would be carried out in conjunction with reclamation monitoring.

Environmental Protection Measures

Environmental protection measures are proposed to avoid or minimize potential negative effects to resources surrounding and within the Project area. Specific measures currently include, but are not necessarily limited to the following list.

Air Quality: Dust control would be accomplished by watering access routes as necessary. A minimal amount of limb trimming and removal of trees is anticipated for access roads and in areas where existing roads experience overgrowth; no burning of slash is planned. Disturbed areas would be reclaimed to restore vegetative cover.

Water Quality: Reclamation would be completed after cessation of activities to reduce the erosional potential for these areas. Spill kits would be on-site if needed for oil and fuel spills. The temporary access road would be constructed using water bars and other best management practices (i.e., certified weed-free straw bales, silt fences, or other measures as appropriate) to minimize runoff and control erosion.

Solid Wastes: All non-hazardous trash would be taken to the county landfill (or other approved disposal facility). If generated, hazardous wastes created during the project would be properly disposed of offsite in approved hazardous waste facilities according to local, state, and federal regulations.

Scenic Values: Reclamation would be completed after cessation of activities to minimize potential visual impacts. Disturbed areas would be reclaimed to restore vegetative cover.

Wildlife: The construction schedule would avoid potential conflicts with nesting migratory birds by avoiding the breeding and nesting period.

Fisheries: The proposed action would not impact the spawning of Lahontan cutthroat trout as these are a Spring spawning fish. Prior to construction the project site would be cleared of all fish and nets put up to eliminate any fish mortality.

Vegetation: Gateway Company would implement controls to prevent the spread of noxious weeds including the identification of noxious weed stands in the vicinity and washing vehicles moving in and out of the Project area as required.

Cultural Resources: No cultural resources have been identified within the project area. If previously undiscovered archaeological or cultural sites or resources are encountered during project work, activity in that area would cease immediately, the Forest Service would be notified, and the resource would be evaluated. The results of the evaluation would determine subsequent action.

Preliminary Issues

Based on an initial review by the Forest Service the following issues have been identified. Your input would help us refine the issues related to the project.

Water quality – There is the potential for increased erosion and hazardous materials spills from construction activities.

Cultural Resources- There is the potential for previously undiscovered cultural resources to be uncovered and damaged by construction activities.

Wildlife - There is the potential for construction activities to disturb or harm animals that are within and adjacent to the project.

Preliminary Effects Analysis

This preliminary look at environmental impacts is focused on the seven resource conditions that are required to be addressed in categorical exclusions (36 CFR 220).

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

- Listed and Proposed species – The North Fork of the Humboldt River is occupied by Lahontan cutthroat trout, a listed species. A Biological Assessment has been prepared for this project. Long term impacts are expected to be beneficial and the determination is that the Project may affect but is not likely to adversely affect Lahontan cutthroat trout.
- Forest Service Sensitive Species - No Forest Service sensitive plant or animal species were found during wildlife and botanical field inventories conducted in 2012. The project would have no impact on any Regional Forester Sensitive Species.

b. Floodplains, wetlands, or municipal watersheds - Project activities are proposed in flood plains and/or wetlands, however the construction related impacts are expected be short-term and negligible. In the long, changes to stream flows are expected to be minimal. The project does not lie within any municipal watersheds.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas - The project area is not located in or near any congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

d. Inventoried roadless areas - The project is not within or adjacent to any Inventoried Roadless area.

e. Research natural areas. The project does is not within or near any research natural areas within or adjacent to the.

f. American Indians and Alaska Native religious or cultural sites - No known American Indian and Alaska Native religious or cultural sites within or adjacent to the project area have been identified. Coordination would continue with local tribal governments to ensure all concerns are addressed prior to the Forest Service making a decision on the project.

g. Archaeological sites, or historic properties or areas - The project area was surveyed for cultural resources in the summer of 2012 and none were found. This project would have “no effect “upon archaeological sites, or historic properties or areas.

Comment Process

The Forest Service encourages your comments on this Project. Written, facsimile, hand-delivered, oral, and electronic comments concerning this action would be accepted for 30 calendar days following the publication of the legal notice for this project in the Elko Daily Free Press. It is the responsibility of persons providing comments to submit them by the close of the comment period. Interest expressed or comments provided after the close of the 30-day comment period would be considered, but would not confer eligibility to appeal a decision to proceed with the Project.

Mailed comments must be submitted to: District Ranger, Mountain City Ranger District, 2035 Last Chance Road, Elko, Nevada 89801. The fax number is (775) 778-6167. Office business hours for those submitting comments in person or by phone are: 7:30 am to 4:30 pm Monday through Friday, excluding federal holidays. Office phone number is (775) 738-5171.

Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc/.docx) to:

comments-intermtn-humboldt-toiyabe-mtn-city@fs.fed.us

Appeal Eligibility

Individuals and organizations wishing to be eligible to appeal must provide the information identified in 36 CFR 215.6, including : [i] name and address; [ii] title of the proposed action; [iii] specific comments (36 CFR 215.2) on the proposed action, along with supporting reasons that the Responsible Official should consider in reaching a decision; [iv] signature or other verification of identity upon request; identification of the individual or organization who authored the comment(s) is necessary for appeal eligibility; [iv.A] for appeals listing multiple

organizations or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each organization and for each individual in the case of multiple names, to meet appeal eligibility requirements; [iv. B] those using electronic means may submit a scanned signature. Otherwise another means of verifying the identity of the individual or organizational representative may be necessary for electronically submitted comments or comments received by telephone; [v] individual members of an organization must submit their own comments to meet the requirements of appeal eligibility; comments received on behalf of an organization are considered as those of the organization only.

Comments received in response to this notice, including names and addresses of those who comment, would be considered part of the public record for this project and would be available for public inspection and would be released if requested under the Freedom of Information Act.

For additional information please contact Manuel Silva, Geologist at (775) 778-6129, and email at mrsilva@fs.fed.us or Doug Clarke, planner at (775) 778-6127, and email at dclarke@fs.fed.us. We thank you for your interest in our National Forests.

Attachments

Project map

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