



**United States  
Department of  
Agriculture**

**Forest  
Service**

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## **Notice of Opportunity to Comment**

# **Overland Pass Habitat Improvement Project**

**Ruby Mountains Ranger District  
Humboldt-Toiyabe National Forest**

**September 2013**

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Additional information can be found online at [www.ascr.usda.gov/complaint\\_filing\\_file.html](http://www.ascr.usda.gov/complaint_filing_file.html).

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U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

### **Persons with Disabilities**

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

## **Comments Welcome**

The Humboldt-Toiyabe National Forest's Ruby Mountains Ranger District welcomes your comments on the proposed Overland Pass Habitat Improvement Project (Project). This project is located on National Forest System land within the Ruby Mountains Ranger District as well as on public lands administered by the Ely District, Bureau of Land Management (BLM).

Written comments concerning this proposal will be accepted for 30 calendar days following the publication of the Project's legal notice in the Elko Daily Free Press. For detailed information on how to provide comments, please refer to the "How to Comment and Timeframe" section of this document.

## **Introduction**

This project was initially proposed in January 2012. On February 16, 2012 a scoping letter was mailed to potentially interested parties and on April 22, 2013 an update letter was mailed. These letters are available for review on the Forest Service (FS) and Bureau of Land Management (BLM) websites shown here:

Forest Service: [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=36593](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=36593)

BLM: [www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

BLM's Egan Field Office, located in the Ely District, is the lead agency for this project in conjunction with the FS as a cooperating agency. The agencies are proposing to conduct manual, mechanical and prescribed fire treatments in the Overland Pass area.

## **Project Location**

The project area is located along the southern flanks of the Ruby Mountains, in White Pine and Elko Counties, Nevada and consists of approximately 40,000 acres; of which approximately 17,000 acres would undergo vegetation treatments (see attached maps). The project is located in the greater sage-grouse's summer and winter nesting habitat; crucial summer, winter and transitional mule deer habitats; and pronghorn antelope habitat.

## **Purpose and Need**

The project purpose and need is to:

- Improve habitats for sage-grouse, mule deer, and pronghorn antelope
- Restore natural vegetative conditions
- Improve vegetation diversity within the treatment areas
- Reduce the risk of large wildfires

## **Summary of the Proposed Action**

The proposed action is to conduct manual, mechanical and prescribed fire treatments on approximately 17,000 acres in the Overland Pass Area. Treatment methods would involve the following:

- Manual removal of pinyon and juniper trees
- Mechanical chaining of pinyon, juniper and brush species
- Mechanical mastication of pinyon, juniper and brush species

- Pile burning of cut pinyon and juniper trees
- Broadcast burning of pinyon-juniper stands

### **Analysis Process**

Initial review of the proposed action, by the FS and BLM, indicated an Environmental Assessment (EA) must be prepared for this project. The purpose of the EA is to evaluate the potential impacts to the quality of the human environment in order to determine whether an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) is needed. The EA will allow agency resource specialists to review affected resources, even if impacts are not significant, as well as provide a mechanism for developing and identifying appropriate mitigation measures.

A tentative timeline has been developed for completion of this EA; the key steps are outlined below:

Activity	Approximate Dates	Comments
Begin Scoping	Through August 31, 2013	Completed
Notice of Opportunity to Comment document mailed	September, 2013	
30 day FS public comment period	September – October 2013	Required by FS regulations at 36 CFR 218
Final EA prepared and mailed	October 25, 2013	
45-day review and objection period	October 30- December 15	Required by FS regulations at 36 CFR 218
45 day FS Objection Resolution Period	December 15, 2013 – January 30, 2014	Only if needed
Decision Record for BLM signed	February 15, 2014	
Decision Notice for FS signed	February 15, 2014	
BLM 30 day Appeal Period	February 20- March 30, 2014	

## **Issues**

Based upon the public scoping and the ongoing analysis by agency specialists, the following preliminary issues associated with this Proposed Action have been identified. This list is subject to change as the analysis progresses.

<b>Resource Condition</b>	<b>Preliminary Issue</b>
<b>Wild Horses and Burros</b>	Project activities may impact wild horses and burros that inhabit portions of the project area. Some individual animals may be displaced into adjacent areas while the work is being performed.
<b>Wildlife</b>	Project activities may impact wildlife habitat. Some individual animals may be displaced into adjacent areas while the work is being performed.
<b>Vegetation</b>	Project activities, which would include hand thinning, mastication and prescribed burning, would open up the vegetative communities plus change the species composition and diversity within the treated areas.
<b>Water Quality</b>	The work proposed may impact the water quality of streams within the project area due to increased run-off and sedimentation.
<b>Air Quality</b>	Minimal impact due to the limited nature of the project. Pile burning, if done, would add smoke and particulates into the air.
<b>Cultural Resources</b>	Project activities may affect cultural resources through ground disturbance practices and changes to the cultural settings.
<b>American Indian Traditional Uses</b>	Project activities may affect how local tribes practice traditional uses in the area including pine nut gathering.
<b>Recreation</b>	Project activities may interfere with recreational activities during implementation. In the long-term, some recreationists may be displaced due to changed landscape conditions.
<b>Inventoried Roadless Areas</b>	Project activities may impact the character of Inventoried Roadless areas within the project area.

## **Alternatives to Proposed Action**

In addition, to the Proposed Action, the FS will address the No Action Alternative in the EA. Under the No Action Alternative, no habitat improvement work would be authorized by the FS or BLM.

## **Forest Service Decision Framework**

Based on the environmental analysis and disclosure documented in the EA, the District Ranger will decide 1) whether to select the actions proposed or modified, or as described in an alternative; 2) what mitigation measures are needed; and 3) what monitoring is required.

## **Forest Service Objection Process**

This project implements elements of the Humboldt National Forest Land and Resource Management Plan. It is not authorized under the Healthy Forest Restoration Act and is subject to 36 CFR 218 parts (a) and (b). There will be an objection process, instead of an appeal period, before the final decision is made and after the final environmental analysis document and draft decision are mailed (reference 36 CFR 218). In order to be eligible to file an objection, specific written comments related to the project must be submitted during scoping or during the 30-day opportunity for public comment period established for this project. For the purposes of objection eligibility, the previous scoping period ended on August 31, 2013. The 30-day opportunity for public comment is described in the “How to Comment and Timeframe” section on this page.

For more information regarding the objection process for projects and activities implementing land and resource management plans and the requirements, please refer to the regulations under 36 CFR 218 Subparts A and B on the National Forest Service website at: <http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-06857.pdf>

## **How to Comment and Timeframe**

Written comments concerning this proposal will be accepted for 30 calendar days following the publication of the Project’s legal notice in the Elko Daily Free Press.

Individuals and organizations wishing to be eligible to object must meet the information requirements of 36 CFR 218 Subparts A and B.

It is the responsibility of the persons providing comments to submit them by the close of the comment period. Only those who submit timely and specific written comments or concerns regarding the proposed project during a public comment period, which is established by the responsible official, are eligible to file an objection under §218.

Those who have previously submitted scoping comments on this project do not need to resubmit comments. It is the responsibility of those who submitted comments to ensure that previous comment letters met the requirements of §218:

- (i) Name and postal address. Email address in addition is recommended but not required.
- (ii) Title of the proposed project or activity.
- (iii) Specific written comments as defined in § 218.2 regarding the proposed project or activity, along with supporting reasons.
- (iv) Signature or other verification of identity, upon request, and identification of the individual or entity who authored the comment(s). For comments listing multiple entities or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each entity and for each individual in the case of multiple

names. A scanned signature or other means of verifying the identity of the individual or entity representative may be used for electronically submitted comments.

(v) Individual members of an entity must submit their own comments to establish personal eligibility; comments received on behalf of an entity are considered as those of the entity only.

Written, facsimile, hand-delivered, and electronic comments concerning this action will be accepted for 30 calendar days following the publication of the legal notice, for this project, in the Elko Daily Free Press. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the comment period.

Written comments must be submitted to:

Matt Boisseau, Deputy District Ranger  
Ruby Mountains and Jarbidge Ranger Districts  
140 Pacific Avenue, P.O. Box 246  
Wells, NV 89835  
The fax number is (775) 752-1799

The office business hours for those submitting hand-delivered comments are:

7:30 a.m. to 4:30 p.m. Monday through Friday, excluding federal holidays.

Electronic comments must be submitted in a format such as an email message, portable document file (.pdf), plain text (.txt), rich text format (.rtf), or Word (.doc) to:

[comments-intermtn-humboldt-toiyabe-rubymtns-jarbidge@fs.fed.us](mailto:comments-intermtn-humboldt-toiyabe-rubymtns-jarbidge@fs.fed.us)

In cases where no identifiable name is attached to a comment, a verification of identity will be required for objection eligibility. If using an electronic message, a scanned signature is one way to provide verification.

For objection eligibility each individual or representative from each entity submitting timely and specific written comments regarding the proposed project must either sign the comments or verify identity upon request.

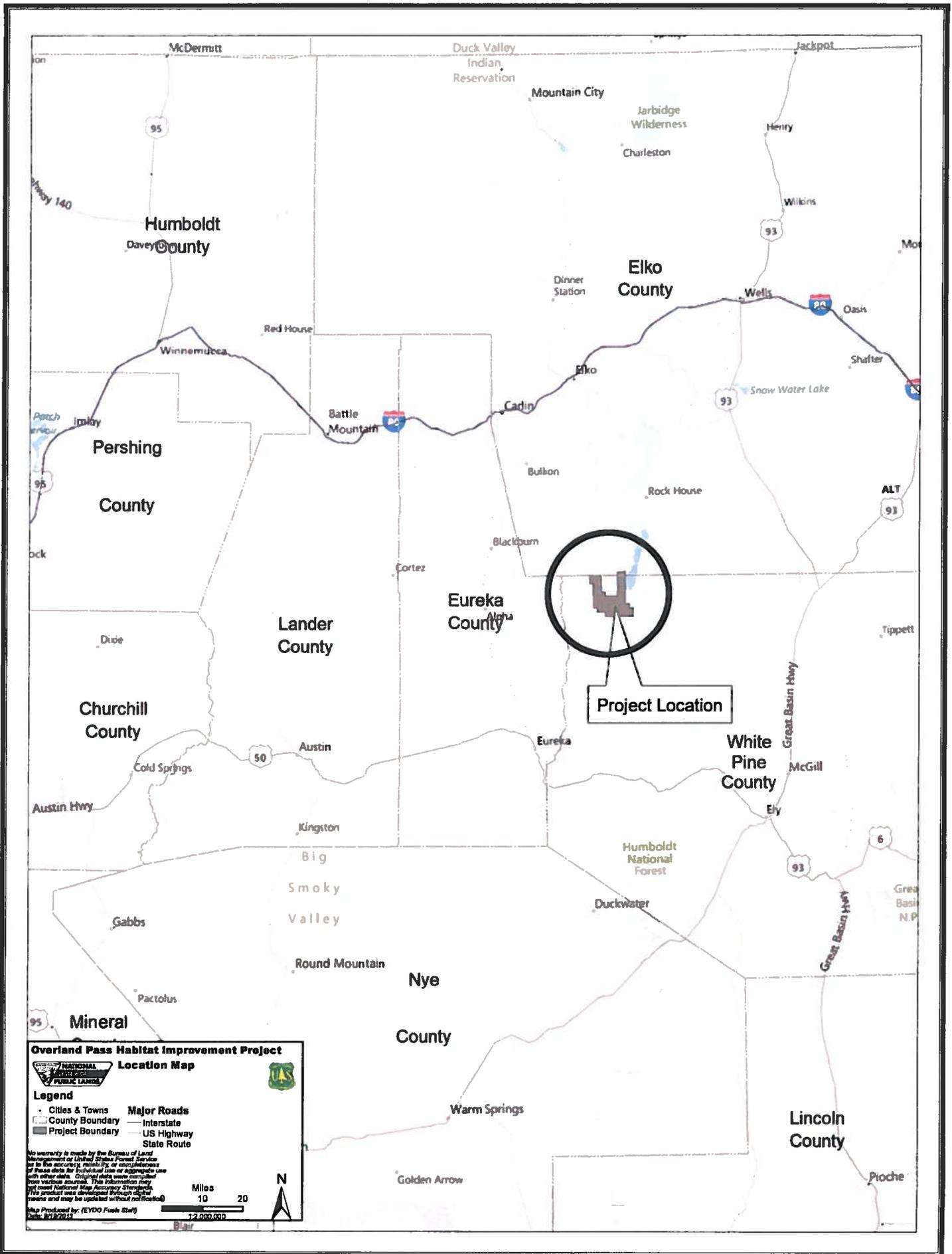
Names and addresses of those who comment on the EA will become part of the administrative record of this NEPA review and will be available for release to a third-party upon request under authority of the Freedom of Information Act.

## **Contact**

For further information contact:

Troy Phelps  
Fire Management Officer  
(775) 778-6121  
[tdphelps@fs.fed.us](mailto:tdphelps@fs.fed.us)

Cody Coombs  
Fuels Specialist and Project Coordinator  
(775) 289-1854  
[ccoombs@blm.gov](mailto:ccoombs@blm.gov)



**Overland Pass Habitat Improvement Project**  
**Location Map**



**Legend**

• Cities & Towns	Major Roads
▭ County Boundary	Interstate
▭ Project Boundary	US Highway
	State Route

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Map Produced by: (EYDO Field Staff)  
 Date: 8/18/2011

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