



United States Department of the Interior

26 DEC 13 AM 11:12



BUREAU OF LAND MANAGEMENT

Tuscarora Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.blm.gov/nv>

In Reply Refer To:
4120 (NVE0200)
RIPS # 022009

DEC 20 2019

Ellison Ranching Co.
P.O. Box 2150 Elko, NV 89803
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Squaw Valley Ranch LLC
P.O. Box 1770
Winnemucca, NV 89446
Certified Mail No. 7017 1450 0001 8790 0145 Return Receipt Requested

NOTICE OF PROPOSED DECISION BUFFALO FENCE REALIGNMENT

Dear Permittee and Interested Parties,

The Bureau of Land Management (BLM), Tuscarora Field Office has completed a Determination of NEPA Adequacy (DNA) for the Buffalo Fence Project. The DNA, DOI-BLM-NV-E020-2017-0024-DNA, can be accessed online at <https://go.usa.gov/xp7Pr>.

PROPOSED DECISION

It is my proposed decision to realign approximately eight miles of fence between the Squaw Valley and Spanish Ranch allotments. The allotment boundary between the two allotments has not historically been fenced; however, there is a current fence line in the area that is a temporary fire fence from the 2001 Buffalo Fire. This temporary fence is located to the north of the allotment boundary and excludes approximately 8,000 acres from the Spanish Ranch allotment and the Rock Creek Herd Management Area (HMA). Realigning the fence will allow the wild horses to access forage in Rock Creek HMA made inaccessible by the temporary fire fence. The fence will be built to BLM wildlife friendly specifications (BLM Handbook H-1741-1).

The fence is proposed to be built in the uplands of the Fraser Creek and Cornucopia Riparian pastures to more efficiently manage the livestock around the riparian areas through effective rotation. This will help to disperse livestock throughout the correct pastures and aid in the recovery of the limited riparian areas within the pastures, specifically Fraser Creek, which contains Lahontan Cutthroat Trout. The nearest Greater sage-grouse lek is approximately 1 mile from the proposed fence. Flight diverters will be installed on approximately 3 miles of the fence line.

Stipulations:

- Permittee will accept maintenance of the project, through a cooperative range improvement agreement, upon completion of the project.
 - Offloading of materials and supplies will be conducted on existing roadways.
 - All construction activities must adhere to the seasonal habitat restrictions as follows, modified in consultation with NDOW:
 1. In breeding habitat within 4 miles of active and pending GRSG leks from March 1 through June 30
 - a. Lek—March 1 to May 15
 - b. Lek hourly restrictions—6 p.m. to 9 a.m.
 - c. Nesting—April 1 to June 30
 2. Brood-rearing habitat from May 15 to September 15
 - a. Early—May 15 to June 15
 - b. Late—June 15 to September 15
 3. Winter habitat from November 1 to February 28.
-
- All excess construction materials and trash will be immediately removed from the project area and disposed of properly.
 - Section 106 will be completed prior to project implementation (i.e. ground disturbance). No roads will be constructed and off-road travel will be limited to construction and maintenance activities.
 - The permittee will inspect the fence line annually for structural integrity and noxious weed infestations. They will coordinate immediately with the BLM to address any new or existing infestations.
 - All equipment (including trucks, ATV/UTV, and transport trailers) will be cleaned of mud, debris, and plant parts prior to on-site arrival and upon leaving the project area. Cleaning efforts will concentrate on tracks, feet, or tires and the undercarriage with special emphasis on axles, frames, cross members, motor mounts, the underside of running boards and front bumper/brush guard assemblies.
 - All vehicles are to avoid travel through and/or staging in weed infestations.
 - Fence will be built to BLM wildlife friendly specifications (BLM Handbook H-1741-1).

Required Design Features:

The Required Design Features (RDF) applied to this project are RDF Gen11, RDF Gen 12, RDF Gen 13, RDF Gen 17, RDF Gen 18, RDF Gen 19, RDF Gen 20, and RDF Gen 22. See DOI-BLM-NV-E020-2017-0024-DNA

LAND USE PLAN CONFORMANCE AND COMPLIANCE WITH APPLICABLE LAWS

The proposed action conforms to the 1987 Elko Resource Management Plan (RMP):

Elko RMP Record of Decision

Livestock Management

-Maintain or improve the condition of the public rangelands to enhance productivity for all rangeland values. Pg. 20

-Construct 258 miles of fence; drill 28 wells; lay 132 miles of pipeline; install 24 storage

tanks; develop 97 springs; and 97 reservoirs to improve livestock distribution and utilization of vegetation. Pg. 20

Wildlife

-Construct 20 guzzlers, 40 spring protection facilities, 40 water developments, and 189 miles of fencing to improve habitat and management for wildlife. Pg. 29

Elko RMP Wild Horse Amendment

-A short-term action for the Rock Creek herd is to move the northwest portion of the Buffalo Fire Rehabilitation fence to delineate the HMA boundary. The fence would continue to be highly visible to wild horses, and generally coincide with the boundary between the Spanish Ranch and Squaw Valley allotments. Pg. 3

The proposed action also conforms to the Nevada and Northeastern California Greater Sage-grouse Approved Resource Management Plant Amendment (ARMPA):

2015 ARMPA

Objective LG 1: Manage permitted livestock grazing to maintain and/or enhance PHMAs and GHMAs to meet or make progress towards meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential. Pg. 2-23

MD SSS 11: Design and construct fences consistent with BLM H-1741-1, Fencing Standards Manual (BLM 1990), and apply the Sage-Grouse Fence Collision Risk Tool to Reduce Bird Strikes (NRCS 2012).
Bring existing fencing into compliance as opportunities arise. Pg. 2-11

Other pertinent Management Decisions include MD SSS 13, MD LG 13, and MD LG 23.

2019 ARMPA

Objective LG 1: Manage permitted livestock grazing to maintain and/or enhance PHMAs and GHMAs to meet or make progress towards meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential. Pg. 2-27

MD SSS 11: Design and construct fences consistent with BLM H-1741-1, Fencing Standards Manual (BLM 1990), and apply the Sage-Grouse Fence Collision Risk Tool to Reduce Bird Strikes (NRCS 2012).
Bring existing fencing into compliance as opportunities arise. Pg. 2-14

Other pertinent Management Decisions include MD SSS 13, MD LG 13, and MD LG 23.

RATIONALE

I have decided to implement the proposed action, as described above, because:

1. The project will enhance the ability to rotate livestock and to aide in the recovery and protection of the riparian habitat in Fraser Creek.
2. The project will increase access to forage for the wild horses in the Rock Creek HMA.

3. The project will better align the allotment boundaries for the Squaw Valley and Spanish Ranch allotments to the Rangeland Line Agreement.
4. The action conforms to the Elko RMP, associated Wild Horse Amendment, and is consistent with current BLM and Departmental policies and procedures.
5. The project incorporates wildlife-friendly design features and there are no extraordinary circumstances having significant effects that will require additional environmental analysis.

AUTHORITY

Authority for the actions contained in this proposed decision is found in 43 CFR § 4120.3 and 4160.1-4.

PROVISIONS FOR PROTEST/APEAL AND PETITION FOR STAY

Protest

In accordance with 43 CFR §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 Bureau of Land Management, Melanie A. Peterson, Field Manager, Tuscarora Field Office (authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), at the conclusion of the 15 day protest period and in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

Appeal and Petition for Stay

In accordance with 43 CFR §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 and may also petition for a stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final.

Appeals and petitions for a stay of the decision shall be filed at the office of the Authorized Officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR §4.470, the appeal shall state the reasons, clearly and concisely, why the

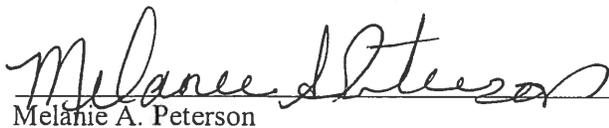
appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR §4.471(c)):

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.

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 a stay may file with the Hearings Division 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, 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)).



Melanie A. Peterson
Field Manager, Tuscarora Field Office

12/20/19
Date

Enclosure:
Proposed Buffalo Fence Map

cc:
Barbara Warner
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Brough Ranch LLC
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Chambers Law Office, PC
Phil Chambers
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Congressman Mark Amodei
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Eastern Nevada Landscape Coalition
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Ely, NV 89301
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Elko County Board of County Commissioners
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Eureka County Department of Natural Resources
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Friends of Nevada Wilderness
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Gregg Simonds
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Mori Ranches LLC
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Natural Resources Management Advisory Commission
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Nevada Cattlemen's Association
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Elko, NV 89803
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Nevada Department of Agriculture
Rangeland Health Program Manager
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Nevada Department of Wildlife
Attn: Caleb McAdoo
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Resource Concepts, Inc.
Attn: John L. McLain
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Return to Freedom, American Wild Horse Sanctuary
P.O. Box 926
Lompoc, CA 93438
Certified Mail No. 7017 1450 0001 8790 0398 Return Receipt Requested

State of Nevada Clearing House
Department of Administration
901 S. Stewart St., Suite 5003
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Steve Foree
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Spring Creek, NV 89815
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Sustainable Grazing Coalition
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The Cloud Foundation
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U.S. Fish & Wildlife Service
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USFS Mountain City Ranger District
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Western Watersheds Project
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Wild Horse Education
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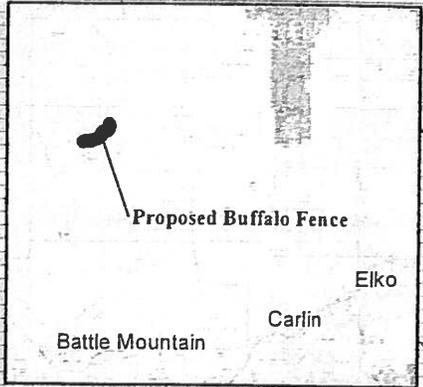
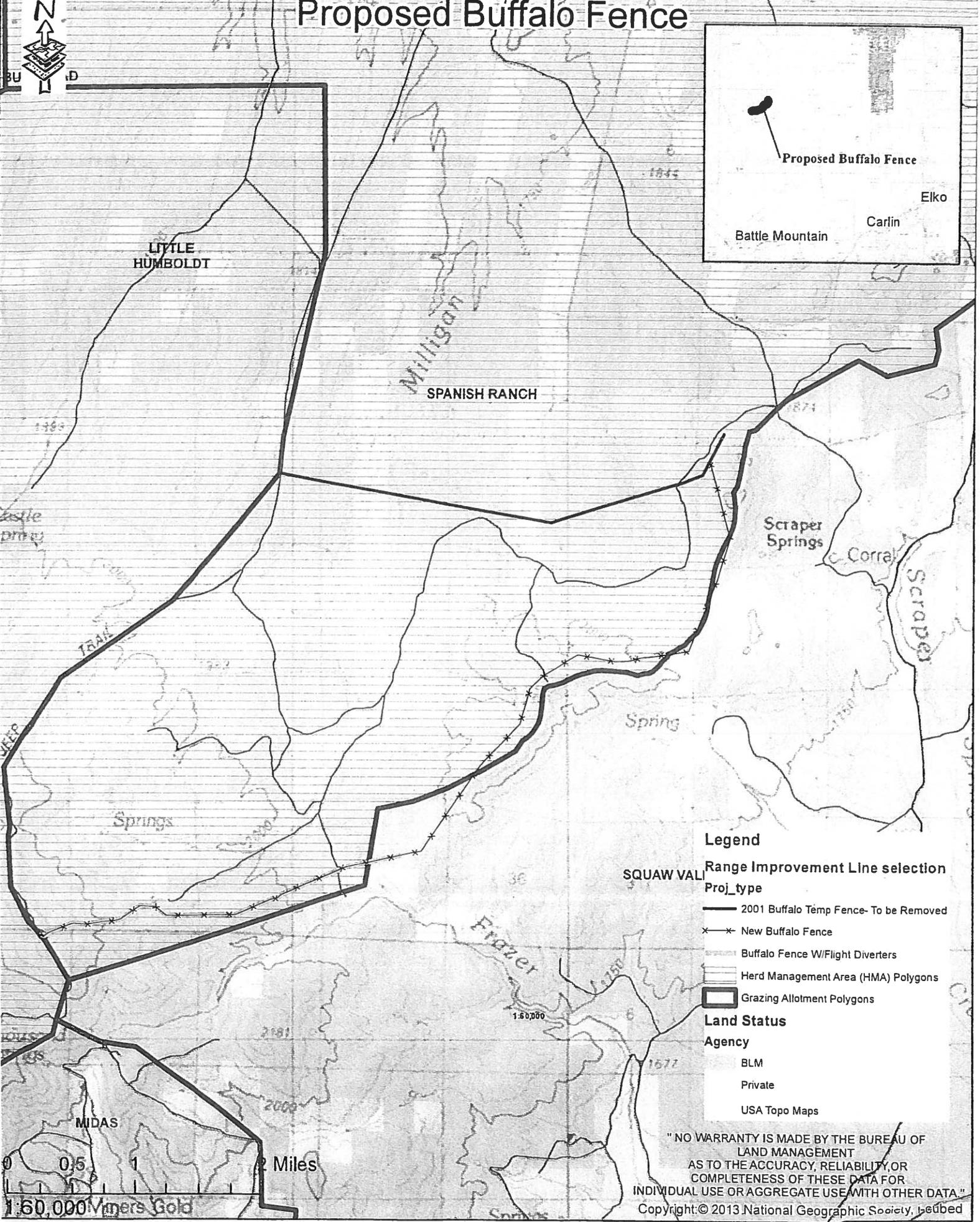
Wild Horse Sanctuary
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P.O. Box 303
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Wild Horse Spirit
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Carson City, NV 89704-9589
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Katie Fite
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Boise, ID 83701
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Y2 Consultants
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Jackson, WY 83001
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Proposed Buffalo Fence



Legend

Range Improvement Line selection
Proj_type

- 2001 Buffalo Temp Fence- To be Removed
- × × New Buffalo Fence
- Buffalo Fence W/Flight Diversers
- Herd Management Area (HMA) Polygons
- Grazing Allotment Polygons

Land Status

Agency

- BLM
- Private
- USA Topo Maps

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