

Dead Horse Fuels Reduction Project
Decision Memo

Ely Ranger District
Humboldt-Toiyabe National Forest
USDA – Forest Service
White Pine County, Nevada

Decision

I have decided to complete a mechanical thinning treatment on approximately 180 acres in eight units in TN15, R62E, sections 3, 10, and 11; T16N, R62E, sections 34, 35, and 36. See attached map. The treatment area is dominated by pinyon/juniper woodlands. We will cut pinyon pines and junipers, leaving trees spaced about 30 to 60 feet apart, focusing leave trees in the large sizes.

Purpose and Need for Action

These stands are located on Ward Mountain, about four miles southwest of Ely, and close to the urban interface and the Murry Watershed. The area has the potential for a catastrophic fire; we want to reduce this fire risk. In removing the majority of the tree cover, we will also improve the vegetative diversity of the stands. Currently, grasses and forbs are out competed by trees for water, light, and nutrients. This action will help restore that vegetation, and improve conditions for shrub species such as bitterbrush. We will reduce the area's susceptibility to insect and disease outbreaks such as *Ips* beetle in pinyon pine. Finally, the restoration of grass, forb, and shrub species will improve wildlife habitat, particularly for species such as mule deer. We will not cut any of the mountain mahogany in the area.

Public Involvement

- On July 21, 2005, we mailed 167 letters requesting comments and published a legal notice in the Ely Times. The letters and notice described the proposed action, location, and contact information. The thirty-day comment period ended August 22, 2005.
- On August 24, 2005, we again mailed 180 letters and republished the Ely Times legal notice, due to a change in appeal regulations. That comment period ended September 23, 2005.
- We received fourteen comments, of which twelve supported the action. We received responses with concerns from Western Watershed Project and the Toiyabe Chapter of the Sierra Club. Both groups expressed issues which we addressed.

Tribal Consultation

On June 14, 2004, we consulted with the Ely Shoshone Tribe. On July 2, 2004, the team leader consulted with tribal representatives of the Duckwater Shoshone Tribe. In addition, we sent scoping letters to the Ely Shoshone, Duckwater Shoshone, and Goshute Tribes in July and August of 2005. On October 14, 2005, we consulted with the Yomba Tribe. As a result of these consultations, we received no concerns from any of the four tribes.

Extraordinary Circumstances

I have determined that there are no extraordinary circumstances associated with this proposal, as defined by NEPA. I have made this determination based on an interdisciplinary analysis. Below is the summary of findings relative to the seven extraordinary circumstances defined at FSH 1909.15 (30.3) (2).

1. Floodplains, wetlands, or municipal watersheds

There are no floodplains or wetlands in the project area, and it is located outside of the Murry Watershed.

2. Threatened, endangered, proposed and sensitive species and their critical habitat

The District Biologist completed a Biological Assessment and Biological Evaluation. She concluded that there are no adverse impacts to these species or their habitat. However, she has not completed a sensitive plant survey in one of the six cutting units. This decision is contingent on the completion of that plant survey this spring.

- If any of these species is found in Unit 1, we will remove those areas from the cutting unit.

3. Congressionally-designated areas such as a wilderness, wilderness study area, or National Recreation Area

The project is not located in a Congressionally-designated wilderness area.

4. Inventoried Roadless Areas

The project is not located in any Inventoried Roadless Area.

5. Research Natural Areas

The project is not located in a Research Natural Area.

6. American Indian or Alaska Native religious or cultural sites

The team leader consulted with the Ely Shoshone, Duckwater Shoshone, Goshute, and Yomba Tribes; there are no known religious or cultural sites within the project area.

7. Archaeological sites or historic properties or areas

Our archaeologist completed a cultural survey, and consulted with the State Historic Preservation Officer (SHPO) to determine compliance with Section 106 of the National Preservation Act of 1966. We have agreed to incorporate the following action which SHPO requested:

- If we locate the buried Ruth aqueduct or related resources during project activities, we will cease our activities.

With our agreement to the specification, SHPO concurs with our determination that this project will have no adverse effect on historic or prehistoric sites.

Additional concerns

1. Noxious and Invasive weeds

The project area is infested with small populations of spotted knapweed, perennial pepperweed, hoary cress, and cheatgrass. To prevent the spread of these undesirable species throughout the project area, we will take the following measures:

- We will treat noxious weed populations prior to project implementation.

- All vehicles entering/leaving the project area will be washed in a designated staging area.
- We will establish the vehicle washing staging area where risk of weed spread is minimal.
- We will reseed disturbed ground near known weed populations (units 1, 2, and 6) with an approved seed mix following project implementation.
- Following treatment, we will monitor the area for a minimum of three years to detect new or spreading weed populations.

2. Ephemeral streams

Located within the project area there are ephemeral stream channels for which the district hydrologist expressed concerns. As a result, we will implement the following:

- All slash piles will be a minimum of thirty feet from any stream channel.
- No skidding will occur on slopes over 30%.
- No skidding across drainages.

Finding of no Significant Effect to the Environment

In addition to the above, I have incorporated consideration of other elements in my determination that there are no adverse effects to extraordinary circumstances, as defined by NEPA, nor other significant effects associated with this project. I have considered the potential for cumulative effects, as directed in the June 24, 2005 CEQ Memorandum. I have concluded that without notable individual effects from the proposal, and in the absence of current or proposed similar projects in this area, there are no significant direct, indirect, or cumulative effects to the environment. My conclusion is based on the scale and duration of activity, the minimal environmental change expected, information gathered during public scoping, and the low risk of environmental impact.

Categorical Exclusion

The Chief of the Forest Service has identified specific actions that may be categorically excluded from documentation in an environmental assessment or environmental impact statement, if there are no adverse impacts to extraordinary circumstances. I find that this proposal qualifies under Chapter 31.2 of the Forest Service Handbook, 1909.15, Category 10, "Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres."

Findings Required by other Laws

This project complies with all laws and Executive Orders affecting National Forest management, including the National Forest Management Act, the Endangered Species Act, the Clean Air Act, and the American Antiquities Act. There will be no adverse effects on health, human safety, consumers, minorities, civil rights, American Indian rights, or women. There are no known effects to the human environment that are highly uncertain or involve unique or unknown risks. The District Range Staff determined that this project is unlikely to increase noxious and invasive plants if we follow the actions specified above.

This decision is consistent with the Land and Resource Management Plan for the Humboldt National Forest of August 1986, and with the goals and objectives for fire on pages IV-48-50.

Implementation Date

We expect to start this project anytime after the conclusion of the appeal period.

Administrative Review or Appeal Opportunity

We provided two thirty-day comment periods, ending August 22, 2005 and September 23, 2005, allowing those interested in or affected by this proposal an opportunity to make their concerns known prior to this decision. The second comment period was provided pursuant to the September 16, 2005, order issued by the U.S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. This project is eligible for appeal under 36 CFR 215 regulations.

Contact Person

For additional information concerning this contact Carol Carlock, Fuels Specialist, at the Ely Ranger District, 825 Avenue E, Ely, NV 89301 or by phone at (775) 289-3031.

/s/ Patricia N. Irwin
District Ranger
May 30, 2006