Ellison Spring Enhancement for Sage Grouse
Decision Memo

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

Decision

I have decided to remove the pinyon and juniper trees along the Ellison Creek drainage to benefit sage grouse. The project is located in Township13 North, Range 58 East, Section 12, about 33 miles southwest of Ely, Nevada. See attached map.

The entire project will encompass an area of about 43 acres. We plan to cut the trees using chainsaws. We will lop and scatter to disperse the cut trees and branches. Some of the pinyon and juniper are in small, but dense patches. Where these occur, we will cut them into lengths small enough to allow them to be hand carried to the road and left for fuel wood gatherers. We will use no mechanical equipment to drag the trees. All vehicles will stay on existing roads.

Purpose and Need for Action

The pinyon and juniper trees are presently encroaching into sagebrush habitat along Ellison Creek. The removal of the trees will increase the water availability in the area. This will improve the late brood rearing habitat for sage grouse by improving water flows and increasing the forb and grass component of the area.

Public Involvement

We sent a scoping letter to 126 individuals, organizations, and agencies on May 16, 2006 covering pinyon and juniper removal around four spring areas: Ellison Creek, Secret Springs, Horse Track Spring, and Hidden Springs. We received four comments. The State Clearing House for the Division of Water Resources and two individuals said they supported the project. The fourth letter requested more information.

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.**
   The District Hydrologist determined there would be no effects on any floodplains, wetlands, or municipal watersheds. The project will probably improve riparian area.

2. **Threatened, endangered, proposed, and sensitive species and their critical habitat.**
   The District Biologist concluded that there are no adverse impacts to these species or their habitat.

3. **Congressionally designated areas such as a wilderness, wilderness study area, or National Recreation Area**.
   The project is not located in a congressionally designated area.

4. Inventoried Roadless Areas.
The project is not in an Inventoried Roadless Area.

5. Research Natural Areas.
The project is not in a RNA.

6. American Indian or Alaska Native religious or cultural sites.
The project leader consulted with the Ely Shoshone and Duckwater Tribes who had no objections.

7. Archaeological sites or historic properties or areas.
A contract archeologist completed a cultural resource survey and located two sites. If during construction the District locates any cultural resources, the project leader will stop the work and initiate a site evaluation.

Mitigation

- We will allow the dropping of trees on the eligible archeology site, but will not allow the lopping and spreading of downed trees within the eligible site area. We will carry the trees off the site.

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 significantly direct, indirect, or cumulative effects to the environment. I have based my conclusion on the small scale and duration of activity, the minimal visual and 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 (EA) or environmental impact statement (EIS), if there are no adverse impacts to extraordinary circumstances (Chapter 30, Forest Service Handbook, 1909.15, Section 31.2). The proposed action qualifies for this exclusion under Category 6, in 31.2, "Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction."

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. This decision is consistent with the Land and Resource Management Plan for the Humboldt National Forest of August 1986. The project is in accordance with the goals and objectives included in the Forest Plan management direction for wildlife and fisheries as described on pages IV-5.

Administrative Review or Appeal Opportunity

This decision is subject to appeal in accordance with the July 2, 2005 order and subsequent clarifications (issued on July 7, September 16, and October 19, 2005) issued by the US District Court for the Eastern District of California in *Earth Island Institute v. Ruthenbeck (Pengilly).* Only individuals or organizations who submitted substantive comments during the comment period are eligible to appeal (36 CFR 215.6).

Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in The Ely Times. The Appeal Deciding Officer is Patricia N. Irwin, District Ranger. Send appeals by fax to 801-625-5277 or by email to: appeals-intermtn-regional-office@fs.fed.us. Submit Emailed appeals in rich text (rtf) or Word (doc) and include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 am to 4:30 pm Monday through Friday.

Implementation Date

If not appealed, implementation of this decision may begin on, but not before, the fifth business day following the close of the appeal filing period (36 CFR 215.9[a].

If appealed, implementation of this decision may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.9[b]).

Contact Person

For further information, contact Kathy Johnson, Wildlife Biologist, at the address below or telephone (775) 289-3031.

/s/ Patricia N. Irwin *4/12/2007*

PATRICIA N. IRWIN Date

District Ranger, Ely Ranger District

Ely Ranger District
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