

**DECISION NOTICE
&
FINDING OF NO SIGNIFICANT IMPACTS**

**Operation and Maintenance Plan
for the Gennette Creek Ditch Bill Easement**

**USDA Forest Service
Humboldt-Toiyabe National Forest
Ruby Mountains Ranger District
Elko County, Nevada**

August 22, 2007

BACKGROUND

Ditch Bill Easements, formally termed Agricultural Irrigation and Stock Watering System Easements, are issued pursuant to Public Law 99-545 (HR 2921), the “Colorado Ditch Act”. Public Law 99-545 amended Section 501 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 United States Code [USC] 1761). The Act authorized the Secretary of Agriculture to issue permanent easements for water conveyance systems on National Forest System lands that were in existence prior to October 21, 1976 and met certain other qualifications. Granting easements for qualified water conveyance systems under the “Colorado Ditch Act” is not a discretionary Federal action. The Forest Service may, however, condition the easement beyond the standard terms and conditions if required by applicable State or Federal law (Forest Service Manual 2729.16f). William Gibson applied for an easement for diversion and conveyance facilities associated with Gennette Creek. These facilities are located on the Ruby Mountains Ranger District of the Humboldt-Toiyabe National Forest (HTNF), approximately 30-miles south of Elko, Nevada (T30N, R57E, Sections 21, 27, 28; Mount Diablo Meridian, Elko County). The diversion system met all of the requirements of the Colorado Ditch Act, and is therefore eligible for an easement (*EA, Chapter 1, pg. 2*). The Forest Service must determine what additional terms and conditions, as contained in the Operation and Maintenance Plan (OMP), are necessary to include with the easement. The Environmental Assessment (EA) for the Operation and Maintenance Plan for the Gennette Creek Ditch Bill Easement has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act (NFMA, 36 CFR 219), and the 1986 Humboldt National Forest Land and Resource Management Plan (Forest Plan). The EA documents the analysis of a “No Action Alternative” and one Action Alternative designed to meet the purpose and need, as described in the following.

PURPOSE AND NEED

The purpose and need of the Federal action is to meet the requirements of 43 USC 1761(c)(3)(c) and 1765, which instructs the Forest Service to identify terms and conditions to easements to minimize damage to scenic and aesthetic values and fish and wildlife habitat and other resources, and comply with applicable laws (*EA, Chapter 1, pg. 2*).

There are numerous applications for Ditch Bill Easements across the Region. The OMP is specific to the easement area where necessary. However, the OMP contains several conditions that have been developed as “standard” terms and conditions for Ditch Bill easements.

DECISION

I have reviewed the analysis presented in the EA of the proposed OMP for the Gennette Creek Ditch Bill Easement, considered the comments received on the *Scoping Request and Notice of Proposed Action*, and discussed the project’s anticipated effects with members of the Interdisciplinary Team. As a result, I have decided to implement **Alternative 2, The Proposed Action**. Specifically, my decision will apply the following Operation and Maintenance Plan to the Gennette Creek Ditch Bill Easement:

Operation and Maintenance Plan for the Gennette Creek Ditch Bill Easement

- 1. Regulate channel flows so that a freeboard is maintained above the water line.**
- 2. Use only maintenance routes agreed to and to repair all damage resulting from said use.**
- 3. The Holder shall: be responsible for prevention and control of soil erosion and gullyng on land covered by the easement and the land adjacent thereto, resulting from operations and maintenance of granted use; maintain ditch or canal to prevent downcutting and bank failure; remove all obstructions from the ditch or canal or diversion structure; revegetate or otherwise stabilize all ground where the soil has been exposed; be responsible for control of and spread of noxious weeds, as identified by the US Forest Service and the local County weed list. Work in natural channels other than minor or emergency work immediately at the diversion structure requires State and possibly Corp of Engineers advance approval.**
- 4. The Holder shall inspect the facility prior to use each year and make necessary repairs. Work that is considered other than routine maintenance and/or minor repairs shall be discussed in advance with the District Ranger. All repairs shall be acceptable to and completed by the date agreed to by the Holder and the District Ranger.**

5. **If any items of archaeological, paleontological, or historic value, including but not limited to historic or prehistoric artifacts, structures, monuments, human remains and funerary objects (grave goods) are discovered, the Holder shall immediately cease all activities which may disturb such items. The Holder will notify the Forest Service and shall not resume activities until written approval is given by the District Ranger. Failure to comply with this stipulation may result in civil or criminal penalties under the Archaeological Resources Protection Act of 1979.**
6. **The Holder will contact the District Ranger for approval before proceeding with work that is other than routine operations. Some of these situations are: bringing in and using heavy equipment; using other than approved maintenance routes for access; motorized use in a closed area in an emergency situation; removal of significant amounts of vegetation and silt and deposition of the same, if on National Forest System lands; burning, application of seed mixtures, chemical application or other means of vegetation control measures; and reconstruction or re-routing of a portion of the ditch (the latter would also entail a new easement or special use permit).**
7. **The OMP will be reviewed annually by the Holder and may be amended by mutual agreement when signed and dated by the Holder and the District Ranger.**
8. **The Holder will cooperate with the Humboldt-Toiyabe National Forest (HTNF), Nevada Department of Wildlife (NDOW), and the U.S. Fish and Wildlife Service (USFWS) to allow the ongoing monitoring of the Lahontan cutthroat trout population in Gennette Creek. Modifications to the diversion facilities are not anticipated. However, if it is determined that the diversion facilities are a threat to the viability of the LCT population in Gennette Creek, the Holder will cooperate with the HTNF and other appropriate agencies to make required modifications. The completion of any such modifications would be dependent upon the availability of funding from Private, State, or Federal sources.**

No additional design features or mitigations will be implemented.

RATIONALE FOR THE DECISION

I have selected **Alternative 2, The Proposed Action** because it provides the greatest attainment of the project's purpose and need while still being sensitive to other resource and public concerns. This alternative meets requirements under applicable laws, regulations and policies. In making my decision to select Alternative 2, The Proposed

Action, I considered the following findings presented in the EA and its appendix as well as the Project File materials.

I reviewed public comments received during the analysis and objection period, as well as identified issues; the environmental and social effects of the two alternatives; and consistency with the Humboldt National Forest Plan (1986). After reviewing the effects analysis (*EA, Chapter 4, pg. 21-24*), I have concluded that the implementation of the Proposed Action will not adversely impact soils, hydrology, native vegetation, wildlife, rangelands and grazing management, or heritage resources. I have considered the cumulative effects of past, present, and reasonably foreseeable actions in making my decision. The EA (*Chapter 4, pg. 23*) documents the past, present, and reasonably foreseeable actions.

In reviewing the biological assessments and biological evaluations for threatened, endangered, and sensitive wildlife, fish, and plant species I have determined that my decision complies with Agency direction that wildlife, fish, and plant habitat would be managed to maintain viable populations of existing native species distributed across the planning area. In making my decision, I have also relied upon the Biological Opinion (BO) (USDI 2007), issued by the USDI Fish and Wildlife Service (USFWS) on the effects to LCT. Discussion of the BO is included below.

Alternative 2 provides additional protection and maintenance for LCT habitat. It provides additional terms and conditions to the Ditch Bill easement for increased protection of natural resources. These include reduction in erosion and sedimentation, control of noxious weeds, and protection of cultural resources. The No Action Alternative is not responsive to the Purpose and Need. Alternative 2 also best meets the goals and objectives of the Humboldt National Forest Plan.

SIGNIFICANT ISSUES

The Forest Service in consultation with the USFWS identified one issue:

The diversion and ditch affect Lahontan cutthroat trout habitat and may potentially affect the population (*EA, Chapter 1, pg. 12*).

LCT, a threatened species under the Endangered Species Act (ESA), occupy Gennette Creek and are thus a key natural resource associated with the Gennette Creek easement. LCT in Gennette Creek are within the South Fork of the Humboldt River Subbasin. The 1995 LCT Recovery Plan does not include the subbasin as having the potential for metapopulations and characterizes the subbasin as having isolated populations subject to local extinctions caused by hybridization with non-native salmonids and loss of habitat from land-use problems. In recent LCT recovery planning, the Humboldt River Distinct Population Segment (DPS) team identified Gennette Creek as a Potential LCT Recovery Area that could in the future be connected to the adjacent Smith Creek Priority LCT Recovery Area. As a potential recovery area and for the purpose of protection of the existing population, the proposed OMP addresses potential effects to this species. The OMP reasonably protects natural resources within the easement area, which in turn

protects and maintains the condition of the LCT habitat. The OMP also promotes continued monitoring of the LCT population. The proposed OMP reinforces the understanding that the structure may need modification at some point if necessary to protect the LCT population.

PUBLIC AND OTHER AGENCY INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions on January 1, 2006. The proposal was provided to the public and other agencies for comment during a scoping period that began February 24, 2006 and during two separate comment periods. The original 30-day comment period began on February 24, 2006 with the posting of the legal notice in the Reno-Gazette Journal of Reno, Nevada. During this comment period, three written comments were received. A presentation was made to the Elko County Commissioners about the proposed action during the March 15, 2006 County Commissioners meeting. As a result of discussion at that meeting, the original comment period was terminated to accommodate requests for extra time to comment and also to publish the comment period in the local paper, the Elko Daily Free Press. A new 30-day comment period was initiated with the publication of a legal notice, on March 27, 2006, in the Reno-Gazette Journal, which is the paper of record for Regional Forester decisions on the Humboldt-Toiyabe National Forest. A duplicate notice was published in the Elko Daily Free Press. One written comment was received during this comment period.

Written comments were received from one organization, two agencies, and one individual. The planning record contains the written comments received relative to this project and discloses how the Interdisciplinary Team addressed those concerns.

Formal consultation with the USFWS on the revised BA (USDA 2006) for LCT was initiated on October 2, 2006 and was finalized with a final Biological Opinion dated June 18, 2007.

OTHER ALTERNATIVES CONSIDERED

This section of the document summarizes other alternatives considered and why I decided not to select Alternative 1.

Alternative 1 (No Action) - This alternative was not selected because it did not meet the purpose and need of the project. Specifically, this alternative does not meet the requirements of 43 USC 1761(c)(3)(c) and 1765, which instruct the Forest Service to identify terms and conditions to easements that are necessary to minimize damage to scenic and aesthetic values and fish and wildlife habitat and other resources, and comply with applicable laws.

Additional Alternative- In addition to alternatives considered in detail, I also considered another management approach in response to concerns identified through internal and external scoping efforts. This alternative, which was considered but eliminated from detailed study, is described in Chapter 2 (*page 15*) of the EA. The alternative would have added a requirement in the OMP to construct a fish screen at the Point of Diversion

(POD) to prevent entrainment (passage through the diversion structure and into the diversion ditch) of LCT and other fish and organisms. However, upon field review of the diversion by Forest Service and Nevada Department of Wildlife (NDOW) fish biologists, it was determined that entrainment of LCT was expected to be minimal due to the location of the diversion away from the main stream flow. Therefore screening the diversion was not expected to change the status of the LCT population in Gennette Creek. Installation of a new diversion with a self-cleaning screen was unlikely at the POD due to the lack of area required to install such a structure. Maintenance of a screen installed on the existing diversion could also be problematic due to its isolated location. However, future monitoring may indicate that installation of a screen or other modification for the LCT is necessary.

CONSISTENCY WITH THE FOREST PLAN, NFMA, AND OTHER LAWS

Forest Plan and Best Available Science

I have evaluated the features of my decision against the Forest Plan goals, objectives, standards, and guidelines for consistency with the Forest Plan. As documented in the EA (*Chapter 1, pg. 4*), my decision will be consistent with direction in the Forest Plan. My decision is also based on use of the best available science (*EA, Chapter 1, pg. 4*).

Wildlife

No issues associated with terrestrial wildlife were considered “significant”. The wildlife biological assessment (USDA 2003) concluded that there will be no effect on threatened and endangered wildlife species occurring on the HTNF. The wildlife biological evaluation (USDA 2003) concluded that there will be no impact on any Forest Service sensitive wildlife species occurring on the HTNF, with the exception of the Columbia spotted frog. The wildlife biological evaluation concluded that maintenance activities associated with easements where Columbia spotted frogs may occur *may impact individuals or habitat but will not cause a loss in viability or a trend toward Federal listing*. Additional site-specific information on the species within the project can be found in the Wildlife Biological Assessment and Biological Evaluation prepared for this project.

Plants

No issues associated with plants were considered “significant”. The plant biological assessment/evaluation (USDA 2004) for the HTNF concluded the following: No Threatened or Endangered plant species are known to occur or have potential habitat on the HTNF. The Federal Action will have no impact on Candidate Species, Weber ivesia, (*Ivesia webberi*). It is not a wetland or riparian species and is not likely to occur at a point of diversion. Sensitive species Laomille Canyon Milkvetch (*Astragalus robbinsii var. occidentalis*) could have habitat or potential habitat within the Federal Action’s geographic range of impact of the Gennette Creek Easement. It is riparian dependent and occurs near streambanks or higher elevation meadow margins in Nevada. The Federal Action may impact individuals or habitat, should they exist at a point of diversion, but would not cause a loss of viability or trend toward federal listing. There will be 'no impact' to any of the other HTNF Sensitive Plant species, no habitat or potential habitat

occurs within the project area. Additional site-specific information on the species within the project can be found in the Botanical Biological Evaluation prepared for this project.

Fish

Bonneville cutthroat trout is the only sensitive fish species on the HTNF. This species is not present in Gennette Creek. There would be no impact on this species. Additional information on the species can be found in the Fish Biological Evaluation (USDA 2003).

Management Indicator Species

Management Indicator Species (MIS) are species designated by the Forest Plan as indicators of the health of the forest’s natural resources. There are six MIS listed in the Forest Plan. The species and the habitat they represent are listed below in Table 2. Since the proposed alternative is primarily an administrative change, there would be no reduction or adverse alteration of the existing habitat. Other than LCT, the only other trout species in Gennette Creek is brook trout. Mule deer, sage grouse, and northern goshawk are the three terrestrial wildlife species. The proposed OMP would not affect habitat for any of these species. Further information on these species can be found in the appendix to the Wildlife Biological Assessment/Evaluation (USDA 2003). Bonneville cutthroat trout are not present in Gennette Creek. The condition of the riparian habitat is discussed in the EA (*Chapter 4, starting on pg. 21*) as it relates to LCT.

Table 2. Management indicator species.

Species	Vegetation Type
Mule deer	All vegetation types
Sage grouse	Sagebrush-grass, riparian
Goshawk	Old growth, cottonwood, aspen and fir stands associated with riparian areas
Lahontan cutthroat trout	Riparian
Bonneville cutthroat trout	Riparian
Other trout species	Riparian

Other Laws

My decision is consistent with Federal, State, and local laws or requirements imposed for the protection of the environment, specifically the following:

Endangered Species Act: Determinations disclosed in the EA have concluded that my decision will have no effect on any listed plant species; no effect on bald eagles (*EA, Chapter 1, pg 13*) and is *Likely to Adversely Affect* Lahontan cutthroat trout (*EA, Chapter 4, pg 22*). This is partly because of the potential for entrainment of LCT and also due to the withdrawal of water from Gennette Creek, within the easement area, which is authorized and regulated by the Nevada Division of Water Resources. The OMP is designed to reduce the potential effects to LCT (*EA, Chapter 4, pg. 22*). The BO issued

by the USFWS states that:

“after reviewing the current status of LCT, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service’s BO that the proposed action will not jeopardize the continued existence of LCT. Adverse effects are expected under the proposed action, primarily through dewatering of stream reaches, fish loss in irrigation systems, and injury caused from electrofishing. However, if the Operation and Maintenance Plan is followed, adverse effects from the diversions can be minimized. Implementation of the Ditch Bill and the Operation and Maintenance Plan should maintain or improve current conditions (*USDI 2007, Biological Opinion, pg 12*).”

The BO (*pg. 14*) further concluded that the “level of anticipated incidental take is not likely to result in jeopardy to LCT or result in adverse modification of critical habitat for this species since none has been designated”.

Clean Air Act: My decision does not include any burning activities. Therefore no direct or indirect effects on air quality are expected, nor will impacts from dust or vehicle emissions in the area result in a measurable change from the existing condition.

National Historic Preservation Act: My decision will not result in any new ground-disturbing activities and will therefore have no direct or indirect effects on historically significant sites. The potential for cultural resources was reviewed by the Forest Archaeologist. No cultural resource concerns were found. Clause number five of the OMP requires reporting and protection if cultural resources are discovered by the holder. The Nevada State Historic Preservation Office (SHPO) reviewed the proposed undertaking and concurred that the project area does not contain features eligible for the National Historic Register of Historic Places. SHPO, by its letter of September 28, 2004, concurred that the project will not pose an adverse effect (*EA, Chapter 1, pg. 12*).

Clean Water Act: My decision will comply with the Clean Water Act. Terms and conditions in the OMP, particularly the first three, will promote clean water.

Migratory Bird Treaty Act: My decision will comply with the Migratory Bird Treaty Act. Because the action is an administrative change, there would not be any effect on migratory birds.

Consultation with Tribal Governments (E.O. 13175): This order established a requirement for regular and meaningful consultation between federal and tribal government officials on federal policies that have tribal implications.

Tribal input was solicited on the proposed action through the mailing of a letter to local tribal governments on February 14, 2006.

The tribal notification did not result in the identification of any adverse effects to tribal interests or treaty rights.

FINDING OF NO SIGNIFICANT IMPACTS

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major Federal action that would significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement pursuant to Section 102 (2)(c) of NEPA (1969) is not required. This determination is based on the following factors as outlined in 40 CFR 1508.27:

1. The selected alternative will be limited in geographic application [40 CFR 1508.27(a)].

Activities associated with my decision will be confined to the pending easement area to which the proposed OMP would be applied, which is approximately 20-feet in width and a total of 1.67 miles in length as described in the EA (*Chapter 1, pg. 5*). It will be limited to those actions disclosed in the EA and its appendix. Further, this action will be consistent with the management area prescription, desired future conditions, and Forest Plan standards and guidelines specified for the area (*EA, Chapter 1, pg. 4*).

2. My decision will not result in any significant beneficial or adverse effects [40 CFR 1508.27(b)(1)].

The analysis documented in Chapter 4 of the EA did not identify any individually or cumulatively significant adverse impacts resulting from implementation of Alternative 2 (*EA, Chapter 4, starting on pg. 21*).

3. The selected alternative will not result in substantive effects on public health or safety [40 CFR 1508.27(b)(2)].

There would not be any impacts on public health or safety (*EA, Chapter 4, pg. 23*).

4. My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].

The analysis in the EA discloses that there will not be any direct or indirect effects on historically significant sites cultural or historic resources, roadless resources or wilderness (*Chapter 3, pg. 20*). There are no eligible wild and scenic rivers within the project area. The effect on the riparian and stream habitat is described as it relates to LCT. No wetlands other than those within the riparian habitat of Gennette Creek are present in the project area.

5. The selected alternative will not result in any effects that are likely to be highly controversial [40 CFR 1508.27(b)(4)].

Controversy in this context refers to situations where there is substantial dispute as to the size, nature, or effect of the Federal action, rather than opposition to its implementation. The analysis of effects of the action, as disclosed in the EA, did not result in the finding of any highly controversial effects (*EA, Chapter 4, pg. 23*).

6. *The effects associated with the selected Alternative 2 will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].*

The environmental analysis, including the EA, Biological Assessments, and Biological Evaluations and appendices (contained in the planning record), determined that the selected alternative will not involve any highly uncertain or unknown risks. The management activities associated with my decision are typical of those successfully implemented in the past on National Forest lands.

7. *My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].*

My decision implements direction found in the Forest Plan. Implementation of my decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration.

8. *The analysis documented in the EA discloses that my decision will not result in any significant short-term, long-term, or cumulative effects [40 CFR 1508.27(b)(7)].*

Chapter 4 (*pg. 23*) of the EA discloses that Alternative 2 will not result in any known significant temporary, short term, long term, or cumulative effects.

9. *My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historic resources [40 CFR 1508.27(b)(8)].*

The potential for cultural resources was reviewed by the Forest Archaeologist. No cultural resource concerns were found. Clause number five of the OMP requires reporting and protection if cultural resources are discovered by the holder. The Nevada State Historic Preservation Office (SHPO) reviewed the proposed undertaking and concurred that the project area does not contain features eligible for the National Historic Register of Historic Places. SHPO, by its letter of September 28, 2004 and the “State Clearinghouse review” letter, dated April 21, 2006, concurred that the project will not pose an adverse effect (*EA, Chapter 1, pg. 13*).

10. *My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27(b)(9)].*

The determinations disclosed in the EA concluded that there will be no effect on threatened and endangered wildlife or plant species.

A *Likely to Adversely Affect* determination for the threatened LCT was disclosed in the EA. This determination resulted from the potential for entrainment of LCT and also due to the withdrawal of water from Gennette Creek, within the easement area, which is authorized and regulated by the Nevada Division of Water Resources. (These effects are present under both Alternatives.) The OMP is designed to reduce the potential effects to LCT (EA, Chapter 4, pg. 22). The BO stated that “Adverse effects are expected under the proposed action, primarily through dewatering of stream reaches, fish loss in irrigation systems, and injury caused from electrofishing. However, if the Operation and Maintenance Plan is followed, adverse effects from the diversions can be minimized. Implementation of the Ditch Bill and the Operation and Maintenance Plan should maintain or improve current conditions (BO, pg. 13).” The BO further concluded that the “level of anticipated incidental take is not likely to result in jeopardy to LCT or result in adverse modification of critical habitat for this species since none has been designated” (BO, pg. 13). The Incidental Take Statement accompanying the BO includes three Reasonable and Prudent Measures which I will implement to minimize take of LCT (BO, pg. 14). These measures are the following:

- “1. The HTNF shall fully implement the Operation and Maintenance Plan (Exhibit A in BA) for the water diversions as described in this BO.
2. The HTNF shall minimize the effects of electrofishing to LCT.
3. The HTNF shall assess compliance with the reasonable and prudent measures, terms and conditions of the Operation and Maintenance Plan (reasonable and prudent measure 1), reporting requirements, and reinitiation requirements contained in this BO.”

Each of these measures has specific Terms and Conditions as described in the BO which I will fully implement (BO pg. 15).

11. My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

Chapter 1 of the EA discloses consistency of the selected alternative with applicable laws and regulations relating to federal natural resource management. Chapter 4 of the EA and the project’s planning record provides supporting information.

IMPLEMENTATION AND APPEAL RIGHTS

Implementation of activities associated with the OMP are expected to begin in late summer of 2007 or spring of 2008.

This decision is subject to administrative appeal pursuant to 36 CFR Part 215, only by those individuals and organizations who provided comments during the 30-day comment period on the proposed action. The appeal must meet the requirements at 36 CFR 215.14.

The Appeal Deciding Officer is the Chief, USDA Forest Service, ATTN: Appeals Office/EMC Staff. USPS Mailing address is: 1400 Independence Ave., SW, Mail Stop #1104, Washington, DC 20250-1104. Overnight mailing address is: USDA Forest Service, EMC, 3-Central, 201 14th Street SW, Washington, D.C. 20250. Appeals submitted by fax should go to 202-205-1012 and by email to appeals-chief@fs.fed.us. Emailed appeals must be submitted in rich text (rtf), Word (doc) or portable document format (pdf) and must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice of this Decision in *The Reno Gazette-Journal*, the newspaper of record, Reno, Nevada. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Reno Gazette-Journal* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

For further information, contact Terry Chute, District Ranger, Ruby Mountains/Jarbidge Ranger Districts, PO Box 246, Wells, NV 89835, and telephone 775-752-3357.

/s/ Jeanne A. Evenden
JACK TROYER
Regional Forester
Intermountain Region

22 August 2007
Date