

EXHIBIT "D"

EA-CA-026-90-17
NORTH DEEP CUT PASTURE FENCE
DECISION / RATIONALE / FONSI

Decision

Upon approval by the California State Lands Commission of the Memorandum of Understanding which will enable construction of a portion of the fence across State Lands, the proposed action shall be implemented as specified within Environmental Assessment CA-026-90-17.

Rationale

Construction of the North Deep Cut Pasture fence will allow the implementation of a rotational grazing system on the Deep Cut Allotment. This fence will allow for improved livestock management by confining livestock to specific portions of the allotment during specific periods of the year. In concert with other appropriate range management actions, construction of the fence will allow for improvement in range condition as well as improvement of the conditions of the riparian area associated with Deep Cut Creek.

Although the fence is expected to impede pronghorn and burro movements during certain times of the year, this negative impact is offset by the anticipated improvements in range and riparian condition, as discussed within the environmental assessment referenced above and net positive impacts to the environment will result.

The proposed action is in compliance with the Record of Decision (ROD) for the 1982 Proposed Livestock Grazing for the Cal-Neva Planning Unit Environmental Impact Statement and would partially implement Land Use Decision 10 (page 10 of the ROD) which provides for the implementation of "intensive" grazing systems on what is now the Deep Cut Allotment with "particular consideration toward improving and maintaining riparian, wetland, and meadow habitat to enhance and protect wildlife and watershed values".

Finding of No Significant Impact

Based upon the above-cited environmental analysis, I have determined that construction of the North Deep Cut Pasture fence as specified will not affect significantly the quality of the human environment. Therefore, preparation of an environmental impact statement is not required.

Richard H. Stark, Jr.
Richard H. Stark, Jr., Manager
Eagle Lake Resource Area

11/26/90
Date

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EAGLE LAKE RESOURCE AREA
NEPA DOCUMENTATION REVIEW & COORDINATION

(Use of this face sheet will assist staff specialists in screening and scoping for compliance with NEPA)

NEPA # EA-CA-026-90-17 Draft Attached: Yes () No Lead Writer: Sydney Stephens-Yincevich
 Proposed Action Title/Type: North Deep Cut Pasture Fence Date: 4/9/90
 Location of Proposed Action: T.31N., R.16E., Sec 29,30,33,34 and T.31N., R.15E., Sec. 22,23,24
 Description of Proposed Action: Construct 7 miles of fence to control livestock grazing and to implement a deferred rotation grazing system in the Deep Cut Allotment.
 Level of anticipated analysis: () Cat. Ex. () Reference Minimal Moderate () High

STAFF REVIEW & COMMENT

| RESOURCE | SIGNATURE | COMMENTS | DATE |
|--|----------------------------|--|------------------------------|
| <input checked="" type="checkbox"/> Recreation/VRM | <u>Stanley J. Baker</u> | <u>Comments re hunter access roads</u> | <u>4/15/90</u> |
| <input checked="" type="checkbox"/> Wilderness | <u>Stanley J. Baker</u> | <u>None Affected</u> | <u>4/15/90</u> |
| Lands | | | |
| <input checked="" type="checkbox"/> Range | <u>Carl M. Vasek</u> | <u>within</u> | <u>4/19/90</u> |
| <input checked="" type="checkbox"/> Soil & Water | <u>George Wingate</u> | <u>within</u> | <u>5/1/90</u> |
| <input checked="" type="checkbox"/> Riparian/Wet. | | | |
| <input checked="" type="checkbox"/> T&E | <u>Opie M. Schoolcraft</u> | <u>comments on draft</u> | <u>4/17/90</u> |
| <input checked="" type="checkbox"/> Cultural | <u>Donald W. Manuel</u> | | <u>5/8/90</u> |
| <input checked="" type="checkbox"/> Wildlife | <u>Sydney M. Yincevich</u> | <u>comments re draft</u> | <u>4/11/90</u> |
| Forestry | | | |
| Energy/Min. | | | |
| <input checked="" type="checkbox"/> Operations | <u>DW</u> | <u>comment in draft</u> | <u>4/11/90</u> |
| Other | <u>Bill Phillips</u> | <u>Bill Phillips 4-20-90</u> | <u>see comments on draft</u> |

Public Contacted: Yes () No List contacts: California Dept. of Fish and Game

Environmental Coordinator Review of Comments

Sydney M. Yincevich Date 5/9/90
 NOTE: Your signature above indicates that you approve of the proposed project as described, and have no reservations with its implementation. If you do have concerns, address them above in the comments column, or on a separate sheet.

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Environmental Assessment
North Deep Cut Pasture Fence
EA-CA-026-90-17

I. Introduction

A. Description of Action

The proposed action is to construct 7.5 miles of BLM standard antelope type barbed wire fence and a cattleguard on public lands, and approximately .5 miles of BLM standard antelope type barbed wire fence and a cattleguard on State lands to control livestock grazing and to implement a deferred rotation grazing system in the Deep Cut Allotment.

B. Location

The proposed fence location is in the Eagle Lake Resource Area, Cal-Neva Planning Unit, Deep Cut Allotment in T.31N., R.16E., sections 29, 30, 33, 34 and T.31N., R.15E., section 22, 23, 24. The project would cross State lands located in T.31N., R.16E., section 30 and T.31N., R.15E., sections 24 and 25. See attached map.

C. Purpose/Need

In 1983, the Deep Cut Allotment Management Plan was implemented. It allowed for continuous grazing and did not incorporate periodic rest during the growing season. In 1988, an evaluation of the Deep Cut AMP revealed the allotment was in a downward trend, perennial grass plants were in poor vigor and medusahead was invading and replacing desirable forage plants. Currently, the Deep Cut AMP is being revised and a deferred rotation grazing system is to be implemented. The proposed fence is integral to implementing the deferred rotation grazing system. The AMP revision will be finalized prior to fence construction. In addition to implementing the new grazing system, the fence would also provide better livestock control over the Deep Cut Creek riparian area and a wetland area located on State lands.

One of the permittees in the allotment, Robert Clark, leases the State lands for grazing use and these lands are used as exchange-of-use in his federal grazing permit. The fence would split a reservoir currently existing on State lands so that water would be available on either side of the fence. This is the primary reason for the need for crossing the State lands. The proposal complies with the 1982 Cal-Neva Land Use Plan and would implement Land Use Decisions 10-1 and 10-6 which state that the BLM is to implement livestock grazing programs with particular consideration towards improving riparian and meadow habitat to enhance and protect wildlife and watershed values. An easement across State lands will be necessary before the fence across State lands could be built.

II. Description of the Proposed Action and Alternatives

A. Proposed Action

The proposed action is to construct 8 miles of steel and wire fence and two cattleguards in the locations described in section I (B) of the EA to the following specifications:

- 3 strand 12 1/2 gauge steel and wire fence with the top 2 strands being barbed and the bottom wire smooth for antelope passage in the winter. Steel posts set every 22 feet with 2 stays per panel. Wires spaced from the ground: 16 inches, 26 inches, 38 inches.
- Double gates (gates that open from both ends and close in the middle) will be placed at important antelope crossings and will be left open in the winter and closed when the livestock grazing season begins.
- The fence will be flagged for the first year to alert animals of its presence.
- Ground disturbance shall be limited to crushing and/or trampling of vegetation within 10 feet of one side of the fence route centerline. Blading or brushing with motorized vehicles is prohibited. Large shrubs may be removed with hand tools.
- All trash generated by the fence construction process will be collected and disposed of properly, upon completion of the project.
- Two cattleguards (8' x 14') will be installed across the two main dirt roads; one on public lands, the other on State lands to allow easy access through the fence for hunters and other public land users.

C. Other Alternatives Considered but not Fully Analyzed

A no action alternative was considered and will not be further analyzed at this time because without the fence a deferred rotation grazing system could not be implemented and other alternatives such as delaying turnout until after seed ripe would have to be considered in order to comply with the Cal-Neva Land Use Plan.

Another alternative considered was to combine adjacent allotments with the Deep Cut Allotment and make each allotment a pasture in order to implement a deferred rotation system. This alternative is rejected at this time and will not be considered further. The time required to evaluate adjacent allotments, formulate objectives, and implement new grazing systems would delay the beneficial impacts of the proposed action by several years. Implementation of the proposed action will not preclude consideration of this alternative at a future date.

III. Description of Affected Environment

1. Soils

Soils are volcanic in origin, generally shallow to deep clay loams, with a stony surface, and a slight to moderate erosion hazard. Montmorillonitic soils dominate the flatter areas. In some years, depending on the precipitation received, the montmorillonitic soils may be saturated when livestock are turned out in the spring. Trampling of these soils when wet by livestock is a major concern.

2. Water

The proposed action does not occur in a flood plain or riparian area. However, the proposed action will influence management on the Deep Cut Creek riparian area on BLM lands and on a wetland area on State lands to the north of the project.

3. Vegetation

Vegetation within the project vicinity is typical of the Great Basin shrub/grass plant community. Medusahead, an undesirable species, is aggressively invading the area and replaces perennial plants which have lost their vigor and died.

4. Wildlife

Mule deer, pronghorn antelope, sage grouse and chukar are the dominant game species occurring in the project area. The proposed fence would cross important antelope wintering and kidding habitat.

5. Threatened and Endangered Species

Polygala subspinos, a California Native Plant Society List 2, "Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere," is widely scattered throughout the area. This plant is not considered as a BLM sensitive plant and therefore does not require special management consideration.

6. Wild Horses and Burros

The project area is within the Twin Peaks Herd Management Area. Currently, 20 burros inhabit the area north of the proposed fence and occasionally use the project area during the winter. No wild horses are known to use the area, although they were present in the area prior to 1983.

7. Cultural Resources

An archeological survey was conducted. One archeological site was found to the south of the proposed fence. This was a very sparse lithic scatter of obsidian and chert chips.

8. Livestock Management

The project is within the Deep Cut Allotment and has been managed under an Allotment Management Plan (AMP) since 1983. The AMP is presently being revised to incorporate a deferred rotation grazing system and should be completed by 1991. Two livestock permittees graze the 50,000 acre allotment. The season of use is April 1 to October 31. Approximately 863 cattle graze during all or a portion of the grazing season. In 1988, 1989 and 1990, cattle numbers were significantly reduced during the AMP revision.

IV. Environmental Impacts

A. Proposed Action

1. Soils

Soils will benefit by the construction of the fence and the implementation of a deferred rotation grazing system. Soils will be periodically deferred from livestock use during the time period when soils may be saturated. This will benefit the soils structure thus providing a better growing medium for perennial vegetation. However, there may be years when the soils are saturated in the pasture being grazed. This will be detrimental to the soil structure and to the vegetation if the soils are saturated for a period of time and cattle are concentrated in the area. In addition, soil litter should improve over time with periodic deferment. This will also provide a more desirable environment for seedling establishment.

2. Vegetation

The perennial vegetation, in particular the grasses and forbs, will benefit by the construction of the fence and implementation of a deferred rotation grazing system. Benefits will be seen in an improvement in vigor and the potential for seedling establishment over time. There will be a short term (5-10 years) vegetation and soils disturbance (8.5 acres) due to the construction of the fence. This disturbance is minor in relation to the size of the area which will benefit (the entire 50,000 acre allotment). Also, see discussion under the subheading "Water," below.

3. Wild Horses, Burros and Wildlife

After the fence is constructed, it will be a long-term partial barrier to burro movement except in the winter when gates will be left open for burro and antelope movement. The fence will be flagged so animals will be aware of its presence. One of the gates will have wings attached to facilitate burro movement through the gates. Antelope will be able to go under the fence all year, which should not restrict their movement. Antelope will need to use the open gates during winters when there is heavy snow restricting access under the wires. Antelope winter and kidding habitat will improve with the implementation of a deferred rotation grazing system. Improvement will be seen in the availability of browse during the winter and the availability of forbs and perennial grasses in the spring particularly in the deferred pasture. There will be a temporary minor displacement of non-game animals and some habitat will be slightly altered due to construction activities. This impact will be very minor, approximately 8.5 acres, in relation to the whole 50,000 acre allotment in which the habitat will benefit.

4. Livestock

Livestock management will be improved by constructing this project and creating an additional pasture. Cattle will be gathered easier although they may be temporarily more stressed by the additional movement from pasture to pasture.

5. Water

The Deep Cut Creek riparian and the wetland area located on State lands will benefit from the construction of the fence and the implementation of a deferred rotation system. These areas will receive periodic rest during the growing season which will improve the vigor of existing perennial grasses and riparian vegetation resulting in the improvement of the water table along the creek. In addition, the fence will allow better livestock control on the riparian and wetland area. Livestock can be more easily moved when utilization levels on these areas have been met.

6. Threatened and Endangered Species

Polygala subspinoso, will not be adversely affected by the proposed action. The plants may be grazed but 40-60 percent utilization limits will be imposed. The plant appears to survive grazing pressure well.

7. Cultural Resources

The archeological site will not be impacted by the construction of the fence or trampling of livestock concentrated near the fence since the site is located south of the proposed fence.

C. Mitigation Measures

Mitigation measures were incorporated into the proposed action such as double gates for antelope, antelope type fence, wings at gates for burro movement, cattleguards for vehicle access, flagging of fence until animals are accustomed to the fence location, minimizing ground disturbance, and trash disposal.

D. Unavoidable Adverse Impacts

1. Burros - Movement of burros will be impeded slightly by the proposed fence during the grazing season of April 1 to October 31.
2. Antelope - Movement of antelope may be impeded slightly by the proposed fence.

V. Public Comment/Review

Frank Hall of the California Fish and Game was consulted on the concept of additional fences and the implementation of a grazing system which incorporated rest during the growing season. He felt the implementation of a grazing system which would benefit the antelope and riparian habitat would be worth the relatively minor disruption of antelope movement. The State Lands Commission also has expressed an interest in reviewing this document and to make comments. Horse groups will be contacted prior to final decision on this project.

VI. List of BLM Contributors

| | |
|-------------------|--|
| Greg Yunceovich | Wildlife Biologist |
| Don Wannebo | Civil Engineer Technician |
| Sydney Yunceovich | Range Conservationist |
| Ken Visser | Supervisory Range Conservationist |
| Don Manual | Archeologist |
| Gary Schoolcraft | Botanist |
| Bill Phillips | Wild Horse and Burro Specialist/District Range Conservationist |
| Stan Bales | Outdoor Recreation Specialist |

MINUTE

NORTH DEEP CUT PASTURE FENCE

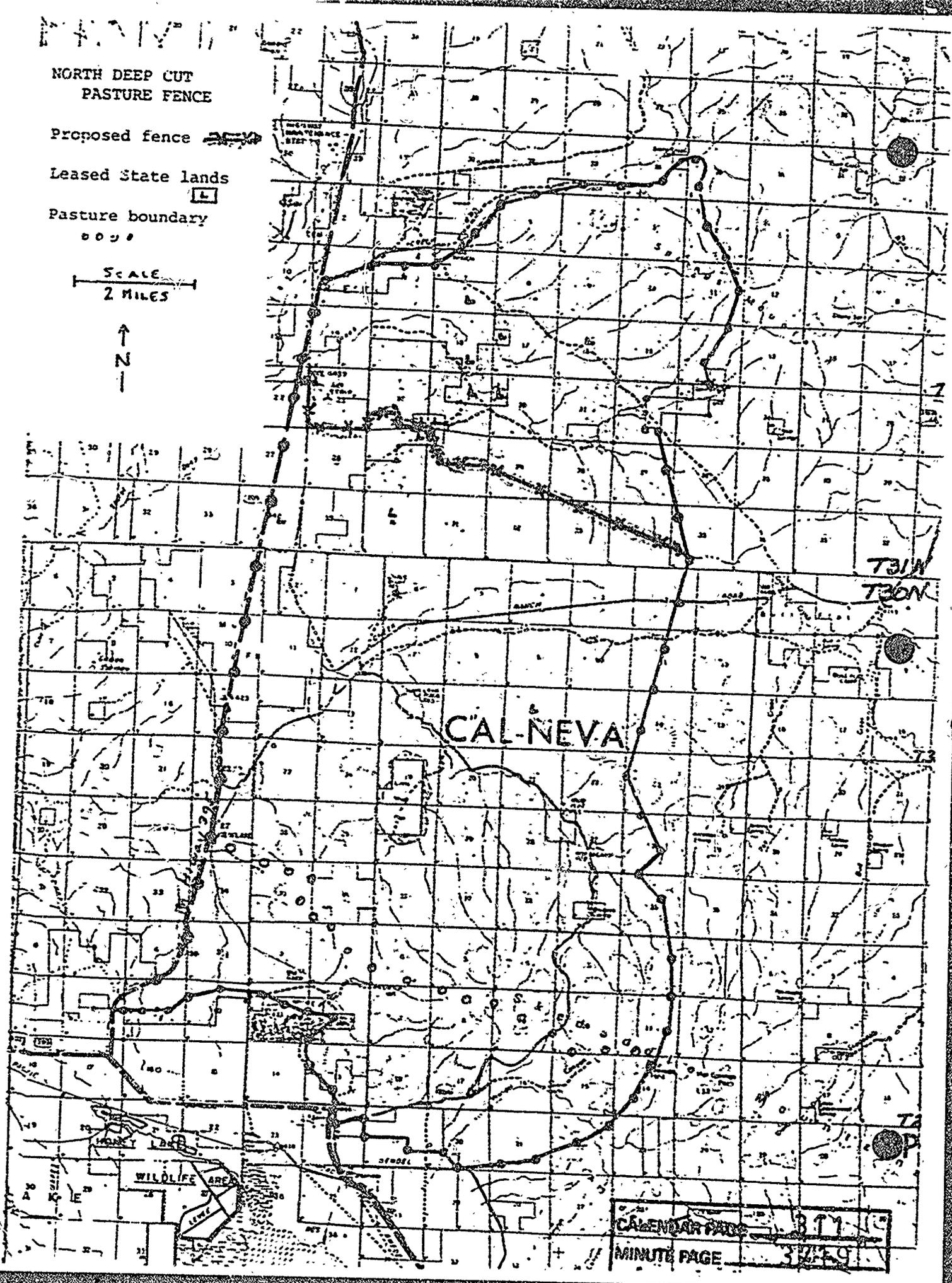
Proposed fence 

Leased State lands 

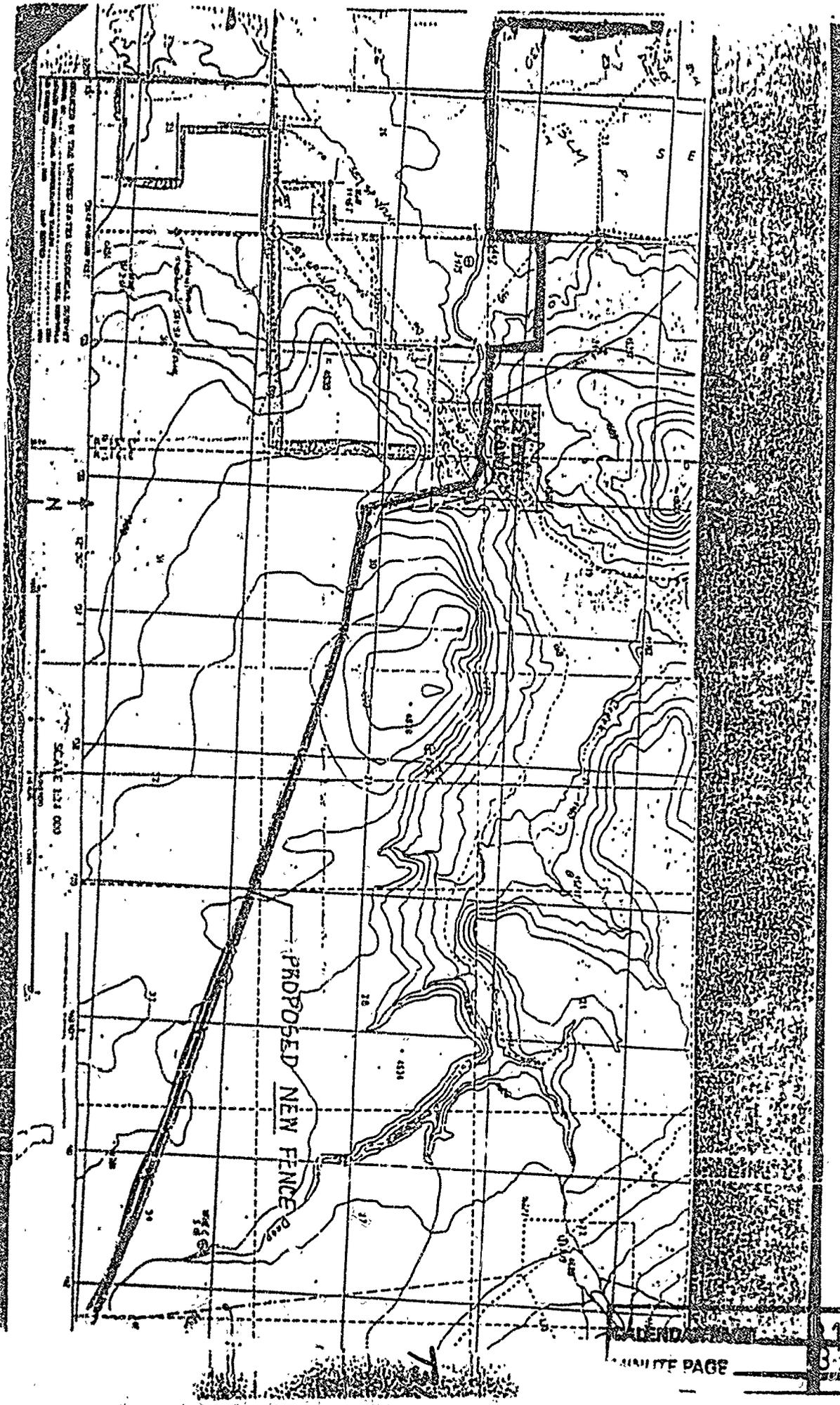
Pasture boundary 

SCALE
2 MILES

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N
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WASHINGTON, D. C.

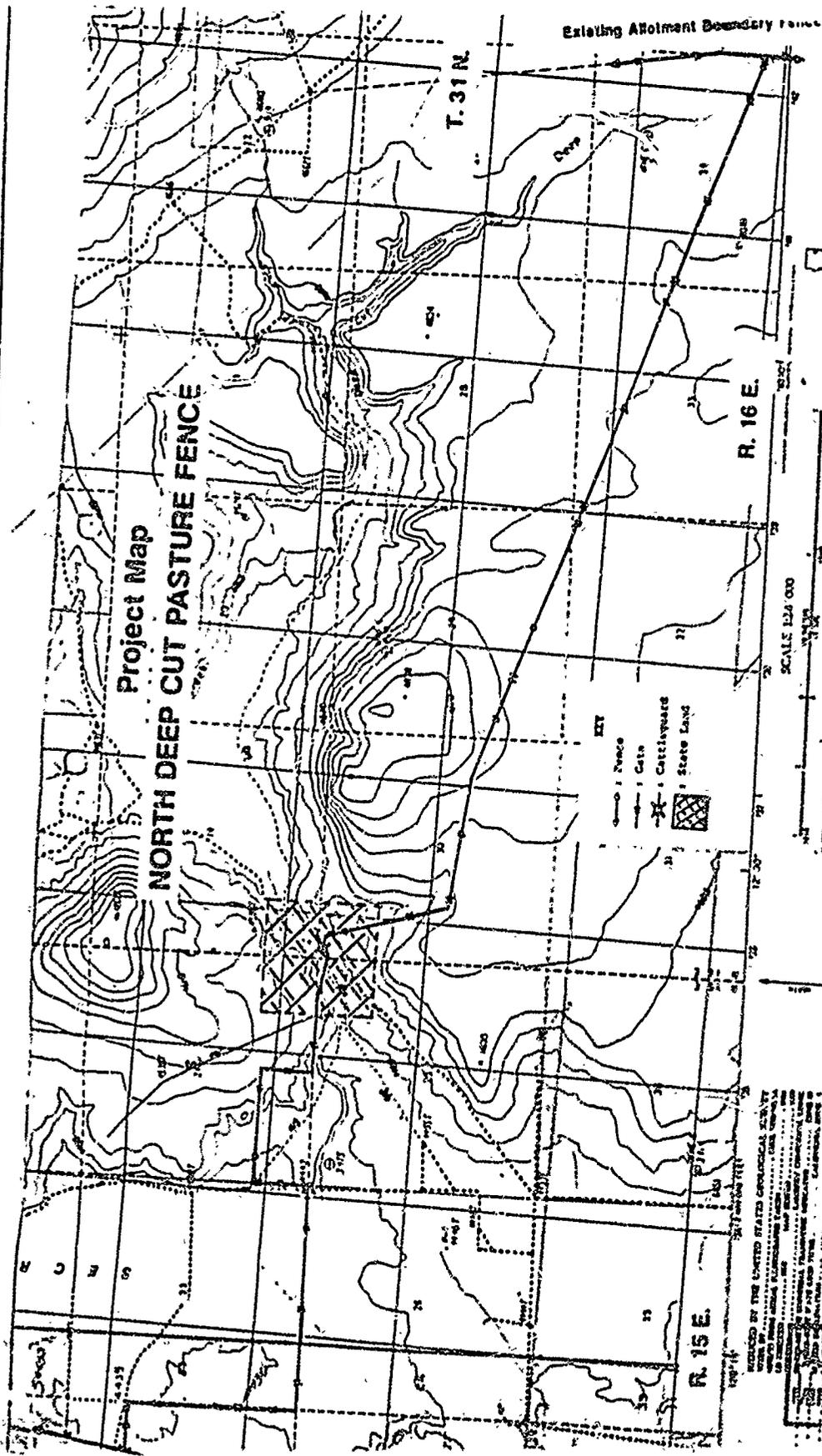
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PROPOSED NEW FENCE

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Project Map
NORTH DEEP CUT PASTURE FENCE

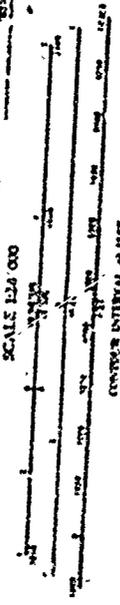
Existing Allotment Boundary Fence

T. 31 N.

R. 16 E.

R. 15 E.

- KEY
- Fence
 - Gate
 - Cuttings
 - ▨ State Land



- Legend:
- Improved Road
 - Unimproved Road
 - Well
 - Boundary Marker
 - IV

| CONTAINER INTERVAL - 4 FEET | |
|-----------------------------|----------|
| Elevation | Interval |
| 1 | 2 |
| 3 | 4 |
| 5 | 6 |
| 7 | 8 |
| 9 | 10 |

PROVISIONAL MAP
Provisional from original
photostatic drawings. Refer
to original drawings as of date of
photostatic.

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| PLATE NO. | 311.10 |
| PAGE NO. | 3721 |

CALENDAR ITEM

NO. 49

WORK ORDER: W 24563
CALENDAR DATE: 12/12/90
NEGOTIATOR: Dugal

BUREAU OF LAND MANAGEMENT AND STATE LANDS COMMISSION

EXHIBIT UNAVAILABLE AT TIME OF PRINT

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