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Forest Service

Intermountain Region

Humboldt-Toiyabe
National Forest

Ruby Mountains
Ranger District

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Notice of Proposed Action

SOUTH RUBY HAZARDOUS FUELS REDUCTION PROJECT

White Pine County, Nevada

Comments Welcome

The Ruby Mountains Ranger District is re-initiating the analysis of the South Ruby Fuels Reduction Project in White Pine County, Nevada. This proposal is to treat approximately 4420 acres (e.g. 4370 acres prescribed fire and 50 acres mechanical treatment) of pinyon-juniper woodland on the southern end of the Ruby Mountain Range with prescribed fire and mechanical treatment. The public is invited to provide comments on the proposal at this time. Written, facsimile, hand delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following the publication of the 36 CFR 215 Notice of Proposed Action in the Elko Daily Free Press. For detailed information on how to provide comments, please refer to the "Comment Process" section of this document.

This document will also be made available on the Humboldt-Toiyabe National Forest web site: <http://www.fs.fed.us/r4/htnf/projects>

Project History

Analysis of this project was started in May 2006. A scoping letter was sent to interested parties on May 10, 2006. In April 2007 the district issued the first Notice of Proposed Action for this project. Comments received during the 30-day comment period were considered in the analysis which was completed in August 2007. District Ranger Terry Chute issued a Decision Memo on August 21, 2007 that approved implementation of the project.

This project was categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement, consistent with Forest Service Handbook 1909.15, 31.2 (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.

On December 5, 2007, the U.S. Ninth Circuit Court of Appeals declared the Hazardous Fuels Reduction Categorical Exclusion (FSH 1909.15, 31.2[10]) invalid. At the time of this Court Order, the South Ruby Fuels Reduction had been authorized, but not implemented. To assure compliance with the Order, the District has decided to reinitiate NEPA (National Environmental Policy Act) analysis in an Environmental Assessment (EA). Following the completion of this EA the Forest will issue a new decision on whether or not to implement the project.

Project Overview

Location

The South Ruby Fuels Project area is located on the southwest corner of the Ruby Mountain Range in Northeast Nevada. Refer to the attached maps. This area is in White Pine County, north of Overland Pass.

The legal description for the project area is:

Township 25N, Range 56E, Sections 1-3, 9-12-16, 21, and 22,
Township 25N, Range 57E, Sections 6, 7, and 18.

Purpose and Need

The purpose of this proposal is to reduce vegetative fuels and reduce the potential for large-scale catastrophic wildfires within the project area.

The need for this project is to reintroduce fire to reduce the amount and spatial distribution of pinyon (*Pinus monophylla*) and juniper (*Juniperus osteosperma*). These tree species have become abundant, and in doing so are displacing the other vegetation types, especially the sagebrush communities with their associated grasses and forbs.

The purpose is to maintain a broader spatial distribution of the herbaceous grasses and forbs over the landscape, interspersed with pockets of pinyon-juniper and other sagebrush dominated communities typical of earlier successional stages. The high density of trees has increased the competition for water and other resources, resulting in the ongoing displacement of the other vegetation types.

Goals and Objectives

The main goal for this project is to reduce the risk of severe wildfire to this area. This will be accomplished by reducing the amount of pinyon-juniper encroachment on other vegetation types by reducing the amount of departure from natural conditions typified by similar ecosystems.

Objectives for the South Ruby project area are to:

- 1) Reduce the amount of live pinyon-juniper trees per acre.
- 2) Create a mosaic of openings within the pinyon-juniper for grass/forb release.
- 3) Reduce the continuum of fuels (sagebrush-juniper-pinyon) that increase the risk for high intensity wildfire.

The prescribed fire is designed to result in a mosaic in which pockets of live vegetation are left unburned among tracts of burned areas. A mosaic burn will increase the amount of vegetation edges that are beneficial to wildlife and minimize habitat fragmentation. The unburned portions maintain a seed source and provide habitat for wildlife such as sage grouse and mule deer. A mosaic of burned and unburned sections allow for a quicker recovery of the site through on-site seed dispersal. The percentage of landscape within the units to be burned is 30-80%. This range will provide a balance of habitat diversity and fuel reduction while minimizing impacts on the ground.

Area Description

The project area consists primarily of pinyon-juniper stands with Mountain Big Sage and mountain brush community types. See table below. Much of the pinyon-juniper is in Phase II; that is, the pinyon-juniper have substantial canopy cover while still maintaining an understory of shrubs and herbs. This is typical for woodland expansion in the absence of fire. Mountain Big Sage is becoming very dense in draws and pinyon-juniper has expanded into the surrounding sagebrush. This is exemplified by relatively younger trees spreading out and encroaching on the lower elevation sage community.

Community type	Acres within Project Area
Basin Big Sage	92
Black Sage	10
Curleaf Mtn. Mahogany	521
Mixed Sage/Bitterbrush	16
Mixed Woodlands	16
Mountain Shrub	5
Mountain Big Sage	830
Mountain Grassland	27
Pinyon-Juniper	2886
Riparian Grassland	11
Riparian Shrub	3
Whitebark/Limber Pine	1
Wyoming Big Sage	5
Total	4420

NOTE: Data was derived from the RSAC vegetation coverage. Pinyon, juniper, and pinyon/juniper vegetation types were combined into the pinyon-juniper type for this analysis.

This area was selected for its potential resource benefits that are at risk from wildfire. The Phase II pinyon-juniper will be the primary focus for treatment. As this vegetation type transitions into Phase III, the understory grasses and forbs are lost and canopy cover of these tree species closes. This allows for higher intensity and severity wildfire which can be detrimental to the landscape and require substantial rehabilitation efforts.

The higher elevation (6200-8350ft.) of this project was also selected to reduce opportunities for cheat grass (*Bromus tectorum*) and other invasive plant species to thrive.

Proposed Action

This proposed action includes two treatment types – prescribed fire and mechanical treatment.

Prescribed Fire

The use of prescribed fire is designed to reduce pinyon-juniper tree density and distribution that would lead to improved ecological conditions. Prescribed fire would reduce the risk of high severity wild fire and lead to faster re-establishment of the native grasses and forbs. It would also reduce the number of younger, outlying pinyon- juniper that is typically reduced by periodic wildfire. This project would potentially reduce overstory vegetation (primarily tree species) by 30 to 80% over approximately 4370 acres within the prescribed burn unit.

Aerial and hand ignition methods would be the primary ignition methods be used for this project.

Burning could occur any season of the year as long as the weather and fuel conditions are within the burn prescription. Implementation of this project would likely be late August through October. Firefighting resources, including engines, would be present to ensure full containment of the prescribed fire within the project area.

Roads within the project area would be closed to the public for the brief time that operations are in progress. Proper signs would be posted as would a notification through proper media (i.e. television, radio and newspapers). Local residents would be notified by personal contact. The project area would also be checked and cleared of any campers, hunters, and any other recreational users. These actions would ensure the safety of both the public and project personnel.

Elko and White Pine County Roads 719/1000, also known as the Elko Hamilton Stage Line would not be affected. This is the main corridor between Overland Pass and State Road 228 (Jiggs/Harrison Pass).

Mechanical Treatment

Mechanical treatment would be conducted in a 50 acre unit at the north edge of the project area. In this unit 100% of the pinyon-juniper would be cut. Mechanical treatment would be by chainsaw or other hand tools. It would not be necessary for vehicles to be off existing roads. Trees that are cut would be left on-site.

Other Considerations

Grazing by domestic livestock of this area would be excluded until this area has recovered sufficiently. Recovery time for this type of treatment is expected to be approximately two years and is in accordance with the Humboldt Forest Plan.

Improvements such as troughs, pipelines, fences and cattle guards are located within the burn area. Efforts would be taken to protect all range improvements.

Monitoring

This project would be monitored to ensure that vegetative recovery is occurring and to ensure objectives are met. Items to be monitored would include vegetation recovery and trends including invasion of any potential non-natives and noxious weeds. New occurrences of noxious weeds and non-natives would be treated and controlled to minimize spread.

Related Research

This project would also be part of a research project conducted by Rocky Mountain Research Station (RMRS). The goal of this research project is to study differences in the distribution and dominance of how pinyon-juniper change their response to the different types of vegetation manipulation.

This research would consist of three plots, approximately 50 acres each, two of which would be within the area to be treated. One plot will be treated by prescribed fire. This plot would be located within the larger burn unit. The mechanical treatment unit described above would serve as the second plot. The third plot would act as a control plot with no treatment to be performed and would be outside of the treated area. All three plots would be permanently fenced following implementation.

Analysis Process

The analysis being re-initiated will rely heavily on the work conducted to date for the project and supplement the documentation as needed. The following section summarizes the analysis work conducted to date:

Public Involvement

Public involvement for this project was started in May 2006. A scoping letter was sent to interested parties on May 10, 2006.

In April 2007 the district issued the first Notice of Proposed Action for this project. Comments received during the 30-day comment period were considered in the analysis which was completed in August 2007.

Tribal Coordination

Consultation letters were mailed on May 12, 2006 and again on April 30, 2007 to the Tribal chairs of the Shoshone-Paiute Tribes of Duck Valley, Wells Band, Elko Band, South Fork Band, Te-Moak Tribe of Western Shoshone, Ely Shoshone, Duckwater Shoshone, and Yomba Tribes. A member of the Duckwater Shoshone Tribe also visited the site in May 2007 and a South Fork Band member visited the site in May 2006.

Preliminary Issues

Based upon the work conducted to date, which includes the public scoping and tribal coordination, the following preliminary issues have been identified for analysis:

- Impacts to wildlife species including mule deer, migratory birds, sage grouse, and pygmy rabbits
- Impacts to vegetative communities, old growth stands, and rare plant habitats
- Impacts to traditional American Indian uses including pine nut harvesting
- Impacts to cultural resources
- Impacts to watershed conditions
- Impacts to wild horses
- Impacts to livestock grazing
- Impacts to public access and recreational opportunities
- Impacts to air quality
- Potential for spread of noxious weeds and invasive species

Alternatives

One other alternative in addition to the proposed action has been identified - The No Action Alternative. Under this alternative, no treatments would occur within the project area.

Other alternatives may be added and analyzed as the analysis progresses.

Preliminary Assessment

Based upon the work completed to date the environmental impacts of the proposed action are summarized below.

Watershed Conditions

Prescribed fire would remove vegetation cover for a short period of time, resulting in some risk for soil erosion. The mosaic nature of the treatments would minimize the risk which would be short term in nature. Fireline construction is not proposed. Due to the limited amount of potential disturbance, the short-term nature of the project, and the use of best management practices the amount of increased soil disturbance and erosion is expected to be very minor.

Air Resources

Burning would create smoke within the project area and adjacent areas. Residual smoke from smoldering vegetation may continue for days past the burning. However, these impacts would be short term in nature, and would have no effects on Class I Airsheds or populated areas. The project would fully comply with state air quality laws.

Wilderness

There are no designated Wilderness areas within the Project Area. Impacts to the near-by Ruby Mountains Wilderness are not anticipated.

Vegetation

Prescribed fire would create a diverse mosaic of vegetation communities of various age classes within the project area. Pinyon-juniper woodland coverage would decline, while sagebrush/grass and mountain brush communities would be restored.

Individuals or small pockets of mountain mahogany, mountain big sagebrush and aspen may be burned. However, no active ignition would take place in these stands.

Old Growth

Pre-settlement pinyon generally grows on rocky outcrops and/or other areas where fire generally does not occur or occurs at very infrequent fire return intervals. These areas are excluded from ignition because of rare/sensitive plants and because of the inability to carry fire.

Rare Plants

It has been determined after using the Humboldt-Toiyabe National Forest TES Plant Program (Weixelmen 2001, Anderson et al. 1991) and the Nevada Natural Heritage Program (Morefield 2001) that the following plant species may occur or have the potential to occur in Ruby Mountains Ranger District (Table 2), Nevada, including the South Rubies Fuels Project area: Grouse Creek rockcress (*Arabis falcatoria*), Scorpion milkvetch (*Astragalus lentiginosus* var. *scorpionis*), Lamoille Canyon milkvetch (*Astragalus robbinsii* var. *occidentalis*), Upswept moonwort (*Botrychium ascendens*), dainty moonwort (*Botrychium crenulatum*), slender moonwort (*Botrychium lineare*), snowy spring parsley (*Cymopterus nivalis*), Ruby Mountain primrose (*Primula capillaris*), Nachlinger catch-fly (*Silene nachlingerae*), and Rock violet (*Viola lithion*).

The prescribed burning and mechanical treatments may impact individual plants and potential habitat. However, the project would not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species. Project design and specific mitigation measures are intended to limit the impact to these species.

Noxious Weeds/Invasive Species

The district weed inventory shows limited occurrences of noxious weeds within and adjacent to the project area. Field surveys also show that populations of cheatgrass were observed within the project area and in areas leading to the project area. Mitigation, including project vehicle washing, would limit the potential for noxious weeds and invasive species transport during project implementation. Post-burn monitoring would identify treatment needs.

Public Access/ Recreational Uses

Closure of roads during the burn implementation would result in a short-term loss of access. The visual effects of the prescribed burning would be consistent with natural landscape characteristics. Treated areas would be most visible for approximately 1-2 years and may not be aesthetically appealing to some visitors. This may cause some displacement of recreationists who would travel elsewhere.

Cultural Resources

Cultural Resource surveys have been conducted in the project area. A number of sites, both historic and prehistoric, were identified. The historic sites are wood features that will be protected through mitigation measures. Prehistoric sites, will be either avoided, dependent upon the treatment proposed in the area, or will be burned over if the fire enters those areas. Fire will not be dropped into any site. It is expected that there will be no adverse effects to any cultural resource site from this project.

Mule Deer

Mule Deer occupy the project area. Some temporary displacement of individuals would likely occur during project implementation. Low-intensity ground fire would produce favorable post-fire conditions for natural shrub and herbaceous re-establishment. Increased vegetative diversity resulting from the burn would improve deer habitat within the short-term.

Sensitive Wildlife Species

A biological evaluation has been prepared for this project. Sensitive species that have potential habitat or are located in the project area include pygmy rabbit (*Brachylagus idahoensi*), greater sage grouse (*Centrocercus urophasianus*), mountain quail (*Oreortyx pictus*), spotted bat (*Euderma maculatum*), and Townsend's big-eared bat (*Plecotus townsendii*).

Potential pygmy rabbit habitat was observed at only one site in the proposed project area, on Forest Road 382. This area was intensively searched for pygmy rabbit sign, but none was observed. Dense stands of sagebrush are lacking in the project area. Due to absence of pygmy rabbit sign, and general absence of habitat, it was determined that this project will have no impact on pygmy rabbits.

Information on greater sage grouse lek location developed by NDOW indicates there are no known lek locations within two miles of the project area. Greater sage grouse might use ephemeral or intermittent drainages, or seeps and springs, as early brood-rearing habitat, and the project area may be potential late summer or autumn habitat for adults and juveniles. Based on the evaluation of direct, indirect, and cumulative effects, it was determined that this project may impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability for greater sage grouse.

The available evidence does not indicate that mountain quail ever ranged as far east as the Ruby

Mountains in interior Nevada, although the Ruby Mountains may contain habitat suitable for mountain quail. Due to lack of evidence of mountain quail inhabiting the Ruby Mountains, it was determined that this project will have no impact on mountain quail.

Aquatic Resources

The project area does not contain any perennial streams. The drainages, which are all ephemeral, do not support any threatened, endangered, or sensitive aquatic species.

Migratory Bird Species

Fuel load reduction and creation of a mosaic vegetation pattern would improve neotropical migratory bird habitats within the project area over the long term. Short-term displacement of migratory birds would occur due to the burning activities.

Livestock Grazing

The project area includes portions of two grazing allotments – Cherry Springs Cattle and Horse Allotment and the Corta Sheep and Goat Allotment. Treated areas would be rested for a minimum of two years following treatment to allow for recovery of vegetation resources. Impacts to livestock permittees would be short-term.

Wild Horse Populations

The project area is located partially within the Cherry Springs Wild Horse Territory. Wild horses would likely be displaced during project activities. This would have a minimal impact as the territory is large and there is ample acreage for this herd. In the long-term the prescribed fire would provide more forage for the wild horses.

Inventoried Roadless Areas

The project area includes the southern portion of the Pearl Peak Inventoried Roadless Area. Effects to the Inventoried Roadless Area would be minimal and short-term, and are consistent with Forest Service direction for roadless area protection. No roads would be constructed or reconstructed, and actions would not alter the roadless character of the Inventoried Roadless Area to the degree that it would no longer qualify as a roadless area. Allowing operations adjacent to roadless areas would not prevent any area from being considered for designation as wilderness in the future.

Research Natural Areas

The Pearl Peak Research Natural Area is located approximately ten miles to the north and will not be affected.

Traditional Uses

The project area provides opportunities for pine nut harvesting by American Indians. In the short-term, a minor loss of pinyon pine is expected. Over the long-term, the prescribed fire is expected to maintain healthy pinyon stands that would continue to produce harvestable cone crops.

Cumulative Impacts

Cumulative impacts would be addressed in the environmental assessment being prepared. Past, present and reasonably foreseeable impacts that may be considered include; livestock grazing, wild horse management, minerals exploration and development projects, past wildfires, recreational uses and past chaining projects. This list may be modified as the analysis progresses.

Comment Process

As part of the ongoing analysis, the District Ranger is inviting public comment on this project in accordance with Forest Service Appeal regulations (36 CFR 215.11 (a)). Appeal eligibility is limited to those who provided comment or otherwise expressed interest in this proposed action and submitted comments by the close of the comment period.

How to Comment and Timeframe

Written, facsimile, hand-delivered, oral, and electronic comments will be accepted for 30 days following publication of the Legal Notice for this project in the Elko Daily Free Press.

Written comments should be submitted to: Terry Chute, District Ranger, Ruby Mountains/Jarbidge Ranger Districts, P.O. Box 246, Wells, Nevada, 89835. The office business hours for those submitting hand-delivered comments are 8:00 am to 4:30 pm Monday through Friday, excluding holidays. Oral comments must be provided at the Responsible Official's office during normal business hours via telephone at (775) 752-3357 or in person.

You may also e-mail your response to: comments-intermt-n-humboldt-toiyabe-rubymtns-jarbidge@fs.fed.us in rich text format (.rtf), or Word (.doc). Please place "South Ruby Fuels Project" in the subject line of your email.

Comments must meet the information requirements of 36 CFR 215.6 including:

- Name and Address,
- Title of the Proposed Action;
- Specific comments (36 CFR 215.2) on the Proposed Action, along with supporting reasons that the Responsible Official should consider in reaching a decision,
- Signature or other verification of identity upon request; identification of the individual or organization who authored the comments(s) is necessary for appeal eligibility,
- For multiple names or multiple organizations, a signature must be provided for the individual authorized to represent each organization, or for each individual that wishes to have appeal eligibility, and
- Individual members of organizations must submit their own substantive comments to meet the requirements of appeal eligibility as an individual, comments received on behalf of an organization are considered as those of the organization only.

Only those who submit timely comments will be eligible to appeal the subsequent decision under 36 CFR 215. Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection. You must submit written comments or contact us if you want to remain on the mailing list for this project.

Contacts

For information or if there are any questions, please contact project coordinator Doug Clarke, Planner, Mountain City Ranger District, 2035 Last Chance Road, Elko, NV 89801, or by telephone at 775-778-6127.

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