



United States Department of the Interior

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PROPOSED MULTIPLE USE DECISION FISH LAKE VALLEY COMPLEX (Silver Peak, White Wolf, Ice House, Fish Lake Valley, Red Spring Allotments)

INTRODUCTION:

This is the proposed decision based on the findings of the Fish Lake Valley Rangeland Health Assessment and accompanying draft Environmental Assessment (NV065-2005-037) which analyzed monitoring data collected within the Fish Lake Valley Complex of Allotments. Monitoring data was collected to determine whether current livestock management practices and grazing systems and existing wild horse and burro populations in the Silver Peak and Fish Lake Valley Herd Management Areas (HMA) are meeting the Land Use Plan (LUP) Objectives, and Standards and Guidelines for Mojave-Southern Great Basin Resource Advisory Council (RAC). A thirty-day comment period was provided for the interested public to voice concerns regarding the evaluation.

Following the public comment period for the evaluation, the Tonopah Field Station carefully considered the comments received. Comments received and corresponding responses are found in the Conformance Determination beginning on page 2. The Conformance Determination is attached separately and addresses comments to the evaluation and identifies the management actions selected for the Fish Lake Valley Complex. The selected management actions were analyzed in the Fish Lake Valley Complex Rangeland Health Assessment, Environmental Assessment (NV065-2005-037) and Finding of No Significant Impact (FONSI), which are included for your review.

Upon completion of the Proposed Multiple Use Decision (PMUD) process, the Final Multiple Use Decision (FMUD) will be issued and serve as the Decision Record (DR).

BACKGROUND:

The Silver Peak, White Wolf, Ice House, Fish Lake Valley, Red Spring Allotments, (Fish Lake Complex) lessees have met with the BLM during the allotment evaluation process. Discussions with lessees have focused on permittee livestock grazing operations and resource management issues within the Fish Lake Valley complex. These meetings with the lessees have involved discussions pertaining to the development of management alternatives that will ensure the attainment of the Standards for Rangeland Health and conform with the guidelines, while also maintaining the viability of their livestock operations. In addition, consultation with interest groups has also occurred during the evaluation process. They were notified of the evaluation and offered an opportunity to tour the assessment area in June 2004. No responses were received.

Following the analysis, interpretation and evaluation of monitoring data, it was determined that Mojave/Southern Great Basin Standards for Rangeland Health and Tonopah RMP multiple use objectives were not being fully attained. The evaluation also concluded that significant progress towards the attainment of the Standards for Rangeland Health and multiple use objectives was occurring for some standards. Other standards were no making significant progress towards attainment. See the Conformance Determination, pages 6 to 29. It was determined that wild horse use and some livestock management practices were the causal factors for non-attainment of some Mojave/Southern Great Basin Standards for Rangeland Health and Tonopah RMP multiple use objectives. As a result of the evaluation of the monitoring data, Proposed Management Actions have been developed that will ensure that Standards for Rangeland Health and multiple use objectives where they are met continue to be met and that significant progress is made towards those that are currently not met.

In order to ensure progress towards and achieve the Mojave/Southern Great Basin Standards for Rangeland Health and Tonopah RMP multiple use objectives change in current livestock and wild horse management are required.

Therefore, it is my decision to implement the management actions identified below for livestock, wild horse and wildlife management in the Fish Lake Valley Complex.

**PROPOSED LIVESTOCK GRAZING MANAGEMENT DECISION
Selected Management Actions for Livestock Grazing Management within the Silver Peak, White Wolf, Ice House, Fish Lake Valley and Red Spring Allotments and Emigrant Peak and Columbus Salt Marsh closed areas.**

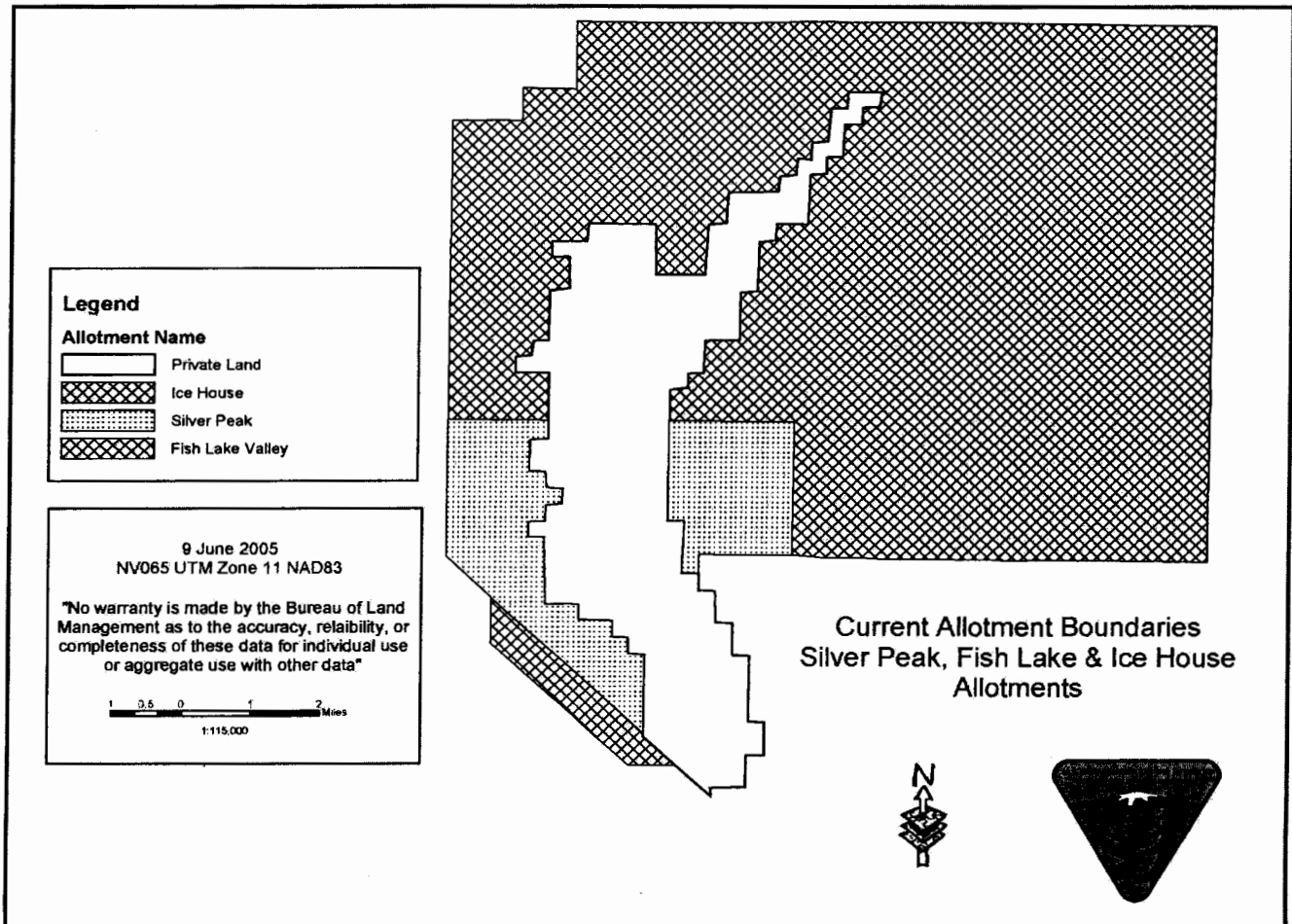
Through the allotment evaluation process it was determined that the following management actions are appropriate to ensure significant progress towards the attainment of multiple use objectives and Standards for Rangeland Health approved by the Mojave-Southern Great Basin Resource Advisory Council. These management actions will become effective at the conclusion of the appeal period for this decision.

A. Establish new allotment boundaries for the Ice House, Silver Peak and Fish Lake Valley Allotments. (See Conformance Determination, Selected Management Action 2.)

New Allotment boundaries for the Ice House, Silver Peak and Fish Lake Valley Allotments would be established in order to simplify administration. A small portion of the Silver Peak Allotment is isolated from the main portion of the allotment. Ice House is split by private land.

Ice House Allotment and a small isolated portion of the Silver Peak Allotment are adjacent to each other. Both of these allotments are divided by private land. See Map 2 below. This action would combine the portions of both allotments west of the highway into the Fish Lake Valley Allotment and combine the portions east of the highway and east of private land into the Ice House Allotment. See Map 3 below. The chart in Table 1 shows the changes in acreage that would result from this proposal to each allotment.

Map 2 Current Allotment Boundaries in the Tonopah RMP.



Map 3 Proposed Allotment Boundary Adjustments.

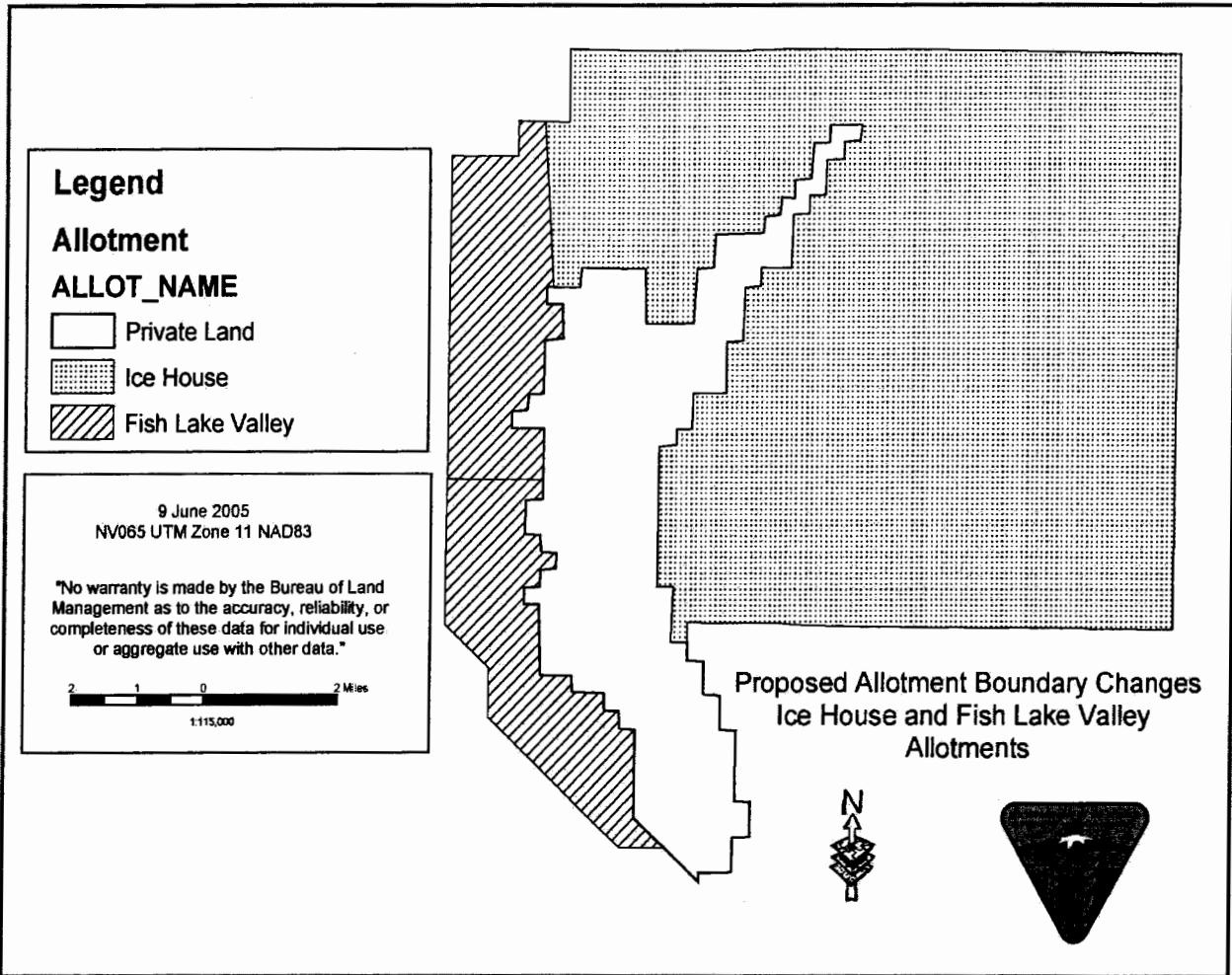


Table 1 Acreages for Ice House and Fish Lake Valley Allotments, Current and Proposed

Allotment	Current Acreage	Proposed Acreage
Ice House	43,143	41,265
Silver Peak isolated portion	6,771	0
Fish Lake Valley	1,482	10,131

See 5 below for changes in the AUMs for Ice House, Silver Peak and Fish Lake Valley Allotments.

Rationale:

These allotment boundary changes are an administrative change. There is no change in total acres for these three allotments combined.

B. Allocation of AUMs and New Livestock Preferences for Silver Peak, White Wolf, Ice House, Fish Lake Valley, Red Spring Allotments. (See Conformance Determination, Selected Management Action 3.)

No adjustments in AUMs would be made on the Red Spring Allotment. The following adjustments would be made on Silver Peak, Ice House, Fish Lake Valley and White Wolf Allotments according to each general vegetation type. These allotments are all leased by White Mountain Ranch. The AUMs not allocated for in this proposal would be converted to suspended use. See Appendix C, Conformance Determination Standard 2a.

Table 2 New Allocations for White Mountain Ranch

Allotment	Vegetation Type	Season of Use Start	Season of Use End	Active AUMs
Silver Peak	Sagebrush	Yearlong		851
	SDS Valley*	Yearlong		2066
	Sandy Soils	Yearlong		244
Ice House	Sagebrush	Yearlong		78
	Saline & Sodic	July 1	September 15	37
Fish Lake Valley	SDS Valley*	Yearlong		142
White Wolf	All	September 15	February 28	600

* Salt Desert Shrub Valley

GIS software was used to overlay the soil survey ecological sites onto the individual allotments. Acreages for each area were then calculated in GIS. A field check was conducted by BLM staff in March, 2005 to verify these maps (see Appendix D pp.37-44).

White Wolf Allotment

An evaluation and subsequent decision in 1995 reduced preference on White Wolf from 1088 AUMs to 697 AUMs. Subsequent livestock management has not negatively impacted the vegetation or any other resources. A small reduction in AUMs is necessary because the water table has dropped since the 1995 evaluation. Forage, once present on saline meadows and sodic soils, is now gone (see Appendix A, p.65). This reduction was figured based on the 85 acre/AUM stocking rate in the White Wolf Allotment. There are 8303 acres of saline meadow and sodic soil, allocated at 85 acres/AUM which equals a 97 AUM reduction (see Appendix D p.38). The new stocking rate for White Wolf Allotment would be 600 AUMs. There would be no change in season of use. It would remain from September 15 to February 28.

Silver Peak Allotment

There are three vegetation types in this allotment that can support livestock use; they are Sagebrush, Salt Desert Shrub Valleys and Sandy soils. Refer to Appendix D (*of the evaluation*) for maps of vegetation types.

The acreage on the combined vegetation area called "Sagebrush and Salt Desert Shrub Hills" was divided. Half of the acres were included in the sagebrush acres below. Allocations of AUMs in Sagebrush areas in the Silver Peak Range would be by the following slope classes.

Table 3 Sagebrush AUMs Available in Silver Peak Allotment

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Sagebrush by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	34,259	685
31-60	60	80 acres/AUM	13,322	166
Over 60	100 (ungrazable)	No allocation	1459	0

Adapted from Holocek et al., 2004

There would be 851 AUMs available for livestock use in the Silver Peak Range on sagebrush vegetation. The season of use would remain yearlong. It is likely, however, that the sagebrush communities would be covered in snow through much of the winter. Cattle would not be able to graze these areas when deep snow is present.

There are 12,226 acres of Sandy soils in south Clayton Valley. This would be allocated at 50 acres per AUM for a total of 244 AUMs. The season of use would be yearlong. During severe drought grass dies off and is not available for use in this area. No use would be allowed for two growing seasons after grass begins to return. Grass is returning in the summer of 2005. Grass should be established and available for use starting in the winter of 2006/2007. These AUMs would not be allocated when drought has severely impacted the perennial grasses on this site. A field check would be required before livestock could be turned out in Clayton Valley.

Salt Desert Shrub Valley vegetation covers 103,324 acres. It is proposed that this area be allocated at 50 acres per AUM equaling 2066 AUMs. The season of use would remain yearlong.

Silver Peak (Isolated Portion), Ice House and Fish Lake Valley Allotments
 AUMs would be allocated to the Silver Peak, Ice House and Fish Lake Valley allotments as follows.

Table 4 Preference for Ice House and Fish Lake Valley, Current and Proposed

Allotment	Current Preference	Proposed Preference
Ice House	228 AUMs	115 AUMs
Silver Peak (isolated portion)	135 AUMs	0
Fish Lake Valley	52 AUMs	202 – 60* = 142 AUMs
Total allocations	415 AUMs	317 – 60* = 257 AUMs

*The 60 AUMs are allocated to wild horses in the Fish Lake Valley HMA out of the Fish Lake Valley Allotment.

This proposal is a 38% reduction from the current preference.

Ice House

The area east of Highway 264 in both Ice House and Silver Peak Allotments has very little forage available. The Ice House Allotment was originally allocated at 188 acres/AUM. The proposed Ice House allotment would be allocated at 50 acres/AUM. The new allocation excluded the following soils because they have no forage available for livestock; Salt Desert Shrub Valley, Salt Desert Shrub Hills and Pinyon-juniper.

There were 1876 acres of saline meadow and sodic soils allocated at 50 acres/AUM equaling 37 AUMs available north of private land and east of the highway in the proposed new Ice House Allotment. These saline meadows and sodic soils are adjacent to the Red Spring Allotment. This boundary is unfenced. These AUMs would be run following the White Mountain Ranch's Red Spring Allotment season of use which is July 1 to September 15.

The following table shows the proposed acres and allocations on sagebrush ecological sites in the Ice House Allotment.

Table 5 Sagebrush Vegetation Type AUMs Available in Ice House Allotment

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Sagebrush by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	2719	54
31-60	60	80 acres/AUM	1915	24
Over 60	100 (ungrazable)	No allocation	516	0

Adapted from Holocheck et al., 2004

There are 8,276 acres of Sagebrush in the Silver Peak Range that would be allocated at 78 Acres/AUM.

Fish Lake Valley

The most productive vegetation is on the west side of the highway in the new Fish Lake Valley Allotment. There are 10,131 acres of sandy soils and Salt Desert Shrub Valley soils. These would be allocated at 50 acres/AUM, totaling 202 AUMs of winter range for both livestock and wild horses. The new season of use would be yearlong.

This proposed area includes the Fish Lake Valley HMA. The new AML would be 5 horses or 60 AUMs. This would leave 142 AUMs for livestock in the Fish Lake Valley Allotment. Proposed Action 5 below illustrates the proposed AML for each allotment.

Rationale:

Previous stocking rates allocated AUMs through out the allotments without regarding suitability for grazing. These new stocking rates reduce the number of available AUMs based on available forage. Areas too steep to graze or areas without forage have not been allocated a stocking rate. This will avoid potential overstocking on suitable range in the future.

To determine the new stocking rate for each allotment that required an adjustment, the total acres of the allotment (public land) was divided by the total AUMs allocated to both cattle and wild equids. This is the current stocking rate for the allotment. Stocking rates between 40 and 80 acres per AUM are consistent with production on these soils. See Conformance Determination, page 12 Standard 2a. "Ecosystem Components." Areas too steep or lacking forage were not allocated AUMs based on the acre per AUM rate. New allocations on all areas with combined wild equid and cattle use were allocated not to exceed the determined acre per AUM rate. Example, in the new Fish Lake Valley Allotment, the total of livestock and horse AUMs will not exceed 50 acres per AUM. Previous to this, areas within the HMA were allocated to both livestock and wild equids at rates of 24, 28 to 48 acres per AUM. Twenty four and 28 acres per AUM stocking rates are too heavy for this desert range.

Red Spring and White Wolf Allotments were evaluated in 1994-5, adjustments were made at that time. These evaluations predated the development of RAC standards and guidelines. Both allotments were re-evaluated at this time for two reasons. First, to re-evaluate the horse AML on the Silver Peak HMA. Problems with horses in the HMA warranted a re-evaluation of the AML. Second, to determine if Mojave/Southern Great Basin RAC Standards and Guidelines and Tonopah RMP multiple use objectives have been met. Livestock grazing met standards and guidelines and multiple use objectives on both allotments with the exception of range improvement maintenance. See management action 4 below for range improvement information. The White Wolf Allotment lost forage due to a drop in the water table caused by agriculture. The White Wolf Allotment will loose 97 AUMs in the new allocation to cover the loss of forage.

The Silver Peak Allotment has not been previously evaluated. The majority of the allotment is also within the Silver Peak HMA. The combined stocking rate for livestock and wild equids is 28 acres per AUM. This rate is almost twice the proper

stocking rate for rangeland in this area. See Conformance Determination, page 12 Standard 2a. "Ecosystem Components." Areas too steep and areas lacking forage were not allocated AUMs. Allocations were made for livestock outside of burro forage areas at 50 acres per AUM.

Ice House and Fish Lake Valley Allotments have not been previously evaluated. The original Fish Lake Valley Allotment was allocated to livestock at 28 acres per AUM. This stocking rate is too heavy for this desert range. Ice House Allotment was stocked at 188 acres per AUM (48 acres per AUM with horses). The new re-aligned allotments for Ice House and Fish Lake Valley have been stocked for both horses and livestock at 50 acres per AUM. Areas too steep and areas lacking forage were not allocated AUMs.

Emigrant Peak and Columbus Salt Marsh will remain closed to livestock grazing.

These new stocking rates will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 2.3, 3.3, 3.4 and 3.5. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, Riparian Habitat and Livestock Grazing Management.

C. Temporarily Suspend AUMs at the following rates until Range Improvements are repaired. Do not permit new Water Haul Sites until all Range Improvements are repaired. (See Conformance Determination, Selected Management Action 4.)

Arlemont Ranch, lessee on Red Spring Allotment, has one range improvement to repair. Tim Brown, of Arlemont Ranch, told us he is working on repairs to the final range improvement in Red Spring Allotment. There is no change in the status of White Mountain Ranch's range improvements.

Until range improvements providing water on the following allotments are repaired or abandoned, AUMs would be suspended in the following amounts:

AUMs Temporarily Suspended until Range Improvements are Repaired

Allotments	Number of Waters	Waters not Functioning	Class of Animal	AUMs Allocated	AUMs per Water	AUMs Available	AUMs Temporality Suspended
Silver Peak	29	25	Cattle	3161	109	436	2725
Ice House	1	1	Cattle	115	115	0	115
FLV*	0	0	Cattle	142			
White Wolf	7	6	Cattle	600	86	86	514
Red Spring	6	1**	Cattle	727	440	604	123

* Fish Lake Valley

** Modified from Fish Lake Valley EA.

There would be a temporary reduction of the above AUMs by allotment. Upon sufficient repair of water improvements, the above AUMs allocated per water would be restored to the lease. For example: Silver Peak Allotment loses 2725 AUMs temporarily, leaving 436 AUMs. Repairing one water improvement would add 109 AUMs to the 436 AUMs available.

All repaired range improvements will be inspected by the BLM before AUMs are returned to the lease. A list of all failed range improvements is contained in Appendix A Fish Lake Valley Rangeland Health Assessment, lists are by allotment.

Fences and cattleguards are in need of repair also. If fences and cattleguards are not functioning, livestock use in the vicinity of these improvements would not be permitted.

Water haul sites would be established as needed in Silver Peak, Ice House, Fish Lake Valley, Red Spring and White Wolf Allotments to open up areas not available for grazing due to lack of water. New water haul sites would be permitted only after all range improvements are functioning. Approval for all proposed water haul sites must be cleared through the BLM before they are established. Separate Environmental Assessments will be written for all new projects, such as water hauls, at a later date when the project is initiated.

Rationale:

Failure to maintain range improvements is a violation of 43 CFR 4140.1. Under 43 CFR 4170.1-1 the lease can be suspended on whole or part.

Waters are important to sustain a properly distributed livestock herd. Failing to maintain and keep water available for livestock limits the areas available for livestock use. This leads to overuse on range surrounding the few available waters. It also creates physical stress for the livestock due to lack of water and forage. To avoid physical stress on livestock and overuse at the few available waters, a temporary reduction in AUMs for livestock will be implemented. Repairing range improvements will open up portions of these allotments to livestock grazing.

Temporary water hauls will be permitted as needed only after permanent waters are repaired or cancelled.

To determine the number of AUMs suspended for failure to maintain waters the AUMs in each allotment were divided by the total number of water developments. This AUM rate per water was then multiplied by the number of failed waters. This number of AUMs will be suspended until these waters are repaired.

This will meet the Mojave/Southern Great Basin RAC Standard 2a, sustaining appropriate uses. It also will meet Livestock Grazing Management objectives in the Tonopah RMP. Livestock grazing is an appropriate use of these public lands.

D. New Leases for White Mountain Ranch and Arlemont Ranch.

White Mountain Ranch Lease

Issue new 10 year lease to the White Mountain Ranch with the following terms and conditions for grazing use in the Silver Peak, Ice House, Fish Lake Valley, White Wolf and Red Spring Allotments.

New Allocations by Allotment for White Mountain Ranch

Allotment	Vegetation Type	Season of Use Start	Season of Use End	Active AUMs	Suspended AUMs**
Silver Peak	Sagebrush	Yearlong		851	2536
	SDS Valley*	Yearlong		2066	
	Sandy Soils	Yearlong		244	
Ice House	Sagebrush	Yearlong		78	113
	Saline & Sodic	July 1	September 15	37	
Fish Lake Valley	SDS Valley*	Yearlong		142	0
White Wolf	All	September 15	February 28	600	97
Red Spring	All	July 1	September 15	727	0

*Salt Desert Shrub

**Under the new regulations all AUMs lost due to a reduction will now be suspended. See Proposed Action 3.

AUMs Temporarily Suspended until Range Improvements are Repaired

Allotments	Number of Waters	Waters not Functioning	Class of Animal	AUMs Allocated	AUMs per Water	AUMs Available	AUMs Temporality Suspended
Silver Peak	29	25	Cattle	3161	109	436	2725
Ice House	1	1	Cattle	115	115	0	115
FLV*	0	0	Cattle	142			
White Wolf	7	6	Cattle	600	86	86	514
Red Spring	6	1**	Cattle	727	440	604	123

* Fish Lake Valley

** Modified from Fish Lake Valley EA.

Terms and Conditions:

1. In accordance with 43 CFR 4170.1-1, the following AUMs have been temporarily suspended:

Silver Peak	2725 AUMs
Ice House	115 AUMs
White Wolf	514 AUMs
Red Spring	123 AUMs

As each range improvement is repaired or cancelled, suspended AUMs will be returned to the lease in the following increments:

Silver Peak	109 AUMs for each water repaired
Ice House	115 AUMs for each water repaired
White Wolf	86 AUMs for each water repaired
Red Spring	123 AUMs for the last water repaired

2. Additional water hauls may be granted upon the repair or cancellation of all other permitted range improvements. No water hauls will be approved on BLM land within 2 ½ miles of Sagehen Spring. These proposed water hauls will be culturally cleared prior to establishment. Requests for water haul sites will be made to the authorizing officer at least three months prior to the onset of grazing.
3. Water hauls and permanent water developments will be used to distribute livestock on these allotments. Use at waters will be rotated within a pasture or allotment to avoid resource damage.
4. When allowable use levels are reached in an area (see Nevada Rangeland Monitoring Handbook for allowable use levels), livestock will be moved within the pasture or allotment, or removed from the pasture or allotment.
5. Livestock will not be allowed to concentrate at any water. Livestock will be dispersed and several waters will be used at the same time.
6. A minimum of 4-inch remaining stubble will be left at the end of the growing season on riparian areas.
7. From March 1 to June 30, livestock numbers shall not exceed 250 cattle in Silver Peak Allotment.
8. Tonopah BLM requires two days prior notice before livestock are to be turned out.
9. In accordance with 43 CFR 4130.3-3: The authorized officer may modify terms and conditions of the lease when the active use or related management practices

are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provision of subpart 4180 RAC Standards and Guidelines.

10. The terms and conditions of this permit or lease must be consistent with the Standards and Guidelines approved February 12, 1997 for the Mojave-Southern Great Basin Resource Advisory Council.
11. All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.
12. The BLM will work with the livestock operators on a year-to-year basis to implement a season of use restriction in the sagebrush habitat on the BLM land, within the Red Spring Allotment on the foothills of the White Mountains, so that domestic livestock do not utilize the habitat from April 1st to August 1st. If it is determined that the use of the habitat is necessary for that season in any given year then the perennial grasses and forbs within the habitat should not be used in excess of 35% as measured by the methods outlined in the Nevada Rangeland Monitoring handbook.
13. The permittee is required to maintain all range improvement projects for which maintenance responsibility is assigned in accordance with 43 CFR 4140. A list of assigned range improvements follows:

1.Cave Spr. Cattle Guards	17.Argentite Corral	33.White Wolf Drift Fence	49.Cord Range Well
2.Trespass Well	18.Argentite Well	34.North Allot. C/G Fence	50.Emigrant Pass Excl.
3.Macaroni Spr.	19.Minnesota Well	35.Fred Spr. #1	51.Minnesota Spr. Excl.
4.Blind Spring	20.Minnesota Well Corral	36.Fred Spr. #3	52.Cave Spr. Pipeline
5.North Spr.	21.Sand Dune Well	37.Cooper Spr.	53.Nivloc Mine Excl.
6.Cecilia Spr.	22.Salt Well Corral	38.Emigrant Spr.	54.Big Spring Excl.
7.Mud Spr.	23.Salt Well	39.L. McAfee Spr.	55.Clayton Valley Excl.
8.Cave Spring Corral	24.Emigrant Well	40.U.McAfee Spr.	56.White Wolf Drift Fence
9.Coyote Spr.	25.Nivloc Corral	41.Cave Spr. Cabin	57.Alfalfa Field P/L
10.Cave Canyon Well	26.Big Spr. Corral	42.Argentite Well Cabin	58.Lookout P/L Trough
11.Minnesota Spr.	27.Big Spr.	43.Bluff Spr.	59.Lookout Fence
12.Cave Canyon Corral	28.Fred Spr. #2	44.Cave Spr. Enclosure	60.McAfee P/L Trough
13.Black Canyon Spr. P/L	29.Cave Spr.	45.Rhyolite Drift Fence	61.Pinto Hill Spr.
14.Cave Spr. Pipeline	30.Rhyorid Spr.	46.Cone Spr.	62.Red Spr.
15.Emigrant Well Corral	31.Piper Peak C/Gs	47.Silver Peak H20 Haul	
16.Itchie Well	32.Bruinsma Well	48.White Wolf Corral	

14. The holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.4). Further pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect if for 30 days, or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
15. Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(B) (1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2.
16. There will be a fee for the reissue of a grazing bill after the bill has been sent out to the lessee (43 CFR 4130.8-3).
17. Actual use reports will be turned in within 15 days after the end of the grazing schedule.
18. Bird ladders are required on all water improvements.
19. Livestock will not be allowed to graze the Piper Peak area in order to protect important mule deer summer range. Livestock in this area must be removed immediately upon discovery.

Rationale:

The proposed management actions will prevent overuse by reducing the preference to match the available forage. The temporary suspension of AUMs until range improvements are repaired will prevent overuse on vegetation surrounding the few working waters. Rotation of livestock use by waters will prevent overuse on vegetation surrounding waters. Notice prior to turnout of livestock will enable the BLM to track use and rotation schedules, preventing overuse.

Arlemont Ranch Lease

Issue new 10 year lease to the Arlemont Ranch with the following terms and conditions for grazing use in the Red Spring Allotment.

Table 7. Lease Specifications

Permittee	Season of Use	Class of Animal	Total Preference	Temporary Suspension	Active Preference
Arlemont Ranch	05/15 to 06/30; 10/01 to 02/28	Cattle	1916 AUMs	317 AUMs	1599 AUMs

Terms and Conditions:

1. In accordance with 43 CFR 4170.1-1, 317 AUMs have been temporarily suspended on the Red Spring Allotment. As the range improvement is repaired or cancelled, 317 suspended AUMs will be returned to the lease.
2. Additional water hauls may be granted upon the repair or cancellation of the permitted range improvement. No water hauls will be approved on BLM land within 2 ½ miles of Sagehen Spring. These requested water hauls will be culturally cleared prior to establishment. Requests for water haul sites must be made to the authorizing officer at least three months prior to the onset of grazing.
3. Water hauls and permanent waters will be used to distribute livestock on this allotment. Use at waters will be rotated within a pasture or area to avoid resource damage.
4. When allowable use levels are reached in an area (see Nevada Rangeland Monitoring Handbook for allowable use levels), livestock will be moved or removed from the area or allotment.
5. Livestock will not be allowed to concentrate at any water. Livestock will be dispersed and several waters will be used at the same time.
6. A minimum of 4-inch remaining stubble will be left at the end of the growing season on riparian areas.
7. Tonopah BLM requires two days prior notice before livestock are to be turned out.
8. In accordance with 43 CFR 4130.3-3: The authorized officer may modify terms and conditions of the lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provision of subpart 4180 RAC Standards and Guidelines.

9. The terms and conditions of this permit or lease must be consistent with the Standards and Guidelines approved February 12, 1997 for the Mojave-Southern Great Basin Resource Advisory Council.
10. All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.
11. The BLM will work with the livestock operators on a year-to-year basis to implement a season of use restriction in the sagebrush habitat on the BLM land, within the Red Spring Allotment on the foothills of the White Mountains, so that domestic livestock do not utilize the habitat from April 1st to August 1st. If it is determined that the use of the habitat is necessary for that season in any given year then the perennial grasses and forbs within the habitat should not be used in excess of 35% as measured by the methods outlined in the Nevada Rangeland Monitoring Handbook.
12. The permittee is required to maintain all range improvement projects for which maintenance responsibility is assigned in accordance with 43 CFR 4140. The lessee(s) shall maintain the following range improvements:
 - a. Sagehen Spring
 - b. Sand Spring Pipeline
 - c. Red Spring
 - d. South Windmill Well
13. The holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.4). Further pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect if for 30 days, or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
14. Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(B) (1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2.
15. There will be a fee for the reissue of a grazing bill after the bill has been sent out to the lessee (43 CFR 4130.8-3).

16. Actual use reports will be turned in within 15 days after the end of the grazing schedule.

17. Bird ladders are required on all water improvements.

Rationale:

Rotation of livestock use by waters will prevent overuse on vegetation surrounding waters. Notice prior to turnout of livestock will enable the BLM to track use and rotation schedules, preventing overuse.

DECISION AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4100.0-8 Land use plans.

The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).

[53 FR 10233, Mar. 29, 1988]

§4110.3 Changes in permitted use.

The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.

[60 FR 9963, Feb. 22, 1995]

§4120.3-1 Conditions for range improvements.

- (a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.
- (b) Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into a cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.
- (c) The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under §4130.3-2 of this title.
- (d) The authorized officer may require a permittee or lessee to install range improvements on the public lands in an allotment with two or more permittees or lessees and/or to meet the terms and conditions of agreement.
- (e) A range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.

(f) Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 *et seq.*). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

[49 FR 6452, Feb. 21, 1984, as amended at 60 FR 9964, Feb. 22, 1995; 61 FR 4227, Feb. 5, 1996]

4130.3-1 Mandatory terms and conditions

(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

(b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.

(c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

[49 Fr 6453, Feb. 21, 1984, as amended at 53 FR 10234, Mar.29, 1988. Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9966, Feb. 22, 1995]

§4110.3-2 Decreasing permitted use.

(a) Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements.

(b) When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

[53 FR 10234, Mar. 29, 1988, as amended at 60 FR 9963, Feb. 22, 1995]

§4140.1 Acts prohibited on public lands.

(a) "Grazing permittees or lessees performing the following prohibited acts may be subject to civil penalties under 4170.1:" (5) "Refusing to install, maintain, modify, or remove range improvements when so directed by the authorized officer."

§4170.1-1 Penalty for violations.

(a) "The authorized officer may withhold issuance of a grazing permit or lease, or suspend the grazing use authorized under a grazing permit or lease, in whole or in part, or cancel a grazing permit or lease and grazing preference...under subpart 4160 of this title..."

§4110.3-3 Implementing reductions in permitted use.

(a) After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §4110.3-2 shall be issued as proposed decisions pursuant to §4160.1, except as provided in paragraph (b) of this section.

(b) When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR 4.21.

[60 FR 9963, Feb. 22, 1995]

§4130.3 Terms and conditions.

Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

[60 FR 9966, Feb. 22, 1995]

§4130.3-1 Mandatory terms and conditions.

(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

(b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.

(c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

[49 FR 6453, Feb. 21, 1984, as amended at 53 FR 10234, Mar. 29, 1988. Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9966, Feb. 22, 1995]

§4130.3-2 Other terms and conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

- (a) The class of livestock that will graze on an allotment;
- (b) The breed of livestock in allotments within which two or more permittees or lessees are authorized to graze;
- (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;
- (d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;
- (e) The kinds of indigenous animals authorized to graze under specific terms and conditions;
- (f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;
- (g) The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee; and (h) A statement disclosing the requirement that permittees or lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

[49 FR 6453, Feb. 21, 1984; 49 FR 12704, Mar. 30, 1984. Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9966, Feb. 22, 1995]

§4130.3-3 Modification of permits or leases.

Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

[60 FR 9966, Feb. 22, 1995]

§4160.1 Proposed decisions.

(a) Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

(b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§4130.8 and 4150.3 and the action to be taken under §4170.1.

(c) The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with §4110.3-3(b) or §4150.2(d).

[60 FR 9968, Feb. 22, 1995]

§4160.2 Protests.

Any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

[47 FR 41713, Sept. 21, 1982, as amended at 49 FR 6455, Feb. 21, 1984; 61 FR 4227, Feb. 5, 1996]

§4180.1 Fundamentals of rangeland health.

The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

(c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.

(d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.

[60 FR 9969, Feb. 22, 1995]

§4180.2 Standards and guidelines for grazing administration.

(c) The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

PROTEST

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the Proposed Decision under 4160.1 of this title, in person or in writing to the authorized officer (William S. Fisher, Assistant Field Manager, Tonopah Field Station, P. O. Box 911, Tonopah, Nevada 89049) within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his review of the protest shall serve his Final Decision on the protestant and the interested public.

WILD HORSE MANAGEMENT DECISION

Selected Management Actions for Wild Horse Management within the Silver Peak, White Wolf, Ice House, Fish Lake Valley and Red Spring Allotments and Emigrant Peak and Columbus Salt Marsh closed areas.

Through the allotment evaluation process it was determined that the following management actions are appropriate to ensure significant progress towards the attainment of multiple use objectives and Standards for Rangeland Health approved by the Mojave-Southern Great Basin Resource Advisory Council. These management actions will become effective at the conclusion of the appeal period for this decision.

A. Implement Adjustment in Horse Numbers on Fish Lake Valley HMA if further NEPA determines that Highway 264 and US 6 will be fenced. (See Conformance Determination, Selected Management Action 1.)

This fence will not be built until a separate environmental assessment is written. At that time the decision to fence the highway will be made. This decision determines the adjustment to horse numbers if the fence is built.

If this fence is built along Highway 264 from the California line in White Wolf through Fish Lake Valley, Silver Peak and Red Spring Allotments. This fencing would include approximately two miles of Highway 6, and 22 miles of Highway 264. Both lessees are willing to contribute their county range improvement funds to assist in building this fence. Horses from the Fish Lake Valley HMA frequently cross the highway and are hit by vehicles. Horses also cross the highway to graze on private land outside the HMA. Cattle are also lost to vehicle collisions in the area near the junction of Highway 264 and US 6. The final decision to fence the highway is the responsibility of the Nevada Department of Transportation.

The highway dissects the Fish Lake Valley HMA in the Red Spring Allotment, leaving 7608 acres of the HMA isolated on the east side of the highway. If the fence is built, these acres that would no longer be accessible to horses from the Fish Lake Valley HMA would have to be taken out of the total allocation for the Fish Lake Valley HMA. AUMs for the HMA are currently allocated at 83 acres/AUM. The proposed reduction would be 92 AUMs or 7 2/3 horses. This is rounded to 96 AUMs or 8 horses. This reduction in horses would not occur until the fence is approved and completed. Since livestock are permitted to graze on both sides of the highway, no changes would be made to livestock stocking rates as a result of fencing Highway 264 and US 6. Refer to Map 4.

A separate Environmental Assessment would be written for this project at a later date when the project is initiated.

Rationale:

This new AML would prevent overuse by horses on the Fish Lake Valley HMA if a highway fence is constructed.

B. New AMLs for Fish Lake Valley HMA and Silver Peak HMA

Table 7 Wild Horse IHS and Proposed AML for the HMAs by Allotment

Herd Management Area	Allotment	IHS AML	Proposed AML
Fish Lake Valley	Fish Lake Valley	0	5
	Ice House	4	0
	Red Spring	57	49*
	Silver Peak	3	0
Silver Peak	Emigrant Peak	3	0**
	Ice House	34	0**
	Red Spring	28	0**
	Silver Peak	193	33 Burros
	White Wolf	30-50	0**

* AML would be reduced after highway is fenced.

** Horse numbers in the Silver Peak HMA will be set at zero.

Fish Lake Valley HMA

The proposed new Fish Lake Valley Allotment includes the Silver Peak and Ice House portions of the Fish Lake Valley HMA. The interim herd size is four horses in Ice House Allotment and three in the Silver Peak Allotment. This totals 7 horses equaling 84 AUMs. With a 38% reduction this equals 2 2/3 horses or a 32 AUMs reduction. This is rounded to 2 horses and 24 AUMs. The new allocation for wild horses on the Fish Lake Valley Allotment would be 5 horses or 60 AUMs.

The AML for Red Spring Allotment was set in 1994 at 57 horses. A small portion of the Fish Lake Valley HMA would be excluded when Highway 264 is fenced. This would be a loss of 96 AUMs or 8 horses when it is built. The new AML would be 49 horses. See Number 1 above.

Silver Peak HMA

The Silver Peak HMA is in Silver Peak, White Wolf, Ice House, Red Spring and Emigrant Peak Allotments.

The HMA lacks good winter range for horses. Much of the area is dominated by shrubs with little or no grass under-story. The highly variable precipitation results in frequent droughts. Horses often must leave the HMA to find adequate forage and water. There have been two emergency gathers in the last 9 years to remove starving and dying horses. This HMA is unsuitable habitat for wild horses and will be managed for zero horses.

Currently horse numbers are down, and wet weather this year has provided adequate forage for horses. Horses would be gathered with the Paymaster HMA gather which is the next scheduled gather in the Tonopah Planning Area.

Emigrant Peak Allotment was closed and remains closed to grazing in the RMP. This allotment has little to no forage for livestock or wild horses. There would be zero AUMs allocated to livestock and wild equids on this allotment.

The southeastern hills just west of Clayton Valley are suitable burro range. Allocate AUMs in Salt Desert Shrub Hills just west of Clayton Valley by the following slope classes. Half of the acres from the mixed site Sagebrush and Salt desert shrub Hills sites are included with Salt Desert Shrub Hills below.

Table 8 Salt Desert Shrub Hills AUMs Available in Silver Peak HMA

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Salt Desert Shrub Hills by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	17,247	345
31-60	60	80 acres/AUM	3960	49
Over 60	100 (ungrazable)	No allocation	474	0

Adapted from Holochek et al. 2004

These hills provide 394 AUMs suitable for burro use. This would be just over 32 burros yearlong. This is rounded to 396 AUMs for 33 burros. Approximately 10-15 burros currently inhabit the HMA. This number will increase as burros from neighboring HMAs move in and as the resident population increases. No burros would be transplanted to this HMA from other HMAs on BLM or Forest Service lands. Refer to Map 5 below for proposed suitable burro habitat.

Rationale:

The previous Initial Herd Size (IHS) and Appropriate Management Levels (AML) for horses on the Silver Peak HMA greatly exceeded the amount of forage available for horse or burro use. Horses are grazers and burros are browsers, the majority of the forage in the Silver Peak HMA is browse. The habitat in Silver Peak HMA is better suited to wild burro use. The current IHS and AML numbers were allocated without regard for suitability for grazing or available forage. This new AML reduces the number of available AUMs based on available forage. Areas too steep to graze or areas without forage have not been allocated AUMs for wild burros.

AML was set in Red Spring Allotment in 1994-5 for the Fish Lake Valley HMA in the previous evaluation. The Fish Lake Valley HMA in the Red Springs Allotment did not fail to meet RAC standards. No adjustment was made in AML for the Red Spring portion of the HMA.

AML had not been set for the small portion of the Fish Lake Valley HMA in the isolated portion of the Silver Peak and Ice House Allotments. The isolated portion of Silver Peak Allotment with the small portion of the Fish Lake Valley HMA is now part of Fish Lake Valley Allotment. See management action 1 above on page 25-26. The Fish Lake Valley HMA is now in Red Springs Allotment and the new Fish Lake Valley Allotment.

The new AML in Fish Lake Valley Allotment is lower than the Initial Herd Size number from the Tonopah RMP. It was 7 horses in the Ice House and Silver Peak Allotments and now is 5 horses in the Fish Lake Valley Allotment. Both livestock and wild horses were reduced for both livestock and horses at the same percent in the new Fish Lake Valley Allotment. The current IHS numbers in Silver Peak and Ice House Allotments were allocated without regard for suitability for grazing or available forage. This new AML reduces the number of available AUMs based on available forage. The total stocking rate for both livestock and wild horses on the Fish Lake Valley Allotment will be 50 acres per AUM.

The new AML numbers are in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 1.2, 2.1, 2.2, 2.3, 3.3, 3.4 and 3.5. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, Riparian Habitat and Wild Horse and Burros.

AUTHORITY: The authority for this decision is contained in Sec. 3 (a), Wild Horse and Burro Act (P.L. 92-195) and Title 43 of the Code of Federal Regulations including, but not limited to the following:

§4700.0-6 Policy

(a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.

(d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interest, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.3-1 Herd Management Areas

In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other users of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.

(a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;

(b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and

(b) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part. *However, the appropriation language has prohibited the use of government funds to destroy healthy excess wild horses.*

WILDLIFE MANAGEMENT DECISION

Selected Management Actions for Wildlife Management within the Silver Peak, White Wolf, Ice House, Fish Lake Valley and Red Spring Allotments and Emigrant Peak and Columbus Salt Marsh closed areas.

Through the allotment evaluation process it was determined that the following management actions are appropriate to ensure significant progress towards the attainment of multiple use objectives and Standards for Rangeland Health approved by the Mojave-Southern Great Basin Resource Advisory Council. These management actions will become effective at the conclusion of the appeal period for this decision.

A. Establish the following Season of Use Restriction for Sage Grouse Habitat in Red Spring Allotment. (See Conformance Determination, Selected Management Action 7.)

This proposal is for sage grouse nesting and brood rearing concerns: work with the livestock operators on a year-to-year basis to implement a season of use restriction in the sagebrush habitat on the BLM land, within the Red Spring Allotment on the foothills of the White Mountains, so that domestic livestock do not utilize the habitat from April 1st to August 1st. If it is determined that the use of the habitat is necessary for that season in any given year then the perennial grasses and forbs within the habitat should not be used in excess of 35% as measured by the methods outlined in the Nevada Rangeland Monitoring handbook. Also, do not approve any water haul sites on BLM land within 2 ½ miles of Sagehen spring.

Sage grouse use the western most portion of the Red Spring Allotment along the Forest Service boundary. Sage brush vegetation extends approximately 2 to 2 ½ miles east of the Forest Service boundary.

Rationale:

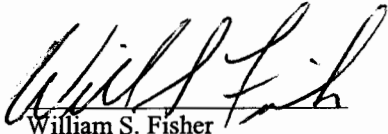
The sage grouse habitat in the Red Spring allotment is the only occupied habitat within the Fish Lake Valley assessment area. The area on the foothills of the White Mountains between Chiatovich Creek and Trail Canyon is known sage grouse nesting and brood rearing habitat. This area is included within the White Mountain Population Management Unit of the Bi-State Sage Grouse Conservation Planning Area. The plan has an identified conservation objective to "Manage sagebrush ecosystems for maximum site potentials in accordance with Western Association of Fish and Wildlife Agencies guidelines or locally approved standards." There are related conservation actions which outline the steps to take to protect critical sagebrush ecosystems. They include identifying the breeding and nesting habitat then working with livestock operators to change the grazing practices if necessary. In this case it was determined necessary because of the limited occupied habitat, the critical nature of the habitat, and the low associated grouse populations.

This season of use restriction will prevent future competition for forage and other resources between cattle and sage grouse. At this time no competition is occurring. This will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.2, 2.1 and 3.5. This restriction will also meet Land Use Objectives for Wildlife Habitat Management and Special Status Species.

AUTHORIZED OFFICER'S SIGNATURE:

If future monitoring indicates that Tonopah RMP Land Use Plan objectives and Mojave/Southern Great Basin RAC Standards are not being achieved, further adjustments will be made accordingly. Likewise, if future monitoring indicates that RAC Standards, and RMP objectives are being met, and that increase in the number of AUMs are warranted, this decision will be evaluated and amended as appropriate.

These decisions are consistent with 43 CFR 4180 and the Mojave/Southern Great Basin RAC Standards and Guidelines for rangeland health.



William S. Fisher
Assistant Field Manager
Tonopah Field Station

09-01-05
Date

Cc: Fish Lake Valley Complex Interested Parties

**CONFORMANCE DETERMINATION
AND
MANAGEMENT ACTION SELECTION REPORT
TONOPAH PLANNING AREA
Tonopah, Nevada**

A. Introduction and Response to Comments.....2

B. Conformance Determination.....6

C. Selected Management Actions.....30

A. Introduction and Responses to Comments

This Conformance Determination is completed in accordance with BLM H 4180-1 Rangeland Health Standards and in accordance with 43 CFR 4180. This document responds to public comments and outlines the management actions selected for the Fish Lake Valley Complex Allotments including: Silver Peak, Ice House, Fish Lake Valley, White Wolf, Red Spring Allotments, and closed areas of Emigrant Peak and Columbus Salt Marsh.

Monitoring information was collected from 1987 – 2004 and was analyzed in the Fish Lake Valley Complex Evaluation and Rangeland Health Assessment (July, 2005) to determine if management practices are meeting the Mojave/Southern Great Basin Standards for Rangeland Health and the Tonopah Resource Management Plan (RMP) objectives.

The Fish Lake Valley Complex Rangeland Health Assessment and Environmental Assessment was issued in July 2005. Comments were received from Charles H. Matton, Director of the Wild Horse Preservation League on August 10, 2005, from Rob Martinez, Nevada Division of Water Resources on August 15, 2005, and from Teri Slatauski, Wildlife Biologist, Tonopah Nevada Department of Wildlife, on August 15, 2005. Comments pertinent to the issues presented and evaluated in the evaluation and rangeland health assessment are addressed below. After careful consideration of the comments received, BLM determined that no changes to the evaluation and modifications to the proposed management actions are appropriate.

Comments from Charles H. Matton, Director of the Wild Horse Preservation League, letter received August 10, 2005

COMMENT 1: After reading the material over carefully, none of the items in these two documents will have any adverse affect on the Wild Horses in the area.

Comments from Rob Martinez, Nevada Division of Water Resources, letter received August 15, 2005

COMMENT 1: All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions under Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water developments constructed and utilized for a beneficial use whether surface or underground must be done so in compliance (sp) with the referenced chapters of the NRS for the subject parcels of land proposed for transfer wholly situated within the State of Nevada.

RESPONSE 1: These documents do not mention water rights. Water rights on the specific waters mentioned in these documents have already been allocated by the State to the ranchers using these allotments.

Comments from Teri Slatauski, Nevada Department of Wildlife, letter received August 15, 2005

COMMENT 1: The Department requests that the fencing projects in Proposed Actions 1, 11 & 12 be modified with a wildlife friendly design to prevent undue mortality and collision injuries to wildlife on the fence. . .

RESPONSE 1: Specific details on construction and specifications for these fences will be outlined in the Environmental Assessments written specifically for these fences.

The BLM always constructs antelope fences in this Field Station. These fences always include a smooth bottom wire and spacing designed to avoid trapping animals in the fence and are constructed in accordance with N.R.S. 504.

COMMENT 2: The Department has strong objections to the year long grazing season proposed for Silver Peak, Ice House and Fish Lake Valley Allotments. The Department believes that a year long grazing strategy that does not supply rest to vegetation will work against the attainment of wildlife habitat and riparian standards for the allotments. . . There is no mention in the EA of the allotments being rested on a rotational basis, or of when the permittee will be required to gather under drought conditions. . .

RESPONSE 2: These allotments will be stocked at extremely conservative stocking rates. The yearlong season will allow the lessee to rotate livestock within the allotments with more flexibility. Water hauls will be permitted to make rotation of livestock easier as vegetation is available. Season restrictions will limit the potential use the lessee can make of his range. No overgrazing is occurring or will occur with these stocking rates.

The Bureau has the authority to reduce livestock use based on 43 CFR 4110.3-2 Decreasing permitted use, "(a) Permitted use may be suspended in whole or part on a temporary basis due to drought, fire, or other natural causes. . ." The lessees in these allotments have voluntarily reduced livestock numbers in past dry years.

COMMENT 3: The vegetation surrounding some water haul and water development sites within the Fish Lake Valley Complex have been negatively impacted by grazing animals. . . How does the BLM or the permittee propose to address the revegetation and rehabilitation of these sites to prevent the spread of noxious weeds?

RESPONSE 3: All livestock waters are disturbed to some degree. However, these small disturbed areas in this evaluation area have not been invaded by noxious weeds. The majority of noxious weeds in this area are spread by vehicles along well traveled roads not infrequently used unimproved roads where most of these livestock waters are located.

COMMENT 4: The Department supports the implementation of the Sage Grouse guidelines regarding season of use for the Red Spring Allotment detailed in Proposed Action 7. Why are the proposed changes in the season of use not formalized in Proposed Action 3, "Allocation of AUM's and New Livestock Preferences"?

RESPONSE 4: Sage grouse habitat covers a small part of the allotment, not the entire allotment. Therefore, changing the season of use on the entire allotment is not necessary. The sage grouse guidelines will be included in the grazing lease in the terms and conditions section. As stated in the Environmental Assessment, these guidelines will be applied to the area surrounding Sagehen Spring. See Proposed Action #7 (p.16) in the Fish Lake Valley Complex EA.

COMMENT 5: The Department supports the proposed action to set the AML to remove horses from the Silver Peak HMA but does not support the decision to add burros to the allotment. Burros are not identified for an interim herd size or appropriate management level in the Silver Peak HMA in the Bureau of Land Management's Tonopah RMP and Record of Decision (October 1997). Establishing burros in the Silver Peak HMA (a new HMA where they have not been previously identified) is not in accordance with the Wild Horse and Burro Act or in conformance with the Tonopah Resource Management Plan.

RESPONSE 5: The decision does not propose to add burros to the HMA. It is stated in the EA. “No burros will be transplanted to this HMA from other HMAs on BLM or Forest Service lands.” It also states “Approximately 10-15 burros currently inhabit the HMA. This number will increase as burros from neighboring HMAs move in and as the resident population increases.” The statement “Establishing burros in the Silver Peak HMA (a new HMA where they have not been previously identified) is not in accordance with the Wild Horse and Burro Act or in conformance with the Tonopah Resource Management Plan” is not true. Burros currently reside in the HMA. There is nothing in the Wild Horse and Burro Act or the Tonopah Resource Management Plan that restricts the BLM from allowing burros to reside in an HMA that was formerly populated by horses.

COMMENT 6: The Department supports Proposed Actions 8 through 11. . .

COMMENT 7: In numerous locations within the assessment document it is intoned that grazing is a benefit to rodent population growth. This may be applicable if the grazing removes a layer of dead vegetation that sparks new growth that provides better nutrition for small mammals and a clear path for raptors. However, the document fails to illustrate that grazing also represents a direct competition for resources with many species of rodents and other wildlife that are herbivores and granivores. Also, when the habitat is overgrazed it also removes cover and forage components essential to rodent survival. . . The Department believes it will be more appropriate and less biased to present both sides of this issue when evaluating impacts to small mammals. . .

RESPONSE 7: The assumption is being made that livestock and wild equid grazing is always excessive. It is clear from both documents livestock are not overgrazing and wild horse use is only excessive at a few springs in the Silver Peak HMA. The Fish Lake Valley EA must assess impacts to rodents and other wildlife from the current situation. The current situation is that livestock and wild equid grazing may benefit rodents.

B. Conformance Determination

Standard Conformance Review of the Mojave/Southern Great Basin RAC Standards and Guidelines and Land Use Plan Objectives in the Fish Lake Valley Complex, White Mountain Ranch lessee and Arlemont Ranch lessee.

STANDARD 1. SOILS:

Watershed soils and stream banks should have adequate stability to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the Standards.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this Standard, significant progress toward achieving Standards, time necessary for recovery, and time necessary for predicting trends.

There is one stream in the assessment area and it is in Proper Functioning Condition (PFC). All other riparian areas are springs or seeps.

Riparian-wetland management practices have not been maintaining sufficient residual vegetation to maintain, improve, or restore riparian functions on 44 springs and seeps in the assessment area. Standards have been met on 36 springs and seeps and on the one stream in the assessment area. Upland management practices are not contributing to the problem. Drought, poorly maintained spring developments and use by wild equids continue to impact these springs and seeps. Grazing by wild equids impacted five of the 44 riparian areas. Bighorn sheep have contributed to damage on one spring. No riparian areas were degraded by livestock.

Livestock have been consistently stocked well under full preference. Few natural waters are available for wild equid and livestock use. Scarce water limits the number of animals that can be supported in these allotments. Use levels by livestock and wild equids is well

below allowable use levels. Guideline 1.1, upland management practices, has been met by both livestock and wild equids.

Wild horse and burro management is not in conformance with guideline 1.2 in the Silver Peak HMA on five springs. Bighorn sheep have not met guideline 1.2 in the Ice House Allotment. There is an inadequate amount of herbaceous riparian plant height or root mass necessary to dissipate energy, capture sediment, and stabilize banks on Fish Lake Valley Springs #2, #3, #4, (Red Spring Allotment), Fred Springs #2, #3, Minnesota Spring (Silver Peak Allotment) and Ice House Spring #3 (Ice House Allotment and Silver Peak HMA). See Appendix B, *Tables B6-10* for Proper Functioning Condition data at all riparian areas in the assessment area.

Fencing water sources on overgrazed riparian areas will meet guideline 1.3, which says to implement actions beyond grazing management to restore riparian areas.

Standard Determination by Allotment and HMA

Livestock

Silver Peak Allotment – Standard Met for Livestock. There are 53 springs in the Silver Peak Allotment. Twenty-two are functioning at risk, ten are nonfunctioning, condition is unknown on three and 18 are properly functioning. Damage to riparian areas is not the result of livestock use. See Silver Peak HMA below.

Ice House and Fish Lake Valley Allotments – Standard Met for Livestock. The stream in Fish Lake Valley Allotment is in proper functioning condition. Four of the five springs in the Ice House Allotment are in proper functioning condition. The one spring not properly functioning has been impacted by bighorn sheep. Livestock have not impacted riparian areas in these two allotments.

White Wolf Allotment – Standard Met for Livestock. Both springs in the allotment are functioning at risk. Drought in combination with failed range improvements were the causal factors. Livestock have not impacted riparian areas in this allotment.

Red Spring Allotment – Standard Met for Livestock. There are 23 springs in this allotment, 13 are properly functioning, nine springs are functioning at risk, and one of unknown condition. The majority of these springs have been affected by drought. Three springs were affected by wild horse grazing in Silver Peak HMA. Livestock have not damaged riparian areas in this allotment.

Emigrant Peak and Columbus Marsh Closed Areas – Standard Met. There are no riparian areas here.

Wild Horse

Fish Lake Valley HMA – Standard Met for Wild Horses. No springs in the Fish Lake Valley HMA have been impacted by wild horses. See Red Spring Allotment above.

Silver Peak HMA - **Standard Not Met for Wild Horses and Burros.** Wild horse and burro management is not in conformance with guideline 1.2 on five springs in the Silver Peak HMA. There is an inadequate amount of herbaceous riparian plant height or root mass necessary to dissipate energy, capture sediment, and stabilize these springs. The removal of horses in 1996 and 2003 has decreased the grazing pressure on the few available waters in this HMA. Significant progress is being made toward meeting this standard.

Guideline 1.1 was met for wild horse and burro management for uplands in the Silver Peak HMA.

STANDARD 2. ECOSYSTEM COMPONENTS:

Watersheds should possess the necessary ecological components to achieve State water quality criteria, maintain ecological processes, and sustain appropriate uses.

Riparian and wetlands vegetation should have structural and species diversity characteristic of the stage of stream channel succession in order to provide forage and cover, capture sediment, and capture, retain, and safely release water (watershed function).

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing

facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these Standards, significant progress toward achieving Standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2a. ECOSYSTEM COMPONENTS:

Watersheds should possess the necessary ecological components to achieve State water quality criteria, maintain ecological processes, and sustain appropriate uses.

Water Quality

There is no water quality data for the riparian areas in this assessment area. It can be concluded that where cattle, wild horses and burros have access to the spring sources of the riparian areas then the state water quality criteria are not being met. Cattle are not at this time causing any impact on riparian areas in this assessment area. Bighorn sheep have impacted one spring, Ice House #3. These six springs may have water quality problems and may not meet State standards. Guideline 2.2 is not met on the Silver Peak HMA. Watershed management practices are not maintaining, restoring or enhancing water quality at these springs.

Ecological Processes

Ecological processes include water cycle, energy flow and nutrient cycle. These are difficult to measure due to the complexity of the processes. Therefore, biological and physical attributes are often used as indicators of the functional status of ecological processes. Three closely interrelated and measured attributes are 1) Soil/Site Stability, 2) Hydrologic Function and 3) Integrity of the Biotic Community. Soil/Site Stability and Hydrologic Function are covered under Standard 1 above. Integrity of the Biotic Community is covered under Standard 2. An analysis of ecological processes involves identifying soil, ecological site and the potential for change or improvement for the area

to be analyzed. The biotic community was measured at upland areas using production data and frequency. Production, ecological status, trend, utilization and precipitation data was analyzed in Appendix A *Rangeland Health Assessment*.

Trend data collected at each key area showed a significant loss of forage on certain ecological sites and a lack of forage on other ecological sites. Production data, when compared to the ecological site description, showed the sites with a lack of forage had little potential to produce forage in PNC. Precipitation trends, soil information and other data were used to interpret the cause of these changes. Utilization data showed livestock use to be at or well below proper use levels in these areas. See Appendix A, *Fish Lake Valley Rangeland Health Assessment* and Appendix D *Maps and Photographs*.

The BLM conducted a field inventory in March 2005 of these major vegetation types by allotment to determine the extent of these problems. The BLM found a loss of forage on Saline Meadows and Sodic Soils in Ice House, Silver Peak and White Wolf Allotments. This loss was due to a drop in the water table. No loss of forage was found in Red Spring or Fish Lake Valley Allotments. The tour also identified areas with little forage, such as the Salt Desert Shrub plant communities on the eastern side of Fish Lake Valley and Pinion & Juniper Woodlands in the Silver Peak Range. Other changes in vegetation at key areas were due to an extreme drought in 2002. See the *Environmental Assessment*, Affected Environment, Other Resources, Vegetation page 25. Also, see Appendix A, *Fish Lake Valley Rangeland Health Assessment*, vegetation sections for each allotment and the Use Pattern Map Data Summary and Monitoring Data Summary for each allotment.

There was no impact to ecological processes on uplands from wild horse, burro or livestock grazing on any of the five allotments and two closed areas.

Appropriate Uses

Livestock and wild horse grazing are considered appropriate uses on these lands according to the Tonopah RMP. The following analysis of vegetation potential and productivity will determine how appropriate these areas are for both livestock and wild horse grazing.

Vegetation

No Ecological Site Inventory has been conducted on Silver Peak, Ice House, Fish Lake Valley and White Wolf Allotments. A vegetation map was developed for all allotments to be assessed based on the soil survey (see pages 36-45 in Appendix D). Ecological sites were grouped together into larger vegetation types. These divisions were based on quantity of forage and accessibility for livestock and wild equid use. These vegetation types and their suitability to produce forage and accessibility to livestock and wild equids are described in detail in the *Environmental Assessment*, Existing Situation & Vegetation section, page 25. Vegetation condition for each allotment is described in Appendix A. *Fish Lake Valley Rangeland Health Assessment*, vegetation sections for each allotment.

Trend and production were read at all established key areas. Trend data collected at each key area showed a significant loss of forage on certain ecological sites and a lack of forage on other ecological sites. Production data, when compared to the ecological site description, showed the sites with a lack of forage had little potential to produce forage in PNC. Precipitation trends and soil information was used to interpret the cause of these changes. Livestock use was at or well below proper use levels in these areas. See use pattern maps in Appendix D.

The BLM conducted a field inventory in March 2005 of these major vegetation types by allotment to determine the extent of these problems. The BLM found a loss of forage on Saline Meadows and Sodic Soils in Ice House, Silver Peak and White Wolf Allotments. This loss was due to a drop in the water table. No loss of forage was found in Red Spring or Fish Lake Valley Allotments. The tour also identified areas with little forage, such as the Salt Desert Shrub plant communities on the eastern side of Fish Lake Valley and Pinion & Juniper Woodlands in the Silver Peak Range. Other changes in vegetation at key areas were due to an extreme drought in 2002. See the *Environmental Assessment, Affected Environment & Other Resources, Vegetation* page 25. Also see Appendix A, *Fish Lake Valley Rangeland Health Assessment*, vegetation sections for each allotment and the Use Pattern Map Data Summary and Monitoring Data Summary for each allotment.

Forage for Livestock and Wild Horses

There have been serious problems for wild horses in the Silver Peak HMA due to lack of forage and water. The Fish Lake Valley HMA has not had these problems at the current stocking rate for horses and cattle.

The goal of the vegetation analysis is to determine if the Silver Peak HMA and associated allotments are properly stocked when livestock are run at full preference and horse numbers are at AML or IHS, and to determine if the area is suitable for livestock or wild horse use.

The combined stocking rate for livestock and wild equids in the Silver Peak HMA was determined by first dividing the HMA acreage found in each allotment by the IHS/AML in AUMs for that allotment. The current stocking rates for livestock on each allotment were figured by dividing the total acreage of each allotment by the number of AUMs allocated to that allotment. This livestock stocking rate was then divided into the acreage of HMA in that allotment to determine livestock AUMs in the portion of that HMA. Horse AUMs were combined with these livestock AUMs and divided into the acreage of the HMA found in that allotment. GIS software was used to calculate acreages of each portion of the HMA found in each allotment. The actual acreages of Silver Peak HMA by allotment are listed below in Table 1. For AML/IHS figures and livestock preferences see *Environmental Assessment, Affected Environment* pp. 23, 32.

Table 1 Silver Peak HMA Acres per AUMs for Horse, Livestock and both.

Allotment	Acres in HMA by Allotment	Acres per AUM		
		Horses	Livestock	Horses and Livestock
Silver Peak	153,325	66	50	28
Red Spring	15,341	46	52	24
Ice House	26,220	64	188	48
Emigrant Peak	2,176	84	0	84
White Wolf	40,993	114-68	85	49-38
Fish Lake Valley	0	0	28	28

One Animal Unit Month (AUM), the amount of forage one adult cow or horse consumes in a month, is approximately 800 pounds, air dry weight. Average vegetation production in the assessment area is between 200 and 400 pounds per acre each year (air dry weight). Approximately 10% or more of this production is forage depending on the ecological site. This equals at least 20 to 40 pounds of forage produced per acre. Only 50% of this forage is allocated for grazing use. This leaves between 10 to 20 pounds per acre available for livestock or wild equid use. This is approximately 40 to 80 acres per AUM depending on the vegetation. Production varies at or above these numbers depending on the ecological site. Soils that do not produce a significant amount of forage should not be included under a stocking rate.

The combined stocking rates of horses and livestock on the Silver Peak HMA are excessively heavy in Silver Peak and Red Spring Allotments. Much of the Silver Peak and Ice House Allotments are inaccessible to livestock and wild equids, other portions produced little forage due to poor soil qualities. There was little available forage in the Ice House Allotment. Much of the allotment has poor quality soils that produce very little forage. The White Wolf Allotment has good forage on sandy soils in the western half of the allotment. There was a loss of forage due to a drop in the water table in the center of the White Wolf Allotment.

The Red Spring Allotment is properly stocked for livestock and wild horses in the Fish Lake Valley HMA and outside the HMAs. However, the corner of the Red Spring Allotment included within the Silver Peak HMA and the adjacent portion in the Silver Peak Allotment do not produce forage suitable for horse use. Horses were removed from this portion of the HMA in 2003 because they were in poor condition overall due to drought and poor quality forage. The census prior to this removal showed 133 horses in the northwest portion of the Silver Peak HMA. This is close to half the IHS number allowed in the HMA by the RMP.

Wild Horses

The Silver Peak HMA is not suitable horse habitat. The HMA provides little forage outside of the summer season. The areas in the Silver Peak, Red Spring and White Wolf Allotments outside of the HMA boundary are marginal winter habitat for wild horses.

Unfortunately very little winter range exists inside the HMA for horse use. Horses are forced to leave the HMA and graze on public and private land during much of the year, especially during droughts.

In the Silver Peak HMA, thin, starving or dead horses have been documented in 1980, 1988, 1990, 1996 and 2003. Precipitation greatly varies in the HMA. One third of all years are drought years (75% or less of normal precipitation). Forage, marginal in years with normal precipitation, becomes very scarce in dry years. Waters often dry up. There have been two emergency horse gathers recently, in 1996 and 2003. The horses were starving.

Horses are mainly grazers, cattle will browse and graze and burros mainly browse. Since the majority of the Silver Peak HMA is shrub-dominated, it is suitable for both cattle and burro range. Much of the HMA is in sagebrush and pinion and juniper woodlands, these areas are not suitable burro range. The portions of the HMA with salt desert shrub vegetation in hilly areas outside bighorn sheep habitat, are suitable burro range. These areas are not suitable for livestock. Any AUMs available on these salt desert shrub hills should be allocated to burros alone.

The Silver Peak HMA is not suitable horse habitat. Horses need to be removed from the Silver Peak HMA.

Livestock

Livestock grazing has not exceeded the resource in Silver Peak, Ice House, White Wolf and Fish Lake Valley allotments because White Mountain Ranch turns out below their preference. However, there is not adequate forage in Silver Peak, Ice House and Fish Lake Valley allotments to support livestock if they were run at full preference. Livestock are stocked in the Silver Peak Allotment at 50 acres per AUM. This is within the 40 to 80 acres per AUM range. However, much of the Silver Peak and Ice House allotments are unsuitable for cattle use due to steep terrain or lack of forage. AUMs should not be allocated for livestock in these areas. An adjustment in AUMs needs to be made in Ice House and Silver Peak allotments to avoid overuse by livestock in the future.

Livestock grazing has not exceeded the resource in Red Spring Allotment because Arlemont Ranch runs livestock according to the amount of forage available and the level of precipitation. This allotment is properly allocated at 52 acres per AUM. Livestock grazing has not exceeded the resource in the White Wolf Allotment. A drop in the water table occurred in the White Wolf Allotment and a small adjustment in AUMs needs to be made to avoid overuse by livestock in the future. No loss of forage occurred in the Red Spring Allotment. No adjustment in livestock preference is needed for the Red Spring Allotment.

Range Improvements

Range improvements provide the majority of the water in the assessment area. The area is very dry and few natural waters exist outside of the Silver Peak Range. There are 44 range improvements currently not functioning in the assessment area. The following table shows the number of nonfunctioning waters by allotment.

Allotments	Number of Waters	Waters not Functioning	Functioning Waters
Silver Peak	29	25	4
Ice House	1	1	0
Fish Lake Valley	0	0	0
White Wolf	7	6	1
Red Spring	6	3	3

No water is available in much of the assessment area for livestock use. At present few livestock have been turned out on these allotments, and more cannot be until water is available. Failing to maintain water improvements is a failure to sustain the appropriate use of livestock grazing on public lands.

Standard Determination by Allotment and HMA

Livestock

Silver Peak Allotment – Standard Met for Livestock on water quality and ecological processes in the allotment. The lessee uses only a small portion of his allocated AUMs.

The Standard is Not Met for sustaining the appropriate use of livestock grazing. Stocking rate at full preference exceeds the amount of forage available and range improvements are not maintained.

1. The proper stocking rate is between 40 and 80 acres per AUM. The HMA has a combined stocking rate of 28 acres per AUM. This exceeds the amount of forage available in the allotment. The allocation of livestock in the allotment is 50 acres per AUM which is within the 40 to 80 range. However, some portions of the allotment do not have forage due to low precipitation and poor soils and other areas are not accessible for livestock use. Significant progress is being made toward meeting this objective. The lessee runs well under the preference in this allotment.

2. Range improvements are not maintained throughout the allotment, livestock can only use the Cave Spring area because water and forage are available there. If the lessee were to turn out livestock at his current preference on this allotment he will not have adequate forage or water for his livestock. If all range improvements were working the preference still exceeds the amount of forage available in the allotment for livestock and wild horses together. **Significant progress is not being made toward meeting this standard. Range improvements have not been maintained.**

Ice House and Fish Lake Valley Allotments – Standard Met for Livestock on water quality and ecological processes in the allotment. The lessee uses only a small portion of his allocated AUMs.

The Standard is Not Met for sustaining the appropriate use of livestock grazing. The range improvement is not maintained. Standard is not met on stocking rate.

1. The proper stocking rate is between 40 and 80 acres per AUM. The HMA has a combined stocking rate of 48 acres per AUM in the Ice House Allotment. This does not exceed the amount of forage that was available in the allotment. However, a drop in the water table has reduced the amount of forage available on a portion of the allotment. The loss of forage is not due to livestock grazing. There are some areas with no forage and other areas are inaccessible to livestock. AUMs have been allocated in these areas. Fish Lake Valley has no allocation for wild equids. It is allocated at 28 acres per AUM to livestock alone. This exceeds a proper stocking rate for livestock. Significant progress is being made toward meeting this standard. The lessee runs well under full preference in both allotments.

2. The range improvement is not maintained in the Ice House Allotment, so livestock have no water in Ice House Allotment. Fish Lake Valley Allotment has no range improvements, but does have a stream running through a portion of the allotment. If the lessee were to turn out livestock at his current preference on the Ice House Allotment he will not have adequate forage or water for his livestock. **Significant progress is not being made toward meeting this standard. Range improvements have not been maintained.**

White Wolf Allotment – Standard Met for Livestock on water quality and ecological processes in the allotment. The lessee uses only a small portion of his allocated AUMs.

The Standard is Not Met for sustaining the appropriate use of livestock grazing. Range improvements are not maintained. Standard is not met on stocking rate.

1. The proper stocking rate is between 40 and 80 acres per AUM. The HMA has a combined stocking rate of 38-49 acres per AUM. This does not exceed the amount of forage that was available in the allotment. However, a drop in the water table has reduced the amount of forage available on a portion of the allotment. The loss of forage is not due to livestock grazing. Significant progress is being made toward meeting this objective. The lessee runs well under the preference in this allotment.

2. Range improvements are not maintained throughout the allotment, livestock have only one water source in the White Wolf Allotment. If the lessee were to turn out livestock at his current preference on this allotment he will not have enough water for his livestock. **Significant progress is not being made toward meeting this standard. Range improvements have not been maintained.**

Red Spring Allotment – Standard Met for Livestock on water quality, ecological processes and stocking rate in the allotment. The lessees consistently use less than their allocated AUMs. These numbers are adjusted based on precipitation levels and amount of available forage.

The Standard is Not Met for sustaining the appropriate use of livestock grazing. Range improvements are not maintained. Standard is not met on stocking rate for wild horses in the Silver Peak HMA.

1. The proper stocking rate is between 40 and 80 acres per AUM. The HMA has a combined stocking rate of 24 acres per AUM. This exceeds the amount of forage that was available in the allotment. Since the horses are poorly suited to this range the standard is not met on stocking rate for wild horses. There has been no drop in the water table in this allotment. The stocking rate is 52 acres per AUM for livestock. Standard met for livestock forage.

2. Range improvements are not maintained throughout the allotment. If the lessee were to turn out livestock at his current preference on this allotment he will not have water for his livestock. **Significant progress is not being made toward meeting this standard. Range improvements have not been maintained.**

Emigrant Peak and Columbus Marsh Closed Areas – Standard Met for Livestock. There are no riparian areas or livestock in these closed areas.

Wild Horses

Fish Lake Valley HMA – Standard Met for wild horses on water quality, ecological processes and sustaining the appropriate use of wild horse grazing in the HMA. Use pattern maps show use by both livestock and wild horses is at or below the allowable use level. Water is available for horses within this HMA. The stocking rate is proper.

Silver Peak HMA - **Standard is Not Met for wild horses on water quality, ecological processes on riparian areas and sustaining the appropriate use of wild horse grazing in the HMA.** Standard is met on ecological processes on upland sites only.

Five springs are damaged by wild equids in the Silver Peak HMA. Wild horses have access to the spring sources at these five springs. The recent gather of horses in 2003 has decreased the impact by horses on these riparian areas. However, horses still have some impact on riparian sites. Water quality and ecological processes and guideline 2.6 are still not being met. Spring sources are not fenced, allowing horse access to water sources causing damage to soils, vegetation and fouling the water. Adequate forage and water are not available for yearlong horse use. Horses must continue to leave the HMA to find forage.

The proper stocking rate is between 40 and 80 acres per AUM. The HMA has a combined stocking rate of 28 acres per AUM in Silver Peak Allotment and 24 acres per AUM in Red Spring Allotment. Guidelines 2.3 (should maintain desired natural plant community) and 2.6 (design spring and seep developments to protect ecological functions and processes) have not been met in the HMA.

Significant progress is being made toward meeting this standard. Horses were removed in 1996 and 2003. This will relieve grazing pressure on riparian vegetation. This HMA cannot sustain wild horse use.

STANDARD 2b. ECOSYSTEM COMPONENTS:

Riparian and wetlands vegetation should have structural and species diversity characteristic of the stage of stream channel succession in order to provide forage and cover, capture sediment, and capture, retain, and safely release water (watershed function).

Riparian

Livestock numbers on all allotments have been well below allocated numbers. Some allotments have not been used for the last three years or longer. Livestock use has not been excessive on riparian or upland sites in either HMA.

There have been two emergency gathers of horses in the Silver Peak HMA, in 1996 and 2003. These gathers have lowered horse numbers to approximately 58. The Initial Herd Size (IHS) number is 308 horses. Horse and burro use in the Silver Peak HMA has been excessive on five riparian areas. Use by wild equids is currently not excessive on upland range.

Much of the upland range in the Silver Peak HMA does not produce adequate forage for wild horse use. The majority of the best forage available for horses grows in riparian areas. With the low numbers of horses and livestock, upland watershed conditions were not a factor contributing to degradation of springs in the assessment area. Guideline 2.2 is being met on uplands because grazing intensity has decreased since the 2003 emergency horse gather in the Silver Peak HMA. Utilization continues to be excessive at Fish Lake Valley Springs #2, #3, #4 (Silver Peak HMA) and horses continue to have access to the spring sources. Excessive use by horses and burros on five riparian areas has reduced the cover necessary to capture sediment and retain and safely release water on these springs. Drought has affected the vegetation on the remaining springs and seeps that are not properly functioning.

Upland

The BLM conducted a field inventory in March 2005. All vegetation types identified in the vegetation map, (see Appendix D, *Vegetation Maps*) were looked at. The potential for vegetation composition to change on the majority of these ecological sites is small. The assessment area is extremely dry and this, not livestock or wild equid use, limits the diversity of plant species found on the majority of the assessment area. Vegetation on

higher elevation areas is potentially more productive and diverse. These areas are less accessible to livestock use. Wild horses make some use of these areas, but mainly utilize riparian areas. Use has been excessive only at springs and seeps in the Silver Peak Range in the Silver Peak HMA. See use pattern maps in Appendix D.

Trend and production data was gathered at all key areas following procedures in the Nevada Rangeland Handbook as required. Production data, when compared to the ecological site descriptions, showed many sites had little potential for diversity in PNC. Changes in trend on upland sites were due to drought and a drop in the water table, not grazing. Livestock and wild equid use was at or well below proper use levels on upland sites. See use pattern maps in Appendix D.

Wild horse and burro numbers have been reduced in both HMAs recently. Wild equid and livestock use has not been excessive on upland sites. This standard is met on all upland sites in the assessment area.

Standard Determination by Allotment and HMA

Livestock

Silver Peak Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

Ice House and Fish Lake Valley Allotments – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

White Wolf Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

Red Spring Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference.

Emigrant Peak and Columbus Marsh Closed Areas – Standard Met. No livestock grazing permitted in these areas. Horses make little use of Emigrant Peak.

Wild Horses

Fish Lake Valley HMA – Standard Met for wild equids for vegetation on uplands and riparian areas. Use pattern maps show no excessive use from wild horses.

Silver Peak HMA – Standard Met for wild equids for vegetation on uplands. **Standard Not Met for vegetation on riparian areas.** Use pattern maps show little use in the

allotment from wild horses. Residual vegetation is inadequate to capture, retain and safely release water. Guideline 2.7 states that when “proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. . .” Fencing the water sources should protect these riparian areas from further degradation. Horse numbers have been recently reduced during the emergency gathers in 2003 and 1996. These reductions in numbers have reduced the amount of use by horses on riparian sites.

Significant progress has been made toward meeting the standard due to these reductions.

STANDARD 3. HABITAT AND BIOTA:

Habitats and watersheds should sustain a level of biodiversity appropriate for the area and conducive to appropriate uses. Habitats of special status species should be able to sustain viable populations of those species.

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasize native species except when others would serve better for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seedling establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native

plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond these Standards, significant progress toward achieving Standards, time necessary for recovery, and time necessary for predicting trends.

There are two impacts to the plant community in Esmeralda County. One is the extremely dry year in 2002. This caused a die off of various plant species. However, these species are starting to come back. This year, 2005, has been a very wet year and seedling plants have been observed throughout the assessment area. The highly variable precipitation in this area causes periodic die offs. The low intensity of use by livestock (riparian and uplands) and wild horses (uplands) allow seedling establishment of those plant species needed to reach long-term land use plan objectives. The intensity of grazing meets the standard for livestock (upland and riparian) and wild horse (uplands). Livestock and wild horse use on did not contribute to the death of these plants. Upland management practices are maintaining and promoting adequate vegetative ground cover to achieve the Standards on all allotments.

The second impact on habitat is a drop in the water table in the southern portion of Fish Lake Valley. This is due to farming. This reduces the forage available for the Silver Peak, Fish Lake Valley, White Wolf and Ice House Allotments. This has been analyzed above in Standard 2a, Ecosystem Components.

The full preference on Silver Peak, Ice House, and Fish Lake Valley Allotments has been analyzed above in Standard 2a, Ecosystem Components.

Measurements of ecological condition, trend, and utilization were done in accordance with techniques identified in the Nevada Rangeland Handbook for all allotments and HMAs assessed. Production data, when compared to the ecological site description, showed many sites had little potential to be highly diverse in PNC. See Appendix A, *Fish Lake Valley Rangeland Health Assessment*.

Livestock

Both lessees run fewer cattle than they are permitted. This intensity of grazing is at or well under the required standards.

White Mountain Ranch has one potential problem area, Cave Spring in Silver Peak Allotment. White Mountain Ranch frequently turns cattle out on Cave Spring. Most range improvements are not functioning in Silver Peak Allotment. This reduces White Mountain Ranches ability to rotate livestock. For this reason Cave Spring area has received excessive use in two out of the six years use was conducted. However, no

damage has been done to the plant communities in the Cave Spring area. Repairing water developments will increase the lessee's ability to rotate livestock use. See Standard 2a above.

No special status species is harmed by livestock use.

Wild Horses

The Wild Horse and Burro Act of 1971 determined that the Secretary of the Interior will manage "wild and free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands." The goal of this document is to set appropriate management levels (AML) on two HMAs, Silver Peak and Fish Lake Valley.

Silver Peak HMA – Horses are mainly grazers and little grass is available for their use in the Silver Peak HMA. The forage available for horse use is mainly summer range. Horses must leave the HMA to find adequate forage. They have greater difficulty finding forage in dry years. A third of the years from 1954 to 2004 were drought years. Horses in the Silver Peak HMA often suffer due to lack of adequate forage and water. Within the last 10 years, two emergency gathers have been conducted to remove starving horses from this HMA. This is a recurring problem. Often, in dry years, water sources dry up and horses have difficulty getting enough water. Excessive use by horses throughout the Silver Peak HMA, has caused damage to riparian vegetation at five springs.

Damage at springs may decrease the quality of bat habitat. No other special status species is harmed by wild horse or burro use. There is potential for conflict between horses, burros and bighorn sheep if numbers of horses or burros reach the IHS number of 308 animals.

Fish Lake Valley HMA – Horse use in this HMA has not impacted upland or riparian vegetation. There is potential for a conflict with sage grouse on one water source if horse numbers were to increase. At current AML in this HMA, standards are met.

Standard Determination by Allotment and HMA

Livestock

Silver Peak Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

Standard met for livestock on special status species. Each species that has potential habitat in this allotment follows.

Vesper Sparrow – habitat in sagebrush vegetation. Livestock use is slight to no use in this portion of the Silver Peak Allotment. No impact to vesper sparrows from livestock use.

Sage Grouse – habitat in sagebrush vegetation. No sage grouse are found in this allotment. No conflict with livestock. Livestock use is slight to no use in this portion of the allotment.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals were found in this allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Livestock use is slight to no use in this portion of the Silver Peak Allotment. No impact to loggerhead shrikes from livestock use.

Tiehm Buckwheat (*Eriogonum tiehmi*) – its habitat is on raw eroding slopes of volcanic origin at ca. 5960’—6200’ in elevation. There is no livestock or wild equid use in the habitat because of slope, water and forage limitations. There are no negative impacts to this plant by these animals.

Tecopa Birdsbeak (*Cordylanthus tecopensis*) – its habitat (in Esmeralda County) is in the saline seeps and springs of Fish Lake Valley, growing with Baltic Rush, alkali cordgrass (*Spartina gracilis*) and *Haplopappus racemosus* var. *sessiliflorus*. The habitat of this plant is minimally used by livestock. Moderate livestock and horse use in its habitat will only serve to reduce competition from Baltic rush and alkali cordgrass to the benefit of Tecopa birdsbeak. Severe grazing could impact this species. There are no negative impacts to this plant by current livestock grazing management.

Ice House and Fish Lake Valley Allotments – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

Standard met for livestock for special status species. Each species that has potential habitat follows.

Vesper Sparrow – habitat in sagebrush vegetation. Livestock use is slight to no use in this portion of the Ice House Allotment. No impact to vesper sparrows from livestock use.

Sage Grouse – habitat in sagebrush vegetation. No sage grouse is found in Ice House Allotment. No conflict with livestock. Livestock use is slight to no use in this portion of the allotment.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals found in Ice House Allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Livestock use is slight to no use in this portion of these allotments. No impact to loggerhead shrikes from livestock use.

There are no special status plants known from these two allotments.

White Wolf Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show little use in the allotment from livestock. The lessee runs well under his preference in this allotment.

Standard met for livestock for special status species. Each species that has potential habitat in this allotment follows.

Vesper Sparrow – habitat in sagebrush vegetation. Livestock use is slight to no use in this portion of the White Wolf Allotment. No impact to vesper sparrows from livestock use.

Sage Grouse – habitat in sagebrush vegetation. No sage grouse is found in this allotment. No conflict with livestock. Livestock use is slight to no use in this portion of the allotment.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals found in this allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Livestock use is slight to no use in this portion of the White Wolf Allotment. No impact to loggerhead shrikes from livestock use.

There are no special status plants known from this allotment.

Red Spring Allotment – Standard Met for livestock for vegetation on uplands and riparian areas. Use pattern maps show no excessive use in the allotment from livestock. The lessee runs under his preference in many years and rotates livestock use in this allotment.

Standard met for livestock for special status species. Each species that has potential habitat in this allotment follows.

Vesper Sparrow – habitat in sagebrush vegetation. Livestock use is slight to no use in this portion of the Red Spring Allotment. No impact to vesper sparrows from livestock use.

Sage Grouse – habitat in sagebrush vegetation on the alluvial fan just out of the White Mountains. Livestock have made little use of this area.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals found in this allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Livestock use is slight to no use in this portion of the Red Spring Allotment. No impact to loggerhead shrikes from livestock use.

Least Bittern and Long-billed Curlew – habitat in riparian areas. No known population in the Red Spring Allotment.

Tecopa Birdsbeak (*Cordylanthus tecopensis*) – its habitat (in Esmeralda County) is in the saline seeps and springs of Fish Lake Valley, growing with Baltic Rush, alkali cordgrass (*Spartina gracilis*) and *Haplopappus racemosus* var. *sessiliflorus*. The habitat of this plant is minimally used by livestock. Wild equids have heavily used Fish Lake Valley Springs #'s 2, 3, 4 in the Red Spring Allotment portion of the Silver Peak HMA. Moderate livestock and horse use in its habitat will only serve to reduce competition from Baltic rush and alkali cordgrass to the benefit of Tecopa birdsbeak. Severe grazing could impact this species. There are no negative impacts to this plant by current livestock grazing management.

Emigrant Peak and Columbus Marsh Closed Areas – Standard Met. There is no livestock grazing on these areas.

There are no special status plants known from this allotment. See *Environmental Assessment Special Status Species*, p.20.

Wild Horse

Fish Lake Valley HMA –Standard Met for wild horses for vegetation on uplands and riparian areas. Use pattern maps show no excessive use from wild horses on this HMA.

Standard met for livestock for special status species. Each species that has potential habitat in this HMA follows.

Vesper Sparrow – habitat in sagebrush vegetation. Wild horses have made little use of this portion of the Fish Lake Valley HMA. No impact to vesper sparrows from wild horse use.

Sage Grouse – habitat in sagebrush vegetation on the alluvial fan just out of the White Mountains. Wild horses have not harmed sage grouse habitat.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals found in this allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Wild horse use is slight in this portion of the Fish Lake Valley HMA. No impact to loggerhead shrikes from livestock use.

Silver Peak HMA - Standard Not Met on riparian areas in this HMA. Standard is met for upland vegetation. Wild horse use is excessive on five springs in the Silver Peak HMA. See Standard 1 above. Guideline 3.3, “Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit” has failed. The intensity, frequency and distribution of use by wild horses is concentrated at these five springs. Vegetation cover and density is reduced.

Each species that has potential habitat in this HMA follows.

Vesper Sparrow – habitat in sagebrush vegetation. Wild horses have made little use of this portion of the Silver Peak HMA. No impact to vesper sparrows from wild horse use.

Sage Grouse – habitat in sagebrush vegetation, none found in this allotment. No conflict with wild horses. They have made little use of this area.

Pygmy Rabbit – marginal habitat in sagebrush vegetation. No animals found in this allotment. Livestock use is slight to no use in this area. No impact to pygmy rabbits in this allotment.

Loggerhead Shrike – habitat in saltbrush vegetation. Wild Horse use is slight to no use in this portion of these allotments. Salt brush vegetation is outside the HMA. No impact to loggerhead shrikes from wild horse use.

Least Bittern and Long-billed Curlew – habitat in riparian areas. Potential habitat in Red Spring Allotment in the Silver Peak HMA on Fish Lake Valley Springs #2, 3 & 4. Wild horse use on these springs is excessive and could impact potential habitat. No known population in the Red Spring Allotment. No impact from wild horses.

Bats – habitat is at riparian areas. Main feed are insects that live at the riparian area. Overuse at five riparian areas by wild horses could impact the amount of food available for bat species.

Tiehm Buckwheat (*Eriogonum tiehmii*) – its habitat is on raw eroding slopes of volcanic origin at ca. 5960’—6200’ in elevation. There is no livestock or wild equid use in the habitat because of slope, water and forage limitations. There are no negative impacts to this plant by these animals.

Tecopa Birdsbeak (*Cordylanthus tecopensis*) – its habitat (in Esmeralda County) is in the saline seeps and springs of Fish Lake Valley, growing with Baltic Rush, alkali cordgrass (*Spartina gracilis*) and *Haplopappus racemosus* var. *sessiliflorus*. Moderate livestock and horse use in its habitat will only serve to reduce competition from Baltic rush and

alkali cordgrass to the benefit of Tecopa birdsbeak. Severe grazing could impact this species. There are grazing intensity concerns from horses to this plant at Fish Lake Valley Springs #'s 2, 3, 4, in the Red Spring Allotment portion of the Silver Peak HMA. There are likely impacts to this species from wild horse use at the aforementioned springs.

Standard Not Met for special status species. Wild horse use has potentially impacted bat and Tecopa birdsbeak habitat. It could also impact least bittern and long-billed curlew habitat if they are ever found in the HMA. No impacts to any other special status species.

Significant progress has been made toward meeting this standard. Emergency gathers conducted in 1996 and 2003 have decreased the number of horses using riparian areas in the HMA.

Land Use Plan Objectives:

Wildlife Habitat Management

Objective:

To maintain and enhance wildlife habitat and provide for species diversity.

RMP Determinations:

1. Prepare, revise or maintain habitat management plans, or their functional equivalent, to enhance the habitat for game and non-game wildlife species, when appropriate. The identification of specific wildlife objectives will be determined when each habitat plan is developed in consultation with affected publics, i.e., range users, interest groups, and county governments. Priorities are as follows:
 - b. In conjunction with affected publics, revise the Silver Peak Habitat Management Plan.
 - c. In conjunction with affected publics, prepare habitat management plans for the following: ...Fish Lake Valley (White Mountains)...

This evaluation is a revision of the Silver Peak Habitat Management Plan. This revision also includes the area of Fish Lake Valley and serves as the Habitat Management Plan for the foothills of the White Mountains located on BLM land. This Determination is met.

2. Manage mule deer habitat for best possible condition within the site potential...

This determination has been met in the past (refer to Table B-2, Appendix B; and the mule deer sections of the RHA) and will continue to be met with the proposed action. If the proposed action is carried forward there will be a

reduction in potential competition for resources between deer and domestic livestock and wild equids. The reductions in livestock AUM's and wild equid AML represent significant management toward allowing the habitat to reach the best possible condition for the site potentials.

5. Maintain or improve existing or potential bighorn sheep habitat areas...

This determination has been met in the past and will continue to be met with the proposed action. There will be a potential improvement of bighorn sheep habitat by the reduction in AML and domestic livestock AUM's. This Determination is met.

6. Manage pronghorn antelope habitat for best possible condition within the site potential...

There is no pronghorn habitat identified by the RMP in the evaluation area. However it is known that pronghorn do inhabit the Red Spring allotment on an occasional basis and sightings are increasing. It can be concluded that if pronghorn establish a resident herd in the evaluation area than the habitat has been improved and is in good condition. This determination is being met.

Special Status Species

Objective:

To protect, restore, enhance and expand habitat of species identified as threatened, endangered, or Nevada BLM Sensitive Species under the Endangered Species Act.

2. Habitat for all Federally listed threatened or endangered species or Nevada BLM Sensitive Species (plant and animal) will be managed to maintain or increase current populations of these species...

A review of the current USFWS Threatened and Endangered Species list for the state of Nevada indicates that the only Federally Threatened or Endangered animal species that has the potential to exist in the assessment area is the bald eagle. No critical habitat exists on the area for the eagle. There are reports of bald eagles occurring in the area, but no nesting habitat exists on the area for the eagle.

No negative impacts that will cause the listing of a BLM Sensitive species under the Endangered Species Act have been identified for the BLM Sensitive species within the assessment area. If the proposed action were implemented then there will be improvements to the BLM sensitive species habitat at the riparian areas in particular. This objective is met.

Riparian Habitat

Objective:

To achieve or maintain the presence of adequate vegetation, landform, or large woody debris to dissipate stream energy associated with high water flows for all riparian-wetland areas (proper functioning condition).

3. Where streams and riparian areas are nonfunctional, work with livestock permittees and other publics to modify management. If the desired trend does not occur, the responsible class of animal (where it can be determined) will be reduced or excluded.

This has been covered in Standards Determination document. See Standards Determination: Standard 2b. Ecosystem Components.

Livestock Grazing Management

Objective:

To create healthy, productive rangelands through implementation of the recommendations of the ongoing rangeland monitoring and evaluation program.

1. Continue the following management practices:
 2. Manage livestock at initial stocking levels...Adjustments in use for each allotment will be based on short-term and/or long-term monitoring data methods as outlined in the Nevada Rangeland Monitoring Handbook and other BLM technical references. Monitoring will be in consultation with the grazing permittee and other publics. If the desired trend does not occur, the responsible class of animal (where it can be determined) will be reduced or excluded...

Long and short term monitoring data indicate a loss of forage in saline meadows and sodic soils in the south half of Fish Lake Valley due to a drop in the water table. Adjustments in preference for White Wolf, Fish Lake Valley and Ice House allotments are necessary.

Lack of forage and shortage of waters in the Silver Peak Allotment require adjustments in preference for Silver Peak Allotment. This objective is not met.

- d. Continue with the "closed to livestock grazing" status of public lands as Columbus Salt Marsh and Emigrant Peak areas.

Columbus Salt Marsh and Emigrant Peak are closed to livestock grazing. This objective is met.

Wild Horses and Burros

Objective:

To manage wild horse and/or burro populations within Herd Management Areas at levels which will preserve and maintain a thriving natural ecological balance consistent with other multiple-use objectives.

1. Continue the following management determinations:

b. Manage wild horses and/or burros at appropriate management level (AML) or interim herd size (IHS) from each herd management area...Future herd size or appropriate management levels within each herd management area will be adjusted as determined through short-term and long-term monitoring data methods as outlined in the Nevada Rangeland Monitoring Handbook and BLM technical references...

d. Assure sufficient water and forage exist for wild horses and/or burros in herd management areas.

The IHS from the Tonopah RMP is too high to maintain “thriving natural ecological balance consistent with other multiple uses.” The habitat within the Silver Peak HMA can not support the 308 horses designated in the RMP. This habitat lacks the necessary forage (especially winter), and water to support horses. The few riparian areas accessible to horses are generally being degraded by horses and burros. This objective is not met.

The Fish Lake Valley HMA is meeting this objective.

C. Selected Management Actions

1. Fence Highway 264 and US 6

This proposal is to fence Highway 264 from the California line in White Wolf through Fish Lake Valley, Silver Peak and Red Spring Allotments. Fencing will include approximately two miles of Highway 6, and 22 miles of Highway 264. Both lessees are willing to contribute their county range improvement funds to assist in building this fence. Horses from the Fish Lake Valley HMA frequently cross the highway and are hit by vehicles. Horses also cross the highway to graze on private land outside the HMA. Cattle are also lost to vehicle collisions in the area near the junction of Highway 264 and US 6.

The highway dissects the Fish Lake Valley HMA in the Red Spring Allotment, leaving 7608 acres of the HMA isolated on the east side of the highway. These acres that will no longer be accessible to horses from the Fish Lake Valley HMA will have to be taken out of the total allocation for the Fish Lake Valley HMA. AUMs for the HMA are currently allocated at 83 acres/AUM. The proposed reduction will be 92 AUMs or 7 ½ horses. This is rounded to 96 AUMs or 8 horses. This reduction in horses will not occur until the fence is completed. Since livestock are permitted to graze on both sides of the highway, no changes will be made to livestock stocking rates as a result of this proposal to fence Highway 264 and US 6. Refer to Map 4.

A separate Environmental Assessment will be written for this project at a later date when the project is initiated.

The highway also dissects the Ice House and Silver Peak Allotments. Proposed changes in allotment boundaries and allocations are dealt with in Proposed Action 2 below.

Rationale:

This fence is proposed to protect the public, wild horses and livestock from vehicle accidents. It will also prevent wild horses from leaving the HMA and entering private lands.

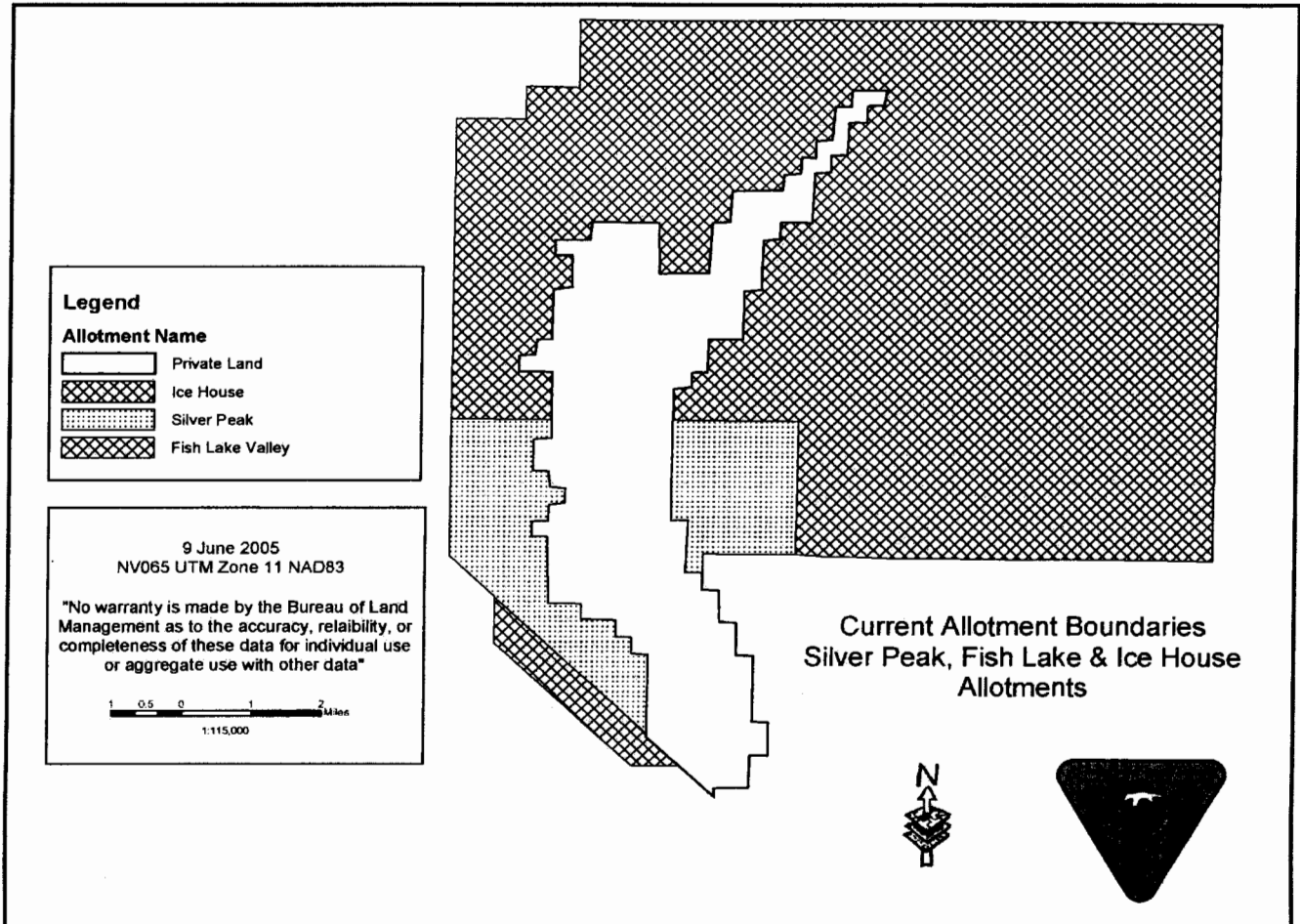
This range improvement will be in conformance with the Tonopah RMP wild horse objective.

2. Establish new allotment boundaries for the Ice House, Silver Peak and Fish Lake Valley Allotments

New Allotment boundaries for the Ice House, Silver Peak and Fish Lake Valley Allotments will be established in order to simplify administration. A small portion of the Silver Peak Allotment is isolated from the main portion of the allotment. Ice House is split by private land.

Ice House Allotment and a small isolated portion of the Silver Peak Allotment are adjacent to each other. Both of these allotments are divided by private land. See Map 2 below. This action will combine the portions of both allotments west of the highway into the Fish Lake Valley Allotment and combine the portions east of the highway and east of private land into the Ice House Allotment. See Map 3 below. The chart in Table 1 shows the changes in acreage that will result from this proposal to each allotment.

Map 2 Current Allotment Boundaries in the Tonopah RMP.



Map 3 Proposed Allotment Boundary Adjustments.

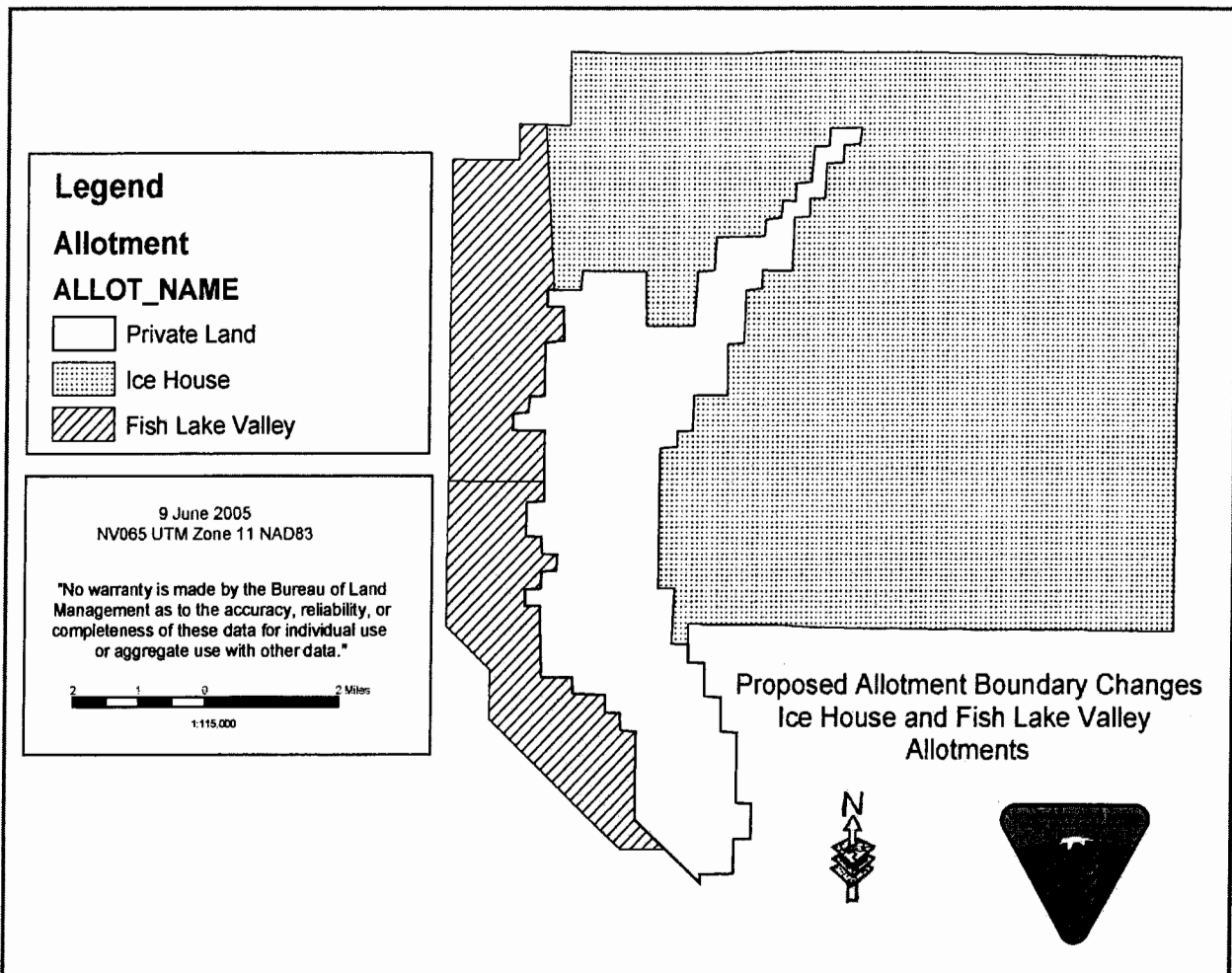


Table 1 Acreages for Ice House and Fish Lake Valley Allotments, Current and Proposed

Allotment	Current Acreage	Proposed Acreage
Ice House	43,143	41,265
Silver Peak isolated portion	6,771	0
Fish Lake Valley	1,482	10,131

See 5 below for changes in the AUMs for Ice House, Silver Peak and Fish Lake Valley Allotments.

Rationale:

These allotment boundary changes are an administrative change.

3. Allocation of AUMs and New Livestock Preferences

No adjustments in AUMs will be made on the Red Spring Allotment. The following adjustments will be made on Silver Peak, Ice House, Fish Lake Valley and White Wolf Allotments according to each general vegetation type. These allotments are all leased by White Mountain Ranch. The AUMs not allocated for in this proposal will be converted to suspended use. See Appendix C, Conformance Determination Standard 2a.

Table 2 New Allocations for White Mountain Ranch

Allotment	Vegetation Type	Season of Use Start	Season of Use End	Active AUMs
Silver Peak	Sagebrush	Yearlong		851
	SDS Valley*	Yearlong		2066
	Sandy Soils	Yearlong		244
Ice House	Sagebrush	Yearlong		78
	Saline & Sodic	July 1	September 15	37
Fish Lake Valley	SDS Valley*	Yearlong		142
White Wolf	All	September 15	February 28	600

* Salt Desert Shrub Valley

GIS software was used to overlay the soil survey ecological sites onto the individual allotments. Acreages for each area were then calculated in GIS. A field check was conducted by BLM staff in March, 2005 to verify these maps (see Appendix D pp.37-44).

White Wolf Allotment

An evaluation and subsequent decision in 1995 reduced preference on White Wolf from 1088 AUMs to 697 AUMs. Subsequent livestock management has not negatively impacted the vegetation or any other resources. A small reduction in AUMs is necessary because the water table has dropped since the 1995 evaluation. Forage, once present on saline meadows and sodic soils, is now gone (see Appendix A, p.65). This reduction was based on the 85 acre/AUM stocking rate in the White Wolf Allotment. There are 8303 acres of saline meadow and sodic soil, allocated at 85 acres/AUM which equals a 97 AUM reduction (see Appendix D p.38). The new stocking rate for White Wolf Allotment will be 600 AUMs. There will be no change in season of use. It will remain from September 15 to February 28.

Silver Peak Allotment

There are three vegetation types in this allotment that can support livestock use; they are Sagebrush, Salt Desert Shrub Valleys and Sandy soils. Refer to Appendix D (*of the evaluation*) for maps of vegetation types.

The acreage on the combined vegetation area called "Sagebrush and Salt Desert Shrub Hills" was divided. Half of the acres were included in the sagebrush acres below. Allocations of AUMs in Sagebrush areas in the Silver Peak Range will be by the following slope classes.

Table 3 Sagebrush AUMs Available in Silver Peak Allotment

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Sagebrush by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	34,259	685
31-60	60	80 acres/AUM	13,322	166
Over 60	100 (ungrazable)	No allocation	1459	0

Adapted from Holocek et al., 2004

There will be 851 AUMs available for livestock use in the Silver Peak Range on sagebrush vegetation. The season of use will remain yearlong. It is likely, however, that the sagebrush communities will be covered in snow through much of the winter. Cattle will not be able to graze these areas when deep snow is present.

There are 12,226 acres of Sandy soils in south Clayton Valley. This will be allocated at 50 acres per AUM for a total of 244 AUMs. The season of use will be yearlong. During severe drought grass dies off and is not available for use in this area. No use will be allowed for two growing seasons after grass begins to return. Grass is returning in the summer of 2005. Grass should be established and available for use starting in the winter of 2006/2007. These AUMs will not be allocated when drought has severely impacted the perennial grasses on this site. A field check will be required before livestock could be turned out in Clayton Valley.

Salt Desert Shrub Valley vegetation covers 103,324 acres. It is proposed that this area be allocated at 50 acres per AUM equaling 2066 AUMs. The season of use will remain yearlong.

Silver Peak (Isolated Portion), Ice House and Fish Lake Valley Allotments

AUMs will be allocated to the Silver Peak, Ice House and Fish Lake Valley allotments as follows.

Table 4 Preference for Ice House and Fish Lake Valley, Current and Proposed

Allotment	Current Preference	Proposed Preference
Ice House	228 AUMs	115 AUMs
Silver Peak (isolated portion)	135 AUMs	0
Fish Lake Valley	52 AUMs	202 – 60* = 142 AUMs
Total allocations	415 AUMs	317 – 60* = 257 AUMs

*The 60 AUMs are allocated to wild horses in the Fish Lake Valley HMA out of the Fish Lake Valley Allotment.

This proposal is a 38% reduction from the current preference.

Ice House

The area east of Highway 264 in both Ice House and Silver Peak Allotments has very little forage available. The Ice House Allotment was originally allocated at 188 acres/AUM. The proposed Ice House allotment will be allocated at 50 acres/AUM. The new allocation excluded the following soils because they have no forage available for livestock; Salt Desert Shrub Valley, Salt Desert Shrub Hills and Pinyon-juniper.

There were 1876 acres of saline meadow and sodic soils allocated at 50 acres/AUM equaling 37 AUMs available north of private land and east of the highway in the proposed new Ice House Allotment. These saline meadows and sodic soils are adjacent to the Red Spring Allotment. This boundary is unfenced. These AUMs will be run following the White Mountain Ranch's Red Spring Allotment season of use which is July 1 to September 15.

The following table shows the proposed acres and allocations on sagebrush ecological sites in the Ice House Allotment.

Table 5 Sagebrush Vegetation Type AUMs Available in Ice House Allotment

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Sagebrush by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	2719	54
31-60	60	80 acres/AUM	1915	24
Over 60	100 (ungrazable)	No allocation	516	0

Adapted from Holocek et al., 2004

There are 8,276 acres of Sagebrush in the Silver Peak Range that will be allocated at 78 Acres/AUM.

Fish Lake Valley

The most productive vegetation is on the west side of the highway in the new Fish Lake Valley Allotment. There are 10,131 acres of sandy soils and Salt Desert Shrub Valley soils. These will be allocated at 50 acres/AUM, totaling 202 AUMs of winter range for both livestock and wild horses. The new season of use will be yearlong.

This proposed area includes the Fish Lake Valley HMA. The new AML will be 5 horses or 60 AUMs. This will leave 142 AUMs for livestock in the Fish Lake Valley Allotment. Proposed Action 5 below illustrates the proposed AML for each allotment.

Rationale:

Previous stocking rates allocated AUMs through out the allotment without regarding suitability for grazing. These new stocking rates reduce the number of available AUMs based on available forage. Areas too steep to graze or areas without forage have not been allocated a stocking rate. This will avoid potential overstocking on suitable range in the future.

These new stocking rates will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 2.3, 3.3, 3.4 and 3.5. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, Riparian Habitat and Livestock Grazing Management.

4. Range Improvements and Water Haul Sites

There are 44 range improvements in the assessment area currently not functioning. 43 CFR 4140.1, Acts prohibited on public lands, states:

(a) "Grazing permittees or lessees performing the following prohibited acts may be subject to civil penalties under 4170.1:" (5) "Refusing to install, maintain, modify, or remove range improvements when so directed by the authorized officer."

43 CFR 4170.1-1, Penalty for violations, states:

(a) "The authorized officer may withhold issuance of a grazing permit or lease, or suspend the grazing use authorized under a grazing permit or lease, in whole or in part, or cancel a grazing permit or lease and grazing preference...under subpart 4160 of this title..."

Until range improvements providing water on the following allotments are repaired or abandoned, AUMs will be suspended in the following amounts:

Table 6 Proposed Preference Available for Use According to Improvement Functionality

Allotments	Number of Waters	Waters not Functioning	AUMs Allocated	AUMs per Water	AUMs Available	AUMs Temporality Suspended
Silver Peak	29	25	3161	109	436	2725
Ice House	1	1	115	115	0	115
FLV*	0	0	142			
White Wolf	7	6	600	86	86	514
Red Spring	6	3	2641	440	1321	1320

* Fish Lake Valley

There will be a temporary reduction of the above AUMs by allotment. Upon sufficient repair of water improvements, the above AUMs allocated per water will be restored. For example: Silver Peak Allotment loses 2725 AUMs temporarily, leaving 436 AUMs. Repairing one water improvement will add 109 AUMs to the 436 AUMs available.

Fences and cattleguards are in need of repair. If fences and cattleguards are not functioning, livestock use in the vicinity of these improvements will not be permitted.

Water haul sites will be established as needed in Silver Peak, Ice House, Fish Lake Valley, Red Spring and White Wolf Allotments to open up areas not available for grazing due to lack of water. New water haul sites will be permitted only after all range improvements are functioning. Approval for all proposed water haul sites will have to be cleared through the BLM before they are established.

Once all waters are repaired and water hauls are established, forage will be allocated at 50 acres/AUM for Silver Peak, Ice House and Fish Lake Valley Allotments within four miles of water in areas suitable for livestock grazing or suitable for both livestock and wild equids.

Rationale:

Repairing range improvements will open up portions of these allotments to livestock grazing. This will meet the Mojave/Southern Great Basin RAC Standard 2a, sustaining appropriate uses. It also will meet Livestock Grazing Management objectives in the Tonopah RMP. Livestock grazing is an appropriate use of these public lands.

5. New AMLs for Fish Lake Valley HMA and Silver Peak HMA

Table 7 Wild Horse IHS and Proposed AML for the HMAs by Allotment

Herd Management Area	Allotment	IHS AML	Proposed AML
Fish Lake Valley	Fish Lake Valley	0	5
	Ice House	4	0
	Red Spring	57	49*
	Silver Peak	3	0
Silver Peak	Emigrant Peak	3	0**
	Ice House	34	0**
	Red Spring	28	0**
	Silver Peak	193	33 Burros
	White Wolf	30-50	0**

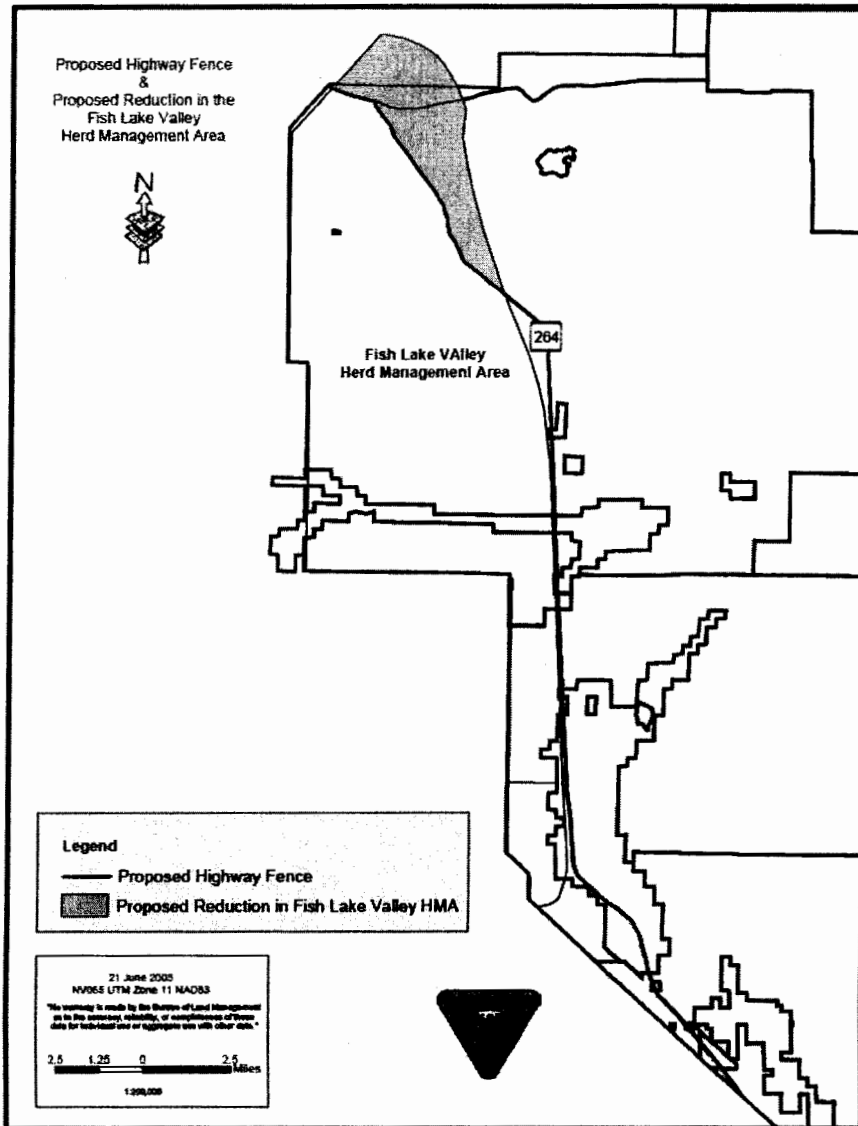
* AML will be reduced after highway is fenced.

** Horse numbers in the Silver Peak HMA will be set at zero.

Fish Lake Valley HMA

The proposed new Fish Lake Valley Allotment includes the Silver Peak and Ice House portions of the Fish Lake Valley HMA. The interim herd size is four horses in Ice House Allotment and three in the Silver Peak Allotment. This totals 7 horses equaling 84 AUMs. With a 38% reduction this equals 2 2/3 horses or a 32 AUMs reduction. This is rounded to 2 horses and 24 AUMs. The new allocation for wild horses on the Fish Lake Valley Allotment will be 5 horses or 60 AUMs.

The AML for Red Spring Allotment was set in 1994 at 57 horses. A small portion of the Fish Lake Valley HMA will be excluded when Highway 264 is fenced (see Map 4 below). This will be a loss of 96 AUMs or 8 horses when it is built. The new AML will be 49 horses. See Number 1 above.



Map 4 Proposed Highway Fence and Corresponding Reduction

Silver Peak HMA

The Silver Peak HMA is in Silver Peak, White Wolf, Ice House, Red Spring and Emigrant Peak Allotments.

The HMA lacks good winter range for horses. Much of the area is dominated by shrubs with little or no grass under-story. The highly variable precipitation results in frequent droughts. Horses often must leave the HMA to find adequate forage and water. There have been two emergency gathers in the last 9 years to remove starving and dying horses. This HMA is unsuitable habitat for wild horses and will be managed for zero horses.

Currently horse numbers are down, and wet weather this year has provided adequate forage for horses. Horses will be gathered with the Paymaster HMA gather which is the next scheduled gather in the Tonopah Planning Area.

Emigrant Peak Allotment was closed and remains closed to grazing in the RMP. This allotment has little to no forage for livestock or wild horses. There will be zero AUMs allocated to livestock and wild equids on this allotment.

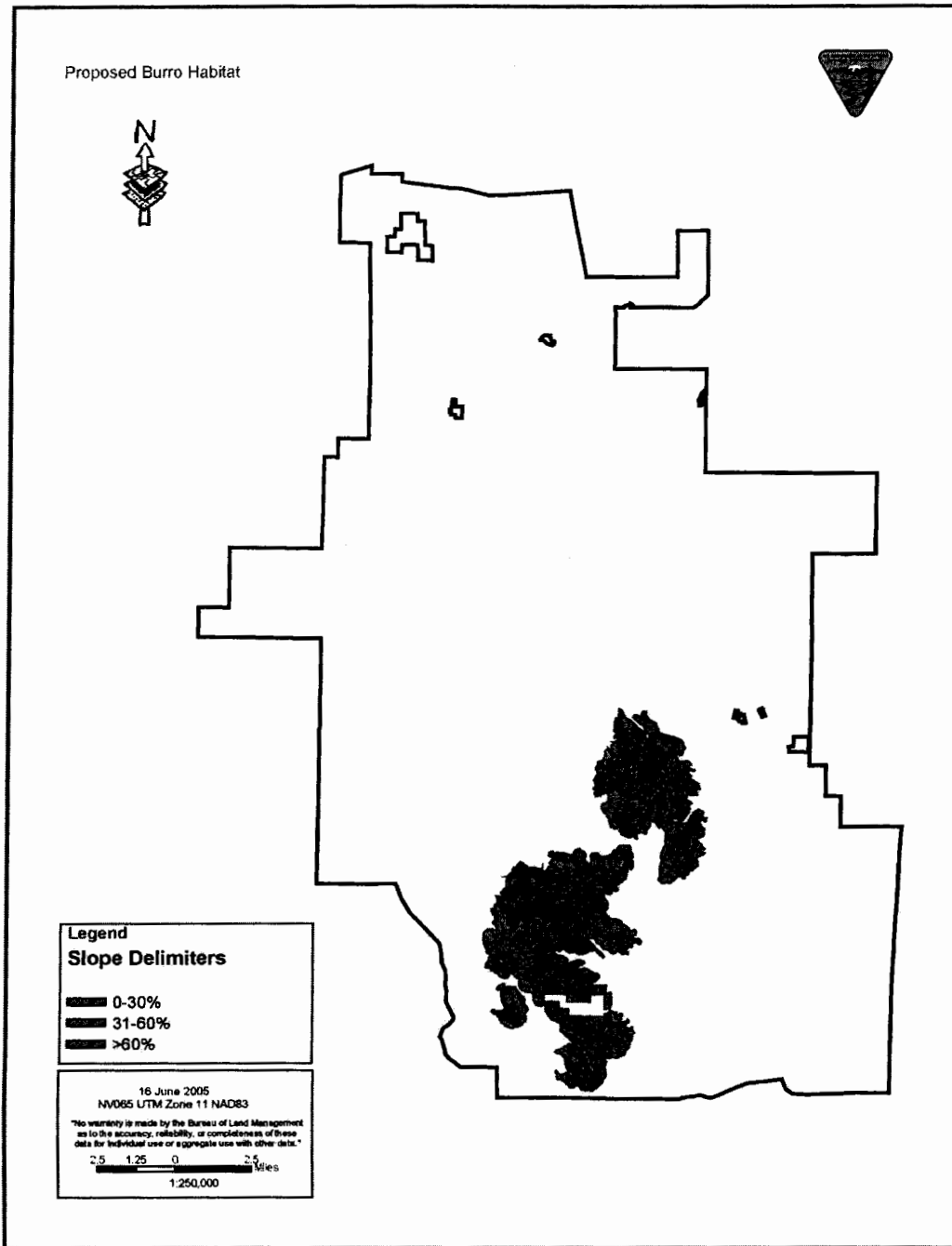
The southeastern hills just west of Clayton Valley are suitable burro range. Allocations of AUMs in Salt Desert Shrub Hills just west of Clayton Valley by the following slope classes. Half of the acres from the mixed site Sagebrush and Salt desert shrub Hills sites are included with Salt Desert Shrub Hills below.

Table 8 Salt Desert Shrub Hills AUMs Available in Silver Peak HMA

Percent Slope	Percent Reduction in Grazing Capacity	Allocation for Silver Peak Allotment	Acres of Salt Desert Shrub Hills by slope class	AUMs Allocated by slope class
0-30	None	50 acres/AUM	17,247	345
31-60	60	80 acres/AUM	3960	49
Over 60	100 (ungrazable)	No allocation	474	0

Adapted from Holochek et al. 2004

These hills provide 394 AUMs suitable for burro use. This will be just over 32 burros yearlong. This is rounded to 396 AUMs for 33 burros. Approximately 10-15 burros currently inhabit the HMA. This number will increase as burros from neighboring HMAs move in and as the resident population increases. No burros will be transplanted to this HMA from other HMAs on BLM or Forest Service lands. Refer to Map 5 below for proposed suitable burro habitat.



Map 5

Rationale:

The previous Initial Herd Size (IHS) and Appropriate Management Levels (AML) for horses on the Silver Peak HMA greatly exceeded the amount of forage available for horse use. Horses are grazers and burros are browsers, the majority of the forage in the HMA is browse. The habitat is better suited to wild burro use. The current IHS and AML numbers were allocated without regard for suitability for grazing or available forage. This new AML reduces the number of available AUMs based on

available forage. Areas too steep to graze or areas without forage have not been allocated AUMs for wild burros.

The new AML for burros is in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 1.2, 2.1, 2.2, 2.3, 3.3, 3.4 and 3.5. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, Riparian Habitat and Wild Horse and Burros.

6. A Cooperative Agreement with Inyo National Forest to manage wild horses on the White Mountain WHT and the Fish Lake Valley HMA.

Work on designing and implementing a cooperative agreement between the Inyo National Forest to manage wild horses on the White Mountain WHT and the Fish Lake Valley HMA in a manner consistent with sage grouse habitat requirements.

Rationale:

An MOU will promote cooperation between the BLM and FS to manage wild horses in the Fish Lake Valley HMA and adjacent wild horse territories, to continue to preserve sage grouse habitat. This will be in conformance with the Mojave/Southern Great Basin RAC Guideline 3.5. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, and Wild Horse and Burro.

7. Season of Use Restriction for Sage Grouse Habitat in Red Spring Allotment

This proposal is for sage grouse nesting and brood rearing concerns: work with the livestock operators on a year-to-year basis to implement a season of use restriction in the sagebrush habitat on the BLM land, within the Red Spring Allotment on the foothills of the White Mountains, so that domestic livestock do not utilize the habitat from April 1st to August 1st. If it is determined that the use of the habitat is necessary for that season in any given year then the perennial grasses and forbs within the habitat should not be used in excess of 35% as measured by the methods outlined in the Nevada Rangeland Monitoring handbook. Also, do not approve any water haul sites on BLM land within 2 ½ miles of Sagehen spring.

Rationale:

This season of use restriction will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.2, 2.1 and 3.5. This restriction will also meet Land Use Objectives for Wildlife Habitat Management and Special Status Species and be in conformance with the Bi-State Sage Grouse plan.

8. Pinyon-juniper Removal to Improve Sage Grouse Habitat

This proposal will implement a program for restoring “R-3” sage grouse habitat to “R-0” habitat by eliminating the pinyon-juniper component of the sagebrush sites in the Red Spring Allotment.

Rationale:

This project to remove trees will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 3.5 and 3.8. This will also meet Land Use Objectives for Wildlife Habitat Management and Special Status Species and be in conformance with the Bi-State Sage Grouse plan.

9. Tamarisk Eradication at the Hot Box in Fish Lake Valley

This proposed action will establish a program to systematically treat tamarisk in the vicinity of the Hot Box hot spring for the benefit of wildlife.

Rationale:

This treatment will be in conformance with the Mojave/Southern Great Basin RAC Guideline 2.3. Tamarisk is on the federal noxious weed list.

10. Implement a Wetland Enhancement Project Below the Hot Box

This proposed action will allow for the design and implementation of a wetland enhancement project to provide wetland and marsh habitat for shore birds and waterfowl and as potential refugia for the Fish Lake Valley Tui Chub (not currently found on public lands).

Rationale:

This project provides more habitat for waterfowl and shorebirds, and maybe used as a refugia for Fish Lake Valley Tui Chub and will be in conformance with the Mojave/Southern Great Basin RAC Guideline 3.5.

11. Fence Springs that are Being Damaged By Grazing Animals

Monitoring is proposed for the springs that are not attaining proper functioning condition (PFC) or making significant progress toward achieving PFC because of grazing animals. The Following springs will be fenced if monitoring determines that imminent recovery is unlikely under approved management: Fred Spring #2, Fred Spring #3, Ice House Spring #3, Fish Lake Valley Springs, #'s 2, 3 & 4. It will be necessary to allow water gaps for animals to obtain water from these fenced springs.

Rationale:

These fences will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.6, 2.7 and 3.6. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species and Riparian Habitat.

12. Fence the Forest Service boundary between White Wolf Allotment and Inyo National Forest

Fence the Forest Service boundary between White Wolf Allotment and Inyo National Forest to prevent wild horses from leaving the WHT and entering the White Wolf Allotment. There is no HMA on the western portion of the White Wolf Allotment. Use by wild horses from the neighboring WHT has been close to allowable use levels. No livestock have grazed the White Wolf Allotment when horse use has approached allowable use levels. See Appendix A, White Wolf Key Area 1.

Rationale:

This fence will be in conformance with the Mojave/Southern Great Basin RAC Guidelines 1.1, 2.3 and 3.3. This also will meet Land Use Objectives for Wildlife Habitat Management, Special Status Species, Riparian Habitat and Livestock Grazing Management.



William S. Fisher
Assistant Field Manager, Tonopah

08-25-05

Date

FINDING OF NO SIGNIFICANT IMPACT
FOR
THE FISH LAKE VALLEY COMPLEX
(Silver Peak, White Wolf, Ice House, Fish Lake Valley, and Red Spring Allotments)
Project Number: NV065-2005-037

I have reviewed Environmental Assessment (EA) NV065-2005-037, dated 15 July, 2005. After consideration of the environmental effects of the Bureau of Land Management's (BLM's) preferred alternative (Proposed Action) described in the EA and supporting documentation, I have determined that the Proposed Action with the project design specifications identified in the EA is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement is not required.

I have determined the Proposed Action is in conformance with the approved Tonopah Resource Management Plan and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ's) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The assessment area covers over 600,000 acres varying from playa receiving less than four inches of annual precipitation, to low sagebrush communities on Piper Peak at 9,449 feet in elevation receiving roughly 16 inches of precipitation. Within this area are five grazing allotments and two areas closed to livestock grazing. There are two Herd Management Areas (HMA) involved in the assessment area.

An evaluation was done (EA - NV065-2005-037) which determined whether the Resource Advisory Council (RAC) Standards and Guidelines were met as well as the Tonopah Resource Management Plan Objectives. Necessary changes identified by the evaluation included: 1) Changes in livestock preference; 2) Modification of wild horse stocking rates for two HMA's; 3) fencing Highway 264 through Fish Lake Valley for wild horse and livestock management as well as public safety. 4) Weed eradication and various beneficial wildlife management projects.

Intensity:

1) Impacts that may be both beneficial and adverse.

The EA considered both beneficial and adverse impacts of the Proposed Action.

Impacts of the Proposed Action include the following: reduced livestock and wild horse numbers; improved control of wild horses and cattle; reduced possible

disturbance by horses and cattle; increased burro numbers; decreased potential for adverse impacts to migratory birds; possible improvements to BLM Sensitive plant (Tecopa birdsbeak) habitat; improved vegetation cover for BLM Sensitive Wildlife species; improved water quality at several springs; improved functional condition for riparian areas in the Silver Peak HMA; incentive to repair non-functional range improvements, increasing available water for wildlife and livestock; and possible loss of value for White Mountain Ranch (reduction in permitted AUMs).

Impacts of the No Action Alternative would include the following: improper livestock and wild horse stocking rates; decreased vegetation cover; reduced riparian acreage rated at Proper Function Condition (PFC); and less desirable habitat for Special Status Species; continued poor condition of authorized range improvements.

None of the environmental impacts disclosed above and discussed in detail in the Environmental Consequences section of the EA and associated appendices are considered significant.

2) The degree to which the proposed action affects public health or safety.

The Proposed Action would result in a considerable improvement for public safety by reducing the likelihood of wild horse or livestock collision on parts of US Highway 6 and Highway 264 in Fish Lake Valley. There would be no adverse impacts to public health or safety as a result of the Proposed Action.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The assessment area covers over 600,000 acres of public lands. It is located in west-central Nevada in the rain shadow of the California Sierra and the White Mountains. Much of the area is in the 3-5" precipitation regime, which is extremely arid. There is one Wilderness Study Area involved and no prime farmlands, park lands or wild and scenic rivers. There are no ecologically critical areas, but sage grouse habitat is a concern which has resulted in modified management practices proposed in the EA.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Proposed Action is not expected to be controversial. The BLM has coordinated with permittees, interested publics, and the Nevada Department of Wildlife (NDOW).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects of the Proposed Action identified in the EA that are considered uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action would not establish a precedent for future actions with significant effects or represent a decision about future consideration.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The reasonably foreseeable future actions have been considered in the cumulative impacts analysis within the EA. In addition, for any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to surface disturbing activities, such as the proposed highway fencing project.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

The BLM has committed to no adverse effects on National Register eligible cultural resources as a result of the Proposed Action.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA), as amended, of 1973.

Special Status Species occurring or potentially occurring within the Project Area were identified through the following sources: 1) NNHP database search; 2) a list of species potentially occurring in the Project Area prepared by the U. S. Fish and Wildlife Service (USFWS) Nevada Fish and Wildlife Office; 3) a list of BLM Sensitive Species prepared by the BLM; and 4) personal communications with BLM, NDOW, and USFWS personnel. Bald eagles, a federally listed threatened species, are known to inhabit the Project Area during the winter. This habitat is not considered "Critical" under the Endangered Species Act of 1973.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The Proposed Action would not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment.

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