

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City Field Office
5665 Morgan Mill Rd.
Carson City, NV 89701
(775) 885-6000

In Reply Refer To:
4160/4770
(NV-032)
CF-2700019

CERTIFIED MAIL (7004 2890 0003 0317 5225)
RETURN RECEIPT REQUESTED

Richard Huntsberger
P.O. Box 250
Smith, NV 89430

RECEIVED

APR 24 2006

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Dear Mr. Huntsberger:

NOTICE OF PROPOSED DECISION

INTRODUCTION

The Clifton Flat Allotment consists of a total of 7,589 acres of public lands in the Carson City Field Office. Current active preference is 360 AUM's. A variable number of cattle graze the allotment each year during the period 11/01-03/31. The permittee runs a commercial range cattle operation consisting of a cow and calf herd with replacement heifers and yearlings. The Clifton Flat Allotment is primarily arid-land fan with rugged mountain foot hills and mountains.

The Record of Decision for the Lahontan Environmental Impact Statement and Resource Management Plan (RMP) was issued in 1987. These documents established the multiple use goals and objectives which guide management of the public lands on Clifton Flat Allotment. The Lahontan Rangeland Program Summary (RPS) was issued in 1989, which further identified the allotment specific objectives for Clifton Flat Allotment. The Carson City Field Office established the 2001 Consolidated Resource Management Plan which incorporates decisions from eight major field office planning documents and five amendments to these plans.

As identified in the Lahontan Rangeland Program Summary, monitoring was established on the Clifton Flat Allotment to determine if the existing multiple uses for the allotment were consistent with attainment of the objectives established by the Resource Management Plan. Since 1993, monitoring data has been collected and this data has been analyzed, through the allotment standards & guidelines analysis process, to determine progress in meeting multiple use objectives for the Clifton Flat Allotment, and to determine if changes in the existing management are required in order to meet specific multiple use objectives for this allotment.

BACKGROUND

An allotment standards and guidelines analysis was completed on the Clifton Flat Allotment in order to document current conditions and determine if the allotment is currently achieving applicable Rangeland Health Standards and conforming to the proper Guidelines for Livestock Grazing Management. As a result of this determination, it was found that current livestock practices meet the Standards. Action will be taken in order to provide for additional improvement in condition of the range resource in areas where more shrubs and grasses are needed. There are an adequate number of mature shrub plants to provide a viable seed source for recruitment. Over time, by lowering the utilization levels to 45% where winterfat and budsage exists, and 45% where Indian ricegrass and Thurber's needlegrass exists, this would result in conditions that would favor both key shrubs and grasses.

An Environmental Assessment (#EA-NV-030-06-14) has been completed. This EA analyzed various actions that could be taken to address this situation. The Proposed Action analyzed in this EA has become the basis for my proposed decision on a course of action to maintain or improve vegetation conditions on the allotment.

The vegetation condition on the allotment can be improved by increasing the number of desirable shrubs (winterfat and budsage) and desirable grasses such as (Indian ricegrass and Thurber's needlegrass). In the 1990's, there were drought years which contributed to the reduction of the shrubs and grasses. The affected area is slowly recovering.

CF-01 trend is downward for Indian ricegrass and Budsage. During the period from 1993 to 2004 during March to June, we were in an extreme drought which resulted in some areas of heavy utilization since the plants didn't have the normal growth patterns. Plants were only growing about half their normal size.

In 2001-2002, the Clifton Flat Allotment has less than 37% heavy utilization. Most of the allotment had light to moderate utilization, which means some of the native plant species were not grazed. There was a problem with cattle remaining too long in a few areas. This caused the perennial grass utilization around the water developments to exceed 55% in some small localized areas.

The proposed limit of 45% utilization on desirable shrubs such as winterfat and budsage and 45% utilization on desirable grasses such as Indian ricegrass and Thurber's needlegrass should improve the condition of the plants. This should improve both the condition and trend.

FINDING OF NO SIGNIFICANT IMPACT (FONSI):

Based on the analysis of Environmental Assessment EA-NV-030-06-14, I have determined that the proposed action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared. I have determined that the proposed project is in conformance with the approved land use plan.

I have determined the proposed action is in conformance with the approved Consolidated Resource Management Plan, dated May 2001 for the Carson City Field Office, 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) criteria for significance (40 CFR 1508.27), both with regard to the context and intensity of impacts described in the EA.

Context: The Clifton Flat Grazing Allotment is located approximately 15 miles southwest of Silver Springs, NV and is within the jurisdictional boundary of the Carson City Field Office of the Bureau of Land Management (BLM). The allotment boundary is not fenced except a portion along the Carson River and a portion of the western boundary. The Clifton Flat Allotment is 7,589 acres in size with 7,589 of public land. The BLM is currently considering the renewal of the term livestock grazing permit for this allotment.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The environmental assessment has considered both beneficial and adverse impacts of grazing on public lands. On the whole, the proposed action would result in improved vegetative condition and wildlife habitat. Improving ecological conditions is an improvement in the quality of the human environment through the management of rangeland resources, and is not considered a significant effect in either the short or long term.

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

The proposed action would have no effect on public health and safety.

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.*

There are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. As a standard operating practice, activities which result in the congregation of livestock are not authorized in areas with known historic and cultural values.

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

The effects of livestock grazing and range improvement projects are well known and documented and are not highly controversial. Livestock management techniques are scientifically accepted methods of achieving both domestic livestock grazing and natural resource management goals. These practices are not considered highly controversial.

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 which are considered uncertain or involve unique or unknown risks. The proposed action is comprised of accepted standard practices of livestock grazing.

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 does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. All future grazing systems and range improvements, if they occur would be subject to the same environmental assessment standards and independent decision making.

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

No significant cumulative impacts have been identified in the EA. Other grazing and range improvement projects may be proposed within the grazing allotment in the future and other land uses are ongoing within the same geographic area. These projects seen together with other land uses would not result in cumulatively significant impacts at the local or watershed scale.

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.

No districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP would be affected by the proposed action. Nor would the proposed action result in the loss or destruction of significant scientific, cultural or historical resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat has been determined to be critical under the ESA of 1973.

No threatened or endangered species or their habitats were identified in the project area.

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

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

PROPOSED DECISION

It is my proposed decision to implement the Proposed Action as described in Environmental Assessment EA-NV-030-06-14 for authorization of livestock grazing use on the Clifton Flat Allotment.

Implementation of the Proposed Action will authorize (1) A new ten year grazing permit for grazing use on the Clifton Flat Allotment, (2) In the Clifton Flat Allotment, 72 cattle would be grazed with a period of use (November 1 to March 31) each year, with a total of 360 AUMs. The BLM Federal Range is 100% of the allotment, (3) Limit utilization on desirable shrubs (winterfat (EULA) and budsage (ARSP)) so as not to exceed 45% in the upland key areas in the allotment, (4) Limit utilization on desirable grasses (Indian ricegrass (ORHY) and Thurber's Needlegrass (STTH2)) so as not to exceed 45% in the upland key areas in the allotment, (6) Existing water hauling sites would be required to be used each year, and (7) Improve existing ecological condition and trend.

RATIONALE

The Proposed Action will improve livestock distribution. Lower utilization levels within the service area of existing waters will result, while the acreage utilized in the allotment will increase. The improved distribution pattern will make progress towards meeting objectives outlined in the 2001 Consolidated Resource Management Plan and technical recommendations in the Clifton Flat Allotment Standards and Guidelines Analysis.

The degree of allowable use of grasses (45%) and shrubs (45%) were taken from the Nevada Rangeland Monitoring Handbook for a spring and summer grazing operation. The general allotment use is from 11/01 to 03/31. These plants can sustain as much as 50% use of the current year's growth without damage to the plant. The growing period for the key plant species is from 03/01 to 08/15 each year. Use during the growing season will be limited by the 45% utilization on the desirable shrubs and 45% utilization on the desirable grasses from year to year. Both uses will be in the moderate (41% to 60%) utilization class. This utilization level was recommended as the proper use. The proper use is the degree of utilization of current year's growth which, if continued, will maintain or improve the long term productivity of the site.

When the utilization level is reached on shrubs or perennial grasses, cattle will be removed from the area or the allotment.

AUTHORITY

The following citations are contained in 43 CFR subparts 4100:

{§4100.0-8} states that “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).”

{§4110.3} states that “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.”

{§4130.3} states that “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.”

{§4130.3-1} states that “(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 or 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.”

RIGHT OF PROTEST AND/OR APPEAL

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 Assistant Manager, Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701 within 15 days after receipt of such decision. At this time, the Bureau of Land Management will not accept protests or appeals sent by electronic mail. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR 4160.3(b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

APPEAL:

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the Assistant Manager, Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

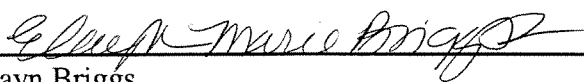
Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or it's representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Elayn Briggs
Assistant Manager, Renewable Resources
Carson City Field Office

4/24/06

Date

cc (by certified mail):

1. (7004 2890 0003 0317 5232)
Western Watersheds Project
C/O Katie Fite
P.O. Box 2863
Boise, ID 83701
2. (7004 2890 0003 0317 5249)
Hodges Transportation Inc.
P.O. Box 234
Carson City, NV 89702
3. (7004 2890 0003 0317 5256)
Yerington Paiute Tribe
Chair, Mr. Wayne Garcia
171 Campbell Lane
Yerington, NV 89447
4. (7004 2890 0003 0317 5263)
Pyramid Lake Paiute Tribe
Chair, Mr. Norman Harry
P.O. Box 256
Nixon, NV 89424
5. (7004 2890 0003 0317 5270)
Nevada Clearing House (1 copy)