

# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Ely Field Office  
HC33 Box 33500 (702 N. Industrial Way)  
Ely, Nevada 89301-9408  
<http://www.blm.gov/nv/st/en.html>



In Reply Refer to:  
4160 (NV-042)

AUG 13 2008

Mr. Henry C. Vogler  
HCR 33 Box 33920  
Ely Nevada 89301

CERTIFIED MAIL 70060810000571207664  
RETURN RECEIPT REQUESTED

## PROPOSED DECISION

### Background Information

On August 13, 2008 the Finding of No Significant Impact (FONSI) for the Hank Vogler (North Steptoe Allotment and North Steptoe Trail) term permit renewal (EA No. NV-040-06-020) was signed. The FONSI, Environmental Assessment (EA) and Standards Determination Document are attached. This proposed decision is issued in accordance with 43 CFR 4160.1.

This decision complies with BLM Nevada Instruction Memorandum (IM) No. NV-2006-034 which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126.

The term grazing permit under consideration is for North Steptoe Allotment (#00405) and North Steptoe Trail (#00426) (see figure 1, General Location Map, Appendix 1 Standards Determination Report). North Steptoe Allotment is a sheep allotment with a permitted use of 1,289 AUMs of which 589 AUMs are historic suspended and 700 AUMs are permitted use. The current season of use is from October 1<sup>st</sup> to March 15<sup>th</sup>. North Steptoe Trail is an adjudicated sheep trail with a total permitted use of 253 AUMs of which 0 AUMs are historic suspended and 253 AUMs are permitted use. The current season of use is September 15<sup>th</sup> to October 15<sup>th</sup> and March 1<sup>st</sup> to April 1<sup>st</sup>. North Steptoe was ranked as an "M" (maintain) category allotment and North Steptoe Trail was ranked as a "C" (custodial) category allotment in the Egan Rangeland Program Summary (May 1988). The current term permit for the North Steptoe Allotment and the North Steptoe Trail has been issued for the period 10/12/2003 to 10/11/2013. North Steptoe Allotment is approximately 13,079 acres. North Steptoe Trail encompasses approximately 9,129 acres along the adjudicated portion which includes portions of the North Steptoe, Cherry

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BUDGET AND PLANNING DIVISION

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Creek and Becky Creek Allotments. The North Steptoe Trail also encompasses approximately 11,563 acres along the unadjudicated portion which includes portions of Becky Springs and Chin Creek Allotments. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for Hank Vogler for the North Steptoe Allotment and North Steptoe Trail provides for a legitimate multiple use of the public lands and includes terms and conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for the Northeastern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land management that are designated as available for livestock grazing through land use plans". This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met and that significant progress is made towards those that are currently not met.

The standards were assessed for the North Steptoe Allotment and North Steptoe Trail by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the Soil Survey of Western White Pine County Nevada, Ecological Site Descriptions for Major Land Resource Area 28B, Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996) and the National Range and Pasture Handbook (USDA-NRCS 1997). All are available for public review in the Ely BLM Field Office. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The assessment of rangeland health for the North Steptoe Allotment and North Steptoe Trail was conducted in March, 2007. It was determined that the Standards were not being achieved however grazing management was determined not to be a causal factor. A review and analysis of the monitoring data was conducted. As a result of this review, no additional terms and conditions are needed for management practices to conform to guidelines and achieve standards. The complete standards determination is located in Appendix I of the EA (EA-NV-040-06-020). A summary of the findings for the allotment are as follows:

1. Upland Sites Standard (Not Achieving the Standard, but making significant progress towards).
2. Riparian and Wetland Sites Standard (Not Achieving the Standard, but making significant progress towards).
3. Habitat Standard (Not Achieving the Standard, but making significant progress towards).

## Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) not achieved. The majority of the allotment including the trail portion is making progress towards achieving the standard. There are areas of concern not meeting the standard and should continue to be monitored.

Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush, mountain big sagebrush/low sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush, Wyoming sagebrush and low sagebrush communities and the resulting loss of the soil resources. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impact.

Existing grazing management and levels of grazing use within the North Steptoe Allotment and North Steptoe Trail are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, mountain big sagebrush/low sagebrush and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought and fire suppression. The current livestock grazing management system conforms to the guidelines.

Standard 2 (Riparian and Wetlands Sites Standard) not achieved. The riparian areas within the allotment are making progress towards achieving the standard. Existing grazing management and levels of grazing are not a causal factor. Pinyon juniper trees surrounding the spring have probably decreased the spring flow and decreased the riparian habitat.

Standard 3 (Habitat Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. Existing grazing management and levels of grazing use on native range within the North Steptoe and along the North Steptoe Trail are not causal factors in failing to achieve the habitat standard. The current management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression and drought (see Standards Assessment and Evaluation Report for the North Steptoe Allotment and North Steptoe Trail Appendix 1). Rangeland monitoring data is located in Appendix I of the Standards Assessment and Evaluation Report.

Noxious weed species are located within the project area, as verified by the Ely Field Office Weeds Inventory. Within the allotment, along Highway 489, there are infestations of squarrose knapweed (*Centaurea virgata*). There is bull thistle (*Cirsium vulgare*) found at some of the springs up around Chicken Knoll and at Indian Springs. Outside of the allotment, west of the allotment along Highway 489 there are infestations of Russian knapweed (*Acroptilon repens*), salt cedar (*Tamarix spp.*), and hoary cress (*Lepidium draba*). South of the allotment along Highway 93 there are infestations of russian knapweed, hoary cress, and spotted knapweed (*Centaurea stoebe*). The invasive non-

native grass cheatgrass is present in sagebrush range within the allotment. The invasive species halogeton is common along roadways in the allotment and winterfat and saltbrush sites along and adjacent to the trail in Becky Springs and Chin Creek Allotments.

The project proposal was posted on the Ely Field Office web site, February 8, 2007, at [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

The preliminary EA was posted on the Ely external webpage on September 21, 2007 for a thirty day comment period. A hard copy of the preliminary EA was mailed to the permittee and those members of the public who have specifically requested one and who have expressed an interest in range management actions on the North Steptoe Allotment and North Steptoe Trail September 25, 2007. Comments were received from Western Watersheds Project October 13, 2007. They were reviewed and considered associated with completing the final EA.

### LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1 permitted use for Hank Vogler on the North Steptoe Allotment and North Steptoe Trail will be as follows:

**Table 1. Current Term Permit for Hank Vogler (#2704625)**

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
North Steptoe 00405	630 Sheep	10/01	03/15	100	Active	692
North Steptoe Trail 00426	630 Sheep	09/15	10/15	100	Active	253
		03/01	03/30			
*% Public Land is the percent of public land for billing purposes.						
**AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						
Allotment AUMs Summary						
ACTIVE AUMS		SUSPENDED AUMS		PERMITTED USE		
700		589		1,289		

The renewal of the term grazing permit will be for a period of ten years. This decision will be effective upon the decision becoming final or pending final determination on appeal. There are no proposed changes to the terms and conditions. Utilization objectives for the allotment were further quantified in the Terms and Conditions.

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Mr. Hank Vogler.

1. The North Steptoe Allotment has an active preference of 700 AUMs of sheep use. The season of use is from 10/01 to 3/15. The North Steptoe Trail has a permitted use of 253 AUMs of sheep use.

2. Grazing use in will be in accordance with the Northeastern Great Basin Area Standards and Guidelines, and with the final multiple use decision dated December 24, 1992.
3. No motorized access is permitted within the designated Becky Peak Wilderness without approval of the field manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not adversely affect the natural environment.
4. Allowable use levels within the allotment will be as follows;  
Utilization on grasses and forbs will not exceed 55% utilization of shrubs will not exceed 45% of current year growth. Utilization levels in riparian areas will not exceed 50%. If utilization levels are reached, sheep will be moved to areas where utilization levels have not reached the above levels.

#### Other terms and conditions

1. Grazing will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.
2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.
3. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with visa, mastercard or American express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.
6. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at

43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

### **Rationale For No Changes in Grazing Use**

Existing grazing management and levels of grazing use within the North Steptoe Allotment or North Steptoe Trail are not causal factors in failing to achieve the upland site, riparian or habitat Standards. There are no additional terms and conditions needed for management practices to conform to guidelines and achieve standards. The current terms and conditions of the term grazing permit will continue unchanged.

**AUTHORITY:** The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent part:

4100.0-8: "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 CFR 601.0-5(b)."

4110.3: "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: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(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."

4130.3-1 (c) "Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

4130.3-2: "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."

4130.3-3: "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..."

4160.1 (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."

4160.1 (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."

4160.3 (a) "In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

(b) Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

(c) A period of 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final as provided in paragraph (a) of this section, is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section. See Secs. 4.21 and 4.470 of this title for general provisions of the appeal and stay processes."

4180.1: "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."



## Protest and 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 Michael Brown, Field Manager, Schell Field Office, HC33 Box 33500, 702 North Industrial Way Ely, Nevada 89301 within 15 days after receipt of such decision. 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 unless otherwise provided in the proposed decision.

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 and 4160.4, any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the proposed decision becomes final as provided in 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer Michael Brown, Field Manager, Schell Field Office, HC33 Box 33500, 702 North Industrial Way Ely, Nevada 89301. 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 its 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)).

Sincerely,



Michael Brown  
Field Manager  
Schell Field Office

Enclosures:

1. Finding of No Significant Impact (FONSI )
2. EA NV-040-06-020 (including the standards determination document)

cc:

Animal Welfare Institute  
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Wildlife Biologist  
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70060810000571207725

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Steven Carter P. O. Box 27 Lund, Nevada 89317	70060810000571207688
Steve Foree Nevada Division of Wildlife 60 Youth Center Road Elko, Nevada 89801	70060810000571207695
Thelora Kemp P. O. Box 1030 McGill, Nevada 89318-1030	70060810000571207701
Curt Leet HC 32 Box 32120 Ely, Nevada 89301	70060810000571207732
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Cindy MacDonald 3605 North Silver Sand Court North Las Vegas, Nevada 89032	70060810000571207756
Betsy MacFarlan ENLC P. O. Box 150266 Ely, Nevada 89315	70060810000571207749
Laurel Marshall HC 62 Box 62114 Eureka, Nevada 89316	70060810000571207800
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Meghan Wereley 70060810000571207787  
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Department of Administration E-mailed  
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Carson City, NV

**FINDING OF NO SIGNIFICANT IMPACT  
FOR  
Hank Vogler Term Permit Renewal (North Steptoe Allotment and North Steptoe  
Trail)  
EA # NV-040-06-020**

I have reviewed Environmental Assessment (EA) NV-040-06-020, dated August 13, 2008. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-06-020 has been reviewed through the interdisciplinary team process.

I have determined the proposed action is in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated September 21, 1984 and Egan Resource Area Record of Decision (ROD) signed February 3, 1987. 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 the intensity of impacts described in the EA.

**Context:** The North Steptoe Allotment and North Steptoe Trail is located 40 miles north northeast of Ely, Nevada in Steptoe Valley. It is situated on the northern end of the Schell Creek Range. The allotment encompasses 13,079 acres of BLM managed lands, all in White Pine County, Nevada. White Pine County is sparsely populated, with approximately one person per square mile. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

**Intensity:**

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

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc. Thresholds are established on pages 93 through 95 in the Egan Draft Resource Management Plan and Environmental Impact Statement.

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

The Proposed Action will not result in potentially substantial or adverse impacts to 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 parks, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment. The primary prehistoric site type consists of lithic scatters. Historic values include a small portion of the Historic Lincoln Highway which runs north and south through the allotment and trail. The permit renewal would not diminish the characteristic of the lithic scatters or the Lincoln Highway.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS). Although public input has been sought for the proposed action, there has been little public interest and only a few comments on effects analyzed in the attached EA.

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

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives. The effects analysis demonstrates the effects are not uncertain, and do not involve unique or unknown risk (EA Chapters IV & V).

**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 will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Renewing the grazing permit does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future projects within the area or in surrounding areas will be analyzed on their own merits and implemented or not, independent of the actions currently selected.

**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. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in cumulatively significant impacts (EA Chapter V). For any actions that may be propose in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

**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 historic Lincoln Highway runs from the north end of the allotment to the south end in the west half of the allotment and along the trail. Evaluations of any known eligible sites within the allotment determined that the proposed action will not cause their loss or destruction, nor of any 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 that has been determined to be critical under the ESA of 1973.***

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. The action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed and documented (EA Chapter IV). The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, as amended.

**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 will 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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Michael Brown  
Field Manager  
Schell Field Office

8-13-08

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Date

**U.S. Department of the Interior  
Bureau of Land Management**

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**Environmental Assessment NV-040-06-020  
August 13, 2008**

**Grazing Permit Renewal for Hank Vogler on the North  
Steptoe Allotment and North Steptoe Trail**

*Location: Schell Field Office, T. 20 N., R. 64 E., all or portions of sections 1 through 3, 10 through 15, 22 through 27 and 34 through 36 MDBM. The adjudicated trail and the remainder of the trail include portions of: T. 23 N., R. 64-65 E., T. 24 N., R. 64-65 E., T. 25 N., R. 64-65 E.; all in White Pine County, Nevada.*

*Applicant/Address: Bureau of Land Management, HC 33 Box 33500, Ely NV 89301*

U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office  
Phone: 775-289-1800  
Fax: 775-289-1910





PRELIMINARY ENVIRONMENTAL ASSESSMENT

NV-040-06-020

GRAZING PERMIT RENEWAL FOR HANK VOGLER ON  
THE NORTH STEPTOE ALLOTMENT  
AND NORTH STEPTOE TRAIL

United States Department of the Interior  
Bureau of Land Management  
Ely Field Office

Prepared by: Brett Covlin  
August 13, 2008

## I. INTRODUCTION

### Background Information

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew a term grazing permit for Hank Vogler on the North Steptoe Allotment and North Steptoe Trail. It is tiered to and incorporates by reference the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), which disclosed the cumulative impacts of grazing actions in the Egan Resource Area. This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. Both the proposed action and alternatives to the proposed action are considered.

The term grazing permit under consideration is for North Steptoe Allotment (00405) and North Steptoe Trail (00426) (see figure 1, General Location Map, Appendix 1 Standards Determination Report). North Steptoe Allotment is a sheep allotment with a total permitted use of 1,289 AUMs of which 589 AUMs are historic suspended and 700 AUMs are permitted use. The current season of use is from October 1<sup>st</sup> to March 15<sup>th</sup>. North Steptoe Trail is an adjudicated sheep trail with a total permitted use of 253 AUMs of which 0 AUMs are historic suspended and 253 AUMs are permitted use. The current season of use is September 15<sup>th</sup> to October 15<sup>th</sup> and March 1<sup>st</sup> to April 1<sup>st</sup>. North Steptoe was ranked as an "M" (maintain) category allotment and North Steptoe Trail was ranked as a "C" (custodial) category allotment in the Egan Rangeland Program Summary (May 1988). The current term permit for the North Steptoe Allotment and the North Steptoe Trail has been issued for the period 10/12/2003 to 10/11/2013. North Steptoe Allotment is approximately 13,079 acres. North Steptoe Trail encompasses approximately 9,129 acres along the adjudicated portion which includes portions of the North Steptoe, Cherry Creek and Becky Creek Allotments. The North Steptoe Trail also encompasses approximately 11,563 acres along the unadjudicated portion which includes portions of Becky Springs and Chin Creek Allotments.

An allotment evaluation, management action selection report and Grazing Final Multiple Use Decision (FMUD) was completed and issued December 24, 1992 for the North Steptoe Allotment. The analysis of monitoring data determined that objectives were being met for the existing grazing use by livestock, wildlife and wild horses under current management practices. The decision proposed no changes in livestock, wildlife and wild horse numbers. The decision did change the season of use for livestock from late winter/spring to fall/winter to better facilitate the livestock operation and benefit the range resource by eliminating livestock grazing during the critical spring growing season.

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997.

An assessment of the rangeland health was conducted during the permit renewal process. A review of the monitoring data was conducted and an assessment of rangeland health has been

completed. As a result of this assessment, no changes in the livestock management practices have been identified as necessary to meet or maintain rangeland health standards. The assessment was based on rangeland monitoring data that is summarized within appendix 1. As a result of the assessment and monitoring data review, it has been determined that the Standards and Guidelines for Rangeland Health are not meeting the standard but making significant progress toward being met on the North Steptoe Allotment and North Steptoe Trail. A summary of this finding for the allotment follows:

1. Upland Sites Standard (Not Meeting the Standard, but making significant progress towards).
2. Riparian and Wetland Sites Standard (Not Meeting the Standard, but making significant progress towards).
3. Habitat Standard (Not Meeting the Standard, but making significant progress towards).

#### Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) not achieved. The majority of the allotment including the trail portion is making progress towards achieving the standard. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush, mountain big sagebrush/low sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush, Wyoming sagebrush and low sagebrush communities and the resulting loss of the soil resources. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impact.

Existing grazing management and levels of grazing use within the North Steptoe Allotment and North Steptoe Trail are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, mountain big sagebrush/low sagebrush and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought and fire suppression. The current livestock grazing management system conforms to the guidelines.

Standard 2 (Riparian and Wetlands Sites Standard) not achieved. The riparian areas within the allotment are making progress towards achieving the standard. Existing grazing management and levels of grazing are not a causal factor. Pinyon juniper trees surrounding the spring have probably decreased the spring flow and decreased the riparian habitat.

Standard 3 (Habitat Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. Existing grazing management and levels of grazing use on native range within the North Steptoe and along the North Steptoe Trail are not causal factors in failing to achieve the habitat standard. The current management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression and drought (see Standards Assessment and Evaluation Report for the North

Steptoe Allotment and North Steptoe Trail Appendix 1). Rangeland monitoring data is located in Appendix I of the Standards Assessment and Evaluation Report.

### **Need for the Proposal**

The need for the proposal is to provide for legitimate multiple uses of the public lands by renewing the term grazing permit for Hank Vogler for the North Steptoe Allotment and the North Steptoe Trail with new term and conditions for grazing use that conform to Guidelines and achieve the Standards for Nevada's Northeastern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) effective March 24, 1995, which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

### **Relationship to Planning**

The proposed action is consistent with Federal, State, and local laws, regulations and plans to the maximum extent possible. The proposed action is in conformance with the Management Decisions Summary approved by the Egan Resource Area Record of Decision (ROD) which was finalized on February 3, 1987 and helps to implement the livestock management decisions from this approved land use plan. The proposed action has been analyzed within the scope of other relevant plans and is in conformance with statutes, regulations, and executive orders listed below:

- State Protocol Agreement Between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office (1999)
- Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997)
- White Pine County Elk Management Plan approved March 1999.
- White Pine County Land Use Plan (May, 1998)
- 1973 Endangered Species Act
- 1964 Wilderness Act
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)

### **Relationship to Bureau Guidance**

This document was prepared in compliance with BLM Nevada Instruction Memorandum (IM) No. NV-2006-0034, which provides guidance to facilitate the preparation of grazing permit renewals Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126. It also complies with the requirements outlined in the following policies and manuals:

- BLM Manual H-4180-1, Land Health Standards

- BLM Manual 8560, H-8560-1, 8561 (Wilderness Management)  
 “The BLM must foster a natural distribution of native species of wildlife, fish and plants by ensuring that ecosystems and ecological processes continue to function naturally” (.11 A 1).
- BLM Manual 8400 – Visual Resources Management

**Identification of Issues**

The permit renewal proposal was scoped internally by resource specialists on July 24, 2006 at the Ely BLM Field Office. It was identified that the allotment is not achieving three of the three Standards for Rangeland Health as written by the Northeastern Great Basin RAC. No other issues were identified. The public was afforded the opportunity to provide comments on this preliminary EA.

**II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

**Proposed Action**

The Bureau of Land Management would issue and fully process a new term grazing permit for Hank Vogler on the North Steptoe Allotment and North Steptoe Trail and authorize livestock grazing on the North Steptoe Allotment and North Steptoe Trail. The current term permit and allotment information follows:

Allotment Number/ Name	Livestock Number/ Kind	Grazing Period		% PL*	Type Use	AUMs**	Permitted Use		
		Begin	End				Permitted use	Historic Suspended	Total
00405 North Steptoe	630 Sheep	10/01	03/15	100	Active	692	700	589	1,289
00426 North Steptoe Trail	630 Sheep 630 Sheep	09/15	10/15 03/01 - 03/30	100	Active	253	253	0	253

\* % PL is the percent of public land for billing purposes.

\*\* AUMs may differ from Active Preference due to a rounding difference with the number of livestock and the period of use.

The renewal of the term grazing permit would be for a period of ten years. North Steptoe and North Steptoe Trail in combination with other allotments would continue to add flexibility to the overall livestock operation which results in decreased utilization levels in North Steptoe and other allotments. Including this allotment in the overall rotation of livestock would be beneficial for vegetation and soils. The terms and conditions would change to address the Becky Peak Wilderness created through the White Pine Public Lands Act P.L. 109-432. There

are no other proposed changes to the terms and conditions, (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment are further quantified in the Terms and Conditions.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

### Monitoring

Rangeland monitoring data would continue to be collected for the North Steptoe Allotment and North Steptoe Trail to determine if the livestock management practices are continuing to meet or making progress towards meeting the Standards for Rangeland Health and other vegetative objectives for the allotments.

Monitoring studies may include use pattern mapping, key forage plant method utilization transects (KFPM), cover studies, ecological condition studies, frequency trend studies, observed apparent trend studies, weed detection, professional observations, and photographs. Rapid riparian assessment (proper functioning condition studies) would be conducted on an as needed basis. Baseline monitoring (ecological condition, cover, utilization, and trend) may be conducted in association with watershed assessment.

Prior to authorizing annual grazing use, monitoring should be conducted to determine forage availability, grazing use areas and grazing management practices. Following the grazing period, monitoring may be conducted to determine overall utilization levels and grazing use patterns.

Monitoring data would continue to be collected by the BLM for the allotment including utilization (use pattern mapping and key area), ecological condition, trend and cover. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit would be revised subject to revised terms and conditions. The term permit renewal area would also be monitored on a regular basis for noxious weeds and non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix 3.

### **No Action Alternative**

The no action alternative is essentially the same as the proposed action alternative except for the following changes which further quantifies the allowable use levels. "Allowable use levels within the allotment will be as follows; Utilization on grasses and forbs will not exceed 55%, utilization of shrubs will not exceed 45% of current year growth. Utilization levels in riparian areas will not exceed 50%. If utilization levels are reached, cattle will be moved to areas where utilization levels have not reached the above levels."

The Terms and Conditions were changed to address the Becky Peak Wilderness created through the White Pine Public Lands Act P.L. 109-432 and states “no motorized access is permitted within the designated Becky Peak Wilderness without approval of the field manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not adversely affect the natural environment.”

In addition, the Noxious Weed Risk Assessment identified the following measures (mitigation) for the North Steptoe Allotment and North Steptoe Trail:

The BLM will provide information regarding noxious weed management and identification to the permittee. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.

Control treatments would be initiated on noxious weed populations that establish in the project area by methods to be approved by the Authorized Officer.

The grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.

The range specialist for the allotments will include weed detection into project compliance inspection activities. Any newly established populations of noxious/invasive weeds discovered should be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Since the no action alternative is the essentially the same as the proposed action alternative it will not be further addressed in accordance with IM NV-2006-0034.

### **Other Alternatives**

Since the alternative of no livestock grazing was fully described and analyzed in the Egan proposed RMP/FEIS, the effects of not renewing the term grazing permit are not analyzed in this document. The decision in the RMP was that the lands within the North Steptoe Allotment and North Steptoe Trail would be available for grazing, in which case 43 CFR 4130.2(a) and 4130.2(e)(3), requires the issuance of grazing permits to qualified applicants that accept the proposed terms and conditions of the permit or lease. The applicant accepts the proposed terms and conditions of the permit or lease.

The Egan RMP EIS also analyzed

1. The no action alternative, which would have licensed the same number as AUM's as the chosen alternative (123,461), but would have allowed for a larger number of wild horses.
2. The conservation alternative, which would have decreased the number of AUM's to 92,308.

3. The sustained use alternative, which would have increased grazing AUM's as monitoring deemed feasible
4. The commodity alternative, which would have increased grazing AUM's to 236,316

No additional site specific alternatives are necessary for the analysis since there are no unresolved conflicts concerning alternatives uses of available resources.

### **III. DESCRIPTION OF THE AFFECTED ENVIRONMENT**

The North Steptoe Allotment (00405) encompasses approximately 13,079 acres of public land acres. Approximately 162 private land acres occur within the allotment (see figure 1, general location map). The allotment is situated in Steptoe Valley. The allotment is located entirely within White Pine County, in the north central portion of the Ely BLM District approximately 40 miles north northeast of Ely, Nevada. The allotment is situated on the west aspect of the Schell Creek Mountain Range. The western portion of the allotment borders Cherry Creek allotment and the eastern portion borders the Tippet Allotment along the Schell Creek Mountain Range. Elevations range from approximately 5,900 feet above sea level in Steptoe Valley to approximately 8,350 feet above sea level in the Schell Creek Mountain Range. Average annual precipitation is 6 – 8 inches on the valley floor to 14 – 16 inches in the mountains. The allotment is characterized by shadscale and greasewood communities in the valley bottom of Steptoe Valley, to sagebrush communities on the benchland, to pinyon/juniper and coniferous communities in the mountainous terrain of the Schell Creek Range. The North Steptoe Allotment occurs within the Steptoe B (#8B) watershed. The allotment also occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA).

The North Steptoe Trail consists of trail for sheep from the Goshute/Badlands Allotment in the Elko District to North Steptoe Allotment in the Ely District. The trail extends across Antelope Valley in Elko County and turns south through the White Pine/Elko County fence. The trail continues along the Marble Wash Canyon Road to Lookout Draw Road to old US Highway 93 to Lages Junction and to North Steptoe Allotment. The Trail includes portions of Chin Creek Allotment (Antelope Valley Use area and the north pasture of Antelope Valley 10104) and the Becky Springs Allotment (10101). The adjudicated portion of the trail crosses Cherry Creek Allotment (00403) and Becky Creek Allotment (00404) and North Steptoe Allotment (00405). There are 253 adjudicated AUMs associated with these three allotments. The trail is approximately 44 miles in length, trailing must stay within ½ mile of trail. This encompasses approximately 29,263 acres across the five allotments within the Ely District and two in the Elko District. There are four parcels of private land within the boundary of the trail this includes 3 parcels of private land (two 40 acres parcels and on 120 acre parcel) and a patented mining claim (approximately 150 acres). The private land at Lookout Spring is partially fenced. The unadjudicated trail occurs in allotments the permittee is has a preference and permitted use, for billing purposes when trailing across the allotments the AUMs used are charged to that allotment.

The trail is characterized by valley bottom, benchland and low lying pinyon juniper/sagebrush communities. Elevations along the trail range from 5,800 feet above sea level in Antelope



Valley to 6,700 feet above sea level near Lookout Springs to 6,000 feet above sea level near Lages and 6,300 feet above sea level near Schellbourne.

Generally the precipitation level is between 6 inches on the valley floors to 12 inches in the foothills and 16 inches in the upper elevations. Precipitation primarily occurs as winter snow or spring/fall thunderstorms and rains. The North Steptoe Allotment, North Steptoe Trail and the unadjudicated trail occurs within the Steptoe B (#8B), North Steptoe A (#8A), Dolly Varden and North Antelope (#7) watersheds. The allotment also occurs within the Central Nevada Basin and Range (028B) and Great Salt Lake Area (028A) Major Land Resource Areas (MLRA).

**Mandatory Items for Consideration**

Mandatory Items, which must be considered because of requirements specified in statute, regulation, or executive order, are listed in Table 1. Other elements that may be affected are further described in this EA. Those elements that are not present or would not be affected are also listed in Table 1, but will not be considered further in this document.

**Table 1. Mandatory Items for Consideration**

<b>Mandatory Item</b>	<b>No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS</b>	<b>May Affect</b>	<b>Not Present</b>	<b>Rationale</b>
Air Quality	X			<p>Sheep trailing and grazing-associated motor vehicle traffic can cause transient dust to become airborne and release combustion exhaust. The effects are transient and contribute negligibly to air quality.</p> <p>Livestock are known to emit air pollutants such as methane, and manure may produce NOx. However, sheep and manure on the range are so dispersed that this affect also has a negligible effect on air quality.</p>
Areas of Critical				Resource is not present.

Mandatory Item	No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS	May Affect	Not Present	Rationale
Environmental Concern (ACEC)			X	
Cultural Resources	X			Historic resource values (a portion of the Lincoln Highway) would not be affected by the proposed action. The primary prehistoric sites type consists of a possible prehistoric hunter and gather campsite with associated lithic scatters. No rock art or other prehistoric type features have been recorded or are known to exist.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)			X	Resource is not present.
Floodplains	X			Floodplains have not been mapped within the allotment. However, livestock grazing would have a negligible effect on the beneficial values of any floodplains within the allotment.
Migratory Birds	X			Several species of migratory birds are known to have a distribution that overlaps with the proposed action area. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock and the season of use is outside the majority of the

Mandatory Item	No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS	May Affect	Not Present	Rationale
				migratory bird nesting season within the allotment.
Native American Religious Concerns	X			A Native American Coordination Meeting was held in the BLM Ely Field Office on July 20, 2006. No concerns were identified.
Noxious weeds and non-native, invasive species		X		Surface disturbance through livestock movement may increase the risk of non-native, invasive species establishment.
Paleontological Resources	X			Paleontological resources may be present in the allotment, however due to usually being embedded within solid rock matrixes, they would not be vulnerable to disturbance by livestock.
Special Status Species- Federal listed or proposed threatened or endangered species.	X			There are no Threatened/Endangered or candidate plant or animal species known to occur on the allotments.
Special Status Animal Species- (FWS candidate, State threatened or endangered species and BLM State sensitive species)		X		Although state or BLM listed sensitive species may be present within the allotment, it is highly unlikely that individuals would be impacted by the livestock grazing as proposed in this EA due to the relative low density of livestock within the allotment and timing of use. In addition, the current livestock management practices may allow the improvement of habitat for these species. Furthermore, the species'

<b>Mandatory Item</b>	<b>No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS</b>	<b>May Affect</b>	<b>Not Present</b>	<b>Rationale</b>
				populations would not be expected to be negatively impacted by the proposed livestock grazing.
Special Status Plant Species- (FWS candidate, State threatened or endangered species and BLM State sensitive species)			X	No special status plants are located in the proposed action area, thus special status plants would not be affected by the proposal.
Wastes (hazardous or solid)	X			No hazardous or solid wastes would be introduced by the proposed action.
Water Quality (drinking)	X			The allotment does not overlap any municipal or private drinking water watersheds.
Water Quality (ground)	X			Ground water is not expected to be encountered.
Wetlands/Riparian Areas		X		There are no jurisdictional wetlands in the environment. There are five springs and associated riparian areas. Evaluation of Riparian and Wetland Sites, indicates that Standard 2 is not achieved but progress is being made toward meeting the standard.
Wild and Scenic Rivers			X	Resource is not present.
Wilderness		X		A small portion of North Steptoe Allotment is located within the Becky Peak Wilderness.

In addition to the mandatory items, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The

potential resources and uses, or non-critical elements that may be affected are listed in Table 2. A brief rationale for either considering or not considering the non-critical element further is provided. The non-mandatory item further is provided. The non-mandatory items that are considered in the EA are described in the Affected Environment (Section 3) and are analyzed in the Environmental Consequences (Section 4).

**Table 2. Other Resources and Uses**

<b>Resource or Issue</b>	<b>No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS</b>	<b>May Affect</b>	<b>Not Present</b>	<b>Rationale</b>
Soils	X			BLM Technical Reference 1730-2 (2001) indicates that Biological Soil Crusts (BSC) tend to not be associated with the forage preferred by livestock, reducing the likelihood of disturbance to crusts. Sheep could trail through open areas more likely to be associated with BSC, however the intermittent nature of the disturbance and regenerative capacity of the crusts would result in an overall negligible impact. Compaction will occur where animals congregate for drinking water. This disturbance will cover a small area.
Socioeconomics	X			Socioeconomics were disclosed in the Proposed Egan RMP/FEIS
Vegetation		X		Impacts to vegetation were disclosed in the Proposed Egan RMP/FEIS.
Wild Horses and Burros	X			The allotment and trail overlaps the Antelope Herd Management Area (HMA). Impacts to the HMA were disclosed in the Proposed Egan RMP/FEIS.
Wildlife	X			Impacts to general wildlife were

Resource or Issue	No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS	May Affect	Not Present	Rationale
				disclosed in the Proposed Egan RMP/FEIS. The North Steptoe Allotment and trail contains identified year-round elk ( <i>Cervus canadensis</i> ) habitat, but no migration corridors or crucial habitat. There is mule deer ( <i>Odocoileus hemionus</i> ) winter range on the North Steptoe Allotment. Mule deer use is identified as year-round along portions of the trail, but no migration corridors or crucial habitat. The North Steptoe Allotment and trail encompasses portions of two pronghorn antelope ( <i>Antilocapra americana</i> ) home range corridors, Steptoe Valley and Antelope Valley, as well as year-round habitat. The allotment also provides habitat for coyotes ( <i>Canus latrans</i> ), rabbits ( <i>Lepus spp. and Sylvilagus spp.</i> ), sagebrush obligate birds, and other small mammals and reptiles. The project, as proposed, should continue to provide the current level of habitat for the species presently occurring there.
Range/Livestock Grazing/Standards and Guidelines		X		Standards and Guidelines have not been met however progress toward achievement of the standard would continue.
Recreation	X			Dispersed recreation in this area includes large and small game hunting, wildlife observation and

Resource or Issue	No or Negligible Effect beyond those disclosed in the RMP/FMP/ Grazing EIS	May Affect	Not Present	Rationale
				photography, hiking and general off highway vehicle use.
Visual Resources	X			The area is currently unclassified. The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class III or IV objectives.

**Potentially Affected Elements of the Human Environment**

Based on the review of existing baseline data and surveys conducted in preparation of this EA, BLM specialists have identified the following as potentially affected elements of the human environment:

- Noxious weeds and non-native, invasive species
- Wetlands, Riparian Zones
- Wilderness
- Special Status Species (animals)
- Vegetation
- Range/Livestock Grazing/Standards and Guidelines

***Noxious weeds and non-native, invasive species***

Noxious weed species are located within the project area, as verified by the Ely Field Office Weeds Inventory. Within the allotment, along Highway 489, there are infestations of squarrose knapweed (*Centaurea virgata*). There is bull thistle (*Cirsium vulgare*) found at some of the springs up around Chicken Knoll and at Indian Springs. Outside of the allotment, west of the allotment along Highway 489 there are infestations of Russian knapweed (*Acroptilon repens*), salt cedar (*Tamarix spp.*), and hoary cress (*Lepidium draba*). South of the allotment along Highway 93 there are infestations of russian knapweed, hoary cress, and spotted knapweed (*Centaurea stoebe*). The invasive non-native grass cheatgrass is present in sagebrush range within the allotment. The invasive species halogeton is common along roadways in the allotment and winterfat and saltbrush sites along and adjacent to the trail in Becky Springs and Chin Creek Allotments.

### ***Wetlands, Riparian Zones***

Cottonwood Spring T. 23 N., R. 65 E., Sec. 7 NENW and Basin Spring T. 23 N., R. 65 E., Sec. 7 SENW are not used by livestock in the North Steptoe Allotment. They are located in the Schell Creek Range and inaccessible during the season of use by livestock. There are two small seeps in T 23 N., R. 64 E., Sec.1 SENE and SWSE which are also inaccessible during the season of use and the pinyon-juniper community. There is one spring in T. 23 N., R. 65 E. Sec. 18 NWSW which is associated with Zips Cabin. Utilization was 14 % on Great Basin wildrye and 26 percent on willow in 1991. The overall riparian site was in good to excellent condition with slight to light utilization and the ground cover was excellent with a wide variety of species. Estimated cover was 25 percent grasses, 25 percent forbs and 50% trees and shrubs. Use was made by sheep and wild horses.

Zips Cabin Creek is associated with springs and private land. It is an ephemeral creek flowing onto public lands during high water years. In 1991, it was noted that water had not flowed onto public lands for several years. Cover of grass and grasslike plants was 5 percent, forbs a trace, trees and shrubs (riparian dependent) was 40 percent and non riparian dependent 35 percent. There was 15 percent bare ground and 5 percent rock. The condition rating was fair at 50 percent.

Natural water sources within the authorized trail are limited. Becky Springs is located adjacent to the trail. Lookout Springs and Kinsley Spring are located on private land. Water is available on public lands in seeps adjacent to Lookout Springs. For a list of waters along the trail, see Appendix I the Monitoring Data Analysis of the Standards Determination Document. Proper Functioning Condition (PFC) was conducted for two spring sources within the Becky Springs Allotment portion of the trail during 2001. These studies are summarized in Appendix I the Monitoring Data Analysis of the Standards Determination Document.

### ***Wilderness***

A small portion of the Becky Peak Wilderness is located in the northern portion of the North Steptoe Allotment.

### ***Special Status Species***

There are no threatened or endangered or candidate plant or animal species known to occur on the allotments. Some state or BLM listed sensitive species may be present within the North Steptoe and North Steptoe Trail Allotments.

The nearest active Greater Sage Grouse (*Centrocercus urophasianus*) lek (strutting ground) is identified as being over five miles. The allotment may include some sage grouse nesting and early brood habitat, however most birds nest and brood within four miles of the lek. There is late summer habitat and winter habitat on the allotment.

### ***Vegetation***



The allotment is primarily dominated by black sagebrush (*Artemisia nova*) communities encompassing approximately 4,100 acres (or 32% of the area). Shadscale (*Atriplex confertifolia*) encompass approximately 3,050 acres (24%). Pinyon/juniper communities encompass approximately 2,900 acres (21%). Wyoming big sagebrush (*Artemisia tridentate wyomingensis*) communities encompass approximately 1,245 acres (10%). Other components include rock outcrops, winterfat, greasewood, mountain big sagebrush, mixed conifer and low sagebrush.

The North Steptoe Trail (the adjudicated portion) is primarily dominated by black sagebrush (*Artemisia nova*) encompassing approximately 5,900 acres (or 56% of the area). Shadscale (*Atriplex confertifolia*) encompass approximately 2,100 acres (20%). Wyoming big sagebrush (*Artemisia tridentate wyomingensis*) communities encompass approximately 1,800 acres (17%). Other components include winterfat, greasewood, pinyon and juniper, rock, big sagebrush and mountain big sagebrush.

The North Steptoe Trail (the non-adjudicated portion) is primarily dominated by black sagebrush (*Artemisia nova*) encompassing approximately 6,650 acres (or 59% of the area). Wyoming big sagebrush (*Artemisia tridentate wyomingensis*) communities encompass approximately 3,200 acres (29%). Other components include saltbush, winterfat, bud sagebrush, pinyon and juniper, shadscale, big sagebrush, spiny hopsage, mountain big sagebrush, low sagebrush, saline bottom, basin big sagebrush and fourwing saltbush.

The soils and ecological sites (range sites) within the allotment and along the trail have been described and classified by the Natural Resource Conservation Service (NRCS).

#### ***Range/Livestock Grazing/Standards and Guidelines***

The North Steptoe Allotment and North Steptoe Trail is currently permitted for sheep grazing. Historically sheep grazing occurred on this allotment. The current permit for sheep use is described above under the Proposed Action. Nonuse was taken on the allotment in 1999 and 2004. A band of sheep between 1500 and 2200 has been activated between 1998 and 2004 active use AUMs have ranged from 157 AUMs to 448 AUMs which is 23 percent to 65 percent of the 692 AUMs permitted use. This level of use is below that identified during the FMUD process. The authorized period of use has varied generally between a two weeks and a one month period of use in November or December, occasionally the allotment has been used in October, January or March.

#### **IV. ENVIRONMENTAL CONSEQUENCES**

The environmental consequences of grazing were analyzed in the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated September 21, 1984. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the EIS. There have been no major changes made with the

proposed term permit renewal that differ from the rangeland management actions presented in the EIS. The proposed action is not substantially different than the actions analyzed in the EIS. The following site specific analysis is in addition to that in the EIS.

### ***Noxious Weeds, Non-native, Invasive Species***

The proposed action could increase the populations of the noxious and invasive weeds already within the allotment and could aid in the introduction of weeds from surrounding areas, especially around areas of high disturbance such as water haul sites and mineral deposits. A Noxious and Invasive Weed Risk Assessment was completed for this action (Appendix 3) and the Risk Rating is considered to be moderate (16) at the present time. The proposed action would not impair noxious weed control. Livestock grazing by its very nature does disturb the soil surface. The disturbed surface can provide a seedbed for new infestations of invasive and noxious weeds species. Weed information provided to the permittee for on-site detection as well as periodic monitoring by BLM staff would minimize the ability for weeds to become established on the allotments. The risk assessment contains specific measures that should be followed to prevent new weeds from infesting the allotments.

### ***Wetlands, Riparian Zones***

Existing grazing management and levels of grazing are not a causal factor for the riparian area not meeting Standard 2. The proposed term permit renewal would not change the present condition of the riparian areas.

### ***Wilderness***

No motorized access is permitted within the designated Becky Peak Wilderness without approval of the field manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not adversely affect the natural environment.

### ***Special Status Species (animals)***

The term permit renewal would not be expected to result in any net change to sage grouse. It is highly unlikely that individual grouse would be impacted by the livestock grazing as proposed in this EA due to the relative low density of livestock within the allotment and the timing of the grazing. Furthermore, the overall sage grouse population management unit, referred to as the "Antelope Unit", would not be expected to be negatively impacted by the proposed livestock grazing.

### ***Vegetation***

The term permit renewal would continue to improve composition and cover, increased production and forage availability, and result in an improved rangeland condition and trend.

### ***Range/Livestock Grazing/Standards and Guidelines***

Implementation of the established grazing would lead toward achieving the Standards and Guidelines for Grazing Administration. Improvement in sheep distribution and utilization would continue to make progress towards enhanced forage production, ground cover, vigor, species composition, diversity, range condition and trend, and watershed conditions. Forage availability should increase for livestock, wild horses and wildlife.

### ***Cumulative Impacts***

The purpose of the cumulative analysis in the EA is to evaluate the significance of the Proposed Action's contributions to cumulative impacts. A cumulative impact is defined under federal regulations as follows:

“...the impact on the environment which results from the environmental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

According to the 1994 BLM Handbook “Guidelines for Assessing and Documenting Cumulative Impacts,” the analysis can be focused on those issues and resource values identified during scoping that are of major importance. No issues or resource values of major importance were identified during the EA scoping period. A general discussion of past, present, and reasonably foreseeable future actions follows:

#### **Past Actions**

Woodcutting and pinyon nut gathering have been minimal on North Steptoe Allotment. Commercial pinyon nut harvesting has been minimal. Hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildfires have not been frequent or catastrophic. Wildlife use has not been intensive in the area and has not fundamentally altered the plant communities. A Final Multiple Use Decision was issued for the North Steptoe Allotment December 24, 1992. The analysis of monitoring data revealed that all land use plan objectives for the North Steptoe Allotment were being met for existing grazing use by livestock, wildlife and wild horses under the current management practices. However, the livestock season of use permitted on the allotment changed from late winter/spring (February 1 to April 15) to fall/winter (October 1 to March 15). This change better facilitated the permittee's sheep operation as well as being beneficial to the range resource by eliminating livestock grazing during the critical spring growing season. The decision also established the appropriate management level (AML) for wild horses for the portion of the Antelope Herd Management Area (HMA) within the North Steptoe Allotment. Multiple Use Decisions have been issued for those allotments associated with the trail, Chin Creek, Becky Springs, Becky Creek and Cherry Creek. There has been a relative lack of range improvements to distribute

sheep use and improve forage utilization and rangeland health. Rangeland monitoring has been a common activity in the area. Censuses and gathers of wild horses have been conducted to achieve AML. The road to Long Gulch and Zip's Cabin on North Steptoe Allotment was mowed in 2005 as a fuels reduction project. Two additional roads were mowed, one in Cheery Creek and Becky Creek allotments and one in Becky Springs Allotment, along the North Steptoe Trail

#### Present Actions (including the proposed action)

Current activities or projects occurring in the project area are very limited. There is no current mineral mining or oil and gas exploration. There is limited mining activity in the Cherry Creek area. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. There have been no recent wildfires. Current livestock and wild horse grazing and wildlife use are not intensive in the area. Hank Vogler is permitted on North Steptoe Allotment and North Steptoe Trail. North Steptoe Allotment is a sheep allotment with a total permitted use of 1,289 AUMs of which 589 AUMs are historic suspended and 700 AUMs are permitted use. The current season of use is from October 1<sup>st</sup> to March 15<sup>th</sup>. North Steptoe Trail is an adjudicated sheep trail with a total permitted use of 253 AUMs of which 0 AUMs are historic suspended and 253 AUMs are permitted use. The current season of use is September 15<sup>th</sup> to October 15<sup>th</sup> and March 1<sup>st</sup> to April 1<sup>st</sup>. Wild horse census and gathers have been conducted.

#### Reasonably Foreseeable Future Actions

Hank Vogler would remain the permittee on North Steptoe Allotment and North Steptoe Trail. It is reasonable that the permit will be active and that sheep would be permitted to graze on the allotment and allowed to trail to the Badlands and/or other allotments. Rangeland monitoring would be expected to continue. Wild horse census and gathers to achieve AML are expected to continue. North Steptoe and North Steptoe Trail in combination with other allotments would continue to add flexibility to the overall livestock operation which results in decreased utilization levels in North Steptoe and other allotments. Including this allotment in the overall rotation of livestock would be beneficial for vegetation and soils. Dozens of range permit renewals will occur each year through 2009 and subsequent years. A fuels reduction project is being planned for the Becky Springs Allotment which would encompass a portion of the North Steptoe Trail. Currently two coal fire power plants are proposed within twenty miles of the project area. Associated with the power plants would be water wells necessary for the production of electricity. Additional power lines are proposed for the Steptoe Valley including the Southwest Intertie Project (SWIP). A wind generating farm is being studied for the area in the Egan Mountain Range, southwest of the allotment. If there is an increase in population for this area due to these proposed projects recreation use could be expected to increase for the area.

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. According to the proposed RMP/EIS, resource management would occur on a watershed basis. The area of the proposed action occurs within the Steptoe "B", Steptoe "A", Dolly Varden and North Antelope watersheds.

## Cumulative Impacts Conclusion

The proposed action in conjunction with the past actions, present actions and reasonable foreseeable future actions would result in no noticeable overall changes to the affected environment. Implementation of the proposed permit renewal would continue to meet or make progress toward meeting the rangeland health standards. No cumulative impacts of major or minor concern are anticipated as a result of the proposed project, other than those disclosed in the Egan Resource Area EIS.

## V. PROPOSED MITIGATION MEASURES

Appropriate mitigation has been included as part of the proposed action (mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix 3).and no additional mitigation is proposed based on this environmental analysis.

## VI. SUGGESTED MONITORING

Appropriate monitoring has been included in the proposed action. No monitoring is suggested in response to anticipated impacts.

## VII. CONSULTATION AND COORDINATION

### Public Interest and Record of Contacts

There is a general public interest in the proper grazing management of public lands. Hank Vogler has a strong interest in this term permit renewal.

On July 20, 2006 the North Steptoe Allotment and North Steptoe Trail Term Grazing Permit Renewal proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.

On July 24, 2006 the project was presented to the Ely BLM internal scoping team and no issues were identified. The project proposal was posted on the Ely Field Office web site, February 8, 2007, [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

On January 30, 2007 a letter by the Ely Field Office for the purpose of establishing an interested public mailing list for livestock grazing action for 2007.

On January 31, 2007 the project proposal was presented to the Ely BLM term permit renewal team for comment and no issues were identified.

On September 27, 2007 a preliminary EA was be posted for a thirty day public review and comment period on the Ely BLM external website. A hard copy of the EA was also mailed to

those interested publics who requested it, and who have expressed an interest in range management actions on the North Steptoe Allotment and North Steptoe Trail on September 25, 2007. Public comment was received from Western Watershed Project on October 13, 2007 by e-mail and a letter was received October 19, 2007. No other public comment was received. Changes in the EA based upon public input were made as appropriate.

Interested publics will again be notified by mail and on the website when the Decision Record/Finding of No Significant Impact (DR/FONSI) is signed. These documents will also be mailed to interested publics that request a hard copy. The signed DR/FONSI initiates a 15 day protest period and a 30 day appeal period.

Before including addresses, phone numbers, e-mail addresses, or other personal identifying information in comments, you should be aware that the entire comment – including personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2007, have requested additional information regarding rangeland related actions or programs within the North Steptoe grazing allotment and North Steptoe Trail:

Curtis Baughman, Nevada Division of Wildlife  
Steven Carter  
Steve Foree, Nevada Division of Wildlife  
Thelora Kemp  
Lincoln County Commissioners  
Curt Leet  
Betsy MacFarlan, ENLC  
Laurel Marshall  
Cindy MacDonald  
John McLain, Resource Concepts, Inc.  
Meghan Wereley, Nevada Cattlemen's Association  
Nevada State Clearinghouse  
Richard Orr, USDA - NRCS  
Jerry Reynoldson  
D. J. Schubert, Animal Welfare Institute  
Katie Fite, Western Watersheds Project

Record of Personal Consultation and Coordination

Hank Vogler

B. Internal District Review

Brett Covlin	Rangeland Resources
Kyle Hansen	Deputy Assistant Field Manager Renewable Resources
Kari Harrison	Soil/Water/Air
Sue Howle	Environmental Coordination
Dave Jacobson	Wilderness
Dave Jeppesen	Visual Resources/Recreation
Deb Koziol	Wildlife/T & E Species/Riparian
Lorie Leshar	Cultural Resources
Chris Mayer	Rangeland Resources
Gary Medlyn	Soil/Water/Air
Ben Noyes	Wild Horses
Melanie Peterson	Wastes, Hazardous & Solid
Jake Rajala	Environmental Coordination
Carolyn Sherve-Bybee	Environmental Coordination
Bonnie Waggoner	Noxious Weeds
Sheri Wysong	Environmental Coordination

## Appendix 1

### STANDARDS DETERMINATION DOCUMENT

#### FUNDAMENTALS OF RANGELAND HEALTH Standards and Guidelines Assessment North Steptoe Allotment and North Steptoe Trail

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Standards and guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards are expressions of physical and biological conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the standards.

This Standards Determination Document evaluates and assesses livestock grazing management achievement of the Standards and conformance with the Guidelines for the North Steptoe Allotment and North Steptoe Trail in the Ely BLM District. This document does not evaluate or assess achievement of the wild horse and burro or Off Highway Vehicle Standards or conformance to the respective Guidelines.

The standards were assessed for the North Steptoe Allotment (00405) and North Steptoe Trail (00426) by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the 1) Soil Survey of Western White Pine County, Nevada 2) Ecological Site Descriptions Major Land Resource Area 28B, Central Nevada Basin and Range Nevada, 3) Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), 4) Sampling Vegetation Attributes (USDI-BLM et al. 1996) and 5) the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Ely BLM Field Office. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The following Rangeland Health Standards information has been incorporated into the Environmental Assessment number NV-040-06-20.

#### **PART 1. STANDARD CONFORMANCE REVIEW**

**STANDARD 1. UPLAND SITES:** *“Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.”*

As indicated by:

- Indicators are canopy and ground cover, including litter, live vegetation and rock, appropriate to the potential of the site.



***Determination:***

- Meeting the Standard
- Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard**
- Failure to meet the standard is related to other issues or conditions**

***Guidelines Conformance:***

- In conformance with the Guidelines
- Not in conformance with the Guidelines**

Findings and Conclusion: *Standard Not Achieved.*

The majority of the allotment is meeting or making progress towards achieving the standard. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites. This would help restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush and Wyoming big sagebrush communities and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impacts.

Personal observation and photographs show an increased cover of pinyon and juniper in upper elevation benchland within black sagebrush sites of Soil Mapping Units 271 and 753, and mountain sagebrush and low sagebrush sites of Soil Mapping Unit 774. Increased cover of juniper along drainages and the upper benchland has been noted through personal observation. Black sagebrush, mountain sagebrush and low sagebrush sites exhibited stable soils.

**STANDARD 2. RIPARIAN AND WETLAND SITES:** *“Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.”*

As indicated by:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows. Elements indicating proper functioning condition such as avoiding accelerating erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:
- Width/Depth ratio; Channel roughness; Sinuosity of stream channel; Bank stability; Vegetative cover (amount, spacing, life form); and other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.
- Chemical, physical and biological water constituents are not exceeding the state water quality standards.

***Determination:***

- Meeting the Standard
- Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard**
- Failure to meet the standard is related to other issues or conditions**

***Guidelines Conformance:***

- In conformance with the Guidelines
- Not in conformance with the Guidelines**

Findings and Conclusion: *Standard Not Achieved.*

Cottonwood Spring T. 23 N., R. 65 E., Sec. 7 NENW and Basin Spring T. 23 N., R. 65 E., Sec. 7 SENW are not used by livestock in the North Steptoe Allotment. They are located in the Schell Creek Range and inaccessible during the season of use by livestock. There are two small seeps in T 23 N., R. 64 E., Sec. 1 SENE and SWSE which are also inaccessible during the season of use and the pinyon-juniper community. There is one Spring T. 23 N., R. 65 E. Sec. 18 NWSW and is associated with Zips Cabin. Riparian functioning condition has not been completed for these spring sources. Utilization was 14 % on Great Basin wildrye and 26 percent on willow in 1991. The overall riparian site was in good to excellent condition with slight to light utilization and the ground cover was excellent with a wide variety of species. Estimated cover was 25 percent grasses, 25 percent forbs and 50% trees and shrubs. Use was made by sheep and wild horses. Thinning the trees from around the source may improve water flow.

Zips Cabin creek is associated with springs and private land. In 1991 it was noted that water had not flowed onto public lands for several years. This is an ephemeral creek flowing onto public lands during high water years. Cover of grass and grasslike plants was 5 percent, forbs a trace, trees and shrubs (riparian dependent) was 40 percent and non riparian dependent 35 percent. There was 15 percent bare ground and 5 percent rock. The condition rating was fair at 50 percent.

Natural water sources within the authorized trail are limited. Becky Springs is located adjacent to the trail. Lookout Springs and Kinsley Spring are located on private land. Water is available on public lands adjacent to Lookout Springs.

**STANDARD 3. HABITAT:** *“Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.”*

As indicated by:

- Vegetation composition (relative abundance of species);
- Vegetation structure (life forms, cover, height, or age class);
- Vegetation distribution (patchiness, corridors);
- Vegetation productivity; and
- Vegetation nutritional value.

***Determination:***

- Meeting the Standard
- Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard**
- Failure to meet the standard is related to other issues or conditions**

***Guidelines Conformance:***

- In conformance with the Guidelines
- Not in conformance with the Guidelines**

Findings and Conclusion: *Standard Not Achieved.*

The dominant present vegetation within the North Steptoe Allotment and North Steptoe Trail based on the Soil Survey of Western White Pine County, Nevada, baseline range surveys (ecological condition and ecological site inventory and professional observation (including photographs) all indicate a diverse habitat that is distributed in a mosaic across the landscape appropriate for the size and location of the allotment. The variety of plant communities present shows the vegetation distribution indicator to be appropriate for the size and location of the allotment. Vegetation distribution is also enhanced by the mid and high elevation rolling, broken topography of the land area. The drainage bottoms provide cover and escape cover corridors.

The vegetation within the watershed and allotment is diverse, scenic, and includes many different range sites. The primary ecological sites within the allotment include black sagebrush, shadscale and greasewood, pinyon and juniper, Wyoming big sagebrush. Other ecological sites include winterfat, mountainmahogany, mountain and sagebrush, mixed conifer and low sagebrush). The primary ecological sites within the trail include black sagebrush, Wyoming big sagebrush and shadscale (over 90% of the trail). Other ecological sites include winterfat, saltbrush, pinyon/juniper and bud sagebrush communities.

Professional observation indicates that soil condition is currently being maintained for the majority of native range within North Steptoe Allotment and along the adjudicated portion of the North Steptoe Trail. No areas have been identified as areas of immediate concern for erosion. No areas have been identified with excessive soil rills, gullies, or surface water flow patterns. There are no significant areas where plant species are pedestalled due to wind or water erosion. No areas have been identified that have been compacted heavily enough by grazing or other impacts that could restrict water infiltration and permeability rates. Soils are generally stable and productive with topsoil in place.

The lower elevations of the allotment lack desirable plant species and ecological processes are not being maintained. Plant species composition, structure, and production appear not appropriate to the range site potential in these areas. These areas appear to be losing resiliency as the favorable understory of grasses, forbs, shrubs declines as Wyoming big sagebrush and black sagebrush ecological sites transition to a monoculture of woody species dominance. In the higher elevations of the allotment desirable plant species also decline as small trees increase in cover and begin to transition toward pinyon and juniper dominated communities. A discussion of these problems by dominant vegetation areas follows:

#### *Wyoming big sagebrush ecological sites*

Wyoming big sagebrush ecological sites on the allotment should consist of anywhere from 40 to 55% perennial grass composition by weight according to the ecological site descriptions. The Wyoming big sagebrush ecological sites have been affected by historic livestock use, drought and lack of wildfire. The value of these areas for watershed and as habitat for wildlife and livestock is declining at lower elevations. Vegetation treatments that restore range resiliency and health should be considered for these areas.

#### *Black sagebrush and mountain big sagebrush/low sagebrush ecological sites*

Professional observation indicates inappropriate cover, composition, and production in significant portions of the black sagebrush ecological sites. Shrubs, grasses, and forbs are declining in the understory of juniper and pinyon trees in the higher elevations. Understory decadence and mortality occur at the higher elevations. At the lower elevations the shrub component is greater and the grass and forb component is less than indicated by the ecological site guides. The potential native perennial grass component for the shallow calcareous loam site is 40% to 60%, sites exhibit less than the potential for grass and forb composition. The

potential native perennial grass component for the mountain big sagebrush/low sagebrush site is 35 to 50%, sites exhibit less than the potential for grass and forb composition.

There is concern in black sagebrush and low sagebrush ecological sites that are transitioning to areas of denser canopy cover of pinyon and juniper trees in the eastern portion of the North Steptoe Allotment. Many of the understory shrubs, grasses, and forbs show increased plant mortality and decadence due to increased tree canopy. The more favorable understory species are being out competed for water, light, and nutrients by the pinyon and juniper trees. These areas are losing resiliency and ecological function, in part due to lack of wildfire.

#### *Pinyon/juniper woodland community*

The pinyon/juniper woodland ecological sites within the eastern portion of the allotment exhibit a spreading, dense overstory tree canopy and sparse to absent understory of small trees, shrubs, grasses and forbs as indicated by ecological site potential information and professional observation. These woodland plant communities are considered to be over-mature due to the lack of natural wildfire disturbance. Competition, shading, and spreading root systems are all factors leading to a declining understory. These areas revealed common understory decadence and mortality of shrubs and herbaceous species. Black sagebrush, Low sagebrush, Wyoming big sagebrush and other species are lacking or absent in portions of the woodland sites. Thus there is an inappropriate cover, composition, and production in these areas. Understory vegetative composition should be about 35% grasses, 15% forbs, and 50% shrubs and young trees when the average overstory canopy is medium (20 to 35%).

If the pinyon and juniper canopy continues to close over black sagebrush areas, or in woodlands, especially where the trees are already thick, and understory trees, shrubs, grasses and forbs are lost, these sites would further lose appropriate canopy cover, ground cover, and litter, lose resiliency and stability, and topsoil could erode, soil structure could be lost, and productivity could be lost, in particular on the steeper slopes.

#### *Invasive species and noxious weeds*

Within the allotment:

Along Highway 489 there are infestations of Squarrose knapweed (*Centaurea virgata*). There is bull thistle (*Cirsium vulgare*) found at some of the springs up around Chicken Knoll and at Indian Springs.

Outside of the allotment:

West of the allotment along Highway 489 there are infestations of Russian knapweed (*Acroptilon repens*), salt cedar (*Tamarix spp.*), and whitetop (*Lepidium draba*). South of the allotment along Highway 93 there are infestations of Russian knapweed, whitetop, and spotted knapweed (*Centaurea stoebe*). Noxious weed species occurring adjacent to the trail corridor are spotted knapweed (*Centaurea maculosa*), Russian knapweed (*Acroptilon repens*), musk thistle (*Carduus nutans*) and Canada thistle (*Cirsium arvense*).

Invasive annuals include halogeton (*Halogeton glomeratus*) and cheatgrass (*Bromus tectorum*) and occur sporadically throughout the allotment and along the trail.

The invasive annual grass cheatgrass is present within the allotment; however, there are no large or significant infestations of cheatgrass. Cheatgrass is present in small quantities throughout the allotment. Cheatgrass is also present in sites along the adjudicated and unadjudicated trail. Halogeton is also present in small quantities in the allotment and along the adjudicated trail. Halogeton is dominant in some sickle saltbush and winterfat ecological sites that overlap a portion of the unadjudicated trail in Becky Springs and Chin Creek Allotments.

Along the unadjudicated portion of the trail over half the acres of sickle saltbush and most of the winterfat sites contain 90 percent or greater halogeton. Halogeton composition by weight is 10 to 19 percent in the bud sagebrush community. Halogeton is also present in small quantities in black sagebrush, Wyoming sagebrush and the remaining sickle saltbush communities. Pinyon and juniper are in black sagebrush and Wyoming sagebrush communities. Cheatgrass is identified in the black sagebrush and Wyoming sagebrush communities. Approximately 20 percent of the black sagebrush and 80 percent of the shadscale communities is dominated by rabbitbrush.

The northern portion of the trail from Lookout Spring northwest to the Kinsley Spring area is primarily black sagebrush, Wyoming big sagebrush, low sagebrush and mountain big sagebrush generally has good grass composition, pinyon/juniper in some of the site writeup areas is higher than desired.

Ecological Condition was gathered at two locations in 1990. Write up one indicated 7 percent grass, 2 percent forbs and 91 percent shrubs. This site is 028BY011NV a shallow calcareous 8 – 10 inch precipitation zone and was rated at 49 percent or at a mid seral stage. The percent shrub composition is greater than desired and the percent grass and forb composition is less than desired. A wildlife transect located in T. 24 N., R. 64 E., Sec. 34 SWNW indicated 6 percent grass, a trace of forbs and 94 percent shrubs. This site is 028BY017NV a loam 5 – 8 inch precipitation zone and was rated at 70 percent or a late seral stage. Ecological site inventory was completed for the unadjudicated portion of the trail.

## **PART 2. ARE LIVESTOCK A CONTRIBUTING FACTOR TO NOT MEETING THE STANDARDS?**

### Standard #1: UPLAND SITES

No. Livestock are not a contributing factor to not meeting the upland site standard.

Existing grazing management and levels of grazing use within the North Steptoe Allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought, fire suppression.

## Standard #2: RIPARIAN AND WETLAND SITES

No. Livestock are not a contributing factor to not meeting the riparian and wetland site standard.

Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the spring have influenced the spring flow and riparian vegetation composition and structure.

## Standard #3: HABITAT

No. Livestock are not a contributing factor to not meeting the habitat standard.

Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

### **PART 3. GUIDELINE CONFORMANCE REVIEW**

The assessment found current management to be in conformance with Guideline 1.1. The assessment found current management not in conformance with Guidelines 1.2 and 1.3.

The assessment found current management not in conformance with Guidelines 2.2 and 2.3. Guideline 2.1 and 2.4 is not applicable to the assessment area.

The assessment found current management to be in conformance with Guidelines 3.1, 3.2 and 3.3. The assessment found current management not in conformance with Guidelines 3.4, and 3.6. Guideline 3.5 was not applicable to the assessment area.

### **PART 4. MANAGEMENT PRACTICES TO CONFORM WITH GUIDELINES AND ACHIEVE STANDARDS**

There are no additional terms and conditions needed for management practices to conform with guidelines and achieve standards. The current terms and conditions of the term grazing permit would continue unchanged with one modification. The terms and conditions would change to address the Becky Peak Wilderness created through the White Pine Public Lands Act P.L. 109-432. No motorized access is permitted within the designated Becky Peak Wilderness without approval of the field manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not have a significant adverse impact on the natural environment.

**Prepared by:**

*J. Brett Park*  
RMS

*RMS*  
Title

*8-13-08*  
Date

*Cheri Mayo*  
Lead RMS

*Supv. R.M.S.*  
Title

*8/13/08*  
Date

**I concur:**

*Michael Brown*  
Authorized Officer

*8-13-08*  
Date



## REFERENCES

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USDA – NRCS. 2003. Major Land Resource Area 28B, Central Nevada Basin and Range Nevada Ecological Site Descriptions.

USDA- NRCS. 1997. Soil Survey of Western White Pine County, Nevada. US government printing office 1997-417-266/60006. 650 pp.

Figure 1 General Location Map North Steptoe Allotment

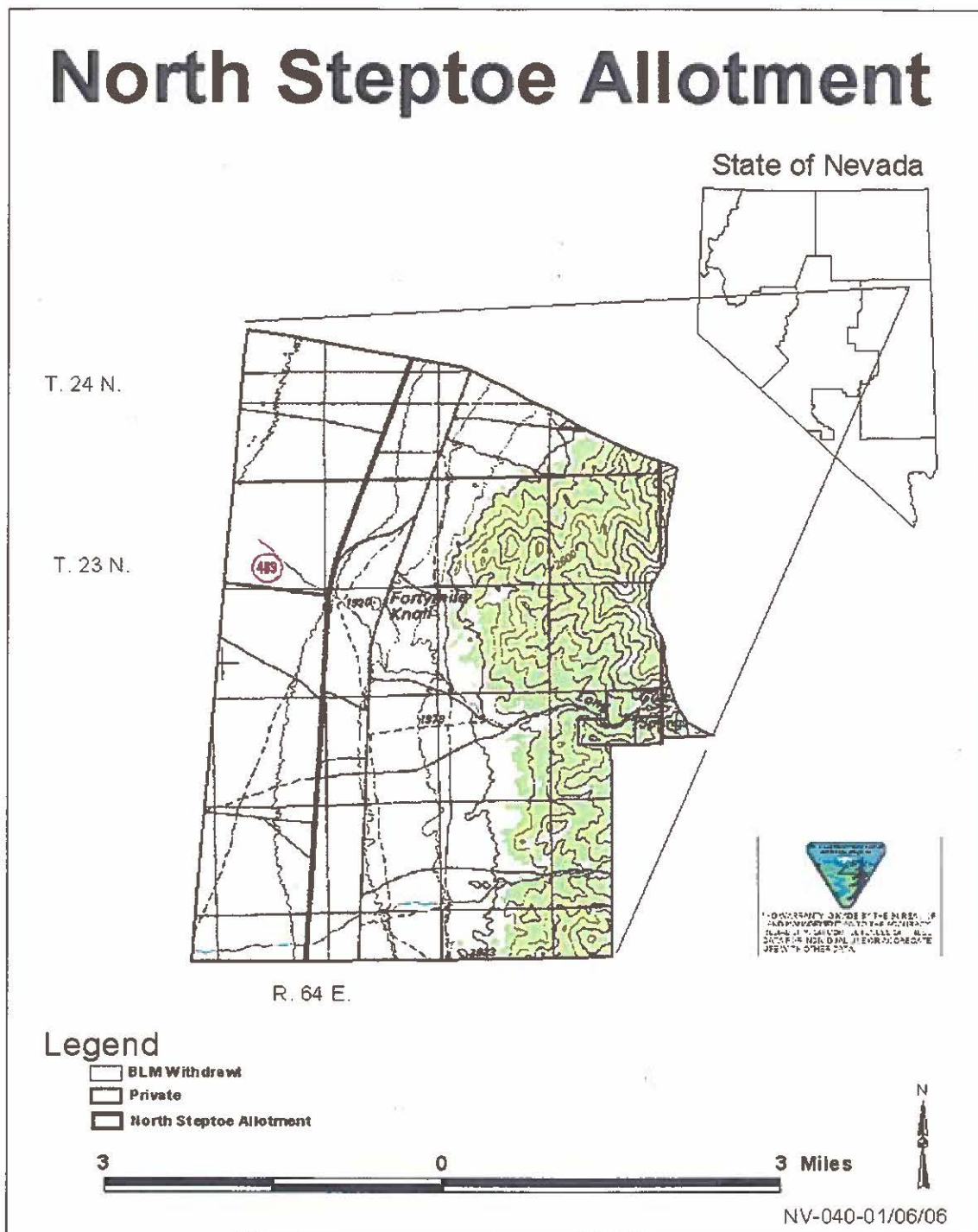
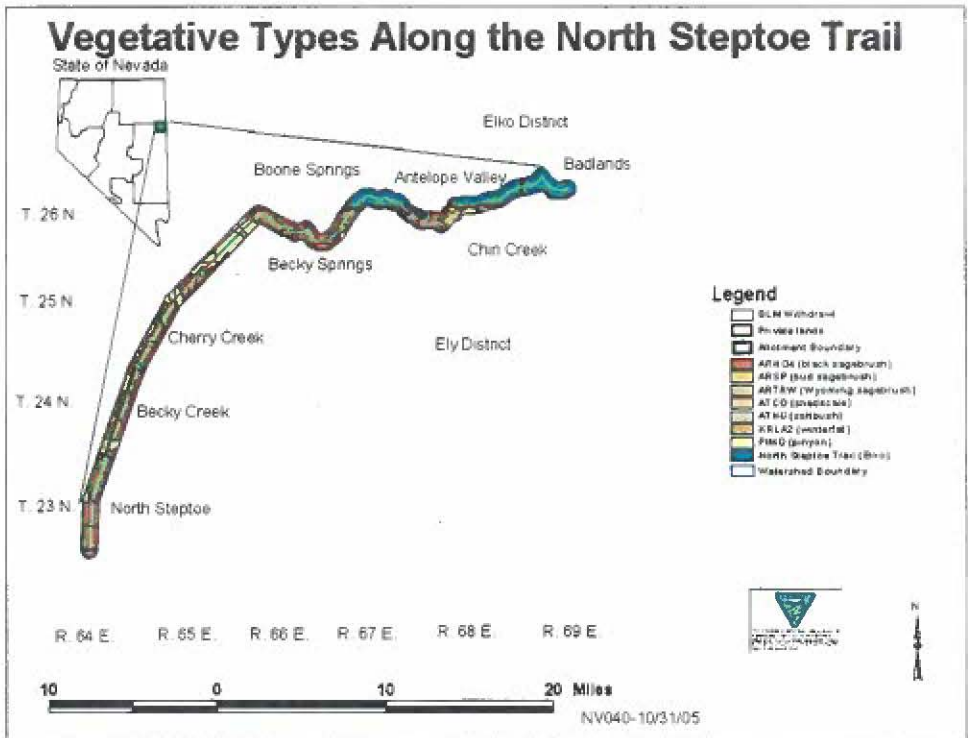
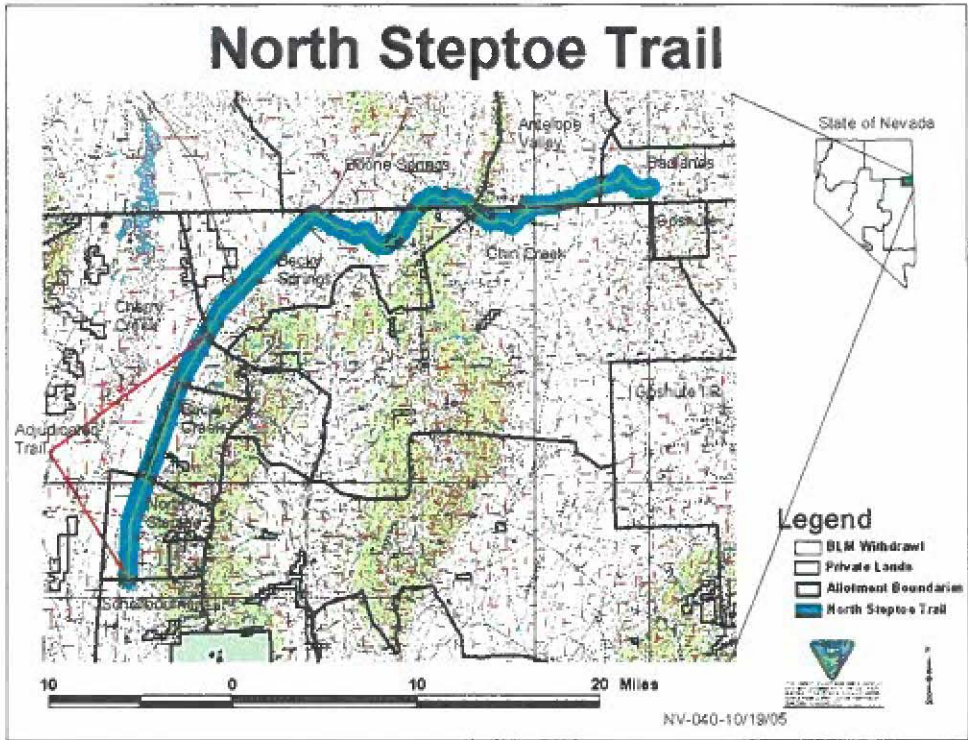


Figure 2 General Location Map North Steptoe Trail



## Appendix I

### Monitoring Data Analysis - North Steptoe Allotment and North Steptoe Trail

#### Licensed Livestock Use

##### **Licensed use for North Steptoe Allotment**

Number of Sheep	Period of Use	AUMs	Total AUMs
1655 Sheep	10/10/94 to 10/31/94	240	692
560 Sheep	10/20/94 to 10/31/94	44	
2215 Sheep	11/01/94 to 11/28/94	408	
981 Sheep	10/01/95 to 10/01/95	7	677
1960 Sheep	01/09/96 to 02/29/96	670	
1992 Sheep	10/17/96 to 10/31/96	197	197
2112 Sheep	03/03/97 to 03/15/97	181	242
1864 Sheep	10/04/97 to 10/08/97	61	
2261 Sheep	11/11/98 to 11/30/98	297	297
1833 Sheep	12/23/99 to 01/04/01	157	157
1919 Sheep	03/02/01 to 03/28/01	341	341
1539 Sheep	11/24/02 to 12/15/02	223	223
1841 Sheep	11/25/03 to 12/31/03	448	448
1796 Sheep	11/26/04 to 12/31/04	425	425

##### **Licensed use for North Steptoe Trail**

Number of Sheep	Period of Use	AUMs	Total AUMs
2215 Sheep	11/29/94 to 12/02/94	58	58
2215 Sheep	03/29/95 to 04/02/95	73	112
1960 Sheep	01/06/96 to 01/08/96	39	
1992 Sheep	10/16/96 to 10/16/96	13	13
2112 Sheep	03/16/97 to 03/17/97	28	28
1833 Sheep	01/05/01 to 01/06/01	36	36
1919 Sheep	03/29/01 to 03/30/01	25	25

#### B. Wild Horses

##### Wild Horse Use

The entire allotment and trail is within the Antelope Herd Management Area and the Antelope Valley Herd Management Area. Wild horses have been observed within and adjacent to the allotment and trail area for many years. Wild horse census has mapped wild horses using the area in recent years the latest census December 2004 identified 6 wild horses within the allotment. The March 1, 2007 population estimate for the Antelope HMA is 230. The Antelope Herd Appropriate Management Level is established at 324. The last gather was January 2005.

### Antelope Herd Management Area Wild Horse Census on the North Steptoe Allotment

	Adults	Foals	Total
December 2004	2	0	2
March 2004	4	0	4
August 2000	0	0	0
July 1998	0	0	0
March 1998*	33	0	33
June 1997	0	0	0
May 1997*	2	0	2
May 1997*	10	0	10
January 1995	11	0	11
December 1994	6	2	8
August 1994	6	2	8
May 1994	6	1	7
March 1994	4	0	4
December 1993	1	0	1
October 1993*	11	0	11
August 1993	8	0	8
May 1993	12	2	14
February 1993	11	0	11
November 1992	15	6	21
August 1992	7	0	7
June 1992	5	0	5
February 1992	20	0	20
February 1991	9	0	9
October 1990	7	1	8
March 1990	8	2	10

- Ground observations not conducted as a census.

### Utilization

#### Key Forage Plant Method

Utilization was gathered at the two key management areas in 1990, B-1 and B-2. Site B-1 had 36 percent use on black sagebrush and 70 percent use on Indian ricegrass. The use made on the grasses appeared to be almost entirely by wild horses. Site B-2 had measured utilization of 28 percent on black sagebrush and 73 percent on Indian ricegrass use on green rabbitbrush was estimated to be 50 to 60 percent. Use on the black sagebrush was attributed to sheep, use on green rabbitbrush was attributed to sheep and wild horses and use on the Indian ricegrass was attributed mostly to wild horses.

Utilization transects conducted in 1993 using the key forage plant method ranged from 14 percent utilization to 42 percent utilization on key species.

### Use Pattern Mapping

Use pattern mapping collected in 1988 indicated slight and light use with moderate use occurring in the foothills and upper benches. There were small areas of heavy use on grasses.

Use pattern mapping collected in 1990 indicated light use on black sagebrush and occasional areas of moderate use. Utilization was heavy on grasses along the benches and in the mountains this use was attributed to wild horses.

Use pattern mapping collected in 1991 indicated the allotment had slight to light and moderate use occurred along the upper benchland. Small areas of heavy use on grasses were attributed to wild horse use. Transects conducted at that time ranged from 14 percent utilization to 42 percent utilization on key species.

Use pattern mapping collected in 1993 indicated most of the allotment had light to moderate utilization. Heavy utilization levels were detected on black sagebrush in the central portion of the allotment and along the Cherry Creek road.

### Riparian

Cottonwood Spring T. 23 N., R. 65 E., Sec. 7 NENW and Basin Spring T. 23 N., R. 65 E., Sec. 7 SENW are not used by livestock in the North Steptoe Allotment. They are located in the Schell Creek Range and inaccessible during the season of use by livestock. There are two small seeps in T 23 N., R. 64 E., Sec.1 SENE and SWSE which are also inaccessible during the season of use and the pinyon-juniper community. There is one Spring T. 23 N., R. 65 E. Sec. 18 NWSW and is associated with Zips Cabin. Utilization was 14 % on Great Basin wildrye and 26 percent on willow in 1991. The overall riparian site was in good to excellent condition with slight to light utilization and the ground cover was excellent with a wide variety of species. Estimated cover was 25 percent grasses, 25 percent forbs and 50% trees and shrubs. Use was made by sheep and wild horses.

Zips cabin creek associated with springs and private land. In 1991 it was noted that water had not flowed onto public lands for several years. This is an ephemeral creek flowing onto public lands during high water years. Cover of grass and grasslike plants was 5 percent, forbs a trace, trees and shrubs (riparian dependent) was 40 percent and non riparian dependent 35 percent. There was 15 percent bare ground and 5 percent rock. The condition rating was fair at 50 percent.

Proper Functioning Condition (Lentic)  
Near the North Steptoe Trail

<u>Name</u>	<u>Location</u>	<u>Size</u>	<u>Allotment</u>	<u>Date</u>	<u>Function</u>	<u>Trend</u>	<u>Remarks</u>
Unnamed Saline Spring	T. 25 N., R. 65 E. Sec. 11	1 Acre	Becky Springs	05/10/00	PFC	Not Apparent	
Unnamed Spring	T. 25 N., R. 65 E. Sec. 23	.25 Acre	Becky Springs	05/10/00	PFC	Not Apparent	Some subsidence, some bare ground, some crowding by pinyons
Unnamed Spring (Becky)	25N, 65E, Sec. 11	.1 Acre	Becky Springs	07/30/03	PFC		Piped to trough below
Lookout Spring	26N, 67E, Sec. 30	5 Acres	Becky Springs	08/09/01	PFC	Not Apparent	Heavy horse use
Becky Spring	25N, 65E, Sec. 11	.1 Acre	Becky Springs	07/30/03	PFC		Small seep west of main spring is PFC

Ecological Condition

Ecological Condition was gathered at two locations in 1990. Write up one indicated 7 percent grass, 2 percent forbs and 91 percent shrubs. This site is 028BY011NV a shallow calcareous 8 – 10 inch precipitation zone and was rated at 49 percent or at a mid seral stage. The percent shrub composition is greater than desired and the percent grass and forb composition is less than desired. A wildlife transect located in T. 24 N., R. 64 E., Sec. 34 SWNW indicated 6 percent grass, a trace of forbs and 94% shrubs. This site is 028BY017NV a loam 5 – 8 inch precipitation zone and was rated at 70 percent or a late seral stage.

Precipitation Data

Data from the National Oceanic and Atmospheric Administration (NOAA) recording Station at Yelland Air Field in Ely, Nevada is being used for this assessment. The average annual precipitation from 1971 to 2000 is 9.87 inches. Precipitation data can be used to calculate a yield index for each year (Sneva et al. 1983). In calculating the yield index, the first step is to calculate the crop yield (effective precipitation). For the Intermountain Big Sagebrush Region this includes precipitation from September through June.

Precipitation data was used in the formulation of a yield index in the calculation of a long term stocking rate. The first step was to calculate the crop yield, the effective annual precipitation for plant growth occurring between September and June of each year. The crop yield for each

year was arrayed to determine the averaged median long term crop yield. The average crop yield for the Yelland Air Field reporting station was 8.46 inches. The individual yearly crop yields during the evaluation period were then divided by the long term average crop yield to determine a precipitation index for each year. The yield index was then determined from the precipitation index by using the linear regression equation  $\hat{Y} = -23 + 1.23X$ , where  $\hat{Y}$  represents the yield index and x represents the precipitation index. 1/ Table 1 shows the precipitation and yield indices for the Yelland Air Field data.

1/ Sneva, Forest, C. M. Britton. August 1983. Adjusting and forecasting herbage yields in the Intermountain Big Sagebrush Region of the Steppe Province. Agricultural Experimental Station, Oregon State University, Corvallis. Station Bulletin 659, Page 61.

YEAR	CROP YIELD	PRECIPITATION INDEX	YIELD INDEX
1995	12.77	151	163
1996	5.59	66	58
1997	7.84	93	91
1998	10.37	123	128
1999	7.07	84	80
2000	6.70	79	74
2001	5.15	61	52
2002	4.41	52	41
2003	6.89	81	77
2004	5.43	64	56
2005	12.2	144	154
2006	8.32	98	98

#### Other Monitoring Data

Frequency trend data, apparent trend, line intercept cover data and ecological site inventory has not been collected on North Steptoe Allotment.



## Appendix 2

### TERMS AND CONDITIONS

Allotment Number Name	Livestock Number/ Kind	Grazing Period		% PL*	Type Use	AUMs **	Permitted Use		
		Begin	End				Permitted use	Historic Suspended	Total
00405 North Steptoe	630 Sheep	10/01	03/15	100	Active	692	700	589	1,289
00426 North Steptoe Trail	630 Sheep 630 Sheep	09/15	10/15 03/01 - 03/30	100	Active	253	253	0	253

\* % PL is the percent of public land for billing purposes.

\*\* AUMs may differ from Active Preference due to a rounding difference with the number of livestock and the period of use.

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Mr. Hank Vogler.

1. The North Steptoe Allotment has an active preference of 700 AUMs of sheep use. The season of use is from 10/01 to 3/15. The North Steptoe Trail has a permitted use of 253 AUMs of sheep use.
2. Grazing use in will be in accordance with the Northeastern Great Basin Area Standards and Guidelines, and with the final multiple use decision dated December 24, 1992.
3. No motorized access is permitted within the designated Becky Peak Wilderness without approval of the field manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not adversely affect the natural environment.
4. Allowable use levels within the allotment will be as follows;  
Utilization on grasses and forbs will not exceed 55% utilization of shrubs will not exceed 45% of current year growth. Utilization levels in riparian areas will not exceed 50%.  
If utilization levels are reached, sheep will be moved to areas where utilization levels have not reached the above levels.

#### Other terms and conditions

1. Grazing will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing

use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.

2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.

3. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.

5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with visa, mastercard or American express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

### Appendix 3

#### Noxious Weed Risk Assessment North Steptoe Allotment and North Steptoe Trail Term Permit Issuance

On August 15, 2007 a Noxious Weed Risk Assessment was completed for a proposed grazing term permit issuance, located on public lands in White Pine County, within the Ely Field Office Area of the Ely District Bureau of Land Management. The proposed term permit issuance occurs in Steptoe Valley "B" within the North Steptoe Allotment and North Steptoe Trail. The permit issuance covers approximately 13,079 acres of public land within the allotment, the adjudicated portion of the trail encompasses approximately 9,129 acres and the unadjudicated portion of the trail encompasses approximately 11,563 acres in portions of Becky Springs and Chin Creek Allotments within the Steptoe B (#8B), North Steptoe A (#8A), Dolly Varden and North Antelope (#7) watersheds. The legal location of the term permit issuance area is as follows:

General Location: T. 20 N., R. 64 E., all or portions of sections 1 through 3, 10 through 15, 22 through 27 and 34 through 36 MDBM. The adjudicated trail and the remainder of the trail include portions of: T. 23 N., R. 64-65 E., T. 24 N., R. 64-65 E., T. 25 N., R. 64-65 E.; all in White Pine County, Nevada.

Noxious weed species are located within the project area, as verified by the Ely Field Office Weeds Inventory. Within the allotment, along Highway 489, there are infestations of squarrose knapweed (*Centaurea virgata*). There is bull thistle (*Cirsium vulgare*) found at some of the springs up around Chicken Knoll and at Indian Springs. Outside of the allotment, west of the allotment along Highway 489 there are infestations of Russian knapweed (*Acroptilon repens*), salt cedar (*Tamarix spp.*), and hoary cress (*Lepidium draba*). South of the allotment along Highway 93 there are infestations of russian knapweed, hoary cress, and spotted knapweed (*Centaurea stoebe*). The invasive non-native grass cheatgrass is present in sagebrush range within the allotment. The invasive species halogeton is common along roadways in the allotment and winterfat and saltbrush sites along and adjacent to the trail in Becky Springs and Chin Creek Allotments.

Factor 1 assesses the likelihood of noxious weed species spreading to the project area.

None (0)	Noxious weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious weed species in the project area.
Low (1-3)	Noxious weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious weeds into the project area.
Moderate (4-7)	Noxious weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious weed species even when preventative management actions are followed. Control measures

	are essential to prevent the spread of noxious weeds within the project area.
High (7-10)	Heavy infestations of noxious weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (4) at the present time. The specific weeds near the allotment, specifically the squarrose knapweed infestations, are of critical concern due to their ability to become established, difficulty to control, and the fact that this infestation is the only recorded squarrose knapweed infestation within the Ely District. The proposed action could increase the populations of the noxious and invasive weeds already within the allotment and could aid in the introduction of weeds from surrounding areas, especially around areas of high disturbance such as water haul sites and mineral deposits.

Factor 2 assesses the consequences of noxious weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (7-10)	Obvious adverse effects within the project area and probable expansion of noxious weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

For this project, the factor rates as Moderate (4) at the present time. Since most of the allotment is considered to be relatively weed-free any noxious or invasive weed establishment could have adverse effects on the native plant communities within the allotment. Any increase in density of cheatgrass could potentially alter the fire regime in the area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious weeds into the area. Preventative management measures should include modifying the project to include seeding the area to

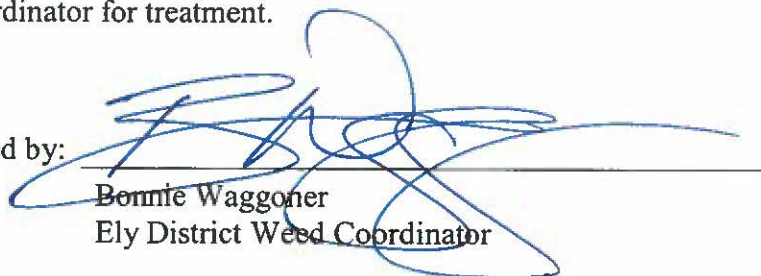
	occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious weeds and follow-up treatment for previously treated infestations.

For this term permit issuance, the Risk Rating is moderate (16) at the present time. Preventive management measures for noxious weeds need to be developed to reduce the risk of introduction or spread of noxious weeds into the permit issuance area. These measures (mitigation) are as follows:

The BLM will provide information regarding noxious weed management and identification to the permittee. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.

2. Control treatments would be initiated on noxious weed populations that establish in the project area by methods to be approved by the Authorized Officer.
3. The grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.
4. The range specialist for the allotments will include weed detection into project compliance inspection activities. Any newly established populations of noxious/invasive weeds discovered should be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by:



Bonnie Waggoner  
Ely District Weed Coordinator

8/15/2007  
Date