



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Ely Field Office  
702 North Industrial Way  
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<http://www.nv.blm.gov/Ely>

4-29-02  
APR 29 2002

In Reply Refer To:  
(NV-045.01)

Dear Livestock Grazing Permittee and Interested Public:

The Ely Field Office is continuing to establish the remainder of its wild horse herd management areas (HMAs) appropriate management levels (AMLs). We are currently completing the evaluation of the Deer Lodge Canyon Wild Horse HMA, Blue Nose Peak Wild Horse HMA, Clover Creek Wild Horse HMA, Clover Mountain Wild Horse HMA, and the Little Mountain Wild Horse HMA. As a result of the evaluation for each HMA, we have determined the wild horse appropriate management levels. We have also determined that changes to livestock grazing management are needed. These changes have been coordinated and completed in consultation with the affected grazing permittees. Changes to livestock grazing management have been incorporated into individual agreements with most permittees. The establishment of AMLs are also included in the agreements. This process will complete the establishment of the overall AML for the Deer Lodge Canyon, Blue Nose Peak, Clover Creek, Clover Mountain, and Little Mountain Wild horse HMAs. The AML for the Henrie Complex Allotment portion of the Blue Nose Peak HMA was established in the Henrie Complex Allotment Final Multiple Use Decision issued July 1999. The AML has not been established on any other portion of these HMAs prior to this evaluation. The evaluation and agreement process is the initial step toward establishment of the overall AML including any needed changes to livestock grazing management for each HMA.

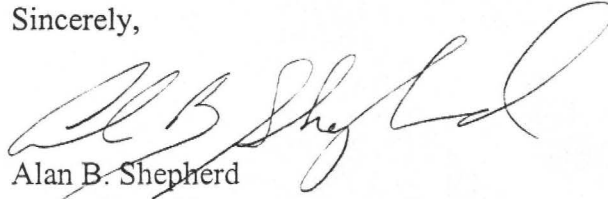
Enclosed are the "Agreements For Changes In Livestock Grazing Management And Establishment Of A Wild Horse Appropriate Management Level" for your review. The Mahogany Peak, Deer Lodge, Condor Canyon, N4/N5, and McGuffy Spring Allotments are located within the Deer Lodge Canyon Wild Horse HMA. The White Rock and Garden Springs Allotments are located within the Blue Nose Peak Wild horse HMA. The Sawmill Canyon, Clover Creek and Mustang Flat Allotments are located within the Clover Creek Wild Horse HMA. The Pennsylvania, Cottonwood, Sheep Flat, and Sand Hills Allotments are located within the Clover Mountain Wild Horse HMA. The Little Mountain, Peck, Panaca Cattle, Buckboard, Roadside, and White Hills Allotments are located within the Little Mountain Wild Horse HMA.

***Please review the enclosed agreements and provide any comments and input by May 16, 2002.***

We will review and consider all comments. Following the comment period a proposed and a final multiple use decision will be issued for each HMA. These decisions will carry forth the management actions and adjustments to grazing use along with the AML as identified in the agreements. For those permittees who do not enter into agreements, any needed adjustments to livestock grazing will be identified through a decision.

Any questions or comments may be directed to Alan Shepherd, Supervisory Natural Specialist for the Caliente Field Station at 775-726-8100.

Sincerely,



Alan B. Shepherd  
Supervisory Natural Resource Specialist

Enclosures:

1. Agreements for the Mahogany Peak, Deer Lodge, Condor Canyon, N4/N5 and McGuffy Spring Allotments within the Deer Lodge Canyon Wild Horse HMA, the White Rock and Garden Springs Allotments located within the Blue Nose Peak Wild Horse HMA, the Pennsylvania, Cottonwood, Sheep Flat, and Sand Hills Allotments located within the Clover Mountain Wild Horse HMA, the Little Mountain, Peck, Panaca Cattle, Buckboard, Roadside, and White Hills Allotments located within the Little Mountain Wild Horse HMA, and the Sawmill Canyon, Clover Creek and Mustang Flat Allotments located within the Clover Creek Wild Horse HMA.

## APPENDIX I

### MOJAVE-SOUTHERN GREAT BASIN AREA RESOURCE ADVISORY COUNCIL (RAC)

#### STANDARDS:

##### STANDARD 1. SOILS:

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

##### Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);
- Surfaces (e.g., biological crusts, pavement); and
- Compaction/infiltration.

##### Riparian soil indicators:

- Stream bank stability.

All of the above indicators are appropriate to the potential of the ecological site.

##### STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

##### Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.
- Ecological processes are adequate for the vegetative communities.

##### Riparian indicators:

- Stream side riparian area 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 acceleration 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.

Water quality indicators:

- Chemical, physical and biological constituents do not exceed the stat water quality standards.

The above indicators shall be applied to the potential of the ecological site.

### STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

- Escape terrain;
- Relative abundance;
- Composition;
- Distribution;
- Nutritional value; and
- Edge-patch snags.

The above indicators shall be applied to the potential of the ecological site.  
Mojave-Southern RAC Guidelines:

Guidelines:

- 1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.
- 1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.
- 1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.
- 1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

Guidelines:

- 2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.
- 2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.
- 2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.
- 2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i)

recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

- 2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.
- 2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.
- 2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.
- 2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

Guidelines:

- 3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.
- 3.2 Management practices should emphasize native species except when others would serve better, for attaining desired communities.
- 3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.
- 3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.
- 3.5 Management practices will promote the conservation, restoration and maintenance of

habitat for special status species.

- 3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.
- 3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.
- 3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.
- 3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

## LAND USE PLAN OBJECTIVES

### Allotment Specific Objectives

#### a. Livestock

- (1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

#### b. Wild Horses

- (1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

#### c. Mule Deer

- (1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.
- (2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

To maintain mule deer crucial winter range in at least good habitat condition.

#### d. Riparian

- (1) Short term objective: To limit use on riparian vegetation to 50 percent.
- (2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF WILD HORSE APPROPRIATE MANAGEMENT LEVEL  
FOR THE CLOVER CREEK ALLOTMENT

I. INTRODUCTION

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the Clover Creek Allotment. This agreement also establishes a wild horse appropriate management level (AML) for the Clover Creek Wild Horse Herd Management Area.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Clover Creek Allotment. This agreement was prepared in consultation, cooperation, and coordination with Roger Dieleman and National Mustang Association (NMA).

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Clover Creek Wild Horse HMA.

Allotment Description

The Clover Creek Allotment is located in the Caliente Resource Area in Lincoln County, Nevada. The allotment is approximately 1.5 miles east of Caliente, NV at its closest point. The area is located on the northern slope of the Clover Mountain Range. The elevation of the allotment ranges from 4600 to 5600 feet. The prominent feature of the Clover Creek Allotment is the Clover Creek riparian area which runs through the allotment to Caliente. The creek provides habitat for trout and other endemic fish species including two federally listed Category II species, numerous riparian and aquatic plants, and provides habitat for wild horses and livestock as well as deer and non-game wildlife species. Upland vegetation consists mainly of sagebrush and pinyon/juniper woodlands. The eastern one-third of the allotment (north of Clover Creek) is contained within the Miller Flat HMA. The area has a small resident population of horses as well as horses that travel through the area to water along Clover Creek. Two very small spring sources (Horse and Chokecherry #2) exist within Chokecherry Canyon and supply a small amount of water to the horses. These springs are heavily impacted by the wild horses in

the area.

### Livestock Use

There are currently two permittees on the allotment Roger Dieleman and National Mustang Association (NMA). The current term permit for Roger Dieleman is for the period 04/15/1994 to 02/28/2004. The current term permit for the NMA is for the period 03/01/1995 to 02/28/2005. The permitted season of use is November 1 to April 30. Permitted use for Roger Dieleman is 447 AUMs and permitted use for NMA is 166 AUMs. Application was made for non-use by Roger Dieleman from 1988 through 1998 as well as 2001. In 1998-2000 use was made by Ted Frehner through a lease agreement with Roger Dieleman. National Mustang Association applied for non-use from 1981 through 1988 and from 1992 through 2001 for conservation and protection purposes. Cattle were licensed under a lease agreement between the National Mustang Association and Kevin Olson from 1988 through 1992. Wild horses make up the majority of the grazing use. Unauthorized livestock drifting from the Cottonwood Allotment has also occurred on the Clover Creek Allotment. Use on the riparian portion of the allotment has been documented almost yearly and may be attributed to wild horse use, unauthorized livestock and permitted livestock during the years licensed.

### Wild Horse Use

The Clover Creek HMA covers approximately 33,860 acres and encompasses all or portions of the Clover Creek, Mustang Flat, and Sawmill Canyon allotments. It can be divided into two principal horse use areas.

The largest horse use area is located in the eastern two-thirds of the HMA, in the Clover Creek and Mustang Flat allotments. This use area is heavily covered in stands of pinyon-juniper (*Pinus monophylla- Juniperus osteosperma*) and scattered openings containing sagebrush (*Artemisia* spp.). It is the main foraging and watering area for over 70% of the horses from the HMA. There are several perennial water sources, within Ash Canyon (Lower and Upper Ash Springs) and at Clover Creek. The Ash Canyon water sources are used by horses from the Clover Creek and Clover Mountain HMAs, while Clover Creek is used by horses from the Clover Creek, Clover Mountain, Little Mountain, and Miller Flat HMAs. Wild horses use the Clover Creek riparian throughout the year, and utilization is excessive.

The Sawmill Canyon use area has the smaller population of wild horses. This population is located primarily in the Sawmill Canyon allotment, but overlaps onto the portion of Oak Springs allotment, which extends east of Meadow Valley Wash. This wild horse use area is used year-long. The vegetation in this area is pinyon/juniper with scattered openings containing sagebrush. The majority of the horses water along Meadow Valley Wash, at a small spring source within Kershaw Canyon, and at the spring sources within Ash Canyon. Some horses travel to the adjacent Clover Mountain HMA to water at Ella Spring. Very small, isolated spring sources may exist in the area that have not been identified.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

### FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Roger Dieleman	Clover Creek	75 Cows	11/1-4/30	447	357	0	804
NMA	Clover Creek	28 Cows	11/1-4/30	166	0	0	166

### TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Roger Dieleman	Clover Creek	64 Cows	10/1-4/30	447	357	0	804
NMA	Clover Creek	24 Cows	10/1-4/30	166	0	0	166

### Livestock Management Practices

The permitted season of use will be changed from November 1<sup>st</sup> through April 30<sup>th</sup>, to October 1<sup>st</sup> through April 30<sup>th</sup>. Changing the starting date to October will allow flexibility in the permittees grazing operation. Grazing this allotment in the winter will allow for critical spring and summer growth of the perennial grasses.

Permitted Use of 613 AUM's will be maintained for the Clover Creek Allotment. There are few livestock control structures (i.e. fences) to aid in livestock management. There is only one developed water source (well) on the allotment. Since livestock are not routinely authorized to graze the allotment no other management options have been initiated. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout. Fences will also be constructed to control livestock drift into adjoining allotments. Rangeland health objectives will also be established to address proper season of use and utilization levels for both riparian areas and uplands.

## Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Clover Creek Allotment.

1. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout. Water hauling locations will be determined by the authorized officer in cooperation with the livestock permittee on an annual basis. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout. Fences will also be constructed to control livestock drift into adjoining allotments. Rangeland health objectives will be established to address proper season of use and utilization levels for both riparian areas and uplands.

### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
5. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
6. 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.
7. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

1. Fence Upper Ash Spring in Ash Canyon and Chokecherry Spring in Chokecherry Canyon at the source to prevent trampling, wallowing, and degradation in order to protect the source while providing water to grazing animals and wildlife.
2. Develop or improve Horse Spring in Chokecherry Canyon to provide more water. Provide protection at the source from grazing animals while providing water to grazing animals.

There are currently no other range improvements proposed within the allotment. The permittee, in coordination with the BLM, will identify any future range improvement projects as needed. The BLM will initiate the project planning process for each proposed project. Project construction or vegetation treatment implementations will be dependent on funding and district priorities.

### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Clover Creek portion of the Clover Creek HMA as follows:

HMA	Appropriate Management Level
Clover Creek Allotment	10
Clover Creek HMA	20

This will establish an AML for wild horses within the Clover Creek portion of the Clover Creek HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be

maintained.

### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente MFP is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Clover Creek Allotment falls within the MFP planning area. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to The allotment specific objectives are a quantification of the Mojave-Southern Great Basin RAC Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

### Summary of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. The only current monitoring data is ecological condition which was collected during an ecological site inventory during 1995 and use pattern maps which were done in 1995 and 1997. Monitoring has not been conducted to measure the effects of livestock grazing since 1989. Utilization on the riparian habitat within Clover Creek was conducted from 1988 to 1993 on four key areas. Utilization ranged from slight to severe. This use can be attributed to primarily wild horse use however when cattle grazing was authorized in the allotment cattle also contributed to heavy use along Clover Creek.

### Utilization and Use Pattern Mapping

Use pattern maps show that heavy use has occurred within the canyon bottoms. This heavy use is attributed to wild horses and cattle during the time when livestock were authorized.

### Frequency Trend

Quadrat frequency trend studies were initially conducted during 1982 and done again in 1995 using a different variable. Quadrat frequency needs to be collected again in accordance with the procedures applied during this initial establishment of trend.

### Ecological Condition

An Ecological Site Inventory was performed on the allotment in 1995. Condition was done for the rangeland sites only which was based on soil mapping units. No condition rating was given for nongrazable woodlands.

Potential Natural Community (PNC)	0%
Late Seral	9%
Mid-Seral	77%
Early Seral	14%

### Summary of Monitoring Data

On the Clover Creek Allotment the management objectives are being met in the uplands. Based on use pattern maps and ESI, forage is available. Only minimal grazing occurred in the uplands during 1988 to 1992 and 1998 to 2000. Adequate evaluation of forage availability would require more grazing data on the allotment. Until livestock are regularly grazed and range monitoring occurs, this objective will be considered as met. The management objectives for the riparian area on the Clover Creek Allotment are not being met. Utilization in the riparian exceeded 50%, set as a quantifiable objective in the Clover Creek / Cottonwood HMP. The combined use by livestock and wild horses exceeded this use limit.

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

When grazing use is activated monitoring will be conducted to measure the effects of grazing use on rangeland health. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. Roger Dieleman and the National Mustang Association will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities.

### Evaluation

Grazing use and stocking levels will be evaluated when grazing use is activated. If a future assessment results in a determination that changes are necessary for compliance with the

Standards and Guidelines, the permit or lease will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

### VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."



IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4170) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
Roger Dieleman

\_\_\_\_\_  
Date

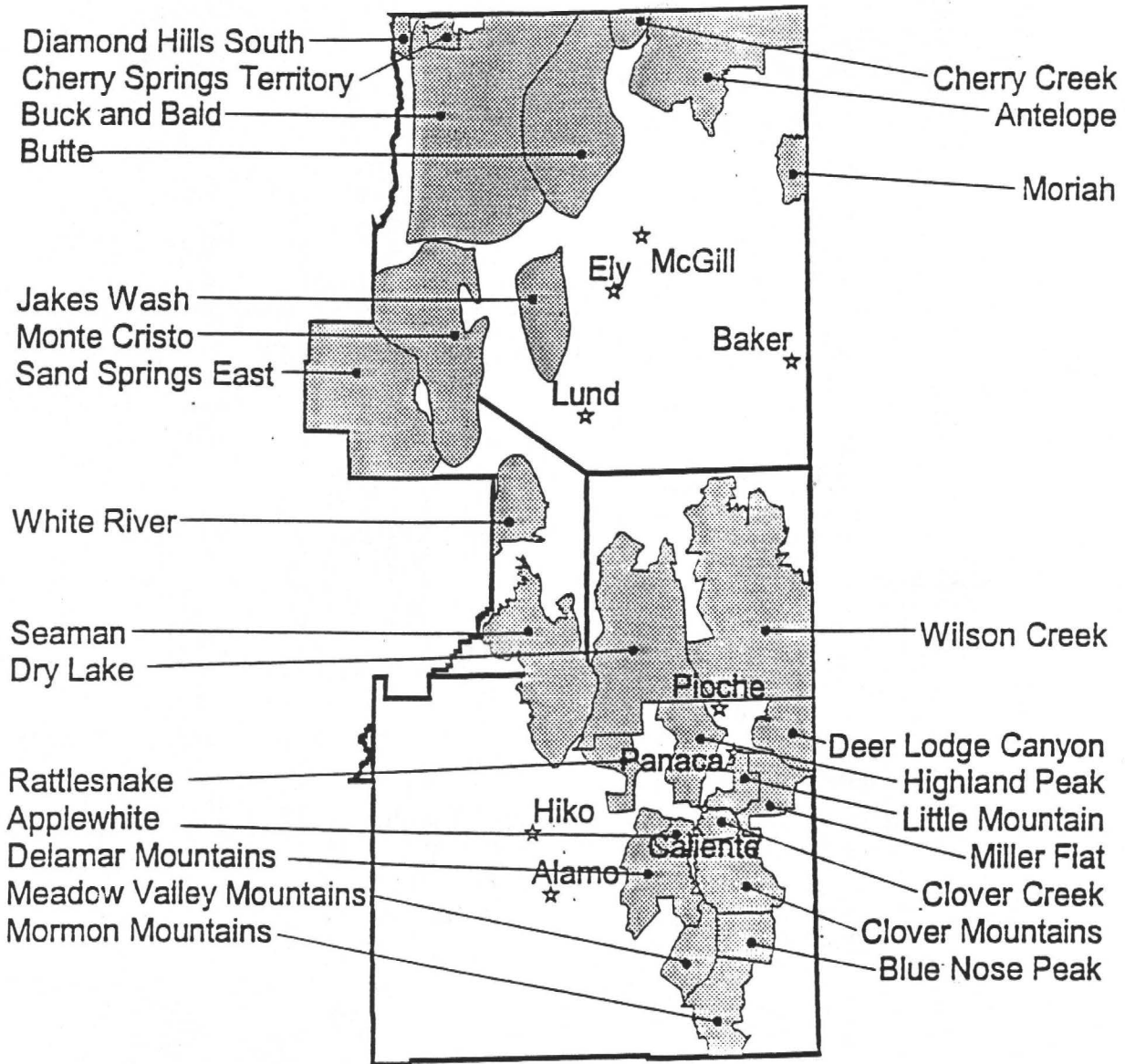
\_\_\_\_\_  
National Mustang Association

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Perkins  
Assistant Field Manager  
Renewable Resources

\_\_\_\_\_  
Date

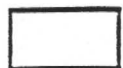
# ELY DISTRICT HMA'S



**Herd Management Area**



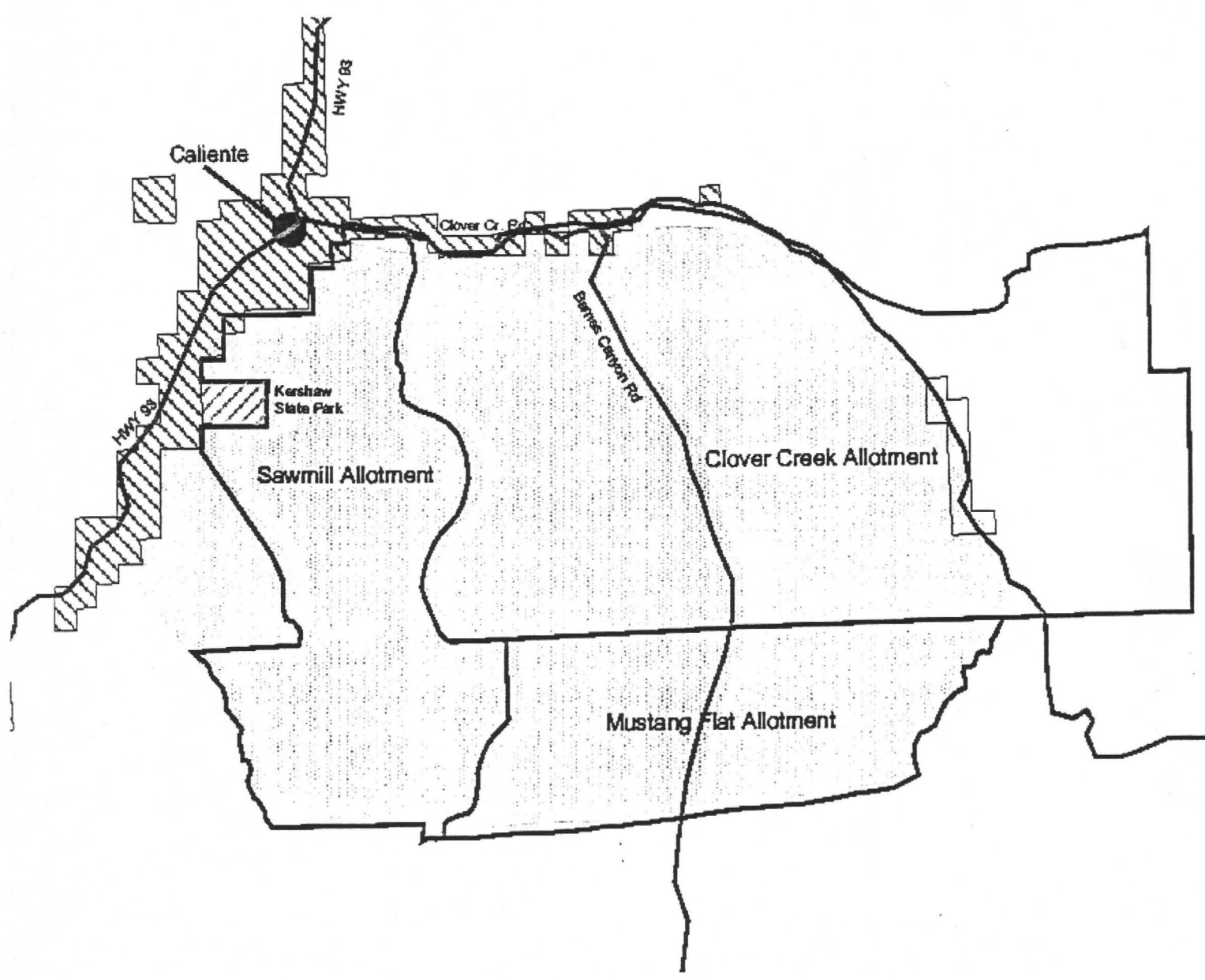
**City**



**Ely District Boundary**



# Clover Creek HMA and Associated Allotments



-  State Land
-  Private Land
-  Allotment Boundary
-  Clover Creek HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF WILD HORSE APPROPRIATE MANAGEMENT LEVEL  
FOR THE SAND HILLS ALLOTMENT

I. INTRODUCTION

This agreement establishes a wild horse appropriate management level (AML) for the Sand Hills Allotment portion of the Clover Mountain Wild Horse Herd Management Area (HMA).

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the Sand Hills Allotment. This agreement also establishes a wild horse appropriate management level (AML) for the Sand Hills Allotment portion of the Clover Mountain Wild Horse Herd Management Area.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Sand Hills Allotment. This agreement was prepared in consultation, cooperation, and coordination with George Tennille.

Allotment Description

The Clover Creek and Clover Mountain Herd Management Areas encompass over 228,000 acres. Both of these HMAs are located within Lincoln County, Nevada. These HMAs are bordered to the north by the Union Pacific railroad along Clover Creek, to the west by Meadow Valley Wash, to the south by the Sheep Flat and Cottonwood allotment boundaries, and to the east by Jack's Pass and Pine Canyon Reservoir. The terrain is mostly steep and rugged, with large expanses of pinyon-juniper (P/J) woodlands and sagebrush or blackbrush. Elevations range from 3800 to 7600 feet. A large portion of Cottonwood, Sheep Flat and Pennsylvania allotments occur within the Clover Mountains Wilderness Study Area (WSA). There are very few allotment boundary fences which separate the allotments within these HMAs.

The Sand Hills Allotment in the Caliente Resource Area in Lincoln County, Nevada is located south of Caliente, NV. The area is situated in the Clover Mountain Range. The elevation of the allotment ranges from 5100 - 7400 feet.

The allotment was established in 1980 through a rangeline agreement. Acklin Canyon to the

south, separates it from the Pennsylvania Allotment. The vegetation on this steep hilly allotment is comprised mainly of pinyon/juniper and sagebrush. Wild horses, mule deer, and livestock are the principle grazers.

#### Livestock Use

This allotment was recently transferred to George Tennille following the passing of his father, James Tennille. James licensed an average of 30 cows on the allotment. He often paid over and above his actual use because of the difficulty in gathering cows on the allotment. Utilization occurred around a water source located on an upland seep. Water is the limiting factor, especially now that the adjoining private property is owned by another party. Little or no future livestock use is anticipated to occur without the development of water. The allotment was licensed from 1982 to 1993. An average of 30 AUMs were licensed during this period. Only 6 cows were licensed during 1988.

#### Wild Horse Use

The Sand Hills Allotment lies within the western one-third of the Clover Mountain HMA. The Clover Mountain HMA covers approximately 171,900 acres and encompasses all or portions of the Sheep Flat, Cottonwood, Pennsylvania, and Sand Hills allotments. It can be divided into three principal wild horse use areas.

Sheep Flat/Upper Cottonwood is the largest use area (approximately 40% of HMA area) and is located in the eastern portion of the HMA. It is the main foraging and watering area for over 50% of the horses in the HMA. Water is available at several perennial spring sources and Clover Creek as well as at water troughs and reservoirs developed for livestock watering. Horses watering along Clover Creek contribute to the heavy to severe use that has been documented on riparian vegetation. The horse population in this area feeds year-long on the crested wheatgrass (*Agropyron cristatum*) seedings in the northern portions of Sheep Flat and Cottonwood allotments. The horses existing here move into the Clover Creek HMA as well as the adjacent Barclay allotment, which is non-HMA. Some animals (15-20) have established home ranges with the Barclay Allotment.

The Lower Cottonwood/Lower Pennsylvania use area is the next in size in both acreage and population. This population occupies primarily the southern two-thirds of the Cottonwood allotment (Cottonwood Canyon) and the southern half of the Pennsylvania allotment, but also travel further south, into the Blue Nose Peak HMA. This use area is made up of large, steep canyons heavily covered in pinyon-juniper and blackbrush (*Coleogyne ramosissima*). Use is year-long. The horses water along Pine and Ash Creeks. Several small spring sources also supply water to horses and cattle. Most of these springs flow less than 1/4 gallon per minute. They nevertheless increase animal distribution during parts of the year. Horse use is heavy to severe on over 5,000 acres burned by a wildfire. This burn overlaps the Pennsylvania and Cottonwood allotments. No fence exists along the common boundary.

Upper Pennsylvania/Sand Hills is the last use area. It is the smallest in size and horse

population. It is heavily covered in pinyon-juniper and made up of large, steep canyons. The majority of the use is made on a large wildfire burn in the central portion of the Pennsylvania allotment. Several small spring sources (<1/4 gallon/min) are located within 1-5 miles of the burn.

Movement of horses between the Clover Mountain and Clover Creek HMAs has been documented through visual observation (routine sightings, trailing, and locations of horses during census flights) and communications with the public. Horse movements are driven by foraging habits and water availability. The relative ease of movement between these two HMAs underscores the need to manage them as one.

Limited numbers of water sources in the Blue Nose Peak HMA greatly contributes to horse movements between Clover Mountain and Blue Nose Peak HMAs. Reciprocally, horses move south, out of the Clover Mountain HMA and into Blue Nose Peak HMA when snowfall limits forage availability.

Censuses in the Clover Mountain and Clover Creek HMAs are quite difficult: horses are hard to spot and count because they use the rugged terrain and extremely dense stands of Pinyon-Juniper for protection and concealment. Censuses appear to be the most accurate in the winter when the horses are pushed into windswept open areas in search of forage. Wild horses numbers within the allotment have fluctuated over the years due to timing of the censuses as well as documented movement of the resident horses. An average of 25 wild horses have used the allotment during the period of 1973 to 2001.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
George Tennille	Sand Hills	38 Cows	5/1-10/31	229	104	0	333

TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
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George Tennille	Sand Hills	38 Cows	5/1-10/31	229	104	0	333
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### Livestock Management Practices

The Sand Hills Allotment is not currently being grazed due to the fact that it is involved in a transfer. The transfer is between George Tennille and the National Mustang Association.

The change in terms and conditions will be effective upon the signing of this agreement.

### Terms and Conditions

1. 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.
2. 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.
3. 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.
5. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
6. 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.
7. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

## Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Northeastern or Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

The following range improvement projects were recommended by the Technical Review Team for Pennsylvania Allotment. The BLM and Hank & Joi Brackenbury will prioritize the proposed projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

- 1) Develop a permanent water source for livestock and wild horses.
- 2) Develop a guzzler for wildlife on the Ella Mountain Burn. The guzzler should be centrally located to provide water for wildlife from the Pennsylvania, Sand Hills, and Cottonwood Allotments.
- 3) Design and implement a vegetative conversion project on the Ella Mountain Burn on the southeast portion of the allotment to enhance habitat for all range users.

### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Sand Hills Allotment portion of the Clover Mountain HMA as follows:

Allotment / HMA	Appropriate Management Level
Sand Hills Allotment	5
Clover Mountain HMA	40

This will establish an AML for wild horses within the Sand Hills Allotment portion of the Clover Mountain HMA. The AML is based upon forage and water available within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.



## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente MFP is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Sheep Flat, Cottonwood, Clover Creek, Sawmill, Mustang Flat, Pennsylvania and Sand Hills Allotments fall within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Northern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to The allotment specific objectives are a quantification of the Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. The Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Since the allotment has had rest from domestic livestock grazing very little monitoring data has been conducted. Ecological Site Inventory was performed on the Sand Hills Allotment in 1995. There was no condition rating given for the Sand Hills Allotment, because it is 100% woodland.

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

Rangeland monitoring will continue to be conducted on the Sand Hills Allotment. George Tennille will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated when the current term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific. Based upon the findings of the evaluation, adjustments may or may not be needed in the new term permit. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that

time.

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

## IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing

privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4170) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

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George Tennille

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Date

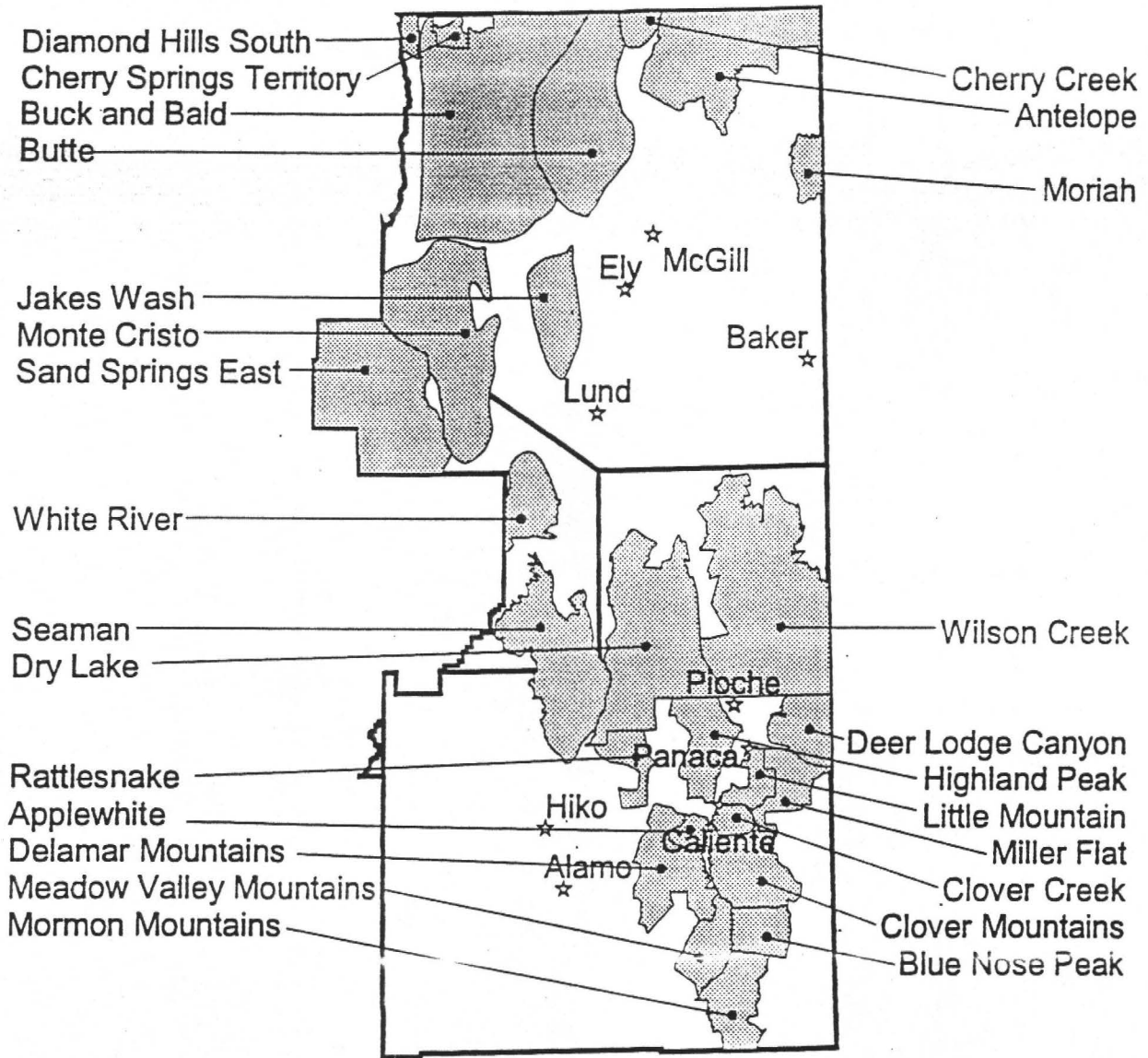
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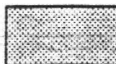


James M. Perkins  
Assistant Field Manager  
Renewable Resources

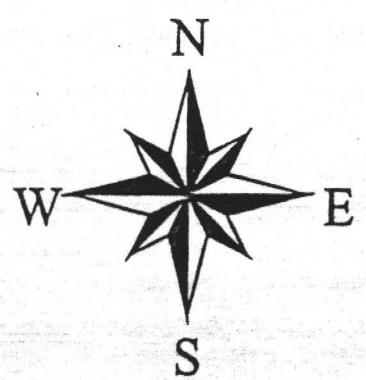
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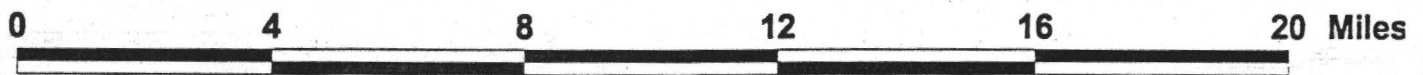
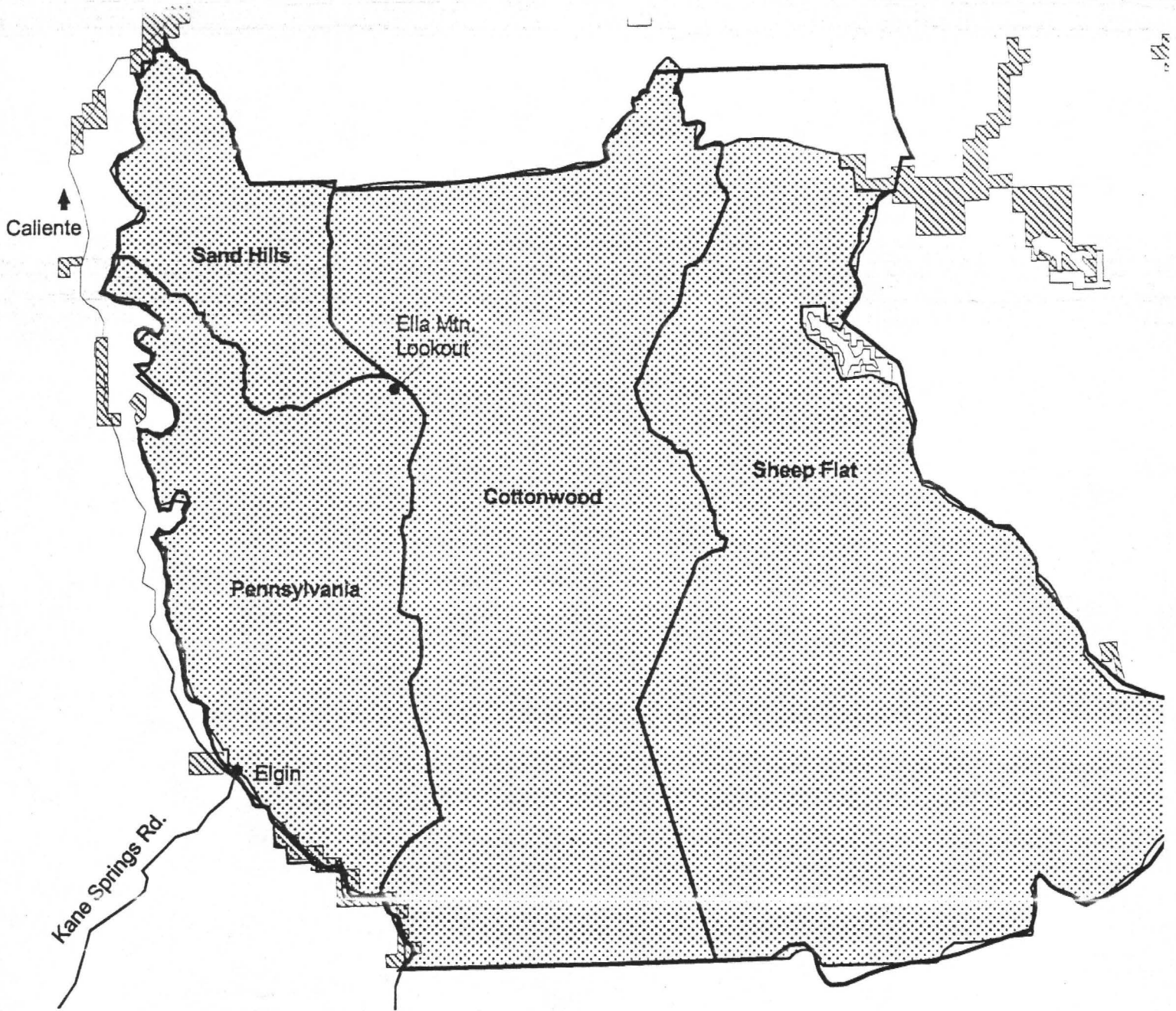
# ELY DISTRICT HMA'S







-  Herd Management Area
-  City
-  Ely District Boundary



# Clover Mountain HMA and Associated Allotments



-  Private Land
-  Roads
-  Allotment Boundary
-  Blue Nose Peak HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF WILD HORSE APPROPRIATE MANAGEMENT LEVEL FOR  
THE PENNSYLVANIA ALLOTMENT

I. INTRODUCTION

This agreement establishes a wild horse appropriate management level (AML) for the Pennsylvania Allotment portion of the Clover Mountain Wild Horse Herd Management Area (HMA).

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the Pennsylvania Allotment. This agreement also establishes a wild horse appropriate management level (AML) for the Pennsylvania Allotment portion of the Clover Mountain Wild Horse Herd Management Area.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Pennsylvania Allotment. This agreement was prepared in consultation, cooperation, and coordination with Hank and Joi Brackenbury.

Allotment Description

The Pennsylvania Allotment is located primarily on the western portion of the Clover Mountains approximately 20 miles south of Caliente, NV. The allotment's vegetative communities are made up of pinyon-juniper, sagebrush, or blackbrush. Several large fire scars exist within the allotment and these areas supply foraging areas for the wild horses and wild cows that exist on the allotment. The majority of the allotment is very steep terrain and provides limited forage availability. The allotment contains a portion of the Meadow Valley Wash riparian area on its southwestern border, which provides habitat for aquatic and terrestrial species, as well as forage and water for livestock. Upland water sources include Carson Spring and several small sources within the side canyons connecting to Pennsylvania Canyon.

Livestock Use

There is currently only one permittee on the allotment 7 J Ranch. The current term permit for 7 J Ranch is for the period 12/14/1995 to 02/28/2005. The permitted season of use is from May 1<sup>st</sup>

to October 31<sup>st</sup>. Historical use has been made on the allotment by cattle. Prior to 1994, two operators held permits on the allotment. A transfer of grazing preferences resulted in 7 J Ranch gaining the entire grazing preference for the allotment. The majority of the allotment does not receive grazing pressure due to very limited forage availability and very steep terrain. The allotment has been used intermittently to suit the permittees operation. . Cows have been licensed in the riparian area of Meadow Valley Wash in the spring, on a temporary basis, to utilize the annual grasses. Water is limited on the rest of the allotment which consists of uplands and steep cliffs surrounding Pennsylvania Canyon.

The current permittee prefers to make early spring use of the riparian on Meadow Valley Wash and associated smaller side canyons to make use of annual forage (red brome, cheatgrass) growing in the warmer canyons. The majority of the use observed at Carson Spring is done by wild horses and feral cows. Permitted livestock also contribute to use when turned out.

### Wild Horse Use

The Pennsylvania Allotment lies within the western one-third of the Clover Mountain HMA. The Clover Mountain HMA covers approximately 171,900 acres and encompasses all or portions of the Sheep Flat, Cottonwood, Pennsylvania, and Sand Hills allotments. It can be divided into three principal wild horse use areas.

Sheep Flat/Upper Cottonwood is the largest use area (approximately 40% of HMA area) and is located in the eastern portion of the HMA. It is the main foraging and watering area for over 50% of the horses in the HMA. Water is available at several perennial spring sources and Clover Creek as well as at water troughs and reservoirs developed for livestock watering. Horses watering along Clover Creek contribute to the heavy to severe use that has been documented on riparian vegetation. The horse population in this area feeds year-long on the crested wheatgrass (*Agropyron cristatum*) seedings in the northern portions of Sheep Flat and Cottonwood allotments. The horses existing here move into the Clover Creek HMA as well as the adjacent Barclay allotment, which is non-HMA. Some animals (15-20) have established home ranges with the Barclay Allotment.

The Lower Cottonwood/Lower Pennsylvania use area is the next in size in both acreage and population. This population occupies primarily the southern two-thirds of the Cottonwood allotment (Cottonwood Canyon) and the southern half of the Pennsylvania allotment, but also travel further south, into the Blue Nose Peak HMA. This use area is made up of large, steep canyons heavily covered in pinyon-juniper and blackbrush (*Coleogyne ramosissima*). Use is year-long. The horses water along Pine and Ash Creeks. Several small spring sources also supply water to horses and cattle. Most of these springs flow less than 1/4 gallon per minute. They nevertheless increase animal distribution during parts of the year. Horse use is heavy to severe on over 5,000 acres burned by a wildfire. This burn overlaps the Pennsylvania and Cottonwood allotments. No fence exists along the common boundary.

Upper Pennsylvania/Sand Hills is the last use area. It is the smallest in size and horse

population. It is heavily covered in pinyon-juniper and made up of large, steep canyons. The majority of the use is made on a large wildfire burn in the central portion of the Pennsylvania allotment. Several small spring sources (<1/4 gallon/min) are located within 1-5 miles of the burn.

Movement of horses between the Clover Mountain and Clover Creek HMAs has been documented through visual observation (routine sightings, trailing, and locations of horses during census flights) and communications with the public. Horse movements are driven by foraging habits and water availability. The relative ease of movement between these two HMAs underscores the need to manage them as one.

Limited numbers of water sources in the Blue Nose Peak HMA greatly contributes to horse movements between Clover Mountain and Blue Nose Peak HMAs. Reciprocally, horses move south, out of the Clover Mountain HMA and into Blue Nose Peak HMA when snowfall limits forage availability.

Censuses in the Clover Mountain and Clover Creek HMAs are quite difficult: horses are hard to spot and count because they use the rugged terrain and extremely dense stands of Pinyon-Juniper for protection and concealment. Censuses appear to be the most accurate in the winter when the horses are pushed into windswept open areas in search of forage. Wild horses numbers within the allotment have fluctuated over the years due to timing of the censuses as well as documented movement of the resident horses. An average of 25 wild horses have used the allotment during the period of 1973 to 2001.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

### FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
7 J Ranch	Pennsylvania	97 Cows	5/1-10/31	588	262	0	850



TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
7 J Ranch	Pennsylvania	97 Cows	5/1-10/31	588	262	0	850

Livestock Management Practices

The Pennsylvania Allotment is not currently being grazed due to the fact that it is involved in a transfer. The transfer is between 7 J Ranch and the National Mustang Association.

The change in terms and conditions will be effective upon the signing of this agreement.

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Pennsylvania Allotment.

1. Livestock grazing will not be authorized within the riparian area associated with the Meadow Valley Wash portions of the Ash Flat, Meadow Valley, Rainbow, and Pennsylvania Allotments during the period of May 1 to August 31 to allow nesting of the Southwest Willow Flycatcher, a threatened species under the Endangered Species Act.

Standard Operating Terms and Conditions

1. 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.

2. 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.

3. 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.

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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

#### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

The following range improvement projects have been recommended for the Pennsylvania Allotment. The BLM and Hank & Joi Brackenbury will prioritize the proposed projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

- 1) Develop a permanent water source for livestock and wild horses.
- 2) Fence Carson Spring and perform maintenance on the existing head box.
- 3) Develop a guzzler for wildlife on the Ella Mountain Burn. The guzzler should be centrally located to provide water for wildlife from the Pennsylvania, Sand Hills, and Cottonwood Allotments.

#### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Pennsylvania Allotment portion of the Clover Mountain HMA as follows:

Allotment / HMA	Appropriate Management Level
Pennsylvania Allotment	15
Clover Mountain HMA	40

This will establish an AML for wild horses within the Pennsylvania Allotment portion of the Clover Mountain HMA. The AML is based upon forage and water available within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

#### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

#### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Pennsylvania Allotment falls within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave-Southern Great Basin RAC has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The allotment specific objectives are a quantification of the Mojave-Southern Great Basin RAC Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines

are located in Appendix I of this document.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Utilization conducted in 1995 indicated large areas of severe (81-100%) utilization by wild horses, and a utilization map done in 1997 showed light use in the canyons with heavy to severe use at Carson Spring which was also attributed to horses. Ecological site inventory (ESI) was completed on the allotment in 1995. Analysis of the data indicates the ecological status of the grazable portion of the allotment as a percentage of total acres is as follows:

Potential Natural Community (PNC)	12%
Late Seral	55%
Mid-Seral	0%
Early Seral	33%

### Frequency Trend

Quadrat frequency trend studies were conducted at 1 key area on the allotment in 1981, 1984, and 1995. Trend study data helps indicate any statistically significant change in the frequency of occurrence of the key species over a long period of time. The data indicates that trend is static, even though the frequency of cheatgrass (*B. tectorum*) has increased significantly. Changes may be the result of many combined disturbances, both natural and man-caused, including fire, climate, grazing etc. (See appendix for results)

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

Rangeland monitoring will continue to be conducted on the Pennsylvania Allotment. Hank and Joi Brackenbury will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated when the current term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific. Based upon the findings of the evaluation, adjustments may or may not be needed in the new term permit. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
Hank/Joi Brackenbury

\_\_\_\_\_  
Date

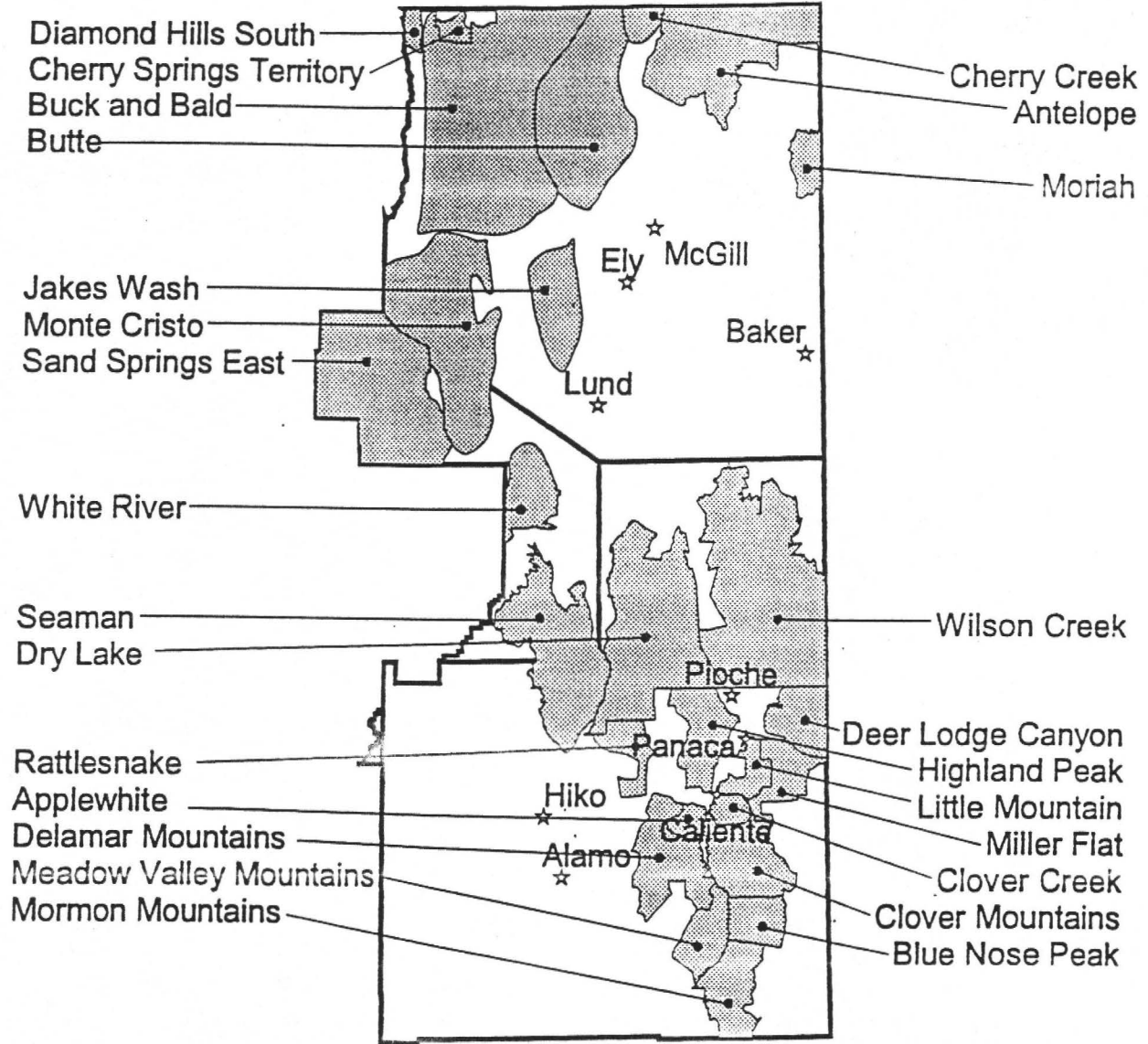
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James M. Perkins  
Assistant Field Manager  
Renewable Resources

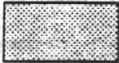


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Date

Allotment for 1984 and 1995.

SPECIES	RESULT		SUMMARY
	95% Confidence Interval	90% Confidence Interval	
<i>Aristida purpurea</i> purple threeawn	No significant change	No significant change	Decrease in mean from 52 to 39.
<i>Bromus tectorum</i> cheatgrass	Significant increase.	Significant increase.	Increase in mean from 83 to 100.
<i>Sporobolus cryptandrus</i> sand dropseed	No significant change	No significant change	Decrease in mean from 1.5 to .5.
Annual Forb	Significant increase.	Significant increase.	Increase in mean from 29.5 to 54.5.
<i>Astragalus</i> milkvetch	No significant change	No significant change	Decrease in mean from 9.5 to 6.
<i>Erodium cicutarium</i> cutleaf filaree	No significant change	Significant decrease.	Decrease in mean from 28.5 to 7.
<i>Sphaeralcea ambigua</i> desert globemallow	Significant decrease.	Significant decrease.	Decrease in mean from 57 to 9.
<i>Artemisia tridentata</i> <i>wyomingensis</i> Wyoming big sagebrush	No significant change	No significant change	Increase in mean from 0 to 1.
<i>Coleogyne ramosissima</i> blackbrush	No significant change	No significant change	Increase in mean from 0 to 1.
<i>Ephedra viridis</i> green ephedra	No significant change	No significant change	Decrease from 1.5 to 1.
<i>Gutierrezia sarothrae</i> broom snakeweed	Significant decrease.	Significant decrease.	Decrease from 74.5 to 37.
<i>Purshia glandulosa</i> desert bitterbrush	No significant change	No significant change	Increase in mean from 5 to 6.5.

# ELY DISTRICT HMA'S

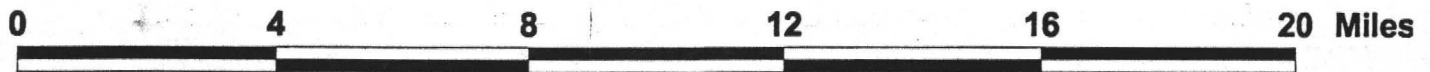
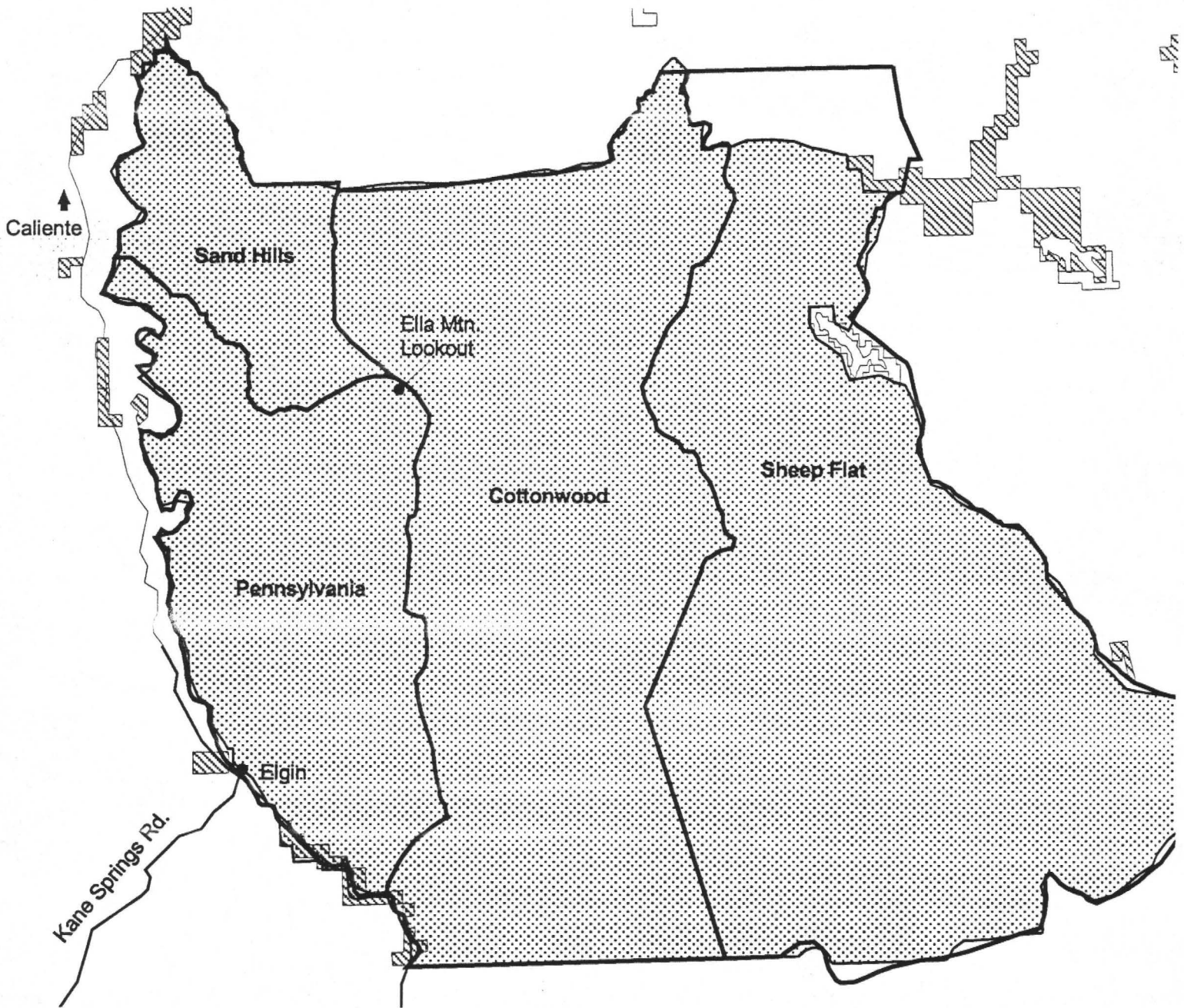






-  Herd Management Area
-  City
-  Ely District Boundary





# Clover Mountain HMA and Associated Allotments



-  Private Land
-  Roads
-  Allotment Boundary
-  Blue Nose Peak HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVEL  
FOR THE SAWMILL CANYON ALLOTMENT

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the Clover Creek Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use which will result when livestock grazing is applied for in the future. The allotment has not been grazed by livestock over the last 20 years.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Sawmill Canyon Allotment. This agreement was prepared in consultation, cooperation, and coordination with Roger Dieleman and Charles Culverwell.

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Clover Creek Wild Horse HMA.

Allotment Description

The Sawmill Canyon Allotment is in the Caliente Resource Area in Lincoln County, Nevada located south of Caliente, NV. The area is situated in the Clover Mountain Range. The elevation of the allotment ranges from 4800 to 6200 feet. The north end of the allotment is bordered by Caliente and by Clover Creek which runs through Caliente. The landforms of the allotment are characterized by steep hillsides vegetated with sagebrush, and pinyon/juniper. Kershaw-Ryan State Park borders the allotment to the west. Wild horses and mule deer graze the allotment.

Livestock Use

There are currently two permittees on the allotment Roger Dieleman and Charles Culverwell. The current term permit for Roger Dieleman is for the period 04/15/1994 to 02/28/2004. The

current term permit for Charles Culverwell is for the period 03/01/1993 to 02/28/2003. The permitted season of use is year-long (March 1 to February 28). Both permittees have taken non-use on the Sawmill Canyon Allotment for at least 20 years. This is due in part to the fact that there is no water or fencing to control the livestock.

### Wild Horse Use

The Clover Creek HMA covers approximately 33,860 acres and encompasses all or portions of the Clover Creek, Mustang Flat, and Sawmill Canyon Allotments. It can be divided into two principal horse use areas.

The largest horse use area is located in the eastern two-thirds of the HMA, in the Clover Creek and Mustang Flat allotments. This use area is heavily covered in stands of pinyon-juniper (*Pinus monophylla- Juniperus osteosperma*) and scattered openings containing sagebrush (*Artemisia* spp.). It is the main foraging and watering area for over 70% of the horses from the HMA. There are several perennial water sources, within Ash Canyon (Lower and Upper Ash Springs) and at Clover Creek. The Ash Canyon water sources are used by horses from the Clover Creek and Clover Mountain HMAs, while Clover Creek is used by horses from the Clover Creek, Clover Mountain, Little Mountain, and Miller Flat HMAs. Wild horses use the Clover Creek riparian throughout the year, and utilization is excessive.

The Sawmill Canyon use area has the smaller population of wild horses. This population is located primarily in the Sawmill Canyon allotment, but overlaps onto the portion of Oak Springs allotment, which extends east of Meadow Valley Wash. This wild horse use area is used year-long. The vegetation in this area is pinyon/juniper with scattered openings containing sagebrush. The majority of the horses water along Meadow Valley Wash, at a small spring source within Kershaw Canyon, and at the spring sources within Ash Canyon. Some horses travel to the adjacent Clover Mountain HMA to water at Ella Spring. Very small, isolated spring sources may exist in the area that have not been identified.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

**FROM:**

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Roger Dieleman	Sawmill Canyon	14 Cattle	3/1-2/28	165	136	0	301
Charles Culverwell	Sawmill Canyon	2 Cattle	3/1-2/28	16	13	0	29

**TO:**

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Roger Dieleman	Sawmill Canyon	14 Cattle	3/1-2/28	165	136	0	301
Charles Culverwell	Sawmill Canyon	2 Cattle	3/1-2/28	16	13	0	29

Livestock Management Practices

The permitted season of use will remain year round from March 1<sup>st</sup> to February 31<sup>st</sup>. Permitted Use of 181 AUMs will be maintained for the Sawmill Allotment. The allotment has not been grazed by livestock for at least 20 years due in part to limited water and a lack of fencing to control and manage livestock. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout. Fences will be constructed, repaired and maintained to enable control of livestock drift from entering into adjoining allotments and areas closed to grazing prior to grazing authorization. Rangeland health objectives will also be established to address proper season of use and utilization levels for both riparian areas and uplands.

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Sawmill Canyon Allotment: These terms and conditions will be included in the term permits upon expiration of the current term permits or when grazing is applied for and authorized.

1. Fences will be constructed, repaired and maintained to enable control of livestock drift from entering into adjoining allotments and areas closed to grazing prior to grazing authorization.
2. Permanent or temporary waters for livestock must be established prior to grazing authorization. Water hauling locations will be determined by the authorized officer in cooperation with the livestock permittee on an annual basis.
3. Rangeland health objectives will also be established to address proper season of use and utilization levels for both riparian areas and uplands.

#### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the term permit. When application is made to activate grazing use, the authorization will be contingent upon establishing additional terms and conditions. The grazing management practices identified in the terms and conditions will be designed to ensure significant progress towards fulfillment of the Northeastern Great Basin Standards and Guidelines for Grazing Administration as developed by the applicable Northeastern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple- use objectives and standards.

III. RANGE IMPROVEMENTS

The BLM in cooperation with the permittees will identify water hauling locations and fencing needs and identify any additional range improvement projects or vegetative treatments as needed. Construction of at least one wildlife water source (guzzler) is also recommended.

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Sawmill Canyon Allotment portion of the Clover Creek HMA as follows:

Allotment / HMA	Appropriate Management Level
Sawmill Canyon Allotment	5
Clover Creek HMA	20

This will establish an AML for wild horses within the Sawmill Canyon Allotment portion of the Clover Creek HMA. AML is based upon available water and forage within the allotment. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave -

South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

#### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Sawmill Canyon Allotment falls within the MFP planning area. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave-Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The allotment specific objectives are a quantification of the Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. The Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document.

#### VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and review of monitoring data was conducted associated with this agreement. Since the allotment has had rest from domestic livestock grazing for at least twenty years very little monitoring data has been conducted. Monitoring data has not been conducted to measure the effects of cattle grazing, wild horse use or wildlife use on upland or riparian habitat. Key areas have not been established on the Sawmill Canyon Allotment. The only monitoring data on the allotment is ecological condition. An Ecological Site Inventory was performed on the allotment in 1995. No condition rating was given for nongrazable woodlands.

Ecological condition was determined for the rangeland sites only which was based on soil mapping units.

Potential Natural Community (PNC)	0%
Late Seral	0%
Mid-Seral	26%
Early Seral	74%

#### VII. FUTURE MONITORING AND ADJUSTMENTS

##### Monitoring Program

When grazing use is activated monitoring will be conducted. Specific rangeland monitoring

studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittees will be encouraged to participate in monitoring.

### Evaluation

Grazing use and stocking levels will be evaluated when grazing use is activated. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit or lease will be reissued subject to revised terms and conditions

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of



healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
Roger Dieleman

\_\_\_\_\_  
Date

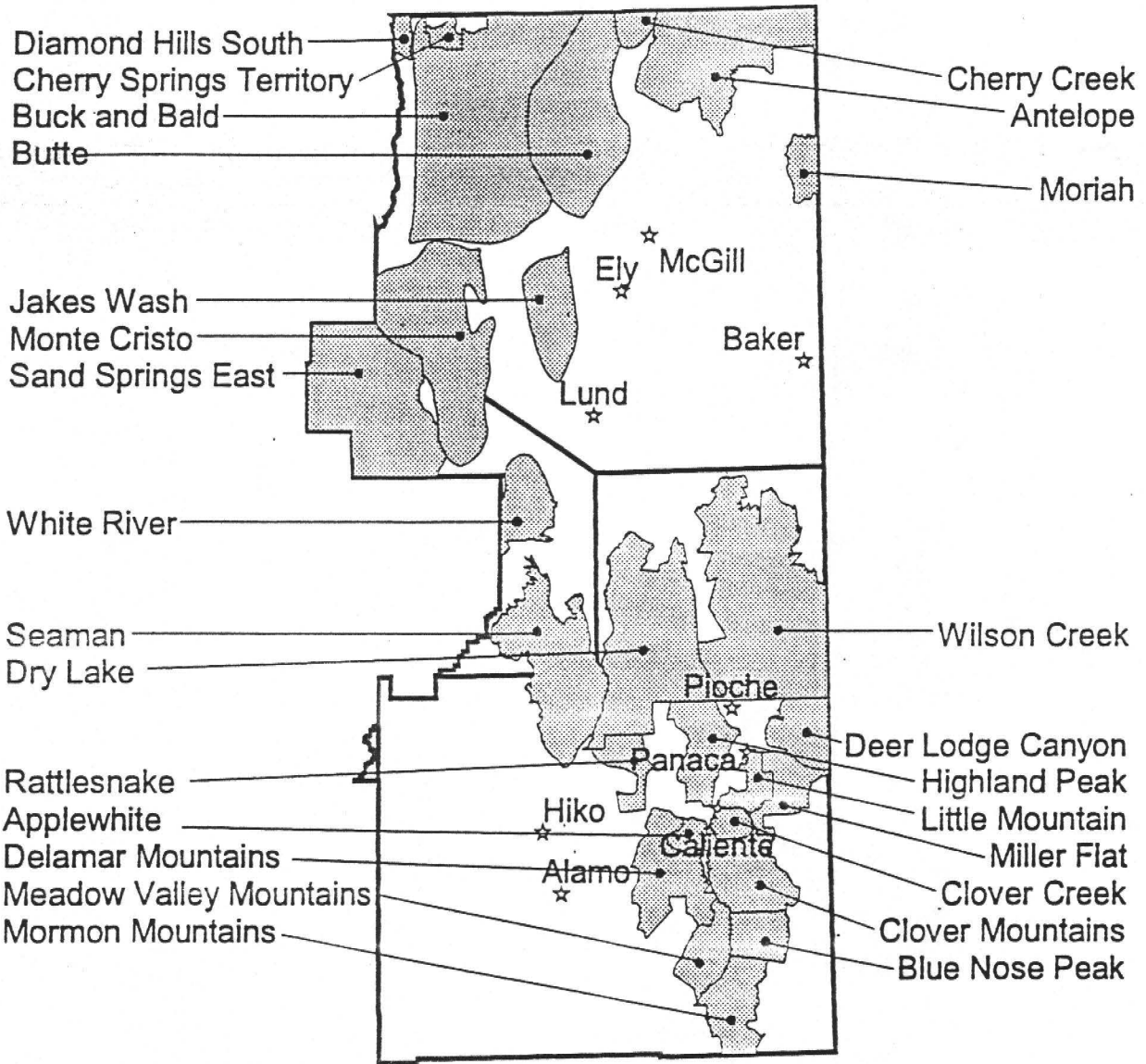
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Charles Culverwell

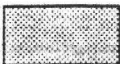

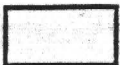
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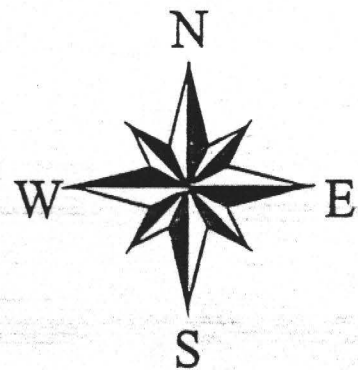
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James M. Perkins  
Assistant Field Manager  
Renewable Resources

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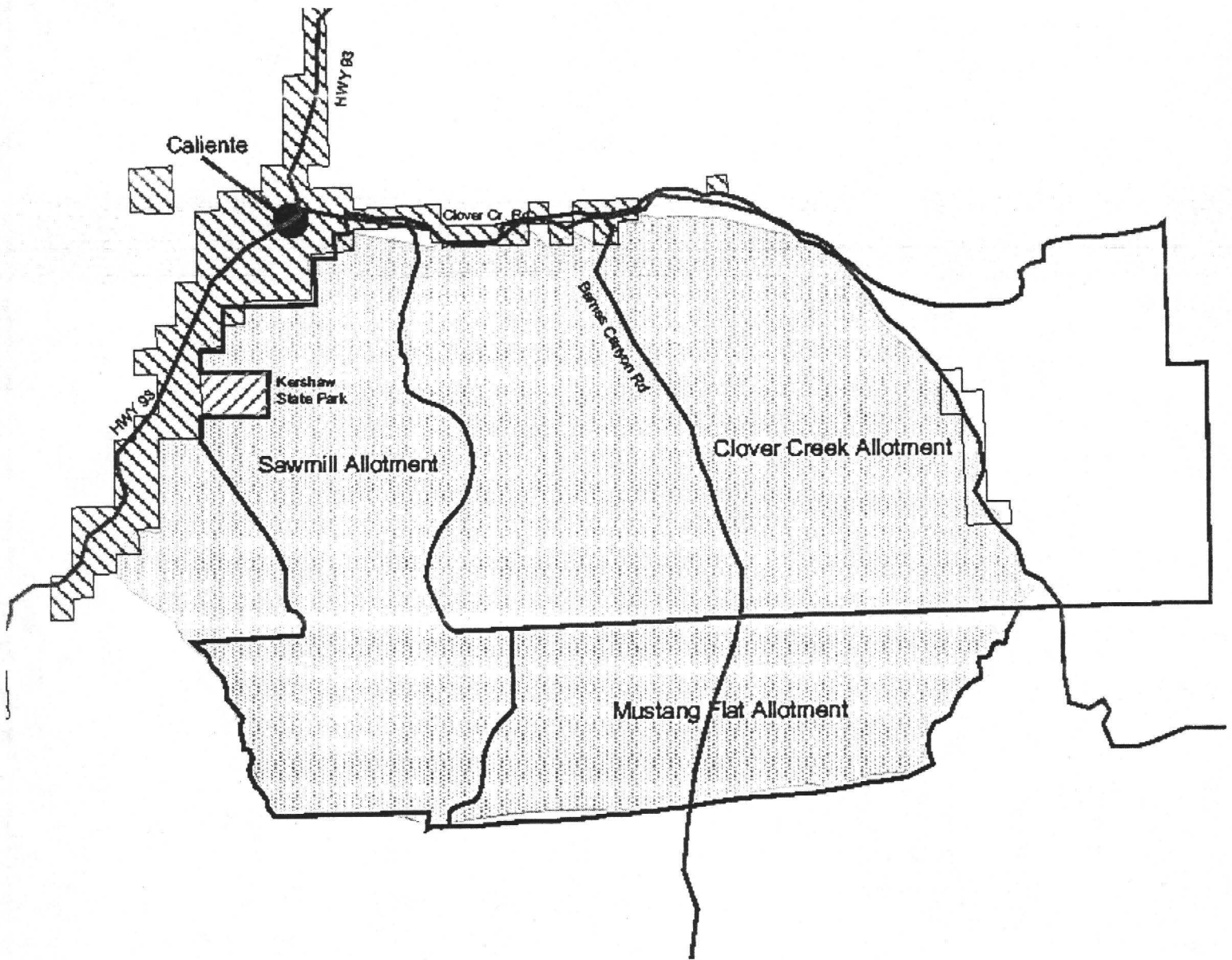
# ELY DISTRICT HMA'S







-  Herd Management Area
-  City
-  Ely District Boundary



# Clover Creek HMA and Associated Allotments



-  State Land
-  Private Land
-  Allotment Boundary
-  Clover Creek HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF WILD HORSE APPROPRIATE MANAGEMENT LEVEL  
FOR THE MUSTANG FLAT ALLOTMENT

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the Clover Creek Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use which will result when livestock grazing is applied for in the future. The allotment has not been grazed by livestock for a minimum of 13 years.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Sawmill Allotment. This agreement was prepared in consultation, cooperation, and coordination with Roger Dieleman.

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Clover Creek Wild Horse HMA.

Allotment Description

The Mustang Flat Allotment is in the Caliente Resource Area in Lincoln County, Nevada located south of Caliente, NV. The area is situated in the Clover Mountain Range. The elevation of the allotment ranges from 5700 to 6000 feet. The Mustang Flat Allotment is characterized by the dominance of the pinyon/juniper/sagebrush community. The approximate 1,900 acre Head Chaining on Mustang Flat provided forage in the past. Head Chaining was treated using prescribed fire to increase production of crested wheatgrass and native species for wildlife and other users.

Livestock Use

Roger Dieleman is the current livestock permittee. The current term permit for Roger Dieleman is for the period 04/15/1994 to 02/28/2004. The permitted season of use is May 1 to October 31

and permitted use is 147 AUMs. The allotment was transferred to Roger Dieleman from Bruce Michael in 1994. The allotment has not been grazed since at least 1988. Permitted use is on the allotment is for cattle only.

### Wild Horse Use

The Clover Creek HMA covers approximately 33,860 acres and encompasses all or portions of the Clover Creek, Mustang Flat, and Sawmill Canyon allotments. It can be divided into two principal horse use areas.

The largest horse use area is located in the eastern two-thirds of the HMA, in the Clover Creek and Mustang Flat allotments. This use area is heavily covered in stands of pinyon-juniper (*Pinus monophylla- Juniperus osteosperma*) and scattered openings containing sagebrush (*Artemisia* spp.). It is the main foraging and watering area for over 70% of the horses from the HMA. There are several perennial water sources, within Ash Canyon (Lower and Upper Ash Springs) and at Clover Creek. The Ash Canyon water sources are used by horses from the Clover Creek and Clover Mountain HMAs, while Clover Creek is used by horses from the Clover Creek, Clover Mountain, Little Mountain, and Miller Flat HMAs. Wild horses use the Clover Creek riparian throughout the year, and utilization is excessive.

The Sawmill Canyon use area has the smaller population of wild horses. This population is located primarily in the Sawmill Canyon allotment, but overlaps onto the portion of Oak Springs allotment, which extends east of Meadow Valley Wash. This wild horse use area is used year-long. The vegetation in this area is pinyon/juniper with scattered openings containing sagebrush. The majority of the horses water along Meadow Valley Wash, at a small spring source within Kershaw Canyon, and at the spring sources within Ash Canyon. Some horses travel to the adjacent Clover Mountain HMA to water at Ella Spring. Very small, isolated spring sources may exist in the area that have not been identified.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

**FROM:**

<b>Permittee</b>	<b>Allotment</b>	<b>Livestock Number &amp; Kind</b>	<b>Period of Use</b>	<b>Permitted Use (AUMs)</b>	<b>Historical Suspended Use</b>	<b>Nonuse</b>	<b>Total Use (AUMs)</b>
Roger Dieleman	Mustang Flat	25 Cattle	5/1-10/31	147	658	0	805

**TO:**

<b>Permittee</b>	<b>Allotment</b>	<b>Livestock Number &amp; Kind</b>	<b>Period of Use</b>	<b>Permitted Use (AUMs)</b>	<b>Historical Suspended Use</b>	<b>Nonuse</b>	<b>Total Use (AUMs)</b>
Roger Dieleman	Mustang Flat	21 Cattle	10/1-4/30	147	658	0	805

Livestock Management Practices

The permitted season of use will be changed from May 1<sup>st</sup> through October 31<sup>st</sup> to October 1<sup>st</sup> through April 30<sup>th</sup> to allow for perennial grass growth during the critical spring and summer growing season.

Permitted Use of 147 AUMs will be maintained for the Mustang Flat Allotment. The allotment has not been grazed by livestock for at least 13 years due in part to limited water and a lack of fencing to control and manage livestock. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout. Fences will also be constructed to control livestock drift into adjoining allotments. Rangeland health objectives will also be established to address proper season of use and utilization levels for both riparian areas and uplands.

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permit for the Mustang Flat Allotment: These terms and conditions will be included in the term permit upon expiration of the current term permit or when grazing is applied for and authorized.

1. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout. Fences

will also be constructed to control livestock drift into adjoining allotments. Rangeland health objectives will be established to address proper season of use and utilization levels for both riparian areas and uplands.

2. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout.
3. Establish permanent or temporary waters for livestock prior to turnout. Water hauling locations will be determined by the authorized officer in cooperation with the livestock permittee on an annual basis.
4. The Head Chaining Prescription Burn will be rested from grazing through 2001 or until objectives have been achieved. Use limits by season of use and plant form identified in the Nevada Rangeland Monitoring Handbook will be adhered to on this area. Livestock grazing will be deferred until the operator and the BLM agree that sufficient vegetation is present to support grazing. Use during the closure period will constitute trespass and will be subject to unauthorized use proceedings.

#### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
5. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
6. 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.

7. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Northeastern or Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

The BLM in cooperation with the permittees will identify water hauling locations and fencing needs and identify any additional range improvement projects or vegetative treatments as needed. Construction of at least one wildlife water source (guzzler) is also recommended.

### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Mustang Flat Allotment portion of the Clover Creek HMA as follows:

HMA	Appropriate Management Level
Mustang Flat	5
Clover Creek HMA	20

This will establish an AML for wild horses within the Mustang Flat Allotment portion of the Clover Creek HMA. AML is based upon available water and forage within the allotment. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

### Standards and Guidelines



Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Mustange Flat Allotment falls within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave-Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The allotment specific objectives are a quantification of the Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. The Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and review of monitoring data was conducted associated with this agreement. Since the allotment has had rest from domestic livestock grazing for at least 13 years very little monitoring data has been conducted. Since cattle have not been licenced on the allotment for several years the use that has occurred on the allotment is attributed to wild horses and wildlife.

### Utilization and Use Pattern Mapping

Two Key Areas were established in 1998 to monitor horse use within the allotment. Use pattern mapping done in 1995 and 1997 indicated only slight to light use was being made. In 1998 use pattern mapping showed slight to light use across most of the allotment with moderate use within the Head Chaining Prescribed Burn.

## Ecological Condition

An Ecological Site Inventory was performed on the allotment in 1995. Condition was determined for the rangeland sites only which were based determined by soil mapping units. No condition rating was given for nongrazable woodlands.

Potential Natural Community (PNC)	0%
Late Seral	0%
Mid-Seral	0%
Early Seral	100%

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

When grazing use is activated monitoring will be conducted. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittees will be encouraged to participate in monitoring.

### Evaluation

Grazing use and stocking levels will be evaluated when grazing use is activated. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit or lease will be reissued subject to revised terms and conditions

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland

studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

#### IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4170) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

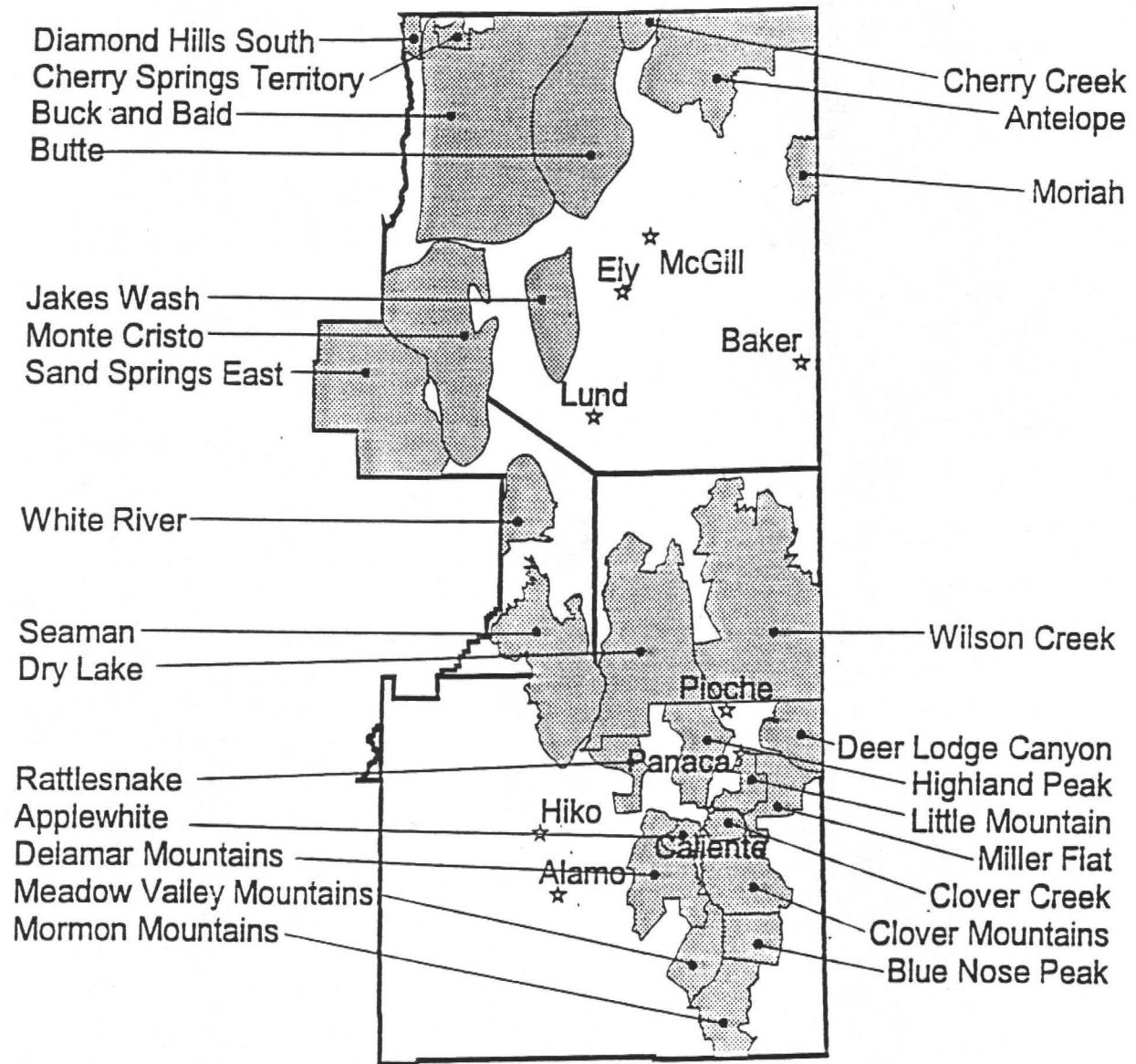
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Roger Dieleman

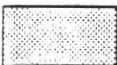

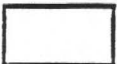
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James M. Perkins  
Assistant Field Manager  
Renewable Resources

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Date

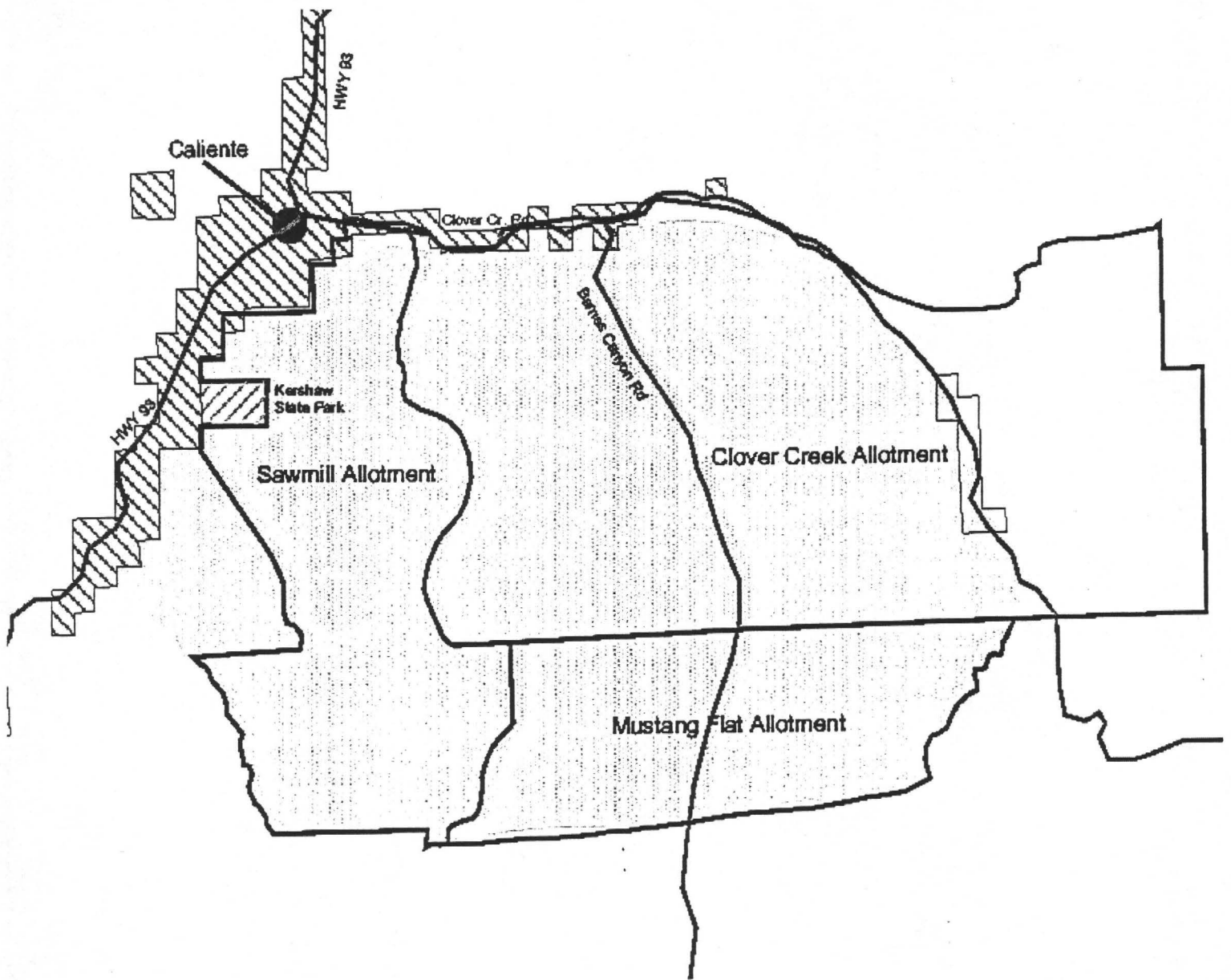
# ELY DISTRICT HMA'S



-  Herd Management Area
-  City
-  Ely District Boundary



# Clover Creek HMA and Associated Allotments



-  State Land
-  Private Land
-  Allotment Boundary
-  Clover Creek HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
FOR THE PECK ALLOTMENT

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse Appropriate Management Level (AML) for the Little Mountain Wild Horse Herd Management Area (HMA).

This agreement also documents changes in terms and conditions for livestock grazing on the Peck Allotment. Changes in the terms and conditions will be included in the new term permit. The new term permit will be issued in association with the transfer from Lom Thompson to 7J Ranch.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands administered by the Bureau of Land Management (BLM) as identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Peck Allotment. This agreement was prepared in consultation, cooperation, and coordination with 7J Ranch (Hank and Joi Brackenbury).

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Little Mountain HMA.

Allotment Description

The Peck Allotment occurs east of Highway 93 in central Lincoln County. The affected area is located approximately 2 miles northeast of Caliente, Nevada (refer to attached Allotment Map). Vegetation consists mainly of two community types: Black sagebrush (*Artemisia nova*) dominated vegetation with bottlebrush squirreltail (*Sitanion hystrix*) and needlegrass (*Stipa spp.*), and Wyoming big sagebrush (*Artemisia tridentata wyomingensis*) with indian ricegrass (*Oryzopsis hymenoides*), bottlebrush squirreltail, and needlegrass associations. Elevations range from 4500 to 5500 feet. Precipitation ranges from 5-8 inches to 8-10 inches at the higher elevations. The Peck allotment is 7695 acres in size. The allotment is 100% public land and administered by the BLM.

Livestock Use

The Peck allotment is in the process of being transferred from Lom Thompson to 7J Ranch. The current permit is for the period 03/01/93 to 02/28/03. Permitted use on the Peck Allotment is 397 Animal Units Months (AUMs) for cattle grazing. The season of use is 03/01 to 02/28. The average licensed use for 1998, 1999, 2000 for the 7J Ranch was 252 AUMs.

## Wild Horse Use

The Little Mountain HMA covers approximately 61,750 acres and encompasses all or portions of the Little Mountain, White Hills, Buckboard, Panaca Cattle, Peck, and Roadside allotments.

There are two primary use areas associated with the Little Mountain HMA. The largest area covers White Hills, Roadside, Panaca Cattle, and Buckboard Allotments as well as the northern half of the Peck Allotment. This area contains resident bands of horses but is heavily used by horses that also spend part of their time within the adjacent Miller Flat HMA. Horse movement is a daily occurrence due to extremely limited water availability within the Little Mountain HMA. The horse population existing within this portion of the Little Mountain HMA is the population that uses the Miller Flat HMA. These horses have a home range that covers both HMAs, but they travel into the Miller Flat to find a reliable water supply. Noticeable movement occurs during the late fall and early winter when accumulating snowfall forces the horses to move to the open sagebrush associated with the Little Mountain HMA in the lower elevations to the west. However, during the warmer months the reverse occurs with horses moving to take advantage of the available water and shade trees associated with Miller Flat. This relative ease of movement between the two areas identifies the need to manage this area as one HMA instead of two HMAs as is currently being done.

The second use area is associated with the southern half of the Peck Allotment (northern portion of allotment is non-HMA) and all of the Little Mountain Allotment. A very small stretch of Clover Creek supplies the only water for this area. The source is encompassed within private land holdings and a small piece of Public land. This area is the home range for a population of 15-20 wild horses.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock and period of use will be adjusted as follows for 7J Ranch. The changes to terms and conditions will become effective on March 01, 2003:

### FROM:

	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
7J Ranch	Peck	34 cattle	03/01-02/28	397	0	397

TO:

	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
7J Ranch	Peck	66 cattle	05/01-10/31	397	0	397

### Livestock Management Practices

The season of use for the Peck Allotment will change from year-long to 05/01 to 10/30. An adjustment in the season of use is needed to allow Indian ricegrass, bottlebrush squirreltail, and needlegrass, the main key species, a "greenup" period before grazing begins. This action (yearly spring deferment) will enable key perennial grasses to attain optimal growth and reproduce with minimal disturbance. This grazing season will also allow better livestock distribution and access to the allotment, which may be hindered in later months due to snow cover.

Livestock management and distribution will be improved with emphasis on the central portion of the allotment bordering the private lands where the only permanent water exists. Livestock concentrations and heavy use occur in this area because of watering on the private land. Establishment of new water haul sites in the north-east and south-east portions of the Peck allotment, or improving existing water sites will allow better livestock distribution on the Peck Allotment.

Allowable use levels for the Peck Allotment will not exceed moderate use (60%) during the authorized period, (05/01-10/30) .

There is an identified need for vegetation conversion projects to increase the quantity and/or quality of available forage resources.

### Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Peck allotment or current term permits or when grazing is applied for and authorized.

1. Allowable use levels for the Peck Allotment will not exceed moderate use (60%) during the authorized period of 05/01-10/31.
2. Water hauling will be required to distribute cattle use. Water hauls should be established away from valleys and basins on the Peck Allotment to decrease livestock concentrating in these areas. Water haul locations will be determined on an annual basis by the authorized officer.



3. Livestock distribution will be improved by: a) placing salt and/or mineral block a minimum of one-half mile from water, and b) herding of livestock, with emphasis on herding the livestock away from the South-central portion of the allotment near the private lands.

Standard Operating Terms and Conditions:

1. 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.
2. 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.
3. 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.
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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the Mojave- Southern Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

The following range improvement projects are recommended within the Peck allotment. The BLM and the 7J Ranch will prioritize and determine the feasibility of the project and identify additional range improvement projects or vegetative treatments. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

The range project priorities will include establishing new water haul sites in the north-east and south-east portions of the Peck allotment, or improve existing water sites to improve livestock distribution on the Peck Allotment.

### IV. WILD HORSE AND BURRO MANAGEMENT

A wild horse appropriate management level (AML) within the Peck Allotment's portion of the Little Mountain HMA will be established as follows:

Allotment / HMA	Appropriate Management Level
Peck Allotment	0
Little Mountain HMA	25

AML is based upon limited available water within the allotment other than water supplied by water hauls and locations on private lands. Removals will occur on an HMA basis, and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements. However, the total AML for the HMA will be maintained.

## Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, through related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin Resources Advisory Council (RAC) and approved by the Secretary of the Interior on December 14, 2000. Management actions implement the guidelines to meet the multiple-use objectives and standards.

### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Peck Allotment is located within MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin RAC has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

### VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data were conducted in association with this agreement. Current monitoring data includes utilization and use pattern mapping.

One key area site was established for the first time on the Peck Allotment (P-1) in 1998. Utilization studies were set up at this key area site to monitor wild horse and livestock grazing use.

#### Utilization and Use Pattern Mapping

Use pattern mapping was collected adjacent to the key area site for 1998, 1999, and 2000, and key forage utilization was collected in 2001. This key area is adjacent to private lands and is within 1

mile of a permanent water site located on private land. The allotment was in the slight to heavy utilization category for 1998, 1999, and 2000, and off of the key area site depending on the distance the observations were made from the key area. Key forage use data for the key area is located in Appendix II, Table 1. To progress towards achievement of the standards, distribution needs to be improved in order to achieve allowable use levels.

#### Ecological Condition at the Key Areas

Ecological condition has not been established at the key area.

### VII. FUTURE MONITORING AND ADJUSTMENTS

#### Monitoring Program

The BLM will continue to monitor the Peck Allotment. 7J Ranch will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

#### Evaluation

Grazing use and stocking levels will also be evaluated. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Based upon the findings of the evaluation, adjustment may or may not be needed. Adjustments may include changes to season of use, stocking levels, use areas, or other grazing management practices.

Establishment of more key areas within the allotment would improve monitoring and evaluation of grazing practices within the Allotment(s).

### VIII. AUTHORITY

The authority for the livestock portion of this agreement 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 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(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 as determined through monitoring and adjusted as necessary.

4130.6-2: "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..."

4180.1 Fundamentals of rangeland health. The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

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

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

VIII. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
7J Ranch, Hank and Joi Brackenbury

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Perkins  
Assistant Field Manager  
Renewable Resources

\_\_\_\_\_  
Date

## LAND USE PLAN OBJECTIVES

### Allotment Specific Objectives

#### a. Livestock

- (1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

#### b. Wild Horses

- (1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

#### c. Mule Deer

- (1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.
- (2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

To maintain mule deer crucial winter range in at least good habitat condition.

#### d. Riparian

- (1) Short term objective: To limit use on riparian vegetation to 50 percent.
- (2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.



## APPENDIX II

Table 1. Use Levels Measured at Key Areas on the Peck Allotment

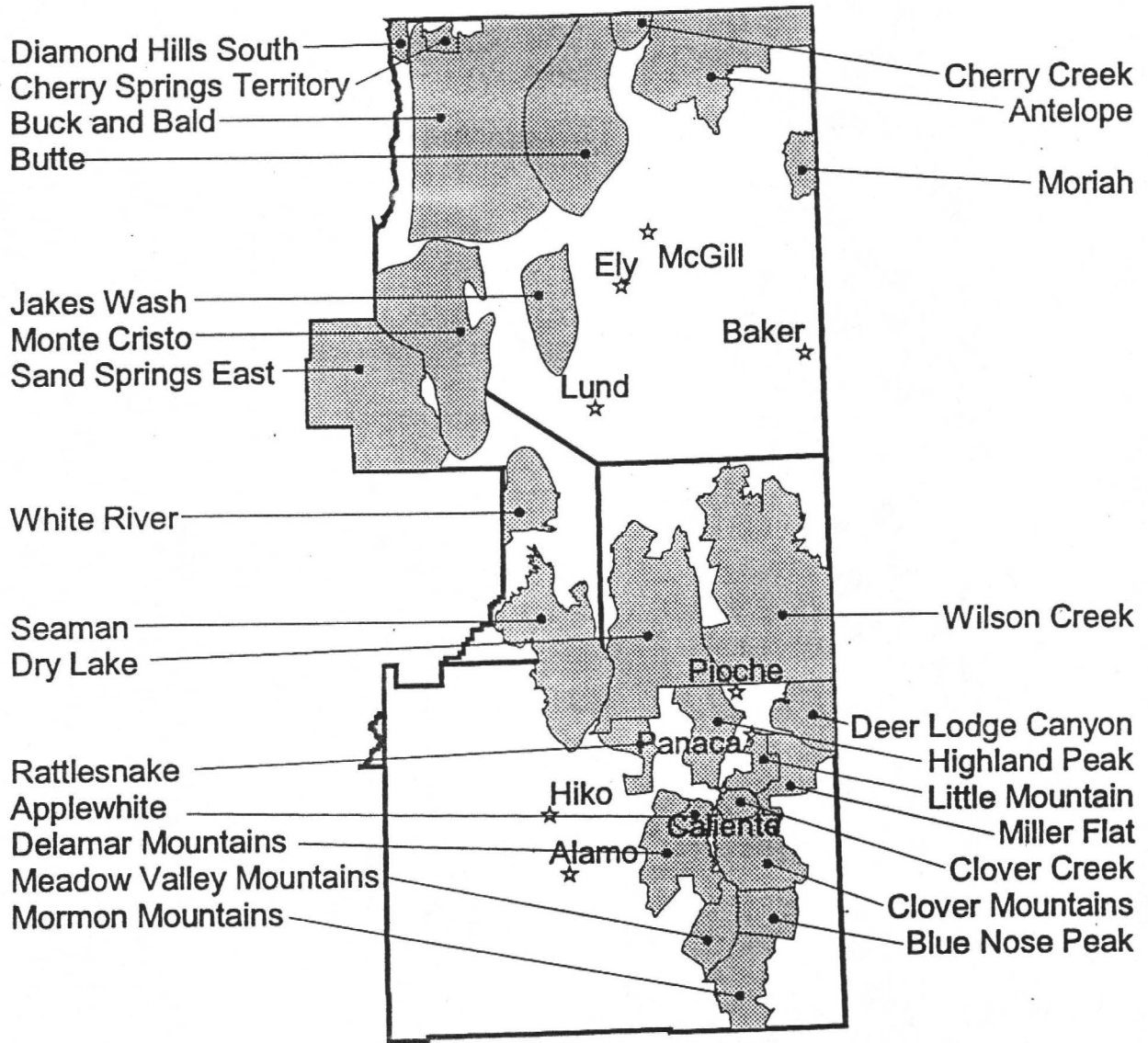
Grazing Year	Percent Utilization on Key Species at Key Areas
	P-1
2000	SIHY 76
2000	ORHY 78

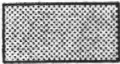

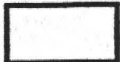
SIHY= Squirreltail bottlebrush

ORHY= Indian Ricegrass

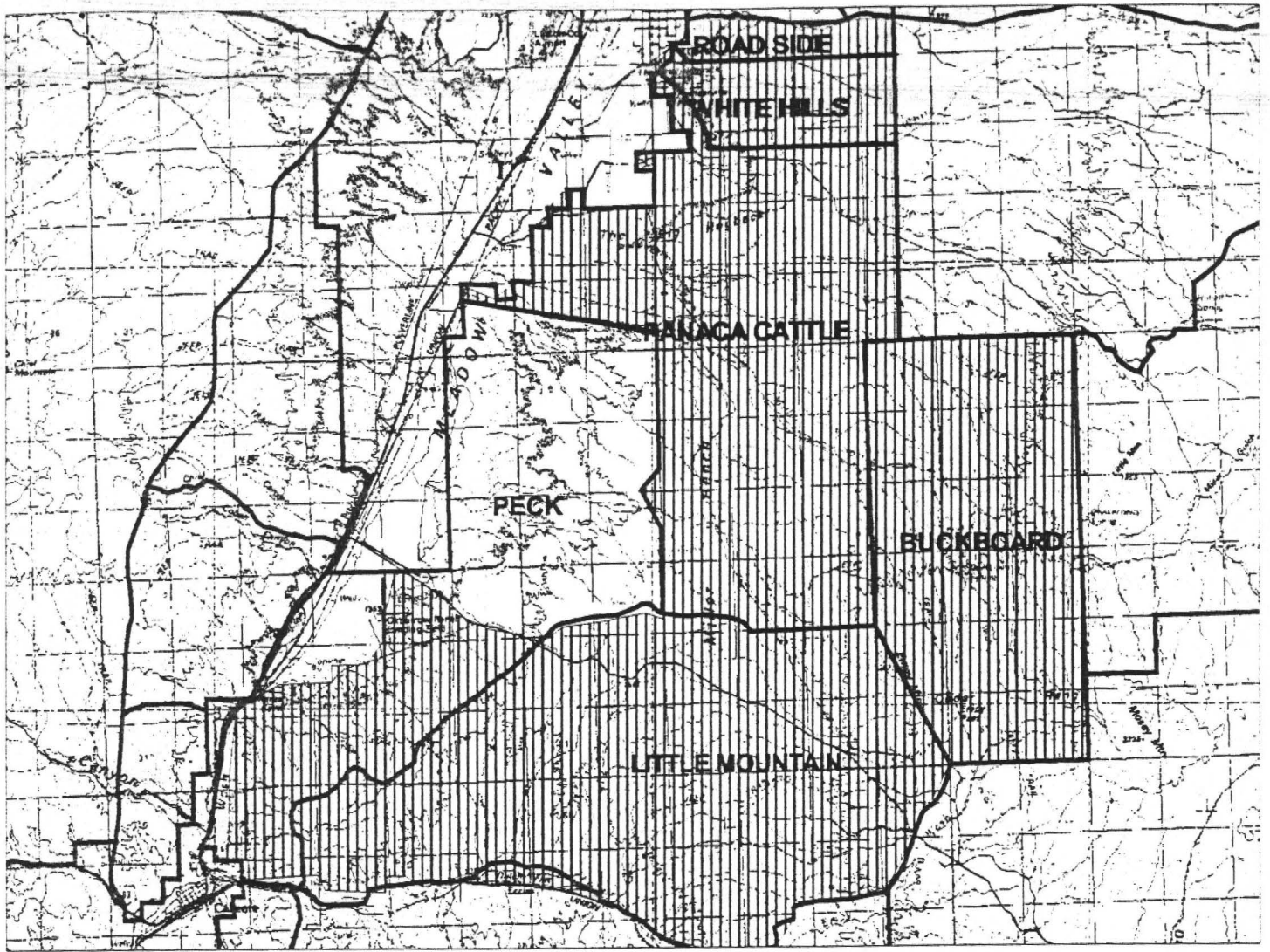
*Note:* Key area is located within 3/4 mile of private lands where a permanent watering site is located.

# ELY DISTRICT HMA'S



-  **Herd Management Area**
-  **City**
-  **Ely District Boundary**

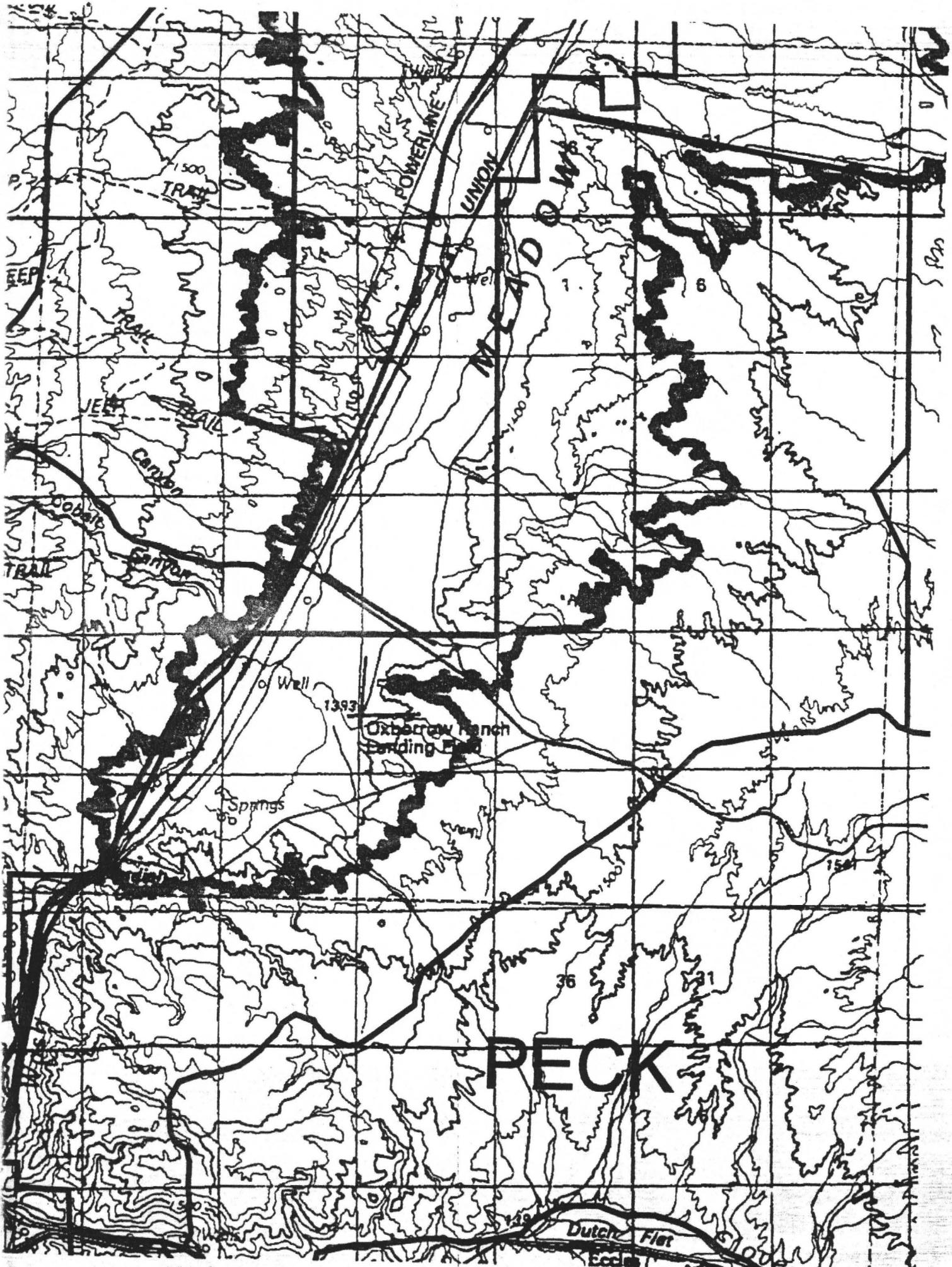




### Legend

-  Allotments
-  Little Mountain HMA





1500 TRAIL

JEEP TRAIL

CANYON TRAIL

DUTCH FLAT TRAIL

Well

1393

Oxbow Ranch Landing Field

Springs

UNION

MEADOW

PECK

Dutch Flat

Eccles

**AGREEMENT FOR ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
AND FOR LIVESTOCK GRAZING MANAGEMENT  
FOR THE LITTLE MOUNTAIN ALLOTMENT**

**I. INTRODUCTION**

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the Little Mountain Wild Horse Herd Management Area (HMA). The Little Mountain Allotment has not been grazed by livestock over the last 20 years. The National Mustang Association (NMA) acquired the grazing permit for the sole purpose for allowing all forages and water to be used by wild horses only. This agreement was prepared in consultation, cooperation, and coordination with the (NMA) .

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Little Mountain HMA.

**Allotment Description**

The Little Mountain Allotment occurs east of US Highway 93 in the central part of Lincoln County. The affected area is located approximately 2-3 miles northeast of Caliente, NV. Refer to attached Allotment Map. Vegetation consists mainly of two community types including black sagebrush (*Artemisia tridentata*) dominated vegetation with bottlebrush squirreltail (*Sisymbrium irio*), needlegrass (*Stipa spp.*), and Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), indian ricegrass (*Oryzopsis hymenoides*), Squirrel tail bottlebrush, and needlegrass associations. Elevations range from 4500 to 5500 feet. Precipitation ranges from 5-8 inches to 8-10 inches at the higher elevations. Little Mountain allotment is 18,575 acres in size. The allotments is 100% public land and administered by the BLM..

**Wild Horse Use**

The Little Mountain HMA cover approximately 61,750 acres and encompasses all or portions of the Little Mountain, White Hills, Buckboard, Panaca Cattle, Peck, and Roadside allotments.

There are two primary use areas associated with the Little Mountain HMA. The largest area covers White Hills, Roadside, Panaca Cattle, and Buckboard Allotments as well as the northern half of the Peck Allotment. This area is contains resident bands of horses but is heavily used by horses that also spend part of their time within the adjacent Miller Flat HMA.. The movement is a daily occurrence due to extremely limited water availability within the Little Mountain HMA. The horse population existing within this portion of the Little Mountain HMA is the same horses that are using the Miller Flat HMA. The horses have a home range that covers both HMAs but have to travel into the Miller Flat to find a reliable water supply. A noticeable movement occurs during the late fall and early winter when accumulating snowfall forces the horses to move to the

open sagebrush associated with the Little Mountain HMA in the lower elevations to the west. However, during the warmer months the reverse occurs when the horses move to take advantage of the available water and trees for shade associated with Miller Flat. This relative ease of movement, between the two areas, identifies the need to manage this area as one HMA instead of two HMAs as is currently being done.

The second use area is that area associated with southern half of the Peck Allotment (northern half of the allotment is non-HMA) and all of the Little Mountain Allotment. A very stretch of Clover Creek supplies the only water for this area. The source is encompassed within private land holdings and a small piece of Public land. This area is the home range for a population of 15-20 wild horses.

## II. LIVESTOCK USE

The NMA currently holds the livestock grazing term permit. The Little Mountain Allotment has had wild horse use only for the past 20 years. Therefore grazing use has not been authorized for cattle and domestic horses.

As long as the NMA holds the grazing permit it is agreed the NMA will not apply for livestock grazing use on the Little Mountain Allotment. Forage and water will continue to be reserved for wild horse use only.

The allotment is not well defined, having no allotment boundary fence between the Peck, an adjacent allotment and the Little Mountain Allotment, allowing minimal management flexibility during drought and wildfire occurrences which are common to the area.

The permitted use, period of use, and stocking level on the current term permit for Little Mountain allotment is as follows:

Allotment	Permittee	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Total Use (AUMs)
Little Mountain	National Mustang Association	66 cattle	05/01-10/31	400	0	400

The NMA is in the process of transferring the Little Mountain Allotment to the 7J Ranch. When the transfer is complete and a new term grazing permit is issued for the 7 J Ranch the following terms and conditions with additional terms and conditions will be included in the new term grazing permit.

### Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permit for the Little Mountain Allotment: These terms and conditions will be included in the term permits upon expiration of the current term permits or when grazing is applied for and authorized.

1. Allowable use levels will not exceed moderate use (60%) during the authorized period, (05/01-10/31) for the Little Mountain Allotment.
2. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock prior to turnout and maintaining the water supply to established watering sites during the active grazing period on the allotment .
3. Water hauling will be required to distribute cattle use and for drought management, which will be determined on an annual basis.
4. Fences will be reconstructed, repaired and maintained to enable control of livestock prior to turnout. Fences will also be constructed to control livestock drift into adjoining allotments.
5. Improve livestock distribution by: a) placing salt and/or mineral block a minimum of one-half mile from water and b) herding of livestock.

### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

#### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit when grazing use is authorized. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Northeastern or Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within and Little Mountain Allotment's portion of the Little Mountain HMA as follows:

Allotment / HMA	Appropriate Management Level
Little Mountain Allotment	15
Little Mountain HMA	25

This will establish an AML for wild horses within Little Mountain Allotment's portion of the Little Mountain HMA. AML is based upon available water and forage within the allotment. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.



## Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

## IV. RANGE IMPROVEMENTS

The following range improvement projects are recommended within the Little Mountain Allotment. The BLM, the NMA and/or the livestock permittee will prioritize and determine the feasibility of the projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

- 1) Establish new water haul sites or improve existing water sites for betterment of wild horse or livestock distribution and drought management on the Little Mountain Allotment.
- 2) Construct Fences around each water source to improve livestock control and movement (i.e. Clover Creek and associated riparian area)
- 3) Construct a boundary fence between the Little Mountain and Peck Allotments for better livestock control.
- 4) Empty Chaining Vegetation conversion to improve forage quantity and/or quality for both wild horses and wildlife.

## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Little Mountain Allotment falls within the MFP planning area. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock

industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data includes utilization, use pattern mapping, vegetative community trend and ecological condition. Management on the allotments has resulted in achievement of the standards for livestock grazing on the allotments.

The Little Mountain Allotment has two key areas. These are L-1 and L-3. Trend, utilization, and ecological condition studies were set up at these key area sites to monitor wild horse grazing use. Trend and ecological condition studies were completed on these key area sites (L-1 and L-3) in 1983, 1986, 2001 to monitor wild horse grazing use. Utilization data has also been collected at the key areas..

### Utilization and Use Pattern Mapping

There was no utilization observed at the key sites for the 2000 grazing period. The Little Mountain Allotment had use pattern mapping data for eleven years (1982, 1984-86, 1988, 1990, 1996, 1997, 1999, 2000 ). Use levels varied between slight and moderate. Use data for each key area is located in Appendix II, Table 2.

### Frequency Trend

Quadrat frequency trend studies were done in 1983, 1986, and 2001 on key areas L-1 and L-3 for the Little Mountain Allotment. The Little Mountain Allotment indicates in general a stable range condition. Little Mountain Key area L-1 trend data shows a significant increase in bottlebrush squirreltail (*Sitanion hystrix*) when comparing the years 1983 and 1986 to 2001. Little Mountain Key area L-3 trend data shows a significant decrease in bottlebrush squirreltail, needle and thread grass (*Stipa comata*), and black sagebrush in comparing the years 1983 and 1986 to 2001 data. The overall trend for the vegetative community is static at the key areas in 2001. 2001 Little Mountain key area L-3 data shows a downward trend in perennial grasses, however, due to an increase in undesirable introduced annual species.

### Ecological Condition at the Key Areas

Ecological condition data was collected at the main key areas on the Little Mountain allotment in the summer of 2001. Key areas L-1 and L-3 on Little Mountain Allotment are in late seral stage, 63% for L-1 and 80% for L-3 according to 2001 ecological data collected.

### Summary of Monitoring Data

Monitoring data for the ten years collected on the Little Mountain Allotment indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met over a vast majority of the allotment. Use pattern mapping

indicates that overgrazing is not an issue with slight to moderate (1-60%) utilization occurring over a majority of the allotment each year. Ecological condition at the two key areas was in the late seral stage (63% and 80% PNC) indicating an acceptable species composition mix even though 2001 frequency studies showed trend to be static.

Yearly management includes close coordination with the Caliente BLM to ensure use levels are not exceeded. Continuation of this type of management ,with the exception of a few herding and season of use adjustments, should prove beneficial overall. Establishment of more K.A.'s within both allotments would improve monitoring and evaluation of grazing practices within the Allotment.

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

The BLM will continue to monitor the Little Mountain. The National Mustang Association will be encouraged to participate in monitoring and the 7J after the Allotment livestock grazing permit transfer is complete. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated when grazing use is activated. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Based upon the findings of the evaluation adjustment may or may not be needed. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices.

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference

status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.2-4 "After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(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 as determined through monitoring and adjusted as necessary.

4130.6-2: "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..."

§ 4180.1 Fundamentals of rangeland health. The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

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

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
National Mustang Association, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Perkins  
Assistant Field Manager  
Renewable Resources

\_\_\_\_\_  
Date

Table 1. Upland Studies Summary

Allotment: Little Mountain			Present Status				Long Term Objectives			Short Term Objectives					Rationale				
Study Area	Key Area Location	Ecological Site No.	Key Spp.	Key Spp % Comp by Wt	Seral Stage % PNC	Trend Up Down Static	Maintain or Improve	Key Spp % Comp by Wt.	Seral Stage % PNC	Allowable Use Level (1984 HMAP)						Season of Use *L/h/w	Met	Not Met	
										Spring	Summer	Fall	Winter	Yearlong					
L-1	T4S R67E SEC3	029XY010 NV Loamy Slope 8-10'	SIHY	15.8	PNC 63.2	Static	M	15	Late to PNC	Perennial Grasses	50	50	60	60	55	H: Y L W: Y L	X		Use limits met.
			ORHY	1.3				15-20		Shrubs	30	50	50	50	45				
L-3	T4S R68E SEC10	029XY014 NV Shallow Calcareous Slope 8-12'	SIHY	0.1	Late 80.78	Static	M	10	PNC	Perennial Grasses	50	50	60	60	55	H: Y L W: Y L	X		Use limits met.
			ORHY	5.6				15-25		Shrubs	30	50	50	50	45				

\* L = Livestock; H = Wild Horses; W = Wildlife; SIHY=Squirreltail Bottlebrush ORHY= Indian Ricegrass

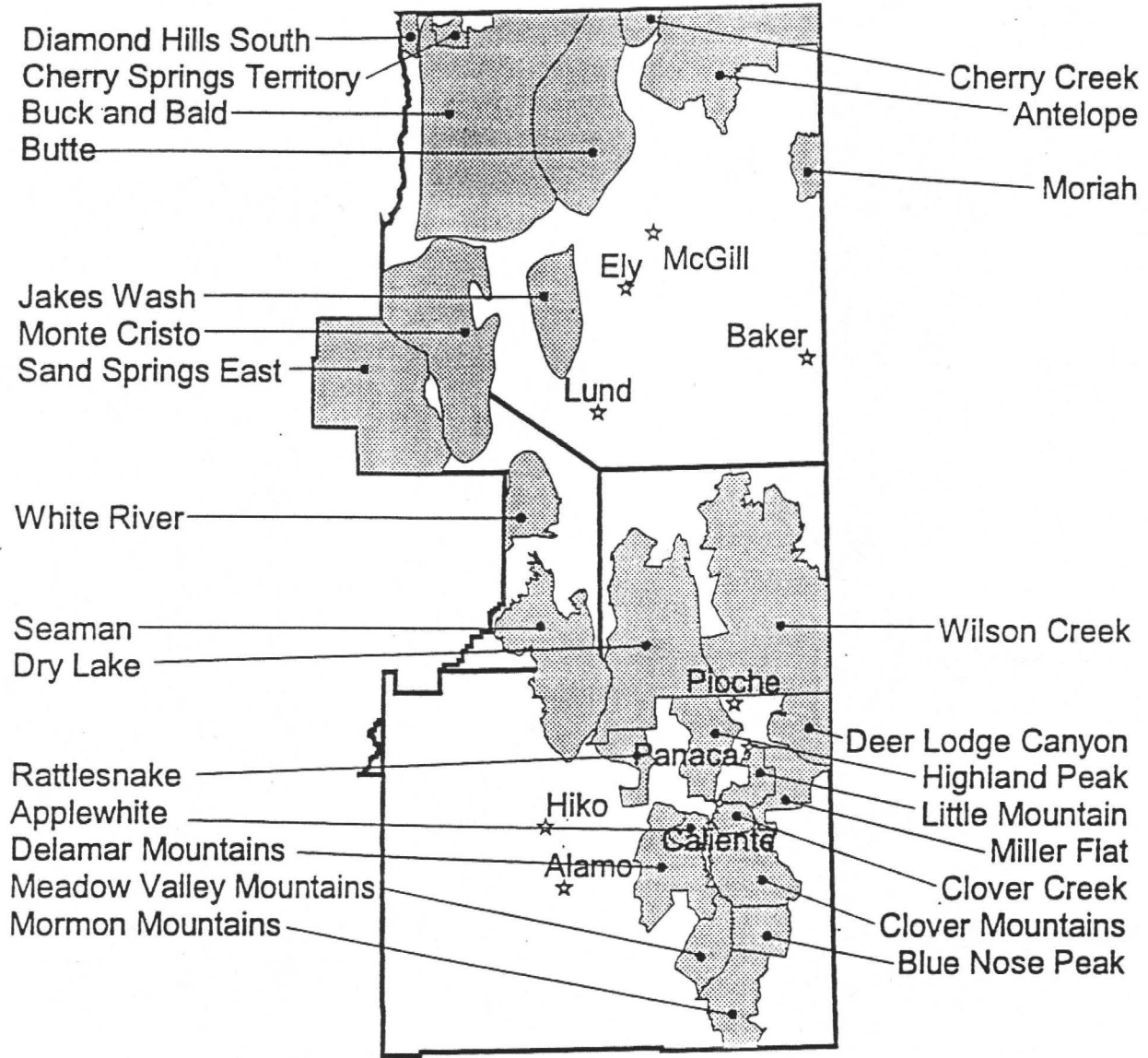
APPENDIX II

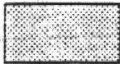

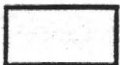
Table 2. Use Levels Measured at Key Areas on Little Mountain Allotment  
2000

Grazing Year	Percent Utilization on Key Species at Key Areas	
	Little Mountain	
	L-1	L-3
2000	SIHY0	SIHY 0
2000	EPNE0	EPNE 0

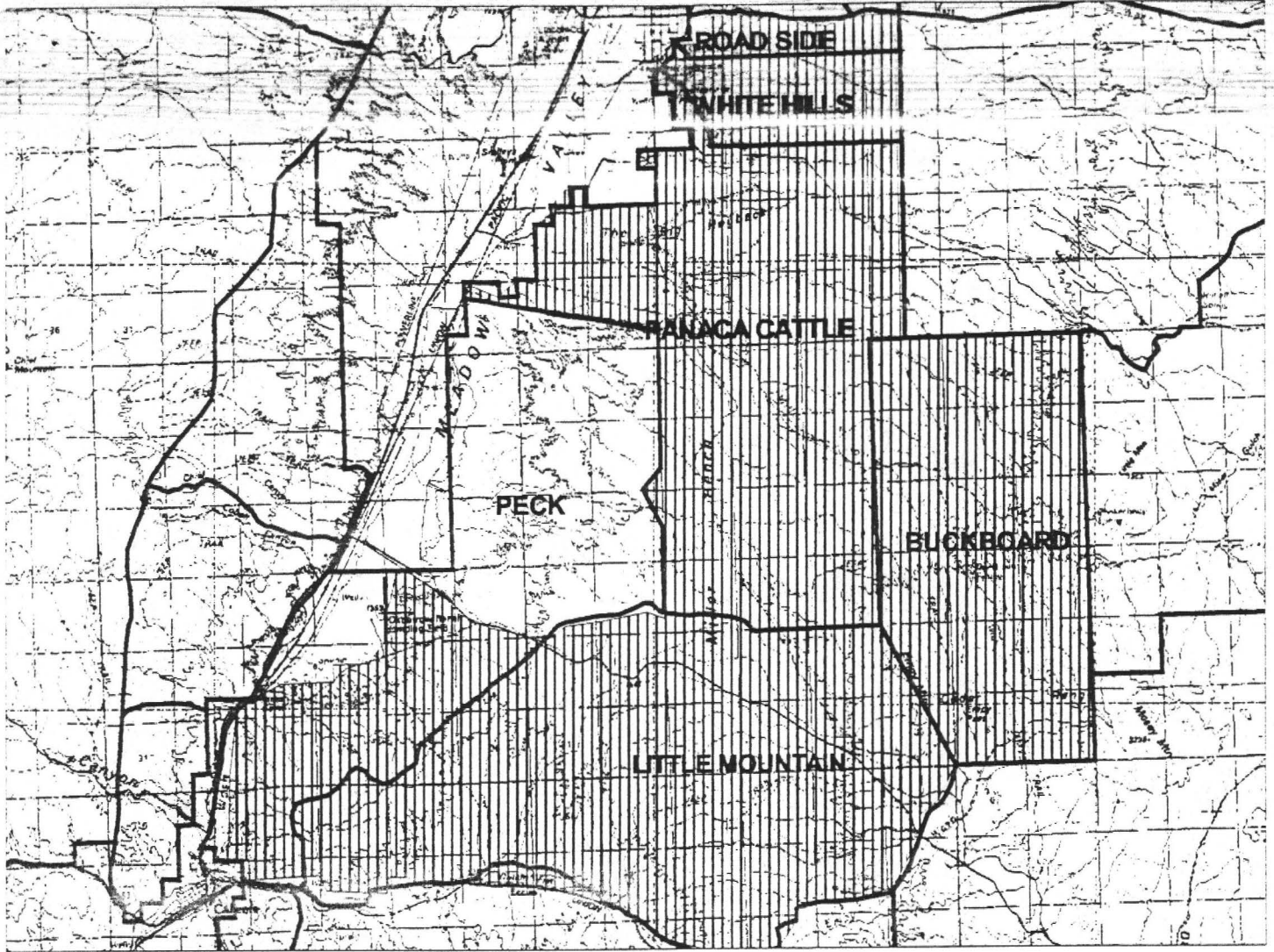


# ELY DISTRICT HMA'S



-  Herd Management Area
-  City
-  Ely District Boundary

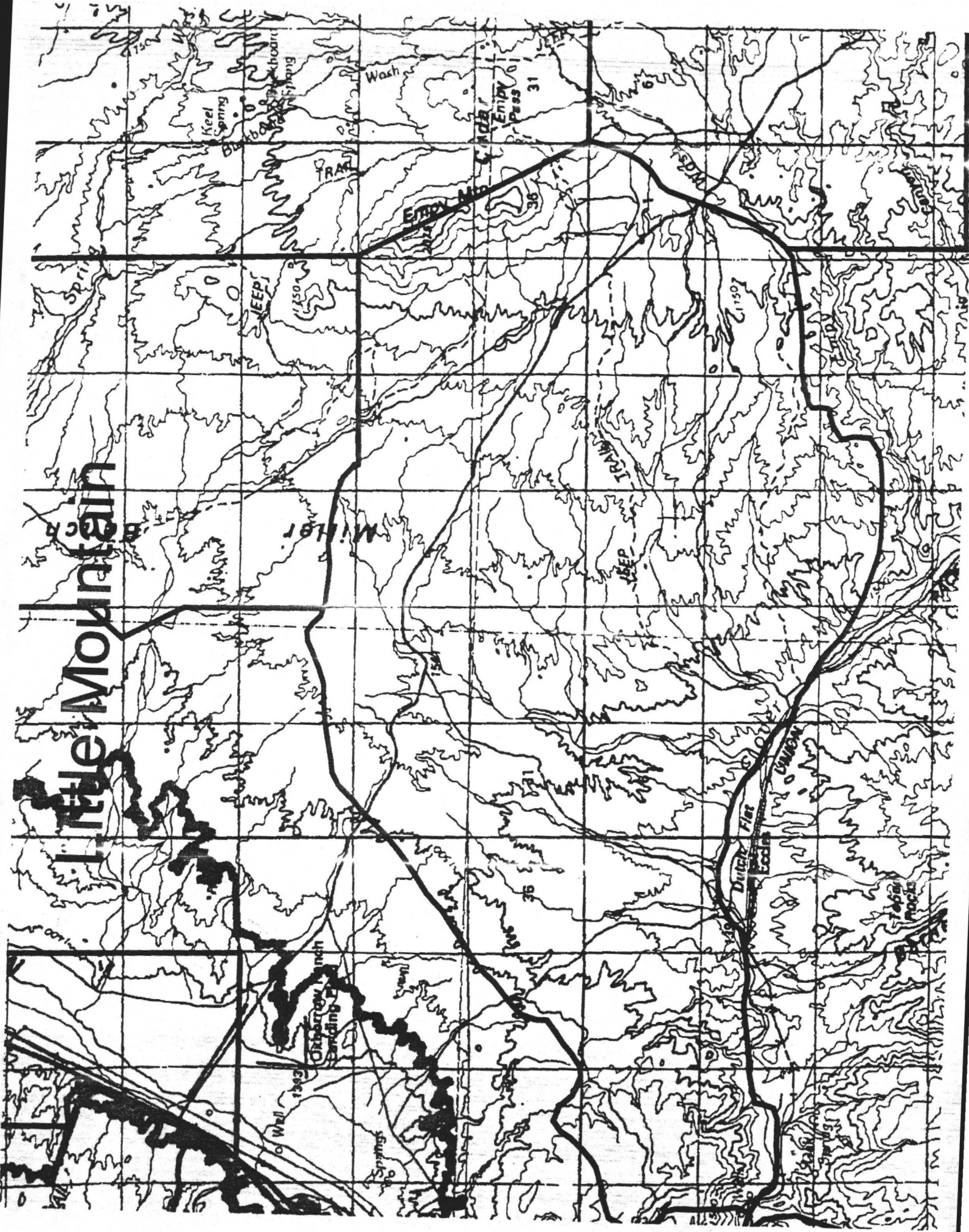




### Legend

-  Allotments
-  Little Mountain HMA





AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
FOR THE PANACA CATTLE AND BUCKBOARD ALLOTMENTS  
( LEWIS WENDELL MATHEWS )

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the Little Mountain Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use. Changes to terms and conditions include season of use for the Panaca Cattle and Buckboard Allotments and grazing management practices such as water hauling to improve livestock distribution for the two allotments. Permitted use will not change and will continue in accordance with the current term permit. Changes to the terms and conditions for Lewis Wendell Mathews will be included in a new term permit.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands administered by the Bureau of Land Management (BLM) as identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Panaca Cattle and Buckboard Allotments. This agreement was prepared in consultation, cooperation, and coordination with Lewis Wendell Mathews.

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Little Mountain Wild Horse HMA.

Allotment Description

The Panaca Cattle and Buckboard Allotments occurs East of highway 93. The affected area is located approximately 3-5 miles southeast of Panaca, Nevada ( refer to attached Allotment Map). Vegetation consists mainly of two community types. Fourwing saltbush (*Atriplex canescens*) dominated vegetation with indian ricegrass (*Oryzopsis hymenoides*), bottlebrush squirreltail (*Sitanion hystrix*), Budsage (*Artemisia spinescens*), and Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), with indian ricegrass (*Oryzopsis hymenoides*), and Squirrel tail bottlebrush (*Sitanion hystrix*) associations. Elevations range from 4500 to 5500 feet. Precipitation ranges from 5-8 inches. The Panaca Cattle allotment is 16,275 acres, and the Buckboard allotment is 10,842 acres in size. Both are 100% public land administered by the BLM..

### Livestock Use

The Panaca Cattle allotment is a common use allotment with Orren Nash and Lewis Wendell Mathews being the current permittees. The current permit is for the period 03/01/95 to 02/28/05 for Orren Nash and 03/01/96 to 02/28/06 for Lewis Wendell Mathews on the Panaca Cattle Allotment. Permitted use on the Panaca Cattle Allotment is 301 Animal Unit Months( AUMs) for Orren Nash and 163 AUMs for Lewis Wendell Mathews. From 1981 to 2000 the approximate annual use for Lewis Wendell Mathews for the Panaca Cattle Allotment was 150-175 AUMs. Orren Nash has taken non-use on the Panaca Cattle Allotment since 1981. Lewis Wendell Mathews is taking non-use for the 2001 grazing year on the Panaca Cattle Allotment.

The current permit is for the period 03/01/96 to 02/28/06 for Lewis Wendell Mathews on the Buckboard Allotment. The permitted season of use for the Buckboard Allotment is 03/01- 02/28 for Lewis Wendell Mathews and Permitted use is 263 AUMs. From 1981 to 2000 the approximate average use for Lewis Wendell Mathews for the Buckboard Allotment was 250-264 AUMs. Lewis Wendell Mathews is taking non-use for the 2001 grazing year on the Buckboard Allotment.

There are no permanent water sources on the allotments. Water is hauled to the northwest portion of the Panaca Cattle Allotment. Currently there are no water sources on the Roadside and Whitehills Allotment.

### Wild Horse Use

The Little Mountain HMA covers approximately 61,750 acres and encompasses all or portions of the Little Mountain, White Hills, Buckboard, Panaca Cattle, Peck, and Roadside allotments.

There are two primary use areas associated with the Little Mountain HMA. The largest area covers White Hills, Roadside, Panaca Cattle, and Buckboard Allotments as well as the northern half of the Peck Allotment. This area contains resident bands of horses but is heavily used by horses that also spend part of their time within the adjacent Miller Flat HMA. The movement is a daily occurrence due to extremely limited water availability within the Little Mountain HMA. The horse population existing within this portion of the Little Mountain HMA is the same horses that are using the Miller Flat HMA. These horses have a home range that covers both HMAs but they have to travel into the Miller Flat to find a reliable water supply. Noticeable movement occurs during the late fall and early winter when accumulating snowfall forces the horses to move to the open sagebrush associated with the Little Mountain HMA in the lower elevations to the west. However, during the warmer months the reverse occurs with horses moving to take advantage of the available water and shade trees associated with Miller Flat. This relative ease of movement between the two areas identifies the need to manage this area as one HMA instead of two HMAs as is currently being done.

The second use area is that area associated with southern half of the Peck Allotment and all of

the Little Mountain Allotment. A very small stretch of Clover Creek supplies the only water for this area. The source is encompassed within private land holdings and a small piece of Public land. This area is the home range for a population of 15-20 wild horses.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The permitted use for the Panaca Cattle and Buckboard Allotments will not change. The season of use and the stocking level will change for the Panaca Cattle and Buckboard Allotments. The following changes to terms and conditions will become effective for Orren Nash on March 01, 2003:

### FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
Wendell Mathews	Panaca Cattle	14 cattle	03/01-02/28	163	85	248
	Buckboard	22 cattle	03/01-02/28	263	88	351

### TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
Wendell Mathews	Panaca Cattle	27 cattle	06/01-11/30	163	85	248
	Buckboard	44 cattle	06/01-11/30	263	88	351

## Livestock Management Practices

The season of use for the Panaca Cattle and Buckboard Allotments will change from year-long to 06/01 to 11/30.

An adjustment in the season of use on the Panaca Cattle and Buckboard Allotments is warranted to allow Indian ricegrass, bottlebrush squirreltail and needlegrass, the main key species, a "greenup" period before grazing begins. This will aid in reproduction of these important native species. This action ( yearly winter/spring deferment) will enable key perennial grasses to attain optimal growth and reproduce with minimal disturbance and will provide better management for drought years. This grazing season will also allow better livestock distribution and access to the allotment, which may be hindered in later months due to snow cover and depth for future livestock operations.

Livestock distribution will be improved with emphasis on the northwest portion of the Panaca Cattle allotment, in conjunction with the improvement of current watering sources and changes in season of use.

Before future grazing use is authorized, establishment of permanent water developments and/or water hauling will be required. There are currently no developed water sources on the Buckboard Allotment and only one for the entire Panaca Cattle Allotment. Water hauling will be required and will be determined on an annual basis by the authorized officer.

To better facilitate livestock grazing management and to efficiently administer grazing use, Panaca Cattle, Buckboard, Roadside and Whitehills Allotments will be combined as a single allotment.

Allowable use levels will not exceed moderate use (60%) during the authorized period ( (06/01-11/30) for Panaca Cattle and Buckboard Allotments.

There is also a need for vegetation conversion projects to increase the quantity and/or quality of available forage resources on the Panaca Cattle Allotment and Buckboard Allotments.

## Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Panaca Cattle and Buckboard Allotments: These terms and conditions will be included in the term permits upon expiration of the current term permits or when grazing is applied for and authorized.

1. Allowable use levels will not exceed moderate use (60%) during the authorized period,(06/01-11/30) for Panaca Cattle and Buckboard Allotments.

2. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock and maintaining the water supply to established watering sites during the active grazing period on the allotment.
3. Water hauling will be required to distribute cattle use which, will be determined on an annual basis. Water hauls should be established away from valleys and basins on the Panaca Cattle Allotment to decrease livestock concentrating in these areas.
4. Fences will be reconstructed, repaired and maintained to enable control of livestock.
5. Improve livestock distribution by: a) placing salt and/or mineral block a minimum of one-half mile from water, and b) herding of livestock, with emphasis on distributing cattle away from the northwest portion of the allotment.

#### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the term permit. When application is made to activate grazing use, the authorization will be contingent upon establishing additional terms and conditions. The grazing management practices identified in the terms and conditions will be designed to ensure significant progress towards fulfillment of the Southern-Mojave Great Basin Standards and Guidelines for Grazing Administration as developed by the applicable Southern-Mojave Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

III. RANGE IMPROVEMENTS

The following range improvement projects are recommended within the Panaca Cattle and Buckboard Allotments. The BLM and Lewis Wendell Mathews will prioritize and determine the feasibility of the projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

- 1) Establish permanent or temporary waters for livestock.
- 2) Construct Fences around each water source to improve livestock control and movement .
- 3) Vegetation conversions to improve forage quantity and or quality for both livestock and wildlife.

IV. WILD HORSE AND BURRO MANAGEMENT

A wild horse appropriate management level (AML) within the Panaca Cattle and Buckboard Allotments' portions of the Little Mountain HMA will be established as follows:

Allotment / HMA	Appropriate Management Level
Panaca Cattle Allotment	5
Buckboard Allotment	5
Little Mountain HMA	25

AML is based upon available water and forage within the allotment. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements. However, the total AML for the HMA will be maintained.

### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. Management actions implement the guidelines to meet the multiple-use objectives and standards.

## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Panaca Cattle and Buckboard Allotments fall within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin RAC has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

## VI ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data were conducted in association with this agreement. Current monitoring data includes utilization, use pattern mapping, vegetative community trend and ecological condition. Management on the allotments has resulted in achievement of the standards for livestock grazing on the allotments.

Trend, utilization, and ecological condition studies were also done on the only key area site on the Panaca Cattle Allotment (P-1) in 1983, 1986, 2001. Livestock grazing use during these studies by Lewis Wendell Mathews and wild horse use were monitored .

The Buckboard key area #1 is a woodland site 029xyo65NV. No current monitoring data is available.

#### Utilization and Use Pattern Mapping

No utilization was observed on the key area (P-1) during the evaluation period. Use levels off the key area site were appropriate for the Panaca Cattle Allotment during the evaluation period (1995 to 2000), with exception of the Northwest portion of the Panaca Cattle allotment as shown on the utilization maps. Use pattern mapping ranged from slight to moderate other than the stated area of exception which showed heavy use and livestock aggregation due to the area being within 1½ miles of a water haul. This area of heavy use is approximately 1200 acres in size. Use data for each key area is located in Appendix II, Table 2.

#### Frequency Trend

Quadrat frequency trend studies were done in 1983, 1986 and 2001 at key area P-1 on the Panaca Cattle Allotment. Panaca Cattle key area 1 shows significant change between key species when comparing data collected in years 1983 and 1986 to 2001. Panaca Cattle Key area 1 trend data shows a significant increase in cheatgrass (*Bromus tectorum*) between the years 1986 and 2001. Trend data also shows a significant decrease in bottlebrush squirreltail (*Sitanion hystrix*) and Douglas rabbitbrush (*Chrysothamnus viscidiflorus*) when comparing the years 1983 and 1986 to 2001, but a significant increase in Indian ricegrass (*Oryzopsis hymenoides*) from 1986 to 2001. When the data collected in 1983 and 1986 were compared there was a significant increase in sand dropseed (*Sporobolus cryptandrus*). The overall trend for the vegetative community is static to slightly improving at the key area P-1 for the Panaca Cattle Allotment

#### Ecological Condition at the Key Areas

Ecological condition data was collected at the key area P-1 on the Panaca Cattle Allotment in the summer of 2001. The key area on the Panaca Cattle allotment is in late seral stage, P-1 (65%), according to 2001 ecological data collected. Ecological condition on all three key areas indicates an acceptable species composition mix even though frequency studies showed the trend to be static. Monitoring data indicates that the Panaca Cattle Allotment is meeting standards and guidelines due to its late seral stage.

#### Summary of Monitoring Data

Monitoring data for the six years collected on the Panaca Cattle Allotment indicates that management on the allotment has resulted in meeting the standards and guidelines. It also indicates that management objectives are being met over a vast majority of the allotment. Use pattern mapping indicates that overgrazing is not an issue, with slight to moderate (1-60%) occurring over a majority of the allotment each year. Ecological condition at the key area was in the late seral stage (65%), indicating an acceptable species composition mix even though 2001 frequency studies showed the trend to be static to slightly improving. Quadrat frequency study

was conducted at the key area P-1 in 1983, 1986, and 2001 and indicates a static to slightly improving trend.

The late seral stage of the vegetation on the Buckboard Allotment key area #1( woodland-029xyo65NV) indicates that the management of this allotment has resulted in meeting the standards and guidelines. It also indicates that management objectives are being met over a vast majority of the allotment.

The improvement of current fencing and watering sources, and changes in season of use would be necessary if any future livestock operation were to occur on the allotments. The establishment of more key areas within both allotments would improve the monitoring and evaluation of grazing practices within the Allotment(s).

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

During the ten year period of this agreement, the BLM will continue to monitor the Panaca Cattle and Buckboard Allotments. Orren Nash will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated when grazing use is activated. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. A new term permit will be issued following the current ten year period. Based upon the findings of the evaluation, adjustment may or may not be needed. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices.

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.2-4 "After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(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 as determined through monitoring and adjusted as necessary.

4130.6-2: "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..."

§ 4180.1 Fundamentals of rangeland health. The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not

later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

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

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

## VIII AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

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Lewis Wendell Mathews

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Date

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James M. Perkins  
Assistant Field Manager  
Renewable Resources

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Date

**APPENDIX I**

## LAND USE PLAN OBJECTIVES

### Allotment Specific Objectives

#### a. Livestock

- (1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

#### b. Wild Horses

- (1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

#### c. Mule Deer

- (1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.
- (2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

To maintain mule deer crucial winter range in at least good habitat condition.

#### d. Riparian

- (1) Short term objective: To limit use on riparian vegetation to 50 percent.
- (2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.



Table 1. Upland Studies Summary

Study Area	Key Area Location	Ecological Site No.	Key Spp.	Trend	Maintain or Improve	Seral Stage	Season of Use	M e t	Not Met	Rational
B-1	T3 R68 SEC24	029XYO65NV Woodland	N/A	Static	I	Late	L:06/1-11/30 H:YL W:YL	X		Allow Forage Green-up of perennial grasses

\* L = Livestock; H = Wild Horses; W = Wildlife;

Allotment: <b>Panaca Cattle Allotment</b>				Present Status			Long Term Objectives			Short Term Objectives				Rationale			
Study Area	Key Area Location	Ecological Site No.	Key Spp.	Key Spp % Comp by Wt	Seral Stage % PNC	Trend Up Down Static	Maintain or Improve	Key Spp % Comp by Wt.	Seral Stage	Allowable Use Level (1983 Grazing Decisions)					Season of Use *L/h/w	M e t	Not Met
										spring	Summer	Fall	Winter				
P-1	T2S R68E SEC23	029XY046NV Sandy Loam 5-8"	ORHY	4.3	65.02%	Static	I	15-20	Late	50	50	60	60	L:06/1-11/30 H:YL W:YL	X		Allow forage Green-up of perennial grasses
			SIHY	14.9				2-5		50	50	60	60				
			ATCA	38.7			I	30		30	50	50	50				Allow forage Green-up of perennial grasses
			CELA	.68				2-5		30	50	50					

\* L = Livestock; H = Wild Horses; W = Wildlife; ORHY= Indian Ricegrass SIHY= Squirreltail bottlebush ATCA= Fourwing Saltbush CELA= Winterfat

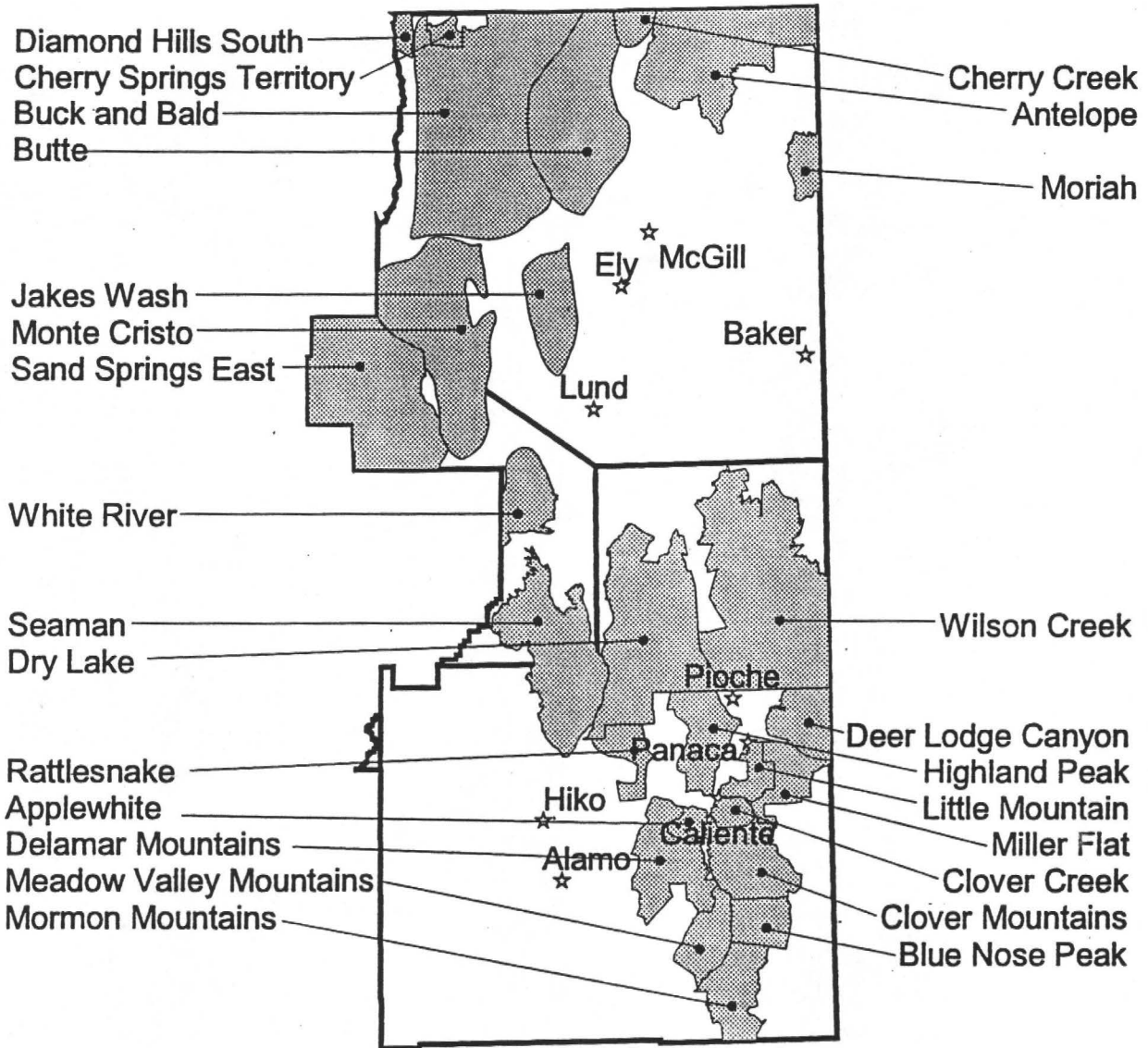
APPENDIX II

Table 2. Use Levels Measured at Key Areas on Panaca Cattle and Buckboard Allotments, Orren Nash and Wendell Mathews, permittees Grazing Year 2000

	Panaca Cattle					Buckboard					
Grazing Year	Percent Utilization on Key Species at Key Areas										
	1	2	3	4	AUMs Used & % Permitted Use		1	2	3	AUMs Used & % Permitted Use	
2000	0 ORHY	0 SIHY	0ATCA	0 CELA	91	56	0 SIHY	3 HIJA	5 EPNE	121	46

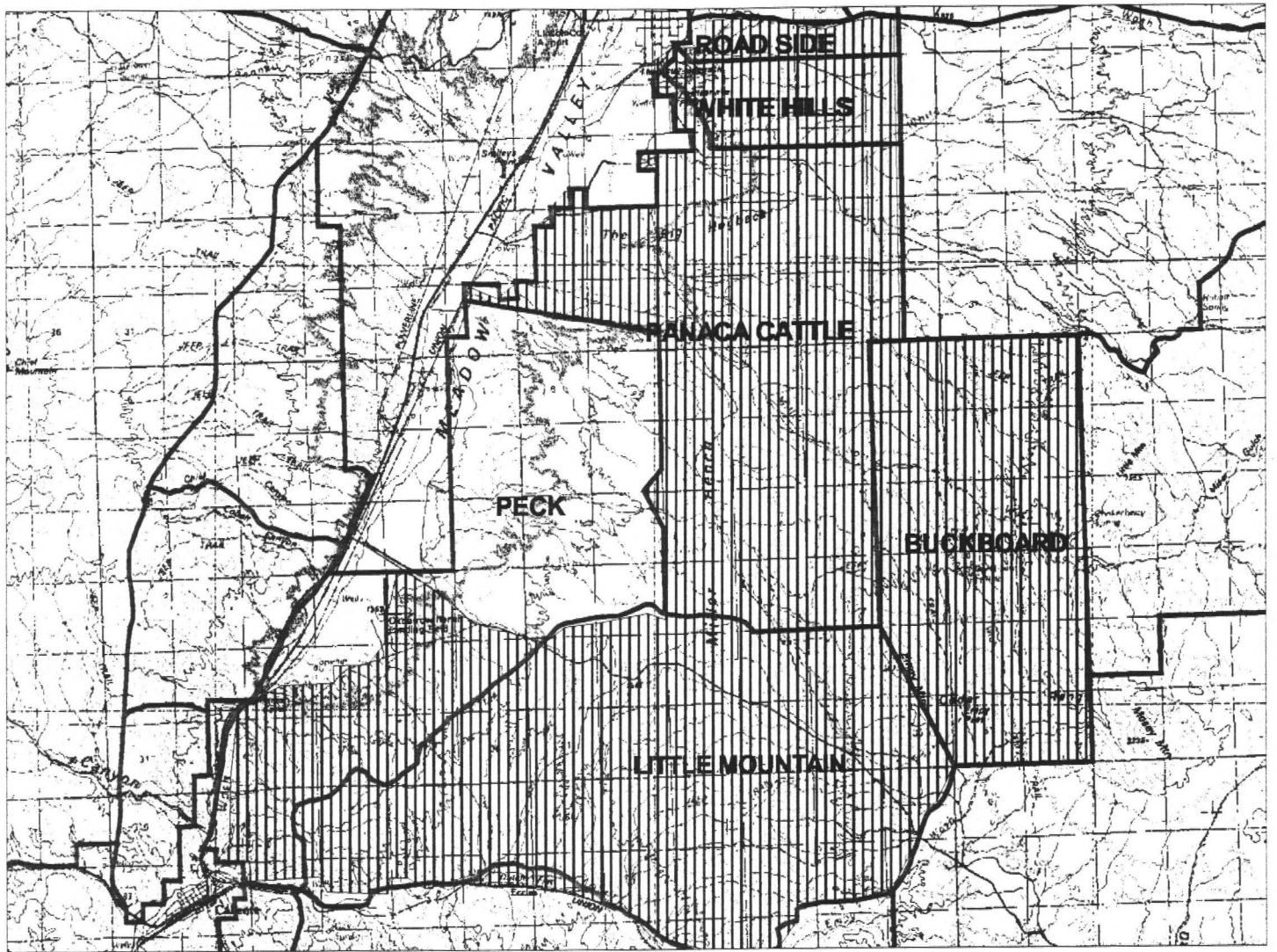
HIJA= Galleta grass

# ELY DISTRICT HMA'S



-  Herd Management Area
-  City
-  Ely District Boundary



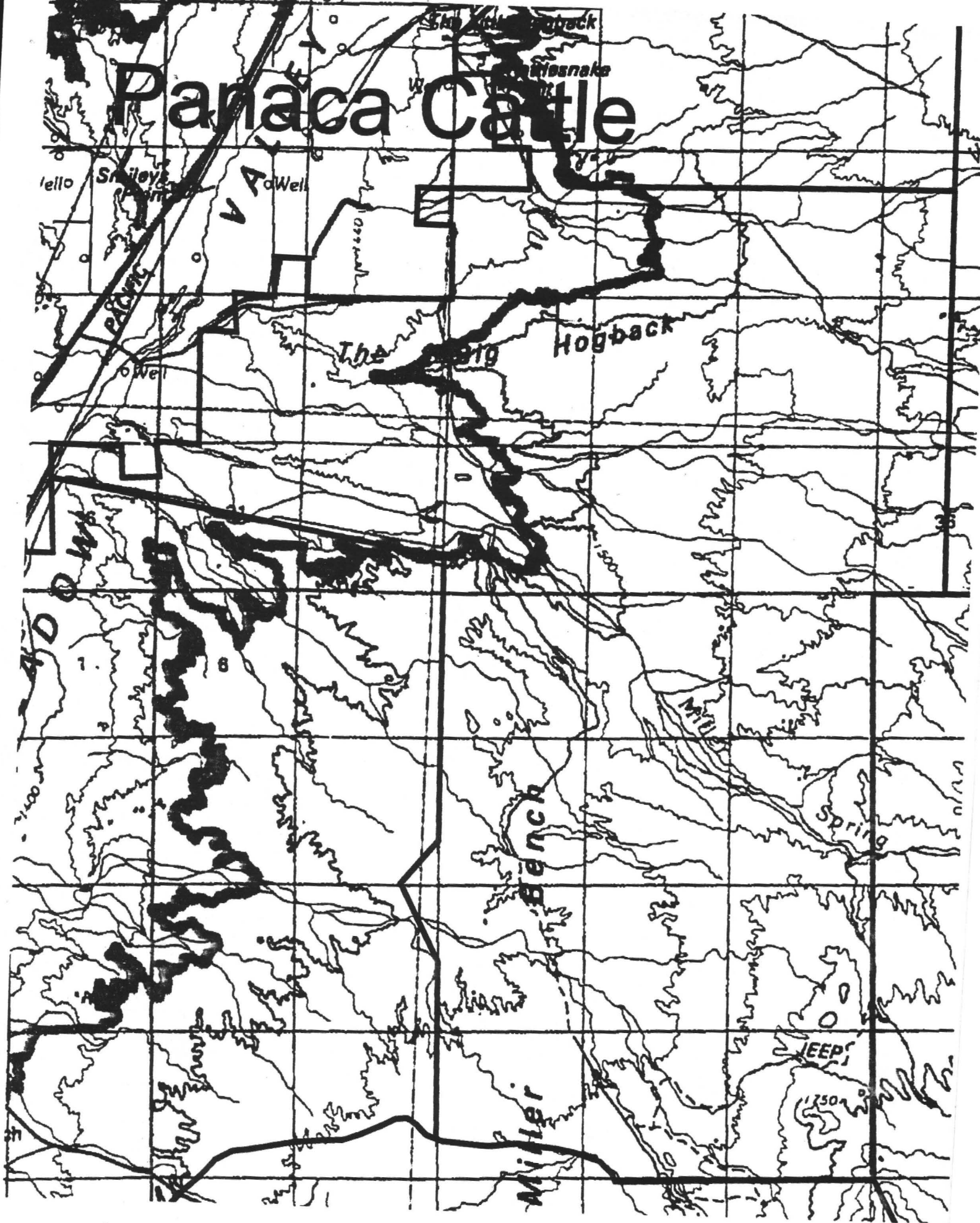


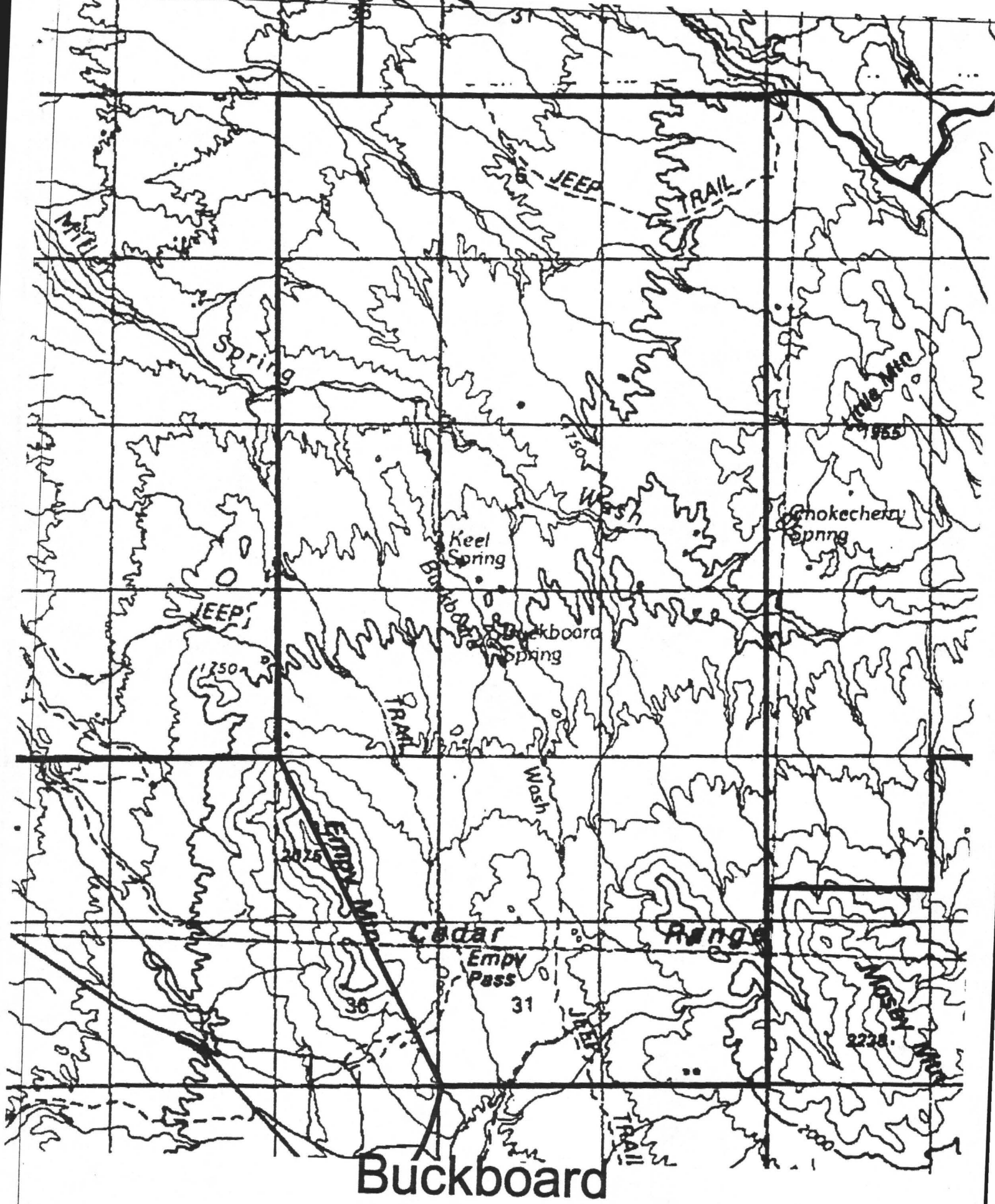
## Legend

-  Allotments
-  Little Mountain HMA



# Panaca Cattle





AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
FOR THE PANACA CATTLE, ROADSIDE AND WHITE HILLS ALLOTMENTS  
( ORREN NASH )

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the Little Mountain Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use. Changes to terms and conditions include season of use for the Panaca Cattle, Roadside, and Whitehills Allotments and grazing management practices such as water hauling to improve livestock distribution for all three allotments. Permitted use will not change and will continue in accordance with the current term permit. Changes to the terms and conditions for Orren Nash will result when livestock grazing is applied for in the future. The period of this permit will run concurrently with the new term permit, which will be for a period of ten years.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands administered by Bureau of Land Management (BLM) as identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Panaca Cattle, Roadside, and Whitehills Allotments. This agreement was prepared in consultation, cooperation, and coordination with Orren Nash.

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Little Mountain Wild Horse HMA.

Allotment Description

The Panaca Cattle, Roadside and White Hills Allotments occur east of highway 93. The affected area is located adjacent to and east of Panaca, Nevada in Lincoln County (refer to attached allotment Map). Vegetation consists mainly of two community types. Black sagebrush (*Artemisia nova*) dominated vegetation with bottlebrush squirreltail (*Sitanion hystrix*), needlegrass (*Stipa spp.*), and Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), with indian ricegrass (*Oryzopsis hymenoides*), Squirrel tail bottlebrush (*Sitanion hystrix*), and needlegrass (*Stip spp.*) associations. Elevations range from 4500 to 5500 feet. Precipitation ranges from 5-8 inches to 8-10 inches at the higher elevations. Roadside is 1123 acres and Whitehills is 2755 acres in size. Both are 100% public land administered by the BLM.

## Livestock Use

The Panaca Cattle allotment is a common use allotment with Orren Nash and Lewis Wendell Mathews being the current permittees. The current permit is for the period 03/01/95 to 02/28/05 for Orren Nash. The permitted season of use for the Panaca Cattle Allotment is 03/01- 02/28. Permitted use on the Panaca Cattle Allotment is 301 Animal Unit Months (AUMs) for Orren Nash. Orren Nash has taken non-use on the Panaca Cattle Allotment since 1981.

The current permit for Lewis Wendell Mathews is for 03/01/96 to 02/28/06. Permitted use for the Panaca Cattle Allotment is 163 AUMs for Lewis Wendell Mathews. From 1981 to 2000 the approximate annual use for Lewis Wendell Mathews for the Panaca Cattle Allotment is 150-175 AUMs. Lewis Wendell Mathews is taking non-use for the 2001 grazing year.

Orren Nash is the only permittee on the Roadside and Whitehills Allotment and permitted use on the Roadside Allotment is 33 AUMs. Permitted use on the Whitehills Allotment is 102 AUMs. The permitted season of use is 12/01-02/28 for both Roadside and Whitehills Allotments. Orren Nash has taken non-use on the Roadside and Whitehills Allotments since 1981. The two allotments have had wildhorse use only.

There are no permanent water sources on the allotments. Water is hauled to the northwest portion of the Panaca Cattle Allotment. Currently there are no water sources on the Roadside and Whitehills Allotment.

## Wild Horse Use

The Little Mountain HMA covers approximately 61,750 acres and encompasses all or portions of the Little Mountain, White Hills, Buckboard, Panaca Cattle, Peck, and Roadside allotments.

There are two primary use areas associated with the Little Mountain HMA. The largest area covers White Hills, Roadside, Panaca Cattle, and Buckboard Allotments as well as the northern half of the Peck Allotment. This area contains resident bands of horses but is heavily used by horses that also spend part of their time within the adjacent Miller Flat HMA. The movement is a daily occurrence due to extremely limited water availability within the Little Mountain HMA. The horse population existing within this portion of the Little Mountain HMA is the same horses that are using the Miller Flat HMA. These horses have a home range that covers both HMAs, but they have to travel into the Miller Flat to find a reliable water supply. Noticeable movement occurs during the late fall and early winter when accumulating snowfall forces the horses to move to the open sagebrush associated with the Little Mountain HMA in the lower elevations to the west. However, during the warmer months the reverse occurs with horses moving to take advantage of the available water and shade trees associated with Miller Flat. This relative ease of movement between the two areas identifies the need to manage this



area as one HMA instead of two HMAs as is currently being done.

The second use area is that area associated with southern half of the Peck Allotment and all of the Little Mountain Allotment. A very small stretch of Clover Creek supplies the only water for this area. The source is encompassed within private land holdings and a small piece of Public land. This area is the home range for a population of 15-20 wild horses.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, period of use, and permitted use for the Roadside and Whitehills Allotments will not change. The season of use and the stocking level will change for the Panaca Cattle Allotment. The following changes to terms and conditions will become effective for Orren Nash on March 01, 2003:

### FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
Orren Nash	Roadside	11 cattle	12/01-02/28	32	54	86
Orren Nash	Whitehills	34 cattle	12/01-02/28	101	96	197
Orren Nash	Panaca Cattle	25 cattle	03/01-02/28	290	153	443

### TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Suspended Use	Total Use (AUMs)
Orren Nash	Roadside	5 cattle	06/01-11/30	32	54	86
Orren Nash	Whitehills	17 cattle	06/01-11/30	101	96	197
Orren Nash	Panaca Cattle	48 cattle	06/01-11/30	290	153	443

## Livestock Management Practices

The season of use for the Panaca Cattle, Roadside and Whitehills Allotments will change from year-long to 06/01 to 11/30.

An adjustment in the season of use on the Panaca Cattle, Roadside and Whitehills Allotments is warranted to allow Indian ricegrass, bottlebrush squirreltail and needlegrass, the main key species, a "greenup" period before grazing begins. This will aid in reproduction of these important native species. This action ( yearly winter/spring deferment) will enable key perennial grasses to attain optimal growth and reproduce with minimal disturbance and will provide better management for drought years. This grazing season will also allow better livestock distribution and access to the allotment, which may be hindered in later months due to snow cover and depth for future livestock operations.

Livestock distribution will be improved with emphasis on the northwest portion of the Panaca Cattle allotment, in conjunction with the improvement of current watering sources, and changes in season of use.

Before future grazing use is authorized, establishment of permanent water developments and/or water hauling will be required. There are currently no water sources on Roadside and Whitehills Allotments, and only one for the entire Panaca Cattle Allotment Water hauling will be required and will be determined on an annual basis by the authorized officer.

To better facilitate livestock grazing management and to efficiently administer grazing use, Panaca Cattle, Buckboard, Roadside and Whitehills Allotments will be combined as a single allotment.

Allowable use levels will not exceed moderate use (60%) during the authorized period 06/01-11/30 for Panaca Cattle, Roadside, and Whitehills Allotments.

There is also a need for vegetation conversion projects to increase the quantity and/or quality of available forage resources on the Panaca Cattle Allotment.

## Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term permits for the Panaca Cattle, Roadside, and Whitehills Allotments: These terms and conditions will be included in the term permits upon expiration of the current term permits or when grazing is applied for and authorized.

1. Allowable use levels will not exceed moderate use (60%) during the authorized period, (0601-02/28) for Panaca Cattle, Roadside and Whitehills Allotments.

2. When application is made to activate grazing use, the authorization will be contingent upon establishing permanent or temporary waters for livestock and maintaining the water supply to established watering sites during the active grazing period on the allotment.
3. Water hauling will be required to distribute cattle use, which will be determined on an annual basis. Water hauls should be established away from valleys and basins on the Panaca Cattle Allotment to decrease livestock concentrating in these areas and in livestock accessible areas on the Roadside and Whitehills Allotments.
4. Fences will be reconstructed, repaired and maintained to enable control of livestock.
5. Livestock distribution will be improved by: a) placing salt and/or mineral block a minimum of one-half mile from water and b) herding of livestock, with emphasis on distributing cattle away from the northwest portion of the allotment.

#### Standard Operating Terms and Conditions

1. 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.
2. 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.
3. 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.
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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the term permit. The grazing management practices identified in the terms and conditions will be designed to ensure significant progress towards fulfillment of the Southern- Mojave Great Basin Standards and Guidelines for Grazing Administration as developed by the Southern-Mojave Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

III. RANGE IMPROVEMENTS

The following range improvement projects are recommended within the Panaca Cattle, Roadside, and Whitehills Allotments. The BLM and Orren Nash will prioritize and determine the feasibility of the projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities:

- 1) Establish permanent or temporary waters for livestock.
- 2) Construct Fences around each water source to improve livestock control and movement .
- 3) Vegetation conversions to improve forage quantity and or quality for both livestock and wildlife.

IV. WILD HORSE AND BURRO MANAGEMENT

A wild horse appropriate management level (AML) within the Roadside and White Hills Allotments' portions of the Little Mountain HMA will be established as follows:

Allotment / HMA	Appropriate Management Level
White Hills Allotment	0
Roadside Allotment	0
Little Mountain HMA	25

AML is based upon available water and forage within the allotment. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements. However, the total AML for the HMA will be maintained.

### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. Management actions implement the guidelines to meet the multiple-use objectives and standards.

### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Roadside and Whitehills Allotments fall within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

### VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data were conducted association with this agreement. Current monitoring data includes utilization, use pattern mapping, vegetative community trend and ecological condition. Management on the allotments has resulted in achievement of the standards for livestock grazing on the allotments.

One key area site was established for the first time in 2001 on the Roadside and Whitehills Allotments (RS-1, and WH-1). Trend, utilization, and ecological condition studies were set up at these key area sites to monitor wild horse and livestock grazing use were monitored.

Panaca Cattle Allotment (P-1) in 1983, 1986, 2001. During these studies livestock grazing use by Lewis Wendell Mathews and wild horse use.

#### Utilization and Use Pattern Mapping

Use pattern mapping and key forage utilization was collected at the newly established key area sites in 2001. There was no utilization observed during the evaluation period (2000) for the Roadside and Whitehills Allotments. Both allotments were in the slight utilization category off the key area sites. Use data for each key area is located in Appendix II, Table 2.

No utilization was observed on the key area (P-1) during the evaluation period. Use levels off the key area site were appropriate for the Panaca Cattle Allotment during the evaluation period (1995 to 2000) with exception of the Northwest portion of the Panaca Cattle allotment as shown on the utilization maps. Use pattern mapping ranged from slight to moderate other than the stated area of exception which showed heavy use with livestock aggregation due to area being within 1½ miles of a water haul and salting site. This area of heavy use is approximately 1200 acres in size. Use data for each key area is located in Appendix II, Table 2.

#### Frequency Trend

Quadrat frequency trend studies were done in 2001 on key areas RS-1 and WH-1 for both Roadside and Whitehills Allotments. No frequency trend data has been collected on either allotment making assessment or comparison of the data not possible.

Quadrat frequency trend studies were done in 1983, 1986 and 2001 at key area P-1 on the Panaca Cattle Allotment. Panaca Cattle key area 1 shows significant change between key species when comparing data collected in 1983 and from 1986 to 2001. Panaca Cattle Key area 1 trend data shows a significant increase in cheatgrass (*Bromus tectorum*) between the years 1986 and 2001. The trend data also shows a significant decrease in bottlebrush squirreltail (*Sitanion hystrix*) and Douglas rabbitbrush (*Chrysothamnus viscidiflorus*) in comparing the years 1983 and 1986 to 2001, but a significant increase in Indian ricegrass (*Oryzopsis hymenoides*) from 1986 to 2001. When the data collected in 1983 and 1986 were compared, there was significant increase in sand dropseed (*Sporobolus cryptandrus*). The overall trend for the vegetative community is static to slightly improving at the key area P-1 for the Panaca Cattle Allotment.

#### Ecological Condition at the Key Areas

Ecological condition data was collected at the key areas (RS-1 and WH-1) on the Roadside and Whitehills Allotments in the summer of 2001. Key areas on Roadside, Whitehills, and Panaca Cattle are in late seral stage (RS-1 (60%), WH-1 (60%), P-1 (65%) respectively) according to 2001 ecological data collected. Ecological condition on all three key areas indicates an acceptable species composition mix even though frequency studies showed the trend to be static. Monitoring data indicates that

Roadside, Whitehills and Panaca Cattle Allotments are meeting standards and guidelines due to their late seral stages.

### Summary of Monitoring Data

Monitoring data for the six years collected on the Panaca Cattle Allotment indicates that management on the allotment has resulted in meeting the standards and guidelines. This data also indicates management objectives are being met over a vast majority of the allotment. Use pattern mapping indicates that overgrazing is not an issue, with slight to moderate (1-60%) occurring over a majority of the allotment each year. Ecological condition at the key area was in the late seral stage (65%), indicating an acceptable species composition mix even though 2001 frequency studies showed the trend to be static to slightly improving. Quadrat frequency study was conducted at the key area P-1 in 1983, 1986, and 2001 and indicates a static to slightly improving trend.

Monitoring data, trend and utilization, was collected on the Roadside and Whitehills Allotments. The preliminary data indicates that management on the allotments has resulted in meeting the standards and guidelines. It also indicates that management objectives are being met over a vast majority of the allotment. Use pattern mapping indicates that overgrazing is not an issue with slight, (1-20%) occurring over a majority of each allotment. Ecological condition at the key areas was in the late seral stage (60% for both allotments) indicating an acceptable species composition mix. The current number of horses are ecologically stable.

An improvement of current fencing and watering systems and changes in season of use would be necessary if a livestock operation were to begin on the allotments. The establishment of more key areas within both allotments would improve the monitoring and evaluation of grazing practices within the Allotment(s).

## VII. FUTURE MONITORING AND ADJUSTMENTS

The BLM will continue to monitor the Panaca Cattle, Roadside and White Hills Allotments. Orren Nash will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated when grazing use is activated. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Following the ten year period a new term permit will be issued. Based upon the findings of the evaluation, adjustment may or may not be needed. Adjustments may include changes to

period-of-use, stocking levels, areas-of-use or other grazing management practices.

## VII. AUTHORITY

The authority for the livestock portion of this agreement 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 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4101.4: "After consultation, cooperation, and coordination with the affected grazing committees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(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 as determined through monitoring and adjusted as necessary."

4130.6-2: "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..."



§ 4180.1 Fundamentals of rangeland health. The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

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

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

VIII. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

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Orren Nash

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Date

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James M. Perkins  
Assistant Field Manager  
Renewable Resources

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Date

## APPENDIX I

### STANDARDS AND GUIDELINES

MOJAVE-SOUTHERN GREAT BASIN AREA RESOURCE ADVISORY COUNCIL (RAC)

#### STANDARDS:

##### STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);
- Surfaces (e.g., biological crusts, pavement); and
- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

All of the above indicators are appropriate to the potential of the ecological site.

#### GUIDELINES:

- 1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.
- 1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.
- 1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.
- 1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

## STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.
- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area 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 acceleration 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.

Water quality indicators:

- Chemical, physical and biological constituents do not exceed the stat water quality standards.

The above indicators shall be applied to the potential of the ecological site.

GUIDELINES:

- 2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.
- 2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.
- 2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.
- 2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.
- 2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.
- 2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.
- 2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.
- 2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary

for predicting trends.

### STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

- Escape terrain;
- Relative abundance;
- Composition;
- Distribution;
- Nutritional value; and
- Edge-patch snags.

The above indicators shall be applied to the potential of the ecological site.  
Mojave-Southern RAC Guidelines:

## GUIDELINES

- 3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.
- 3.2 Management practices should emphasize native species except when others would serve better, for attaining desired communities.
- 3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.
- 3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.
- 3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.
- 3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.
- 3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.
- 3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.
- 3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

## LAND USE PLAN OBJECTIVES

### Allotment Specific Objectives

#### a. Livestock

- (1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

#### b. Wild Horses

- (1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.
- (2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

#### c. Mule Deer

- (1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.
- (2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

To maintain mule deer crucial winter range in at least good habitat condition.

#### d. Riparian

- (1) Short term objective: To limit use on riparian vegetation to 50 percent.
- (2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.



Table 1. Upland Studies Summary

Allotment: Roadside and Whitehills Allotments				Present Status			Long Term Objectives			Short Term Objectives				Rationale			
Study Area	Key Area Location	Ecological Site No.	Key Spp.	Key Spp % Comp by Wt	Seral Stage % PNC	Trend Up Down Static	Maintain or Improve	Key Spp % Comp by Wt.	Seral Stage % PNC	Allowable Use Level (1983 Grazing Decisions)					Season of Use *L/h/w	Met	Not Met
										spring	Summer	Fall	Winter				
RS-1	T2S R68E SEC14	029XYO08N V Shallow Calcareous Loam 5-12"	SIHY	2.0	Late 60.4%	No Data	I	10-15	Late	50	50	60	60	L:06/1-11/30 H:YL W:YL	X		Allow forage Green-up of perennial grasses
			ORHY	7.2				15-20		50	50	60	60				
WH-1	T2 R68E SEC14	029XYO14N V Shallow Calcareous Slope 8-12"	SIHY	2.2	Late 60.97%	No Data	I	5-10	Late	50	50	60	60	L:06/1-11/30 H:YL W:YL	X		Allow Forage Green-up of perennial grasses
			ORHY	.05				10-15		50	50	60	60				

Allotment: Panaca Cattle Allotment			Present Status				Long Term Objectives				Short Term Objectives				Rationale		
Study Area	Key Area Location	Ecological Site No.	Key Spp.	Key Spp % Comp by Wt	Seral Stage % PNC	Trend Up Down Static	Maintain or Improve	Key Spp % Comp by Wt.	Seral Stage % PNC	Allowable Use Level (1983 Grazing Decisions)				Season of Use *L/h /w		Met	Not Met
										spring	Summer	Fall	Winter				
P-1	T2S R68E SEC23	029XY046N V Sandy Loam 5-8"	ORHY	4.3	Late 65.02 %	Static	I	15-20	Late	50	50	60	60	L:06/1-11/30 H:YL W:Y L	X	Allow forage Green-up of perennial grasses	
			SIHY	14.9				2-5		50	50	60	60				
			ATCA	38.7			I	30		30	50	50	50			Allow forage Green-up of perennial grasses	
			CELA	.68				2-5		30	50	50	50				

\* L = Livestock; H = Wild Horses; W = Wildlife; SIHY=Squirreltailbottlebush and ORHY= Indian Ricegrass

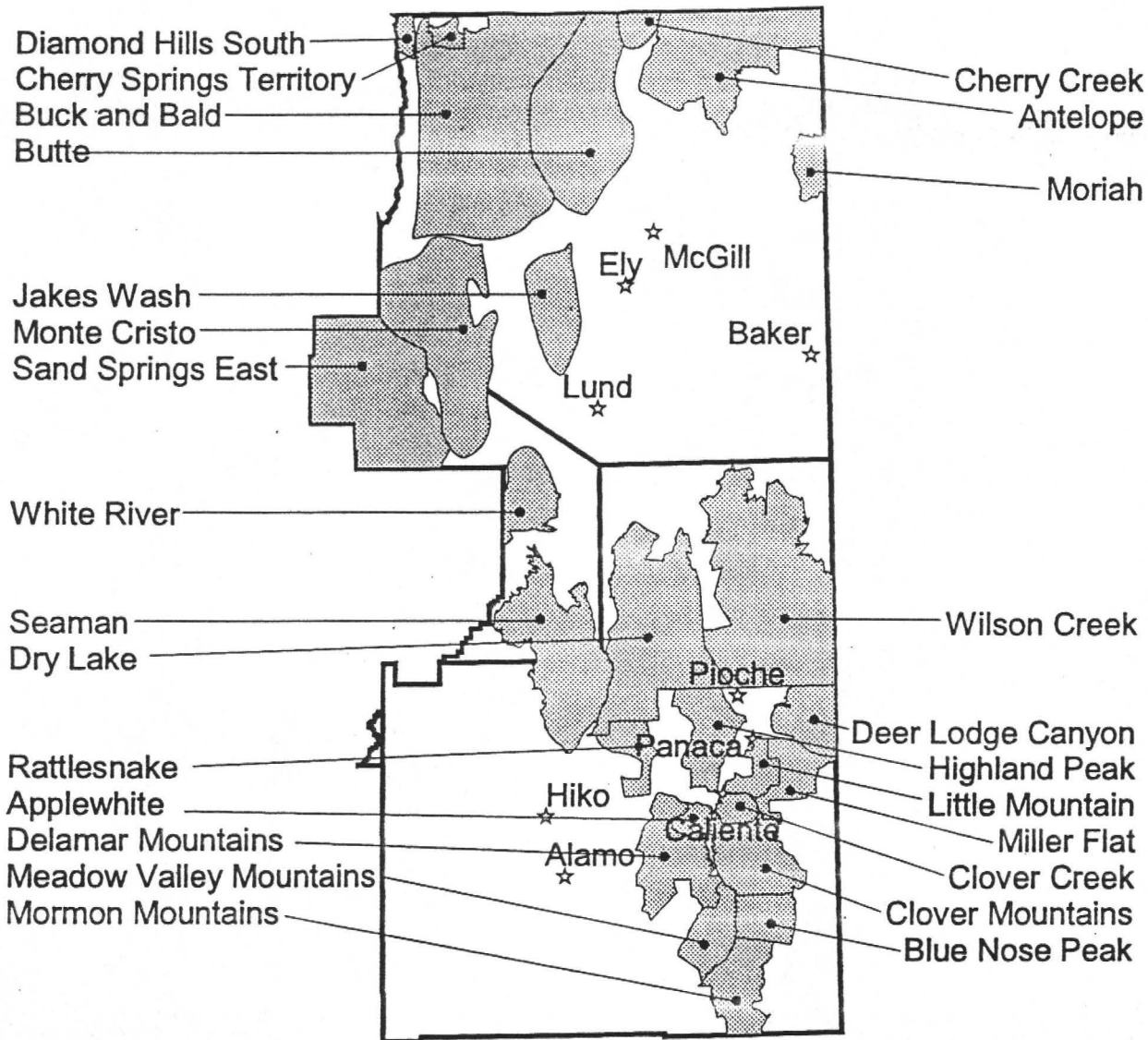
APPENDIX II

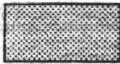


Table 2. Use Levels Measured at Key Areas on Panaca Cattle, Whitehills and Roadside Allotments, Orren Nash, Permittee. Grazing Year 2000

Grazing Year	Percent Utilization on Key Species at Key Areas								
	Whitehills					Roadside			
	1	2	3	AUMs Used & % Permitted Use		1	2	AUMs Used & % Permitted Use	
2000	0 ORHY	0 SIHY	0 EPNE	0	0	0 SIHY	0 EPNE	0	0
	Percent Utilization on Key Species at Key Areas								
	Panaca Cattle								
	1	2	3	4	AUMs Used & % Permitted Use				
Grazing Year 2000	0 ORHY	0 SIHY	0ATCA	0 CELA	0	0			

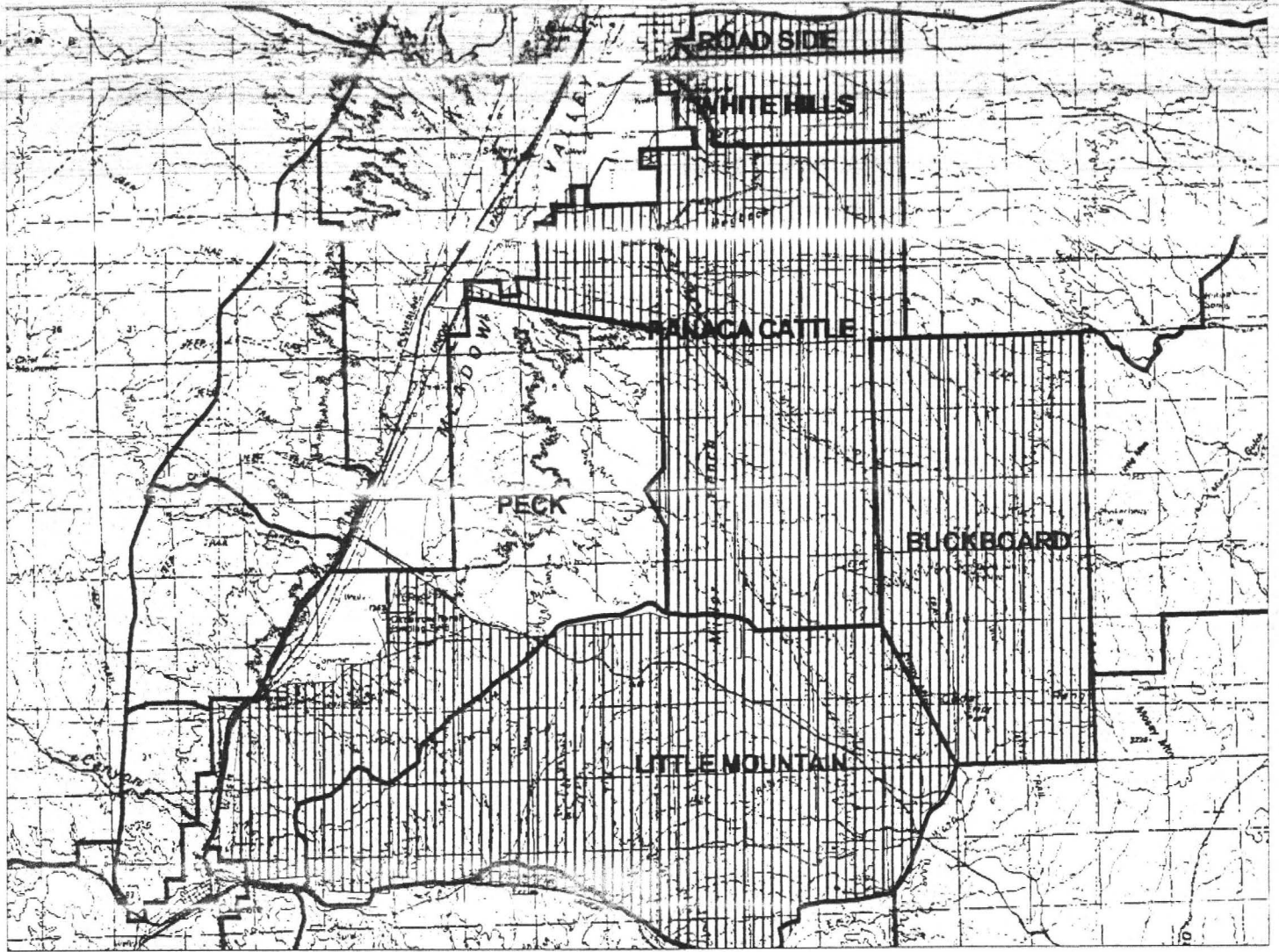
EPNE= Nevada Ephedra

# ELY DISTRICT HMA'S



-  Herd Management Area
-  City
-  Ely District Boundary



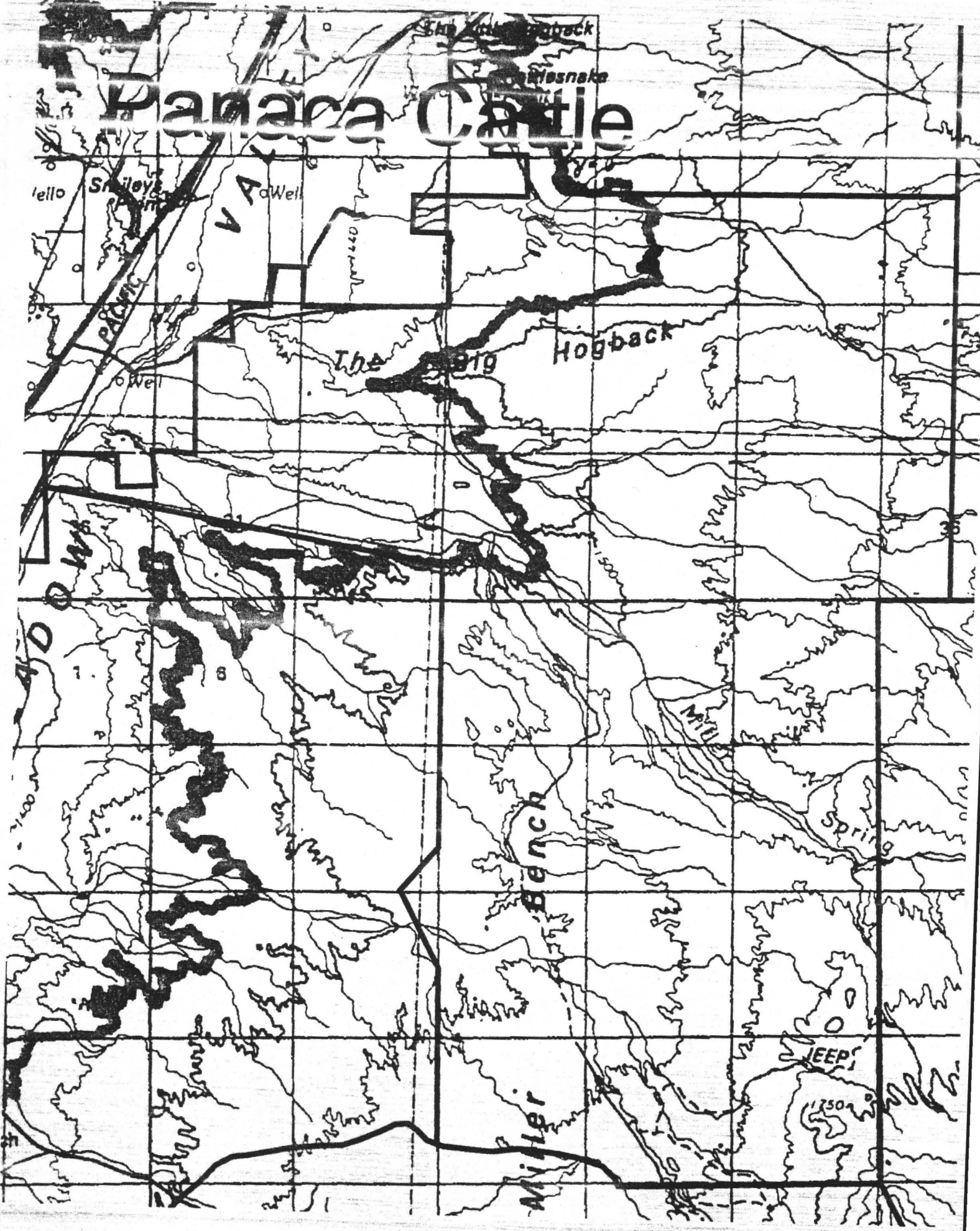


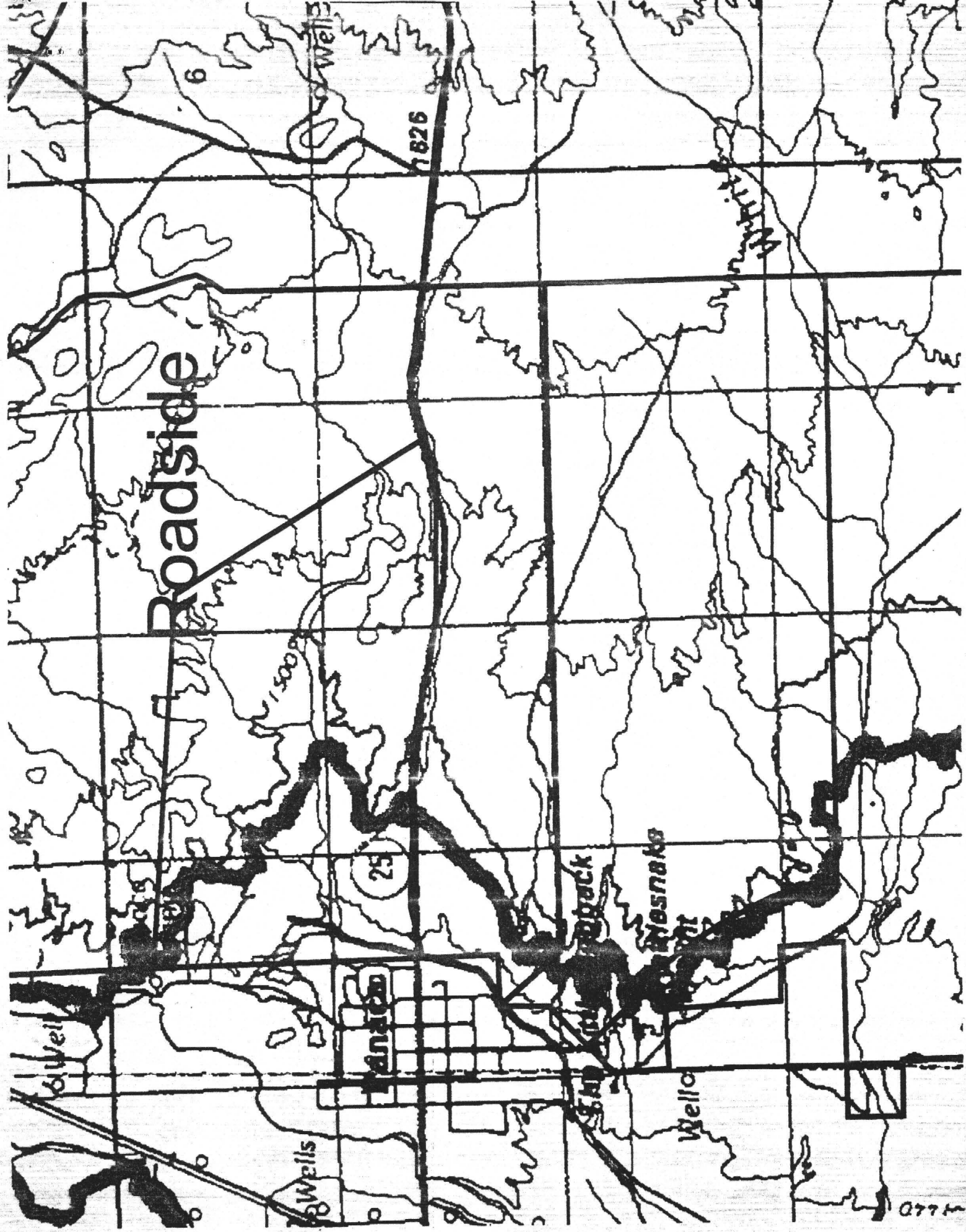
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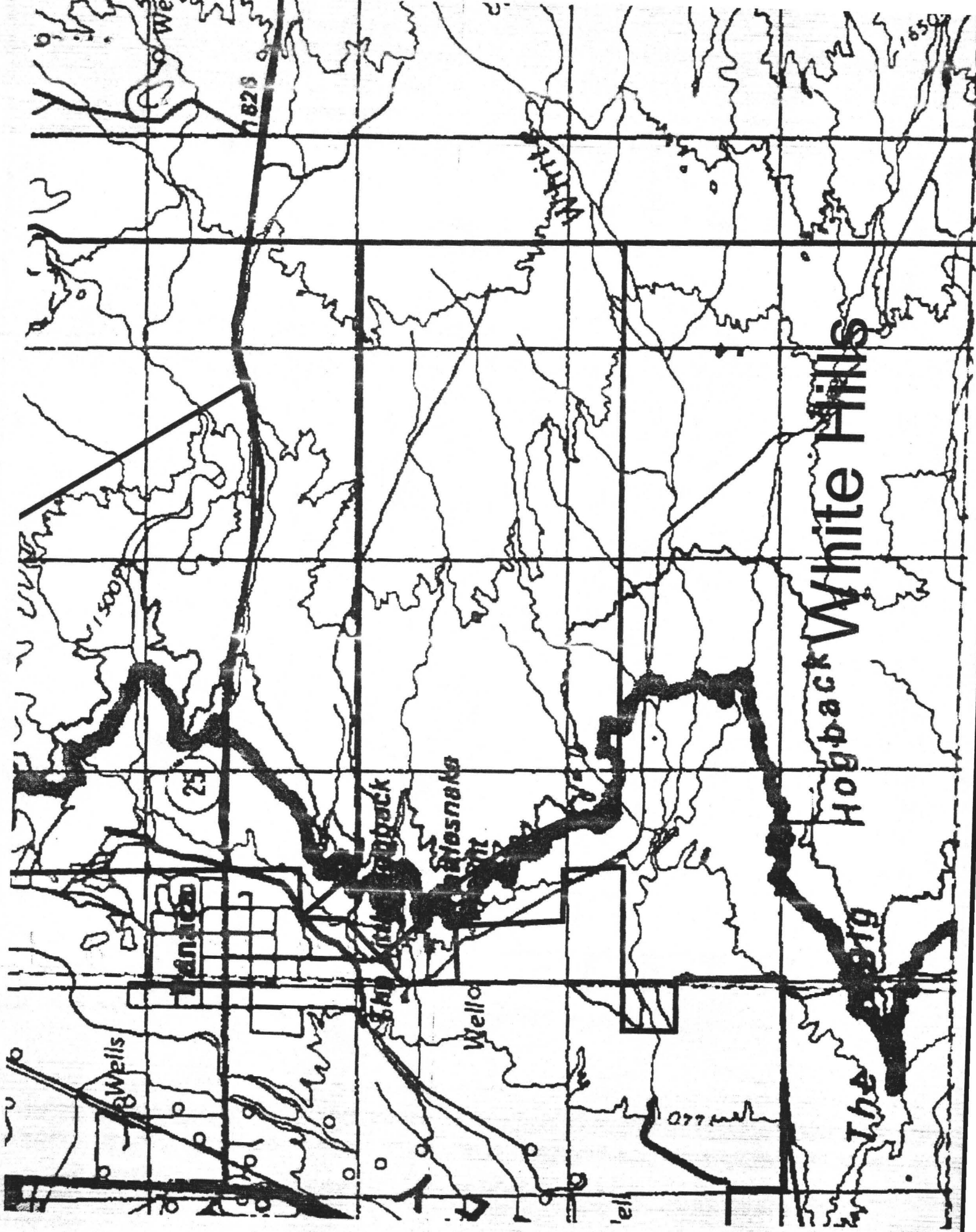
-  Allotments
-  Little Mountain HMA



# Panaca Cattle







Wells

Hogback

Hogback

White Hills

Wells

el

2077

Hogback White Hills

The Big

25

1828

1650

White Hills



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING USE  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
FOR THE BLUE NOSE PEAK HERD MANAGEMENT AREA  
WHITE ROCK, GARDEN SPRING AND SUMMIT SPRING ALLOTMENTS

I. INTRODUCTION

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the White Rock, Garden Spring and Summit Spring Allotments. This agreement also establishes a wild horse appropriate management level (AML) for the Blue Nose Peak Wild Horse Herd Management Area (HMA). The period of this agreement shall run concurrently with the Federal grazing permit, not to exceed ten years.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the above allotments. This agreement was prepared in consultation, cooperation, and coordination with Newby Cattle Company.

Allotment Description

The White Rock, Garden Spring and Summit Spring allotments occur in the upper Mojave Desert area, referred to as the Tule Desert. The affected areas are located approximately 30 miles southeast of Caliente, Nevada. Refer to attached Allotment Map. Vegetation consists mainly of two community types including blackbrush (*Coleogyne ramossissima*) dominated vegetation and creosote (*Larrea tridentata*) / big galleta (*Hilaria rigida*) associations. Elevations range from 2400 to 4500 feet. Precipitation ranges from 5-8 inches on the valley bottom to 8-10 inches in the upper elevations.

Livestock Use

Newby Cattle Company has held the grazing permit since 1991. Livestock are managed with water placement and pasture fences. The allotments are well developed, allowing management flexibility during drought and wildfire occurrences which are common to the area. Pastures are rested through coordination between the operator and the BLM when appropriate. **Domestic horses are licensed in the Stratton Pasture, which is completely fenced from the HMA.** Stratton (south) pasture of the Garden Spring Allotment and the entire Summit Spring Allotment are not included in any HMA. The nine-year average licensed use was 924 AUMs or 32% permitted use for White Rock Allotment, 1162 AUMs or 42% permitted use for Garden Spring Allotment, and 498 AUMs or 70% permitted use for Summit Spring Allotment.

Wild Horse Use

Wild horse management occurs in the Blue Nose Peak HMA, which includes the upper common area of both White Rock and Garden Spring allotments. An estimated 10-15 head of horses spend a portion of their time within the Blue Nose Peak HMA, but routinely move between the Blue Nose Peak HMA and the Clover Mountains HMA. It is evident that a permanent herd does not inhabit the area. Water availability on the allotments is largely dependent on the operators as the pipelines are subject to yearly wash-outs and require constant maintenance.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows for Newby Cattle Company:

**FROM:**

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
White Rock	361 cattle	10/1-5/31	2880	0	0	2880
Garden Spring	348 cattle 4 horses*	10/1-5/31	2777	0	0	2777
		10/1-5/31	32	0	0	32
Summit Spring	90 cattle	10/1-5/31	715	0	0	715

\*Stratton Pasture is permitted for 4 saddle horses. It is outside the HMA.

**TO:**

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
White Rock	411 cattle**	11/1-5/31	2880	0	0	2880
Garden Spring	396 cattle** 5 horses**	11/1-5/31	2777	0	0	2777
		11/1-5/31	32	0	0	32
Summit Spring	101 cattle**	11/1-5/31	715	0	0	715

\*\* Indicates the adjustment of number of cattle and horses due to shortened season of use. No significant net change to AUMs has occurred.

Livestock Management Practices

Management on the allotments has resulted in meeting the standards and guidelines. The practices that have aided in the achievement of the standards and guidelines include active herding, use of salt, hauling water to established sites, and pasture deferment. These practices, if continued, should result in the continued improvement of the range. Recognizing the need to continue these practices to maintain and/or improve the range, they are to be included as the

terms and conditions of the grazing permit for these allotments.

An adjustment in the season of use is warranted to allow big galleta, the main key species on all three allotments, to reach maturity and seed set. Deferring grazing until November 1 will aid in reproduction of this important native species and allow it to begin winter dormancy before grazing begins. This action together with yearly spring deferment by pasture will enable key perennial grasses to reproduce and set seed with minimal disturbance and will provide better management for drought years.

The BLM will improve conditions by fencing three springs on the Summit Spring Allotment and one in Garden Spring to permanently protect the sources from overuse and to improve habitat and increase water production. Salt cedar will be removed and replaced with native, riparian vegetation. Water will be provided outside the enclosure as long as there is adequate water to support a thriving riparian site.

#### Short Term Objectives

The measurement of utilization for Big Galleta (HIRI) will change. Measurement of utilization will change from utilization levels to stubble height. Allowable use based on stubble height will be established at 6". A stubble height of 6" will not be exceeded and will remain following removal of livestock from all pastures. In those areas where stubble height is below 6" grazing use will be adjusted to allow stubble height to increase to 6" of residual forage. BLM will construct enclosures in Big Galleta sites to help to determine the potential of the site and to determine if 6" is a reasonable and achievable stubble height objective.

#### Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term grazing permit for the White Rock, Garden Spring and Summit Spring allotments:

Annual licensing of AUMs over 75% permitted use shall be coordinated with the Caliente BLM to ensure continued enhancement of the range and achievement of objectives and standards and guidelines.

Each grazing season, at least one pasture shall be deferred from grazing during spring growing season (March 1-May 31). Pasture deferment should not occur on the same pasture for more than two consecutive years. Pasture selection should be coordinated with the Caliente BLM office. Temporary Non-Renewable Use for annuals will consider Summit Spring and Stratton Pasture as one combined pasture due to the size of each.

The Blue Garden Fire pasture will be rested from grazing through December, 2001 or until objectives have been achieved. Use limits of 50% spring and summer and 60% fall and winter for grasses will be adhered to in this pasture as identified in the Nevada Rangeland Monitoring Handbook. A 6" stubble height will not be exceeded for Big

Galleta within the burn area. Use during the closure period will constitute trespass and will be subject to unauthorized use proceedings.

Improve livestock distribution by: a) placing salt and/or mineral block a minimum of one-half mile from water and b) herding of livestock and c) hauling water to established sites.

Stubble height objectives for Big Galleta (HIRI) will be adhered to for each pasture to ensure that the Standards and Guidelines are being met. A stubble height of 6" will not be exceeded and will remain following removal of livestock from all pastures. In those areas where stubble height is below 6" grazing use will be adjusted to allow stubble height to increase to 6" of residual forage.

Additional terms and Conditions for the White Rock, Garden Spring and Summit Spring allotments according to the Approved Caliente Management Framework Plan Amendment and Record of Decision for the Management of Desert Tortoise Habitat (9/19/00).

From March 15 to October 15, livestock use may occur provided forage use levels do not exceed 40% on key perennial grasses, shrubs and perennial forbs; and between October 15 and March 15, provided forage use levels do not exceed 50% on key perennial grasses and 45% on key shrubs and perennial forbs. If the use levels are reached, livestock will be moved to another location within the allotment or taken entirely off the allotment.

All vehicle use in desert tortoise habitat associated with livestock grazing, with the exception of range improvements shall be restricted to existing roads, trails, and large sandy washes. Permittees and associated workers shall comply with posted speed limits on access roads. No new access roads shall be created.

Tortoises discovered by the permittee to be in imminent danger during routine cattle movement or maintenance activities, may be moved out of harm's way by the permittee provided the permittee has received the required training.

Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments to avoid the introduction of non-native plant species. Mineral and salt blocks are authorized subject to 43 CFR Section 4130.3-2(c) and should be placed in previously disturbed areas wherever possible, to minimize impacts to desert tortoise and its habitat. Blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage.

Livestock levels will be adjusted to reflect significant, unusually climatic conditions which result in a dramatic change in range conditions (e.g. drought, fire), which negatively impact the ability of the allotment to support both tortoises and cattle.

The permittee is required to take action to remove any livestock that move into areas

closed to grazing back into the open acres of the allotment. If straying of livestock becomes problematic, the Bureau, shall take measures to ensure straying is prevented.

**Standard Operating Terms and Conditions:**

1. 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.
2. 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.
3. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
4. 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% 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.
5. 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.
6. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern Resource Advisory Council. These standards and guidelines were 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.

Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Northeastern or Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed

by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

The following range improvement projects are recommended within the White Rock, Garden Spring and Summit Spring Allotments. The BLM and Ken Newby will prioritize and determine the feasibility of the projects and identify any additional range improvement projects or vegetative treatments as needed. The BLM will initiate the project planning process for each proposed project. Construction or treatment implementation is dependent on funding and district priorities.

- 1) Determine the feasibility of extending a pipeline to Steer Flat on Summit Spring.
- 2) Establish new water haul sites for drought management.
- 3) Establish a water storage tank on the Sam's Camp Pipeline north of Bowler Ring.
- 4) Construct Fences around each water source to improve livestock control and movement.
- 5) Establish permanent study enclosures at K.A.'s
- 6) Construct new pipeline spurs to facilitate the disbursement of cattle and relieve the grazing pressure around existing waters.
- 7) Improve the water source at Box Spring and improve the livestock watering site.
- 8) Improve the corral and road located near Garden Spring.

### IV. WILD HORSE AND BURRO MANAGEMENT

Establish wild horse appropriate management levels (AML) within the Blue Nose Peak Wild Horse HMA as follows:

ALLOTMENT	APPROPRIATE MANAGEMENT LEVEL
White Rock	0
Garden Spring	0

This will establish an AML for the entire Blue Nose Peak HMA. The management goal of zero horses within the Blue Nose Peak Management Area will be managed in conjunction with the Clover Mountain HMA. Horses on the desert during gathers will have 1<sup>st</sup> priority for gathering. Numbers within use areas and/or allotments may be higher or lower than the numbers

identified above because of seasonal movements but the total AML for the HMA will be maintained. Wild horse management occurs in the Blue Nose Peak HMA, which includes the upper common area of both White Rock and Garden Spring allotments. The AML on the Henrie Complex Allotment portion of the Blue Nose Peak HMA was set at zero in July 1999 because year-round grazing in the Mojave Desert was deemed inappropriate due to the extreme summer temperatures and limited water availability. The Final Caliente Management Framework Plan Amendment and Record of Decision (ROD) for the Management of Desert Tortoise Habitat established an AML of zero horses in the Mormon Mountains HMA. Therefore, the AML on the Mormon Mountains HMA portion of the White Rock Allotment is not discussed further in this document. Furthermore, no horses have ever been observed nor censused within this portion of the Mormon Mountains HMA.

## V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The White Rock, Garden Spring and Summit Spring Allotments falls within the MFP planning areas. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data includes utilization, use pattern mapping, vegetative community trend and ecological condition. Management on the allotments has resulted in achievement of the standards for livestock grazing on the allotments.

### Utilization and Use Pattern Mapping

Use levels for the vast majority of the allotments as measured at the key sites by the key forage plant utilization method were appropriate during the evaluation period (1991 to 1999 ).

### Frequency Trend

Quadrat frequency trend studies were done in 1984, 87 and 93. The overall trend for the vegetative community is static at the key area. Garden Spring, Key Area 1 shows a slightly downward trend however, due to an increase in undesirable introduced annual species.

### Forage Utilization and Trend

Use levels were appropriate for the allotments during the evaluation period. Use ranged from slight to moderate. Use data for each key area is located in Appendix II, Table 2. Trend for the vegetative community is static at the key areas. Garden Spring, Key Area 1 shows a slightly downward trend however, due to an increase in undesirable introduced annual species.

### Ecological Condition at the Key Areas

Ecological condition data was collected at the main key areas on the White Rock and Garden Springs allotments in the summer of 1999. Key areas 1 and 2 on White Rock are in mid-seral condition (42% and 45% respectively). On the Garden Spring Allotment, key areas 1 and 2 are in late-seral condition (80% and 53%, respectively).

### Summary of Monitoring Data

Monitoring data for seven of eight years indicates a stable operation at current livestock numbers. Livestock distribute well throughout the pastures which are well watered. Yearly management includes close coordination with the Caliente BLM to ensure use levels are not exceeded. Continuation of this type of management should prove beneficial overall.

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

During the ten year period of this agreement, the BLM will continue to monitor the Garden Spring, White Rock and Summit Spring Allotments. Ken Newby will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated after the ten year period of the agreement. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Following the ten year period a new term permit will be issued. Based upon the findings of the evaluation conducted during 2010, adjustment may or may not be needed. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at the time.

Yearly use supervision will continue for grazing in desert tortoise habitat. If it is determined that existing grazing management practices or levels of grazing use are significant factors in failing to achieve the standards, changes in grazing use will be made.

## VII. AUTHORITY



The authority for the livestock portion of this agreement 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 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(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 as determined through monitoring and adjusted as necessary."

4130.6-2: "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..."

§ 4180.1 Fundamentals of rangeland health. The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

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

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

#### VIII. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4170) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
 Ken Newby  
 Newby Cattle Co.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 James M. Perkins  
 Assistant Field Manager  
 Renewable Resources

\_\_\_\_\_  
 Date

Table 1. Upland Studies Summary

Allotment: Garden Spring, White Rock, Summit Spring			Present Status				Long Term Objectives			Short Term Objectives				Rationale			
Study Area	Key Area Location	Ecological Site No.	Key Spp.	Key Spp % Comp by Wt	Seral Stage % PNC	Trend Up Down Static	Maintain or Improve	Key Spp % Comp by Wt.	Seral Stage % PNC	Allowable Use Level (1992 Grazing Decisions)					Season of Use *L/h/w	Met	Not Met
										3/1 to 5/31	10/1 to 10/14	10/15 to 2/28	HIRI Stubble Hight				
GS-1	T9S R69E SEC9	030XB029NV Shallow Gravelly Loam 5-8"	HIRI	3	PNC 80%	Static	M	1-5	Late to PNC				6"	L:10/1-5/31 H:YL W:YL	X		Use limits met.
			EPNE	18				2-3		40	40	45					
GS-2	T9S R69E SEC33	030XB005NV Limy 5-8"	HIRI	31	Late 53%	No Data	M	5-15	Late	40	40	50	6"	L:10/1-5/31 H:YL W:YL	X		Use limits met.
			EPNE	17				2-5		40	40	45					
GS-3	T9S R69E SEC2	030XB029NV Shallow Gravelly Loam 5-8"	ARPU9	no data	Black-brush burn. Not read.	No Data	M	2-5	N/a	40	40	45		L:10/1-5/31 H:YL W:YL	X		Use limits met.
			EPNE	no data				2-3		40	40	45					
WR-1	T9S R68E Sec 15	030XB043NV Claypan 5-8"	HIRI	4	Mid 42%	No Data	I	20-30	Mid				6"	L:10/1-5/31 H:YL W:YL	X		Concentration of use (water, fence, road) have resulted in exceedence of use limits. Problematic of the key area location.
			EPNE	2				2-8		40	40	45					
WR-2	T9S R68E SEC27	030XB043NV Claypan 5-8"	HIRI	9	Mid 45%	Static	I	20-30	Mid				6"	L:10/1-5/31 H:YL W:YL	X		Use limits met.
			EPNE	2.5				2-8		40	40	45					
WR-3	T10S R68E SEC11	030XB043NV Claypan 5-8"	HIRI	no data	Not Read. Supplemental area.	No Data	M		N/A				6"	L:10/1-5/31 H:YL W:YL	X		Use levels met.
			EPNE	no data						40	40	45					
SS-1	T10S R69E SEC 10/11 Steer Flat	Inclusion not representative of allotment or map unit.	HIRI	no data	Site located on soil inclusion.	Static	M		N/A				6"	L:10/1-5/31 W:W	X		Trend static, use levels acceptable, S&G met.

\* L = Livestock; H = Wild Horses; W = Wildlife; EPNE=Nevada Ephedra, HIRI=Big Galleta, ARPU9=Purple three-awn,

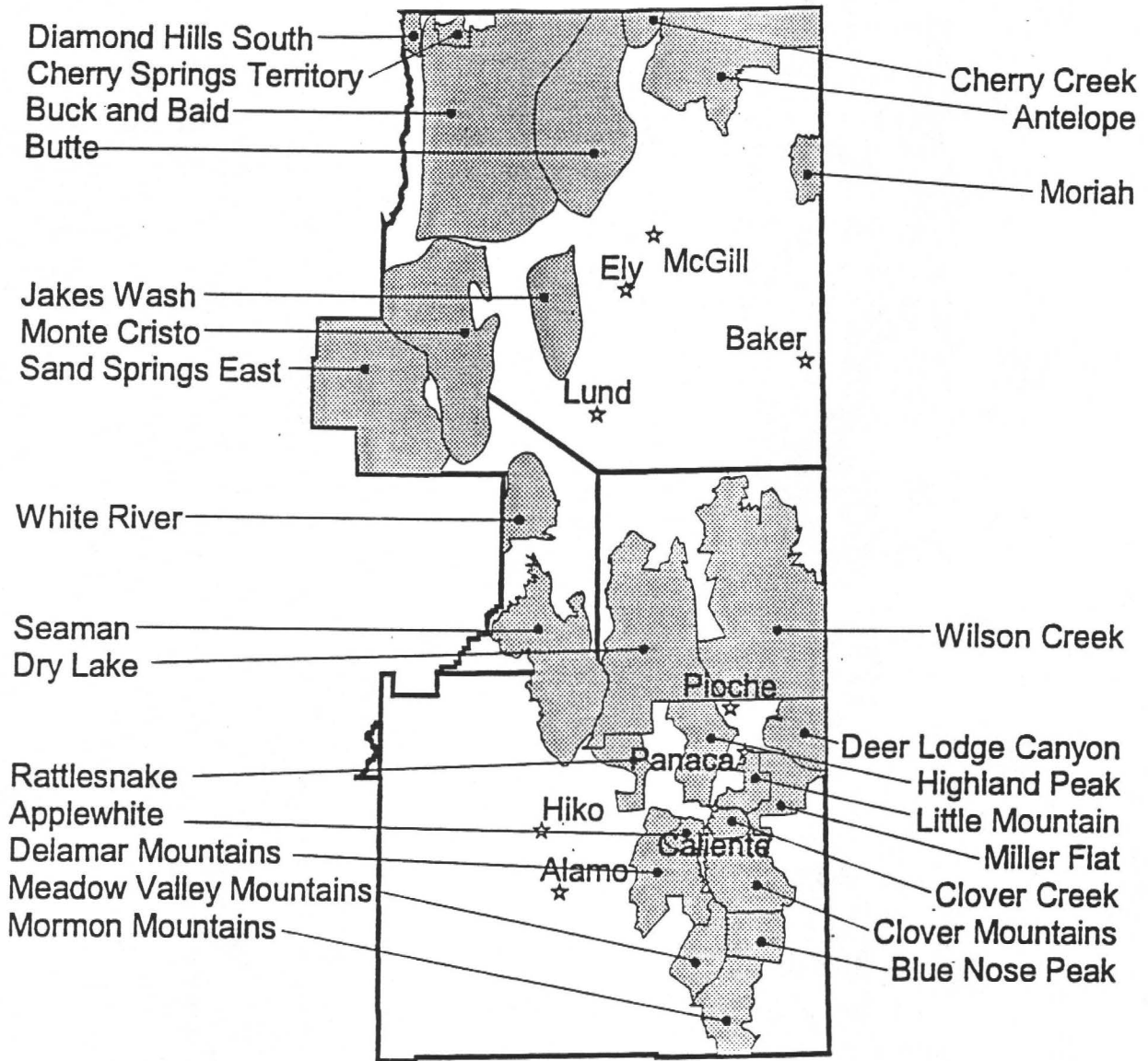
## APPENDIX II

Table 2. Use Levels Measured at Key Areas on White Rock, Garden Spring and Summit Spring Allotments, Newby Cattle Company, Permittee, 1991-1999

Grazing Year	Percent Utilization on Key Species at Key Areas												
	White Rock					Garden Spring					Summit Spring		
	1	2	3	AUMs Used & % Permitted Use		1	2	3	AUMs Used & % Permitted Use		1	AUMs Used & % Permitted Use	
1999	56 HIRI	22HIRI	8 HIRI	999	35	35 HIRI	17HIRI	30 ARPU	1775	63	13 HIRI	719	101
1998	16 HIRI	0(rest)	0(rest)	794	28	35 HIRI	0 (rest)	3 ARPU	845	30	not monitored	718	100
1997				448	15	-	-	-	715	26		630	88
1996 - Use occurred in 95&96 on 95 prod. due to drought	76 - 83 HIRI/ MUPO	6 HIRI	13 HIRI	1173	41	8-57 EPNE/ HIRI	19HIRI	1-6.5 EPNE/ ARPU	1308	47		740	104
1995 see 96				1118	39				1070	38		490	69
1994	20/20/33 HIRI/ EPNE/ MUPO	6 HIRI	7 HIRI	423	15	15 - 38 MUPO/ HIRI	28 - 36 HIRI - ARPU	0-10 EPNE/AR PU	1225	44	9 HIRI	240	34
1993	20/20.5/31.5 MUPO/HIRI/ EPNE	6.5HIRI	--	1217	42	18 - 50 EPNE/ HIRI	3.5 HIRI	7.5 - 16.5 ARPU/ EPNE	1453	52		290	41

1992 high annuals prod.	0 on HIRI/MUPO/ EPNE	0 on HIRI/ MUPO	1 HIRI	1118	39	-	-	-	1070	38		240	34
1991	0 use	0 HIRI	0 use	1023	36	22 - 24.7 EPNE/ HIRI	22 HIRI	22 - 26 EPNE/ HIRI	996	36	0	419	59

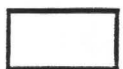
# ELY DISTRICT HMA'S



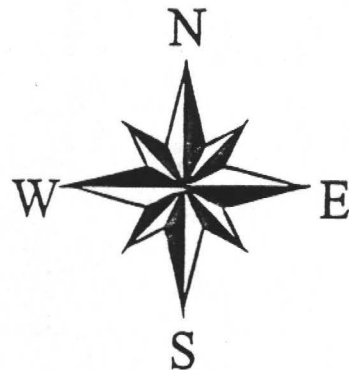
**Herd Management Area**



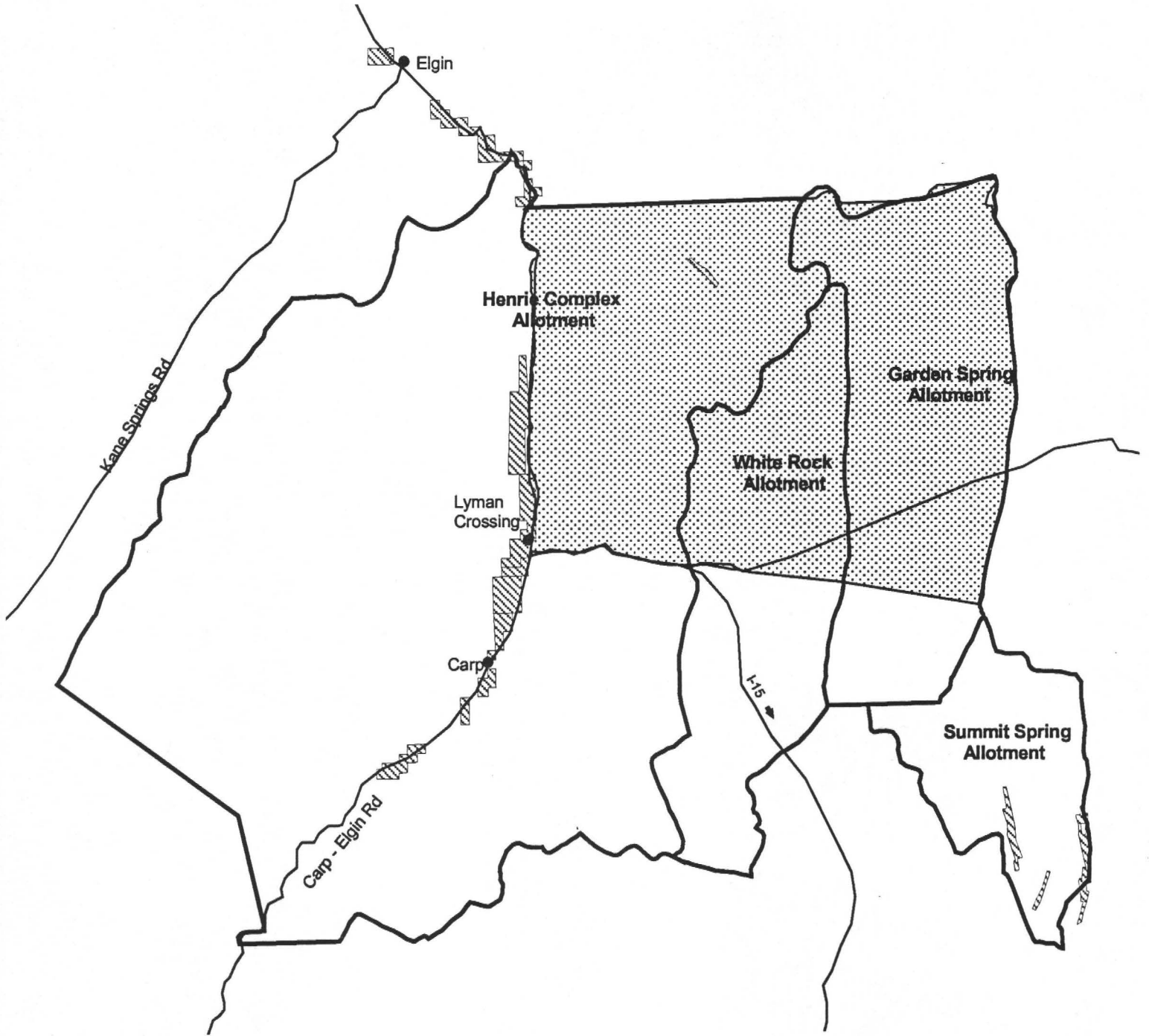
**City**




**Ely District Boundary**



# Blue Nose Peak HMA and Associated Allotments



-  Private Land
-  Roads
-  Allotment Boundary
-  Blue Nose Peak HMA



AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT  
AND ESTABLISHMENT OF WILD HORSE APPROPRIATE MANAGEMENT LEVEL  
FOR THE SHEEP FLAT ALLOTMENT

I. INTRODUCTION

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the Sheep Flat Allotment. This agreement also establishes a wild horse appropriate management level (AML) for the Clover Mountain Wild Horse Herd Management Area (HMA). A new term permit will be issued to reflect the changes in terms and conditions and permitted use identified in this agreement.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the Mojave-Southern Great Basin Area Standards for grazing administration which are specifically related to authorized grazing use on the Sheep Flat Allotment. This agreement was prepared in consultation, cooperation, and coordination with Newby Cattle Company, James L. and Kaye Wade, and Eddie and Connie Bundy.

The establishment of an AML is designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and to maintain a healthy wild horse herd within the Clover Creek Wild Horse HMA.

Allotment Description

The Sheep Flat Allotment located in the Caliente Resource Area in Lincoln County, Nevada, is located approximately ten miles southeast of Caliente, NV. The area is in the Clover Mountain Range. The elevation of the allotment ranges from 5600 to 7600 feet. The landforms of the allotment vary from flat to gently sloping fans and valley bottoms east of Fife Mountain, to steep, rugged terrain south towards Bluenose Peak. The southern portions of the allotment are steep and rugged woodlands with scattered burned areas. These are used very little by wild horses but livestock utilize the area during the late fall on their way to winter pastures within the Tule Desert and again in the spring on the way back to the crested wheatgrass pastures. A relatively small portion of the allotment is located north of Clover Creek and is heavily covered in pinyon-juniper. This area receives use by feral cows and wild horses but the current permittees do not place cattle into the area.

Vegetative types on the allotment include mostly pinyon-juniper woodlands, with the bottoms in the center of the allotment previously seeded with crested wheat. Fife Flat and Sheep Flat in the northern and central parts of the allotment were seeded with crested wheat in the early 1950's for livestock forage. These seedings are currently heavily overgrown with mountain big sagebrush



and pinyon and juniper trees. The majority of the seedings are not producing well due to encroaching sagebrush and juniper. Portions of the Sheep Flat seedings were mowed using a tractor powered brushhog in 1996 to remove the sagebrush overstory, and the crested wheatgrass has responded vigorously. The Pine Pasture seeding was treated with prescribed fire in August 1999 to remove the encroaching pinyon-juniper and sagebrush. This area was seeded in the winter 2000 to boost the grass component within the seeding. Treatments of the remaining pastures would further facilitate a sustainable rotation on the allotment.

A few ponderosa pines can be found up to East Pass, and in Pine Wash. Quaking Aspens are not very abundant, but found primarily at Quaking Aspen Spring. A portion of the allotment occurs in the Clover Mountains Wilderness Study Area.

### Livestock Use

There are currently three permittees on the allotment, Newby Cattle Company, James L. & Kaye Wade and Eddie & Connie Bundy. The current term permit for Newby Cattle Company is for the period 07/01/1996 to 06/30/2006. The current term permit for James L. & Kaye Wade is for the period 12/22/1999 to 02/28/2009. The current term/ permit for Eddie & Connie Bundy is for the period 12/22/1999 to 02/28/2009. The permitted season of use is June 1 to September 30. Permitted use is as follows: Newby Cattle Company is 1309 AUMs James L. & Kaye Wade 334 AUMs and Eddie & Connie Bundy 334 AUMs.

The permittees generally license cows for the entire season of use. Currently, no formal rotation occurs, however, six pastures exist on the allotment which would facilitate a rotation system. Livestock are rotated through the pastures during the summer grazing season. However, trespass cows and wild horses heavily utilize the western pastures. The permittees utilize crested wheatgrass (*Agropyron cristatum*) seedings located in the central portion of the allotment that were established on the allotment in the early 1950's for the purpose of livestock grazing.

### Wild Horse Use

The Clover Mountain HMA covers approximately 171,900 acres and encompasses all or portions of the Sheep Flat, Cottonwood, Pennsylvania, and Sand Hills allotments. It can be divided into three principal wild horse use areas.

Sheep Flat/Upper Cottonwood is the largest use area (approximately 40% of HMA area) and is located in the eastern portion of the HMA. It is the main foraging and watering area for over 50% of the horses in the HMA. Water is available at several perennial spring sources and Clover Creek as well as at water troughs and reservoirs developed for livestock watering. Horses watering along Clover Creek contribute to the heavy to severe use that has been documented on riparian vegetation. The horse population in this area feeds year-long on the crested wheatgrass (*Agropyron cristatum*) seedings in the northern portions of Sheep Flat and Cottonwood allotments. The horses existing here move into the Clover Creek HMA as well as the adjacent Barclay allotment, which is non-HMA. Some animals (15-20) have established home ranges

with the Barclay Allotment.

The Lower Cottonwood/Lower Pennsylvania use area is the next in size in both acreage and population. This population occupies primarily the southern two-thirds of the Cottonwood allotment (Cottonwood Canyon) and the southern half of the Pennsylvania allotment, but also travel further south, into the Blue Nose Peak HMA. This use area is made up of large, steep canyons heavily covered in pinyon-juniper and blackbrush (*Coleogyne ramosissima*). Use is year-long. The horses water along Pine and Ash Creeks. Several small spring sources also supply water to horses and cattle. Most of these springs flow less than 1/4 gallon per minute. They nevertheless increase animal distribution during parts of the year. Horse use is heavy to severe on over 5,000 acres burned by a wildfire. This burn overlaps the Pennsylvania and Cottonwood allotments. No fence exists along the common boundary.

Upper Pennsylvania/Sand Hills is the last use area. It is the smallest in size and horse population. It is heavily covered in pinyon-juniper and made up of large, steep canyons. The majority of the use is made on a large wildfire burn in the central portion of the Pennsylvania allotment. Several small spring sources (<1/4 gallon/min) are located within 1-5 miles of the burn.

Actual use was estimated from the census and gather information. Censuses in the Clover Mountain HMA are quite difficult: horses are hard to spot and count because they use the rugged terrain and extremely dense stands of Pinyon-Juniper for protection and concealment. Censuses appear to be the most accurate in the winter when the horses are pushed into windswept open areas in search of forage.

Movement of horses between the Clover Mountain and Clover Creek HMAs has been documented through visual observation (routine sightings, trailing, and locations of horses during census flights) and communications with the public. Horse movements are driven by foraging habits and water availability. The relative ease of movement between these two HMAs underscores the need to manage them as one.

Limited numbers of water sources in the Blue Nose Peak HMA greatly contributes to horse movements between Clover Mountain and Blue Nose Peak HMAs. Reciprocally, horses move south, out of the Clover Mountain HMA and into Blue Nose Peak HMA when snowfall limits forage availability.

Finally, horses routinely travel to Clover Creek for water and to forage within the riparian area. Though there are fences along the railroad right-of-way in the Clover Creek area, they generally do not restrict horse movement between the Clover HMAs and the adjacent Miller Flat and Little Mountain HMAs due to lack of maintenance. In 1998, a series of small gap fences were installed within the Clover Creek allotment portion of the riparian to limit the accessibility to the creek by livestock and wild horses. The fences were designed to allow watering sites at specific locations while shutting off access to other portions of the riparian. It is unknown at this time the beneficial effect of the fences on the riparian.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The change in terms and conditions and season of use will be effective upon the signing of this agreement and will be included in the new term permit. The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

### FROM:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Newby Cattle Company	Sheep Flat	327 Cows	6/1-9/30	1309	0	0	1309
James L. and Kaye Wade	Sheep Flat	84 Cows	6/1-9/30	334	431	0	765
Eddie and Connie Bundy	Sheep Flat	84 Cows	6/1-9/30	334	431	0	765

### TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Newby Cattle Company	Sheep Flat	286 Cows	5/15-9/30	1309	0	0	1309
James L. and Kaye Wade	Sheep Flat	73 Cows	5/15-9/30	334	431	0	765
Eddie and Connie Bundy	Sheep Flat	73 Cows	5/15-9/30	334	431	0	765

### Livestock Management Practices

The permitted season of use will be changed from June 1 through September 30 to May 15 through September 30 to help facilitate the removal of cows from the desert allotments by June 1. Permitted use of 1977 AUMs will be maintained for the Sheep Flat Allotment.

All three permittees have winter use permits in the desert to the south of Sheep Flat Allotment. In the late spring Lavar Wade and Ed Bundy truck their cows up to the middle pastures and Ken

Newby pushes his cows into the southern portion of Sheep Flat Allotment. Due to the permitted grazing start date for Sheep Flat and the end date on the desert allotments being only 1 day apart, changing the start date for Sheep Flat to 2 weeks earlier will provide flexibility in the management of the livestock. Deviations in livestock numbers, areas of use and periods of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives and the standards for grazing administration.

Allowable use levels within the allotment will be established. Utilization on grasses and forbs will not exceed 55% utilization and on shrubs will not exceed 45% of current year growth. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed these established use levels by the end of that grazing year.

### Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2 the following terms and conditions shall be included in the term grazing permit for the Sheep Flat Allotment:

1. Allowable use levels within the allotment will be established. Utilization on grasses and forbs will not exceed 55% utilization and on shrubs will not exceed 45% of current year growth.

Standard Operating Terms and Conditions:

1. 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.

2. 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.

3. 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.

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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Northeastern or Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

- 1 Construct or repair fences around the following spring sources to protect from wallowing, trampling, utilization by grazing animals: Sheep Spring, Fife Spring, Quaking Aspen Spring, East Setting Spring.
- 2 Construct a reservoir within the Pine Pasture Burned Area.
- 3 Install a water storage tank in the "Upper Middle" pasture by the troughs
- 4 Construct a pipeline from sheep spring (Sheep Spring Pipeline)
- 5 Place a trough into the joy pasture.
- 6 Re-treat the Crested Wheatgrass Seedings.
- 7 Construct a reservoir on the west portion of the Sheep Flat Chaining.
- 8 Propose a prescribed burn to stimulate the quaking aspens at Quaking Aspen Spring.
- 9 Construct a wildlife water catchment device on the allotment south of East Pass.

There are currently no other range improvements proposed within the allotment. The permittees,

in coordination with the BLM, will identify any future range improvement projects as needed. The BLM will initiate the project planning process for each proposed project. Project construction or vegetation treatment implementations will be dependent on funding and district priorities.

#### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Sheep Flat Allotment portion of the Clover Mountain HMA as follows:

Allotment / HMA	Appropriate Management Level
Sheep Flat Allotment	10
Clover Mountain HMA	40

This will establish an AML for wild horses within the Sheep Flat Allotment portion of the Clover Mountain HMA. The AML is based upon available forage and water within the allotment and census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

#### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

#### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Sheep Flat Allotment falls within the MFP planning area. The Rangeland Program Summary (RPS) Objectives are derived from the MFP. Furthermore, the Mojave-Southern Great Basin RAC has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The allotment

specific objectives are a quantification of the Mojave-Southern Great Basin RAC Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Monitoring data includes utilization, use pattern mapping, frequency trend and ecological condition. Management practices on the allotment have resulted in achievement of the standards for livestock grazing.

### Utilization

Utilization was read five times between 1996 to 1999 at 4 of 5 key areas. Key area #4 was not read during this time due to planning and implementation of a prescribed burn. Use levels for the vast majority of the allotment as measured at the key sites by the key forage plant utilization method were heavy during 1996, 1997 and 1999 use. Drought conditions in 96 and 97 contributed to the heavy use. Pine Pasture was closed during the evaluation period so a higher use on forage in the remaining pastures was acceptable to enable the re-treatment of the Crested Wheat seeding.

### Ecological Condition

An Ecological Site Inventory was performed on the allotment in 1995. Condition was determined for the rangeland sites only as determined by Soil Class that were not converted into crested wheatgrass seedings. No condition rating was given for non-grazable woodlands and crested wheatgrass seedings.

Potential Natural Community (PNC)	32%
Late Seral	0%
Mid-Seral	5%
Early Seral	63%

Ecological Site Inventory indicates that the majority of non-seeded rangelands are in an early seral condition. Ecological condition indicates that the vegetative composition and production of plant community species are below the potential of the sites. Current grazing management practices, such as distribution of livestock and pasture rotation, will result in continued achievement and improvement of the habitat and biota standard for rangeland health.

Normally, for each key area, percent Potential Natural Community (PNC) would be determined. However, since the key areas are established in the Crested Wheatgrass Seedings no

determination was made with reference to PNC. Production of Crested Wheatgrass was measured for each seeding. In 1995, Crested Wheatgrass production on the Pine Pasture measured at 43 lb/acre. This seeding was not considered a success and has been re-treated with fire and re-seeded since 1995. The production in the East Pasture was 410 lb/ac, Sheep Flat Pasture was 690 lb/ac, lower Fife Flat was 230 lb/ac combined with Muttongrass, Upper Fife Flat was 1100 lb/ac, and production on the Middle Fife Flat was 710 lb/ac.

### Frequency Trend

Three trend sites are established on the Sheep Flat Allotment. These sites were read in the early and mid 1980's and re-read in 1995.

Trend for Key Area #2 shows to be upward, but is probably actually static. Precipitation data for 1984 indicates very little rain was received during the growing season until July. This would have resulted in very little growth, which would have made it difficult to identify grass plants and could result in data not showing what is actually going on.

Trend for Key Area #3 is showing a downward trend. The key species for this key area is crested wheatgrass, which decreased while mountain big sagebrush increased. It is typical of the Loamy 10-12" range site to move toward a predominantly Big Sage site if not treated by mechanical, chemical or by fire means.

Trend for Key Area #4 is static to slightly downward. This is a 29-65 woodland (singleleaf pinyon/Utah juniper/mountain big sagebrush) rangesite which typically reverts back to a woodland site if not treated.

Trend for the Sheep Flat Allotment is typically downward for the seeded areas. This is typical for seedings in this area which are not mechanically or otherwise treated, to stop ecological succession. If not retreated the investment and effectiveness of the seeding may be lost

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

During the ten year period of this agreement, the BLM will continue to monitor the Sheep Flat Allotment. Newby Cattle Company, James L. and Kaye Wade and Eddie and Connie Bundy will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated after the ten year period of the agreement.



The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Following the ten year period a new term permit will be issued. Based upon the findings of the evaluation conducted during 2010, adjustments may or may not be needed. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

### VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the

authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4180) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
Ken Newby

\_\_\_\_\_  
Date

\_\_\_\_\_  
James L. Wade

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eddie Bundy

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Perkins  
Assistant Field Manager  
Renewable Resources

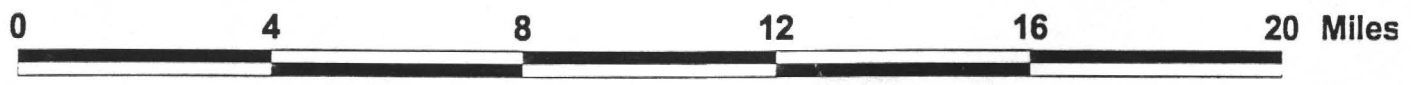
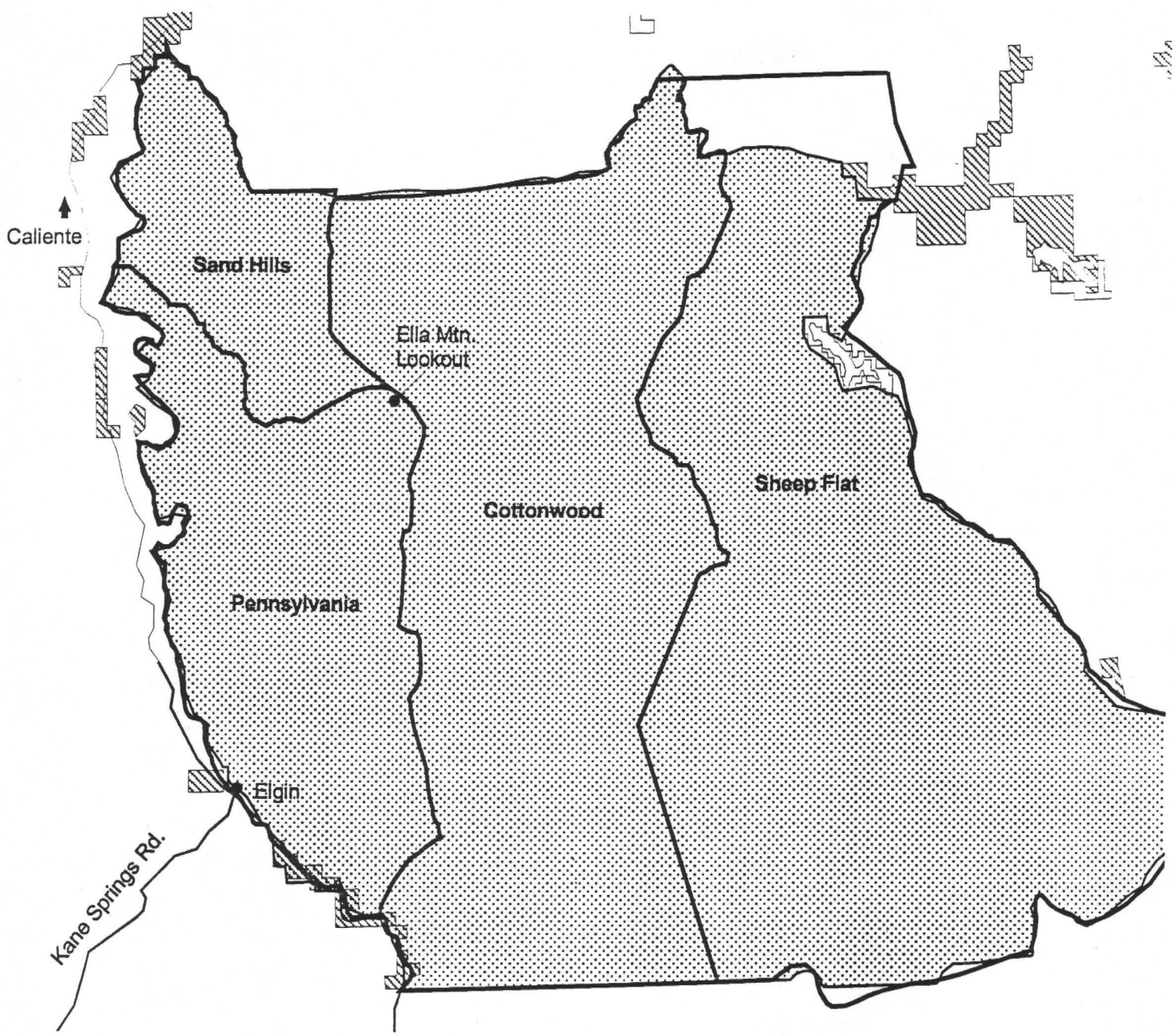
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**APPENDIX III**

Table 3. Sheep Flat Upland Utilization Summary

Key Area	Location	Key Species	Percent Utilization				
			Month/Year Monitored				
			5/96	11/97	1/98	10/98	11/99
Fife Flat #1	T.5S., R.68E., Sec. 35 NE1/4	Crested Wheatgrass	45	82	80	45	59
Sheep Flat Burn #2	T.5S., R.68E., Sec. 35 NW1/4	Crested Wheatgrass	67	85	89	51	80
		Intermediate Wheatgrass	64	80	87	33	
Sheep Flat #3	T.5S., R.68E., Sec. 12 SE1/4	Crested Wheatgrass	26	90	86	23	61
Pine Wash #4	T.6S., R.69E., Sec. 7 NW1/4	Crested Wheatgrass	Pasture Closed Due To Prescribed Burn				
		Nevada Bluegrass					
		Antelope Bitterbrush					
Middle Pasture #5	T.5S., R.68E., Sec.35 NE1/4	Crested Wheatgrass	70	79	90	29	60

# Clover Mountain HMA and Associated Allotments



-  Private Land
-  Roads
-  Allotment Boundary
-  Blue Nose Peak HMA



DRAFT AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING USE  
AND ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS  
FOR THE COTTONWOOD ALLOTMENT

I. INTRODUCTION

This agreement establishes a wild horse appropriate management level (AML) for the Cottonwood Allotment portion of the Clover Mountain Wild Horse Herd Management Area (HMA).

This agreement documents the changes in livestock grazing use which result in a change in available livestock forage (permitted use) or changes in existing livestock grazing practices for the Cottonwood Allotment. This agreement also establishes a wild horse appropriate management level (AML) for the Cottonwood Allotment portion of the Clover Mountain Wild Horse Herd Management Area.

The period of this agreement shall run concurrently with the current term permit. Terms and conditions identified in this agreement will be included in the term permit upon expiration of the current term permits or when grazing is applied for and authorized at which time a new term permit will be issued.

The agreed upon changes in livestock use, as documented in this agreement, are made in order to achieve the management objectives for the public lands under Bureau of Land Management (BLM) control identified in the Caliente Management Framework Plan (MFP), and to maintain or achieve the standards for grazing administration which are specifically related to authorized grazing use on the Pennsylvania Allotment. This agreement was prepared in consultation, cooperation, and coordination with Robert Lewis.

Allotment Description:

The Cottonwood Allotment centers around Cottonwood Canyon. The canyon is a spring fed drainage with an intermittent stream in the upper reaches of the canyon, and is subject to extreme flood events. The majority of the uplands is pinyon-juniper woodlands, blackbrush, and mountain big sage. Two small chainings exist within the allotment but are heavily overgrown with sagebrush and pinyon-juniper trees. Wildland fire has created a mosaic on the uplands of the allotment which provide foraging areas for livestock and horses but brush and trees are out competing the existing grass species. Cottonwoods (*Populus* spp.) and ponderosa pines (*P. ponderosa*) are present in the canyons. Riparian vegetation is extremely limited in the canyon. Water sources are mostly confined to Cottonwood Canyon and in the sub-canyons such as Fife, Ash Creek, Pine Creek, Horse, and Coldwater Canyons. These are fed by spring sources and runoff from the higher peaks. Ella Spring exists within the north-central portion of the allotment but is severely impacted by feral cows and wild horses throughout the year. The allotment contains a two mile stretch of Meadow Valley Wash riparian area. This area tends to be used on

a year-long basis by livestock moving in between the Henrie Complex and Cottonwood allotments. Use on riparian vegetation is generally in the heavy to severe category.

### Livestock Use

A transfer completed in 2001 from Kevin Olson to Robert Lewis has resulted in Robert Lewis being the only current livestock permittee. The current term permit is for the period 07/31/01 to 02/28/2011. The permitted season of use is May 1<sup>st</sup> to October 31 and permitted use is 1296 AUMS. Livestock management and use prior to 2000 by the permittees was limited. The permittees generally turned out livestock within the allotment at the mouth of Cottonwood Canyon and the cows work their way up the canyons to Ella Spring, Clover Creek, and the crested wheatgrass seedings on Sheep Flat Allotment. The cattle were removed from the Cottonwood Canyon area in late fall when the cattle moved back towards the desert for the winter. In 2001 Robert Lewis turned out 30 cows within the Meadow Valley Wash for a short time in the spring to utilize the abundant annual grasses and deferred grazing on the rest of the allotment.

### Wild Horse Use

#### Clover Mountain HMA

The Clover Mountain HMA covers approximately 171,900 acres and encompasses all or portions of the Sheep Flat, Cottonwood, Pennsylvania, and Sand Hills allotments. It can be divided into three principal wild horse use areas.

Sheep Flat/Upper Cottonwood is the largest use area (approximately 40% of HMA area) and is located in the eastern portion of the HMA. It is the main foraging and watering area for over 50% of the horses in the HMA. Water is available at several perennial spring sources and Clover Creek as well as at water troughs and reservoirs developed for livestock watering. Horses watering along Clover Creek contribute to the heavy to severe use that has been documented on riparian vegetation. The horse population in this area feeds year-long on the crested wheatgrass (*Agropyron cristatum*) seedings in the northern portions of Sheep Flat and Cottonwood allotments. The horses existing here move into the Clover Creek HMA as well as the adjacent Barclay allotment, which is non-HMA. Some animals (15-20) have established home ranges with the Barclay Allotment.

The Lower Cottonwood/Lower Pennsylvania use area is the next in size in both acreage and population. This population occupies primarily the southern two-thirds of the Cottonwood allotment (Cottonwood Canyon) and the southern half of the Pennsylvania allotment, but also travel further south, into the Blue Nose Peak HMA. This use area is made up of large, steep canyons heavily covered in pinyon-juniper and blackbrush (*Coleogyne ramosissima*). Use is year-long. The horses water along Pine and Ash Creeks. Several small spring sources also supply water to horses and cattle. Most of these springs flow less than 1/4 gallon per minute.

They nevertheless increase animal distribution during parts of the year. Horse use is heavy to severe on over 5,000 acres burned by a wildfire. This burn overlaps the Pennsylvania and Cottonwood allotments. No fence exists along the common boundary.

Upper Pennsylvania/Sand Hills is the last use area. It is the smallest in size and horse population. It is heavily covered in pinyon-juniper and made up of large, steep canyons. The majority of the use is made on a large wildfire burn in the central portion of the Pennsylvania allotment. Several small spring sources (<1/4 gallon/min) are located within 1-5 miles of the burn.

Actual use was estimated from the census and gather information. Censuses in the Clover Mountain HMA are quite difficult: horses are hard to spot and count because they use the rugged terrain and extremely dense stands of Pinyon-Juniper for protection and concealment. Censuses appear to be the most accurate in the winter when the horses are pushed into windswept open areas in search of forage.

Movement of horses between the Clover Mountain and Clover Creek HMAs has been documented through visual observation (routine sightings, trailing, and locations of horses during census flights) and communications with the public. Horse movements are driven by foraging habits and water availability. The relative ease of movement between these two HMAs underscores the need to manage them as one.

Limited numbers of water sources in the Blue Nose Peak HMA greatly contributes to horse movements between Clover Mountain and Blue Nose Peak HMAs. Reciprocally, horses move south, out of the Clover Mountain HMA and into Blue Nose Peak HMA when snowfall limits forage availability.

Finally, horses routinely travel to Clover Creek for water and to forage within the riparian area. Though there are fences along the railroad right-of-way in the Clover Creek area, they generally do not restrict horse movement between the Clover HMAs and the adjacent Miller Flat and Little Mountain HMAs due to lack of maintenance. In 1998, a series of small gap fences were installed within the Clover Creek allotment portion of the riparian to limit the accessibility to the creek by livestock and wild horses. The fences were designed to allow watering sites at specific locations while shutting off access to other portions of the riparian. It is unknown at this time the beneficial effect of the fences on the riparian.

## II. AGREED UPON CHANGES IN LIVESTOCK USE

The number of livestock, kind of livestock, period of use and permitted use will be adjusted as follows:

**FROM:**

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Robert Lewis	Cottonwood	216 Cows	5/1-10/31	1296	1704	0	3000

TO:

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Nonuse	Total Use (AUMs)
Robert Lewis	Cottonwood	216 Cows	5/1-10/31	1296	1704	0	3000

Livestock Management Practices

The Federal Grazing Permit for Cottonwood is held entirely by Robert Lewis after a recent transfer of Kevin Olson's permit to Robert Lewis. Vegetation treatment projects are planned for Fife Flat and Stokes Flat which are located in the North Eastern portion of the allotment. These projects along with establishment of some watering sights will enable grazing on a larger portion of the allotment.

The change in terms and conditions will be effective upon the signing of this agreement and will be included in a new term permit when issued.

Terms and Conditions

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for the Cottonwood Allotment:

1. Livestock grazing will not be authorized within the riparian area associated with the Meadow Valley Wash portions of the Cottonwood Allotment during the period of May 1 to August 31 to allow nesting of the Southwest Willow Flycatcher, a threatened species under the Endangered Species Act.

Standard operating Terms and Conditions:

1. 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.

2. 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.

3. 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.

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. Grazing use will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern 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 Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

#### Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Standards and guidelines for grazing administration as developed by the applicable Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

### III. RANGE IMPROVEMENTS

1) Enclose the sources of Fife Spring and Ella Spring to prevent trampling, wallowing, and degradation while providing water to grazing animals and wildlife.

2) Improve the quality of the crested wheat seeding at Five Points/Henrie Chaining to maximize the quantity and quality of forage.

- 3) Construct a permanent water source for grazing animals at the Stokes Flat and Five Points/Tienrie Chaining upland areas.
- 4) Construct permanent water sources to enhance the wildlife habitat on Ella Mountain.
- 5) Perform vegetation treatments at Fife flat and Stokes flat through prescribed burns.

#### IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Cottonwood Allotment portion of the Clover Mountain HMA as follows:

Allotment / HMA	Appropriate Management Level
Cottonwood Allotment	10
Clover Mountain HMA	40

This will establish an AML for wild horses within the Cottonwood Allotment portion of the Clover Mountain HMA. The AML is based upon available forage and water within the allotment and census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

#### Standards and Guidelines

Standards and Guidelines for wild horses and burros will be implemented through control of population levels within established HMAs, related portions of activity plans (including Allotment Management Plans), and through range restoration related activities. Appropriate Management Levels (AMLs) are designed to ensure significant progress towards fulfillment of the Mojave - Southern Great Basin Standards and Guidelines for Wild Horse and Burro Administration and maintaining healthy wild horse and burro herds as developed by the Mojave - South Great Basin RAC and approved by the Secretary of the Interior on December 14, 2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

#### V. ALLOTMENT SPECIFIC OBJECTIVES

The Caliente Management Framework Plan (MFP) is the land use plan which provides guidance for making sound decisions for a variety of land uses within the planning areas. The Cottonwood Allotment falls within the MFP planning areas. The Rangeland Program Summary (RPS)

Objectives are derived from the MFP. Furthermore, the Mojave - Southern Great Basin Resource Advisory Council (RAC) has developed standards and guidelines to help balance sustainable development and multiple use while making progress towards attaining healthy, properly functioning rangelands. The Mojave-Southern Great Basin RAC Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated objectives of improving rangeland health while providing for the viability of the livestock industry. The standards and guidelines are located in Appendix I of this document. The allotment specific objectives are a quantification of the Standards and Guidelines, MFP objectives and RPS objectives and site specific objectives. The allotment specific objectives are consistent and in conformance with the MFP and RAC Standards.

## VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data includes vegetative community trend and ecological condition. There is no current utilization data. Resent management on the allotments has resulted in achievement of the standards for livestock grazing on the allotment.

### Utilization and Use Pattern Mapping

Three upland key areas were established to monitor utilization on the allotment. Key Area 1 is located in the Henrie Chaining and Crested Wheat Seeding. Key Areas #8 and 9# were established as wildlife utilization studies, however, the monitoring data does not reflect use by any particular group of animals. Use could have been made by mule deer, wild horses, or livestock. The last time use was read at the key areas was in 1993. In 1996 use was read on an old burn occurring on the border of Cottonwood and Pennsylvania Allotments. Use on the grasses was determined to be in the severe use (81-100%) category across the area monitored (1,332 acres). No evidence of cattle use was seen, however horse use in the area was very apparent. Livestock use on the allotment currently only occurs within Meadow Valley Wash on annual forage in the spring. Use on the rest of the allotment is attributed to wild horses and wildlife.

### Frequency Trend

Two trend sites on the allotment are established to monitor long term changes in the vegetative community. These trend sites were last read in 1995.

Trend for Key Area #9 is static. Some significant increases occurred within the shrub community from 1983 to 1985, but overall this site is static.

Trend for Key Area #1 is down. Crested Wheatgrass shows a significant decrease, however the trees and shrubs do not show a significant increase that would correspond to the decrease in crested wheatgrass. This is a result of not more trees and shrubs, but larger plants which are shading and out-competing the crested wheatgrass.

### Ecological Condition

An Ecological Site Inventory was performed on the allotment in 1995. Condition was determined for the rangeland sites only. No condition rating was given for nongrazable woodlands.

Potential Natural Community (PNC)	0%
Late Seral	93%
Mid-Seral	0%
Early Seral	7%

### Summary of Monitoring Data

No current use data has been collected on the allotment for livestock. The data that has been collected shows that objectives are being met on the majority of the allotment. Data from 1996 shows severe use on the north west portion off the allotment by horses. The setting of AML through this agreement should help resolve the over use.

## VII. FUTURE MONITORING AND ADJUSTMENTS

### Monitoring Program

During the ten year period of this agreement, the BLM will continue to monitor Cottonwood Allotment. Robert Lewis will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend.

### Evaluation

Grazing use and stocking levels will also be evaluated after the ten year period of the agreement. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Following the ten year period a new term permit will be issued. Based upon the findings of the evaluation conducted during 2010, adjustments may or may not be needed. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

## VIII. AUTHORITY

The authority for the livestock portion of this agreement 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, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

The authority for the wild horse and burro portion of this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

IX. AGREEMENT

I, the undersigned, do hereby agree to and accept this agreement. I understand that the grazing privileges so authorized herein are subject to the provisions of the Code of Federal Regulations (43 CFR 4100 through 4170) which deal with grazing use on public lands. I also agree that the terms and conditions of this agreement are binding upon the permittee(s), his respective heirs, executors administrators, successors in interest of assignors with such modification as approved or required by the authorized officer.

\_\_\_\_\_  
Robert Lewis

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Perkins  
Assistant Field Manager  
Renewable Resources

\_\_\_\_\_  
Date

Results of vegetative community trend monitoring for Key Area #1 for 1985 and 1995.

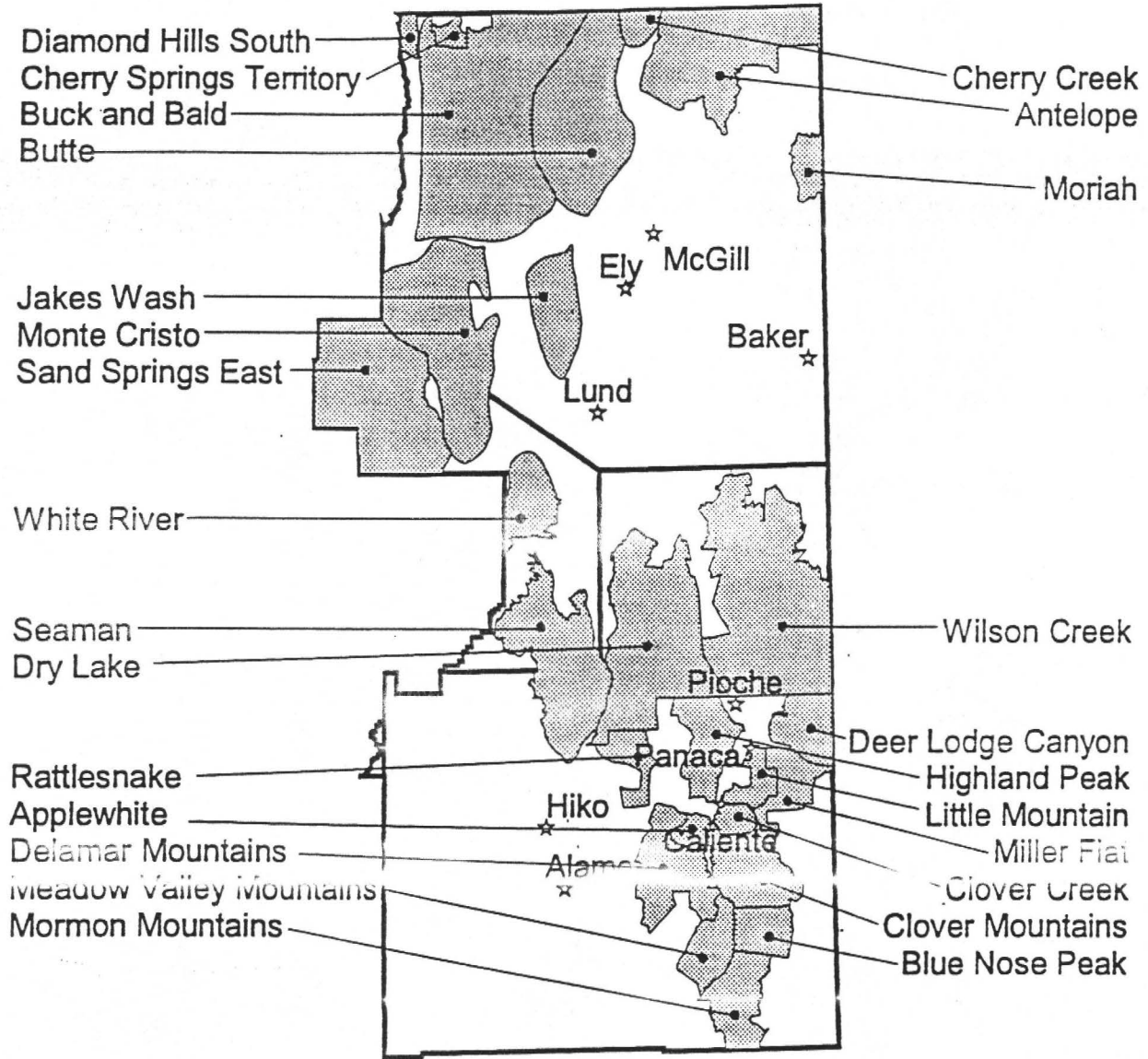
SPECIES	RESULT		SUMMARY
	95% Confidence Interval	90% Confidence Interval	
<i>Agropyron cristatum</i> crested wheatgrass	Significant decrease.	Significant decrease.	Decrease in mean from 43.5 to 9.5.
<i>Bromus tectorum</i> cheatgrass	Significant increase.	Significant increase.	Increase from 41 to 94.5.
<i>Poa nevadensis</i> Nevada bluegrass	No significant change.	No significant change.	Increase in mean from 1.5 to 3.5.
<i>Sitanion Hystrix</i> bottlebrush squirreltail	Significant increase.	Significant increase.	Increase in mean from 13.5 to 42.5.
<i>Balsamorhiza hookeri</i> Hooker balsamroot	No significant change.	No significant change.	Decrease in mean from 4 to 3.5.
<i>Eriogonum</i>	Significant decrease.	Significant decrease.	Decrease in mean from 29.5 to 18.5.
Perennial Forb	No significant change.	No significant change.	Increase in mean from 5.5 to 7.5.
<i>Artemisia arbuscula nova</i> black sagebrush	No significant change.	No significant change.	Decrease in mean from 49 to 39.5.
<i>Artemisia vaseyana</i> mountain big sagebrush	No significant change.	No significant change.	Decrease in mean from 12.5 to 17.5.
<i>Chrysothamnus viscidiflorus</i> Douglas rabbitbrush	Significant decrease.	Significant decrease.	Decrease in mean from 28.5 to 1.5.
<i>Juniperus osteosperma</i> Utah juniper	No significant change.	No significant change.	Decrease from 1.5 to 1.
<i>Pinus monophylla</i> singleleaf pinyon	No significant change.	No significant change.	Increase in mean from .5 to 1.
<i>Burchia tridentata</i> antelope bitterbrush	No significant change.	No significant change.	Increase in mean from 2.5 to 4.

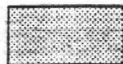

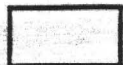
Results of vegetative community trend monitoring for Key Area #9 for 1983, 1988 and 1995.

SPECIES	MEAN			SUMMARY	
	1983	1988	1995	95% Confidence Interval	90% Confidence Interval
<i>Bromus tectorum</i> cheatgrass	15.5	21.5	8	Not Significant.	Significant decrease from 1988 to 1995
<i>Sporobolus cryptandrus</i> sand dropseed	.5	.5	0	Not Significant.	Not Significant.
Annual Forb	15	13	3	Significant decrease from 1983 & 1985 to 1995.	Significant decrease from 1983 & 1985 to 1995.
<i>Phlox</i>	8.5		8	Not Significant.	Not Significant.
<i>Vicia</i> vetch	27		36.5	Not Significant.	Not Significant.
<i>Amelanchier utahensis</i> Utah serviceberry	17	16.5	13.5	Not Significant.	Not Significant.
<i>Artemisia arbuscula nova</i> black sagebrush	12	5.5	3.5	Not Significant.	Significant decrease from 1983 to 1995.
<i>Arctostaphylos</i> manzanita	.5	3.5	5.5	Not Significant.	Significant increase from 1983 to 1995.
<i>Artemisia tridentata wyomingensis</i> Wyoming big sagebrush	1.5	1	5.5	Significant increase from 1983 & 1988 to 1995.	Significant increase from 1983 & 1988 to 1995.
<i>Juniperus osteosperma</i> Utah juniper	2.5		0	Not Significant.	Not Significant.
<i>Pinus monophylla</i> singleleaf pinyon	6.5	7.5	8.5	Not Significant.	Not Significant.
<i>Quercus gambelii</i> Gambel oak	2.5	5	7	Not Significant.	Not Significant.



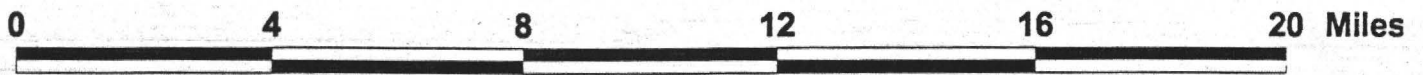
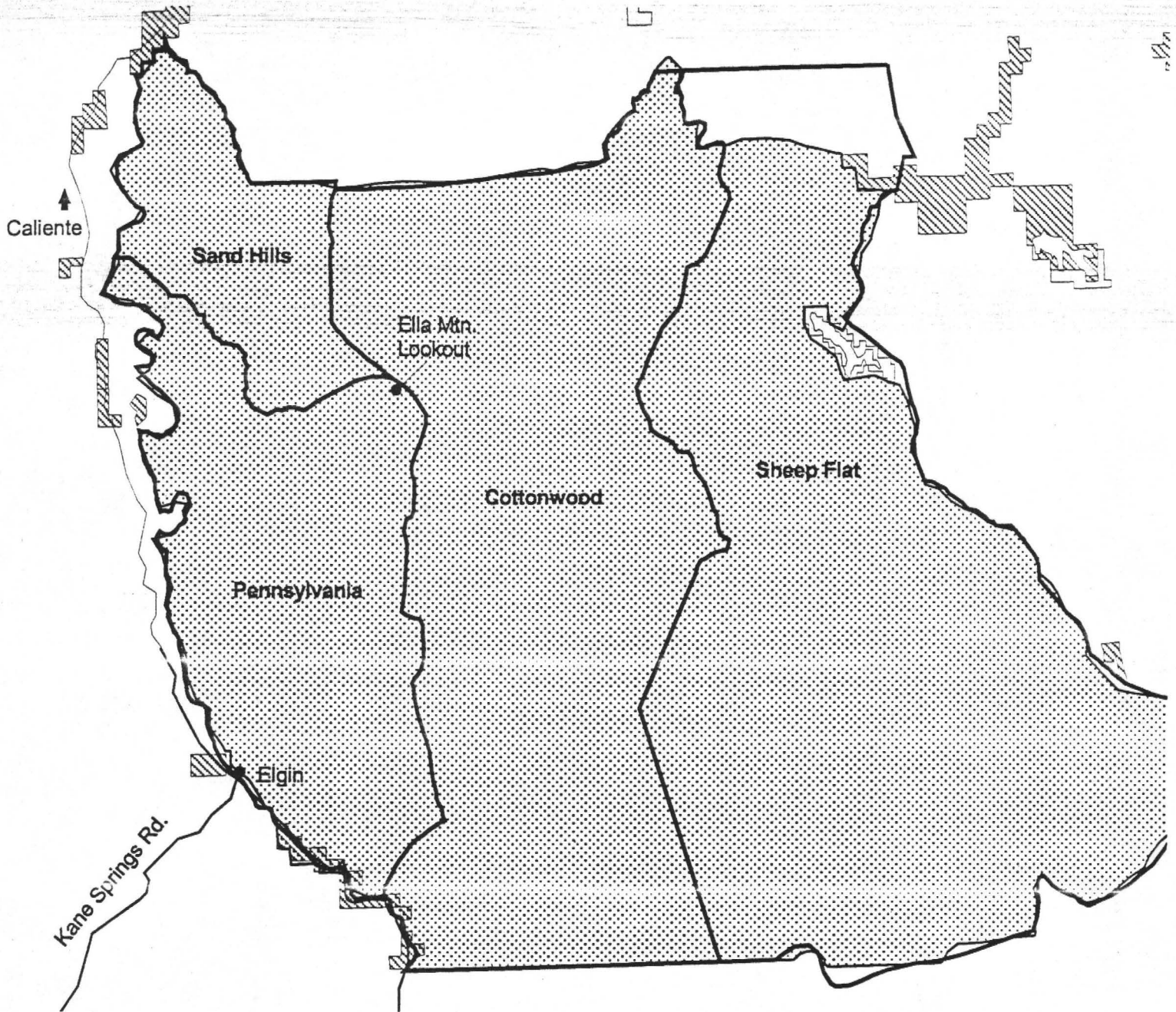
# ELY DISTRICT HMA'S







-  Herd Management Area
-  City
-  Ely District Boundary



# Clover Mountain HMA and Associated Allotments



-  Private Land
-  Roads
-  Allotment Boundary
-  Blue Nose Peak HMA

