



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Ely Field Office  
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Ely, Nevada 89301-9408  
<http://www.blm.gov/nv/st/en.html>

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SEP 28 2007

DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE DIRECTOR  
BUDGET AND PLANNING DIVISION

### In Reply Refer to:

NV-040-07-019  
4160  
Case File  
NV-045.09

SEP 26 2007

Todd and Kathy Wright  
P.O. Box 294  
Pioche, NV 89043

CERTIFIED MAIL 7006 0810 0005 7112 1502  
RETURN RECEIPT REQUESTED

## PROPOSED DECISION

### **Todd and Kathy Wright Term Permit Renewal for the Pioche Allotment**

#### **Background Information**

On September 26, 2007 the Finding of No Significant Impact (FONSI) for the Todd and Kathy Wright term permit renewal (EA No. NV-040-07-019) was signed. The Environmental Assessment (EA) and the FONSI which pertains to the Pioche Allotment are attached. This proposed decision is issued in accordance with 43 CFR 4160.1.

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

The term grazing permit under consideration is for the Pioche Allotment in the Ely BLM District. Fully processing and renewing the term permit for Mr. and Mrs. Wright for the Pioche Allotment provides for a legitimate multiple use of the public lands and includes terms and conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for Nevada's Mojave-Southern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land management that are designated as available for livestock grazing through land use plans".

The assessment of rangeland health for the Pioche Allotment was conducted in 2007. It was determined that the Standards for Ecosystem Components and Habitat and Biota are not being achieved. Livestock are not a contributing factor to not achieving the Standards which were not met due to an overabundance of heavy live and dead fuels made up of juniper, pinyon, and cliffrose. Changes to the management of livestock are proposed to improve the overall management of livestock on the Pioche Allotment. The complete standards determination is

located in Appendix I of the EA (EA-NV-040-07-019). A summary of the findings for the allotment are as follows:

Conclusions of the Standard Determination:

1. Soils Standard: Achieving the Standard for uplands and riparian areas.
2. Ecosystem Components: Not achieving the Standard for uplands and not making significant progress toward achieving it. Livestock are not a contributing factor. The increasing overabundance of pinyon and juniper throughout the allotment resulted in a Non-Achievement rating for Ecosystem Components. The heavy buildup of live and dead fuels (mainly juniper, pinyon, and cliffrose) in sagebrush ecosystems on the allotment. The proliferation of these species could result in a large-scale wildfire which could potentially cause setbacks in the management of protection of the watershed. The resiliency of the vegetative community is compromised due to the lack of natural disturbance.

The Standard is achieved for riparian areas.

3. Habitat and Biota: Not achieving the Standard and not making significant progress toward achieving it. Livestock are not a contributing factor to not achieving the Standard. The increasing overabundance of pinyon and juniper throughout the allotment resulted in a Non-Achievement rating for Habitat and Biota. As the woody species increase in size and abundance, and as the canopy closes, the essential shrubby and herbaceous species decrease. A wildlife species shift from mule deer to elk is expected as the key browse species decrease and the amount of edge-effect habitat diminishes. Other species which require open sagebrush rangelands must adapt to the change or move on to suitable habitat. Fire in this woody state could result in a major loss of habitat for decades for sagebrush obligate species.

The project proposal was posted on the Ely Field Office web site, January 25, 2007, at [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received during early scoping.

The preliminary EA was posted on the Ely external webpage on July 20, 2007, for a thirty day comment period. A hard copy of the preliminary EA was mailed to the permittee and those publics who have specifically requested one and who have expressed an interest in range management actions on the Pioche Allotment. One comment to the EA was received by the Nevada Division of Water Resources regarding water rights on the allotment.

### **LIVESTOCK MANAGEMENT DECISION**

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1, and 4130.3-3, permitted use for the Pioche Allotment for the Todd and Kathy Wright Permit (2705000) is as follows:

**TABLE 1.**

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Pioche - 01086	34 Cattle	3/1	2/28	100	Active	408
<b>Allotment AUMs Summary</b>						
ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS		GRAZING PREFERENCE		
Pioche	402	142		544		

The renewal of the term grazing permit is for a period of ten years. This decision will be effective upon the decision becoming final or pending final determination on appeal. Changes to the permit terms and conditions and/or management practices affect the overall management of livestock based on timing and duration of grazing, and allowable use levels on perennial native plants.

Terms and conditions for grazing use which are pertinent to the Pioche Allotment are proposed as follows:

The following recommended management practices are the new permit stipulations for grazing management to achieve the Standards for Rangeland Health and to conform with the Guidelines:

1. Maximum allowable use levels are established as follows:

- Perennial grasses: 40% use on production.
- Shrubs: 40% use on production.

2. Use of salt and/or mineral supplements and establishment of any watering sources shall occur in early coordination with the Rangeland Management Specialist to ensure protection and conservation of two BLM sensitive species: the long-calyx eggvetch (*Astragalus oophorus* var. *lonchocalyx*) and the rayless tansy aster (*Machaeranthera grindelioides* var. *depressa*).

3. Wildlife escape ramps will be installed and maintained by the permittee at each trough used on the allotment.

Stipulations Common to All Allotments:

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 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.
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 Standards and Guidelines for grazing administration as developed by the respective resource advisory council and were approved by the Secretary of the Interior on February 12, 1997 with subsequent revisions. Grazing use will also be in accordance with 43 CFR Subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

### **Rationale For Changes in Grazing Use**

Actions necessary for the improvement of the resources to achieve the Standards or continue to achieve the Standard as appropriate are implemented to ensure grazing does not contribute to the non-achievement of the Standards on the allotment.

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

4100.0-8: “The authorized officer shall manage livestock grazing on public lands under the principle of multiple-use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the

authorized officer shall be in conformance with the land use plan as defined at CFR 601.0-5(b).”

4110.3: “The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.”

4110.3-2 (b): “When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.”

§ 4130.2 (a): Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands administered by the Bureau of Land Management that are designated as available for livestock grazing through land use plans.

4130.3: “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part.”

§ 4130.3-1 (a): The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

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

§ 4130.3-2: The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.

§ 4130.3-3: Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or

management objectives, or is not in conformance with the provisions of subpart 4180 of this part.

§ 4160.1 (a): Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

§ 4160.1 (b): Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§ 4130.8 and 4150.3 and the action to be taken under § 4170.1.

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

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

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

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

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

## **Protest and Appeal**

### **Protest**

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to William E. Dunn, Assistant Field Manager for Renewable Resources, Ely Field Office Box 33500, 702 North Industrial Way HC33 Ely, Nevada 89301 within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

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

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

### **Appeal**

In accordance with 43 CFR 4.470 and 4160.4, any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the proposed decision becomes final as provided in 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer William E. Dunn, Assistant Field Manager for Renewable Resources, Ely Field Office Box 33500 702 North Industrial Way HC33 Ely, Nevada 89301. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Dunn" with a stylized flourish at the end.

William E. Dunn  
Assistant Field Manager  
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI )
2. EA NV-040-07-019 with Appendices
3. Allotment Maps



cc: Interested Publics  
Steve Carter, Carter Cattle Company  
P.O. Box 27  
Lund, NV 89317

**CERTIFIED RETURN RECEIPT NUMBER:**  
7006 0810 0005 7112 1526

Katie Fite, Western Watershed Project  
P.O. Box 2863  
Boise, ID 83701

7006 0810 0005 7112 1533

Mr. Steve Forcee  
NDOW  
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Elko, NV 89801

7006 0810 0005 7112 1540

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7006 0810 0005 7112 2035

**FINDING OF NO SIGNIFICANT IMPACT  
FOR  
Todd and Kathy Wright Term Permit Renewal  
Pioche Allotments  
EA # NV-040-07-019**

I have reviewed Environmental Assessment (EA) NV-040-07-019, dated September 11, 2007. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-07-019 has been reviewed through the interdisciplinary team process and public scoping process.

I have determined the proposed action is in conformance with the with the Caliente Management Framework Plan approved under the Caliente Planning Unit Decision Summary and Record of Decision issued July 1, 1983, and the Final Environmental Statement Proposed Domestic Livestock Grazing Management Program for the Caliente Area signed September 21, 1979. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

**Context:** The Pioche Allotment is located near the town of Caselton, Nevada. The allotment occurs near the Highland Peak Range and within two miles of Pioche, Nevada and encompasses 13,553 acres in Lincoln County, Nevada.

Lincoln County is sparsely populated, with less than one person per square mile. The effects of livestock grazing are well dispersed, and compatible with the rural, agricultural setting throughout most of the County.

**Intensity:**

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

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action developed in the Standards Determination Document and proposed in the EA. Grazing is not contributing to non-achievement of Standards and occurs in conformance to the Guidelines.

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

The Proposed Action will not result in potentially substantial or adverse impacts to public health and safety.

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

There are no parks, wetlands, wild and scenic rivers, or areas Areas of Critical Environmental Concern (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment, but no known sites were deemed as susceptible to impacts due to grazing.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Caliente Grazing ES. Although public input has been sought for the proposed action, no comments were received during scoping or to the preliminary EA.

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

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

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

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

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

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

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


The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. The allotment does occur in the Highland Historic Mining District. A cultural needs assessment was conducted for the EA. No potentially adverse effects were identified by the staff cultural specialist relating to the proposed action in the EA.

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

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

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

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



\_\_\_\_\_  
William E. Dunn  
Assistant Field Manager Renewable Resources  
Ely Field Office

09/26/2007  
Date

**FINAL  
ENVIRONMENTAL ASSESSMENT  
TO RENEW THE GRAZING PERMIT FOR  
TODD AND KATHY WRIGHT (#2705000)  
FOR THE PIOCHE ALLOTMENT**

**(EA-NV-040-07-019)**

**September 11, 2007**

**Bureau of Land Management  
Ely Field Office and  
Caliente Field Station**

**Prepared by:  
Shirley A. Johnson, Caliente Field Station, Nevada**

## I. INTRODUCTION

### A. Background

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permit for Todd and Kathy Wright (#2705000) for the Pioche Allotment. This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. The proposed action and alternatives to the proposed action are considered.

This EA is tiered to and incorporates by reference the Caliente Environmental Statement (ES) INT-FES 79-44, dated September 21, 1979, which disclosed cumulative impacts associated with livestock grazing.

The permit authorizes only 34 cattle on a year round basis on the Pioche Allotment. The allotment encompasses low lying hills and mountainous areas west of the town of Pioche, Nevada in Lincoln County. The allotment is classified as "Custodial" by the Caliente Resource Area Rangeland Program Summary. The permittee acquired the permit in 1996. The allotment was closed to grazing from 1999-2000 due to a wildfire in the primary grazing area. Use authorizations varied throughout the evaluation period. Voluntary reductions in cattle numbers occurred in 2003 due to severe drought conditions. During the evaluation period of 1996-2007, the permittee licensed cattle in nine out of ten years. The percent of the permit used ranged from 22 – 52% of the active use. No use was made in 2000 because the allotment was closed to grazing due to a wildfire which occurred in September 1999. Since 2002, he has not turned livestock in before May 1 even though he can graze cattle year round. No use has been made by livestock since 2005.

The Mojave Southern Great Basin Area Standards for Rangeland Health were approved in 1997. An assessment of the rangeland health was conducted for the Pioche Allotment in June, 2007 for the permit renewal process. It was determined that the Soils Standard is being achieved for the allotment and the Standards for Ecosystem Components and Habitat and Biota are not being achieved. Livestock use was not a causal factor in not achieving the Standards. Livestock grazing was found to be in conformance with the Guidelines. Areas of open rangelands normally typified by Wyoming sagebrush (*Artemisia tridentata* var. *Wyomingensis*) and black sagebrush (*A. arbuscula* var. *nova*) have become heavily encroached by pinyon pine (*Pinus monophylla*) and Utah juniper (*Juniperus osteosperma*). The encroachment has resulted in the visible decrease of sagebrush species and perennial native grasses.

The Standards Determination Document is located in Appendix I of this EA. A summary of the finding for the allotment is as follows:

1. Soils Standard: Achieving the Standard. Soils in uplands and riparian areas are stable.
2. Ecosystem Components: Not Achieving the Standard and not making significant progress toward the Standard. Livestock are not a contributing factor.

3. Habitat and Biota: Not Achieving the Standard and not making significant progress toward the Standard. Livestock are not a contributing factor.

#### Conclusions of the Standard Determination:

Standard 1: Soils. The uplands and riparian areas are achieving the Standard for Soils. Cover measured in 2007 exceeded the potential for the site in a typical shallow Calcareous loam 10-12 in P. Z. black sagebrush community for the allotment. Potential cover is deemed to be between 20% and 30%. Actual cover was measured at 51%. Most of the vegetative cover was attributed to Utah juniper, cliffrose (*Cowania mexicana*), and wild crabapple (*Peraphyllum ramosissimum*). Soils are currently sufficiently protected from the effects of wind and water erosion. Riparian areas are stable and functioning. Banks appear to be stable and supporting vegetation appropriate for the sites.

Standard 2: Ecosystem Components. The uplands are not achieving the Standard for Ecosystem Components. The lack of natural fire has caused an overgrowth of large woody species inappropriate for the site potential. The functionality of the watershed is diminished and the risk of catastrophic fire is high.

Standard 3: Habitat and Biota. The uplands are not achieving the Standard for Habitat and Biota. Mule deer habitat is degrading due to the loss of open sagebrush rangelands. Sagebrush is being rapidly replaced by large woody species which closes the canopy and reduces the amount of herbaceous understory. The habitat is degraded for numerous sagebrush obligate species.

#### **B. Need for the Proposal**

The need for the proposal is to provide for legitimate multiple use of the public lands by renewing the term grazing permit for Todd and Kathy Wright for the Pioche Allotment with terms and conditions for grazing use that conform to Guidelines and achieve the Standards for Nevada's Mojave Southern Great Basin Area in accordance with all applicable laws, regulations, and policies. In accordance with Title 43 of the Code of Federal Regulations (CFR) 4130.2(a), effective March 24, 1995, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

#### **C. Relationship to Planning**

The proposed action is consistent with Federal, State, and local plans to the maximum extent possible. The proposed action is in conformance with the Caliente Management Framework Plan (Approved 26 February 1982). The proposed action has been analyzed within the scope of other relevant plans, statutes, regulations, and executive orders listed below and found to be in compliance:

- State Protocol Agreement between the Bureau of Land Management (BLM), Nevada and the Nevada State Historic Preservation Office (1999)



- Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (12 February 1997).
- Lincoln County Elk Management Plan – Revised 2006
- Endangered Species Act - 1973
- Wilderness Act - 1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order (1/11/01).
- Lincoln County Public Land and Natural Resource Management Plan (1997)  
 “Grazing shall be managed to support a healthy range resource.” (P. 15)

**Relationship to Bureau Guidance**

The proposed action also complies with BLM Nevada Instruction Memorandum (IM) No. NV-2006-034 which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EA) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126. This document complies with the IM guidance. It also complies with the requirements outlined in the following policies and manuals:

- Ely District Policy: Management Actions for the Conservation of Migratory Birds – 5/01/01.
- BLM Manual 8560, H-8560-1, 8561 (Wilderness Management)  
 “The BLM must foster a natural distribution of native species of wildlife, fish, and plants by ensuring that ecosystems and ecological processes continue to function naturally” (.11 A 1).
- BLM Manual 8400 - Visual Resources Management

**D. Identification of Issues**

This permit renewal proposal was scoped by resource specialists on January 22, 2007 at the Ely BLM Field Office. Two BLM Sensitive plant species occur on the allotment and are addressed as an issue in this EA.

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

**A. Proposed Action**

The BLM would issue and fully process a new term grazing permit for Todd and Kathy Wright for the Pioche Allotment. The Pioche Allotment encompasses 13,553 acres. The current term permit and allotment information is described in Table 1. No changes to the permit are proposed except for management practices.

**Table 1. Current Term Permit for Todd and Kathy Wright (2705000)**

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			

Pioche - 01086	34 Cattle	3/1 to 2/28	100	Active	408
<b>Allotment AUMs Summary</b>					
<b>ALLOTMENT</b>	<b>ACTIVE AUMS</b>	<b>SUSPENDED AUMS</b>	<b>PERMITTED USE</b>		
Pioche	402	142	544		

Proposed changes to the term permit terms and conditions which affect the use of vegetation on the Pioche Allotment:

1. Maximum allowable use levels would be established as follows:

- Perennial grasses: 40% use on production.
- Shrubs: 40% use on production.

2. Use of salt and/or mineral supplements and establishment of water sources (temporary or permanent) would occur in coordination with the Rangeland Management Specialist to ensure protection and conservation of two BLM sensitive species: the long-calyx eggvetch (*Astragalus oophorus var. lonchocalyx*) and the rayless tansy aster (*Machaeranthera grindelioides var. depressa*).

3. Wildlife escape ramps would be installed and maintained by the permittee at each trough used on the allotment.

Monitoring: Rangeland monitoring would continue to be collected for the Pioche Allotment (methods used would depend on uses occurring) to determine if the livestock management practices are meeting allotment objectives and progressing towards achieving the Standards for Rangeland Health as provided by the Mojave Southern Great Basin RAC.

Monitoring studies typically include but would not limited to: use pattern mapping, key forage plant method for utilization, cover studies, ecological condition studies, frequency (trend), apparent trend (based on observations), weed detection, professional observations, and photography. Drought assessments would be conducted as needed. Riparian proper functioning condition assessments would be conducted periodically. Baseline monitoring could be conducted in association with watershed assessment. Monitoring could be conducted before, during, or following grazing use.

If a future assessment should result in a determination that additional changes are necessary for achieving the Standards and conforming to the Guidelines, the permit could be reissued subject to revised terms and conditions.

**B. No Action Alternative**

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

**C. Other Alternatives**

Since the alternative of no livestock grazing was fully described and analyzed in the Caliente Proposed Domestic Livestock Grazing Management Program Environmental Statement (page 8-19), released September 21, 1979, the effects of not renewing the term grazing permit are not analyzed in this document. The decision was that the lands within the Pioche Allotment would be available for grazing, in which case, 43 CFR requires the issuance of grazing permits to qualified applicants. No additional site specific alternatives are necessary for analysis since there are no unresolved conflicts concerning alternative uses of available resources.

In addition to the proposed action and the no grazing alternatives, the *Caliente ES* analyzed several other alternatives:

1. The no-action alternative, which would have maintained the current level of grazing by livestock, cattle and wildlife
2. The Wild Horse and Burro Alternative, which would have slightly increased AUM's for livestock, and also have tripled the allocation of forage for Wild Horses and Burros.
3. The "Restricted Period of Use by Livestock" alternative, which would have eliminated grazing during the forage growing season and increased by about 50% the AUMs allocated for livestock
4. The "Reduced levels of Livestock" Alternative, which would have decreased livestock grazing by about half the current level
5. The "Reduced Management" Alternative, which would have increased livestock grazing by about 50%.

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

**III. DESCRIPTION OF THE AFFECTED ENVIRONMENT**

**Mandatory Elements for Consideration in the Human Environment**

The mandatory elements of the human environment which must be considered because of requirements specified in statute, regulation, or executive order, are listed in Table 2. Elements that may be affected are further described in this EA. Those elements that are not present or would not be affected are also listed in Table 2, but will not be considered further in this document.

**Table 2. Mandatory Elements of the Human Environment**

Mandatory Element	No or Negligible Effect Beyond Those Disclosed in the RMP/FMP/Grazing EIS	May Be Affected	Not Present	Rationale
Air Quality	X			The proposed action would not produce conspicuous airborne dust or other pollutants to affect

				air quality.
Areas of Critical Environmental Concern (ACEC)	X			There are no ACECs on the allotment at present time.
Cultural Resources	X			A review of known cultural resources was completed in 2007. The assessment determined that the proposed action would not affect cultural resources.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the allotment.
Farmlands (Prime or Unique)	X			There are no Prime Farmland Soils identified in the Pioche Allotment.
Floodplains	X			There are no floodplains in the Pioche Allotment.
Migratory Birds	X			A number of migratory bird species are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Where sagebrush occurs, migratory obligate species may use the area. Outside the breeding season, a number of species have the potential to use the area during the winter or migration. The potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock within the allotments.
Native American Religious Concern	X			A Native American Coordination Meeting was held in the BLM office in Ely on March 22, 2007. No concerns were raised regarding the proposed action.
Noxious Weeds and Non-Native, Invasive Species			X	Weeds present along the Highway 93 corridor could be introduced by a number of possible vectors, many of which are not even related to the proposed action. Since noxious weeds are in the vicinity of the allotment, the possibility of surface disturbance by livestock use increases the possibility of the introduction of

				new weed species to the allotment.
Special Status Animal and Plant Species (Federally listed, proposed or candidate threatened or endangered species and state sensitive species)		X		Two BLM sensitive plant species occur on the allotment including long-calyx eggvetch and rayless tansy aster.
Wastes (Hazardous and Solid)	X			No hazardous or solid wastes are known to occur on any of the allotments. No hazardous or solid wastes would be introduced by the proposed action.
Water Quality (Drinking and Ground)	X			Drinking water sources do occur on the allotment. Normal grazing activities proposed in this EA would not affect the quantity or quality of drinking water. The sources are fenced.
Wetlands/Riparian	X			Several spring sources occur on the allotment. All are developed and piped and fenced to preclude livestock from entering the spring source. The spring areas are in good condition with respect to function and proper vegetation.
Wild Horses and Burros	X			A portion of the allotment is managed in the Highland Peak HMA. Horses would not be affected by the proposed action which only improves grazing management. A portion of the Pioche Allotment lies in the Highland Peak Herd Management Area (HMA). The current population estimate is 25 Wild horses in the HMA. The Appropriate Management Level (AML) for the Highland Peak HMA is 20-33 wild horses. The Highland Peak HMA was last gathered in 2006 with 64 horses gathered.
Wild and Scenic Rivers			X	There are no Wild and Scenic Rivers in or near the allotment.
Wilderness Values			X	There are no Wilderness Areas, Wilderness Study Areas, or Instant Study Areas in the allotment.

In addition to the mandatory elements of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The potential resources and uses, or non-mandatory

elements that may be affected are listed in Table 3. A brief rationale for either considering or not considering the non-mandatory element further is provided. The non-mandatory elements that are considered in the EA are described in the Affected Environment and are analyzed in the Environmental Consequences section.

**Table 3. Other Resources and/or Issues in the Allotment**

<b>Resource or Issue</b>	<b>No or Negligible Effect Beyond Those Disclosed in the RMP/FMP/Grazing EIS</b>	<b>May Be Affected</b>	<b>Not Present</b>	<b>Rationale</b>
Livestock Grazing/Range Management/Standards for Rangeland Health		X		The proposed action affects livestock grazing minimally due to suggested management changes to improve overall grazing use on the allotment.
Vegetation		X		The proposed action affects vegetation minimally. Use levels ensure grazing occurs within acceptable levels. The proposed action ensures grazing occurs in conformance with the Guidelines pertinent to the Standards for Rangeland Health.
Soils	X			No change or impacts are to soils on the allotment are expected. The proposed action makes minor changes only to the permit to ensure conformance with the Guidelines. A description of soils is provided for informational purposes.
Wildlife		X		Numerous wildlife species are present on the allotment. They would be affected minimally through improved grazing management and conformance to the Guidelines.
Recreation	X			Grazing management changes would not affect recreation activities which could occur on the allotment
Visual Resource	X			The allotment is designated as Class II and Class IV for VRM. The proposed action would not affect VRM status. Highland Peak is Class II

				VRM on the west half of the allotment.
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**Potentially Affected Elements of the Human Environment**

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

- Livestock Grazing/Range Management/Standards for Rangeland Health
- Noxious Weeds and Non-Native, Invasive Species
- Soils
- Special Status Animal and Plant Species (Federally listed, proposed or candidate threatened or endangered species and state sensitive species)
- Vegetation
- Wildlife

**A. Livestock Grazing/Range Management/Standards for Rangeland Health**

The Pioche Allotment is permitted for cattle use only. The current permit for cattle use on the Pioche Allotment is shown in Table 4.

**Table 4. Current Permit for Todd and Kathy Wright**

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Pioche #01086	34 Cattle	3/1	2/28	100	Active	408

An examination of grazing bills was conducted to determine how much use has been made on the allotment during the evaluation period. Use ranged from 0 to 52% of permitted use from 1996 to 2005. No use occurred in 2000 or 2006. The lack of control fences complicates management of cattle which have the ability to leave the allotment without close supervision.

Licensed use for the allotment is shown in Table 5.

**Table 5. Licensed Use – Pioche Allotment**

Grazing Year	AUMs Used	Percent of Permitted Use AUMs	Comments
1996	83	21	
1997	201	50	
1998	167	42	
1999	207	52	
2000	0	0	Closed due to fire
2001	137	34	
2002	139	35	
2003	88	22	Reduction due to drought

2004	124	31	
2005	122	30	

## B. Noxious Weeds and Invasive, Non-Native Species

Scotch thistle (*Onopordium acanthium*), a Nevada noxious weed species has been mapped in the upper northeast portion of the allotment. This area is not readily accessible by livestock. The site is on public lands situated between private parcels and outside the normal grazing area. Salt cedar (*Tamarix spp.*) occurs on the southeastern boundary and outside of the allotment in a wash. Along the Highway 93 Right of Way spotted knapweed (*Centaurea stoebe*), Dalmatian toadflax (*Linaria dalmatica*), and Scotch thistle have all been mapped. Other noxious weeds mapped near the allotment include tall whitetop (*Lepidium latifolium*). Other species which might occur on the allotment but have not been mapped may include but are not limited to cheatgrass (*Bromus tectorum*), puncture vine (*Tribulus terrestris*), and field bindweed (*Convolvulus arvensis*) particularly along paved roads. The lack of noxious weeds at the spring sources on the allotment may be a positive indicator that weeds are not emerging on the allotment since they would thrive in a wet environment.

## C. Soils

The major soil units are described for the allotment based on the soil surveys. Field inspections indicate some of the allotment soils which were described as woodlands are actually rangeland sites invaded by pinyon and juniper.

Major soil mapping units include the Pamsdel Gravelly Loam (PMC). The survey describes the site as occurring on a fan remnant with 20-26" to a Duripan. The ecological site description is described as F028BY060NV – Pinyon-Juniper/Black sagebrush/Bluebunch Wheatgrass-Indian Ricegrass. On-the-ground observations indicate this is a Shallow Calcareous Loam 10-12" P.Z. invaded with pinyon and juniper trees. Soil mapping unit 1510 matches up on the map with the PMC. This is the Ursine-Jarab-Pamsdel Association. The soil survey describes these soils as occurring on fan remnants with 14-20" to Duripan. The Jarab Cobbly Loam (JCD) occurs on fan remnants in the upper northeast corner of the allotment. The major ecological site description is R029XY170NV – Shallow Calcareous Loam 10-12" p.z. – Black Sagebrush/Indian Ricegrass.

The remaining soil mapping units are described for mountainous areas with steep slopes. They include the Monarch-Highup-Eganroc Association (1485) (slopes range from 15-50% and 30-75%), Radol-Monarch-Highup Association (1501) (slopes range from 15-75%), Kyler-Eaglepass-Rock Outcrop Association (1090/KER) (slopes range from 30-75%), Kyler-Rock Outcrop-Kyler Variant Association (KR) (slopes range from 50-75%), and Pioche Rock Outcrop (PS). Forestland Ecological Sites are used to describe the dominant vegetation occurring on these soils.

## D. Special Status Animal and Plant Species (Federally designated threatened, endangered, proposed or candidate species and state sensitive species)



Two BLM sensitive plant species occur on the Pioche Allotment including long-calyx eggvetch, and rayless tansy aster. The eggvetch has been recorded as occurring between 6000 and 7800 feet elevation. It is mapped in the allotment near the power line road which transects the allotment southwest to northeast. Preferred habitat for this plant is not described by the Nevada Heritage Program. However, the location places it in the transition zone between the open sagebrush rangelands and the pinyon/juniper woodland.

The tansy aster has been recorded as occurring between 5000 and 9200 feet elevation in Nevada. Habitat for the aster is described by the Nevada Natural Heritage Program as, "Carbonate or calcareous, nearly barren rocky, rocky clay, and clay soils on ridges, slopes, low hills, and badlands in the upper blackbrush, sagebrush, pinyon-juniper, mountain mahogany, and lower subalpine conifer zones."

### **E. Vegetation**

A considerable portion of the allotment (previously described as soil mapping unit PMC or 1510) supports an invaded black sagebrush community. The underlying Duripan restricts root growth but black sagebrush thrives. This area is approximately 4,700 acres in size or about 1/3 of the allotment. Wyoming sagebrush occurs sporadically as well where soils deepen to allow root penetration. These sites were observed as being thickly overgrown by juniper and pinyon trees. Other vegetation occurring in association with black sagebrush includes, antelope bitterbrush (*Purshia tridentata*), cliffrose, desert bitterbrush (*Purshia glandulosa*), Apache plume (*Fallugia paradoxa*), Mormon tea (*Ephedra spp.*), and assorted forbs. Perennial grasses include Indian ricegrass (*Achnatherum hymenoides*), needleandthread (*Hesperostipa comata*), and squirreltail (*Elymus elymoides*).

In the steeper mountain areas, the vegetation transitions into large, mature pinyons and junipers, ponderosa pine (*Pinus ponderosa*), white fir (*Abies concolor*), curl-leaf mountain mahogany (*Cercocarpus ledifolius*), serviceberry (*Amelanchier spp.*), and other high elevation species.

### **F. Wildlife**

The allotment supports a wide variety of avian, mammal, and reptile species. Mule deer habitat identified on the allotment includes summer, year-long, and winter. Deer use and tracks were observed over much of the allotment, especially at the springs. The quality of the habitat is decreasing due to the ever-increasing pinyons and junipers. Without disturbance from fire, the deer habitat continues to degrade.

Elk habitat is delineated as year round over the entire allotment. Elk are favored by the encroachment of the woody species.

Other common wildlife species that could be found on the allotment include blacktail jackrabbits, cottontail rabbits, squirrels and assorted small rodents, snakes, lizards, and predatory species such as foxes, mountain lions, bobcats, and coyotes. Raptor nests were observed high in the ponderosas. The wildlife community is diverse in this area which transitions from rangelands to woodlands.

#### **IV. ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION AND THE NO ACTION ALTERNATIVE**

##### **A. Livestock Grazing/Range Management/Standards for Rangeland Health**

The livestock grazing operation would not be impacted by the proposed action. The permit would be amended to include terms and conditions to ensure grazing management contributes to achieving the Mojave Southern Great Basin Standards for Rangeland Health.

##### **B. Noxious Weeds and Invasive, Non-Native Species**

A Risk Assessment for Noxious and Invasive Weeds was conducted in 2007 for the renewal of the Todd and Kathy Wright permit (Appendix III). The risk assessment rating is 28 (moderate). While the weed infestations currently found within the allotment are inaccessible to the cattle, it is possible that the proposed action could cause a new establishment of weed species especially around water haul and salt placement sites. To reduce the potential impacts of possible introductions, the BLM provides weed identification information to the permittee. Weed detection occurs as part of normal monitoring activities. Any newly established populations of noxious/invasive weeds discovered would be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

##### **C. Soils**

Soils would not be affected by the proposed action. The major rangesite – Shallow Calcareous Loam 10-12” p.z. is dominated by black sagebrush and presently encroached by pinyon and juniper trees. The soils on the site are shallow or they have a restrictive rooting depth. According to the range site, “they are often modified with high amounts of gravel, cobbles or stones”. They are not highly susceptible to erosion due to their physical characteristics such as gentle slopes, gravelly surface, and shallow soil depth to the Duripan (a subsurface restrictive layer – usually calcium carbonate). The steeper slopes of the mountainous areas would not be affected by the proposed action. The soils are stable with no visible signs of erosion occurring on the allotment.

##### **D. Special Status Animal and Plant Species (Federally Designated Threatened, Endangered Proposed or Candidate Species and State Sensitive Species)**

Established protocols for watering or providing mineral supplement to cattle on the allotment, would greatly reduce the possibility for potential impacts to the long-calyx eggvetch and the rayless tansy aster.

##### **E. Vegetation**

Impacts to vegetation would be negligible as a result of the proposed action. Livestock grazing has been occurring in conformance to the Guidelines. Use levels would remain in the acceptable and desirable range with established allowable use limits.

## **F. Wildlife**

Wildlife would not be impacted by the proposed action. The terms and conditions proposed to be added to the term permit would ensure that habitat degradation does not occur related to watering, salting, or supplementing livestock on public lands. Slight improvements may be seen but livestock use has been minimal; grazing management would improve resulting in prevention of habitat degradation due to grazing uses.

## **G. Cumulative Impacts**

According to the 1994 BLM Handbook “Guidelines for Assessing and Documenting Cumulative Impacts” the analysis can be focused on those issues and resource values identified during scoping that are of major importance. The only issue raised during internal and external scoping was that the allotment rangeland conditions apparently were failing to meet the Standards for Rangeland Health as written by the Mojave Southern Great Basin Resource Advisory Council. The issue relates to most of the elements of the human environment because the relationship between vegetation conditions and soil/water/animal interactions and environmental health is affected by the amount, distribution, and composition of the vegetation as a community where they occur.

Cumulative impacts include not only those identified as pertaining to the proposed action and/or No Action alternative, but those actions planned or occurring in the environment of the project area which have impacts on the human environment. A general discussion of past, present, and reasonably foreseeable future actions follows as they pertain to the major issue of rangeland and habitat health.

### **1. Past Actions**

Surface disturbing activities which have occurred in the allotment include Off Highway Vehicle (OHV) races, wildfire blackline construction and fire suppression, and mining. Other entities have installed and maintained power lines, roads, and pipelines for domestic uses. BLM Ely Field Office installed and maintains riparian exclosure fences at the spring sources to protect the springs from trampling by livestock and wild horses.

### **2. Present Actions**

Presently, there are no known actions pending on the allotment. OHV race events will continue on the allotment. The Silver State Trail OHV Trail, a congressionally designated recreation trail, transects the allotment. Other OHV trails exist on the allotment as well for yearly OHV race and trail events.

### **3. Reasonably Foreseeable Future Actions**

The Ely Field Office is working on a new Resource Management Plan (RMP). This document when finalized will guide resource management on public lands administered by

the BLM in White Pine, Lincoln, and portions of Nye County in Nevada. The plan will go to the public in 2007. When finalized, resource management would occur on a watershed basis.

A Wildland Urban Interface (WUI) fuels reduction project is under consideration for the communities of Pioche and Caselton to reduce the risk of wildfire.

### **Cumulative Impacts Summary:**

The proposed renewal of the grazing permit for Todd and Kathy Wright (2705000) would not affect the human environment alone or combined with any other action. The minor proposed management action permit changes include allowable use limits on perennial grasses and shrubs by livestock and improved management conditions. Use by livestock has been in the slight range. Mr. Wright presently leases the permit for the Sheep Spring Allotment. The lease expires in 2008. No cumulative impacts of concern are anticipated as a result of the proposed actions in combination with any other existing or planned activity.

## **VI. PROPOSED MITIGATING MEASURES**

Appropriate mitigation has been included as part of the proposed action and no additional mitigation is proposed based on this environmental analysis. Terms and conditions would be included as part of the term grazing permit for the proper management of livestock on the public lands in the Pioche Allotment.

## **VII. SUGGESTED MONITORING**

Monitoring studies may include cover, key forage plant method for utilization, ecological condition, weed detection and identification, repeat photography, and professional observations. If a future monitoring assessment results in a determination that the Standards for Rangeland Health are not being achieved, the grazing permit would be reissued subject to revised terms and conditions.

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

## **VIII. CONSULTATION AND COORDINATION**

### **A. Public Interest and Record of Contacts**

There is general public interest in the proper grazing management of public lands. The permittee has keen interest in the renewal of the grazing permit.

The Todd and Kathy Wright permit renewal proposal was presented at the Tribal Coordination Meeting at the Ely BLM Field Office on March 22, 2007. No concerns were identified during this meeting. There were no questions or concerns regarding the proposal from the Tribal participants.

On January 22, 2007, this permit renewal proposal was scoped internally by resource specialists of the Ely BLM Field Office. No concerns were raised. The project proposal was posted on the Ely Field Office web site on January 25, 2007 at

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office/blm\\_information/nepa.2.html](http://www.blm.gov/nv/st/en/fo/ely_field_office/blm_information/nepa.2.html). No comments were received.

The preliminary version of this EA was posted on the Ely external webpage for 30 days, inviting public comment. A hard copy of the EA was mailed to the permittee and those publics who specifically requested one and who expressed an interest in range management actions for the Pioche Allotment. Only one comment was received and came from the Nevada Division of Water Resources pertaining to water rights and usage.

Interested publics will be notified by mail or email when the Decision Record and Finding of No Significant Impact (DR/FONSI) is signed. The signed DR/FONSI initiates a 15-day protest period followed by a 30-day appeal period. These documents will also be mailed to interested publics that have requested a hard copy. Before including addresses, phone numbers, email addresses, or other personal identifying information in comments, you the reader should be aware that the entire comment – including personal identifying information (PII) – may be made publicly available at any time. While you can ask us in your comment to withhold your PII we cannot guarantee that we will be able to do so.

The Ely Field Office mailed the annual Consultation, Cooperation, and Coordination (CCC) letter on January 30, 2007 to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC letter have the opportunity to request from the Ely Field Office more information regarding specific actions. The following individuals and organizations, who were sent the annual CCC letter in January, 2007 have requested additional information regarding rangeland related actions or programs relating to the Pioche Allotment:

Todd and Kathy Wright  
Ken Lytle  
Brad Hardenbrook  
Mike Scott  
Nevada State Clearinghouse  
Katie Fite - Western Watersheds Project  
Steven Carter  
Mr. Steve Foree  
Lincoln Co. Commissioners  
Curt Leet  
Betsy Macfarlan  
Cindy MacDonald  
John McLain  
Jerry Reynoldson

**B. Internal District Review**

Gary Medlyn	Soil, Water, and Air, Floodplains, Riparian, and Wetlands
Shirley Johnson	Author, Rangeland Management
Chris Mayer	Rangeland Management
Bonnie Waggoner	Invasive, Non-Native, and Noxious Weeds
Lorie Leshner	Cultural and Historic Resources
Steve Abele	Wildlife, Migratory Birds, Special Status Animals and Plants, Areas of Critical Environmental Concern
Dave Jeppesen	Visual Resource Management, Recreation
Melanie Peterson	Wastes, Hazardous and Solid, Hazmat
Elvis Wall	Native American Religious Concerns, Tribal Coordination
Sheri Wysong	Planning and Environmental Coordinator

## REFERENCES:

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United States Department of the Interior – Bureau of Land Management. Rangeland Program Summary Update – Caliente Resource Area – 1985.

**EA - APPENDIX I**  
***STANDARDS DETERMINATION DOCUMENT***  
***Todd and Kathy Wright (#2705000) Term Permit Renewal***  
***Pioche Allotment (#01086)***

**Standards and Guidelines Assessment**

The Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area were developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved in 1997. Standards and guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards are expressions of physical and biological conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the standards.

This Standards Determination Document evaluates and assesses livestock grazing management achievement of the Standards and conformance with the Guidelines for the Pioche Allotment in the Ely BLM District. This document does not evaluate or assess achievement of the Wild Horse and Burro or Off Highway Vehicle Standards or conformance to the respective Guidelines.

The standards were assessed for the Pioche Allotment by a BLM interdisciplinary team. Documents and publications used in the assessment process include the Soil Survey of Lincoln County Nevada, for the North Part and for Meadow Valley; Ecological Site Descriptions for Major Land Resource Area 29; Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000); Sampling Vegetation Attributes (USDI-BLM et al. 1996); and the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Caliente BLM Field Station. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The permit is classified for dual-stocking and can either allow 402 AUMs of active cattle use, or 656 AUMs of active sheep use. Up to 34 head of cattle can be grazed on the Pioche Allotment year long. The permit was issued to Mr. and Mrs. Todd and Kathy Wright in 1996. Prior to Todd Wright, the permittee for the Pioche Allotment was permitted for sheep.

During the evaluation period of 1996-2007, the permittee licensed cattle in nine out of ten years. The percent of the permit used ranged from 22 – 52% of the active use. No use was made in 2000 because the allotment was closed to grazing due to a wildfire which occurred in September 1999. Since 2002, he has not turned livestock in before May 1 even though he can graze cattle year round. No use has been made by livestock since 2005.

The key areas were originally established for sheep use in the 1980's. These sites were kept for cattle use when the permit was switched to cattle in 1996. One additional key area was established for cattle use in 1998 but the area burned over in 1999.



Allowable use limits were established for the allotment in 1983 by Proposed Decision. The use limits are as follows:

Key Species	Use Limit Objectives from 1983 Decision			
	Spring	Summer	Fall	Winter
Antelope Bitterbrush	30	50	50	50
Cliffrose	30	50	50	50
Apache Plume	30	50	50	50
Squirreltail	50	50	60	60

Utilization data was collected and forage utilization patterns were mapped in 1998. Use was slight over most of the allotment with use concentrated around Highland Spring. Only 11 head of cattle were grazed on the allotment in 1998.

During the 2007 allotment inspection, use appeared to be concentrated in areas surrounding existing spring sources. Inside spring exclosures, moderate use was made by deer. Wild horse use occurred outside every spring source, occasionally to the detriment of the riparian vegetation. High-moderate to heavy use by horses was observed at Lime, Deadman, Highland, and Connor Springs by horses outside the exclosures. Cattle are also drawn to these areas when permitted on the allotment. Water is available outside each spring exclosure to all users.

Inside the exclosures, the springs appear to be stable and productive. Connor Spring and Highland Spring were rated as being in Proper Functioning Condition (PFC) in 2007. The other springs are also functioning but were not rated formally. An interdisciplinary team is required to give a rating. A team was not available at the time of the spring inspections. There are no concerns at this time over the condition of the springs.

Monitoring data and reports are available for public inspection at the Caliente Field Station during business hours.

The following Rangeland Health Standards information has been incorporated into Environmental Assessment number NV-040-07-019.

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

### ***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 crust, pavement).
- Compaction/infiltration.

Riparian Soil Indicators:

- Stream bank stability.

***Determination:***

**X Achieving the Standard**

- Not Achieving the Standard, but making significant progress towards achieving
- Not Achieving the Standard, and not making significant progress toward standard

***Causal Factors*** N/A

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

***Guidelines Conformance:***

**X In conformance with the Guidelines**

- Not in conformance with the Guidelines

Conclusion: *Standard Achieved*

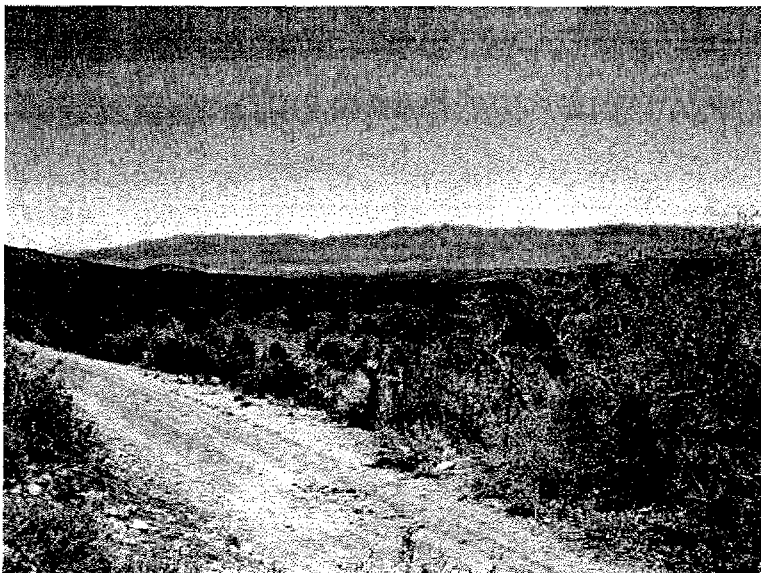
UPLANDS: The soils in the allotment appear stable with no obvious signs of instability or erosion observed on the allotment. Vegetative cover far exceeded the approximate basal and crown cover for the black sagebrush ecological site description. Line intercept data collected in 2007 in a representative site for the black sagebrush ecosystem revealed 51% cover compared to desirable cover of 20-30% based on the potential for the site. Litter contributed an additional 11% of cover. The high cover is attributed to increasing Utah juniper (*Juniperus osteosperma*), cliffrose (*Cowania mexicana*), and wild crabapple (*Peraphyllum ramosissimum*). These three species accounted for 32% cover in the transect. Black sagebrush (*Artemisia arbuscula* var. *nova*) accounted for 10% of cover. The cover in the uplands serves to protect the soil surface from erosion due to wind and water. The high cover at this data collection site can be seen in Figure 1.

Junipers and cliffrose occupy areas where black sagebrush should dominate. Many black sagebrush plants were dead. The cause of the die-off is overcrowding and competition with larger more robust woody species. The loss of the sagebrush seems to extend throughout the area where they should dominate. The small sagebrush plants may not be receiving enough nutrients and moisture to survive and compete with the vigorous junipers and pinyons.



**Figure 1**

Figure 2 shows a landscape view of the rangelands on the Pioche Allotment. The view shows a preponderance of junipers and pinyons amongst sagebrush, cliffrose and bitterbrush. Pinyons and junipers still have the conical shapes of the immature trees. The extensive cover in this view is from numbers vs. size of the individual plants.



**Figure 2**

While the Standard is being achieved in respect to protection and stability of soils, the vegetative community conversion from open black sagebrush/bunch grasses to closed canopy juniper or pinyon/juniper woodland may have future impacts on the soils in the event of a catastrophic wildfire. The addition of pinyon and juniper and the overmaturity of cliffrose, crabapple, and other large woody browse species increases the risk of a severe fire which could result in an

undesirable post-fire vegetative community. More importantly, a severe fire could result in the sterilization of soils over a broad expanse impacting soil stability for decades. For soil stability in the uplands, the Standard is presently being achieved.

**RIPARIAN AREAS:** The Standard is achieved for riparian areas. Soils in and around the springs are stable. Banks have formed to varying degrees and support riparian obligate species such as sedges (*Carex spp.*), horsetail (*Equisetum spp.*), and perennial grasses, forbs and riparian appropriate woody vegetation. Bank development at Deadman Spring is limited by the terrain and the adjacent road. It is functioning to the extent possible given the road and water development.

Riparian areas are healthy and vigorous based largely in part to the installation and maintenance of livestock exclosure fences. Connor Spring and Highland Spring were rated in 2007 as having the status PFC based on stability and appropriate riparian vegetation. The other springs were not assigned a rating but they would probably be rated as PFC based on vegetation, cover, stability, and their potential. All springs are fenced on the allotment with water being provided outside the exclosures for use.

Wild horse use was documented at every spring on the allotment regardless of terrain or elevation. Trails were evident at each spring indicating horses travel unimpeded even in the higher, steeper country. Outside Lime Spring, horses are having an impact on riparian vegetation where they can access it outside the exclosure. Little else can be done to provide water for wildlife while protecting the spring.

### ***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 potential of the ecological site.
- Ecological processes are adequate for the vegetative communities.

#### **Riparian Indicators:**

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.
- Elements indicating proper functioning condition such as avoiding 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).
- Other covers (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 plan species and cover appropriate to the site characteristics.

Water Quality Indicators:

- Chemical, physical and biological constituents do not exceed the State water quality Standards.

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

***Determination:***

- Achieving the Standard
- Not Achieving the Standard, but making significant progress towards achieving
- Not Achieving the Standard, and not making significant progress toward standard**

***Causal Factors***

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

***Guidelines Conformance:***

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

Conclusion: *Standard Not Achieved*

The Ecosystem Components Standard is not achieved in the uplands due to the large area of the allotment dominated by juniper, pinyon, and cliffrose, and the buildup of heavy live and dead fuels throughout the allotment. Cover data collected in 2007 indicates much of the black sagebrush community is encroached and overgrown with woody species. This has resulted in the overall decrease of black sagebrush throughout the area, reduction of perennial grasses to a minor vegetative component, and the proliferation of woody browse species including squawapple, ephedra, antelope bitterbrush, and Apache plume. While these species are important in the rangelands, they are becoming decadent forming a dense thicket which will carry wildfire readily.

The Standard requires that watersheds should possess the ability to maintain ecological processes and sustain appropriate uses. The current state of the vegetative community in the Pioche Allotment, is that of an ecosystem out of balance. The resiliency of the community is largely diminished with respect to response to wildfire. Following fire in this fuel-laden community, the

dominant vegetation will probably be cheatgrass for many years or even decades. The black sagebrush community does not respond well to fire at this stage due to the extreme temperatures induced by heavy fuels. The soils' ability to absorb runoff can diminish following a major fire, leading to increased sediment loading downslope. Following fire at this stage of woody dominance, the perennial grasses, forbs, and understory shrubs have little likelihood of recovering naturally, requiring intervention by the Federal government. Under an "Achieved" determination, the process of natural regeneration would still be intact.

The Pan Am Road Fire of 1999 burned 434 acres west of the Caselton Road. Prior to the fire the site was dominated by black sagebrush. The fire was rehabilitated with aerially applied seed species including thickspike wheatgrass (*Agropyron dasystachyum*), Bluebunch wheatgrass (*Agropyron spicatum*) western wheatgrass (*Pascopyrum smithii*), Wyoming sagebrush, four-wing saltbush (*Atriplex canescens*), and Indian ricegrass. Of these species, only bluebunch wheatgrass and intermediate wheatgrass were observed growing in the seeded area in 2007 and these were sparsely distributed.

The primary vegetation found in the burned area was dominated by both early successional and invasive species. Cheatgrass (*Bromus tectorum*), mustard (*Brassica spp.*), *Astragalus spp.*, globemallow (*Sphaeralcea spp.*), and Douglas' rabbitbrush (*Chrysothamnus viscidiflorus*) are prevalent in the burn. In addition, Apache plume, cliffrose, and desert bitterbrush resprouted after the fire to a minor degree. See Figure 3. After nine years of recovery, the Pan Am Road Fire has failed to return to a desirable vegetative community. Desirable herbaceous vegetation such as bunchgrasses, forbs, and native shrubs are expected in a burn in this area. In the years following a fire's occurrence, these species are necessary to maintain the natural ecological processes of the landscape including resistance to invasion of non-native, invasive, or even noxious species.

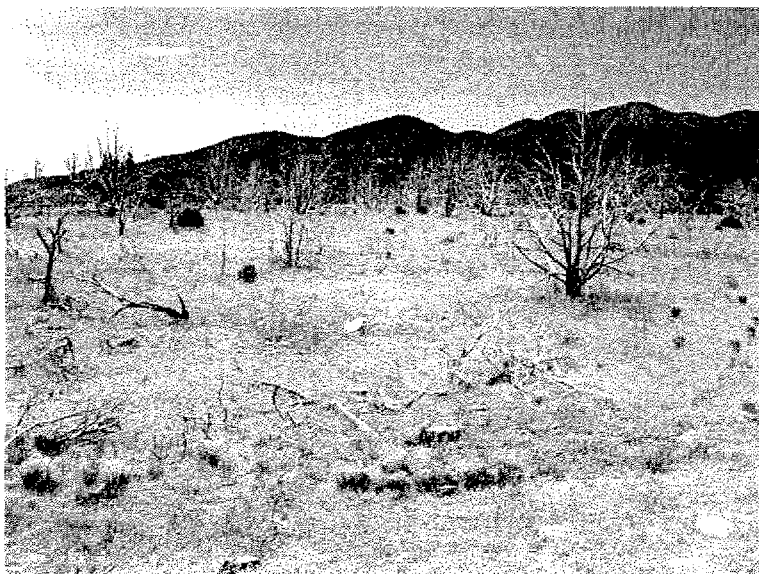


Figure 3

The cause of the failure of the seeding can only be inferred without the necessary data. A combination of primary causes include severe drought in 2002-2003, and use by wild horses or

wildlife during the closure period (the fire was not fenced) or even possibly use by cattle, wild horses, and wildlife after the closure period. Seed was minimally incorporated into the soil surface using a four-wheeler towing a drag implement.

RIPARIAN: The Standard is achieved for the riparian areas. All of the springs are functioning properly. Each of the springs is displaying signs of functionality with respect to hydrology, vegetation, and soil stability. Streambank vegetation is comprised of riparian species appropriate to the sites. Surface water leaves each developed spring source indicating that an appropriate amount of water is left on site. No excessive erosion or deposition was observed at any of the springs. Each has the proper amount of woody vegetation to provide shade over the riparian zone. The riparian green zones are being well maintained by surface waters. Fences keep livestock and wild horses out of the spring source locations. This is important to the functionality of these springs as well as the quality and quantity of water available for function and use.

Since the riparian areas represent a small portion of the allotment and the uplands are not achieving the Standard, the "Standard Not Achieved" rating is assigned. The critical need for the public lands in the Pioche Allotment is the intervention of the conversion of open sagebrush communities to woody vegetation and the reduction of the continuity and overall buildup of heavy fuels, both live and dead.

***Standard 3. Habitat and Biota:***

As indicated by:

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

***Determination:***

- Achieving the Standard
- Not Achieving the Standard, but making significant progress towards achieving
- Not Achieving the Standard, and not making significant progress toward standard**

***Causal Factors***

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

***Guidelines Conformance:***

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

Conclusion: Standard Not Achieved

UPLANDS: The allotment is not achieving the Standard due to the excessive amount of pinyon and juniper throughout the rangeland sites which limits the usefulness of the habitat by many biotic species. Black sagebrush should dominate the vegetative community in over 4,000 acres of the allotment. In some places, the woody species have grown to the complete loss of black sagebrush. Their skeletal structures remain in place as evidence of a slow die-off in the community. Throughout the area one can observe the reduced vigor of the black sagebrush with individual plants often displaying one living branch and several dead branches.

The present habitat trend is downward for those wildlife species which depend on the black sagebrush community for their survival and propagation. The woody and overmature juniper, pinyon and in some places, cliffrose are closing the canopy, occupying the sites, and tying up valuable soil nutrients, space, and moisture which would otherwise be available to the sites' appropriate vegetative species.

The community offers little for vegetative patchiness, vegetative structure, and nutritional value; all indicators for habitat according to the Mojave Southern Great Basin Standards. Patchiness would occur from natural fire in the ecosystem. There have been few fires with the most recent producing very little nutritional value. Community structure is degraded based on the lack of disturbance and the overgrowth of woody species. With the maturing of even those desirable woody species, wildlife receive less nutrition as the plants become too tall to utilize, or they fail to produce fine branches suitable for consumption.

Citing the necessity for edge-effect or mosaic habitats for mule deer, the Mule Deer Working Group describes quality habitat in their "*Mule Deer – Changing Landscapes, Changing Perspectives*" publication. It states, "Tree-dominated habitats offer mule deer a place to retreat from severe weather, but these areas offer very little in the way of food." The lack of mosaic habitat is an issue on the Pioche Allotment. The browse species have not burned as they should have naturally.

Fire can result in the loss of habitat for sagebrush obligate species and loss of winter foraging areas for mule deer. Once lost, mule deer habitat is difficult and expensive to restore and could take decades to recover. While elk use on the allotment was not observed, they could easily occupy the dense vegetation. Following wildfire, and the conversion from woody dominated vegetation to early successional grasslands, elk will move into burned areas to utilize the fresh green forage of a re-seeded area.

**PART 2. ARE LIVESTOCK A CONTRIBUTING FACTOR TO NOT MEETING THE STANDARDS? SUMMARY REVIEW:**

Standard #1: Soils

N/A. The Standard is achieved.



## Standard #2: Ecosystem Components

Livestock are not a contributing factor to the Ecosystem Components Standard not being achieved. Use levels were not exceeded on vegetation. The Standard is not achieved in the uplands but is achieved in the riparian. The conditions in the uplands would exist with or without use by livestock at permitted use levels.

## Standard #3: Habitat and Biota

Livestock are not a contributing factor to the Habitat and Biota Standard not being achieved. Use levels were not exceeded on vegetation. The Standard is not being achieved due to degraded habitat for sagebrush obligate species, mule deer particularly. The loss of sagebrush and the closing of the canopy are not attributed to cattle grazing but are attributed to the lack of natural fire induced disturbance.

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

Grazing management is in conformance with the Guidelines.

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

#### Discussion:

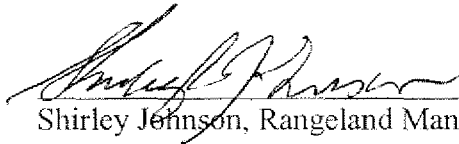
Management practices are recommended to make progress toward achieving Standard #2 and #3. Primarily, the recommendation is to implement practices to open up the canopy, reduce overmature woody species canopy, and allow the shrubby and herbaceous species to regenerate creating a mosaic effect for wildlife habitat. While prescribed fire is one of the best tools to use, it may not be practical due to the private lands, the town of Caselton, and the Pioche Historic District in the immediate vicinity. Mechanical means would be beneficial but avoidance of historically significant sites would be necessary.

#### Recommendations for Grazing Management:

1. Use of salt and/or mineral supplements and establishment of water sources (temporary or permanent will occur in coordination with the Rangeland Management Specialist to ensure protection and conservation of the long-calyx egg vetch and the rayless tansy aster (BLM sensitive species).
2. Maximum allowable use levels would be established as follows:
  - Perennial grasses: 40% use on current year's production.
  - Shrubs: 40% use on current year's growth.

3. Wildlife escape ramps will be installed and maintained by the permittee at each trough used on the allotment.

**Prepared by:**

  
\_\_\_\_\_  
Shirley Johnson, Rangeland Management Specialist

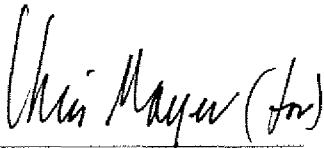
9/17/07  
Date

**Reviewed by:**

  
\_\_\_\_\_  
Chris Mayer, Lead Rangeland Management Specialist

09/26/2007  
Date

**I concur:**

  
\_\_\_\_\_  
William E. Dunn  
Assistant Field Manager  
Renewable Resources

09/26/2007  
Date

## REFERENCES

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## SDD- APPENDIX I

### DATA ANALYSIS – PIOCHE ALLOTMENT

#### 1. Licensed Livestock Use:

Grazing bills were reviewed for the permittee's use during the evaluation period. The permittee used an average of 140 AUMs (34% of the permit) during the period of 1996 to 2005. This figure would be lower by adding in the non-use years of 2000, 2006, and 2007.

Grazing Year	Number of Cattle	AUMS
2005	20	122
2004	3	1
2004	25	64
2004	25	25
2004	25	25
2004	25	9
2003	8	9
2003	20	11
2003	8	8
2003	20	40
2003	20	20
2002	20	139
2001	20	137
2000	0	0
1999	15	207
1998	34	28
1998	15	139
1997	25	201
1996	25	83

#### 2. Utilization

Utilization was measured in 1998. Use over most of the allotment was either slight or no use at all. Very little use occurred in the higher elevations of the allotment.

#### 3. Riparian Areas

All of the springs were inspected in 2007. All are fenced, fences are well maintained and the springs appear to be functioning and stable if not at Proper Functioning Condition. A rating of PFC was assigned to Highland Spring and Connor Spring in 2007.

4. Cover Data

Cover data was collected in a representative site of the allotment in 2007. Cover was found to be 52%, well in excess of the 20-30% desirable basal and crown cover according to the ecological site description (029XY008NV – Shallow Calcareous Loam – Black Sagebrush/Indian Ricegrass. Data was collected at UTM location 717659 x 4202062 NAD 1983 DATUM.

COVER SITE INFORMATION		SPECIES	COVER REPRESENTED BY INDIVIDUAL SPECIES
<b>KEY AREA 2</b>		Needleandthread	0.5%
Range site: 029XY008NV		Squirreltail	.1
Potential Cover For Site: 20-30%		Unknown Forb	0.2
Percent Cover Measured 2007: 51.2%		Moss	0.1
Data from representative black sagebrush site on allotment at UTM: 717659 x 4202062		Douglas' Rabbitbrush	4.0
		Utah Juniper	13.5
		Cliffrose	9.1
		Black Sagebrush	10.0
		Antelope Bitterbrush	4.1
		Squawapple	9.6
		<b>RELATIVE COVER BY GROUPS</b>	
SHRUBS and TREES	98.25%		
GRASSES	1.17%		
FORBS	0.58%		

## EA - APPENDIX II

### NEW TERMS AND CONDITIONS GRAZING PERMIT TERMS AND CONDITIONS TODD AND KATHY WRIGHT (2705000)

Allotment	Number	Livestock Number	Livestock Kind	Grazing Begin	Grazing End	% Public Land	Type Use	AUMs
Pioche	01086	34	Cattle	3/1	2/28	100	Active	408

The allotment summary is as follows:

Allotment	Active AUMs	Suspended AUMs	Total AUMs
01086	404	144	548

#### **Terms and Conditions:**

In accordance with 4130.3-2 the following terms and conditions would be included in the grazing permit for Todd and Kathy Wright for the Pioche Allotment:

#### Stipulations Common to All Allotments:

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 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.
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 CRF 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 Standards and Guidelines for grazing administration as developed by the respective resource advisory council and were approved by the Secretary of the Interior on February 12, 1997 with subsequent revisions. Grazing use will also be in accordance with 43 CFR Subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

Additional Terms and Conditions for the Pioche Allotment on the Todd and Kathy Wright Permit:

1. Use of salt and/or mineral supplements and establishment of water sources would occur in coordination with the Rangeland Management Specialist to ensure protection and conservation of the long-calyx eggvetch and the rayless tansy aster (BLM sensitive species).

2. Maximum allowable use levels would be established as follows:

- Perennial grasses: 40% total annual production
- Perennial shrubs: 40% total annual production

3. Wildlife escape ramps would be installed and maintained by the permittee at each trough used on the allotment (permanent or temporary).



## EA - APPENDIX III

### RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

#### Term Grazing Permit Renewal for Todd & Kathy Wright

#### Pioche Allotment

#### Lincoln County, Nevada

On May 30<sup>th</sup>, 2007 a noxious weed assessment was conducted for the Environmental Assessment to renew the Grazing Permit for Todd and Kathy Wright (Permit # 2705000) on the Pioche Allotment (#01086). The EA analyzes the impacts of renewing the 10-year grazing permit for the allotment. The permit currently allows the permittee to graze 34 cattle from 3/1 to 2/28 for a total of 402 active Animal Unit Months (AUMs). See attached map of the allotment.

For this assessment, the district weed inventory data was consulted. The only noxious weed identified within the Pioche allotment is Scotch thistle (*Onopordum acanthium*). Three sites are mapped in the northeast portion of the allotment. This area is not grazed by the permittee's cattle. Along the Highway 93 Right of Way spotted knapweed (*Centaurea stoebe*), Dalmatian toadflax (*Linaria dalmatica*), and Scotch thistle have all been mapped. Other noxious weeds mapped near the allotment include salt cedar (*Tamarix spp.*) and tall whitetop (*Lepidium latifolium*). Other species which might occur on the allotment but have not been mapped may include but are not limited to cheatgrass (*Bromus tectorum*), puncture vine (*Tribulus terrestris*), and field bindweed (*Convolvulus arvensis*) particularly along paved roads.

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

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (4) at the present time. The specific weeds on the allotment are of important concern due to their ability to become established and their difficulty to control. The proposed action could increase the populations of the noxious and invasive weeds already within the allotment and could aid in the introduction of weeds from surrounding areas. The biggest problem in the general area is toadflax in and around Pioche. It is not a problem in the rest of the allotment but is treated on an as needed basis.

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

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

For this project, the factor rates as Moderate (7) at the present time. Since the area is considered to be relatively weed-free any noxious or invasive weed establishment could have adverse effects on the native plant communities within the allotment. Any increase in density of cheatgrass could potentially alter the fire regime in the area.

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

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

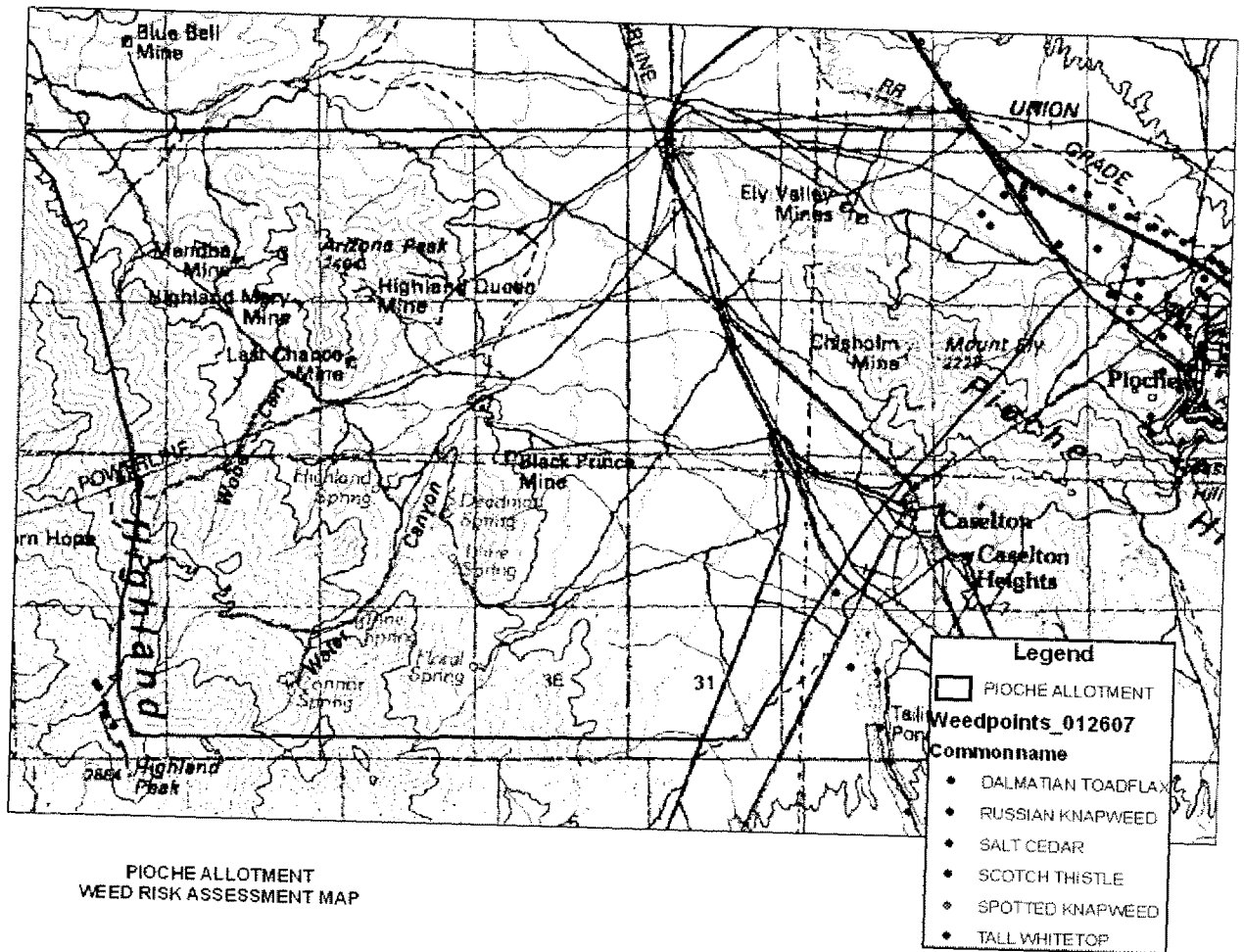
For this project, the Risk Rating is Moderate (28) at the present time. This indicates that the project can proceed as planned. To insure that noxious and invasive weeds do not become established the following measures should be followed:

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

Reviewed by: \_\_\_\_\_

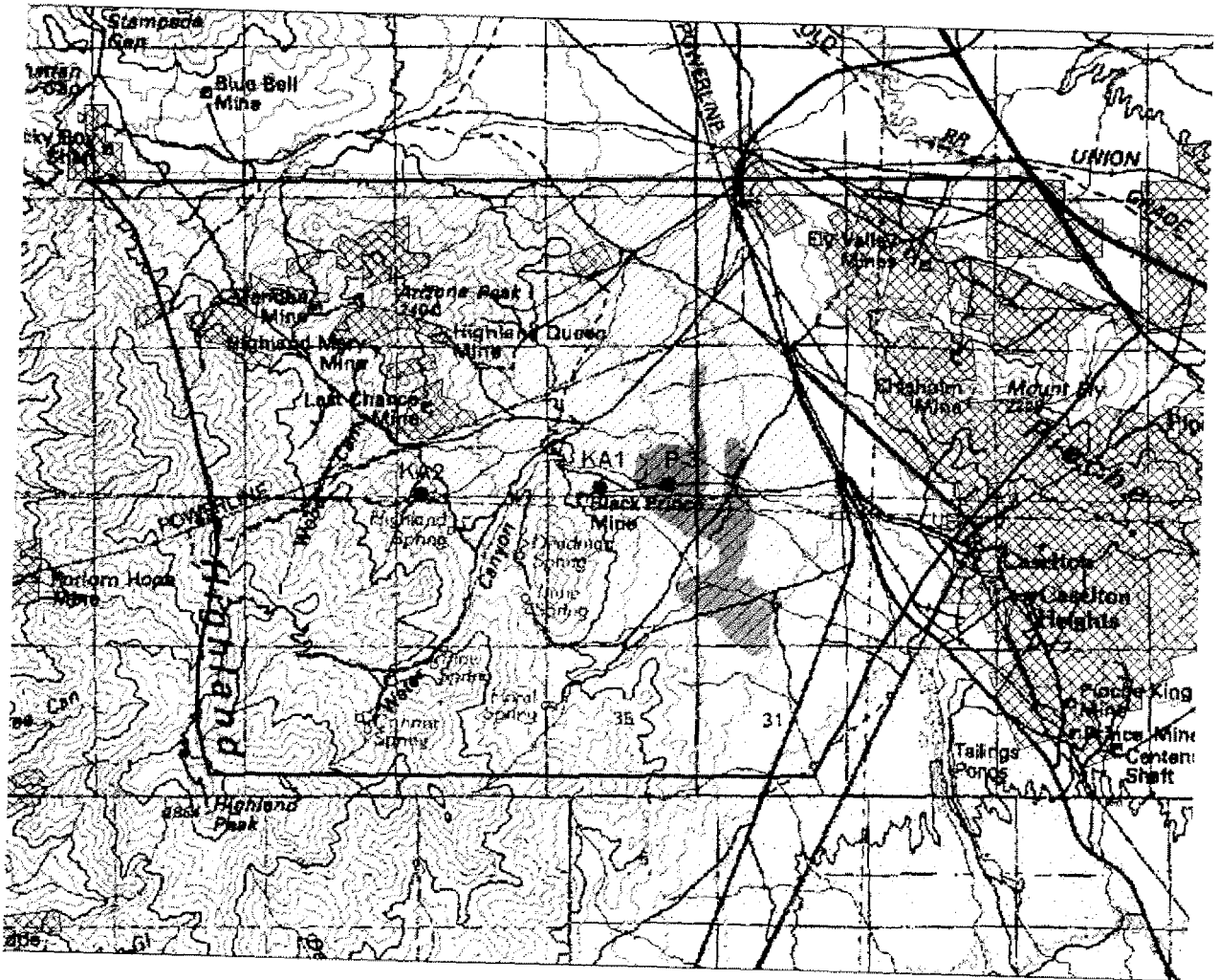
Bonnie Waggoner  
Ely District Noxious & Invasive Weeds Coordinator

\_\_\_\_\_ Date







PIOCHE ALLOTMENT  
WEED RISK ASSESSMENT MAP

**PIOCHE ALLOTMENT  
PERMIT RENEWAL MAP  
EA - NV-040-07-019**



**Legend**

-  Private Land
-  Pan Am Road Fire
-  Pioche Allotment
-  Highland Peak HMA



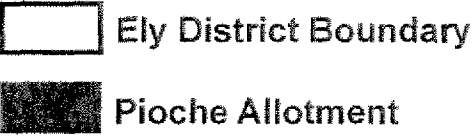

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

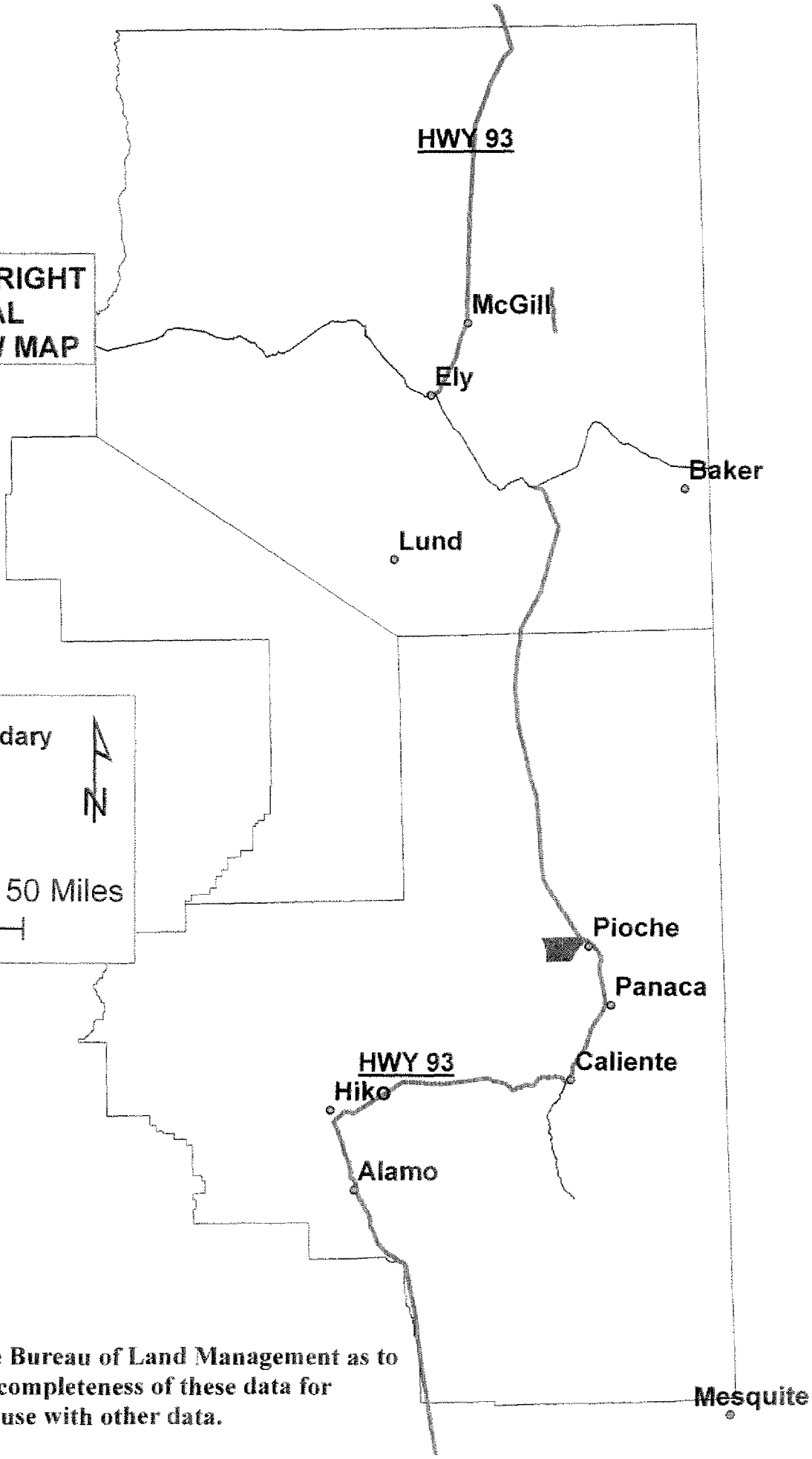
Source: Todd Wright-Map  
By: Shirley A. Johnson

**EA – APPENDIX IV  
COMMENTS TO PRELIMINARY EA**

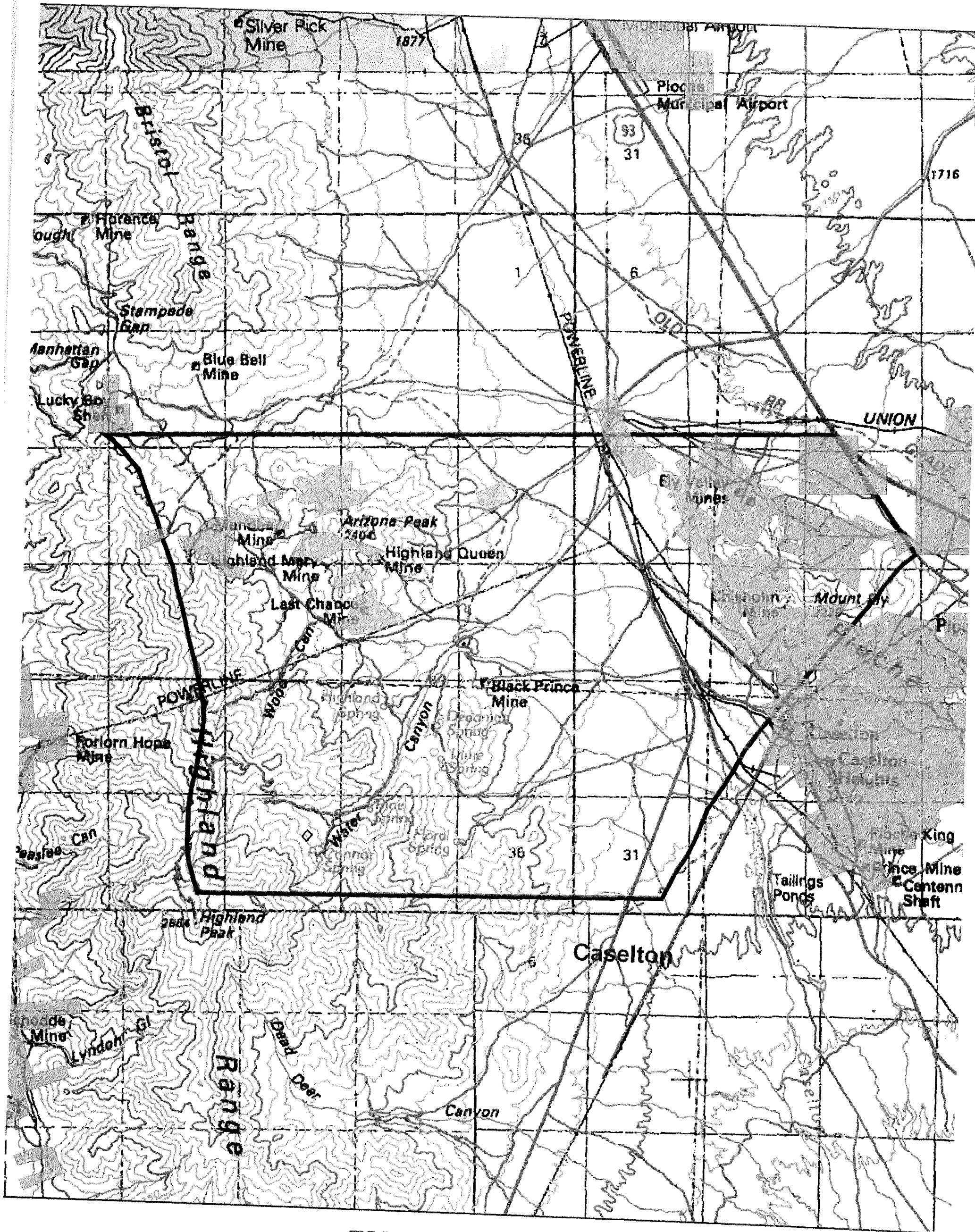
<b>No.</b>	<b>COMMENTER</b>	<b>COMMENT</b>	<b>BLM RESPONSE</b>
1	Mark Sivazlian Division of Water Resources	“...there are no water rights in the names of the applicants. The preliminary Environmental Assessment does not mention any change in the manner or place of use of these existing rights. Be advised that additional wells and/or points of diverting water for stockwatering require prior approval from the Nevada Division of Water Resources.	Water rights are not addressed in the EA because they are not part of the proposed action nor affected by the proposed action.

**TODD AND KATHY WRIGHT  
PERMIT RENEWAL  
DISTRICT OVERVIEW MAP**

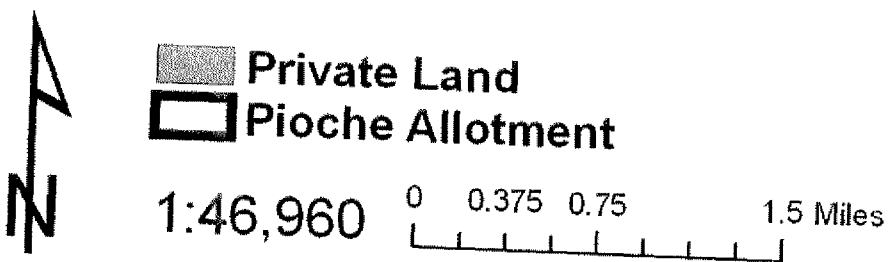
  
1:1,393,275  
0 12.5 25 50 Miles  




No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



**TODD AND KATHY WRIGHT  
PERMIT RENEWAL MAP  
PIOCHE ALLOTMENT**



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