



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Caliente Field Station
P.O. Box 237 (1400 South Front St.)
Caliente, Nevada 89008-0237
<http://www.blm.gov/nv/st/en.html>



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4160 (NV-045)

SEP 26 2007

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Newby Cattle Co.
517 Belmont Dr.
St. George, UT 84770

Certified Mail 7006 0810 0005 7111 6522
Return Receipt Requested

PROPOSED DECISION

Newby Cattle Co. Term Permit Renewal for the Sheep Flat and Barclay Allotments

Background Information

On September 26, 2007 the Finding of No Significant Impact (FONSI) for the Newby Cattle Co. (Sheep Flat and Barclay Allotments) term permit renewal (EA No. NV-040-07-025) was signed. The Environmental Assessment (EA) and the FONSI is 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 proposed action associated with EA No. NV-040-07-025 is to issue a new term permit to Newby Cattle Co. The term grazing permit under consideration is for Sheep Flat (110024) and Barclay Allotments (#01069). The Sheep Flat and Barclay Allotments are cattle allotments with a grazing preference of 1,504 Animal Unit Months (AUMs). Of these, 1,675 AUMs are active and 726 AUMs are suspended nonuse. The current permitted season of use is June 1 to September 30 on the Sheep Flat Allotment and May 15 to November 15 on the Barclay Allotment. The both allotments are ranked as an "I" (Improve Condition) category in the Caliente Resource Area Rangeland Program Summary (1985). The current term permit for the allotments has been issued for the period of 7/1/1996 to 6/30/2006. The allotment encompasses 156,125 acres of public land acres and 1,990 private land acres. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for Newby Cattle Co. for the Sheep Flat and Barclay Allotments 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 "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public

lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans". This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met and that significant progress is made towards those that are currently not met.

The standards were assessed for the Sheep Flat and Barclay Allotments by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the Soil Survey of Lincoln County Nevada, North Part, and 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 "Standard Riparian Functioning Condition Checklist" (USDI-BLM 2000) was completed for the riparian areas in the Sheep Flat and Barclay Allotments.

The assessment of rangeland health for the Sheep Flat and Barclay Allotments was conducted in March, 2007. It was determined that the Standards were not being achieved however grazing management is in complete conformance with the Guidelines. A review and analysis of the monitoring data was conducted. As a result of this review, no changes to the management of livestock were proposed. The complete standards determination is located in Appendix I of the EA (EA-NV-040-07-025). A summary of the findings for the allotment are as follows:

1. Soils Standard: Not Meeting the Standard, but making significant progress towards.
2. Ecosystem Components: Not Meeting the Standard, but making significant progress towards.
3. Habitat and Biota: Not Meeting the Standard, but making significant progress towards.

Conclusions of the Standard Determination:

Standard 1, Soils: Standard not met. The majority of the allotment is meeting or making progress towards achieving the standard. The areas of concern are not meeting the standard and should continue to be monitored. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, woodland range sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

Standard 2. Ecosystem Components: Standard not met. Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the springs have a high evapo-transpiration rate; hand cutting around the spring could increase the spring flow and improve riparian vegetation composition, area and structure.

Standard 3. Habitat and Biota: Standard not met. Existing grazing management and levels of grazing use on crested wheat seedings within the Sheep Flat and Barclay allotments are not significant causal factors in failing to achieve the habitat standard. Utilization data shows the seedings have generally been grazed moderate or less for the recent past years. In these areas, the current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression or the lack of wildfire, and drought.

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 one comment was received.

The preliminary EA was posted on the Ely external webpage on 6/20/2007 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 Sheep Flat and Barclay Allotments. Comments were received from one private interested public. They were reviewed and considered associated with completing the final EA.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1 permitted use for Newby Cattle Co. on the Sheep Flat and Barclay Allotments, will remain unchanged and will be as follows:

Table 1. Current Term Permit for Newby Cattle Co. (#275050)

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
Sheep Flat 110024	327 Cattle	06/01	9/30	100	Active	1,312
Barclay 01069	60 Cattle	05/16	11/15	100	Active	363
**% Public Land is the percent of public land for billing purposes.						
**AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						
Allotment AUMs Summary						
ACTIVE AUMS		SUSPENDED AUMS		PERMITTED USE		
Barclay	363	726		1,089		
Sheep Flat	1,312	0		1,312		

The renewal of the term grazing permit would be for a period of ten years. This decision will be effective upon the decision becoming final or pending final determination on appeal. Proposed

changes to the permit terms and conditions would 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 would become pertinent to the Newby Cattle Co. permit are proposed as follows:

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

Stipulations Common to All Allotments:

1. Grazing will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.
2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the Allotments.
3. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your Allotments. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with visa, mastercard or American express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.
6. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

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."

4130.3: "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."

4130.3-2: "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."

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:

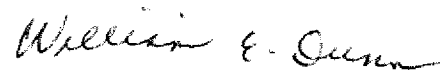
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

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 cursive script that reads "William E. Dunn".

William E. Dunn
Assistant Field Manager
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-05-027 (including the standards determination document)
3. Allotment Map(s)

cc:

Mr. George Andrus 7006 0810 0005 7111 6539
59 S 500 E
St. George, UT 84770

Ed Bundy 7006 0810 0005 7111 6669
1985 E 2300th S St
St. George, UT 84790

Mr. Steve Carter 7006 0810 0005 7111 6546
P.O. Box 27
Lund, NV 89317

Mr. Steve Foree 7006 0810 0005 7111 6553
NDOW
60 Youth Center Road
Elko, NV 89801

Mr. Brad Hardenbrook 7006 0810 0005 7111 6560
NDOW-Southern Region
4747 Vegas Drive
Las Vegas, NV 89108

Lincoln County Commissioners 7006 0810 0005 7111 6584
P.O. Box 90
Pioche, NV 89043

Mr. Curt Leet 7006 0810 0005 7111 6577
HC 32 Box 32120
Ely, NV 89301

Betsy Macfarlan 7006 0810 0005 7111 6607
ENLC
P.O. Box 150266
Ely, NV 89315

Cindy MacDonald 7006 0810 0005 7111 6591
3605 N. Silver Sand Ct.
N. Las Vegas, NV 89032

John McLain 7006 0810 005 7111 6614
Resource Concepts, Inc
340 N. Minnesota St.
Carson City, NV 89703-4152

Nevada State Clearinghouse
Department of Administration
Budget & Planning Div. Grants
209 E Musser St. Room 200
Carson City, NV 89701-4298

7006 0810 0005 7111 6621

Mr. Mike Scott
NDOW
P.O. Box 79
Pioche, NV 89043

7006 0810 0005 7111 6645

Western Watersheds Project
Katie Fite
PO Box 2863
Boise, ID 83701

7006 0810 0005 7111 6652

Mike Kuyper
2950 Riverside Dr
Susanville, CA 96130

7006 0810 0005 7111 6676

Richard Orr
USDA - NRCS
555 West Silver Street, Suite 101
Elko, NV 89801

7006 0810 0005 7111 6638

**FINDING OF NO SIGNIFICANT IMPACT
FOR
Newby Cattle Co. (Sheep Flat and Barclay Allotments)
EA # NV-040-07-026**

I have reviewed Environmental Assessment (EA) NV-040-07-026. 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-040-07-026 has been reviewed through the interdisciplinary team 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 Sheep Flat and Barclay Allotments are located in Lincoln County, Nevada approximately ten miles southeast of Caliente, Nevada. The area is in the Clover Mountain Range. The allotment encompasses 156,125 acres of public land acres and 1,990 private land acres, all in Lincoln County, Nevada. Lincoln County is sparsely populated, with approximately less than one person per square mile. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

Intensity:

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

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc

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 is prime or unique farmland on the allotments there are no parks, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment, but there are no known sites of particular importance or interest.

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 MFP. Although public input has been sought for the proposed action, there has been little public interest and only a few comments on effects analyzed in the attached EA.

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

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

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 propose in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

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

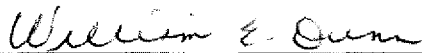
No districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) were identified in the project area and EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

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

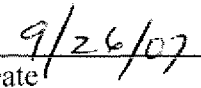
The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. The action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed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

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

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



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


Date

FINAL ENVIRONMENTAL ASSESSMENT

NV-040-07-026

GRAZING PERMIT ISSUANCE FOR NEWBY CATTLE CO.
ON THE SHEEP FLAT AND BARCLAY ALLOTMENTS

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

Prepared By: Troy Grooms
September 26, 2007

I. BACKGROUND INFORMATION

Introduction

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permit for Newby Cattle Co. on the Sheep Flat and Barclay Allotments. This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. Both the proposed action and alternatives to the proposed action are considered.

This EA is tiered to and incorporates by reference the Caliente Management Framework Plan approved February 26 1982. Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997.

An assessment of the rangeland health was conducted during the permit issuance process. A review of the monitoring data was conducted. As a result of this review, no changes in the livestock management practices have been identified.

Monitoring data would continue to be collected for the Allotments including utilization (use pattern mapping and key area), ecological condition, trend and cover. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit or lease will be reissued subject to revised terms and conditions.

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

Vegetative types on the allotment include mostly pinyon-juniper woodlands, with the bottoms in the center of the allotments previously seeded with crested wheat. Fife Flat and Sheep Flat in the northern and central parts of the allotment were seeded with crested wheat in the early 1950's for livestock forage. These seedings are currently heavily overgrown with mountain big sagebrush and pinyon and juniper trees. The majority of the seedings are not producing well due to encroaching sagebrush and juniper. Portions of the Sheep Flat seedings were mowed using a tractor powered brushhog in 1996 to remove the sagebrush overstory, and the crested wheatgrass has responded vigorously. The Pine Pasture seeding was treated with prescribed fire in August 1999 to remove the encroaching pinyon-juniper and sagebrush. This area was seeded in the winter 2000 to boost the grass component within the seeding. Treatments of the remaining pastures would further facilitate a sustainable rotation on the allotment.

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

Information and background to the Barclay Allotment

The Barclay allotment is located in the Caliente Resource Area in Lincoln Count, Nevada. It is located approximately 15 miles southeast of Caliente, NV. The area is in the Clover Mountain Range. The southern portions of the allotment are steep and rugged woodlands with scattered burned areas. These are used very little by wild horses but livestock utilize the area during the late fall on their way to winter pastures within the Tule Desert and again in the spring on the way back to the crested wheatgrass pastures. A relatively small portion of the allotment is located north of Clover Creek and is heavily covered in pinyon-juniper. Vegetative types on the allotment include mostly pinyon-juniper woodlands, with the bottoms in the center of the allotments previously seeded with crested wheat

. The assessment was based on rangeland monitoring data that is summarized within appendix 1 of the standards assessment. As a result of the assessment and monitoring data review, it has been determined that the Standards and Guidelines for Rangeland Health are not being achieved but are making progress toward being met on the Sheep Flat and Barclay Allotments. A summary of this finding for the Allotments follows:

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

Existing livestock management methods are not a contributing factor to not meeting the standard with the habitat standard on Sheep Flat and Barclay Allotments. Failure to meet the standard is related to pinyon/juniper encroachment due to lack of natural disturbance within the community.

(See appendix 1 for Standards Determination Document)

Conclusions:

Standard #1: Soils

Standard not met. The majority of the allotment is meeting or making progress towards achieving the standard. The areas of concern are not meeting the standard and should continue to be monitored. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, woodland range sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource.

The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

Standard #2: Ecosystem Components

Standard not met. Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the springs have a high evapotranspiration rate; hand cutting around the spring could increase the spring flow and improve riparian vegetation composition, area and structure.

Standard #3: Habitat and Biota

Standard not met. Existing grazing management and levels of grazing use on crested wheat seedings within the Sheep Flat and Barclay allotments are not significant causal factors in failing to achieve the habitat standard. Utilization data shows the seedings have generally been grazed moderate or less for the recent past years. In these areas, the current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression or the lack of wildfire, and drought.

Need for the Proposal

The need for the proposal is to fully process the renewal of the term grazing permit for Newby Cattle Co. in accordance with all applicable laws, regulations, and policies with terms and conditions of grazing use that conform to the Standards and Guidelines of Grazing Administration and the other pertinent land use objectives for livestock use. The grazing permit would be renewed for a period of ten years. Title 43 of the Code of Federal Regulations (CFR) Section 4130.2(a), effective March 24, 1995, 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." John Baal meets all of the qualifications to graze livestock on public lands administered by the BLM according to Chapter 1 of BLM Handbook H-4110, "Qualifications, Permitted Use, and Allotment Transfers."

Relationship to Planning

The proposed action is in conformance with the Caliente Environmental Statement (ES)-Proposed Domestic Livestock Grazing Management Program for the Caliente Area, signed as final on September 21, 1979. The proposed action is in conformance with the Caliente Management Framework Plan Approved 26 February 1982. Lincoln County Public Land and Natural Resource Management Plan (1997) and the Lincoln County Elk Management Plan (revised 2006).

The proposed action has been analyzed within the scope and intent of the following agreements, and is in compliance with the acts, regulations, and executive orders listed below:

- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic preservation Office (1999).
- Migratory Bird treaty Act (1918 as amended) and Executive Order 13186 (1/11/01).

Relationship to Bureau of Land Management Guidance

The Proposed Action also complies with Nevada BLM Instruction Memorandum (IM) No. NV-2006-0034, which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EAs) as per the requirement set forth in IMs WO 2003-071 and WO 2004-126. It also complies with the requirements outlined in the following policies, handbooks, and manuals:

- Ely District Policy: Management Actions for the Conservation of Migratory Birds (5/01/01).
- BLM Manual 8400 – Visual Resources Management.
- BLM Handbook 4180-1 (Rangeland Health Standards).

Identification of Issues

This permit renewal proposal was scoped by resource specialists during a meeting held January 31, 2007 at the Ely BLM Field Office. At that time, no resource value issues were identified. Meeting participants identified that external consultation would include general public notification via the Ely BLM web page, plus hard copies of the EA mailed directly to interested publics who have requested one. Also, it was determined that Native American Coordination would need to occur. Additionally, the public has been invited to provide input concerning this action and will continue to be afforded the opportunity to provide comments throughout the review of this document. Thus far, no issues have been identified as a result of public scoping.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to issue a new term grazing permit for Newby Cattle Co. (operator # 275050) and authorize livestock grazing on the Sheep Flat and Barclay Allotments. The Sheep Flat and Barclay Allotments has been categorized by land use planning documents as (I – Improve Category) and includes approximately 156,125 acres of public land acres and 1,990 private land acres. The current term permit and Allotments information follows:

Allotments Number	Name	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
			Begin	End			
110024	Sheep Flat	327 Cattle	06/01	9/30	95	Active	1,312
01069	Barclay	60 Cattle	05/16	11/15	95	Active	363

* The allotment is billed at 100% public land through the Rangeland Administrative Billing System (RAS).

** The active permitted use for the allotment is 127 AUMs. The 127 AUMs presented is a rounded figure based on the 17 cattle grazing from April 15 through November 30.

The Allotments summary is as follows:

<u>Allotments</u>	<u>Number/Name</u>	<u>Active Use</u>	<u>Suspended</u>	<u>Grazing Preference</u>
110024	Sheep Flat	1,312	0	1,312
01069	Barclay	361	726	1,087

The issuance of the term grazing permit would be for a period of ten years from 7/1/2007 to 02/28/2017. There are no proposed changes to the terms and conditions, therefore the no action alternative is the same as the proposed action alternative and will not be further addressed (see Terms and Conditions, Appendix 3).

The term permit renewal area would also be monitored on a regular basis for noxious weeds or non-native invasive species. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix 3.

Proposed Action – Monitoring

Rangeland monitoring data would continue to be collected for the Sheep Flat and Barclay Allotments over the long term to determine if the livestock management practices as authorized by the permit renewal are in conformance with the Standards for Rangeland Health and other vegetative and multiple use objectives for the allotment. Monitoring and data collection would continue in the form of proper functioning condition riparian studies (PFC), establishing key areas, measuring utilization levels(KFPM), frequency trend, ecological condition, vegetation cover, observed apparent trend, actual use reports, climate studies, compliance checks, professional observations, and photographs.

The term permit renewal area would also be monitored on a regular basis by both BLM and the grazing permittees for noxious weeds or non-native invasive species. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix III.

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

If a future monitoring evaluation results in a determination that additional changes in grazing management practices are necessary for compliance with the Standards for Rangeland Health, the grazing permit or lease would be reissued subject to revised terms and conditions.

Other Alternatives

Since the proposed action is to renew the grazing permit without any changes (status quo), the proposed action and the “no action alternative” are one in the same. Thus the “no action alternative” will not be further addressed.

No Grazing Alternative

The No Grazing alternative was addressed in Caliente ES. The Caliente ES analyzed the impacts of grazing through a proposed action and four alternatives. Not issuing term grazing permits was considered as an alternative but eliminated from detailed analysis. The Code of Federal regulations at CFR 4130.2 requires the issuance of grazing permits to qualified applicants. Since the alternative of no livestock grazing was fully described and analyzed in the Caliente ES, the effects of not renewing the term grazing permit are not analyzed in this document. The decision in the MFP was that the lands within the Sheep Flat and Barclay Allotments would be available for grazing, in which case 43 CFR 4130.2(a) and 4130.2(e)(3) requires the issuance of grazing permits to qualified applicants that accept the proposed terms and conditions of the permit or lease. 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

Site specific descriptions of portions of the affected environment are included, as needed, in the Environmental Consequences section of this EA to facilitate understanding of anticipated impacts. The affected environment is described in Caliente ES.

The Sheep Flat (110024) and Barclay Allotments (01069) encompass approximately 156,125 acres of public land acres. Approximately 1,990 private land acres occur within the Allotments. The Allotments is situated in Clover Valley. The Allotments are located entirely within Lincoln County, in the north central portion of the Caliente/Ely BLM District approximately 15 miles southeast of Caliente, Nevada. The Allotments is characterized by rolling to steep hills and benches covered predominantly by Pinyon/Juniper woodlands. Elevation ranges from 2,500 feet above sea level in Clover valley to approximately 7,500 feet above sea level along the foothills of the Clover Mountain Range. Precipitation zones range from approximately 12” on the lower benches to 18” in the upper benches. Precipitation occurs primarily as winter snow or spring/fall thunderstorms and rains.

Sheep Flat and Barclay occur within Major Land Resource Areas (MLRA) 029BY, first described by the U. S. Department of Agriculture in the early 1960’s. The Soil Conservation Service (now Natural Resource Conservation Service (NRCS)) has extensively described the topography, geology, soils, climate, and range sites of each MLRA

Critical Elements of the Human Environment

The critical elements of the human environment, as identified in BLM Manual 1790-1 are listed in Table 1. Other mandatory items for consideration, as identified in the 2001 Ely BLM NEPA Handbook, are also listed. Elements or mandatory items that may be affected by the proposed action are further described in this Environmental Assessment (EA).

Those critical elements or mandatory items that are not present or would not be adversely affected are also listed in Table 1. These resource values would not be considered further in this document.

Table 1. Critical Elements of the Human Environment, Mandatory Items, and Rationale for Detailed Analysis for the Proposed Action or Elimination from Further Consideration

Critical Element	No Effect	May Affect	Not Present	Rationale
Air Quality		X		Minor dust is associated with normal livestock trailing to/from water locations.
Areas of Critical Environmental Concern (ACEC)			X	No areas of critical environmental concern have been identified within the allotment.
Cultural Resources	X			Flat/Barclay Allotments are predominately within a medium to high cultural sensitivity level.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)	X			There is prime or unique farmland on the allotment. Livestock grazing will not impact prime farmlands because it will not change soil characteristics that affect farmland status.
Floodplains			X	There are no floodplains or wetlands associated with Sheep Flat and Barclay Allotments.
Migratory Birds		X		Several species of migratory birds have a distribution that overlaps with the Proposed Action Area.
Native American Religious Concerns	X			A Native American coordination meeting March 22, 2007 no religious concerns were identified for Sheep Flat and Barclay Allotments
Noxious weeds and non-native, invasive species		X		Surface disturbance may increase the risk of non-native, invasive species establishment.
Special Status Species		X		Within the northwest portion of the Barclay Allotment there is one listed T&E specie. The Virgin River spinedace (<i>Lepidomeda mollispinis mollispinis</i>). Bald eagles, golden eagles, and peregrine falcons may be observed in the Allotments at varying times of the year.
Wastes (hazardous or solid)	X			No hazardous or solid would be introduced by the proposed action.

Water Quality (drinking/ground)			X	No surface water within the area is used for domestic drinking water.
Wetlands/Riparian		X		There are no floodplains or wetlands associated with the Allotment. There are several perennial streams and 75 springs.
Wild Horses and Burros	X			The Sheep Flat Allotment occurs within the Miller Flat Herd Management Area (HMA) the Barclay Allotment does not occur within a wild horse (HMA).
Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.
Wilderness Values		X		Sheep Flat Allotment has portions of the Clover Mountain Wilderness within the southwest portion of the allotment. Barclay Allotments has a small portion of the Tunnel Spring Wilderness within its northeast corner.

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

In addition to the Critical Elements of the Human Environment, the BLM considers other resources or uses that occur on public lands, or issues that may result from the implementation of the Proposed Action.

Table 2. Other Resource Values and issues, and Rationale for Detailed Analysis for the Proposed Action

Resource or Issue	No Affect	Potentially Affected	Rationale
Range/Livestock Grazing		X	Would certainly be affected
Vegetation		X	Would certainly be affected
Soils		X	Would certainly be affected
Wildlife		X	Would certainly be affected
Recreation		X	May be affected
Visual Resources		X	May be affected. Temporary water haul sites would introduce visual contrasts to the landscape
Social & Economic Values		X	The proposed action would provide stability to the livestock operator
Grazing/Standards and Guidelines for Rangeland Health		X	The habitat Standard is not achieved
Water quantity		X	Would be affected

Based on the above two tables, the following resource values have been identified by the BLM interdisciplinary team as resources in the affected environment that need a site specific discussion:

Critical Elements of the Human Environment & Mandatory Items - Air Quality, Cultural Resources, Migratory Birds, Noxious Weeds and Invasive Non-Native Species, Riparian Areas, and Special Status Species.

Other Resource Values - Range, Vegetation, Soils, Wildlife, Recreation, Social and Economic Values, Visual Resources, and Water Quantity.

A discussion of both classes of values follows:

Critical Elements of the Human Environment & Mandatory Items

Air Quality

It is expected that the current air quality within the proposed project area is within acceptable limits and meets State standards. The proposed project area is not within an area containing residential or industrial development. There are currently no activities occurring within the area which would affect air quality standards.

Cultural Resources

A Cultural Resources Inventory Needs Assessment has been prepared and signed for this permit renewal. A cultural resources sensitivity map has been generated for Sheep Flat and Barclay Allotments showing that cultural resource sensitivity varies from low to medium. Prehistoric cultural resources (habitation/non habitation sites; lithic scatters, projectile points; isolates; camp areas) may be found in areas adjacent to spring sites, ridge tops and nearby hills throughout the Ely District.

All ground disturbing activities that may occur within the term permit renewal area would be subject to the Archaeological Resources Protection Act of 1979 review, Section 106 review, and if needed, State Historic Preservation Office (SHPO) consultation as per BLM Nevada's implementation of the protocol for cultural resources. No ground disturbing activities are currently planned by BLM for the term permit renewal area.

Migratory Birds

Federal agencies are required to protect migratory birds and their habitat. This is according to the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711) and Executive Order 13186 issued January 11, 2001. Appropriate habitat for migratory birds occurs in the Willard Creek Allotment. No formal surveys for migratory birds have been conducted in the allotment.

Invasive, Non-Native Species (including Noxious Weeds)

Invasive annuals include cheatgrass (*Bromus tectorum*) and occur sporadically throughout the Allotments. Within the allotments there are salt cedar (*Tamarix* spp.) infestations near Ash Spring and Coldwater Spring in the Clover Mountains along the southern boundaries of both allotments. Along the northern boundaries of both allotments within Clover Creek there are infestations of salt cedar, Bull thistle (*Cirsium vulgare*), Tall whitetop (*Lepidium latifolium*), and Whitetop (*Cardaria draba*).

Outside of the allotments there are salt cedar and Scotch thistle (*Onoropodium acanthium*) at springs and washes in the surrounding mountains.

The proposed action could increase the populations of the noxious and invasive weeds already within the allotment AND by creating disturbance within the allotment, could lead to the introduction of new weeds. (Appendix 3).

Riparian

Livestock use within the allotment is predominately watered by reservoir tanks that are filled from wells. There are six developed springs within the Sheep Flat Allotment and three within the Barclay Allotment. The other springs are generally inaccessible to livestock and are mainly used by wildlife.

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)

BLM Sensitive Species list are species designated by the State Director, in cooperation with the State of Nevada Department of Conservation and Natural Resources, that are not already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. Species which were eliminated from the U. S. Fish and Wildlife Service's Category II candidate list in 1995 were maintained by BLM as per Instruction Memorandum No. NV-98-013. Nevada BLM policy is to provide these species with the same level of protection as is provided for candidate species in BLM Manual 6840.06 C. The Policy (BLM Manual section 6840.06 C) states in pertinent part "BLM shall carry out management, consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened or endangered."

Within the northwest portion of the Barclay Allotment there is one listed T&E specie. The Virgin River spinedace (*Lepidomeda mollispinis mollispinis*).

Bald eagles, golden eagles, and peregrine falcons may be observed in the Allotments at varying times of the year.

Range

The Sheep Flat and Barclay allotments are currently permitted for cattle grazing. Historically cattle grazing occurred on this allotment. The current permit for cattle use is described above under the Proposed Action. Nonuse was taken on the allotment in 1999 and 2003. 76 to 120 cattle were activated between 1998 and 2005, and active use AUMs have ranged from 123 AUMs to 1077 AUMs.

Vegetation

The project area is primarily dominated by Wyoming big sagebrush (*Artemisia tridentate wyomingensis*), Black sagebrush (*Artemisia nova*) and Pinyon/juniper communities. Other communities compose minor components, and include greasewood, basin big sagebrush, pigmy sagebrush, low sagebrush, rock, mountain big sagebrush. The soils and ecological sites within the allotment have been described and classified by the Natural Resource Conservation Service (NRCS).

Soils

. Most soils in the Sheep Flat and Barclay Allotments are composed of seven map units. Most of these map units are found on mountains and one is found on fan piedmonts. Surface textures range from sandy loams, to loams, to sandy clay loams, to clay loams. These soils are often gravelly, cobbly or stony Cryptogammic crust formations do exist within the allotment in places where formations are favorable. Precipitation zones range from approximately 12" on the lower benches to 18" in the upper benches. The average annual air temperature ranges from 42 to 50 degrees Fahrenheit. Frost free days average from 85 to 110 days.

Wildlife

There is yearlong habitat and no identified corridors or crucial habitat for Rocky Mountain elk within the allotment. The allotment has mule deer winter range and no migration corridors or crucial habitat.

Recreation

Recreation in this area includes large and small game hunting, wildlife observation and photography, hiking, horse back riding, primitive camping, fossil collection, and off road vehicle (OHV) exploration. The area is very isolated and undeveloped, however a few water sources are present. There are no developed recreational facilities on the allotment.

Visual Resource Management

The Visual Resource Management (VRM) class within this area is either III or IV.

This project would meet Class III objectives. In Class III, management activities may attract attention but should not dominate the view of the casual observer.

According to BLM Manual H-8410-1, the VRM Class IV Objectives are as follows:
“The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.”
(Form, line, color, and texture)

Native American Religious Concerns

During a Native American coordination meeting March 22, 2007 no religious concerns were identified for Sheep Flat and Barclay Allotments. This critical resource would not be affected, and therefore would not be considered further in this document.

Prime or Unique Farmlands

There is prime or unique farmland on the Allotments. Livestock grazing will not impact prime farmlands because it will not change soil characteristics that affect farmland status.

IV. ENVIRONMENTAL CONSEQUENCES

The environmental consequences of grazing were analyzed in the Caliente Environmental Statement (ES) - Proposed Domestic Livestock Grazing Management Program. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the ES. There have been no major changes made associated with the proposed term permit issuance from the rangeland management actions presented in the ES. The proposed action is not substantially different than the actions analyzed in the ES. The following site specific analysis is in addition to that in the ES.

Since the proposed action is to renew the grazing permit without any changes, the proposed action and the “no action alternative” (status quo) are one in the same. Thus there is no need to present the impacts of a “no action alternative.” Cumulative impacts are discussed at the end of this section.

The environmental consequences of the following resources, which have been identified as “critical elements of the human environment” or “mandatory items” have been identified by resource specialists as potentially affected by the proposed action:

Anticipated Impacts of the Proposed Action - Critical Elements of the Human Environment & Mandatory Items

1. Air Quality

Very minor, inconsequential impacts to air quality would be expected as a result of the term permit renewal. There would be minor dust associated with normal livestock concentrations around temporary water haul locations. Dust would be temporary and would dissipate quickly.

2. Cultural Resources

It is unlikely there would be any impacts to cultural resources or Historic Properties by the term permit renewal. Dispersed and distributed cattle grazing would not be expected to bury cultural resources or to cause them to be unrecognizable by soil disturbance.

3. Migratory Birds

Impacts to migratory birds would be minor and largely undetectable. Migratory bird nesting and brooding habitat should not be affected. Overall management of habitat would improve. Long term population trends of migratory birds should not be affected. Cattle grazing would be dispersed across the Willard Creek Allotment during the grazing period. Cattle prefer established trails and open areas and this behavior would likely limit the potential conflict with migratory bird nests in the area of the proposed action. It is reasonable to assume that the number of individual nests disrupted would be small, resulting in a negligible impact to migratory birds.

4. Noxious Weeds and Invasive, Non-Native Species

Because of mitigation added to the proposed action, the grazing permit renewal would not likely result in an increase in noxious weeds to the area. The Risk Factor for spread of noxious weeds is moderate at the present time (See Appendix 3 for the Noxious Weed Risk Assessment). Localized areas of livestock concentration or disturbance may increase the distribution of noxious weeds. Grazing use may or may not cause an increase in invasive plants, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors. The permit renewal area would be monitored on a regular basis for noxious or invasive weeds or non-native species. Control treatments would be initiated on noxious weed populations that become established in the project area.

5. Riparian Areas

A majority of the livestock watering occurs on the Sheep Flat and Barclay Allotment using stock tanks that are filled by wells. There are six developed springs within the Sheep Flat Allotment that are piped to tanks to facilitate livestock distribution within the Allotment. Three are developed within the Barclay Allotment for the same purpose. Livestock use within the existing perennial streams is minimal to non-existent due to the proximity of the lotic systems to where the crested wheat seedings are. A majority of the use within the perennial streams is done by wildlife.

6. Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and Nevada BLM sensitive species)

The proposed permit renewal is expected to have no affect on habitat values for the bald eagle, which is considered a transitory migrant in the permit renewal area. The proposed permit renewal is also expected to have no affect on habitat values for the ferruginous hawk, peregrine falcon, golden eagle, burrowing owl, prairie falcon, loggerhead shrike, or Bonneville cutthroat

trout. The proposed action would not contribute to the need to list any sensitive species as threatened or endangered.

The Virgin River spinedace (*Lepidomeda mollispinis mollispinis*) occurs within the northeast portion of the Barclay Allotment within a drainage bottom where there is very little to no livestock use due to the steepness of the terrain.

Anticipated Impacts of the Proposed Action - Other Resource Values

The following resource values have also been identified by resource specialists as potentially affected by the proposed action:

1. Range/Livestock/Standards and Guidelines

Implementation of the proposed alternative would lead toward achieving the Standards and Guidelines for Grazing Administration. Improvement in cattle distribution and utilization would continue to make progress towards enhanced forage production, ground cover, vigor, species composition, diversity, range condition and trend, and watershed conditions. Forage availability should increase for livestock and wildlife. Utilization of key forage plants is expected to be moderate or less. Moderate use stimulates new plant growth. It is possible that local areas of over-utilization of key forage plants could result from use by cattle. This possibility would be monitored and actions taken to correct the problem. Utilization of annual grasses would help prevent wildfire.

2. Vegetation

The primary ecological sites within the Allotments are primarily dominated by Wyoming big sagebrush (*Artemisia tridentate wyomingensis*) and Pinyon/juniper communities. Other communities include greasewood, basin big sagebrush, Big Galleta, low sagebrush, rock, mountain big sagebrush. The soils and ecological sites (range sites) within the Allotments have been partially described and classified by the Natural Resource Conservation Service (NRCS). The remaining sites will be completed in 2008. The Pinyon/juniper communities are being revised to range land sites, but have not been described yet.

No special status plants are located in the term permit renewal area, thus special status plants would not be affected by the proposal.

The term permit renewal would be expected to help prevent catastrophic wildfire and the beginning of a frequent cheatgrass fire cycle. By maintaining grazing on the allotment the cheatgrass fine fuels would be held to manageable levels.

3. Soils

Soils would maintain structure, water holding capacity, and percolation characteristics according to the livestock management practices implemented by the proposed action. Soils would remain stable, with biotic crusts in place, and would be resistant to wind or water erosion. Adequate vegetative cover would help protect soils and would result in adequate litter to protect soils.

Disturbed, compacted areas of soil of approximately 1/4 acre or less could develop near waters in the allotment or other areas where cattle concentrate over time.

4. Wildlife

It is expected that wildlife habitat would not change measurably as a result of the proposed action. To the extent that moderate livestock grazing stimulates new plant growth, that growth will be available for wildlife. The habitat for sagebrush obligate species would not change. Water availability could increase for wildlife at temporary water haul sites. Because water would not be provided year-round at temporary water haul sites, some stress may result to localized wildlife populations when the water is shut off. Some wildlife drownings could occur even though wildlife escape ramps would be placed in the troughs.

5. Recreation

There would be minimal impacts to existing recreational activities as a result of the term permit renewal. To the extent that wildlife populations benefit, wildlife-related recreation such as hunting, wildlife viewing, antler collection, and photography would be enhanced. The permit renewal is not expected to lead to increased off-highway vehicle (OHV) use in the area.

6. Visual Resource Management (VRM)

The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class 4 Zone objectives for this area.

7. Social and Economic Values

Lifestyles of local residents would not be impacted. The farming and ranching life style would continue in White Pine County. Taxes generated from the agricultural activity associated with the proposed action would continue to benefit the county. The proposed term permit renewal would provide economic benefits for the livestock permittee in this area by maintaining the grazing permit and by maintaining the economic stability and efficiency of their overall operation. The proposed permit renewal would facilitate livestock management.

8. Water Quantity

Implementing the term permit renewal action would maintain water availability for livestock and wildlife, or any other resource value in the allotment. The location and number of water haul sites, if needed, would be determined annually in the Willard Creek Allotment. Generally grazing occurs in association with natural waters and a pipeline development, and water does not have to be hauled to tanks and troughs.

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. No issues or resource values of major importance were

identified during the EA scoping period, thus no specific resource value is addressed below. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There have been limited previous actions occurring in the project area. The existing crested wheat seedings were put in back during the 1960's to facilitate livestock grazing and reduce use on the native component within the landscape. Historical mineral mining has been common in the area of the Sheep Flat and Barclay Allotments. There has been no historical oil or gas production and minimal oil exploration in the area. Woodcutting and pinyon nut gathering have been minimal on Sheep Flat and Barclay. Hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildfires have not been frequent or catastrophic. Wildlife use has not been intensive in the area and has not fundamentally altered the plant communities. Livestock grazing has taken place in the valley since the late 1800's.

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining or oil and gas exploration. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. The Bally fire occurred within the Barclay Allotment during the summer of 2006. The fire consumed less than a thousand acres and is currently being rehabilitated using emergency stabilization plans. Current livestock grazing and wildlife use are not intensive in the area.

Reasonably Foreseeable Future Actions

Vidler Water has applied to the BLM for rights-of-way to construct and operate a groundwater development project. The scientific community and many individuals have speculated that the groundwater development could lead to drying of the earth surface and a consequent change or loss to the vegetation resource. This would have a direct impact on livestock grazing in the allotment. The potential also exists that LCLA well water could become available for livestock in the permit renewal area through agreement between Vidler, BLM, and the livestock permittee. This would improve livestock management and distribute livestock use, resulting in increased forage production and cover.

There are no anticipated increases in mining, woodcutting, pinyon nut gathering, or OHV use in the area in the reasonably foreseeable future. Newby Cattle Co. would be the permittee on Sheep Flat and Barclay Allotments it is reasonably foreseeable that the permit would be active and that cattle would be permitted to graze on the Allotments. Rangeland monitoring would be expected to continue at the present level and intensity on the Allotments. Currently two coal fire power plants are proposed within thirty miles of the Allotments. Associated with the power plants would be water wells necessary for the production of electricity. Additional power lines are proposed for the Tule Valley including the Southwest Intertie Project (SWIP). Visitor use and general population would be expected to increase in this area if these proposed projects are

implemented. With the increased awareness of the area, woodcutting, pinyon pine nut gathering and OHV use in the area may increase in the reasonably foreseeable future

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. The draft RMP/EIS was out for public comment closing in November 2005. According to the proposed RMP/EIS, resource management would occur on a watershed basis.

Cumulative Impacts Summary

The proposed action in conjunction with the past actions, present actions and reasonable foreseeable future actions would result in no noticeable overall changes to the affected environment. The proposed permit renewal would continue to meet or make progress toward meeting the rangeland health standards. There would be little cumulative visual impairment to the area as a result of the term permit renewal. There may be perceived increased conflicts between dispersed recreation and livestock grazing if recreation increases as a result of foreseeable future actions. The proposed action would improve grazing management. No cumulative impacts of major or minor concern are anticipated as a result of the proposed project.

V. PROPOSED MITIGATION MEASURES

Appropriate mitigation has been included as part of the proposed action and no additional mitigation is proposed based on this environmental analysis.

VI. SUGGESTED MONITORING

Rangeland monitoring data would continue to be collected for the Sheep Flat and Barclay Allotments to determine if the livestock management practices are continuing to meet or making progress towards meeting the Standards for Rangeland Health and other vegetative objectives for the Allotments.

Monitoring studies may include use pattern mapping, key forage plant method utilization transects (KFPM), cover studies, ecological condition studies, and frequency trend studies, observed apparent trend studies, noxious and invasive weed detection, professional observations, and photographs. Baseline monitoring (ecological condition, cover, utilization, and trend) may be conducted associated with watershed assessment.

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

If a future monitoring assessment results in a determination that additional changes in grazing management practices are necessary for compliance with the Standards for Rangeland Health, the grazing permit or lease would be reissued subject to revised terms and conditions.

VII. CONSULTATION AND COORDINATION

Public Interest and Record of Contacts

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

On March 22, 2007 the Sheep Flat and Barclay Term Grazing Permit Renewal proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.

On January 31, 2007 the project was presented to the scoping team and no issues were identified at that time. The project was posted on the Ely Field Office web site, January, 2007, http://www.nv.blm.gov/ely/nepa/ea_list.htm and no comments were received.

A preliminary EA will be posted for a thirty day public review and comment period on the Ely BLM external website. A hard copy of the EA will also be mailed to those interested publics who have requested it, and who have expressed an interest in range management actions on the Sheep Flat and Barclay Allotments. Changes in the EA based upon public input will be made as appropriate.

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

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range improvement actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2006, have requested additional information regarding rangeland related actions or programs within the Sheep Flat and Barclay grazing Allotments:

To summarize, the following changes were made in the final EA in response to public review and comment: (1) Appendix 4 was added to the document to review the comments received with responses.

Mr. Ken Newby
Mr. George Andrus

Mr. Ed Bundy
Mr. Steve Carter
Mr. Steve Foree, Nevada Division of Wildlife
Mr. Brad Hardenbrook, Nevada Division of Wildlife
Mr. Mike Kuyper, Bureau of Land Management
Lincoln County Commissioners
Mr. Kurt Leet
Betsy Macfarlan, ENLC
Cindy MacDonald
John McLain, Resource Concepts, Inc.
Nevada State Clearinghouse
Mr. Richard Orr, Natural Resource Conservation Service
Mr. Mike Scott, Nevada Division of Wildlife
Western Watersheds Project, Katie Fite

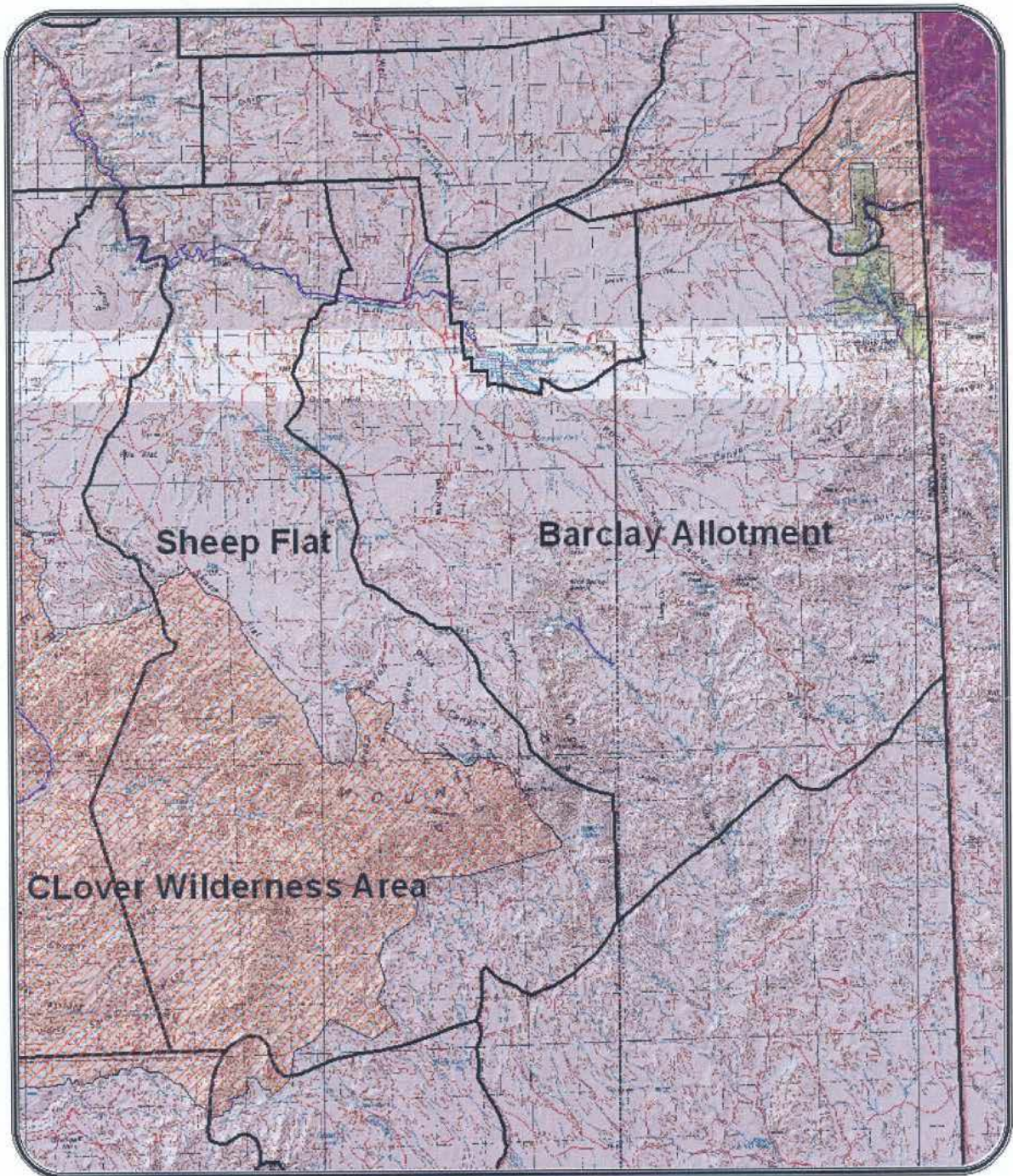
Record of Personal Consultation and Coordination

Ken Newby of Newby Cattle Co.

B. Internal District Review

Steve Abel	Wildlife/T & E Species/Riparian
Benji Noyes	Wild Horses
Bruce Winslow	Visual Resources/Wilderness/Recreation
Bonnie Waggoner	Noxious Weeds
Sue Howell	Environmental Coordination
Troy Grooms	Rangeland Resources
Kari Harrison	Soil/Water/Air
Lisa Gilbert	Cultural Resources

Figure 1: General Location Map Barclay/Sheep flat Allotments



Appendix I

Standards Determination and Evaluation

I. Introduction The purpose of this assessment is to determine if livestock grazing within the Sheep Flat and Barclay Allotments is maintaining or progressing toward the achievement of Standards for Rangeland Health as developed by the Southern Mojave Area Resource Advisory Council (RAC).

In accordance with 43 CFR 4180, the Ely Field Office is required to complete Standards assessments on grazing allotments in order to determine whether or not existing grazing management practices are attaining or making progress towards the Standards for Rangeland Health and are in conformance with the Guidelines. This document fulfills the obligation of the Ely District, Bureau of Land Management to comply with Title 43 Code of Federal Regulations 4180 (Standards of Rangeland Health and Guidelines for Grazing Management) as described in the Rangeland Health Standards Handbook (H-8180-1). The Handbook defines three steps in the process: *assessment*, *evaluation*, and *determination*. The '*assessment*' defines the current resource conditions by using historic and newly collected information. The '*evaluation*' analyses all information – including information derived from rangeland monitoring, Ecological Site Inventory, Ecological Site Descriptions, and professional judgment – in relation to the objectives of the Standards and Guidelines. The '*determination*' is the statement of achievement or non-achievement for each Standard, of causal factors if a Standard is not achieved or moving towards achievement, and of conformance or non-conformance with the Guidelines. Additional steps of planning and implementation may be required if determinations indicate problems with authorized livestock grazing. The following assessment is based on a review and analysis of monitoring information generally obtained between 1988 and 2006 (see appendix I, p. 14-16). This assessment is in accordance with BLM Manual 4180-1, Rangeland Health Standards, approved on January 19, 2001.

In December 2000, the Southern Mojave RAC approved Wild Horse and Burro Standards and Guidelines, which were incorporated into the existing Rangeland Health Standards. Vegetation Guidelines were developed and approved in March 2004 and added as Appendix A. Off Highway Vehicle (OHV) Administrative Guidelines were approved by all three Nevada RACs in September 2003 and are included in the Standards and Guidelines as well. The Standards and Guidelines are listed under Appendix II to this assessment.

II. General Background and Geographic Information for the Sheep Flat Allotment.

The Sheep Flat Allotment is located in the Caliente Resource Area in Lincoln County, Nevada, it is located approximately ten miles southeast of Caliente, NV. The area is in the Clover Mountain Range. The elevation of the allotment ranges from 5600 to 7600 feet. The landforms of the allotment vary from flat to gently sloping fans and valley bottoms east of Fife Mountain, to steep, rugged terrain south towards Bluenose Peak. The southern portions of the allotment are steep and rugged woodlands with scattered burned areas. These are used very little by wild horses but livestock utilize the area during the late fall on their way to winter pastures within the Tule Desert and again in the spring on the way back to the crested wheatgrass pastures. A

relatively small portion of the allotment is located north of Clover Creek and is heavily covered in pinyon-juniper. This area receives use by wild horses but the current permittees do not place cattle into the area.

Vegetative types on the allotment include mostly pinyon-juniper woodlands, with the bottoms in the center of the allotments previously seeded with crested wheat. Fife Flat and Sheep Flat in the northern and central parts of the allotment were seeded with crested wheat in the early 1950's for livestock forage. These seedings are currently heavily overgrown with mountain big sagebrush and pinyon and juniper trees. The majority of the seedings are not producing well due to encroaching sagebrush and juniper. Portions of the Sheep Flat seedings were mowed using a tractor powered brushhog in 1996 to remove the sagebrush overstory, and the crested wheatgrass has responded vigorously. The Pine Pasture seeding was treated with prescribed fire in August 1999 to remove the encroaching pinyon-juniper and sagebrush. This area was seeded in the winter 2000 to boost the grass component within the seeding. Treatments of the remaining pastures would further facilitate a sustainable rotation on the allotment.

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

Information and background to the Barclay Allotment

The Barclay allotment is located in the Caliente Resource Area in Lincoln Count, Nevada. It is located approximately 15 miles southeast of Caliente, NV. The area is in the Clover Mountain Range. The southern portions of the allotment are steep and rugged woodlands with scattered burned areas. These are used very little by wild horses but livestock utilize the area during the late fall on their way to winter pastures within the Tule Desert and again in the spring on the way back to the crested wheatgrass pastures. A relatively small portion of the allotment is located north of Clover Creek and is heavily covered in pinyon-juniper. Vegetative types on the allotment include mostly pinyon-juniper woodlands, with the bottoms in the center of the allotments previously seeded with crested wheat

III. Watershed Characterization

A. Upland Vegetation Communities

The vegetative plant communities within Sheep Flat and Barclay allotment have developed on many different soil types with several kinds of parent materials. Most soils in the Sheep Flat and Barclay Allotments are composed of seven map units. Most of these map units are found on mountains and one is found on fan piedmonts. Surface textures range from sandy loams, to loams, to sandy clay loams, to clay loams. These soils are often gravelly, cobbly or stony. Precipitation zones range from approximately 12" on the lower benches to 18" in the upper benches. The average annual air temperature ranges from 42 to 50 degrees Fahrenheit. Frost free days average from 85 to 110 days.

The vegetation within the watershed is diverse, scenic, and includes many different range sites.

The primary ecological sites within the allotment are primarily dominated by Wyoming big sagebrush (*Artemisia tridentata wyomingensis*) and Pinyon/juniper communities. Other communities include basin big sagebrush, Big Galleta, low sagebrush, rock, mountain big sagebrush. The soils and ecological sites (range sites) within the allotment have been described and classified by the Natural Resource Conservation Service (NRCS). The Pinyon/juniper communities are being revised to range land sites, but have not been described yet.

Invasive annuals include cheatgrass (*Bromus tectorum*) and occur sporadically throughout the allotment. Noxious weed species occur within the allotment. Within the allotments there are salt cedar (*Tamarix* spp.) infestations near Ash Spring and Coldwater Spring in the Clover Mountains along the southern boundaries of both allotments. Along the northern boundaries of both allotments within Clover Creek there are infestations of salt cedar, Bull thistle (*Cirsium vulgare*), Tall whitetop (*Lepidium latifolium*), and Whitetop (*Cardaria draba*).

Noxious Weed Risk Assessment was completed for a proposed action in 2002 on the Sheep Flat and Barclay Allotments. This risk assessment indicated a moderate potential (16) for the spread of known noxious weeds with continued livestock grazing.

The Wyoming big sagebrush range sites occur on low rolling hills, fan piedmonts, and upper fan piedmont slopes; on rock pediments; and on inset fans and adjacent fan skirts. Slopes range from 2 to 50%, but gradients of 2 to 15% are most common. It is on these sites that were seeded with crested wheat in the early 1950's for livestock forage.

B. Sheep Flat and Barclay - Dominant Vegetation (Ecological Site Inventory)

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

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

Ecological Site Inventory indicates that the non-seeded rangelands are in an early seral condition. Ecological condition indicates that the vegetative composition and production of plant community species are not appropriate for the potential of the sites. Grazing use and grazing management practices will be changed to improve livestock distribution. Allowable use levels will be established which will result in achieving the habitat and biota standard for rangeland health.

Normally, for each key area, percent Potential Natural Community (PNC) would be determined. However, since the key areas are established in the Crested Wheatgrass Seedings no determination was made with reference to PNC. Production of Crested Wheatgrass was

measured for each seeding. In 1995, Crested Wheatgrass production on the Pine Pasture within the Sheep Flat allotment measured at 43 lb/acre. This seeding was not considered a success and has been re-treated with fire and re-seeded since 1995. Production has increased within the seeding over the last 10 years but was seriously affected by drought in the early 2000, s. The pasture is within the permittee's livestock rotation. The production in the East Pasture within the Sheep Flat allotment was 410 lb/ac, Sheep Flat Pasture was 690 lb/ac, lower Fife Flat was 230 lb/ac combined with Muttongrass, Upper Fife Flat was 1100 lb/ac, and production on the Middle Fife Flat was 710 lb/ac within the Sheep Flat allotment.

Ecological Site Inventory was performed on the Barclay Allotment in 1988. Condition was determined for the rangeland sites only as determined by Soil Class that was not converted into crested wheatgrass seedings. No condition rating was given for nongrazable woodlands.

PNC	29%
Late Seral	7%
Mid Seral	.3%
Early Seral	6%

C. Vegetation Treatments

There are four crested wheat seedings within the Sheep Flat Allotment they are;

- a. Sheep Flat Seeding – 1,516 acres.
- b. Heaton – Lytle Juniper Seeding – 1,118 acres
- c. Sheep Flat Seeding² – 676 acres
- d. Pine Pasture Seeding – 1,487 acres

All seedings were put in back during the 1950,s.

There are six crested wheat seedings within the Barclay Allotment they are;

- a. Marble Reservoir Chaining and Seeding – 1,437 acres
- b. Mahogany Knoll Chaining – 607 acres
- c. Burned Area Seeding – 3,822 acres
- d. Simikins Chaining – 3,807 acres
- e. Beaver Damn Flat Seeding – 1,291 acres
- f. Beaver Damn Seeding – 1,112 acres

D. Riparian/Wildlife Habitats

Within Sheep Flat and Barclay allotment natural water sources are limited. There are 75 springs on the allotments. Six of the springs within the Sheep Flat Allotment have had range improvements on them and are part of the livestock and wildlife water distribution system. Three springs within Barclay have improvements and are piped to other areas to improved livestock and wildlife distribution. The rest of the springs are in locations that are not accessible for livestock use. There are numerous perennial streams within the allotments. Proper functioning Condition (PFC) was conducted in March 2007, the conditions of the springs was due to the natural flood that took place in 2005 the riparian areas within the allotments were heavily

disturbed. This natural process resulted in the restructuring of numerous lotic systems as well as loss of vegetation due to the removal of pre-existing sand bars and shoreline degradation.

E Other Areas of Concern

Areas of concern are Wyoming sagebrush range sites that are transitioning to areas of denser canopy cover of pinyon and juniper trees in the allotment. Many of the understory small trees, shrubs, grasses, and forbs show plant mortality and decadence due to the closed tree canopy. These more favorable understory species are being out competed for water, light, and nutrients by the pinyon and juniper trees. These areas are losing resiliency and ecological function, in part due to lack of wildfire.

Another area of concern is those portions of the pinyon/juniper woodlands that show overly thick tree production and a closing tree canopy. These are over mature woodlands. The ecology of these areas is much the same as that stated in the previous paragraph.

The third area of concern is the crested wheat seedings put in back in the 1950's. These seedings are currently heavily overgrown with mountain big sagebrush and pinyon and juniper trees. The majority of the seedings are not producing well due to encroaching sagebrush and juniper.

IV. Allotment Multiple Uses

A. Livestock Grazing

There are currently three permittees on the Sheep Flat and Barclay Allotments. The permittees for the Sheep Flat Allotment are Newby Cattle Company , James L.& Kaye Wade and Eddie & Connie Bundy.

Sheep Flat Permittees

Permitt ee	Allotmen t	Livestoc k Number & Kind	Perio d of Use	Permitte d Use (AUMs)	Historical Suspende d Use	Nonus e	Total Use (AUMs)
Newby Cattle Compan y	Sheep Flat	286 Cows	5/15- 9/30	1309	0	0	1309
James L. and Kaye Wade	Sheep Flat	73 Cows	5/15- 9/30	334	431	0	765
Eddie and Connie	Sheep Flat	73 Cows	5/15- 9/30	334	431	0	765

Bundy							
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There are three permittees for the Barclay Allotment, they are listed below.

Barclay Permittees

Permittee	Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspende d Use	Nonuse	Total Use (AUMs)
Newby Cattle Company	Barclay	60Cows	5/16-11/16	363	726	0	1,087
Arlin Hughes	Barclay	257 Cows	5/16-11/15	1,540	3,111	0	4,651
Fenton Bowler	Barclay	12 Cows	5/16-11/15	73	139	0	209

B. Wild Horses

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

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

Allotment / HMA	Appropriate Management Level
Sheep Flat Allotment	10

C. Wildlife

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species).

There are no listed or candidate Threatened/Endangered plant or animal species known to occur on the allotment.

Migratory Birds

Migratory birds nest within all habitats within the allotment. The “no surface disturbance” rule for range improvements or other public land actions protects migratory birds during their nesting season from May 1 to July 15.

Rocky Mountain Elk

The Sheep Flat and Barclay allotments contain identified year round elk and deer habitat.

Pronghorn Antelope

There are no Antelope within the Miller Flats Area.

D. Other Uses (Wilderness, Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs).

The Clover Creek Wilderness occupies a portion of the Sheep Flat Allotment in the Southwest Corner. There is no Wilderness within the Barclay Allotment. There are no Areas of Critical Environmental Concern (ACECs) within the Sheep Flat and Barclay allotment.

V. Monitoring Data Analysis

Monitoring data was last collected on the allotment in 2007. Utilization data, line intercept cover was collected at that time (see appendix I).

VI. Evaluation and Determination of Rangeland Health Standards for the Sheep Flat Allotment.

In this section, each Standard for Rangeland Health will be evaluated and determinations will be made on an allotment basis, based on an assessment of rangeland health and a review, interpretation, and evaluation of the rangeland monitoring data.

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 INDICATED:

- Ground Cover (vegetation, litter, rock, bare ground).
- Surfaces (e.g., biological crust, pavement).
- Compaction/infiltration.

RIPARIAN SOIL INDICATORS:

- Stream bank stability.

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

Determination:

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

Causal Factors

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

Findings: Current resource conditions related to the upland sites standard.

Line intercept cover data collected at the key area 1 and 3 was less than ten percent vegetative cover. Both key areas are situated within crested wheat seedings. The site writeup indicates that for site 029XY065NV 029XY006NV the approximate ground cover (basal and crown) is 15 to 25%. Utilization within these seedings is moderate to heavy, outside of the seedings is light to moderate. Line intercept cover data collected at key area 2 is ten percent cover for total vegetation. Soils data is being collected as stated above.

Percent composition using the line intercept method at key areas 1 and 3 indicates 54 percent shrubs and 46 percent grasses. At key area 2 it is 48 percent sagebrush and 52 percent grasses. The site writeups indicates the potential vegetative composition is about 50% grasses, 5% forbs and 45% shrubs and trees. Canopy and ground cover, including litter, live vegetation and rock, would be making progress toward the achievement of this standard and generally appropriate to the potential of the site. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Personal observation and photographs show an increased cover of pinyon and juniper in upper benchland Wyoming big sagebrush sites of Soil Mapping Units 1180, 1190, 1210, 1941 and 2010. Increased cover of juniper along drainages and the upper benchland has been noted through personal observation. Wyoming sagebrush sites exhibited stable soils.

Use pattern mapping studies and key forage plant method utilization studies (KFPM) show generally light or less livestock use in the uplands over the years.

Conclusion: Standard not met (achieved). The majority of the allotment is meeting or making progress towards achieving the standard. The areas of concern mentioned above are not meeting the standard and should continue to be monitored. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, woodland range sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

Existing grazing management and levels of grazing use within the Sheep Flat allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming sagebrush, and woodland range sites that are areas of concern. Utilization studies presented in this analysis show moderate or less use in these range sites over the years. Livestock use is mainly within the crested wheat seedings within the allotment. Causal factors in these areas are considered to be drought, fire suppression, and historical grazing. Current livestock grazing management system conforms to the guidelines.

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 characteristics 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 littler, 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 side 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:

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

Causal Factors

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

There are 10 lentic springs and 5 lotic systems within the Sheep Flat allotment. The five lotic systems within the allotment had PFC completed on them in March of 2007. Two of the streams were determined to be functioning at risk but in an upward trend. The findings were due to the flooding event that took place in 2005. The ferocity of the event washed away the existing vegetated sandbars and de-stabilized stream banks. Reestablishment of vegetation is taking place from the remaining stands within the riparian affected zone. Three streams were found to be PFC but were being encroached upon by a dominant overstory of pinyon and juniper. The ten lentic springs have not had PFC completed on them. They are in upper elevations and have minimum impact from livestock.

Percent composition using the line intercept method at key areas 1 and 3 indicates 54 percent shrubs and 46 percent grasses. At key area 2 it is 48 percent sagebrush and 52 percent grasses. The site writeups indicates the potential vegetative composition is about 50% grasses, 5% forbs and 45% shrubs and trees. Canopy and ground cover, including litter, live vegetation and rock, would be making progress toward the achievement of this standard and generally appropriate to the potential of the site. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Conclusion: Standard not met (not achieved). Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the springs have a high evapotranspiration rate, hand cutting around the spring could increase the spring flow and improve riparian vegetation composition, area and structure.

STANDARD 3: HABITAT AND BIOTA –

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

HABITAT INDICATORS:

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

WILDLIFE INDICATORS:

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

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

Determination:

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

Causal Factors

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

Findings: Current resource conditions related to the habitat standard.

The dominant present vegetation within the Sheep Flat allotment based on baseline range studies (ecological condition, line intercept cover) and professional observation (including photographs) all indicate a diverse habitat that is distributed in a mosaic across the landscape for the size and location of the allotment. A variety of plant communities is present that shows the vegetation distribution indicator to be appropriate for the size and location of the allotment. Vegetation distribution is also enhanced by the mid and high elevation rolling, broken topography of the land area. The drainage bottoms provide cover and escape cover corridors. Measured cover using line intercept cover method at the key area indicated cover is adequate.

The composition at the key area using the line intercept cover method indicates shrubs composition at 20 to 60 percent and grass composition at 45 to 80 percent. The ecological site

descriptions indicate 60 percent shrubs, 30 percent grasses and 10 percent forbs should be present.

Upper portions of the allotment, desirable plant species are lacking and ecological processes are not being maintained. Plant species composition, structure, and production are not appropriate to the range site potential in these areas. These areas are losing resiliency as the favorable understory of grasses, forbs, shrubs, and small trees declines under a spreading pinyon/juniper canopy, or declines as Wyoming big sagebrush ecological sites transition to a monoculture of woody species dominance. A discussion of these problems by dominant vegetation areas follows:

Wyoming big sagebrush range sites

The Wyoming big sagebrush range sites that occur within the upper elevations of the allotment are being heavily encroached upon by Pinyon and Juniper. They are rapidly crossing thresholds into woody dominated sites with little to no herbaceous understory. The bottoms and lower elevations are crested wheat seedings that are diversifying over time with shrubs and forbs.

The Wyoming big sagebrush range sites in the upper elevations have been affected by drought, and lack of wildfire. The value of these areas for watershed and as habitat for wildlife is declining. Vegetation treatments that restore range resiliency and health should be considered for these areas.

Pinyon/juniper woodland community

The pinyon/ juniper woodland ecological site descriptions are being revised to range land sites, but have not been described yet. The pinyon/juniper woodland range sites within the upper portions of the Sheep Flat allotment exhibit a spreading, dense overstory tree canopy and sparse to absent understory of small trees, shrubs, grasses and forbs as indicated by ecological site potential information, professional observation, and photographs. These woodland plant communities are considered to be over-mature due to the lack of natural wildfire disturbance. Competition, shading, and spreading root systems are all factors leading to a declining understory. These areas revealed common understory decadence and mortality of shrubs and the herbaceous species. Wyoming big sagebrush and other species are lacking or absent in major portions of the woodland sites. Thus there is an inappropriate cover, composition, and production in these areas. Understory vegetative composition should be about 30% grasses, 10% forbs, and 60% shrubs and young trees when the average overstory canopy is medium (30 to 50%).

Crested Wheatgrass Seedings

The seedings are rapidly moving into a shrubland dominated community that is being encroached upon by pinyon/juniper. This will eventually remove the herbaceous component from the system. . Treatments of the seedings would further facilitate a sustainable rotation on the allotments.

Conclusion: Standard not met (not achieved). Existing grazing management and levels of grazing use on crested wheat seedings within the Sheep Flat and Barclay allotments are not significant causal factors in failing to achieve the habitat standard. Utilization data shows the seedings have generally been grazed moderate or less for the recent past years. In these areas, the current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression or the lack of wildfire, and drought.

STANDARD 4: WILD HORSES AND BURROS –

Wild horses and burros within HMAs should be managed for herd viability and sustainability. HMAs should be managed to maintain a healthy ecological balance among wild horses and/or burro populations, wildlife, livestock, and vegetation.

HERD HEALTH INDICATORS:

- General horses and/or burro appearance: Problems are often apparent and can be easily identified by just looking at the herd.
- Crippled or injured horses and/or burros: Excessive injuries can indicate problems.

HERD DEMOGRAPHICS INDICATORS:

- Size of bands: A band with one stud or jack, one mare or jenny, and one foal indicates a problem. An oversized band also indicates there is a problem: Band sizes of 5-10 animals with one dominate stud per band is a good indicator.
- Size of Bachelor Bands: Large bachelor bands in the immediate vicinity of other bands could indicate potential problems.

HERD VIABILITY INDICATORS:

- Heavy trailing into water sources may indicate a significant problem with forage availability or water distribution. Animals may be traveling considerable distanced to obtain water or forage.
- Waiting for water. When available water becomes so scarce that a waiting line develops, horses and burros are in trouble.
- Availability of water. Address legal and/or climatic considerations. Situations exist where wild horses and burros are present only because they currently have access to water which they could legally be deprived of under Nevada Water Laws.
 - Situations exist where WH&B populations are dependent upon water hauling. If water hauling were to cease these animals would die within a matter of days.
- Depending on forage near all available water sources. Adequate water, and forage adjacent to water sources, are essential.

Findings:

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

current census of horses within the HMA as of 1 March 2007 was 12 horses. There is no official census data for the Barclay Allotment as it was not flown due to it being outside of the HMA.

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

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

Management Practices Applicable to Sheep Flat and Barclay Allotment

Flexibility and deviations in livestock numbers, areas of use and periods of use may be determined on a seasonal basis where such deviations are warranted. Authorization of deviation would not prevent attainment of shared goals, the multiple-use vegetative objectives and the standards for grazing administration.

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

Salt and/or mineral supplements for livestock should be located no closer than one mile from water sources. This practice will continue to assist in the maintenance and/or improvement of the native range and attainment of the standards.

If possible, control cheatgrass through selective herbivory treatments.

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

Grazing will be in accordance with the Mojave-Southern Great Basin Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.

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.

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.

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

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.

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.

VII. Evaluation and Determination of Rangeland Health Standards for the Barclay Allotment.

In this section, each Standard for Rangeland Health will be evaluated and determinations will be made on an allotment basis, based on an assessment of rangeland health and a review, interpretation, and evaluation of the rangeland monitoring data.

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 INDICATED:

- Ground Cover (vegetation, litter, rock, bare ground).
- Surfaces (e.g., biological crust, pavement).
- Compaction/infiltration.

RIPARIAN SOIL INDICATORS:

- Stream bank stability.

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

Determination:

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

Causal Factors

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

Findings: Current resource conditions related to the upland sites standard.

Line intercept cover data collected at the key area 1, 2, 3 and 4 was less than ten percent vegetative cover. All four key areas are situated within crested wheat seedings. The site writeup indicates that for site 029XY065NV 029XY070NV the approximate ground cover (basal and crown) is 15 to 25%. Utilization within these seedings is moderate to heavy, outside of the seedings is light to moderate. Line intercept cover data collected at key areas is as follows;

KMA 1. 7.53%

KMA 2. 6.45%

KMA 3. 6.55%

KMA 4. 7.42%

Percent composition using the line intercept method at key areas;

KMA 1. 61% grasses and 39% shrubs

KMA 2. 54% grasses and 56% shrubs

KMA 3. 68% grasses and 32% shrubs

KMA 4. 95% grasses and 5% shrubs

The site writeups indicates the potential vegetative composition is about 50% grasses, 5% forbs and 45% shrubs and trees. Canopy and ground cover, including litter, live vegetation and rock, would be making progress toward the achievement of this standard and generally appropriate to the potential of the site. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Personal observation and photographs show an increased cover of pinyon and juniper in upper benchland Wyoming big sagebrush sites of Soil Mapping Units 1180, 1190, 1210, 1941 and 2010. Increased cover of juniper along drainages and the upper benchland has been noted through personal observation. Wyoming sagebrush sites exhibited stable soils.

Use pattern mapping studies and key forage plant method utilization studies (KFPM) show generally light or less livestock use in the uplands over the years with a majority of the utilization taking place within the crested wheat seedings.

The portion of Clover Creek that flows through the northeast portion of the allotment was heavily disturbed by the flood of 2005. The existing banks were washed out as well as the sand

bars. Currently the creek is recovering as expected. Use within the riparian area is predominantly by wildlife. Little livestock use occurs within the area.

Conclusion: Standard not met (achieved). The majority of the allotment is meeting or making progress towards achieving the standard. The areas of concern mentioned above are not meeting the standard and should continue to be monitored. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, woodland range sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

Existing grazing management and levels of grazing use within the Barclay Allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming sagebrush, and woodland range sites that are areas of concern. Utilization studies presented in this analysis show moderate or less use in these range sites over the years. Livestock use is mainly within the crested wheat seedings within the allotment. Causal factors in these areas are considered to be drought, fire suppression, and historical grazing. Current livestock grazing management system conforms to the guidelines.

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 characteristics 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 littler, 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 side 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 plant 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:

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

Causal Factors

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

Water within the Barclay Allotment is supplied by numerous sources. Three wells and several springs supply water throughout the allotment. Seven reservoirs are present in the area to collect additional waters from runoff. A perennial stream flows from Shroeder Reservoir down the Beaver Dam Wash in the northeast corner on the allotment. In the northwest corner of the allotment, the Clover Creek drainages flow year round. PFC was conducted on the Clover Creek in March 2007, it was found to be functioning at risk but in an upward trend. This was due to the heavy runoff in 2005. The springs are located in rocky outcrops within the center of the allotment. PFC was conducted on Bunker Spring in March of 2007, it was found to be in proper functioning condition with use coming primarily from wildlife. The main issue with the springs is pinyon/juniper encroachment into the watersheds.

As stated above cover does not meet standards and guidelines per sight descriptions. This is mainly due to pinyon/juniper encroachment into the communities due to lack of disturbance within the system. Canopy cover is limiting sagebrush and herbaceous understory growth and new recruitment. .

Conclusion: Standard not met (not achieved). Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the springs have a high evapotranspiration rate; hand cutting around the spring could increase the spring flow and improve riparian vegetation composition, area and structure. Lack of disturbance is allowing the vegetative communities to transition into woody dominated sights that significantly reduce understory. Projects and natural fire recovery should be permitted within the area before a threshold is crossed and native seed banks are exhausted.

STANDARD 3: HABITAT AND BIOTA –

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

HABITAT INDICATORS:

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

WILDLIFE INDICATORS:

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

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

Determination:

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

Causal Factors

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

Findings: Current resource conditions related to the habitat standard.

The dominant present vegetation within the Barclay allotment based on baseline range studies (ecological condition, line intercept cover) and professional observation (including photographs) all indicate a diverse habitat that is distributed in a mosaic across the landscape for the size and location of the allotment. A variety of plant communities is present that shows the vegetation distribution indicator to be appropriate for the size and location of the allotment. Vegetation distribution is also enhanced by the mid and high elevation rolling, broken topography of the land area. The drainage bottoms provide cover and escape cover corridors. Measured cover using line intercept cover method at the key area indicated cover is adequate.

The composition at the key area using the line intercept cover method indicates shrubs composition at 5 to 40 percent and grass composition at 50 to 90 percent. The ecological site

descriptions indicate 40 percent shrubs, 50 percent grasses and 10 percent forbs should be present.

Upper portions of the allotment away from the crested wheat seedings desirable plant species are lacking and ecological processes are not being maintained. Plant species composition, structure, and production are not appropriate to the range site potential in these areas. These areas are losing resiliency as the favorable understory of grasses, forbs, shrubs, and small trees declines under a spreading pinyon/juniper canopy, or declines as Wyoming big sagebrush ecological sites transition to a monoculture of woody species dominance. A discussion of these problems by dominant vegetation areas follows:

Wyoming big sagebrush range sites

The Wyoming big sagebrush range sites that occur within the upper elevations of the allotment are being heavily encroached upon by Pinyon and Juniper. They are rapidly crossing thresholds into woody dominated sites with little to no herbaceous understory. The bottoms and lower elevations are crested wheat seedings that are diversifying over time with shrubs and forbs.

The Wyoming big sagebrush range sites in the upper elevations have been affected by drought, and lack of wildfire. The value of these areas for watershed and as habitat for wildlife is declining. Vegetation treatments that restore range resiliency and health should be considered for these areas.

Pinyon/juniper woodland community

The pinyon/ juniper woodland ecological site descriptions are being revised to range land sites, but have not been described yet. The pinyon/juniper woodland range sites within the upper portions of the Sheep Flat allotment exhibit a spreading, dense overstory tree canopy and sparse to absent understory of small trees, shrubs, grasses and forbs as indicated by ecological site potential information, professional observation, and photographs. These woodland plant communities are considered to be over-maturing due to the lack of natural wildfire disturbance. Competition, shading, and spreading root systems are all factors leading to a declining understory. These areas revealed common understory decadence and mortality of shrubs and the herbaceous species. Wyoming big sagebrush and other species are lacking or absent in major portions of the woodland sites. Thus there is an inappropriate cover, composition, and production in these areas. Understory vegetative composition should be about 30% grasses, 10% forbs, and 60% shrubs and young trees when the average overstory canopy is medium (30 to 50%).

Crested Wheatgrass Seedings

The seedings are rapidly moving into a shrubland dominated community that is being encroached upon by pinyon/juniper. This will eventually remove the herbaceous component from the system. Treatments of the seedings would further facilitate a sustainable rotation on the allotments.

Conclusion: Standard not met (not achieved). Existing grazing management and levels of grazing use on crested wheat seedings within the Barclay Allotment is not a significant causal factors in failing to achieve the habitat standard. Utilization data shows the seedings have generally been grazed moderate or less for the recent past years. In these areas, the current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression or the lack of wildfire, and drought.

STANDARD 4: WILD HORSES AND BURROS –

Wild horses and burros within HMAs should be managed for herd viability and sustainability. HMAs should be managed to maintain a healthy ecological balance among wild horses and/or burro populations, wildlife, livestock, and vegetation.

HERD HEALTH INDICATORS:

- General horses and/or burro appearance: Problems are often apparent and can be easily identified by just looking at the herd.
- Crippled or injured horses and/or burros: Excessive injuries can indicate problems.

HERD DEMOGRAPHICS INDICATORS:

- Size of bands: A band with one stud or jack, one mare or jenny, and one foal indicates a problem. An oversized band also indicates there is a problem: Band sizes of 5-10 animals with one dominate stud per band is a good indicator.
- Size of Bachelor Bands: Large bachelor bands in the immediate vicinity of other bands could indicate potential problems.

HERD VIABILITY INDICATORS:

- Heavy trailing into water sources may indicate a significant problem with forage availability or water distribution. Animals may be traveling considerable distanced to obtain water or forage.
- Waiting for water. When available water becomes so scarce that a waiting line develops, horses and burros are in trouble.
- Availability of water. Address legal and/or climatic considerations. Situations exist where wild horses and burros are present only because they currently have access to water which they could legally be deprived of under Nevada Water Laws.
 - Situations exist where WH&B populations are dependent upon water hauling. If water hauling were to cease these animals would die within a matter of days.
- Depending on forage near all available water sources. Adequate water, and forage adjacent to water sources, are essential.

Findings:

The Barclay Allotment is not within an HMA. However, there is horse use from the adjoining Clover Creek HMA. A horse census is not available for this allotment.

Prepared by:

Prepared by:


Troy Grooms, Rangeland Management Specialist


9/26/07
Date

Reviewed by:


Chris Mayer, Lead Rangeland Management Specialist

09/26/07
Date

I concur:


Authorized Officer

9/26/07
Date

Appendix I
Monitoring Data Analysis - Sheep Flat Allotment

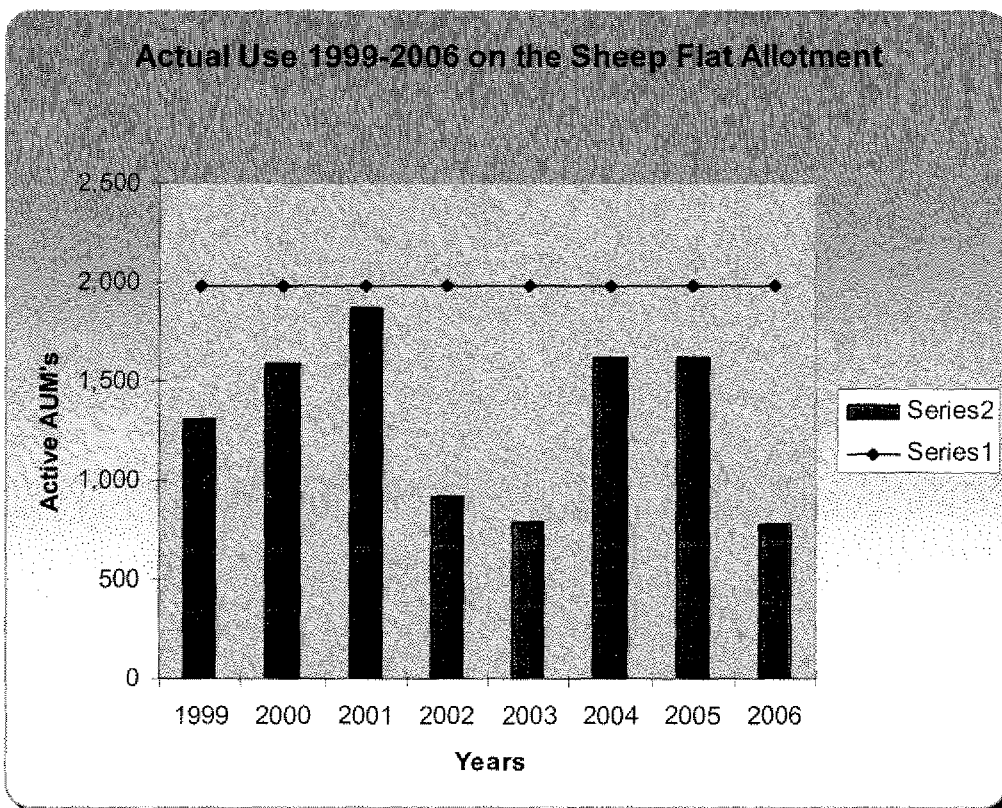
Licensed Livestock Use

Livestock use has varied from 1999 to 2006.

Permittee	Allotment	Year	Period of Use	Permitted Use (AUMs)	Actual Use	Non-Use (AUMs)
Newby Cattle Company	Sheep Flat	1999	5/15-9/30	1309	1,312	0
Newby Cattle Company	Sheep Flat	2000	5/15-9/30	1,309	1,312	0
Eddie and Connie Bundy	Sheep Flat	2000	5/15-9/30	334	120	214
Lavar Wade	Sheep Flat	2000	5/15-9/30	334	161	173
Newby Cattle Company	Sheep Flat	2001	5/15-9/30	1309	1,312	0
Eddie and Connie Bundy	Sheep Flat	2001	5/15-9/30	334	333	98
Lavar Wade	Sheep Flat	2001	5/15-9/30	334	221	113
Newby Cattle Company	Sheep Flat	2002	5/15-9/30	1309	602	707
Eddie and Connie	Sheep Flat	2002	5/15-9/30	334	147	187

Bundy						
Lavar Wade	Sheep Flat	2002	5/15 – 9/30	334	171	163
Newby Cattle Company	Sheep Flat	2003	5/15-9/30	1309	521	788
Eddie and Connie Bundy	Sheep Flat	2003	5/15-9/30	334	146	188
Lavar Wade	Sheep Flat	2003	5/15 – 9/30	334	119	215
Newby Cattle Company	Sheep Flat	2004	5/15-9/30	1309	1,203	106
Eddie and Connie Bundy	Sheep Flat	2004	5/15-9/30	334	176	158
Lavar Wade	Sheep Flat	2004	5/15 – 9/30	334	237	97
Newby Cattle Company	Sheep Flat	2005	5/15-9/30	1309	1060	249
Eddie and Connie Bundy	Sheep Flat	2005	5/15-9/30	334	209	125
Lavar Wade	Sheep Flat	2005	5/15 – 9/30	334	352	0
Newby Cattle Company	Sheep Flat	2006	5/15-9/30	1309	485	824

Eddie and Connie Bundy	Sheep Flat	2006	5/15- 9/30	334	0	334
Lavar Wade	Sheep Flat	2006	5/15 - 9/30	334	300	34



Utilization

Utilization was last measured using the key forage plant method in June of 2006. Overall use Utilization was read five times from 1996 to 1999 at 4 of 5 key areas. Key area #4 was not read during this time due to planning and implementation of a prescribed burn. Use levels for the vast majority of the allotment as measured at the key sites by the key forage plant utilization method were heavy during 1996, 1997 and 1999 use. Drought conditions in 96 and 97 contributed to the heavy use. Pine Pasture was closed during the evaluation period so a higher use on forage in the remaining pastures was acceptable to enable the re-treatment of the Crested Wheat seeding.

Line Intercept Cover

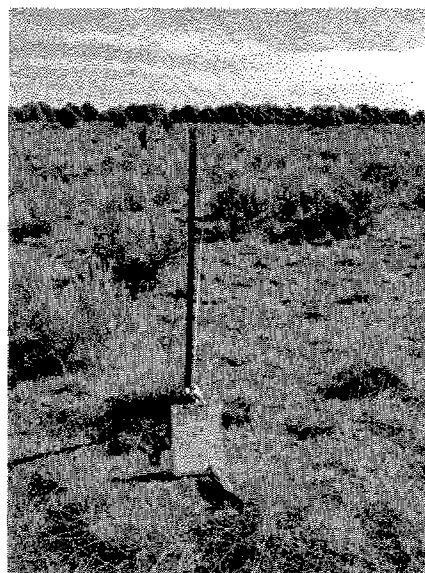
Cover data was collected in 2006 at two key areas. The ecological site description for key management area (KMA) #1 is a Loamy 8-10" 029XY006NV ARTRW/ORHY-STCO



The plant community is dominated by Wyoming big sagebrush, Indian ricegrass and needleandthread. Potential vegetative composition is about 50% grasses, 5% forbs and 45% shrubs the measure cover was 17.38 percent. Percent composition using the line intercept method is 66 percent shrubs and 33 percent grasses.

KMA #2 – The ecological site description for key management area (KMA) #1 029XY006NV ARTRW/ORHY-STCO

The measure cover was 18.95 percent. Percent composition using line intercept method is 12% shrubs and 88% grasses. The site description for this site calls for a basal cover of 15 to 25%. The potential vegetative composition is about 50% grasses, 5% forbs and 45% shrubs.



Ecological Condition

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

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

Ecological Site Inventory indicates that the non-seeded rangelands are in an early seral condition. Ecological condition indicates that the vegetative composition and production of plant community species are not appropriate for the potential of the sites. Grazing use and grazing management practices will be changed to improve livestock distribution. Allowable use levels will be established which will result in achieving the habitat and biota standard for rangeland health.

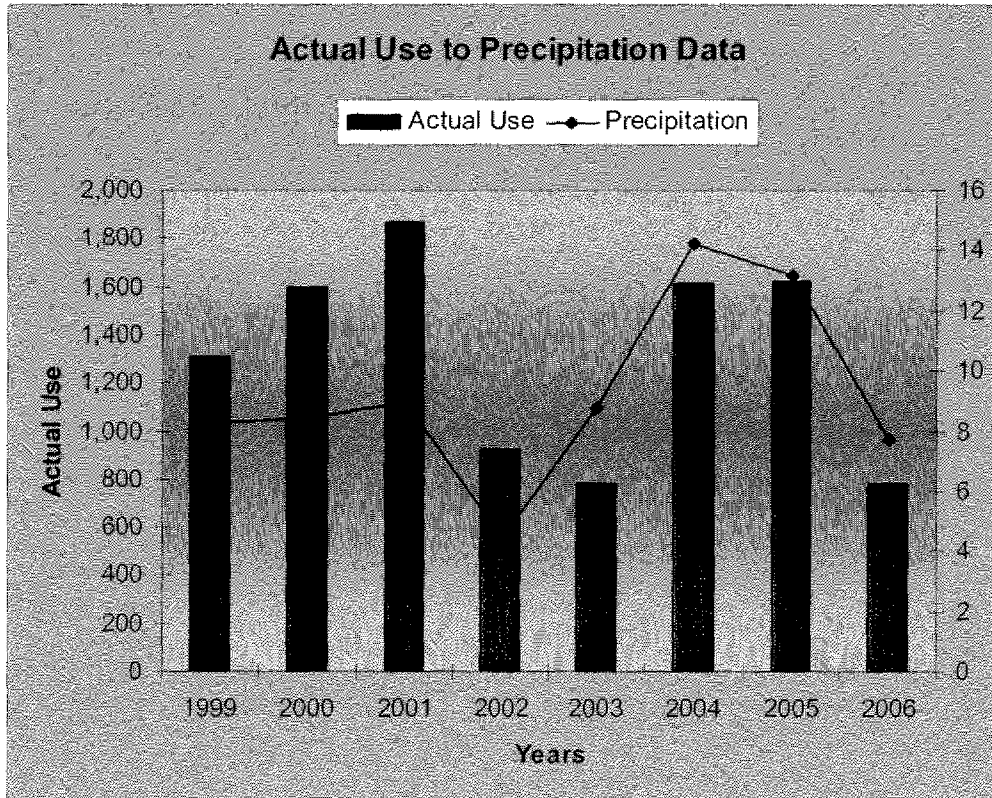
Normally, for each key area, percent Potential Natural Community (PNC) would be determined. However, since the key areas are established in the Crested Wheatgrass Seedings no determination was made with reference to PNC. Production of Crested Wheatgrass was measured for each seeding. In 1995, Crested Wheatgrass production on the Pine Pasture measured at 43 lb/acre. This seeding was not considered a success and has been re-treated with fire and re-seeded since 1995. The production in the East Pasture was 410 lb/ac, Sheep Flat Pasture was 690 lb/ac, lower Fife Flat was 230 lb/ac combined with Muttongrass, Upper Fife Flat was 1100 lb/ac, and production on the Middle Fife Flat was 710 lb/ac.

Rapid Riparian Assessment

There are 10 lentic springs and 5 lotic systems within the Sheep Flat allotment. The five lotic systems within the allotment had PFC completed on them in March of 2007. Two of the streams were determined to be functioning at risk but in an upward trend. The findings were due to the flooding event that took place in 2005. The ferocity of the event washed away the existing vegetated sandbars and de-stabilized stream banks. Reestablishment of vegetation is taking place from the remaining stands within the riparian affected zone. Three streams were found to be PFC but were being encroached upon by a dominant overstory of pinyon and juniper. The ten lentic springs have not had PFC completed on them. They are in upper elevations and have minimum impact from livestock.

Precipitation Data

Data is taken monthly from rain cans positioned around the Caliente use area. The average precipitation over the last seven years at the Sheep Flat Allotment is 10 inches.



Frequency Trend

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

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

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

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

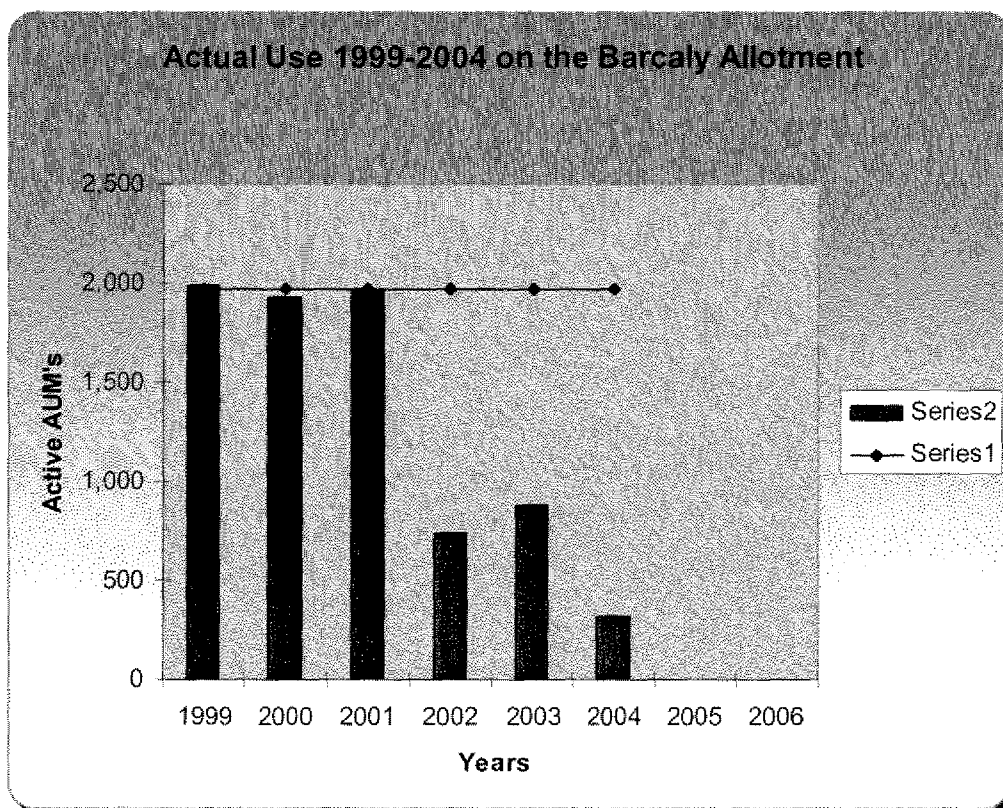
Trend for the Sheep Flat Allotment is typically downward for the seeded areas. This is typical for seedings in this area which are not mechanically or otherwise treated, to stop ecological succession. If not retreated the investment and effectiveness of the seeding may be lost.

Monitoring Data Analysis - Barclay Allotment

Actual Use from 1999 to 2004.

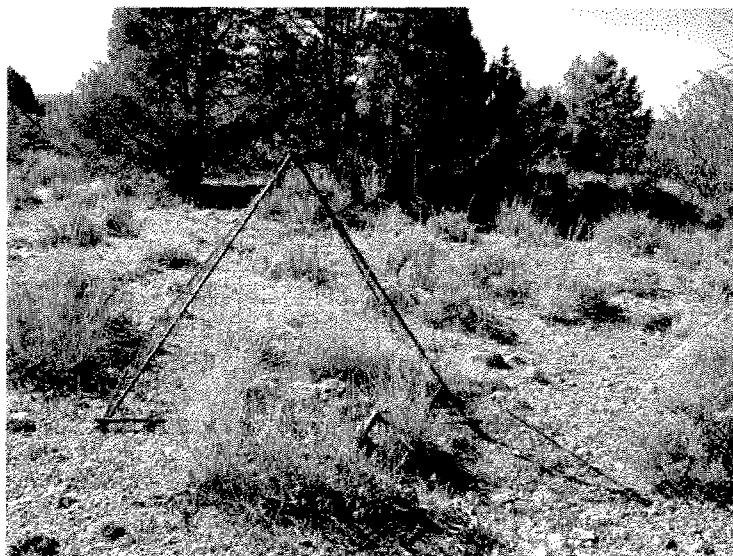
Permittee	Allotment	Year	Period of Use	Permitted Use (AUMs)	Actual Use	Non-Use (AUMs)
Arlin Hughes	Barclay	1999	5/16-11/15	1540	1555	0
Newby Cattle Company	Barclay	1999	5/16-11/15	361	363	0
Fenton Bowler	Barclay	1999	5/16-11/15	70	73	214
Arlin Hughes	Barclay	2000	5/16-11/15	1540	1493	47
Newby Cattle Company	Barclay	2000	5/16-11/15	361	363	0
Fenton Bowler	Barclay	2000	5/16-11/15	70	73	0
Arlin Hughes	Barclay	2001	5/16-11/15	1540	1534	6
Newby Cattle Company	Barclay	2001	5/16-11/15	361	363	0
Fenton Bowler	Barclay	2001	5/16-11/15	70	73	0
Fenton Bowler	Barclay	2002	5/16-11/15	70	79	0

Arlin Hughes	Barclay	2002	5/16-11/15	1540	669	868
Newby Cattle Company	Barclay	2002	5/16-11/15	361	0	361
Fenton Bowler	Barclay	2003	5/16-11/15	70	0	70
Arlin Hughes	Barclay	2003	5/16-11/15	1540	877	663
Newby Cattle Company	Barclay	2003	5/16-11/15	361	0	361
Fenton Bowler	Barclay	2004	5/16-11/15	70	0	70
Arlin Hughes	Barclay	2004	5/16-11/15	1540	324	1216
Newby Cattle Company	Barclay	2004	5/16-11/15	361	0	361



Utilization

Utilization was last measured using the key forage plant method in October of 2006. Overall use levels for the vast majority of the allotment that has been measured over the last 20 years shows light to moderate utilization across the allotment. The majority of the use was within the crested wheat seedings where utilization was moderate to heavy.



Line Intercept Cover

Cover data was collected in 2006 at four key areas. The ecological site description for key management area (KMA) #1 is a” 029XY065NV PIMO/JUOS site.

The plant community is dominated by Pinyon/Juniper and Wyoming big sagebrush, Indian ricegrass. Potential vegetative composition is about 30% grasses, 10% forbs and 60% shrubs. The measure cover was about 8 percent. Percent composition using the line intercept method is 39 percent shrubs and 61 percent grasses. This site is in a chaining that was done back in the 1960's.



KMA #2 – The ecological site description for key management area (KMA) #2 is a” 029XY065NV PIMO/JUOS site. This site is within the Simkins chaining. The measure cover was 7.5 percent. Percent composition using line intercept method is 46% shrubs and 54% grasses. Potential vegetative composition is about 30% grasses, 10% forbs and 60% shrubs.



KMA #3 - The ecological site description for key management area (KMA) #3 is a” 029XY065NV PIMO/JUOS site. This site is within the Simkins chaining. The measure cover was 6.5 percent. Percent composition using line intercept method is 32% shrubs and 68% grasses. Potential vegetative composition is about 30% grasses, 10% forbs and 60% shrubs.

KMA #4 – The ecological site description for this area has not been completed. It is expected to be completed and made available in 2008. The site is located within the Beaver Dam crested wheat seeding. The measured cover is 7.5%. Percent composition using line intercept method is 95% grasses and 5% shrubs.



Ecological Condition

Ecological Site Inventory was performed on the Barclay Allotment in 1988. Condition was determined for the rangeland sites only as determined by Soil Class that was not converted into crested wheatgrass seedings. No condition rating was given for nongrazable woodlands.

PNC	29%
Late Seral	7%
Mid Seral	.3%
Early Seral	6%

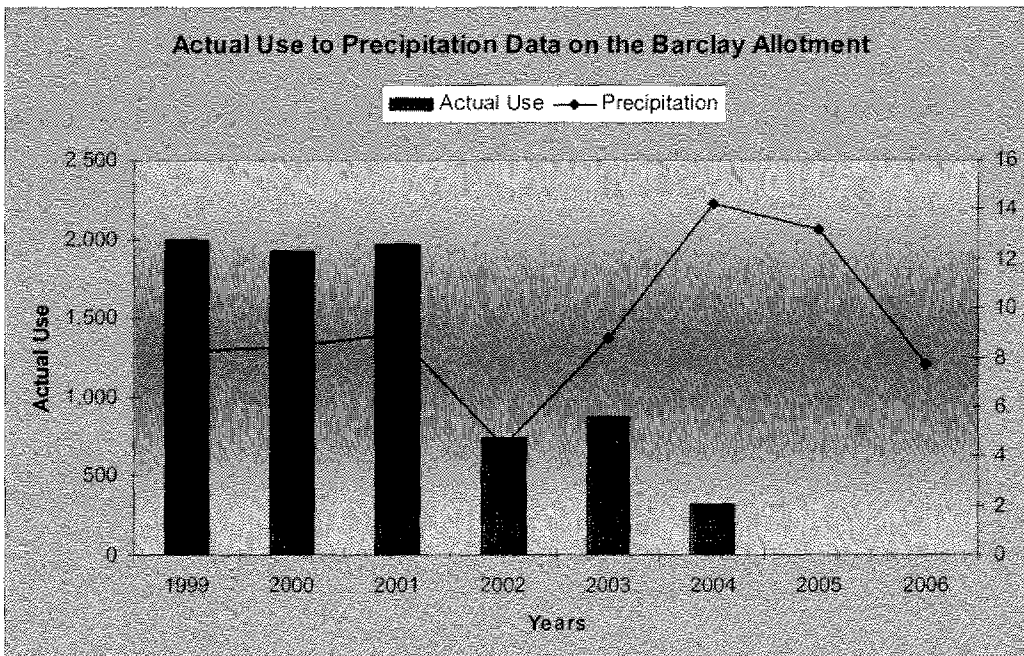
Rapid Riparian Assessment

Water within the Barclay Allotment is supplied by numerous sources. Three wells and several springs supply water throughout the allotment. Seven reservoirs are present in the area to collect additional waters from runoff. A perennial stream flows from Shroeder Reservoir down the Beaver Dam Wash in the northeast corner on the allotment. In the northwest corner of the allotment, the Clover Creek drainages flow year round. PFC was conducted on the Clover Creek in March 2007, it was found to be functioning at risk but in an upward trend. This was due to the heavy runoff in 2005. The springs are located in rocky outcrops within the center of the allotment. PFC was conducted on Bunker Spring in March of 2007, it was found to be in proper functioning condition with use coming primarily from wildlife. The main issue with the springs is pinyon/juniper encroachment into the watersheds.

As stated above cover does not meet standards and guidelines per sight descriptions. This is mainly due to pinyon/juniper encroachment into the communities due to lack of disturbance within the system. Canopy cover is limiting sagebrush and herbaceous understory growth and new recruitment. .

Precipitation Data

Data is taken monthly from rain cans positioned around the Caliente use area. The average precipitation over the last seven years at the Sheep Flat Allotment is 10 inches.



Frequency Trend

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

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

Trend for Key Area #3 is showing a downward trend. The key species for this key area is crested wheatgrass,

Trend for Key Area #4 is static to slightly downward.

Trend for the Barclay Allotment is typically downward for the seeded areas. This is typical for seedings in this area which are not mechanically or otherwise treated, to stop ecological processes.

Appendix 2
TERMS AND CONDITIONS

Allotments	Livestock Number & Kind	Period of Use	Active Use (AUMs)	Suspended Nonuse (AUMs)	Grazing Preference (AUMs)
Sheep Flat	327 Cattle	06/01-09/30	1309	0	1309
Barclay	60 Cattle	05/16-11/15	361	726	1087

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

1. Grazing will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.
2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the Allotments.
3. Allowable use levels within the allotments will be established. Utilization on grasses and forbs will not exceed 55% utilization and on shrubs will not exceed 45% of current year growth.
4. 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.
5. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
6. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your Allotments. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with visa, mastercard or American express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

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

Appendix 3

**Noxious Weed Risk Assessment
Sheep Flat and Barclay Allotments Term Permit Renewal**

On March 23, 2007, a Noxious Weed Risk Assessment was completed for the Barclay and Sheep Flat Allotments. The Allotments are located in east-central Lincoln County, Nevada. The allotments are located within the following legal location: Township 5-7 South; Range 69-71 East; and encompasses 156,125 Acres. A complete weed inventory of the Allotments has not been completed. Therefore, in addition to consulting the existing weed inventory, BLM specialists familiar with the allotment were asked about their awareness of weeds in this area. Specialists were confident of their area knowledge and it was determined that an additional field reconnaissance was not necessary.

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

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

For this project, the factor rates as Moderate at the present time. This score indicates that noxious weed species are located immediately adjacent to or within the project area. The range of possible scores for this rating is 4-7. For this project, a score of 4 was assigned because the known noxious weeds have been treated and because livestock are not a large factor in the distribution and establishment of these plants. Specifically, salt cedar seeds will germinate while in saturated soil or while immersed in water and establishment of salt cedar seedlings generally occurs on seasonally saturated soils. This establishment requirement is most often met along stream or reservoir banks where slowly receding waters create optimum seed beds but can occur in typically dry areas that experience an unusually wet spring or early summer. Additionally, hoof action may produce small indentations that collect water and facilitate seedling establishment. Therefore, project activities are likely to result in some areas becoming infested

with noxious weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious weeds within the project area.

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

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

For this project, the factor also rates as (Moderate) and the range of scores possible is 4-7. Selection of this factor indicates that the action may have possible adverse effects on the site and may contribute to possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely, but limited. A score of 4 was selected for this factor because livestock are not considered to be important vectors for salt cedar recruitment and distribution.

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

The Risk Rating is obtained by multiplying Factor 1 by Factor 2. For this project, Risk rating is one (16) or (Moderate (Range is 11-49)). This score indicates the need to develop preventative management measures for the proposed project to reduce the risk of introduction or spread of noxious weeds into the area. Suggested preventative management measures for this project include the continuation of salt cedar maintenance treatments in this drainage; incorporation of weed detection into normal monitoring activities, and encouraging the permittee to report newly identified weed occurrences.

1. Permittees and BLM would watch for and report or eradicate any small noxious weed patches in the project area.
2. The range specialist for the Allotments would include weed detection into normal rangeland monitoring activities.
3. The term permit renewal area would be monitored for noxious weeds for at least three consecutive years following renewal of the permit.
4. Tri-County weed will treat the known infestations within the allotment to prevent further spread onto the seedings and native range.

The term permit renewal can proceed as planned. Control treatments would be initiated on noxious weed populations that establish in the area.

Reviewed by: _____ Date _____
Bonnie Waggoner
Ely District Weed Coordinator

As discussed in the EA (page 17), written comments were received from one individual. The table below also summarizes how BLM used these comment in preparing the final environmental assessment.

No.	Commenter Name	Comment	BLM Response
1.	Tim Vogt	The Environmental Assessment mentions private land within the allotments. There are no maps or descriptions of the location of the private land within the allotments in the Environmental Assessment.	Maps are provided upon request at BLM offices during normal office hours.
2.	Tim Vogt	At least one area of private land, some patented mining claims known as Mineral Survey No. 1905, are incorrectly illustrated on the commonly used BLM Surface Management Status maps and on the Master Title Plats. My concern is that any planning activities or Environmental Assessments would be inappropriate or incomplete without true knowledge of where the private land is actually located..	Outside the scope of the document
3.	Tim Vogt	The section titled Reasonably Foreseeable Future Actions does not include many potential future activities that were described in the Draft RMP for the Ely area and in other news releases etc.	The document covered known actions that have or are taking place at the time of the writing of the document. Future actions that have had applications submitted to the BLM for review/comment or approval are also included. Actions based on speculation or proposed planning are not included.