m 1/18/02

Deer Lodge Canyon HMA

Dear Livestock Grazing Permittees and Interested Public:

The Ely Field Office is continuing to establish the remainder of its wild horse herd management area (HMA) appropriate management levels (AMLs). Enclosed is the Notice of Proposed Multiple-Use Decision for the McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments and the Deer Lodge Canyon Wild Horse HMA.

This will complete the establishment of the overall AML for the Deer Lodge Canyon HMA. The total established AML for the Deer Lodge Canyon HMA is 50 wild horses yearlong.

Prior to preparation of these decisions, agreements were completed in consultation with the livestock permittees on the Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments. Orren Nash, the only permittee who holds a term grazing permit on the McGuffy Spring Allotment, has not entered into a livestock grazing agreement. These agreements are the initial step toward establishing a wild horse AML and addressing livestock grazing management. Adjustments to livestock grazing use were agreed upon with the livestock permittees in order to conform with standards for grazing administration.

Sincerely,

James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosures (1):

1. Notice of Proposed Multiple-Use Decision for the McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments and the Deer Lodge Canyon Wild Horse Herd Management Area

NOTICE OF PROPOSED MULTIPLE USE DECISION
for the
McGUFFY SPRING, MAHOGANY PEAK, DEER LODGE, CONDOR CANYON and N4/N5 ALLOTMENTS AND THE DEER LODGE CANYON WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses and completes the establishment of an appropriate management level (AML) for wild horses in the Deer Lodge Canyon Wild Horse Herd Management Area (HMA). This includes the following allotments: McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 (Appendix II).

The total established wild horse AML for the Deer Lodge Canyon HMA will be 50 wild horses yearlong (601 AUMs). A thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at an AML of 50 wild horses (601 AUMs), yearlong, within the Deer Lodge Canyon HMA. The AML is based upon available water and forage within the allotment as well as census data.

The current total permitted use for livestock within the Deer Lodge Canyon HMA is 2,684 AUMs. Based on the total AUMs apportioned for both livestock and wild horses of 3,285 AUMs (2,684 AUMs for livestock and 601 AUMs for wild horses), livestock would be apportioned 82% of the total AUMs, while the established AML for wild horses will be apportioned 18% of the total AUMs.

This decision specifically states management actions and adjustments to seasons of use and grazing management practices on the McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments. Permitted use will not be adjusted on these allotments. This decision carries forth the management actions and adjustments as identified in the livestock agreements on the Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments. The following permittees have entered into livestock grazing agreements:

Allotment	Permittee(s)
Mahogany Peak	Leon Bowler
Deer Lodge	John L. Mathews
Condor Canyon	Frank Delmue
N4/N5	Frank Delmue, Pete Delmue, Gordon Lytle and Kenneth Lytle

Livestock agreements are the initial step toward establishing the wild horse AML for the Deer Lodge Canyon HMA. Approved livestock agreements may be found in Appendix III.

Orren Nash, the only permittee who holds a term grazing permit on the McGuffy Spring Allotment, has not entered into a livestock grazing agreement. During an office visit he explained that although he did agree with the contents of the proposed agreement he did not wish to sign it, stating that, because we would be issuing a subsequent multiple-use decision he felt he didn't need to also sign an agreement beforehand. Therefore, this decision will be issued to carry forth current permitted livestock use on the McGuffy Spring Allotment and will include the establishment of a wild horse appropriate management level for the McGuffy Spring Allotment portion of the Deer Lodge Canyon HMA. There will be no changes made to livestock grazing on the McGuffy Spring Allotment.

The Mojave-Southern Great Basin Area Standards and Guidelines for Grazing Administration were approved by the Secretary of the Interior on February 12, 1997 (Appendix I). These standards and guidelines reflect the stated goals for maintaining or improving rangeland health, while providing for the viability of the livestock industry. The Caliente Final Environmental Statement - *Proposed Domestic Livestock Grazing Management Program* (INT FES 79-44) (Caliente Grazing ES) was issued in 1979. Subsequently, the Management Framework Plan (MFP) was approved in 1981 and confirmed in 1982 by the state director. The Caliente Resource Area Rangeland Program Summary (RPS) was issued in June 1985. These documents establish the multiple-use goals and objectives which guide the management of public lands within the Deer Lodge Canyon HMA.

As identified in the Caliente Grazing ES and RPS, rangeland monitoring has been established on all of the allotments within the Deer Lodge Canyon HMA. Monitoring data has been evaluated to determine if existing multiple uses are consistent with the standards for grazing administration and the multiple-use objectives (Appendix III). Through the evaluation process associated with the livestock grazing agreements, it has been determined that changes in existing livestock management are needed to meet the standards for grazing administration and the allotment specific objectives for each allotment.

LIVESTOCK MANAGEMENT DECISION

Permitted use for cattle grazing, which includes all allotments within the Deer Lodge Canyon HMA, will continue as follows:

Allotment	Permittee	Permitted Use (AUMs)	Historical Suspended Use (AUMs)
McGuffy Spring	Orren Nash	298	2,010
Mahogany Peak	Leon Bowler	718	2,141
Deer Lodge	John L. Mathews	167	481
Condor Canyon	Frank Delmue	676	3,233
N4/N5	Frank Delmue	428	334
	Pete Delmue	203	159
	Gordon Lytle	97	74
	Kenneth Lytle	97	75
TOTAL		2,684	

Livestock grazing will be in accordance with the livestock grazing agreements for the Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments. As set forth in the livestock grazing agreements, changes to management practices, including season of use have been made. See discussion of livestock grazing agreements, beginning on page seven (7) and in Appendix III, for description of changes of management practices by allotment. Orren Nash has not entered into a livestock grazing agreement for the McGuffy Spring Allotment. Therefore, this decision will carry forth current permitted livestock use in accordance with the current term grazing permit on the McGuffy Spring Allotment.

Permittee: Orren Nash

In accordance with 43 CFR §4110.3 and §4130.3-1 permitted use for Orren Nash on the McGuffy Spring Allotment, effective March 1, 2002, will be as follows. Permitted use, number and kind of livestock, and season-of-use, will not change and will continue, according to the current term permit.

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
McGuffy Spring	25	Cattle	3/1 - 2/28	298	2,010	100

The current permitted use for the McGuffy Spring Allotment is 298 AUMs. However, changes to livestock management practices will be made to include the establishment of proper utilization levels.

Terms and Conditions

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

1. Allowable use levels will not exceed moderate use (60%) during the authorized use period (3/1 - 2/28).

Standard Operating Terms and Conditions

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

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

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

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

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

6. Grazing use will be in accordance with the Mojave-Southern Great Basin Standards and Guidelines for Grazing Administration as developed by the Mojave-Southern Great Basin

Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Livestock Grazing Agreements

Permittee: Leon Bowler

In accordance with the livestock grazing agreement signed September 18, 2001, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreement will be included in the term grazing permit for Leon Bowler or any transferee. Refer to the livestock grazing agreement (Appendix III) for additional terms and conditions.

FROM:

Allotment Name	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Mahogany Peak	60	Cattle	3/1 - 2/28	718	2,141	100

TO:

Allotment Name	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Mahogany Peak	130	Cattle	5/1 - 10/15	718	2,141	100

The current permitted use for the Mahogany Peak Allotment is 718 AUMs. The agreement makes changes to season of use and number of livestock, but makes no changes to permitted use. The period of use for the allotment was changed from yearlong to 5/1 - 10/15 to avoid livestock grazing during a portion of the spring critical growing period. Changes to livestock management practices were made to include the establishment of proper utilization levels, the use of salt to enhance the distribution of livestock and associated grazing use and the rotation of watering locations so that the area serviced by a given water source will be periodically rested from grazing during the spring growing season.

Permittee: John Mathews

In accordance with the livestock grazing agreement signed September 18, 2001, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreement will be included in the term grazing permit for John Mathews or any transferee. Refer to the livestock grazing agreement (Appendix III) for additional terms and conditions.

FROM:

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Deer Lodge	14	Cattle	3/1 - 2/28	167	481	100

TO:

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Deer Lodge	19	Cattle	5/1 - 2/28	167	481	100

The current permitted use for the Deer Lodge Allotment is 167 AUMs. The agreement makes changes to season of use and number of livestock, but makes no changes to permitted use. The period of use for the allotment was changed from yearlong to 5/1 - 2/28 to protect crucial deer winter range, as per the Coordinated Resource Management Plan (CRMP) minutes dated March 30, 1983, whereby the permittee was in agreement.. The change in season of use is also being implemented to avoid livestock grazing during a portion of the spring critical growing period. Changes to livestock management practices were made to include the establishment of proper utilization levels, the use of salt to enhance the distribution of livestock and associated grazing use and the rotation of watering locations so that the area serviced by a given water source will be periodically rested from grazing during the spring growing season.

Permittee: Frank and Rose Delmue

In accordance with the livestock grazing agreements for the Condor Canyon and N4/N5 Allotments, both of which were signed on January 15, 2002, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreements will be included in the term grazing permit for Frank Delmue or any transferee. Refer to the livestock grazing agreement (Appendix III) for additional terms and conditions.

FROM:

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Condor Canyon	63	Cattle	3/1 -1/24	676	3,233	100

TO:

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
Condor Canyon	56	Cattle	3/1 -2/28	676	3,233	100

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
N4/N5	35	Cattle	3/1 - 2/28	428	334	100

For the N4/N5 Allotment the agreement makes no changes to permitted use, season of use or number of livestock as shown on the current term permit. The current permitted use for the Condor Canyon Allotment for Frank Delmue is 676 AUMs. His current permitted use on the N4/N5 Allotment is 428 AUMs. For the Condor Canyon Allotment the agreement makes changes to season of use and number of livestock, but makes no changes to permitted use. The period of use for the Condor Canyon Allotment was changed from 3/1-1/24 to yearlong. For both allotments, changes to livestock management practices were made. These include the establishment of proper utilization levels, the rotation of existing and newly established watering locations, the use of salt to enhance the distribution of livestock and the seasonal rotation of livestock, so that the livestock do not graze the same areas each year during the spring critical growing period.

Permittee: Pete Delmue

In accordance with the livestock grazing agreement signed January 15, 2002, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreement will be included in the term grazing permit for Pete Delmue or any transferee. Refer to the livestock grazing agreement (Appendix III) for additional terms and conditions.

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
N4/N5	17	Cattle	3/1 - 2/28	203	159	100

The current permitted use for the N4/N5 Allotment for Pete Delmue is 203 AUMs. The agreement makes no changes to season of use, number of livestock or permitted use. Changes to livestock management practices were made to include the establishment of proper utilization levels, the rotation of existing and newly established watering locations and the use of salt to enhance the distribution of livestock and seasonal rotation of livestock, so that the livestock do not graze the same areas each year during the spring critical growing period

Permittee: Kenneth and Donna Lytle

In accordance with the livestock grazing agreement signed January 15, 2002, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreement will be included in the term grazing permit for Kenneth and Donna Lytle or any transferee. Refer to the livestock grazing agreement (Appendix III) for additional terms and conditions.

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
N4/N5	9	Cattle	3/1 - 2/28	97	75	100

The current permitted use for the N4/N5 Allotment for Ken and Donna Lytle is 97 AUMs. The agreement makes no changes to season of use, number of livestock or permitted use. Changes to livestock management practices were made to include the establishment of proper utilization levels, the rotation of existing and newly established watering locations and the use of salt to enhance the distribution of livestock and seasonal rotation of livestock, so that the livestock do not graze the same areas each year during the spring critical growing period.

Permittee: Gordon and Betty Lytle

In accordance with the livestock grazing agreement signed January 15, 2002, and 43 CFR §4130.3-1, cattle grazing use will be authorized as follows. The terms and conditions identified in the livestock grazing agreement will be included in the term grazing permit for Gordon and Betty Lytle or any transferee. Refer to the livestock grazing agreement (Appendix III) for addidtional terms and conditions.

Allotment	Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	% Public Land
N4/N5	9	Cattle	3/1 - 2/28	97	74	100

The current permitted use for the N4/N5 Allotment for Gordon and Betty Lytle is 97 AUMs. The agreement makes no changes to season of use, number of livestock or permitted use. Changes to livestock management practices were made to include the establishment of proper utilization levels, the rotation of existing and newly established watering locations and the use of salt to enhance the distribution of livestock and seasonal rotation of livestock, so that the livestock do not graze the same areas each year during the spring critical growing period.

Rationale For Changes in Grazing Use

The changes in livestock use as documented above are made in order to achieve the Mojave-Southern Great Basin Area Standards and Guidelines for Grazing Administration and multiple-use resource objectives that are specifically related to the authorized grazing use on the McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments. Changes are needed to progress toward the achievement of a balance of sustainable development and multiple-use along with attaining healthy, properly functioning rangelands. Changes in grazing management practices for the N4/N5 Allotment have been made primarily because four permittees graze in common on the allotment. Because this a common allotment, changes in grazing use are necessary to make the users accountable for the health and condition of the rangeland. Changes in grazing management practices, including season of use, were made for the Mahogany Peak, Deer Lodge and Condor Canyon Allotments to allow rest during the spring critical growing period each year.

Standards and Guidelines

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

Standards and guidelines for grazing administration will be implemented through the terms and conditions of the new grazing permits. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Area Standards and toward conformance with the Guidelines. The management actions implement the guidelines to meet the standards and multiple-use objectives.

Term Permits

Term permits will be issued to the permittees immediately following the 30 day appeal period to the final multiple-use decision.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, 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."

§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

Any applicant, permittee, lessee or other affected interest may protest the livestock grazing portion of this Proposed Multiple Use Decision under 43 CFR §4160.1, in person or in writing to James M. Perkins, Assistant Field Manager - Renewable Resources, Ely Field Office Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301-9408, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a Final Multiple Use Decision will be issued, regardless of whether or not any protests were received. The Final Multiple Use Decision may be modified in light of pertinent information brought forth during the protest period. The Final Multiple Use Decision will specify appeal procedures.

James M. Perkins
Assistant Field Manager
Renewable Resources

1-25-02
Date

WILD HORSE AND BURRO MANAGEMENT DECISION

The total established wild horse AML for the Deer Lodge Canyon HMA will be 50 wild horses yearlong (601 AUMs). It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at an AML of 50 wild horses (601 AUMs), yearlong, within the Deer Lodge Canyon HMA.

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above, because of seasonal movements, but the total AML of 50 wild horses for the Deer Lodge Canyon HMA will be maintained. The Deer Lodge Canyon HMA will continue to be monitored and censussed. The AML can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6 (a), wild horse use within the Deer Lodge Canyon HMA shall be managed at 50 wild horses yearlong (601 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total AML established for the entire Deer Lodge Canyon HMA will be removed.

Monitoring will continue to ensure that the AML is maintaining a thriving natural ecological balance. Adjustments in wild horse numbers will be made by future Deer Lodge Canyon HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

RATIONALE:

The analysis and evaluation of available monitoring data indicates that no change in management actions for wild horses are needed to meet multiple-use management objectives on the five aforementioned allotment portions of the Deer Lodge Canyon HMA. The AML is based upon available water and forage within the allotments as well as census data.

The AML of 50 wild horses, yearlong, has been determined to be the optimum level to maintain the thriving natural ecological balance.

Additional wild horses found using the allotments are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AML for the HMA is exceeded.

The AML may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the

McGuffy Spring, Mahogany Peak, Deer Lodge, Condor Canyon and N4/N5 Allotments, wild horses will receive a proportional increase/decrease along with other users.

AUTHORITY:

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

§4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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

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

PROTEST:

Although the 43 CFR §4700 regulations allow for an appeal with no mention of a protest, for the purpose of consistency with the livestock management portion of this decision, the entire multiple-use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with James M. Perkins, Assistant Field Manager, Renewable Resources, Ely Field Office, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301-9408. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.

James M. Perkins
Assistant Field Manager
Renewable Resources

1-25-02
Date

Certified Mail No./
Return Receipt Requested

cc:

Mr. Bill Wilson, WP County Public Land Users Advisory Committee	7001 1140 0000 8578 8864
Mr. David Provost, White Pine County Commission	7001 1140 0000 8578 8871
Mr. Lee Tilman	7001 1140 0000 8578 8888
Mrs. June Sewing, National Mustang Association	7001 1140 0000 8578 8895
Mr. Jerry Millett, Tribal Manager, Duckwater Shoshone Tribe	7001 1140 0000 8578 8901
Mr. Paul Clifford	7001 1140 0000 8578 8918
Nevada Cattlemen's Association	7001 1140 0000 8578 8925
Mr. John McLain, Resource Concepts, Inc.	7001 1140 0000 8578 8932
Dr. Tom Sanders, DVM, WP Conservation District	7001 1140 0000 8578 8949
Nevada State Clearinghouse, Wild Horse Commission	7001 1140 0000 8578 8956
Lincoln Co. Public Lands Comm.	7001 1140 0000 8578 8963
Mr. Mark Maley, U.S. Fish & Wildlife Service	7001 1140 0000 8578 8970
Ms. Catherine Barcomb, Commission for the Preservation Of Wild Horses	7001 1140 0000 8578 8987
Committee for Idaho's High Desert	7001 1140 0000 8578 8994
Western Watersheds Project	7001 1140 0000 8578 9007
Ms. Rose Strickland, Public Lands Committee Toiyabe Chapter - Sierra Club	7001 1140 0000 8578 9014
American Bashkir Curly Register	7001 1140 0000 8578 9021
American Horse Protection Association	7001 1140 0000 8578 9038
Mr. George, Berrier, American Mustang and Burro Assoc.	7001 1140 0000 8578 9045
Ms. Joneille Anderson	7001 1140 0000 8578 9052
Animal Protection Institute of America	7001 1140 0000 8578 9069
Board of County Commissioners, Lincoln County	7001 1140 0000 8578 9076
Mr. Paul C. Clifford Jr.	7001 1140 0000 8580 7008
Ms. Sharon Crook	7001 1140 0000 8580 6513
Mr. Craig C. Downer	7001 1140 0000 8580 6490
Ms. Barbara Flores, Colorado Wild Horse & Burro Coalition	7001 1140 0000 8580 6483
Mr. Steven Fulstone	7001 1140 0000 8580 6476
Ms. Karen A. Sussman, International Society for the Protection of Mustangs and Burros	7001 1140 0000 8580 6469
Ms. Diane Nelson, Wild Horse Sanctuary	7001 1140 0000 8580 6452
Ms. Andrea Lococo, The Fund for Animals, Inc.	7001 1140 0000 8580 6445
Donald A. Molde, M.D.	7001 1140 0000 8580 6438
National Wild Horse Association	7001 1140 0000 8580 6421
Nevada Division of Wildlife , Las Vegas	7001 1140 0000 8580 6414
Nevada Division of Wildlife , Panaca	7001 1140 0000 8580 6407
Nevada Farm Bureau Federation	7001 1140 0000 8580 6391
Mr. Mark McGuire, Nevada Humane Society	7001 1140 0000 8580 6384

Nevada Outdoor Recreation Association	7001 1140 0000 8580 6377
Nevada State Department of Agriculture	7001 1140 0000 8580 6360
Ms. Laurel Etchegaray, Nevada Wool Growers Association	7001 1140 0000 8580 6353
Ms. Betty Kelly, Wild Horse Spirit	7001 1140 0000 8580 6346
Rutgers School of Law-Newark, Animal Rights Law Center	7001 1140 0000 8580 6339
Ms. Nan Sherwood	7001 1140 0000 8580 6322
Mr. Bob Hallock, U. S. Fish and Wildlife Service	7001 1140 0000 8580 6315
The Humane Society of the United States	7001 1140 0000 8580 6308
Mrs. Dawn Lappin, Wild Horse Organized Assistance	7001 1140 0000 8580 6292
Ms. Christine Stones, Ely Shoshone Tribe	7001 1140 0000 8580 6285
Mr. David Pete, Goshute Tribal Council	7001 1140 0000 8583 7067
Ms. Roberta Moore	7001 1140 0000 8583 7074
Ms. Tina Nappe	7001 1140 0000 8583 7081
Mr. Randall Spoerlein, Save the Mustangs	7001 1140 0000 8583 7098
White Pine Sportsmen	7001 1140 0000 8583 7104

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

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

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS:

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;
  Channel roughness;
  Sinuosity of stream channel;
  Bank stability;
  Vegetative cover (amount, spacing, life form); and
  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (I) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (I) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

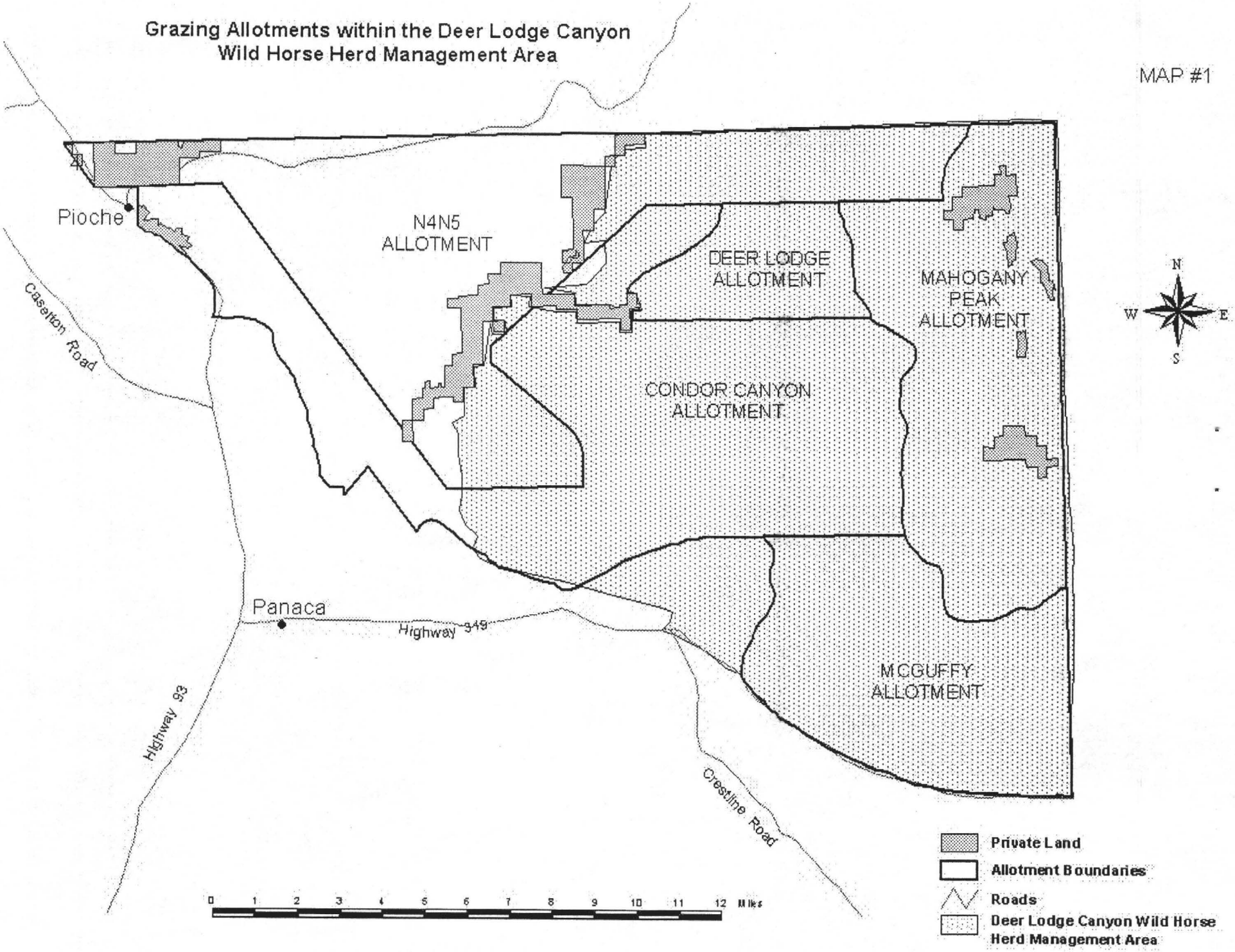
3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

Map(s)

Grazing Allotments within the Deer Lodge Canyon Wild Horse Herd Management Area

MAP #1



APPENDIX III

Agreements

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

I. INTRODUCTION

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

This agreement also documents the changes in terms and conditions for livestock grazing use on the N4N5 Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The Condor Canyon Allotment is situated in the central portion of the Deer Lodge Canyon HMA (Map #1). Elevations, within the allotment, range from approximately 2,172 meters (7,126 feet) in the eastern portions of the allotment to 1,676 meters (5,500 feet) at the lower elevations in the western portions. Pinyon-juniper varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading. Where it is invading, the vegetation is composed of a sagebrush/grass/forb mix.

A portion of Condor Canyon and the associated stream runs through the extreme southwest corner of the allotment. This section of stream supports the Big Spring spinedace (*Lepidomeda mollispinis pratensis*) which was federally listed as threatened with critical habitat by the U.S. Fish and Wildlife Service on April 29, 1985. All Big Spring Spinedace habitat occurring within the allotment has been deemed critical habitat. Consequently, a Condor Canyon Habitat Management Plan (HMP) (1989) was developed by the BLM in consultation with the U S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred "that the implementation of

this plan is not likely to adversely affect the Big Spring spinedace" and that "the document adequately addresses the current threats to the spinedace and includes strong language relative to curtailing or controlling habitat degrading activities" (2/9/90: File No.:1-5-89-I-169). The plan was designed to maintain or improve habitat conditions within the Condor Canyon portion of the Meadow Valley Wash for the Big Spring spinedace. The plan resulted, in part, in the establishment of riparian grazing use limits within the Meadow Valley Wash where the Big Spring spinedace is found. A Big Spring Spinedace Recovery Plan, published by the U.S. Fish and Wildlife Service (Portland, Oregon) was subsequently issued on January 20, 1994.

There is unnamed well located within the east-central portion of the allotment to which the permittee, Frank Delmue has a stockwater right (Permit #65386). Table 1 in Appendix III shows the type of water right (Manner of Use), water right ownership and legal location associated with the aforementioned well. This information was obtained from the Office of the State Division of Water Resources.

There are no Wilderness Study Areas (WSAs) or threatened and endangered flora located within the HMA.

Livestock Use

Frank and Rose Delmue are the current permittee. The current term permit is for the period 03/01/93 to 02/28/03. Permitted use on the Condor Canyon Allotment is 676 AUMS (cattle use) and the current permitted season of use is 03/01 - 01/24.

Bill Conner has entered into a livestock lease agreement with Frank Delmue. The period of this livestock agreement is 12/2/96 to 2/28/02. The surcharge for authorized pasturing of cattle by Bill Connor has been added to Frank Delmue's annual grazing billings. Prior to the lease agreement Frank had only grazed the allotment during one year since 1982, and that was in 1998, due to lack of water. The years of nonuse was approved by the BLM. However, Frank Delmue has received water rights, approved April 12, 2000, to an existing unnamed well in the east-central portion of the allotment.

The area Bill Connor uses, on the Condor Canyon Allotment, is located in the drainages immediately east of Echo Canyon Reservoir State Recreation Area. These drainages occur in the extreme northwest portion of the allotment. Bill typically turns his cattle out from private pastures, he leases, which are located immediately north of the State Recreation Area. His cattle water on these private pastures and subsequently travel to the drainages east of the recreation area to graze. Past billings indicate that Bill uses the allotment during the months of December through April.

Livestock are also grazed, by Frank Delmue, in the east central portion of the allotment where the aforementioned well (to which he has water rights) is located and in the southeast portion of the

allotment in the vicinity of Gleason Canyon.

Both Bill Connor and Frank Delmue have offered to provide a rotational grazing of livestock using herding and salting, and by rotating both present and future watering locations on the allotment, so that their livestock do not graze the same areas during the spring critical growing period each year.

Grazing does not occur on Big Spring spinedace habitat on Meadow Valley Wash.

Even with Mr. Connor's subleasing, at least 80% of the allotment receives only horse use.

Wild Horse Use

The Deer Lodge Canyon HMA is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia* spp.) that is being heavily invaded by pinyon-juniper (*Pinus monophylla-Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 318.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II AGREED UPON CHANGES IN LIVESTOCK USE

Change season of use from 3/1-1/24 to 3/1-2/28. The number of livestock and season of use will be adjusted as follows (effective March 1, 2002) on the Condor Canyon Allotment.

FROM:
Condor Canyon Allotment

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
63	Cattle	3/1 -1/24	676	3,233	3,909	100

TO:
Condor Canyon Allotment

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
56	Cattle	3/1 -2/28	676	3,233	3,909	100

Livestock Management Practices

Grazing use, with respect to Frank Delmue and Bill Conner, will continue in accordance with that described under the section titled, "Livestock Use".

A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and rotation of present and future watering locations, so that the livestock do not graze the same areas each year during the spring critical growing period.

Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28).

Where Bill Conner's cattle graze there will be no spring use on the allotment after April 30 each year with a maximum of 50 AUMs of use per month being allowed during March and April. This grazing use is the same that has been previously authorized.

The allotment will be monitored for a minimum of three consecutive years, beginning in 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

Meetings will take place annually to discuss previous and upcoming grazing management practices on the allotment.

The riparian grazing use limits, established in the Condor Canyon HMP (1989), have been incorporated under the terms and conditions, listed below. These, as contained in the HMP, were concurred with by the U.S. Fish and Wildlife Service during Section 7 consultation (2/9/90: File No.:1-5-89-I-169).

Terms and Conditions

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

1. Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28).

2. A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and by rotating present and future watering locations, so that the livestock do not graze the same areas each year during the spring critical growing period. Where Bill Conner's cattle graze there will be no spring use on the allotment after April 30 each year with a maximum of 50 AUMs of use per month being allowed during March and April.

3. The allotment will be monitored for a minimum of three consecutive years, beginning 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

4. Existing and newly established future watering locations within the allotment will be rotated annually, as determined by the BLM and the permittee, so as to distribute grazing within the allotment.

5. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

6. Exclude livestock grazing within the riparian zone from March 15 through November 15 (Condor Canyon HMP).

7. Allow no more than 20% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis and averaged between all stations (key areas) within the big Spring spinedace critical habitat in the allotment (Condor Canyon HMP).

8. Allow no more than 35% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis per any one station within the Big Spring spinedace non-critical habitat in the allotment (Condor Canyon HMP).

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15

days of the due date, you will be charged a late fee assessment of $25 or 10 percent of the grazing bill, whichever is greater, not to exceed $250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

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

Standards and Guidelines

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

III. RANGE IMPROVEMENTS

Permanent or temporary waters for livestock need to be established within the Condor Canyon Allotment, without relying solely on waters located on private lands outside the allotment as is currently done, if grazing opportunities within the allotment are to be expanded and cattle distribution is to be promoted. The BLM, in cooperation with Frank Delmue, will identify any future range improvement projects as needed. The BLM will initiate the project planning process for each proposed project. Project construction or vegetation treatment implementations will be dependent on funding and district priorities.

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Condor Canyon Allotment portion of the Deer Lodge Canyon HMA as follows:

ALLOTMENT / HMA	APPROPRIATE MANAGEMENT LEVEL
Condor Canyon Allotment	10
Deer Lodge Canyon HMA	50

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

Standards and Guidelines

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Livestock grazing use made during 2000 occurred only in the extreme northwest portion of the allotment. Therefore, grazing use throughout the rest of the allotment resulted solely from wild horse use. A key area representing horse use was established in 2000 in the central portion of the allotment. Ecological condition and cover data was collected at this location. Prior to this no monitoring data had been collected on the allotment.

Use pattern mapping data, which was collected in 2001 on plant growth of 2000, showed that utilization levels throughout most of the allotment were within the slight use category (1 - 20%). There is no trend (quadrat frequency) data available. Ecological condition obtained in 2000 at the key area, which falls within the range site 029XY008 which comprises much of the central portion of the allotment, was determined to be in the late seral stage (55%). This represents an acceptable species composition mix. Cover data (line intercept method), collected in 2000 at the same location where ecological condition was collected, was found to be appropriate for the range site (33.5%). Appendix III shows the results of aforementioned monitoring data, except for use pattern mapping.

Monitoring data indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met within the allotment.

There is no current riparian monitoring information, because there has been no current grazing in the portion of the allotment where riparian areas support the Big Spring spinedace.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities. As per the HMP, percent bank trampling and vegetative utilization monitoring will be done every two weeks, at a minimum, after livestock are brought into the riparian zone, to assure that those objectives are not surpassed.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

§ 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

§ 4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level

necessary to attain the objectives identified in approved land use plans and herd management area plans."

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

IX. AGREEMENT

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

Frank Delmue — 1-15-02

Frank & Rose Delmue — Date

James M. Perkins — 1-18-02

James M. Perkins
Assistant Field Manager
Renewable Resources

Date

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

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

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

Width/Depth ratio;

Channel roughness;

Sinuosity of stream channel;

Bank stability;

Vegetative cover (amount, spacing, life form); and

Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better,

for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location** **	**1/ Ecological Site No.**	**Key Species**	**Main Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
Condor Canyon	No key area exists on the allotment	029XY008NV (Shallow Calcareous Loam 8-12" P.Z.)	----	ORHY - 1.3 % STCO4 - 4.2 % SIHY - 4.6 % BOGR2 - 1.5 % Grasses - 11.6% Forbs - 0 % Shrubs - 88.5 %	Mid Seral (55%)	Maintain or Improve	ORHY - ≥ 1.3 % STCO4 - ≥ 4.2 % SIHY - ≥ 4.6 % BOGR2 - ≥ 1.5 % Grasses - ≥ 11.6% Forbs - > 0 % Shrubs - < 88.5 %	> 55%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 1/24	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment).

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

ADDITIONAL INFORMATION

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources Within the Condor Canyon Allotment According to the Office of the State Division of Water Resources.

Well Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed	stockwater	Frank Delmue # 65386	MDBM, T. 1 S., R.70 E., sec. 16, SE¼ SW¼

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2000, on the key area MP-2. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
Condor Canyon	Late Seral (55%)	Grasses = 11.6% Forbs = 0 % Shrubs = 88.5 %	33.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	1997	1998	1999	4 Year Average
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

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

I. INTRODUCTION

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

This agreement also documents the changes in terms and conditions for livestock grazing use on the Deer Lodge Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The Deer Lodge Allotment is situated in the northeast portion of the Deer Lodge Canyon HMA approximately three miles east of Echo Canyon State Park (Map #1). It is a land based allotment and contains approximately 6,880 acres of public land. It is located on a gentle sloping bench on the west slope of the Cedar Mountain Range. Soils are generally mixed sand and gravel, classified as frigid and alluvial in origin. Elevations, within the allotment, range from 2,111 meters (6,926 feet) in the eastern portions of the allotment to 1,768 meters (5,800 feet) at the lower elevations in the western portions. Precipitation (rain equivalent) varies from four to eight inches at the lower elevations to eight to sixteen inches at higher elevations, particularly in the eastern mountainous portions of the HMA. Pinyon-juniper (*Pinus Monophylla* and *Juniperus osteosperma*, respectively) varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading into the sagebrush communities. Where it is invading, the vegetation is composed of a sagebrush/grass/forb mix.

The east portion of the allotment contains an old railing and subsequent crested wheatgrass (*Agropyron cristatum*) seeding which was implemented on the allotment in the mid to late 1950's. This seeding is scheduled to be retreated using prescribed fire techniques during 2001.

Most of the allotment is included in within a crucial deer winter range.

There is one natural unnamed spring located within the allotment to which the BLM has a reserved water right (# R04305). Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with this spring. This information was obtained from the Office of the State Division of Water Resources.

There are no Wilderness Study Areas (WSAs) or threatened and endangered flora or fauna located within the HMA.

Livestock Use

Flatnose Ranch - John L. Mathews is the current permittee. The current term permit is for the period 3/1/96 to 2/28/06. Permitted use on the Deer Lodge Allotment is 167 AUMS (cattle use). The permitted season of use shown on the current term grazing permit is 3/1-2/28. However as per Coordinated Resource Management Plan (CRMP) minutes, dated March 30, 1983, no livestock grazing shall take place from 3/1-4/30 to protect the deer crucial winter range.

According to BLM records, the permittee has generally been grazing his cattle from 5/1-2/28. Sometimes the permittee enters and grazes his cattle at the west end of the allotment and sometimes he hauls water to the north-central or northeast portions of the allotment in preparation for grazing use in those areas. Grazing in the south-central portion of the allotment is dependent on precipitation events. If enough precipitation amply fills the reservoirs in this location the permittee has the option of making use in these areas.

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy

Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia* spp.) that is being heavily invaded by pinyon-juniper (*Pinus monophylla-Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

Change season of use from 3/1-2/28 to 5/1-2/28. The number of livestock and season of use will be adjusted (effective March 1, 2002) as follows:

FROM:

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
14	Cattle	3/1 - 2/28	167	481	648	100

TO:

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
19	Cattle	5/1 - 2/28	167	481	648	100

Livestock Management Practices

Permitted use of 167 AUMs will be maintained for the Deer Lodge Allotment. The season of use will change from 3/1-2/28 to 5/1-2/28. The current grazing period includes the spring growing season when forage plants are emerging from winter dormancy and carbohydrate reserves are in high demand to initiate leaf growth which will replenish these used carbohydrate reserves, promote subsequent seed and seedling establishment and provide forage for consumption. Grazing during the spring growing season would have negative impacts on this process, because it would allow no resting period for vegetation to recover from previous grazing influences, especially with regard to carbohydrate reserves. In addition, according to CRMP minutes dated March 30, 1983, the permittee agreed that there would be no grazing from 03/01 through 04/30 in future years to protect the crucial deer winter range.

Allowable use levels will not exceed moderate use (60%) during the authorized use period (5/1 - 2/28).

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2, the following terms and conditions will be included in the term permit for Deer Lodge Allotment: These terms and conditions will be included in the new term permit.

1. Allowable use levels will not exceed moderate use (60%) during the authorized use period

(5/1 - 2/28).

2. Use of watering locations within the allotment will be rotated annually, so that the area serviced by a given water source will be periodically rested from grazing during the spring growing season.

3. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure on those areas where moderate grazing use may become exceeded.

4. As per CRMP minutes, dated March 30, 1983, no grazing shall take place from 03/01 through 04/30 to protect the crucial deer winter range.

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

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

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

Standards and Guidelines

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

III. RANGE IMPROVEMENTS

A prescribed burn is scheduled for implementation during 2001 within the existing old chaining and seeding project is recommended in the allotment. The permittee, in coordination with the BLM, will identify any future range improvement projects as needed. The BLM will initiate the project planning process for each proposed project. Project construction or vegetation treatment implementations will be dependent on funding and district priorities.

IV. WILD HORSE AND BURRO MANAGEMENT

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

Allotment / HMA	Appropriate Management Level
Deer Lodge Allotment	10
Deer Lodge Canyon HMA	50

This will establish an AML for wild horses within the Deer Lodge Allotment portion of the Deer Lodge Canyon HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the

numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. There is one key area established on the allotment. Current monitoring data collected at the key area (DL-1) includes; utilization using the key forage plant utilization method (KFPM), vegetative community trend (quadrat frequency), ecological condition and cover data. Use pattern mapping data was also collected within the allotment. Management on the allotment has resulted in achievement of the standards for livestock grazing on the allotment. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Utilization and Use Pattern Mapping

Use pattern mapping collected in 2001, showing use on plant growth of 2000, indicates that a majority of the allotment received slight use. A small portion in the southwest portion of the allotment exhibited severe to heavy use. However, this can be remedied through the use of salting and herding and by rotating the use of watering locations within the allotment.

Frequency Trend

Quadrat frequency study has been conducted in 1986 and 2000 at the key area. Data at DL-1 shows that trend is static for the key species crested wheatgrass (*Agropyron cristatum*), but there was an upward trend indicated for bottlebrush squirreltail (*Sitanion hystrix*).

Ecological Condition

Ecological condition was completed, during 2000, at the key area DL-1. The Ecological condition at the key area was in the mid seral stage (45%) indicating an acceptable species composition mix.

Cover Data

Cover data, collected at DL-1 in 2000, was obtained using the line intercept method and was found to be appropriate for the range site (21.1%).

Summary of Monitoring Data

Monitoring data, collected in year 2000, indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met over a vast majority of the allotment. Use pattern mapping indicates that a majority of the allotment received slight use. Alleviation of those areas receiving severe to heavy use is possible using simple range management techniques such as herding, salting and a rotational use of watering locations. Ecological condition at the key area shows an acceptable species composition mix, while cover data is appropriate for the range site.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies,

ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

> § 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."
>
> § 4101.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."
>
> § 4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

John S. Mathews

John L. Mathews - Flatnose Ranch

18 Sep 2001

Date

James M. Perkins
Assistant Field Manager
Renewable Resources

10-16-01

Date

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

  Vegetative cover (amount, spacing, life form); and

  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover

appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for

predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better,

for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location ****	**1/ Ecological Site No.**	**Key Species**	**Key Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
Deer Lodge	MDBM, T.1 N., R.70 E., sec. 29 NW¼SW¼	029AY051NV (Loamy Slope 16+" P.Z. - ARVA2/STLE4-POFE)	AGCR SIHY	AGCR - 1% SIHY - 6 % Grasses- 7.5% Forbs - .75% Shrubs - 91.75%	Mid Seral (45%)	Improve	AGCR - > 1% SIHY - > 6 % Grasses - > 7.5% Forbs - > .75% Shrubs - > 91.75%	> 45%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment).

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON DEER LODGE ALLOTMENT (2000)

Grazing Year	Percent Utilization on Key Species at Key Areas			
	DEER LODGE (Active Use = 167 AUMs)			
	Key Area DL-1	Permittee	AUMs Used	% Permitted Use
1986	AGCR 15 SIHY 9 ORHY 23	Wells Fargo Ag. Credit	168	100
1989	AGCR 7.5 SIHY 7 ORHY 11.5	John Mathews	142	85
2000	AGCR 2.9 SIHY 8 ORHY 21.5		170	100
Average			160	95

APPENDIX IV

ADDITIONAL DATA

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources Within the Deer Lodge Allotment According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed Spring	Reserved	BLM (# R04305)	MDBM, T. 1 N., R.69 E., sec. 35, SW¼ SW¼

Vegetative Community Trend (Frequency Data Analysis)

Allotment	Key Area	Key Species	1986	2000
Deer Lodge	DL-1	AGCR	8.5	7.0
		**SIHY	59.5	66.5

** Indicates a significant difference between the years for this species.

Data shows trend to be upward for key species bottlebrush squirreltail (*Sitanion hystrix*) at key area DL-1 on the Deer Lodge Allotment.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2000, on the key area MP-2. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

Allotment	Ecological Condition (Numerical Rating)	% Grasses, Forbs & Shrubs in Species Composition	% Cover
Deer Lodge	Mid-Seral (45%)	Grasses = 7.5 Forbs = .75 Shrubs = 91.75	21.1 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	**1997**	**1998**	**1999**	**4 Year Average**
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

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

I. INTRODUCTION

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

This agreement also documents the changes in terms and conditions for livestock grazing use on the Mahogany Peak Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The Mahogany Peak Allotment is land based and is situated in the northeast corner of the Deer Lodge Canyon HMA (Map #1). Approximately two and one-half to three square miles of the north portion of the allotment extends out of the HMA. Of the 1,691 acres of private land occurring within the Deer Lodge Canyon HMA, 1,688 acres (99.8%) are in the Mahogany Peak Allotment.

Pinyon pine (*Pinus Monophylla*)occupies approximately 83% of the allotment while juniper (*Juniperus osteosperma*) occupies approximately 13%. The allotment lies within deer winter area and adjacent to a crucial deer winter area. Elevations, within the allotment, range from 2,651 meters (8,697 feet) on Mahogany Peak to 1,850 meters (6,069 feet)at the lower elevations. Precipitation (rain equivalent) varies from four to eight inches at the lower elevations to eight to sixteen inches at higher elevations, particularly in the eastern mountainous portions of the HMA.

Pinyon-juniper varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading. Where it is invading, the vegetation is composed of a sagebrush/grass/forb mix.

Two seedings projects were implemented on the allotment in previous years. The Hackett Seeding (121.6 acres) was implemented and completed in October 1953. It was seeded at the rate of 6 pounds of crested wheatgrass (*Agropyron cristatum*) per acre (project #0539) . The Taylor Chaining and Seeding (1,280 acres) was implemented in October 1960 and completed in January 1961. It was aerially seeded at the rate of nine pounds of crested wheatgrass and one pound of clover (*Trifolium spp.*) per acre. Currently, field observations show little evidence of these seedings.

There are four natural springs located within the allotment: Ox Valley Spring, Water Canyon Spring, White Horse Spring, and Prohibition Spring. Water Canyon Spring and White Horse Spring show little evidence of producing much above ground water and do not appear to attract either livestock or big game. Prohibition Spring is a developed spring with a pipeline that services a several troughs located within a drainage. Ox Valley Spring produces water which ponds near the spring to provide an abundant water source for animals.

Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with each of the aforementioned springs. This information was obtained from the Office of the State Division of Water Resources.

There are no Wilderness Study Areas (WSAs) or threatened and endangered flora or fauna located within the HMA.

Livestock Use

Leon Bowler is the current permittee. The current term permit is for the period 3/28/93 to 3/28/03. Permitted use on the Mahogany Peak Allotment is 718 AUMS cattle use. The permitted season of use is 03/01 - 02/28.

The permittee typically grazes the allotment from 5/1-10/15 each year with his cattle grazing mostly in the northern portions. He also has an allotment on the Utah side which borders contiguously with the east boundary of the Mahogany Peak Allotment. He uses it in coordination with the Mahogany Peak Allotment during the course of the year.

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the

HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia* spp.) that is being heavily invaded by pinyon-juniper (*Pinus monophylla- Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA

and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

Change season of use from 3/1-2/28 to 5/1-10/15. The number of livestock and season of use will be adjusted(effective March 1, 2002) as follows on the Mahogany Peak Allotment:

FROM

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
60	Cattle	3/1 - 2/28	718	2,141	2,859	100

TO:

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
130	Cattle	5/1 - 10/15	718	2,141	2,859	100

Livestock Management Practices

Permitted use of 718 AUMs will be maintained for the Mahogany Peak Allotment. The season of use will change from 3/1-2/28 to 5/01-10/15. This corresponds to the grazing period during which the permittee typically grazes his cattle on the allotment. In addition, the current grazing period on the term grazing permit includes the spring growing season when forage plants are emerging from winter dormancy and carbohydrate reserves are in high demand to initiate leaf growth which will replenish these used carbohydrate reserves, promote subsequent seed and seedling establishment and provide forage for consumption. Grazing during the spring growing season would have negative impacts on this process, because it would allow no resting period for vegetation to recover from previous grazing influences, especially with regard to carbohydrate reserves.

Allowable use levels will not exceed moderate use (60%) during the authorized use period (6/1 - 2/28).

Terms and Conditions

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

1. Allowable use levels will not exceed moderate use (60%) during the authorized use

period (6/1 - 2/28).

2. Use of watering locations within the allotment will be rotated annually, so that the area serviced by a given water source will be periodically rested from grazing during the spring growing season.

3. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

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

6. Grazing use will be in accordance with the Mojave-Southern Great Basin Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12,

1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Standards and Guidelines

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

III. RANGE IMPROVEMENTS

The following are range improvements submitted by the permittee:

1. Prescribed Burns and associated reseedings in various portions of the allotment.
2. Fence with associated cattleguard, on the Prohibition Flat Road, dividing the allotment in half for better cattle control.
3. Cattleguard on the Prohibition Flat Road along the south portion of the fenceline which currently surrounds the Hackett Seeding.
4. Drilling of a well and installation of a windmill in the central portion of the allotment for increased opportunity of allotment utilization and associated cattle distribution.

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

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the Mahogany Peak Allotment portion of the Deer Lodge Canyon HMA as follows:

Allotment / HMA	Appropriate Management Level
Mahogany Peak Allotment	10
Deer Lodge Canyon HMA	50

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

Standards and Guidelines

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data, collected in 2000 at key area MP-2, includes utilization at the key area using the key forage plant utilization method (KFPM), vegetative

community trend (quadrat frequency), ecological condition and cover at the key area . Use pattern mapping data was collected in 2001 on plant growth of 2000.

Monitoring data indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met over a vast majority of the allotment. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Use levels were appropriate during the evaluation period (year 2000). Use pattern mapping showed that a majority of the allotment received slight use. However, in the extreme north central portion of the allotment most of the use occurred in the bottom bordering the east slope of Mahogany Peak and in Ox Valley. Here, severe use was found with heavy occurring on the lower portions of adjoining slopes. Two abundant water sources occur in this area approximately one-half mile apart: a large unnamed pond in the southwest corner of Ox Valley and Ox Valley Spring located in the southeast corner of said valley. These apparently serve to strongly attract cattle during the hot summer months. Reducing the amount of severe use in the bottoms and heavy use on adjoining slopes may be possible using simple range management techniques such as herding, salting and a rotational use of watering locations.

Data at MP-2 shows that trend is static for the key species: muttongrass (*Poa fendleriana*), Utah serviceberry (*Amelanchier alnifolia*) antelope bitterbrush (*Purshia tridentata*). Cover was within an acceptable range (approximately 54.5%). Ecological condition at the key area was in the mid seral stage (45%) indicating an acceptable species composition mix.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities.

Additional key area locations will be established to more properly measure effects of grazing use.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The

evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

§ 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

Leon Bowler — 9-18-01

Leon Bowler, Permittee — Date

James M. Perkins — 9-18-01

James M. Perkins
Assistant Field Manager
Renewable Resources — Date

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

Vegetative cover (amount, spacing, life form); and

Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or

permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location ****	**1/ Ecological Site No.**	**Key Species**	**Key Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
Mahogany Peak	MDBM, T.1 N., R.71 E., sec. 7 NE¼	029AY051NV (Loamy Slope 16+" P.Z. - ARVA2/STLE4-POFE)	AMUT PUTR2 POFE	POFE - .5% AMUT - 2 % PUTR2 - 2 % Grasses- .5% Forbs - 11.25% Shrubs - 88.25%	Mid Seral (45%)	Improve	POFE - > .5% AMUT - > 2 % PUTR2 - > 2 % Grasses - > .5% Forbs - > 11.25% Shrubs - < 88.25%	> 45%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment).

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON MAHOGANY PEAK ALLOTMENT (2000)

Percent Utilization on Key Species at Key Area				
MAHOGANY PEAK (Active Use = 718 AUMs)				
Grazing Year	Key Area MP-2	Permittee	AUMs Used	% Permitted Use
2000	POFE 21.1 PUTR2 35.4 AMELA 6	Leon Bowler	718	100

APPENDIX IV

ADDITIONAL INFORMATION

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources Within the Mahogany Peak Allotment According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Ox Valley Spring	Stockwater	Two Water Rights Exist: (1) BLM Reserved Right (#R04456) and Permit # 6570: Certificate # 1084 (2) Lynette Marie Taylor - ⅓ interest Milton Damaron - ⅓ interest H. Deifendorf - ⅓ interest	MDBM, T. 1 N., R.71 E., sec. 5, SW¼
Water Canyon Spring	------	No Water Rights Listed with the Division of Water Resources, however, vested right may exist.	MDBM, T. 1 N., R.71 E., sec. 7, SE¼
White Horse Spring	------	No Water Rights Listed with the Division of Water Resources, however, vested right may exist.	MDBM, T.1 N., R.71 E., sec. 18, SE¼ NW¼
Prohibition Spring	------	No Water Rights Listed with the Division of Water Resources, however, vested right may exist.	MDBM, T. 1 S., R.71 E., sec. 30, NW¼

Vegetative Community Trend (Frequency Data Analysis)

Allotment	Key Area	Key Species	1983	2000
Mahogany Peak	MP-2	POA	34	28
		AMAL2	7.5	5.5
		PUTR2	3.5	2.5

** Indicates a significant difference between the years for this species.

Data shows trend to be static at key area MP-1 on the Mahogany Peak Allotment.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2000, on the key area MP-2. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published

by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

Allotment	Ecological Condition (Numerical Rating)	% Grasses, Forbs & Shrubs in Species Composition	% Cover
Mahogany Peak	Mid-Seral (45%)	Grasses = .5 Forbs = 11.25 Shrubs = 88.25	54.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	1997	1998	1999	4 Year Average
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT AND ESTABLISHMENT OF A WILD HORSE APPROPRIATE MANAGEMENT LEVEL FOR THE N4N5 ALLOTMENT

(Frank Delmue)

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the N4N5 Allotment portion of the Deer Lodge Canyon Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use on the N4N5 Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The N4N5 Allotment is situated in the northwest portion of the Deer Lodge Canyon HMA (Map #1). Elevations, within the allotment, range from 2,225 meters (7,300 feet) in the extreme eastern portions of the allotment to 1,555 meters (5,100 feet) at the lower elevations in the western portions near Dry and Rose Valley. Pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*) varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading into sagebrush (*Artemisia spp.*) stands composed of a sagebrush/grass/forb mix.

A portion of Condor Canyon and the associated stream runs through the extreme southwest corner of the allotment. This section of stream supports the Big Spring spinedace (*Lepidomeda mollispinis pratensis*) which was federally listed as threatened with critical habitat by the U.S. Fish

and Wildlife Service on April 29, 1985. Both critical and non-critical Big Spring Spinedace habitat occurs within the allotment. Consequently, a Condor Canyon Habitat Management Plan (HMP) (1989) was developed by the BLM in consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred "that the implementation of this plan is not likely to adversely affect the Big Spring spinedace" and that "the document adequately addresses the current threats to the spinedace and includes strong language relative to curtailing or controlling habitat degrading activities" (2/9/90: File No.:1-5-89-I-169). The plan was designed to maintain or improve habitat conditions within the Condor Canyon portion of the Meadow Valley Wash for the Big Spring spinedace. The plan resulted, in part, in the establishment of riparian grazing use limits within the Meadow Valley Wash where the Big Spring spinedace is found. A Big Spring Spinedace Recovery Plan, published by the U.S. Fish and Wildlife Service (Portland, Oregon) was subsequently issued on January 20, 1994.

There is one unnamed spring source on the allotment. Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with this spring source. This information was obtained from the Office of the State Division of Water Resources.

Livestock Use

Four permittees graze within this allotment: Pete Delmue, Frank Delmue, Kenneth Lytle and Gordon Lytle.

The current term permit for Frank Delmue is for the period 3/1/93 to 2/28/03. Permitted use on the N4N5 Allotment is 428 AUMS (cattle use). The permitted season of use shown on the current term grazing permit is 3/1-2/28.

Bill Conner has entered into a livestock lease agreement with Frank Delmue. The period of this livestock agreement is 12/2/96 to 2/28/02. The surcharge for authorized pasturing of cattle by Bill Connor has been added to Frank Delmue's annual grazing billings.

The area Bill Conner uses, on the N4N5 Allotment, is located in the drainages immediately northeast of Echo Canyon Reservoir State Recreation Area in the northeast portion of the allotment. Use is confined to a relatively small area within and amongst these drainages. Bill typically turns his cattle out from private pastures, he leases, which are located immediately north of the State Recreation Area. His cattle water on these private pastures and subsequently travel to the drainages east of the leased private pastures, and northeast of the recreation area, to graze. Grazing does not occur on Big Spring spinedace habitat on Meadow Valley Wash. Past billings indicate that Bill uses the allotment during the months of December through April. Bill has offered to provide a rotational grazing of livestock using herding, salting and water hauling, so that his livestock would not graze the same areas during the spring critical growing period each year.

Frank Delmue owns a private ranch and associated large grazing irrigated pastures in the central portion of the N4N5 Allotment. When Frank Delmue is grazing on the allotment, and is not leasing to Bill Conner, he turns cattle out from his private land and grazes the portion of the allotment east and southeast of his property. Frank uses watering locations on his private land as well as an unnamed well, which uses a windmill, in the far southeast portion of the allotment where key area KA-A is located.

The allotment receives mostly wild horse use.

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush that is being heavily invaded by pinyon-juniper. Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number and kind of livestock, season-of-use and permitted use will not change from the current term permit and will continue (effective March 1, 2002) as follows:

N4N5 - Frank Delmue

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
35	Cattle	3/1 - 2/28	428	334	762	100

Livestock Management Practices

Grazing use, with respect to Frank Delmue and Bill Conner, will continue in accordance with that described under the section titled, "Livestock Use".

A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and water-hauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

Where Bill Conner's cattle graze there will be no spring use on the allotment after April 30 each year with a maximum of 50 AUMs of use per month being allowed during March and April. This grazing use is the same that has been previously authorized.

The allotment will be monitored for a minimum of three consecutive years, beginning in 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

Meetings will take place annually to discuss previous and upcoming grazing management practices on the allotment.

The riparian grazing use limits, established in the Condor Canyon HMP (1989), have been incorporated under the terms and conditions, listed below. These, as contained in the HMP, were concurred with by the U.S. Fish and Wildlife Service during Section 7 consultation (2/9/90: File No.:1-5-89-I-169).

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2, the following terms and conditions will be included in the grazing permit for N4N5 Allotment:

1. Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

2. A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and waterhauling, so that the livestock do not graze the same areas each year during the spring critical growing period. Where Bill Conner's cattle graze there will be no spring use on the allotment after April 30 each year with a maximum of 50 AUMs of use per month being allowed during March and April.

3. The allotment will be monitored for a minimum of three consecutive years, beginning 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing

management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

4. Existing and newly established future watering locations within the allotment will be rotated annually, as determined by the BLM and the permittee, so as to distribute grazing within the allotment.

5. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

6. Exclude livestock grazing within the riparian zone from March 15 through November 15 (Condor Canyon HMP).

7. Allow no more than 20% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis and averaged between all stations (key areas) within the big Spring spinedace critical habitat in the allotment (Condor Canyon HMP).

8. Allow no more than 35% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis per any one station within the Big Spring spinedace non-critical habitat in the allotment (Condor Canyon HMP).

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

4. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted

within 15 days after completing your annual grazing use.

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

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

Standards and Guidelines

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

III. RANGE IMPROVEMENTS

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

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA as follows:

Allotment / HMA	Appropriate Management Level
N4-N5 Allotment	10
Deer Lodge Canyon HMA	50

This will establish an AML for wild horses within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data collected in 2000 at the key areas KA-A and KA-B included: utilization using the key forage plant utilization method (KFPM), ecological condition and cover (line intercept method). Only utilization data was collected at key area C. All three key areas represent grazing use by the livestock of Pete Delmue during 2000. Frank Delmue has been subleasing to Bill Conner since 1996 (see section titled, "Livestock Use"). Bill has been grazing his cattle in the northeast portion of the allotment in connection with private lands he leases in that area. The existing key areas on the allotment were established according to locations of use made by the current permittees of record (Frank and Pete Delmue). In addition, Bill's grazing is confined to a relatively small area on BLM lands immediately east of his leased private land. This area is monitored for degree of grazing use but, however, is such a very small isolated portion of the allotment, and is located in such close proximity to water, that a key area for this location is not warranted or appropriate. If it is deemed warranted in the future then another key area will be located in this portion of the allotment. Use pattern mapping data was collected within the allotment in 2001, showing use on plant growth of 2000. Prior to this, the most current monitoring data collected on the allotment was in 1990. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Use levels, as measured at the key areas KA-A, KA-B and KA-C by the KFPM and through use pattern mapping, were appropriate during the evaluation period (year 2000). Utilization levels were mostly within the slight use category (1 - 20%) throughout a majority of the allotment. There is no trend (quadrat frequency) data available. Ecological condition collected at the key areas KA-A (54%) and KA-B (67%) was determined to be in the late seral stage indicating an acceptable species composition mix. Cover data was 25% at KA-A and 28.5% at KA-B and was determined to be appropriate for both key areas.

Monitoring data indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met over a vast majority of the allotment.

There is no current riparian monitoring information, because there has been no current grazing in the portion of the allotment where riparian areas support the Big Spring spinedace.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities. As per the HMP, percent bank trampling and vegetative utilization monitoring will be done every two weeks, at a minimum, after livestock are brought into the riparian zone, to assure that those objectives are not surpassed.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

§ 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

§ 4101.3: "The authorized officer shall periodically review the grazing preference specified in a

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

Frank and Rose Delmue, Permittee — Date: 1-15-02

James M. Perkins
Assistant Field Manager
Renewable Resources — Date: 1-18-02

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant

progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

  Vegetative cover (amount, spacing, life form); and

  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	Key Area Location **	1/ Ecological Site No.	Key Species	Key Species & Total Comp. By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Species % Comp. By Weight	2/ Seral Stage (% of PNC)	3/ Allowable Use Levels	Season of Use (Cattle/Wildlife/Horses) 4/	Met or Not Met	Rationale
N4N5 KA - A	MDBM, T.1 N., R.69 E., sec. 21 SW¼SW¼	029XY008NV (Shallow Calcareous Loam 8-12" P.Z.)	ORHY STCO4	ORHY - .5 % STCO4 - .5 % Grasses - 4 % Forbs - 2 % Shrubs - 94 %	Late Seral (54%)	Improve	ORHY - ≥ .5 % STCO4 - ≥ .5 % Grasses - ≥ 4 % Forbs - ≥ 2 % Shrubs - < 94 %	> 54%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment). Slight use was measured at key areas KA-A and KA-B with light use measures at KA-C for the 2000 grazing year.
N4N5 KA - B	MDBM, T.1 N., R.68 E., sec. 12 NE¼			ORHY - 8 % STCO4 - 1 % Grasses - 15 % Forbs - 4 % Shrubs - 81 %	Late Seral (67%)	Maintain or Improve	ORHY - ≥ 8 % STCO4 - > 1 % Grasses - ≥ 15 % Forbs - ≥ 4 % Shrubs - < 81 %	≥ 67%				

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON THE N4N5 ALLOTMENT (2000)

On Plant Growth of	Percent Utilization on Key Species at Key Areas					
	N4N5					
	Key Area A *	Key Area B *	Key Area C **	Permittee	AUMs Used	% Permitted Use
2000	ORHY 8.6 STCO4 13	ORHY 9.5 STCO4 18.5	ORHY 24 STCO4 36.8	Frank Delmue	***	----

* Used for Trend, Cover, Ecological Condition and Utilization.

** Use for Utilization only.

*** During data collection in year 2000, it was discovered that Mr. Conner was inadvertently using the far northwest portion Condor Canyon Allotment while thinking he was actually using N4N5 Allotment. The area he used is located in a drainage immediately east of Echo Canyon Reservoir State Recreation Area. This grazing accounts for a portion of the AUMs licensed, because he also grazed the drainages above the park within the N4N5 Allotment. Consequently, it is not known how many AUMs were actually grazed within the N4N5 Allotment or the Condor Canyon Allotment during the 2000 grazing year.

ACTIVE USE

N4N5 Allotment
Frank Delmue = 428 AUMs

APPENDIX IV

ADDITIONAL DATA

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources, Within the N4N5 Allotment, According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed Spring Source	For railroad purposes	Caliente and Pioche Railroad (Permit #650 - Certificate #534 - Certificated in 1908)	MDBM, T. 1 N., R.68 E., sec. 13, NW¼SE¼

Vegetative Community Trend (Frequency Data Analysis)

Key areas, to monitor livestock grazing, had not existed on the N4N5 Allotment until 1998, therefore no trend data exists before this time.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2001, on the key areas KA-A and KA-B. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
N4N5 (KA - A)	Late Seral (54%)	Grasses = 4 Forbs = 2 Shrubs = 94	25 %
N4N5 (KA - B)	Late Seral (67%)	Grasses = 15 Forbs = 4 Shrubs = 81	28.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	**1997**	**1998**	**1999**	**4 Year Average**
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT
AND ESTABLISHMENT OF A WILD HORSE APPROPRIATE MANAGEMENT LEVEL
FOR THE N4N5 ALLOTMENT
(Gordon and Betty Lytle)

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the N4N5 Allotment portion of the Deer Lodge Canyon Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use on the N4N5 Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The N4N5 Allotment is situated in the northwest portion of the Deer Lodge Canyon HMA (Map #1). Elevations, within the allotment, range from 2,225 meters (7,300 feet) in the extreme eastern portions of the allotment to 1,555 meters (5,100 feet) at the lower elevations in the western portions near Dry and Rose Valley. Pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*) varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading into sagebrush (*Artemisia spp.*) stands composed of a sagebrush/grass/forb mix.

A portion of Condor Canyon and the associated stream runs through the extreme southwest corner of the allotment. This section of stream supports the Big Spring spinedace (*Lepidomeda mollispinis pratensis*) which was federally listed as threatened with critical habitat by the U.S.

Fish and Wildlife Service on April 29, 1985. Both critical and non-critical Big Spring Spinedace habitat occurs within the allotment. Consequently, a Condor Canyon Habitat Management Plan (HMP) (1989) was developed by the BLM in consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred "that the implementation of this plan is not likely to adversely affect the Big Spring spinedace" and that "the document adequately addresses the current threats to the spinedace and includes strong language relative to curtailing or controlling habitat degrading activities" (2/9/90: File No.:1-5-89-I-169). The plan was designed to maintain or improve habitat conditions within the Condor Canyon portion of the Meadow Valley Wash for the Big Spring spinedace. The plan resulted, in part, in the establishment of riparian grazing use limits within the Meadow Valley Wash where the Big Spring spinedace is found. A Big Spring Spinedace Recovery Plan, published by the U.S. Fish and Wildlife Service (Portland, Oregon) was subsequently issued on January 20, 1994.

There is one unnamed spring source on the allotment. Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with this spring source. This information was obtained from the Office of the State Division of Water Resources.

Livestock Use

Four permittees graze within this allotment: Pete Delmue, Frank Delmue, Kenneth and Donna Lytle and Gordon and Betty Lytle.

The current term permit for Gordon and Betty Lytle is for the period 3/1/93 to 2/28/03. Permitted use on the N4N5 Allotment is 97 AUMS (cattle use). The permitted season of use shown on the current term grazing permit is 3/1-2/28.

The allotment has not received use by Gordon and Betty Lytle since March of 1997 (1998 grazing year). However, when they do graze the allotment they use the northeast portion and graze during the winter months.

At least 80% of the allotment receives only horse use.

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia spp.*) that is being heavily invaded by pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number and kind of livestock, season-of-use and permitted use will not change from the current term permit and will continue (effective March 2003) as follows:

N4N5 - Gordon and Betty Lytle

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
9	Cattle	3/1 - 2/28	97	74	171	100

Livestock Management Practices

Grazing use, for Gordon and Betty Lytle, will continue in accordance with that described under the section titled, "Livestock Use".

Cattle are generally grazed during the winter months. However, if cattle are ever grazed during the spring growing season, a seasonal rotation of livestock grazing on the allotment will occur using herding, salting and water-hauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (6/15 - 3/15). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from June 15 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

The allotment will be monitored for a minimum of three consecutive years, beginning in 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

Meetings will take place annually to discuss previous and upcoming grazing management practices on the allotment.

The riparian grazing use limits, established in the Condor Canyon HMP (1989), have been incorporated under the terms and conditions, listed below. These, as contained in the HMP, were concurred with by the U.S. Fish and Wildlife Service during Section 7 consultation (2/9/90: File No.:1-5-89-I-169).

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2, the following terms and conditions will be included in the grazing permit for N4N5 Allotment:

1. Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

2. A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and waterhauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

3. The allotment will be monitored for a minimum of three consecutive years, beginning 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

4. Existing and newly established future watering locations within the allotment will be rotated annually, as determined by the BLM and the permittee, so as to distribute grazing within the allotment.

5. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

6. Exclude livestock grazing within the riparian zone from March 15 through November 15 (Condor Canyon HMP).

7. Allow no more than 20% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis and averaged between all stations (key areas) within the big Spring spinedace critical habitat in the allotment (Condor Canyon HMP).

8. Allow no more than 35% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis per any one station within the Big Spring spinedace non-critical habitat in the allotment (Condor Canyon HMP).

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

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

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

Standards and Guidelines

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

the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

III. RANGE IMPROVEMENTS

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

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA as follows:

Allotment / HMA	Appropriate Management Level
N4-N5 Allotment	10
Deer Lodge Canyon HMA	50

This will establish an AML for wild horses within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data was collected in 2000 at the key areas KA-A and KA-B included: utilization using the key forage plant utilization method (KFPM), ecological condition and cover (line intercept method). Only utilization data was collected at key area C. Gordon and Betty Lytle Lytle did not make use on the allotment during 2000. The only use made during 2000 was by Pete Delmue who grazed livestock in all three portions of the allotment represented by these three key areas. Use pattern mapping data was collected within the allotment in 2001, showing use on plant growth of 2000. Prior to this, the most current monitoring data collected on the allotment was in 1990. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Use levels, as measured at the key areas KA-A, KA-B and KA-C by the KFPM and through use pattern mapping, were appropriate during the evaluation period (year 2000). Utilization levels were mostly within the slight use category (1 - 20%) throughout a majority of the allotment. There is no trend (quadrat frequency) data available. Ecological condition collected at the key areas KA-A (54%) and KA-B (67%) was determined to be in the late seral stage indicating an acceptable species composition mix. Cover data was 25% at KA-A and 28.5% at KA-B and was determined to be appropriate for both key areas.

Monitoring data indicates that management on the allotment has resulted in meeting the standards and guidelines and that management objectives are being met over a vast majority of the allotment.

There is no current riparian monitoring information, because there has been no current grazing

in the portion of the allotment where riparian areas support the Big Spring spinedace.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities. As per the HMP, percent bank trampling and vegetative utilization monitoring will be done every two weeks, at a minimum, after livestock are brought into the riparian zone, to assure that those objectives are not surpassed.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

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

shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

Gordon Lytle — 1-15-02

Gordon and Betty Lytle, Permittee — Date

James Perkins — 1-18-02

James M. Perkins
Assistant Field Manager
Renewable Resources — Date

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant

progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

  Vegetative cover (amount, spacing, life form); and

  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	Key Area Location **	1/ Ecological Site No.	Key Species	Key Species & Total Comp. By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Species % Comp. By Weight	2/ Seral Stage (% of PNC)	3/ Allowable Use Levels	Season of Use (Cattle/Wildlife/Horses) 4/	Met or Not Met	Rationale
N4N5 KA - A	MDBM, T.1 N., R.69 E., sec. 21 SW¼SW¼	029XY008NV (Shallow Calcareous Loam 8-12" P.Z.)	ORHY STCO4	ORHY - .5 % STCO4 - .5 % Grasses - 4 % Forbs - 2 % Shrubs - 94 %	Late Seral (54%)	Improve	ORHY - ≥ .5 % STCO4 - ≥ .5 % Grasses - ≥ 4 % Forbs - ≥ 2 % Shrubs - < 94 %	> 54%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment). Slight use was measured at key areas KA-A and KA-B with light use measures at KA-C for the 2000 grazing year.
N4N5 KA - B	MDBM, T.1 N., R.68 E., sec. 12 NE¼			ORHY - 8 % STCO4 - 1 % Grasses - 15 % Forbs - 4 % Shrubs - 81 %	Late Seral (67%)	Maintain or Improve	ORHY - ≥ 8 % STCO4 - > 1 % Grasses - ≥ 15 % Forbs - ≥ 4 % Shrubs - < 81 %	≥ 67%				

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON THE N4N5 ALLOTMENT (2000)

On Plant Growth of	Percent Utilization on Key Species at Key Areas					
	N4N5					
	Key Area A *	Key Area B *	Key Area C **	Permittee	AUMs Used	% Permitted Use
2000	ORHY 8.6 STCO4 13	ORHY 9.5 STCO4 18.5	ORHY 24 STCO4 36.8	Pete Delmue	218	

* Used for Trend, Cover, Ecological Condition and Utilization.

** Use for Utilization only.

ACTIVE USE

N4N5 Allotment

Pete Delmue = 203 AUMs

APPENDIX IV

ADDITIONAL DATA

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources, Within the N4N5 Allotment, According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed Spring Source	For railroad purposes	Caliente and Pioche Railroad (Permit #650 - Certificate #534 - Certificated in 1908)	MDBM, T. 1 N., R.68 E., sec. 13, NW¼SE¼

Vegetative Community Trend (Frequency Data Analysis)

Key areas, to monitor livestock grazing, had not existed on the N4N5 Allotment until 1998, therefore no trend data exists before this time.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2001, on the key areas KA-A and KA-B. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
N4N5 (KA - A)	Late Seral (54%)	Grasses = 4 Forbs = 2 Shrubs = 94	25 %
N4N5 (KA - B)	Late Seral (67%)	Grasses = 15 Forbs = 4 Shrubs = 81	28.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric

Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	**1997**	**1998**	**1999**	**4 Year Average**
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT
AND ESTABLISHMENT OF A WILD HORSE APPROPRIATE MANAGEMENT LEVEL
FOR THE N4N5 ALLOTMENT
(Ken and Donna Lytle)

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the N4N5 Allotment portion of the Deer Lodge Canyon Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use on the N4N5 Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The N4N5 Allotment is situated in the northwest portion of the Deer Lodge Canyon HMA (Map #1). Elevations, within the allotment, range from 2,225 meters (7,300 feet) in the extreme eastern portions of the allotment to 1,555 meters (5,100 feet) at the lower elevations in the western portions near Dry and Rose Valley. Pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*) varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading into sagebrush (*Artemisia spp.*) stands composed of a sagebrush/grass/forb mix.

A portion of Condor Canyon and the associated stream runs through the extreme southwest corner of the allotment. This section of stream supports the Big Spring spinedace (*Lepidomeda mollispinis pratensis*) which was federally listed as threatened with critical habitat by the U.S.

Fish and Wildlife Service on April 29, 1985. Both critical and non-critical Big Spring Spinedace habitat occurs within the allotment. Consequently, a Condor Canyon Habitat Management Plan (HMP) (1989) was developed by the BLM in consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred "that the implementation of this plan is not likely to adversely affect the Big Spring spinedace" and that "the document adequately addresses the current threats to the spinedace and includes strong language relative to curtailing or controlling habitat degrading activities" (2/9/90: File No.:1-5-89-I-169). The plan was designed to maintain or improve habitat conditions within the Condor Canyon portion of the Meadow Valley Wash for the Big Spring spinedace. The plan resulted, in part, in the establishment of riparian grazing use limits within the Meadow Valley Wash where the Big Spring spinedace is found. A Big Spring Spinedace Recovery Plan, published by the U.S. Fish and Wildlife Service (Portland, Oregon) was subsequently issued on January 20, 1994.

There is one unnamed spring source on the allotment. Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with this spring source. This information was obtained from the Office of the State Division of Water Resources.

Livestock Use

Four permittees graze within this allotment: Pete Delmue, Frank Delmue, Kenneth and Donna Lytle and Gordon and Betty Lytle.

The current term permit for Ken and Donna Lytle is for the period 3/1/93 to 2/28/03. Permitted use on the N4N5 Allotment is 97 AUMS (cattle use). The permitted season of use shown on the current term grazing permit is 3/1-2/28.

The allotment has not received use by Ken and Donna Lytle since March of 1997 (1998 grazing year). However, when they do graze the allotment they use the northeast portion and graze during the winter months.

At least 80% of the allotment receives only horse use.

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia spp.*) that is being heavily invaded by pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number and kind of livestock, season-of-use and permitted use will not change from the current term permit and will continue (effective March 2003) as follows:

N4N5 - Ken and Donna Lytle

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
9	Cattle	3/1 - 2/28	97	75	172	100

Livestock Management Practices

Grazing use, for Ken and Donna Lytle, will continue in accordance with that described under the section titled, "Livestock Use".

Cattle are generally grazed during the winter months. However, if cattle are ever grazed during the spring growing season, a seasonal rotation of livestock grazing on the allotment will occur using herding, salting and water-hauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (6/15 - 3/15). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from June 15 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

The allotment will be monitored for a minimum of three consecutive years, beginning in 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

Meetings will take place annually to discuss previous and upcoming grazing management practices on the allotment.

The riparian grazing use limits, established in the Condor Canyon HMP (1989), have been incorporated under the terms and conditions, listed below. These, as contained in the HMP, were concurred with by the U.S. Fish and Wildlife Service during Section 7 consultation (2/9/90: File No.:1-5-89-I-169).

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2, the following terms and conditions will be included in the grazing permit for N4N5 Allotment:

1. Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

2. A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and waterhauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

3. The allotment will be monitored for a minimum of three consecutive years, beginning 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

4. Existing and newly established future watering locations within the allotment will be rotated annually, as determined by the BLM and the permittee, so as to distribute grazing within the allotment.

5. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

6. Exclude livestock grazing within the riparian zone from March 15 through November 15 (Condor Canyon HMP).

7. Allow no more than 20% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis and averaged between all stations (key areas) within the big Spring spinedace critical habitat in the allotment (Condor Canyon HMP).

8. Allow no more than 35% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis per any one station within the Big Spring spinedace non-critical

habitat in the allotment (Condor Canyon HMP).

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

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

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

Standards and Guidelines

Standards and Guidelines for Grazing Administration will be implemented through the terms and conditions of the grazing permit. The grazing management practices identified in the terms and

conditions are designed to ensure significant progress towards fulfillment of the Mojave-Southern Great Basin Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

III. RANGE IMPROVEMENTS

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

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA as follows:

Allotment / HMA	Appropriate Management Level
N4-N5 Allotment	10
Deer Lodge Canyon HMA	50

This will establish an AML for wild horses within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

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

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

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data was collected in 2000 at the key areas KA-A and KA-B included: utilization using the key forage plant utilization method (KFPM), ecological condition and cover (line intercept method). Only utilization data was collected at key area C. Ken and Donna Lytle did not make use on the allotment during 2000. The only use made during 2000 was by Pete Delmue who grazed livestock in all three portions of the allotment represented by these three key areas. Use pattern mapping data was collected within the allotment in 2001, showing use on plant growth of 2000. Prior to this, the most current monitoring data collected on the allotment was in 1990. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Use levels, as measured at the key areas KA-A, KA-B and KA-C by the KFPM and through use pattern mapping, were appropriate during the evaluation period (year 2000). Utilization levels were mostly within the slight use category (1 - 20%) throughout a majority of the allotment. There is no trend (quadrat frequency) data available. Ecological condition collected at the key areas KA-A (54%) and KA-B (67%) was determined to be in the late seral stage indicating an acceptable species composition mix. Cover data was 25% at KA-A and 28.5% at KA-B and was determined to be appropriate for both key areas.

Monitoring data indicates that management on the allotment has resulted in meeting the

standards and guidelines and that management objectives are being met over a vast majority of the allotment.

There is no current riparian monitoring information, because there has been no current grazing in the portion of the allotment where riparian areas support the Big Spring spinedace.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities. As per the HMP, percent bank trampling and vegetative utilization monitoring will be done every two weeks, at a minimum, after livestock are brought into the riparian zone, to assure that those objectives are not surpassed.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

> § 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in

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

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

Kenneth and Donna Lytle, Permittee — Date: 1-15-02

James M. Perkins
Assistant Field Manager
Renewable Resources — Date: 1-18-02

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant

progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

  Vegetative cover (amount, spacing, life form); and

  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location ****	**1/ Ecological Site No.**	**Key Species**	**Key Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
N4N5 KA - A	MDBM, T.1 N., R.69 E., sec. 21 SW¼SW¼	029XY008NV (Shallow Calcareous Loam 8-12" P.Z.)	ORHY STCO4	ORHY - .5 % STCO4 - .5 % Grasses - 4 % Forbs - 2 % Shrubs - 94 %	Late Seral (54%)	Improve	ORHY - ≥ .5 % STCO4 - ≥ .5 % Grasses - ≥ 4 % Forbs - ≥ 2 % Shrubs - < 94 %	> 54%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment). Slight use was measured at key areas KA-A and KA-B with light use measures at KA-C for the 2000 grazing year.
N4N5 KA - B	MDBM, T.1 N., R.68 E., sec. 12 NE¼			ORHY - 8 % STCO4 - 1 % Grasses - 15 % Forbs - 4 % Shrubs - 81 %	Late Seral (67%)	Maintain or Improve	ORHY - ≥ 8 % STCO4 - > 1 % Grasses - ≥ 15 % Forbs - ≥ 4 % Shrubs - < 81 %	≥ 67%				

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON THE N4N5 ALLOTMENT (2000)

On Plant Growth of	Percent Utilization on Key Species at Key Areas					
	N4N5					
	Key Area A *	Key Area B *	Key Area C **	Permittee	AUMs Used	% Permitted Use
2000	ORHY 8.6 STCO4 13	ORHY 9.5 STCO4 18.5	ORHY 24 STCO4 36.8	Pete Delmue	218	

* Used for Trend, Cover, Ecological Condition and Utilization.

** Use for Utilization only.

ACTIVE USE

N4N5 Allotment

Pete Delmue = 203 AUMs

APPENDIX IV

ADDITIONAL DATA

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources, Within the N4N5 Allotment, According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed Spring Source	For railroad purposes	Caliente and Pioche Railroad (Permit #650 - Certificate #534 - Certificated in 1908)	MDBM, T. 1 N., R.68 E., sec. 13, NW¼SE¼

Vegetative Community Trend (Frequency Data Analysis)

Key areas, to monitor livestock grazing, had not existed on the N4N5 Allotment until 1998, therefore no trend data exists before this time.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2001, on the key areas KA-A and KA-B. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
N4N5 (KA - A)	Late Seral (54%)	Grasses = 4 Forbs = 2 Shrubs = 94	25 %
N4N5 (KA - B)	Late Seral (67%)	Grasses = 15 Forbs = 4 Shrubs = 81	28.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric

Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	**1997**	**1998**	**1999**	**4 Year Average**
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

AGREEMENT FOR CHANGES IN LIVESTOCK GRAZING MANAGEMENT
AND ESTABLISHMENT OF A WILD HORSE APPROPRIATE MANAGEMENT LEVEL
FOR THE N4N5 ALLOTMENT
(Pete Delmue)

I. INTRODUCTION

The primary purpose of this agreement is to establish a wild horse appropriate management level (AML) for the N4N5 Allotment portion of the Deer Lodge Canyon Wild Horse Herd Management Area (HMA).

This agreement also documents the changes in terms and conditions for livestock grazing use on the N4N5 Allotment. Terms and conditions identified in this agreement will be included in the new term permit. Season of Use will change, however, permitted use will not change and will continue in accordance with the current term permit. The period of this agreement will run concurrently with the new term permit which will be for a period of ten years.

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

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

Allotment Description

The N4N5 Allotment is situated in the northwest portion of the Deer Lodge Canyon HMA (Map #1). Elevations, within the allotment, range from 2,225 meters (7,300 feet) in the extreme eastern portions of the allotment to 1,555 meters (5,100 feet) at the lower elevations in the western portions near Dry and Rose Valley. Pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*) varies from dense stands in the higher elevations to scattered less dense stands at the lower elevations where it is invading into sagebrush (*Artemisia spp.*) stands composed of a sagebrush/grass/forb mix.

A portion of Condor Canyon and the associated stream runs through the extreme southwest corner of the allotment. This section of stream supports the Big Spring spinedace (*Lepidomeda mollispinis pratensis*) which was federally listed as threatened with critical habitat by the U.S.

Fish and Wildlife Service on April 29, 1985. Both critical and non-critical Big Spring Spinedace habitat occurs within the allotment. Consequently, a Condor Canyon Habitat Management Plan (HMP) (1989) was developed by the BLM in consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred "that the implementation of this plan is not likely to adversely affect the Big Spring spinedace" and that "the document adequately addresses the current threats to the spinedace and includes strong language relative to curtailing or controlling habitat degrading activities" (2/9/90: File No.:1-5-89-I-169). The plan was designed to maintain or improve habitat conditions within the Condor Canyon portion of the Meadow Valley Wash for the Big Spring spinedace. The plan resulted, in part, in the establishment of riparian grazing use limits within the Meadow Valley Wash where the Big Spring spinedace is found. A Big Spring Spinedace Recovery Plan, published by the U.S. Fish and Wildlife Service (Portland, Oregon) was subsequently issued on January 20, 1994.

There is one unnamed spring source on the allotment. Table 1 in Appendix IV shows the type of water right (Manner of Use), water right ownership and legal location associated with this spring source. This information was obtained from the Office of the State Division of Water Resources.

Livestock Use

Four permittees graze within this allotment: Pete Delmue, Frank Delmue, Kenneth Lytle and Gordon Lytle.

The current term permit for Pete Delmue is for the period 3/1/93 to 2/28/03. His permitted use on the N4N5 Allotment is 203 AUMS (cattle use). The permitted season of use shown on the current term grazing permit is 3/1-2/28.

The allotment receives annual use with Pete Delmue grazing his cattle in the southeast portion of the allotment in the vicinity of an unnamed well, which uses a windmill, to which both Frank and Pete Delmue have the water rights. He also uses that portion of the allotment along the Dry Valley Road where his cattle use the areas along the road and the drainages that lead into it from the northwest. When cattle use the area along the Dry Valley Road they water on private lands located in this area. His grazing use occurs mostly during the wintertime on the allotment and does not graze during the spring or summer. At least 80% of the allotment receives only horse use. Pete has waters in a couple of different locations on the allotment and, therefore, has the capability to rotate his grazing use within the allotment

Wild Horse Use

The Deer Lodge Canyon wild horse herd management area is located in Lincoln County, Nevada. The north boundaries of the Mahogany Peak and N4-N5 Allotments form the north border of the HMA. Meadow Valley Wash roughly forms the west boundary of the HMA while

the Nevada-Utah state line forms the east border. The only portion of the HMA which is fenced is along the north side of Highway 319. There are approximately 1,691 acres of private land occurring within the HMA.

The Deer Lodge Canyon HMA can be divided into three principal horse use areas. The largest horse use area is located in the western one-half of the HMA, in the Rabbit Springs, McGuffy Spring, Condor Canyon, and Deer Lodge Canyon Allotments. This use area is covered in stands of sagebrush (*Artemisia spp.*) that is being heavily invaded by pinyon-juniper (*Pinus monophylla - Juniperus osteosperma*). Extensive stands of pinyon-juniper woodlands cover the higher elevations of the area. This is the main foraging and watering area for over 60% of the horses from the HMA. There are several small perennial water sources located within the area as well as water that is hauled by livestock operators or pumped from wells that the horses utilize for their water needs. The horses spend a portion of their lives within the adjacent Wilson Creek HMA, which is north of the area. The horses within the southern portion of this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The northeastern portion of the HMA, which encompasses the Mahogany Peak Allotment, has the second largest population of wild horses. This population is located primarily in the foothills on the east side of the Cedar (Mahogany Peak) Range. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. Two areas in which the pinyon-juniper was chained in the 1950-60's support the grazing by wild horses and livestock. The horses rely on several small spring sources and catch reservoirs situated within the northern end of the Mahogany Peak Allotment. These spring sources are being impacted by wild horses and cattle. The horses within this area travel to the adjacent Wilson Creek HMA, which is north of the area, as well as to the east in Utah. The amount of time spent in either location is not known but the movement is a common event. Several very small, isolated spring sources may exist in the area that have not been identified.

The east half of the McGuffy Springs Allotment forms a use area that has the smallest number of wild horses. The vegetation in this area is heavily covered in pinyon/juniper with scattered openings containing sagebrush. The horses rely on small spring sources situated within the western portion of the area. These horses travel to an adjacent HMA within Utah to spend a portion of their time. The horses within this area also interact routinely with the horses within the Miller Flat HMA to the south of Highway 319.

The wild horses within the Deer Lodge Canyon HMA interact extensively with the horses found within the Wilson Creek HMA as well as a HMA within Utah. As the population within the southern portion of the Wilson Creek HMA increases and become crowded, the excess numbers of horses move into the Deer Lodge Canyon area to establish new home ranges. A second movement of horses occurs when there is high snow conditions within the Wilson Creek HMA and the horses move south to more open conditions.

II. AGREED UPON CHANGES IN LIVESTOCK USE

The number and kind of livestock, season-of-use and permitted use will not change from the current term permit and will continue (effective March 2003) as follows:

N4N5 - Pete Delmue

Livestock Number	Kind	Period of Use	Permitted Use (AUMs)	Historically Suspended Use	Total Use	% Public Land
17	Cattle	3/1 - 2/28	203	159	362	100

Livestock Management Practices

Grazing use, for Pete Delmue, will continue in accordance with that described under the section titled, "Livestock Use".

A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and water-hauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

The allotment will be monitored for a minimum of three consecutive years, beginning in 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

Meetings will take place annually to discuss previous and upcoming grazing management practices on the allotment.

The riparian grazing use limits, established in the Condor Canyon HMP (1989), have been incorporated under the terms and conditions, listed below. These, as contained in the HMP, were concurred with by the U.S. Fish and Wildlife Service during Section 7 consultation (2/9/90: File No.:1-5-89-I-169).

Terms and Conditions

In accordance with 43 CFR §4130.3 and §4130.3-2, the following terms and conditions will be included in the grazing permit for N4N5 Allotment:

1. Allowable use levels will not exceed moderate use (60%) on upland vegetation during the authorized use period (3/1 - 2/28). Where livestock grazing occurs in common with other permittees, the combined use for all users will not exceed 30% from March 1 to October 31. Where grazing occurs in common with other permittees authorized to graze on the allotment, during a particular grazing year, the total amount of grazing utilization made by all users shall not exceed the moderate use level by the end of that grazing year.

2. A seasonal rotation of livestock grazing on the allotment will occur using herding, salting and waterhauling, so that the livestock do not graze the same areas each year during the spring critical growing period.

3. The allotment will be monitored for a minimum of three consecutive years, beginning 2002, to determine if appropriate use levels are being met and if a seasonal rotation of livestock has been effectively executed. If annual grazing management practices are not effective, changes to spring use will be made. If after the three year monitoring period grazing management practices are still not effective, changes to grazing use may include the exclusion of grazing during the spring critical growing period.

4. Existing and newly established future watering locations within the allotment will be rotated annually, as determined by the BLM and the permittee, so as to distribute grazing within the allotment.

5. The use of salt and/or herding will be used to promote cattle distribution into areas which would otherwise receive little use and to relieve grazing pressure in areas where moderate grazing use may become exceeded.

6. Exclude livestock grazing within the riparian zone from March 15 through November 15 (Condor Canyon HMP).

7. Allow no more than 20% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis and averaged between all stations (key areas) within the big Spring spinedace critical habitat in the allotment (Condor Canyon HMP).

8. Allow no more than 35% bank trampling or 50% vegetative utilization, whichever occurs first, on an annual basis per any one station within the Big Spring spinedace non-critical habitat in the allotment (Condor Canyon HMP).

Standard Operating Terms and Conditions

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

2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

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

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

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

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

Standards and Guidelines

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

the Interior on February 12, 1997. The management actions implement the guidelines to meet the multiple use objectives and standards.

III. RANGE IMPROVEMENTS

The permittee has submitted waterhaul projects.

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

IV. WILD HORSE AND BURRO MANAGEMENT

Establish a wild horse appropriate management level (AML) within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA as follows:

Allotment / HMA	Appropriate Management Level
N4-N5 Allotment	10
Deer Lodge Canyon HMA	50

This will establish an AML for wild horses within the N4-N5 Allotment portion of the Deer Lodge Canyon HMA. AML is based upon available water and forage within the allotment as well as census data. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, however the total AML for the HMA will be maintained.

Standards and Guidelines

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

2000. The management actions implement the guidelines to meet the multiple-use objectives and standards.

V. ALLOTMENT SPECIFIC OBJECTIVES

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

VI. ANALYSIS, INTERPRETATION AND EVALUATION OF MONITORING DATA

Analysis of Monitoring Data

An assessment of rangeland health and a review of the monitoring data was conducted associated with this agreement. Current monitoring data collected in 2000 at the key areas KA-A and KA-B included: utilization using the key forage plant utilization method (KFPM), ecological condition and cover (line intercept method). Only utilization data was collected at key area C. During 2000, Pete grazed livestock in all three portions of the allotment represented by these three key areas. Use pattern mapping data was collected within the allotment in 2001, showing use on plant growth of 2000. Prior to this, the most current monitoring data collected on the allotment was in 1990. Appendices III and IV show results of aforementioned monitoring data, except for use pattern mapping.

Use levels, as measured at the key areas KA-A, KA-B and KA-C by the KFPM and through use pattern mapping, were appropriate during the evaluation period (year 2000). Utilization levels were mostly within the slight use category (1 - 20%) throughout a majority of the allotment. There is no trend (quadrat frequency) data available. Ecological condition collected at the key areas KA-A (54%) and KA-B (67%) was determined to be in the late seral stage indicating an acceptable species composition mix. Cover data was 25% at KA-A and 28.5% at KA-B and was determined to be appropriate for both key areas.

Monitoring data indicates that management on the allotment has resulted in meeting the

standards and guidelines and that management objectives are being met over a vast majority of the allotment.

There is no current riparian monitoring information, because there has been no current grazing in the portion of the allotment where riparian areas support the Big Spring spinedace.

VII. FUTURE MONITORING AND ADJUSTMENTS

Monitoring Program

Rangeland monitoring will continue to be conducted on the allotment. Specific rangeland monitoring studies may include proper functioning condition, riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend or observed apparent trend. The permittee will be encouraged to participate in monitoring. Monitoring will be conducted or continue to be conducted to measure the effects of wild horse use on rangeland health and will be based on district priorities. As per the HMP, percent bank trampling and vegetative utilization monitoring will be done every two weeks, at a minimum, after livestock are brought into the riparian zone, to assure that those objectives are not surpassed.

Evaluation

Grazing use and stocking levels will also be evaluated when the new term permit expires. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit will be reissued subject to revised terms and conditions. Adjustments may include changes to period-of-use, stocking levels, areas-of-use or other grazing management practices. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

VIII. AUTHORITY

The authority for the livestock portion of this agreement is contained in Title 43 of the Code of Federal Regulations (43 CFR), which states in pertinent part:

> § 4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in

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

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

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

§ 4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.

§ 4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

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

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

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

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

IX. AGREEMENT

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

P. Pete Delmue 1/15/02

Pete Delmue, Permittee — Date

James P. Perkins 1-18-02

James M. Perkins
Assistant Field Manager
Renewable Resources — Date

APPENDIX I

STANDARDS AND GUIDELINES

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

STANDARDS:

STANDARD 1. SOILS:

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

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);

- Surfaces (e.g., biological crusts, pavement); and

- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

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

GUIDELINES:

1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standard.

1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.

1.3 When proper grazing practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.

1.4 Rangeland management practices should address improvement beyond this standard, significant

progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 2. ECOSYSTEM COMPONENTS;

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

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

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.

- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian area are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.

- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

  Width/Depth ratio;

  Channel roughness;

  Sinuosity of stream channel;

  Bank stability;

  Vegetative cover (amount, spacing, life form); and

  Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

GUIDELINES:

2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.

2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.

2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.

2.4 Grazing management practices will consider both the economic and physical environment, and will address all multiple uses including, but not limited to, (i) recreation, (ii) minerals, (iii) cultural resources and values, and (iv) designated wilderness and wilderness study areas.

2.5 New livestock facilities will be located away from riparian and wetland areas if they conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions, or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions. The location, relocation, design and use of livestock facilities will consider economic feasibility and benefits to be gained for management of lands outside the riparian area along with the effects on riparian functions.

2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to protect ecological functions and processes.

2.7 When proper grazing practices alone are not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. Grazing on designated ephemeral rangeland watersheds should be allowed only if (i) reliable estimates of production have been made, (ii) an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and (iii) adverse effects on perennial species and ecosystem processes are avoided.

2.8 Rangeland management practices should address improvement beyond these standards, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

STANDARD 3. HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

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

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

GUIDELINES:

3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.

3.2 Management practices should emphasized native species except when others would serve better, for attaining desired communities.

3.3 Intensity, frequency, season of use and distribution of grazing use should provide for growth, reproduction, and, when environmental conditions permit, seeding establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition, trend, and utilization will be in accordance with techniques identified in the Nevada Rangeland Handbook.

3.4 Grazing management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife, as well as wild horses and burros inside Herd Management Areas.

3.5 Management practices will promote the conservation, restoration and maintenance of habitat for special status species.

3.6 Livestock grazing practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, grazing will be excluded from these areas.

3.7 Where grazing practices alone are not likely to achieve habitat objectives, land management practices may be designed and implemented as appropriate.

3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified Standards cannot be achieved through proper grazing management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.

3.9 Rangeland management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX II

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location ****	**1/ Ecological Site No.**	**Key Species**	**Key Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
N4N5 KA - A	MDBM, T.1 N., R.69 E., sec. 21 SW¼SW¼	029XY008NV (Shallow Calcareous Loam 8-12" P.Z.)	ORHY STCO4	ORHY - .5 % STCO4 - .5 % Grasses - 4 % Forbs - 2 % Shrubs - 94 %	Late Seral (54%)	Improve	ORHY - ≥ .5 % STCO4 - ≥ .5 % Grasses - ≥ 4 % Forbs - ≥ 2 % Shrubs - < 94 %	> 54%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment). Slight use was measured at key areas KA-A and KA-B with light use measures at KA-C for the 2000 grazing year.
N4N5 KA - B	MDBM, T.1 N., R.68 E., sec. 12 NE¼			ORHY - 8 % STCO4 - 1 % Grasses - 15 % Forbs - 4 % Shrubs - 81 %	Late Seral (67%)	Maintain or Improve	ORHY - ≥ 8 % STCO4 - > 1 % Grasses - ≥ 15 % Forbs - ≥ 4 % Shrubs - < 81 %	≥ 67%				

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

LAND USE PLAN OBJECTIVES

Allotment Specific Objectives

a. Livestock

(1) Short term objective: To manage the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetative community throughout each of the allotments.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

b. Wild Horses

(1) Short term objective: To manage the allowable use level to improve or maintain the desired vegetative community.

(2) Long term objective: To manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of wild horses.

c. Mule Deer

(1) Short term objective: To limit use on key browse species listed for mule deer to 45 percent year-long.

(2) Long term objective: To maintain mule deer year-long range in at least fair habitat condition.

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

d. Riparian

(1) Short term objective: To limit use on riparian vegetation to 50 percent.

(2) Long term objective: To restore lentic and lotic riparian areas to Proper Functioning Condition.

APPENDIX III

USE LEVELS MEASURED AT KEY AREAS ON THE N4N5 ALLOTMENT (2000)

On Plant Growth of	Percent Utilization on Key Species at Key Areas					
	N4N5					
	Key Area A *	Key Area B *	Key Area C **	Permittee	AUMs Used	% Permitted Use
2000	ORHY 8.6 STCO4 13	ORHY 9.5 STCO4 18.5	ORHY 24 STCO4 36.8	Pete Delmue	218	

* Used for Trend, Cover, Ecological Condition and Utilization.

** Use for Utilization only.

ACTIVE USE

N4N5 Allotment

Pete Delmue = 203 AUMs

APPENDIX IV

ADDITIONAL DATA

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources, Within the N4N5 Allotment, According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Unnamed Spring Source	For railroad purposes	Caliente and Pioche Railroad (Permit #650 - Certificate #534 - Certificated in 1908)	MDBM, T. 1 N., R.68 E., sec. 13, NW¼SE¼

Vegetative Community Trend (Frequency Data Analysis)

Key areas, to monitor livestock grazing, had not existed on the N4N5 Allotment until 1998, therefore no trend data exists before this time.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2001, on the key areas KA-A and KA-B. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
N4N5 (KA - A)	Late Seral (54%)	Grasses = 4 Forbs = 2 Shrubs = 94	25 %
N4N5 (KA - B)	Late Seral (67%)	Grasses = 15 Forbs = 4 Shrubs = 81	28.5 %

Precipitation

Precipitation data for this evaluation was obtained from the National Oceanic and Atmospheric

Administration weather station located in Pioche, Nevada and also the Deer Lodge BLM weather station located within the Deer Lodge Allotment. Pioche is located along the north border of the Highland Peak HMA. For this reason the data should be used only as a guide to precipitation for the allotments within the HMA.

The 4 year average (1996-1999) precipitation value at the Pioche NOAA weather station is 17.02 inches, ranging from a high of 26.35 inches in 1998 (the year of El Nino) to a low of 8.87 inches in 1999 (Table 7). Within the HMA, most of the precipitation typically occurs during the winter months, with occasional intense thunder storms occurring during the summer months.

Annual Precipitation Data Collected at the Pioche NOAA Weather Station for the Period (1996 - 1999).

Total Precipitation (in inches)				
1996	1997	1998	1999	4 Year Average
15.80	17.06	26.35	8.87	17.02

In contrast, the 30 Year (1961-1990) average at this weather station is 13.19 inches.

McGuffy Allotment Information

APPENDIX I

LIVESTOCK AND WILD HORSE OBJECTIVES

				PRESENT SITUATION		LONG TERM OBJECTIVES			SHORT TERM OBJECTIVES			
Allotment & Study Area	**Key Area Location ****	**1/ Ecological Site No.**	**Key Species**	**Key Species & Total Comp. By Weight**	**Seral Stage (% of PNC)**	**Maintain or Improve**	**Key Species % Comp. By Weight**	**2/ Seral Stage (% of PNC)**	**3/ Allowable Use Levels**	**Season of Use (Cattle/Wildlife/Horses) 4/**	**Met or Not Met**	**Rationale**
McGuffy	MDBM, T.2 S., R.71 E., sec. 29 NE¼	029XY029NV (Loamy Slope 10-12" P.Z. - ARTR2/STCO4-ORHY)	STCO4 SIHY	STCO4 - 10 % SIHY - 1 % Grasses- 37% Forbs - 7.5% Shrubs - 55.5%	Late Seral (56%)	Maintain or Improve	STCO4 - ≥ 10 % SIHY - > 1 % Grasses - ≥ 37% Forbs - ≥ 7.5% Shrubs - ≥ 55.5%	> 56%	Grasses - 50% Forbs - 50% Shrubs - 50%	3/1 - 2/28	Met	Management on the allotment has resulted in meeting the standards and guidelines and management objectives are being met over a vast majority of the allotment. Use pattern mapping, for year 2000, shows that overgrazing is not an issue (slight use over a majority of the allotment).

1/ Ecological Sites listed here may be found in the Major Land Resource Area (MLRA) range site descriptions published by the Soil Conservation Service.
2/ This is the seral stage that would have the greatest value for all resource users (livestock, horses & wildlife).
3/ Allowable use levels for utilization are the objectives established to meet the long term composition objectives.
4/ Use for horses and wildlife is yearlong

APPENDIX II

USE LEVELS MEASURED AT THE KEY AREA ON McGUFFY ALLOTMENT (2000)

Percent Utilization on Key Species at Key Areas				
	McGUFFY (Active Use = 298 AUMs)			
Grazing Year	Key Area McG-1	Permittee	AUMs Used	% Permitted Use
2000	SIHY 39 STCO4 26.5	Orren Nash	254	85

APPENDIX III

ADDITIONAL INFORMATION

Water Rights

Table 1. Water Right Type, Ownership and Legal Locations Associated with Natural Water Sources Within the McGuffy Allotment According to the Office of the State Division of Water Resources.

Spring Name	Water Right Type (Manner of Use)	Ownership	Legal Location
Kiln Spring	------	No Water Rights Listed with the Division of Water Resources, however, vested right may exist.	T. 2 S., R.70 E., sec. 4, SE¼NW¼
Marchell Spring	------	No Water Rights Listed with the Division of Water Resources, however, vested right may exist.	T. 2 S., R.70 E., sec. 11, SE¼SW¼
Summit Spring	------	BLM has Reserved Water Right (# R04307)	T. 2 S., R.70 E., sec. 27, NW¼

Vegetative Community Trend (Frequency Data Analysis)

Key areas, to monitor livestock grazing, had not existed on McGuffy Allotment until 1998, therefore no trend data exists before this time.

Ecological Condition and Percent Cover at the Key Areas

Ecological condition was completed, in year 2000, on the key area McG-1. The double sampling method as described in the National Range and Pasture Handbook (September 1997), published by the Natural Resources Conservation Service (NRCS), and the Bureau of Land Management National Range Handbook H-4410-1 (1984) was used.

Percent cover was obtained on these key areas using the line intercept method.

ALLOTMENT	ECOLOGICAL CONDITION (Numerical Rating)	% GRASSES, FORBS & SHRUBS IN SPECIES COMPOSITION	% COVER
McGuffy	Late Seral (56%)	Grasses = 37 Forbs = 7.5 Shrubs = 55.5	12.2 %

United States Department of the Interior

Bureau of Land Management

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