



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



RECEIVED

FEB 28 2008

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

In Reply Refer to:
4160 (NV-042)

Pleasant Valley Enterprises
c/o Gail Norman
SR Box 670
Trout Creek, UT 84083

FEB 26 2008

CERTIFIED MAIL 70060810000571140534
RETURN RECEIPT REQUESTED

FINAL DECISION

Pleasant Valley Enterprises Term Permit Renewal for the Mallory Springs Allotment

Background Information

On February 22, 2008 the Pleasant Valley Enterprises (Mallory Springs Allotment) term permit renewal Environmental Assessment (EA) (EA No. NV-040-06-013) and proposed decision was issued. The EA, Standards Determination Document, and the FONSI are attached. The final decision is issued in accordance with 43 CFR 4160.3.

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

The term grazing permit under consideration is for Mallory Springs Allotment (#00136). The Mallory Springs Allotment is a cattle and sheep allotment with a permitted use of 940 Animal Unit Months (AUMs). All of these 940 AUMs are active and no AUMs are suspended nonuse. The current permitted season of use is June 1 to August 31 for cattle and September 1 to May 31 for sheep. The allotment is ranked as a "C" (custodial) category in the Land Use Planning Documents. The current term permit for the Mallory Spring Allotment has been issued for the period of 11/01/1999 to 10/31/2009. The allotment encompasses 13,445 acres of BLM managed lands. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for Pleasant Valley Enterprises for the Mallory Springs Allotment provides for a legitimate multiple use of the public lands and this permit includes terms and conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for Nevada's Northern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the

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

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

The assessment of rangeland health for the Mallory Springs Allotment was conducted in the summers of 2005 and 2006. It was determined that the Habitat Standard was not being achieved. A review and analysis of the monitoring data was conducted. As a result of this review, changes to the management of livestock were proposed to improve the vegetative conditions of the allotment. The complete standards determination is located in Appendix I of the EA (EA-NV-040-06-013). A summary of the findings for the allotment are as follows:

1. Upland Site Standard: Achieving the Standard
2. Riparian and Wetland Sites Standard: Achieving the Standard
3. Habitat Standard: Not achieving the Standard, but making significant progress toward achieving.

Conclusions of the Standard Determination:

Standard 1 (Upland Sites Standard) Standard achieved. Vegetation cover studies, utilization studies, ecological condition studies photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential, being within fifteen to twenty-five percent ground cover. Biological crusts in the form of lichen are present across the West portion (approximately 30 %) of the allotment in Mallory Spring Canyon where pinyon-juniper encroachment is not apparent and there is no indication of excess compaction or trampling of soils. Key forage utilization accomplished in dominant range plant communities has been generally moderate or less during the assessment period. This promotes litter to stabilize upland sites and improves soil infiltration and permeability rates appropriate to the ecological site.

The MLRA 28A ecological site guide for the Mallory Springs allotment states the appropriate ground cover for the areas where the key areas are located is fifteen to twenty- five percent. The range site for all the key areas is R028AY013NV. A review of the data shows measured vegetative ground cover is within the appropriate cover levels in the key areas outside of the Mallory burn area as recommended in the ecological site guides for each range site. Each of the two range sites were greater than twenty percent ground cover. The Mallory burn key areas measured vegetative ground cover is not within the appropriate cover levels as recommended in the ecological site guides for each range site. Each of the two key areas outside the burn area measured approximately seven and thirteen percent ground cover respectively. This lack of ground cover is probably due to the region the key area sites are located in with regards to being burned over by a wildfire in 2001. The vegetation is still recovering from the recent 2001 Mallory fire event.

Standard 2 (Riparian and Wetland Sites Standard) Achieved. Proper functioning condition (PFC) monitoring studies have been conducted at several unnamed spring sites located on federal land within the Mallory Springs Allotment in 2001 and 2006. The riparian areas within the allotment are in proper functioning condition. There is very little evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.

Standard 3 (Habitat Standard) Not achieved. Ecological condition studies, vegetation cover studies, utilization studies, precipitation studies, photographs, and professional observations indicate the majority of the allotment is not achieving the Habitat Standard. Components of the vegetation community are not within the desired ecological site potential. In general, vegetation distribution within this allotment is acceptable outside the pinyon-juniper encroached areas. Key forage utilization accomplished on all key areas and study sites has been generally moderate or less during the assessment period. The ecological processes of the hydrologic cycle, nutrient cycle, and energy flow are being maintained. The majority of the allotment remains in a stable, resilient, ecologically healthy state, and has not transitioned to range dominated by shrubs or by invasive annual grasses or other introduced species. Native species are diverse. Vegetation nutritional value has not been monitored for.

The presence of cheatgrass is a concern in this allotment. The fine fuels of cheatgrass could lead to a wildfire disturbance in salt desert shrub range that would result in elimination of native plants from this ecological site. Cheatgrass control measures (e.g. herbicide) may be appropriate for this allotment in the future. Existing grazing management and levels of grazing use on native range within the Mallory Springs allotment are not a causal factor in failing to achieve the habitat standard. Causal factors in these areas are considered to be drought, fire suppression, and historical grazing prior to the Taylor Grazing Act. The current livestock grazing management system conforms to guidelines.

Consultation and Coordination

The project proposal was posted on the Ely Field Office web site, January 30, 2007, at http://www.nv.blm.gov/ely/nepa/ea_list.htm and no comments were received.

The preliminary EA was posted on the Ely external webpage on July 20, 2007 for a thirty day comment period. A hard copy of the preliminary EA was mailed to the permittee and those publics who have specifically requested one and who have expressed an interest in range management actions on the

Mallory Springs Allotment. Comments were received from interested publics on the preliminary EA. These comments were incorporated into the environmental assessment as deemed appropriate. A written response to the substantial protest points was prepared and will be placed in the BLM administrative record for this permit renewal. No comments were received on the proposed decision to renew a grazing permit for Pleasant Valley Enterprises on the Mallory Springs allotment. Based on the absence of comments, this final decision has not been changed from the proposed decision.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), 4130.3-1 and 4130.3-3 permitted use for Pleasant Valley Enterprises will be as follows:

Table 1. Current Term Permit for Pleasant Valley Enterprises(#2704433)

Allotment Name and Number	Livestock Number/Kind		Grazing Period Begin End		% Public Land*	Type Use	AUMs**
00136 Mallory Springs	63	Cattle	06/01	08/31	100	Active	940
	417	Sheep	09/01	05/31			
*% Public Land is the percent of public land for billing purposes.							
**AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.							
Allotment AUMs Summary							
ACTIVE AUMS		SUSPENDED AUMS			PERMITTED USE		
940		0			940		

The proposed term permit and allotment information is as follows:

Table 2. Proposed Term Permit for Pleasant Valley Enterprises (#2704433)

	Livestock Number/Kind		Grazing Period Begin End		% Public Land*	Type Use	AUMs**
00136 Mallory Springs	63	Cattle	6/1	7/15	100	Active	940
	417	Sheep	11/1	12/15			
*% Public Land is the percent of public land for billing purposes.							
**AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.							
Allotment AUMs Summary							
ACTIVE AUMS		SUSPENDED AUMS			PERMITTED USE		
940		0			940		

This decision will be effective upon the decision becoming final or pending final upon determination on appeal. Proposed changes to the permit terms and conditions would affect the overall management of livestock based on timing and duration of grazing, and allowable use levels on perennial native plants.

Terms and conditions for grazing use which will become pertinent to the Pleasant Valley Enterprises permit will be as follows:

1. BLM and Pleasant Valley Enterprises will work together on an annual basis to identify livestock management practices to be implemented for each year in the Mallory Springs Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health.
2. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits.
3. During the ten year period of this term permit renewal, the BLM and Pleasant Valley Enterprises will monitor the Mallory Springs Allotment for resource conditions in order to determine the effectiveness of the term permit renewal in achieving or making progress towards achieving the Standards for Rangeland Health. Pleasant Valley Enterprises will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.
4. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass within the Mallory burn area and whitesage within the gravel wash area on the Mallory Springs Allotment. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.
5. Annual grazing may be modified within the period of use and permitted use on the term permit in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met.
6. No livestock grazing will occur within the gravel wash area during the 06/01 to 07/15 grazing period to allow grazing rest during the summer growing season of winterfat, a key forage species.
7. Salt and/or mineral supplements for livestock would be located no closer than ¼ mile from water sources. Use of nutritional supplements (not forage) would be encouraged to improve the ability of cattle to utilize forage in the winter months and to improve livestock distribution across the allotment.
8. Wildlife escape ramps provided by the BLM are required to be installed and maintained by the permittee at each trough used on the allotment.

Stipulations Common to All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. 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. An actual use report (Form 4130-5) must 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 Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

Rationale For Changes in Grazing Use

Livestock grazing is not a contributing factor to not achieving the Habitat Standard. The primary reason cited is inadequate soil protection due to an inappropriate vegetation community species composition. The likely primary causal factors are drought and perhaps historic (pre-Taylor Grazing Act) over-grazing use. The proposed change in season of use would be from (06/01 to 08/31) to (06/01 to 07/15 and 11/01 to 12/15) for cattle. The cattle numbers would remain the same. Sheep numbers and season of use would remain the same. Grazing would continue as it has in the past with the exception of a change in the cattle permitted season of use. The change in season of use would allow a greater period of rest

from grazing on the forage plant species winterfat during the summer growing season especially in the gravel wash area. This should promote plant vigor, health, seedling establishment and improved soil water infiltration in winterfat areas needing improvement.

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

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

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

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

4130.3-3: “Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part...”

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

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

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

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

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.
- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.
- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.

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

Appeal

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

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

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

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

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

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)). (43 CFR 4.422(c) At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service)(2)).

Sincerely,



Kyle V. Hansen
Acting Assistant Field Manager
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-06-12 (including the standards determination document)
3. Allotment Map(s)

cc:

Curtis A Baughman, NDOW
1218 N. Alpha Street
Ely, NV 89301

70060810000571140428

Steve Carter
Carter Cattle Company
P.O. Box 27
Lund, NV 89317

70060810000571140435

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

70060810000571140442

Mr. Steve Force, NDOW
60 Youth Center Road
Elko, NV 89801

70060810000571140459

Curt Leet
HC 32 Box 32120
Ely, NV 89301

70060810000571140466

Betsy Macfarlan Eastern Nevada Landscape Coalition P.O. Box 150266 Ely, NV 89315	70060810000571140473
Nevada State Clearinghouse 209 E. Musser St. Room 200 Carson City, NV 89701-4298	70060810000571140480
Lincoln County Commissioners P O Box 90 Pioche, NV 89043	70060810000571140497
Cindy McDonald 3605 N. Silver Sand Ct. N. Las Vegas, NV 89032	70060810000571140503
John McLain Resource Concepts, Inc. 340 N. Minnesota St. Carson City, NV 89703-4152	70060810000571140510
Don Phillips Steptoe Ranch PO Box 1390 McGill, NV 89318	70060810000571140527

**FINDING OF NO SIGNIFICANT IMPACT
FOR
Pleasant Valley Enterprises Term Permit Renewal (Mallory Springs Allotment)
EA # NV-040-06-013**

I have reviewed Environmental Assessment (EA) NV-040-06-013, dated September 20, 2007. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-06-013 has been reviewed through the interdisciplinary team process

I have determined the proposed action is in conformance with the Schell Management Framework Plan (MFP) and Schell Grazing Environmental Impact Statement (EIS), approved June, 1983, and the subsequent Record of Decision (ROD), approved July 1983. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: The Mallory Springs Allotment consists of 13,445 acres of which approximately 640 acres are privately owned and the remainder under Bureau of Land Management administration. The allotment is located approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region, all in White Pine County, Nevada. White Pine County is sparsely populated, with less than one person per square mile. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

Intensity:

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

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

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

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

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

There are no parks, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment, but there are no known sites of particular importance or interest. There are prime farmlands within the area of interest but none will be affected by the action.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Schell Grazing Environmental Impact Statement (EIS). Although public input has been sought for the proposed action, there has been little public interest and only a few comments on effects analyzed in the attached EA.

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

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

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

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

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

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

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

ENVIRONMENTAL ASSESSMENT

NV-040-06-013

GRAZING PERMIT ISSUANCE FOR PLEASANT VALLEY ENTERPRISES

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

Prepared By: Craig Hoover

September 24, 2007

I. INTRODUCTION

Background Information

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permit for Pleasant Valley Enterprises on the Mallory Springs Allotment (20134). This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. Both the proposed action and alternatives to the proposed action are considered.

This EA is tiered to and incorporates by reference the Schell Management Framework Plan (MFP) and Schell Grazing Environmental Impact Statement (EIS), approved June, 1983, and the subsequent Record of Decision (ROD), approved July 1983. These broad, long term land use planning documents implemented decisions regarding rangeland management in the Ely District. The Mallory Springs Allotment has been designated as management category "custodial" (C).

The term grazing permit under consideration authorizes grazing use within the Mallory Springs Allotment. Cattle and sheep are the authorized kind of livestock. The sheep portion of the permit has been in non-use for over ten years. The permit would be for a period of ten years. The current term permit for the Mallory Springs Allotment has been issued for the period 11/01/1999 to 10/31/2009.

A Grazing Final Multiple Use Decision (FMUD) has not been accomplished for the Mallory Springs Allotment to date. A standards assessment and evaluation report was completed for a term permit renewal for the allotment in September, 2005.

An assessment of the rangeland health has been conducted prior to the permit issuance (renewal) process. Standards for Rangeland Health were assessed by a BLM interdisciplinary team on March 28, 2007 on the Mallory Springs Allotment. The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologists, Natural Resource Specialists, Archaeologists, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS 1982), Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), and Riparian Area Management (USDI-BLM et al. 1998). The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

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

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

necessary to meet or maintain rangeland health standards. The assessment was based on rangeland monitoring data that is summarized within appendix 1. As a result of the assessment and monitoring data review, it has been determined that the Standards and Guidelines for Rangeland Health are being achieved or making progress toward being met on the Mallory Springs Allotment. A summary of this finding for the allotment follows:

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

Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) Achieved.

Standard achieved. Vegetation cover studies, utilization studies, ecological condition studies, photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential, being within fifteen to twenty-five percent ground cover. Biological crusts in the form of lichen are present across the West portion (approximately 30 %) of the allotment in Mallory Spring Canyon where pinyon-juniper encroachment is not apparent and there is no indication of excess compaction or trampling of soils. Key forage utilization accomplished in dominant range plant communities has been generally moderate or less during the assessment period. This promotes litter to stabilize upland sites and improves soil infiltration and permeability rates appropriate to the ecological site.

The MLRA 28A ecological site guide for the Mallory Springs allotment states the appropriate ground cover for the areas where the key areas are located is fifteen to twenty-five percent. The range site for all the key areas is R028AY013NV. A review of the data shows measured vegetative ground cover is within the appropriate cover levels in the key areas outside of the Mallory burn area as recommended in the ecological site guides for each range site. Each of the two range sites were greater than twenty percent ground cover. The Mallory burn key areas measured vegetative ground cover is not within the appropriate cover levels as recommended in the ecological site guides for each range site. Each of the two key areas outside the burn area measured approximately seven and thirteen percent ground cover respectively. This lack of ground cover is probably due to the region the key area sites are located in with regards to being burned over by a wildfire in 2001. The vegetation is still recovering from the recent 2001 Mallory fire event.

Standard 2 (Riparian and Wetland Sites Standard) Achieved. Proper functioning condition (PFC) monitoring studies have been conducted at several unnamed spring sites located on federal land within the Mallory Springs Allotment in 2001 and 2006. The riparian areas within the allotment are in proper functioning condition. There is very little evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.

Standard 3 (Habitat Standard) Not achieved. Ecological condition studies, vegetation cover studies, utilization studies, precipitation studies, photographs, and professional observations indicate the majority of the allotment is not achieving the Habitat Standard. Vegetation composition is not within the appropriate ecological site potential. In general, vegetation distribution within this allotment is acceptable outside the pinyon-juniper encroached areas. Key forage utilization accomplished on all key areas and study sites has been generally moderate or less during the assessment period. The ecological processes of the hydrologic cycle, nutrient cycle, and energy flow are being maintained. The majority of the allotment remains in a stable, resilient, ecologically healthy state, and has not transitioned to range dominated by shrubs or by invasive annual grasses or other introduced species. Native species are diverse. Vegetation nutritional value has not been monitored for.

The presence of cheatgrass is a concern in this allotment. The fine fuels of cheatgrass could lead to a wildfire disturbance in salt desert shrub range that would result in elimination of native plants from this ecological site. Cheatgrass control measures (e.g. herbicide) may be appropriate for this allotment in the future. Existing grazing management and levels of grazing use on native range within the Mallory Springs allotment are not a causal factor in failing to achieve the habitat standard. Causal factors in these areas are considered to be drought, fire suppression, and perhaps historical grazing prior to the Taylor Grazing Act. The current livestock grazing management system conforms to guidelines.

Need for the Proposal

The proposal is needed to provide for legitimate multiple uses of the public lands by renewal of the term grazing permit for Pleasant Valley Enterprises on the Mallory springs Allotment in accordance with all applicable laws, regulations, and policies. In accordance with Title 43 CFR 4130.2(a), "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing."

Relationship to Planning

The proposed action would be in conformance with the Schell Management Framework Plan (MFP) and the Schell Grazing Environmental Impact Statement (EIS) dated June, 1983 and the subsequent Record of Decision (ROD) dated July 1983. The proposed action would implement the management decisions from these approved Land Use Planning document regarding range (p.7) and watershed condition (p.6). The proposed action would also be in conformance with the Interim Management Policy and Guidelines for Lands under Wilderness Review (H-8550-01) 1983, and the White Pine County Elk Management Plan approved March 1999. The project is also consistent with the White Pine County Land Use Plan of May, 1998 which states the following:

- "The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives." (page 7)

Relationship to Bureau Guidance

This document is in compliance with BLM Nevada Instruction Memorandum (IM) No. NV-2006-0034, which provides guidance to facilitate the preparation of grazing permit renewals Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126.

Identification of Issues

There were no issues identified during public scoping for this proposed term grazing permit renewal. This permit renewal proposal was scoped by resource specialists during a meeting held July 24, 2006 at the Ely BLM Field Office. A 30 day public comment period was allowed on the preliminary EA. No issues were identified.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The Bureau of Land Management would issue and fully process a new term grazing permit for the Mallory Springs Allotment and authorize livestock grazing on the Mallory Springs Allotment. The current term permit and allotment information follows:

The proposed action is to issue a new term grazing permit for Pleasant Valley Enterprises (operator # 2704433) and authorize livestock grazing on the Mallory Springs Grazing Allotment which includes approximately 640 public land acres. The current term permit and allotment information follows:

Allotment Number	Allotment Name	Livestock Number/Kind	Grazing Period		% Public* Land	Type Use	AUMs**
			Begin	End			
00136	Mallory Springs	64 Cattle	06/01	08/31	100	Active	940
		417 Sheep	09/01	05/31			

*% Public land is the percent of public land for billing purposes

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

The allotment summary is as follows:

Allotment	Active	Preference		Total
		Suspended		
00136 Mallory Springs	940	0		940

The proposed action is to renew the grazing permit with changes to the season of use within the permit. The proposed change in season of use would be from (06/01 to 08/31) to (06/01 to 07/15 and 11/01 to 12/15) for cattle. The cattle numbers would remain the same. Grazing would continue as it has in the past with the exception of a change in a portion of the cattle permitted season of use from summer to winter use. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the summer growing season. This should promote plant vigor, health, seedling establishment and improved soil water infiltration. Sheep numbers and season of use on the grazing permit would remain the same, 417 sheep from 09/01 to 05/31. Appendix II lists the specific terms and conditions that will be included as part of the grazing permit. The issuance of the term grazing permit would be for a period of ten years. (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment are further quantified in the Terms and Conditions.

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

Monitoring

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

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

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

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

The term permit renewal area would also be monitored on a regular basis for noxious weeds and non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area.

No Action Alternative

The change in the season of use on the permit would not be proposed and remain as it is on the current grazing permit.

Other Alternatives

The No Grazing alternative was addressed in the Schell Draft Grazing EIS. The EIS analyzed the impacts of grazing through a proposed action and four alternatives. Not issuing term grazing permits was considered but eliminated from detailed analysis because the Code of Federal regulations at CFR 4130.2 requires the issuance of grazing permits to qualified applicants. No additional site specific alternatives are necessary for analysis since there are no unresolved conflicts concerning alternative uses of available resources.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The Mallory Springs Allotment consists of 13,445 acres of which approximately 640 acres are privately owned and the remainder under Bureau of Land Management administration. The allotment is located in White Pine County approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region. Elevation varies from 6,200 feet in Pleasant Valley to 9,600 feet on the north aspect of the Kern Mountain Range. Annual precipitation ranges from nine inches in the valley bottoms to nineteen inches at the higher elevations on the allotment. Precipitation occurs as winter snow or spring/fall thundershowers and rains. July and August are normally very hot, dry months. Average annual air temperature is from 42 to 48 degrees Fahrenheit. The average frost-free season is from 90 to 120 days. The permit area occurs within the Deep Creek Watershed (#020).

The Mallory Springs Allotment occurs within Major Land Resource Area (MLRA) 028A, the Central Nevada Basin and Range Area, first described by the U. S. Department of Agriculture in the early 1960's. The Soil Conservation Service (now Natural Resource Conservation Service (NRCS)) has extensively described the topography, geology, soils, climate, and range sites of each MLRA. The NRCS periodically updates information concerning each MLRA as new data becomes available. NRCS data will be used in this analysis to assess watershed conditions. The Mallory Springs Allotment occurs within the Deep Creek Watershed. The NRCS website is: <http://www.nv.nrcs.usda.gov>

Critical Elements of the Human Environment

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

Table 1. Critical Elements of the Human Environment

Critical Element	No Effect	May Affect	Not Present	Rationale
Air Quality	X			Minor dust is associated with normal livestock trailing to/from water locations.
Areas of Critical Environmental Concern (ACEC)			X	No areas of critical environmental concern have been proposed or designated within the allotment.
Cultural Resources	X			There would be no impacts to any Historic Properties by the term permit renewal. Small, very diffuse lithic scatters occur in the allotment area around spring sources.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)		X		There is prime or unique farmland on the allotment. The greatest acreage of the potential prime farmland is located on private property.
Floodplains			X	There are no known floodplains within the project area; however the proposed action would have no affect on floodplains.
Migratory Birds		X		Several species of migratory birds have a distribution that overlaps with the Proposed Action Area.
Native American Religious Concerns	X			On January 19, 2006 the Pleasant Valley Enterprises Term Permit Renewal proposal was presented at a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.
Noxious weeds and non-native, invasive species		X		Surface disturbance through livestock movement may increase the risk of non-native, invasive species

				establishment.
Special Status Species (animals)		X		Bald eagles are transient through the area. There are no other known species afforded protections under the endangered species act (ESA) Nevada Sensitive Species identified under BLM policy may occur in the Proposed Action Area. There are no ferruginous hawk nest sites. There are no known sage grouse leks (strutting grounds) on the allotment. It is expected there is no sage grouse nesting or brooding habitat on the allotment.
Special Status Species (plants)		X		The Shadscale spring parsley, a sensitive plant species, exists within the allotment. There are no listed or candidate Threatened/Endangered plant or animal species known to occur on the Mallory Springs Allotment.
Wastes (hazardous or solid)	X			No hazardous or solid wastes would be introduced by the proposed action.
Water Quality (drinking/ground)	X			Ground water located in a deep aquifer would not be impacted. No surface water within the area is used for domestic drinking water.
Wetlands/Riparian		X		Proper functioning condition (PFC) monitoring studies have been conducted at several unnamed spring sites located on federal land within the Mallory Springs Allotment in 2001 and 2006. The riparian areas within the allotment are in proper functioning condition. There is very little evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.
Wild Horses and Burros	X			A portion of the Mallory Springs Allotment lies in the Moriah Herd Management Area (HMA). The most current population modeling estimates Thirty-five (35) wild horses in the HMA. The estimated current AML for Moriah is one to twenty-nine wild

				horses. The majority of the wild horse use is transient in nature
Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.
Wilderness Values			X	The permit renewal area does not occur within a wilderness or a wilderness study area (WSA) No areas of critical environmental concern (ACEC) have been identified within the term permit renewal area.

In addition to the critical elements of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The potential resources and uses, or non-critical elements that may be affected are listed in Table 2. A brief rationale for either considering or not considering the non-critical element further is provided. The non-critical elements that are considered in the EA are described in the Affected Environment (Section 3) and are analyzed in the Environmental Consequences (Section 4).

Table 2. Other Resources and Uses

Resource or Issue	No Effect	May Affect	Not Present	Rationale
Soils		X		Soils are stable, primarily consisting of loams, minimal disturbance could occur due to hoof action within the Proposed Action Area.
Socioeconomics		X		The Proposed Action would provide stability to livestock operator
Vegetation		X		The Proposed Action could improve vegetation.
Wildlife		X		There is yearlong habitat and no identified corridors or crucial habitat for Rocky Mountain elk within the allotment. The allotment has mule deer winter range and no migration corridors or crucial habitat. There is yearlong pronghorn antelope habitat and no identified corridors or crucial habitat.
Range/Livestock Grazing/Standards and Guidelines		X		Standards and Guidelines 3 has not been met however progress toward achievement of the standard would continue.
Recreation	X			Dispersed recreation in this area includes large and small game hunting, wildlife observation and photography, hiking and

				general off highway vehicle use.
Visual Resources	X			When temporary water haul sites are used, the temporary water haul sites would introduce visual contrasts into the landscape. Temporary water haul sites would not be visible from the highway. The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class III objectives for this area.

Potentially Affected Elements of the Human Environment

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

- Air Quality
- Migratory Birds
- Noxious Weeds and Non-native Invasive Species
- Special Status Species (Federally listed threatened or endangered, proposed, and candidate species; state protected species; and BLM sensitive species.
- Riparian
- Range/Livestock Grazing/Standards and Guidelines
- Soils
- Socioeconomic
- Vegetation
- Wildlife

Air Quality

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

Migratory Birds

A number of migratory bird species, such as the loggerhead strike, are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Outside the breeding season, any number of species have the potential to use the area during the winter or migration. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock within the allotment.

Invasive, Non-Native Species (including Noxious Weeds)

Within the allotment there are infestations of Russian knapweed (*Acroptilon repens*), Musk thistle (*Carduus nutans*), and salt cedar (*Tamarix* spp.) along the Pleasant Valley Draw. There are also infestations of Bull thistle (*Cirsium vulgare*) and Canada thistle (*Cirsium arvense*) at the top of Mallory Canyon. The most concerning of these is the Russian knapweed. It is the only population in the area and it is near the top of a drainage.

Just outside of the allotment, upstream in the Rock Springs, Loties, Ferrys, and Tippet Canyon and downstream in Within the allotment there are infestations of Russian knapweed (*Acroptilon repens*), Musk thistle (*Carduus* the Pleasant Valley Draw, there are populations of Black henbane (*Hyoscyamus niger*), Bull thistle, Canada thistle, Musk thistle, Russian knapweed, Scotch thistle (*Onopodum repens*), and Whitetop (*Cardaria draba*). The invasive annual grass cheatgrass is common in the allotment.

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

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

BLM sensitive species

The Shadscale Spring parsley, a sensitive plant species, exists within the allotment. There are no listed or candidate Threatened/Endangered plant or animal species known to occur on the Mallory Springs Allotment. There are no ferruginous hawk nest sites. According to Nevada Department of Wildlife (NDOW) records, no current or historical sage grouse leks have been found within 8 km of the Mallory Springs Allotment. The allotment is located within the Schell Range/Antelope Valley Greater Sage Grouse Population Management Unit (PMU). The White Pine County Portion of the Sage Grouse Conservation Plan (2004) states that the risk to greater sage grouse populations in this PMU from livestock grazing is low. Pinyon/juniper encroachment is identified as having a moderate effect on the quantity and quality of breeding, nesting, and early and late brood rearing habitat. The species population would not be expected to be negatively impacted by the proposed livestock grazing.

According to Nevada Department of Wildlife (NDOW) records, no current or historical sage grouse leks have been found within 8 km of the Mallory Springs Allotment. The allotment is located within the Schell Range/Antelope Valley Greater Sage Grouse Population Management Unit (PMU). The White

Pine County Portion of the Sage Grouse Conservation Plan (2004) states that the risk to greater sage grouse populations in this PMU from livestock grazing is low. Pinyon/juniper encroachment is identified as having a moderate effect on the quantity and quality of breeding, nesting, and early and late brood rearing habitat. The species population would not be expected to be negatively impacted by the proposed livestock grazing.

Mallory Springs Allotment is part of the Schell Range/Antelope Valley PMU. The White Pine County Portion of the Sage Grouse Conservation Plan (2004) states that the risk to greater sage grouse populations in this PMU from livestock grazing is low. Pinyon/juniper encroachment is identified as having a moderate effect on the quantity and quality of breeding, nesting, and early and late brood rearing habitat. According to Nevada Department of Wildlife (NDOW) records, there are no current or historical sage grouse leks within 8 km of the allotment. NDOW is the lead entity responsible for the sage grouse monitoring program, including survey and population assessment, compiling surveys and maintaining species status databases

Federally listed, proposed or candidate Threatened or Endangered Species

Bald eagles, federally listed as threatened and proposed for delisting, may be observed in the allotment at varying times of the year.

Riparian

The riparian areas within the allotment are in proper functioning condition. There is very little evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.

Range

The Mallory Springs Allotment is currently permitted for cattle and sheep grazing. No sheep use has taken place on the allotment for over ten grazing seasons. Sheep use presently does not occur within the grazing allotment. Historically, both cattle and sheep grazing occurred on this allotment. Historically, Cattle use occurred during the summer period and sheep use occurred primarily during the fall/ winter period. Wild horse and wildlife use of the area are discussed below, under a separate heading. The current permit for cattle use is described above under the Proposed Action on page 6.

Vegetation

The Mallory Springs Allotment occurs within Major Land Resource Area (MLRA) 028A – Great Salt Lake Area. The ecological sites (range sites) within the allotment have been described, classified, and studied by the Natural Resource Conservation Service (NRCS). The three vegetation types within the allotment are black sagebrush, northern desert shrub (big sagebrush types) and winterfat communities. Scattered pinyon-juniper trees occur in the upper elevations of the allotment. The dominant vegetation consists of black sagebrush, Indian ricegrass, needle and thread grass, big sagebrush and winterfat. The invasive annual grass cheatgrass is common in the allotment. Other non-native invasive plants including

Halogeton, Russian thistle, Bull thistle, Canada thistle, Musk thistle, Russian knapweed, salt cedar are present in the allotment. Shadscale Spring parsley, a sensitive plant species, exists within the allotment.

Soils

The soils in the Mallory Springs Allotment are primarily gravelly-sandy loam soils. The soils are primarily alluvial, occurring on the alluvial fans on the east side of the Kern Mountain Range. The main Soil Mapping Unit is 1354, an Armespan– Summermute Association. These soils are duripan soils that have a restrictive layer going to 20" deep. This restrictive layer limits plant rooting depth. The soils are moderately susceptible to wind or water erosion. The soils on the benches and higher elevation sites are generally less susceptible to erosion than the more fragile silts near the valley bottom. Soils in the Mallory Springs Allotment vary in percolation rates, and water holding capacity.

Socioeconomic

The local economy of White Pine County has been dependent on the areas farming and ranching community this includes the county tax base. The farming and ranching life style has been and continues to be important in the county and State of Nevada.

Wildlife

The Mallory Springs Allotment is within Nevada Division of Wildlife Big Game Management Area 11, Unit 113. The allotment provides habitat for mule deer, pronghorns and Rocky Mountain elk. The allotment receives year-long antelope use and minimal winter/early spring use by deer and elk.

Bald eagles, golden eagles, and peregrine falcons may be observed in the allotment at varying times of the year. The allotment provides habitat for coyotes, rabbits, sagebrush obligate birds, and other small mammals and reptiles.

NDOW is the lead entity responsible for wildlife surveys on public lands in Nevada. The nearest raptor nests reported on NDOW's raptor nest database are identified as being located more than 57 km from the allotment. In general, overall Nevada populations of ferruginous hawks have been reported as healthy and stable, although quantitative data is limited.

IV. ENVIRONMENTAL CONSEQUENCES AND THE NO ACTION ALTERNATIVE

The environmental consequences of grazing were analyzed in the Schell Management Framework Plan and Environmental Impact Statement (MFP/EIS), dated June 1983. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the EIS. There have been no major changes made associated with the proposed term permit renewal from the rangeland management actions presented in the EIS. The proposed action is not substantially different than the actions analyzed in the EIS. The following site specific analysis is in addition to that in the EIS.

Air Quality

The proposed term permit renewal may increase dust levels during trailing to and from water sources.

Any increase in dust would be transitory and quickly dissipate. Dust is not expected to exceed Nevada and National Ambient Air Quality Standards. In addition, it is expected that any emissions would not affect any Class I air quality areas.

No Action Alternative

The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use. Livestock would continue to graze as they have in the past.

Migratory Birds.

A number of migratory bird species, such as the loggerhead strike, are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Outside the breeding season, any number of species have the potential to use the area during the winter or migration. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock within the allotment.

No Action Alternative

The No Action Alternative would not have any additional impacts on the migratory birds nesting in the allotment. No change to the permit would constitute that no changes in habitat or nesting impacts would occur.

Invasive, Non-Native Species (including Noxious Weeds)

Because of weed control measures added to the proposed action, the grazing permit renewal would not likely result in an increase in noxious weeds to the area. The Risk Factor for spread of noxious weeds is moderate at the present time (See Appendix 3 for the Noxious Weed Risk Assessment). Localized areas of livestock concentration or disturbance may increase the distribution of noxious weeds. Grazing use may or may not cause an increase in invasive plants, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors

No Action Alternative

No Action: The No Action Alternative would allow livestock grazing during the current permitted season of use which would result in a decline in the winterfat community's health and vigor. The permit would not be changed to reflect the proposed season of use.

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

Bald eagles are transitory migrants and effects to special status species are generally transitory in nature and have no known use areas. These species would not generally be affected by the proposed action.

Shadscale spring parsley, a sensitive plant species, exists within the riparian areas of the allotment, but no impacts to the species or its habitat are anticipated.

According to Nevada Department of Wildlife (NDOW) records, no current or historical sage grouse leks have been found within 8 km of the Mallory Springs Allotment. Because there are no changes for the term permit there should be no net change for sage grouse resulting in impacts to any potential future populations.

No Action Alternative

No Action: The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use. There will be no impacts to BLM sensitive species.

Range/Livestock Grazing

According to the proposed action, grazing would continue as it has in the past with an exception to a proposed change in permitted season of use from all summer use to partial winter use for cattle. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the summer growing season which promotes plant vigor and health. Livestock management practices would remain the same. Cattle distribution would continue to be controlled through water hauling. No current monitoring data has been collected regarding the effects of sheep grazing use since no sheep use has taken place on the allotment for over ten grazing seasons. Sheep use presently does not occur within the grazing allotment. Historically, both cattle and sheep grazing occurred on this allotment. Utilization of key forage plants is expected to be moderate or less. Moderate use stimulates new plant growth. It is possible that local areas of over-utilization of key forage plants could result from use by cattle. This possibility would be monitored and actions taken to correct the problem. Utilization of cheatgrass would help prevent catastrophic wildfire. Wildfire in this allotment would lead to a loss of native plants and an increase in cheatgrass. The proposed action would make progress towards achieving Standards and Guidelines for Grazing Administration and the other multiple use resource objectives for the allotment.

No Action Alternative

The permitted season of use would not change on the Mallory Springs Allotment. Livestock would continue to graze annually during the current permitted season of use.

Riparian

The riparian areas within the allotment are in proper functioning condition. There is very little evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.

No Action Alternative

The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use.

Soils

It is expected that soil characteristics would benefit from improved livestock distribution. Increased forage production and an improved ground cover would result in less soil erosion, better soil/water relations, and an overall improved watershed. Most of the soils are gravelly-sandy loams and should not be affected by the term permit renewal.

No Action Alternative

Soils would not be affected if the proposed action is not implemented. There would be no change to the soils based on the level of grazing use occurring on the allotment.

Socioeconomic

Lifestyles of local residents would not be impacted. The proposed term permit renewal would provide economic benefits for the livestock permittee in this area by improving the efficiency of their overall operation. The proposed permit renewal would facilitate livestock management and could provide stability to the livestock operation.

No Action Alternative

The No Action Alternative would have the same effects as the proposed action.

Vegetation

The term permit renewal would be expected to lead to vegetation impacts such as maintaining or improving current vegetation composition and cover, maintaining vegetation production and forage availability, stimulation of new growth, and stabilization of rangeland condition and trend. Limited winter cattle use along with distribution of grazing would allow native plants to produce seed. During many recent drought years native plants have not produced much seed. Disturbed areas of vegetation of approximately ½ acre could develop around temporary water haul locations.

No Action Alternative

Livestock would continue to graze as they have in the past and the permitted season of use for the Mallory Springs Allotment would not change under the No Action Alternative.

Wildlife

It is expected that wildlife habitat would not change measurably as a result of the proposed action. To the extent that moderate livestock grazing stimulates new plant growth, that growth will be available for wildlife. The habitat requirements of sagebrush obligate species such as songbirds would not change.

Water availability would increase for wildlife at temporary water haul sites. Because water would not be provided year-round at temporary water haul sites, some stress may result to localized wildlife populations when the water is shut off. Some wildlife drownings could occur even though wildlife escape ramps would be placed in the troughs.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to wildlife. Wildlife species are not currently being impacted by the grazing use on the Mallory Springs Allotment.

Cultural Resources

It is expected that cultural resources would not change measurably as a result of the proposed action.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to cultural resources. Cultural resources are not currently being impacted by the grazing use on the Mallory Springs Allotment.

Recreation

It is expected that recreation resources would not change measurably as a result of the proposed action.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to recreational resources. Recreational resources are not currently being impacted by the grazing use on the Mallory Springs Allotments.

Visual Resource Management

It is expected that the visual resources would not change measurably as a result of the proposed action.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to visual resources. Visual resources are not currently being impacted by the grazing use on the Mallory Springs Allotment.

Cumulative Impacts

According to the 1994 BLM Handbook "Guidelines for Assessing and Documenting Cumulative Impacts," the analysis can be focused on those issues and resource values identified during scoping that are of major importance. No issues or resource values of major importance were identified during the

EA scoping period. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There have been limited previous actions occurring in the project area. Limited historical mineral mining has occurred on the east side of the Kern Mountain Range. There has been no historical oil or gas production and minimal oil exploration in the area. There are no known reclaimed oil exploration pads in the Mallory Springs Allotment. Woodcutting and pinyon nut gathering have been minimal. Hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal, in part due to the isolated geographic position of the allotment. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildlife use has not been intensive in the area and has not fundamentally altered the plant communities. Livestock grazing has been intensive historically and together with drought, lack of wildfire, road establishment, and/or other factors, may be a contributing factor to the presence of invasive plant species. Allotment boundary fences have been constructed to improve livestock management and provide for improved administration of rangelands. Rangeland monitoring has been a common activity in the area.

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining, oil and gas exploration, or wind energy testing. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. There has been one recent wildfire in 2001. Current livestock grazing and wildlife use are not intensive in the area. Pleasant Valley Enterprises has grazed at less than active permitted use in the area for many of the past few grazing years. The permitted area continues to be monitored to determine if grazing management practices are meeting the healthy rangelands, watershed, and vegetative objectives for the allotment.

Reasonably Foreseeable Future Actions

No public lands actions are planned for the project area in the near future. There are no anticipated increases in mining, oil & gas development, wind energy testing, woodcutting, pinyon nut gathering, OHV use, hunting, or trapping in the area in the reasonably foreseeable future. Rangeland monitoring is expected to continue in about the same manner and scope as it has in the past.

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. The draft RMP/EIS was sent out for a 120 day public comment and review period, which closed on November 28, 2005. According to the new RMP/EIS, resource management would occur on a watershed basis. The area of the proposed action occurs within the Deep Creek Watershed. Broad watershed assessment of this watershed is expected to be accomplished by BLM within the next ten years. The assessment will determine if further changes in grazing management practices are needed to meet Standards for Rangeland Health. The assessment may also recommend sagebrush restoration treatments or other vegetative treatments.

Cumulative Impacts Conclusion

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

V. PROPOSED MITIGATION MEASURES

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

VI. SUGGESTED MONITORING

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

VII. CONSULTATION AND COORDINATION

Public Interest and Record of Contacts

There is a general public interest in the proper grazing management of public lands. Pleasant Valley Enterprises has a strong interest in this grazing permit renewal.

On January 17, 2007 the Pleasant Valley Enterprises Term Permit Renewal proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.

On January 30, 2007 the project was presented to the Ely BLM internal scoping team and no issues were identified. The project proposal was posted on the Ely Field Office web site, January 30, 2007, http://www.nv.blm.gov/ely/nepa/ca_list.htm and no comments were received.

The public will have an opportunity to comment on this analysis document for a period of 30 days. This EA was posted for a 30 day public review and comment period on the Ely BLM external website. A hard copy was also mailed to those interested parties who had requested it and who had expressed an interest in range management actions on the Mallory Springs Allotment. Comments were received from Western Watersheds Project. Changes in the EA, based upon public input, were made as appropriate.

Interested parties will again be notified when the Decision Record/Finding of No Significant Impact (DR/FONSI) is signed. Before including addresses, phone numbers, e-mail addresses, or other personal

identifying information in comments, you should be aware that the entire comment – including personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. These documents will also be mailed to interested publics that request a hard copy. The signed DR/FONSI initiates a 15 day protest period and a 30 day appeal period.

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

Curtis A. Baughman, Nevada Division of Wildlife
Steve Foree, Nevada Division of Wildlife
Lincoln County Commissioners
Betsy Macfarlan, ENLC
Cindy MacDonald
John McLain, Resource Concepts, Inc.
Nevada State Clearinghouse
Western Watersheds Project, Katie Fite

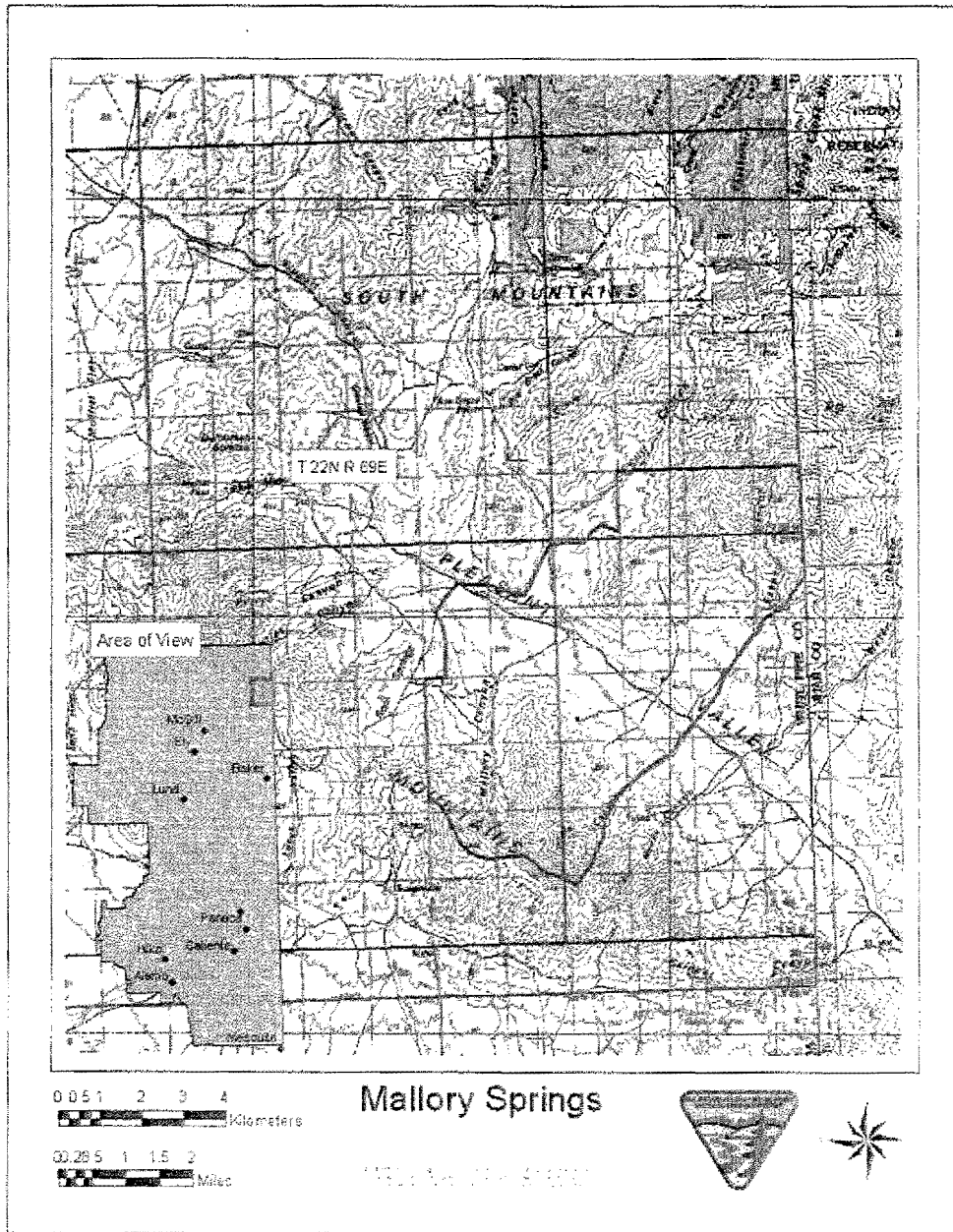
Record of Personal Consultation and Coordination

Gail Norman, Pleasant Valley Enterprises

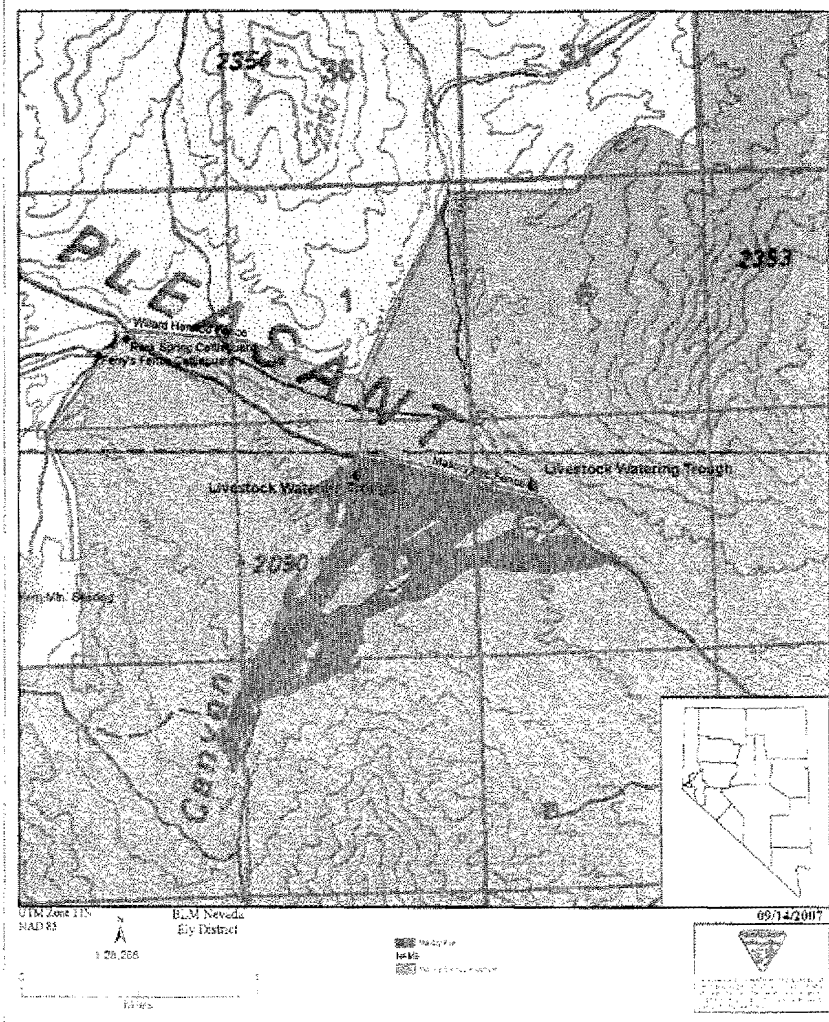
B. Internal District Review

Deb Koziol	Wildlife/T & E Species/Riparian
Craig Hoover	Rangeland Resources
Kari Harrision	Soil/Water/Air
Dave Jeppesen	Visual Resources/Recreation
Josh Hopper	Cultural Resources
Chris Mayer	Rangeland Resources
Gary Medlyn	Soil/Water/Air
Ben Noyes	Wild Horses
Melanie Peterson	Wastes, Hazardous & Solid
Jake Rajala	Environmental Coordination
Carolyn Sherve-Bybee	Environmental Coordination
Bonnie Waggoner	Noxious Weeds
Sheri Wysong	Environmental Coordination
Dave Jacobson	Wilderness

Figure 1: General Location Map Mallory Springs Allotment



Mallory Fire, BLM Public Land Livestock Watering Locations



STANDARDS DETERMINATION DOCUMENT
Pleasant Valley Enterprises Term Permit Renewal (Operator # 2704433)
EA NV-040-06-013

Standards and Guidelines Assessment

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

This Standards Determination Document evaluates and assesses conformance and achievement of the Standards and Guidelines for the Mallory Springs Allotment (00136), in the Ely District BLM. The Mallory Springs Allotment consists of 13,445 acres of which approximately 640 acres are privately owned, the remainder under Bureau of Land Management administration and is the permitted grazing allotment for the Pleasant Valley Enterprises Term Permit Renewal. The Mallory Springs Allotment has been classified by Land Use Planning Documents as a category “C” (custodial) allotment.

Standards for Rangeland Health were assessed by a BLM interdisciplinary team on March 28, 2007 on the Mallory Springs Allotment. The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologists, Natural Resource Specialists, Archaeologists, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS 1982), Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), and The National Range and Pasture Handbook (USDA NRCS 2003). A complete list of references is included as an appendix to this Standards Determination Document. The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

Four key grazing areas and three ecological site/soil reference areas on native range within the allotment were monitored during the summer of 2005. Fire Key Area FIREKA-1 was established in April 2002. Fire Key Area FIREKA-2 (MS-03) was established in March 2004. Key area KAMS-1 (MS-01) was established in August 1992 and Key area KAMS-2 (MS-01) was established in October 1992. The three ecological site/soil reference areas were established in the summer of 2005. The key areas have been selected based on accessibility, representative soils and ecological (range) sites, livestock use patterns, and permittee input. Ecological condition studies, vegetation cover studies, and key forage plant method utilization transects (KFPM) were completed at all the key areas during the summer of 2005. Photographs were taken and professional observations noted. KFPM and cover study transects were also completed on the three ecological site/soil reference areas.

“Standard Riparian Functioning Condition Checklists” (USDI-BLM 2000) have been completed for the Mallory Spring Complex in Mallory canyon on the Mallory Springs Allotment.

All scientifically based documents and rangeland monitoring data are available for public inspection at the Ely Field Office during business hours.

The following Rangeland Health Standards information has been incorporated into Environmental Assessment NV-040-06-013.

PART 1. STANDARD CONFORMANCE REVIEW

Standard # 1. Upland Sites

Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Soils indicators:

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

Determination:

X Achieving the Standard

- Not achieving the Standard, but making significant progress towards
- Not achieving the Standard, not making significant progress towards

Guidelines Conformance:

X In conformance with the Guidelines

Findings: Monitoring data results describing current resource conditions for Key Areas and study sites within the Mallory Springs Allotment as they relate to the above Upland Sites Standard and soils indicators are as follows:

Table 1. Vegetation Canopy and Ground Cover Data- Mallory Springs Allotment

Line intercept cover studies were conducted at four key areas on the Mallory Springs Allotment in 2005. Two within the Mallory fire burn area and two outside of the burn area on established key area range sites. The MLRA 28A ecological site, shallow calcareous loam 8-10”, for the Mallory Springs Allotment states the appropriate ground cover for the areas where the key areas are located is fifteen to twenty- five percent. The range site for all the key areas is R028AY013NV, a shallow calcareous loam 8-10”. A review of the data shows measured vegetative ground cover is within the appropriate cover

levels in the key areas outside of the Mallory Burn area as recommended in the ecological site guides for each range site. Each of the two range sites were greater than twenty percent ground cover (see Table 1 in appendix). The vegetative ground cover in the Mallory Burn as indicated by key area data indicates measured vegetative ground cover is not within the appropriate cover levels as recommended in the ecological site guides for each range site. The key areas inside the burn area measured approximately seven and thirteen percent ground cover respectively (see Table 1 in Appendix). This lack of ground cover is due to the recent wildfire which consumed the majority of the vegetation. The vegetation is still recovering from the recent 2001 Mallory fire event. Complete regeneration of vegetation can take a number of years, depending on the specific ecological site and variations in local annual precipitation (i.e. drought).

Mallory Springs Burn

On July 30, 2001 the Mallory Fire started and was ignited by lightning. The fire burned 389 acres in the Kern Mountain Range northeast of Ely, Nevada. The fire was declared controlled August 16, 2001. As a result of the burn, rehabilitation of the area was required to maintain site suitability and vegetation establishment. Aerial seeding of the burn was conducted in January of 2002. The plant species used in the aerial seed mix were Ephraim crested wheat grass, Secar Snake River wheat grass, Sandberg bluegrass, Lewis flax, Western yarrow, Ladak alfalfa, Yellow sweet clover, and immigrant forage kochia. A fence was built during the spring of 2002. As a result of this fire the southern portion of the allotment was closed to livestock grazing until summer of 2004. The temporary loss of forage was compensated by the permittee feeding his livestock supplemental forage on his private land.

Licensed Livestock Use

Livestock licensed use on the Mallory Springs Allotment for cattle has ranged from 108 AUMs (2002) to 321 AUMs (2004) during the seven year period 2000 - 2006. Licensed use normally occurs during mid to late summer. During the last seven grazing seasons, from 2000 to 2006, the average actual use by livestock has been 205 AUMs (see Table 2 in Appendix 1). This is approximately twenty-two percent of the AUMs permitted on the allotment.

Utilization

Key forage plant utilization method (KFPM) was used to collect utilization data for the 1998, 1999, 2001, 2002, 2004 and 2005 grazing years at the key areas. The majority of the use on the key forage species at most of the key sites during this period was slight to moderate use (4% to 56%). This is well within allowable use levels deemed appropriate to maintain the health and vigor of the key plant species. Heavy use was recorded during this time period and that was during the 2001 and 2004 grazing season in an area in gravel wash. This area is a winter fat (*Krascheninnikovia lanata*) dominated range site. Winter fat is an extremely palatable forage species for livestock, especially cattle.

Conclusion:

Standard achieved. Vegetation cover studies, utilization studies, photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential, being within fifteen to twenty-five percent ground cover (see Table 1). Biological crusts in the form of lichen are present across the West portion (approximately 30 %) of the allotment in Mallory Spring Canyon where pinyon-juniper encroachment is not apparent and there is no indication of excess compaction of trampling of soils. Key forage utilization accomplished in dominant range plant communities has been generally moderate or less during the assessment period. This promotes litter to stabilize upland sites and improves soil infiltration and permeability rates appropriate to the ecological site.

Standard #2. Riparian and Wetland Sites

Determination:

X Achieving the Standard

- Not achieving the Standard, but making significant progress towards
- Not achieving the Standard, not making significant progress towards

Guidelines Conformance:

X In conformance with the Guidelines

Findings: Monitoring data results describing current resource conditions for riparian areas within the Mallory Springs Allotment as they relate to the above riparian and wetland standard indicators are as follows:

Riparian Studies

Proper functioning condition (PFC) monitoring studies have been conducted at several unnamed spring sites located on federal land within the Mallory Springs Allotment in 2001 and 2006.

Proper functioning condition studies accomplished on the Mallory Canyon spring complex during the summers of 2001 and 2006 indicate the riparian area to be in proper functioning condition. Adequate vegetation, debris, and rock are present to dissipate water or snow run-off energy during high water flow years in and around water holding ponds and nearby spring source areas. Holding pond width/depth ratios were in balance with the topographic gradient. Bank stability is good. The bank of water holding ponds was found to be stable and productive. The streambank vegetation was comprised of those plants that have root masses capable of withstanding high flow events. Vegetative cover was appropriate for the associated riparian area. Desired plants were establishing. Areas of sedges were present. Floodplain characteristics were present that dissipate energy.

The riparian areas within the allotment are in proper functioning condition. Riparian and wetland areas exhibit a properly functioning condition and achieve State water quality criteria. There is very little

evidence of domestic livestock or wildlife use in these areas of the allotment during the assessment period during the summer of 2006.

Standard #3. Habitat

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

Habitat indicators:

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

Determination:

Achieving the Standard

X Not achieving the Standard, but making significant progress towards

Not achieving the Standard, not making significant progress towards

Causal Factors:

Livestock are a contributing factor to not achieving the Standard

X Livestock are not a contributing factor to not achieving the Standard

Failure to achieve the Standard is related to other issues or conditions

X In conformance with the Guidelines

Findings: Monitoring data results describing current resource conditions for Key Areas and study sites in the Mallory Springs Allotment as they relate to the above Habitat Standard and habitat indicators are as follows:

The “Soil Survey of White Pine County, Nevada, East Part” information, field observations, and professional judgement were used in this assessment to describe the dominant potential vegetation in the Mallory Springs. The portion of the soil survey completed for the Mallory Springs Allotment identified the dominant vegetation by acres (see Table 4).

A. Potential Natural Community characteristics of Upland Vegetation Communities

The vegetation within the Mallory Springs Allotment is diverse with sagebrush/grass plant communities dominating the lower elevations while sagebrush/mountain shrub/grass/pinyon-juniper/mountain

mahogany plant communities dominate the higher elevation sites. The major plant components within the allotment are Pinyon/Juniper and black sagebrush. Together, they are the dominant vegetative species on 75% of the Mallory Springs Allotment (See Appendix 2).

Specifically, black sagebrush is the dominant vegetative component on nearly 50% of the allotment; Pinyon and Juniper form the dominant vegetative component on 25% of the allotment.

The dominant plant species within the allotment include black sagebrush, Pinyon/Juniper, Wyoming big sagebrush, low sagebrush, and curleaf mountain mahogany. Other shrubs and trees include black greasewood, snowberry, rabbitbrush, shadscale, winterfat, four-wing saltbush, ephedra, and Stansbury cliffrose, white fur, and quaking aspen. The primary native perennial grasses and forbs associated with these sites include Indian ricegrass, bluebunch wheatgrass, needleandthread, bottlebrush squirreltail, pine needlegrass, letterman needle grass, basin wildrye, mutton grass, galleta grass, bluegrass species and scarlet globemallow. The invasive annual cheatgrass is also present on the allotment.

There are three distinct types of forest community types and associated under stories on the Mallory Springs allotment. They are: Douglas fir/ white fir , ± Bristlecone pine/ Limber pine and Single leaf pinyon .

C. Current Community characteristics of Upland Vegetation Communities in the Mallory Springs Allotment

The native vegetation is mixed with the invasive annual grass cheatgrass. The presence of cheatgrass in native ecological sites has become a common condition through many allotments and watersheds in the Ely District.

Professional observation indicates vegetation distribution (patchiness, corridors) to be appropriate in this area where Pinyon-juniper encroachment has not taken place. The vegetation composition changes along the elevation gradient and plant communities are separated by rolling hills on the lower mountain benches. There is a mosaic and a “mix” of plant communities and ecological sites, including sites dominated by black sagebrush, big sagebrush, rabbitbrush, and winterfat. Pinyon and juniper trees and the scarce associated understory species are dominant through the upper elevations and encroaching upon the black sage communities. There are many travel corridors present for grazing animals in the washes and drainage bottoms between the hills. Little information is available on nutritional value of the available forage in the area, however it is assumed that the native plant diversity is adequate to sustain animal needs, even in the winter period. 2005 production data for both key areas, outside of the Mallory burn area , show over 90% by weight of the plant biomass is comprised of black and Big sagebrush species. 2005 production data for both key areas, outside of the Mallory fire burn area, show a grass/ forb component of less than five percent. Much of this ground should contain a shrub production component of 25% to 35% by weight and a grass production component of approximately 30% to 40% by weight as stated in the “Soil Survey of White Pine County, Nevada, East Part” information.

Ecological Processes

Direct measures of the status of ecological processes are difficult or expensive to measure due to the complexity of the processes and their interrelationships. Therefore, biological and physical attributes are often used as indicators of the functional status of ecological processes and site integrity. Based on the vegetative attributes of the allotment as presented in section “A. Potential Natural Community characteristics of Upland Vegetation Communities”, and by monitoring data the hydrologic cycle, nutrient cycle, and energy flow are being maintained at their current levels. In addition to range monitoring data, field observations of soils and vegetation along with professional judgment indicate ecological processes are adequate for the vegetative communities to maintain a stable ecological site.

The ecological sites within this allotment have transitioned into plant communities dominated by shrubs. The sagebrush plant communities are in a static stable state. An over abundance of invasive, non-native plant species is currently not an issue, although cheatgrass is present in the allotment. A small herbaceous component is present, with a soil that has biological crusts in place. Monitoring data indicates the shrub composition to be above the appropriate shrub composition for the range site (see

Table 6). The over dominance of shrubs and lack of herbaceous component on the allotment, in my professional judgment, is due to a combination of drought (see Table 5) and pinyon-juniper encroachment.

Conclusion:

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

Standard # 1. Soils.

No. The Upland Sites Standard for stable soils and hydrologic function are being achieved as the measured ground cover is at the appropriate levels with regards to the ecological site guides.

Standard # 2. Riparian and Wetland Sites

No. This Standard is being achieved as all of the riparian areas are in proper functioning condition.

Standard # 3. Habitat

No. The Standard is not being achieved regarding the habitat indicators due to a combination of drought (see Crop Year Precipitation Table) and pinyon-juniper encroachment.

PART 3. GUIDELINE CONFORMANCE REVIEW

GUIDELINES:

1.1 Management practices will maintain or promote upland vegetation and other organisms and provide for infiltration and permeability rates, soil moisture storage, and soil stability appropriate to the ecological site within management units.

1.2 When grazing practices alone are not likely to restore areas of low infiltration or permeability, land management treatments should be designed and implemented where appropriate.

1.3 Management practices are adequate when significant progress is being made toward this Standard.

Current livestock grazing management practices conform with Guidelines 1.1 and 1.3. Guideline 1.2 is not applicable to the assessment area at this time.

GUIDELINES:

2.1 Management practices will maintain or promote sufficient vegetation cover, large woody debris, or rock to achieve proper functioning condition in riparian and wetland areas. Supporting the processes of energy dissipation, sediment capture, groundwater recharge, and stream bank stability will thus promote stream channel morphology (e.g. width/depth ratio, channel roughness, and sinuosity) appropriate to climate, landform, gradient, and erosional history

2.2 Where grazing practices are not likely to restore riparian and wetland sites, land management treatments should be designed and implemented where appropriate to the site.

2.3 Management practices are adequate when significant progress is being made toward this standard.

2.4 Grazing management practices will maintain, restore or enhance water quality and ensure the attainment of water quality that meets or exceeds state standards.

Current livestock grazing management practices are in conformance with Guidelines 2.1 and 2.3. Guideline 2.2 is not applicable to the assessment area at this time.

GUIDELINES:

3.1 Management practices will promote the conservation, restoration, and maintenance of habitat for threatened and endangered species, and other special status species as may be appropriate.

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

3.3 Grazing management practices should be planned and implemented to allow for integrated use by domestic livestock, wildlife, and wild horses consistent with land use plan objectives.

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

3.5 When native plant species adapted to the site are available in sufficient quantities, and it is economically and biologically feasible to establish or increase them to meet management objectives, they will be emphasized over non-native species.

3.6 Management practices are adequate when significant progress is being made toward this Standard. Current livestock grazing management practices conform with Guidelines 3.2, 3.3, and 3.6. Guidelines 3.1, 3.4, and 3.5 are not applicable to the assessment area at this time. Currently there is no habitat identified for threatened or endangered species or special status species in the North Chokecherry Allotment.

Current or existing livestock grazing management practices conform with Guidelines 3.2, 3.3, 3.4 and 3.6. Guidelines 3.1, 3.4, and 3.5 are not applicable to the assessment area at this time.

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

1. Change the current season of use for cattle grazing from (06/01 to 08/31) to (06/01 to 07/15 and 11/01 to 12/15). The season of use for sheep remains the same, 09/01-05/31
2. Maintain the current stocking level of 63 cattle and 417 sheep for 940 active AUMs.
3. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass within the Mallory burn area and whitesage within the gravel wash area on the Mallory Springs Allotment. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

Appendix 1

Table 1

PROPER FUNCTIONING CONDITION

Name	Location	Date	PFC Rating	Plant Species Present
Unnamed Springs (Mallory complex)	T21N, R69E, S.23 and 24	Summer 2001	Proper Functioning	Carex, Juncus, Equisetum, Salix, Juniperus
Mallory Springs complex	T21N, R69E, S.23 and 24	Summer 2006	Proper Functioning	Carex, Juncus, Salix, Equisetum, Juniperus

Table 2

Key forage plant species For Cattle, Sheep, and Wildlife

Riparian Plant Species

Sedge (gl)	Carex L. (CAREX)
Rush (gl)	Juncus L. (JUNCU)
Kentucky bluegrass (g)	Poa pratensis (POPR)
Bluegrass (g)	Poa (POA)
Wood's rose (s)	Rosa woodsii (ROWO)

Table 3

GROUND COVER ON MALLORY SPRINGS ALLOTMENT

Key Area, UTM, & Date	Range Site	Measured Ground Cover Intercept (%)	Site Guide Appropriate Ground Cover	**Plant Species Present and/or Measured
KAMS-1 (MALL1) UTM N 4399050 E 750749 08/11/05	R028AY013NV	21.24%	15-25%	CHVI ATCO ARN KRLA Ephedra sp. PHHO ERCA POSE POA sp. ORHY

				SIHY STCO BRTE
KAMS-2 UTM N 4397361 E 749134 08/11/05	R028AY013NV	22.45%	15-25%	ORHY POSE STCO CHVI ATCO ARNO PIMO PHHO Eriogonum sp.
*Fire KA-1 UTM N 4399374 E 746807 08/09/05	R028AY013NV (Burned in 2001)	13.61%	15-25%	CHVI ATCO ARNO PHHO CHDO ORHY STCO POSE AGSM BRTE SIHY AGDA
*Fire KA-2 UTM N 4399240 E 746541 08/09/05	R028AY013NV (Burned in 2001)	7.23%	15-25%	CHVI ATCO ARNO PHHO CHDO ORHY STCO POSE AGSM BRTE SIHY AGDA

* Mallory fire key areas

** USDA Natural Resources conservation Service, 1998. Nevada Plant List.

Table 4

LIVESTOCK ACTUAL USE: MALLORY SPRINGS ALLOTMENT

Grazing Year	Actual Use
2000	153 AUMs
2001	278 AUMs *
2002	108 AUMs
2003	181 AUMs
2004	321 AUMs **
2005	190 AUMs
2006	193 AUMs
7 Year Average	203 AUMs

* 87 AUMs TNR granted.

** 130 AUMs granted under "flexibility".

Table 5

USE LEVELS ON MALLORY SPRINGS ALLOTMENT

KEY AREA	KAMS-1	KAMS-2	Fire KA-1	Fire KA-2	MSPRSS-1	MSPRSS-2	MSPRSS-3
Grazing Year							
2005	OrHy No Use STCO No Use POSE No Use	OrHy No Use Poa No Use	OrHy 13 % POSE 12.5 % STCO 17% AGSM 20%	OrHy 30% STCO 26% AGSM 30%	OrHy No Use POSE 1%	OrHy 1% STCO 6% POSE 3% SiHy 3%	OrHy No Use POSE 4%
2004	Orhy 9%		Orhy 40%	Orhy 43%			
2002	OrHy 28%	OrHy 4%					
2001	Stco2 17%, OrHy 35%	Orhy 24%					
1999	Stco2 56%, OrHy 56%						

1998	OrHy 33%	OrHy 23%					
------	-------------	-------------	--	--	--	--	--

Table 6

The “Soil Survey of White Pine County, Nevada, East Part” was completed by the Natural Resources Conservation Service for the Mallory Springs Allotment in 2004. The soil survey is a rangeland study that estimates the stage of succession at a given range site within a particular soil mapping unit (SMU), by measuring plant species composition, production, and other factors and comparing it to the composition of the Potential Natural Community (PNC) for that site, sometimes referred to as the *original plant community* or the *historic climax plant community*. The soil survey estimates percent composition of plant species by weight for given dominant range sites within a Soil mapping unit, which then can be used to identify an apparent rangeland trend relative to the range sites’ Potential Natural Community (PNC)

<i>Dominant Vegetation</i>	<i>Total Acres</i>	<i>Percent of Area</i>
Black sagebrush	6,667	49.6%
Pinyon/Juniper	3463	25.7%
Wyoming Sagebrush	1088	8.1%
Lowsagebrush	769	5.7%
Curleaf mountain mahogany	688	5.1%
Whitefur	382	2.8%
Black greasewood	366	2.7%
Rock out crop	40	0.3%

Table 7

Year	Crop Year Precipitation
1997	7.83
1998	10.00
1999	7.18
2000	6.70
2001	5.26
2002	4.42
2003	6.88
2004	5.45
2005	12.20
2006	8.32

The above precipitation data by year is presented for the Ely Weather Station (Yelland Field) as summarized by the National Oceanic and Atmospheric Administration. The precipitation totals are for crop year precipitation, or that moisture (including snow) measured from September through June. This

is effective moisture for plant growth. The average crop year precipitation for the Ely Station for the thirty year period 1977 – 2006 is 8.44 inches. Eight of the ten years listed below are below this average. This represents drought conditions.

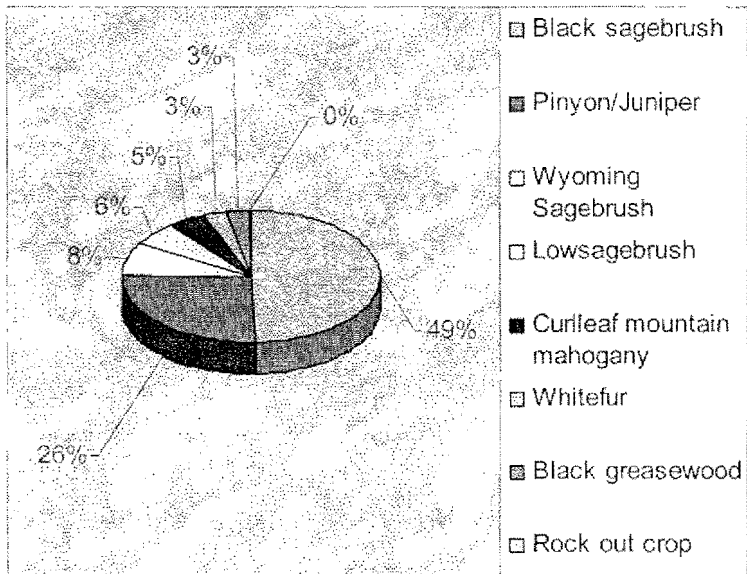
Table 8

Ecological Condition

Ecological condition data for the Mallory Springs Allotment was gathered and reviewed for key areas on August 9, 2005 and August 11, 2005. The data is summarized below:

Mallory Springs Allotment– Ecological Condition Summary

Study Site	Ecological Site	Location	Dominant Vegetation	Percent Native Shrubs	Percent Native Grass	Percent Native Forbs	Trend
KAMS-1	28AY013NV	N: 4399050 E:750749	Rabbitbrush Indian ricegrass blacksagebrush needlegrass Sandburg bluegrass	96.9%	3.1%		Not apparent
KAMS-2	28AY013NV	N: 4397361 E: 749134	blacksagebrush Sandburg bluegrass	98.7%	1.3%		Not apparent
FireKA-01	28AY013NV	N: 4399374 E: 746807	Indian ricegrass needlegrass Rabbitbrush Sandburg bluegrass	12.6%	87.4%		Not apparent
FireKA-02	28AY013NV	N:4399240 E:746541	Indian ricegrass needlegrass Western wheatgrass Thickspike wheatgrass	26.1%	73.9%		Not apparent



REFERENCES

USDA- NRCS. 2005. Soil Survey of White Pine County, Nevada, East Part. CD Disk.

USDA-NRCS. 2003. MLRA 28A Great Salt Lake Area Ecological Site Descriptions .
Published Journal.

USDI-BLM. 2000. Interpreting Indicators of Rangeland Health. Version 4. Technical
Reference 1734-6. BLM/WO/ST-00/001+1734. National Science and Technology Center
Information and Communications Group, Denver, Colorado.

USDA – SCS, USDA Forest Service, DOI BLM, UNR Reno, USDA ARS and Range
Consultants. 1984. Nevada Rangeland Monitoring Handbook.

USDA Forest Service, USDA NRCS, DOI BLM, Cooperative Extension Service. 1996.
Sampling Vegetation Attributes.

USDI-BLM. 2000. Rangeland Health Assessment Worksheets. Ely Field Office.
Unpublished field data.

USDA-NRCS. Revised 2003. National Range and Pasture Handbook.

Appendix 2

Grazing Permit Terms and Conditions

Terms and Conditions of Authorized Use - Pleasant Valley Enterprises Permit

Allotment Number	Allotment Name	Livestock Number/Kind		Grazing Period		% Public* Land	Type Use	AUMs**
				Begin	End			
00136	Mallory Springs	65	Cattle	06/01 to 07/15		100	Active	940
		417	Sheep	11/01 to 12/15	09/01-05/31			

*% Public land is the percent of public land for billing purposes

**AUMs may differ from active Preference due to a rounding difference with the number of

The allotment summary is as follows:

Allotment	Active	Voluntary		Total
		Non-use		
00136 Mallory Springs	940	0		940

Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Pleasant Valley Enterprises on the Mallory Springs Allotment:

Stipulations Common To All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. 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 Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

Additional Terms and Conditions:

1. BLM and Pleasant Valley Enterprises will work together on an annual basis to identify livestock management practices to be implemented for each year in the Mallory Springs Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health.
2. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits.

During the ten year period of this term permit renewal, the BLM and Pleasant Valley Enterprises will monitor the Mallory Springs Allotment for resource conditions in order to determine the effectiveness of the term permit renewal in achieving or making progress towards achieving the Standards for Rangeland Health Pleasant Valley Enterprises will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.

3. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass within the Mallory burn area and whitesage within the gravel wash area on the Mallory Springs Allotment. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When

an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

4. No livestock grazing will occur within the gravel wash area during the 06/01 to 07/15 grazing period to allow grazing rest during the critical growing season of winterfat, a key forage species.

Appendix 3

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

**Project Name:
Pleasant Valley Term Permit Renewal**

On March 14, 2007 noxious weed risk assessment was completed for a proposed grazing term permit renewal, located on public lands in White Pine County, Nevada within the Ely Field Office Area. The proposed term permit renewal occurs in Pleasant Valley within the Mallory Springs Grazing Allotment. The permit renewal covers approximately 13,445 acres of public land. The legal location of the term permit renewal area is as follows:

T. 21 and 22 N., R. 69- 70E., all or portions of Sections 20 -36 (White Pine County, Nevada)

Within the allotment there are infestations of Russian knapweed (*Acroptilon repens*), Musk thistle (*Carduus nutans*), and salt cedar (*Tamarix* spp.) along the Pleasant Valley Draw. There are also infestations of Bull thistle (*Cirsium vulgare*) and Canada thistle (*Cirsium arvense*) at the top of Mallory Canyon. The most concerning of these is the Russian knapweed. It is the only population in the area and it is near the top of a drainage.

Just outside of the allotment, upstream in the Rock Springs, Loties, Ferrys, and Tippet Canyon and downstream in Within the allotment there are infestations of Russian knapweed (*Acroptilon repens*), Musk thistle (*Carduus nutans*), in the Pleasant Valley Draw, there are populations of Black henbane (*Hyoscyamus niger*), Bull thistle, Canada thistle, Musk thistle, Russian knapweed, Scotch thistle (*Onopodum repens*), and Whitetop (*Cardaria draba*). The invasive annual grass cheatgrass is common in the allotment.

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

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

10)	immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious weeds on disturbed sites throughout much of the project area.
-----	--

The grazing permit renewal and the maintenance of existing livestock management practices could likely result in an increase in noxious weeds to the area of the permit renewal. The Risk Factor 1, for spread of noxious weeds, is moderate (6) at the present time. Localized areas of livestock concentration or disturbance could increase the risk for spread of noxious weeds. Grazing could cause an increase in invasive plants such as but not limited to cheatgrass or halogeton, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors. Cheatgrass and halogeton can spread with or without grazing use. The permit renewal area would be monitored on a regular basis for noxious or invasive weeds or nonnative species. Control treatments would be initiated on noxious weed populations that become established in the project area.

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

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

For this term permit renewal factor 2, consequences of noxious weed establishment, rates as moderate (6) at the present time. This means that there are some expected limited cumulative effects to native plant communities. There is minor possibility of noxious weeds being carried in to the area by normal size pickup trucks or by equipment used for water hauling. Minor adverse effects of noxious weeds becoming established are possible.

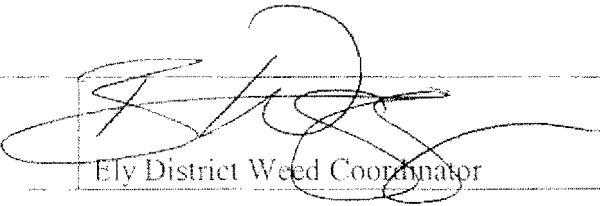
The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

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

For this term permit renewal, the Risk Rating is moderate (36) at the present time. Preventive management measures for noxious weeds should be developed to prevent spread of noxious species into the term permit renewal area. These measures (mitigation) are as follows:

1. Trucks and other heavy equipment used in water hauling activity will be washed prior to entering the project area.
2. Pleasant valley Enterprises and BLM will watch for and report or eradicate any small noxious weed patches in the project area.
3. The range specialist for the Mallory Springs Allotment will include weed detection into normal rangeland monitoring activities.
4. The term permit renewal area will be monitored for noxious weeds for at least three consecutive years following renewal of the permit.

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

 Ely District Weed Coordinator	3/14/2007
--	-----------

