



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>



In Reply Refer to:

NV-040-07-018
4160
Case File
NV-045.09

SEP 26 2007

RECEIVED
OCT 01 2007
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Richard Sewing
National Mustang Association
P.O. Box 1367
Cedar City, UT 84720

CERTIFIED MAIL 7006 0810 0005 7111 6683
RETURN RECEIPT REQUESTED

PROPOSED DECISION

National Mustang Association Term Permit Renewal for the Haypress, Sand Hills, Little Mountain and Clover Creek Allotments

Background Information

On September 26, 2007 the Finding of No Significant Impact (FONSI) for the National Mustang Association (NMA) term permit renewal (EA No. NV-040-07-018) was signed. The Environmental Assessment (EA) and the FONSI which pertains to the Haypress, Sand Hills, Little Mountain, and Clover Creek Allotments are attached. This proposed decision is issued in accordance with 43 CFR 4160.1.

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

The term grazing permit under consideration is for the Haypress, Sand Hills, Little Mountain, and Clover Creek Allotments in the Ely BLM District. The NMA licenses and grazes adopted mustangs on the Haypress Allotment which is only permitted for horse use for kind of livestock. The remaining allotments are permitted for cattle use. The permittee regularly applies for non-use on the cattle allotments to ensure forage availability for wild horses in the Clover Mountain and Clover Creek Herd Management Areas.

Fully processing and renewing the term permit for the National Mustang Association for the Haypress, Sand Hills, Little Mountain, and Clover Creek allotments provides for a legitimate multiple use of the public lands and includes terms and conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for Nevada's Mojave-Southern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which 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". This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met and that significant progress is made towards those that are currently not met. The standards were assessed for the Haypress Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines. The Standards were not assessed for the remaining allotments because the NMA has not made grazing use on the allotments.

The assessment of rangeland health for the Haypress Allotment was conducted in 2007. It was determined that the Standard for Habitat and Biota was not being achieved. Livestock (in this case the NMA's horses) are not a contributing factor to not achieving the Standard. A review and analysis of the monitoring data and actual use (annual billings) was conducted. Changes to the management of livestock are proposed to improve the management of the horses on the Haypress Allotment. The complete standards determination is located in Appendix I of the EA (EA-NV-040-07-018). A summary of the findings for the allotment are as follows:

Conclusions of the Standard Determination:

Standard 1. Soils: Achieving the Standard.

Standard 2. Ecosystem Components: Achieving the Standard.

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

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

The preliminary EA was posted on the Ely external webpage on June 19, 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 Haypress, Sand Hills, Little Mountain, or Clover Creek Allotments. No comments were received.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1, and 4130.3-3, permitted use for the National Mustang Association for the Haypress, Sand Hills, Little Mountain, and Clover Creek Allotments, is changed as follows:

TABLE 1. FROM:

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Haypress (11033)	26 Horses	5/1	10/31	100	Active	157
Clover Creek (21015)	28 Cattle	5/1	10/27	100	Active	166
Sand Hills (01088)	46 Cattle	6/1	10/31	100	Active	231
Little Mountain (00414)	66 Cattle	5/1	10/31	100	Active	399
Allotment AUMs Summary						
ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS		PERMITTED USE		
Haypress	154	278		432		
Clover Creek	166	137		303		
Sand Hills	229	104		333		
Little Mountain	400	0		400		

TABLE 2. TO:

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Haypress (11033)	22 Horses	6/1	12/31	100	Active	157
Clover Creek (21015)	28 Cattle	5/1	10/27	100	Active	166
Sand Hills (01088)	46 Cattle	6/1	10/31	100	Active	231
Little Mountain (00414)	66 Cattle	5/1	10/31	100	Active	399
Allotment AUMs Summary						
ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS		PERMITTED USE		
Haypress	154	278		432		
Clover Creek	166	137		303		
Sand Hills	229	104		333		
Little Mountain	400	0		400		

The renewal of the term grazing permit would be for a period of ten years. This decision will be effective upon the decision becoming final or pending final determination on appeal. Proposed changes to the permit terms and conditions and/or management practices would affect the overall

management of livestock based on timing and duration of grazing, and allowable use levels on perennial native plants.

Terms and conditions for grazing use which would become pertinent to the National Mustang Association permit are proposed as follows:

1. The Haypress Allotment grazing season of use would be changed to 6/1 – 12/31 to allow for improved animal management and to improve the operator's ability to remove their horses from the allotment.

The following recommended management practices would become permit stipulations for grazing management to achieve the Standards for Rangeland Health:

1. Salt and/or mineral supplements for livestock would be located no closer than ¼ mile from water sources.

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

- Perennial grasses: 45% current year's growth
- Perennial shrubs and half-shrubs: 45% current year's growth

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

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

5. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains,

funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

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

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

Rationale For Changes in Grazing Use

The change in the season of use is being implemented because of the operator's difficulty especially in periodically mild winters, to retrieve the adopted mustangs from the allotment. By the end of December, the cool air temperatures queue the horses to return home. The season of use also precludes grazing from occurring in May which also helps cool season plants to develop further before being subject to grazing. While these changes are not expected to make substantial improvement in the achievement of the Habitat and Biota Standard, they do serve to improve overall management of the livestock and the vegetative resources.

Actions necessary for the improvement of the resources to achieve the Standard are outside the scope of the EA and are not further addressed in this document.

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

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple-use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at CFR 601.0-5(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Protest and Appeal

Protest

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

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

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

Appeal

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

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

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

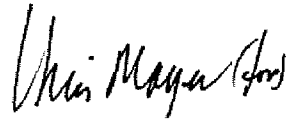
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Dunn".

William E. Dunn
Assistant Field Manager
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-07-018 with Appendices
3. Allotment Maps

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

CERTIFIED RETURN RECEIPT NUMBER:
7006 0810 0005 7111 6690

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

7006 0810 0005 7111 6706

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

7006 0810 0005 7111 6713

Brad Hardenbrook
Nevada Division of Wildlife
4747 W. Vegas Drive
Las Vegas, NV 89108

7006 0810 0005 7111 6720

Curt Leet
HC 32 Box 32120
Ely, NV 89301

7006 0810 0005 7111 6737

Lincoln Co. Commissioners
P.O. Box 90
Pioche, NV 89043

7006 0810 0005 7111 6744

Cindy MacDonald
3605 N. Silver Sand Ct.
N. Las Vegas, NV 89032

7006 0810 0005 7111 6751

Betsy Macfarlan ENLC
P.O. Box 150266
Ely, NV 89315

7006 0810 0005 7111 6768

John McLain
Resource Concepts, Inc
340 N. Minnesota St.
Carson City, NV 89703-4152

7006 0810 0005 7111 6775

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

7006 0810 0005 7112 1212

Jerry Reynoldson
PO Box 995
Logandale, NV 89021

7006 0810 0005 7112 1229

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

7006 0810 0005 7112 1236

Laurel Marshall
HC 62 Box 62114,
Eureka, NV 89316

7006 0810 0005 7112 1243

Meghan Wereley
Nevada Cattlemen's Association
P.O. Box 310
Elko, NV 89803-0310

7006 0810 0005 7112 1250

**FINDING OF NO SIGNIFICANT IMPACT
FOR
National Mustang Association Term Permit Renewal
Haypress, Sand Hills, Little Mountain and Clover Creek Allotments
EA # NV-040-07-018**

I have reviewed Environmental Assessment (EA) NV-040-07-018, dated September 7, 2007. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-07-018 has been reviewed through the interdisciplinary team process and public scoping process.

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

Context: The Haypress, Sand Hills, Little Mountain and Clover Creek allotments are located near the town of Caliente, Nevada. The Haypress, Clover Mountain and Sand Hills allotments occur in and around the Clover Mountain Range, south and southeast of Caliente. Little Mountain is located northeast of Caliente. The allotments are relatively small in area. The Haypress Allotment encompasses 7,843 acres, Clover Creek encompasses 22,876 acres, Little Mountain encompasses 18,622 acres, and Sand Hills only 11,585 acres; all in Lincoln County, Nevada.

Lincoln County is sparsely populated, with less than one person per square mile. Impacts from livestock grazing (which only presently occurs on one of the permittee's assigned allotments), is dispersed, and compatible with the rural, agricultural setting throughout most of the County.

Intensity:

1) Impacts that may be both beneficial and adverse.

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action developed in the Standards Determination Document and proposed in the EA. 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. The slight change to the season of use will be beneficial to habitat and vegetation management because horses would graze on the Haypress Allotment from June 1 to December 31, precluding grazing during the month of May. The horses will be easier to remove from the allotment in

December with freezing temperatures forcing them to leave the allotment and return home. This represents a benefit to a small degree to the permittee and could reduce impacts of vehicular travel during the winter months.

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

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

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

There are no parks, wetlands, wild and scenic rivers, or areas Areas of Critical Environmental Concern (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment, but there are no known sites of particular importance or interest.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Caliente Grazing ES. Although public input has been sought for the proposed action, there has been little public interest and a few comments from one interested public on effects analyzed in the attached EA. Only one out of four allotments is utilized by the permittee. The grazing of horses is not contributing to the Standard for Rangeland Health (No. 3 - Habitat and Biota) not being achieved.

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.*

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

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

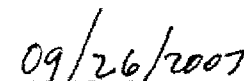
The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. The action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed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

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

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



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


Date

**PRELIMINARY
ENVIRONMENTAL ASSESSMENT
TO RENEW THE GRAZING PERMIT FOR
NATIONAL MUSTANG ASSOCIATION (#2705049)
FOR THE HAYPRESS, SAND HILLS, LITTLE MOUNTAIN AND
CLOVER CREEK ALLOTMENTS**

(EA-NV-040-07-018)

September 7, 2007

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

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

I. INTRODUCTION

A. Background

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permit for National Mustang Association (NMA) (#2705049) for the Haypress (11033), Sand Hills (01088), Little Mountain (00414), and Clover Creek (21015) allotments. The current term permit for these allotments was issued to the NMA for the period of 12/18/2002 – 12/18/2012 under the 2002 Federal Appropriations Bill Grazing Rider. This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. The proposed action and alternatives to the proposed action are considered.

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

The permit authorizes domestic horse use on the Haypress Allotment and cattle use on the Clover Creek, Little Mountain, and Sand Hills allotments. The allotments are ranked as "C" (Custodial) Category allotments in the Caliente Resource Area Rangeland Program Summary (1985). The only allotment the NMA licenses use for is the Haypress Allotment. The permit for horse use for the Haypress Allotment is used by the NMA for mustangs adopted from the Federal government. Many of these horses are considered unadoptable due to their age and/or temperament at the time of adoption by NMA.

The permit also permits cattle use on the Clover Creek, Sand Hills, and Little Mountain allotments. The NMA chooses to not use their cattle animal unit months (AUMs) on these allotments in an effort to ensure there is enough forage for horses in the Clover Creek, Clover Mountain, and Little Mountain Wild Horse Herd Management Areas where the allotments occur. The last time NMA received a bill for use on the Clover Creek Allotment was in 1992. It is not known if grazing use was made or if a bill was generated for other reasons. NMA has never applied to graze cattle on Sand Hills which they acquired in 2002. The Little Mountain Allotment was added to the permit in 2001. They have never licensed cattle in the allotment.

The Mojave Southern Great Basin Area Standards for Rangeland Health were approved in 1997. An assessment of the rangeland health was conducted for the Haypress Allotment in May, 2007 during the permit renewal process. During the assessment, a review and analysis of the monitoring data was conducted. It was determined that the Habitat and Biota Standard is not being achieved, horse grazing is not a causal factor and that the management of horses on the allotment is in conformance with the Guidelines. The Soils and Ecosystem Components Standards are presently being achieved on the allotment. Standards determination documents for livestock grazing use were not written for the Sand Hills, Clover Creek, or Little Mountain Allotments due to the lack of grazing use to evaluate.

Another permittee holds a separate cattle grazing permit on the Clover Creek Allotment. That permit will be evaluated with a separate EA in the near future. The complete standards determination for the Haypress Allotment is located in Appendix I.

A summary of the findings for the allotment is as follows:

1. Soils Standard: Achieving the Standard.
2. Ecosystem Components: Achieving the Standard.
3. Habitat and Biota: Not achieving the Standard and not making significant progress toward achieving it. Livestock are not a contributing factor to not achieving the standard.

Conclusions of the Standard Determination:

Standard 1. Soils: Achieving the Standard. The uplands (both rangelands and woodland groups) are achieving the Soils Standard. Soils are stable with no outward sign of erosion observed on the allotment. Vegetative cover is appropriate to protect the soil. Cover measured at the Beaver Dam Flat Supplemental Key Area exceeded the site potential for a total of 30%. An additional 10% of cover was contributed by litter at the site. Pinyon and juniper are increasing in the area.

Standard 2. Ecosystem Components: Achieving the Standard. The upland soils are effectively managing infiltration and runoff without excessive erosion or sedimentation. One of the indicators for the Standard is canopy cover (including vegetation and litter). These are well represented on the allotment. The use of prescribed fire to install a fire control line three years ago indicated the potential for herbaceous vegetation regeneration following fire under controlled conditions.

Standard 3. Habitat and Biota: Not Achieving the Standard. The increasing overabundance of pinyon and juniper throughout the allotment resulted in a Non-Achievement rating for Habitat and Biota. As the woody species increase in size and abundance, and as the canopy closes, the essential shrubby and herbaceous species decrease. A wildlife species shift from mule deer to elk is expected as the key browse species decrease and the amount of edge-effect habitat diminishes. Other species which require open sagebrush rangelands must adapt to the change or move on to suitable habitat.

Prescribed fire and other treatments were discussed in the Standards Determination Document as a possible means for managing the habitat and the biotic species which it supports.

There are no riparian areas on the Haypress Allotment to assess for the Riparian portions of Standards 1, 2, and 3.

B. Need for the Proposal

The need for the proposal is to provide for legitimate multiple use of the public lands by renewing the term grazing permit for National Mustang Association for the Haypress, Sand

Hills, Little Mountain, and Clover Creek allotments with terms and conditions for grazing use that conform to Guidelines and achieve the Standards for Nevada's Mojave Southern Great Basin Area in accordance with all applicable laws, regulations, and policies. In accordance with Title 43 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."

C. Relationship to Planning

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

- State Protocol Agreement between the Bureau of Land Management (BLM), Nevada and the Nevada State Historic Preservation Office (1999)
- Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (12 February 1997).
- Lincoln County Elk Management Plan – Revised 2006
- Endangered Species Act - 1973
- Wilderness Act - 1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order (1/11/01).
- Lincoln County Public Land and Natural Resource Management Plan (1997)
"Grazing shall be managed to support a healthy range resource." (P. 15)

Relationship to Bureau Guidance

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

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

D. Identification of Issues

This permit renewal proposal was scoped by resource specialists on January 22, 2007 at the Ely BLM Field Office. No issues were raised.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The BLM would issue and fully process a new term grazing permit for National Mustang Association and authorize grazing on the Haypress, Sand Hills, Clover Creek, and Little Mountain allotments. The acres of BLM managed lands for each allotment is as follows: Haypress: 7,843 acres; Sand Hills: 11,585 acres; Clover Creek: 22,876 acres; and Little Mountain: 18,622. The current term permit and allotment information is described in Table 1.

Table 1. Current Term Permit for National Mustang Association

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Haypress (11033)	26 Horses	5/1	10/31	100	Active	157
Clover Creek (21015)	28 Cattle	5/1	10/27	100	Active	166
Sand Hills (01088)	46 Cattle	6/1	10/31	100	Active	231
Little Mountain (00414)	66 Cattle	5/1	10/31	100	Active	399
Allotment AUMs Summary						
ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS		GRAZING PREFERENCE		
Haypress	154	278		432		
Clover Creek	166	137		303		
Sand Hills	229	104		333		
Little Mountain	400	0		400		

The fully renewed term grazing permit would be for a period of ten years from 9/30/2007 to 09/29/2017.

Proposed changes to the management of the Haypress Allotment:

The season of use would be changed to begin June 1 and end December 31.

Justification for the season of use change: The horses are mostly adopted mustangs. They are not easily captured to be taken off the allotment at the end of the season. Their wild natural behavior complicates gathering them in October to go to private pasture. By late December, they are moving out of the hills to go to private pasture to escape snow and to find forage and fresh water. The season of use change would aid in their proper management. Many years of temporary non-renewable use allowed late fall grazing this way. This will improve the operation and management of horses while still providing for sound rangeland management practices.

Proposed changes to the term permit terms and conditions affect the use of vegetation on all permitted allotments:

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

- Perennial grasses and shrubs: 50% total above ground production at the key areas or areas serviced by temporary water sites or supplements.

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

Monitoring: Rangeland monitoring would continue to be collected for the Haypress, Sand Hills, Clover Creek, and Little Mountain allotments (methods used would depend on uses occurring) to determine if the livestock management practices are meeting allotment objectives and progressing towards achieving the Standards for Rangeland Health as provided by the Mojave Southern Great Basin RAC.

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

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

B. No Action Alternative

Under the No Action Alternative, the permit would be renewed without changes to the season of use which would remain as currently permitted: May 1 to October 31. Management of the rangeland resources would remain as it is currently.

C. Other Alternatives

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

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

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

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

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The NMA permit allotments are all near the City of Caliente, Nevada in Lincoln County. Haypress is 17 miles east/southeast near the Town of Barclay; Clover Creek is 2 miles east of Caliente; Sand Hills is 5 miles south of Caliente; and Little Mountain is 2 miles northeast of Caliente. The elevation for the allotments ranges from 4000-6000 feet above sea level. The annual precipitation is generally 8-10 inches but may vary based on location. All of the allotments are characterized by sagebrush-dominated rangelands and woodlands dominated by juniper (*Juniperus osteosperma*) and pinyon (*Pinus monophylla*). The Haypress Allotment is the only allotment which the NMA licenses grazing use for on an annual basis. The remaining allotments have been in nonuse.

Mandatory Elements of the Human Environment

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

Table 2. Mandatory Elements of the Human Environment

Mandatory Element	No or Negligible Effect Beyond Those Disclosed in the RMP/FMP/Grazing EIS	May Be Affected	Not Present	Rationale
Air Quality	X			Neither the Proposed Action nor the No Action Alternative would affect Air Quality status in the

				area. Soil surfaces are stable so the proposed action would not produce conspicuous airborne dust or other pollutants to affect air quality.
Areas of Critical Environmental Concern (ACEC)			X	There are no ACECs in the proposed action area.
Cultural Resources	X			The Cultural Needs Assessment for the allotments indicated the Proposed Action would not have an impact on these resources.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the allotment.
Farmlands (Prime or Unique)	X			Prime farmlands occur in the Haypress and Little Mountain allotments. However grazing use does not change soil characteristics that affect farmland status therefore there would be no impact from the Proposed Action or No Action Alternative.
Floodplains	X			Clover Creek serves as a floodplain in the area and is nearby and/or adjacent to three of the allotments (Clover Creek, Haypress and Little Mountain). The proposed action would have no adverse affects on floodplains. Terms and conditions for grazing management are recommended to protect and/or improve watershed conditions.
Migratory Birds			X	A number of migratory bird species are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Where sagebrush occurs, migratory obligate species may use the area. Outside the breeding season, a number of species have the potential to use the area during the winter or migration. The potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low

				density of livestock within the allotments.
Native American Religious Concern	X			A Native American Coordination Meeting was held in the BLM office in Ely on March 22, 2007. No concerns were raised regarding the proposed action.
Noxious Weeds and Non-Native, Invasive Species		X		Noxious weeds are a concern in the Clover Creek drainage based on their ability to spread and thrive in a riparian setting.
Special Status Animal and Plant Species (Federally listed, proposed or candidate threatened or endangered species and state sensitive species)		X		Sensitive species occur within the boundaries of the Clover Creek, Sand Hills and Little Mountain allotments. No special status animals or plants or federally listed or candidate species occur in the Haypress Allotment.
Wastes (Hazardous and Solid)			X	No hazardous or solid wastes are known to occur on any of the allotments. No hazardous or solid wastes would be introduced by the proposed action.
Water Quality (Drinking and Ground)			X	No surface water in or near the area is used for domestic drinking water.
Wetlands/Riparian		X		Five spring sources occur on the Clover Creek Allotment. The Clover Creek drainage transects a portion of the allotments.
Wild Horses and Burros	X			The Sand Hills Allotment is part of the Clover Mountain HMA; Clover Creek Allotment is part of the Clover Creek HMA; and Little Mountain Allotment is part of the Little Mountain HMA. These small horse populations would not be impacted by the Proposed Action. Improved range conditions can benefit wild horses through improved habitat conditions and range management practices. Voluntary temporary non-use of cattle permits may provide a small benefit to wild horses in HMAs through reduced competition for forage.
Wild and Scenic Rivers			X	There are no Wild and Scenic Rivers in Lincoln County.
Wilderness Values			X	There are no Wilderness Areas or Wilderness Study Areas in any of the allotments.

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

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

Resource or Issue	No or Negligible Effect Beyond Those Disclosed in the RMP/FMP/Grazing EIS	May Be Affected	Not Present	Rationale
Livestock Grazing/Range Management/Standards for Rangeland Health		X		The Proposed Action would affect grazing on the Haypress Allotment. The season of use would be beneficial not only to the permittee but also to continue to achieve and/or progress toward achieving the Standards for Rangeland Health.
Vegetation		X		Improved management of grazing could have a beneficial impact on vegetative resources. One extra month of dispersed grazing use by horses on the Haypress Allotment should not have an impact on vegetation since the total active AUMs are not being increased. Use limits and monitoring would prevent impacts to vegetation.
Soils		X		Impacts to soils would be minimal based on extending the season of use by one month. Soils could be wet in November and December so grazing could result in minor compaction impacts. Soils may be in a frozen state even at the lower elevations of the allotments negating the compaction concern.
Wildlife		X		Improved management of grazing could benefit wildlife through improved habitat.

				Competition for forage between the permitted horses and wildlife is not expected in the fall and winter.
Recreation	X			The Proposed Action would not affect recreation activities which may occur in the allotments.
Visual Resource	X			VRM Classes on the allotments include Class 2, 3, and 4. Class 2 only occurs on the Clover Creek Allotment. Normal grazing activities as described in the proposed action would not affect VRM.

Potentially Affected Elements of the Human Environment

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

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

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

The Haypress Allotment is currently permitted for horse use only. The current permit for horse use on Haypress and cattle use for the remaining allotments is shown in the Table 4.

Table 4. Current Permit for National Mustang Association

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
		Begin	End			
Haypress (11033)	26 Horses	5/1	10/31	100	Active	157
Clover Creek (21015)	28 Cattle	5/1	10/27	100	Active	166
Sand Hills (01088)	46 Cattle	6/1	10/31	100	Active	231
Little Mountain (00414)	66 Cattle	5/1	10/31	100	Active	399

An examination of grazing bills was conducted to determine how much use has been made on the allotment dating back to 1998. Temporary nonrenewable use¹ (TNR) was approved by the BLM for four out of seven years. Licensed use ranged from 85% to 376% of the permitted use during the period. TNR was no longer authorized after 2001 when it was deemed necessary to write environmental assessments for TNR use over the permitted use AUMs. No use was made in 2002-2003 due to drought conditions.

NMA holds cattle use permits on the Clover Creek, Sand Hills and Little Mountain Allotments as well. They acquired the permits in order to ensure AUMs are available in wild horse HMA's for wild horses. They do not license their horses on these allotments. Nor have they made any considerable use by cattle either. Sand Hills was acquired and placed into nonuse in 2001. There has not been much use on the allotment in many years due to topography and lack of water. The previous permittee would pay for a few cows year round on Sand Hills just in case his cattle made it up the narrow canyon from the home ranch.

Clover Creek AUMs were last licensed in 1992 for 166 AUMs (100% of NMA's active AUMs on the allotment). No cattle use has occurred by the permittee since then. Another permittee also has a cattle use permit on the Clover Creek Allotment. That permit will be renewed in a separate EA.

B. Noxious Weeds and Invasive, Non-Native Species

Noxious, invasive, and non-native species are present in the Clover Creek drainage which borders both the Clover Creek and Little Mountain allotments. The creek bypasses the Haypress Allotment but is close enough to the allotment to be a concern. Many weed species inhabit the Meadow Valley Wash as well. The Sand Hills Allotment is within one mile east of the wash.

Species in the area of the allotments include tall whitetop (*Lepidium latifolium*), hoary cress (*Lepidium draba*), bull thistle (*Cirsium vulgare*), Scotch thistle (*Onopordium acanthium*), and salt cedar (*Tamarix spp.*). Other weeds within five miles include tree of heaven (*Ailanthus altissima*), poison hemlock (*Conium spp.*), Dalmatian toadflax (*Linaria dalmatica*), Russian knapweed (*Acroptilon repens*), and spotted knapweed (*Centaurea stoebe*). These weeds are inventoried, monitored, and treated periodically. Noxious weeds are not a problem in the uplands of the allotments. Invasive weeds such as cheatgrass (*Bromus tectorum*) are present in the uplands of the allotments but are not a major concern at this time.

Usually, invasive and non-native species discussed in EAs are plant species. However, a recent non-native animal species has come to the attention of the Nevada Department of Wildlife and the BLM in Lincoln County. Feral pigs have been observed foraging in Clover Creek just east of Caliente and between Caliente and Panaca. Pigs can become a major threat to the ecosystem and proliferate readily and are a concern in this the area.

¹ Temporary Nonrenewable Use authorizations may be issued on an annual basis when forage is temporarily available in accordance with Title 43 CFR Subpart 4130.6-2(a).

C. Soils

Soils vary on the allotments from deep to very shallow with varying potential vegetative communities which they can support. The major soil units are described for each allotment:

Haypress: Major soil mapping units include the Acoma-Decan-Cath (ADC) Association, the Brier-Acoma-Bellehelen Association (BAB), and the Gabbvally-Rock Association (GAR). The majority of the vegetative communities supported by these soils are characterized as woodlands dominated by pinyon and juniper with a small amount of loamy sagebrush areas. A small amount of the Patter-Heist Association (PH) occurs in the allotment and is classified as Prime Farmland Soils. It is dominated by Wyoming sagebrush (*Artemisia tridentata var Wyomingensis*).

Clover Creek: Major soil mapping units include the Minu-Schroe-Acoma Association (1190), Stewval-Gabvally Association (2010), Stewval-Lamoine-Rock Outcrop Association (2011), and Brier-Acoma-Bellehelen Association (1210). The main vegetative communities are characterized as either pinyon-juniper woodlands or dominated by blacksage (*Artemisia arbuscula var nova*) if on shallow soils or Wyoming sagebrush on deeper soils.

Little Mountain: Major soil mapping units include the Linco-Acana Association (LC), Acana Gravelly Sandy Loam (ACC), and Zoate-Rock Outcrop (ZR). A small amount of Geer Fine Sandy Loam occurs on the amount and is classified as Prime Farmland Soils. This soil is dominated by winterfat (*Krascheninnikovia lanata*).

Sand Hills: According to the Soil Survey – Lincoln County South Part, the major soil mapping units include the Turba-Acti Association (1821), Slidytn-Capsus Association (1941), and Larosse-Rock Outcrop (1270). These areas are pinyon-juniper woodlands.

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

BLM Sensitive Species occur on three of the allotments associated with the National Mustang Association.

On the Clover Creek Allotment, the southwestern toad (*Bufo microscaphus*) was last observed in 1998 in association with Clover Creek. The United States Forest Service website describes the toad's habitat. The website states "This toad inhabits arroyos, streams bordered by willow and cottonwoods, washes and adjacent uplands. It can also be found along irrigation ditches, reservoirs and in flooded fields. The Southwestern Toad can be found up to 6,000 feet in elevation."

On the Sand Hills Allotment, the Nevada willowherb (*Epilobium nevadense*) was last mapped in 1999. According to the Nevada Natural Heritage Program (NNHP) webpage, this species occurs in habitat described as, "Slopes with limestone outcrops or talus at 1560-2800 meters elevation. Associated with singleleaf pinyon (*Pinus monophylla*), and ponderosa pine (*P. ponderosa*)."

On the Little Mountain Allotment, the Needle Mountains milkvetch (*Astragalus eurylobus*) was last mapped in 2001. The habitat for this species is described by the NNHP webpage as, "Generally deep, barren, sandy, gravelly, or clay soils derived from sandstone or siliceous volcanics, frequently in or along drainages."

The Meadow Valley Wash speckled dace and Meadow Valley Wash desert sucker inhabit the waters of Clover Creek (proper).

In Meadow Valley, the federally listed threatened southwestern willow flycatcher has been known to nest along the riparian. The Sand Hills Allotment is adjacent to the area but does not contain any riparian areas or vegetation within its boundary. The flycatcher is a riparian species. The yellow-billed cuckoo, also a riparian associate, may nest in southern Meadow Valley Wash. It is not expected to occur in any of the allotments due to lack of suitable habitat. Data is limited on this species in Nevada.

E. Vegetation

The dominant vegetation on the Haypress, Clover Creek, and Sand Hills allotments is pinyon and juniper based on the large amount of woodlands present. Wyoming sagebrush is dominant in deeper soils and may be a lesser dominant species in some of the woodland sites. The understory vegetation in the woodlands may be comprised of antelope bitterbrush (*Purshia tridentata*), Wyoming sagebrush, Douglas' rabbitbrush (*Chrysothamnus viscidiflorus*), Indian ricegrass (*Achnatherum hymenoides*), squirreltail (*Elymus elymoides*), needleandthread (*Hesperostipa comata*), and small galleta (*Hilaria jamesii*) throughout most of the elevations. Winterfat may occur to a very small degree in the sandy-loamy soils of the Little Mountain Allotment.

Where the soils are underlain with Duripan (a hard pan layer under top soils), root growth is restricted which limits the site potential. These sites may have black sagebrush as the dominant species. Perennial grasses and sometimes desert bitterbrush (*Purshia glandulosa*) may be present as well.

F. Wetlands and Riparian

Riparian areas in the affected allotments include the Clover Creek drainage system plus five springs. The Clover Creek channel flows through the area and is the division between the Little Mountain and Clover Creek Allotments. It bypasses the Haypress Allotment. In addition, the permittee's horses are fenced out of the creek. The five springs include Lower Ash, Oak Spring, Upper Ash, Horse, and Chokecherry.

G. Wildlife

All of the allotments support mule deer year long. Additionally, Clover Creek and Sand Hills provide quality summer habitat. Much of the rangelands of the allotments which would normally provide quality habitat for mule deer are rapidly becoming overgrown with juniper and pinyon trees. This results in less available browse and open foraging areas and shifts the type of

habitat to favor elk over deer. Elk are beginning to populate the areas around Barclay, Nevada and are believed to be moving across the Clover Mountains into the Delamar Range.

Other common wildlife species include jackrabbits, cottontail rabbits, squirrels, foxes, mountain lions, bobcats, coyotes, small rodents, lizards, and a large variety of birds and raptors. Water fowl may be observed in Clover Creek. The allotments contain several habitats including the riparian corridor associated with Clover Creek, which results in a diverse wildlife community.

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

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

Proposed Action: The only change proposed to the permit is the altered season of use for Haypress which would change to June 1 to December 31. This would benefit the operation by allowing horses to stay out on the Haypress Allotment thereby decreasing the amount of time the NMA representatives have to spend tracking down the horses and could reduce handling stress on the animals as well. Near freezing temperatures at 5,000 feet ASL in December would in most years coerce the horses into moving down-slope into the home pastures. Once water sources begin to freeze, the horses would be motivated to return home.

The change to the season of use would probably have little impact on rangeland health. The permittee does not often turn horses into the allotment before June 1 anyway. The change would continue good management practices.

No Action: The permitted season of use would not change. Horses would still need to be gathered in late October. This could require the use of all terrain vehicles across the public lands and off road to reach them to be in compliance with their permits.

B. Noxious Weeds and Invasive, Non-Native Species

Proposed Action: A Risk Assessment for Noxious and Invasive Weeds was conducted in 2007 for the renewal of the National Mustang Association permit. The proposed action risk assessment rating assigned for the potential for weed establishment is a 28 (moderate). Noxious weeds present to varying degrees on the allotments could be spread by any of the multiple uses that occur on public lands. It is not expected that the proposed action would cause the spread or new establishment of weed species. The permittee would be provided the latest weed identification information to be able to report infestations on the allotments.

The horses on the Haypress Allotment do not have access to known populations of noxious weeds therefore the likelihood of spread based on the proposed action is negligible. Additionally, since the horses can only graze either in the allotment or at the permittee's private meadows, there is no chance of spreading weeds to other public lands.

The identified problem with feral pigs in the general area of the Clover Creek drainage would not be enhanced or affected by the proposed action. The change in management and the change to the season of use would not contribute to this problem.

No Action: The No Action Alternative would not result in the spread or establishment of noxious, invasive, and non-native species. The permit would not be changed to reflect the proposed season of use.

C. Soils

Proposed Action: Soils on the allotments are not at risk to the impacts of erosion, damage, or loss due to the proposed action. The herd size on the Haypress Allotment is small and their grazing use does not result in the loss of vegetation or increased exposure of soil surfaces. Soils could be wet in November and December so grazing could result in minor compaction impacts. The Standard for Soils is being achieved presently and should continue if the proposed action is implemented.

No Action: 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 allotments.

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

Proposed Action: The proposed action would have no impacts on the threatened Southwestern willow flycatcher, or any of the BLM Sensitive Species, as described in this document. The permittee has not actively grazed livestock on the Sand Hills, Clover Creek or Little Mountain allotments during the evaluation period.

The plant species including the Nevada willowherb and Needle Mountains milkvetch do not occur in habitats which are occupied or utilized by permitted livestock. Occurring at 6000 feet and in talus slopes, the Nevada willowherb would not likely be encountered even if licensed use were to occur. The Needle Mountains milkvetch could be encountered on the Little Mountain Allotment. Information was not found indicating livestock are a threat to either plant.

The southwestern toad could occur along Clover Creek. There is little chance of toad/livestock interaction due primarily to the lack of use by the permittee.

Since none of the species occur on the only grazed allotment (Haypress), there would be no impacts based on the proposed action. If, however, in the future the permittee decides to utilize the other allotments, the sensitive species/livestock interaction could be re-evaluated to determine if special terms for grazing or protective measures would be needed.

No Action: No impacts would occur based on the No Action Alternative. Management would not change. The two alternatives are essentially the same with respect to sensitive species.

E. Vegetation

Proposed Action: Vegetation would not be impacted by the proposed action. The change in the season of use would normally improve vegetative conditions with an extra month of spring rest, but the permittee has been voluntarily taking nonuse for the month of May. The additional two months in the winter would have little impact because the vegetative species are entering winter dormancy by mid-November.

No Action Alternative: No impacts to vegetation would be expected under the No Action Alternative. The Haypress Allotment vegetation conditions are the result of the lack of fire and other disturbance, not grazing.

F. Wetlands and Riparian

The five springs are located in the Clover Creek Allotment. Lower Ash Spring and Oak Spring were fenced by the BLM previously to exclude damage at the spring from grazing and trampling. Upper Ash Spring and Chokecherry Spring are in the planning phase for being fenced. The last spring, Horse Spring, is not currently being studied for fencing. It may be fenced in the future based on district spring priorities. The fence is in an area presently ungrazed by livestock.

The Proposed Action would not affect riparian or wetland systems because the permittee is not licensing cattle on any of the allotments. The permittee's horses only use the Haypress Allotment and do not have access to the streams or any spring sources. On public lands, two of the springs are currently fenced, two are planned to be fenced by the Ely Field Office to exclude grazing and protect the spring sources. The fifth spring which is unfenced would not be affected under the proposed action. It may be proposed to be fenced under a separate EA.

No Action Alternative:

No impacts would occur under the No Action Alternative. The season of use for the Haypress Allotment would not be changed. This would not affect the riparian systems that occur on other allotments.

G. Wildlife

Proposed Action: Wildlife would not be impacted by the proposed action. The change of season of use from May 1 turnout to June 1 would be beneficial to wildlife, but the permittee has usually not turned horses into the Haypress Allotment until after June 1. The change to the removal date from October 31 to December 31 wouldn't affect wildlife, even though some species may occupy the Haypress Allotment at the same time. The main wildlife species to be considered is the mule deer. Horses and deer have little dietary overlap, particularly in the winter. Spatially however, they may occupy the same areas based on climate conditions or snow depth. The effect would be negligible to the deer.

No impacts would occur on any of the nonuse allotments based on the proposed action. No changes are proposed to the nonuse allotments.

No Action: 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 Haypress Allotment. The Habitat and Biota Standard is not being achieved but the non-achievement has nothing to do with horse use.

No impacts would occur on any of the nonuse allotments based on the No Action Alternative. No changes are proposed to the nonuse allotments.

H. Cumulative Impacts

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

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

1. Past Actions

A prescribed burn was implemented on the neighboring Barclay Allotment on Beaver Dam Flat in 2005. The area of Beaver Dam Flat was chained, plowed and seeded in 1956. Several chain/plow/seed projects took place in the 1950s-1960's in the Clover Mountains in all directions from the Haypress Allotment. Emergency stabilization efforts have occurred in wildfire areas also in the Clover Mountains. In the mid-1990's, some of the old seeded area on the Sheep Flat allotment was mowed with a brush-hog type rangeland mower to decrease the sagebrush in the seeding.

2. Present Actions

Presently there are no actions such as range improvement projects currently occurring on the Haypress, Clover Creek, Sand Hills, or Little Mountain allotments. Groundwater development projects for the City of Mesquite are ongoing in the Clover Mountains and Clover Valley. Several wells have been installed in the Barclay/Clover Valley area already.

3. Reasonably Foreseeable Future Actions

One other permittee currently holds a cattle use permit for the Clover Creek Allotment. Another EA will be written in the near future to renew that permit as well. The Department of Energy (DOE) is currently planning and studying the various possible routes for the Yucca Mountain Nuclear Waste Railroad. The Caliente corridor, one possible route, transects the Little Mountain Allotment. The railroad will be analyzed in an environmental impact statement (EIS).

The Ely Field Office is working on a new Resource Management Plan (RMP). This document when finalized will guide resource management on public lands administered by the BLM in White Pine, Lincoln, and portions of Nye County in Nevada. The plan will go to the public in early spring 2007. When finalized, resource management would occur on a watershed basis.

Cumulative Impacts Summary:

The proposed renewal of the grazing permit for National Mustang Association would improve rangeland health and watershed conditions through implementing sound grazing management practices. No cumulative impacts of concern are anticipated as a result of the proposed actions in combination with any other existing or planned activity, except for those disclosed in the Caliente Environmental Statement.

VI. PROPOSED MITIGATING MEASURES

Appropriate mitigation has been included as part of the proposed action and no additional mitigation is proposed based on this environmental analysis. Terms and conditions would be included as part of the term grazing permit for the proper management of livestock on the public lands in the Haypress, Clover Creek, Sand Hills, and Little Mountain allotments.

VII. SUGGESTED MONITORING

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

Rangeland monitoring data would continue to be gathered for the Haypress Allotment to determine if livestock management practices are in conformance with the Guidelines and meeting the Standards for Rangeland Health as well as other multiple use objectives for the Allotment. Monitoring data would be collected for the Clover Creek, Sand Hills, and Little Mountain allotments if the NMA decides to graze the areas again or transfer the permit to any other entity.

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

VIII. CONSULTATION AND COORDINATION

A. Public Interest and Record of Contacts

There is general public interest in the proper grazing management of public lands. The National Mustang Association representative, Richard Sewing has keen interest in the renewal of the grazing permit.

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

On January 22, 2007, this permit renewal proposal was scoped internally by resource specialists of the Ely BLM Field Office. No concerns were raised. The project proposal was posted on the Ely Field Office web site on January 25, 2007 at http://www.blm.gov/nv/st/en/fo/ely_field_office/blm_information/nepa.2.html. No comments were received.

The Preliminary version of this EA was posted on the Ely external webpage for 30 days, inviting public comment. A hard copy of the EA was mailed to the permittee and those publics who specifically requested one and who expressed an interest in range management actions for the Haypress, Sand Hills, Clover Creek or Little Mountain allotments. Comments were received from one party (Western Watersheds Project) and were given consideration.

The Ely Field Office Permit Renewals Team met in Ely on August 8, 2007 to discuss comments received on EAs. As a result of the meeting, a process for addressing comments in the EAs was developed. Comments relevant to the proposed action for this EA are listed and addressed in Appendix IV of this document. Minor changes have been made to the EA and SDD in response to comments received deemed to be pertinent and within the scope of this EA.

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

The Ely Field Office mailed the annual Consultation, Cooperation, and Coordination (CCC) letter on January 30, 2007 to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC letter have the

opportunity to request from the Ely Field Office more information regarding specific actions. The following individuals and organizations, who were sent the annual CCC letter in January, 2007 have requested additional information regarding rangeland related actions or programs relating to the Haypress, Clover Creek, Sand Hills, and/or the Little Mountain Allotments:

Richard Sewing, National Mustang Association
George Andrus
Brad Hardenbrook
Mike Scott
Nevada State Clearinghouse
Katie Fite - Western Watersheds Project
Steven Carter
Mr. Steve Foree
Lincoln Co. Commissioners
Curt Leet
Betsy Macfarlan
Cindy MacDonald
John McLain
Jerry Reynoldson
Laurel Marshall

B. Internal District Review

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

REFERENCES:

Nevada Natural Heritage Program [Online] Available at <http://heritage.nv.gov/index.htm>

United States Department of Agriculture, Forest Service [Online] Available at <http://www.fs.feds.us>

United States Department of Agriculture – Natural Resources Conservation Service. 1976. Soil Survey of Meadow Valley Area, Nevada and Utah, Parts of Lincoln County, Nevada and Iron County, Utah.

United States Department of Agriculture – Natural Resources Conservation Service. 1998. Nevada Plant List.

United States Department of Agriculture – Natural Resources Conservation Service. 2003. Major Land Resource Area 29, Southern Nevada Basin and Range Ecological Site Descriptions.

United States Department of Agriculture – Natural Resources Conservation Service. 2006. Soil Survey of Lincoln County, Nevada South Part.

United States Department of the Interior – Bureau of Land Management. 1979. Caliente Environmental Statement

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

EA - APPENDIX I

STANDARDS DETERMINATION DOCUMENT National Mustang Association (NMA) Term Permit Renewal Haypress Allotment (#11033)

Standards and Guidelines Assessment

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

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

The standards were assessed for the Haypress 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 1) Soil Survey of Lincoln County Nevada, South Part, 2) Ecological Site Descriptions for Major Land Resource Area 29, 3) Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), 4) Sampling Vegetation Attributes (USDI-BLM et al. 1996) and 5) the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Caliente BLM Field Station. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The NMA licenses only horses on the allotment most of which are wild mustangs adopted from the Federal government. Many of these horses are considered unadoptable due to their age and/or temperament at the time of adoption by NMA. They are seldom seen on the allotment when monitoring occurs. Only their "sign" (trails, droppings, etc.) is found most days. They distribute themselves very well in this relatively small area and travel the distances necessary from developed water sources seeking solitude. The mustangs are branded with the government's signature freeze brand. No cattle or sheep graze on the allotment.

Key Area 1 was established in the Bally Knolls area of the allotment in 1985 to monitor utilization by (NMA) horses. This site was burned in the last couple of years. An additional supplemental key area (Beaver Dam Flat #2) was later added to monitor horse use in the crested wheatgrass (*Agropyron cristatum*) seeding on the allotment. Monitoring data collected on the allotment includes cover (line intercept method) and utilization by the key forage plant method and use pattern mapping of the allotment. Utilization data was collected mainly due to the yearly

request for temporary nonrenewable² use (TNR) from the NMA representative. Use was collected in 1991-1993, 1997, 1999, 2000, 2001 and 2007. Use generally ranged from slight to light (less than 40% of the current years' growth). Key forage species include squirreltail (*Elymus elymoides*), prairie junegrass (*Koeleria cristata*), and antelope bitterbrush (*Purshia tridentata*). A summary of monitoring and licensed use data is located in Appendix I of this document. Monitoring data and reports are available for public inspection at the Caliente Field Station during business hours.

Much of the allotment is dominated by woodlands rather than open rangelands. The following rangeland health standards information has been incorporated into Environmental Assessment number NV-040-06-018.

PART 1. STANDARD CONFORMANCE REVIEW

Standard 1. Soils

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

Soil Indicators:

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

Riparian Soil Indicators:

- Stream bank stability.

Determination:

X Achieving the Standard

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

Causal Factors

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

Guidelines Conformance:

X In conformance with the Guidelines

- Not in conformance with the Guidelines

² Temporary Nonrenewable Use authorizations may be issued on an annual basis when forage is temporarily available in accordance with Title 43 CFR Subpart 4130.6-2(a).

Conclusion: Standard Achieved

UPLANDS: The soils in the allotment are stable with no obvious signs of instability or erosion. Throughout much of the allotment, perennial grasses, particularly blue grama (*Bouteloua gracilis*) which is a sod former, are present and contribute to soil stability. Bunch grasses such as squirreltail, threeawn (*Aristida purpurea*), and *Poa* spp. appear in openings in the woodland and rangeland sites.

The ecological range site at Beaver Dam Flat Supplemental Key Area is a Loamy 8-10 inch p.z. – 029XY006NV (Wyoming Sagebrush/Ricegrass-Needleandthread). It is located at an elevation of 5,600 feet above sea level. The topography is flat and bounded by small hills to the north and south. The area was mechanically treated in 1956. A total of 1,590 acres of Beaver Dam Flat on the Haypress Allotment and neighboring Barclay Allotment were mechanically treated (plowed and chained) and seeded with crested wheatgrass and yellow sweet clover (*Melilotus* spp.). The crested wheatgrass on the Haypress Allotment is all but gone and Wyoming sagebrush (*Artemisia tridentata* var. *Wyomingensis*) dominates the site with a small component of perennial grasses, forbs and other shrubs to accompany it. Fifty years of succession has resulted in the seeding reverting to a Wyoming sagebrush dominated site. The soils are stable with no obvious signs of erosion observed. Blue grama grass (shown in the Figure 1.) and topography are the primary reasons noted for soil stability in the area.



Figure 1 Blue grama at Beaver Dam Flat Key Area

In the upper elevations, the woodland suitability groups dominate the landscape. Slopes increase and soil surfaces become more rocky and/or gravelly. Rock outcrops increase throughout. Where unburned, the woodland soils are stable, with no outward signs of erosion observed. In areas where the BLM installed fire control lines, small mat-forming buckwheats (*Eriogonum caespitosum*) have proliferated forming good soil cover and adding diversity to the area. Native perennial grasses have increased in places as well, indicating that burning could stimulate soil-protecting herbaceous species.

The indicators for the Standard are ground cover (vegetation, litter, rock, bare ground), surfaces (e.g., biological crust, pavement), and compaction/infiltration. Cover is good and exceeding the cover for the site in Beaver Dam Flat. Ground cover in the form of vegetation, litter, and rock are appropriate in the woodland sites as well.

RIPARIAN: There are no riparian areas on the allotment to evaluate. The only springs in the area occur on private lands.

Standard 2. Ecosystem Components

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

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

Upland Indicators:

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

Riparian Indicators:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.
- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:
 - Width/Depth ratio.
 - Channel roughness.
 - Sinuosity of stream channel.
 - Bank stability.
 - Vegetative cover (amount, spacing, life form).
 - Other covers (large woody debris, rock).
 - Natural springs, seeps and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plan species and cover appropriate to the site characteristics.

Water Quality Indicators:

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

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

Determination:

X Achieving the Standard

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

Causal Factors

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

Guidelines Conformance:

X In conformance with the Guidelines

- Not in conformance with the Guidelines

Conclusion: Standard Achieved

UPLANDS: The Standard is being achieved in the uplands. The vegetation of the woodlands and rangelands of the allotment are currently successfully protecting the soils and managing runoff and infiltration.

Proper infiltration during precipitation events helps to protect offsite riparian ecosystems of Clover Creek; though much of the allotment drains to Mathews Reservoir which is a slow-release retention dam for flood control.

Perennial native grasses such as blue grama, squirreltail, threeawn, and bluegrasses appear in openings in the woodland sites and are present in the sagebrush dominated areas as well at varying degrees. The important native sod-forming grass – blue grama is present over much of the allotment. Annual forbs were observed throughout the allotment.

Vegetative cover measured at the Beaver Dam Flat supplemental key area totaled 30.5%. An additional 10.6% of litter cover occurs at the site. The range site is a Loamy 8-10 inch p.z. dominated by Wyoming sagebrush. Vegetative cover for the site should be between 15-25% (basal and crown). The high cover is attributed to the sagebrush more than anything which totaled 27%. The grasses contributed a minor amount (3%) where collected. Observations of the area surrounding the Key Area, indicate the herbaceous vegetation increases in cover and diversity in the area. The soils on the Flat are heavy loam and may be a limiting factor to grass species as they were present along the intercept tape, were producing inflorescences, but did not contribute much biomass and cover. This could also be a result of the overstory of sagebrush which can easily outcompete lesser species with their extensive root system.

Since the site was previously chained and seeded, ecological condition data was not collected. Cover data was not collected in 2007 at Bally Knolls (KA1) because the key area was burned recently.

The allotment may be achieving the ecosystem components Standard now based on the watershed's ability to maintain ecological processes and sustain appropriate uses, but as time goes by the immature woodlands of the allotment (which are characterized by juniper (*Juniperus osteosperma*) and pinyon (*Pinus monophylla*) trees greater than 4.5 feet high and cone or pyramid shaped) will become increasingly thick with larger, more numerous trees. Much of the allotment will be overgrown within 15-20 years without natural disturbance or human intervention through vegetative manipulation.

Some areas on the allotment are still producing sagebrush and perennial grasses but the steady transition toward encroached rangelands is visible.



Figure 2. Junipers encroaching a Wyoming sagebrush site.

Firefighters installed a blackline (fire-implemented control line) on the Haypress Allotment three years ago in the Bally Knolls area for a prescribed fire on the Barclay Allotment. The fire resulted in a proliferation of mat buckwheat and perennial grasses and forbs in some areas, and Douglas' rabbitbrush (*Chrysothamnus viscidiflorus*) in others. The difference may be due to the various sites' potential or the pre-burn condition. Still, burning this strip of land resulted in stimulation of these species. Young sagebrush seedlings were also observed coming in the blackline.



Figure 3. Buckwheat and perennial grasses response to fire.

The uplands in the allotment are achieving the Ecosystem Components Standard but are at high risk for severe fire over much of the allotment which could change the stability of soils and the functionality of the watershed in the area.

Vegetative cover, litter and rock are indicators for the Standard. All appear to be present to the degree necessary to keep the uplands' ecosystem processes functional.

RIPARIAN: N/A

Standard 3. Habitat and Biota:

As indicated by:

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

Determination:

Achieving the Standard

Not Achieving the Standard, but making significant progress towards achieving

Not Achieving the Standard, and not making significant progress toward standard

Causal Factors

Livestock are a contributing factor to not achieving the standard.

Livestock are not a contributing factor to not achieving the standard

Failure to meet the standard is related to other issues or conditions

Guidelines Conformance:

In conformance with the Guidelines

Not in conformance with the Guidelines

Conclusion: Standard Not Achieved

The allotment is not achieving the Standard due to the excessive amount of pinyon and juniper throughout the allotment which limits the usefulness of the habitat by some biotic species. Most of the allotment is classified into Woodland Suitability Groups (WSG) in the Soil Survey for Lincoln County, South Part and the Meadow Valley Area Soil Survey. These areas vary in the size and quantity contributed by pinyon and/or juniper. The major successional stages can vary from immature woodlands to mature woodland to over-mature woodland according to the Ecological Site Descriptions. All three of these stages were observed on the allotment. . These ecological site descriptions are being revised to range land sites, but have not been described yet.

Much of the allotment is in the immature woodland stage. At this stage, these woody species were observed growing thickly with canopies which are immature but with great potential to close in and block sunlight to herbaceous vegetation. The presence of other species such as antelope bitterbrush, desert bitterbrush, Gambel's Oak (*Quercus gambelii*), and perennial bunch grasses at present time further helps to identify the stage of succession. Figure 4 portrays a maturing juniper site on the allotment. Note the size of the juniper in the forefront of the photo. It stands nearly 20 feet tall. The base of the tree exceeds 10 inches diameter.



Figure 4. Maturing juniper stand on Haypress Allotment

Rangeland sites which normally support some amount of blacksage (*Artemisia nova*) or Wyoming sagebrush are also being overcome with pinyon and juniper (refer back to Figure 2 earlier in this document). This is a concern as the increase of junipers in sagebrush sites pose a fire danger which, in the case of fire, could result in a long-term conversion from sagebrush to an early successional stage, easily invaded by cheatgrass. Fire can result in the loss of habitat for sagebrush obligate species and loss of winter foraging areas for mule deer. Deer habitat is changing over fairly quickly into elk habitat. Once lost, mule deer habitat is difficult and

expensive to restore and takes many years. A wildlife species shift from mule deer to elk is expected as the key browse species decrease and the amount of edge-effect habitat diminishes. Note that this area is far from the southerly extent of sagegrouse in Lincoln County. Grouse have not been observed nor are expected to be found in the area.

Beaver Dam Flat is a rangeland site, converted to crested wheatgrass, which has returned to Wyoming sagebrush domination. The sagebrush is aging toward a decadent state. The brush is getting taller and less robust while herbaceous species are slowly decreasing due to extreme competition with sagebrush for sunlight and nutrients. The interspaces are progressing toward being unoccupied because of the extensive subsurface sagebrush root systems. The herbaceous species include squirreltail, western wheatgrass (*Agropyron smithii*), crested wheatgrass, Indian ricegrass (*Achnatherum hymenoides*), cheatgrass (*Bromus tectorum*), vetch (*Vicia spp.*) and annual forbs. Other shrub species also include Douglas' rabbitbrush, one unidentified shrub, and broom snakeweed (*Gutierrezia sarothrae*).

Cover data was collected at Beaver Dam Flat (Key Area 2). The majority of the cover comes from Wyoming sagebrush (24%). Perennial grasses total 3%. Forbs contribute a mere 0.71%. None of the forbs were mat formers, just small single-stemmed plants. Douglas' rabbitbrush and broom snakeweed totaled 0.6% respectively. Cheatgrass accounted for 0.04% of cover. Litter for the site accounted for 10.68%. Other species observed but not represented in the cover plot included blue grama, prickly pear (*Opuntia spp.*), globemallow (*Sphaeralcea spp.*), and phlox (*Phlox spp.*). Sagebrush flats generally speaking are in a downward trend due to decadent sagebrush stands and encroachment by junipers.

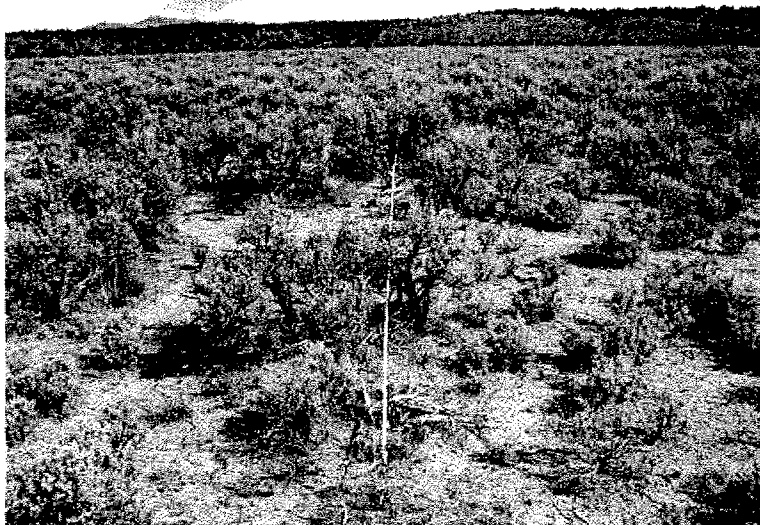


Figure 5. Beaver Dam Flat decadent sagebrush stand.

The NMA proposed to treat the sagebrush flat with pelleted Tebuthiuron (brand name Spike 20P). An environmental assessment was prepared in 1999 but the project was not ever implemented. The purposed of the proposal was to reduce the sagebrush canopy to open some of the space to herbaceous understory species. This may still be a viable option. Prescribed fire is usually preferred though there could be some difficulty to get a fire to carry in much of the

sagebrush flats without strong winds and heat; two things that cause many prescribed fires to be cancelled or postponed.

RIPARIAN: N/A.

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

Standard #1: Soils

The soil Standard is being achieved.

Standard #2: Ecosystem Components

The ecosystem component Standard is being achieved.

Standard #3: Habitat and Biota

Permitted horse use on the Haypress Allotment is not contributing to the non-achievement of the habitat and biota Standard. Grazing of "formerly wild" horses has traditionally resulted in slight to light use on perennial native forage. The BLM was conducting studies to determine if additional animal unit months could be permitted on the allotment. Almost yearly the BLM would issue temporary non-renewable use to NMA (at their request) for use over and above their active use AUMs. When it was determined that environmental assessments were needed to approve TNR use, all TNR stopped due to workload. From 1998 to 2006, permitted use ranged from 85% to 376% of the active AUMs. Even at these levels of licensed use, utilization rates were not exceeded. Drought affected the allotment in 2002-2003 so the allotment was rested from grazing. Current use is within the limits of the permit.

The primary reason cited for not achieving the habitat standard is the dominance of juniper and pinion throughout the allotment. The woodlands and encroached rangelands on the allotment have a varying degree of successional stages ranging from immature (but expanding) woodland to over-mature woodland. In some places, the trees are so thick the observer cannot see 50 feet.

The Beaver Dam Flat area is dominated by over-mature and decadent Wyoming sagebrush. Grass cover is low but perennial natives are present on site. It is not known at this time if they are increasing or decreasing. The site was mechanically treated and planted with crested wheatgrass in 1956. Crested wheatgrass is all but gone and when found is reaching up through a mature sagebrush plant.

Woodlands interspersed with open spaces due to natural landscape variations or disturbance is necessary for the maintenance of many wildlife species both in the uplands in the allotment and elsewhere in riparian areas in the watershed. Habitat for deer has degraded due to the closing pinyon/juniper canopy. The open spaces and edge effect they need for foraging and escape cover is diminished. This kind of wide-sweeping conversion from sagebrush rangelands or immature woodlands is common in the Clover Mountains. The wildlife community would shift slowly

from these open wooded areas and sagebrush ecosystems to a wildlife community more capable of proliferating in pinyon and juniper woodlands such as elk which could replace deer.

Much of the allotment is at high risk of extensive wildfire. The closing canopy and continuous fuels could fuel a devastating wildfire in the watershed and could have widespread implications in the watershed and Clover Creek/Meadow Valley riparian systems offsite and downstream.

PART 3. GUIDELINE CONFORMANCE REVIEW AND SUMMARY

Grazing is in conformance with all applicable Guidelines as provided in the Mojave Southern Great Basin Standards and Guidelines.

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

Discussion:

Management practices are recommended to make progress toward achieving the Habitat and Biota Standard. Primarily, the recommendation is to implement prescription burning practices to open up the canopy, reduce juniper and pinyon, and allow the shrubby and herbaceous species to regenerate creating a mosaic effect for wildlife habitat. The lack of natural disturbance may continue to be the norm for decades without a lightning strike to open the tree canopy. Once the canopy closes, the lesser species can disappear entirely. The limited use of Spike 20P is also recommended to reduce overall sagebrush canopy by 15% in the Wyoming sagebrush dominated rangesites. Opening the canopy and reducing competition through the controlled release of tebuthiuron pellets could result in the increase of perennial grasses and forbs where they are presently limited by sagebrush densities.

The cost to rehabilitate/restore naturally functioning woodlands/shrublands following wildfire is becoming too burdensome to the government to fully implement. The shortage of seed and extreme cost associated with replanting native plant species often preempts native habitat restoration. Watershed stabilization after wildfire occurs with the use of less expensive introduced species.

The NMA permit for the Haypress Allotment allows horses to be turned out as early as May 1. This is an early turnout date in the Clover Mountains. Most allotments have a turn out date of May 15 or June 1. NMA does not normally turn horses out earlier than June 1 which allows cool season plants the necessary spring rest. The removal date is October 31. The "wild nature" of these horses means they don't act like domestic horses. They leave the mountain to return to the NMA's private meadows at lower elevations in the fall. In the event of a warm fall climate however, the horses may or may not return to the meadows voluntarily and can be difficult to gather. A change to the season of use would shift the turnout date to June 1 and the removal date to December 31 of each year. This allows for adequate spring rest for cool season grasses and the increased likelihood the horses would be off the range for the winter.

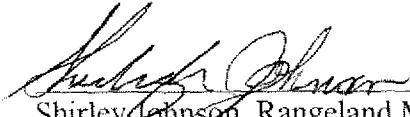
Recommendations:

The season of use is recommended to be June 1 to December 31 to further improve herbaceous growth in the spring and to improve horse gathering effectiveness in the winter.

Management practices recommended for the Haypress Allotment:

1. Salt and/or mineral supplements for domestic horses shall be located no closer than $\frac{1}{4}$ mile from water sources. Supplements are to be placed $\frac{1}{2}$ mile from existing waters.
2. Maximum allowable use levels would be established as follows:
 - Perennial grasses: 50% total above ground production at the key areas or areas serviced by temporary water sites or supplements.
3. Wildlife escape ramps will be installed and maintained by the permittee at each trough used on the allotment (permanent or temporary).

Prepared by:



Shirley Johnson, Rangeland Management Specialist

9/17/07
Date


Reviewed by:



Chris Mayer, Lead Rangeland Management Specialist

09/26/2007
Date

I concur:



William E. Dunn
Assistant Field Manager
Renewable Resources

09/26/2007
Date

REFERENCES

USDA - USFS, NRCS, USDI - BLM, Cooperative Extension Service. 1996. Sampling Vegetative Attributes.

USDA-NRCS 1997 National Range and Pasture Handbook.

USDA – NRCS. 1998. Nevada Plant List.

USDI – BLM. 2000. Interpreting Indicators of Rangeland Health. Version 3. Technical Reference 1734-6. BLM/WO/ST-00/001+1734. National Science and Technology Center Information and Communications Group, Denver, Colorado.

USDA – NRCS. 2003. Major Land Resource Area 29, Southern Nevada Basin and Range Ecological Site Descriptions.

USDA – NRCS. 2007. Soil Survey of North Lincoln County, Nevada.

SD - APPENDIX I

DATA ANALYSIS – HAYPRESS ALLOTMENT

1. Licensed Use:

Grazing authorizations were examined for the National Mustang Association for grazing years 1998-2006. Licensed use ranged from 131 to 579 animal unit months. No use occurred in 2002-2003 presumably due to the severe drought conditions which prevailed in Southern Nevada.

Grazing Year (Begins 3/1)	Date	# of Horses	AUMS
2006	07/27/06 - 12/31/06	26	135
2005	10/01/05 - 12/31/05	52	157
2004	07/01/04 - 11/30/04	26	131
2003	NO USE		
2002	NO USE		
2001	11/16/01 - 02/28/02	51	176
2001	08/16/01 - 11/15/01	64	194
2001	06/04/01 - 08/15/01	64	154
2000	08/16/00 - 09/30/00	63	95
2000	06/04/00 - 08/15/00	64	154
2000	03/01/00 - 03/31/00	64	65
1999	01/01/00 - 02/28/00	64	124
1999	8/11/1999 - 12/31/99	64	301
1999	07/13/99 - 08/10/99	66	63
1999	06/01/99 - 07/12/99	66	91
1998	01/01/99 - 02/28/99	50	97
1998	09/14/98 - 12/31/98	63	226
1998	07/01/98 - 09/13/98	63	155

2. Utilization

Utilization was measured in 1991, 1992, 1993, and 2007 using the Key Forage Plant Method. Utilization at the key areas ranged from 6% to 29%. Additionally, key areas and the allotment in general were monitored for use in 1997, 1999, 2000, and 2001. Documentation to the file indicates use has not exceeded these levels in these years.

3. Line Intercept Cover Data

Cover data was collected in 2007 at the key area at Beaver Dam Flat. Data in the following table compares current cover to potential cover for the site.

KEY AREA INFORMATION		SPECIES	COVER REPRESENTED BY INDIVIDUAL SPECIES
KEY AREA 2		Squirreltail	1.38%
Range site: 029XY006NV		Indian Ricegrass	0.35%
Potential Cover For Site: 15-25%		<i>Agropyron</i> spp.	0.7%
Percent Cover Measured 2007: 30.5%		Western Wheatgrass	0.5%
Data from Key Area 2 at Beaver Dam Flat		Wyoming Sagebrush	23.55%
		Unknown Shrub	2.1%
		Douglas' Rabbitbrush	0.6%
		Broom Snakeweed	0.6%
		Vetch	0.21%
		Unknown Forb	0.5%
RELATIVE COVER BY GROUPS			
SHRUBS	88%		
GRASSES	10%		
FORBS	2%		

**EA - APPENDIX II
NEW TERMS AND CONDITIONS
GRAZING PERMIT TERMS AND CONDITIONS
NATIONAL MUSTANG ASSOCIATION (2705049)**

Allotment	Number	Livestock Number	Livestock Kind	Grazing Begin	Grazing End	% Public Land	Type Use	AUMs
Haypress	11033	22	Horses	June 1	December 31	100	Active	154
Clover Creek	21015	28	Cattle	May 1	October 27	100	Active	166
Little Mountain	00414	66	Cattle	May 1	October 31	100	Active	399
Sand Hills	01088	46	Cattle	June 1	October 31	100	Active	231

The allotment summary is as follows:

Allotment	Active AUMs	Suspended AUMs	Total AUMs
Haypress	154	278	432
Clover Creek	166	137	303
Little Mountain	400	0	400
Sand Hills	229	104	333

Terms and Conditions:

In accordance with 4130.3-2 the following terms and conditions will be included in the grazing permit for National Mustang Association on the Haypress, Clover Creek, Little Mountain, and Sand Hills Allotments:

Stipulations Common to All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
4. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the

grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, Mastercard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

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

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

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

Additional Terms and Conditions for all allotments on the NMA Permit:

1. Salt and/or mineral supplements for domestic horses shall be located no closer than ¼ mile from water sources. Supplements are to be placed ½ mile from existing waters.
2. Maximum allowable use levels would be established as follows:
 - Perennial grasses and shrubs: 50% total above ground production at the key areas or areas serviced by temporary water sites or supplements.
3. Wildlife escape ramps will be installed and maintained by the permittee at each trough used on the allotment (permanent or temporary).

EA - APPENDIX III
RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS
National Mustang Association Permit Renewal
Haypress, Clover Creek, Sand Hills, and Little Mountain Allotments
Lincoln County, Nevada

On May 14th, 2007 a noxious weed assessment was conducted for and Environmental Assessment to renew the Grazing Permit for the National Mustang Association (#2705049) for the Haypress, Clover Creek, Sand Hills, and Little Mountain Allotments. The EA analyzes the impacts of renewing the 10-year grazing permit for the allotment. The permittee currently only activates use on the Haypress Allotment. The allotment is permitted for 26 horses from 5/1-10/31. The other allotments on the permit are cattle AUMs purchased by the NMA and put into nonuse for wild horses in the herd management areas. Only the Haypress Allotment was visited and no noxious weeds were seen in the upland portions of the allotment. For this assessment, the district weed inventory data was consulted. It should be noted that there were severe floods in 2005 through the Clover Creek wash. This event could have severely changed the weed infestations in the area however since the area was last mapped in 2002 those changes will not be documented here.

Clover Creek Allotment: Known populations of tall whitetop (*Lepidium latifolium*), hoary cress (*Lepidium draba*), bull thistle (*Cirsium vulgare*), Scotch thistle (*Onopordium acanthium*) and salt cedar (*Tamarix spp.*) occur in Clover Creek (wash) and near the Union Pacific Railroad. Weeds within five miles of the allotment also include Dalmatian toadflax (*Linaria dalmatica*), poison hemlock (*Conium maculatum*), Russian knapweed (*Acroptilon repens*), and tree of heaven (*Ailanthus altissima*).

Little Mountain: The allotment borders the Clover Creek Allotment. Clover Creek riparian is basically the boundary between the two allotments. Therefore, the weeds in Clover Creek have the potential to affect either allotment. Specifically, salt cedar and tall whitetop are along the boundary on public and private lands. Additional weeds within five miles include hemlock, Russian knapweed, bull thistle, Dalmatian toadflax, and tree of heaven.

Haypress Allotment: Known populations of hoary cress occur along Clover Creek across the Union Pacific Railroad. The population as mapped is outside the area accessible by the permitted horses, however the weed is considered a threat because of its ability to spread readily. Russian knapweed, salt cedar, Scotch thistle, and tall whitetop have been mapped with five miles of the allotment.

Sand Hills: No weeds have been identified on the allotment. Weeds occurring within five miles include bull thistle, Dalmatian toadflax, Russian knapweed, salt cedar, Scotch thistle, spotted knapweed, tall whitetop, tree of heaven, and whitetop.

Cheatgrass (*Bromus tectorum*) is likely to be found on all of the allotments to some degree or another. It is not a major concern currently on any of the allotments, though its presence has implications for land health with the major concern of wildfire in the watersheds.

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

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

For this project, the factor rates as Moderate (7) at the present time. The specific weeds on the allotment are of important concern due to their ability to become established and their difficulty to control and the fact that they occur in the major riparian areas of Clover Creek and/or Meadow Valley. Livestock, wildlife and wild horses all have potential for spreading the weeds and for improving the weeds' chances of success through competition and spread by animals using the water sources. While the proposed action authorizes use on all of the allotments, the three allotments in long term nonuse are not principally affected by grazing but instead by other uses and occurrences including wild horses, wildlife, recreation, and climatic events such as flooding.

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

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

For this project, the factor rates as Moderate (4) at the present time. Aside from the areas within Clover Creek wash the allotments are considered to be relatively weed-free. Any noxious or invasive weed establishment could have adverse effects on the native plant communities within the allotment. Any increase in density of cheatgrass could potentially alter the fire regime in the area.

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

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

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

1. The BLM will provide information regarding noxious weed management and identification to the permittee. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained. Through education on the potential impacts of weeds in the allotments, new infestations could potentially be identified and reported before becoming heavily established.
2. Control treatments would be initiated on noxious weed populations that establish in the project area by methods to be approved by the Authorized Officer.
3. Timing of livestock movement would be controlled or restricted to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.
4. The range specialist for the allotments will include weed detection into project compliance inspection activities. Any newly established populations of noxious/invasive weeds discovered should be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by: _____ Date _____
 Bonnie Waggoner
 Ely District Noxious & Invasive Weeds Coordinator

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

	COMMENTS	COMMENT	BLM RESPONSE
1	Western Watersheds Project (WWP)	Are all allotments intended to be grazed by horses, and not cattle?	Only the Haypress Allotment is permitted for horse use for the National Mustang Association (NMA). The horses are owned by the NMA. The Haypress Allotment is not managed for wild horses. The remaining allotments (Clover Creek, Sand Hills, and Little Mountain) are cattle permits. At the request of the permittee, non-use is approved to provide forage for wild horses residing on these allotments.
2	WWP	How have recent fires affected these or nearby lands, wildlife, wild horses, watersheds. Native vegetation communities, risks of cheatgrass/brome weed invasion and dominance? Have these lands been re-opened to grazing following fires? If so, please provide a detailed assessment of any recovery that has occurred?	In 2007, the Barnes Fire burned under 1,000 acres near the Clover Creek Allotment. It will be reseeded through emergency stabilization funds in 2008.
3	WWP	We do NOT recall being provided with consultation documents related to TNR use here.	Temporary non-renewable use has not been issued on the allotment since 2001.
4	WWP	The allowable use level is much too high – and not in concert with even current range science that demonstrates such high use levels cause harm to native grasses and forbs.	The standard use levels have traditionally been adapted from the Nevada Monitoring Handbook. The EA proposes a lower overall use level of 45% on perennial grasses, perennial shrubs half-shrubs and forbs based on annual production. The National Range and Pasture Handbook indicates a use level between 30-50% on perennial grasses varies the impacts to the root system. At 30% there is no impact to root development and root growth still occurs. At 50% use root stoppage of 3% generally occurs. At 45% use, root development still occurs with little stoppage.
5	WWP	There is greatly expanded Oil and Gas, geothermal and other leasing /development activity occurring in central Nevada. How is habitat for important and sensitive species being affected by this? How are these or surrounding lands being affected? How can BLM develop a range of alternatives here that serve to enhance, rather than degrade habitats, in order to accommodate the needs of wildlife, and the public?	This comment is outside the scope of this EA.
6	WWP	What is the current ecological condition	Ecological condition data was not

		and rangeland health of other allotments and lands in and near the site of the grazing permit renewal? What are the cumulative effects of grazing degradation on these other lands? For example, how are rangeland health concerns in other allotments affecting important and sensitive species habitats and populations? How can this allotment be managed to provide significantly improved mule deer, antelope, sagebrush, salt desert and other important species habitats?	collected for the allotment. Cover data and qualitative data were reviewed for the Haypress Allotment (the only actively grazed allotment for NMA). The allotment's sagebrush ecosystem is deemed to be diminishing due to unmitigated encroachment by junipers and pinyons.
7	WWP	Please provide a full and detailed assessment of any AUMs used in any trailing, the weed infestation risk from trailing, the other allotments where livestock associated with this allotment may be grazed or trailed – and provide site-specific monitoring identifying on-the-ground effects of trailing disturbance. Please detail weed problems on any lands used by the permittee. What other areas or allotments does this permittee or any association member graze?	No trailing occurs on the allotments associated with the permit. The weed risk assessment is found in Appendix III of the EA which details any weed occurrences. All of the allotments for the NMA for the Ely District are presented in this EA.
8	WWP	Ely can not expect the public to provide reasoned comments when provided only with poor mapping. Ely has detailed watershed assessments that provide details of vegetation communities, weeds, cheatgrass, water or other resources and facilities, and many other important features here.	An improved map is being provided.
9	WWP	How will aquifer drawdown, ground water pumping (including for coal-fired power plants) and other impending developments affect habitats for important and sensitive species, and carrying capacity – in this allotment as well as other Ely lands? How can the lands of this allotment be managed to maximize habitat protection? We ask that BLM, as partial mitigation for the extreme development that is to occur, and close this allotment to grazing.	This comment is outside the scope of this EA.
10	WWP	We can find no evidence in the assessment of current and adequate site-specific inventories for important, sensitive and special status species across the allotment this is essential for BLM to conduct an adequate FRH assessment and analysis process.	Special status species are addressed in Section IV of the EA. None of the species are known to occur on the grazed Haypress Allotment.
11	WWP	BLM must conduct an EIS and examine a wide range of alternatives, including alternatives that include applying a	The EA analysis did not reveal any significant impacts to the human environment associated with the proposed

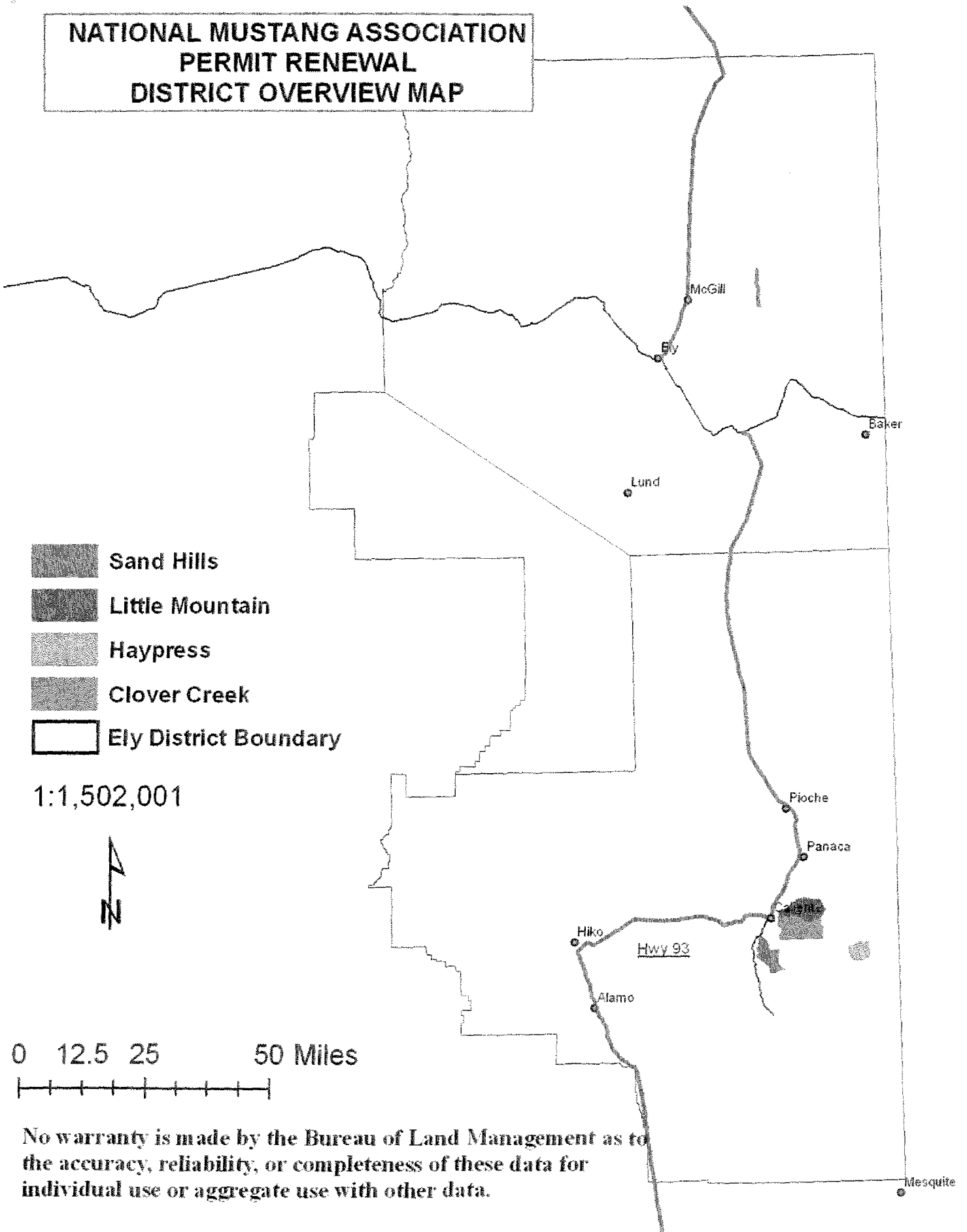
		stocking rate and mandatory conservative standards of livestock use as triggers for removal of livestock from areas/pastures that will allow recovery.	action therefore an EA level assessment is adequate.
12	WWP	BLM has failed to conduct current site-specific inventories for rare plants and animals across the allotment. These include Loggerhead Shrike, Ferruginous Hawk, Burrowing Owl, Pygmy Rabbit, and numerous other rare, sensitive, declining and important species.	Current inventory data was used for the compilation of the Standard Determination Document. Data from the BLM Geographic Information System (GIS) and the Nevada Natural Heritage Program website were consulted.
13	WWP	BLM has not provided systematically collected and site-specific information obtained across the allotment to demonstrate: soil stability, impacts to habitats, degree and severity of fragmentation of habitats, background information to demonstrate that any "progress" is being made, the adverse effects to soils, vegetation, habitats, recreational uses, cultural sites of water haul sites. Where are all water haul sites located? What weeds are found in association with water haul sites, and how have such practices lead to spread of weeds, cheatgrass, deterioration of native vegetation, increased risk of fire – through extending intensive trampling use and priming sites for cheatgrass invasion, etc.	Cover data was collected on the allotment in 2007. The data summary is found in Appendix I with the Standard Determination Document. Soils are deemed to be stable on the Haypress Allotment. There are no water haul sites used on the Haypress Allotment.
14	WWP	Please provide detailed Ecological Site Inventory, carrying capacity based on current and systematically collected data, provide full information on the effects of drought and factor frequent drought into any stocking rate set here.	An Ecological Site Inventory has not been conducted on the allotments. Periods of drought occur in the Clover Mountain area periodically. In general, following allotment inspections, the permittees remove, reduce, or alter management of their livestock accordingly to relieve the pressure on drought-stressed vegetation and to protect their livestock.
15	WWP	Please provide all monitoring data for the last 20 years for this allotment - in at least summary form, and all Actual Use reports, by area.	Monitoring data and actual use is provided in Appendix I of the SDD.
16	WWP	We are very concerned that BLM hasn't provided necessary information to support claims that it is pinyon and juniper that may be causing problems here, and not all of the livestock. Isn't	The NMA licenses horses (most of which are adopted mustangs) on the Haypress Allotment. These animals disperse well on the allotment and make slight use normally on the allotment. At these use

		<p>this one of the few areas that has not burned in or near the Clover Mountains?</p> <p>Is livestock grazing adversely affecting soils, moisture retention, etc. and stressing trees?</p>	<p>levels it is highly unlikely they have had any affect on the vegetative structure of the Haypress Allotment. The vast increase of young junipers and pinyons in the sagebrush ecosystem are due to the lack of disturbance (natural fire regime).</p> <p>Other than fire control lines for the Beaver Dam Flat prescribed burn, there have not been any wildfires on the allotment.</p> <p>Horse use has had no measurable affect on the soils, hydrologic cycle, or health of the vegetation.</p>
17	WWP	<p>Where is a thorough and detailed current Fundamentals of Rangeland Health Assessment, Determination, and systematic and science-based examination of the lands and waters here and their health. This allotment includes important public lands home to numerous declining or sensitive species including Loggerhead Shrike, Sage Sparrow, Pygmy Rabbit, Ferruginous hawk, Sage Grouse, and many other species of increasing conservation concern?</p>	<p>The Standard Determination Document which details the assessment of the Mojave-Southern Great Basin Standards for Rangeland Health, is located in Appendix I of the EA.</p>
18	WWP	<p>Please provide an in-depth analysis of potential effects of any de-watering, utility, mining, exploration or other activity, including any water export actions that may be occurring on BLM or private lands, and affecting resources and species on BLM lands that are reliant on the same aquifer, or that use waters that may be affected by such large-scale water pumping and export? Given the grave threat and the degree of controversy associated with ground water pumping and water export schemes as well as any waters across the Nevada and neighboring Utah portions of the Great Basin –</p> <p>it is essential that BLM carefully and systematically provide a detailed and site-specific study of waters, watersheds, and watershed processes in the FRH and EA/EIS process here.</p>	<p>This comment is outside the scope of the EA.</p> <p>Depending on funding availability, a watershed assessment for the Clover Mountains watersheds may be forthcoming.</p>
19		<p>It is imperative that a full, thorough and detailed assessment and analysis of seeps, springs, springbrooks, intermittent or ephemeral or perennial water sources, and the aquifers to which they are linked be provided.</p>	<p>There are no springs on the Haypress Allotment. Springs do occur on the Clover Creek Allotment (ungrazed by the permittee). Two springs are fenced and two are proposed to be fenced. The last, Horse Spring does not occur in an area utilized by livestock. The permittee does</p>

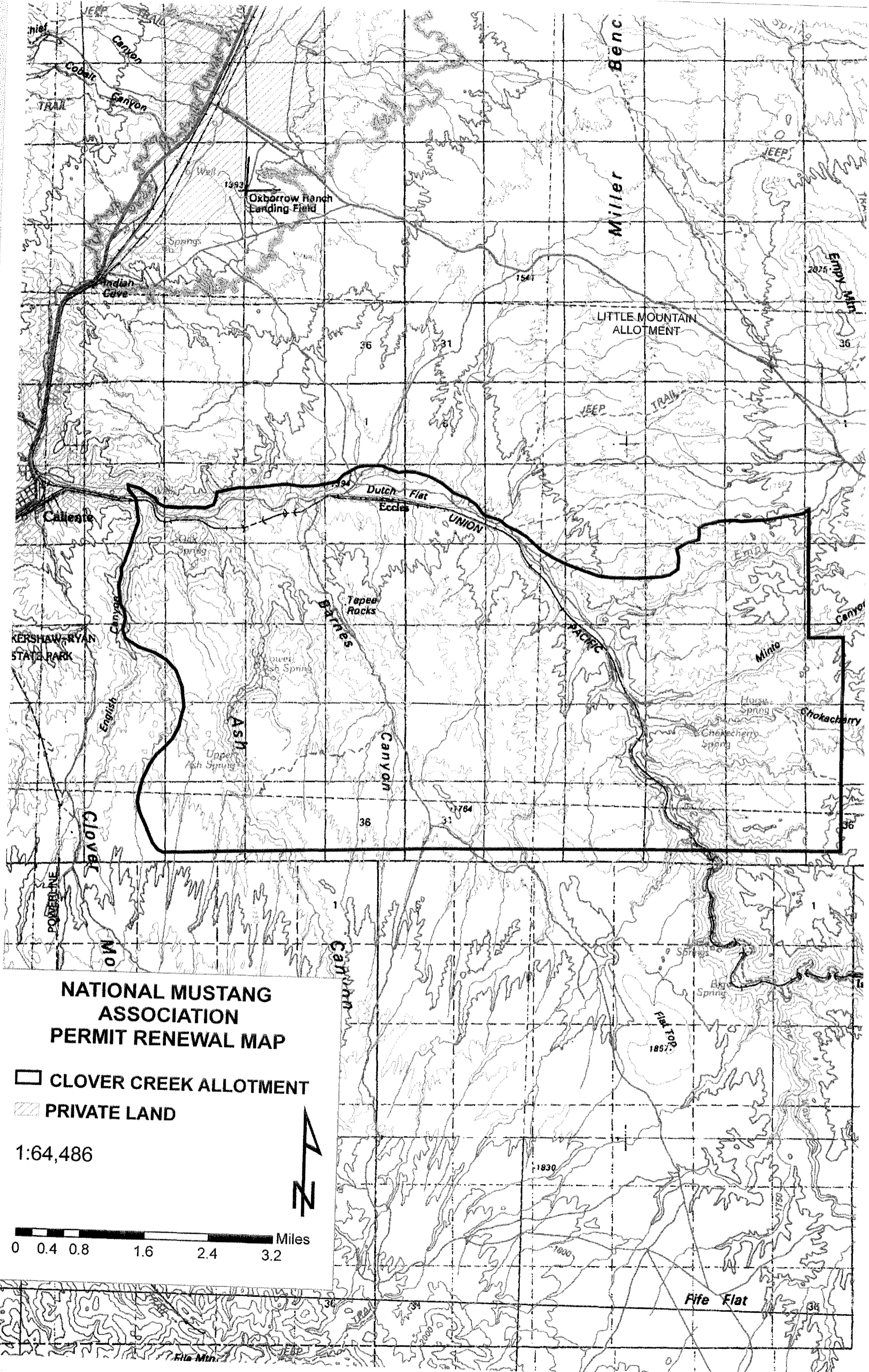
			not license livestock on the Clover Creek Allotment.
20		<p>We are very concerned that the rubberstamping of livestock numbers. BLM also imposes prolonged and harmful seasons of use. These uncertain use periods that it seeks to impose here will result in extensive disturbance to these sites. It is our observation (supported by Wisdom et al. 2005) that shrub communities across nearly all of Nevada are at significant risk of cheatgrass expansion and dominance of the understory –especially with relentless grazing and trampling disturbance. See Wisdom et al. 2002, Wisdom et al. 2005 recommending actions to protect or maintain important sagebrush communities – protect microbiotic crusts, minimize grazing disturbance, etc. This is critical, as the EA describes cheatgrass as already being “common” in many areas.</p>	<p>The analysis of data did not reveal any need or purpose to alter the permitted use in any way. The season of use is proposed to be changed to improve management of the adopted mustangs on the Haypress Allotment.</p>
21		<p>The BLM fails to assess the effects of livestock grazing and trampling disturbance in damage or alteration of cultural sites – with effects ranging from trampling and erosional disruption of site stratigraphy to cheatgrass moving into livestock damaged areas and altering fire frequencies that lead to accelerated damage to cultural sites.</p> <p>The cursory and general recitation of vegetation communities does not constitute a thorough and systematic FRH evaluation. The FRH process here is also not in compliance with the Fundamentals of Rangeland Health as found in the BLM grazing regulations. There is no assurance that ecological processes, watersheds, water quality, etc. will be properly protected, maintained, or enhanced – as there it little to no site-specific data at all on these important parameters and processes.</p>	<p>The cultural needs assessment was completed in 2007 with respect to the proposed action. It was determined that no harmful effects to cultural sites would occur.</p> <p>The Standard Determination Document complies with the guidance for the Fundamentals of Rangeland Health. The allotment was assessed in accordance with the Mojave Southern Great Basin Standards for Rangeland Health and found to be achieving two out of three standards. The Habitat and Biota Standard is not achieved due to the unmitigated increase in juniper and pinyon trees in the sagebrush ecosystem.</p>
22		<p>BLM provides no information on the condition, location, fragmentation, losses, weed infestations, or other factors related to or affecting Loggerhead Shrike, Pygmy Rabbit, Sage Grouse or other habitats in the allotment and surrounding lands. How is livestock grazing altering the necessary structural complexity of sagebrush required by the pygmy rabbit? What actions will BLM take to limit or</p>	<p>Grazing is not affecting habitats on the allotment as determined in the Standard Determination Document.</p>

		ameliorate the effects of livestock breakage or consumption of sagebrush here. For the pygmy rabbit, and all other important and sensitive species here – BLM provides no site-specific, systematic and detailed analysis of current vegetation composition, structure (life forms, cover, height, age), distribution, productivity, nutritional value.	
23		What is the status of Sage Grouse in the PMU? Is the allotment at the margin of sage grouse range that is contracting due to habitat degradation and loss? Where are all historic leks in the PMU? Current leks? When have surveys been conducted?	Sage Grouse do not occur on or near the allotment. The allotment is not within a PMU.
24		When and where have surveys for Ferruginous Hawk and other sensitive and important raptor species been conducted here? What are the trends in populations of the Ferruginous Hawk and other important raptors here?	The ferruginous hawk is not known to occupy the area of the proposed action.
25		We are strongly opposed to the extreme flexibility and deviations in use that BLM proposes. This will have significant adverse effects to important and sensitive species habitats, waters, native vegetation communities and many other important features of these public lands. BLM provides no reasoned basis for claims that authorizing large deviation swill not have serious adverse effects –ranging from collapsing shallow pygmy rabbit natal burrows to The proposed allowable use levels on native vegetation are excessive – especially for the growing season use that is proposed. Use at such level swill not provide necessary nesting cover for Sage Grouse, or habitat components required by many other species – see Connelly et al. 2004.	No “large deviations” are proposed. The altered season of use seeks to improve the management of the adopted mustangs which are difficult to herd using conventional livestock herding techniques. The change will ensure horses are removed in the winter as permitted and do not return until early summer.
26		Where are mandatory BMPs such as not allowing livestock to graze weed areas until infestations are eradicated, quarantining livestock before entry into an allotment or pasture if the are coming from an area with weeds, etc.?	Weeds are not a problem on the allotments. Weed populations are reported, treated, and monitored.

**NATIONAL MUSTANG ASSOCIATION
PERMIT RENEWAL
DISTRICT OVERVIEW MAP**



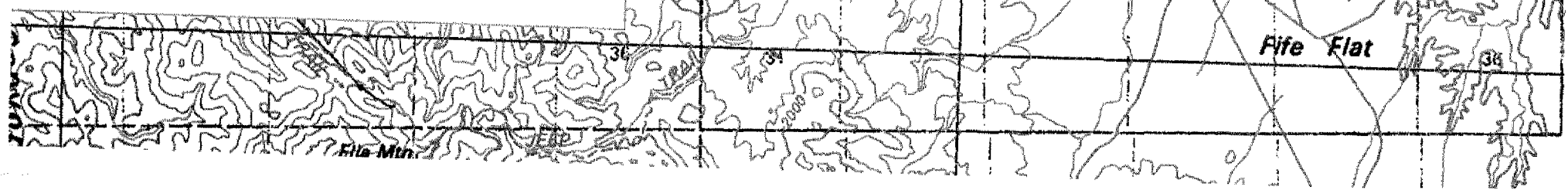
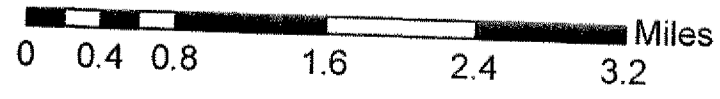
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

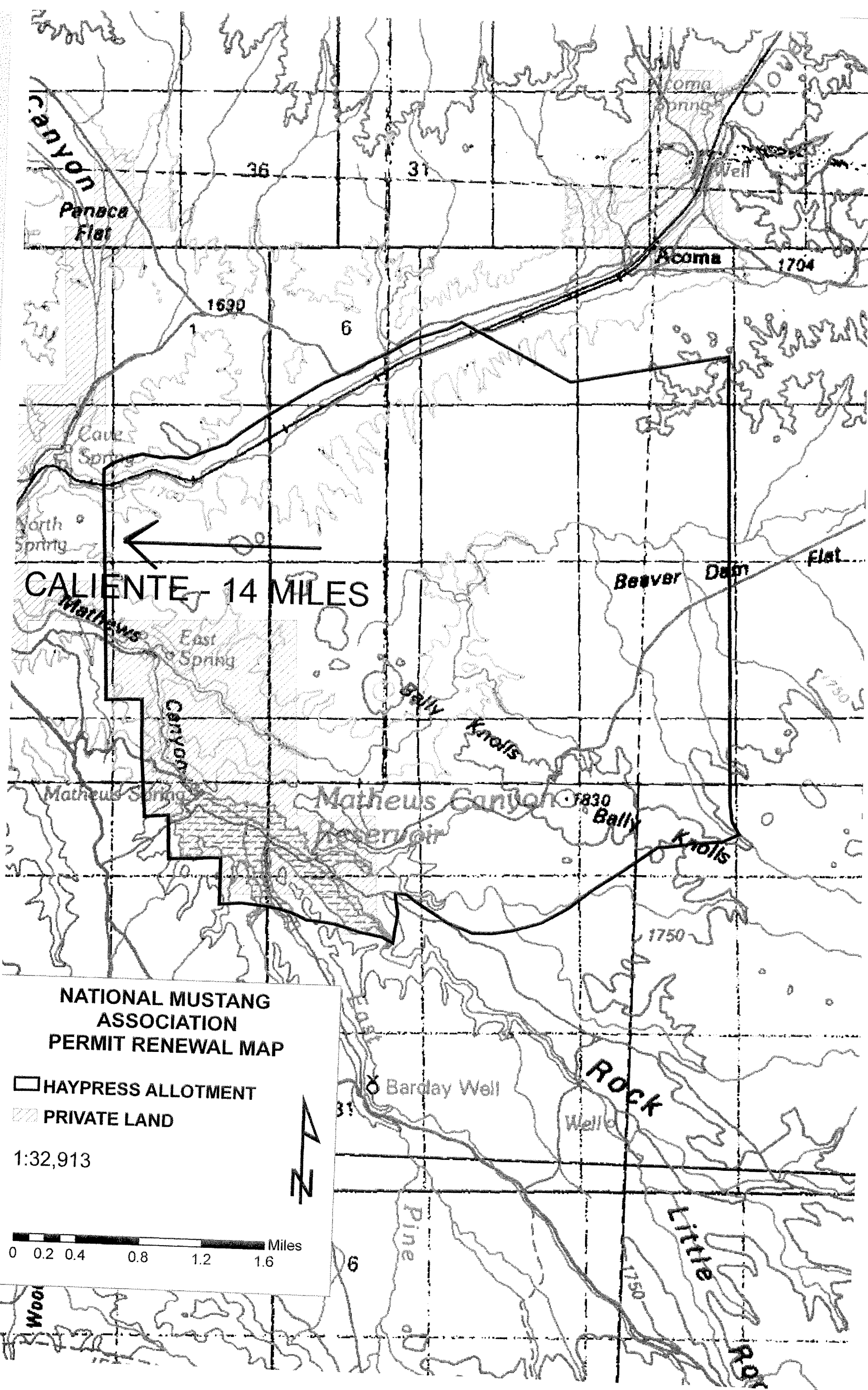


**NATIONAL MUSTANG
ASSOCIATION
PERMIT RENEWAL MAP**

-  CLOVER CREEK ALLOTMENT
-  PRIVATE LAND

1:64,486





CALIENTE - 14 MILES

**NATIONAL MUSTANG
ASSOCIATION
PERMIT RENEWAL MAP**

- HAYPRESS ALLOTMENT
- ▨ PRIVATE LAND

1:32,913



0 0.2 0.4 0.8 1.2 1.6 Miles