



BUREAU OF LAND MANAGEMENT

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



November 20, 2007

In Reply Refer to:
4160 (NV-042)

White River Ranch, L.L.C.
Charles M. Brown
HC 34 Box 34165
Ely, NV 89301

CERTIFIED MAIL 7006 0810 0005 7113 6025
RETURN RECEIPT REQUESTED

FINAL DECISION

White River Ranch Term Permit Renewal for the Tom Plain and McQueen Flat Allotments

On September 12, 2007 the Finding of No Significant Impact (FONSI) for the Grazing Permit Renewal for White River Ranch (Tom Plain & McQueen Flat Allotments) (EA No. NV-040-06-015) was signed. The Environmental Assessment (EA) and the FONSI are attached. This final decision is issued in accordance with 43 CFR 4160.3. The proposed decision was issued on September 12, 2007.

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

The proposed action associated with EA No. NV-040-06-015 is to renew a term grazing permit for White River Ranch on the Tom Plain (0803) and McQueen Flat (0805) Allotments. The grazing permit will be renewed on the Tom Plain Allotment for cattle from 3/1 to 6/30 and 10/1 to 2/28 for 4,439 Animal Unit Months (AUMs) active permitted use. 1,597 AUMs will be held in voluntary non-use. This represents a change to the existing permit. The existing permit authorizes 6,039 AUMs cattle use from 3/1 to 2/28. The grazing permit on the McQueen Flat Allotment will remain unchanged. The grazing permit will be renewed for cattle from 4/15 to 11/15 for 496 AUMs active permitted use. The Tom Plain Allotment has been designated by the Egan Resource Area Record of Decision as management category "custodial" or (C) and the McQueen Flat Allotment as category "maintain" (M). The current term permit for the Tom Plain Allotment has been issued for the period 11/01/05 to 10/31/2015. The current term permit for the

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DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

McQueen Flat Allotment has been issued for the period 12/01/98 to 11/30/08. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for White River Ranch on the Tom Plain and McQueen Flat 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 or make significant progress towards achieving the Standards for Nevada's Northeastern 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 action that was developed under the proposed and final decisions executes livestock management practices that would ensure that Standards for Rangeland Health and multiple use objectives continue to be achieved and that significant progress is made towards those that are currently not achieved.

The Standards were assessed for the Tom Plain and McQueen Flat Allotments by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, watershed specialist, archaeologist, recreation specialist, soil/water/air specialist, wilderness specialist, and others. The team utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS) Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), Riparian Area Management (USDI-BLM et al. 1998), and the National Range and Pasture Handbook (USDA NRCS 2003). For a complete list of references, see Appendix IV to the Environmental Assessment. All documents are available for public review in the Ely BLM Field Station. The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The assessment of rangeland health for the Tom Plain and McQueen Flat Allotments was conducted on February 28, 2007. A review and analysis of the rangeland monitoring data was conducted. Rangeland monitoring data for the Tom Plain and McQueen Flat Allotments is summarized in the Standards Determination Document that is associated with this Term Permit Renewal EA (Appendix I). As a result of the I.D. Team assessment and monitoring data review, it has been determined that rangeland health and the quality of the plant communities is adequate to authorize the grazing permit renewal. It has been determined that one Standard is being achieved and two of three Standards for Rangeland Health are not being achieved on the Tom Plain Allotment. Significant progress is being made towards achievement of the two Standards not achieved. All three Standards are being achieved on the McQueen Flat Allotment. A summary of these findings for the allotments follows:

Tom Plain Allotment

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

McQueen Flat Allotment

- 1. Upland Sites Standard (Achieved).
- 2. Riparian and Wetland Sites Standard (Achieved).
- 3. Habitat Standard (Achieved).

Conclusions of the Standards Determination:

Standard # 1. Upland Sites

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

Conclusion:

Standard achieved. Vegetation cover studies, ecological condition studies, utilization studies, photographs, and professional observations indicate the majority of the term permit renewal area is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock, are appropriate to ecological site potential. Biological crusts are generally present and there is no sign of excess compaction or trampling of soils. This indicates stable soils where percolation and infiltration are appropriate to range site potential. Key forage utilization accomplished in both salt desert shrub range and sagebrush range has been generally moderate or less during the assessment period. (Exceptions apply – see discussion under Habitat Standard #3 below). Utilization has generally been in conformance with the Guidelines for Rangeland Health and is within the range that scientific literature and experience indicates should allow for recovery. This promotes litter to stabilize upland sites. Key Areas are on landform slopes less than 8%. Mild slopes are contributing to stable soil conditions.

It is estimated approximately 74,000 of 82,000 public land acres in the term permit renewal area are achieving the Standard. Approximately 8,000 acres of western wheatgrass and winterfat on the valley floor of the Tom Plain Allotment (028BY071NV and 028BY017NV) are not achieving the Standard and should continue to be monitored. This area has been used heavily and lacks an herbaceous understory where such should occur with winterfat. Grazing management practices and/or vegetation treatments should be considered to maintain sensitive soils, vegetation resiliency, resistance, watershed health, and native species diversity of this area. The understory herbaceous component needs to be maintained or improved, which would help

stabilize soils and prevent the spread of halogeton or other invasive species into these ecological sites. The Gardner Seeding should continue to be monitored to ensure grazing use complies with allowable use levels.

Current or existing grazing management and levels of grazing use within the Tom Plain Allotment are causal factors in failing to achieve the Upland Sites Standard in the valley floor area mentioned above. Utilization studies show heavy and severe use in this area. Cattle favor this area in spring. Ecological condition composition data shows a preponderance of shrubs at Key Area TP-02 with no native grasses or forbs present.

Standard #2. Riparian and Wetland Sites

Riparian and wetland areas exhibit a properly functioning condition and achieve State water quality criteria

Conclusion: Standard not achieved. Existing grazing management and levels of grazing use on White River within the Tom Plain Allotment are significant factors in failing to achieve the riparian and wetland sites standard. Current livestock grazing management does not conform to the guidelines for this standard. Key forage plant method transects show locally heavy utilization by livestock on White River. A portion of the riparian system is functional at risk with a downward trend. Willows have been used heavily. The failure to achieve the standard is also attributable to historical grazing, drought, and climate change. Historical grazing levels can reasonably be concluded to be heavy along White River. Eight of the last ten years have been below average precipitation in the area. Summers have generally been hotter. Wildlife use is not a significant factor in failing to achieve the Standard.

White River Ranch has implemented improved management practices for White River since the new grazing agreement was signed in May, 2006. A stocking level has been identified for the Gardner Seeding and less warm season use occurs on the riparian system. A fence has been constructed which prevents cattle on private ground from entering the public lands portion of White River. Thus significant progress is being made towards achieving the Standard.

Standard #3. Habitat

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

Conclusion:

Standard not achieved. Vegetation cover studies, ecological condition studies, photographs, and professional observations indicate the majority of the term permit renewal area is achieving the Habitat Standard. A healthy composition and diversity of native shrubs, grasses, and forbs is generally present at Key Areas TP-01 and TP-09 and other study sites within the term permit

renewal area. Vegetation structure and distribution are appropriate. Vegetation productivity, measured during the drought years of 1999 and 2001, is similar to ecological site potential. Vegetation nutritional value has not been monitored for.

However, native perennial grasses are lacking in the Tom Plain Allotment and have been recorded at levels far below ecological site potentials at Key Areas TP-02 and TP-03. Vegetation composition is below desired plant community composition at these areas.

The invasive annual grass cheatgrass is present in small quantities in portions of the allotment. The native plant communities have not crossed a threshold to an area dominated by invasive plant species, and are still considered resilient and resistant to invasive annual introduction. However, the shrub component at Key Areas TP-02 and TP-03 is generally above healthy levels as identified by ecological site potential. Severe utilization of nuttall saltbush has been recorded more than once at Key Area TP-01.

Grazing management practices and/or vegetation treatments should be considered to maintain soils, vegetation resiliency, resistance, watershed health, and native species diversity of portions of the term permit renewal area. The understory herbaceous component needs to be maintained or improved, which would help prevent the spread of halogeton, cheatgrass, or other invasive species into these ecological sites. The Gardner Seeding should continue to be monitored to ensure grazing use complies with allowable use levels.

Current or existing grazing management and levels of grazing use within the Tom Plain Allotment are causal factors in failing to achieve the Habitat Standard. Ecological condition composition data shows a preponderance of shrubs at Key Areas TP-02 and TP-03 with no native grasses or forbs present. Utilization studies show heavy and severe use in portions of the allotment, including White River. The non-achievement of this Standard is primarily caused by historic overgrazing, drought, lack of natural wildfire, road construction, and other factors.

Consultation and Coordination

The project proposal was posted on the Ely Field Office web site in November 2006 at http://www.nv.blm.gov/ely/nepa/ea_list.htm. No comments were received regarding the proposal in response to the web site posting. The preliminary EA was posted on the Ely external webpage on 7/20/2007 for a thirty day comment period. A hard copy of the preliminary EA was mailed to the permittee and those publics who requested one and who have expressed an interest in range management actions on the North Chokecherry Allotment. A short comment was received from White River Ranch in response to the preliminary EA. The comment was that White River Ranch requests no change to their existing permit. No other comments were received by BLM in response to the preliminary EA. Additional information on public consultation and coordination is presented in Section VII of the EA on page 20.

A protest to the proposed decision to renew a grazing permit for White river Ranch on the Tom Plain and McQueen Flat Allotments was received from Western Watersheds Project on October 2, 2007. A written response to the substantial protest points was prepared on October 26, 2007

and will be placed in the BLM administrative record for this permit renewal. Based upon the substantial protest points and a range team review of the protest points, this final decision has not been changed from the proposed decision.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1 permitted use for White River Ranch on the Tom Plain and McQueen Flat Allotments will be as follows:

Terms and Conditions of Authorized Use – White River Ranch Permit

Tom Plain Allotment

White River Ranch, LLC agrees to place 1,597 AUMs of their current permitted use of 6,036 AUMs on the Tom Plain Allotment native range into voluntary non-use for conservation and protection purposes for a period of ten years beginning March 1, 2007. The Tom Plain Allotment cattle grazing privileges of 1,597 AUMs will thus remain on the term grazing permit in voluntary non - use.

The number and kind of livestock, season-of-use and permitted use will be adjusted as follows on the Tom Plain Allotment:

FROM:

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Non use	Total Use (AUMs)
Tom Plain	503	03/01-02/28	6036	0	0	6036

The allotment summary as it appears on the current term permit is as follows:

<u>Allotment</u>	<u>Active</u>	<u>Permitted Use</u>	
		<u>Suspended</u>	<u>Total</u>
00803 Tom Plain	6,039	0	6,039

TO:

Allotment/ Pasture	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Voluntary Non-use	Total Use (AUMs)
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Tom Plain	300	03/01-06/15	1055	0	0	
Native Range	150	04/15-06/15	306	0	0	
	150	04/01-06/30	449	0	0	
Gardner Seeding						
Native Range	450	10/01-02/28	2234	0	0	
Gardner Seeding	100	10/01-02/28	395	0	0	
Totals			4439		1597	6036

The allotment summary as it would appear on the new term permit is as follows:

<u>Allotment</u>	<u>Active AUMs</u>	<u>Suspended AUMs</u>	<u>Permitted Use</u>
00803 Tom Plain	4,439	0	4,439

Livestock Management Practices - Terms and Conditions (Tom Plain Allotment)

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

1. The season of use for cattle grazing in spring will be 03/01 to 06/15 for native range and 04/01 to 06/30 for the Gardner Seeding. The season of use for fall/winter will be 10/01 to 02/28 for native range and for the Gardner Seeding.
2. Water hauling is required to distribute cattle grazing on native range. Water haul locations will be determined by the authorized officer on an annual basis. Water hauling will take place in previously established temporary locations, and will be used to keep livestock within the designated use area and to aid in livestock distribution.
3. Spring grazing use will be limited on the silty clay 8-10" range site (028BY071NV - western wheatgrass/nuttall saltbush) at valley bottom. Use will be limited on this traditionally over grazed area by hauling water to other areas, by controlling watering locations, or by herding. This area has been identified as a problem area for many years.
4. The Upper White River stream riparian system will receive periodic rest from grazing, particularly during the summer months. Cattle will be herded away from the Upper White River stream riparian system until such time as a fence can be constructed around all or a portion of the Gardner Seeding, which will control cattle use and prevent cattle from using the riparian system when they are not authorized to be there.

5. Maximum allowable use levels will be established at 50% on key perennial grass species on native range for the spring grazing period and 60% for the fall/winter grazing period. Maximum allowable use levels will be established at 50% on winterfat on native range for the spring and fall/winter seasons of use. This is in accordance with the Nevada Range Monitoring Handbook. The allowable use level for crested wheatgrass in the Gardner Seeding will be established at 50% for the spring grazing season and 60% for the fall/winter season of use. Allowable use levels for the riparian area of White River will be 50% of willows and the riparian grasses sedge, rush, and Kentucky bluegrass by the end of the summer grazing season in the Gardner seeding.

6. Adjustments to livestock management practices may be made annually as needed in consideration of forage availability, climatic conditions, drought, wildfire, and/or other disturbances such as wild horse use.

7. BLM and White River Ranch will work together on an annual basis to identify livestock management practices to be implemented for each year in the Tom Plain Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions or other conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health. Grazing management practices should (a) maintain sufficient residual vegetation and litter, (b) promote attainment or maintenance of proper functioning condition, and (c) meet desired plant physiological and reproductive requirements.

8. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits.

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

10. No motorized access is permitted within the designated Bald Mountain Wilderness without approval of the field manager. Motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such motorized use would not have an adverse impact on the natural environment.

McQueen Flat Allotment

The number and kind of livestock, season-of-use and permitted use will remain the same as the existing permit on the McQueen Flat Allotment and will be as follows:

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Non use	Total Use (AUMs)
McQueen Flat	70 Cattle	4/15 – 11/15	496	0	0	496

The allotment summary as it would appear on the new term permit is as follows:

<u>Allotment</u>	<u>Active AUMs</u>	<u>Suspended AUMs</u>	<u>Permitted Use</u>
00805 McQueen Flat	4496	0	496

Livestock Management Practices - Terms and Conditions (McQueen Flat Allotment)

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

1. Graze 496 AUMs of cattle use in the seeding with a season of use of April 15 to November 15.
2. Rotation of the seeding is recommended on the following schedule: The early use pasture in year 1 will be the late use pasture in year 2, the middle use pasture in year 3, and in year 4 begin the cycle over again.
3. Maximum allowable use levels will be established at 50% on the current year's growth of crested wheatgrass in the McQueen Flat Seeding, for the grazing period April 15 to November 15.
4. Adjustments to livestock management practices may be made annually as needed in consideration of forage availability, climatic conditions, drought, wildfire, and/or other disturbances.
5. BLM and White River Ranch will work together on an annual basis to identify livestock management practices to be implemented for each year in the McQueen Flat Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions or other conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health. Grazing management practices should (a)

maintain sufficient residual vegetation and litter, (b) promote attainment or maintenance of proper functioning condition, and (c) meet desired plant physiological and reproductive requirements.

6. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits.

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

The issuance of the term grazing permit for the Tom Plain and McQueen Flat Allotments will be effective upon issuance of this decision or pending final determination on appeal. The permit will be issued for a period of ten years. Allowable use levels for key forage species will be included in the new permit, as indicated above. Allowable use levels are a quantification of Land Use Plan vegetative objectives.

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 above allotment(s).
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.
3. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities for 30 days or until notified to proceed by the authorized officer.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received

within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment with VISA, Mastercard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Grazing use in the Tom Plain and McQueen Flat Allotments, located in White Pine County, will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration, as developed by the resource Advisory Council (RAC) and approved by the Secretary of the interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR sub-part 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards the fulfillment of the Mojave-Southern Great Basin Area Standards and toward conformance with the guidelines. The management actions implement the guidelines to meet multiple use objectives and standards.

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.

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.”

4130.1-2 “The authorized officer may authorize grazing use on the basis of (a) Historical use of the public lands, and (c) General needs of the applicant’s livestock operations.”

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

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

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

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

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

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

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

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil

moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.
- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

Appeal

Appeal

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

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

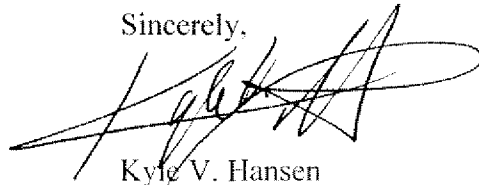
Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

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

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

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



Kyle V. Hansen
Acting Assistant Field Manager
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-06-015 (including the standards determination document)
3. Allotment Map(s)

Cc:

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**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR
White River Ranch Grazing Term Permit Renewal EA # NV-040-06-015**

Finding of No Significant Impact (FONSI)

I have reviewed the Final Environmental Assessment (EA) NV-040-06-015, dated September 11, 2007. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-06-015 has been reviewed through the interdisciplinary team process

Rationale:

I have determined the proposed action is in conformance with the approved Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated December 24, 1983, and Egan Resource Area Record of Decision (ROD) signed February 3, 1987. This proposed term permit renewal would be effective in restoring rangeland health and watershed condition on public lands in the Tom Plain and McQueen Flat Allotments. Through sound livestock management practices, progression will be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

This finding and conclusion of no significant impact 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 proposed term permit renewal is located within the Jakes Valley (#129), White River North (#160A), and White River Central (#160B) Watersheds. The grazing permit is for the Tom Plain and McQueen Flat Allotments. The Tom Plain Allotment encompasses approximately 71,620 public land acres. The McQueen Flat Allotment encompasses approximately 10,400 public land acres. Both allotments occur entirely in White Pine County, Nevada. White Pine County is sparsely populated. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the area.

Intensity:

1) Impacts that may be both beneficial and adverse.

The Environmental Assessment has considered both beneficial and adverse impacts of the

proposed action. None of the impacts considered in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc. In other words, none of the resource impacts are intensely adverse or beneficial.

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

The Proposed Action would 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 unique cultural or environmental characteristics in the geographic area. Cultural and historic resources typical of the general area may occur on the allotment, but there are no known sites of particular importance or interest. There are no parks, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Potential Prime farmlands occur on public lands within the geographic area. These potential prime farmlands are not irrigated or cultivated. Prime farmland classification would not change as a result of the proposed action.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Egan Grazing Environmental Impact Statement. Although public input has been sought for the proposed action, there has been little public interest and no comments on effects analyzed in the attached EA.

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

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives and maintain or achieve rangeland health. The effects analysis demonstrates the effects on the human environment are not highly 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 actions or projects within the area or in surrounding areas will be analyzed and evaluated on their own merits and would be 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, would 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 proposed 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.

/s/ **William E. Dunn**

Date: 9/12/07

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

FINAL ENVIRONMENTAL ASSESSMENT

NV-040-06-015

GRAZING PERMIT RENEWAL FOR WHITE RIVER RANCH
TOM PLAIN AND McQUEEN FLAT ALLOTMENTS

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

Prepared By: Mark Lowrie
September 12, 2007

I. BACKGROUND INFORMATION

Introduction

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

This EA is tiered to and incorporates by reference the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated December 24, 1983 and Egan Resource Area Record of Decision (ROD) signed February 3, 1987. Both of these broad, long term land use planning documents implemented decisions regarding rangeland management in the Ely District. The ROD designated the Tom Plain Allotment as management category “custodial” (C) and the McQueen Flat Allotment as category “maintain” (M).

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry, all wildlife species, and wild horses and burros in the Northeastern Great Basin Area. 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. A thorough discussion of Standards and Guidelines is presented in BLM Handbook H-4180-1 (Rangeland Health Standards). The Northeast Great Basin RAC Standards and Guidelines are available for public review in the Ely BLM Field Office.

This EA also summarizes information from the associated Standards Determination Document (SDD – Appendix I) that evaluates whether current livestock management practices are conforming to the approved Standards and Guidelines for Rangeland health for the Tom Plain and McQueen Flat Allotments.

The term grazing permit under consideration authorizes grazing use within the Tom Plain (0803) and McQueen Flat (0805) Allotments. Cattle are the authorized kind of livestock. The permit would be for a period of ten years. The base property for the permit would be the White River Ranch. The grazing permit area occurs entirely within White Pine County, and is situated in the west central portion of the Ely District BLM, approximately 40 miles west of Ely, Nevada (see Figures 1, 2). The permit area occurs within the Jakes Valley (#129), White River North (#160A), and White River Central (#160B) Watersheds. The current term permit for the Tom Plain Allotment has been issued for the period 11/01/05 to 10/31/2015. The current term permit for the McQueen Flat Allotment has been issued for the period 12/01/98 to 11/30/08.

A Grazing Final Multiple Use Decision (FMUD) has not been accomplished for the Tom Plain Allotment to date. In September 1990 a Management Action Selection Report (MASR) was prepared for the McQueen Flat Allotment, following a grazing evaluation that was accomplished

for the allotment. Interested publics were given the opportunity to comment on the evaluation. The MASR documented the selected management action as maintaining the existing cattle stocking level, season of use, and rotation grazing schedule. An EA has not yet been completed for a term permit renewal for either allotment. The current forage allocation of 6,036 cattle AUMs for the Tom Plain Allotment and 495 AUMs for the McQueen Flat Allotment has been in effect for many years.

An assessment of the rangeland health has been conducted during the permit renewal process. Standards for Rangeland Health were evaluated by a BLM interdisciplinary team on February 28, 2007 on the Tom Plain and McQueen Flat Allotments. The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologist, Weeds Specialist, Soils Specialist, Archaeologist, Wilderness Specialist, Watershed Specialist, Recreation Specialist, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the Western White Pine County Soil Survey (USDA-SCS), Range Site Descriptions (USDA-SCS 2003), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2005), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), Riparian Area Management (USDI-BLM et al. 1998), and the National Range and Pasture Handbook (USDA NRCS 2003). For a complete list of references, see Appendix IV. The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to evaluate achievement of the Standards and conformance with the Guidelines. The data includes the use of “Standard Riparian Functioning Condition Checklists” (USDI-BLM 2000) which were used to evaluate the condition of riparian systems in the term permit renewal area.

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

An evaluation of rangeland health for the Tom Plain Allotment was also conducted in association with the Draft Jakes Wash Wild Horse Herd Management Area Grazing and Wild Horse Evaluation. This document was mailed to grazing permittees for their review and comment in March, 2003. A public meeting was held concerning the draft evaluation at the BLM office on May 9, 2003. BLM resource specialists and grazing permittees attended the meeting.

Standards Achievement

The evaluations have been based on rangeland monitoring data that is summarized in the Standards Determination Document that is associated with this term permit renewal EA (Appendix I). As a result of the I.D. team evaluation and monitoring data review, it has been determined that one Standard is being achieved and two of three Standards for Rangeland Health are not being achieved on the Tom Plain Allotment. Significant progress is being made towards achievement of the two Standards not achieved. All three Standards are being achieved on the McQueen Flat Allotment. A summary of these findings follows:

Tom Plain Allotment

- I. Upland Sites Standard (Achieved)

- 2. Riparian and Wetland Sites Standard (Not achieved, but making significant progress towards).
- 3. Habitat Standard (Not achieved, but making significant progress towards).

Guidelines Conformance - Tom Plain Allotment

As a result of the assessment and monitoring data review, it has been determined that current livestock grazing management practices conform with the following Guidelines on the Tom Plain Allotment:

Current livestock grazing management practices conform to Guideline 1.3. Guideline 1.2 is not applicable to the allotment at this time. Current livestock grazing management practices do not conform to Guideline 1.1. Current practices conform to Guideline 2.3. Guideline 2.2 is not applicable to the allotment at this time. Current practices do not conform to Guidelines 2.1 and 2.4. Current practices conform to Guideline 3.6. Guidelines 3.4 and 3.5 are not applicable to the allotment area at this time. Current livestock grazing management practices do not conform to Guidelines 3.1, 3.2, and 3.3. Refer to Appendix I for the Guidelines Conformance Review on page 38.

Are livestock a contributing factor to not achieving the Standards?

Existing grazing management practices and levels of grazing use on public lands within the Tom Plain Allotment are significant causal factors or contributing factors in failing to achieve the Riparian and Wetland Sites Standard and Habitat Standard. The non-achievement of this Standard is also caused by other factors or conditions (refer to the Standards Determination Document).

McQueen Flat Allotment

An assessment and review of monitoring data gathered for the McQueen Flat Allotment indicates that all three Standards are being achieved for the allotment. A summary of this finding for the allotment follows:

- 1. Upland Sites Standard (Achieved).
- 2. Riparian and Wetland Sites Standard (Achieved).
- 3. Habitat Standard (Achieved).

Guidelines Conformance – McQueen Flat Allotment

As a result of the assessment and monitoring data review, it has been determined that current livestock grazing management practices conform to the following Guidelines on the McQueen Flat Allotment:

Current livestock grazing management practices conform to Guidelines 1.1 and 1.3. Guideline 1.2 is not applicable to the allotment at this time. Current practices conform to Guidelines 2.1,

2.3, and 2.4. Guideline 2.2 is not applicable to the allotment at this time. Current practices conform to Guidelines 3.1, 3.2, 3.3, and 3.6. Guidelines 3.4 and 3.5 are not applicable to the allotment area at this time. Refer to Appendix I for the Guidelines Conformance Review on page 38.

A new ten year grazing agreement has been prepared and signed by the grazing permittee called "Livestock Grazing Agreement – Tom Plain Allotment". The grazing use agreement identifies stocking levels, seasons of use, allowable use levels, areas of use, and requires water hauling in addition to other specific terms and conditions of grazing use. The agreement has been prepared with consultation and cooperation with the grazing permittee, and in consideration of sage grouse vegetative objectives for the allotment. The agreement has been designed to achieve or make progress towards achieving the Standards for Rangeland Health and other management vegetative and multiple use objectives for the allotment. Grazing use in the Tom Plain Allotment has been in accordance with the agreement during the 2006 and 2007 grazing years.

Need for the Proposal

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

Relationship to Planning

The proposed action is consistent with the Federal, State, and local plans to the maximum extent possible. The proposed action would be in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated December 24, 1983 and Egan Resource Area Record of Decision (ROD) and Management Decisions Summary signed February 3, 1987. The proposed action would implement the livestock management decisions from this approved Land Use Plan regarding rangeland monitoring studies and vegetation management (ROD –p.3). The proposed action would also be in conformance with the long range general objectives of the grazing management program as listed on page 2 of the Rangeland Program Summary (RPS, May 1988). The proposed action would also be consistent with the White Pine County Elk Management Plan approved March 1999 and the Greater Sage Grouse Conservation Plan for Nevada and eastern California (June 30, 2004). The project is also consistent with the White Pine County Land Use Plan of May, 1998 which states the following:

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

objectives.” (page 7)

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

- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office (1999).
- Migratory Bird treaty Act (1918 as amended) and Executive Order 13186 (1/11/01).
- Wilderness Act of 1964.

Relationship to Bureau of Land Management Guidance

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

- Ely District Policy: Management Actions for the Conservation of Migratory Birds (5/01/01).
- BLM Manuals 8560, H-8560-1, and 8561 (Wilderness Management).
- BLM Manual 8400 – Visual Resources Management
- BLM Handbook 4180-1 (Rangeland health Standards).

Identified Issues (Scoping)

In order to identify potential issues, internal scoping was conducted for this permit renewal proposal by resource specialists during a meeting held February 28, 2007 at the Ely BLM Field Office. At that time, no resource value issues were identified. Meeting participants identified that external consultation would include general public notification via the Ely BLM web page, plus hard copies of the EA mailed directly to certain interested publics who have requested them. Also, it was determined that Native American Coordination would need to occur. Additionally, the public has been invited to provide input concerning this action and will continue to be afforded the opportunity to provide comments throughout the review of this document. Thus far, no issues have been identified as a result of public scoping.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

In order to meet the need for the proposal, the BLM would fully process and issue a new term grazing permit for White River Ranch (operator # 272550 and #2704952) and authorize livestock grazing on the Tom Plain and McQueen Flat Grazing Allotments. The Tom Plain Allotment includes approximately 68,000 public land acres, while the McQueen Flat Allotment includes approximately 10,400 public land acres. The current term permit and allotment information follows:

Allotment Number	Name	Livestock Number/Kind		Grazing Period		% Public* Land (Billing)	Type Use	AUMs**
				Begin	End			
0803	Tom Plain	503	Cattle	03/01	– 02/28	100	Active	6,036
0805	McQueen Flat	70	Cattle	04/15	– 11/15	100	Active	495

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

** The active permitted use for the Tom Plain Allotment is 6,039 AUMs. The 6,036 AUMs presented is a rounded figure based on the 503 cattle grazing from March 1 through February 28.

** The active permitted use for the McQueen Flat Allotment is 496 AUMs. The 495 AUMs presented is a rounded figure based on the 70 cattle grazing from April 15 through November 15.

The allotment summary as it appears on the current term permit is as follows:

Allotment	Active	Permitted Use	
		Suspended	Total
00803 Tom Plain	6,039	0	6,039
00805 McQueen Flat	496	0	496

Active permitted use totals 6,535 cattle AUMs for both allotments.

The proposed action would include a change to the season of use for cattle in the Tom Plain Allotment native range from year-long to spring/fall/winter. Cattle use in the Gardner Seeding would be spring/early summer and fall/winter. The cattle season of use in the McQueen Flat Allotment would stay the same. The proposed new season of use in native range would require changes to livestock grazing practices and would be in accordance with specific terms and conditions as listed in Appendix II (Livestock Grazing Agreement – Tom Plain Allotment). These specific terms and conditions would be included as part of the grazing permit. As indicated in Appendix II, 1,597 AUMs cattle use would be placed in voluntary nonuse for the conservation and protection of natural resources on the Tom Plain Allotment. Proper allowable use levels for key forage species would also be included in the new permit. Allowable use levels are a quantification of Land Use Plan vegetative objectives. Stipulations regarding allowable activities in the Bald Mountain Wilderness would also be included in the new permit. BLM would continue to administer grazing on land transferred from BLM to the National Forest Service (see Cumulative Impacts Section). The issuance of the term grazing permit would be for a period of ten years.

During the processing of this term permit, both operator numbers would be combined, creating one number and one grazing case file for White River Ranch, which would simplify administrative procedures for both the BLM and the grazing permittee.

Proposed Action - Monitoring

Rangeland monitoring data would continue to be collected for the Tom Plain and McQueen Flat Allotments to determine if the changes in livestock management practices as authorized by the permit renewal are conforming to the Standards and Guidelines for Rangeland Health and other vegetative and multiple use objectives for the allotments.

Monitoring and data collection would continue in the form of establishing key areas, conducting proper functioning condition studies, measuring utilization levels, frequency trend, ecological condition, vegetation cover, observed apparent trend, actual use reports, compliance checks, climate data, professional observations, and photos. Monitoring may also continue according to broad watershed assessment of the Jakes Valley and Upper White River Watersheds.

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

The term permit renewal area would also be monitored on a periodic basis by both BLM and the grazing permittee for noxious weeds or non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix III.

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

No Action Alternative

Under the No Action Alternative, the grazing permit would be renewed without any changes. The season of use would remain as year-long on the Tom Plain Allotment. Active preference would remain at 6,039 AUMs. There would also be no change to the grazing permit on the McQueen Flat Allotment. The season of use would remain as 4/15 – 11/15 and active preference would remain as 496 AUMs. The anticipated impacts of the No Action Alternative are discussed on page 27, following the Cumulative Impacts Summary.

Alternatives Considered but Eliminated from Further Analysis – No Grazing Alternative

The No Grazing alternative was addressed in the Egan RMP-FEIS. The EIS analyzed the impacts of grazing through a proposed action and alternatives. Not issuing term grazing permits was considered as an alternative but eliminated from detailed analysis. Since the alternative of no livestock grazing was fully described and analyzed in the Egan proposed RMP/FEIS, the effects of not renewing the term grazing permit are not analyzed in this document. The decision in the RMP was that the lands within the Tom Plain and McQueen Flat Allotments would be available for grazing, in which case 43 CFR 4130.2(a) and 4130.2(e)(3) requires the issuance of grazing permits to qualified applicants that accept the proposed terms and conditions of the permit or

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

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

Introduction

In addition to the description of the affected environment presented below, the affected environment is also described in Chapter 3 of the Egan RMP/FEIS.

General Area Description

The Tom Plain Allotment (0803) encompasses approximately 71,620 public land acres. Approximately 1,500 acres of private ground occur in the south portion of the allotment. The allotment is situated in Jakes Valley and extends from Highway 50 in the north to Highway 6 in the south. The allotment is located entirely within White Pine County, in the central portion of the Ely BLM District approximately 25 miles west of Ely, Nevada. The allotment is situated on the east side of Moorman Ridge and the White Pine Range. The western portion of the allotment borders the Humboldt National Forest. Elevations range from about 6,200 feet at valley bottom to 7,100 feet on the lower hills of the Moorman Ridge and the White Pine Range. Average annual precipitation is 8 – 12 inches. Salt desert shrub and winterfat plant communities occur in the lower portions of the allotment while sagebrush/perennial grass communities and pinyon/juniper woodlands dominate the benches and higher elevation sites. Four main reservoirs serve to water livestock, wild horses, and wildlife in the allotment. These are Jakes Pond, Waldy Pond, Cottonwood Pond, and Railroad Crossing Dam. Two or three smaller ponds provide temporary water when rainfalls are sufficient. In addition, Jakes Valley Well and Midway Well, both on public land, provide water in the allotment.

In the south portion of the allotment is the Gardner Seeding, a 2000 acre crested wheatgrass seeding that is fenced along the Highway 6 right of way and on the southwest border with forest service lands. The seeding is unfenced on the north side. The seeding is primarily watered from a well on public land in the middle of the seeding. White River, to the northeast of the seeding, also provides water for grazing animals using the seeding.

The Tom Plain Allotment occurs within the Jakes Valley (#129) and White River North (#160A) Watersheds. The allotment also occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA).

The McQueen Flat Allotment (0805) is south of the Tom Plain Allotment. It encompasses approximately 10,400 public land acres. Approximately 1,500 acres of private ground occur in the north portion of the allotment. The allotment is situated primarily southeast of Highway 6 in the upper White River Valley, although approximately 800 acres lie north of the highway. The allotment is located entirely within White Pine County, approximately 25 miles southwest of Ely. Elevations range from about 6,240 feet in the valley bottom to about 6,700 feet in the hills in the northeast portion of the allotment. Average annual precipitation is 8-10 inches. In the middle portion of the allotment is the McQueen Flat Seeding, a 1000 acre crested wheatgrass seeding separated into three completely fenced pastures. A well located in the middle of the seedings provides water for the fenced pastures. The allotment is entirely fenced or has effective land form barriers, except for the small section northwest of the highway. The McQueen Flat Allotment occurs within the White River North #160A and White River Central #160B Watersheds. The allotment also occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA).

Critical Elements of the Human Environment: The critical elements of the human environment, as identified in BLM Manual 1790-1 are listed in Table 1. Other mandatory items for consideration, as identified in the 2001 Ely BLM NEPA Handbook, are also listed. Elements or mandatory items that may be affected by the proposed action are further described in this Environmental Assessment (EA). Those critical elements or mandatory items that are not present or would not be adversely affected are also listed in Table 1. These resource values would not be considered further in this document.

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

Critical Elements	No Affect	May Affect	Not Present	Rationale
Air Quality	X			Normal livestock behavior and grazing associated motor vehicle traffic can cause transient dust to become airborne and release combustion exhaust. The effects are transient and contribute negligibly to air quality degradation. Livestock are known to emit air pollutants such as methane, and manure may produce NO _x . However, cattle and manure on the range are so dispersed that this also has a negligible effect on air quality.
Areas of Environmental Concern (ACEC)			X	Resource not present
Cultural Resources	X			Site Specific review of known Cultural Resources within the allotment did not reveal any sites of particular concern for impacts from livestock grazing. Typical impacts to Cultural Resources were disclosed in the Scheil Grazing EIS
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Floodplains and Wetlands		X		Jurisdictional wetlands are present

Migratory Birds	X		Several species of migratory birds are known to have a distribution that overlaps with the proposed action area. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discounted because of low density of livestock and dispersed grazing within the allotment. Migratory bird nesting and brooding habitat should not be affected. Overall management of habitat could improve. Long term population trends of migratory birds should not be affected. Cattle grazing would be dispersed across the Tom Plain Allotment during the spring grazing period. Cattle grazing on the McQueen Flat Allotment would also be dispersed and limited during the spring period. It is reasonable to assume that the number of individual nests disrupted would be small, resulting in a negligible impact to migratory birds.	
Native American Religious Concerns	X		No concerns have been identified through consultation & coordination	
Noxious Weeds & Invasive Non-Native Species		X	Weeds specialist has identified "could affect"	
Prime or Unique Farmlands	X		Approximately 2,000 acres in the Tom Plain Allotment & 640 acres in the McQueen Flat Allotment have been identified as Prime or Unique Farmlands. Classification would not change as a result of the proposed action	
Riparian Areas		X	Identified riparian areas need improvement	
Special Status Species		X	Special status species use the allotments	
Wastes (Hazardous or Solid)			X	No known wastes present
Water Quality (Drinking or Ground Water)	X			No surface water within the area is used for domestic drinking water. Domestic wells are not present. Ground water in a deep aquifer would not be impacted. The allotment does not overlap any municipal or private drinking water watersheds
Wild Horses and Burros		X		Allotment in a Wild Horse Herd Mngmt. Area
Wild & Scenic Rivers			X	Resource not present

Wilderness/WSA

X

There are no Wilderness Study Areas within the allotments. There is new wilderness in the Tom Plain Allotment

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

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

Resource or Issue	No Affect	Potentially Affected	Rationale
Range/Livestock Grazing		X	Would certainly be affected
Vegetation		X	Would certainly be affected
Soils		X	Would certainly be affected
Wildlife		X	Would certainly be affected
Recreation		X	May be affected. A vehicle raceway occurs in the permit renewal area
Visual Resources		X	May be affected. Temporary water haul sites would introduce visual contrasts to the landscape
Social & Economic Values		X	The proposed action would provide stability to the livestock operator
Grazing/Standards and Guidelines for Rangeland Health		X	Livestock are a contributing factor in the non-achievement of two Standards on the Tom Plain Allotment
Water quantity		X	Would certainly be affected

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

Critical Elements of the Human Environment & Mandatory Items - Cultural Resources, Floodplains and Wetlands, Migratory Birds, Noxious Weeds and Invasive Non-Native Species, Riparian Areas, Special Status Species, Wilderness Values, and Wild Horses and Burros.

Other Resource Values - Range/Livestock/Grazing Standards and Guidelines, Vegetation, Soils, Wildlife, Recreation, Social & Economic Values, Visual Resources, and Water Quantity

A discussion of both classes of values follows:

Critical Elements of the Human Environment & Mandatory Items

Cultural Resources

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

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

Floodplains and Wetlands

Jurisdictional wetlands exist within the White River North and White River Central Watersheds. White River drains into Lake Mead.

Migratory Birds

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

Noxious Weeds and Invasive, Non-Native Species

The Ely weeds inventory (Weedpoints_012607) indicates that there are a few noxious weeds present on public lands in the Tom Plain or McQueen Flat Allotment. Noxious weeds present on public land in the Tom Plain Allotment include salt cedar (*Tamarix* spp.) which is found along White River and Ellison Creek. Noxious weeds present on private ground in the Tom Plain Allotment include salt cedar (*Tamarix* spp.) and musk thistle (*Carduus nutans*) present at Warm Springs, and tall whitetop (*Lepidium latifolium*), small whitetop (*Lepidium draba*), and scotch thistle (*Onopordum acanthium*), present along Ellison Creek.

Noxious weeds present on public land in the McQueen Flat Allotment include Russian knapweed (*Acroptilon repens*) present near the Highway 6 right of way in the west middle portion of the allotment. Russian knapweed (*Acroptilon repens*) and little white top also occur on the Highway 6 right of way. Noxious weeds present on private ground in the McQueen Flat Allotment include tall whitetop, present along Ellison Creek. Noxious weeds present on lower White River within an area that is currently mapped as the McQueen Flat Allotment will be addressed when a grazing permit renewal is accomplished for the Preston Allotment.

The invasive non-native grass cheatgrass (*Bromus tectorum*) is present in sagebrush range in

both allotments. The invasive species halogeton (*Halogeton glomeratus*) is common near Cottonwood Pond and in other areas of Tom Plain Allotment, primarily along roads or growing with winterfat. The invasive species Russian thistle (*Salsola kali*) also occurs in small scattered populations in the two allotments. A noxious weed risk assessment is included as Appendix III to this document.

Riparian Areas

Three riparian systems are discussed in this EA. The first is White River, a lotic (stream) perennial riparian system that flows through both the Tom Plain and McQueen Flat Allotments. Three segments of the creek were monitored in August of 2001. The second riparian system is Smith Creek, which was also monitored in August of 2001. One segment of White River was found to be functioning at risk, while the other two segments as well as Smith Creek were found to be in proper functioning condition. One spring/seep occurs in the north portion of the McQueen Flat Allotment.

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and Nevada BLM Sensitive Species)

The bald eagle, a federally listed Threatened Species, has been observed on the Tom Plain Allotment in winter. The bald eagle was officially be delisted throughout its range as Threatened when a notice was published on August 8 in the Federal Register. The peregrine falcon, a BLM listed State Sensitive Species, may use the term permit renewal area. No sightings have been reported to BLM. BLM Sate Sensitive Species that are expected to use the permit renewal area include the golden eagle, burrowing owl, prairie falcon, and loggerhead shrike. There is no known pygmy rabbit habitat on the allotments.

Ferruginous Hawks

Three ferruginous hawk nesting areas have been identified on the Tom Plain Allotment according to Ely BLM shape files. These are polygons of 5,000, 2,000, and 1,000 acres. There are no ferruginous hawk nesting areas identified for the McQueen Flat Allotment. Ely BLM shape files do not show any other raptor nesting areas in either allotment.

Threatened and Endangered and Sensitive Fish

The White River Spinedace (*Lepidomeda albivallis*), is currently listed by the U.S. Fish and Wildlife Service as an endangered species in White Pine County. White River Speckled Dace (*Rhinichthys osculus* ssp.), and White River Desert Sucker (*Catostomus clarki intermedius*) have formerly been listed by the U.S. Fish and Wildlife Service as candidate species in Nevada. They are currently listed as Nevada BLM Sensitive Species in White Pine County. According to BLM Geographic Information System data, the White River Spinedace was last observed in White River in 1956. The White River Speckled Dace was last observed in 1991. The White River Desert Sucker was also last observed in 1991. The U.S.F.W.S. and N.D.O.W. have both provided technical assistance to BLM regarding management for all three species according to requested input provided in response to an allotment evaluation accomplished for the McQueen

Flat Allotment dated May 23, 1990. The BLM Wildlife Biologist also consulted with the Reno office of the U.S.F.W.S. regarding these three species in May 2007.

Special Status Plants

There are no Threatened, Endangered, Candidate, or Nevada BLM Sensitive Plants known to occur in the term permit renewal area.

Greater Sage Grouse

The sage grouse, a BLM state sensitive species, has extensive nesting, brooding, and lek (strutting ground) habitat on the Tom Plain Allotment. Sage grouse use the allotment year round. Many leks identified by shape files are currently classified as active. Nesting and brooding habitat may also be present in the McQueen Flat Allotment. Historic lek areas have been monitored and mapped that are within a mile of the north or west boundary of the McQueen Flat Allotment. Of six leks that have been monitored within a mile of the allotment boundary, three are currently classified as active. Sage grouse habitat in the two allotments occurs in the Butte/Buck/White Pine sage grouse Population Management Unit.

Wilderness Values

Two new wilderness areas that were created by the White Pine County Public Lands Bill (PL 109-432) signed in December, 2006 occur to the west of the Tom Plain Allotment. These are the Shellback and Red Mountain Wilderness Areas. Approximately 2,900 acres of the newly created Bald Mountain Wilderness occurs within the Tom Plain Allotment (see Figure 3). All three wilderness areas are managed by the National Forest Service. BLM would continue to administer grazing within that portion of the Bald Mountain Wilderness in the Tom Plain Allotment. No areas of critical environmental concern (ACEC) have been identified within the Tom Plain or McQueen Flat Allotments.

Wild Horses and Burros

Approximately one half of the Tom Plain Allotment is within the Jakes Wash Wild Horse Herd Management Area (HMA). An appropriate management level (AML – numbers of wild horses) has been established at from 1 to 21 animals yearlong for the Jakes Wash HMA. Historically the allotment has received light wild horse use from either the Jakes Wash horses or wild horses from the Monte Cristo HMA, which is to the west of the Tom Plain Allotment. Based on aerial census flown in June 2003, the current population estimate for the Jakes Wash Herd is 50 animals.

In July 2004, 49 wild horses were gathered and removed from the Jakes Wash Herd. In July of 2001, 98 wild horses were removed from the Jakes Wash Herd. In February of 2003, 77 wild horses were removed from the west side of Jakes Valley in conjunction with the Monte Cristo Wild Horse Gather. In January 2006, 220 wild horses were removed from the Monte Cristo HMA, as well as 33 wild horses from the Ellison Basin area on Forest Service land. In August 2007, 97 wild horses were removed from the Jakes Wash HMA and Forest Service land adjacent

to the HMA.

The McQueen Flat Allotment does not occur within a wild horse HMA. There is no evidence of wild horse use on the allotment.

Other Resource Values:

Range/Livestock/Grazing Standards and Guidelines

Historically, grazing has been a common land use in eastern Nevada since the late 1800s. Both cattle and sheep grazing occurred on these allotments. On Tom Plain, cattle use occurred year-long while sheep use occurred primarily during winter. Both cattle and sheep use occurred from late spring through early fall on the McQueen Flat Allotment. Historically cattle use has occurred in the McQueen Flat Seeding while sheep use has occurred on native range in the northern portion of the allotment. The Tom Plain and McQueen Flat Allotment are currently permitted for cattle grazing. The current permit for cattle use is described above under the **Proposed Action** on page 8. Several years of licensed cattle use information for both allotments is presented in the Standards Determination Document (Appendix I). Current livestock use has been identified as one of several causal factors in failing to achieve two of the Standards for the term permit renewal area.

In September 1990 a Management Action Selection Report (MASR) was prepared for the McQueen Flat Allotment, following a grazing evaluation that was accomplished for the allotment. The MASR documented the selected management action as maintaining the existing cattle stocking level, season of use, and rotation grazing schedule.

Vegetation

Both allotments are within Major Land Resource Area (MLRA) 028B – Central Nevada Basin and Range Area. The four main vegetation types within both allotments are salt desert shrub, northern desert shrub (big sagebrush types), black sagebrush types, and pinyon-juniper woodlands. The soils and ecological sites (range sites) within the Term Permit Renewal Area have been described, classified, and studied by the Natural Resource Conservation Service (NRCS). A unique ecological site is present in the valley bottom in the Tom Plain Allotment. This is a Silty Clay 8-10" ecological site (028BY071NV). Western or thickspike wheatgrass and nuttall saltbush are the key forage plants present in the area. This ecological site has historically been overgrazed in the allotment. Broad, extensive areas of the key species winterfat also occur in the Tom Plain Allotment. The winterfat areas occur on fragile silty soils, where native perennial grasses are lacking. There are approximately 2000 acres of crested wheatgrass seeding in the Tom Plain Allotment and 1,050 acres of crested wheatgrass seeding in the McQueen Flat Allotment.

Soils

In the Tom Plain Allotment, the soils in the valley bottoms are primarily silty clays and silty loams that are lacustrine sediments. These soils are fragile and somewhat susceptible to

compaction and wind or water erosion. The soils on the mountain benches (fan piedmonts) and higher elevation areas are primarily gravelly loams, silt loams, and sandy loams that are alluviums derived from limestone, dolomite, andesite, loess, and ash. The soils on the benches and higher elevation sites are less susceptible to erosion than the fragile silts on the valley bottom.

The main Soil Mapping Units (SMU) in the Tom Plain Allotment according to the Soil Survey of Western White Pine County (1988 – 1990) are SMUs 970, 960, 575, 450, and 243. Many other SMUs within the allotment have been mapped and classified.

In the McQueen Flat Allotment, the soils are primarily gravelly loams with varying amounts of silt, sand, or clay. These soils are residuums, alluviums, and colluviums derived from andesite, ash, and loess. These soils are less susceptible to erosion than the fragile soils in Jakes Valley.

The main Soil Mapping Units (SMU) in the McQueen Flat Allotment according to the Soil Survey of Western White Pine County (1988 – 1990) are SMUs 578, 573, 275, 1300, and 752. A few other SMUs within the allotment have been mapped and classified.

Soils in both the Tom Plain Allotment and the McQueen Flat Allotment vary in depth, percolation rates, and water holding capacity.

Wildlife

The Tom Plain Allotment is within Nevada Division of Wildlife Big Game Management Area 13, Unit 131. The allotment provides habitat for pronghorns, Rocky Mountain elk, and mule deer. Due to limited perennial water sources in the allotment area, numbers of big game and trophy game species are limited. The allotment receives year-long antelope use. Elk and deer use is primarily seasonal, occurring in winter and early spring. It is estimated a few deer reside in the allotment year-long. The Ely Field Office Geographic Information System (GIS) shape files identify approximately 2,000 acres of deer winter range in the southwest portion of the Tom Plain Allotment. Shape files identify approximately 70% (7,200 acres) of the McQueen Flat Allotment as deer winter range. Approximately 20% (2,080 acres) are identified as year-long deer range, in the southwest portion of the allotment. No big horn sheep habitat occurs anywhere near the term permit renewal area.

A pronghorn augmentation took place during the early winter of 2002. Fifty animals were released on the Tom Plain Allotment in north Jakes Valley. Four pronghorn guzzlers were constructed in Jakes Valley during the summer of 2001. Two of the guzzlers are located within the Tom Plain Allotment, in the west portion of the allotment near the USFS boundary. Spring use of the guzzlers by all species of big and trophy game is a possibility.

The McQueen Flat Allotment is within Nevada Division of Wildlife Big Game Management Area 13, Units 131 and 132. The McQueen Flat Allotment provides habitat for mule deer and elk. Very minor antelope use occurs on the allotment. Approximately 40 to 50 mule deer reside on the allotment year-long. Much of their grazing use is made on private meadows and hayfields within the allotment. In addition, as many as 75 deer winter on the allotment from November 15

to March 30. As many as 300 deer will migrate through the allotment in the spring and fall. Observations indicate several elk have been using the southeast portion of the crested wheatgrass seeding in winter and spring.

Bald eagles, golden eagles, peregrine falcons, various hawks, doves, and other migratory birds may be observed in either allotment at varying times of the year. Both allotments provide habitat for coyotes, rabbits, badgers, bobcats, fox, sagebrush obligate birds, and other small mammals and reptiles. NDOW State Sensitive Species that are expected to use the permit renewal area include the sage thrasher and brewer's sparrow.

There are no identified key or critical management areas for wildlife on the term permit renewal area.

Recreation

Recreation in this area includes large and small game hunting, wildlife observation and photography, horse back riding, trapping, wild horse observation, cultural resource tourism and fossil hunting, hiking, and off highway vehicle (OHV) exploration. Approximately 10 miles of official OHV race course occur within the Tom Plain Allotment. The existing course is not signed, but is used for competitive OHV events and for casual use trail riding. There are no developed recreational facilities in the term permit renewal area. Hunters or individual or group hikers seeking solitude occasionally use the newly created USFS Bald Mountain Wilderness, a portion of which occurs within the Tom Plain Allotment.

Social and Economic Values

The farming and ranching life style has been and continues to be important in White Pine County and the State of Nevada. The local economy of White Pine County has been dependent on farming and ranching activity. Taxes generated from agricultural activity benefit the county.

Visual Resources

The Visual Resource Management (VRM) System provides a way to identify and evaluate scenic values to determine the appropriate levels of management. It also provides a way to analyze potential visual impacts and apply visual design techniques to ensure that surface disturbing activities are in harmony with their surroundings. The allotment occurs in a scenic area typical of the intermountain great basin landforms. There are no unique visual resources within the allotment. The Tom Plain and McQueen Flat Allotments both occur within an unclassified Visual Resource Management (VRM) Zone. The wilderness areas to the west of the Tom Plain Allotment occur within a VRM Class 1 Zone.

Water Quantity

In the Tom Plain Allotment, livestock, wild horse, and wildlife water primarily at reservoirs in

Jakes Valley including Waldy Pond, Jakes Pond, Cottonwood Pond, and Railroad Crossing Dam. Water levels fluctuate in these reservoirs, depending on precipitation and flow from Illipah Creek. A couple of other small reservoirs provide seasonal water when creek flows are high or significant rain storms occur. Water availability is generally lowest in late summer. Temporary water hauling for livestock has occurred in the Tom Plain Allotment in response to drought. Water hauling is authorized on an annual basis. Three wells occur in the Tom Plain Allotment – Midway Well, Jakes Valley Well, and the Gardner Seeding Well.

In the McQueen Flat Allotment, livestock watering occurs from the McQueen Flat Well and water pipeline. Water hauling has been authorized infrequently in the past in the McQueen Flat Allotment.

IV. ENVIRONMENTAL CONSEQUENCES

The environmental consequences of grazing were analyzed in the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated December 24, 1983. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the EIS. There have been no major changes made with the proposed term permit renewal that differ from the rangeland management actions presented in the EIS. The proposed action is not substantially different than the actions analyzed in the EIS. The following site specific analysis discusses the environmental consequences (impacts) associated with the proposed action. The impacts of the “no action alternative,” or renewing the permit with no changes to terms and conditions of grazing use, are analyzed at the end of this section.

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

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

Floodplains and Wetlands

Grazing would not be expected to impact any jurisdictional wetlands because wetlands will not be filled and wetland channels would not be altered.

Noxious Weeds and Invasive, Non-Native Species

The grazing permit renewal and the resulting changes in livestock management practices could result in an increase in noxious weeds to the area of the permit renewal. The Risk Factor for spread of noxious weeds is moderate at the present time (See Appendix III for the Noxious Weed Risk Assessment). Localized areas of livestock concentration or disturbance could increase the risk for spread of noxious weeds. Grazing use may or may not cause an increase in invasive

plants such as cheatgrass or halogeton, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors. Livestock grazing could help prevent a catastrophic fire by keeping fine fuels in check. A catastrophic fire could lead to a complete loss of the native plant community. The permit renewal area would be monitored on a regular basis for noxious or invasive weeds or nonnative species. Control treatments would be initiated on noxious weed populations that become established in the project area.

Riparian Areas

Those segments of White River that have been monitored as in proper functioning condition (PFC) would be maintained in PFC, since a grazing system is in place for the Gardner Seeding of the Tom Plain Allotment. That segment that has been found to be functional at risk would improve to PFC. The grazing permittee has recently repaired a fence that can prevent cattle from concentrating on this segment. Smith Creek would also continue to remain at PFC. The spring/seep in the McQueen Flat Allotment would continue to remain in PFC condition, since no livestock grazing occurs at the source and deer use of the area is slight at most. Vegetation cover would remain appropriate to the riparian areas and utilization of key riparian native vegetation would be within allowable use levels. The stream bank stability of White River and Smith Creek would be expected to remain good with a continuous cover of diverse native vegetation capable of withstanding high stream flow events. The riparian areas would continue to be monitored and the grazing permittee would be required to prevent cattle from concentrating on the riparian systems.

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

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

With reduced spring use and good livestock distribution, lighter grazing pressure in the Tom Plain Allotment would benefit sage grouse by increasing herbaceous vegetative production and nesting cover. Improved vegetation production and cover has also been shown to increase chick forage and insect production. The proposed action would be in accordance with the Nevada Governor's Plan for the Greater Sage Grouse which lists vegetation cover objectives for grouse.

The U.S. Fish and Wildlife Service (Reno Office) has been contacted regarding this permit renewal. In a communication with the BLM wildlife biologist during May, 2007, the service stated that grazing would have no affect on the White River Spinedace. That portion of White River on public land formerly populated by the Spinedace occurs in the north portion of the McQueen Flat Allotment in T. 13N., R. 61E., Section 29, SW ¼. As has been stated, this north portion of the allotment has generally not been grazed by cattle or sheep in many years. The proposed action would not contribute to the need to list any sensitive species as Threatened or

Endangered.

Wild Horses and Burros

Implementing the proposed action would have minimal impacts upon wild horses in the Jakes Wash HMA. Wild horses should benefit directly from an improved forage resource. They would also benefit from temporary water sources. Because water would not be provided year-long at the troughs, some wild horses could become stressed when the water is shut off. Census data combined with field observations indicate that ten or less wild horses from the Jakes Wash HMA use the Tom Plain Allotment on a regular basis. Thus combined utilization by both cattle and wild horses is not expected to be a problem as a result of the proposed action.

Other Resource Values

Range/Livestock/Grazing Standards and Guidelines

According to the proposed action, grazing would continue similar to the past four years. There would be a reduction in spring grazing that would result in enhanced healthy ecological conditions. Reduced cattle numbers during spring would result in fewer areas of overutilization, such as in the Silty Clay 8-10" ecological site and the winterfat communities. Improvement in utilization of key forage species would increase forage availability for livestock, wild horses, and wildlife. Cattle would continue to be distributed to various waters present in the term permit renewal area. Cattle distribution is expected to be good. Through good cattle distribution and moderate utilization levels, progress would be made in achieving Standards and conforming with the Guidelines for Rangeland Health and the other multiple use objectives for the allotment. It is possible that local areas of over-utilization of key forage plants could result from use by cattle or combined use by cattle and wild horses. This possibility would be monitored and actions taken to correct the problem. Grazing management would improve in the Gardner Seeding by setting a season of use, stocking levels, and allowable use levels. The new terms and conditions of the permit would improve the riparian condition of White River, which is associated with the grazing in the Gardner Seeding.

In the McQueen Flat Allotment, grazing would continue in the same scope and manner as it has in the past. Grazing would occur primarily in the crested wheatgrass seeding. Forage utilization would be moderate or less. Grazing would continue according to a rotation schedule for the three fenced wheatgrass pastures. The proposed permit renewal would facilitate livestock management and provide stability to the livestock operation.

Vegetation

The term permit renewal would be expected to lead to vegetation impacts such as maintaining or improving production and cover, increased forage availability, stimulation of new growth, enhanced vigor and seed production, and an improved rangeland condition and trend and watershed conditions. Reduced spring cattle use during the critical growing period along with

better distribution of grazing would allow native plants to produce more seed. During many recent drought years native plants have not produced much seed. Use of cheatgrass would help prevent catastrophic wildfire. Disturbed areas of vegetation of approximately ½ acre could develop around temporary water haul locations. Vegetation would be crushed and potentially disappear from these locations.

Soils

Soils would benefit in both the short term and the long term from the changes in grazing management practices implemented by the term permit renewal. By reducing spring cattle stocking levels, the sensitive silt valley bottom soils would be less disturbed and compacted, leading to improved infiltration, percolation, and less wind or water erosion. Increased forage production and an improved ground cover would result in less soil erosion, better soil/water relations, and an overall improved watershed. An increase in vegetative litter would also protect soils. It is expected that soil characteristics would benefit from good livestock distribution. Soils would maintain structure, water holding characteristics, and percolation characteristics. Biotic crusts would be expected to remain in place to stabilize soils. Disturbed areas of soil of approximately ½ acre could develop around temporary water haul locations, and could result in soil compaction when soils are moist.

Wildlife

It is expected that wildlife habitat would be enhanced by improved native vegetation ground cover and a better quantity, quality, and availability of forage resulting from reduced spring grazing and good livestock distribution. It has been shown by scientific studies and professional observation that wildlife prefer the new nutritious growth brought about by moderate grazing. The habitat requirements of sagebrush obligate species such as various species of birds would not change. Water availability would increase for wildlife at temporary water haul sites. Because water would not be provided year-round at temporary water haul sites, some stress may result to localized wildlife populations when the water is shut off. Some wildlife drownings could occur even though wildlife escape ramps would be placed in the troughs.

Recreation

There would be minimal impacts to existing recreational activities as a result of the term permit renewal. To the extent that wildlife populations benefit, wildlife-related recreation such as hunting, wildlife viewing, antler collection, and photography would be enhanced. The permit renewal is not expected to lead to increased off-highway vehicle (OHV) use in the area. The OHV race course would not be impacted by the renewal. Competitive OHV events would continue to be authorized in the Tom Plain Allotment on an as needed basis.

Visual Resource Management (VRM)

When temporary water haul sites are used, the temporary water haul sites would introduce visual

contrasts into the landscape. Temporary water haul sites may be visible from the main BLM road that runs north/south through the west portion of Jakes Valley. Temporary water haul sites may also be visible from wilderness areas that are west of the Tom Plain Allotment. Temporary water haul sites in the McQueen Flat Allotment may be visible from Highway 6. The proposed term permit renewal is consistent with the unclassified Visual Resource Management (VRM) Zone objectives for this area or the VRM Class I Zone objectives for the wilderness areas.

In consideration of the above paragraph, careful attention will be made as to the location and disturbance of temporary water haul sites.

Social and Economic Values

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

Water Quantity

Implementing the term permit renewal action would insure or maintain water availability for livestock, wild horses, and wildlife to the amount provided by those water developments normally used in the livestock operation (Midway Well, Jakes Valley Well, Cottonwood Pond, Jakes Pond, Waldy Pond, Railroad Crossing Dam). The grazing permittee is responsible for maintaining these developments. Water availability could increase for livestock, wild horses, and wildlife at temporary water haul sites. Temporary water haul sites would be authorized on an as needed basis, and would vary annually in the Tom Plain and McQueen Flat Allotments. In most years it is expected that temporary water hauls would not be necessary.

Cumulative Impacts

Cumulative impacts are impacts to the environment or resource values that result from the incremental or combined impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively important actions taking place over a period of time.

According to the 1994 BLM Handbook "Guidelines for Assessing and Documenting Cumulative Impacts," the cumulative analysis can be focused on those issues and resource values identified during scoping that are of major importance. No issues or resource values of major importance were identified during the EA scoping period, thus no specific resource value is addressed below. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There have been limited previous actions occurring in the project area. Historical mineral mining has been common near Mt. Hamilton, which is located approximately ten miles northwest of the Tom Plain Allotment. There has been no historical oil or gas production and minimal oil exploration in the area. There are no known reclaimed oil exploration pads in the Tom Plain or McQueen Flat Allotments. There is an existing power transmission line running through the Gardner Seeding and native range of the Tom Plain Allotment for about 6 miles more or less paralleling Highway 6 to the northwest of the highway (Nev 061326 - 12.5'). Woodcutting and pinyon nut gathering have been minimal. Horse back riding, hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal, in part due to the long driving distance from Ely, Lund, or Eureka. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildfires have not been frequent or catastrophic. The Smith Creek Wildfire (July, 2001) burned approximately 1,100 acres of pinyon/juniper habitat near Midway Well, in the middle portion of the Tom Plain Allotment. The USFS has acquired this area from BLM according to the White Pine County Public Lands Bill (December, 2006). Wild horse and wildlife use have not been intensive in the area and have not fundamentally altered the plant communities. Wild horse gathers have occurred regularly in this area, including emergency gathers of horses due to lack of water during drought. The last wild horse gather of the Jakes Wash HMA occurred in July, 2004. Livestock grazing has been intensive historically and together with drought, lack of wildfire, road establishment, reservoir building, and other activities may be a contributing factor to the presence of invasive plant species. Allotment boundary fences have been constructed to improve livestock management and provide for orderly and improved administration of rangelands. Rangeland monitoring has been a common activity in the area.

In 1998, the Tom Plain and McQueen Flat Allotment permits were transferred from the Jerry F. Gardner Family Trust to White River Ranch, LC. A wild horse gather for the Jakes Wash HMA was conducted in August, 2007

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining, oil and gas exploration, or wind energy testing. The Mt. Hamilton Mine to the northwest has been reclaimed. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. Other than the Smith Creek Fire, there have been no recent wildfires. Current livestock grazing, wild horse use, and wildlife use are not intensive in the area. White River Ranch has generally grazed at less than active permitted use in the area for the past few grazing years, in part due to drought. The permitted area continues to be monitored to determine if grazing management practices are meeting the Rangeland Health and multiple use vegetative objectives for the allotment.

In January 2007, the BLM transferred approximately 5,799 acres of land to the USFS that are

located within the Tom Plain and Indian Jake Allotments (see Figure 3). This was in accordance with legislation for the White Pine County Public Lands Bill (PL 109 -432; see SEC. 343 TRANSFER TO THE FOREST SERVICE). Approximately one half of this land is within the newly created Bald Mountain Wilderness, administered by the Forest Service. The land is located in the area of Midway Well and the Smith Creek Fire within the Tom Plain Allotment. BLM will continue to administer grazing within this area.

Reasonably Foreseeable Future Actions

Nevada Power Company and Sierra Pacific Power are proposing to develop a 2,500 MW coal-fired electric generating plant (Ely Energy Center - EEC). The facility would be located in Steptoe Valley, approximately 15 miles north of Ely, Nevada. Two above ground 500kV electric transmission lines would be constructed associated with the EEC. These transmission lines are proposed to pass through about 6 miles of the southern portion of the Tom Plain Allotment including the Gardner Seeding, and about 1 mile of the McQueen Flat Allotment, including the McQueen Flat Seeding. This project is currently undergoing a public scoping period. The same transmission line corridor would be used by LS Power for the Southwest Intertie Project (SWIP), authorized by congress, which would be associated with the White Pine Energy Station. Construction of transmission lines may begin as early as 2008.

It is reasonable to expect that the grazing permit as proposed by this EA would become active and cattle would be permitted to graze the two allotments. Dozens of grazing term permit renewals are expected to be completed each year through 2009 and during subsequent years in the Ely District. No other significant public lands actions are planned for the project area in the near future. A 1.5 mile temporary electric fence and associated cattle guard have been in the planning stages for the Tom Plain Allotment, near Midway Well. This area of the allotment is now under Forest Service jurisdiction. It is not known at this time if the Forest Service will want to proceed with the project. Future wild horse gathers would continue to occur within the Wild Horse Herd Management Area. There are no anticipated increases in mining or wind energy testing in the reasonably foreseeable future. Due to the influx of people expected with energy development, activities such as woodcutting, pinyon nut gathering, OHV use, hunting, camping, horse back riding, and related activities may increase in the reasonably foreseeable future. Rangeland monitoring is expected to continue in about the same manner and scope as it has in the past.

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

Cumulative Impacts Summary

The proposed permit renewal would maintain rangeland health and watershed conditions through implementing sound grazing management practices. The proposed action would improve grazing management. There could be perceived visual impairment to the area as a result of the combination of power transmission lines with temporary water haul sites. No cumulative impacts of major concern are anticipated as a result of the proposed project in combination with any other existing, current, or future project or activity.

Anticipated Impacts of the No Action Alternative

According to the No Action Alternative, the grazing permit would be renewed without any changes (status quo). Livestock stocking levels would not be reduced and the season of use would remain as year-long on the Tom Plain Allotment. Active permitted use would remain at 6,039 AUMs. The grazing permittee could choose to apply for grazing use with up to 500 to 600 head of cattle during the early critical spring growth period. Livestock distribution and forage utilization would not improve. Areas of overutilization would not be reduced. Vegetative production, cover, vigor, and composition would not likely improve. The western wheatgrass/nuttall saltbush ecological site in the valley bottom would likely continue to be used heavily, as well as important winterfat areas on fragile silty soils in the valley bottom. This would result in negative disturbances or impacts to the soil and vegetation resource. It would be likely that progress would not be made towards achieving the Standards for Rangeland Health or other vegetative objectives for the allotment. It is likely adequate vegetative cover in sagebrush range would not be maintained for sage grouse and would not be in accordance with recommendations for sage grouse habitat listed in the Governor's Sage Grouse Plan for the State of Nevada. Noxious weeds or invasive non-native species would be more apt to spread under the No Action Alternative. Cheatgrass would remain ungrazed and would provide fine fuels for a catastrophic wildfire danger.

It is likely that progress would not be made in achieving proper functioning condition on portions of White River. Wildlife habitat would not be enhanced. Forage availability would not increase for livestock, wild horses, or wildlife.

There would be little to no change in impacts to the McQueen Flat Allotment as a result of the No Action Alternative, since no changes in grazing management practices are planned for the allotment under the proposed action.

Under the No Action Alternative, there would be no impacts to the following; areas of critical environmental concern; environmental justice; floodplains and wetlands; Native American religious concerns; prime or unique farmlands; hazardous or solid wastes; water quality (drinking/ground); or wild and scenic rivers.

V. PROPOSED MITIGATING MEASURES

The terms and conditions (Appendix II) of the term grazing permit would mitigate anticipated impacts. Mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix III. No additional mitigating measures are proposed based on this environmental analysis.

VI. SUGGESTED MONITORING

Appropriate monitoring has been included in the proposed action. No additional monitoring has been suggested by the BLM interdisciplinary team at this time.

VII. CONSULTATION AND COORDINATION

Public Interest and Record of Contacts

There is a general public interest in the proper grazing management of public lands. White River Ranch has a strong interest in this grazing permit renewal.

On July 20, 2006 the White River Ranch Term Permit Renewal proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants. On June 19, 2006 the project was presented to the Ely BLM internal interdisciplinary scoping team and no issues were identified.

A scoping letter was mailed to interested publics and the grazing permittee regarding the permit renewal action in September of 2006, requesting comments by October 11. A written response was received from White River Ranch. No other comments have been received to date concerning the letter. A project summary of this term permit renewal was posted on the BLM external website in November, 2006. No comments have been received to date regarding the posting. Another coordination letter was mailed to White River Ranch dated February 14, 2007, requesting participation in the range monitoring and the permit reinstatement process.

The preliminary EA was posted for a thirty day public review and comment period on the Ely BLM external website on 7/20/2007. A hard copy of the EA was also mailed on or about 7/20/2007 to those interested publics who have requested it, and who have expressed an interest in range management actions on the Tom Plain and McQueen Flat Allotments. A short comment was received from White River Ranch in response to the preliminary EA. The comment was that White River Ranch requests no change to their existing permit. No other comments were received by BLM in response to the preliminary EA.

A BLM meeting was conducted at the Great Basin College in Ely on August 8, 2007. BLM managers, the environmental coordinator, and rangeland management specialists attended the meeting. The main agenda topic was how to review and respond to public input related to the grazing term permit renewal process.

Interested publics are again being notified by mail or E-mail as this final EA is completed and the Proposed Decision and Finding of No Significant Impact are signed. These documents will also be mailed to interested publics. These signed documents initiate a 15 day protest period and a 30 day appeal period.

Before including addresses, phone numbers, e-mail addresses, or other personal identifying information in comments, you should be aware that the entire comment – including personal identifying information- may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range improvement actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January 2006 or January 2007, have requested additional information regarding rangeland related actions or programs within the Tom Plain or McQueen Flat Grazing Allotments:

Curtis A. Baughman, Nevada Division of Wildlife
Steven Carter
Mr. Steve Forcee, Nevada Division of Wildlife
Lincoln County Commissioners
Patricia N. Irwin, Ely Ranger District
Curt Leet, NRCS
Betsy Macfarlan, ENLC
Laurel Marshall
Cindy MacDonald
John McLain, Resource Concepts, Inc.
Nevada Cattlemen's Association
Chandler Mundy
Nevada State Clearinghouse
Russel Peacock
Frank Reid
Jerry Reynoldson
Rosevear Ranches, Tom Rosevear
Animal Welfare Institute
Western Watersheds Project, Katie Fite
White River Ranch, LLC
U.S. Fish and Wildlife Service (Reno)

Record of Personal Consultation and Coordination

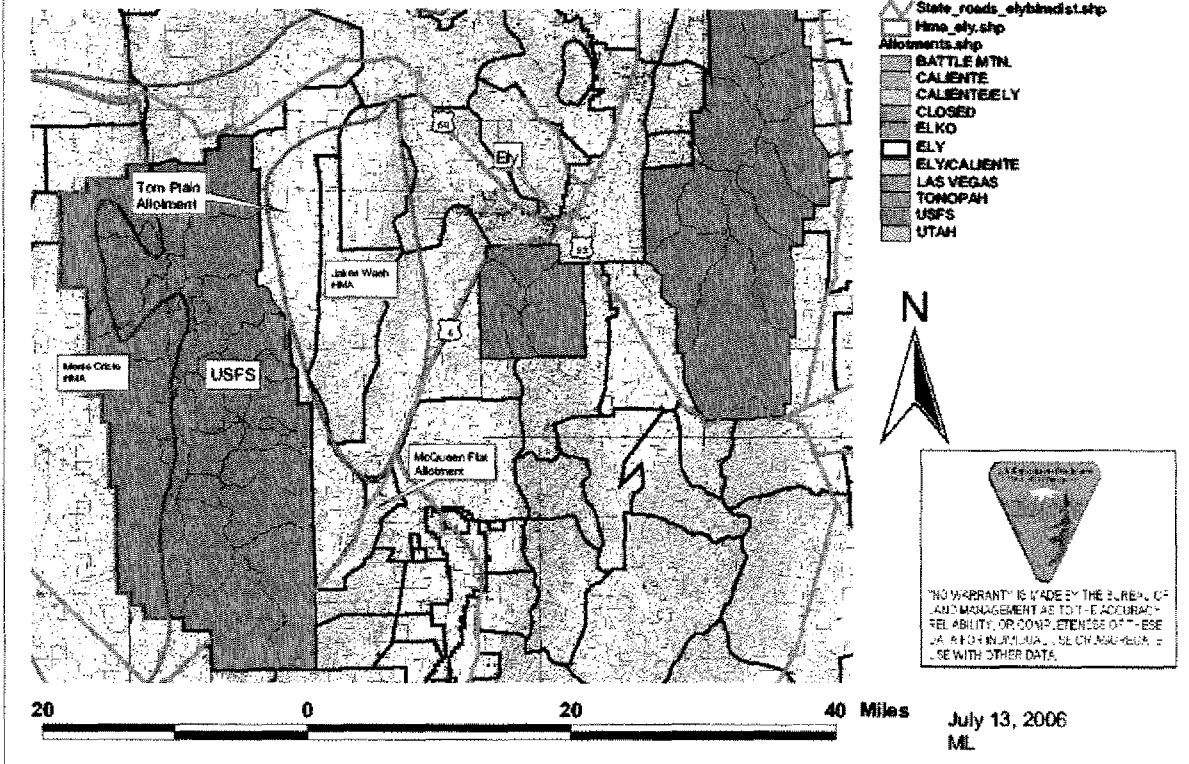
Charlie Brown, White River Ranch
Darren Stuart, White River Ranch
Tom Rosevear, Rosevear Ranches
Chris Crookshanks, NDOW

Most of the coordination for the recent grazing agreement reached between White River Ranch and BLM occurred at a meeting held at the BLM office on February 14, 2006. A second meeting with white river Ranch to discuss grazing management was held at the BLM office on August 3, 2007.

B. Internal District Review

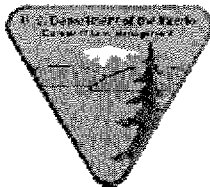
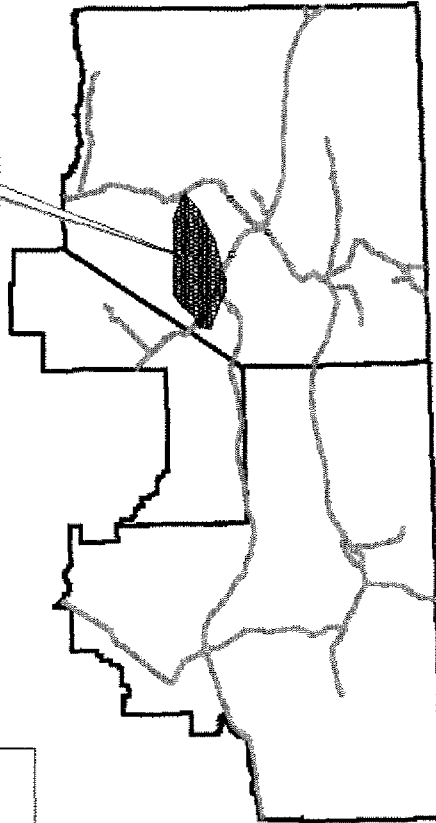
Jared Bybee, Ben Noyes	Wild Horses
Dave Jeppesen	Recreation, Visual Resources
Steve Leslie	Wilderness
Mark Lowrie	Rangeland Resources/ Environmental Coordination/ Noxious Weeds/Wildlife
Bonnie Waggoner	Noxious Weeds
Elvis Wall	Native American Religious Concerns
Susan Howle/Sheri Wysong	Environmental Coordination
Brad Pendley/Steve Abele	Wildlife/T&E Species/Riparian/Migratory
	Birds
Joshua Hopper/Lisa Gilbert	Cultural Resources
Melanie Peterson	Hazardous and Solid Wastes
Kari Harrison	Soil/Water/Air
Gary Medlyn	Watershed Analysis
Kyle Hansen	Environmental Coordination
Chris Mayer	Rangeland Resources/Environmental Coordination

White River Ranch Term Permit Renewal

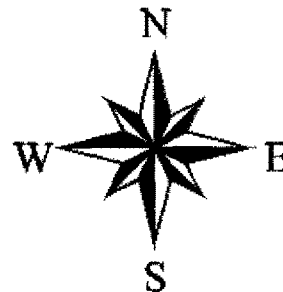


Grazing Term Permit Renewal Area Within Ely District

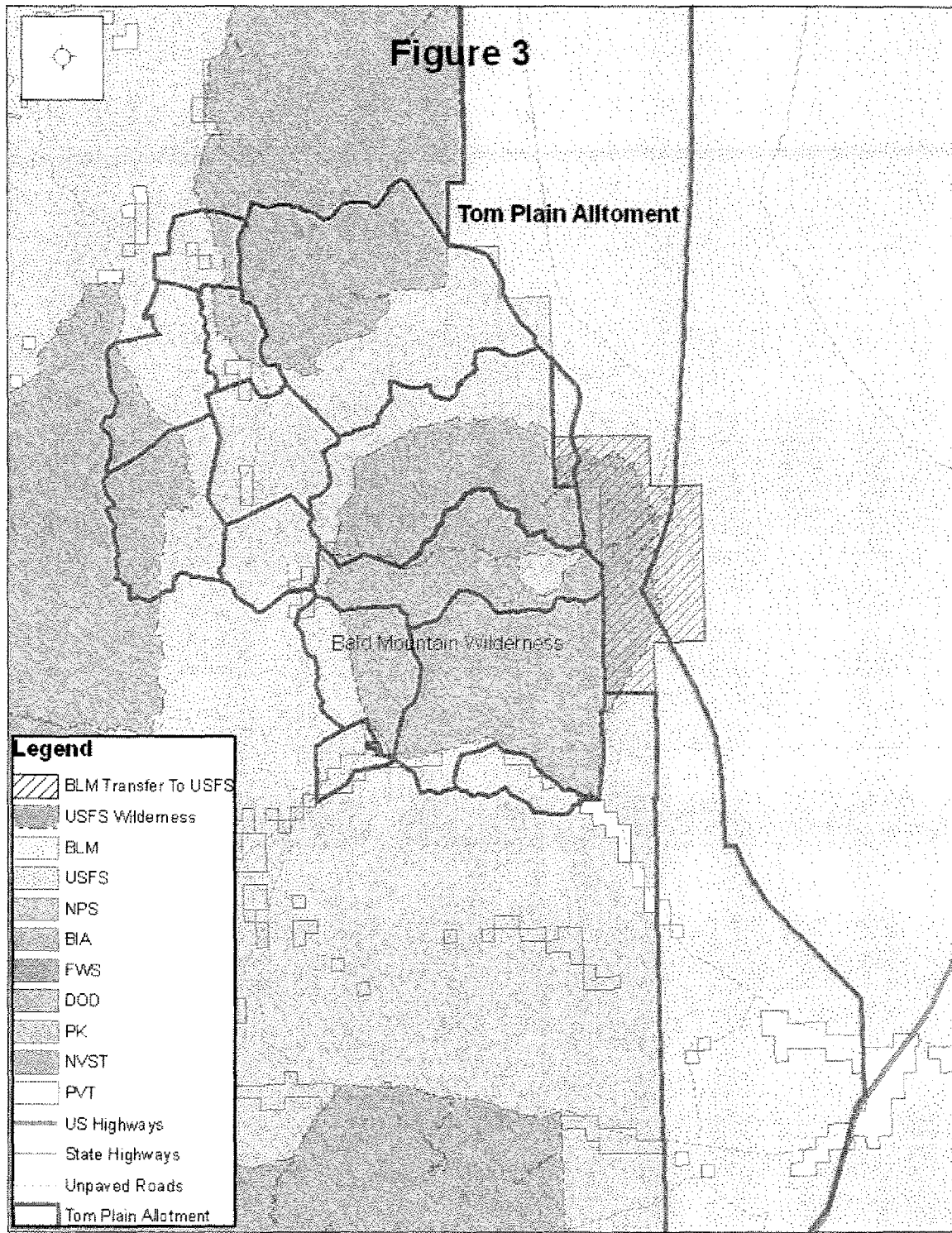
Term Permit Renewal
Project Area



"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."



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Appendix I
STANDARDS DETERMINATION DOCUMENT
White River Ranch Grazing Term Permit Renewal
Tom Plain & McQueen Flat Allotments
EA NV-040-06-015

Standards and Guidelines Assessment

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Area Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry, all wildlife species and wild horses and burros in the Northeastern Great Basin Area. 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 (SDD) evaluates and assesses livestock grazing management achievement of the Standards and conformance to the Guidelines for the Tom Plain (0803) and McQueen Flat (0805) Allotments in the Ely District BLM. 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 Tom Plain and McQueen Flat Allotments are the permitted grazing allotments for the White River Ranch Term Grazing Permit. The Tom Plain Allotment encompasses approximately 71,600 public land acres and the McQueen Flat Allotment encompasses approximately 10,400 public land acres.

Standards for Rangeland Health were assessed by a BLM interdisciplinary team on February 28, 2007 on the Tom Plain and McQueen Flat Allotments (term permit renewal area). The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologist, Wild Horse Specialist, Weeds Specialist, Archaeologists, Wilderness Specialist, Watershed Specialist, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS), Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), Riparian Area Management (USDI-BLM et al. 1998), and the National Range and Pasture Handbook (USDA NRCS 2003). A complete list of references is included as Appendix IV to the Environmental Assessment.

The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance to the Guidelines. Monitoring is conducted at key areas and representative study sites in the term permit renewal area. The key areas have been selected based on accessibility, soil mapping units (SMU), representative ecological (range) sites, livestock use patterns, and permittee input "Standard Riparian Functioning Condition Checklists" (USDI-BLM 2000) have been completed for the

riparian systems of the term permit renewal area. The term permit renewal area has been monitored for vegetation condition periodically since the 1970s.

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

The following Rangeland Health Standards information has been incorporated into Environmental Assessment NV-040-06-015.

PART 1. STANDARD CONFORMANCE REVIEW

Standard # 1. Upland Sites

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

Soil indicators:

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

Determination:

X Achieving the Standard

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

Guidelines Conformance:

X In conformance with the Guidelines (See Part 3. Guideline Conformance Review – p. 38)

- Not in conformance with the Guidelines

Conclusion:

Standard achieved. Vegetation cover studies, ecological condition studies, utilization studies, photographs, and professional observations indicate the majority of the term permit renewal area is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock, are appropriate to ecological site potential. Biological crusts are generally present and there is no sign of excess compaction or trampling of soils. This indicates stable soils where percolation and infiltration are appropriate to range site potential. Key forage utilization accomplished in both salt desert shrub range and sagebrush range has been generally moderate or less during the assessment period. (Exceptions apply – see discussion under Habitat Standard #3 below). Utilization has generally been in conformance with the Guidelines for Rangeland Health

and is within the range that scientific literature and experience indicates should allow for recovery. This promotes litter to stabilize upland sites. Key Areas are on landform slopes less than 8%. Mild slopes are contributing to stable soil conditions.

It is estimated approximately 74,000 of 82,000 public land acres in the term permit renewal area are achieving the Standard. Approximately 8,000 acres of western wheatgrass and winterfat on the valley floor of the Tom Plain Allotment (028BY071NV and 028BY017NV) are not achieving the Standard and should continue to be monitored. This area has been used heavily and lacks an herbaceous understory where such should occur with winterfat. Grazing management practices and/or vegetation treatments should be considered to maintain sensitive soils, vegetation resiliency, resistance, watershed health, and native species diversity of this area. The understory herbaceous component needs to be maintained or improved, which would help stabilize soils and prevent the spread of halogeton or other invasive species into these ecological sites. The Gardner Seeding should continue to be monitored to ensure grazing use complies with allowable use levels.

Current or existing grazing management and levels of grazing use within the Tom Plain Allotment are causal factors in failing to achieve the Upland Sites Standard in the valley floor area mentioned above. Utilization studies show heavy and severe use in this area. Cattle favor this area in spring. Ecological condition composition data shows a preponderance of shrubs at Key Area TP-02 with no native grasses or forbs present.

Standard #2. Riparian and Wetland Sites

Riparian and wetland areas exhibit a properly functioning condition and achieve State water quality criteria

Riparian and Wetland Sites 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 accelerated erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics: Width/Depth ratio; Channel roughness; Sinuosity of stream channel; Bank stability; Vegetative cover (amount, spacing, life form); and Other cover (large woody debris, rock).
- ❖ Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.
- ❖ Chemical, physical, and biological water constituents are not exceeding the State water quality standards.

Determination:

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

Causal Factors:

- X Livestock are a contributing factor to not achieving the Standard**
- Livestock are not a contributing factor to not achieving the Standard
- X Failure to achieve the Standard is related to other issues or conditions**

Guidelines Conformance:

- In conformance with the Guidelines
- X Not in conformance with the Guidelines (See Part 3. Guideline Conformance Review – p. 38)**

Conclusion: Standard not achieved. Existing grazing management and levels of grazing use on White River within the Tom Plain Allotment are significant factors in failing to achieve the riparian and wetland sites standard. Current livestock grazing management does not conform to the guidelines for this standard. Key forage plant method transects show locally heavy utilization by livestock on White River. A portion of the riparian system is functional at risk with a downward trend. Willows have been used heavily. The failure to achieve the standard is also attributable to historical grazing, drought, and climate change. Historical grazing levels can reasonably be concluded to be heavy along White River. Eight of the last ten years have been below average precipitation in the area. Summers have generally been hotter. Wildlife use is not a significant factor in failing to achieve the Standard.

White River Ranch has implemented improved management practices for White River since the new grazing agreement was signed in May, 2006. A stocking level has been identified for the Gardner Seeding and less warm season use occurs on the riparian system. A fence has been constructed which prevents cattle on private ground from entering the public lands portion of White River. Thus significant progress is being made towards achieving the Standard.

Standard #3. Habitat

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

Habitat indicators:

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

Determination:

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

Causal Factors:

- Livestock are a contributing factor to not achieving the Standard**
- Livestock are not a contributing factor to not achieving the Standard
- Failure to achieve the Standard is related to other issues or conditions**

Guidelines Conformance:

- In conformance with the Guidelines
- Not in conformance with the Guidelines (See Part 3. Guideline Conformance Review – p. 38)**

Conclusion:

Standard not achieved. Vegetation cover studies, ecological condition studies, photographs, and professional observations indicate the majority of the term permit renewal area is achieving the Habitat Standard. A healthy composition and diversity of native shrubs, grasses, and forbs is generally present at Key Areas TP-01 and TP-09 and other study sites within the term permit renewal area. Vegetation structure and distribution are appropriate. Vegetation productivity, measured during the drought years of 1999 and 2001, is similar to ecological site potential. Vegetation nutritional value has not been monitored for.

However, native perennial grasses are lacking in the Tom Plain Allotment and have been recorded at levels far below ecological site potentials at Key Areas TP-02 and TP-03. Vegetation composition is below desired plant community composition at these areas.

The invasive annual grass cheatgrass is present in small quantities in portions of the allotment. The native plant communities have not crossed a threshold to an area dominated by invasive plant species, and are still considered resilient and resistant to invasive annual introduction. However, the shrub component at Key Areas TP-02 and TP-03 is generally above healthy levels as identified by ecological site potential. Severe utilization of nuttall saltbush has been recorded more than once at Key Area TP-01.

Grazing management practices and/or vegetation treatments should be considered to maintain soils, vegetation resiliency, resistance, watershed health, and native species diversity of portions of the term permit renewal area. The understory herbaceous component needs to be maintained or improved, which would help prevent the spread of halogeton, cheatgrass, or other invasive species into these ecological sites. The Gardner Seeding should continue to be monitored to ensure grazing use complies with allowable use levels.

Current or existing grazing management and levels of grazing use within the Tom Plain Allotment are causal factors in failing to achieve the Habitat Standard. Ecological condition composition data shows a preponderance of shrubs at Key Areas TP-02 and TP-03 with no native grasses or forbs present. Utilization studies show heavy and severe use in portions of the allotment, including White River. The non-achievement of this Standard is primarily caused by historic overgrazing, drought, lack of natural wildfire, road construction, and other factors.

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

Standard # 1. Upland Sites

No. The Standard for stable soils is being achieved.

Standard # 2. Riparian and Wetland Sites

Yes. Portions of the White River Riparian System in the Tom Plain Allotment are not achieving the Riparian Standard, due to current or existing livestock management practices. Significant progress is being made towards achieving the Standard. Livestock management practices have been in accordance with the livestock grazing agreement since 2006.

Standard # 3. Habitat

Yes. The Standard is not achieved regarding the habitat indicators, due to current or existing livestock management practices. Significant progress is being made towards achieving the Standard. Livestock management practices have been in accordance with the livestock grazing agreement since 2006. The non-achievement of this Standard is primarily caused by historic overgrazing, drought, lack of natural wildfire, road construction, and other factors.

PART 3. GUIDELINE CONFORMANCE REVIEW AND SUMMARY

GUIDELINES:

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

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

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

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

GUIDELINES:

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

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

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

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

Current or existing livestock management practices do not conform with Guidelines 2.1, 2.3, and 2.4. Guideline 2.2 is not applicable to the assessment area at this time.

GUIDELINES:

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

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

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

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

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

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

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

VEGETATION MANAGEMENT GUIDELINES

Current livestock management practices are not in conformance with Salt Desert Shrublands Guideline #1 which states:

“Grazing should generally be limited to very early season grazing or dormant season rather than year round. If very early season grazing is permitted or prescribed to control cheatgrass early in spring, grazing should be terminated early enough to allow perennial plant species to set seed.”

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

1. Place 1,597 AUMs of current cattle grazing permitted use of 6,036 AUMs on the Tom Plain Allotment native range into voluntary non-use for conservation and protection purposes for a period of ten years beginning March 1, 2008.
2. The season of use for cattle grazing in spring will be 03/01 to 06/15 for native range and 04/01 to 06/30 for the Gardner Seeding. The season of use for fall/winter will be 10/01 to 02/28 for native range and for the Gardner Seeding.
3. Water hauling is required to distribute cattle grazing on native range. Water haul locations will be determined by the authorized officer on an annual basis. Water hauling will take place in previously established temporary locations, and will be used to keep livestock within the designated use area and to aid in livestock distribution.
4. Spring grazing use will be limited on the silty clay 8-10” range site (028BY071NV - western wheatgrass/nuttall saltbush) at valley bottom. Use will be limited on this traditionally over grazed area by hauling water to other areas, by controlling watering locations, or by herding. This area has been identified as a problem area for many years.

5. Electric fence will be used to create a two pasture rotation system in the Gardner Seeding. Approximately one half of the seeding will receive spring rest each grazing year.

6. The Upper White River stream riparian system will receive periodic rest from grazing, particularly during the summer months. Cattle will be herded away from the Upper White River stream riparian system until such time as a fence can be constructed around all or a portion of the Gardner Seeding, which will control cattle use and prevent cattle from using the riparian system when they are not authorized to be there. Allowable use levels will be established at 50% of willows and the key riparian grasses sedge, rush, and Kentucky bluegrass on White River by the end of the summer grazing period in the Gardner Seeding.

7. Maximum allowable use levels will be established at 45% on key perennial grass species on native range for the spring grazing period and 60% for the fall/winter grazing period. Maximum allowable use levels will be established at 50% on winterfat on native range for the spring and fall/winter seasons of use. This is in accordance with the Nevada Range Monitoring Handbook. The allowable use level for crested wheatgrass in the Gardner Seeding will be established at 50% for the spring grazing season and 60% for the fall/winter season of use.

8. Adjustments to livestock management practices may be made annually as needed in consideration of forage availability, climatic conditions, drought, wildfire, and/or other disturbances such as wild horse use.

Prepared by:

/s/ Mark Lowrie

9/12/07

Mark Lowrie, Rangeland Management Specialist

Date

Reviewed by:

/s/ Chris Mayer

9/12/07

Chris Mayer, Lead Rangeland Management Specialist

Date

I concur:

/s/ William E. Dunn

9/12/07

William E. Dunn
Assistant District Manager

Date

**Standards Determination Document
Appendix I
Monitoring Data for the Tom Plain and McQueen Flat Allotments**

Findings: *Monitoring data results describing current resource conditions for Key Areas and study sites in the Tom Plain and McQueen Flat Allotments as they relate to the Upland Sites Standard and soils indicators are as follows:*

The term permit renewal area occurs within Major Land Resource Area (MLRA) 028B, the Central Nevada Basin and Range Area. The major Soil Mapping Units (SMU) in the Tom Plain Allotment are 970, 286, 930, 575, 351, 243, and 450. Many other SMUs occur in the allotment. Key Area TP-01 and TP-02 are located within SMU 970, a Doten Association. This SMU represents about 35% of the land area of the allotment. Key Area TP-03 is located within SMU 185, a Pyrat-Heist-Tulase Association. This SMU represents a small portion of the allotment land area. Key Area TP-09 is located within SMU 286, a Palinor-Shabliss Association. This SMU represents about 10% of the allotment land area.

The major Soil Mapping Units (SMU) in the McQueen Flat Allotment are 578, 1300, 275, 573, and 752. A few other SMUs occur in the allotment. Key Areas MF-01 and MF-04 are located in crested wheatgrass seedings within SMU 578, a Yody Association. This SMU represents about 20% of the land area of the allotment. Key Areas MF-02 and MF-03 are located within SMU 1300, a Barfan-Tulase Association. This SMU also represents about 20% of the land area of the allotment.

Tom Plain Allotment

Two types of vegetation cover studies were completed on the Tom Plain Allotment during June and July, 2001. Ground cover studies were completed at four Key Areas and Line Intercept Canopy/Basal Cover Studies were completed at three Key Areas. Photographs were taken and professional observations noted.

Ground cover studies - Tom Plain Allotment - June and July, 2001.

Ground Cover, Tom Plain Allotment

Study Area	Ground Cover		Study Area	Ground Cover	
TP-01	Vegetation	15.0%	TP-02	Vegetation	20.0%
	Bare Ground	58.0%		Bare Ground	58.0%
	Litter	27.0%		Litter	22.0%
	Rock	00.0%		Rock	00.0%

TP-03	Vegetation	17.0%	TP-09	Vegetation	27.0%
	Bare Ground	61.0%		Bare Ground	50.0%
	Litter	20.0%		Litter	43.0%
	Rock	02.0%		Rock	00.0%

The results of the Line Intercept Canopy/Basal Vegetation Cover studies completed in the Tom Plain Allotment during June and July of 2001 are as follows:

Key Area TP-02

Total cover of all vegetation = 17.73 feet (of 100 feet).
Vegetation composition by percent along the 100 foot transect is as follows:

<u>Species</u>	<u>Percent Composition</u>
Winterfat	100%

The following range notes were made on the line intercept cover form:
No excess compaction or trampling of soils is present. The soil has a blocky cracked structure. Some cryptogamic crusts are present, small. Cattle droppings and tracks from this spring/summer are light in the area. Litter, rock, and bare ground were not measured.

Key Area TP-03

Total cover of all vegetation = 23.26 feet (of 100 feet).
Vegetation composition by percent along the 100 foot transect is as follows:

<u>Species</u>	<u>Percent Composition</u>
Winterfat	97.6%
Indian ricegrass	01.2%
Squirreltail	01.1%
Halogeton	00.1%

The following range notes were made on the line intercept cover form:
Cryptogamic crust is infrequent and small in the interspaces. The perennial grass component is very minor. No trampling or compaction problems. Gravel silt soil is stable. Litter, rock, and bare ground were not measured.

Key Area TP-09

Total cover of all vegetation = 14.01 feet (of 100 feet).
Vegetation composition by percent along the 100 foot transect is as follows:

<u>Species</u>	<u>Percent Composition</u>
Black sagebrush	92.4%
Sandberg bluegrass	06.5%

Squirreltail 00.6%
 Phlox 00.4%
 Unidentified forb 00.1%

The following range notes were made on the line intercept cover form:

Black and white cryptogamic crust is present & common. Gravel soil in good condition. Vigor of arno is fair to good. No dead arno or artrwy. No invading annuals.

Line Intercept Vegetation Cover Data is summarized as follows:

Key Area/ Date	Vegetative Ground Cover	Biological Surfaces	Soil Compaction/ Infiltration
TP-02 07/17/01	17.73 feet	Present	No soil compaction
TP-03 07/17/01	23.26 feet	Infrequent	No soil compaction
TP-09 06/06/01	14.01 feet	Common	Not recorded

Utilization of winterfat was 17% at Key Area TP-02 on July 17, 2001.

Utilization of winterfat was 42% at Key Area TP-03 on July 17, 2001. Winterfat was observed to be in good vigor. Indian ricegrass was observed to be infrequent, and poa (bluegrass) was present in small quantities. Halogeton occurred throughout the range as a small plant. Light to moderate cow droppings were present.

Utilization of Indian ricegrass was 4% at Key Area TP-09 on June 6, 2001. Ricegrass was observed to be of fair production with some plants having cured forage from last year. A gravelly soil with biological crusts was present.

Ground cover of vegetation according to ecological site potential

Key Area TP-01 is located on a Silty clay 8-10" Ecological Site (028BY071NV). Potential approximate ground cover (basal and crown) is 10 to 15 percent. Key Area TP-02 is located on Silty 8-10" Ecological Site (028BY013NV). Potential approximate ground cover (basal and crown) is 10 to 20 percent. Key Area TP-03 is located on a Coarse silty 6-8" Ecological Site (028BY084NV). Potential approximate ground cover (basal and crown) is 10 to 20 percent. Key Area TP-09 is located on a Shallow calcareous loam 8-10" Ecological Site (028BY011NV). Potential approximate ground cover (basal and crown) is 15 to 20 percent.

The vegetative ground cover studies compare favorably with ecological site potential. The Line Intercept Cover Studies also compare favorably with ecological site potential in terms of linear distance of vegetative cover. This data is confirmed by professional observations of the area over a period of several years. Line Intercept Cover Studies also indicate ecological sites that have the balance tipped in favor of shrubs. Herbaceous native grasses and forbs are lacking. The presence of biological surfaces (cryptogamic crusts) and the absence of compaction or trampling problems indicates stable soils where percolation and infiltration are appropriate to range site potential.

Forage Utilization – Tom Plain Allotment

Utilization levels are indicators of vegetation production and the amount of live vegetative canopy covering and protecting the soil.

A summary of eleven Key Forage Plant Method Utilization Transects (KFPM) conducted in the Tom Plain Allotment on June 29, 2006 for grazing use by herbivores up to that point in the 2006 grazing year beginning in March indicated moderate or less use of the key forage species winterfat, Indian ricegrass, nuttall saltbush, or western wheatgrass at eleven key grazing areas of the allotment.

On April 12, 2006 a KFPM Transect read at Key Area TP-01 showed 28% use of nuttall saltbush and 21% use of western wheatgrass on current year's growth. Use of winterfat at Key Area TP-06 was 44% of current annual growth (BLM + permittee monitoring). It was noted that the invasive species halogeton, mustard, and Russian thistle occurred primarily near the county road.

A summary of KFPM transects conducted in the allotment on July 23, 2003 for grazing use by herbivores up to that point in the grazing year indicated moderate or less use of key forage species at nine study sites or key areas.

A summary of Key Forage Plant Method Utilization transects (KFPM) conducted in the allotment in March of 2003 for year-long grazing by herbivores indicates generally moderate grazing use of winterfat and Indian ricegrass for the 2002 grazing year. Heavy use of nuttall saltbush was indicated at Key Area TP-01. Heavy use of winterfat was recorded at Key Areas TP-03 and TP-07.

A summary of Key Forage Plant Method Utilization transects (KFPM) conducted in the allotment in April of 2002 for year-long grazing by herbivores indicates generally moderate use of winterfat and Indian ricegrass for the 2001 grazing year. Heavy or severe use of poor vigor Indian ricegrass plants was indicated at 2 of 11 study sites or key areas monitored.

KFPM utilization transects conducted in the native range of the allotment for the 1998, 1999, and 2000 grazing years indicate generally moderate or less forage utilization, particularly for winterfat, however heavy use of western wheatgrass and severe use of nuttall saltbush has been documented at key area TP-01. This area is favored by livestock during the spring/early summer grazing period. Heavy and severe forage utilization of Indian ricegrass or needle grass has also been recorded for the 2000 grazing year. Severe use of crested wheatgrass was recorded for the Gardner Seeding for the 2000 grazing year and for the spring/summer of 2001. Severe use of crested wheatgrass has also been found on the reclaimed roadbed south of Cottonwood Pond.

Heavy or severe grazing use has not been extensive in the Tom Plain Allotment. Heavy and severe use has been documented at Key Area TP-01 in the western wheatgrass/nuttall saltbush range site in the valley bottom, in the sagebrush range in the western portions of the allotment, in the Gardner Seeding, and on the reclaimed roadbed of crested wheatgrass south of Cottonwood Pond. These are areas of concern for this allotment. There are no areas of severely degraded rangelands currently present in the allotment.

Complete KFPM utilization summaries for all of the years identified above are available for review in the Ely BLM Field Office.

Licensed Use – Tom Plain Allotment

Current active permitted use on the Tom Plain Allotment is 6,039 AUMs. From 1988 through 2000, licensed livestock use averaged 3,846 AUMs on the Tom Plain Allotment. Licensed use ranged from a high of 6,196 AUMs in 1989 to a low of 1,694 AUMs in 1990. From 2001 through 2005, licensed livestock use averaged 2,364

AUMs on the allotment. Use ranged from a high of 4,433 AUMs in 2001 to a low of 846 AUMs in 2004. The allotment has not been completely rested since 1988.

Drought Monitoring

Drought monitoring of the Tom Plain Allotment has occurred on March 20, 2003, February 5, 2003, October 16, 2002, and March 19, 2001. Both BLM and the grazing permittee participated in the drought tours. In coordination with the grazing permittee, BLM determined that changes in livestock grazing management practices were needed in order to achieve the allotment multiple use objectives. As a result of the drought monitoring, a short term grazing agreement called the "Tom Plain Agreement for 2003 Spring Grazing Season" was reached and signed that deferred grazing use, reduced stocking levels, required water hauling and herding, and set other specific terms and conditions of grazing use.

McQueen Flat Allotment

Monitoring data results for Key Areas and other representative areas within the McQueen Flat Allotment as they relate to the above indicators are as follows:

The McQueen Flat Allotment has not been identified as a priority allotment to monitor in the Ely District. This allotment has been classified by Land Use Planning Documents as category "M"- maintain, in part due to the fact that the allotment is largely made up of three fenced crested wheatgrass pastures. Cattle grazing occurs in the seedings, with little to no use in native range for many years. Utilization data and licensed use data are summarized below. Professional observations have been made of allotment conditions and photographs have been taken. No current vegetation cover or ecological condition data has been collected for the native range of the allotment, since it is seldom used.

Forage Utilization – McQueen Flat Allotment – Crested Wheatgrass Seedings

Two Key Grazing Areas have been established for range monitoring purposes in the McQueen Flat Seedings. Utilization cages have been placed at the Key Areas. Range monitoring has occurred at the utilization cage locations and at study sites or areas representative of seeding conditions.

A summary of Key Forage Plant Method Utilization Transects (KFPM) conducted in the McQueen Flat Allotment Seedings on April 20 and 26, 2006 for grazing use by herbivores during the 2005 grazing year ending February 28, 2006 indicated moderate use of crested wheatgrass at one Key Area and one study site, light use at two study sites, and slight use at one Key Area. Professional observations were noted and photographs were taken.

Professional observations from transect forms indicate patches of Russian thistle and young big sagebrush shrubs on the southeast side of the middle seeding; The entire northeast seeding has the appearance of slight grazing use for the 2005 grazing year; Lots of cured seedstalks to 30" tall, grass greening to 6" tall, and sage shrubs about 5% cover in the northeast seeding. In the southwest seeded area, lots of cured forage to 30" tall was present, producing lots of seed. Use of Agcr was 9%. A few recent elk tracks were noted. Use was slight pasture wide.

Forage Utilization – McQueen Flat Allotment – Native Range

Two Key Grazing Areas have also been established for range monitoring purposes in native range. On April 20 and 26, 2006, use of Indian ricegrass was recorded as none to very slight at two Key Areas and two study sites. Use of winterfat was recorded as light at one Key Area. Professional observations were noted and photographs were taken. Use was primarily by deer and rabbits.

Professional observations from transect forms indicate 2% utilization of Indian ricegrass in mountain sagebrush range at an elevation of 6,098 feet in the rocky hills in the south portion of the allotment. Cheatgrass was abundant on a local southwest facing slope and was estimated to make up 20% of the current annual growth of the plant community by weight. At Key Area MF-02 use of Orhy was 0%, use of Steo was 1%. Very little use was noted on Hija. Very little cheatgrass was present on the north facing slope. At Key Area MF-03 use of Orhy was 1%, use of Eula was 30%. A majority of the use of Eula was by rabbits shearing off shrub stems. Very little cheatgrass was present.

Forage Utilization – McQueen Flat Allotment - Historic

Prior to 2006, the most recent utilization monitoring occurred in August, 1994 for this allotment. A use pattern map (UPM) based on KFPM and done for about 1700 acres shows the following information for the fenced crested wheatgrass pastures:

Slight Use – 646 acres	Light Use – 594 acres
Moderate Use – 220 acres	Heavy Use – 240 acres

This information was gathered following grazing by 82 cattle from 5/9/94 to 7/23/94 which was 228 AUMs of grazing use.

Licensed Use – McQueen Flat Allotment

Current active permitted use on the McQueen Flat Allotment is 496 AUMs. From 2000 through 2005, licensed livestock use averaged 269 AUMs on the McQueen Flat Allotment. Licensed use ranged from a high of 419 AUMs in 2005 to a low of 102 AUMs in 2003.

Riparian Data

Findings: Monitoring data results describing current resource conditions for riparian systems in the term permit renewal area as they relate to the Riparian and Wetland Sites Standard and indicators are as follows:

“Standard Riparian Functioning Condition Checklists” (USDI-BLM 2000) were completed for Smith Creek and three reaches of White River within the term permit renewal area during the summer of 2001.

White River - Tom Plain Allotment

Date of survey	08/07/01
Location of survey	White River - segment near forest boundary - T. 12N., R. 60E., Sec. 9, NW 1/4 of NW 1/4.
Final riparian rating	Proper functioning condition with trend not apparent.
Survey remarks	Flow approximately 8 to 10 c.f.s. Banks stable and not sloughing. Good vegetative cover on banks. No livestock or wild horse impacts. Fish present, clear water and gravel present.

Date of survey 08/07/01
Location of survey White River - segment at steel bridge - T. 12N., R. 60E., Sec.11, SW 1/4 of SW 1/4.
Final riparian rating Proper functioning condition with trend not apparent.

Survey remarks Main concern is heavy use of many willows in the riparian area by cattle. Most willows are small. The streamflow is good, fish were seen. Good clear water. Banks are well vegetated and stable, with no sloughing. Utilization of combined riparian species is approximately 50%, by cattle.

Date of survey 08/07/01
Location of survey White River - segment bordering private pasture - T. 12N., R. 60E., Sec.11, NW 1/4 of SE 1/4.
Final riparian rating Functional at risk with a downward trend.

Survey remarks Vegetative cover is much better on private ground. There is a big difference between public and private ground. Utilization of combined riparian grasses is about 70%. The area is not currently being grazed. Willows are utilized heavily. Few invasive species are present. Water is clear & a good flow. Fish are present. The banks are generally stable however a little bare bank is present near the private/public boundary. We need a new grazing system for this area.

Smith Creek - Tom Plain Allotment

Date of survey 08/28/01
Location of survey Smith Creek - segment near source seep - T. 13N., R. 60E., Sec. 36, NW 1/4 of NE 1/4.
Final riparian rating Proper functioning condition with trend not apparent to upward.

Survey remarks Bank cover is stable and well vegetated. Apparently no livestock grazing has occurred here for about 6 years. This riparian area will be grazed this September/October. Diversity of vegetation is good.

Unnamed Spring – McQueen Flat Allotment

Range observations were made and photographs taken of a spring/seep on public land in the north portion of the McQueen Flat Allotment on May 18, 2007. This riparian area is located in T. 12N., R. 61E., Section 7, NW ¼. The GPS coordinates are as follows: N 4309673 E 659180. A diverse composition of riparian-wetland grasses, forbs, and shrubs was present. Diversity was noted in the age-class of willows. Vegetation cover was good to excellent and able to resist high intensity events such as thunderstorm flows. Plants exhibited high vigor. Only very slight herbivory was noted for the riparian area by deer for the 2007 growth year. Slight use for the 2006 growth year by deer and livestock was also noted. A small amount of water was present at the spring with no flow occurring 25 yards below the source. This water source would rate proper functioning condition.

Findings: Monitoring data results describing current resource conditions for Key Areas and other representative areas in the term permit renewal area as they relate to the Habitat Standard and Habitat indicators are as follows:

Ground cover and line intercept cover data, utilization data, ecological condition data, and professional observations and photographs indicates that generally a healthy composition and diversity of native shrubs, grasses, and forbs is present at Key Areas and other study sites within the allotment. Native perennial grasses are lacking in this area and have been recorded at levels far below ecological site potentials. The invasive annual grass cheatgrass is present in small quantities in portions of the allotment, however it is not present at Key Areas TP-01, TP-02, TP-03, or TP-09. The native plant communities have not crossed a threshold to an area dominated by invasive plant species, and are still considered resilient and resistant to invasive annual introduction. However, the shrub component is generally above healthy levels as identified by ecological site potential. Vegetation composition is below desired plant community composition.

A primary rangeland health issue concerns winterfat ecological sites in the Tom Plain Allotment which are in less than desired ecological condition due to the absence of perennial grasses and forbs and the presence of halogeton. These sites are composed of fragile, easily disturbed silty soils that are prone to wind and water erosion.

The canopy, ground cover, and production at upland grazing areas in the Term Permit Renewal Area were found to be similar to the potential of the ecological site. This indicates a healthy vegetation structure. Variation in the height and age class of native plants was noted.

Normal year plant production according to ecological site potential varies from 400 to 700 lbs. per acre for Key Areas TP-01, TP-02, TP-03, and TP-09 within the main Soil Mapping Units of the Tom Plain Allotment. Unfavorable year production varies from 200 to 400 lbs. per acre. Measured production levels for these areas in 1999 and 2001 compare favorably with ecological site potential considering that 1999 and 2001 were drought years.

Professional observation indicates vegetation distribution (patchiness, corridors) to be appropriate in this area. The vegetation composition changes along the elevation gradient and plant communities are separated by topography broken by washes. There is a combination of salt desert shrub range, sagebrush range, and pinyon/juniper woodland in both allotments. There is a natural mosaic of plant community types present. There are many travel corridors present for grazing animals in the washes between the rolling topography. Escape cover is present for grazing animals in these areas. Little information is available on nutritional value of the available forage in the area, however it is assumed that the native plant diversity is adequate to sustain animal needs, even in the winter period.

Ecological Processes

Direct measures of the status of ecological processes are difficult or expensive to measure due to the complexity of the processes and their interrelationships. Therefore, biological and physical attributes are often used as indicators of the functional status of ecological processes and site integrity. Based on the positive vegetative attributes of the term permit renewal area as presented by monitoring data, the hydrologic cycle, nutrient cycle, and energy flow are being maintained. In addition to range monitoring data, qualitative observations and professional judgment indicate ecological processes are adequate for the vegetative communities.

Ecological Condition

Ecological condition data for the Tom Plain Allotment was gathered and reviewed for Key Area TP-01 on September 1, 1999 and for Key Areas TP-02, TP-03, and TP-09 in June and July of 2001. Photographs were taken and professional observations noted. The data is summarized in Table 1 as follows:

Table 1. Ecological Condition Status for Native Key Areas, Tom Plain Allotment.

Key	<u>Area</u> <u>Allotment Area</u>	<u>Range Site</u>	<u>Veg Type</u>	<u>Ecological Status</u>
TP-01	Valley bottom Trend not apparent	028BY071NV	Eula5/Agda-Agsm Silty clay 8-10"	Mid Seral (fair)
TP-02	Valley bottom Trend not apparent	028BY013NV (fair)	Eula5/Orhy Silty 8-10"	Mid Seral
TP-03	West valley Trend not apparent	028BY084NV (fair)	Eula5/Orhy Coarse silty 6-8"	Mid Seral
TP-09	West sagebrush Trend improving	028BY011NV (good)	Aram/Orhy-Stco4 Shallow calcareous Loam 8-10"	Late Seral

Study Site	Ecological Site	Location	Dominant Vegetation	Percent Shrubs	Percent Native Grass	Percent Forbs	Trend	Ecological Stataus	Proc Lbs
TP-01	028BY071NV	T. 16N., R. 60E., Sec. 7	Winterfat Western Wheatgrass	33.7%	64.4%	1.9%	Not Apparent	Mid seral (fair)	2
TP-02	028BY013NV	T. 16N., R. 60E., Sec. 18	Winterfat Indian Ricegrass	100%	0%	0%	Not Apparent	Mid seral (fair)	4
TP-03	028BY084NV	T. 16N., R. 59E., Sec. 13	Winterfat Indian Ricegrass	97.0%	02.5%	0.5%	Not Apparent	Mid seral (fair)	5
TP-09	028BY011NV	T. 16N., R. 59E., Sec. 2	Black sage Indian r. needleandthread	91.0%	8.6%	0.4%	Improving	Late seral (good)	4

Normal year production for the 028BY071NV (Silty clay ecological site) is about 400 lbs. per acre. Unfavorable year production is about 200 lbs. per acre.

Normal year production for the 028BY013NV (Silty ecological site) is about 500 lbs. per acre. Unfavorable year production is about 350 lbs. per acre.
 Normal year production for the 028BY084NV (Coarse silty ecological site) is about 700 lbs. per acre. Unfavorable year production is about 400 lbs. per acre.
 Normal year production for the 028BY011NV (Shallow calcareous loam ecological site) is about 450 lbs. per acre.
 Unfavorable year production is about 250 lbs. per acrea.
 No cheatgrass was present at any of the above Key Areas.

Potential vegetative composition for the silty clay range site (028BY071NV) is about 45% grasses, 5% forbs, and 55% shrubs.
 Potential vegetative composition for the silty range site (028BY013NV) is about 30% grasses, 5% forbs, and 65% shrubs.
 Potential vegetative composition for the coarse silty range site (028BY084NV) is about 55% grasses, 10% forbs, and 35% shrubs.
 Potential vegetative composition for the shallow calcareous loam range site (028BY011NV) is about 50% grasses, 5% forbs, and 45% shrubs.

Frequency Trend Studies

Frequency trend studies have been established on three native key grazing areas in the Tom Plain Allotment. The study at key area TP-01 was established and read in August of 1994 and again read in September 1999. Frequency trend studies were established at key areas TP-02 and TP-03 in July 2001. These long term trend studies will again be read in 2011 or at a later date. Table 6 lists the results of the frequency trend study for key area TP-01. Only statistically significant changes are presented.

Table 6. Frequency Trend Data - Key Area TP-01 - Tom Plain Allotment

<u>Key Area</u>	<u>Years Read</u>	<u>Significant Changes</u>	<u>Indicated Trend</u>
TP-01 Jakes Valley	1994//99	More western wheatgrass Less Nuttall saltbush	Static

A combination of all of the range monitoring studies accomplished in the term permit renewal area over the last few years indicate a diversity of native upland vegetation is present in both allotments. The following table lists the native upland plant species that have been observed in the term permit renewal area. Riparian species are present in the renewal area that are not on this list:

Table 3. Native Plant Species - Tom Plain & McQueen Flat Allotments – Grasses, Forbs, and Shrubs

Common Name	Symbol	Common Name	Symbol
Indian ricegrass	Orhy	Indian paintbrush	Casti2
Needleandthread	Heco26	Prince’s plume	Stanl
Galleta grass	Hija		

Squirreltail grass	Sihy	Black sagebrush	Arno4
Bluegrass	Poa	Shadscale	Atco
Sand dropseed	Spcr	Winterfat	Eula5
Threeawn grass	Arist	Bud sagebrush	Arsp5
Western wheat	Pasm	Greasewood	Save4
Thickspike wheat	Elma7	Mormon Tea	Epne
Bluebunch wheat	Pssps	Douglas rabbitbrush	Chvi8
Basin wildrye	Elci2	Fourwing saltbush	Atca2
		Broom Snakeweed	Gusa2
Loco (milkvetch)	Astra	Horsebrush	Tetra3
Aster	Aster	Spiny hosage	Grsp
Globemallow	Sphae	Downy rabbitbrush	Chvip4
Penstemon	Penst	Sickle saltbush	Atfa
Eriogonum	Eriog	Antelope bitterbrush	Putr2
Phlox	Phlox		

The following precipitation data by year is presented for the Ely Weather Station (Yelland Field) as summarized by the National Oceanic and Atmospheric Administration. The precipitation totals are for **crop year precipitation**, or that moisture (including snow) measured from September through June. This is effective moisture for plant growth. The average crop year precipitation for the Ely Station for the thirty year period 1977 – 2006 is 8.44 inches. Eight of the ten years listed below are below this average. This represents drought conditions.

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

Appendix II

Grazing Permit Terms and Conditions

Terms and Conditions of Authorized Use

White River Ranch, LLC agrees to place 1,597 AUMs of their current permitted use of 6,036 AUMs on the Tom Plain Allotment native range into voluntary non-use for conservation and protection purposes for a period of ten years beginning March 1, 2006. The Tom Plain Allotment cattle grazing privileges of 1,597 AUMs will thus remain on the term grazing permit in voluntary non - use.

In accordance with 43 CFR 4130.3-1, cattle grazing use will be authorized as follows. These terms and conditions will be included in the term grazing permit for White River Ranch or any lessee during the ten year period.

The number and kind of livestock, season-of-use and permitted use will be adjusted as follows on the Tom Plain Allotment:

FROM:

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspende d Use	Non use	Total Use (AUMs)
Tom Plain	503	03/01-02/28	6036	0	0	6036

TO:

Allotment/ Pasture	Livestoc k Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspende d Use	Voluntary Non-use	Total Use (AUMs)

Tom Plain Native Range	300	03/01- 06/15	1055	0	0	
Gardner Seeding	150	04/15- 06/15	449	0	0	
Native Range	450	04/01- 06/30	2234	0	0	
Gardner Seeding	100	10/01- 02/28	395	0	0	
Totals		10/01- 02/28	4439		1597	6036

Livestock Management Practices - Terms and Conditions (Tom Plain Allotment)

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

1. The season of use for cattle grazing in spring will be 03/01 to 06/15 for native range and 04/01 to 06/30 for the Gardner Seeding. The season of use for fall/winter will be 10/01 to 02/28 for native range and for the Gardner Seeding.
2. Water hauling is required to distribute cattle grazing on native range. Water haul locations will be determined by the authorized officer on an annual basis. Water hauling will take place in previously established temporary locations, and will be used to keep livestock within the designated use area and to aid in livestock distribution.
3. Spring grazing use will be limited on the silty clay 8-10" range site (028BY071NV - western wheatgrass/nuttall saltbush) at valley bottom. Use will be limited on this traditionally over grazed area by hauling water to other areas, by controlling watering locations, or by herding. This area has been identified as a problem area for many years.
3. Electric fence will be used to create a two pasture rotation system in the Gardner Seeding. Approximately one half of the seeding will receive spring rest each grazing year.
4. The Upper White River stream riparian system will receive periodic rest from grazing, particularly during the summer months. Cattle will be herded away from the Upper White River stream riparian system until such time as a fence can be constructed around all or a portion of the Gardner Seeding, which will control cattle use and prevent cattle from using the riparian system when they are not authorized to be there.
5. Maximum allowable use levels will be established at 50% on key perennial grass species on native range for the spring grazing period and 60% for the fall/winter grazing period. Maximum allowable use levels will be established at 50% on winterfat on native range for the spring and

fall/winter seasons of use. This is in accordance with the Nevada Range Monitoring Handbook. The allowable use level for crested wheatgrass in the Gardner Seeding will be established at 50% for the spring grazing season and 60% for the fall/winter season of use. Allowable use levels for the riparian area of White river will be 50% of willows and the riparian grasses sedge, rush, and Kentucky bluegrass by the end of the summer grazing season in the Gardner seeding.

6. Adjustments to livestock management practices may be made annually as needed in consideration of forage availability, climatic conditions, drought, wildfire, and/or other disturbances such as wild horse use.

7. No motorized access is permitted within the designated Bald Mountain Wilderness without approval of the field manager. Motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such motorized use would not have an adverse impact on the natural environment.

McQueen Flat Allotment

The number and kind of livestock, season-of-use and permitted use will remain the same as the existing permit on the McQueen Flat Allotment and will be as follows:

Allotment	Livestock Number & Kind	Period of Use	Permitted Use (AUMs)	Historical Suspended Use	Non use	Total Use (AUMs)
McQueen Flat	70 Cattle	4/15 – 11/15	496	0	0	496

The allotment summary as it would appear on the new term permit is as follows:

<u>Allotment</u>	<u>Active AUMs</u>	<u>Suspended AUMs</u>	<u>Permitted Use</u>
00805 McQueen Flat	496	0	496

Livestock Management Practices - Terms and Conditions (McQueen Flat Allotment)

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

1. Graze 496 AUMs of cattle use in the seeding with a season of use of April 15 to November 15.

2. Rotation of the seeding is recommended on the following schedule: The early use pasture in year 1 will be the late use pasture in year 2, the middle use pasture in year 3, and in year 4 begin the cycle over again.

3. Maximum allowable use levels will be established at 50% on the current year's growth of crested wheatgrass in the McQueen Flat Seeding, for the grazing period April 15 to November 15.

4. Adjustments to livestock management practices may be made annually as needed in consideration of forage availability, climatic conditions, drought, wildfire, and/or other disturbances.

(5) 5. BLM and White River Ranch will work together on an annual basis to identify livestock management practices to be implemented for each year in the McQueen Flat Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions or other conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health. Grazing management practices should (a) maintain sufficient residual vegetation and litter, (b) promote attainment or maintenance of proper functioning condition, and (c) meet desired plant physiological and reproductive requirements.

6. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits.

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

The issuance of the term grazing permit for the Tom Plain and McQueen Flat Allotments would be for a period of ten years from 03/01/07 to 02/28/17. Allowable use levels for key forage species will be included in the new permit, as indicated above. Allowable use levels are a quantification of Land Use Plan vegetative objectives.

Additional Stipulations Common to All Grazing Allotments

1. "Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. 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 in White Pine County will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration. The Standards and Guidelines have been developed by the respective Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
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.

Monitoring Program

During the ten year period of this agreement, the BLM and White River Ranch will monitor the Tom Plain Allotment for resource conditions in order to determine the effectiveness of the new grazing management practices in achieving or making progress towards achieving the Standards for Rangeland Health. White River Ranch will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels for each pasture. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include proper functioning condition riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.

Appendix III
Noxious Weed Risk Assessment
White River Ranch Term Permit Renewal

On April 4, 2006 a Noxious Weed Risk Assessment was completed for a proposed grazing term permit renewal, located on public lands in White Pine County, within the Ely Field Office Area of the Ely District Bureau of Land Management. The proposed term permit renewal occurs in Jakes Valley and upper White River Valley within the Tom Plain and McQueen Flat Grazing Allotments. The permit renewal covers approximately 82,000 acres of public land. The legal location of the term permit renewal area is as follows:

T. 18N., R. 60E., T. 17N., R. 59, 60E., T. 16N., R. 59, 60E., T. 15N., R. 59,60E., T. 14N., R. 60E., T. 13N., R. 60,61E., T. 12N., R. 60,61E., portions of the townships and ranges.

The four main vegetation types within the Tom Plain and McQueen Flat Allotments are salt desert shrub, northern desert shrub (big sagebrush types), black sagebrush types, and pinyon-juniper woodlands. A unique ecological site is present in the valley bottom in the Tom Plain Allotment. This is a Silty Clay 8-10" ecological site (028BY071NV). Western or thickspike wheatgrass and nuttall saltbush are the key

forage plants present in the area. Winterfat ecological sites on sensitive silty soils are also important vegetation types in the Tom Plain Allotment.

A tour and field inspection for noxious weeds and invasive species was conducted on April 4, 2006. Photographs of the term permit renewal area taken during the field inspection.

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

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

For this project, the factor rates as moderate (4) at the present time. A few noxious weed species are located within the project area, as verified by field inspection and the Ely Field Office Weeds Inventory. The Ely Weeds Inventory (Weedpoints_012607) indicates that salt cedar (Tamarix spp.) and Russian knapweed (Acroptilon repens) are present on public lands in the Tom Plain or McQueen Flat Allotment. Most of the noxious weeds associated with the two allotments are on private ranch ground along White River or at Warm Springs private ground. Noxious weeds present on private ground include tall whitetop (Lepidium latifolium), small whitetop (Lepidium draba), salt cedar, scotch thistle (Onoropodum acanthium), and musk thistle (Carduus nutans). The invasive non-native grass cheatgrass (Bromus tectorum) is present in sagebrush range in both allotments. The invasive species halogeton (Halogeton glomeratus) is common near Cottonwood Pond and in other areas of Tom Plain Allotment. The invasive species Russian thistle (Salsola kali) also occurs in small scattered populations in the two allotments.

The term permit renewal is not likely to result in the establishment of noxious weeds in the two allotment area. However, the proposed term permit renewal could result in the spread and establishment of halogeton, cheatgrass, mustard, or halogeton.

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

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

For this term permit renewal, the factor rates as moderate (4) at the present time. This means that there are possible adverse effects of noxious weeds becoming established in the native plant community in the term permit renewal area. Cumulative effects on the native plant communities are likely but limited.

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

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

For this term permit renewal, the Risk Rating is moderate (16) at the present time. Preventive management measures for noxious weeds need to be developed to reduce the risk of introduction or spread of noxious weeds into the permit renewal area. These measures (mitigation) are as follows:

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

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

Reviewed by: _____ Date: _____

Appendix IV - List of References

- USDA- SCS. 1982. Soil Survey of White Pine County, Nevada. US government printing office 0-355-097. 273 pp.
- USDA-SCS. 1994. Range Site Descriptions (034 & 047). Section II-E. Soil Conservation Service.
- USDI-BLM. 1998. A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lotic Areas. Riparian Area Management. Technical Reference 1737-15. BLM/RS/ST-98/001+1737. National Science and Technology Center Information and Communications Group, Denver, Colorado.
- 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.
- USDI-BLM. 2000. Rangeland Health Assessment Worksheets. Ely Field Office. Unpublished field data.
- NDEP. 2000. Nevada's 303(d) List of Impaired Water bodies. Nevada Department of Environmental Protection. Division of Water Quality. Reno, Nevada.
- USDA – SCS, USDA Forest Service, DOI BLM, UNR Reno, USDA ARS and Range Consultants. 1984. Nevada Rangeland Monitoring Handbook.
- USDA Forest Service, USDA NRCS, DOI BLM, Cooperative Extension Service. 1996. Sampling Vegetation Attributes.
- USDA-NRCS. Revised 2003. National Range and Pasture Handbook.
- Dietz, Harland H. Grass: The Stockman's Crop How to harvest more of it. 1989. Sunshine Unlimited, Inc.
- USDI-BLM. 1997. Standards and Guidelines for Rangeland Health (Northeastern Great Basin Area). As amended December 2000, September 2003, March 2004.
- Federal Land Policy and Management Act (FLPMA) 1976. Public Law 94-190.
- National Environmental Policy Act of 1969. Public Law 91 – 190.
- USDI-BLM. Code of Federal Regulations.
- Wilderness Act of 1964. Public Law 88 – 557.

BLM Manual 8560 - Management of Designated Wilderness Areas.

BLM Manual 8561 - Wilderness Management Plans.

Grazing Guidelines (House report no. 101 – 405 Appendix B).

Migratory Bird treaty Act of 1918.

Executive Order 13186 (1/11/2001). Concerning migratory birds.

University of Idaho. Targeted Grazing, a Handbook. 2007.

USDI BLM. April 2000. The Great Basin: Healing the Land