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United States Department of the Interior



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In Reply Refer To:
4120.2
(NV-022.15)

MAR 03 2003

Dear Interested Public:

Please find enclosed the Final Allotment Re-Evaluation Summary for Soldier and Paiute Meadows Allotments, and the Determination/Management Action Selection Report.

An Environmental Assessment (E.A.) analyzing the impacts of the proposed actions on these allotments will be forth coming followed by the Proposed Multiple Use Decisions and Final Multiple Use Decisions.

If you have any questions, please contact Ron Pearson at (775) 623-1500.

Sincerely,

Rodger T. Bryan
for Les W. Boni
Assistant Field Manager
Renewable Resources

Enclosures

- Final Allotment Re-Evaluation
- Determination/Management Action Selection Report

SOLDIER MEADOWS/PAIUTE MEADOWS ALLOTMENTS

DETERMINATION/MANAGEMENT ACTION SELECTION REPORT

BUREAU OF LAND MANAGEMENT (BLM) – WINNEMUCCA FIELD OFFICE

A. INTRODUCTION

This report responds to public comments on the Soldier Meadows/Paiute Meadows Allotment Draft Re-Evaluation issued in November of 2000. It also describes changes to the Re-Evaluation based on public comments, consultation with the U.S. Fish and Wildlife Service and additional input from the Winnemucca BLM Field Office staff.

This document also determines the need for management actions selected for implementation in the Soldier Meadows and Paiute Meadows Allotments in order to meet allotment specific objectives and the Standards for Rangeland Health.

The Soldier Meadows/Paiute Meadows Allotment Draft Re-Evaluation analyzed monitoring data that had been collected during the Re-Evaluation period (1994-2000). The Draft Re-Evaluation determined that existing management practices were not achieving all of the Standards for Rangeland Health (SRH) or allotment specific objectives. The Draft Re-Evaluation included technical recommendations that proposed changes in livestock grazing, along with other management recommendations such as range improvement projects. Implementing these measures are necessary in order to make significant progress toward achievement of the SRH and allotment specific objectives established for public lands.

A 30-day comment period was provided for individuals, organizations and agencies to submit written comments, information and concerns regarding the Draft Re-Evaluation. Comments were received from the following:

Irv and Sandy Brown (Paiute Meadows Ranch)	January 11, 2001
James Linebaugh (Soldier Meadows Ranch)	January 16, 2001
Summit Lake Paiute Tribe	January 23, 2001
Nevada Division of Wildlife	January 26, 2001
U.S. Fish & Wildlife Service	January 30, 2001

Comments pertinent to the issues presented and evaluated in the allotment Final Re-Evaluation are addressed below.

Following the response to comments section is a list of changes made to the Final Re-Evaluation followed by a summary of progress toward meeting the SRH and allotment specific objectives. The last section describes the selected management actions to be implemented in the Soldier Meadows and Paiute Meadows Allotments.

B. RESPONSES TO COMMENTS

IRV AND SANDY BROWN January 11, 2001

COMMENT #1

We are submitting the following comments in response to the draft Soldier Meadows/Paiute Meadows Allotment Re-Evaluation summary (NV-22.15) 4120.2. On page 67, par. 2a of Terms and Conditions, a stubble height of six inches is set as the grazing restriction, within use areas that are habitat or potential habitat for Lahontan trout.

There should not now, nor should there ever be any LCT planted in the allotment streams without NDOW first having obtained landowner agreements where there is private property within the elevational range of the proposed planting. Please refer to the attached pages 21, 22 and appendix "B" copied from the NDOW June 1, 1999 final recovery plan as approved by the US Fish and Wildlife Service. NDOW has violated it's own recovery plan by planting fish in the North Fork of Battle Creek without first obtaining a landowner agreement. This action was a blatant disregard for ones constitutional property rights and litigation to remove the existing planting and/or to prohibit future plantings is a possibility.

It is unlikely that agreements for other streams will be obtained in the future. Why would a landowner enter such an agreement only to be awarded a six-inch grazing restriction for his cooperation? Page 24 of the same document states that introductions shall be restricted to historic habitat. NDOW has not been able to show evidence that LCT were ever in these waters. Under the circumstances, I don't believe it is appropriate to use the six-inch stubble heights as a restriction.

RESPONSE

The Bureau of Land Management as a federal land management agency is required by law to conserve threatened and endangered, and sensitive species by protecting their habitat. The BLM has very little involvement in the actual population management of LCT. The Nevada Division of Wildlife is responsible for the actual statewide management of LCT on Federal lands including: population monitoring, fish eradication, projects, and reintroductions. The Fish and Wildlife Service has the responsibility of working with private landowners, Federal Agencies, State Wildlife Agencies, and Tribal governments to coordinate recovery activities for the species.

The North Fork of Battle Creek is one of 32 streams identified by the USFWS in the Recovery Plan for the Lahontan cutthroat trout January 1995, as an occupied Lahontan cutthroat trout (LCT) stream or as a stream designated as a recovery stream for LCT within the Winnemucca Field Office. The BLM has the responsibility to manage the vegetative resources of those streams which contain existing LCT populations as well as those streams which have been identified as recovery streams in a manner to optimize habitat conditions to support existing and future LCT populations. Riparian research has repeatedly shown that the residual stubble/regrowth should average at least 4-6 inches in height to provide sufficient herbaceous forage biomass to meet the requirements of plant vigor maintenance, streambank protection, and sediment entrapment. Several of the most proficient authors in riparian research also comment on the fact that "Where threatened,

endangered, or sensitive species occur, or where streambanks are highly erodible: additional management considerations should be given, such as to increase stubble height criterion to greater than six inches or perhaps to remove from grazing.” Clary, W.P., and B.F. Webster. 1990. Riparian Grazing Guidelines for the Intermountain Region. Rangelands 12(4):209-212. Several of the streams which were identified as LCT recovery streams within the Paiute Meadows allotment have monitoring data which shows they are Functioning at Risk and not in Proper Functioning Condition. The 6" stubble height requirement along with additional management strategies would address the need to be proactive in correcting these problems. It would also provide the opportunity to monitor key areas within the respective riparian zones and determine if 6" is an appropriate criteria on a site specific basis. The 6" inch stubble height would apply to all those streams identified as recovery streams even if there were no existing LCT populations within the stream system.

JAMES LINEBAUGH January 16, 2001

COMMENT #1 - OBJECTIVES-Short Term

Should utilization and stubble height really be objectives? It seems they should be short term guidelines that help to lead to desired future conditions - usually plant communities in line with site capability. Utilization mapping is very useful for improving animal distribution. Guidelines are also helpful in defining desired habitat conditions, for example, cover for sage grouse nesting.

RESPONSE

Utilization and stubble height as used in the draft Re-Evaluation represent short-term objectives or standards designed to assist in attaining long-term ecological objectives.

COMMENT #2

A 6" minimum stubble height for streambank sites associated with Lahontan cutthroat trout seems to have been arbitrarily established and certainly without consultation with or concurrence of the Soldier Meadows/Paiute Meadows grazing permittees. This requirement is rather extreme, probably unnecessary, and severely complicates grazing management. For more information on this read the invited paper by Warren Clary and Wayne Leininger in the November 2000 Journal of Range Management.

RESPONSE

The existing stubble height objectives were developed and incorporated into the Soldier Meadows and Paiute Meadows Multiple Use Decisions in 1994 and 1995 respectively. The current permittees agreed to the Terms and Conditions of these permits during the permit transfers therefore are subject to these existing allotment objectives. Please refer to the next response to gain insight into the value of a 6" stubble height criterion to enhance and protect sensitive areas and habitats.

COMMENT #3

It is questionable whether 6" vegetative growth can even be attained on some sites associated with threatened specie in the Soldier Meadows dace habitats and in locations associated with LCT streams during dry years. It appears that this revised requirement is in line with an effort to ultimately remove grazing from the Black Rock Range by making management unreasonably difficult. It is not even that such a requirement is necessary for stream improvement and LCT viability. The historic Soldier Meadows use area in the Summit Lake pasture has been off limits to livestock for many years and only limited and closely supervised use for trailing will be allowed in half the years, if approved, under the new plan alternatives. We urge BLM to drop this new requirement.

The issue of LCT introductions in area streams is a "sore" one with graziers. The NV Division of Wildlife LCT recovery plan makes it very clear that "solutions to long range improvement of stream habitat will lie with the cooperative efforts of all interested parties." The plan lists Colman, Donnelly, and Mahogany Creeks as having private lands and where Cooperative agreements/Safe Harbor agreements should be pursued. A statement in the plan is that "The key thought is that NDOW will have the landowners support." In Colman Creek LCT were introduced without consultation or landowner support. The result is that the private landowner is being prevented from stocking fish in a downstream reservoir completely on deeded land. This is a significant economic and recreational opportunity loss. The suggested revised 6" stubble height requirement is another result of this LCT introduction.

RESPONSE

Colman, Donnelly, and Mahogany Creek are three of 32 streams identified by the USFWS in the 1995 Recovery Plan for the Lahontan cutthroat trout January 1995, as occupied Lahontan cutthroat trout (LCT) streams or as streams designated as recovery streams for LCT within the Winnemucca Field Office. Please see the response to Comment #1 to gain insight into the need for a 6" stubble height on LCT streams. Both Donnelly and Colman Creek have reaches that have been identified as not functioning in proper condition. The 6" stubble height requirement along with additional management strategies would address the need to be proactive in correcting these problems. It would also provide the opportunity to monitor key areas within the respective riparian zones and determine if 6" is an appropriate criteria on a site specific basis. The 6" inch stubble height would apply to all those streams identified as recovery streams even if there was no existing LCT populations within the stream system.

COMMENT #4 -OBJECTIVES- Long Term

The Long Term Water Quality Objectives raise several questions. Why should Donnelly, Mahogany, Snow, and Summer Camp Creeks have a riparian condition class objective of 70% with streambank cover and stability at 60% or above while Colman Creek has a condition class of 66% with streambank cover and stability at 66% or above? It is also difficult to comment on the temperature objective without detailed data. We do know that elevation plays an important role and that all of the streams in the Re-Evaluation are on

steep gradients. Recent research indicates that stream shade cover, itself, may not significantly influence water temperatures in rapidly flowing streams.

RESPONSE

The cover and stability objective on Donnelly, Mahogany, Snow and Summer Camp should actually have read 70%. The major riparian impacts from livestock grazing manifest themselves in the form of bank erosion and changes in the composition of riparian vegetation. The riparian condition class rating is calculated as the average of bank cover and bank stability obtained from stream inventories which correlates to bank erosion and changes in riparian vegetative composition. The riparian condition class is expressed as a percentage of optimum based on riparian condition class descriptions as follows:

- | | | |
|--------|----|---|
| >70% | 1. | Class I, Excellent - No negligible use/damage; well-rooted vegetation (primarily grasses, sedges, and forbs); sod intact; very little if any erosion from vegetation areas, less than 5% bare soil showing along shoreline. |
| 60-69% | 2. | Class II, Good - Some use/damage; vegetation generally well-rooted; Sod mostly intact; soil showing in places (6 percent to 15 percent bare soil showing overall); some surface erosion evident. |
| 50-59% | 3. | Class III, Fair - Use or damage close to sod; vegetation shallow-rooted; moderate surface erosion (16 percent to 25 percent bare soil showing overall). |
| <49% | 4. | Class IV, Poor - Heavy to severe use/damage; vegetation generally grazed down to the soil; considerable soil showing (over 25%) with sod damage serious; active surface erosion a serious problem. |

The actual potential of the stream is also evaluated through this process; therefore potentials for Colman Creek are lower than the other streams.

Detailed thermograph data will be added to the Final Re-Evaluation to describe existing conditions.

COMMENT #5

Is Mahogany Creek now classified as a Class A stream by the state? Is there any real reason to have an objective for it different from that of other LCT streams?

RESPONSE

Mahogany Creek is classified as a Class A stream by the Nevada Division of Environmental Protection, Bureau of Water Quality Planning. Based on this classification there is a specific set of quality standards that pertain to these streams. These standards can be found in Nevada Administrative Code NAC (445A.124) and

include temperature, fecal coliform, total phosphates, total dissolved solids and settleable solids They also allow for no floating solids, sludge deposits, tastes or odor producing substances, sewage, industrial wastes, or other wastes, toxic materials, oils, deleterious substances, colored or other wastes.

COMMENT #6

The sage grouse objectives are probably compatible with grazing management alternatives if the 6-7 inch average underscore height is reasonably applied. This can probably be attained for grasses in nesting locations under sagebrush. Residual meadow vegetation of 3-6" is realistic and compatible with grazing, but it is well documented that sage grouse do not prefer ungrazed or lightly grazed meadows with rank or decadent growth.

The objectives for mule deer, pronghorn, bighorns, and wild horses can probably be attained under the management alternatives. It is imperative that AMLS for wild horses be maintained with routine gathers.

With wild horses and burros at the AML there should be no problem attaining adequate forage to support a stocking level of 12168 AUMs for livestock. This should be stated as the objective with an ultimate goal of returning to a total of 16070 AUMs.

RESPONSE

Any increase in the previously Non-Scheduled livestock AUMs will be based upon forage availability on a sustained yield basis supported by monitoring data and the attainment of vegetative related allotment objectives and rangeland standards.

COMMENT #7 - GRAZING MANAGEMENT PLAN The carrying capacities calculated in the Re-Evaluation indicate that all of the alternatives are well within limits for moderate grazing use. Inventory data and observations also confirm that grazing has been light to moderate in recent years except for a few concentration locations-usually at or near watering places and riparian sites. These problems will be addressed with livestock watering facilities improvements/restorations, increased riding and herding, and reduced time within pastures under a modified grazing strategy. Some fencing of problem locations may also be in order.

Thanks to the BLM the wild horse and burro situation has greatly improved. From verbal reports it appears that as many as 1200 (and possibly more) animals were removed from the Soldier Meadows Allotment in late 2000. That reduction in yearlong grazing finally opens the door for activation of Not Scheduled livestock use in place since the 1994 Decision by the BLM.

Estill Ranches respectfully insists that these AUMs be activated beginning this year (2001) under Alternative 4, but a phase in as outlined in Alternative 2 could be acceptable if good reasons are presented for delaying the full activation. The more than 14000 AUMs reduction in wild horse and burro use easily provides the necessary forage supply to accommodate restoration of the 4481 Not Scheduled AUMs.

RESPONSE

We recognize that by removing a substantial number of wild horses and burros in 2000, the amount of grazing competition between livestock and horses/burros has been alleviated within the Herd Management Areas (HMAs). We don't know how the remaining horses/burros will redistribute within these areas until we conduct distribution flights and collect utilization data. Also there are portions of the allotment grazed by livestock that are outside an HMA that will be affected by the proposed grazing system. Adopting a more conservative approach, as in alternative #3, provides us the opportunity to monitor use levels and ensure allotment wide objectives and standards are being accomplished prior to activation of any previously non scheduled AUMs. Prior to activating any non-scheduled AUMs the proposed grazing management plan will be implemented. If this new management plan is achieving the allotment specific objectives and standards, then the scheduled increase in AUMs will occur. We acknowledge that the WH&B removal alleviated pressure from the vegetative resources, yet and the BLM will monitor to ensure that enough forage exists to sustain an increase in AUMs for livestock while still attaining the Standards for Rangeland Health and short-term objectives.

COMMENT # 8

We have a few suggestions for your writeup on the alternatives. How about taking out the reference to clockwise and counterclockwise rotation? The headings are contradictory with the narrative in some cases and the tables and maps clearly explain the rotation strategy without these references. The off date for the Warm Spring Pasture in the Table on page 52 should be 07/30. Please change the terminology for activation of the Not Scheduled AUMs from the word "Increases." This indicates an increase in permitted use, which it is not. Its just resumption of use interrupted for personal reasons by the former owner and to accommodate the wild horse and burros until excess animals could be gathered.

RESPONSE

The suggested modifications will be considered in the preparation of the Final Re-Evaluation.

COMMENT #9 -MONITORING

Soldier Meadows expects to be involved with BLM in monitoring activity with the hope that valid, objective, and understandable data can be assembled to further improve management in the allotment for all resources, uses, and interests.

RESPONSE

Rangeland monitoring is essential to the success of any livestock grazing management plan. Monitoring will indicate if the grazing system is achieving the allotment specific objectives and standards. Whenever rangeland monitoring is conducted on the allotment you will be notified and given the opportunity to participate.

SUMMIT LAKE PAIUTE TRIBE January 23, 2001

COMMENT #1 - Cultural Resources

The Tribe requests that the Tribe be contacted and a Tribal representative be allowed to participate when individual examinations are performed for range improvements.

RESPONSE

Native Americans will be consulted on all proposed range improvements, which have the potential to impact areas of Native American concern.

COMMENT #2 - Conclusions (page 41)

The Tribe feels a 6" stubble height should be required for Colman and Donnelly Creeks. Currently, the summary indicates poorer riparian conditions for these drainages, but they are planned/ongoing recovery streams for LCT. These streams are not protected through connection with other LCT streams, thus, provide adequate riparian protection or remove from LCT recovery program.

RESPONSE

Refer to the Revised Objectives on page 69 of the Draft Soldier Meadows/Paiute Meadows Allotment Re-Evaluation. Under the Short Term Objectives No. 1 states:

“Livestock grazing within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout (LCT) will be subject to the following restrictions. These standards would apply to Mahogany, Summer Camp, Snow, Colman and Donnelly Creeks.”

- a. **“Maintain a minimum stubble height of six inches (6") in streambank herbaceous vegetative sites consisting of primarily: sedges (Carex spp.), rushes (Juncus spp.), Intermediate Wheatgrass (Agropyron intermedium) and Tufted Hairgrass (Deschampsia cespitosa).**

COMMENT #3 - Water Quality Objectives (pages 42-43)

The Tribe requests protection of the water that flows onto the Reservation. Although you mention Class A Water Standards for Mahogany Creek, you propose lower standards for Summer Camp (largest flow in Mahogany Creek basin) and Snow Creeks.

RESPONSE

The State of Nevada who has the responsibility of designating water quality standards has established Mahogany Creek as a Class A water. Since Summer Camp Creek is a tributary to Mahogany Creek it must be held to the same standards.

COMMENT #4 - Conclusion of Tribal Comments

The Summit Lake Paiute Tribe believes that portions of the allotments which are east of the Summit Lake Reservation and within the Summit Lake basin should be excluded from all grazing and trailing of cattle, while being managed to prevent excessive wild horse damage.

RESPONSE

There has been no authorized livestock grazing or trailing within the Stanley Camp Riparian Pasture since 1990. This area remains closed to livestock grazing due to the Mahogany Fire of 2000, until rehabilitation objectives are achieved. There is proposed livestock trailing through the Riparian Pasture although an alternative would be to trail to the west around the Reservation boundary. The interdisciplinary team will take all resource values into consideration when selecting the preferred grazing/trailing alternative.

COMMENT #5

The Mahogany Creek basin (Mahogany, Summer Camp, Pole, Stanley Camp and Snow Creeks) is home to the world's fittest lacustrine LCT population.

The Mahogany Fire of 2000 has put this threatened fish population in a venerable position by increasing uncertainty associated with future reproduction and recruitment processes.

RESPONSE

It would be presumptuous to estimate the cumulative effects of the 1997 and 2000 fires upon the resource values within the Mahogany Creek watershed or predict potential impacts to the Lahontan cutthroat trout (LCT) and its' habitat. It is our opinion that we have adequately coordinated with everyone that has an interest in this area and have incorporated every reasonable rehabilitation measure into the Emergency Fire Rehabilitation (EFR) Plan to ensure the rapid and complete recovery of the areas that were burned. These areas will remain closed to livestock grazing for a minimum of two years and will be monitored by an interagency, interdisciplinary team to determine attainment of the recovery objectives.

COMMENT #6

Passerine bird surveys indicate that Mahogany/Summer Camp riparian areas are as good as any surveyed by NDOW.

RESPONSE

This area could be used as another example of proper multiple use management and attaining a thriving natural ecological balance.

COMMENT #7

Riparian studies, bird surveys, and utilization data all suggest lower amounts of grazing may be a primary cause of increased biodiversity in the Mahogany Creek basin.

Protection of the Mahogany Creek basin and slight improvements on Bartlett, Battle, Paiute, and Colman Creek could lead this to becoming one of the last, best natural areas of northwest Nevada and the Great Basin.

Most summary information would indicate that the Mahogany Creek basin is in better shape than other parts of these two allotments. The Tribe feels this is primarily due to protection from grazing, receiving only moderate grazing from wild horses and trespass cows.

Passerine Bird Investigations (pages 11-15)

NDOWs passerine bird investigations indicate the Mahogany/Summer Camp Station (#21) had the highest species count of any survey since the initiation of monitoring in 1997.

Although Bartlett Creek exhibited a short stretch of excellent willow habitat with high bird species diversity, the majority was in poor habitat condition. The North Fork of Battle Creek exhibited good riparian habitat.

RESPONSE

No response necessary to this comment.

COMMENT #8 - Utilization Data

Although NDOWs passerine bird investigations found poor habitat condition for Bartlett Creek (pages 13-14) , utilization data (pages 17-18) reports only light to moderate use.

RESPONSE

This data may indicate that there is little direct correlation between proper livestock grazing and the natural recruitment of woody species based upon site potential.

COMMENT #9

Pages 21-22 indicate riparian utilization and stubble height objectives are not being met for Snow and Colman Creeks.

RESPONSE

This necessitates the development of various technically sound livestock grazing alternatives that should result in attainment of all allotment objectives, specifically riparian related objectives.

COMMENT #10

Trespass cows use the Mahogany Creek basin on many occasions throughout a growing season. One period during the summer of 1999 saw at least 40 head using Summer Camp Creek. The Tribe feels utilization of Summer Camp Creek did occur in 1999 and 2000; grazing sign was obvious when compared to mid-Mahogany Creek.

RESPONSE

The Code of Federal Regulations (CFR) prohibits the grazing of unauthorized livestock on Public Lands. It will continue to be the policy of the Bureau of Land Management to vigorously pursue unauthorized grazing use whenever it occurs. We currently conduct livestock compliance checks of this high priority area and plan to increase our presence in the future.

COMMENT #11 - Riparian and Stream Condition Ratings

The Whitehorse Associates report (page 32) indicates "riparian" and "stream" ratings are lower for Summer Camp Creek than they are for Bartlett Creek.

In light of the Mahogany Fire (9/2000) having burned most of Mahogany and Pole Creeks and the fact that Summer Camp Creek is the largest producer of the threatened Lahontan cutthroat trout for the Summit Lake basin, the Tribe believes better protection should be afforded the Summer Camp Creek drainage.

RESPONSE

Before the smoke had settled from the Mahogany Fire an Emergency Fire Rehabilitation Team began assessing options to protect and assist in the rapid recovery of the fragile resources within the watershed. There were numerous tours and meetings that were attended by specialists from BLM, Nevada Division of Wildlife, Summit Lake Paiute Tribe and U.S. Fish and Wildlife Service. Collectively this team compiled a rehabilitation plan and secured funding to insure on the ground efforts were accomplished in a timely manner. Once the fire suppression activities were completed Decisions were issued to all livestock permit holders within the allotments affected by the fire stating that the area was closed to livestock grazing. The areas that burned will remain closed to livestock grazing until such time as the rehabilitation objectives are attained. However, no authorized livestock use has occurred nor will occur in this use area. During the fall/winter of 2000/2001 a scheduled wild horse gather was conducted which removed several hundred horses from the Black Rock Range resulting in reduced impacts to the vegetative resources within the watershed.

NEVADA DIVISION OF WILDLIFE January 26, 2001

COMMENT #1

The Nevada Division of Wildlife has a long term and vested interest in the land use planning of the Black Rock Range in Humboldt County. Previous allotment Re-Evaluations and multiple use decisions were protested and appealed by our agency. Issues concerning allotment objectives, rangeland standards and guidelines were mutually agreed upon by our agencies. These allotments were to be managed under the auspices of past decisions and intensively monitored to determine the success or failure of management actions.

Actual use data are essential to determining the allotment's carrying capacity. It is difficult to determine actual use of livestock during 1995. These data are portrayed on pages two and four. Wild horse actual use data were to be determined by census data from each herd management area. It is not clear if the wild horse AUMs were observed or estimated. Please list the wild horse census data and AUM calculations of adult horses.

RESPONSE

The Paiute Meadows livestock actual use data is somewhat difficult to follow primarily due to changes in ranch owners and adjustments to the grazing permit. This portion of the document will be modified in the Final Re-Evaluation, which will present the data in a more readable format.

Data used to determine AUMs and actual use by wild horses was both observed and estimated. Census data is used to determine approximate population levels. Our budget does not allow for yearly census flights. During those non-flight years census data is used with a reproductive factor to calculate current populations.

Insufficient data has been collected to determine if adjustments to Appropriate Management Levels (AML's) are necessary. With the completion of wild horse and burro gathers in the fall/winter of 2000/2001 the population of wild horses within Warm Springs Canyon, Black Rock Range East and West and Calico Mountains Herd Management Area (HMA's) were 20% below AML. The attainment of AML within these HMA's will improve the resource conditions within the Soldier and Paiute Meadows Allotments. Utilization data will be collected to validate if current numbers are appropriate or if adjustments are needed to sustain a thriving wild horse and burro population and multiple use relationship.

COMMENT #2

Passerine bird surveys are important to our agency's commitment to "Nevada Partners in Flight Conservation Plan". We appreciate the efforts and cooperation of the Bureau to include these data in these assessments. Since this document has comparative data for riparian habitat, we suggest that wildlife data be expressed in relation to habitat data. Utilization studies are the primary obligation of the Winnemucca Field Office's land use plan. Use-pattern mapping data and studies were the primary agreements of our agencies in previous disputes. Use pattern data maps were not presented in these documents. It is difficult to discern the extent of impacts to critical wildlife habitat. The authors described Burnt Spring and Butte Creek as being in the North Pasture, but are in fact located in the South Pasture. Monitoring data were collected on May 8, 1996, which is prior to the scheduled livestock use from June 1 to August 8, 1996. Utilization objectives to measure wild horse use or mid-season use were not monitored.

RESPONSE

BLM has not displayed the actual utilization maps in the document but have compiled the data from the use pattern maps and used this data to determine if allotment objectives have been achieved. Under the existing livestock grazing system Paiute Creek is the boundary between the north and south pastures. Therefore Burnt Springs and Butte Creek are in the North Pasture. The season of use in the North Pasture is from May 16 to July 17. Utilization data collected on May 8, prior to livestock turnout, provides data indicating utilization level by wild horses.

COMMENT #3

The document suggests that monitoring obligations and studies were abandoned since 1993 and 1995. Key areas were not established at high priority riparian areas or big game winter ranges. The general lack of data to fully assess the intensive management systems and horse gathers cannot support the past actions or provide any rationale for any new change on the allotments.

RESPONSE

There have been no studies abandoned within the Soldier Meadows or Paiute Meadows Allotments during the Re-Evaluation period. Since monitoring efforts are predicated upon staff availability, funding and workload prioritization, BLM doesn't always have the opportunity to collect as much data as the agency would like too. Current management actions such as horse gathers are a result of data collection during the previous Re-Evaluation and issuance of the 1994 and 1995 Multiple Use Decisions for Soldier Meadows and Paiute Meadows Allotments respectively.

COMMENT #4

Sage grouse and sage grouse habitat are very important land use issues. We suggest that the "Management Guidelines for Sage Grouse and Sagebrush Ecosystems in Nevada" be incorporated into this document. Habitat assessment and allotment objectives can better assess the present status of sage grouse. Some additional attention to this issue will better explain our agencies' efforts to provide conservation planning for the species.

RESPONSE

The Bureau of Land Management in Nevada has established interim sage grouse management guidelines (Management Guidelines for Sage Grouse and Sagebrush Ecosystems in Nevada, January 2001). These guidelines were based on Western Association of Fish and Wildlife Agencies (WAFWA) draft guidelines and Oregon Bureau of Land Management sage grouse management guidelines, with input from all BLM field offices in Nevada. These guidelines were implemented immediately and will remain in place until the Governors' Sage Grouse Conservation Team finishes its planning effort. At that time the interim guidelines will be reviewed and evaluated for consistency with the conservation planning effort.

The long term revised objectives for sage grouse on page 71 in the draft Re-Evaluation represent optimum (good) habitat conditions based on WAFWA habitat descriptions by life cycle for sage grouse and other pertinent research. These habitat objectives will be evaluated based on the actual site potential to determine if they are being met.

COMMENT #5

Stream survey data collected by our agencies may not concur. While our methodologies may differ between Habitat Condition Index and Habitat Optimum results, we should have complete agreement on the data and its assessment. We request that the document better explain how the minor differences in HCI might inflate the Habitat Optimum determinations for Paiute and Bartlett Creeks. Data collected by our stream survey

suggests differences on observed utilization on riparian habitats in 1999 than expressed in the document. Our mutual efforts to re-establish Lahontan cutthroat trout in the North Fork of Battle Creek in 1999 and 2000 should be mentioned in the document.

Stream survey data collected on the Soldier Meadows Allotment are confusing. In 1994, did the Bureau of Land Management conduct surveys on Mahogany, Summer Camp and Snow Creeks? The data presented for 1994 and 1997 does not match our trend data collected in 1992 and 1997 for Mahogany Creek. Again, our agency's observed utilization on Slumgullion Creek (Stations 143, 648, 684 and 930) during 1999 does not agree with this document.

The removal of 2,207 wild horses suggests that the Bureau was able to achieve 20 percent less than the appropriate management level for wild horses. It would appear that these removals were a significant action that should have made significant differences in overall utilization of key forage species. Special allotment objectives and monitoring studies were established in the multiple use decisions to evaluate the impacts by these removals. We fail to find the data or assessment to validate the present AML.

It would be to our benefit to meet and discuss all available data prior to the proposed multiple use decisions for these allotments. Please contact our field office in Winnemucca to arrange a convenient time to meet.

RESPONSE

An interagency meeting between NDOW and BLM personnel was held on March 12, 2001 to discuss any missing or inaccurate data as well as varied methodology data collection techniques. These discrepancies will be resolved in the Final Re-Evaluation.

U.S. FISH AND WILDLIFE January 30, 2001

COMMENT #1 - General Comments:

Although this document may be in the standard Bureau of Land Management (BLM) format for allotment Re-Evaluations, it is difficult to read and understand. We recommend a more streamlined approach where current short and long-term objectives are stated up front and their level of achievement discussed. Following this section is a description of the proposed short and long-term objectives and how they differ from the current ones. Terms and conditions and standards and guidelines of rangeland health for each allotment should then be stated and explained. The methods for assessing all the parameters of the allotments should be described in detail.

RESPONSE

Thanks for your candid comments related to the existing allotment Re-Evaluation format and the difficulties you experienced in reviewing this document. Since this is an allotment Re-Evaluation we follow a slightly different format by not duplicating the allotment objectives. Instead the Bureau lists them in the beginning portion of the

document and reiterates them in the conclusion section. BLM is currently assessing the allotment Re-Evaluation format and will be attempting to modify and hopefully streamline these often-cumbersome documents. The Winnemucca Field Office does have a standard format whereby the agency is required to display and evaluate pertinent data to determine if specific objectives and standards are being achieved. The challenge is to determine how much data is adequate to demonstrate whether an objective has been attained without cluttering the document with data duplication such as in a table followed by narrative.

COMMENT #2

Our review indicates that the document's determination that current management is achieving allotment objectives and standards for rangeland health may be premature. The data used to support and justify changing the grazing system and increasing the animal unit months (AUM's) are inconclusive, missing, or misleading. Inconclusive data is cited as the reason for not meeting several objectives. For other objectives, the document states that the objective was met but then goes on to present a series of years that the objective was not met. Some of the remaining objectives were not assessed because no data were collected. Lastly, on page 23, it states that no trend data have been gathered for the past 6 years for either of the allotments and yet the allotments are being reevaluated to change the grazing systems and to increase the AUM's.

RESPONSE

The purpose of the allotment Re-Evaluation is to analyze, interpret and evaluate monitoring data to determine if objectives and standards for rangeland health are being met under existing management. The document indicates that some of the objectives were not achieved therefore various alternative management systems are presented in the technical recommendation section and evaluated in this process. The selected management alternatives are chosen based upon their capability to meet specific management objectives and standards. In the past, livestock numbers have been adjusted based upon the number of wild horses above the Appropriate Management Level (AML) utilizing the allotment. Changing the grazing system or increasing livestock use will be based only upon meeting all management objectives and standards.

The vegetative trend studies were established to determine the "long term" changes to the soils and vegetation within a defined ecological site. These sites are monitored every three to five years over a period of decades to determine site evolution in terms of percent vegetative composition and seral stage.

COMMENT #3 - Species Comments Lahontan cutthroat trout

Lahontan cutthroat trout (LCT) and its habitat are found on both allotments. The preferred grazing system for both allotments will need to be consulted upon under section 7 of the Endangered Species Act of 1973 (Act), as amended. We have some concerns about the quality of the habitat, the data being used to support the conclusions about the habitat, and the impacts to this listed species. We recommend incorporating our comments into the biological assessment done for the allotments. Specifically our comments are:

Page 15 - The document recommends maintaining the excellent habitat quality of the Mahogany/Summer Camp watershed at its present level; however, its present level is severely degraded due to a fire in September 2000. A discussion is needed on when Mahogany Creek habitat will be restored and the time frame for restoration. As stated in the document, this recommendation cannot be obtained at this time.

RESPONSE

The wording will be changed to reference the historical (pre-burn) habitat condition. Refer to Section II. (M) WILDLAND FIRES for more detail related to the Emergency Fire Rehabilitation (EFR) plan.

COMMENT #4

Page 23 - The fire on Mahogany Creek is briefly discussed but no discussion is given for how the conditions in this area have been changed by the fire or how the conditions of the allotment have been affected. Potential impacts to LCT, must be discussed especially since the environmental baseline for this population has been severely affected.

RESPONSE

It would be presumptuous to estimate the cumulative effects of the fire upon the resource values within the Mahogany Creek watershed or predict potential impacts to the LCT and its habitats. It is our opinion that we have adequately coordinated with everyone that has an interest in this area and have incorporated every reasonable rehabilitation measure into the Emergency Fire Rehabilitation (EFR) Plan to ensure the rapid and complete recovery of the area that was burned. This area will remain closed to livestock grazing, although this area will eventually achieve recovery objectives.

COMMENT #5

Page 27 – Summit Lake is actually one of only two self-sustaining populations of lacustrine LCT.

RESPONSE

Added to document. The document originally listed Summit Lake as the only self-sustaining population of LCT.

COMMENT #6

Page 28 – North Fork Battle Creek should be added as another stream which is currently supporting a population of LCT.

RESPONSE

Added to document. The document originally did not list North Fork of Battle Creek as an LCT stream.

COMMENT #7

Page 45 – A discussion of the rationale for having both long term and short term objectives for this allotment would be beneficial. A more detailed discussion on why objectives were not met for certain years would be helpful in assessing the allotment and impacts to listed species habitat and potential habitat.

RESPONSE

Allotment monitoring studies such as utilization and stubble height are displayed in the draft Re-Evaluation to represent attainment of short- term objectives or guidelines, which will assist in determining if long-term ecological objectives are achieved. There is additional discussion starting on page 17 related to utilization data and beginning on page 28 riparian functionality data is discussed in more detail. In an effort to streamline the document we have summarized and displayed data that will assist in determining if objectives and standards have been attained. It would be impractical, if not impossible to make copies of every piece of data collected over the Re-Evaluation period. Additional monitoring data was compiled and integrated into the Biological Assessment prior to the initiation of formal Section 7 consultation.

COMMENT #8

Page 47 – Much of the ecological status inventory data were not collected which were to be used to quantify/redefine the condition of many of the habitat types within this allotment. Without these data, assessing the habitat quality of this allotment is premature especially as it pertains to impacts, which may be occurring to listed fish habitats.

RESPONSE

Ecological Status Inventory (ESI) data is an allotment wide inventory of the existing vegetative and soils components of a specific ecological site. These inventories collect data based on a point in time and are used to determine a sites existing condition as well as potential for change based upon natural influences such as annual precipitation and fires as well as human impacts from various activities such as livestock grazing and recreation. An ESI inventory would be used to determine long term (decades) changes in percent composition of individual vegetative components within a specific site. These data collection guidelines are in accordance with the National Cooperative Soil Survey and for public lands correlated to Order three survey standards, which could delineate an individual vegetative community down to approximately fifty acres. Any impacts to fisheries habitats would be based primarily upon short term (annually) utilization levels which if exceeded could potentially adversely impact vegetation by not providing adequate stubble height which traps sediment or facilitate willow/aspen recruitment. This data would be collected using Bureau approved methodologies identified in the Nevada Rangeland Monitoring Handbook (Blue Book).

COMMENT #9

Page 69 – It is unclear whether reconstruction of the Stanley Camp cabin fence extending to the Summit Lake Reservation fence is the same as the Idaho Canyon area fence mentioned earlier in the document.

RESPONSE

Yes, these references are to the same fences; locations will be clarified in the Final document.

COMMENT #10 - Desert Dace

Desert dace are found only on the Soldier Meadows Allotment and the preferred grazing system will also need to be consulted upon under section 7 of the Act. We have some concerns about the quality of the habitat, conclusions about the habitat, and about the impacts to this species. We recommend incorporating our comments and request for information into the biological assessment done for this allotment. Specifically our comments are:

Page 22 – Key areas for assessing objectives, and standards and guidelines were not designated for this allotment. This is the only area in which the desert dace, a federally threatened fish, is known to occur. Without the needed areas and necessary data, we feel it is premature to significantly change the grazing protocols of this allotment since the impact of the current grazing system on the listed fish has yet to be determined. Key areas will need to be designated as quickly as possible to determine impacts to the allotment and the listed fish.

RESPONSE

Although we have yet to establish allotment wide key areas, we have collected some utilization and water quality data within the desert dace habitat. Working in conjunction with University of Nevada Reno (UNR), Nevada Division of Wildlife (NDOW) and the U. S. Fish and Wildlife Service (USFWS) we have installed projects to reduce recreation impacts to the dace habitats and established several exclosures used to determine the effects of grazed versus ungrazed habitats. Unfortunately due to the untimely death of Dr. Gary Vineyard we have lost our primary partner and resident expert related to Desert dace studies. It is also important to note that during the Re-Evaluation period we have completed the Soldier Meadows Activity Plan which further defines additional needs to collect data and consider adjustments in management related to multiple use activities. Working with UNR and the Service we have also assisted in the development of the Recovery Plan For The Rare Species Of Soldier Meadows, which the Service approved in May of 1997. This ecosystem recovery plan addresses the recovery strategy for the desert dace (Eremichthys acros), basalt cinquefoil (Potentilla basaltica) and four hydrobiid snail species of the genus Pyrgulopsis.

COMMENT #11

Page 33 – We are greatly concerned with the heavy cattle use cited in the document at sites 4, 5, and 6 within desert dace habitat areas. This impact will need to be more fully examined in the biological assessment when looking at impacts to listed species from the change in grazing system and increase in AUM's.

RESPONSE

We have coordinated with the Service during Section 7 consultation to ensure that our actions would not jeopardize the existence of a federally listed species or its critical habitat.

COMMENT #12 - Sage Grouse

We believe guidelines adopted under the most current Memorandum of Understanding (August 2000) signed by BLM, Forest Service, Fish and Wildlife Service, and the Western Association of Fish and Wildlife Agencies should be implemented in this re-Evaluation for sage grouse. This represents the most current assessment of this species habitat needs. All sections of the document which discuss sage grouse and its habitat needs should be updated with the new guidelines.

RESPONSE

See the response to NDOW comment #4

COMMENT #13 - Technical Comments, Coordination

Page 16 – There are several areas which were not monitored due to availability of manpower, range conditions, and accessibility. We recommend that specific teams for each area be established and used to obtain additional data more frequently. The data presented are not robust enough to support many of the conclusions about the quality of the allotments.

RESPONSE

It is noteworthy to realize that the Winnemucca Field Office manages for multiple use in excess of nine million acres of public lands with a limited staff. Having made that statement it is equally important to understand that the Soldier Meadows and Paiute Meadows Allotments are some of our highest priority areas to monitor and collect data related to management of these multiple use activities. We have established a Field Office interdisciplinary team for this purpose of data collection/Re-Evaluation and will continue to prioritize our efforts into those areas of high resource values such as the LCT watershed and Desert dace habitats. We will continue to work cooperatively with other agencies and individuals in the collection and Re-Evaluation of these data. A monitoring plan which includes key area establishment will be initiated that will outline the monitoring for the next Re-Evaluation period.

COMMENT #14

Page 45 – We support the desired plant community objectives developed and request membership on the interdisciplinary team which will evaluate these objectives.

RESPONSE

Rangeland monitoring is essential to the success of any livestock grazing management plan. Monitoring will indicate if the grazing system is achieving the allotment specific objectives and standards. Whenever rangeland monitoring is conducted on the allotment you will be notified and given the opportunity to participate.

COMMENT #15 - Utilization Objectives: Riparian/Wet Meadows

Page 41 – The methods used for calculating the percent utilization should be explained in the document. The utilization objectives call for a 4 inch stubble height on known/potential LCT habitat but the terms and conditions section (page 67) states a minimum of 6 inches for those same streams. For the height implemented, the impacts to LCT and desert dace habitat need to be addressed and the method for analyzing the impacts explained. The level of utilization of wet meadows intuitively seems excessive at 50 percent when considering that this level was not met for 3 of 6 years. This utilization level should be assessed in terms of impacts from trampling to bank stability especially for areas around springs, streams, ponds, and lakes.

RESPONSE

Utilization monitoring is conducted at the end of the growing season or grazing period. Vegetative utilization is expressed as the amount, by weight, of a Key Forage Plant that has been used (grazed) within a particular ecological site. A transect is conducted within a particular ecological site to determine utilization of the Key Forage species that are components of that site and are preferred by a particular class of livestock such as cattle or wild horses/burros. A minimum of ten stops per transect are conducted at five pace intervals and the percent utilization recorded on the Key Forage Method form. The use levels are then averaged to arrive at percent utilization, by weight, for each selected species per transect at a given site. The stubble height methodology is similar to that for utilization within the riparian green line, although a utilization level is not derived from the data only an average vegetative height.

The 4-inch stubble height was listed in the current objectives developed in 1994 and used during the Re-Evaluation period. The 6-inch stubble height referenced on page 67 under Terms and Conditions reflects the revised objective for those potential LCT reintroduction streams. The BLM has the responsibility to manage those streams which contain existing LCT populations as well as those streams which have been identified as recovery streams in a manner to optimize habitat conditions to support existing and future LCT populations. Riparian research has repeatedly shown that the residual stubble/regrowth should average at least 4-6 inches in height to provide sufficient herbaceous forage biomass to meet the requirements of plant vigor maintenance, streambank protection, and sediment entrapment.

Based on the presence of two threatened species, Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) and Desert dace (*Eremichthys acros*), the BLM felt that the upper end of the height range would be an appropriate short term standard to assist in obtaining long term optimum habitat requirements for these species.

COMMENT #16 - Alternatives- Livestock Management

Soldier Meadows - Four alternatives were evaluated; the current system and three other alternatives which only differed in the direction of rotation and the timing of activation of 4,481 Not Scheduled AUM's. Several other alternatives should be analyzed including, but

not limited to: 1) current system with the activated AUM's; 2) the rotation alternatives without any activation of Not Scheduled AUM's; and 3) an alternative with no trailing through the Stanley Camp riparian pasture. We have serious concerns about the impacts to listed species and their habitats if the AUM's are increased without the data to support the ability of this allotment to remain viable and healthy.

RESPONSE

We have concluded section 7 consultation on the proposed alternative and have been issued a Biological Opinion.

COMMENT #17 - Term and Conditions (Page 67)

The first term and condition states that the majority of the pastures are unfenced so it is the permittees responsibility to ensure livestock grazing occurs within the appropriate pasture in accordance with the permit schedules. We believe this condition is insufficient to protect the area around Idaho Canyon; therefore, a fence must be constructed here regardless of the alternative selected. Under condition 2, North Fork Battle Creek should be added as another area of habitat or potential habitat for LCT. For the purpose of the biological assessment, the methods by which items a, b, and c under condition 2 will be evaluated need to be discussed. Under condition 3, the methods for maintaining a minimum stubble height of 6 inches on sites with desert dace also need to be discussed. We believe this may not be enough protection for those areas. For example, trampling, bank stability, and bank erosion may significantly degrade desert dace habitat, but these parameters are not addressed in the terms and conditions. Reinitiation of consultation may be necessary under condition 5 should the grazing authorization be modified during the life of this permit. We request copies of all the actual use reports prepared for these allotments as defined in condition 8, so we can evaluate grazing schedules impacts to listed species.

RESPONSE

Regardless of the grazing alternative selected, the proposed reconstruction of the existing fence and construction of a small portion of new fence will be implemented to prevent livestock from drifting into the Stanley Camp Riparian Pasture. Duly noted the North Fork of Battle Creek will be added to the document as LCT habitat. Additional monitoring data was compiled and integrated into the Biological Assessment prior to the initiation of formal Section 7 consultation.

C. CHANGES TO THE ALLOTMENT FINAL RE-EVALUATION

Based on comments generated and received on the Draft Soldier/Paiute Meadows Allotment Re-Evaluation changes have been made to the Final Soldier/Paiute Meadows Allotment Re-Evaluation.

D. ANALYSIS OF MONITORING DATA / DETERMINATION

SOLDIER MEADOWS ALLOTMENT

A. Statement of Achievement or Non-Achievement

1. Soil Process will be appropriate to soil types, climate and landform.

Partially Met.

Rationale:

To maintain soil processes a healthy, productive and diverse plant community is necessary. Improved ecological condition would increase productivity, litter, soil fertility, infiltration and nutrient cycling.

Upland vegetative utilization objectives were achieved except for some sites in the Warms Springs Pasture near Rock and Clear Springs. Exceeding the utilization objectives increases the potential for erosion on areas with high erosion susceptibility from wind. Wetland/riparian vegetation utilization objectives were achieved except for one spring complex that is inhabited by desert dace within the Hot Springs use area. Exceeding the wetland/riparian vegetation utilization objectives increases the potential for soil erosion via runoff.

2. Riparian/Wetland systems are in properly functioning condition.

Partially Met.

Rationale:

Properly Functioning Condition = PFC

Functioning at Risk = FAR

Non Functional = NF

Trend = static, upward, downward

CREEK	REACH	RATING	FACTORS
Mahogany Ck.	1	PFC	
	2	PFC	
	3	PFC	
Summer Camp Ck.	1	PFC	
	2	PFC	
	3	PFC	
Snow Ck.	1	FAR (static)	Mechanical damage and removal of bank cover by wild horses
Colman Ck.	1	NF	Highly erosive channel and vertically unstable
	2	FAR	Erosive uplands, unstable banks and lack of cover
	3	PFC	

Slumgullion Ck.	1	FAR (downward)	Wild Horse use
	2	PFC	
	3	PFC	
Cherry Ck.	1	FAR (downward)	Incised channel
	2	PFC	
Donnelly Ck.	1	FAR (static)	Braided, non-sinuuous channel and lack of cover
	2	PFC	
	3	FAR (static)	Channelization and unstable banks
Soldiers Ck.	1	FAR (static)	Lack of vegetation and unstable banks.

3. Water quality criteria in Nevada and California State Law shall be achieved or maintained.

Partially Met

Rationale

The water quality criteria for the state of Nevada were met on all measured streams with the exception of one turbidity measurement on Colman Creek

4. Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.

Partially Met.

Rationale:

Healthy plant communities must be able to complete their life cycle by preventing damage during the critical growth period. Critical growth period in a plant growth cycle is when food reserves are the lowest and grazing is the most harmful. This period begins with the boot stage and closes with complete mature seed. Periodic rest during the critical growth period allows for plants to increase vigor, maintain and increase root reserves, increase density and produce seed.

Upland vegetative utilization objectives were achieved except for some sites in the Warms Springs Pasture near Rock and Clear Springs. Wetland/riparian vegetation utilization objectives were achieved except for one spring complex that is inhabited by desert dace within the Hot Springs use area. See Response for #2.

5. Habitat conditions meet the life cycle requirements of special status species.

Partially Met

Rationale: For the most part this was met, yet due to the large number of sensitive species that could exist on the SMA a more in-depth discussion is warranted.

desert dace (*Eremichthys acros*, DD)

The hot springs and their outflows to the south and west of the Soldier Meadows Ranch are the only known habitats for the desert dace. The desert dace has been federally listed as Threatened since 1985 (Federal Register Volume 50, p. 50304,) and is the only member of the genus, *Eremichthys*. At the time of listing, critical habitat was also listed, that encompasses 50 feet on each side of designated thermal springs and their outflow streams (USFWS 1997). At least ten thermal outlets and the associated downstream channels support this unique, spring dwelling species.

To date, there is little information regarding the species or its habitat requirements. The basic habitat requirements for the desert dace that were identified in the "Recovery Plan for the Rare Species of Soldier Meadows" were based on the seasonal distribution of the species relative to temperature (USFWS 1997). Research is currently being conducted by the United States Geological Survey (USGS) to determine the seasonal distribution and population levels of desert dace within each spring system. The research project is also determining the presence and distribution of non-native fish species within the spring complexes of the SMA, which were identified as a threat to the long term viability of the desert dace (USFWS 1997). Preliminary data indicate that the populations exist within all of the systems that were identified in the 1997 Recovery Plan and appear to have the numbers and ages present to sustain the species.

MET

Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*, LCT)

Four streams and a portion of one other exist within the SMA that are considered occupied or potential habitat for LCT, a federally listed Threatened species since 1975 (Federal Register Vol. 40, p. 29864). Mahogany, Summer Camp, Snow, and Colman Creeks exist entirely within the SMA and currently are occupied by LCT. The majority of Donnelly Creek exists within the SMA, although it does not contain a population of LCT.

The SMA contains the only lacustrine population of LCT within the Northwestern Lahontan Distinct Population Segment¹ (NWLDPSS). This population exists within the Summit Lake basin and is the largest and most stable population of LCT within the NWLDPS (USFWS 1995). Management within this basin since the mid-1970s has attempted to restore riparian and aquatic habitats, which had been severely degraded by improper livestock grazing during the previous decades (Platts 1990). The exclusion of livestock from the majority of the watershed has resulted in a 400% increase in summer stream flow and a

¹ The Endangered Species Act of 1973, as amended, included within its definition of a protectable species any subspecies of fish, wildlife, or plant, and any **distinct population segment** of any species of vertebrate fish or wildlife which interbreeds when mature. Thus, three DPS units of LCT were identified when the species was listed as federally listed Endangered in 1970 and maintained when the species was reclassified in 1975, as federally listed Threatened.

50% increase in water depth, which has led to a significant increase in LCT (Platts 1990). Mahogany and Summer Camp Creeks serve as the sole spawning tributaries for this terminal lake population. Furthermore, Mahogany and Summer Camp also support a fluvial population of LCT. The majority of these lotic habitats exist on public land with the lower portions of Snow and Mahogany Creek flowing through the Summit Lake Paiute Tribe (SLPT) reservation before entering Summit Lake. Colman Creek contains an increasing population of transplanted LCT, which were moved from Washburn Creek in 1999 and then further supplemented in 2000. Donnelly Creek is listed in the 1995 LCT Recovery Plan as a stream with the potential for LCT reintroduction (USFWS 1995).

Only the habitat conditions on the North Fork of Donnelly, which is unoccupied by LCT, remained relatively static since the last stream habitat survey. While all of the designated LCT recovery streams, which are currently occupied by a population of LCT, improved in overall stream habitat condition. This improvement is reflected in the Habitat Condition Index (HCI) of the General Aquatic Wildlife Surveys, which were conducted by the Nevada Division of Wildlife (NDOW). The HCI values, according to the last stream survey conducted by NDOW, rated Mahogany, Summer Camp, Snow, and Donnelly Creeks as being "Excellent". Colman Creek rated as "Good" and the North Fork of Donnelly rated as "Fair". Riparian functionality data indicate that all streams are at Properly Functioning Condition (PFC), except for portions of two streams. Colman Creek and Donnelly Creek each had one reach that was classified as Functional-At Risk (FAR) with a Static Trend. Colman Creek also had a headwater reach that was classified as Non-Functional. Although riparian functionality does not indicate habitat quality for aquatic species, it does indicate the stream's ability to sustain these resource values. Therefore the improvement of stream habitat on Colman Creek, indicated by the recent stream survey, may be a sign of riparian functionality improvement within the headwater area. The FAR rating with a static trend on Donnelly may be reinforced by the relatively static condition of the aquatic habitats.

MET

Soldier Meadow cinquefoil (*Potentilla basaltica*)

This species occurs in moist salt-crustured clay in alkaline meadows and cooled outflow stream margins below thermal springs, generally on slight southeast slopes. The recorded elevations are 4,380 to 4,580 feet. It occurs in the moist meadow environment of the Hot Springs use area. Soldier Meadow cinquefoil appears to invade disturbed sites but does not appear to be a disturbance dependent species. They appear to be confined to a narrow range of micro-sites associated with moist but not saturated alkaline silty soils associated with micro terrain features near thermal springs.

Cinquefoil is a low growing, perennial herb with prostrate stems. Flowering begins in May and continues through the summer. Flowers are bright yellow and occur in loose clusters. A total population is estimated at 85,000 individuals in eleven subpopulations adjacent to hot springs in the Soldier Meadows area. Current data indicate that the population is stable; in fact new populations have been discovered in areas adjacent to the Hot Springs.

MET

Elongate Mud Meadows spring snail (*Prygulopsis notidicola*)

Habitat conditions for this species, which is a federally listed Candidate are included below under the Species of Concern Section for Spring snails

MET

Spring snails

At least nine species of spring snails (Hydrobiidae) exist within the SMA. Six of the nine unique species found within the SMA have been identified to genus/species (Table 1). The majority of these species are members of the genera *Prygulopsis*, with one species belonging to the *Fluminicola* genus. These genera prefer cool, flowing water and gravel substrate (Sada et al. 2001). Primary threats to springsnails are habitat alteration via water diversions, excessive livestock grazing, nonnative macroinvertebrate establishment, and water depletion (Sada et al. 2001). Habitat conditions for this species are unknown, yet they are assumed to be similar to that of the desert dace. Therefore, these species' habitats are likely to be in good condition.

MET

Table 1. Springsnails

Common Name	Scientific Name	Status
Northern Soldier Meadows pryg	<i>Prygulopsis militaris</i>	Proposed BLM Sensitive, USFWS Species of Concern
Southern Soldier Meadows pryg	<i>Prygulopsis umbilicata</i>	Proposed BLM Sensitive, USFWS Species of Concern
Elongate Mud Meadows pryg	<i>Prygulopsis notidicola</i>	Federal Candidate Species
Squat Mud Meadows pryg	<i>Prygulopsis limaria</i>	Proposed BLM Sensitive, USFWS Species of Concern
Surprise Valley pryg	<i>Prygulopsis gibba</i>	USFWS Species of Concern
Western Lahontan pryg	<i>Prygulopsis longiglans</i>	No Status
2 species found unique ¹	<i>Prygulopsis</i> spp.	No Status
1 species found unique ¹	<i>Fluminicola</i> spp.	No Status

Pygmy rabbit (*Brachylagus idahoensis*) This species is the smallest North American rabbit and sagebrush obligate. The rabbit uses tall, dense stands of big sagebrush, primarily basin big sagebrush, with deep, friable soils typically loamy in texture. The Pygmy rabbit mates in early spring and summer. Its primary food is sagebrush, which makes up to 98% of its winter diet. Grasses are important during the summer, comprising as much as 30-40% of its diet. No inventories for pygmy rabbits have been completed within the allotment, and

potential high quality habitat sites are considered rare. Potential sites include the edges of floodplains in the upper portions of watersheds and degraded floodplains at lower elevation where channel down cutting has allowed for the invasion of basin big sagebrush into sites that were formerly occupied by wet and semi-wet meadows. This allotment contains 208,023 acres of big sagebrush types which are conducive of pygmy rabbit habitat they are as follows: ARTRW (Wyoming sagebrush) 26,399 acres, ARTRV (Vaseana) 65,573 acres, ARTRT (Basin Big sagebrush) 2,453 acres, ARTR2 (Big sagebrush) 33,381 acres, and ARTR3 (Lahontan sagebrush) 80,217 acres. With the diverse mix of sagebrush habitats within the allotment, habitat is in order for this species.

MET

Pale Townsend's big-eared bat (*Corynorhinus townsendii pallescens*)

Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)

Spotted bat (*Euderma maculatum*)

Small footed-myotis (*Myotis ciliolabrum*)

Long-eared myotis (*Myotis evotis*)

Fringed myotis (*Myotis thysanodes*)

Long-legged myotis (*Myotis volans*)

Yuma myotis (*Myotis yumanensis*)

All of these species uses natural caves and cracks in rock outcrops or man-made cavities for breeding, rearing, and/or hibernating habitat. There is no specific information related to breeding colonies of any of these species within the allotment. Potential breeding and hibernating habitat is considered common in the mountainous and rocky areas. Bats depend upon insect prey and the best potential for insect prey within the allotment occurs near wet meadows and marshlands. That would restrict potential high quality foraging areas to less than one percent of the allotment.

PARTIALLY MET

California bighorn sheep (*Ovis canadensis californiana*)

Bighorn occupy mountainous areas with extensive areas dominated by large rock outcrops that serve as escape cover. Their diet is primarily grasses supplemented by forbs and limited browse.

Populations of this species occur on the Black Rock Range and the Calico Range.

Due to a number of factors, bighorn sheep were eliminated from northern Nevada early in the 20th century. Existing populations are the result of numerous NDOW-initiated reintroductions and supplemental releases that began as early as 1963 and most recently in January 2003. The total population in both ranges is estimated by NDOW to be about 170 animals and they currently occupy about 7,000 acres of about 100,000 acres of potential habitat. Populations are increasing

slowly as sheep expand into vacant habitat. . The NDOW data for both populations shows excellent fall recruitment of lambs, which is indicative of bighorn sheep populations that are healthy and viable.

MET

Preble's shrew (*Sorex preblei*)

This species is a small burrowing mammal associated with meadows and riparian areas in the upper portions of the sagebrush zone. There are no records of shrews within the allotment but potential habitat exists associated with riparian areas and meadows in the northern portion of the Black Rock Range. Shrews feed primarily on insects and other soil invertebrates. Quality habitat includes plant communities dominated by dense herbaceous vegetation that support high levels of prey and soils high in organic matter. Therefore, riparian functionality may be a good indicator of habitat quality for this species. Currently, riparian functionality in the northern portion of the allotment is for the most part in excellent condition.

MET

Northern goshawk (*Accipter gentiles*)

The species is a known breeder in the Mahogany Creek watershed aspen stands. Found in a variety of dense, mature or old growth aspen habitat, goshawks require large, healthy multi-story stands for nesting and foraging. They forage for prey in and near woodland communities. The Mahogany Creek watershed supports a diverse mosaic of habitats for this species and its prey. These habitats range from patches of open meadows, multi story aspen stands, and also a stand of early age class aspen. This early age class stand is a result of the 2000 Wildland fire that burned 12,000 acres of the lower watershed. Therefore, it can be assumed that habitats are in order for this species.

MET

Western burrowing owls (*Athene cunicularia hypugea*)

No known colonies of this species have been observed in the allotment, however Western burrowing owls are known from the Black Rock desert area. Owls occupy open terrain with low vegetation, burrows created by mammals, and an adequate prey base. There is potentially 89,700 acres of suitable habitat for the burrowing owl on the SMA. Habitats are assumed to be in good condition, since the Black Rock desert area has been grazed by a relatively small number of livestock that are broadly dispersed during the evaluation period resulting in minimal effects to the owl's associated habitat types.

MET

Greater sage-grouse (*Centrocercus urophasianus*) This species is a common large bird of the sagebrush zone. The allotment contains about 200,000 acres of sage-grouse habitat, as well as 6 known leks (communal breeding sites). Recent BLM habitat classifications have been completed as part of the Nevada sage-grouse conservation planning effort. The classifications indicate that about 39

percent of the habitat within the SMA contains all the required habitat components, 67 percent have adequate sagebrush cover but are lacking in appropriate amounts of herbaceous cover and 4 percent are lacking in adequate sagebrush cover. Of the six leks in the Soldier Meadows allotment all are considered active. Therefore the population is assumed to be stable.

MET

Least bittern (*Ixobrychus exilis hesperis*)

Bittern habitat is fresh water marshes and reedy ponds. The only habitat of this type within the allotment is on acquired lands near Soldier Meadows that are not part of any pasture and not included in the grazing schedules of any alternative. Therefore, these species habitats are assumed to be in order.

MET

White-faced ibis (*Plegadis chihi*)

Ibis are seen occasionally as migrants in the fall. They nest in marshes (mainly hardstem bulrush) and feed in marshes and meadows. There is no known breeding habitat within the allotment. Since the marsh habitats are on acquired lands near Soldier Meadows that are not part of any pasture and not included in the grazing schedules of any alternative, this species habitats are assumed to be in order.

MET

Nevada viceroy (*Limenithus archippus lahontani*)

This species of butterfly utilizes willows and aspen as host plants. Habitat includes riparian areas, meadows, and aspen wood edges. The condition of these habitats is assumed to be commensurate with that of the riparian functionality data. Therefore, habitats are in order for riparian areas that are in PFC, whereas they may not be in areas, which are FAR, or NF.

PARTIALLY MET

Smooth stickleaf (*Mentzelia mollis*)

This species is an erect annual herb that blooms in May and June and known from two sites within the Black Rock use area. Habitat is associated with nearly barren eroding shoulder and side slopes of shrink-swell clay soils formed by hydrothermal alteration and weathering of air-fall volcanic ash deposits. These habitats are not likely to be affected by livestock grazing, due to the lack of vegetative resources within these areas. Therefore, it is assumed that habitats are in order for this species.

MET

The following species were also included in 2003 Species List for the SMA provided by the FWS that may occur within the allotment. Each of these species is not known to occur within the SMA.

Western yellow-billed cuckoo (*Coccyzus americanus*)

This species requires multistory cottonwood flood plain. Due to its habitat requirements this species does not exist within the SMA. The closest population is located along the Carson River to the south.

Black tern (*Chidonias niger*)

Black terns are associated with open water wetlands. There are no habitats of this type within the allotment.

Tiehm milkvetch (*Astragalus tiehmii*)

Schoolcraft catseye (*Cryptantha schoolcraftii*)

Crosby buckwheat (*Eriogonum crosbaye*)

These three species commonly occur together on whitish lake deposited volcanic ash deposits that weather to deep clay soils. They generally occur on gentle slopes north and west of the allotment in the sagebrush steppe zone.

Windloving buckwheat (*Eriogonum anemophilum*)

This is a low perennial herb with leafless flower stalks rising above clumps of white leaves, which are associated with barren, rocky sites of volcanic or other origin. It blooms in late June and July. The nearest population is in Jackson Mountains east of the allotment. Other populations are located south and east of the allotment.

Grimy ivesia (*Ivesia rhypara* var. *rhypara*)

This is a low, spreading perennial cushion plant. Its habitat is dry, relatively barren, light-colored outcrops of welded tuffs on east, south, and west aspects. The nearest population is in Yellow Rock Canyon west of the allotment.

Cordelia beardtongue (*Penstemon floribundus*)

This is a perennial herb with tubular blue-violet flowers blooming on the top half of the stems. Its habitat is dry, open, mostly dark-colored volcanic talus, very rocky slopes, or alluvium. The nearest population is in Jackson Mountains east of the allotment.

B. List of Causal Factors for Not Achieving Standards

A combination of livestock grazing practices and excess wild horse & burro numbers are contributing factors for not achieving and/or allowing for the progress towards the Standards for Rangeland Health for #1 and #4.

A combination of historical and current livestock grazing practices and excess wild horse & burro numbers are contributing factors for not achieving riparian functionality. The ability to achieve the Standards for Rangeland Health, specifically riparian functionality, is limited by the geomorphological condition and geological factors found on Colman, Soldier, Slumgullion, Donnelly, and Cherry Creeks.

C. Conformance or Non-Conformance With Guidelines

Existing grazing management practices, levels of grazing use, and past wild horse and burro numbers are significant factors in failing to achieve the Standards and conform with the Guidelines.

Existing grazing management needs to be modified to ensure that the Fundamentals of Rangeland Health are met or making significant progress toward being met.

PAIUTE MEADOWS ALLOTMENT

A. Statement of Achievement or Non-Achievement

1. Soil Process will be appropriate to soil types, climate and landform.

Partially Met.

Rationale:

To maintain soil processes a healthy, productive and diverse plant community is necessary. Improved ecological condition would increase productivity, litter, soil fertility, infiltration and nutrient cycling.

Upland vegetative utilization objectives were achieved except for some sites associated with Rough Canyon and Paiute Seeding. Wetland/riparian vegetation utilization objectives were achieved except for Paiute, Battle, Bartlett, Butte Creeks, and Burnt Spring. Exceeding the wetland/riparian vegetation utilization objectives increases the potential for soil erosion via runoff.

2. Riparian/Wetland systems are in properly functioning condition.

Partially Met.

Rationale:

Properly Functioning Condition = PFC

Functioning at Risk = FAR

Non Functional = NF

Trend = static, upward, downward

CREEK	REACH	RATING	FACTORS
Battle Ck.	1	FAR (downward)	Lack of vegetative structure, diversity, vigor, adequate cover, coarse woody debris
	2	FAR (upward)	Bank vegetation not at potential
Bartlett Ck.	1	FAR (static)	Poor riparian vegetation some bare banks w/ sloughing
	2	PFC	
Butte Ck.	1	FAR (upward)	Bank vegetation not at potential
Deer Ck.	1	FAR (upward)	Bank vegetation not at potential
Paiute Ck.	1	FAR (upward)	Bank vegetation not at potential
	2	PFC	
Rough Canyon	1	FAR (upward)	Banks not fully vegetated
	2	PFC	

3. Water quality criteria in Nevada and California State Law shall be achieved or maintained.

Partially Met:

Rationale:

The water quality of Paiute, Battle, and Bartlett Creeks was measured in 2002. The data indicate that the Standard was achieved for all constituents, with the exception of one turbidity measurement on Bartlett Creek. The data also shows that this same sample exceeded the numerical value for fecal coliform, but the sample frequency (5 samples in a 30 day period) was not satisfied.

4. Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.

Partially Met

Rationale:

Healthy plant communities must be able to complete their life cycle by preventing damage during the critical growth period. Critical growth period in a plant growth

cycle is when food reserves are the lowest and grazing is the most harmful. This period begins with the boot stage and closes with complete mature seed. Periodic rest during the critical growth period allows for plants to increase vigor, maintain and increase root reserves, increase density and produce seed.

Upland vegetative utilization objectives were achieved except for some sites associated with Rough Canyon. Wetland/riparian vegetation utilization objectives were achieved except for Paiute, Battle, Bartlett, Butte Creeks, and Burnt Spring.

5. Habitat conditions meet the life cycle requirements of special status species.

Partially Met.

Rationale: For the most part this was met, yet due to the large number of sensitive species that could exist on the SMA a more in-depth discussion is warranted.

Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*, LCT)

Three streams exist within the PMA that are considered occupied or potential habitat for LCT, a federally listed Threatened species since 1975 (Federal Register Vol. 40, p. 29864). The North Fork of Battle Creek exists entirely within the PMA and is currently occupied by LCT. Bartlett and Paiute Creeks also exist entirely within the PMA, but are only listed as potential LCT habitat in the 1995 LCT Recovery Plan. Neither of these streams currently contains LCT.

Battle Creek, which is currently occupied by a population of LCT, and Bartlett Creek, improved in overall stream habitat condition. This improvement is reflected in the Habitat Condition Index (HCI) of the General Aquatic Wildlife Surveys, which were conducted by the Nevada Division of Wildlife (NDOW). The HCI values, according to the last stream survey conducted by NDOW, rated Battle and Bartlett Creeks as being in "Good" condition. Paiute Creek slightly declined in condition, but also rated as being in "Good" condition.

Riparian functionality assessment data indicate that Battle Creek is FAR, with the lower portion of the watershed being on downward trend and the headwaters being in an upward trend. The north fork of Bartlett Creek was rated as FAR with a static trend, whereas the south fork was rated at PFC. Paiute Creek was rated as PFC in the lower watershed, whereas the headwaters were rated as FAR with an upward trend. Although riparian functionality does not indicate habitat quality for aquatic species, it does indicate the stream's ability to sustain these resource values. The improvement of habitat conditions on Battle Creek may be limited in the lower watershed by a degraded riparian zone. Paiute Creek is exhibiting a downward trend in aquatic habitat conditions, yet this trend will likely change given the improving riparian conditions.

Overall, the aquatic habitat conditions are good. The streamside riparian areas are functioning and for the most part they are improving in condition. Therefore, habitats

for are in order for this special status species.

MET

Pygmy rabbit (*Brachylagus idahoensis*)

This species is the smallest North American rabbit and a sagebrush obligate. The rabbit uses tall, dense stands of big sagebrush, primarily basin big sagebrush, with deep, friable soils typically loamy in texture. The Pygmy rabbit mates in early spring and summer. Its primary food is sagebrush, which makes up to 98% of its winter diet. Grasses are important during the summer, comprising as much as 30-40% of its diet. No inventories for pygmy rabbits have been completed within the allotment, and potential high quality habitat sites are considered rare. Potential sites include the edges of floodplains in the upper portions of watersheds and degraded floodplains at lower elevation where channel down-cutting has allowed for the invasion of basin big sagebrush into sites that were formerly occupied by wet and semi-wet meadows. This allotment contains 88709 acres of big sagebrush types which are conducive of pygmy rabbit habitat they are as follows: ARTRW (Wyoming sagebrush) 8743 acres, ARTRV (Vaseana) 27453 acres, ARTRT (Basin Big sagebrush) 3234 acres, ARTR2 (Big sagebrush) 2052 acres, and ARTR3 (Lahontan sagebrush) 47227 acres. With the diverse mix of sagebrush habitats within the allotment, habitat is in order for this species.

MET

Pale Townsend's big-eared bat (*Corynorhinus townsendii pallescens*)

Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)

Spotted bat (*Euderma maculatum*)

Small footed-myotis (*Myotis ciliolabrum*)

Long-eared myotis (*Myotis evotis*)

Fringed myotis (*Myotis thysanodes*)

Long-legged myotis (*Myotis volans*)

Yuma myotis (*Myotis yumanensis*)

All of these species uses natural caves and cracks in rock outcrops or man-made cavities for breeding, rearing, and/or hibernating habitat. There is no specific information related to breeding colonies of any of these species within the allotment.

Potential breeding and hibernating habitat is considered common in the mountainous and rocky areas. Bats depend upon insect prey and the best potential for insect prey within the allotment occurs near wet meadows and marshlands. That would restrict potential high quality foraging areas to less than one percent of the allotment.

PARTIALLY MET

California bighorn sheep (*Ovis canadensis californiana*)

Bighorn occupy mountainous areas with extensive areas dominated by large rock outcrops that serve as escape cover. Their diet is primarily grasses supplemented by forbs and limited browse.

Populations of this species occur on the Black Rock Range within the PMA. Due to a number of factors, bighorn sheep were eliminated from northern Nevada early in the 20th century. Existing populations are the result of numerous NDOW-initiated reintroductions and supplemental releases that began as early as 1963 and most recently in January 2003. The total population in both ranges is estimated by NDOW to be about 170 animals and they currently occupy about 7,000 acres of about 100,000 acres of potential habitat. Populations are increasing slowly as sheep expand into vacant habitat. The NDOW data for both populations shows excellent fall recruitment of lambs, which is indicative of bighorn sheep populations that are healthy and viable.

MET

Western burrowing owls (*Athene cunicularia hypugea*)

No known colonies of this species have been observed in the allotment, however Western burrowing owls could potentially exist within 60,979 acres of the PMA based upon habitat types. Owls occupy open terrain with low vegetation, burrows created by mammals, and an adequate prey base. Habitats are assumed to be in good condition, since the Black Rock desert area has been grazed by a relatively small number of livestock that are broadly dispersed during the evaluation period resulting in minimal effects to the owl's associated habitat types.

MET

Greater sage-grouse (*Centrocercus urophasianus*)

This species is a common large bird of the sagebrush zone. The allotment contains about 98,416 acres of sage-grouse habitat, as well as 9 known leks (communal breeding sites). Recent BLM habitat classifications have been completed as part of the Nevada sage-grouse conservation planning effort. The classifications indicate that about 25 percent of the habitat within the PMA contain all the required habitat components, 30 percent have adequate sagebrush cover but are lacking in appropriate amounts of herbaceous cover.

MET

Least bittern (*Ixobrychus exilis hesperis*)

Bittern habitat is fresh water marshes and reedy ponds. The only habitat of this type within the allotment is on private lands that are not part of any pasture and not included in the grazing schedule. Therefore, this species habitats are assumed to be in order.

MET

White-faced ibis (*Plegadis chihi*)

Ibis are seen occasionally as migrants in the fall. They nest in marshes (mainly hardstem bulrush) and feed in marshes and meadows. There is no known breeding habitat within the allotment. Since the marsh habitats are on private lands that are not part of any pasture and not included in the grazing schedule. This species habitats are assumed to be in order.

MET

The following species were also included in 2003 Species List for the SMA provided by the FWS that may occur within the allotment. Each of these species is not known to occur within the PMA.

Western yellow-billed cuckoo (*Coccyzus americanus*)

This species requires multistory cottonwood flood plain. Due to its habitat requirements this species does not exist within the PMA. The closest population is located along the Carson River to the south.

Black tern (*Chidonias niger*)

Black terns are associated with open water wetlands. There are no habitats of this type within the allotment.

Northern goshawk (*Accipter gentiles*)

Found in a variety of dense, mature or old growth aspen habitat, goshawks require large, healthy multi-story stands for nesting and foraging. They forage for prey in and near woodland communities. Due to the habitat requirements of this species it is unlikely that it occurs in the PMA.

Crosby buckwheat (*Eriogonum crosbaye*)

This species commonly occur together on whitish lake deposited volcanic ash deposits that weather to deep clay soils. They generally occur on gentle slopes north and west of the allotment in the sagebrush steppe zone.

Windloving buckwheat (*Eriogonum anemophilum*)

This is a low perennial herb with leafless flower stalks rising above clumps of white leaves, which are associated with barren, rocky sites of volcanic or other origin. It blooms in late June and July. The nearest population is in Jackson Mountains east of the allotment. Other populations are located south and east of the allotment.

Grimy ivesia (*Ivesia rhypara var. rhypara*)

This is a low, spreading perennial cushion plant. Its habitat is dry, relatively barren, light-colored outcrops of welded tuffs on east, south, and west aspects. The nearest population is in Yellow Rock Canyon west of the allotment.

B. List of Causal Factors for Not Achieving Standards

A combination of livestock grazing practices and excess wild horse & burro numbers are contributing factors for not achieving and/or allowing for the progress towards the Standards for Rangeland Health for #1 and #4.

A combination of historical and current livestock grazing practices and excess wild horse & burro numbers are contributing factors for not achieving riparian functionality.

C. Conformance or Non-Conformance With Guidelines

Existing grazing management practices, levels of grazing use, and past wild horse and burro numbers are significant factors in failing to achieve the Standards and conform with the Guidelines.

Existing grazing management needs to be modified to ensure that the Fundamentals of Rangeland Health are met or making significant progress toward being met.

E. **SELECTED MANAGEMENT ACTIONS**

A. **LIVESTOCK**

SOLDIER MEADOWS ALLOTMENT - ESTILL RANCHES LLC.

Clockwise Rotation (Idaho Cyn. to Colman/Slumgullion) on even years.

Counterclockwise Rotation (Colman/Slumgullion to Idaho Cyn.) on odd years.

This grazing alternative implements a rotational grazing system wherein livestock would graze in a clockwise (Idaho Cyn. to Colman/Slumgullion) rotation one year followed by one year of counterclockwise (Colman/Slumgullion to Idaho Cyn.) rotation the next year. Animal Unit Months (AUMs) identified as Non Scheduled in the 1994 Multiple Use Decision under a grazing system used by prior Soldier Meadows Ranch owner R.C. Roberts are scheduled for activation in three increments over a five year time frame by Estill Ranches LLC., current ranch owner. These 4481 Non Scheduled AUMs would be restored in three phases of approximately 1494 AUMs each.

Activation and phase in of Non Scheduled AUMs would be postponed until the third year of the rotational grazing system assuming Allotment Objectives and Standards and Guidelines for Rangeland Health are attained. This conservative approach to reinstating these AUMs are attributed to the following:

* Facilitate vegetation recovery in the allotment following heavy use by livestock, wild horses and burros for several years. One thousand one hundred and seventy-two (1172) wild horses and burros were removed during the winter of 2000 - 2001, yet their numbers have already exceeded the Appropriate Management Level (AML)

* Prevent overutilization and facilitate attainment of Allotment Objectives and Standards for Rangeland Health.

This activation of 4,481 Non Scheduled AUMs would be implemented over a five year period (Phases 1,2 & 3) with a third or approximately 1,494 AUMs added to the grazing schedule in years three, five and seven, providing the objectives and the Standards for Rangeland Health are achieved each year.

YEAR 1 CLOCKWISE (Idaho Cyn. to Colman/Slumgullion) ROTATION

- 1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 7687
 - e. Not Scheduled 4481
- 2. Season of Use: 01/01 to 11/30
- 3. Kind and Class of Livestock Cow/Calf
- 4. Percent Federal Range 100%
- 5. Grazing System

Livestock	Season of Use	Use Area	AUMs
700	01/01 to 03/31	B. Rock S.*	2071
700	04/01 to 05/31	Calico S.**	1404
700	06/01 to 07/31	W. Springs	1404
700	08/01 to 08/31	Id. Canyon***	713
700	09/01 to 09/30	Colman/Slumgullion	690
700	10/01 to 11/30	Hot Springs	1404

* South of Wagner Spring **TOTAL 7686**

** South of Cherry Creek

*** Livestock will be trailed around the reservation into the Colman/Slumgullion use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 2 COUNTERCLOCKWISE (Colman/Slumgullion to Idaho Cyn.) ROTATION

- 1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 7687
 - e. Not Scheduled 4481

2. Season of Use: 01/01 to 11/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Livestock	Season of Use	Use Area	AUMs
700	01/01 to 03/31	B. Rock N.*	2071
700	04/01 to 05/31	Calico N.**	1404
700	06/01 to 06/30	Colman/Slumgullion	690
700	07/01 to 07/31	Id. Canyon***	713
700	08/01 to 09/30	Warm Springs	1404
700	10/01 to 11/30	Hot Springs	1404

* North of Wagner Spring **TOTAL 7686**

** North of Cherry Creek.

*** Livestock will be trailed around the reservation into the Idaho Canyon use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 3 - PHASE 1 CLOCKWISE (Idaho Cyn. to Colman/Slumgullion) ROTATION

1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 9181
 - e. Non Scheduled 2987
2. Season of Use: 01/01 to 11/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Livestock	Season of Use	Use Area	AUMs
836	01/01 to 03/31	B. Rock S.*	2474
836	04/01 to 05/31	Calico S.**	1677
836	06/01 to 07/31	W. Springs	1677
836	08/01 to 08/31	Id. Canyon***	852
836	09/01 to 09/30	Colman/Slumgullion	825
836	10/01 to 11/30	Hot Springs	1677

- * South of Wagner Spring **TOTAL 9182**
 ** South of Cherry Creek
 *** Livestock will be trailed around the reservation into the Colman/Slumgullion use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 4 - PHASE 1 COUNTERCLOCKWISE (Colman/Slumgullion to Idaho Cyn.) ROTATION

1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 9181
 - e. Non Scheduled 2987
2. Season of Use: 01/01 to 11/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Livestock	Season of Use	Use Area	AUMs
836	01/01 to 03/31	B. Rock N.*	2474
836	04/01 to 05/31	Calico N.**	1677
836	06/01 to 06/30	Colman/Slumgullion	825
836	07/01 to 07/31	Id. Canyon***	852

836	08/01 to 09/30	Warm Springs	1677
836	10/01 to 11/30	Hot Springs	1677

* North of Wagner Spring **TOTAL 9182**

** North of Cherry Creek.

*** Livestock will be trailed around the reservation into the Idaho Canyon use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 5 - PHASE 2 CLOCKWISE (Idaho Cyn. to Colman/Slumgullion) ROTATION

1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 10675
 - e. Non Scheduled 1493
2. Season of Use: 01/01 to 11/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%

5. Grazing System

Livestock	Season of Use	Use Area	AUMs
972	01/01 to 03/31	B. Rock S.*	2876
972	04/01 to 05/31	Calico S.**	1949
972	06/01 to 07/31	W. Springs	1949
972	08/01 to 08/31	Id. Canyon***	991
972	09/01 to 09/30	Colman/Slumgullion	959
972	10/01 to 11/30	Hot Springs	1949

TOTAL 10673

* South of Wagner Spring

** South of Cherry Creek

*** Livestock will be trailed around the reservation into the Colman/Slumgullion use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 6 - PHASE 2 COUNTERCLOCKWISE (Colman/Slumgullion to Idaho Cyn.) ROTATION

1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 10675
 - e. Non Scheduled 1493
2. Season of Use: 01/01 to 11/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Livestock	Season of Use	Use Area	AUMs
972	01/01 to 03/31	B. Rock N.*	2876
972	04/01 to 05/31	Calico N.**	1949
972	06/01 to 06/30	Colman/Slumgullion	959
972	07/01 to 07/31	Id. Canyon***	991
972	08/01 to 09/30	Warm Springs	1949
972	10/01 to 11/30	Hot Springs	1949

* North of Wagner Spring **TOTAL 10673**

** North of Cherry Creek.

*** Livestock will be trailed around the reservation into the Idaho Canyon use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 7 - PHASE 3 CLOCKWISE (Idaho Cyn. to Colman/Slumgullion) ROTATION

1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 12168

- e. Non Scheduled 0
- 2. Season of Use: 01/01 to 11/30
- 3. Kind and Class of Livestock Cow/Calf
- 4. Percent Federal Range 100%
- 5. Grazing System

Livestock	Season of Use	Use Area	AUMs
1108	01/01 to 03/31	B. Rock S.*	3278
1108	04/01 to 05/31	Calico S.**	2222
1108	06/01 to 07/31	W. Springs	2222
1108	08/01 to 08/31	Id. Canyon***	1129
1108	09/01 to 09/30	Colman/Slumgullion	1093
1108	10/01 to 11/30	Hot Springs	2222

* South of Wagner Spring **TOTAL** 12166

** South of Cherry Creek

*** Livestock will be trailed around the reservation into the Colman/Slumgullion use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

YEAR 8 - PHASE 3 COUNTERCLOCKWISE (Colman/Slumgullion to Idaho Cyn.) ROTATION

- 1. Grazing (AUMs)
 - a. Total 16070
 - b. Historical Suspended 3902
 - c. Permitted Use 12168
 - d. Authorized 12168
 - e. Non Scheduled 0
- 2. Season of Use: 01/01 to 11/30
- 3. Kind and Class of Livestock Cow/Calf
- 4. Percent Federal Range 100%
- 5. Grazing System

Livestock	Season of Use	Use Area	AUMs
1108	01/01 to 03/31	B. Rock N.*	3278
1108	04/01 to 05/31	Calico N.**	2222
1108	06/01 to 06/30	Colman/Slumgullion	1093
1108	07/01 to 07/31	Id. Canyon***	1129
1108	08/01 to 09/30	Warm Springs	2222
1108	10/01 to 11/30	Hot Springs	2222

* North of Wagner Spring

TOTAL 12166

** North of Cherry Creek.

*** Livestock will be trailed around the reservation into the Idaho Canyon use area, no grazing or trailing will occur within the Stanley Camp Riparian Pasture.

RATIONALE:

This proposed livestock grazing system utilizes smaller pastures or use areas for short durations annually throughout the allotment. This proposal would extend the total time that livestock are on public lands within the allotment, to eleven (11) months under this system versus eight and a half (8.5) months under the existing system. These phased in AUMs will result in approximately a nineteen percent (19%), a thirty-eight percent (38%) and fifty-eight percent (58%) increases (from existing actual use) in years 3, 5 & 7 respectively. The livestock numbers in this proposed plan would be adjusted to eight hundred thirty-six (836), nine hundred seventy-two (972) and one thousand one hundred and eight (1108) head in years 3, 5 & 7 respectively. The existing grazing system currently allows the grazing of one thousand one hundred and seventeen (1117) head of livestock.

The Idaho Canyon, Colman Creek/Slumgullion Creek use areas would be grazed for short durations and the season of use would be at different times each year (early one year followed by later the next year). The Idaho Canyon use area would be grazed from 07/01 to 07/31 one year and 08/01 to 08/31 the following year. This system of grazing these areas for short durations (30 days) allows rest until seed ripe, which will increase plant vigor, food storage, forage production and seed production. Deferring grazing until later in the season also will provide the opportunity for the establishment of seedlings. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

The Colman Creek/Slumgullion Creek use areas would be grazed for short durations and the season of use would also be at different times each year (early one year followed by later the next year). This use area would be grazed from 06/01 to 06/30 one year and 09/01 to 09/30 the following year. This deferred short duration rotational grazing system will provide some rest until seed ripe increasing plant vigor, food storage, forage

production and establishment of seedlings. Grazing this area early in the year when the upland sites are greening up prevents livestock from concentrating in the riparian areas of Colman and Slungullion Creeks. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

There are three perennial streams (Mahogany, Summer Camp and Snow creek) on public lands administered by BLM that flow into Summit Lake on tribal lands. These Creeks, within The Stanley Camp Riparian Pasture, provide spawning habitat for one of only two genetically pure strains of the federally listed threatened Lahontan cutthroat trout (LCT) within the Northwestern Lahontan Distinct Population Segment. There will be no livestock authorized to graze or trail through the Stanley Camp Riparian Pasture. Two sections of fence will be reconstructed and built to prevent livestock from drifting into the Stanley Camp Riparian Pasture. The first section will be reconstructed from the existing private fence around Stanley Camp Cabin to the Summit Lake Reservation fence. Another small section will be constructed from the Pine Forest Allotment boundary fence to the existing Lahontan cutthroat trout enclosure fence. The purpose of the fences is to prevent livestock from drifting into the Stanley Camp Riparian Pasture and adversely impacting the watershed which is habitat for the federally listed threatened Lahontan cutthroat trout.

The Warm Springs Pasture would be grazed 06/01 to 07/31 one year followed by 08/01 to 09/30 the next year. This system of relatively short duration (60 days) grazing combined with early use in rotation with later use will provide one season of deferred grazing allowing seed ripe. This system will increase plant vigor, food storage, forage production and seed production. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

The Hot Springs pasture would be grazed late season from 10/01 to 11/30 allowing seed ripe annually. This system will increase plant vigor, food storage, forage production and seed production. Grazing this area later during the cool season when livestock are not as dependent on water will prevent them from concentrating near the geothermal springs. These springs provide habitat for desert dace which is another federally listed threatened species. The springs and the adjacent areas also provide habitats for a two federally listed Candidate species, the Soldier Meadows cinquefoil and also the Elongate Mud Meadow spring snail. Late season grazing during plant dormancy will provide a complete growing season annually for the cinquefoil. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

The Calico Pasture is divided into two use areas (North & South) with a grazing season of 04/01 to 05/31 annually. This system provides a year of rest followed by a relatively

short (60 days) early season of use. This system will increase plant vigor, food storage, forage production and seed production. Once the livestock are removed on May 31 the vegetative resources will have approximately ten months rest until being grazed again. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

The Black Rock Pasture is also divided into two use areas (North & South) with a grazing season of 01/01 to 03/31 annually. Grazing impacts should be minimal since use occurs during the winter season when most of the vegetation is dormant. This system will increase plant vigor, food storage, forage production and seed production by having a complete growing season of rest.

INTERIM GRAZING SYSTEM

In the interim until fences are reconstructed between the Idaho Canyon use area and the Stanley Camp Riparian Pasture, herders will be present to prevent livestock from drifting into the Stanley Camp Riparian Pasture or onto the areas burned in the wildland fire of 2000. Since the season of use is relatively short (30 days) and there are existing fences around the most of the use area there will be little opportunity for livestock drift. This herding effect of controlled short duration grazing and limiting utilization to fifty percent (50%) in the uplands and restricting riparian vegetation utilization to thirty percent (30%) should result in achieving allotment objectives and standards and guidelines for rangeland health.

TERMS AND CONDITIONS:

The terms and conditions must be in conformance with the Standards and Guidelines for the Sierra Front - Northwestern Great Basin Resource Advisory Council, approved by the Secretary of the Interior on February 12, 1997.

1. Since the majority of the use areas are unfenced it is the responsibility of the permittee to incorporate riding and herding to insure livestock grazing occurs within the appropriate pasture in accordance with the permit schedules.
2. There will be no livestock grazing authorized within the Mahogany Creek Enclosure.
3. Livestock grazing within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout (LCT) will be subject to the following restrictions. These standards would apply to Colman and Donnelly Creeks.
 - a. Maintain a minimum stubble height of six inches (6") in streambank herbaceous vegetative sites consisting of primarily: sedges (Carex spp), rushes (Juncus spp.), and Tufted Hairgrass (Deschampsia cespitosa). If stubble heights are exceeded prior to the end of the designated grazing season, the livestock permittee will be given a seven (7) day notice in which to remove livestock from the use

area/pasture and/or allotment.

- b. The objective for utilization of key woody plant species is thirty percent (30%) : Aspen (Populus tremuloides) and Willows (Salix spp.).
 - c. Mechanical streambank damage such as livestock hoof action resulting in bank punching or shearing shall not exceed ten percent (10%) within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout. This standard would apply to the following Colman and Donnelly Creeks.
4. Maintain a minimum stubble height of six inches (6") on the grass and grass-like plants in those sites associated with the federally listed threatened Desert Dace. If stubble heights are exceeded prior to the end of the designated grazing season, the livestock permittee will be given a seven (7) day notice in which to remove livestock from the use area/pasture and/or allotment.
 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 the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 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. Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, riparian habitats or aspen stands.
 7. The permittees are required to perform maintenance on range improvements as per their signed cooperative agreements and section 4 permits prior to livestock turnout.
 8. The permittees certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.
 9. The grazing authorization with the schedules of use outlined in this evaluation will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1994 Soldier Meadows Allotment Multiple Use Decisions are suspended, unless revised.
 10. The authorized officer reserves the right to modify annual grazing authorizations as long as the modification is consistent with management objectives, standards for rangeland health and remains in the designated season of use.

PAIUTE MEADOWS ALLOTMENT - IRV AND SANDY BROWN

1. Grazing (AUMs)
 - a. Total 9932
 - b. Historical Suspended 5789
 - c. Permitted Use 4143
 - d. Authorized 4143

2. Season of Use 03/15 to 10/06
11/15 to 01/15

3. Kind and Class of Livestock Cow/Calf

4. Percent Federal Range 100%

5. Grazing System

Livestock	Season of Use	Use Area	AUMs
522	03/15 to 05/15	N. Paiute low el.*	1064
522	05/16 to 07/17	N. S. Fork Battle**	1081
522	07/18 to 10/06	S.S. Fork Battle***	1390
300	11/15 to 01/15	S. Paiute low el.****	612

TOTAL 4147

- * North of Paiute Creek below 1550 meters in elevation.
- ** North of South Fork of Battle Creek above 1550 meters in elevation.
- *** South of South Fork of Battle Creek above 1550 meters in elevation.
- **** South of Paiute Creek below 1550 meters in elevation.

RATIONALE:

This management action will maintain the same livestock numbers, seasons of use and areas as the existing system with the exception that there is a proposed winter season of use for 300 head within the South Paiute low elevation area. Temporary non-use within this winter use area has been granted since 1998. The winter use area is outside of any Herd Management Area (HMA) or identified wildlife use area. Livestock grazing during the winter when most of the vegetation is dormant should minimize vegetative impacts. This management action would extend the season of use within the allotment by approximately two months (11/15 to 01/15) to accommodate the winter grazing season and increase the Permitted Use an additional 594 AUMs, approximately a 17% increase.

This management action also proposes to change some of the areas of use by designating the South Fork of Battle Creek as the boundary between the north and south use areas instead of Paiute Creek as under the existing system. The lack of adequate water sources south of Paiute Creek and the combined numbers of wild horses and livestock tend to concentrate use on the limited water sources and vegetation under the existing system. Changing the use areas allows better distribution and more uniform vegetative utilization since there are more sources of water and greater forage production in the higher elevation sites on the northern portion of the allotment. Since the cattle will be moved to the larger southern use area around the middle of July alleviating hot season use in the riparian areas this system will allow attainment of the allotment objectives and Standards for Rangeland Health. Riding and herding is essential to ensure livestock are properly distributed within the appropriate use area north or south of the South Fork of Battle Creek during the authorized period of use.

TERMS AND CONDITIONS:

The terms and conditions must be in conformance with the Standards and Guidelines for the Sierra Front - Northwestern Great Basin Resource Advisory Council, approved by the Secretary of the Interior on February 12, 1997.

1. Since the majority of the use areas are unfenced it is the responsibility of the permittee to incorporate riding and herding to insure livestock grazing occurs within the appropriate use area in accordance with the permit schedules.
2. Livestock grazing within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout (LCT) will be subject to the following restrictions. These standards would apply to the North Fork of Battle Creek, Paiute Creek, and Bartlett Creek.
 - a. Maintain a minimum stubble height of six inches (6") in streambank herbaceous vegetative sites consisting of primarily: sedges (Carex spp.), rushes (Juncus spp.), and Tufted Hairgrass (Deschampsia cespitosa). If stubble heights are exceeded prior to the end of the designated grazing season, the livestock permittee will be given a seven (7) day notice in which to remove livestock from the use area/pasture and/or allotment.
 - b. The objective for utilization of key woody plant species is thirty percent (30%) for Aspen (Populus tremuloides) and Willows (Salix spp.).
 - c. Mechanical streambank damage such as livestock hoof action resulting in bank punching or shearing shall not exceed ten percent (10%) within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout. This standard would apply to the following: North Fork of Battle Creek, Paiute Creek, and Bartlett Creek.
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 the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.”

4. Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, riparian habitats or aspen stands.
5. The permittees are required to perform maintenance on range improvements as per their signed cooperative agreements and section 4 permits prior to livestock turnout.
6. The permittees certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.
7. The grazing authorization with the schedules of use outlined in this evaluation will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1994 Paiute Meadows Allotment Multiple Use Decisions are suspended unless revised.
8. The authorized officer reserves the right to modify annual grazing authorizations as long as the modification is consistent with management objectives, standards for rangeland health and remains in the designated season of use.

RATIONALE:

This management action will maintain the same livestock numbers, seasons of use and areas as the existing system with the exception that there is a proposed winter season of use for 300 head within the South Paiute low elevation area. Temporary non-use within this winter use area has been granted since 1998. The winter use area is outside of any Herd Management Area (HMA) or identified wildlife use area. Livestock grazing during the winter when most of the vegetation is dormant should minimize vegetative impacts. This management action would extend the season of use within the allotment by approximately two months (11/15 to 01/15) to accommodate the winter grazing season and increase the Permitted Use an additional 594 AUMs, approximately a 17% increase.

This management action also proposes to change some of the areas of use by designating the South Fork of Battle Creek as the boundary between the north and south use areas instead of Paiute Creek as under the existing system. The lack of adequate water sources south of Paiute Creek and the combined numbers of wild horses and livestock tend to concentrate use on the limited water sources and vegetation under the existing system. Changing the use areas allows better distribution and more uniform vegetative utilization since there are more sources of water and greater forage production in the higher elevation sites on the northern portion of the allotment. Since the cattle will be moved to the larger southern use area around the middle of July alleviating hot season use in the riparian areas this system will allow attainment of the allotment objectives and Standards

for Rangeland Health. Riding and herding is essential to ensure livestock are properly distributed within the appropriate use area north or south of the South Fork of Battle Creek during the authorized period of use.

B. WILD HORSE & BURRO MANAGEMENT

In accordance with 43 CFR Subpart 4700, it has been determined through the evaluation of monitoring data that a thriving natural ecological balance will be maintained by managing and providing forage (AUMs) for the following numbers of wild horses and burros within the Herd Management Areas (HMAs):

PAIUTE MEADOWS ALLOTMENT

HMA	NO. HORSES @ AML	AUMS/YR.. @ AML	NO. HORSES @ 60% OF AML	AUMS/YR. @ 60% OF AML
BLACK ROCK RANGE EAST	93	1116	56	672

SOLDIER MEADOWS ALLOTMENT

HMA	# HORSES @AML & 60% OF AML	#AUMs @AML & 60% OF AML	#BURROS@AML & 60% OF AML	#AUMs@ AML & 60% OF AML
BLACK ROCK RANGE WEST	93	1116	0	0
	56	672	0	0
WARM SPRINGS	175	2100	24	288
	105	1260	14	168
CALICO MOUNTAIN*	65	780	0	0
	39	468	0	0

*Approximately twenty percent (20%) of the horse numbers within the Calico HMA are in the Soldier Meadows Allotment.

Excess wild horses and burros within the Soldier Meadows Allotment and Paiute Meadows Allotment will be removed periodically to maintain the population within the AML range outlined above or until the AML is modified.

Rationale:

Based on monitoring data collected during the re-evaluation period there have not been any significant problems associated with wild horse use of the range. The Appropriate Management Level (AML) established in the 1995 Multiple Use Decision for the Paiute Meadows Allotment is still applicable today. It is recognized that the horses from the Black Rock Range East HMA interact with horses in the Black Rock Range West HMA

and this interaction will assure genetic viability. The wild horses within Paiute Meadows Allotment (Black Rock Range East) will be managed in conjunction with horses in Soldier Meadows Allotment (Black Rock Range West). Appropriate Management Levels (AMLs) have been established within the two Herd Management Areas (HMAs) and will be managed in accordance with the 2001 Wild Horse Strategy. When population levels exceed the AML within the total herd area, the horses will be gathered regardless of the allotment they may be inhabiting at the time of the gather.

Compliance and Monitoring

Population adjustments will occur when data indicates the population is not consistent with the established AML. The AML will remain unchanged until data indicates a change is necessary to reach HMA objectives including maintenance of a thriving natural ecological balance and multiple-use relationship in the herd area.

C. WILDLIFE

Analysis of existing management of wildlife habitat indicates that current wildlife populations are not significantly impacting multiple use objectives; therefore, no change in wildlife populations is warranted. Wildlife populations would be managed at reasonable numbers as outlined in the Land Use Plan. Reasonable numbers of wildlife are as follows:

SOLDIER MEADOWS ALLOTMENT

Mule Deer	786	AUMs
Bighorn Sheep	264	AUMs
Antelope	48	AUMs

PAIUTE MEADOWS ALLOTMENT

Mule Deer	1838	AUMs
Bighorn Sheep	180	AUMs
Antelope	307	AUMs

RATIONALE:

Analysis of monitoring data indicates that the utilization objectives, for upland, wetland riparian and streambank riparian habitats have been typically met in most years. There is no data indicating that wildlife use is attributed to non-attainment of any allotment objective or standard for rangeland health. Therefore, a change in the existing wildlife populations or the existing wildlife management, within the Paiute Meadows Allotment or Soldier Meadows Allotment, is not warranted.

D. RANGE IMPROVEMENT PROJECTS

The following range improvements, which are required for the final grazing system to function, will be incorporated into proposed multiple use decisions. Until the fences are constructed an interim livestock grazing system will require riding and herding to maintain cattle in the authorized use areas. The following projects are scheduled to be evaluated through the project planning process. Construction of projects is dependent upon National Environmental Policy Act (NEPA) analysis, funding and project priorities.

1. Reconstruct the existing fence from Stanley Camp cabin to the Summit Lake Reservation fence.
2. Construct a small portion of fence from the existing Pine Forest Allotment fence to the Lahontan cutthroat trout exclosure fence.
3. Construct fences to protect desert dace and their critical habitats within the Hot Springs Use Area.

Rationale: These projects are required to prevent livestock from adversely impacting habitat of the federally listed Threatened Lahontan cutthroat trout and desert dace and also the federally listed Candidate Soldier Meadows cinquefoil and Elongate Mud Meadows spring snail..

RATIONALE:

Following completion of the proposed range improvements and the "final grazing system", livestock distribution and management will be improved. The allotment pastures will benefit from the range projects through a more uniform utilization pattern, better use of the annual vegetation and the flexibility to rest or defer livestock from resource sensitive areas. Several of the range improvements are essential for the final grazing system to function properly.

E. MONITORING

The following types of monitoring data will be used to make a determination of attainment of allotment objectives.

1. Utilization - Key Areas
2. Trend - Key Areas
3. Actual Use
4. Climatological
5. Stream Survey
6. Lotic/Lentic Riparian Functionality Assessments
7. Water Quality
8. Condition and Trend Assessment - Wildlife Habitat

9. Ecological Site Inventory
10. Wild Horse/Burro Distribution & Census

F. OBJECTIVES

SOLDIER MEADOWS ALLOTMENT

A. Short Term:

1. Livestock grazing within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout (LCT) will be subject to the following restrictions. These standards would apply to Colman and Donnelly Creeks.
 - a. Maintain a minimum stubble height of six inches (6") based on site potential, in streambank herbaceous vegetative sites consisting of primarily: sedges (Carex spp.), rushes (Juncus spp.), and tufted hairgrass (Deschampsia cespitosa).
 - b. The objective for utilization of key woody plant species within the allotment is thirty percent (30%) for aspen (Populus tremuloides) and willows (Salix spp.).
 - c. Mechanical streambank damage such as livestock hoof action resulting in bank punching or shearing shall not exceed ten percent (10%) within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout.
2. Maintain a minimum stubble height of six inches (6") based on site potential, on the grass and grass-like plants in those sites associated with the federally listed threatened Desert Dace.
3. The objective for utilization of key plant species in wetland riparian habitats is fifty percent (50%) for sedges (Carex spp.), rushes (Juncus spp.) and bluegrass (Poa).
4. The objective for utilization of key plant species in upland habitats is fifty percent (50%) on the following: bluebunch wheatgrass (Agropyron spicatum), serviceberry (Amelanchier), curleaf mountainmahogany (Cercocarpus ledifolius), basin wildrye (Elymus cinereus), ephedra (Ephedra), winterfat (Eurotia lanata), Idaho fescue (Festuca idahoensis), meadow barley (Hordeum brachyantherum), Baltic rush (Juncus balticus), lupine (Lupinus caudatus), Indian ricegrass (Oryzopsis hymenoides), bluegrass (Poa), Nevada bluegrass (Poa nevadensis), Sandberg bluegrass (Poa secunda), antelope bitterbrush (Purshia tridentata), bottlebrush squirreltail (Sitanion hystrix), needleandthread (Stipa comata), Thurber Needlegrass (Stipa Thurberiana), and snowberry (Symphoricarpos).

B. Long Term:

1. Manage, maintain, or improve rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 786 AUMs for mule deer, 429 AUMs for pronghorn, and 264 AUMs for bighorn sheep.
 - a. Improve to or maintain good to excellent mule deer habitat conditions.
 - b. Improve to or maintain fair to good pronghorn habitat conditions.
 - c. Improve to or maintain good to excellent bighorn sheep habitat conditions.
2. Improve or maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition within the site potential of the rangeland habitat.

The following parameters have been found to constitute optimum (good) conditions for sage grouse use :

Strutting Habitat

Low sagebrush or brush free areas for strutting and nearby areas of sagebrush having 20-50% canopy cover for loafing.

Nesting Habitat

1. Sagebrush between seven 7 and 31 inches in height (optimum= 16 inches).
2. Sagebrush canopy cover of 15-30% (optimum = 27%).
3. 25-35% basal ground cover.
4. Average understory height of 6-7 inches (grasses).

Brood Rearing Habitat

Early Season 1. Sagebrush canopy cover 10-21% (optimum = 14%).

Late Season

1. Meadow areas that are in functioning condition.
2. Residual meadow vegetation of no less than 3-6 inches in height.

Winter Habitat

1. Greater than 20% sagebrush canopy cover.
3. Improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with a stocking level of 7,687 AUMs.
4. Maintain and improve the free-roaming behavior of wild horses and burros by protecting and enhancing their home ranges.
 - a. Manage, maintain, or improve public rangeland conditions to provide 4,284 AUMs of forage on a sustained yield basis for wild horses.
 - b. Maintain and improve wild horse habitat by assuring free access to water.
5. Improve to and/or maintain ceanothus (Ceanothus), maintain mahogany (Cercocarpus), and aspen (Populus tremuloides) habitats by allowing for successful reproduction and recruitment based on site potential.
6. Improve to and/or maintain riparian and meadow habitat types to ensure species diversity and quality and to maximize reproduction and recruitment.
7. Improve to and/or maintain serviceberry (Amelanchier), bitterbrush (Purshia tridentata), ephedra (Ephedra) and winterfat (Eurotia lanata) habitat by allowing for successful reproduction and recruitment based on site potential.
8. Improve and/or maintain riparian condition class on six (6) miles of Mahogany Creek, two (2) miles of Summer Camp Creek, three (3) miles of Snow Creek and eight (8) miles of Donnelly Creek to an overall optimum of 70% by achieving the following:
 - 1) Streambank cover 70% or above.
 - 2) Streambank stability 70% or above.
 - 3) Maximum summer water temperatures below 68 degrees F.
9. Improve and/or maintain riparian condition class on eight (8) miles of Colman Creek to an overall optimum of 66% by achieving the following:
 - 1) Streambank cover 66% or above.
 - 2) Streambank stability 66% or above.
 - 3) Maximum summer water temperatures below 68 degrees F.
10. Improve and/or maintain riparian condition class on eight (8) miles of Slumgullion Creek to an overall optimum of 63% by achieving the following:
 - 1) Streambank cover 63% or above.
 - 2) Streambank stability 63% or above.

- 3) Maximum summer water temperatures below 68 degrees F.

WATER QUALITY OBJECTIVES

11. Maintain Mahogany Creek and Summer Camp Creek to the State of Nevada designated Class A water standards.
12. Prevent Bureau authorized activities from degrading the natural quality of water. The Bureau will use the State's water quality criteria, found at NAC 445A.119, as benchmarks to determine whether or not the objective is being met.

A. The criteria for watering of livestock, coldwater aquatic life propagation, water contact recreation and wildlife propagation shall be applied to the following sources:

Snow Creek
Donnelly Creek
Colman Creek.

B. The criteria for watering of livestock, water contact recreation and wildlife propagation shall be applied to the following sources:

Slumgullion Creek
Soldier Creek

C. Standards and Guidelines of Rangeland Health

1. Soil processes will be appropriate to soil type, climate and landform.
2. Riparian/wetland systems are in properly functioning condition.
3. Water quality criteria in Nevada or California State Law shall be achieved or maintained.
4. Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.
5. Habitat conditions meet the life cycle requirements of special status species.

PAIUTE MEADOWS ALLOTMENT

A. Short Term Objectives:

1. Livestock grazing within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout (LCT) will be subject to the following restrictions. These standards would apply to the North Fork of Battle Creek, Bartlett Creek and Paiute Creek.

- a. Maintain a minimum stubble height of six inches (6") based on site potential, in streambank herbaceous vegetative sites consisting of primarily: sedges (Carex spp.), rushes (Juncus spp.), and tufted hairgrass (Deschampsia cespitosa).
 - b. The objective for utilization of key woody plant species is thirty percent (30%) for aspen (Populus tremuloides) and willows (Salix spp.).
 - c. Mechanical streambank damage such as livestock hoof action resulting in bank punching or shearing shall not exceed ten percent (10%) within use areas that are habitat or potential habitat for the federally listed threatened Lahontan cutthroat trout.
3. The objective for utilization of key plant species in wetland riparian habitats is fifty percent (50%) for sedges (Carex spp.), rushes (Juncus spp.) and bluegrass (Poa).
 4. The objective for utilization of key plant species in upland habitats is fifty percent (50%) on the following: bluebunch wheatgrass (Agropyron spicatum), serviceberry (Amelanchier), curleaf mountainmahogany (Cercocarpus ledifolius), basin wildrye (Elymus cinereus), ephedra (Ephedra), winterfat (Eurotia lanata), Idaho fescue (Festuca idahoensis), meadow barley (Hordeum brachyantherum), Baltic rush (Juncus balticus), lupine (Lupinus caudatus), Indian ricegrass (Oryzopsis hymenoides), bluegrass (Poa), Nevada bluegrass (Poa nevadensis), Sandberg bluegrass (Poa secunda), antelope bitterbrush (Purshia tridentata), bottlebrush squirreltail (Sitanion hystrix), needleandthread (Stipa comata), Thurber needlegrass (Stipa thurberana), and snowberry (Symphoricarpos).

B. Long Term Objectives:

1. Manage, maintain, or improve rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 1,838 AUMs for mule deer, 307 AUMs for pronghorn, and 180 AUMs for bighorn sheep.
 - a. Improve to or maintain good to excellent mule deer habitat conditions.
 - b. Improve to or maintain fair to good pronghorn habitat conditions.
 - c. Improve to or maintain good to excellent bighorn sheep habitat conditions.
2. Improve or maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition within the site potential of the rangeland habitat.

The following parameters have been found to constitute optimum (good) conditions for sage grouse use:

Strutting Habitat

Low sagebrush or brush free areas for strutting and nearby areas of sagebrush having 20-50% canopy cover for loafing.

Nesting Habitat

1. Sagebrush between seven 7 and 31 inches in height (optimum= 16 inches).
2. Sagebrush canopy cover of 15-30% (optimum = 27%).
3. 25-35% basal ground cover.
4. Average understory height of 6-7 inches (grasses).

Brood Rearing Habitat

Early Season

1. Sagebrush canopy cover 10-21% (optimum = 14%).

Late Season

1. Meadow areas that are in functioning condition.
2. Residual meadow vegetation of no less than 3-6 inches in height. Winter Habitat

1. Greater than 20% sagebrush canopy cover.

3. Improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with a stocking level of 4,143 AUMs.
4. Maintain and improve the free-roaming behavior of wild horses by protection and enhancing their home ranges.
 - a. Manage, maintain, or improve public rangeland conditions to provide 1,116 AUMs of forage on a sustained yield basis for wild horses.
 - b. Maintain and improve wild horse habitat by assuring free access to water.
5. Improve to and/or maintain ceanothus (Ceanothus), mountainmahogany (Cercocarpus), aspen (Populus tremuloides) habitats by allowing for successful reproduction and recruitment based on site potential.
6. Improve to and/or maintain riparian and meadow habitat types to ensure species

6. Improve to and/or maintain riparian and meadow habitat types to ensure species diversity and quality and to maximize reproduction and recruitment.
7. Improve to and/or maintain serviceberry (Amelanchier), bitterbrush (Purshia tridentata), ephedra (Ephedra) and winterfat (Eurotia lanata) habitat by allowing for successful reproduction and recruitment based on site potential.
8. Improve to and/or maintain Riparian Condition Class to an overall optimum of 60% or above on Paiute Creek, North Fork of Battle Creek and Bartlett Creek by achieving the following:
 - 1) Streambank cover 60% or above.
 - 2) Streambank stability 60% or above.
 - 3) Maximum summer water temperatures below 68 degrees F.

C. Standards and Guidelines of Rangeland Health

1. Soil processes will be appropriate to soil type, climate and landform.
2. Riparian/wetland systems are in properly functioning condition.
3. Water quality criteria in Nevada or California State Law shall be achieved or maintained.
4. Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.
5. Habitat conditions meet the life cycle requirements of special status species.

for Robert T. Bayan
Les W. Boni:
Assistant Field Manager
Renewable Resources

March 3, 2003
Date

KENNY C. GUINN
Governor

CATHERINE BARCOMB
Administrator



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

COMMISSION FOR THE
PRESERVATION OF WILD HORSES

885 Eastlake Boulevard

Carson City, Nevada 89704

Phone (775) 849-3625 • Fax (775) 849-2391

March 28, 2003

Mr. Les W. Boni
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, Nevada 89445

Subject: Final Allotment Re-Evaluation for Soldier Meadows and Paiute Meadows

Dear Mr. Boni,

The Commission for the Preservation of Wild Horses appealed the previous Final Multiple Use Decisions affecting the East Black Rock, West Black Rock, Calico Mountain and Warm Springs Canyon Herd Management Areas. Those appeals argued against the mis-use of Bureau of Land Management procedures to determine carrying capacity and allocate forage to wild horses. In our efforts to settle this matter in 1995 and 1996 our agencies agreed to Stipulated Agreements. There were multiple conflicts at the time including weight averaging, and other specific land use planning issues.

We now find that these allotment evaluations and multiple use decisions are approaching three years past the due date.

As an issue of our appeal, the 1994 Soldier Meadows Final Multiple Use Decision established the appropriate management level for East and West Black Rock Herd. This decision was issued one year after the Paiute Meadows Final Multiple Use Decisions that stated an appropriate management level for the East Black Rock Herd without the benefit of data or rationale. Furthermore, the appeal protested the Bureau of Land Management's use of weight averaging all use pattern mapping data in a manner to ignore over use of riparian areas.

Too this end, the Commission agreed with the Bureau that weight averaging data would not be used in the pending 1999 Paiute Meadows and Soldier Meadows Allotment Evaluations. The 2003 Allotment Evaluation weight averages slight, moderate, heavy and severe utilization data in a manner that does not influence over use of riparian habitat. At the time of the Agreement, the Bureau argued that herding livestock and reducing wild horses would resolve the overuse of riparian systems.

The Stipulated Agreement identified the FMUD's objectives as binding to the Bureau of Land Management and the obligation to monitor those objectives. The 2003 Allotment Evaluation for Soldier Meadows purposely interprets the objective "utilization level by wild horses, once the AML is reached, shall not exceed 20% by July 15th....." as an excuse not to monitor wild horse use on riparian systems as AML was never reached. The objective only gives credence to the excuse that you couldn't reach 20% utilization since you never achieved AML (in over 10 years), however, does not release the Bureau from its obligation under the law to monitor the habitat.

The objective was established to determine wild horse use versus livestock use. By ignoring the standing objective, the Field Office reneged on determining an appropriate management level by use of specific monitoring data for wild horses. Our efforts to devise a process of determining wild horse appropriate management levels without the influence of livestock in joint use of the range has been ignored by the Field Office. At the time of negotiating this objective and monitoring obligations, the Managers were supportive of a new process that did not pit affected parties against each other due to a lack of relative data.

During the period of appeals of the 1990's decisions, the Sonoma-Gerlach Resource Area defended the original land use plan ratios of livestock to wild horses. Our arguments were focused on offending animals take proportional adjustments based on actual use data. The Administrative Law Judge supported the Bureau. The 2003 Final Allotment Evaluation awards additional forage to livestock alternatives that are above the land use plan ratios.

Wild horse gathers in the Black Rock Range resulted in marked horses and population data. Gathers have been limited to the Bureau's adoption policies and not geared to achieve the appropriate management levels. As a part of our Agreement, all necessary data was to be collected to determine accurate population estimates, herd viability and longevity. We find no expression of this data or assessment of the welfare of these herds. If the Bureau has chosen to comply with NEPA, we request a cumulative effect assessment of these herds.

While I am submitting these comments within the extremely limited time frame established by the Bureau, I reserve the right to submit additional comments. This requirement is established under NEPA, which requires 30 business days for review of NEPA related documents. Your request for response in approximately two calendar weeks is in violation of NEPA regulations. A lack of appropriate planning on your part should not dictate inadequate review time for affected interests.

Please re-consider and review our Stipulated Agreements. If you cannot find a copy in your files, we will be happy to supply one to you. This was a binding agreement between the BLM and the State of Nevada.

Sincerely,



Catherine Barcomb, Administrator

cc: Mike Turnipseed, Director
Department of Conservation and Natural Resources

Bob Abbey, Director
Bureau of Land Management, Nevada

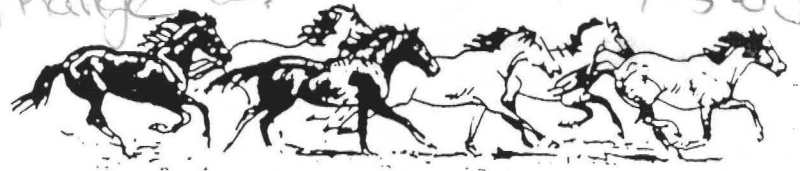
Heather Elliott
Nevada State Clearinghouse

Black Rock Range W.

4-5-03

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(775) 851-4817



In Memoriam
LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"
GERTRUDE BRONN

April 5, 2003

Mr. Les Boni
Bureau of Land Management
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Re: Soldier/Paiute Meadows Final Re-evaluation Summary

Dear Mr. Boni:

Thank you for the opportunity to comment regarding 4120 (NV-022.18) despite its' abbreviated time limit.

1. Background

1.3 pages 7,8. "Upon completion of the NEPA process..., the authorized officer intends to issue a multiple use decision (MUD)...and reaffirm appropriate management levels for wild horses and burros;" somewhat disingenuous in that you violated the process that allows for 30 business days for review of documents, and eliciting comments. *emphasis by own.

1.4 Ignored the 1996 Stipulated Agreements and Withdrawal Agreements.

1.5 page 9. Land Use Plan is not "in conformance.....with other federal, state, and local laws, regulations, and plans..." as stated. The AML for Soldier Meadows in the MUD of 1994, which added the East and West Black Rock herds together. This combination was added to the Paiute Meadows MUD of 1993. WHOA appealed both and we entered into a "legally binding stipulated agreement. The appeals challenged the improper use of weight averaging to establish a carrying capacity and monitoring data that did not identify an offending animal on rested pastures. The District is more than aware the removal of horses or burros must be supported by monitoring data, so the agreements were offered.

2.1 Fences. Without a proper overlay of the fences proposed for Stanley Camp, and Hot Springs on the entire herd management areas; we are not prepared to support them. We would certainly agree to some strategy to protect riparian and Desert Dace, but this proposal does not shed sufficient light regarding the horse or burros' ability to utilize 100% of their HMA, or

allow animals to get to water.

2.2 page 10. Proposed Action. The 1994 SMA Multiple Use Decision was appealed... and it is my understanding that no monitoring has taken place since that time because BLM contends that

no data need be collected because AML was never achieved, hence we are unable to support BLM's repeat of the 1994 decision. Page 10 also states that "Excess wild horses and burros within the SMA would be gathered periodically to maintain the population within 40% below the AML to the AML range. Let me get this straight, you are saying that if there is a population of 93 in Black Rock West and you are suddenly surprised with "capture monies," that you would remove "approximately" or "at least" 37 animals? You would do this because that is what the plan said, rather than what monitoring would prove.

Additionally, I have recently reviewed a E-mail regarding information sought by the Commission regarding censusing, monitoring and removals. Seems like straight forward questions to me; so I was quite taken back at the response by Roger Bryant, once a trusted wild horse specialist.

It brings to mind of why BLM is so mistrusted, that "wordology" as set forth by BLM could have more than one meaning, just as your promises. PLEASE EXPLAIN HOW YOU CAN REMOVE NEARLY 50% OF THE HORSES WITHOUT MONITORING. In addition, please explain the difference between the terms "at least 20% below AML" and "approximately 20% below AML."

Soldier Meadows

Introduction

The Stipulated and withdrawal agreements were than data be incorporated in an allotment evaluation and MUD in 1999. No monitoring, no data collected from 1994 to 1999 to 2003. We assume the agreements were not even considered. Thus, agreements with the BLM are not wirth the paper their written on.

Actual Use and Utilization Data: Since captures have been sporadic, and the data has not been collected, please explain what duties the wild horse and burro specialist is assigned. The BLM is not progressing, the objectives are not met, and the old schemes of the 80's are returning. It will become more than obvious that WHOA and BLM have come to that line in the sand, wherein we object strongly that BLM needn't monitor to adjust wild horses and burros. Also I served on a RAC that produced Standards and Guidelines and if memory serves me correctly, range reform required action on riparian that were not functioning properly.

Pauite Meadows

Rangeland monitoring was collected for the MFP III Decision, the Paradise-Denio Decision of 1981 established a beginning AML. None of the captures resulted in achieving the AML, yet the District chose to use weight averaging to average from slight to severe in order to soften the blow that would afall the livestock industry had you not weight averaged. More than several conversations with NSO regarding the Districts use of weight averaging elicited the same

response, it is improper to use it to establish a carrying capacity. That is why it was in our appeal.

In conclusion, it took nearly 20 years, but better late than never; to completely erode any trust that BLM can ever manage on the side of science, rather than politics. We had thought our offer of monitoring "horse use" on livestock rested pastures would give the opportunity to identify the offending animals, be they horses or livestock. It also was fair. WHOA cannot state with any degree of certainty that the reevaluation is fair.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Y. Lappin".

Dawn Y. Lappin

Black Rock Range

4-5-03

TO: Roger Bryant

FROM: Dawn Y. Lappin

Subject: E-mail

Dear Roger:

I don't remember now how many years its been since we first met, a long time though. Beyond Milt, Les, and Dave, you were the most trusted of BLM employees. Not because you agreed with our concerns, but that, to our knowledge you were always truthful, sometimes painfully so.

I guess I've always known that truth, as the BLM sees it, is several shades of gray. I thought about dismissing the stray E-mail as just frustration, but the inference was more than I could leave alone.

I wonder if you would send the same admonition to your range techs, or even if the permittees fall into the category of "interest groups," I suspect not. I'm not sure yet, whether my hurt is anger at myself for placing so much trust; or that the E-mail pretty much solidifies the adage that all of BLM's land use plans and fancy language, "is not worth the paper its' written on."

Nearly 33 years later, WHOA is no closer to obtaining a system that would identify the overgrazer, not been able to assure their HMA's are not fenced into minute pastures, or would protect healthy horses and burros on healthy rangelands; would be done if we were deligent enough. That appears to be a very serious case of misjudgement or naivete. Rather, I'm going to endorse the relationship of your "interest group" and instead of believing that I can make a difference unilaterally, taking a more multilateral approach. That E-mail said so very much more than I am sure you wanted transmitted to anyone. I am sorry I misjudged you.

Dawn

Black Rock Range W.

3-28-03



Nevada Department of Conservation & Natural Resources
DIVISION OF WILDLIFE
1100 Valley Rd
Reno, NV 89512

March 28, 2003

Mr. Les W. Boni
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, Nevada 89445

RE: Soldier and Paiute Meadows Final Re-Evaluation Summary

Dear Mr. Boni:

The Nevada Division of Wildlife wishes to provide comments to the Final Allotment Evaluation for the Field Office's top priority allotments. These allotments were identified as "I" priority in the two present and valid lands use plans. Specific Management Framework Plan III Decisions scheduled these allotments for evaluations on three and five year schedules at the completion of the 1981 Sonoma-Gerlach and Paradise-Denio Final Grazing Environmental Impact Statements. This Decision set the process to collect monitoring data and adjust livestock, wild horse and wildlife numbers or management as necessary.

Since that time, these allotments were evaluated in 1988 without the benefit of environmental assessments or consultation with affected parties. As a result of the appeal of 13 grazing decisions, the Bureau agreed to consult the public on allotment evaluations. Despite the fact that over 10 years of multiple use management and monitoring had passed, the first allotment evaluations presented to the public occurred in 1992. In 1993 and 1994, Final Full Force and Effect Multiple Use Decisions were issued that established allotment carrying capacities and allocated forage to wild horses and livestock. These decisions were appealed by the Division of Wildlife and settled in two Stipulated and Withdrawal Agreements by 1996. These agreements included the Bureau of Land Management's obligation to abide by allotment specific objectives, monitor livestock/wild horse utilization actual use and utilization respective to those objectives and adjust numbers based upon the use of these data.

We find the comment period for State review of the allotment evaluation inadequate and that provisions of the 1996 and 1995 Agreements ignored. Due to the inadequate time provided for the comment period, we reserve the right to amend our comments or provide additional comment.

Mr. Les Boni
March 28, 2003
Page 2

Specific comments for Soldier Meadows and Paiute Meadows Allotments are provided below.

Soldier Meadows Specific Comments

The allotment evaluation and multiple use decision were to be completed no later 1999.

Page 4, Introduction

The document identifies the Stipulated Agreements between affected parties. We assume that our agreements were not considered.

Page 10, Actual Use Data

Please identify census data or observed wild horse numbers.

Page 14, Wildlife

Drought conditions in the late 1980's broke with heavy snowfall in 1993. During those months the Field Office conducted emergency wild horse gathers and shot stranded wild horse bands. Nevada Division of Wildlife estimated the loss of hundreds of big game animals in the Warm Springs Pasture of the Soldier Meadows Allotment.

Passerine Bird Investigations were to reflect nongame or wildlife diversity in various riparian areas in these allotments. It appears that the data will not be used to show the benefit of restored or improving conditions. Our agencies discussed the future of these studies in 2002.

Page 19, Utilization Data

The summaries do not include actual use of livestock and wild horse data. This section should illustrate the cause and effect of ungulate use of Key Management Areas and pastures. It does not show wild horse use prior to July 15th on rested pastures.

Mr. Les Boni
March 28, 2003
Page 3

Page 24, Soldier Meadows Allotment

Our Stipulated Agreement considered all riparian areas as Key Management Areas. The document indicates that Key Management Areas were never established since the 1994 Multiple Use Decision. Riparian areas suffered heavy and severe use.

Page 25, ESI

The document further shows no new Key Management Areas since the 1994 Multiple Use Decision.

Page 26, Sage Grouse

We appreciate the Bureau's application of their Sage Grouse Standards and Guidelines. These actions are welcomed in the pending Conservation Plan.

Page 36, Wild Horse and Burros

Wild horses captured and released into the affected Herd Management Areas were marked to determine accurate population models. These herds were managed under an adoption policy and contrary to the Multiple Use Decision that established a range carrying capacity. The Bureau chose to limit the removal to animals less than 5 years old in 1994 and less than 9 years old in 1996.

This section of the document should show disparity of the Multiple Use Decisions for the Appropriate Management Levels with its management actions limited by adoption policies.

Page 39, Pygmy rabbit

Pygmy rabbits are sagebrush obligate species. Life history data on page 65, identifies sagebrush as 98% of their diet.

Page 41, Wildfires

Wild fire rehabilitation plans are subject to environmental assessments that establish recovery criteria. Our agency participated informally in these planning efforts. Specific recovery objectives or criteria should be presented in this document to clearly disclose when the fire will be subject to livestock and wild horses. In the past, the Bureau's two-year rest policy has been its practice, rather than adhering to fire rehabilitation objectives.

Mr. Les Boni
March 28, 2003
Page 4

Page 45, Conclusions

Objective 2 was not held binding to the Bureau of Land Management.

Objective 4 was contingent to the Bureau achieving the appropriate management level. Rangeland monitoring and actual use data from this objective could have provided for proper management of Wild Horses. These data could be used under the Management Framework Plan III Decisions requiring scheduled adjustments of wild horses and livestock.

Page 47, Riparian Objectives

Data show that objectives were repetitively not met. The document's conclusions of "Partially met" counter the previous land use plan decisions and Multiple Use Decisions. Range reform required immediate actions on riparian areas that are not a proper functioning condition.

Page 65, Bats

We agree with the assessment's view of the need for caves, rock outcrops and mines for bats. In addition to these habitats, bats need sagebrush/Juniper uplands and riparian habitats. Bat activity has been observed 40 times greater in good riparian areas with high water quality. A high density of insects and good water quality are essential to bats during summer seasons for lactation.

Carrying capacity estimates were not prepared nor allocated to users under our agencies' agreement.

Specific Comments Paiute Meadows Allotment

The allotment evaluation and multiple use decision were to be completed no later than 1999.

Page 58, Utilization Objectives

Riparian objectives were not consistently met.

Page 98, Wild Horse and Burro Management

Adjustments to the Appropriate Management Level for the East and West Black Rock Herd Management Area is subject to the Management Framework

Mr. Les Boni
March 28, 2003
Page 5


Plan III Decisions that require three to five year decisions. This herd's appropriate management level was determined on rangeland monitoring data collected from 1987 to 1990. The Paradise-Denio Record of Decision was completed in 1981. We have witnessed over 22 years of multiple use management of these high priority allotments.

Wild horse gathers have never resulted in appropriate management level for this wild horse herd. Over utilization of riparian areas continue on this allotment. Carrying capacity estimates have averaged slight utilization data against heavy and severe utilization to inflate stocking rates for this allotment. Allocation of available forage neglected any adjustment of wild horse numbers, despite over 22 years of rangeland monitoring data collected on this allotment.

Allocation of forage to wildlife or reasonable numbers is obsolete. Actual use data from wildlife has never been collected and conclusions show no relationship to the carrying capacity of these allotments.

Revision of short-term objectives suggests no meaningful change to current objectives. We appreciate the conversion of allowable use levels from percentage to inches. This is a more practical approach to affected parties. We support the Field Office's intent to establish Key Management Areas. We wish to remind the Field Office that objectives are only as good as the will and ability to monitor them. As stated above, these were the exact terms and obligations the Field Office made to our agencies in 1995.

Sincerely,



Roy Leach
Western Region

REL
Cc. Reno, Habitat
Jim French
State Clearinghouse

KENNY C. GUINN
Governor

STATE OF NEVADA

JOHN P. COMBAUX
Director

**DEPARTMENT OF ADMINISTRATION**

209 E. Musser Street, Room 200

Carson City, Nevada 89701-4298

Fax (775) 684-0260

(775) 684-0209

March 28, 2003

Mr. Les Boni, Assistant Field Manager
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

Re: SAI NV # E2003-106

Project: Soldier Meadows Multiple Use Management Environmental Assessment

Dear Mr. Boni:

Enclosed are comments from the Nevada Division of Water Resources regarding the above referenced report. In addition, the Nevada State Clearinghouse submits the following:

- 1) It is my understanding that at least two Stipulated Agreements have been signed with the BLM and the State of Nevada, per the Court system, and there are several specific points in the documents with which the above document/allotment plan/recommendations do not comply, including, but not limited to, weight averaging, and other specific land use plans;
- 2) Due to the short response time requested by your agency, there may be several state agencies commenting separately at this time, directly to the BLM, with their comments. These comments will be submitted under the Clearinghouse umbrella, and should be considered accordingly;
- 3) The NEPA process requires 30 business days for review of NEPA related documents, pursuant to comment. Your request for response in approximately two calendar weeks is not in compliance with the NEPA regulations;
- 4) Therefore, while the State is submitting a preliminary set of remarks, in order to meet your deadline, I expect additional remarks for your

2

consideration will be submitted to your office within the regulated NEPA timeframe requirements.

These comments constitute the preliminary State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments, those of the agencies submitted under separate cover, and those that will be forthcoming after further review and analysis per NEPA in your final decision. I understand your time constraints in this and other allotment issues that are currently pending. However, NEPA requires a reasonable length of time for review of documents, in order for thoughtful and accurate comments/notations to be crafted and submitted, with which the State will comply. If you have questions, please contact me at 684-0209.

Sincerely,

Heather K. Elliott
Nevada State Clearinghouse/SPOC

Cc: Vicky Oldenberg, Governor's Legal & Policy Advisor
Wayne Howle, Deputy Attorney General
Cathy Barcomb, Wild Horse Commission
Roy Leach, Nevada Division of Wildlife