



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
(775) 623-1500
<http://www.nv.blm.gov/winnemucca>



In Reply Refer To:
(NV-22.18)
4160.3

OCT 19 1999

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Cathy Barcomb
NCPWH
123 West Nye Ln. Suite 248
Carson City, NV 89706-0818

Dear Interested Public:

Please find enclosed the Final Multiple Use Decision for the Little Owyhee Allotment.

If you have any questions, please feel free to contact Gene Seidlitz at (775) 623-1500.

Sincerely yours,

Colin P. Christensen
Assistant Field Manager
Renewable Resources

Enclosure



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In Reply Refer To:
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4160.3

OCT 19 1999

CERTIFIED MAIL NO. Z416353178
RETURN RECEIPT REQUESTED

Nevada First Corporation
P.O. Box 490
Winnemucca, NV 89446

FINAL MULTIPLE USE DECISION LITTLE OWYHEE ALLOTMENT

Dear Mr. Bengochea:

The record of Decision of the Paradise-Denio Environmental Impact Statement was issued on 09/18/81. The Paradise-Denio Management Framework Plan was issued on 07/09/82. These documents guide the management of public lands within the Paradise-Denio Resource Area and more specifically within the Little Owyhee Allotment. Monitoring data has been collected on this allotment and in accordance with Bureau policy and regulations, this data has been evaluated in order to determine progress in meeting management objectives and standards for rangeland health for the Little Owyhee Allotment and to determine if management adjustments may be necessary to meet the management objectives and standards.

On August 25, 1999, the Final Allotment Evaluation and Proposed Multiple Use Decision were issued. No protests were received.

The following are the multiple use management objectives and standards for rangeland health under which grazing on the Little Owyhee Allotment will be monitored and evaluated.

A. Short Term

1. The objective for utilization of key plant species (CAREX, JUNCUS, POA) in wetland riparian habitats is 50%.
2. The objective for key streambank riparian plant species (CAREX, JUNCUS, POA, SALIX, ROWO) on the perennial reaches of the East Fork of the Little Owyhee River is 5 inches stubble height by October 31.

3. The objective for utilization of key upland plant species will be 50% for STTH2, SIHY, and FEID and it will be 40% for CREPIS, ELCI, POSE, AGSP, EULA5, ORHY and LUPIN.

B. Long Term

1. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock with an initial stocking level of 27,800 AUM's.
2. Improve to and maintain the ecological status per key management areas as determined in the Little Owyhee Monitoring Plan.
3. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 288 AUM's for mule deer, 1,233 AUM's for pronghorn and 72 AUM's for bighorn sheep.
 - a. Improve to and maintain 2,756 acres in Paradise Valley DY-1, 29,612 acres in Santa Rosa DY-10, 31,678 acres in Santa Rosa D-2, and 44,210 acres in Santa Rosa DS-1 in good or excellent mule deer habitat condition.
 - b. Improve to and maintain 2,490 acres in Mahogany Ridge PS-8, 25,837 acres in Santa Rosa PS-7 and 21,608 acres in Little Owyhee PS-10 to good condition. Improve to and maintain 457,963 acres in Owyhee Desert PY-9, 17,847 acres in Maiden Butte PW-9, 2,306 acres in Evans Lake PW-10, 7,762 acres in Button Lake PW-11, 4,939 acres in Button Lake PS-9, 8,322 acres in Evans Lake PS-11, and 7,469 acres in Bullhead PW-13 in fair or good pronghorn habitat condition.
4. Improve to and maintain 594 acres of riparian and meadow habitat types to ensure species diversity and quality, and to maximize reproduction and recruitment of woody riparian species
5. Improve to and maintain 21 acres of aspen habitat types to ensure good reproduction and maximize recruitment within the stand.
6. Improve to and maintain 60 acres of mahogany habitat types by allowing for successful reproduction and recruitment in the stand.
7. Improve to or maintain the following stream habitat conditions on the North Fork of the Little Humboldt and the perennial reach of East Little Owyhee from 48% on the North Fork, unknown on the East Little Owyhee to an overall optimum of 60% or above.
 - 1) Streambank cover to 60% or above.
 - 2) Streambank stability to 60% or above.
 - 3) Maximum summer water temperature below 70 degrees Fahrenheit.

8. Improve or maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition.

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

Strutting Habitat

1. 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 coverage 15-30% (optimum = 27%)
3. 25-35% basal ground cover
4. Average understory height of 6-7 inches

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

9. Improve to and maintain state water quality criteria for North Fork Humboldt River and East Little Owyhee River.

C. Standards of Rangeland Health

1. Soil processes will be appropriate to soil type, climate and land form.
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.

D.

WILDLIFE MANAGEMENT

Analysis of existing management of wildlife habitat does not indicate that current wildlife populations are contributing to the failure in meeting multiple use objectives. Therefore, no change in wildlife use is recommended at this time.

E.

WILD HORSE MANAGEMENT

Analysis of existing management of wild horse habitat does not indicate that current wild horse populations are contributing to the failure in meeting multiple use objectives. Therefore, no change in the Appropriate Management Level (AML) is recommended at this time. The AML was set in the Final Multiple Use Decision dated March 26, 1993.

F.

LIVESTOCK DECISION

Based upon the evaluation of monitoring data for the Little Owyhee Allotment, consultation with the permittee's and other interested publics and recommendations from my staff, it is my final decision for livestock to change the management:

FROM: (DESCRIPTION OF EXISTING USE)

1. Grazing Preference (AUM's)

| | | |
|----|----------------------|--------------|
| a. | Total | 47,463 AUM's |
| b. | Historical Suspended | 19,663 AUM's |
| c. | Permitted Use | 27,800 AUM's |
| d. | Authorized | 17,295 AUM's |
| | Voluntary Non-Use | 7,382 AUM's |
| | Conservation Non-Use | 3,123 AUM's |

2. Season of Use

| | |
|-----------------|----------------|
| Spring Use | 03/01 to 06/30 |
| Summer Use | 07/01 to 08/31 |
| Fall/Winter Use | 09/01 to 02/28 |

3. Kind and Class of Livestock

Cattle - Cow/Calf

4. Percent Federal Range - 100%

5. Grazing System

Spring Pastures

Lake Creek, Twin Valley Springs and Fairbanks

The maximum spring period of use is 03/01 to 06/30. The scheduled spring use will be up to 11,080 AUM's. All three spring pastures are used every year. Use in the spring pastures is based on available water sources. Use is scheduled based on these water sources and available forage around

the water source. Availability of water sources was determined by BLM and permittee based on the following criteria:

1. No water source and accompanying service areas will be scheduled for use more than two years in a row. The third year, the area will be rested.
2. If service areas for individual water sources overlap, the water source encompassing the greatest overlap area will be used as the basic forage allocating unit.

Upon request by the permittee, additional spring use may be approved by the authorized officer. The authorization will be subject to the verification of the availability of sufficient forage and water in the spring pastures to support the additional use. Additional use, if granted will be at the scheduled water sources for the current year only, with the stipulation that 70% of the authorized water sources for that year must contain sufficient water to support the additional use and utilization must be less than 50%.

Additional spring use will be used to shorten the duration of use in one or more of the summer pastures.

Summer Pastures

Antelope, Rock Springs, Calico and Capital Peak

The season of use in these pastures is 06/01 to 08/31. Total scheduled use will be 3,215 AUM's.

Livestock will be trailed through the Antelope #1 pasture on odd years, and the Rock Spring pasture on even years onto the Forest Service. The Capitol Peak pasture will be used from 07/28 to 08/15 every year. The Calico pasture will be used every year from 08/16/ to 08/31. The Calico pasture will also be used for short period throughout the summer season as a livestock processing area, and to trail livestock between pastures.

Fall/Winter Pastures

Lake Creek, Twin Valley Springs and Fairbanks

The season of use in these pastures range from 09/01 - 02/28 to 11/01 to 02/28. Total scheduled use will be 3,000 AUM's.

Fall/winter use within each pasture will be made within specific use areas which are separate from spring use areas. Use within each fall/winter use areas will be limited to no more than two consecutive years, The third year the area will be rested.

TO: GRAZING SYSTEM TO BE IMPLEMENTED

1. Grazing Preference (AUM's) Nevada First Corporation
 - a. Total 43,363
 - b. Historical Suspended 19,663
 - c. Permitted Use 23,700
 - d. Authorized 17,664
 - e. Suspension 6,036
 - Voluntary Non-Use
 - Spring/fall/winter 233
 - Temporary Suspension Non-Use
 - Summer 5,803 *

* The 5,803 AUM's held in temporary suspension may be activated during the re-evaluation period. These AUM's are being held in temporary suspension based on the fire rehabilitation efforts and also the possibility of more AUM's being available if utilization levels on streambank/wetland riparian habitats are being achieved.

Grazing Preference (AUM's) Jerry Harper

- a. Total 4,100
- b. Historical Suspended 0
- c. Permitted Use 4,100
- d. Authorized 4,100

2. Season of Use

- | | |
|-------------------|----------------|
| Spring | 03/01 to 05/31 |
| Additional Spring | 06/01 to 06/30 |
| Summer | 07/01 to 08/31 |
| Fall/Winter | 09/01 to 02/28 |

3. Kind of Livestock - Cow/Calf
4. Percent Federal Range - 100%
5. Grazing

The following grazing system will be implemented for the 2000-2006 grazing seasons.

NEVADA FIRST CORPORATION

SPRING USE (EVERY YEAR)

| <u>Pasture</u> | <u>Livestock Number</u> | <u>Season of Use</u> | <u>AUM's</u> |
|----------------|-------------------------|----------------------|---------------|
| Fairbanks | 2000 | 03/01 to 05/31 | 6049 |
| | 500 | 06/01 to 06/30 | 493 |
| Lake Creek | 1500 | 03/01 to 05/31 | 4537 |
| | 500 | 06/01 to 06/30 | 493 |
| TOTAL | | | 11,572 |

JERRY HARPER

| | | | |
|--------------|-----|----------------|--------------|
| Twin Valley | 350 | 03/01 to 03/15 | 173 |
| | 450 | 03/16 to 03/31 | 237 |
| | 630 | 04/01 to 04/30 | 621 |
| | 665 | 05/01 to 06/30 | 1334 |
| TOTAL | | | 2,365 |

The maximum spring period of use will be 03/01 to 06/30. All three spring pastures will be used every year. Total scheduled spring use will be up to 13,937 AUM's.

A total of 21,462 AUM's have been calculated based on the identified permanent and seasonal available water sources in the spring, fall/winter pastures.

The carrying capacity for the spring, fall/winter pastures is as follows:

13,937 AUM's for spring use - livestock
 2,516 AUM's for winter use - livestock
 4,776 AUM's for year round use - horses
233 AUM's non-use pending additional water
 21,462 AUM's total spring, fall/winter

Twelve thousand two hundred ninety five (12,295) AUM's will be authorized annually to from 03/01 to 05/31. An additional 1,642 AUM's may be authorized between 06/01 to 06/30 as additional spring use, provided that utilization is less than 50%. In normal years, of the 2,000 head in Fairbanks 1,500 head will be going onto the Forest and of the 1,500 head in Lake Creek 1,000 head will be going onto the Forest. In most years, these livestock will be moved out of the spring pastures on 05/31 and onto the U.S. Forest Service and by 06/30 all livestock will be removed from the spring pastures.

Use in the spring pastures will continue to be based on available water sources. Use will be scheduled based on these water sources and available forage around the water source. Availability of water sources and forage will be determined by BLM and NFC based on the following criteria:

1. Water source(s) and accompanying service area(s) will be scheduled for use two consecutive years. The third year, the water source and service area will be rested.
2. If service area(s) for individual water sources overlap, the water source encompassing the greatest overlap area will be used as the basic forage allocating unit.

ADDITIONAL SPRING USE

Upon request by the permittee, additional spring use may be approved by the authorized officer. The authorization will be subject to the availability of sufficient forage in the spring pastures to support the additional use. Additional use, if authorized will be at the scheduled water source(s) for the current year only, with the stipulation that utilization must be less than 50%.

SUMMER USE

NEVADA FIRST CORPORATION

2000 (EVEN YEARS)

| <u>Pasture</u> | <u>Livestock Number</u> | <u>Season of Use</u> | <u>AUM's</u> |
|--------------------|-------------------------|----------------------|-------------------|
| Antelope East | 1500 | 06/01 TO 06/10 | 493 AUM'S |
| Antelope West | 1500 | 06/11 TO 06/18 | 395 AUM'S |
| Antelope West | 500 | 07/01 TO 08/15 | 756 AUM'S |
| Antelope East | 500 | 08/16 TO 08/31 | 263 AUM'S |
| Calico * | | | 574 AUM'S |
| Rock Spring Native | 1000 | 06/01 TO 06/10 | 329 AUM'S |
| Rock Spring Rehab | 1000 | 06/11 TO 06/18 | 263 AUM'S |
| Rock Spring Rehab | 500 | 07/01 TO 08/15 | 756 AUM'S |
| Rock Spring Native | 500 | 08/16 TO 08/31 | 263 AUM'S |
| | | TOTAL | 4092 AUM'S |

* Variable livestock number and season of use

2001 (ODD YEARS)

| | | | |
|--------------------|------|----------------|-------------------|
| Antelope East | 1500 | 06/01 TO 06/10 | 493 AUM'S |
| Antelope West | 1500 | 06/11 TO 06/18 | 395 AUM'S |
| Antelope East | 500 | 07/01 TO 08/15 | 756 AUM'S |
| Antelope West | 500 | 08/16 TO 08/31 | 263 AUM'S |
| Calico * | | | 574 AUM'S |
| Rock Spring Native | 1000 | 06/01 TO 06/10 | 329 AUM'S |
| Rock Spring Rehab | 1000 | 06/11 TO 06/18 | 263 AUM'S |
| Rock Spring Native | 500 | 07/01 TO 08/15 | 756 AUM'S |
| Rock Spring Rehab | 500 | 08/16 TO 08/31 | 263 AUM'S |
| | | TOTAL | 4092 AUM'S |

* Variable livestock number and season of use

JERRY HARPER - Every Year

| <u>Pasture</u> | <u>Livestock #</u> | <u>Season of Use</u> | <u>AUM's</u> |
|----------------|--------------------|----------------------|--------------|
| Calico | 600 | 07/01 to 07/07 | 138 |
| Capital Peak | 600 | 07/08 to 08/15 | 769 |
| Calico | 600 | 08/16 to 08/31 | 316 |
| | | TOTAL | 1,223 AUM's |

Season of use in the summer pastures will be 07/01 to 08/31. Total scheduled summer use will be 5,315 AUM's .

Five thousand seven hundred thirty one (5,731) AUM's will be held in temporary suspension until utilization monitoring, in the summer pastures, indicates that these additional AUM's are available and also the possibility exists for additional AUM's as a result of the rehabilitation efforts.

Every year 2,500 head of livestock will be in the Antelope East, Antelope West, Rock Spring Native and Rock Spring Rehab pastures from 06/01 to 06/18. The limited use in these pastures is for facilitation of the livestock onto the Forest Service. The remaining 1,600 head will be authorized from 07/01 to 08/31.

Calico pasture will continue to be used to facilitate livestock operations from the spring pastures to the Forest Service and to and from spring pastures and summer pastures. The total combined use in this pasture, including scheduled use and working/sorting livestock, should not exceed 1028 AUM's. The livestock numbers and season of use vary year to year. The permittee will notify the BLM prior to using the Calico pasture for the purpose of trailing and processing livestock.

WINTER USE EVERY YEAR

NEVADA FIRST CORPORATION

| <u>Pasture</u> | <u>Livestock Number</u> | <u>Season of Use</u> | <u>AUM's</u> |
|----------------|-------------------------|----------------------|--------------|
| Fairbanks | 254 | 11/01 To 02/28 | 1000 AUM'S |
| Lake Creek | 168 | 09/01 To 02/28 | 1000 AUM's |

JERRY HARPER

| | | | |
|-------------|-----|----------------|-----------|
| Twin Valley | 104 | 10/01 to 02/28 | 516 AUM's |
|-------------|-----|----------------|-----------|

Fall/winter use within each pasture will be made within specific use areas which are separate from spring use areas. Use within each fall/winter use area will be limited to no more than two consecutive years. The third year the area will be rested. Livestock use will be limited to specific use areas by utilizing natural snow accumulations, and by limiting access to developed waters. While some livestock drift out of the scheduled use area(s) may occur, the low livestock numbers will make these impacts minimal.

Fall/winter use areas by pasture are described as follows:

Twin Valley Spring Pasture

- Area A The basin around the Little Humboldt Ranch from the southern pasture boundary north to Four Mile Butte.
- Area B The area serviced by Milligan Creek in the North Chimney Rehab (southwest portion of pasture).

Lake Creek Pasture

The northern portion of this pasture has three use areas and the southern portion has one use area within it:

- Area A The area serviced by the Maiden Spring Pipeline
- Area B The area serviced by the Lake Creek Reservoir, East Fork Little Owyhee River and Cathcart Cabin.
- Area C The area serviced by Willow Reservoir and Wild Bill Spring.
- Area D The area serviced by McCleary Wells #1 and #2 south toward Rodear Flat.

Fairbanks Pasture

The southern portion of this pasture has three use areas within it:

- Area A The area serviced by private waters, Fairbanks Reservoir, and Pete's Reservoir.
- Area B The area serviced by private waters along the North Fork of the Little Humboldt River and Chimney Reservoir.
- Area C The areas east of the North Fork of the Little Humboldt River and various reservoirs in the vicinity of the North Chimney Burn.

Use can be made in a particular fall/winter use area for two consecutive years. The third year, the fall/winter use area will be rested.

RATIONALE

Spring Use

The proposed management action will continue to use each spring pasture every year from 03/01 to 05/31. However, rest within each pasture will be implemented. The authorized spring use will be based on available public and private water sources in these pastures, with the stipulation that a specific use area will not be utilized more than two consecutive years. The third year it will be rested. This rest will allow for an increase in plant vigor and seeding establishment.

Additional spring use, if authorized, will enable the permittee to utilize AUM's held in non-use, and will allow the summer season of use to be adjusted. Additional spring use will be authorized only if utilization is less than 50%.

Summer Use

The summer pastures contain the majority of the wetland riparian and streambank riparian habitats in the allotment.

Grazing use in the summer pastures will continue to end on 08/31.

The Antelope pasture will be split into the East and West Antelope Pastures. The Owyhee Road will be the imaginary split for these pastures. Riding by the permittee will be required to minimize the possible drift over the Owyhee Road. The Rock Spring pasture will also be split into the Rock Spring Native and Rock Spring Rehab Pastures. This pasture is split by an existing fence.

A deferment system will be implemented for the Antelope East and Antelope West pastures and also for the Rock Spring Native and Rock Spring Rehab pastures. On even years the Antelope West and Rock Spring Rehab pastures will be used early for a longer period of time (07/01 to 08/15) with the Antelope East and Rock Spring Native pastures receiving 15 days of later use (08/16 to 08/31). On odd years, Antelope East and Rock Spring Native pastures will be used early for a longer period of time (07/10 to 08/15) with the Antelope West and Rock Spring Rehab pastures receiving 15 days of later use (08/16 to 08/31).

This deferment will allow the vegetative resource a partial growing season rest until it would be utilized. Some regrowth on wetland riparian and streambank riparian habitats will occur once livestock are removed on 08/31 from the summer pastures.

The Calico and Capital Peak pastures will continue to be used every year. The Calico pasture will be used throughout the summer months to facilitate the livestock operations. Capital Peak pasture will be used from 07/08 to 08/15. In the past three years the majority of the livestock have been placed on unfenced private land on the Calico Mountain Range in this pasture. The permittee has herded the livestock away from the public wetland riparian and streambank riparian habitats to eliminate excessive use. By alternating use on the private land, thus resting the public portions and with use on the public land and resting the private land, rest is being incorporated. This rest will allow for an increase in plant vigor and seedling establishment. Some livestock drift will occur, but the impacts to the resource will be minimal. A continuous commitment by the permittee to ensure that livestock are in the authorized areas of this pasture is essential.

Use in Capitol Peak will end on 08/15.

The Antelope #2 fence as outlined in the Stipulation for Dismissal has not been constructed, but has been re-surveyed and designed to encompass the majority of the public reaches of the East Fork of the Little Owyhee River. Once this project is built, livestock use may be authorized on a limited basis.

If it is determined through monitoring that grazing to 08/31 does not result in the attainment of the utilization objectives in all summer pastures, appropriate measures will be taken to correct the situation.

The utilization objectives will be evaluated annually. Adjustments to the season of use will be made until the utilization objectives can be consistently met. This relief measure will be a term and condition of the permit.

Fall/Winter Use

Fall/winter use will be taken when plants are dormant, thus the vegetative resource should not be adversely impacted.

Some use may be made on fall and spring green-up. If this does occur, the low livestock numbers along with the large use areas should result in low grazing pressure on the vegetative resource. Spring use of the vegetation in the winter use areas will be limited to that which is made during trailing to spring use areas.

The vegetative resource is actively growing in the months of March - August. At this time energy is spent in root and shoot development. In the fall/winter months the plants are not growing and their requirements are low. However, some root activity is occurring. After the livestock are removed from the fall/winter use areas, the plant has complete rest the entire growing season to replenish itself.

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. Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats, or aspen stands.
2. The permittee is required to perform normal maintenance on the range improvements as per their signed cooperative agreements/section 4 permits prior to turn out.
3. The permittees' certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.
4. Livestock use is not authorized in the following exclosures:
 - a. Lone Willow Exclosure T.46N., R.41E., Sec. 1, 6, 7, 12
 - b. Mahogany Ridge Exclosure T.46N., R.41E., Sec. 14, 15, 22, 23
 - c. Antelope Spring Exclosure T.45N., R.42E., Sec. 28, 29, 33
 - d. Owyhee Reservoir # 3 Exclosure T.47N., R.41E., Sec 25
 - e. South Cow Camp Exclosure T.45N., R.42E., Sec. 24
 - f. Antelope Spring East Exclosure T.45N., R.42E., Sec. 33
 - g. North Fork of the Little Humboldt River Exclosure
5. Any livestock owned or controlled by the permittee must be eartagged. The permittee must submit to the BLM as list of private ear tags which will include numbers and colors.
6. If monitoring at the end of the grazing season in the summer pastures indicates that utilization objectives were not met on wetland riparian, streambank riparian or upland habitats, appropriate corrective actions will be taken the following year. If BLM, NFC, Jerry Harper and interested publics can't agree as to what the "appropriate management action should be, fifteen (15) days will be taken from the ending date of that pasture(s) (all summer pastures) that did not achieve the utilization objective.

7. The permittee will notify the BLM prior to using the Calico Pasture for the purpose of trailing and processing livestock. If monitoring data determines that utilization objectives are exceeded on streambank riparian, wetland riparian and upland habitats, in this pasture, after the livestock are removed onto the Forest Service and summer pastures, the only authorized use after this period will be for trailing livestock through this pasture.
8. No water source and accompanying service area, in the spring, fall/winter pastures, will be scheduled for use more than two years in a row. The third year the area will be rested.
9. Additional spring use will be authorized only if utilization is less than 50% at the time of the request.
10. Spring and fall/winter use areas will be identified by NFC and BLM during the grazing application process.
11. The authorized officer may modify annual grazing authorization as long as the modification is consistent with management objectives and remains within the permitted season of use. Request outside of the permitted season of use will require input from interested publics.
12. "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 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the *immediate* vicinity of the discovery and protect it *from your activities* for 30 days or until notified to proceed by the authorized officer."

G. GRAZING PERMIT

A ten year grazing permit will be issued to Nevada First Corporation upon completion of the decision process. A term grazing permit, for the period of the base property lease, will also be issued to Jerry Harper. The permits will reflect this decision.

AUTHORITY:

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

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

4110.3 "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems

to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

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

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease."

4160.4 "Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge by following the requirements set out in 4.470 of this title. As stated in that part, the appeal must be filed within 30 days after receipt of the decision or within 30 days after the date the proposed decision becomes final as provided in 4160.3(a). Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer. The authorized officer shall promptly transmit the appeal and petition for stay and the accompanying administrative record to ensure their timely arrival at the appropriate Office of Hearing and Appeals."

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

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.
- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and every flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.

Appeal:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under CFR 43 4160.4 and 4.470. The appeal and petition for stay must be filed at the following address:

Colin P. Christensen
AFM Renewable Resources
Bureau of Land Management
Winnemucca District Office
.5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

The appeal and petition for stay must be filed within thirty (30) days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

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

As noted above the petition for stay must be filed in the office of the authorized officer.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Winnemucca District will continue to monitor the Little Owyhee Allotment. The monitoring data will continue to be collected in the future to provide the necessary information for subsequent evaluations. These evaluations are necessary to determine if the allotment specific objectives are being met and the Standards of Rangeland health are being achieved under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives and standards.

The Little Owyhee Allotment is scheduled to be re-evaluated in FY 2006.

Sincerely yours,



Colin P. Christensen
Assistant Field Manager
Renewable Resources

cc certified

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|-------------------------------|------------|
| Charley Amos | Z416353179 |
| James Bonavia | Z416353180 |
| Humboldt County Commissioners | Z416353096 |
| RCI | Z416353097 |
| Sierra Club | Z416353098 |
| NRDC | Z416353099 |
| NDOW - Fallon | Z416353100 |
| NDOW - Winnemucca | Z416353101 |
| USFWS | Z416353102 |
| USFS | Z416353103 |
| WHOA | Z416353104 |
| NCPWH | Z416353105 |
| Nevada Cattlemen's Assoc. | Z416353106 |
| Idaho Watersheds Project | Z416353107 |
| Desert Bighorn Council | Z416353108 |
| Trout Unlimited | Z416353109 |
| Jerry Harper | Z416353110 |