



United States Department of the Interior



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FINAL MULTIPLE USE DECISION SOLDIER MEADOWS ALLOTMENT

Estill Ranches, LLC.
c/o John Estill
P.O. Box 655
Eagleville, CA 96110

Dear Mr. Estill:

BACKGROUND

The Sonoma-Gerlach Final Environmental Impact Statement was issued on 09/18/81. The Sonoma-Gerlach Management Framework Plan Record of Decision was issued on 07/09/82. The Soldier Meadows Allotment (SMA) Evaluation and Final Multiple Use Decision (FMUD) were issued in January 1994. These documents have guided the management of public lands within the Soldier Meadows Allotment to date.

Monitoring data has been collected on this allotment in accordance with Bureau policy and regulations. These data have been evaluated in order to determine if current management is attaining the allotment objectives and Standards for Rangeland Health (SRH) within the SMA. The Final Allotment Re-evaluation, Determination and Management Action Selection Report (MASR) were completed and mailed to you on March 3, 2003. The Determination document determined that allotment objectives and SRH were not achieved under the existing management and that livestock grazing was a significant factor in that non-attainment. The SMA Environmental Assessment (EA) analyzed livestock grazing alternatives that were developed to achieve the allotment objectives and SRH. This EA was mailed to you on March 10, 2003, for your review and comment.

Due to the existing and potential habitats for threatened fish species, Lahontan cutthroat trout and desert dace, the BLM entered into formal consultation with the U.S. Fish and Wildlife Service (Service) for the proposed livestock grazing system. The WFO received a Biological Opinion (BO) dated August 14, 2003, which stated that "...it is the Service's biological opinion that the 2003-2013 livestock grazing system for SMA, as proposed, is not likely to jeopardize the continued existence of the threatened LCT or the threatened desert dace."

Seventeen (17) comment letters were received on the above- mentioned EA. After review of specific public comments on the EA, BLM grouped them into four broad categories: (1) Monitoring, (2) National Environmental Policy Act (NEPA)/Planning, (3) Sensitive Species, and (4) Outside the Scope of EA.

A summary of the comments in those response categories follows:

Monitoring – The majority of comments received on the EA dealt with monitoring. These comments stated that there was a lack of key areas, or insufficient site specific vegetative, water quality and riparian monitoring data. Other comments addressed were inadequate inventories and/or analysis of weeds, soils, bats and cultural resources. Additional comments indicated that certain objectives, such as 6 inch stubble height were unreasonable.

Monitoring data was collected on the allotment during the allotment re-evaluation period. These data were analyzed, interpreted and evaluated to determine the attainment and/or non-attainment of allotment specific objectives and SRH. A monitoring term and condition has been included in the Final Multiple Use Decision.

The Winnemucca Field Office will continue to monitor the SMA. 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 and the SRH are being achieved or there is significant progress toward attainment 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 SRH.

NEPA/Planning – Several comments on the EA were made regarding NEPA and Land Use Plan (LUP). Some comments stated that the LUP was outdated therefore necessitating the need for an Environmental Impact Statement. Other comments were that the NEPA analysis of grazing alternative(s) was inadequate, and BLM did not allow thirty (30) days for review, inadequate NEPA analysis of proposed fences, drought, wilderness, livestock impacts to wildlife and wild horse/burro. There were also comments that BLM had not complied with the Nevada Water Quality Standards, SRH, Land Use Plan, Stipulated Agreements, and existing Multiple Use Decisions. A few comments alleged violations of the grazing regulations and inadequate responses to livestock trespass.

The EA for the SMA complies with NEPA and associated Council of Environmental Quality regulations (40 CFR 1500-1508). The BLM used a systematic, interdisciplinary approach to evaluate environmental impacts from the proposed action and encouraged public participation.

In addition, BLM rigorously explored and objectively evaluated reasonable alternatives as required under 40 CFR 1502.14(a). The proposed action and alternatives on BLM administered lands are in conformance with the Sonoma-Gerlach Land Use Plan approved in 1982. Currently, the WFO is in the process of developing a new Land Use Plan for lands administered by BLM. It is anticipated that the plan will be completed in 3-4 years.

Sensitive Species – Some comments on the EA were made concerning sensitive species issues on the SMA. These comments ranged from alleged violations of the Endangered Species Act (ESA) to inadequate analysis of Special Status Species such as sage-grouse, hydrobiid snails and neotropical migrants.

During the allotment re-evaluation process, the WFO requested and received a sensitive species list from the Service. Sensitive species were addressed and analyzed in the EA. Furthermore, the Determination/Management Action Selection Report also addressed sensitive species.

The proposed livestock grazing system is in conformance with the Interim Sage-Grouse Management Guidelines (Information Bulletin No. NV-2001-028) since it incorporates allotment objectives that will improve and/or maintain suitable sage-grouse habitat.

As noted above, BLM complied with the ESA by reinitiating formal section 7 consultations, which resulted in the Service issuing a no jeopardy BO.

Outside of the Scope of the EA – A few comments were received that were considered to be outside the scope of analysis in the EA. Comments considered outside of the scope dealt with the following issues: National Conservation Area (NCA), Off Road Vehicles (ORV), Dude Ranch, Fire Prevention, Fifth Amendment of the Constitution Violations, Nevada Department of Wildlife (NDOW)/Private Land Owner Agreements, Conservation Easements, and Access.

DECISION

Based upon consideration of comments received on the EA and draft BO, and meetings with you, we have selected the summer/fall/winter/early spring grazing alternative presented on page 8. This grazing system is subject to the allotment specific objectives/SRH and terms & conditions which are described below. BLM believes this grazing system will result in significant progress toward attaining the allotment specific objectives and SRH.

BLM issued the SMA Proposed Multiple Use Decision (PMUD) to you and the interested publics on October 17, 2003.

BLM received protests to the PMUD from the Western Watersheds Project on October 28, 2003 and Estill Ranches LLC on October 30, 2003.

On November 24, 2003 BLM conducted a tour with you, U. S. Fish and Wildlife Service (USFWS), Nevada Department of Wildlife (NDOW), Nevada Department of Agriculture (NDOA) and a representative from the Western Watersheds Project (WWP) to discuss points of

protests. On March 16, 2004 BLM staff and our Field Solicitor held a meeting with you, your range consultant and attorney, Western Watersheds Project representative and attorney, and a Nevada Department of Agriculture representative to further discuss protest points and alternative grazing systems.

Your protest points and comments at these meetings were taken into consideration in the development of the Final Multiple Use Decision (FMUD). BLM's responses to your points of protest are attached to this document.

The following are the multiple use allotment objectives and SRH under which grazing on the SMA will be monitored and evaluated:

A. Short Term Objectives:

1. Grazing on Colman and Donnelly Creeks would be permitted under all or a portion of the following criteria, which BLM will determine are applicable based on site potential and stream characteristics:
 - a. Riparian herbaceous utilization would ensure a 6-inch stubble height is left when livestock are removed from Colman Creek; and/or
 - b. Riparian herbaceous utilization would ensure a 4-inch stubble height is left when livestock are removed and a 6-inch stubble height remains at the end of the growing season on Donnelly Creek; and/or
 - c. Within all use areas, utilization would not exceed 30 percent on willow species greater than 5 feet in height, 20 percent on willows less than 5 feet in height, and 10 percent on any height of aspen species; and/or
 - d. Streambank alteration would not exceed 10 percent.
2. The objective for utilization of key plant species in wetland/lentic riparian habitats is fifty percent (50%) for sedges (Carex spp.), rushes (Juncus spp.) and bluegrass (Poa spp.).
3. The objective for utilization of key plant species in streambank riparian habitats on lotic systems, which are not specified above, is thirty percent (30%) for sedges (Carex spp.), rushes (Juncus spp.) and bluegrass (Poa spp.).
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), curlleaf 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 public rangeland conditions to provide forage on a sustained yield basis for big game, with reasonable numbers of 786 AUMs for mule deer, 429 AUMs for pronghorn, and 264 AUMs for bighorn sheep.
 - a. Improve to and maintain mule deer habitat in good to excellent condition within the ecological potential of the rangeland habitat.
 - b. Improve to and maintain pronghorn habitat in fair to good condition within the ecological potential of the rangeland habitat.
 - c. Improve to and maintain bighorn sheep habitat in good to excellent condition within the ecological potential of the rangeland habitat.
2. Improve and/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 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 and/or maintain public rangeland conditions to provide forage on a sustained yield basis for livestock.
4. Maintain and improve the free-roaming behavior of wild horses by protecting and enhancing their home ranges.
 - a. Manage, maintain, or improve public rangeland conditions to provide forage on a sustained yield basis for wild horses.
 - b. Maintain and improve wild horse habitat by assuring free access to water.
5. Improve and/or maintain ceanothus (Ceanothus), mahogany (Cercocarpus), serviceberry (Amelanchier), bitterbrush (Purshia tridentata), ephedra (Ephedra), winterfat (Eurotia lanata) and aspen (Populus tremuloides) habitats by allowing for successful reproduction and recruitment based on site potential.
6. Improve and/or maintain riparian and meadow habitat types to ensure species diversity and quality and to maximize reproduction and recruitment.
7. Improve and/or maintain fisheries habitat in good to excellent condition based upon stream potential.
8. Improve and/or maintain lentic and lotic riparian habitats to properly functioning condition (PFC).
9. Numbers of wild horses will be managed within the Appropriate Management Level (AML) range in the Black Rock Range West, Warm Springs Canyon and Calico Mountains Herd Management Areas (HMAs). Gathers will occur periodically as needed when monitoring reveals numbers are approaching or exceeding the AML range.
10. Maintain Mahogany Creek and Summer Camp Creek to the State of Nevada designated Class A (NAC 445A.124) water standards.
11. Maintain Snow Creek to State of Nevada designated Class B (NAC 445A.125) water standards (due to the tributary rule found at NAC 445A.145 (or subsequent revisions)).

12. All other surface waters within the allotment are subject to, and will be measured by, the State's water quality standards, found at NAC 445A.121 (or subsequent revisions).

C. Standards and Guidelines for 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. Livestock Grazing Decision

Based upon the evaluation of the SMA monitoring, consultation with the permittee, USFWS and other interested publics, NEPA analysis, consideration of comments received on the EA, and the PMUD and recommendations from my staff, it is my final decision to change the management of livestock as follows:

FROM: Description of Existing Use

1. Grazing Animal Unit Months (AUMs)
 - a. Total Preference 16,070
 - b. Suspended Preference 3,902
 - c. Active Preference 12,168
 - d. Not Scheduled 4,481
 - e. Exchange of Use 0
 - f. Scheduled Use 7,687
2. Season of Use 07/15 to 10/14
11/16 to 04/30
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Table 1 - Existing Grazing System

YEARS 1 & 2

Use Area	No.	Kind	Period of Use	%PL	AUMs
Black Rock	500	Cows	01/01 to 03/31	100	1496
Soldier Meadow			Nonuse/Rest		
Summit Lake			Nonuse/Rest		
Calico	1117	Cows	04/01 to 04/30	100	1102
Warm Springs	1117	Cows	07/15 to 10/14	100	3379
Hot Springs	1117	Cows	11/16 to 12/31	100	1689
					Total 7666

YEARS 3 & 4

Use Area	No.	Kind	Period of Use	%PL	AUMs
Black Rock	500	Cows	01/01 to 03/31	100	1496
Soldier Meadow	1117	Cows	04/01 to 04/30	100	1102
Summit Lake	1117	Cows	07/15 to 10/14	100	3379
Hot Springs	1117	Cows	11/16 to 12/31	100	1689
Calico			Nonuse/Rest		
Warm Springs			Nonuse/Rest		
					Total 7666

TO: Grazing System To Be Implemented:

1. Grazing (AUMs)
 - a. Permitted Use 16,070
 - b. Historical Suspended 3,902
 - c. Active AUMs 12,168

2. Season of Use

<u>Interim</u>	07/15 to 04/30
<u>Final</u>	05/01 to 04/30

3. Kind and Class of Livestock Cow/Calf

4. Percent Federal Range 100%

5. Grazing System

Table 2 – Interim Grazing System - This interim grazing system will remain in effect until completion of the county road fence scheduled for construction in 2005. BLM will complete an EA as required by NEPA and Estill Ranches LLC will fund, construct and maintain the fence.

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
1	Idaho Canyon	300	07/15	09/30	100	769	A
2004-05	Warm Springs **	1161	10/01	11/15	100	1756	A
	Hot Springs&Colman	1161	11/16	12/15	100	1145	A&B
	Colman*		11/16	12/15	100		A&B
	PRIVATE	1161	12/16	01/15			
	South	1161	01/16	04/30	100	4008	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	7678	

* Grazing in Colman Use Area will be after 11/15 in accordance with the Biological Opinion.

** Grazing will be in the north and west portions of the use area to prevent drift into Colman Creek.

Table 3 - Grazing System

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
2	Idaho Canyon	300	05/01	07/31	100	907	A
2005-06	Warm Springs	300	08/01	09/30	100	602	A
	Hot Springs & Colman	1037	10/01	12/15	100	2591	A&B
	Colman*		11/16	12/15	100		A&B
	PRIVATE	1037	12/16	01/15			
	South	1037	01/16	04/30	100	3580	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	7680	

* Grazing in Colman Use Area will be after 11/15 in accordance with the Biological Opinion.

Table 4 - Grazing System + Schedule activating the Non Scheduled AUM's in accordance with Term and Condition (T&C) #5 identified in the T&C section below. Adjustments in livestock AUMs are contingent upon attainment of the allotment (T&C), specifically #2. Non-attainment of T&C #2 would result in AUMs remaining at or below the previous year levels.

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
3	Idaho Canyon	344	08/01	09/30	100	1040	A
2006-07	Warm Springs	344	05/01	07/31	100	690	A
	Hot Springs&Colman	1188	10/01	12/15	100	2968	A&B
	Colman*		11/16	12/15	100		A&B
	PRIVATE	1188	12/16	01/15			
	South	1188	01/16	04/30	100	4101	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	8799	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
4	Idaho Canyon	344	05/01	07/31	100	1040	A
2007-08	Warm Springs	344	08/01	09/30	100	690	A
	Hot Springs&Colman	1188	10/01	12/15	100	2968	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1188	12/16	01/15			
	South	1188	01/16	04/30	100	4101	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	8799	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
5	Idaho Canyon	389	08/01	09/30	100	1177	A
2008-09	Warm Springs	389	05/01	07/31	100	780	A
	Hot Springs&Colman	1338	10/01	12/15	100	3343	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1338	12/16	01/15			
	South	1338	01/16	04/30	100	4619	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	9919	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
6	Idaho Canyon	389	05/01	07/31	100	1177	A
2009-10	Warm Springs	389	08/01	09/30	100	780	A
	Hot Springs&Colman	1338	10/01	12/15	100	3343	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1338	12/16	01/15			
	South	1338	01/16	04/30	100	4619	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	9919	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
7	Idaho Canyon	434	08/01	09/30	100	1313	A
2010-11	Warm Springs	434	05/01	07/31	100	870	A
	Hot Springs&Colman	1489	10/01	12/15	100	3720	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1489	12/16	01/15			
	South	1489	01/16	04/30	100	5140	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	11043	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
8	Idaho Canyon	434	05/01	07/31	100	1313	A
2011-12	Warm Springs	434	08/01	09/30	100	870	A
	Hot Springs&Colman	1489	10/01	12/15	100	3720	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1489	12/16	01/15			
	South	1489	01/16	04/30	100	5140	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	11043	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
9	Idaho Canyon	478	08/01	09/30	100	1446	A
2012-13	Warm Springs	478	05/01	07/31	100	959	A
	Hot Springs&Colman	1640	10/01	12/15	100	4098	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1640	12/16	01/15			
	South	1640	01/16	04/30	100	5661	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	12164	

Year	Use Area	Livestock	Begin	End	% Fed	AUMs	Criteria (see below)
10	Idaho Canyon	478	05/01	07/31	100	1446	A
2013-14	Warm Springs	478	08/01	09/30	100	959	A
	Hot Springs&Colman	1640	10/01	12/15	100	4098	A&B
	Colman*	0	11/16	12/15	100	0	A&B
	PRIVATE	1640	12/16	01/15			
	South	1640	01/16	04/30	100	5661	A&B
	Stanley Camp		Prescribed	Grazing	Only		C
					Total	12164	

* Grazing in Colman Use Area will be after 11/15 in accordance with the Biological Opinion.

CRITERIA

- A. All use areas are subject to the allotment specific objectives and standards for rangeland health.
- B. Livestock grazing is subject to utilization criteria for riparian herbaceous and/or woody vegetation and bank alteration criteria on potential (Donnelly Creek) or occupied (Colman Creek) LCT streams. If criteria are exceeded at the end of the authorized period of livestock use, term and condition 4a shall be implemented prior to the next grazing season to insure objectives are met.

- C. Livestock grazing in this area could occur under an approved grazing prescription developed specifically to accomplish the objectives of the resource management plan. A proposed prescriptive grazing plan would require consultation with the USFWS.

RATIONALE

The grazing management system consists of limited use (20%) during the spring and summer with the majority (80%) of use occurring in the cool dormant season during the fall and winter. The allotment is divided into five use areas: Idaho Canyon, Warm Springs, Hot Springs, Colman and South.

Table 2 above implements the interim grazing system for the 2004 – 2005 grazing season. Livestock would begin grazing in the Idaho Canyon Use Area on July 15 and move into Warm Springs (north and west) and graze from October 1 until November 15. On November 16 livestock would trail into Hot Springs & Colman Use Areas and graze until December 15 when they would be moved onto private lands. Livestock grazing within the Colman Use Area cannot occur until after November 15 in accordance with the Biological Opinion dated August 14, 2003. Livestock would leave private lands and graze in the South Use Area until April 30 completing the interim grazing system.

Table 3 reflects the permanent grazing system implemented upon construction of the county road fence, which will be subject to analysis in accordance with the NEPA of 1969. In the event that this fence is not constructed the interim grazing system will remain in effect. Under the permanent grazing system, livestock would graze the within Idaho Canyon Use Area from May 1 until July 31 then move into the Warm Springs Use Area and graze from August 1 until September 30. Livestock season of use would alternate between early (5/1 – 7/31) and late (8/1 – 9/30) within the Idaho Canyon and Warm Springs Use Areas. On October 1 livestock would trail into Hot Springs & Colman Use Areas and graze until December 15 when they would be moved onto private lands. Livestock grazing within the Colman Use Area cannot occur until after November 15 in accordance with the Biological Opinion dated August 14, 2003. All livestock will be on private lands from December 16 through January 15. On January 16 livestock would leave private lands and graze in the South Use Area until April 30 completing the grazing cycle.

Table 4 is the same grazing system as identified in Table 3 above but shows the schedule activating the Not Scheduled AUMs in accordance with Term and Condition (T&C) #5 identified in the T&C section below.

This grazing system is the result of BLM's extensive analysis of a reasonable range of grazing management alternatives and associated environmental impacts presented in the SMA EA. BLM has reviewed and taken into consideration comments on these alternatives from the permittee and interested public. BLM has conducted numerous meetings and field tours to discuss and attempt to resolve issues expressed by the permittee and interested publics.

After coordination and consultation with the permittee and interested publics BLM has selected a grazing management system which is a combination of alternatives analyzed in the EA. This

grazing management system is within the range of actions the public could have reasonably anticipated BLM to consider. Comments on the grazing alternatives presented in the EA and the grazing system in the Proposed Multiple Use Decision were taken into consideration in developing this grazing system. As a result, no further environmental analysis of the grazing management system is necessary and no further opportunity for public input is required.

Weather conditions, range readiness and monitoring will determine livestock movement between use areas. Some livestock drift may occur due to a lack of fencing between use areas, however, drift will be controlled and kept to a minimum through herding and riding by the permittee.

This grazing system was selected after the EA analysis, consideration of comments submitted on the EA and PMUD and based upon BLM's expertise. Since the majority of livestock use (80%) is during the cooler season the potential for livestock impacts to riparian and LCT habitats are reduced. This majority (80%) of use during the cooler season will also result in increased livestock distribution throughout the upland rangelands and away from riparian areas. Livestock demand for water will be decreased due to cooler weather and snowfall therefore livestock will not congregate on streambank riparian or wetland riparian areas. The drainages and associated riparian areas will be protected during the winter months due to frozen banks, ice, and dormant vegetation, resulting in minimizing potential livestock impacts in riparian areas.

In summary, the livestock grazing system will alleviate conflicts between hot season livestock grazing and riparian resources under the existing permit. This grazing system will therefore allow for significant progress to be made toward achieving allotment specific objectives and SRH.

INTERIM GRAZING SYSTEM

Until construction of the proposed County Road/Colman fence livestock grazing will be in accordance with the Interim Grazing System identified in Table 2 above.

RANGE IMPROVEMENTS

The following range improvements are required for the final grazing system to function and are incorporated into this FMUD. Until the fences are constructed, the interim livestock grazing system will require riding and herding by the permittee to maintain cattle in the appropriate use areas. The following projects are scheduled for construction upon completion of NEPA analysis and dependent upon funding, existing workforce and project priorities.

1. Reconstruct the existing fence from the Mahogany Creek Enclosure fence to the Summit Lake Reservation fence. BLM will fund construction and materials. Estill Ranches will maintain this project.
2. Construct the Idaho Canyon fence from the existing Pine Forest Allotment fence to the Mahogany Creek Enclosure fence. BLM will fund construction and materials. Estill Ranches will maintain this project.

3. Construct the Desert Dace Protective Fence. BLM will fund construction and materials. Estill Ranches will maintain this project.
4. Construct the County Road/Colman fence. BLM will complete NEPA, Estill Ranches will fund construction and materials. Estill Ranches will maintain this project.

These fencing projects will reduce or eliminate the potential of adverse livestock impacts to Lahontan cutthroat trout (LCT) habitat in the Stanley Camp Riparian Pasture and Colman Creek in addition to designated Desert Dace critical habitat in the Hot Springs Use Area. LCT and Desert Dace are federally listed threatened species, protected under the ESA.

After construction of the range improvements and implementation of the 2005-2014 grazing system, livestock distribution and management throughout the allotment will be improved. The allotment pastures/use areas will benefit from the range improvement projects by providing a more uniform utilization pattern, better use of the vegetation, and the flexibility to rest or defer livestock from resource sensitive areas. The range improvements are essential for the final grazing system to function properly.

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. No livestock grazing will be authorized within the Mahogany Creek Enclosure or the Stanley Camp Riparian Pasture except under an approved grazing prescription developed specifically to accomplish the objectives of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Resource Management Plan (RMP). A prescriptive grazing plan would require consultation with the USFWS prior to implementation.
2. Grazing on Colman and Donnelly Creeks would be permitted under all or a portion of the criteria, which BLM will determine are applicable, based on site potential and stream characteristics:
 - a. Riparian herbaceous utilization would ensure a 6-inch stubble height is left when livestock are removed from Colman Creek; and/or
 - b. Riparian herbaceous utilization would ensure a 4-inch stubble height is left when livestock are removed and a 6-inch stubble height remains at the end of the growing season on Donnelly Creek; and/or

- c. Within all use areas utilization would not exceed 30 percent on willow species greater than 5 feet in height, 20 percent on willows less than 5 feet in height, and 10 percent on any height of aspen species; and/or
 - d. Streambank alteration would not exceed 10 percent.
- 3. Livestock turnout and removal dates may be modified by up to two weeks. A modified turnout into a pasture will be dependent upon range readiness factors such as state of plant growth, soil moisture and condition of meadows and weather conditions, such as cold temperatures or snow accumulation. BLM will allow up to two weeks for livestock to move between use areas. This flexibility is necessary especially when moving cows with young calves between the South and Warm Springs Use Areas in the spring. This flexibility will facilitate livestock movement between use areas without any detrimental effects on uplands, streambank and wetland riparian habitats or other range resources. Any changes to the season of use (i.e. turn out or off dates) would have to be coordinated and authorized by the BLM in advance.
- 4. BLM will evaluate the Donnelly and Colman Creek monitoring data annually to determine if the riparian herbaceous and/or woody vegetation and/or bank alteration criteria have been met. If any of these criteria are exceeded, BLM would initiate the following actions:
 - a. If monitoring at the end of the grazing season indicates allotment specific objectives, Terms and Conditions or SRH were not attained, and livestock grazing is a significant factor for non-attainment, appropriate corrective actions (e.g. reduction in season of use and/or numbers of livestock) will be taken prior to the next grazing season. If livestock grazing resulted in this non-attainment, BLM in conjunction with the permittee and interested publics will reassess livestock grazing to determine if a change in management is warranted to ensure these criteria are achieved. If BLM and the permittee cannot reach an agreement on the action, BLM will issue a decision implementing a change in livestock management.
- 5. BLM will monitor the allotment to determine if a portion of the 4,481 Not Scheduled AUMs, from the 1994 FMUD, would be activated. Activation of these AUMs would be phased in at 25% increments if the criteria outlined in the allotment terms and conditions are attained for two consecutive grazing seasons, since it takes two years to complete a grazing cycle. However, if these criteria are not achieved, livestock numbers and AUMs would remain at or below the current level. These AUM's will be proportionally activated based upon the percentage of summer versus winter livestock use shown in Year #2. Example: 300 cows from 05/1 to 09/30 = 1509 AUMs which is 20% of the 7680 AUMs of total use. 1037 cows from 10/1 to 4/30 = 6170 AUMs which is 80% of the 7680 AUMs of total use.

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. 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.
8. 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.
9. The permittee is required to perform maintenance on range improvements as per your signed cooperative agreements and Section 4 permits prior to livestock turnout.
10. The permittee's certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.
11. The grazing authorization with the schedules of use outlined in this decision will be the only approved use, and all other schedules, flexibilities and terms & conditions addressed in the 1994 Soldier Meadows Allotment Final Multiple Use Decision are suspended unless revised.
12. The authorized officer reserves the right to modify annual grazing authorizations as long as the modification is consistent with management objectives, SRH and remains in the designated season of use.
13. During the interim grazing system, no livestock grazing is authorized east of the County Road (Colman Use Area) between the Soldier Meadows Ranch and the Summit Lake Indian Reservation until after November 15.

GRAZING PERMIT

A ten year grazing permit, reflecting the terms and conditions of this decision, will be offered upon completion of the decision making process. Any existing permit would become null and void as the new ten-year permit becomes effective.

AUTHORITY

The authority for 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 resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).
- 4110.3 The authorized officer shall periodically review the permitted use specified in a grazing permit or 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. 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 allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as of the allotment.
- 4130.3-2 The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives provide for proper range management or assist in the orderly administration of the public rangelands...
- 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. 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 of 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.

F. WILD HORSE AND BURRO MANAGEMENT

BLM is re-affirming our previous management action outlined in the 1994 SMA FMUD that established the AML for the Black Rock Range West, Warm Springs Canyon and Calico Mountains HMAs.

The proposed action for wild horses is to manage the Black Rock Range West, Warm Springs Canyon and Calico Mountains HMAs at the AML range consistent with the 1994 SMA FMUD and EA# NV-020-00-27.

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 number of wild horses within the Black Rock Range West, Warm Springs Canyon and Calico Mountains HMAs.

Wild horse populations are managed within the AML range. The established AML range for the Black Rock Range West, Warm Springs Canyon and Calico Mountains HMAs is described in Table 4 below:

Table 4 - Wild Horse Numbers and AUMs

HMA	AML Range for Wild Horses	AUM Range for Wild Horses	AML Range for Wild Burros	AUM Range for Wild Burros
BLACK ROCK RANGE WEST	56 - 93	672 - 1116	0	0
WARM SPRINGS Canyon	105 - 175	1260 - 2100	14 - 24	168 - 288
CALICO MOUNTAINS*	39 - 65	468 - 780	0	0

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

Excess wild horses and burros within the SMA will be removed periodically to manage 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/burro use of the allotment. The AML range established in the 1994 SMA Multiple Use Decision and EA# NV-020-00-27 is still applicable today. It is recognized that horses from the Black Rock Range West HMA (Soldier Meadows Allotment) interact with horses in the Black Rock Range East HMA (Paiute Meadows Allotment), and this interaction will assure genetic viability. Wild horses within the Black Rock Range West HMA will be managed in conjunction with wild horses in the Black Rock Range East HMA. AML ranges have been established within the HMAs and will be managed in accordance with the 2000 Wild Horse Strategy. When population levels exceed the AML range within the HMAs, wild horses/burros 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 range. The AML range 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 management areas.

G. WILDLIFE MANAGEMENT

We are re-affirming our past management action that outlined wildlife reasonable numbers that are in accordance with the Sonoma Gerlach Land Use Plan and also stated in the 1994 SMA FMUD.

Analysis of existing management of wildlife habitat indicates that current wildlife populations did not contribute to the non-attainment of the allotment objectives or SRH. Therefore, a change in the existing wildlife populations or the existing wildlife management within the SMA is not warranted.

Wildlife populations will be managed at the reasonable numbers outlined in the Land Use Plan as follows in Table 5 below. Reasonable numbers of wildlife are as follows:

Table 5 - Wildlife AUMs

SOLDIER MEADOWS ALLOTMENT	
Species	AUMs
Mule Deer	786
Pronghorn Antelope	429
Bighorn Sheep	264
	Total 1479

RATIONALE

Analysis of existing management of wildlife habitat indicates that current wildlife populations did not contribute to the non-attainment of the allotment objectives or the SRH. Therefore, a change in the existing wildlife populations or the existing wildlife management within the SMA is not warranted.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Winnemucca Field Office will continue to monitor the SMA. 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 SRH 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.

APPEAL PROCEDURES

In accordance with 43 CFR 4.470, 4160.3(d), and 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. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(d), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

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

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

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

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

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

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

Sincerely,

Les W. Boni
Assistant Field Manager
Renewable Resources

Enclosures: PMUD protest points and responses (45p)
Allotment Maps (2p)
FONSI
cc Refer to enclosed list

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