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Bull head mt
10-23-97

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
702-623-1500
October 23, 1997

In Reply Refer To:
(NV-22.18)
4160.3

CERTIFIED MAIL NO. Z374150722
RETURN RECEIPT REQUESTED

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

FINAL MULTIPLE USE DECISION BULLHEAD 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 Bullhead 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 for the Bullhead Allotment and to determine if management adjustments may be necessary to meet the management objectives.

The Bullhead Allotment Evaluation dated May 20, 1994, evaluated data from 1982-1992. This data was used to arrive at the Proposed and Final Multiple Use Decisions in 1994.

On August 25, 1994, a Final Multiple Use Decision was issued for the Bullhead Allotment. On September 28, 1994, the BLM received appeals on this decision from the permittee, Nevada First Corporation.

In January 1996, Nevada First Corporation began the negotiations for the withdrawal of their appeals. Numerous meetings and discussions have taken place concerning their proposal. During the appeal period, data from 1993-1995 has also been collected. On April 10, 1997, a

Bullhead Allotment Evaluation Update was issued that addressed data from 1992-1995. It was agreed to, that all data would be analyzed to arrive at a management agreement for the Bullhead Allotment.

On September 23, 1997, a Proposed Multiple Use Decision was issued and no protests were received.

The following are the multiple use management objectives under which grazing on the Bullhead Allotment will be monitored and evaluated.

1. Short Term

- a. The objective for utilization of key plant species (CAREX, JUNCUS, ASPEN) in wetland riparian habitats is 50%.
- b. The objective for utilization of key streambank riparian plant species (CAREX, JUNCUS, SALIX, ASPEN, ROWO) on the public portions of Pole, First, Snowstorm, and Winters Creek is 30%.
- c. The objective for utilization of key upland plant species will be 50% for ORHY, AGSP, ELCI, CREPIS, AGCR, SENEC, TRIFO, PONE3, 40% for SIHY, STTH2, FEID, SYOR, POTR5, and 30% for ARSP5.
- d. The objective for utilization of key upland browse species (SYMPH, AMELA, RIBES) is 50%.
- e. The objective for utilization of key upland plant species in the Castle Ridge and First Creek pastures is 20% for wild horses on 02/28 and 50% for wild horses and livestock on 06/01. For the Dry Hills pasture the objective for utilization is 20% for wild horses on 10/31 and 50% for wild horses and livestock on 06/01.

2. Long Term

- a. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with an initial stocking level of 12,050 AUM's.
- b. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 1,029 AUM's for mule deer, 101 AUM's for pronghorn, and 190 AUM's for bighorn sheep.

1. Improve to and maintain 25,268 acres in Snowstorms DY-23, 35,359 acres in Snowstorms DY-23 (Elko Co.), 8,256 acres in DY-23 (Crucial, Elko Co.), 1,130 acres in Snowstorms DS-2 and 6,522 acres in Snowstorms DS-2 (Elko Co.) in good to excellent mule deer habitat condition.
 2. Improve to and maintain 50,137 acres in Snowstorms PY-10 (Elko Co.) 24,242 acres in Hot Springs PY-11 and 18,171 acres in Snowstorms PY-10 in fair or good pronghorn habitat condition.
 3. Improve to and maintain 12,023 acres in Snowstorms BY-11 and 48,403 acres in Snowstorms BY-11 (Elko Co.) in good to excellent bighorn sheep habitat condition.
- c. Improve or maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition with the following conditions:

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

- d. Maintain and improve the free roaming behavior of wild horses by protecting and enhancing their home ranges.
 - 1. Manage, maintain and improve public rangeland conditions to provide an initial level of 1680 AUM's of forage on a sustained yield basis.
 - 2. Maintain and improve wild horse habitat by assuring free access to public water sources.
- e. Improve to and maintain 245 acres of aspen habitat types to ensure good reproduction and maximize recruitment within the stand.
- f. Improve to and maintain 544 acres of riparian and meadow habitat types to ensure species diversity and quality, and maximize reproduction and recruitment of woody riparian species.
- g. Improve or maintain snowberry, serviceberry, and currant with good reproduction and maximize recruitment within the stand.
- h. Improve to or maintain the following stream habitat conditions on South Fork Little Humboldt River, Pole, First, Snowstorm, Winters, Kelly, and Kinney Creeks from 59% on South Fork Little Humboldt, 56% on Pole Creek, 33% on First Creek, unknown % on Snowstorm, unknown % on Winters Creek, 57% on Kelly Creek and unknown % on Kinney Creek to an overall optimum of 60% or above.
 - 1. Streambank cover 60% or above
 - 2. Streambank stability 60% or above
 - 3. Maximum stream temperatures do not exceed 75 degrees farenheitd
- i. Improve to or maintain the water quality of the South Fork of the Little Humboldt River to Class A Water Quality Standards.

Improve to and maintain the water quality of Pole, First, Snowstorm, Winters, and Kelly Creeks to the state criteria.

The following are the standards for rangeland health as developed in consultation with the Sierra Front - Northwestern Great Basin Area Resource Advisory Council Area, other interested publics and approved by the Secretary of the Interior on February 12, 1997.

- 1. Soil processes will be appropriate to soil types, 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.

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.

WILD HORSE MANAGEMENT DECISION

Based upon the evaluation of the monitoring data for the Bullhead Allotment, informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, consultation with the permittee and other interested publics and recommendations of my staff, my final decision for wild horses is:

To establish an Appropriate Management Level (AML) for the Snowstorm Herd Management Area of 140 adult wild horses (1 year old or older). The AML will be managed within the range of 90 to 140 adult wild horses.

RATIONALE:

Approximately 140 adult wild horses occupied the Snowstorm HMA during the period of time when monitoring data was collected in preparation for this allotment evaluation. Combined use by wild horses and livestock was at the most moderate, with many areas of light use. Monitoring data showed adequate forage to sustain an AML of 140. Sufficient forage is available within the wild horse wintering area with use levels by wild horses documented at 20% or less.

Since the fire and subsequent gather of 1996, most of the estimated 100 wild horses occupying the Snowstorm HMA returned to their traditional wintering areas. Wild horse use in the portion of the winter range that did not burn was estimated at 20%. If livestock use would have been added on top of this use, it is probable that utilization objectives would have been reached. It is believed that adequate winter forage will be available, after regrowth in the burned area, to sustain 140 adult wild horses in addition to use made by domestic livestock.

Minimum viable population size in wild horse herds is a controversial topic. Literature seems to support a minimum population size of somewhere between 50 and 100 breeding adults, depending upon the literature source and species evaluated. It is believed that 140 adult horses

managed between the range of 90-140 is well within the bounds of a genetically viable population, and should result in a "thriving ecological balance" within the HMA. Genetic baseline data was collected on all release horses and will be monitored during future gathers.

Authority:

The authority for this decision is contained in Sec. 3(a), 3(b)(1), and 3(b)(2) of the Wild Free Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations:

4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and in productive capacity of their habitat."

4710.3-1 "...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4."

4710.4 "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management areas plans."

4720.1 "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

Appeal:

If you wish to appeal this wild horse management decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR, Part 4. If you appeal, your appeal must be filed with the Bureau of Land Management at the following address:

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

Your appeal must be filed within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the wild horse decision during the time that your appeal is being

reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

and to the appropriate office of the Solicitor:

Office of the Regional Solicitor
2800 Cottage Way E-1712
Sacramento, CA 95825

at the same time the original documents are filed with this office.

LIVESTOCK DECISION

Based upon the evaluation of monitoring data for the Bullhead Allotment, informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, consultation with the permittee 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.
 - a. Total Preference 19,283 AUM's
 - b. Suspended Preference 7,233 AUM's
 - c. Active Preference 12,050 AUM's
 - d. Initial Stocking Level 8,350 AUM's
 - e. Exchange of Use 1,051 AUM's

2. Season of Use
 - Spring Use 04/01 to 06/30
 - Summer Use 07/01 to 09/30
 - Winter Use 10/01 to 12/15

3. Kind and Class of Livestock - Cow/Calf

4. Percent Federal Range - 91%

5. Grazing System

The following was the interim grazing system (AMP) which was to be in affect until the essential projects were completed which at a minimum would make the system effective for the achievement of the outlined management objectives.

The interim grazing system divided the allotment into three use areas; spring, summer, and winter. The spring grazing use areas were under a two pasture rest rotation grazing system while the summer use areas were under a three pasture rest rotation system. Winter use was to be in the Rabbit Pasture.

Spring Use

Treatment A 04/01 to 06/30
 Treatment B REST

<u>Year</u>	<u>Dry Hills</u>	<u>First Creek</u>
1	B	A
2	A	B

Summer Use

Treatment A 07/01 to 08/15
 Treatment B 08/16 to 09/30
 Treatment C REST

<u>Year</u>	<u>Kinney</u>	<u>Kelly</u>	<u>Snowstorm Flat</u>
1	B	C	A
2	C	A	B
3	A	B	C

Winter Use

Treatment A 10/01 to 12/15

<u>Year</u>	<u>Rabbit</u>
1	A
2	A

Deferred Grazing Schedule

Treatment A 10/01 to 12/15
 Treatment B 04/01 to 05/30

<u>Year</u>	<u>Seeding</u>
1	A
2	B

TO: GRAZING SYSTEM TO BE IMPLEMENTED

1. AUM's of Authorized Use:
 - a. Total 19,283 AUMs
 - b. Historical Suspended 7,233 AUMs
 - c. Total Number of AUM's of Specified Livestock Grazing 12,050 AUMs
 - d. Active Use 9,535 AUMs
 - e. Suspension 2,515 AUMs *

* The 2,515 AUM's held in temporary suspension may be activated in the following ways during the re-evaluation period (grazing season 1999 through grazing year 2002). These AUM's are being held in temporary suspension based on the fire rehabilitation efforts and the high potential of natural recovery.

(a) If the utilization level of the key upland and wetland riparian vegetative species in the First Creek Pasture is 40% or less at the time of the scheduled livestock removal date and as long as livestock grazing use will end on or before 06/15 in the First Creek Pasture.

(b) If monitoring data indicates that allotment specific objectives have been met in the First Creek Pasture, AUM's in temporary suspension may be activated, based upon a timely application for such use and the subsequent approval by the BLM. These AUM's may be activated during the grazing year and/or on an annual basis, prior to livestock turnout.

2. Season of Use

Spring Use	03/01 to 06/30
Summer Use	07/01 to 08/31
Winter Use	11/01 to 02/28
3. Kind and Class of Livestock - Cattle Cow/Calf

4. Percent Federal Range - 100%
5. Grazing System

The following grazing system is for the 1999 through 2002 grazing seasons.

ODD YEARS

<u>Pasture</u>	<u>Livestock #</u>	<u>Season of Use</u>	<u>AUMs</u>
Castle Ridge	300 C	03/01 to 05/31	907
First Ck.	500 C	03/01 to 03/31	510
First Ck. East	1000 C	04/01 to 05/31	2005
Kinney East	750 C	06/01 to 07/06	888
N. Snowstorm	250 C	06/01 to 07/06	296
Upper Kelly (trail)	1000 C	07/07 to 07/13	230
S. Snowstorm	1000 C	07/14 to 07/27	460
Upper Kelly	1000 C	07/28 to 08/20	789
Lower Kelly	1000 C	08/21 to 08/31	362
Rabbit	211 C	11/01 to 02/28	832
Rabbit	211 C	03/01 to 03/31	215
Dry Hills	343 C	11/01 to 02/28	1353
Dry Hills	343 C	03/01 to 04/30	688
		TOTAL	9535

EVEN YEARS

<u>Pasture</u>	<u>Livestock #</u>	<u>Season of Use</u>	<u>AUMs</u>
Castle Ridge	300 C	03/01 to 05/31	907
First Ck.	500 C	03/01 to 03/31	510
First Ck. West	1000 C	04/01 to 05/31	2005
Kinney West	1000 C	06/01 to 06/20	658
Lower Kelly (trail)	1000 C	06/21 to 06/27	230
Upper Kelly	750 C	06/28 to 07/29	789
C. Snowstorm	250 C	06/28 to 07/29	263
Kinney East	1000 C	07/30 to 08/25	888
Lower Kelly	1000 C	08/26 to 08/31	197
Rabbit	211 C	11/01 to 02/28	832
Rabbit	211 C	03/01 to 03/31	215
Dry Hills	343 C	11/01 to 02/28	1353
Dry Hills	343 C	03/01 to 04/30	688
		TOTAL	9535

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.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

The permittee is required to perform normal maintenance on the range improvements as per his signed cooperative agreements and section 4 permits prior to livestock turnout.

The permittee's certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.

Any livestock owned or controlled by the permittee must be eartagged. The permittee must supply the BLM with a list of private eartags and numbers for the livestock that the permittee owns or controls. This list must be submitted prior to turnout along with copies of livestock use agreements.

Livestock will be actively trailed to and from the allotment and between pastures. One (1) week for trailing (between pastures) will be authorized.

The permittee is required to perform necessary riding (herding) to ensure compliance and to limit livestock drift in the East and West First Creek Pastures and prior to fencing in the East and West Kinney Pastures.

The grazing authorization with the schedule of use outlined in this decision will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1982 Coordinated Resource Management Plan and the 1985 Allotment Management Plan are suspended until the plans are revised.

Upon request by the permittee, additional spring use in the First Creek Pasture may be approved by the authorized officer if the utilization is less than 40% on upland and wetland riparian habitats at the time of the request. Request for additional spring use may not be made more than two (2) weeks prior to the end of the scheduled use. The additional spring use, if authorized, will not extend past 06/15.

During implementation of the grazing system, allowable use levels of 30% for streambank riparian vegetation on the public portion of Pole Creek and 50% utilization on public wetland riparian habitats will be enforced for all summer pastures (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney). Mid point and end of season utilization monitoring will be conducted to ensure that allowable use levels are not exceeded. Utilization monitoring will also be conducted at the end of the growing season, on streambank riparian and wetland riparian habitats, to determine regrowth.

If livestock utilization levels on the public portion of Pole Creek reach 25%, or public wetland riparian utilization levels reach 45%, in any of the summer pastures, (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney) the livestock operator will be given a seven (7) day notice in which to remove livestock from the pasture. The livestock will be moved to the next pasture that is scheduled for use if the 25% and/or 45% utilization levels, in the pastures noted above, are being reached. In the case of Lower Kelly Pasture, the livestock will be removed from the allotment until the winter turnout date.

If monitoring after the end of the grazing season, in the West Kinney Pasture and summer pastures (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney), indicates that utilization objectives are not being met on upland, wetland riparian, and/or streambank riparian habitats, and livestock are determined to be the cause, appropriate corrective management action(s) will be taken the following grazing year. If BLM and the permittee can't agree as to what "appropriate" management action(s) should be, ten (10) days will be taken from the ending date of the season of use in the pasture which did not achieve the utilization objective(s) or applicable guidelines of the Sierra Front - Northwestern Great Basin Resource Advisory Council will be implemented or a combination of both. The above will be in consultation with the interested publics.

If the livestock operator implements other management actions which will reduce utilization and allow for attainment of the utilization objective, and that management action is in conformance with the approved guidelines, the ten (10) days that were lost will be returned the following year.

"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."

1. Structural Projects

The following projects are scheduled to be evaluated through the project planning process. Construction of projects is dependent upon funding, staffing, and project priorities.

- a. Exclosures around selected springs and associated meadows on public land are recommended to eliminate use of these habitats by livestock/wild horses. Once fenced, limited livestock use could occur within the Exclosures. The sites to be fenced shall be selected in consultation, coordination and cooperation with all interested publics.
- b. Gap fence the "rim" in the Kinney pasture to effectively separate East Kinney from West Kinney.
- c. Re-develop Kelly Creek Spring
- d. Approximately 1.5 miles of exclosure fence along Pole Creek (public) are recommended to inhibit livestock use.
- e. Develop Castle Ridge Reservoir

The above mentioned fencing projects would be funded by BLM and the construction would be by the permittee or contractor with supervision by the BLM. BLM would be responsible for NEPA documentation.

RATIONALE:

It has been determined through monitoring that heavy use has occurred on upland, wetland riparian, and streambank riparian habitats.

Due to the lack of adequate stock water on the uplands, in the Castle Ridge Pasture, the present AMP spring grazing system has never been followed. Consistent patterns of rest-rotation and periods of use in other pastures has not been applied to the Bullhead Allotment.

Under the previous system, utilization and distribution patterns have showed heavy use around wetland riparian habitats within the summer pastures. The new management action, with the allowable use levels on streambank riparian and wetland riparian habitats, should allow for attainment of the allotment specific objectives.

The management action will eliminate the present two pasture spring rest rotation system. Early spring use (03/01 to 05/31) will be made in the Castle Ridge Pasture every year. This pasture is short of water during late spring and summer.

Using this pasture in early spring will allow for better distribution of livestock on uplands during the cool part of the year.

Use in this pasture every year will not have an adverse impact on the vegetative resource because with the livestock removal date of 05/31, regrowth will occur which will allow plants to store food reserves in their root system for the next growing season.

Spring use will also be made in the First Creek Pasture. The entire First Creek Pasture will continue to be used every year from 03/01 to 03/31. Spring Creek, which flows through the center of this pasture, would be used to separate East First Creek from West First Creek. The season of use for the East First Creek and West First Creek pastures would be 04/01 to 05/31. In the year that West First Creek will be used, East First Creek rested. The following year East First Creek will be used and West First Creek will be rested. This rest will allow for an increase in plant vigor and seedling establishment. Riding of these pastures is essential to maintain the integrity of this system. This will require a commitment by the permittee to ensure that the livestock are in the authorized areas.

Additional spring use, if authorized, will allow the summer season of use to be adjusted. However, livestock grazing will end on 08/31.

The "rim" in Kinney Pasture splits the pasture. Small areas and gaps between rims will have to be fenced for complete effectiveness in separating East and West Kinney. West Kinney Pasture is dominated by cheatgrass and Sandberg bluegrass and livestock will maximize the use on the green palatable vegetation at this time of year (06/01 to 06/20). East Kinney Pasture is a higher elevational pasture and better suited for use during and after the month of June.

The selected management action will also change the grazing system from the three (3) pasture rest-rotation system on the summer pastures to a six (6) pasture grazing system. Under this system, most summer pastures will be used every year. On odd years, the rotation will be clockwise and on even years the rotation will be counter clockwise (see pasture schedules under grazing system). Allowable use levels of 30% for streambank riparian on the public portion of Pole Creek and 50% for public portions of wetland riparian habitats will be enforced for all summer pastures (East Kinney, Upper Kelly, N. Snowstorm, C. Snowstorm, & S. Snowstorm). These allowable use levels will dictate livestock removal. To determine removal dates from the

summer pastures, mid-point utilization studies will be conducted by BLM and permittee. Additional studies may be required before and after the mid-point inspection. When/if streambank riparian utilization levels on Pole Creek reach 25% or wetland riparian utilization levels reach 45%, the livestock operator will be given and seven (7) day notice in which to remove livestock from the pasture. The purpose of the notice to remove is so that the utilization objectives will be attained and not exceeded.

In the Snowstorm Pasture, Winter's Ridge and Snowstorm Creek split the pasture into three parts. The northern portion of this pasture is more suited for late spring/early summer use because it would allow for better distribution of cattle on the uplands. The scheduled odd year use in this pasture (N. Snowstorm), would be limited to 250 head. The remaining livestock (750) would be in the Kinney East Pasture. The livestock removal date in early July would be beneficial to the streambank riparian habitats of First and Snowstorm Creeks because of regrowth potential, which in turn will improve the water quality and fisheries of these habitats. On even years the Central Snowstorm Pasture will be used with 250 head and the remaining livestock (750) would be in Upper Kelly Pasture while the North and South Snowstorm Pasture will be rested. The following year North and South Snowstorm will be used and Central Snowstorm rested. This rest will allow for an increase in plant vigor and seedling establishment plus give the riparian areas a recovery period.

Winter and early spring use will be taken in the Dry Hills and Rabbit Pastures. The winter utilization will be taken when plants are dormant, thus the vegetative resource will not be adversely impacted. The 03/31 and 04/30 removal dates, from these pastures, will allow for growth of the vegetative resource during the spring and summer growing season.

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 the 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

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final livestock grazing portion of this decision may file an appeal and petition for stay of the decision pending final determination of the appeal under Sec. 43 CFR 4160.4 and 4.470. Appeals and petitions for a stay must be filed in person or in writing to Colin P. Christensen, Assistant District Manager, Renewable Resources, Bureau of Land Management, Winnemucca District, 5100 E. Winnemucca Blvd. Winnemucca, NV 89445, within 30 days after 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 under Sec. 43 CFR 4.21:

- (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.
- (4) Whether the public interest favors granting the stay.

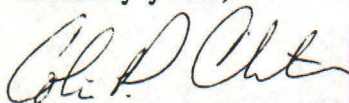
As noted above, the petition for stay must be filed in the office of the authorized officer.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Winnemucca District will continue to monitor the Bullhead 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 under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

The Bullhead Allotment is scheduled to be re-evaluated in FY 2003.

Sincerely yours,



Colin P. Christensen
ADM Renewable Resources

certified cc:

NRDC	Z374150723
Sierra Club	Z374150724
Craig Downer	Z374150725
The Wilderness Society	Z374150726
NDOW - Fallon	Z374150727
NDOW - Wmca	Z374150728
Nevada Land Action	Z374150729
Nevada Farm Bureau	Z374150730
USFWS	Z374150731
WHOA	Z374150732
API	Z374150733
CPWH	Z374150734
Humboldt County Commissioners	Z374150735
NDOW - Elko	Z374150736
Charley Amos	Z374150737
James Bonavia	Z374150817
BLM - Elko	Z374150818
IRC	Z374150819
RCI	Z374150820
James Shepherd	Z374150821
Trout Unlimited	Z374150822
USDA	Z374150823
State Clearinghouse	Z374150824



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca District Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
702-623-1500

September 23, 1997

In Reply Refer To:
(NV-22.18)
4160.1

CERTIFIED MAIL NO. Z374112651
RETURN RECEIPT REQUESTED

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

PROPOSED MULTIPLE USE DECISION BULLHEAD 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 Bullhead 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 for the Bullhead Allotment and to determine if management adjustments may be necessary to meet the management objectives.

The Bullhead Allotment Evaluation dated May 20, 1994, evaluated data from 1982-1992. This data was used to arrive at the Proposed and Final Multiple Use Decisions in 1994.

On August 25, 1994, a Final Multiple Use Decision was issued for the Bullhead Allotment. On September 28, 1994, the BLM received appeals on this decision from the permittee, Nevada First Corporation.

In January 1996, Nevada First Corporation began the negotiations for the withdrawal of their appeals. Numerous meetings and discussions have taken place concerning their proposal. During the appeal period, data from 1993-1995 has also been collected. On April 10, 1997, a Bullhead Allotment Evaluation Update was issued that addressed data from 1992-1995. It was agreed to, that all data would be analyzed to arrive at a management agreement for the Bullhead Allotment.

The following are the multiple use management objectives under which grazing on the Bullhead Allotment will be monitored and evaluated.

1. Short Term

- a. The objective for utilization of key plant species (CAREX, JUNCUS, ASPEN) in wetland riparian habitats is 50%.
- b. The objective for utilization of key streambank riparian plant species (CAREX, JUNCUS, SALIX, ASPEN, ROWO) on the public portions of Pole, First, Snowstorm, and Winters Creek is 30%.
- c. The objective for utilization of key upland plant species will be 50% for ORHY, AGSP, ELCI, CREPIS, AGCR, SENEC, TRIFO, PONE3, 40% for SIHY, STTH2, FEID, SYOR, POTR5, and 30% for ARSP5.
- d. The objective for utilization of key upland browse species (SYMPH, AMELA, RIBES) is 50%.
- e. The objective for utilization of key upland plant species in the Castle Ridge and First Creek pastures is 20% for wild horses on 02/28 and 50% for wild horses and livestock on 06/01. For the Dry Hills pasture the objective for utilization is 20% for wild horses on 10/31 and 50% for wild horses and livestock on 06/01.

2. Long Term

- a. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with an initial stocking level of 12,050 AUM's.
- b. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 1,029 AUM's for mule deer, 101 AUM's for pronghorn, and 190 AUM's for bighorn sheep.
 1. Improve to and maintain 25,268 acres in Snowstorms DY-23, 35,359 acres in Snowstorms DY-23 (Elko Co.), 8,256 acres in DY-23 (Crucial, Elko Co.), 1,130 acres in Snowstorms DS-2 and 6,522 acres in Snowstorms DS-2 (Elko Co.) in good to excellent mule deer habitat condition.

2. Improve to and maintain 50,137 acres in Snowstorms PY-10 (Elko Co.) 24,242 acres in Hot Springs PY-11 and 18,171 acres in Snowstorms PY-10 in fair or good pronghorn habitat condition.
 3. Improve to and maintain 12,023 acres in Snowstorms BY-11 and 48,403 acres in Snowstorms BY-11 (Elko Co.) in good to excellent bighorn sheep habitat condition.
- c. Improve or maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition with the following conditions:

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

- d. Maintain and improve the free roaming behavior of wild horses by protecting and enhancing their home ranges.

1. Manage, maintain and improve public rangeland conditions to provide an initial level of 1680 AUM's of forage on a sustained yield basis.
2. Maintain and improve wild horse habitat by assuring free access to public water sources.
- e. Improve to and maintain 245 acres of aspen habitat types to ensure good reproduction and maximize recruitment within the stand.
- f. Improve to and maintain 544 acres of riparian and meadow habitat types to ensure species diversity and quality, and maximize reproduction and recruitment of woody riparian species.
- g. Improve or maintain snowberry, serviceberry, and currant with good reproduction and maximize recruitment within the stand.
- h. Improve to or maintain the following stream habitat conditions on South Fork Little Humboldt River, Pole, First, Snowstorm, Winters, Kelly, and Kinney Creeks from 59% on South Fork Little Humboldt, 56% on Pole Creek, 33% on First Creek, unknown % on Snowstorm, unknown % on Winters Creek, 57% on Kelly Creek and unknown % on Kinney Creek to an overall optimum of 60% or above.
 1. Streambank cover 60% or above
 2. Streambank stability 60% or above
 3. Maximum stream temperatures do not exceed 75 degrees farenheit
- i. Improve to or maintain the water quality of the South Fork of the Little Humboldt River to Class A Water Quality Standards.

Improve to and maintain the water quality of Pole, First, Snowstorm, Winters, and Kelly Creeks to the state criteria.

The following are the standards for rangeland health as developed in consultation with the Sierra Front - Northwestern Great Basin Area Resource Advisory Council Area, other interested publics and approved by the Secretary of the Interior on February 12, 1997.

1. Soil processes will be appropriate to soil types, 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.

Based upon the evaluation of monitoring data for the Bullhead Allotment, informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, consultation with the permittee and other interested publics and recommendations from my staff, it is my proposed decision to:

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.

WILD HORSE MANAGEMENT DECISION

Based upon the evaluation of the monitoring data for the Bullhead Allotment, informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, consultation with the permittee and other interested publics and recommendations of my staff, my proposed decision for wild horses is:

To establish an Appropriate Management Level (AML) for the Snowstorm Herd Management Area of 140 adult wild horses (1 year old or older). The AML will be managed within the range of 90 to 140 adult wild horses.

RATIONALE:

Approximately 140 adult wild horses occupied the Snowstorm HMA during the period of time when monitoring data was collected in preparation for this allotment evaluation. Combined use by wild horses and livestock was at the most moderate, with many areas of light use. Monitoring data showed adequate forage to sustain an AML of 140. Sufficient forage is available within the wild horse wintering area with use levels by wild horses documented at 20% or less.

Since the fire and subsequent gather of 1996, most of the estimated 100 wild horses occupying the Snowstorm HMA returned to their traditional wintering areas. Wild horse use in the portion of the winter range that did not burn was estimated at 20%. If livestock use would have been added on top of this use, it is probable that utilization objectives would have been reached. It is believed that adequate winter forage will be available, after regrowth in the burned area, to sustain 140 adult wild horses in addition to use made by domestic livestock.

Minimum viable population size in wild horse herds is a controversial topic. Literature seems to support a minimum population size of somewhere between 50 and 100 breeding adults, depending upon the literature source and species evaluated. It is believed that 140 adult horses managed between the range of 90-140 is well within the bounds of a genetically viable population, and should result in a "thriving ecological balance" within the HMA. Genetic baseline data was collected on all release horses and will be monitored during future gathers.

Authority:

The authority for this decision is contained in Sec. 3(a), 3(b)(1), and 3(b)(2) of the Wild Free Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations:

4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and in productive capacity of their habitat."

4710.3-1 "...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4."

4710.4 "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management areas plans."

4720.1 "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

Protest:

If you wish to protest this wild horse decision, you are allowed 15 days from receipt of this notice within which to file such protest with:

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

Subsequent to the protest period a final decision will be issued which will provide an opportunity for appeal in accordance with 43 CFR 4160.4.

LIVESTOCK DECISION

Based upon the evaluation of monitoring data for the Bullhead Allotment, informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, consultation with the permittee and other interested publics and recommendations from my staff, it is my proposed decision for livestock to change the management:

FROM: (DESCRIPTION OF EXISTING USE)

1.
 - a. Total Preference 19,283 AUM's
 - b. Suspended Preference 7,233 AUM's
 - c. Active Preference 12,050 AUM's
 - d. Initial Stocking Level 8,350 AUM's
 - e. Exchange of Use 1,051 AUM's
2. Season of Use
 - Spring Use 04/01 to 06/30
 - Summer Use 07/01 to 09/30
 - Winter Use 10/01 to 12/15
3. Kind and Class of Livestock - Cow/Calf
4. Percent Federal Range - 91%
5. Grazing System

The following was the interim grazing system (AMP) which was to be in affect until the essential projects were completed which at a minimum would make the system effective for the achievement of the outlined management objectives.

The interim grazing system divided the allotment into three use areas; spring, summer, and winter. The spring grazing use areas were under a two pasture rest rotation grazing system while the summer use areas were under a three pasture rest rotation system. Winter use was to be in the Rabbit Pasture.

Spring Use

Treatment A	04/01 to 06/30
Treatment B	REST

<u>Year</u>	<u>Dry Hills</u>	<u>First Creek</u>
1	B	A
2	A	B

Summer Use

Treatment A 07/01 to 08/15
Treatment B 08/16 to 09/30
Treatment C REST

<u>Year</u>	<u>Kinney</u>	<u>Kelly</u>	<u>Snowstorm Flat</u>
1	B	C	A
2	C	A	B
3	A	B	C

Winter Use

Treatment A 10/01 to 12/15

<u>Year</u>	<u>Rabbit</u>
1	A
2	A

Deferred Grazing Schedule

Treatment A 10/01 to 12/15
Treatment B 04/01 to 05/30

<u>Year</u>	<u>Seeding</u>
1	A
2	B

TO: GRAZING SYSTEM TO BE IMPLEMENTED

1. AUM's of Authorized Use:

a.	Total	19,283 AUMs
b.	Historical Suspended	7,233 AUMs
c.	Total Number of AUM's of Specified Livestock Grazing	12,050 AUMs
d.	Active Use	9,535 AUMs
e.	Suspension	2,515 AUMs *

* The 2,515 AUM's held in temporary suspension may be activated in the following ways during the re-evaluation period (grazing season 1999 through grazing year 2002). These AUM's are being held in temporary suspension based on the fire rehabilitation efforts and the high potential of natural recovery.

(a) If the utilization level of the key upland and wetland riparian vegetative species in the First Creek Pasture is 40% or less at the time of the scheduled livestock removal date and as long as livestock grazing use will end on or before 06/15 in the First Creek Pasture.

(b) If monitoring data indicates that allotment specific objectives have been met in the First Creek Pasture, AUM's in temporary suspension may be activated, based upon a timely application for such use and the subsequent approval by the BLM. These AUM's may be activated during the grazing year and/or on an annual basis, prior to livestock turnout.

2. Season of Use

Spring Use	03/01 to 06/30
Summer Use	07/01 to 08/31
Winter Use	11/01 to 02/28

3. Kind and Class of Livestock - Cattle Cow/Calf

4. Percent Federal Range - 100%

5. Grazing System

The following grazing system is for the 1999 through 2002 grazing seasons.

ODD YEARS

<u>Pasture</u>	<u>Livestock #</u>	<u>Season of Use</u>	<u>AUMs</u>
Castle Ridge	300 C	03/01 to 05/31	907
First Ck.	500 C	03/01 to 03/31	510
First Ck. East	1000 C	04/01 to 05/31	2005
Kinney East	750 C	06/01 to 07/06	888
N. Snowstorm	250 C	06/01 to 07/06	296
Upper Kelly (trail)	1000 C	07/07 to 07/13	230
S. Snowstorm	1000 C	07/14 to 07/27	460
Upper Kelly	1000 C	07/28 to 08/20	789
Lower Kelly	1000 C	08/21 to 08/31	362
Rabbit	211 C	11/01 to 02/28	832
Rabbit	211 C	03/01 to 03/31	215
Dry Hills	343 C	11/01 to 02/28	1353
Dry Hills	343 C	03/01 to 04/30	688
TOTAL			9535

EVEN YEARS

<u>Pasture</u>	<u>Livestock #</u>	<u>Season of Use</u>	<u>AUMs</u>
Castle Ridge	300 C	03/01 to 05/31	907
First Ck.	500 C	03/01 to 03/31	510
First Ck. West	1000 C	04/01 to 05/31	2005
Kinney West	1000 C	06/01 to 06/20	658
Lower Kelly (trail)	1000 C	06/21 to 06/27	230
Upper Kelly	750 C	06/28 to 07/29	789
C. Snowstorm	250 C	06/28 to 07/29	263
Kinney East	1000 C	07/30 to 08/25	888
Lower Kelly	1000 C	08/26 to 08/31	197
Rabbit	211 C	11/01 to 02/28	832
Rabbit	211 C	03/01 to 03/31	215
Dry Hills	343 C	11/01 to 02/28	1353
Dry Hills	343 C	03/01 to 04/30	688
TOTAL			9535

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.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

The permittee is required to perform normal maintenance on the range improvements as per his signed cooperative agreements and section 4 permits prior to livestock turnout.

The permittee's certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.

Any livestock owned or controlled by the permittee must be eartagged. The permittee must supply the BLM with a list of private eartags and numbers for the livestock that the permittee owns or controls. This list must be submitted prior to turnout along with copies of livestock use agreements.

Livestock will be actively trailed to and from the allotment and between pastures. One (1) week for trailing (between pastures) will be authorized.

The permittee is required to perform necessary riding (herding) to ensure compliance and to limit livestock drift in the East and West First Creek Pastures and prior to fencing in the East and West Kinney Pastures.

The grazing authorization with the schedule of use outlined in this decision will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1982 Coordinated Resource Management Plan and the 1985 Allotment Management Plan are suspended until the plans are revised.

Upon request by the permittee, additional spring use in the First Creek Pasture may be approved by the authorized officer if the utilization is less than 40% on upland and wetland riparian habitats at the time of the request. Request for additional spring use may not be made more than two (2) weeks prior to the end of the scheduled use. The additional spring use, if authorized, will not extend past 06/15.

During implementation of the grazing system, allowable use levels of 30% for streambank riparian vegetation on the public portion of Pole Creek and 50% utilization on public wetland riparian habitats will be enforced for all summer pastures (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney). Mid point and end of season utilization

monitoring will be conducted to ensure that allowable use levels are not exceeded. Utilization monitoring will also be conducted at the end of the growing season, on streambank riparian and wetland riparian habitats, to determine regrowth.

If livestock utilization levels on the public portion of Pole Creek reach 25%, or public wetland riparian utilization levels reach 45%, in any of the summer pastures, (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney) the livestock operator will be given a seven (7) day notice in which to remove livestock from the pasture. The livestock will be moved to the next pasture that is scheduled for use if the 25% and/or 45% utilization levels, in the pastures noted above, are being reached. In the case of Lower Kelly Pasture, the livestock will be removed from the allotment until the winter turnout date.

If monitoring after the end of the grazing season, in the West Kinney Pasture and summer pastures (Upper Kelly, Lower Kelly, N. Snowstorm, C. Snowstorm, S. Snowstorm, E. Kinney), indicates that utilization objectives are not being met on upland, wetland riparian, and/or streambank riparian habitats, and livestock are determined to be the cause, appropriate corrective management action(s) will be taken the following grazing year. If BLM and the permittee can't agree as to what "appropriate" management action(s) should be, ten (10) days will be taken from the ending date of the season of use in the pasture which did not achieve the utilization objective(s) or applicable guidelines of the Sierra Front - Northwestern Great Basin Resource Advisory Council will be implemented or a combination of both. The above will be in consultation with the interested publics.

If the livestock operator implements other management actions which will reduce utilization and allow for attainment of the utilization objective, and that management action is in conformance with the approved guidelines, the ten (10) days that were lost will be returned the following year.

"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."

1. Structural Projects

The following projects are scheduled to be evaluated through the project planning process. Construction of projects is dependent upon funding, staffing, and project priorities.

- a. Enclosures around selected springs and associated meadows on public land are recommended to eliminate use of these habitats by livestock/wild horses. Once fenced, limited livestock use could occur within the Enclosures. The sites to be fenced shall be selected in consultation, coordination and cooperation with all interested publics.

- b. Gap fence the "rim" in the Kinney pasture to effectively separate East Kinney from West Kinney.
- c. Re-develop Kelly Creek Spring
- d. Approximately 1.5 miles of enclosure fence along Pole Creek (public) are recommended to inhibit livestock use.
- e. Develop Castle Ridge Reservoir

The above mentioned fencing projects would be funded by BLM and the construction would be by the permittee or contractor with supervision by the BLM. BLM would be responsible for NEPA documentation.

RATIONALE:

It has been determined through monitoring that heavy use has occurred on upland, wetland riparian, and streambank riparian habitats.

Due to the lack of adequate stock water on the uplands, in the Castle Ridge Pasture, the present AMP spring grazing system has never been followed. Consistent patterns of rest-rotation and periods of use in other pastures has not been applied to the Bullhead Allotment.

Under the previous system, utilization and distribution patterns have showed heavy use around wetland riparian habitats within the summer pastures. The new management action, with the allowable use levels on streambank riparian and wetland riparian habitats, should allow for attainment of the allotment specific objectives.

The management action will eliminate the present two pasture spring rest rotation system. Early spring use (03/01 to 05/31) will be made in the Castle Ridge Pasture every year. This pasture is short of water during late spring and summer.

Using this pasture in early spring will allow for better distribution of livestock on uplands during the cool part of the year.

Use in this pasture every year will not have an adverse impact on the vegetative resource because with the livestock removal date of 05/31, regrowth will occur which will allow plants to store food reserves in their root system for the next growing season.

Spring use will also be made in the First Creek Pasture. The entire First Creek Pasture will continue to be used every year from 03/01 to 03/31. Spring Creek, which flows through the center of this pasture, would be used to separate East First Creek from West First Creek. The season of use for the East First Creek and West First Creek pastures would be 04/01 to 05/31.

In the year that West First Creek will be used, East First Creek rested. The following year East First Creek will be used and West First Creek will be rested. This rest will allow for an increase in plant vigor and seedling establishment. Riding of these pastures is essential to maintain the integrity of this system. This will require a commitment by the permittee to ensure that the livestock are in the authorized areas.

Additional spring use, if authorized, will allow the summer season of use to be adjusted. However, livestock grazing will end on 08/31.

The "rim" in Kinney Pasture splits the pasture. Small areas and gaps between rims will have to be fenced for complete effectiveness in separating East and West Kinney. West Kinney Pasture is dominated by cheatgrass and Sandberg bluegrass and livestock will maximize the use on the green palatable vegetation at this time of year (06/01 to 06/20). East Kinney Pasture is a higher elevational pasture and better suited for use during and after the month of June.

The selected management action will also change the grazing system from the three (3) pasture rest-rotation system on the summer pastures to a six (6) pasture grazing system. Under this system, most summer pastures will be used every year. On odd years, the rotation will be clockwise and on even years the rotation will be counter clockwise (see pasture schedules under grazing system). Allowable use levels of 30% for streambank riparian on the public portion of Pole Creek and 50% for public portions of wetland riparian habitats will be enforced for all summer pastures (East Kinney, Upper Kelly, N. Snowstorm, C. Snowstorm, & S. Snowstorm). These allowable use levels will dictate livestock removal. To determine removal dates from the summer pastures, mid-point utilization studies will be conducted by BLM and permittee. Additional studies may be required before and after the mid-point inspection. When/if streambank riparian utilization levels on Pole Creek reach 25% or wetland riparian utilization levels reach 45%, the livestock operator will be given and seven (7) day notice in which to remove livestock from the pasture. The purpose of the notice to remove is so that the utilization objectives will be attained and not exceeded.

In the Snowstorm Pasture, Winter's Ridge and Snowstorm Creek split the pasture into three parts. The northern portion of this pasture is more suited for late spring/early summer use because it would allow for better distribution of cattle on the uplands. The scheduled odd year use in this pasture (N. Snowstorm), would be limited to 250 head. The remaining livestock (750) would be in the Kinney East Pasture. The livestock removal date in early July would be beneficial to the streambank riparian habitats of First and Snowstorm Creeks because of regrowth potential, which in turn will improve the water quality and fisheries of these habitats. On even years the Central Snowstorm Pasture will be used with 250 head and the remaining livestock (750) would be in Upper Kelly Pasture while the North and South Snowstorm Pasture will be rested. The following year North and South Snowstorm will be used and Central Snowstorm rested. This rest will allow for an increase in plant vigor and seedling establishment plus give the riparian areas a recovery period.

Winter and early spring use will be taken in the Dry Hills and Rabbit Pastures. The winter utilization will be taken when plants are dormant, thus the vegetative resource will not be adversely impacted. The 03/31 and 04/30 removal dates, from these pastures, will allow for growth of the vegetative resource during the spring and summer growing season.

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."

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

4160.2 "Any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision."

Protest:

Any applicant, permittee, lessee or other interested public may protest the livestock grazing portion of this proposed multiple use decision under Sec 43 CFR 4160.1, in person or in writing to:

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

The protest must be filed within 15 days of receipt of this decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a final multiple use decision will be issued specifying the appeal procedures.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Winnemucca District will continue to monitor the Bullhead 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 under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

The Bullhead Allotment is scheduled to be re-evaluated in FY 2003.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Colin P. Christensen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Colin P. Christensen
ADM Renewable Resources