



United States Department of the Interior

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



m 6/25/03
In Reply Refer To:
4160.1
(NV-022.18)

CERTIFIED MAIL NO. 7003 0500 0000 9632 4111
RETURN RECEIPT REQUESTED

Mrs. Dawn Lappin
WHOA
P.O. Box 555
Reno, NV 89504

JUN 25 2003

Dear Dawn:

Please find enclosed the Proposed Multiple Use Decision for the Paiute Meadows Allotment.

In 1995, you entered into a Stipulated Agreement with the Winnemucca BLM to dismiss your grazing appeal regarding the Final Multiple Use Decision for the Paiute Meadows Allotment. Part of this agreement included the following: binding objectives, monitoring, adjustment in use, and range improvement projects.

As you are aware, after the agreement and subsequent Order were finalized, some of the above mentioned items were not followed through on by the BLM. This fault lies within this office.

It is our goal and desire to conduct all monitoring on the allotment to differentiate between livestock and wild horse use. Thus, the consideration of future forage allocations will be based on proportional adjustments derived from actual use.

Riparian habitats will be considered Key Management Areas (KMA) during the annual monitoring. These KMA's will be established once the Final Multiple Use Decision and subsequent grazing permit are issued.

Throughout the current allotment re-evaluation/multiple use decision process, the WFO did not implement the weighted average to compute a carrying capacity for the allotment. In fact, the carrying capacity is the same as in the past, but with the addition of 750 AUMs for fall/winter use. These 750 AUMs had been previously authorized as TNR. For the next re-evaluation period, use pattern mapping will not be weight averaged or yield indexed.

Thanks for your input into the Paiute Meadows Allotment Re-Evaluation Process. If you have any questions, please contact Ron Pearson at (775) 623-1500.

Sincerely,

A handwritten signature in cursive script, appearing to read "Les W. Boni".

Les W. Boni
Assistant Field Manager
Renewable Resources

6/25/03



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JUN 25 2003

In Reply Refer To:
4160.1
(NV-022.15)

CERTIFIED MAIL NO. 7003 0500 0000 9632 4296
RETURN RECEIPT REQUESTED

PROPOSED MULTIPLE USE DECISION PAIUTE MEADOWS ALLOTMENT

Irv and Sandy Brown
Paiute Meadows Ranch
P.O. Box 478
Winnemucca, NV. 89446

Dear Mr. & Ms. Brown:

The Paradise-Denio Final Environmental Impact statement was issued on 09/18/81. The Paradise-Denio Management Framework Plan Record of Decision was issued on 07/09/82. The first Allotment Evaluation and Multiple Use Decision (MUD) were issued July 1995. These documents guide the management of public lands within the Paiute Meadows Allotment (PMA).

Monitoring data has been collected on this allotment in accordance with Bureau policy and regulations. This data has been evaluated to determine if current management is attaining the allotment objectives and Standards for Rangeland Health (SRH) in the PMA. The Final Allotment Evaluation, Determination and Management Action Selection Report (MASR) were completed and mailed to you on March 3, 2003. The MASR and Determination documents determined that some allotment objectives and SRH were not achieved under the existing management and that livestock grazing was a significant factor in that non-attainment. The PMA 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 19, 2003 for your review and comment. Based upon consideration of comments received and meetings with you we have selected a modified version of alternative 2. BLM believes this grazing system will result in significant progress toward attaining the allotment objectives and SRH.

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

A. Short Term Objectives:

- 1 Grazing on Bartlett, the North Fork of Battle, and Paiute Creeks within the PMA would be permitted under all or a combination of the criteria listed below, which BLM determines is applicable based on site potential and stream characteristics:
 - a) 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 within the North Paiute High Elevation Use Area (Bartlett Creek and the North Fork of Battle Creek); and/or
 - b) herbaceous utilization would ensure a 6-inch stubble height is left when livestock are removed from the South Paiute High Elevation Use Area (Paiute Creek); and
 - 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
 - d) within all use areas streambank alteration would not exceed 10 percent.
- 2 The objective for utilization of key plant species in wetland riparian habitats is fifty percent (50%) for sedges (Carex spp.), rushes (Juncus spp.) and bluegrass (Poa 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), curleaf mountainmahogany (Cercocarpus ledifolius), basin wildrye (Elymus cinereus), ephedra (Ephedra), winterfat (Eurotia lanata), Idaho fescue (Festuca idahoensis), meadow barley (Hordeum brachyantherum), Baltic rush (Juncus balticus), lupine (Lupinus caudatus), Indian ricegrass (Oryzopsis hymenoides), bluegrass (Poa), Nevada bluegrass (Poa nevadensis), Sandberg bluegrass (Poa secunda), antelope bitterbrush (Purshia tridentata), bottlebrush squirreltail (Sitanion hystrix), needleandthread (Stipa comata), Thurber needlegrass (Stipa thurberana), and snowberry (Symphoricarpos).

B. Long Term Objectives:

1. Manage, maintain, or improve rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 1,838 Animal Unit Months (AUMs) for mule deer, 307 AUMs for pronghorn, and 180 AUMs for bighorn sheep.
 - a. Improve or maintain good to excellent mule deer habitat conditions.
 - b. Improve or maintain fair to good pronghorn habitat conditions.

- c. Improve or maintain good to excellent bighorn sheep habitat conditions.
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 to 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 to 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. Manage wild horse numbers at or below Appropriate Management Level (AML) within the Black Rock Range East HMA. Gathers shall occur periodically as needed when monitoring reveals numbers are approaching or exceeding AML.

C. Standards and Guidelines of Rangeland Health

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

D. LIVESTOCK GRAZING DECISION

Based upon the evaluation of monitoring data for the Paiute Meadows Allotment, consultation with the permittee, U.S. Fish and Wildlife Service and other interested publics, NEPA analysis and recommendations from my staff, it is my proposed decision to modify the management of livestock as follows:

FROM: Description of Existing Use

1. Grazing Animal Unit Months (AUMs)
 - a. Total 9932
 - b. Historical Suspended 6382
 - c. Permitted Use 3550
 - d. Authorized 3550
2. Season of Use 03/15 to 10/06
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Table 1 – Existing Grazing System

Use Area	No.	Kind	Period of Use	%PI	AUMs
N. Paiute low elev. <1500m	524	Cows	03/15 to 05/15	100	1068
N. Paiute high elev. >1500m	524	Cows	05/16 to 07/17	100	1086
S. Paiute	524	Cows	07/18 to 10/06	100	1395
					Total 3550

TO: Grazing System To Be Implemented

1. Grazing (AUMs)
 - a. Permitted Use 9932
 - b. Historical Suspended 5892
 - c. Active AUMs 4040
2. Season of Use 03/15 to 09/21
11/15 to 01/15
3. Kind and Class of Livestock Cow/Calf
4. Percent Federal Range 100%
5. Grazing System

Table 2 – Proposed Grazing System

Use Area	No.	Kind	Period of Use	%PI	AUMs
N. Paiute low elev. <1500m	524	Cows	03/15 to 05/15	100	1068
N. Paiute high elev. >1500m	524	Cows	05/16 to 06/30	100	792
S. Paiute high elev. <1500m	524	Cows	07/01 to 09/21	100	1430
S. Paiute low elev. <1500m	300	Cows	11/01 to 01/15	100	750
					Total 4040

RATIONALE:

This proposed grazing system will maintain the same livestock numbers as the existing system with the exception of 300 head within the South Paiute low elevation area during the fall/winter. The use area boundaries of the proposed action differ slightly from those that were analyzed in the PMA E.A. The use areas and seasons of use are identified in Table 2 on page 5 of this document.

Temporary non-use within this winter use area has been granted since 1998. The winter use area is outside of the Black Rock Range East HMA. Livestock grazing during the winter when most of the vegetation is dormant should minimize adverse impacts to vegetation. This management action would extend the season of use within the allotment by approximately two months (11/15 to 01/15) to accommodate the winter grazing season and increase the permitted use an additional 490 AUMs, approximately a 14% increase.

This management action also proposes to change some of the areas of use by designating the Ridge Road as the boundary between the north and south use areas instead of Paiute Creek as under the existing system. This change in the boundary was a result of comments received on the PMA E.A. The lack of adequate water sources south of Paiute Creek and the combined numbers of wild horses and livestock tend to concentrate use on the limited water sources and vegetation under the existing system. Changing the use areas allows better distribution and more uniform vegetative utilization since there are more sources of water and greater forage production in the higher elevation sites on the northern portion of the allotment. Since the cattle will be moved to the larger southern use area around the first of July, alleviating hot season use in the riparian areas, this system will better achieve the allotment objectives and SRH. Riding and herding is essential to ensure livestock are properly distributed within the appropriate use area North or South of the Ridge Road during the authorized period of use.

TERMS AND CONDITIONS:

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

1. 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.
2. 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.
3. Grazing on Bartlett, the North Fork of Battle, and Paiute Creeks within the PMA will be permitted under all or a combination of the criteria listed below, which BLM determines is applicable based on site potential and stream characteristics:
 - a. 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 within the North Paiute High Elevation Use Area (Bartlett Creek and the North Fork of Battle Creek); and/or
 - b. riparian herbaceous utilization would ensure a 6-inch stubble height is left when livestock are removed from the South Paiute High Elevation Use Area (Paiute 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. within all use areas streambank alteration would not exceed 10 percent.
4. Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, riparian habitats or aspen stands.
5. The permittees are required to perform maintenance on range improvements as per their signed cooperative agreements and section 4 permits prior to livestock turnout.
6. The permittees certified actual use report, by pasture, is due 15 days after the end of the authorized grazing period.
7. No trailing would be permitted through use areas containing potential or occupied LCT habitats (North Paiute and South Paiute high elevation use areas). Trailing dates are shown below in Table 3 below.

Table 3. Trailing Dates

Trailing		Dates
From	To	
North Paiute low elevation	North Paiute high elevation	5/14 - 5/17
North Paiute high elevation	South Paiute high elevation	6/29 - 7/2
South Paiute high elevation	Private Parcels	9/18 - 9/21
Private Parcels	South Paiute low elevation	11/01- 11/4

8. BLM would evaluate the monitoring data collected from the North Paiute and South Paiute high elevation use areas to determine if grazing exceeded the utilization criteria for riparian herbaceous and/or woody vegetation and/or bank alteration criteria as outlined in the proposed allotment Term and Condition 1 above. If any of these criteria are exceeded, BLM will initiate the following actions:
 - a. If monitoring at the end of the grazing season indicates that any of the allotment specific objectives, allotment Terms and Conditions, and/or Standards for Rangeland Health were not attained, and current livestock grazing practices or levels of use are the significant factor for non-attainment, appropriate corrective actions will be taken prior to the following grazing season. The BLM, in conjunction with the permittee and interested publics, will reassess the livestock grazing system in those use areas, in which allotment specific objectives, Terms and Conditions, and/or the Standards for Rangeland Health were not attained, to determine whether a change in livestock management (e.g., reduction in season of use, reduction in numbers of livestock, or a combination of all strategies) may be warranted to ensure that these criteria are met. If a consensus is not reached, the annual authorization will be reduced by fifteen (15) days. BLM would repeat this measure until all the criteria for utilization of riparian vegetation and bank alteration are met.
9. In conjunction with monitoring conducted by the BLM, the permittee shall take photographs at BLM-designated key areas prior to or during the first week of turn out and also during the last week of authorized use within each use area. Documentation materials, which will include maps, will be provided to the permittee by the BLM at the beginning of the grazing season. These materials, in addition to the photo documentation, will be submitted by the permittee to the Winnemucca Field Office within the 2-week period after the end of authorized livestock use within each use area.
10. Turn out dates will be flexible and could be modified based on range readiness, but livestock off dates will not be extended in any use area. Removing livestock earlier than authorized to conserve the range resources could occur depending on the range readiness/condition and resource values of the next scheduled use area, unless livestock are being removed from the public land portion of the allotment. Any changes to the season of use (i.e. turn out dates or off dates) would have to be authorized by the BLM in advance.

11. The grazing authorization with the schedules of use outlined in this proposed decision will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1995 Paiute Meadows Allotment MUDs 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, standards for rangeland health and remains in the designated season of use.

E. GRAZING PERMIT

A ten-year grazing permit, reflecting the terms and conditions of this decision, will be offered upon completion of the decision 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 determined through regulations or of any term or condition of the permit or lease."

- 4130.3-2 "The authorized officer may specify in grazing permits and 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."
- 4160.1(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 affected interests 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."
- 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.”

PROTEST PROCEDURES

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

Les W. Boni
AFM Renewable Resources
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

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 which will provide an opportunity for appeal in accordance with 43 CFR 4160.4 and 43 CFR Part 4.

F. WILD HORSE MANAGEMENT

The proposed action for wild horses is to manage the Black Rock Range East HMA at the AML consistent with the 1995 PMA FMUD.

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 East HMA.

Wild horse populations are managed within a range of 40% below the AML to AML. The established AML for the Black Rock East HMA is 93 Horses.

Table 4. Wild Horse Numbers and AUMs

HMA	# HORSES @AML 40% BELOW AML	#AUMs @AML 40% BELOW AML
BLACK ROCK RANGE EAST	93 56	1116 672

Excess wild horses within the PMA 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 use of the range. The AML established in the 1995 Multiple Use Decision PMA 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. The wild horses within the Black Rock Range West HMA will be managed in conjunction with horses in the Black Rock Range East HMA. AMLs have been established within the HMAs and will be managed in accordance with the 2000 Wild Horse Strategy. When population levels exceed the AML within the HMA, the horses will be gathered regardless of the allotment they may be inhabiting at the time of the gather.

G. WILDLIFE MANAGEMENT

The proposed action for reasonable numbers of wildlife will remain at the level identified in the Land Use Plan, which are:

Table 4. Wildlife AUMs

PAIUTE MEADOWS ALLOTMENT	
Species	AUMs
Mule Deer	1838
Pronghorn Antelope	307
Bighorn Sheep	180
	Total 2325

RATIONALE:

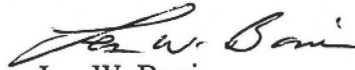
Analysis of existing management of wildlife habitat indicates that current wildlife populations did not contribute to the non-attainment of the allotment objectives or the

Standards for Rangeland Health. Therefore, a change in the existing wildlife populations or the existing wildlife management within the Paiute Meadows Allotment is not warranted.

FUTURE MONITORING AND GRAZING ADJUSTMENTS:

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

Sincerely,



Les W. Boni
Assistant Field Office Manager
Renewable Resources