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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
http://www.nv.blm.gov

TAKE PRIDE IN AMERICA

November 3, 2006

In Reply Refer To:
1793/4130 (NV-012)

Dear Interested Public:

Please find enclosed the Record of Decision for the May 2006 *Sensitive Bird Species Environmental Impact Statement* (EIS), which is combined with the Final Grazing Management Decisions for the Sheep Complex, Big Springs and Owyhee Grazing Allotments.

If you feel you are adversely affected by the BLM grazing decision, you have the right of appeal and to seek a stay of the decision in accordance with requirements set forth in 43 CFR 4.470 through 4.480. An appeal must be filed within 30 days of your receipt of this letter. Instructions for filing an appeal and a petition for stay are also enclosed, along with pertinent sections from the BLM grazing regulations concerning BLM's authority for issuing the grazing decision.

The enclosed documents along with the EIS and other referenced documents my be viewed on the Elko Field Office webpage at http://www.nv.blm.gov/elko/planning.htm, If you have questions, please call Lorrie West at (775) 753-0266, or send an e-mail to lwest@nv.blm.gov.

Thank you for participating in the EIS process.

Sincerely,

Acting for
Shane DeForest
Assistant Field Manager, Renewable Resources

Enclosures: As stated

Enclosure

Bureau of Land Management, Elko Field Office
FINAL GRAZING MANAGEMENT DECISION
PROVISIONS FOR APPEAL
AND
PETITION FOR A STAY OF THE DECISION

Any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 43 CFR 4.470 through 4.480. The appeal or petition for stay must be filed at the office of the authorized officer, Helen Hankins, at 3900 East Idaho Street, Elko, Nevada 89801. The appeal or petition for stay must be filed with the authorized officer within 30 days of its receipt. 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. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

AUTHORITY
(Excerpts from BLM Grazing Regulation – As Amended, August, 2006)
43 CFR Part 4100

Sec. 4100.0-8 Land Use Plans.

The authorized officer shall manage livestock grazing on public lands under the principle 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).

Sec. 4110.2-2 Specifying Grazing Preference.

(a) All grazing permits and grazing leases will specify grazing preference, except for permits and leases for designated ephemeral rangelands, when BLM authorizes livestock use based upon forage availability, or designated annual rangelands. Preference includes active use and any suspended use. Active use is based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan, or decision of the authorized officer under 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands.

Sec. 4110.3 Changes in Grazing Preference.

(a) The authorized officer shall periodically review the grazing preference specified in a grazing permit or lease and shall make changes in the grazing preference as needed to:

(1) manage, maintain or improve rangeland productivity;
(2) Assist in making progress towards restoring ecosystems to properly functioning conditions,
(3) Conform with land use plans or activity plans; or,
(4) Comply with the provisions of subpart 4180 of this part.

(b) The authorized officer will support these changes by monitoring, documented field observations, ecological site inventory or other data acceptable to the authorized officer.

Sec. 4110.3-2 Decreasing Active Use.

(a) The authorized officer may suspend active use in whole or in part on a temporary basis due to reasons specified in 4110.3-3(b)(1), or to facilitate installation, maintenance, or modification of range improvements.
(b) When monitoring or documented field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying

capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer will reduce active use or otherwise modify management practices, or both. To implement reductions under this paragraph, BLM will suspend active use.

Sec. 4110.3-3 Implementing Changes in Active Use.

(a) (1) After consultation, cooperation, and coordination with the affected permittee or lessee, the interested public and the State having lands or managing resources within the area, the authorized officer will implement changes in active use through a documented agreement or by decision. The authorized officer will implement changes in active use in excess of 10 percent over a 5-year period unless:

(i) After consultation with affected permittees or lessees, an agreement is reached to implement the increase or decrease in less than 5 years, or

(ii) The changes must be made before 5 years have passed in order to comply with applicable law.

Sec. 4120.2 Allotment management plans and resource activity plans.

Allotment management plans or other activity plans intended to serve as the functional equivalent of allotment management plans may be developed by permittees or lessees, other Federal or State resource management agencies, interested citizens, and the Bureau of Land Management. When such plans affecting the administration of grazing allotments are developed, the following provisions apply:

(a) An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by such a plan, and the interested public. The plan shall become effective upon approval by the authorized officer. The plans shall –

(1) Include terms and conditions under 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, and subpart 4180 of this part;

(2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;

(3) Specify the limits of flexibility, to be determined and granted on the basis of the operator's demonstrated stewardship, within which the permittee(s) or lessee(s) may adjust operations without prior approval of the authorized officer; and

(4) Provide for monitoring to evaluate the effectiveness of management actions in achieving the specific resource objectives of the plan.

(c) The authorized officer shall provide opportunity for public participation in the planning and environmental analysis of proposed plans affecting the administration of grazing and shall give public notice concerning the availability of environmental documents prepared as a part of the development of such plans, prior to implementing the plans. The decision document following the environmental analysis will be issued in accordance with 4160.1.

(d) A requirement to conform with completed allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans shall be incorporated into the terms and conditions of the grazing permit or lease for the allotment.

(e) Allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans may be revised or terminated by the authorized officer after consultation, cooperation, and coordination with the affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by the plan, and the interested public.

Sec. 4120.3-1 Conditions for Range Improvements.

(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

(f) Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis will be issued in accordance with 4160.1.

Sec. 4130.2 Grazing Permits or Leases.

(a) Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing. Permits or leases shall specify the grazing preference, including active and suspended use. These grazing permits or leases will also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2.

(b) The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the interested public and the State having lands or responsible for managing resources within the area, before issuing or renewing grazing permits and leases.

(d) The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless--

(1) The land is being considered for disposal;

(2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years;

(3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or

(4) The authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management.

Sec. 4130.3 Terms and Conditions.

Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

Sec. 4130.3-1 Mandatory Terms and Conditions.

(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 of the allotment.

(b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.

(c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

Sec. 4130.3-2 Other Terms and Conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

(a) The class of livestock that will graze on an allotment;

(b) The breed of livestock in allotments within which two or more permittees or lessees are authorized to graze;

(c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;

(d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;

(e) The kinds of indigenous animals authorized to graze under specific terms and conditions;

(f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of

other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth.

Sec. 4130.3-3 Modification of Permits or Leases.

(a) Following consultation, cooperation, and coordination with the affected lessees or permittees, the interested public and the State having lands or responsibility for managing resources within the area, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices:
(1) Do not meet management objectives specified in:
(i) The land use plan;
(ii) The pertinent allotment management plan; or
(iii) An applicable decision issued under 4160.3; or
(2) Do not conform to the provisions of subpart 4180.

Sec. 4130.4 Authorization of temporary changes in grazing use within the terms and conditions of permits and leases, including temporary nonuse.

(a) The authorized officer may authorize temporary changes in grazing use within the terms and conditions of the permit or lease.
(b) For the purposes of this subpart, "temporary changes in grazing use within the terms and conditions of the permit or lease" means temporary changes in livestock number, period of use, or both, that would:
(1) Result in temporary nonuse; or
(2) Result in forage removal that –
(i) Does not exceed the amount of active use specified in the permit or lease; and
(ii) Occurs either not earlier than 14 days before the begin date specified on the permit or lease, and not later than 14 days after the end date specified on the permit or lease, unless otherwise specified in the appropriate allotment management plan under 4120.2(a)(3); or
(3) Result in both temporary nonuse under paragraph (b)(1) or this section and forage removal under paragraph (b)(2) of this section.

Sec. 4160.3 Final Decisions.

(b) Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion of her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

Sec. 4180.1 Fundamentals of Rangeland Health.

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 energy 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.

Sec. 4180.2 Standards and Guidelines for Grazing Administration.

(c) The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

10/30/06

FINAL GRAZING MANAGEMENT DECISION

AND

RECORD OF DECISION

FOR THE

SHEEP COMPLEX, BIG SPRINGS AND OWYHEE GRAZING ALLOTMENTS

File Code: 1793/4130 (NV-012)

EIS Name: ***Sensitive Bird Species Environmental Impact Statement***

Date Final EIS filed with EPA: May 31, 2006 (INT-FES-06-14)

Preparing Office:	U.S. Department of the Interior Bureau of Land Management Elko Field Office 3900 East Idaho Street Elko, Nevada 89801
Cooperating Agency:	Nevada Department of Wildlife
Location:	Elko County, Nevada

Approved by: Helen M Hankins 10/30/2006

Helen M. Hankins **Date**
Manager, Elko Field Office

SUMMARY

On April 14, 2003, three final multiple use decisions (FMUDs) made by the Bureau of Land Management (BLM), Elko Field Office, for the Sheep Allotment Complex, Big Springs and Owyhee allotments were challenged in the United States District Court, Nevada. On August 18, 2004, the court ordered BLM to complete an environmental impact statement (EIS) to determine impacts of livestock grazing with respect to the following sensitive birds:

- Sheep Allotment Complex -- western burrowing owls, raptors and sage-grouse
- Big Springs Allotment -- sage-grouse
- Owyhee Allotment -- western burrowing owls, raptors and sage-grouse;.

The grazing allotments are all located in Elko County, Nevada. The Sheep Complex includes nine allotments located in the southeast portion of the Elko district. The Big Springs FMUD covers two allotments, north and west of the Sheep Complex. The Owyhee Allotment is in the northwest corner of the district. As a result of the EIS process, BLM is deciding to modify each of the FMUDs for grazing management as described in this Record of Decision.

The Nevada Department of Wildlife participated in preparation of the EIS as a cooperating agency. *The Sensitive Bird Species Draft EIS* was distributed for public comment in December 2005, and the Final EIS at end of May 2006. To concurrently meet requirements for issuing grazing decisions, the Elko Field Office also mailed the three Proposed Grazing Decisions with the Final EIS to the interested public for protest.

The purpose of the proposed action is to manage livestock grazing in the subject allotments to maintain and enhance productivity for all rangeland values, including habitat of the sensitive bird species. For each of the decisions, the EIS analyzes the effects of four alternative grazing systems to the sensitive species and their habitat, including uplands, springs and riparian areas.

1. **Re-issue Grazing Permits at Historic Levels (No Action)** – Alternative 1 is to re-issue the grazing permits that were in place prior to issuance of the multiple use decisions. It is used in the EIS to compare the results of the following three action alternatives.
2. **Implement the Multiple Use Decision as Modified (Proposed Action)** -- Alternative 2 would implement the 2001 Sheep Complex and 2002 Big Springs and Owyhee multiple use decisions with modifications for grazing management. The modifications include phasing in increases in authorized grazing use from an initial stocking level up to the livestock carrying capacity based on the results of monitoring to meet allotment-specific objectives established for each decision. It also establishes several short term key area utilization objectives and changes to the terms and conditions of the grazing permits. It further proposes range improvement projects essential to implement the grazing plan.
3. **Permit Grazing without Riparian Exclosures and Vegetation Treatments** – Alternative 3 eliminated consideration of range improvements proposed under the multiple use decisions, and modified the periods and conditions under which grazing would be permitted to achieve riparian objectives without these projects.
4. **Adjust Grazing in Key Sensitive Species Habitats** – Alternative 4 also provides a strategy to address concerns about grazing impacts to use of habitat by the sensitive species, including the potential for range improvements to spread non-native invasive weeds. Projects were eliminated where possible, and grazing season of use was adjusted to address specific habitat objectives.

The environmentally preferred alternative is Alternative 4. Other management considerations BLM weighed in deciding to implement Alternative 2 are identified. This decision incorporates all practical measures to mitigate impacts, and monitoring of use to ensure resource objectives are met. The last section of this document provides detailed descriptions of three Final Grazing Management Decisions, with references to changes made to each FMUD and the rationale for the change.

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TABLES

MAPS

1 INTRODUCTION

1.1 DECISION

This decision is recorded in accordance with regulations for implementing the National Environmental Policy Act (NEPA) found at 40 CFR parts 1500-1508[1] and Bureau of Land Management (BLM) grazing regulations found at 43 CFR part 4100[2], as amended in August 2006 and published in the *Federal Register* on July 12, 2006 (71 FR 29402).

In May 2006, the BLM, Elko Field Office, completed the *Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species Final Environmental Impact Statement (EIS)*. Based on my review of the alternatives analyzed in the EIS and as the BLM authorized officer and Field Manager, it is my decision to modify and implement the following three final multiple use decisions (FMUDs) previously issued by the Elko Field Office for grazing management, as described and analyzed in the EIS as Alternative 2:

- 2001 Sheep Allotment Complex FMUD
- 2002 Big Springs Allotment FMUD
- 2002 Owyhee Allotment FMUD

As stated in section 1.2 of the EIS, the purpose of the proposed action is to manage livestock grazing in the subject allotments to maintain and enhance productivity for all rangeland values, including habitat of the sensitive bird species. The EIS describes and analyzes four alternatives in detail. This Record of Decision (ROD) identifies factors BLM considered in selecting Alternative 2, which is to implement the FMUDs as modified for grazing management.

Section 2 of this document briefly discusses the alternatives that BLM considered for each of three areas. Section 3 identifies the environmentally preferred alternative as Alternative 4, to adjust grazing in key sensitive species habitats. Section 4 discusses other management considerations that factored into BLM's selection of Alternative 2 for implementation. Section 5 identifies mitigation and monitoring commitments. Section 6 discusses public involvement throughout the EIS process.

BLM's decision to implement and monitor modifications to the FMUDs for grazing management is described in detail in section 7. No changes to the wildlife and wild horse management decisions from each FMUD are made, so these decisions remain in effect.

The three final grazing decisions are subject to appeal in accordance with the BLM Grazing Regulations at 43 CFR 4160.4. Pending resolution of any appeal(s), the changes to grazing management will become effective in May 2007 for the Sheep Allotment Complex and in March 2007 for the Big Springs and Owyhee allotments.

1.2 BACKGROUND

On April 14, 2003, three FMUDs previously issued by the Elko Field Office for the Sheep Allotment Complex (which includes 9 allotments), Big Springs Allotment (which was split into 2 allotments), and Owyhee Allotment were challenged in the United States District Court for the District of Nevada with respect to the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA) and its implementing regulations including the Fundamentals of Rangeland Health (FRH), 43 CFR subpart 4180, and NEPA.

The three FMUDs are available upon request to the Elko Field Office.

On August 14, 2004, Honorable Judge Howard D. McKibben upheld BLM's decisions in all respects, except for one. He directed the BLM to complete an environmental impact statement

[1] The Council on Environmental Quality NEPA regulations were published in the Federal Register on Nov. 28, 1978,(43 FR 55990), with revisions published on April 25, 1986 (51 FR 15625)

[2] The BLM Grazing Regulations were amended in August 2006 and published in the *Federal Register* on July 12, 2006 (71 FR 29402).

(EIS) on livestock grazing management with respect to certain sensitive avian species associated with the subject grazing allotments. This ruling left the challenged FMUDs in place. Per Judge McKibben's Minute Order, the EIS is intended to determine impacts of livestock grazing (including both sheep and cattle) with respect to the following sensitive birds:

- Sheep Allotment Complex: Western burrowing owls, raptors and sage-grouse;
- Owyhee Allotment: Western burrowing owls, raptors and sage-grouse; and
- Big Springs Allotment: sage-grouse.

As ordered, "To the extent applicable to these sensitive species the BLM shall evaluate the impacts of grazing, considering springs, seeps and riparian areas, uplands habitat and land use plans."

The Sheep Complex includes nine allotments located in the southeast portion of the district. The Big Springs FMUD covers two allotments, located north and west of the Sheep Complex. The Owyhee Allotment is located in the northwest portion of the Elko District (FEIS, Appendix A, Map 1-1).

The Nevada Department of Wildlife participated as a cooperating agency in preparation of the EIS.

The purpose of the proposed action is to manage livestock grazing in the subject allotments to maintain and enhance productivity for all rangeland values, including habitat of the sensitive bird species. The need for action is to adjust grazing management to make significant progress toward meeting the *Standards and Guidelines for Rangeland Health* for the Northeastern Great Basin Resource Advisory Council area and achieve the multiple use objectives established by the Elko or Wells Resource Management Plan (RMP) (FEIS, section 1.2).

A Notice of Intent to prepare the EIS was published in the *Federal Register* on December 17, 2004. This notice initiated a 30-day public scoping period.

All of the action alternatives analyzed in the EIS conform to the applicable land use plan, i.e., the 1985 Wells RMP, as amended, for the Sheep Allotment Complex and the Big Springs Allotments, and the 1987 Elko RMP, as amended, for the Owyhee Allotment. The three action alternatives include the grazing management plan that specify the period of use and total number of animal unit months (AUMs) of livestock grazing in each allotment. They also include allotment-specific plant community objectives and interdisciplinary monitoring to protect and enhance the other resources.

The Draft EIS was filed and distributed for public review and comment in December 2005 (DES 05-70). By the end of the public comment period, the Elko Field Office received 450 comments in 40 comment letters from 29 individuals, permittees, local government, and a variety of local organizations. The BLM considered the public comments on the Draft EIS, revised the EIS as warranted, and prepared the Final EIS. The Final EIS was filed and sent to those on the distribution list (FEIS, chapter 4) on May 31, 2006 (FES 06-14). BLM also included in the mailing of the FEIS a Proposed Grazing Management Decision[3] for protest, in accordance with grazing management regulations (43 CFR 4160.2), to the interested public involved in the decision-making process. Subsequent to the mailing of the FEIS, some parties, who had not received the proposed decisions requested the decisions and/or submitted protests. These were accepted and considered along with any other protests received.

[3] NEPA regulations provide that a record of decision may be integrated into any other record prepared by the agency (40 CFR 1505.2). The regulations further provide that, when agencies have a formally established appeal process, the decision may be made and recorded at the same time the EIS is published. Regulations for grazing management at 43 CFR 4160 establish protest procedures for a proposed decision, followed by an opportunity for appeal of the final decision. Thus, BLM provided for the protest period on the proposed grazing decision to run concurrent with publication of the FEIS. The 30-day appeal period for this final grazing decision will run concurrent with issuance of this ROD.

Since issuance of the FEIS and Proposed Grazing Decision in May 2006, substantial parts of the Owyhee Allotment were burned by the Winters, Amazon and Silver Lake fires. Also, a small portion of the West Big Springs Allotment burned (West Pequop Fire). Actions necessary to temporarily close the burned areas to livestock use along with other temporary adjustments to the terms and conditions of the grazing permits, as warranted, are being analyzed and will be implemented through decisions separate from this Final Grazing Management Decision. [4] The FMUDs will not be in effect until the closed are are re-opened to livestock use. The wildfire closure decisions will describe the temporary adjustments to livestock use that differ from this final decision.

The Final Grazing Management Decision and ROD are combined in this document.

2 ALTERNATIVES

BLM considered a total of nine alternatives during the preparation of the EIS. Five of the alternatives were eliminated from detailed analysis. They include: (1) no grazing; (2) grazing permits based on drought conditions with temporary non-renewable use for non-drought years; (3) restore non-native vegetation to native vegetation; (4) change type of livestock from sheep to cattle (Sheep Allotment Complex, only); and (5) limit grazing to levels below average actual use. These five alternatives and reasons for their elimination are described in Section 2.6 of the FEIS.

For each of the subject allotments, four alternatives are described and analyzed in the EIS.

Alternative 1, the No Action alternative, was included for comparative purposes only. Monitoring and allotment evaluations had already demonstrated that this alternative was not meeting rangeland health standards.

All three action alternatives propose a grazing strategy and issuance of a term (10-year) grazing permit with terms and conditions. The action alternatives (i.e., Alternatives 2, 3 and 4) included grazing use adjustments under a phased approach, based on monitoring, to include:

- Introduction of stocking levels, in terms of the number of animal unit months (AUMs) initially authorized that are below the calculated carrying capacity for the allotment. This is referred to as an interim system in the FEIS.
- Disclosure of all allotment-specific objectives from the FMUDs, and addition of short-term objectives as terms and conditions on grazing permits, where necessary as a result of the EIS process.

Under the action alternatives, the difference between the *initial stocking levels* and *active grazing preference* (referred to as "permitted use" in the FEIS) would be held in *suspension* until monitoring shows that the allotment-specific objectives are being met. The active grazing preference was derived from the carrying capacity that was calculated in the FMUDs for each allotment. The active grazing preference is expressed in AUMs that would annually be permitted in a given allotment.

Actual use under the historic permits (Alternative 1) and the livestock carrying capacity of the allotments for the Proposed Action (Alternative 2) had been calculated as part of the allotment evaluation and FMUD process. For all three action alternatives, development and modification of the grazing strategy for each allotment included identification of pastures and/or use areas and periods of use that would improve specific conditions of concern within the allotments. The AUMs that would be specified in the term permit for each allotment were based on the number of carrying capacity AUMs that may be removed in a given allotment, in accordance with the specified periods of use and permit terms and conditions.

The three action alternatives also propose range improvement projects to implement the grazing strategy. Protection of riparian habitat within a given allotment is dependent, in part, on

[4] The amended BLM Grazing Regulations that became effective after the FEIS was issued (on August 12, 2006) recognize BLM's authority to respond as necessary to drought, fire and other resource conditions. (43 CFR 4110.3).

construction of riparian exclosures or pasture fences. Water developments, such as wells, or piping water from the springs to troughs outside of a riparian area, are also integral for implementation of the grazing strategies for some of the alternatives. A distinction was made between proposed range improvement projects needed to implement each alternative and those that would facilitate the alternative. Those that would facilitate the alternative were included as reasonably foreseeable future actions, as they would only be implemented on an as needed basis.

All the alternatives incorporate standard operating procedures (SOPs) for construction of projects (**Appendix B** of the FEIS). The SOPs include protection measures for various resources to minimize potential impacts of any proposed range improvement project. All alternatives also incorporate allotment-specific objectives (**Appendix C** of the FEIS).

2.1 ALTERNATIVE 1 – RE-ISSUE GRAZING PERMITS AT HISTORIC LEVELS (NO ACTION)

Alternative 1 would continue the grazing systems that were in place prior to the allotment evaluations that were completed in 2000. These evaluations identified the number of AUMs authorized by existing livestock grazing permits. The allotment evaluations determined that the grazing systems were not achieving rangeland health standards, thus adjustments were necessary. This conclusion led to development of and issuance of the three multiple use decisions. Because continuation of grazing as historically permitted would not meet BLM's need for action, this alternative is included for comparative purposes only.

2.2 ALTERNATIVE 2 – IMPLEMENT THE MULTIPLE USE DECISION AS MODIFIED (PROPOSED ACTION)

This alternative followed the grazing system outlined in the MUD for each of the subject allotments, with the modifications with respect to management of livestock grazing as noted above[5]. Alternative 2 was identified as BLM's Proposed Action and Preferred Alternative in the FEIS, and is selected in this decision document.

2.3 ALTERNATIVE 3 - PERMIT GRAZING WITHOUT RIPARIAN EXCLOSURES AND VEGETATION TREATMENTS

This alternative grazing system was developed as a result of public scoping comments expressing concerns regarding potential impacts of riparian exclosures and vegetation treatments proposed under the Multiple Use Decisions. The grazing system was modified to achieve riparian objectives without these range improvements. The periods and conditions under which grazing would be permitted were adjusted under this alternative to accommodate the riparian protection goals.

2.4 ALTERNATIVE 4 - ADJUST GRAZING IN KEY SENSITIVE SPECIES HABITATS

This grazing system was developed as a result of public scoping comments expressing concern about grazing impacts to use of habitat by the sensitive species, including the potential for range improvements to increase the establishment and spread of non-native species.

Under this alternative, range improvement projects were eliminated, as practicable, and grazing season of use was adjusted to address specific wildlife habitat objectives.

3 ENVIRONMENTALLY PREFERRED ALTERNATIVE

Identification of the environmentally preferable alternative involves a balancing of resource uses with that of resource protection. The environmentally preferred alternative best promotes our nation's policy as stated in section 101 of NEPA. It is the alternative that causes the least damage to the biological and physical environment and best protects, preserves and enhances the resources that are present.

[5] The modifications to the FMUDs were developed as a result of scoping and public comment on the Draft EIS.

3.1 SHEEP ALLOTMENT COMPLEX

The three action alternatives for the Sheep Complex are compared with respect to the No Action Alternative (Alternative 1) in **Table 1.** *Alternative 4 is the environmentally preferred alternative.*

Alternative 1 is not proposed for implementation because it would not allow BLM to meet the rangeland health standards and manage livestock grazing in the subject allotments to maintain and enhance productivity for all rangeland values, including habitat of the sensitive bird species. Potential impacts to the plant communities and habitat for the subject sensitive species that would continue to occur would be most pronounced for owls in all nine allotment, and sage grouse in the Boone Springs Allotment, due to continued impacts to the riparian vegetation and nesting habitat. Alternative 2 would improve the overall plant health (shrubs and grasses), improving habitat for the raptor prey species and for sage grouse through changes in grazing management. The range improvements would protect riparian habitat from impacts due to wild horses, with concomitant benefits to owls in the allotments, and sage grouse in the Boone Springs Allotment. Other raptor species would also benefit by the improved riparian habitat as these areas would attract additional prey species. Non-native invasive weed species would continue to exist in the allotments. Some wildlife mortality due to exclosure fence collisions is possible; however, BLM fence construction standard operating procedures (SOPs) would reduce potential impacts and any impacts that do occur are likely to be offset by the improved foraging conditions.

Table 1: Sheep Allotment Complex - Comparison of Alternatives (AUMs)

	Alternative 1 No Action	Alternative 2 Proposed Action	Alternative 3 w/o Exclosures or Vegetation Treatments	Alternative 4 Adjust Grazing in Key Habitats
Grazing Preference (Alt 1) or Livestock Carrying Capacity (Alt 2-4)	39,915	26,652	Same as Alternative 2	Same as Alternative 2
Change From No Action (% Reduction)	n/a	-13,263 (or -33%)	Same as Alternative 2	Same as Alternative 2
Average Actual Use (Alt 1) Initial Stocking Rate (Alt 2-4)	17,573	17,474	Same as Alternative 2	Same as Alternative 2
Non-Use (Alt 1) or Suspended Use (% of Active Preference)	-22,342	-9,178 (or -34%)	Same as Alternative 2	Same as Alternative 2

Alternative 3 would also result in improvement of the upland vegetation. The riparian areas would benefit some due to attainment of appropriate management levels for wild horses, but heavy horse use at springs could continue due to the exclosures not being constructed. Similarly, impacts from non-native, invasive species would continue at reduced levels. The impacts to riparian areas would affect all the raptors, but especially the long-eared and short-eared owls. Sage grouse summer brood habitat, specifically the riparian areas in the Boone Springs Allotment, would remain degraded under this alternative. It would require more time to meet the riparian habitat standards under this alternative as compared to Alternative 2.

Alternative 4 would result in improvement in the vegetation similar to that anticipated under Alternative 2. Alternative 4 is preferred over Alternative 2 because the improvement could be realized sooner under this alternative than under other alternatives due to the elimination of grazing by sheep in April. Benefits to the raptor prey species are likely to be realized. Herding of sheep to avoid grazing of riparian areas until exclosures are built is expected to benefit short-eared owl, long-eared owl, sage grouse and the other raptors, similar to Alternative 2. Some mortality due to fence collisions is possible;

however, BLM fence construction SOPs would reduce potential impacts and any impacts that do occur are likely to be offset by the improved foraging conditions at the protected riparian areas.

3.2 BIG SPRINGS ALLOTMENTS

The three action alternatives for the West and East Big Springs allotments are compared with respect to the No Action Alternative (Alternative 1) in **Table 2.** *Alternative 4 is the environmentally preferred alternative.*

Alternative 1 is not proposed for implementation because it would not allow BLM to manage livestock grazing in the subject allotments to maintain and enhance productivity for all rangeland values, including habitat of the sensitive bird species. Continuing to permit grazing at historic levels under Alternative 1 would not meet the rangeland health standards. Impacts to riparian vegetation and sage grouse habitat would occur under this alternative as riparian areas would continue to receive heavy use and water developments would continue to divert most or all of the water from several springs. If no action is taken, the potential would remain high for non-native, invasive species establishment.

Alternative 2 – Implement the Multiple Use Decision as Modified, would result in improvement of shrub and grass species. Some impacts may occur, but unlike Alternative 1, the rest built into the system between periods of use would allow the shrubs to recover and maintain vigor. Similarly, grasses would demonstrate some short-term impacts, but would receive rest to allow sufficient photosynthesis to maintain plant vigor. Some impacts would continue at the areas of concentrated used (i.e., at water developments) as these areas receive heavier use than the rest of the pastures in addition to the mechanical hoof disturbance. Riparian areas would benefit from grazing deferment and riparian pasture development.

Table 2: Big Springs Allotments - Comparison of Alternatives

	Alternative 1 No Action	Alternative 2 Proposed Action	Alternative 3 w/o Exclosures or Vegetation Treatment	Alternative 4 Adjust Grazing in Key Habitats
Grazing Preference (Alt 1) or Livestock Carrying Capacity (Alt 2-4)	21,983	16,963	15,808	14,509
Change From No Action (% Reduction)	n/a	-5,020 (or -23%)	-6,175 (or -28%)	-7,474 (or -34%)
Average Actual Use (Alt 1) Initial Stocking Rate (Alt 2-4)	13,581	13,601	13,601	14,509
Non-Use (Alt 1) or Suspended Use (% of Active Preference)	-8,402	-3,362 (or -20%)	-2,207 (or -14%)	0 (n/a)

The improvement in upland vegetation and riparian areas would decrease the potential for non-native, invasive species establishment. The construction of the allotment boundary and East Big Spring/North Pequop pasture fencess would create potential for these species to establish through surface disturbance that creates suitable seedbeds for non-native, invasive species. The net result, however, would be lower overall potential for non-native, invasive species.

The grazing system, spring exclosures, and riparian fencing would improve riparian habitat as these areas would receive rest or protection during hot season grazing. The Proposed Action alternative would improve nesting habitat quality, reduce disturbance at leks, and improve summer brood habitat for sage grouse.

Alternative 3 would achieve the riparian goals without the riparian exclosures/fences, by designing the grazing system to benefit the riparian vegetation. The grazing system would improve upland grass and shrub vigor by providing sufficient rest between grazing periods. The potential for non-native, invasive

species to establish is less under Alternative 3 than Alternative 2. Fewer acres of surface disturbance would occur due to the elimination of fences. The riparian vegetation would also recover under this alternative, except where wild horses are the causal factor. The grazing system would provide deferred use or rest-rotation in all the pastures with riparian habitats. However, cattle would still have access to the riparian areas, so improvement would be less.

Alternative 3 would result in the improvement of some nesting habitat, but without the rehabilitation of the sagebrush in Holborn Pasture, the potential for nesting habitat in this area of degraded sagebrush would not be realized. Lek disturbance would be reduced.

The grazing system for Alternative 4 would result in improvement of the grass and shrub vigor. The rest or deferment of riparian vegetation as well as the upland vegetation, combined with reduced AUMs would provide for lower intensity of use and periods of rest for plants to recover from the effects of herbivory. The riparian improvement is anticipated to be more than Alternative 3, but not as much as Alternative 2.

Impacts from non-native, invasive species would be similar to Alternative 3. Sage grouse would benefit from this alternative due to improved nesting habitat and some improvement in summer brood habitat. Alternative 4 would result in the least amount of disturbance during sage grouse breeding, nesting, and brooding activities, so it is environmentally preferred.

3.3 OWYHEE ALLOTMENT

The three action alternatives for the Owyhee Allotment are compared with respect to the No Action Alternative (Alternative 1) in **Table 3**. *Alternative 4 is the environmentally preferred alternative.*

Under Alternative 1, the upland areas were improving under the historic grazing system, but the riparian rangeland health objectives were not being met. The impacts to the riparian vegetation under this alternative reduce the quality of sage grouse brood habitat and habitat for the long-eared owl, short-eared owl. Habitat for many of the prey species on which the raptors depend would also be degraded under this alternative. Therefore, BLM does not consider Alternative 1 to be a viable alternative.

Under Alternative 2, impacts to sage grouse breeding and nesting activities would continue to occur. This is due to the alternating early season use in Star Ridge and Dry Creek pastures, where 11 of the 12 documented leks within the allotment are located. This impact would continue to be partially offset by cessation of grazing by June 30, and the alternate year of rest. Alternative 2 would improve the upland vegetation (with some areas of continued adverse impact), decrease the establishment and spread of non-native species as compared to alternative 1, improve riparian vegetation. In addition, this alternative would improve habitat for raptors and their prey.

Table 3: Owyhee Allotment - Comparison of Alternatives

	Alternative 1 No Action	Alternative 2 Proposed Action	Alternative 3 w/o Exclosures or Vegetation Treatments	Alternative 4 Adjust Grazing in Key Habitats
Grazing Preference (Alt 1) or Livestock Carrying Capacity (Alt 2-4)	30,155	29,903	27,837	20,706
Change From No Action (% Reduction)	n/a	-252 (or < -1%)	-2,318 (or -8%)	-9,449 (or -31%)
Average Actual Use (Alt 1) Initial Stocking Rate (Alt 2-4)	18,862	23,247	Same as Alt.2	20,706
Non-Use (Alt 1) or Suspended Use (% of Active Preference)	-11,295	-6,656 (or -22%)	-4590 (or -16%)	0 (n/a)

4 MANAGEMENT CONSIDERATIONS

The purpose of NEPA and this action closely mirrors BLM's multiple use and sustained yield mandates under the Federal Land Policy and Management Act. Both seek to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Alternative 4 may be the environmentally preferable alternative in terms of making progress toward meeting habitat standards and objectives. However, this outcome must be balanced against consideration of factors affecting the use of the grazing allotments by the permittees. BLM prefers Alternative 2 over Alternatives 3 and 4 because it offers a more practical means to permit and monitor livestock use in the grazing allotments.

Alternative 4 for the Big Springs and Owyhee allotments would result in faster improvement of most resource conditions, in comparison to alternative 2 or 3, but no difference is expected for the Sheep Complex. However, not every resource would improve faster, nor would every resource necessarily improve to a higher state of quality under alternative 4. Furthermore, the cost of getting this more rapid improvement would be deeper reductions in livestock use which would result in adverse economic impacts to the permittees.

As the analysis indicates, the end result of either Alternative 2 or Alternative 4 is good habitat condition. The selected alternative, Alternative 2 provides a balance between those reasonable measures necessary to protect and improve the existing resource values and making use of the subject lands for grazing. Habitat conditions will improve. Therefore, Alternative 2 - Implement the Multiple Use Decision as Modified, is the alternative best able to comply with all applicable laws, regulations, policy, and agency direction.

The BLM acknowledges that the selected alternative represents a balanced compromise between various competing resource objectives so that the resources are utilized in the combination that best meets the present and future needs of the American people. Alternative 2 represents a realistic management balance, given current and projected budgets, which is expected to move resource conditions in the allotments (and especially those areas needing improvement) towards the desired future conditions outlined in the goals and objectives for the subject allotments.

The selected alternative (Alternative 2) further acknowledges that controlled livestock grazing is a valid and legitimate use over most of the area, and is expected to be effective in limiting or excluding grazing to protect key sensitive species habitat.

The subject allotments were assessed for compliance with applicable Standards for Rangeland Health (BLM 1997) prior to completion of this ROD. The assessments were included in the FEIS by reference. The selected Alternative will meet the requirements of 43 CFR 4180 for the authorized officer to take appropriate action where livestock grazing is a significant factor for not meeting, or for not making significant progress toward meeting, a particular rangeland health standard.

5 MITIGATION AND MONITORING

Standard operating procedures, other resource protection measures common to all the alternatives, and allotment-specific terms and conditions in the grazing permits are incorporated into Alternative 2 and will be implemented and monitored as described in the FEIS (sections 2.2.1 and 2.2.2, Appendix B, Appendix C)

An additional mitigation measure to be taken, as discussed in the *Conservation/Mitigation Recommendations and Residual Impacts* section of the FEIS (Sheep Complex, 3.2.4.2; Big Springs; 3.3.4.2l Owyhee; 3.4.4.2) is to require that permittees annually inspect trough areas and riparian exclosures to detect undesirable weed species, and notify BLM of any need to treat noxious weeds and/or seed species suitable to the site and use levels.

BLM is not committing to normally require that permittees annually inspect and seed all areas

receiving heavy use with desired perennial grass species. This is because BLM lacks funding and staff to monitor the effectiveness of this requirement.

All practical means to avoid or reduce environmental harm are hereby adopted, and will be monitored and periodically evaluated in accordance with implementation of this decision. Monitoring of the short-term objectives and periodic allotment evaluations will be used to ensure that the grazing plan is being implemented and progress is being made towards meeting the short- and long-term goals and objectives. Grazing management will be adjusted based on this monitoring.

6 PUBLIC INVOLVEMENT

6.1 SCOPING AND DRAFT EIS REVIEW

A Notice of Intent (NOI) to prepare the EIS was published in the Federal Register on December 17, 2004. This NOI initiated the formal public scoping period and invited the public to provide scoping input for the EIS during a 30-day scoping period. The public scoping period ended on January 18, 2005.

On January 12, 2005 a public meeting was held in an open house format at the BLM field office in Elko, Nevada. Following consideration of public input from the public scoping period, a Draft EIS was prepared and distributed for public review and comment in December 2005.

NDOW cooperated with BLM and the contractor, SRK Consultants, Inc., in preparation of the EIS. Issues addressed as a result of scoping are summarized at the end of chapter 1 of the EIS.

The DEIS was distributed for public review and comment in December 2005. By the end of the 45-day public comment period, the Elko Field Office received 40 comment letters, in which approximately 450 comments were identified. Eleven of the letters, comprising 284 comments were from Western Watersheds Project, the plaintiff in the case that led to the court order to prepare this EIS. In addition, another seventeen letters were from individuals prompted by an on-line message that Western Watersheds Project transmitted from their website on January 19, 2006. These letters included 122 comments, most of which were identical to nine points raised made by the message about the DEIS. The remaining letters were from environmental organizations (2), the Elko County Commissioners, Nevada State Clearinghouse, Environmental Protection Agency, Nevada Cattleman's Association, the permittees, and other local ranchers and individuals.

In response to the comments on the DEIS, BLM modified the alternatives and analysis as warranted, and prepared the FEIS. Notice of the availability of the FEIS was published in the Federal Register on May 31, 2006, and it was mailed to those on the EIS distribution list (see Chapter 4 of the FEIS) for comment.

6.1 COMMENTS ON THE FEIS AND PROTESTS ON THE PROPOSED GRAZING DECISIONS

At the same time that the FEIS was distributed for comment, BLM issued a Proposed Grazing Management Decision for protest in accordance with 43 CFR 4160.2. The Proposed Grazing Management Decision was included in the certified mailing of the Final EIS to all interested publics who had been involved in the allotment evaluation and the FMUD process, and any new parties who asked to be added to this mailing list during the EIS process. During the public review period for the FEIS and protest period for the three Proposed Grazing Decisions, the BLM received 12 letters. BLM organized the comments/protests and found that most of the comments were either addressed in the FEIS, repetition of comments submitted on the DEIS, or out of scope.

Of the twelve letters, four were submitted as protests of the Proposed Grazing Management Decision by the Western Watersheds Project. BLM found many of their comments had been made on the DEIS and most had been addressed by the FEIS, as explained by the responses to the comments (FEIS, Appendix D). For new comments, one pointed out information for the Big Springs grazing management strategy that had been omitted from the FEIS and proposed

grazing decision. This change is included in the final decision (**Section 7.2** of this document).

The letter from the U.S. Environmental Protection Agency indicated that the FEIS adequately addressed all of their concerns related to the draft document. The Nevada State Clearing House indicated that the State had no further comments on the FEIS. Six individuals that commented reiterated points raised by the Western Watersheds Project.

Public comments on the FEIS and protests of the Proposed Grazing Management Decisions are available for viewing in the Elko Field Office during normal business hours.

In addition to the comment letters received during the comment/protest period, one letter from Western Watersheds regarding fires was received on August 21, 2006. This letter expressed concerns regarding the large fire (Winters Fire; 238,462 acres) which had occurred in the area of the Owyhee Allotment as of that date, and questioned how the area was going to be managed. In the time since this letter, two additional fires (Amazon Fire; 108,563 acres and Silver Lake Fire; 2,500 acres), occurred in the area of the Owyhee Allotment,. The Winters Fire impacted 4,775 acres (94%) of the Winters Creek Seeding, 12,873 acres (33%) of the Chimney Creek Field and 43,919 acres (25%) of the Dry Creek Field. The Silver Lake Fire affected 1% of the Dry Creek Field. The Amazon Fire affected 2,774 acres (7%) of the Chimney Creek Field.

Also, one fire (West Pequop Fire; 1,978 acres) occurred in the North Pequop Mountain Pasture of the West Big Springs Allotment. It affected 3.7% of the pasture

As was documented in the FEIS in regards to the 2005 Wilson Complex Fire and as a standard procedure, BLM manages wildfire occurrence with emergency stabilization and rehabilitation plans, monitoring and livestock closures. Interdisciplinary teams evaluate the burned area and determine resource needs for stabilization and longer term rehabilitation. Livestock are removed and grazing is temporarily suspended from the burned areas, and the grazing permits are modified with a full force and effect decision to reduce authorized use (AUMs). Once the burned areas have recovered, as established through monitoring to meet objectives of the stabilization and rehabilitation plan, livestock use may resume under the allotment management plan of record.

7 GRAZING MANAGEMENT DECISIONS

Having conducted an assessment of the compliance with the Standards for Rangeland Health, considered a range of reasonable alternatives in the May 2006 *Sensitive Bird Species Final Environmental Impact Statement* (FEIS), and all comments on the FEIS and protests on the Proposed Grazing Decisions, it is my decision, as the Field Manager of the BLM, Elko Field Office, to adopt and implement Alternative 2 for the Sheep Allotment Complex, Big Springs Allotments, and the Owyhee Allotment., as described herein and in the FEIS. My final decision is to modify the Final Multiple Use Decisions (FMUDs) for the Sheep Allotment Complex issued on October 25, 2001, the Big Springs Allotments issued on September 17, 2002, and Owyhee Allotment issued on April 19, 2002, as described herein. Implementation of each decision is contingent upon the resolution of any appeals in accordance with grazing regulations found at 43 CFR 4160.3.

All aspects of the decisions are in full compliance with the existing land use plans. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS as actions common to all alternatives (section 2.2), standard operating procedures (Appendix B) and allotment-specific objectives (Appendix C) are also included.as part of each decision.

In implementing each decision, the Elko Field Office, will reissue livestock grazing permits for the allotments from the FMUDs to incorporate the modifications to the terms and conditions for use as described for Alternative 2 in the FEIS and summarized below. Essential range improvement projects will be constructed as priorities, funding and manpower allow.

The management decisions for wild horses and wildlife in the FMUDs remain in effect. Specifics modifications to each FMUD for grazing management are detailed below.

7.1 SHEEP ALLOTMENT COMPLEX GRAZING DECISION

The Final Multiple Use Decision (FMUD) for the Sheep Allotment Complex issued on October 25, 2001, is modified for grazing management as follows.

1. Establish the total number of AUMs of grazing preference (active and suspended use) for livestock in the Sheep Allotment Complex as shown in **Table 4** and described below. *This modifies pertinent portions of decision #2 found on pages 5 to 16 of the FMUD for the Sheep Allotment Complex.*

   Rather than implement the grazing systems using the calculated carrying capacity AUMs (26,652 livestock AUMs of active use) as provided for in the FMUD, the livestock grazing systems will be implemented using the average actual use AUMs (17,474 total AUMs) for the period 1987 through 1999 as displayed under the column titled "Revised Preference" in **Table 4** below. This represents a 34 percent reduction in active use described in the FMUD. The difference between active use based on average actual use AUMs and active use provided in the FMUD (i.e., 9,178 AUMs) will be held in suspension until short-term objectives are met, proposed range improvements are constructed, and monitoring shows the ability of the vegetative resources to sustain additional grazing use (e.g. during drought), as these apply to each allotment.

   The short-term objectives will also be used to determine the sustainability of existing use and non-attainment of these objectives will result in adjustment of authorized use downward with reduced AUMs going back into suspension. The short-term objectives are the utilization objectives described in the FMUD. For the West White Horse Allotment, where the average actual use was higher than the Post-Evaluation Carrying Capacity (active preference) established in the Sheep Allotment Complex FMUD, the authorized grazing level will be the Post-Evaluation Carrying Capacity (active preference) from the FMUD.

Table 4: Sheep Allotment Complex
FMUD Allocation of Carrying Capacity for Active Use by Livestock Compared to the Revised Allocation of Active and Suspended Use for Livestock (AUMs)

Allotment	FMUD Carrying Capacity	Revised Preference		Total Preference (Active + Suspended)
	Livestock Active Preference	Livestock Active Use – Average Use 1987 – 1999	Suspended Use	
Leppy Hills	3,351	2,257	1,094	3,351
UT/NV North	3,704	2,115	1,589	3,704
UT/NV South	2,646	1,690	956	2,646
Lead Hills	5,609	3,314	2,295	5,609
White Horse	3,916	2,154	1,762	3,916
West White Horse	465	325 325 465[1]	0	465
Sugarloaf	2,001	1,979	22	2,001
Ferber Flat	2,013	1,498	515	2,013
Boone Springs	2,947	2,002	945	2,947
Total	26,652	17,474	9,178	26,652

[1]Two Use Areas will be used one out of three years; 465 AUMs are included in the total.

The AUMs in suspension will be restored when short-term objectives are achieved in all years of a grazing rotation cycle (i.e., one to four years, depending on the allotment). Please note that the Final EIS stated the grazing rotation cycles were three to four years; however, the cycles range from one to four years, depending on the allotment. The AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations.

If, following the increase in AUMs, the short-term objectives are again exceeded, or if short-term objectives are not achieved during the initial cycle and livestock are determined to be the causal factor, use will be reduced equivalent to the change suggested by the carrying capacity calculations for the specific key area where objectives are not being met (i.e., the key area utilization values will not be averaged over the entire Use Area or pasture, but will be based on the key area where objective(s) are not being achieved). This calculation will be used to set the allowable AUMs for the entire pasture or Use Area.

Rationale: The 2001 FMUD authorized sheep use in the complex up to a total of 26,652 AUMs. This level of authorized use was based on carrying capacity calculations. The calculated capacity was 9,172 AUMs over the average actual use during the evaluation period. Grazing at average actual use levels during the evaluation period resulted in small portions of the allotments being grazed excessively. Although the changes to terms and conditions for livestock use described in the FMUD are anticipated to correct concerns over excessive use, we believe the livestock permittees should demonstrate that they can prevent excessive use prior to authorizing increases above average actual use and that additional use is available. The authorized use for the allotments will be limited to the average actual use to give the permittees the opportunity to demonstrate that they can meet short-term objectives at the average actual use level, and that additional use is available, before we consider increases above that level. If the permittee is unable to demonstrate that they can meet the short-term objectives, further reductions may be warranted. Limiting authorized use to the average actual use level also takes into account the unavailability of AUMs within ¼-mile of riparian areas until the riparian areas achieve proper functioning condition of are otherwise fenced as described under new terms and conditions below.

2. *Drought closure decisions* were issued in 2003. Allotments or portions of allotments that continue to be closed as of the date of this decision due to drought will be managed with the following criteria upon reopening and the first five years after reopening: If the utilization objectives are exceeded by one or more utilization class in a Use Area or pasture, that Use Area or pasture will be rested the following year. This is a new term and condition for grazing use not found in the FMUD.

Rationale: The criteria applicable to livestock use upon reopening of areas closed due to drought are necessary to ensure the drought affected plants remain healthy and the shrubs have the opportunity to grow to their full stature.

3. Modify the management systems and/or seasons of use for the following allotments within the Sheep Allotment Complex as described below. This modifies pertinent portions of decision #3 for the Leppy Hills, UT/NV North and Boone Springs allotments, found on pages 16 - 18 and page 26 of the FMUD for the Sheep Allotment Complex. *The grazing systems in the Lead Hills, White Horse, West White Horse, Sugarloaf, Ferber Flat, and UT/NV South allotments will remain as outlined in the October 25, 2001 FMUD.*

Leppy Hills Allotment.

The allotment will be divided into three use areas (Use Areas A, B, and Morris Basin). Use Area A will be located from the Playa reservoirs south to the allotment boundary and west of BLM road #1050. Use Area B will be located north and east of the Goshute Mountains and Use Area A. Authorized use will be from November 1 to March 31, with the exception of the Morris Basin Use Area, as described below. See **Map 2-1** from the

FEIS (copy attached) for the locations of use areas.

The modifications pertinent to the Leppy Hills Allotment include removing Morris Basin as one of the two use areas regularly scheduled in the spring use rest rotation and replacing it with Use Area B. Morris Basin will continue to be available for use in April as described below; however, it is not included for use in the regular schedule.

Use Area A and Use Area B will be used on a rest rotation schedule for the spring use period from April 1 through April 30, as indicated in Table 5 below. Use in Morris Basin during April, when authorized, will be used as a substitute for use in Area A or Area B during this time.

Table 5: Leppy Hills Allotment Spring Use System (April 1 - April 30)

Year	Use Area
1	B
2	A
3	Repeat cycle

The Morris Basin Use Area is located in the Goshute Mountains. Approximately 450 AUMs occur in this basin, and grazing will be authorized on an annual review basis for this Use Area. When authorized, use will be from November 1 to December 1 and from *April 1 to April 30*. Please note the FEIS described the authorized periods of use in the Morris Basin Use Area as November 1 to December 1 and March 1 to March 31; however it was intended that use, when authorized, be November 1 to December 1 and April 1 to April 30. Unless specifically authorized in writing, no grazing will be allowed in the Morris Basin Use Area.

Rationale: Incorporating Use Area B in the Leppy Hills Allotment into the rest rotation system with Use Area A and, when authorized, Morris Basin, for the spring use period (April 1 to April 30) provides flexibility to adapt to weather conditions such as heavy snow in the mountains, and opportunities to graze cheatgrass that has invaded portions of Use Area B. Grazing cheatgrass in the spring can suppress competition with native species and reduce fine fuels to slow the spread of future wildfires.

Utah/Nevada North Allotment.

The allotment includes three use areas. Authorized use will be from November 1 to March 31, with the exception of the Morgan Basin Use Area as described below. The Oana corral is located in both Use Area A and B, and the permittee will be allowed to utilize the corrals each year for loading and handling. For the period April 1 to April 30 each year, the grazing system will rotate between Use Area A and Use Area B as indicated in Table 6 below. Use in Morgan Basin during April, when authorized, will be used as a substitute for use in Area A or Area B during this time. Approximately 976 AUMs occur in the Morgan Basin Use Area, but grazing will be authorized on a pre-use review basis for this use area. Unless specifically authorized in writing no grazing will be allowed in the Morgan Basin use Area. See **Map 2-1** from the FEIS (copy attached) for location of use areas.

The modifications pertinent to the Utah/Nevada North Allotment include removing Morgan Basin as one of the three use areas regularly scheduled in the spring use rest rotation. Morgan Basin will continue to be available for use from November 1 to December 1 and from April 1 to April 30 as described below; however, it is not included for use in the regular schedule.

Table 6: UT/NV North Allotment Grazing System for the Period April 1 to April 30

Year	Use Area
1	B
2	A
3	Repeat cycle

Rationale: Morgan Basin may at times have too much snow during April therefore it is not considered an area amenable to the regular rotation; however, it will still be available as a substitute for one of the other use areas providing additional rest for the other use areas during April.

Boone Springs Allotment.

The grazing system in the FMUD described two use areas, Areas A and B. Use Area A will include the land north and west of Alternate Highway 93, with a capacity of 947 AUMs. Use Area B will include lands south and east of Alternate Highway 93, with a capacity of 2,000 AUMs. See **Map 2-1** from the FEIS (copy attached) for the locations of use areas.

Each use area could have been grazed from 11/1 to 3/31 with the amount of authorized use limited to the AUMs allocated to each use area. The modified grazing system below now limits the use in Use Area A from March 1 to March 31 and authorizes use in this western portion of the allotment to only one year in three (Table 7).

Table 7: Boone Springs Allotment Grazing Rotation for the Period March 1 to March 31

Year	Use Area
1	A
2	B
3	B
4	Repeat cycle

Use Area B will be used during fall and winter and spring, November 1 to March 31. Use Area A will be used from March 1 to March 31. Use in Use Area A will be limited to one in three years and, during the year of authorized use, the sheep will be herded so as to avoid entering the area within ¼ mile of known sage grouse leks (strutting grounds) to limit any possible impacts to historic sage grouse leks in the western portion of the Boone Springs Allotment.

When Use Area A is grazed, active preference will be up to 947 AUMs and when Use Area B is grazed, active preference will be up to 2,000 AUMs, with total use not to exceed average actual use of 2,002 AUMs until short-term objectives are met, proposed range improvements are constructed, and monitoring shows the ability of the vegetative resources to sustain additional grazing use.

Rationale: Use in Use Area A will be limited to March 1 through March 31 and authorized only one in three years to reduce impacts to historic sage grouse leks in the western portion of the Boone Springs Allotment.

4. Modify the following short-term objectives.

   The short-term objectives are utilization objectives for all the allotments. This modifies pertinent portions of decision #4 found on page 27 of the FMUD for the Sheep Allotment Complex. *The changes clarify the timeframe to which the objectives are applicable.*

   a. Maximum utilization of 60 percent of previous year's growth on key herbaceous species by the end of the grazing season;

   b. Maximum utilization of 50 percent of previous year's growth on salt desert shrub or other key shrubs (such as black sagebrush), by the end of the grazing season; and,

   c. Maximum utilization of 30 percent on current year's growth on salt desert shrub and other key shrubs (such as black sagebrush), and 50 percent on key herbaceous species in spring use areas, based on use of current year's growth at the end of spring use.

5. **Add the following new and/or modified specific terms and conditions to the grazing permits.**

   a. The livestock permittee is expected to move their livestock so as to not exceed established utilization objectives for previous year's growth on fall and winter use areas, and established utilization objectives for current year's growth in spring use areas. This term and condition modifies pertinent portions of the FMUD found under decision #3 to clarify that it is the permittee's responsibility to move the livestock.

   b. If BLM determines that objectives are being approached and will be exceeded before the scheduled livestock removal

date, the permittee will be notified and will have five calendar days to remove livestock to other areas not yet having approached objective use levels, or remove livestock from the allotment. This is a new term and condition for grazing use not found in the FMUD.

c. If objective use levels are exceeded, scheduled off dates will be adjusted the following year to March 31, and remain in effect until monitoring for one complete grazing rotation cycle indicates incremental extensions or further reductions in period of use are warranted. *This modifies the pertinent portion of decision #4 and adds this term and condition to decision #5 found on pages 27-28 of the FMUD for the Sheep Allotment Complex.* Under decision #4 in the FMUD, we stated that if utilization was exceeded in two consecutive years, the scheduled off date would be adjusted to 3/31. This decision states that the adjustment will be made if use levels are exceeded in any one year and remain in effect until monitoring indicates adjustments are appropriate. In addition, this term and condition is added as a new term and condition to decision #5 in the FMUD.

d.. Drought closure decisions were issued in 2003. Allotments or portions of allotments that continue to be closed as of the date of this decision due to drought will be managed with the following criteria upon reopening and the first five years after reopening: If the utilization objectives are exceeded by one or more utilization class in a Use Area or pasture, that Use Area or pasture will be rested the following year. This is a new term and condition for grazing use not found in the FMUD.

e. No livestock grazing will be permitted within ¼-mile of seep or springs or along riparian areas until riparian projects are constructed or until Proper Functioning Condition (PFC) of the riparian areas is attained. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added to ensure that livestock do not add to the impacts on riparian areas.

f. Sheep camps will only be located in areas approved by the authorized officer. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added in order to limit the impacts from sheep camps.

g. Sheep bedding areas will only be located in areas approved by the authorized officer. Sheep may not be bedded in the same location more than seven consecutive days before being moved. Once moved, the next bedding area may not be within ¼-mile of the last bedding area. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added in order to limit the impacts from sheep bed grounds.

h. The permittee will submit a grazing application to the Elko Field Office prior to the start of each grazing year describing planned use within each Use Area. Planned use will be reviewed in relation to active preference. This is a new term and condition for grazing use not found in the FMUD. This term and condition will facilitate communication between the BLM and permittees to better ensure compliance with terms and conditions.

i. Actual use reports will be specific to sheep camp/bedding areas within use areas. This is a new term and condition for grazing use not found in the FMUD. Specific information on when use has occurred in relation to sheep camp/bedding areas will help to better evaluate cause and affect relationships.

6. The following Conservation and Mitigation measures will be applicable as described below. These are new measures not previously included in the FMUD.

a. Re-assess existing water developments to allow some spring flow to maintain the spring brook and associated riparian vegetation.

b. Seasonal restrictions for grazing within a quarter-mile of the leks in Boone Springs Allotment (Use Area A) during the sage grouse breeding period will mitigate potential disturbance of sage grouse at the leks. This restriction is included in the terms and conditions for authorized sheep use in the Boone Springs Allotment as described under decision #3 above.

c. Provide for occasional short-term grazing or other shrub treatment within spring exclosures to keep the riparian area at least partially as a meadow complex for sage grouse broods. The livestock permittee must receive specific BLM approval prior to grazing livestock within any spring/riparian exclosure.

7. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under "Actions Common to All Alternatives" will apply to all actions, as applicable.

All other decision points not affected by the above remain as outlined in the October 25, 2001 FMUD.

7.2 Big Springs Allotments Grazing Decision

The Final Multiple Use Decisions (FMUD) for the Big Springs Allotment issued on September 17, 2002 is modified as follows. Changes include establishment of an interim grazing system with active preference allocated between the pastures of the West Big Springs Allotment and the East Big Springs as discussed below for each allotment.

West Big Springs Allotment

See **Map 2-2** from the FEIS (attached) for the location of pastures/use areas,

1. Establish the total number of AUMs of grazing preference (active and suspended use) for livestock in the West Big Springs Allotment during operation of the interim grazing systems as described below. *This modification is an addition to decision #2 applicable to livestock use found on pages 3-5 of the FMUD for the Big Springs Allotment.*

   The initial level of authorized use under the interim grazing system will be 3,651 AUMs of active use (see **Table 8**). The additional 1,137 AUMs of current active preference will be held in suspension until all essential range improvements have been completed and monitoring of the allotment with respect to short-term key area objectives demonstrates that additional use is warranted. The short-term key area objectives will also be used to determine the sustainability of existing use, and non-attainment of these objectives will result in adjustment of authorized use downward with reduced AUMs going back into suspension.

   Upon completion of the essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring demonstrates continued achievement of short-term objectives under the interim stocking levels, suspended AUMs will be reinstated. Suspended AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

Table 8: West Big Springs Allotment Grazing System

West Big Springs Allotment Pasture and Use Area	Livestock Use (AUMs)		Period of Use	
	FMUD Carrying Capacity (Total Preference)	Initial Stocking Level [1] Active Use)	YEARS 1 and 3	YEARS 2 and 4
	4,788	***3,651***		
North Pequop Mountain Pasture North Use Area South Use Area	1,168	No more than 1,168	7/1 – 9/30 Rest	7/1 – 9/30 5/1 – 6/30
Holborn Pasture	550		5/1 – 6/30	Rest
Independence Valley Pasture [2]	3,050	2,463	9/1 - 6/30	9/1 - 6/30
Fenced Federal Range (FFR)	20	20		

[1] The AUMs credited to owned and leased private lands intermingled with public lands would be reduced by the same percentage as public land permitted use grazing preference. The AUMs placed in voluntary non-use would be reinstated as the range improvements are implemented and as standards and guidelines are met.

[2] Use in the Independence Valley pasture will be rotated through use areas as described in the original FMUD. In accordance with the 2002 FMUD, 300 AUMs of the total allowed would not be authorized unless stockwater is hauled to the northwest portion of the valley or if a new water source is developed in this area.

2. *Replace the Interim Grazing System described in decision #3 of the FMUD (pages 8-11) with the following Interim Grazing System*:

   The revised interim grazing system for the West Big Springs Allotment is displayed in **Table 8** followed by the narrative description by pasture. This table and accompanying descriptions replace the individual tables and descriptions for each pasture contained within the West Big Springs interim grazing system portion of the FMUD. Grazing use shall not exceed the rated carrying capacity calculations for each pasture specified in the FMUD, with total use not to exceed the initial level of 3,651 AUMs of authorized use.

Holborn Pasture. Between early May and end of June, livestock will be moved from the Independence Valley Pasture into the Holborn Pasture north of Interstate 80. The rest rotation plan will allow growing season use one year followed by a complete year of rest. The amount of time livestock remain in the pasture is dependent on available water for adequate distribution. In dry years, livestock will be moved to the North Pequop Mountain pasture earlier than the planned turn out date.

North Pequop Mountain Pasture. In normal precipitation years the pasture will receive deferment from livestock grazing in the North Use Area. Movement into this Use Area in July will coincide with seed ripe or seed dissemination for most of the forage plants, resulting in deferment (i.e., growing season rest) each year.

The South Use Area will be rested one year and receive growing season use the following year, alternating with the Holborn Pasture.

This deferred rotation plan/rest rotation plan will require the cattle to be moved to the North Use Area each year from the Holborn Pasture and to the South Use Area in alternate years from the Independence Valley Pasture. The permittee will be responsible for monitoring livestock drift to the east side of this pasture, where the adjoining permittee grazes, and moving his livestock back to the west side in a timely manner. An important measure of the interim grazing system will be to remove livestock that drift into the East Squaw Creek and Upper Beacon Spring areas until the proposed allotment boundary fence is constructed.

There is sufficient topography in the western half of this pasture to normally prevent most livestock from drifting back to the south end of this pasture from the north. The permittee will be responsible for monitoring the south use area for any drift, with the livestock moved back to the north end in a timely manner.

Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

East Big Springs Allotment

See **Map 2-2** from the FEIS (attached) for the location of pastures/use areas.

3. Establish the total number of AUMs of grazing preference (active and suspended use) for livestock in the East Big Springs Allotment as described below. *This modification is an addition to decision #2 applicable to livestock use found on pages 3-5 of the FMUD for the Big Springs Allotment.*

   The interim grazing system includes authorized use up to 10,150 AUMs of active use annually (see **Table 9**), with 2,025 AUMs of current active preference to be held in suspension until all essential range improvements have been completed and monitoring of the allotment with respect to short-term key area objectives demonstrates that additional use is warranted. The short-term key area objectives will also be used to determine the sustainability of existing use, and non-attainment of these objectives will result in adjustment of authorized use downward, with reduced AUMs going back into suspension.

   Upon completion of essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring demonstrates continued achievement of short-term objectives under the interim stocking levels, suspended AUMs will be reinstated, at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

4. *Replace the East Big Springs Allotment Interim Grazing System described in decision #3 of the FMUD (pages 13-18) with the following Interim Grazing System:*

   The revised interim grazing system is outlined in **Table 9** below. This table and the accompanying description, by pasture, replace those contained in the existing FMUD. Grazing use shall not exceed the rated carrying capacity calculations for each pasture specified in the FMUD, with total use not to exceed the interim level of 10,150 AUMs of authorized use.

   In years 2 and 4, livestock will leave Shafter Pasture by 1 March. The cattle will use East Pequop Bench from 1 March through 15 June, using the rotation system between use areas outlined in the FMUD. The North Bench use area in this pasture will be deferred until last in this pasture to minimize any potential impacts to sage grouse strutting and nesting. Starting in mid-June, the heard will be split, with some cattle going to Payne Basin and Six Mile/Long Canyon pastures. Starting on 1 May, some livestock will move into the North Pequop Mountain Pasture, where they will remain until the end of June or until utilization objectives along East Squaw Creek are met. On July 1, these cattle will be moved to Collar and Elbow, East Squaw Creek, Railroad, and Windmill pastures. During September and October, cattle will be moved into the private fields. Cattle will re-enter the range around early October, with some cattle going to Collar and Elbow Pasture and the rest going to East Pequop Bench Pasture. Starting around 1 December, all livestock will be moved to Shafter for the winter.

   Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to

reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

Table 9: East Big Springs Allotment Grazing System

East Big Springs Allotment **Pasture and Use Area**	**Livestock Use (AUMs)**		**Period of Use**	
	FMUD Carrying Capacity (Total Preference)	**Initial Stocking Level [1] (Active Use)**	**YEARS 1 and 3**	**YEARS 2 and 4**
	12,175	***10,150***		
North Pequop Mountain Pasture [2] North Use Area South Use Area	1,762	1,250	7/1 – 9/30 Rest	Rest 5/1 – 6/30
Payne Basin Pasture and Long Canyon/Six-Mile Pasture	756	375	7/1 – 9/14 6/16 – 8/30	6/16 -9/5 6/16 – 9/5
Railroad Field	255	No more than 8,508 aggregate AUMs. Carrying Capacity will not be exceeded in any pasture.	Reserved Use	7/01 – 8/30
Windmill Field/Seeding Pasture	420		8/1 – 9/15	7/1 – 8/30
East Squaw Creek Pasture	330		6/20 – 6/30 9/1 – 10/20 (15 days during this period)	7/01 – 8/30
Collar and Elbow Pasture [3]	1,899		6/16 – 1/31	7/1 – 12/15
East Pequop Bench Pasture [4]	3,069			
Shafter Pasture	3,396		11/1 - 4/15	12/1 – 3/1
North of Home Pasture	116		Drift Use	Drift Use
Squaw Creek Ranch Pasture	55		Drift Use/Gather	Drift Use/Gather
Lower Squaw Creek Ranch Pasture	100		Drift Use/Gather	Drift Use/Gather
Fenced Federal Range (FFR)	17	17	n/a	n/a

[1] The AUMs credited to owned and leased private lands intermingled with public lands would be reduced by the same percentage as public land permitted use grazing preference. The AUMs placed in voluntary non-use would be reinstated as the range improvements are implemented and as standards and guidelines are met.

[2] Livestock authorized in the North Pequop Mountain Pasture will be removed in a timely manner so that at the end of the growing season or grazing season, whichever occurs later:
a) a minimum of four inches average stubble height of selected key herbaceous riparian species (sedges/rushes) will be left along the stream banks of East Squaw Creek and;
b) Use on current year's growth of aspen and willow along East Squaw Creek is 35 percent or less.

[3] Collar and Elbow Pasture will be open as a place to move cattle when utilization objectives on East Squaw Creek in the North Pequop Mountain Pasture are met.

[4] Use of the East Pequop Bench Pasture will be rotated through use areas as described in the FMUD, with the exception of the North Bench area in East Pequop Bench, which will be deferred to last every year to minimize conflicts with sage grouse strutting and nesting.

Rationale: The interim grazing systems implemented in the FMUD assumed that the planned range improvements would be in place in a short amount of time. The existing interim grazing systems expected an unrealistic level of livestock control without the aid of fences. The revised interim plan outlined above maintains the two years out of four deferment during the

growing season included in the original system. The East Squaw Creek watershed will be closed to grazing two years out of four, with a riparian friendly spring use period occurring during the years the pasture is grazed. Livestock will be present in the southern use areas of the North Pequop Mountain Pasture of both allotments during the same time every other spring; some mixing of cattle between the two sides will be expected, but this will eliminate the possibility of livestock drifting across the division line into rested use areas.

5. Construct the range improvements shown in **Table 10** to transition grazing management from the Interim to the Final Systems. See **Map 2-3** from the FEIS (attached) for the location of proposed projects. The Final Grazing System for the will be implemented when the allotment boundary fence is completed and the essential projects in each pasture are completed. The BLM considers the improvements identified in **Table 10** as essential to implementing the Final Grazing Plans outlined in the FMUD. The other improvements identified in the FMUD are analyzed in the FEIS as reasonably foreseeable future actions.

Rationale: This list represents the improvements that must be installed to allow the Final Grazing Plan to be implemented. The Revised Interim Grazing Plan will remain in place until these improvements are in place.

Table 10: Essential Range Improvements for East and West Big Springs Allotments

Project	Allotment/Location	Units
Allotment Boundary Fence	West and East Big Springs/Pequop Summit	3 miles
Pasture Fence	East Big Springs/North Pequop Mountains East Squaw Creek	3 miles
Riparian Pasture Fence	East Big Springs/North Pequop Mountains	1½ miles
Exclosures and troughs	East Big Springs/North Pequop Mountains and Payne Basin	To Be Determined

6. Modify some of the short-term riparian objectives, as displayed in Appendix C of the Final EIS. Both the interim and final grazing systems will be governed by achievement of the short-term key area utilization objectives outlined in the FMUD, as modified.

Rationale: Modifications to some of the short-term riparian objectives were warranted based on what is practical to achieve under the interim and final grazing systems. The revisions pertain to the timeframes for achievement of upwards trends in functioning condition and proper functioning condition on riparian areas. For example, upward trends in functioning conditions are expected to occur in the southern portion of the North Pequop Mountain Pasture within the East Big Springs Allotment during the interim grazing system, with proper functioning conditions to be achieved following installation of the essential fences and exclosures. Most of the riparian habitat is located in this pasture. Riparian areas located in other pastures are expected to improve and reach proper functioning condition following installation of exclosures.

7. Add the following Terms and Conditions to the Grazing Permits:

   a. The livestock permittees are expected to move their livestock so as to not exceed established short-term key area objectives.

   b. If BLM determines that objectives are being approached and will be exceeded before scheduled livestock removal date, permittee will be notified and will have five calendar days to remove livestock to other

areas within the pasture/use area not yet having approached objective use levels, to the next pasture in the schedule, or off the allotment.

c. If short-term key area utilization objectives are exceeded, period of use for the next grazing period in that pasture/use area will be reduced by a minimum of two weeks where it shall remain until additional changes are indicated through monitoring. Period of use adjustments will apply to the next grazing season.

d. Period of use extensions will be authorized only after two consecutive years of use with monitoring which indicates incremental extensions in period of use are warranted.

Rationale: These objectives will ensure progress is made towards achieving the Standards for Rangeland Health.

8. The following Conservation and Mitigation measures will be applicable as described below. These are new measures not previously included in the FMUD.

   a. Provide for occasional short-term grazing or other shrub treatment within spring exclosures to keep the riparian area at least partially as a meadow complex for sage grouse broods. The livestock permittee must receive specific BLM approval prior to grazing livestock within any spring/riparian exclosure.

9. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under "Actions Common to All Alternatives" will apply to all actions, as applicable.

All other decision points in the Sept 17, 2002 FMUD not affected by the above modifications remain the same.

8.3 OWYHEE ALLOTMENT DECISION

The Final Multiple Use Decision (FMUD) for the Owyhee Allotment issued on April 19, 2002, is modified for grazing management as follows.

1. Establish the total number of AUMs of grazing preference (active and suspended use) for livestock in the Owyhee Allotment during operation of the interim grazing system as shown in **Table 11** and described below. See **Map 2-5** from the FEIS (attached) for the location of pastures/use areas. *This modification is added to decision #1b found on pages 4-5 of the FMUD for the Owyhee Allotment.*

   Rather than implement the interim grazing system using the calculated carrying capacity (29,903 AUMs of active use in Year 1 (odd years) and 27,879 AUMs in Year 2 (even years) authorized in the FMUD, the initial stocking levels for the interim grazing system will be 23,247 AUMs in year 1 (20,118 in year 2) which is equivalent to the average actual use AUMs during the period 1995 through 2005. The difference between the calculated carrying capacity (i.e., 29,903 AUMs) and the average actual use AUMs (i.e., 23,247 AUMs), or 6,656 AUMs, will be held in suspension until short-term objectives are met, essential range improvements are constructed, and monitoring shows the ability of the vegetative resource to sustain additional grazing use. The short-term key area objectives will also be used to determine the sustainability of existing use. Non-attainment of these objectives will result in adjustment of authorized use downward, with reduced AUMs going back into suspension. The terms and conditions and short-term key area objectives will apply to both the interim (initial) and final grazing systems.

   Upon completion of the essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring

demonstrates continued achievement of short-term objectives after one cycle (i.e. two years) under the interim stocking levels, suspended AUMs will be reinstated by phasing-in the increase over a three-year period. Suspended AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

If, following an increase in AUMs, the short-term objectives are again exceeded, if short-term objectives are not achieved during the initial cycle and livestock are determined to be the causal factor, use will be reduced. The reduction will be equivalent to the change suggested by the carrying capacity calculations for the specific key area where objectives are not being met (i.e., the key area utilization values will not be averaged over the entire Use Area or pasture, but will be based on the key area where objective(s) are not being achieved) or other adjustments will be made to resolve the issue.

Table 11: Interim Grazing System, Interim AUMs, and FMUD Allocation of Carrying Capacity for Active Use by Livestock for the Owyhee Allotment

Year	Pasture	Livestock Number [1]	Begin Period	End Period	Interim AUMs[2]	FMUD Permitted AUMs
1	Star Ridge	2,300	3/1	6/30	9,041	12,101
	Lower Fourmile	1,700	7/1	9/20	4,572	6,403
	Upper Fourmile	600[2]	7/1	8/25	1,083	1,069
	Chimney Creek	600 2,300	8/26 9/21	9/20 11/30	503 5,261 5,764	7,543
	Dry Creek	Rest	Rest	Rest	Rest	Rest
	Winters Creek[3]	variable	Early Spring or Late Fall		2,787	2,787
				Total	23,247	29,903
2	Dry Creek	1,150 2,150	3/1 5/26	5/25 7/10	3,186 3,186 6,372	10,077
	Winters Creek	1,000	3/1	5/25	2,771	2,787
	Chimney Creek	2,150	7/11	9/25	5,334	7,543
	Lower Fourmile	2,150	9/26	11/30	4,572	6,403
	Star Ridge	Rest	Rest	Rest	Rest	Rest
	Upper Fourmile[3]	variable	Early Spring or Late Fall		1,069	1,069
				Total	20,118	27,879

[1] - The final grazing system under Alternative 2 in the Final EIS shows 48 head of domestic horses from 3/1-12/15 for 444 AUMs. This use was combined with the cattle use for the interim system in order to keep a consistent sized herd of cattle. If the permittee wishes to use 444 AUMs with domestic horses, he may do so within the dates outlined for the pasture.

[2] – The interim AUMs for each pasture are based on grazing a consistent number of livestock on an annual basis. The difference between the initial level of authorized use under the interim grazing system and the FMUD allocation of carrying capacity will be held in suspension until essential range improvements have been completed and monitoring of the allotment with respect to short-term key area objectives demonstrates that additional use is warranted..

[3]The Winters Creek Pasture and Upper Fourmile Pasture will act as a "utility pasture" in alternate years to be used as needed. This might involve gathering, branding, weaning, etc. It may also be used as needed if water is limited in other pastures or if utilization objectives are close to being exceeded prior to the off date in other pastures. The carrying capacity for the pastures shall not be exceeded.

Rationale: The interim grazing systems (even and odd years) implemented in the Owyhee FMUD assumed that the planned range improvements would be in place in a short amount of time after the issuance of the FMUD. While the grazing systems outlined in the FMUD were making progress towards the attainment of the standards for rangeland health, this progress was occurring at a slow rate. Range improvement projects for the Lower Fourmile Pasture were proposed to make progress toward attainment of riparian objectives in this pasture. The interim system devised for the Owyhee Allotment maintains the two-pasture rest rotation between the Star Ridge and Dry Creek Pastures. It also maintains the growing season deferment in the Chimney Creek and Lower Fourmile Pastures, but it eliminates the early spring use in the Chimney Creek and Lower Fourmile Pasture. The interim system curtails livestock AUMs in the Lower Fourmile Pasture at average actual use. The limit of average actual use within this pasture also limits use in the remaining five pastures within the allotment.

2. Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

3. Construct the range improvements shown in **Table 12** to transition grazing management from the Interim to the Final System. See Map 2-5 from the FEIS (attached) for the location of proposed projects. The Final Grazing System will be implemented when these range improvements are completed.

Rationale: This list represents the improvements that must be installed to allow the Final Grazing Plan to be implemented. The Interim Grazing Plan will remain in place until these improvements are installed.

Table 12: Range Improvements Essential for Implementation of the Final Grazing System

Project	Pasture	Units
South Fourmile Owyhee River Riparian Fence	Lower Fourmile	4 miles
Fourmile Butte Well	Lower Fourmile	1 well
Fourmile Butte Well Pipeline and Troughs	Lower Fourmile	9.5 miles

4. Add the following new and/or modified specific terms and conditions to the grazing permit:

   The livestock permittee is expected to move his livestock so as to not exceed established short-term key area objectives. This term and condition will help ensure progress is made towards achieving the Standards for Rangeland Health.

5. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under "Actions Common to All Alternatives" will apply to all actions, as applicable.

The Wilson Complex Fire Closure Decision dated May 25, 2006, which closes the Upper and Lower Fourmile Pastures until rehabilitation objectives are met, remains in effect until the BLM notifies the permittee that the closed area is re-opened to authorized livestock use. Other fire closure decisions from 2006 wildfires and beyond will carry the same effect on the grazing permit and livestock authorizations. [6]

[6] The amended BLM Grazing Regulations that became effective after the FEIS was issued (on August 12, 2006) recognize BLM's authority to respond as necessary to drought, fire and other resource conditions. (43 CFR 4110.3).

All other decision points not affected by the above modifications will remain as outlined in the April 19, 2002 FMUD.

8.4 IMPLEMENTATION

Implementation of the modified multiple use decisions will occur over a number of years, beginning with issuance of the new 10-year grazing permits with the interim systems and the terms and conditions.

As the essential range improvements are constructed and monitoring indicates short-term objectives are being met, the expectation is the final grazing plans will be implemented.

Installation of range improvements will be dependent on the availability of funds. Priorities are developed through the long-term budgeting process and in consultation with affected interests. Site-specific NEPA compliance for will be documented as locations are determined and following the establishment of the need for the project. Surveys and consultations for specific resources (e.g., cultural resources, Native American concerns, nesting birds) will be conducted, where needed, prior to construction of ground-disturbing projects, as stated in the Management Framework (Appendix B) of the FEIS.

BLM will continue to collect actual use reports from the permittees, and to monitor and evaluate rangeland health conditions in accordance with priorities established by the Elko Field Office.

The three final grazing decisions are subject to appeal in accordance the BLM Grazing Regulations at 43 CFR 4160.4. Pending resolution of any appeal(s), the changes to grazing management will become effective in May 2007 for the Sheep Allotment Complex and in March 2007 for the Big Springs and Owyhee allotments.