

United States Department of the Interior

m 9/18/01



BUREAU OF LAND MANAGEMENT

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Agri Beef Company
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Boise, Idaho 83707

SEP 18 2001

**PROPOSED MULTIPLE USE DECISION
FOR THE OWYHEE ALLOTMENT**

Dear Permittee:

On September 12, 2000, the Owyhee Allotment Evaluation was issued to the public for comment. That evaluation analyzed monitoring information collected between 1977 and 2000 to determine progress in meeting the multiple use objectives for the Owyhee Allotment, and to determine what changes in existing management may be required to meet those objectives.

The following documents established the multiple use objectives which guide management of the public lands within the Owyhee Allotment: the Record of Decision for the Elko Environmental Impact Statement and Resource Management Plan (RMP) issued on September 30, 1986, and the Rangeland Program Summary dated July 1987. An Allotment Management Plan (AMP) was developed in 1987 for the allotment. In order to implement the AMP, cross fencing of the allotment was necessary and was completed by 1990. It was during the grazing season in 1990 that the AMP was fully implemented.

In accordance with the grazing regulations, the Secretary of the Interior approved standards and guidelines for rangeland health for the Northeastern Great Basin Area of Nevada on February 12, 1997. These standards and guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry.

Following the 30 day public comment period for the evaluation, the Elko Field Office carefully considered the comments received which prompted changes to the evaluation and proposed management actions. Upon completion of these changes, the management actions to be implemented on the Owyhee Allotment were selected. The actions selected for implementation are described in the "Owyhee Allotment Management Action Selection Report (MASR)". The MASR also provides responses to public comments on the evaluation and describes the changes made to the evaluation and proposed management actions.

Through the consultation, coordination, and cooperation process (CCC), your input, as well as input from the interested public, has been considered in the allotment evaluation process. As a result of the evaluation conclusions and after consideration of input received through the CCC process, it has been determined that: 1) some of the multiple use objectives and Standards for Rangeland Health for the Owyhee Allotment are not being met, 2) changes in current livestock grazing management and wild horse management are required, 3) existing management of wildlife has not contributed to non-attainment of multiple use objectives and standards for rangeland health, and 4) deletions, modifications, and/or requantification of some allotment multiple use objectives are required as follows:

1. **The following RPS/AMP objectives will no longer be evaluated as they have been attained and/or it is unnecessary to continue monitoring achievement of these objectives at this time.**
 - a. In the long-term, provide forage to sustain 37,428 AUMs for livestock grazing.
 - b. Maintain management levels at 58 horses (696 AUMs) within the Owyhee Herd management Area.
 - c. Maintain or improve to at least good condition all crucial mule deer habitat.
 - d. All AMP objectives.

Rationale: Based on monitoring data collected from 1977 to 2000, it has been determined that 37,428 AUMs are not available for livestock grazing. This objective is too limited in scope and does not provide flexibility for environmental fluctuations. It would be more appropriate to continue evaluating the Land Use Plan objective of providing for livestock grazing while maintaining or improving the condition of the public rangelands. This type of objective would provide more flexibility in future numbers of grazing animals.

As stated in the Owyhee Allotment evaluation, the Interior Board of Land Appeals rendered a decision (88-591, 638, 648, and 679), which clarified that a wild horse herd size is to be established based on the concept of maintaining a thriving ecological balance. This herd size is to be based on monitoring data and not a number set for administrative convenience.

Crucial habitat was not identified for mule deer in the 1986 Final Elko RMP or 1987 RMP Record of Decision.

The AMP objectives have been incorporated into this multiple use decision.

2. **Modify and/or requantify the RPS and allotment specific objectives for the Owyhee Allotment. General land use plan objectives and Standards and Guidelines for Rangeland Health for Northeastern Nevada Great Basin Area will remain unchanged. Modification and/or requantification of objectives will allow for**

consolidation of objectives that are similar. Refer to Appendix 1 of the Owyhee Allotment Evaluation for a complete list of the multiple use objectives to be evaluated at the next scheduled evaluation.

Rationale: The Owyhee Allotment Evaluation summarized current grazing management, determined whether or not progress was being made toward attainment of the multiple use objectives, and provided recommendations for future management. The allotment specific objectives which were analyzed in the allotment evaluation were formulated based on management issues which existed in 1987 when the RPS was published. Based on monitoring data and conclusions presented in this allotment evaluation, it is necessary to modify and/or requantify the allotment specific objectives to address the following resource issues:

- upland range conditions
- lotic and lentic riparian conditions
- wildlife habitat conditions
- wild horse management

Monitoring studies will continue to be conducted and the effects of grazing will be evaluated periodically to determine if progress is being made in meeting the multiple use objectives and significant progress is being made toward attainment of the standards for rangeland health.

It has been determined that some of the multiple use objectives were not met and that livestock grazing and wild horse use on the public lands are significant factors in failing to achieve the standards and conform with the guidelines as identified in the conclusion section (Section IV) of the Owyhee Allotment Evaluation.

In order to ensure progress towards and achieve the standards for rangeland health and multiple use objectives, changes in current livestock and wild horse use are required. ***Therefore, my proposed decision is to implement the management actions identified below for wildlife, livestock, and wild horse management in the Owyhee Allotment.*** These management actions will become effective upon issuance of the Final Multiple Use Decision and subsequent appeal period.

LIVESTOCK GRAZING MANAGEMENT DECISION

1. **Implement all of the following selected management actions for the Owyhee Allotment.**

SELECTED MANAGEMENT ACTIONS FOR THE OWYHEE ALLOTMENT

- a. **Vacate the 1987 Allotment Management Plan (AMP) for the Owyhee Allotment.**

Rationale: Future management of the Owyhee Allotment will be in accordance with the Owyhee Allotment Evaluation and the subsequent Assistant Field Manager's Final Multiple Use Decision.

- b. **Establish permitted use for livestock within the Owyhee Allotment as follows:**

Allotment	Livestock Number & Kind	Begin Period ¹	End Period ¹	%PL	Type Use	AUMs
Owyhee	3,053 Cattle	2/15	2/28	98	Active	1,377
	3,053 Cattle	3/1	12/15	98	Active	28,526
Total						29,903

¹ Grazing use will be in accordance with the prescribed grazing system which outlines the period of use and AUMs allocated for each pasture.

Rationale: As per analysis of existing data in the Owyhee Allotment evaluation, the carrying capacity was established by pasture using actual use and key area utilization data. Construction of the proposed projects in conjunction with the season of use outlined for grazing in this section, will ensure progress towards the attainment of objectives.

The average carrying capacities shown in the Owyhee Allotment evaluation Range Appendices for the Dry Creek, Star Ridge and Chimney Creek Pastures which are within the Owyhee Herd Area were allocated between livestock and wild horses based on their percentage of the total average actual use made for each pasture. The average actual use for both livestock and wild horses was based on actual use submitted by the permittee and from wild horse census data. Due to the fact that the Chimney Creek Pasture was fenced separately from the Dry Creek Pasture in the fall of 1989 the average actual use for livestock and wild horses was for the period between 1990 to the present. The allocation of AUMs between livestock and wild horses is shown in the table below:

Pasture	Average Actual Use ¹		Total Actual Use ²	Percent of Total Actual Use		Carrying Capacity (AUMs)	
	Cattle	Wild Horses		Cattle	Wild Horses	Cattle	Wild Horses
Dry Creek	12,361	1,013	13,374	92%	8%	10,077	876
Chimney Creek	4,933	284	5,217	95%	5%	7,543	397
Star Ridge	8,492	1,072	9,564	89%	11%	12,101	1,496

1. Average actual use for both livestock and wild horses is from 1990 to present.
2. Actual use for livestock and wild horses combined.

Of the five pastures that make up the Owyhee Allotment, only three are contained within the Owyhee HMA, thus the total carrying capacities are different between the two tables above.

c. The terms and conditions on the term grazing permit should include the following:

“Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Owyhee Allotment dated _____.”

“There are 1,692 Historic Suspended AUMs in the Owyhee Allotment”

“An annual grazing application outlining the annual operation which reflects the terms and conditions in the term grazing permit and multiple use decision must be submitted prior to the start of the grazing season. An actual use report will be submitted as indicated below. A billing notice will be prepared for grazing use within the Owyhee Allotment after the grazing season based on actual grazing use in accordance with 43 CFR 4130.8-1(e).”

“Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular or liquid form. Such supplements will be placed at least ¼ mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands.”

“An actual use report (Form 4130-5) showing use by pasture will be turned in within 15 days after completing annual use.”

“All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing by the Assistant Field Manager for Renewable Resources.”

“Payment of grazing fees is due on or before the due date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified on the

bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.”

“Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the **immediate** vicinity of the discovery and protect it **from your activities** for 30 days or until notified to proceed by the authorized officer.”

Rationale: An evaluation of current grazing management practices has indicated that some of The Standards for Rangeland Health approved for The Northeastern Great Basin area of Nevada and some of the multiple use objectives have not been achieved and changes are necessary.

The permittee is afforded flexibility in their livestock numbers in order to adjust to range readiness, climatic conditions, and annual fluctuations in their livestock operation.

The collection of actual use data is essential in the monitoring effort.

Supplemental feed and its location is important to proper livestock distribution and range management.

Excluding livestock grazing from riparian areas leads to improved riparian habitat conditions.

- d. **Implement the following rest rotation and deferred grazing system for the Owyhee Allotment outlined in the tables below and with the following special grazing stipulations:**

Year 1

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Owyhee	Star Ridge	2,761 Cattle	2/15	2/28	98	Active	1,245
		2,761 Cattle	3/1	6/30	98	Active	10,856
	Chimney Creek	1,709 Cattle	3/1	5/15	98	Active	4,184
		1,709 Cattle	10/16	12/15	98	Active	3,359
	Lower 4-mile	1,857 Cattle	7/1	10/15	98	Active	6,403
	Upper 4-mile	181 Cattle	7/1	10/15	98	Active	625
48 Horses		3/1	12/15	98	Active	444	
Winters Creek Seeding	518 Cattle	3/1	5/30	98	Active	1,518	
	518 Cattle	10/1	12/15	98	Active	1,269	
Dry Creek							Rest
Total							29,903

Year 2

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Owyhee	Dry Creek	1,872 Cattle	2/15	2/28	98	Active	844
		1,872 Cattle	3/1	7/31	98	Active	9,233
	Chimney Creek	3,838 Cattle	8/1	9/30	98	Active	7,543
		1,307 Cattle	3/1	5/15	98	Active	3,201
	Lower 4-mile	1,307 Cattle	10/1	12/15	98	Active	3,202
		255 Cattle	3/1	5/15	98	Active	625
Upper 4-mile	48 Horses	3/1	12/15	98	Active	444	
	518 Cattle	3/1	5/30	98	Active	1,518	
Winters Creek Seeding	518 Cattle	10/1	12/15	98	Active	1,269	
	Star Ridge						
Total							27,879

“The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture. Livestock would be moved in accordance with the dates outlined in the grazing system.”

“Pasture moves may be adjusted by 10 days either way based upon the availability of feed and water, with the exception of the Star Ridge Pasture in which grazing use will not extend beyond 6/30.”

“Deviations from the grazing system beyond flexibility outlined above will be allowed to meet the needs of the resources and the permittee as long as these deviations are consistent with multiple use objectives. Deviations beyond the limits of the flexibility outlined above, including deviations in turnout date, increases in livestock numbers and deviation from the grazing system, will require an application, and written authorization from the Assistant Field manager for Renewable Resources prior to grazing use.”

Rationale: The current existing grazing system which was outlined and implemented through the 1987 AMP will be modified and implemented as outlined above. The overall concept of rest rotation and deferred rotation between specific pastures will remain the same. Seasons of use within specific pastures were slightly altered in order to eliminate hot season grazing use on the South Fork Owyhee River within the Star Ridge Pasture.

The current grazing system has resulted in some improvement in condition of the uplands. Changes in the period of use for specific pastures is necessary to remove hot season grazing use on the South Fork Owyhee River in order to improve existing riparian habitat conditions, this has already been done voluntarily by the permittee within the Star Ridge Pasture since 1995. Although cattle from the adjoining YP Allotment currently have access to the river, management changes proposed through the YP Multiple Use Decision will eliminate hot season use of the South Fork Owyhee River by YP livestock.

The proposed grazing system will still consist of a two pasture rest-rotation system and a two-pasture deferred rotation system. Under these systems, complete rest from livestock grazing or the deferment of grazing during critical growth period of key management plant species will allow these species to maintain and/or increase their density, composition, vigor, production, and reproduction. This will result in continued ecological improvement of the allotment. In addition, riparian conditions will improve as a result of removing hot season grazing on the South Fork Owyhee River. Reductions in livestock use of streamside vegetation through fencing (in the Lower Fourmile Pasture) or through a combination of rest and early grazing (in the Star Ridge Pasture) will result in improved ecological condition of the South Fork Owyhee River for the benefit of redband trout and the California floater.

- e. **Construct the following range improvement projects within the Owyhee Allotment as follows:**

Proposed Range Improvements Projects for the Owyhee Allotment			
Proposed Project	Pasture	Legal Description	Units
Star Ridge Well & Pipeline	Star Ridge	T47N R46E Sec. 11 & 12 T47N R47E Sec. 7	1 well 3 miles pipeline
Star Valley Well Pipeline Extension	Star Ridge	T46N R46E Sec. 13 & 14 T46N R47E Sec. 19	3 miles of pipeline from exiting well.
Pipeline Extension	Dry Creek	T43N R47E Sec. 14 & 15	2 miles of pipeline from proposed well located on private land.
Winters Creek Seeding Well Pipeline Extension	Dry Creek	T42N R48E Sec. 4 & 5	2 miles of pipeline from existing well in Winters Creek Seeding.
Pipeline Extension	Dry Creek	T42N R48E Sec. 28, 29, 33, 34 & 35	4 miles of pipeline from existing well on private land.
Exxon Storage Tank Pipeline Extension	Chimney Creek Winters Creek Sdg.	T43N R49E Sec. 30 T43N R48E Sec. 25 & 36	2 miles of pipeline extension from Exxon Storage Tank.
Exxon Well Pipeline Extension	Chimney Creek Lower Fourmile	T43N R49E Sec. 9, 16 & 17	1 mile of pipeline extension from Exxon Well.
South Fork Owyhee River Gap Fence	Lower Fourmile	T44N R50E Sec. 30, 31 & 32 T43N R50E Sec. 5, 6 & 7	2 miles of gap fence.
Fourmile Creek Limited Gap Fencing	Lower Fourmile Chimney Creek	T44N R49E Sec. 29 & 32 T43N R49E Sec. 5, 8, 9 & 16	To be determined.
Bookkeeper Spring Development & Enclosure	Dry Creek	T41N R47E Sec. 5	Located at Bookkeeper Spring.

Rationale: Completion of the proposed water development projects will create additional permanent water sources for both livestock and wild horses within the allotment resulting in improved livestock distribution and a more uniform use pattern within the Star Ridge, Dry Creek, Chimney Creek, Lower Fourmile and Winters Creek Seeding Pastures.

Construction of these range improvement projects is essential in improving livestock distribution and control. Site specific environmental assessments will

be completed prior to construction of each proposed project. Reductions in livestock use of streamside vegetation through fencing or through a combination of rest and early grazing will result in improved ecological condition of the South Fork Owyhee River for the benefit of redband trout and the California floater. In addition, this management action will assist in the increase in growth and establishment of riparian vegetation and will allow for the attainment of objectives including the development of stable, well vegetated streambanks and for improved hydrologic function of aquatic systems.

Range improvements costs were not identified as these will fluctuate from the date of the Final Decision when issued.

- f. **The permittee(s) will be assigned maintenance of existing range improvement projects. Maintenance responsibility for other future range improvement projects will be assigned to the party(s) deriving the primary benefit(s).**

Rationale: It is the policy of the BLM to assign maintenance responsibility, to the extent possible, to the primary beneficiaries of improvement projects. The livestock permittees are considered the primary benefitting parties in relation to the existing range improvement projects since alternatives other than fencing would be adverse to the permittee; therefore, the permittees will be assigned maintenance responsibility.

Maintenance responsibility for other new spring developments and enclosures will be assigned to the party(s) deriving the primary benefit(s) in accordance with BLM policy. For example, the development and protection of Bookkeeper Spring is a Bureau initiated project and would primarily benefit wild horses and protect riparian habitat. Therefore, maintenance responsibility would most likely go to the BLM.

Authority for the actions described in this proposed decision is found in 43 CFR Parts 4100.0-8, 4110.2-2, 4100.2-4, 4110.3, 4110.3-2, 4110.3-3, 4120.2, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.8-1(e), 4160.1, 4160.2, and 4180.1.

Any applicant, permittee, lessee or other affected interest may protest the livestock grazing portion of this proposed multiple use decision under Sec. 43 CFR 4160.1, in person or in writing to Bureau of Land Management, Clinton R. Oke, Assistant Field Manager for Renewable Resources, 3900 E. Idaho St., Elko, Nevada, 89801, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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

WILD HORSE AND BURRO MANAGEMENT DECISION

1. **Implement all of the following selected management actions needed for the improvement of the Owyhee Allotment and the Owyhee Herd Management Area.**

SELECTED MANAGEMENT ACTIONS FOR THE OWYHEE ALLOTMENT AND HMA:

- a. **Establish two additional upland monitoring sites within the Star Ridge Pasture, one additional monitoring site within the Chimney Creek Pasture and one additional monitoring site (AY-1-02) on Silver Lake within the Dry Creek Pasture.**

Rationale: There are no upland monitoring sites to measure impacts of wild horses and livestock within the northern portion of the Star Ridge pasture in the vicinity of Star Valley Ridge and Rubber Hill and the northern portion of the Chimney Creek Pasture. In addition, there are currently no monitoring sites to monitor wild horse and livestock use within the Wet Clay Basin Range Sites which is representative of Silver Lake.

Allowable percentages of perennial grasses and perennial forbs will be determined after baseline data are collected for those monitoring sites established in the Star Ridge and Chimney Creek Pastures. Monitoring objectives for proposed key area (AY-1-02) have been proposed and are located in the Owyhee Allotment Evaluation Objectives Appendices.

- b. **Establish appropriate management level for wild horses for the Owyhee Allotment and Owyhee HMA as follows:**

Pasture	Season of Use	Wild Horse Numbers	Wild Horse AUMs
Star Ridge	3/1-2/28	125	1,496
Dry Creek	3/1-2/28	73	876
Chimney Creek	3/1-2/28	33	397
Total		231	2,769

Rationale: Maintaining wild horses at or below the appropriate management level will result in a thriving, natural, ecological balance between wild horses and other resource values. Continued monitoring within the allotment will show if any adjustment in the AML is needed. Gathering to 40% below the AML will facilitate a four year gather cycle and is the policy of the Bureau.

- c. **Prepare a population management plan to guide the management of wild horses within the Owyhee HMA.**

Rationale: Population management strategies are necessary to ensure that WH&B populations maintain their free-roaming, self-sustaining, genetically viable status.

Authority for the actions described in this proposed decision is found in Section 3(a) and (b) of the Wild Free-Roaming Horse and Burro Act, as amended, and 43 CFR Parts 4700.0-6(a) and 9d), 4710.1, 4710.2, 4710.4 and 4720.1.

In accordance with 43 CFR 4770.3 (a) which states:

“Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR Part 4”

Although these regulations do not provide for a protest, for the purpose of consistency, this Multiple Use Decision is issued as a Proposed Decision. Subsequent to the protest period (15 days from receipt of the proposed decision), a Final Decision will be issued. Therefore, should you wish to protest this decision, you are allowed fifteen (15) days, from receipt, to file your reasons as to why the proposed decision is in error with the Bureau of Land Management, Clinton R. Oke, Assistant Field Manager for Renewable Resources, 3900 E. Idaho Street, Elko, Nevada, 89801.

WILDLIFE MANAGEMENT DECISION

1. **Implement all of the following selected management actions needed for the improvement of the wildlife habitat within the Owyhee Allotment.**

SELECTED MANAGEMENT ACTIONS FOR THE WILDLIFE HABITAT WITHIN THE OWYHEE ALLOTMENT

- a. **Develop additional water developments (guzzlers) for use by wildlife. Consider four sites on Star Ridge Pasture and three sites in the southern portion of the Chimney Creek pasture.**

Rationale: Water developments would provide reliable sources of water in suitable habitat with emphasis for pronghorn where present sources are over three to four miles apart. Sage grouse, a BLM Sensitive Species, would likely benefit from the water developments.

- b. **Increase forage diversity and herbaceous cover for wildlife and herbaceous forage for livestock by creating a mosaic pattern of vegetational succession stages through vegetative manipulation practices including those described in the Owyhee Allotment Evaluation, Fire Management Plan.**

Rationale: Nongame, big game and sage grouse habitat would be enhanced through increased forage diversity and herbaceous cover. Shrub manipulation would release moisture and stimulate herbaceous plant and younger age class shrub growth which would improve sage grouse nesting and summer use habitat. Thinning dense stands of sagebrush could also increase the palatability and leader growth of sagebrush for mule deer, pronghorn and sage grouse by inducing plant physiological changes related to competition for moisture, nutrients and lower monoterpene levels.

Techniques to be considered would be evaluated in a site specific NEPA document prior to the implementation of the treatment project.

- c. **Identify and prioritize any needed fence project modifications that do not meet BLM specifications starting with the pasture division fence between Upper and Lower Fourmile Pastures.**

Rationale: Fence modifications to BLM specifications would help facilitate big game movements and allow for more efficient use of available habitat while retaining the primary goal of restricting livestock movements.

- d. **Complete actions to mitigate the effects on wildlife resources due to man-made structures within the allotment. Identify existing BLM range improvements near documented key sage grouse habitat areas and prioritize them for predatory bird-proofing. These actions would include completion of measures on allotment and pasture fence braces and horizontal /vertical corral/guzzler posts, leveling pit reservoir berms (without compromising water holding/catching ability), or relocating corrals through consultation with the permittee. Actions to visually outline projects to minimize collisions where needed, would include painting t-post fence tops white or addition of fence stays to make the fence more visible to sage grouse or other wildlife that travel/fly during periods of low or no light. Complete these actions starting with fence projects and structures near Twelvemile Flat, Silver Lake and Corral Lake leks.**

Rationale: BLM projects might allow artificial perch or nesting sites for predatory birds such as ravens or raptor species that prey on sage grouse where these structures were previously unavailable or limited. Collisions with fence structures during flight are documented mortality factors for sage grouse,

particularly, during periods of low light or no light. These factors are associated with the grazing allotment and could negatively affect sage grouse populations. They could be minimized by completion of measures to mitigate the effects of man-made structures on sage grouse in the vicinity of leks and other key habitat areas as needed.

- e. **Consider relocation of water sources away from Wet Clay Basin 8-10" p.z. Ecological Sites on vegetated playas. Existing pit reservoirs on vegetated playas shall be allowed to naturally fill in, with no further mechanical improvements to be authorized.**

Rationale: This management action would help reduce livestock and wild horse concentrations and overutilization of vegetative resources on playa areas. It would help to improve the ecological condition of vegetated playas and overall habitat conditions for wildlife, including sage grouse, a BLM Sensitive Species. The action would also help towards the attainment of Desired Plant Community objectives. The attainment of these objectives would result in improvement in forage diversity for wildlife including sage grouse and pronghorn antelope. The recommendations to construct water catchments and pipelines (see Livestock Grazing Recommendation 5) within two to three miles from man-made playa reservoirs would help to mitigate the loss of these artificial water resources to cattle, wild horses and wildlife. The existence of seven artificial watering devices (guzzlers) in the vicinity of the vegetated playas is currently effective in providing reliable water for wildlife during critical summer periods.

This technical recommendation would also implement Guideline 1.1 and 3.4 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standard for Rangeland Health for Upland Sites and Habitat.

Authority for the actions described in this proposed decision is found in 43 CFR Part 24.4 (c) and (d).

Although these regulations do not provide for a protest, for the purpose of consistency, this Multiple Use Decision is issued as a Proposed Decision. Subsequent to the protest period (15 days from receipt of the proposed decision), a Final Decision will be issued. Therefore, should you wish to protest this decision, you are allowed fifteen (15) days, from receipt, to file your reasons as to why the proposed decision is in error with the Bureau of Land Management, Clinton R. Oke, Assistant Field Manager for Renewable Resources, 3900 E. Idaho Street, Elko, Nevada, 89801.

OTHER MANAGEMENT ACTIONS

a. Implement the Owyhee Allotment Fire Management Plan

Rationale: The 1998 Elko Field Office Fire Management Plan identified fire and fuels management goals and objectives for the Elko District. The Owyhee Allotment Fire Management Plan is tiered off the Field Office Plan and identifies site specific fire suppression, prescribed fire and fuels management goals and objectives for the public lands within this Allotment. The Owyhee Allotment Fire Management Plan is required to effectively implement the goals and objectives of the Elko Field Office Fire Management Plan within the Owyhee Allotment.

b. Administer all grazing and any developments or projects within the South Fork Owyhee River and Owyhee Canyon Wilderness Study Areas in full compliance with the Interim Management Policy for Lands Under Wilderness Review.

Rationale: The BLM is mandated by the Federal Land Policy and Management Act (FLPMA) to manage Wilderness Study Areas until Congressional decisions are made so as not to impair the suitability of each area for preservation as wilderness. This is generally referred to as the "non-impairment criteria." General policies and specific guidance, which need to be followed are detailed in the Interim Management Policy for Lands Under Wilderness Review (IMP), BLM Manual Handbook H-8550-1. As part of the NEPA review process for any new range development project or wildlife water catchment, all groups on the wilderness CCC list will be consulted.

c. Continue to conduct necessary monitoring studies and periodically evaluate the effects of grazing to determine if progress is being made in meeting the multiple use objectives. The Owyhee Allotment will be re-evaluated in accordance with priorities established in the Elko Field Office Monitoring and Evaluation schedule. If monitoring studies indicate a need to bring grazing use in line with capacity, necessary adjustments will be made. Studies will be conducted in accordance with BLM policy manual guidance as outlined in the Nevada Rangeland Monitoring Handbook and will include, but are not limited, to the following:

Uplands:

forage production
ecological condition
trend frequency
utilization
actual use

Upland Proper Functioning Condition Assessment
Ecological Site Inventory
Cover

Riparian:

Proper Function Condition Assessments (BLM TR 1737-16, BLM TR 1737-15)
Stream Surveys (BLM TR 6670 and 6720-1)

Water:

water temperature
water quality samples
air temperature

Wildlife Habitat:

habitat condition studies, Cole browse, utilization, condition studies, (BLM Manual 6630)
wildlife population census/updated maps (NDOW)

Wild Horses:

wild horse population data (census)
wild horse distribution data
wild horse utilization data

Rationale: Additional monitoring and analysis will be required to determine whether progress is being made towards meeting objectives met and to determine any necessary changes in grazing management.

- d. **Within the Owyhee Allotment, treat invasive and noxious weeds in a manner that is most appropriate to the weed species and degree of infestation. Treatment will be in accordance with the Final Environmental Impact Statement for Vegetation Treatment on BLM Lands in Thirteen Western States, the Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands, and Elko Field Office site-specific Invasive-nonnative vegetation treatment environmental assessment. See Appendix 7 of the allotment evaluation for a list of weed species, their potential habitat and proposed treatment.**

Rationale: The BLM is mandated to manage vegetation on public lands. The BLM must control noxious weeds and undesirable plants to maintain or improve the quality of forests and rangeland for all multiple resources. Controlling noxious weeds within the Owyhee Allotment will result in a more diverse plant community and therefore will improve wildlife habitat, soil stability and forage plant diversity.

This will implement Guidelines 1.1, 1.2, 2.1, 2.2, and 3.4, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, riparian and wetland sites, and Habitat.

- e. **Manage sage grouse habitat (i.e. leks, nesting, brooding, and summer and winter habitats) consistent with the Western States Sage Grouse Guidelines, as adapted for use in Nevada.**

Rationale: Sage grouse is a BLM sensitive species with a high probability of becoming a nationally threatened or endangered species. Maintaining and improving sage grouse habitat will assist in maintaining or increasing populations within the Owyhee Allotment and may form a basis for future habitat conservation plans.

Any applicant, permittee, lessee or other affected interest may protest this proposed multiple use decision under Sec. 43 CFR 4160.1, in person or in writing to Bureau of Land Management, Clinton R. Oke, Assistant Field Manager for Renewable Resources, 3900 E. Idaho St., Elko, Nevada, 89801, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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

Sincerely,

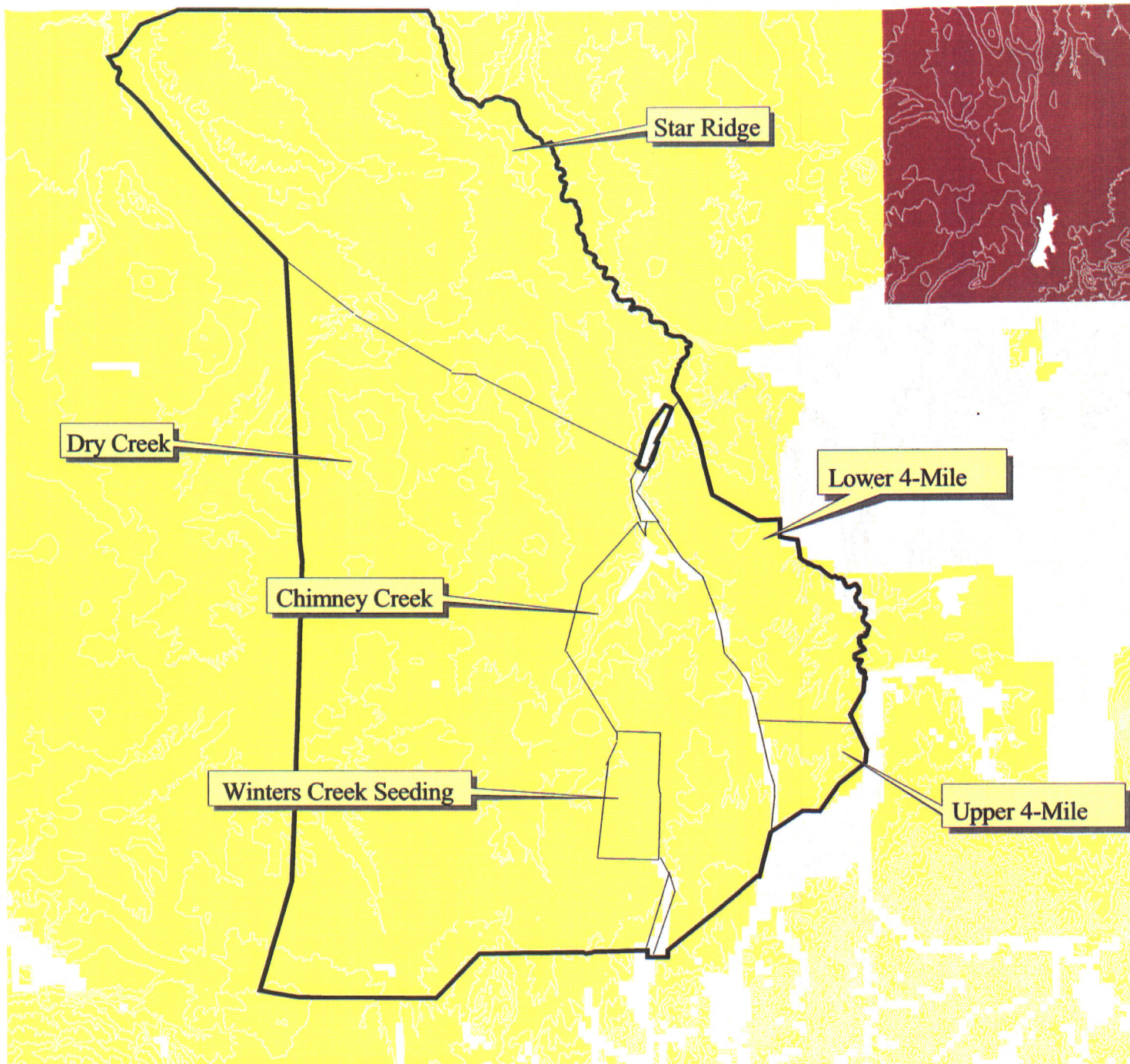




CLINTON R. OKE,
Assistant Field Manager
Renewable Resources

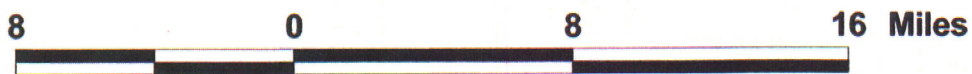
cc:

Fund for Animals
Holland & Hart, LLP
M. Jeanne Hermann
U.S. Fish & Wildlife Service
Ellison Ranching Company
Varlin Higbee
Commission for the Preservation of Wild Horses
Committee for Idaho's High Desert
Nevada Cattlemen's Assn. & Nevada Land Action Assn.
Nevada Division of Wildlife
Resource Concepts, Inc.
Idaho Watersheds Project
HTT Resource Advisors
Nevada State Division of Agriculture
Nevada State Clearinghouse Department of Admin.
Elko Board of County Commissioners
Toiyabe Chapter of the Sierra Club
Wild Horse Organized Assistance
Agri Beef Company
Agri Beef Company
Colorado Wild Horse & Burro Coalition
Friends of Nevada Wilderness

Owyhee Allotment and Land Ownership



 Fences
Land Ownership
 Public (Administered by BLM)
 Native American Reservation
Private



**OYWHEE ALLOTMENT
Elko Field Office
MANAGEMENT ACTION SELECTION REPORT - SEPTEMBER 2001**

A. INTRODUCTION AND RESPONSES TO COMMENTS

This report responds to public comments and outlines the management actions selected for the Owyhee Allotment.

Monitoring information was collected from 1977 to 2000 and included in an allotment evaluation to determine if management practices were meeting the Standards for Rangeland Health, and Resource Management Plan (RMP), Rangeland Program Summary (RPS), Allotment Management Plan (AMP), Habitat Management Plan (HMP) and key area multiple use objectives.

The Owyhee Allotment Evaluation was issued in September of 2000 and comments were received from Katie Fite, Committee for Idaho's High Desert, dated December 3, 2000, the Nevada Natural Heritage Program dated October 11, 2000, the Division of Water Resources, dated September 18, 2000, the Nevada Division of Wildlife, dated October 17, 2000, the Fund for Animals, dated October 16, 2000 and the Agri Beef Company, dated October 13, 2000. Copies of the comment letters are available at the Elko Field Office. Comments pertinent to the issues presented and evaluated in the allotment evaluation are addressed below. Following the responses to comments, there is a list of changes made to the allotment evaluation which is then followed by a summary of management options and ending with the description of selected actions.

The public involvement process and response procedure for the allotment evaluation and subsequent management actions are pursuant to guidance set forth in Instruction Memorandums NV-94-073 and NV-97-047.

FUND FOR ANIMALS, INC.

1. **Comment:** *Because the evaluation also includes technical recommendations regarding the establishment of Appropriate Management Levels (AML) for wild horses, we are at a loss for why only four wild horse and burro advocacy organizations have been directly notified of the evaluation.*

Response: In the past we have used our general Resource Management Plan mailing lists to solicit comments regarding grazing related issues. In some cases, allotment specific mailing lists were created through the allotment evaluation process. In 1997 the Elko Field Office began updating its grazing related interested public mailing lists on an annual basis in an effort to create more accurate mailing lists for each grazing allotment and reduce unnecessary mailings.

Through this process, the Elko Field Office annually asks public that they notify this office in writing, of their desire to be an interested public for livestock grazing management on public lands administered by the Elko Field Office.

The regulations require that the interested public identify a specific allotment or allotments in which they are interested, rather than a blanket assertion that they are interested in "all" allotments. To help the field office formulate specific interested public lists for each type of grazing management action, it is asked that the interested public also identify the type of action(s) they are interested in from a list which is included in the letter. The interested public is specifically asked to identify: 1.) the specific allotment(s) they are interested in by name; and 2.) the specific type(s) of grazing management actions they are interested in for each allotment.

In the annual letter, the public is told that the Elko Field Office is responsible for managing ten Wilderness Study Areas (WSAs) according to the *Interim Management Policy (IMP), lands Under Wilderness Review, Update Document (H-8550-1, Rel. 8-67, 7/5/95)*. According to the IMP, interested parties must be notified of proposed actions within WSAs before such actions can be approved. Almost all of the grazing management actions listed above meet this notification requirement.

The public is also notified that the Elko Field Office is also responsible for managing eight Wild Horse Herd Management Areas (HMAs) that are contained within the boundaries of several grazing allotments.

To assist the interested public in determining their interest in receiving any future notifications related to grazing management actions, maps and tables which detail the grazing allotments, grazing allotments associated with the WSAs, and grazing allotments associated with the HMAs managed by the Elko Field Office are enclosed with the annual letter.

Each year, this letter has been mailed to over 600 individuals and organizations, including the Fund for Animals in New York City, New York. Following the recent request, the Jackson, Wyoming office of the Fund for Animals has been added to the Elko Field Office mailing list. In the future, the Jackson, Wyoming office will receive the above mentioned letter, along with over 50 wild horse advocacy groups. If the BLM does not receive a response back from individuals and organizations, they are removed from the mailing list and will not receive further information from this office, so it is imperative that a response is given each year if in order to continue to be an interested public.

2. **Comment:** *The OAE is a startlingly clear example of the BLM failing to consider the interest of wild horses "comparable with other resource values in the formulation of land use plans" as is required by BLM policy.*

Response: The Elko Resource Management Plan and Environmental Impact Statement, dated March 1987, set the "target herd size" for wild horses within the Owyhee Herd Area at 58 head. The Owyhee Allotment Evaluation carefully analyzed data collected from 1977 through 2000. This data included wild horse aerial census, utilization patterns and pre and post livestock grazing utilization levels. Using this data, the appropriate management level (AML) for wild horses was determined to be 231 horses. As per current Bureau direction, the herd would be gathered to 40% below AML during gathers to comply with a four year gather cycle. The BLM considered all uses and users of the Owyhee Allotment when setting this AML. The Owyhee Desert is so sparsely watered that there is always a danger of horses dying of dehydration as seen in the summer of 2000. Populations must be closely monitored and kept in check to provide for a healthy viable herd and to prevent future water emergencies.

3. **Comment:** *In order to implement the 1987 Owyhee Allotment Management Plan (AMP), the allotment was crossed fenced into five pastures, which facilitate livestock control, but undoubtedly impede wild horse movements. In fact, one fence near the Desert Ranch Reservoir had to be modified to a let-down fence to allow horses access to the water, but the fence was not placed in a location that the horses naturally want to use, and the horses consistently push over the fence in a different area. [OAE, p. 40] It is unclear how this affects livestock distribution and use. In addition, the division fence between two other pastures within the allotment, the Upper and Lower Fourmile, is a barrier for movements of mule deer fawns and pronghorn due to the present wire spacing configuration. [OAE, p. 41] While the OAE states that these fences will be modified, we must question when this will occur. A 1996 inspection of the division fence resulted in a recommendation that the fence be modified. It is now the year 2000 and the fence has yet to be modified. It is unknown how these and other fences may have negatively impacted wild horse and wildlife distribution and movement patterns over the years, especially during seasons of drought, and in direct violation of BLM regulations.*

Response: BLM -Elko Field Office project fences are inspected by BLM Wildlife Biologists during field tours and allotment monitoring to ensure that they are currently constructed to help facilitate wildlife movements. The Nevada Division of Wildlife has also been requested to help identify BLM fences that need modification. We have knowledge of several fence projects that need to be modified. They are completed on a priority and "first-documented, first-modified" basis. Task orders for requested work are finalized and submitted to Nevada Division of Forestry (NDF) Conservation Camp crews for requested modifications. This has been the most cost effective way to complete needed work. For the past several years these crews have modified several miles of fence a year on the Elko Field Office area. They complete these during a limited time in the spring and fall before and after "fire season". A task order will be submitted in 2002-03 to complete the fence modification on the fence that divides the Upper and Lower Fourmile Pastures.

4. **Comment:** *Pit reservoirs have been constructed within Star Ridge and Dry Creek pastures for the express purpose of improving livestock distribution [OAE, p. 34], but the 1987 AMP objective of providing additional water sources for wild horses during dry periods has not been met even though it is now 13 years later. [OAE, p. 40] This year 612 wild horses were removed from the Dry Creek pasture of the Owyhee HMA due to emergency conditions attributable to water resources. It will be interesting to record when livestock are returned to this pasture and at what levels. Of course, the wild horses removed will not be returned.*

Response: The pit reservoirs, although constructed as livestock projects, benefit wildlife, wild horses and livestock. Aerial census flights show large concentrations of wild horses near the pit reservoirs when they contain water. Wild horses are very aggressive around water sources and are most likely the biggest benefactor of the pit reservoirs. The proposed range improvements listed in the Owyhee Allotment Evaluation would benefit wild horses, wildlife and livestock, by increasing the availability and distribution of water.

Livestock are scheduled to use the Dry Creek Pasture beginning March 1, 2002 (they were voluntarily removed June 15, 2000). After the emergency removal of 612 wild horses in June of 2000, 44 wild horses remained in the Dry Creek Pasture. The Owyhee Allotment Evaluation determined that AML for the Dry Creek Pasture is 73 wild horses. At a growth rate of 16%, wild horses will exceed AML by 2004.

5. **Comment:** *It appears that many of the so-called range "improvements" have benefitted livestock while the welfare of wild horses and other wildlife have been neglected—from fencing to the development of water sources to seeding with species such as crested wheatgrass that may help to increase the stocking rate for cattle, but may also retard the development of a diverse plant community.*

Response: As of the 2000 allotment evaluation, the Winters Creek Seeding is the only known area where crested wheatgrass has been seeded on the allotment. As per Range Appendix Carrying Capacity figures, this area supports 2,787 out of 40,598 AUMs or less than seven percent of the allotment total. On the Three Mile Fire burn area which burned during summer of 2000, Siberian wheatgrass and Hycrest crested wheatgrass comprised approximately 11% of the bulk pounds of the seed mix. With the exception of less than 1% Ladak alfalfa, the remainder of the seed mix was comprised of native shrub, grass and forb seed.

Crested wheatgrass seedings, in general, allow potential for management actions where they are used in lieu of use on "native" pastures where utilization of native vegetation could be harmful to some native plant species during certain periods of the year. Crested wheatgrass seedings could actually provide wildlife cover in areas where shrub composition is present, but not

dominating, in combination with an understory provided by any tall residual growth of crested wheat. These seedings are sometimes in close proximity to native rangeland where lateral herbaceous nesting cover is limited. With sage grouse as an example, depending on cover provided, sage grouse hens could select these areas where any tall growth affords needed lateral cover for nests. This lateral cover provides protection from the elements and predators. Other wildlife species may inhabit the seeding areas on a seasonal or yearlong basis and inhabit them in concert with use on native range areas.

To date, only the division fence between the Lower and Upper Fourmile Pastures has been identified for modification to facilitate big game movements. The other fence projects checked within the allotment have been completed to BLM standards that help facilitate big game movements. Wildlife Technical Recommendation 4 proposes further identification and potential project modifications. With current knowledge regarding the potential for sage grouse collisions with fences, the BLM proposes to complete Wildlife Technical Recommendation 4.

Seven artificial watering devices (guzzlers) have been specifically constructed to benefit wildlife on the allotment. Several more are proposed.

6. **Comment:** *If there is incidental benefit to wild horses and other wildlife from these "improvements", it is just that – incidental. The interests of wild animals appear to routinely and indefensibly take a back seat to livestock.*

Response: Livestock are intensively managed whereas the Wild Horse and Burro Act of 1971, as amended by FLPMA and PRIA, directs the Federal Agencies to manage wild horses at the minimum feasible level.

7. **Comment:** *According to the OAE, the percentages of total actual use of Animal Unit Months (AUMs) are as follows: Dry Creek - 92% cattle, 8% wild horses; Chimney Creek - 95% cattle; 5% wild horses; Star Ridge - 89% cattle, 11% wild horses. To make matters worse, the OAE repeatedly cites livestock management practices, especially overuse of riparian zones by livestock, as one of the principle reasons for not meeting or only partially meeting the 1987 Rangeland Program Summary (RPS) and AMP objectives. Such disparity of total actual use of AUMs between livestock and wild horses is unacceptable.*

Response: Through this allotment evaluation process, the BLM has allocated available forage to the competing forage consumers on the Owyhee Allotment. One objective for this allocation of forage is to manage wild horse numbers to ensure a thriving natural ecological balance consistent with other multiple uses. A carrying capacity for the allotment was calculated and forage allocated. The carrying capacity analysis in the Range Appendix of the allotment

evaluation indicates that carrying capacity was calculated using both livestock and wild horse actual use and combined utilization. The carrying capacity was then allocated between livestock and wild horses based on their percentage of the total average actual use made for each pasture. The average actual use for both livestock and wild horses was based on actual use submitted by the permittee and from wild horse census data collected and evaluated by BLM specialists.

8. **Comment:** *The BLM appears fixed on accommodating the livestock industry and other commercial interests by appealing to its "multiple use" mandate as a convenient excuse to conduct business as usual.*

Response: The Elko Field Office has engaged in a rational and informed decision making process concerning the suitability of grazing on the Owyhee Allotment. Throughout that process, the Elko Field Office has concluded that continuing to authorize livestock grazing use within the Owyhee Allotment, as described in the Selected Management Actions section below, is compatible with achieving the standards for rangeland health and multiple use objectives and will result in a reasonable balance amongst competing resource values and ensure the public lands are managed in a manner that will best meet the present and future needs of the American people.

9. **Comment:** *What is being proposed is not a fair balance of multiple use, and it's particularly troubling to learn that the permittee, Agri Beef Company, a cattle feedlot operator, is among Idaho's top private companies with 1998 estimated sales of \$300 million. Interestingly, according to a November 7, 1999 San Jose Mercury News article, Agri Beef Company is the fifth top BLM permittee with a total of 48,244 AUMs.*

Response: Refer to BLM response to comment 8 above.

10. **Comment:** *It is simply indefensible for the BLM to recommend an AML between 127-231 for wild horses for the three pastures within the Owyhee Allotment inside the Owyhee Herd Area, allocating a mere 2,769 AUMs to wild horses [OAE, p. 63], while cattle are being allocated between 17,620 and 19,644 AUMs on a rest rotation and deferred grazing system for the same three pastures. While it is the case that wild horses use the pastures year round, the enormous disparity in forage allocation cannot be denied. If there are problems in achieving the objectives outlined in the Standards and Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada, we remain convinced, and the OAE appears to support our convictions through it's numerous references to negative impacts attributable to livestock grazing management practices, that it is an overabundance of livestock, not wild horses, that is creating the problems in the Owyhee Allotment.*

Response: The Owyhee HMA encompasses three pastures within the Owyhee Allotment; Dry Creek, Star Ridge, and Chimney Creek pastures. Carrying capacity calculations in the allotment evaluation are adequately supported by actual use, utilization or use pattern mapping, and were determined using the combined average actual use for wild horses and livestock. AUMs were then allocated proportionately to wild horses and livestock based on their percentage of total average actual use made for each pasture.

It was clearly stated in the Owyhee Allotment Evaluation that wild horse use patterns within the Owyhee Allotment are dependent on the availability of water. Consequently, wild horses tend to concentrate in large bands and over-utilize areas near man-made or natural water sources year round. However, through implementation of the two year grazing system, it is expected that livestock numbers and distribution can be controlled for definite periods of time through proper management of rest-rotation and deferred-rotation grazing over wider areas to achieve desired multiple use objectives.

11. **Comment:** *Our organizations contend that forage allocations continue to strongly and routinely favor private domestic livestock over the public's wild horses and burros on the public's land...Wild horse interests should be considered comparably with other resource values, not as an afterthought...At a minimum, wild horses should be allocated 50% of the carrying capacity allocations as defined in Table 8 [OAE, p. 54].*

Response: See BLM response to Comment 7 above.

12. **Comment:** *While wild horses can impact their environment, it is clear that the BLM's long-standing preferential management of its lands for livestock has been the principal cause of habitat degradation. Therefore, the BLM should look first to the reduction or total removal of livestock before removing wild horses and burros.*

Response: The Elko RMP Record of Decision signed on September 30, 1986 and the Rangeland Program Summary (July 1987) specified the initial management level for wild horses in the Owyhee Herd Management Area. In Nevada, the management levels for wild horses identified in the initial land use plans are not considered appropriate management levels (AML), based upon an interpretation of the Interior Board of Land Appeals (IBLA) Decisions 88-591, 88-638, 88-648, and 88-679, decided June 7, 1989. These IBLA decisions required that AML be established through the analysis and evaluation of monitoring data to determine thriving ecological balance for wild horses and burros with all other resource uses as specified in the Wild Horse and Burro Act, 1976.

NEVADA DIVISION OF WILDLIFE

1. **Comment:** *We believe that most of the areas within these pastures have slowly improved since the inception of this grazing system. We generally support the grazing system outlined in the allotment evaluation primarily because it maintains the rest rotation system for the Star Ridge and Dry Creek pastures. It also will allow for the protection of portions of the Owyhee River. We support all of the wildlife technical recommendations. We support recommendation number two since it will direct the treatment of sagebrush into areas that are used lightly by livestock and because there is a grazing system in place that appears to be allowing for the improvement of vegetation.*

Response: The BLM appreciates the support of NDOW and also believes that the allotment will continue to improve with the proposed grazing system in making progress towards meeting the standards for the NE Nevada Resource Advisory Council, and stated resource objectives.

2. **Comment:** *Pages 4-5. The deer year-long designation along the eastern portion of the allotment should be changed to transitional and winter habitat. The summer deer use in this allotment is insignificant, therefore, habitat management should be directed toward the more critical transitional and winter habitat.*

Response: Please note on Page 18 of the Evaluation that the three study transects were monitored from 1987 to 1997 to evaluate the condition of mule deer year-long (winter emphasis) habitat. Future monitoring will also emphasize this same habitat. This winter emphasis period is from November 16 to March 15 and also essentially covers the transitional habitat period.

3. **Comment:** *On page 5, the evaluation states "No critical mule deer management areas have been identified for the allotment". We believe that the two mile zone along the Owyhee River is critical deer habitat....There may be other high use deer areas within the Owyhee Desert that we have not found due to limited surveys.*

Response: As per consultation with Nevada Division of Wildlife in 2001, the BLM will denote the area within two miles of the South Fork Owyhee River as mule deer crucial winter (11/16 to 3/15) and transitional habitat (10/15 to 11/15 and 3/16 to 4/15).

4. **Comment:** *On page 6, parts of the allotment provide significant habitat for nesting birds of prey. One possible peregrine falcon nesting attempt in the Owyhee Canyon was turned in by a BLM fire fighter in 1997....There is also a suspected osprey nesting territory within four miles of the allotment boundary....This allotment is also wintering habitat for the bald eagle (mentioned), golden eagle, rough-legged hawk, red-tailed hawk, merlin,*

prairie falcon and great horned owl. This allotment evaluation should address the needs of these species when assessing the impacts of livestock grazing on upland and riparian foraging habitats as well as nesting habitat for the ground nesting burrowing owl, short-eared owl and northern harrier. The invasion of cheat grass on uplands, the lack of riparian woody vegetation and the lack of residual herbaceous vegetation are major concerns.

Response: As mentioned in the Evaluation, there are approximately 250 species of vertebrate wildlife which occur in northeastern Nevada. Many of these species frequent the allotment. Approximately 100 bird species can inhabit sagebrush habitats on a seasonal or yearlong basis. The short term objectives for upland key areas are aimed at improving or maintaining Wyoming big sagebrush vegetation type areas and vegetated playas. This would in turn help to maintain or improve habitat for birds of prey associated with these areas and habitat for prey species. The achievement of the short and long term stream/riparian habitat objectives would help to do the same for those species that utilize these areas and their associated prey species.

5. **Comment:** *Page 6. Other wildlife. Preliminary bat surveys were conducted in 1998.*

Response: The BLM acknowledges that preliminary bat surveys were conducted in 1998 and will include this as evaluation documentation.

6. **Comment:** *Pages 10-11. The wildfire section of this document is somewhat hard to understand. Our position on fires on the Owyhee Allotment is that those that occur in the Desert at least three miles from water will benefit wildlife. However, in areas in close proximity to water (Owyhee River and Four-mile Creek) which have been impacted by heavy livestock grazing and which now have higher densities of cheatgrass, fires should be suppressed as quickly as possible. This is especially true along the Owyhee River which is used extensively by deer.*

Response: The wildland fire suppression response will be in accordance with the approved 2000 Elko Field Office Fire Management Plan, which sets suppression standards of holding wildland fires to 2,000 acres or less 90 percent of the time. During the early season or late season a natural ignition may be allowed to burn to achieve resource management goals if the BLM resource advisor on scene determines that it is meeting management objectives. Cheatgrass densities and critical wildlife habitat would be a part of the resource advisor's decision making process.

Prescribed burns will be designed and developed in conjunction with NDOW and be based on site visits and vegetation and wildlife management goals and objectives. The proximity to water

and proximity to invasive non-native species such as cheatgrass will be important factors in the design process.

7. **Comment:** *Page 11. The BLM's recommendation for management of Wilderness Study Areas (Page 68) is to "Ensure that all proposed use meets WSA standard." Wilderness Legislation is quoted (Page 11) as saying "Continuation of grazing can occur in the same manner and degree in which these uses were being done on October 21, 1976, as long as they do not cause unnecessary or undue degradation of the lands." Past management of the Star Ridge and Lower Fourmile Pastures has been conflict [sic] with this direction. Unnecessary and undue harm has occurred on the South Fork Owyhee System. Many stream survey sites showed poor condition of the South Fork Owyhee and Fourmile riparian. Some sites showed improvement from 1977 to 1995 although the BLM admitted (P. 26 para1) that "it possibly reflected differences in grazing practices since the adjacent Petan Ranch ownership changed in August of 1989." Average actual use on the Star Ridge Pasture was 11,744 (Page 13). Proposed use on the Star Ridge Pasture was 12,101 (13,597 with feral horses) every other year. Based on the monitoring information provided, we question whether proposed increased in this pasture are warranted.*

Response: Management of wilderness study areas is required to be in compliance with the Interim Management policy for Lands under Wilderness Review H-8550-1 (7/5/95). The IMP is not wilderness legislation; it is Bureau policy for the management of Wilderness Study Areas. This policy provides for the continuation of grazing...in the manner and degree in which these uses were being conducted on October 21, 1976, if they do not cause unnecessary or undue degradation of the lands and their resources (BLM Manual 8550.06B.). This does not freeze grazing systems to the same level that existed on October 21, 1976 - changes, reductions and increases in use may occur but must meet the non-impairment criteria (H-8550-1D.2.a.b). Also, new livestock developments may be installed if they enhance wilderness values and satisfy the non-impairment criteria (H-8550-1D.3.).

Riparian habitat problems on the South Fork of the Owyhee River in the Star Ridge and Lower Fourmile Pastures are a function of season of use rather than numbers of livestock. Grazing of riparian areas by even small numbers of livestock during the months of July, August, and September can adversely impact streambanks and associated vegetation. Numbers of livestock are less relevant to riparian areas under early season grazing as proposed for the Star Ridge Pasture. The permittee has voluntarily agreed to removed livestock in the Star Ridge Pasture by June 30 since 1995. In the Fourmile Pasture, the South Fork of the Owyhee River is proposed for fencing and will not be grazed by livestock. Based on the available monitoring data, rangeland health has improved in the Owyhee Allotment since 1976.

8. **Comment:** *Pages 20-21. While we believe that a healthy moss component is an essential component of the ecosystem, we question the inclusion of it in the forb category. Not only does moss not provide the same function of a forb, it also clouds the comparison of past data with current data.*

Response: The 6630 Big Game Studies includes “A List of Forages and Their Preferences by Pronghorn Antelope in the Great Basin. Bryophytes (nonflowering plants including the mosses) within the Boraginaceae Plant Family are included in the forb list even though they are considered a poor preference species during the spring and fall period. To follow the letter of the 6630 Big Game Studies, these mosses (*Tortula* spp.) were included to determine habitat condition for pronghorn. However, as stated on Page 44 under Allotment Plan Objective 2.e., the objective to “Increase grass and forb diversity for pronghorn antelope...” has not been met at the Monument Hills and Corral Lake Guzzler key areas. On Pages 44-46 under Key Area Objectives regarding forbs, there was an “Apparent trend towards being met” at Monument Hills with no moss sampled as part of forage production monitoring; and an “Apparent trend towards not being met in the context of the objective” at Silver Lake. At the Corral Lake Guzzler key area, there was an “Apparent trend towards not being met”; broadleafed forb composition was less than two percent. Moss composition was excluded in this determination.

Lichens associated with the mosses are low in protein but high in carbohydrates and may help supplement forage/water intake for pronghorn during periods of stress or drought. The mosses are succulent after precipitation events and/or periods of relatively high humidity, and act as a matrix for water droplets after events that increases their moisture content. They likely provide a key source of water and moisture for pronghorn during stressful periods. Although not otherwise sampled a part of allotment monitoring, the presence of mosses is a positive indicator of rangeland health on portions of the allotment. Management actions should be geared to maintain them on ecological sites due to their importance. Please note that mosses would not be sampled as part of proposed Desired Plant Community objectives for the allotment.

9. **Comment:** *Page 28. The Bureau suggests that the riparian zone development along much of the South Fork of the Owyhee River is primarily limited by “scouring associated with concentrated flood flows within an entrenched channel”. We do not believe this to be the case. One only has to look at a similar stream...to find that vigorous woody riparian habitat thrives despite concentrated flood flows. The South fork of the Owyhee River Canyon and associated tributaries will not heal until significant long term livestock grazing management are initiated. We desire to see recovery in the woody riparian component along the South Fork and associated tributaries.*

Response: The evaluation does not make a statement that riparian zone development along much of the South Fork of the Owyhee River is primarily limited by scouring associated with

floods. Rather, the evaluation states that riparian zone development within reach 4 (represented by stream survey stations S-1 through S-5) is limited by flood flows (see page 29). As described in the evaluation, reach 4 occurs in a very narrow canyon area and is partially inaccessible to livestock. Impacts to willows as a result of livestock grazing are identified for portions of this reach as well as for other portions of the South Fork of the Owyhee River within the Owyhee Allotment.

In terms of changes in livestock management for the benefit of the South Fork of the Owyhee River Canyon, a combination of early season grazing, rest, and fencing is proposed (refer to the BLM response to comment 7 above).

10. **Comment:** *Pages 40-41. We realize that reasonable numbers were included in the 1986 RMP. However, there are not objectives or management action tied to the numbers and in our opinion, these numbers just add confusion to the evaluation process.*

Response: The attainment of RPS objectives to allow habitat in good or better condition, as applicable, would allow attainment of objectives for reasonable numbers of big game. This was the intent by BLM and NDOW during the development of the RMP.

11. **Comment:** *Page 52-62. Technical Recommendations. While we are in favor of the proposed grazing system we would request that the Bureau implement utilization criteria to these recommendations and subsequent grazing decision. Should livestock achieve 50% use on key forage species at select monitoring sites in native pastures on the allotment in any given period of time, it will be required that they be moved to areas which have the ability to accommodate additional livestock use or be removed from the pasture. Should livestock achieve a 35% use on woody riparian species (i.e. willow) in any given use period, it will be required that they be moved to areas which have the ability to accommodate additional livestock use or be removed from the pasture. Our experience has shown that rest rotation systems which do not include specific stipulations for the removal of livestock follow the achievement of utilization goal levels fail to obtain the vegetative improvements they seek to achieve. Often, any improvements in vegetative condition achieved during the year of rest are severely compromised during subsequent year of use.*

Response: It is the position of the BLM that a grazing system which alternates rest with early season grazing (off by June 30th) will be effective at improving stream and riparian habitat conditions, even in the absence of establishing utilization criteria.. The effectiveness of early season grazing as a strategy for improving riparian areas is well documented in the literature as well as on numerous streams in the Elko District. The addition of alternating years of rest will further increase the effectiveness of this management technique. Problems with rest-rotation

“Increase numbers of nesting riparian woody obligate bird species to 1000 yellow warbler pairs, 200 yellow-breasted chat pairs, and five long-eared owly pairs by the year 2020, north of Township 45 North in the South Fork Owyhee River Canyon.”

Response: BLM is a land management agency with a mandate to manage habitat. Management objectives, therefore, are based on vegetative and physical attributes of rangeland ecosystems. The assumption is made that as the habitat improves, wildlife species will respond accordingly. Species monitoring (relative to specific numbers) is more appropriate for the Nevada Division of Wildlife.

13. **Comment:** *Much literature is cited throughout the text of this document. However, we couldn't find a Literature Cited section in the back.*

Response: The following literature cited section will be added to the Owyhee Allotment Evaluation:

Bradley, Pete. 1992. Personal Communication. Nongame Biologist, Nevada Division of Wildlife, Elko, Nevada.

Gregg, et al. 1994. Vegetational cover and predation of sage grouse nests in Oregon. *Journal of Wildlife Management*. 58(1): 162-166.

Winward, A.H. 1991. A Renewed Commitment to Management of Sagebrush Grasslands. Management in the sagebrush steppe. Oregon State University, Agric. Exp. Stn. Special Report. 880.

Bureau of Land Management (BLM). 1999. Riparian area management. A user guide to assessing proper functioning condition and the supporting science for lentic areas. TR 1737-16. National Applied Resource Sciences Center, Bureau of Land Management, Denver, CO.

Bureau of Land Management (BLM). 1998. Riparian area management. A user guide to assessing proper functioning condition and the supporting science for lotic areas. TR 1737-15. National Applied Resource Sciences Center, Bureau of Land Management, Denver, CO.

Bureau of Land Management (BLM). 1995. Aquatic habitat inventory and monitoring. BLM Manual Handbook 6720-1. Rel. 10/95.

Bureau of Land Management (BLM). 1978. Stream surveys. BLM Manual 6671 Supplement, Nevada State Office, Rel. No. NSO 6-38. Reno, NV.

Gruell, George. 1964 (66). Interview with Mr. George Nelson by George Gruell, Spring, 1966. Historical files, U. S. Forest Service, Elko, NV.

Johnson, Gary. 1994. Personal Communication. Fisheries Biologist, Nevada Division of Wildlife, Elko, Nevada.

14. **Comment:** *NDOW's wildlife list for the Owyhee Allotment and the list provided in the evaluation are different enough that we've included ours in its entirety. This is a complete list of species which have been documented within the Allotment and/or those species that would be expected to use the allotment during part or all of their life cycle.*

Response: The BLM acknowledges NDOW's wildlife list and will include it as part of the allotment evaluation documentation.

NEVADA NATURAL HERITAGE PROGRAM

1. **Comment:** *The evaluation fails to address noxious weeds and sensitive plant species, both as to their current conditions and status on the allotment, and as to the effects implementation of the Technical Recommendations may have on these vegetative resources. Implementation of the recommended vegetative manipulation measures has the potential to increase the extent of noxious and invasive weed infestation on the allotment if these measures occur in or near existing infestations. The known population of grimy ivesia)Ivesia rhypara var. rhypara, a BLM sensitive species) on the allotment is bisected by a fence, and livestock concentrations along this fence could negatively impact this population. Please address these and related vegetation issues in a revised Allotment Evaluation.*

Response: An inventory of noxious weeds occurring in Elko County was conducted by BLM personnel in June, 1998. Three species were identified and mapped on 27 sites within the Owyhee Allotment. Other unidentified thistle species were observed on eleven other sites. A cooperative agreement between BLM and the Owyhee Conservation District for weed management was signed in 1999. This agreement is expected to fully address future noxious weed management as priorities for treatments are developed by the conservation district.

Site specific National Environmental Policy Act (NEPA) documentation will be prepared prior to any vegetation manipulation. The NEPA document will determine if there is potential for the spread of noxious weeds caused by the proposed project.

In the Owyhee Allotment, fire has proven to be beneficial and important in producing mosaic landscapes and edge effects that improve sage grouse nesting and early brooding/early summer habitat.

NEVADA DIVISION OF WATER RESOURCES

1. **Comment:** *Modification of water sources will require an appropriation of the public waters of the state of Nevada pursuant to Chapter 533 of the Nevada Revised Statutes. Some water sources are already permitted for stock and/or wildlife purposes and would only need changing if the development was significantly moved from its permitted location.*

Response: BLM will follow State law and file the necessary applications for acquisition of water rights before developing or changing any water development. Senate Bill 96 (NRS 533.503) prohibited BLM from acquiring stockwater rights, beginning in 1995, the year the Legislature enacted the Bill. The Nevada Supreme Court ruled on July 24, 2001, that the BLM was a qualified applicant for water rights under Nevada Law. The Elko Field Office will await further direction from the Washington Office (or the Nevada State Office) before proceeding on water developments, however it is likely that we will be able to go forward with the proposed water developments.

IDAHO WATERSHEDS PROJECT (IWP) AND COMMITTEE FOR IDAHO'S HIGH DESERT'S (CIHD):

1. **Comment:** *The Evaluation states that the allotment is known to contain 7 sage grouse leks...The extensive, and at times "dense" sagebrush habitats provide vital nesting habitat for a wide range of special status sage-steppe obligate songbirds and mammals that BLM completely overlooks in its extraordinarily bad analysis of the environmental setting, wildlife and special status species habitat.*

Response: The 15% or less shrub cover for the Wyoming big sagebrush vegetation type has strong correlations to lower shrub composition for late seral (Chimney Creek Pasture on the allotment) to Potential Native Community ecological status ratings. With the exception of vegetated playas, the key areas, and allotment in general, are primarily on ecological sites characterized by the Wyoming big sagebrush vegetation type. Information obtained from studies regarding shrub cover on western rangelands indicate that overall shrub canopy cover specific to the Wyoming big sagebrush vegetation type (8-15%) was a factor that improved understory production (See Wildlife Portion Evaluation Narrative). This would in turn help provide better cover, including bird nesting cover, for wildlife that use this vegetation type. Understory production provides lateral herbaceous cover for active nest sites. Habitat objectives for sage grouse, a special status sage-steppe obligate species, were evaluated for the allotment. This is the only sage-steppe obligate species where objectives were included for the allotment. However, sage grouse are considered an "umbrella species" where improvement of their habitat would also benefit the habitat of most sage-steppe obligate species. A measurement of 15% or less shrub foliar cover in this vegetation type would likely be a factor that would help provide satisfactory

understory production needed for nest protection. In addition to the potential lower nesting cover afforded by perennial grasses due to shrub competition, the 15% or greater shrub foliar cover that was monitored on portions of the allotment may actually be avoided by hens due to shorter sighting distances to observe and avoid predators and compromised wing-loading potential to fly out of this cover to escape predators. Hens may be in longer search of forbs in this cover required for physiological needs associated with nesting compared to areas where foliar cover is 15% or less and less shrub competition would be a factor that would help improve forb cover on the given area. The BLM acknowledges that there are other factors that may affect the presence of herbaceous understory cover if shrub foliar cover is less than 15% for this vegetation type [Regarding Star Ridge Pasture (DY-T-87-31) see Mule Deer, second paragraph on Pages 19 and Wildlife RPS Objectives second paragraph on Page 40] .

2. **Comment:** *There is critical antelope habitat.*

Response: BLM acknowledges that there is crucial pronghorn antelope habitat (See Wildlife Portion of Evaluation).

3. **Comment:** *The AE is entirely deficient in providing site specific data on more than a handful of special status species....*

Response: The wildlife habitat objectives for the allotment were considered for the evaluation. Attainment of allotment specific objectives and implementation of technical recommendations will likely help to improve habitat and species-specific prey habitat for special status species that inhabit the allotment on a seasonal or yearlong basis.

4. **Comment:** *The impacts of livestock on these (playa-type wetlands) systems are ignored by the analysis.*

Response: The vegetated playas are described by the Natural Resources Conservation Service as Wet Clay Basin Ecological Sites. The BLM is not aware of any designation of these areas as wetlands. For analysis of potential impacts to vegetated playas by combined livestock, wild horse and pronghorn use, see Wildlife Use, Sage Grouse on Page 24; Wildlife, RPS Objectives 1.c., on Pages 41-46; Wildlife Technical Recommendations 4 and 5 on Pages 65 and 66.

5. **Comment:** *BLM must provide site-specific data on all special status species occurrence and habitat use within the allotment.*

Response: : See response to BLM's response to comment 3 above.

6. **Comment:** *In 35 miles of the South Fork Owyhee River, water quality is currently*

wretched, due to pollution from livestock waste and over-grazing.

Response: CIHD does not define what water quality parameters make the water quality wretched, so it is difficult to respond to this comment. CIHD had not come forward with any monitoring data to support its position.

The Nevada Division of Environmental Protection (NDEP) collected water quality data on the South Fork Owyhee for many years between 1966 and 1995. According to Glen Gentry, NDEP, water quality sampling was stopped in 1995, because the water quality standards had been consistently met and the sampling site was located in a remote area.

The State of Idaho "South Fork Owyhee River Subbasin Assessment and Total Maximum Daily Load" report states on page 27, "*Except for the temperature data, water quality in the South Fork Owyhee River would be classified as good.*" It goes on to say, "*For the El Paso Pipeline Crossing, the WQI was 82.3. This score placed the South Fork Owyhee River at this site in a "good" category. With the removal of temperature data, the score improved to 84.8. At the 45 Ranch, the initial score was 75.4, placing the water quality indicators into a "poor" category.*"

BLM began sampling at the gas pipeline location in 1998 and added an additional site at the old USGS gage site in 2000. If only the data from the Idaho report were used, it could be concluded that the water quality along the South Fork Owyhee was improving as it flowed downstream from the 45 Ranch to the pipeline crossing, which is through the public land portion and the Owyhee allotment. More data is needed to adequately assess the water quality trends and possible sources.

Total phosphorus was exceeded several times in the BLM Nevada sampling, but it was always associated with high flow conditions. Although there is limited data available at the old gage site (on the private/BLM boundary), the data that was analyzed there and downstream at the pipeline crossing, indicate that phosphorus levels remain about the same. This would indicate that the problem is occurring farther upstream on private land. There is a straightened channel on private land that may be the source of sediment and phosphorus.

Dissolved oxygen has always tested better than the standard at both sampling locations.

Chlorides and alkalinity are also meeting the standard.

Total dissolved solids have always met the beneficial use standard, but 3 out of 16 samples slightly exceeded the RMHQ single value standard.

Total suspended solids met the standard at the gage site all four times that BLM sampled

it. There were three out of eleven exceedances at the pipeline site, two of which occurred during spring runoff. None of those three samplings had corresponding data at the gage site.

Turbidity only exceeded the single value standard 20% of the time at the pipeline crossing, and both samples were taken during spring runoff conditions. The four measurements taken at the gage site all met the standard, but all these samples were taken when the downstream sample site also met the standard.

In summary, water quality data that has been gathered on the South Fork Owyhee River, indicates that water quality is generally good, with the exception of temperature. There have been a few single value exceedances, but these are generally associated with high flow conditions from spring runoff. Data collected at the upstream and downstream sites have similar water quality, indicating that there is not any significant water quality degradation coming from the public lands of the Owyhee Allotment. At least one more year of data should be collected at both sampling sites, however, since only four sets of samples have been taken at the gage site.

Temperature standards have consistently been exceeded during the summer months, but this is addressed more fully in the response to comment 16.

7. **Comment:** *BLM fails to provide information on water quality in springs, seeps, and other wetlands in the allotment. Data on bacteria, sediment, etc. must be collected at these sites.*

Response: There are no numeric state water quality standards for springs, seeps, and wetlands. The only water quality standards that apply are the narrative standards found in NAC 445A.121. The narrative standards include general statements such as, "Waters must be free from floating debris, oil, grease, scum, and other floating materials..." . BLM focused its monitoring efforts on waters where numeric water standards were established. Since there are no numeric water quality standards for springs, seeps and wetlands, there was no reason for us to collect the usual data (temperature, turbidity, dissolved oxygen, pH, TDS, etc.) to make the assessment for this standard. Therefore, water quality data on springs, seeps, and wetlands was not collected.

8. **Comment:** *The allotment contains several thousand acres of WSAs and 2 proposed Wild and Scenic Rivers - South Fork Owyhee and Fourmile Creek. Plus there is significant roadless BLM land here that must be included in a discussion of wilderness and watershed integrity. BLM's proposed construction actions will intrude on and degrade roadless areas, as well as extend livestock abuse of the WSAs.*

Response: As mandated under section 603 (a) of FLPMA, BLM completed a wilderness

inventory of roadless areas along the upper Owyhee River in 1982, using procedures outlined in the BLM Wilderness Inventory Handbook (1978). WSAs contain mandatory wilderness characteristics (size, naturalness, solitude and/or primitive recreation opportunities) and special (supplemental) wilderness features which meet the wilderness criteria established by the Wilderness Act of 1964 (Owyhee Canyonlands Wilderness Environmental Impact Statement Final, 1989). New inventories and land use planning efforts are addressed under the Wilderness Inventory and Study Procedures Handbook, H-6310-1 (1/10/2001). Under this policy, the BLM shall complete an inventory of all acquired lands and maintain on a continuing basis an inventory of certain public lands to determine the presence or absence of wilderness characteristics (H-6310-1.06). BLM also shall evaluate new information suggesting that an area of public lands has wilderness characteristics or that an existing land use plan does not adequately identify public lands that have wilderness characteristics (H-6310-1.06 E.).

The BLM is not proposing any construction actions that will intrude on roadless areas or WSAs. Prior to the construction of any project, the requirements of NEPA will be met.

9. **Comment:** *The Proposed action would permanently maintain AUM levels at a too-high level - 29,903 AUMs - higher levels that [sic] currently authorized! This is ridiculous, and not in the public interest.*

Response: Calculation of carrying capacity for the Owyhee Allotment was adequately supported by actual use and key area utilization data. These data indicate some improvement in the uplands under the current grazing system. In the proposed grazing system, seasons of use within specific pastures will be altered in order to eliminate hot season grazing use on the South Fork Owyhee River in order to improve existing riparian habitat. This would result in continued ecological improvement of the allotment, meeting both resource objectives and progress towards the Standards and Guidelines for Rangeland Health for Northeastern Nevada Great Basin Area.

10. **Comment:** *BLM cannot base it's analysis on "key area" information - since this is very limited in scope, deeply flawed and sites are located in little-grazed areas which are not representative of the allotment as a whole. The ecological site inventory information (Table 4) paints a far different picture - very little of the allotment is in late seral or PNC. Who did the utilization pattern mapping - BLM or ranchers?*

Response: Suitability of the key areas on the Owyhee Allotment was assessed by BLM employees using the criteria outlined in Appendix 1 of the Nevada Rangeland Monitoring Handbook which describes the procedures and criteria for selecting key management areas. The data presented in the allotment evaluation were collected by BLM and were determined to be collected in accordance with BLM policy and guidelines.

11. **Comment:** *Page 19 discusses: "poor forage diversity and lack of perennial native herbaceous vegetative cover" and "heavy composition of cheatgrass". This is the situation in areas within the use zone of water sources and other range structural developments. Construction of other structural developments, as you propose here, will only lead to further degradation of native vegetation, and increases in cheatgrass and other exotic species.*

Response: The allotment evaluation process identifies the need to implement range improvement projects for the achievement of multiple use objectives and the Standards of Rangeland Health. Completion of the proposed water development projects described in Section VI. A. will create additional permanent water sources for livestock, wildlife and wild horses which will result in improved livestock distribution and a more uniform use pattern within the Star Ridge, Dry Creek, Chimney Creek, Lower Four-mile and Winters Creek Seeding pastures. Improved utilization patterns will help improve forage diversity and increase native perennial herbaceous cover.

12. **Comment:** *The 15% shrub cover is bogus - and does not take into account nesting and habitat needs of many shrub-steppe songbirds and other native wildlife.*

Response: Refer to BLM response to comment 1 above.

13. **Comment:** *Page 19 states: "there was essentially no forb cover". Page 21: "the inclusion of moss as a forb likely helped the attainment of a "good" habitat rating in 1997" with most of the moss being sampled under the protective canopy of Wyoming big sagebrush". Elsewhere, states: "there was essentially no forb cover". The entire document points to a lack of species diversity caused by excessive grazing. It is flat-out wrong to consider moss as a "forb" - this shows the bias of Elko BLM towards never ever concluding cows cause any problem on the land.*

Response: Refer to BLM response to Nevada Division of Wildlife comment 8.

14. **Comment:** *Page 23: "areas with above mid-moderate (>50%) utilization ... would likely be deficient in residual grass cover ... [for sage grouse nesting]. This is in error - areas with far less than 50% utilization would provide insufficient residual cover. Seven to nine inches (minimum) of residual grass cover are needed for successful grouse nesting. This means that less than 20% utilization - if any at all - could occur on native bunchgrasses here. Review your "key species" list for God's sake. SIHY is a key grass on 6 of the 7 sites. Only near-ZERO cow use on SIHY will result in sufficient residual cover for sage grouse nesting.*

Response: Any proposal for residual cover objectives are presently in conflict with key upland species utilization objectives. The Nevada Rangeland Monitoring Handbook

outlines the degree of Allowable Use on key forage species. Allowable use is the degree of utilization that may be made by grazing animals based on season of use while still maintaining or improving the long term productivity of the site and meeting the multiple use objectives for a given allotment. The Elko Rangeland Program Summary (RPS) further refined the degree of allowable use to an objective level not to exceed 50% utilization on key native forage species.

15. **Comment:** *BLM must evaluate a range of alternatives that include significant reductions in livestock use, removal of existing structural facilities (fences, ponds, water catchments, pipelines) that are leading to areas of heavy utilization, or that are impacting sage grouse, antelope, mule deer or any special status species habitats..*

BLM must prepare an EIS to address livestock grazing, and any structural developments on the nationally significant wild lands here.

Response: The Proposed Elko Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) was prepared in conformance with Sections 202 and 603 of the Federal Land Policy and Management Act (FLPMA). The RMP/EIS analyzed several proposed actions which included different levels of grazing use and the impacts of those alternatives on other resources. The Elko RMP/EIS contains the needed elements for site specific analysis; i.e. specific levels of livestock use are identified, forage conditions are projected into the future, specific range improvements are identified, and the related impacts of these proposals on other resources are specifically identified.

In addition, the Elko RMP/EIS specifies that any future adjustments in grazing management needed to achieve land use plan objectives be based on monitoring. The allotment evaluation assessed monitoring information and proposed needed changes in grazing management. Alternative management actions to achieve the RMP objectives and standards for rangeland health were presented in the technical recommendation section of the allotment evaluation. This process, including the multiple use decisions to be issued, are in conformance with the Elko RMP/EIS Record of Decision.

Regarding the impacts of proposed fences on wildlife movements, fence heights and wire spacings are designed to allow wildlife to safely negotiate fences in most circumstances. The design of each fence is selected based on the kinds of big game likely to move across or under the fence. The specific fence design is selected when each fence project is analyzed more closely prior to approving construction. This includes analysis of the specific impacts through an environmental assessment in compliance with NEPA.

The impacts of proposed water developments are also subject to NEPA analysis which includes an analysis of direct, indirect and cumulative impacts.

16. **Comment:** *Water quality: Page 29: "water temperature measured above 21 degrees C when visits were in the summer", only 4 days during a > 2 month period were temperatures not exceeded. This shows how bad water quality is, and necessitates that BLM take firm measures to eliminate livestock grazing from this seriously impaired water body.*

Response: Temperatures are frequently exceeded during the summer months, but it is difficult to determine what the primary cause(s) is. One factor is the north-south orientation of the river.

Another factor is the amount of flow. The flow was much lower than normal in 2000, and there were many more temperature exceedances in 2000 versus 1999. At the old gage site there were 88 days where the temperature was exceeded during 2000, and only 57 in 1999. A similar trend occurred at the pipeline crossing where there were 87 exceedances in 2000, and 72 in 1999. More data will be collected, including air temperature and discharge, to determine the cause.

Another factor that affects stream temperature is geology. The parent material of the South Fork Owyhee River is basalt and rhyolite. Both rocks are dark and have high heat absorbing capability.

The South Fork Owyhee River is considered a flashy stream. This is a factor in the lack of large woody species along the river, that would provide stream shading and reduce water temperatures.

Ambient air temperature is another factor. Temperatures get quite hot in the South Fork canyon. BLM will be monitoring air temperature along with stream temperature at both water quality sites this year.

17. **Comment:** *The Proposed Action violates RMP/ROD Objectives to : "maintain or improve the condition of the public rangelands to enhance productivity for all rangeland values", "conserve and enhance terrestrial, riparian and aquatic wildlife habitat", "manage wild horse populations ... consistent with other values",*

Response: The allotment specific objectives and RPS objectives are in conformance with the LUP. As per 43 CFR 1601.05(b), Conformance means that "a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the term, conditions, and decisions of the approved plan or plan amendment." The BLM has the responsibility to develop allotment monitoring objectives to achieve the broader LUP objectives. LUP objectives were developed through the CCC (consultation, cooperation, and coordination) process with full public participation.

18. **Comment:** *We oppose all structural developments -they lead to destruction of native vegetation. You must analyze alternatives that do not focus on structural answers. The impacts of past projects have never been sufficiently analyzed.*

Response: The final Environmental Impact Statement for the Elko Resource Management Plan (Elko RMP/EIS) analyzed several proposed actions which included different levels of grazing use and the impacts of these alternatives on other resources. The Elko RMP/EIS contain the needed elements for site specific analysis, i.e., specific level of livestock use are identified, forage conditions are projected into the future, specific range improvements are identified, and the related impacts of these proposals on other resources are specifically analyzed.

The specific design of each project is selected when each project is analyzed more closely prior to approving construction. This includes analysis of the specific impacts through an environmental assessment in compliance with NEPA.

19. **Comment:** *What about weeds? Exotics? The spread of cheatgrass accompanies increased livestock use or any fire in this low elevation country. Exotic species spread following cow disturbance or fire results in loss of sage grouse nesting cover and a wide range of special status species habitats.*

Response: See response to Nevada Natural Heritage Program comment 1.

20. **Comment:** *[BLM must] Establish reasonable utilization/use levels and trampling standards for all upland and riparian (spring, seep, playa, stream, intermittent stream) areas.*

Response: It is BLM's position that the grazing system proposed for the Star Ridge pasture will result in improvement of stream and riparian habitat conditions along the South Fork of the Owyhee River. Please see response to NDOW comment 11. As indicated elsewhere and in the evaluation, the portion of the South Fork of the Owyhee River is proposed for fencing and will not be grazed by livestock. Fencing and exclusion of livestock and wild horses is proposed to protect the spring source at Bookkeeper Spring.

In the absence of a grazing system or fencing scheme designed to improve riparian habitat conditions, establishment of utilization/trampling standards may be critical to limiting adverse impacts. However, in the case of the Owyhee Allotment, the strategies proposed for limiting livestock use of riparian areas have been proven to be effective without the application of utilization/trampling standards. In general, use of riparian areas is limited to early in the season. Objectives (standards) for improvement of stream and riparian habitats are based on changes in functionality including health of the riparian zone, channel morphology, channel stability, and other parameters. We concur that

utilization/stubble height and trampling information may provide an important basis for making necessary adjustments in season and use and/or stocking rates and should be evaluated as part of the implementation of the grazing system.

21. **Comment:** [BLM must] *Place specific stubble height and trampling standards on all ephemeral and perennial riparian areas (springs, seeps, intermittent drainages, creeks, rivers, playas).*

Response: See response to comment 20 above.

22. **Comment:** *We strongly oppose sagebrush burning and thinning here - you simply do not have enough information to know what species use what sagebrush habitats in the big, remote allotment. Fire disturbance will permanently doom sagebrush communities to invasion by cheatgrass and other exotics in these low elevation lands, It is an irreversible and irretrievable commitment of resources.*

Response: Sagebrush ecosystems developed with fire disturbance as part of the natural system. Current ecological theories of patch dynamics best describe the role of fire disturbance in these communities. The removal of wildland fire from these ecosystems, in conjunction with other management strategies has created dense even aged monotypic stands of sagebrush. This has reduced both the amount of forb and grass production and native seed bank capabilities in the ecosystem, creating the potential for the large acreage fires and opportunities for invasion by non-native species. Using prescribed fire in areas that still have a healthy native grass/forb population will create a mosaic of herbaceous and shrub cover. It will increase the age class distribution of sagebrush as it regrows in the burned areas. The diversity created by prescribed fire will increase wildlife habitat, while maintaining the sagebrush requirements for sage grouse and other sage brush dependent species. It will also reduce the possibility of large block wildland fires that negatively impact wildlife habitat and encourage the invasion of nonnative species.

The areas that are candidates for prescribed fire in the allotment are those with a lack of cheatgrass and other non-native species and with a closed canopy over-mature to decadent Wyoming big sagebrush. Any prescribed fire would be designed to be a mosaic burn, that would be "islands" of black in a "sea" of green, so that natural re-vegetation could occur from the native seed bank in the soil and from the surrounding vegetation.

The large fires that have occurred in this vegetation type in the past two years have been predominately in over-mature closed canopy sagebrush stands with an understory of cheatgrass. Breaking up the closed canopy stands will moderate fire behavior and fire size. As an example, the Cricket fire in 2000 burned 62,000 acres, but where it burned into a 1998 burn that had good perennial grass growth, it stopped.

23. **Comment:** *Is water hauling occurring? If so, BLM must also analyze cessation of water hauling in sites where impacts are noted. Water hauling must be ended, not shifted elsewhere to spread impacts out to new areas.*

Response: Water hauling has been authorized by the BLM on rare occasions in the past on the Owyhee Allotment. Water hauling has been authorized when there is still ample forage available in the pasture and the utilization is within allowable use levels. The permittee is instructed to place temporary troughs within existing stock reservoirs and the troughs must be removed immediately following the end of the permitted grazing season. By placing these stipulations on water hauling, no new impacts are associated with the action.

24. **Comment:** *ACECs: The Assessment must address designation of several new ACECs to protect important values through the Land Use plan amendment process. All large expanses of sagebrush should be designated as ACECs, with restoration focusing on restoring the continuity of sagebrush communities.*

Response: Designation of ACECs was addressed in the planning process for the Wells and Elko Resource Management Plans (1985, 1987). Under the FLPMA of 1976 (Sec. 201. (a)):

“The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.”

Under 43 CFR 1610.7-2, designation of ACECs must comply with two criteria: relevance and importance. Areas having potential for ACEC designation and protection management are identified through the resource management process and inventoried to identify substantially significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard. This value, process, resource, system or hazard generally requires more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern.

Restoration activities are already occurring within the sagebrush communities affected by the fires in the Great Basin Desert, as addressed in the Great Basin Restoration Project Plan. Also, BLM is actively involved in conservation of sagebrush communities as part of the Management Guidelines for Sage Grouse and Sagebrush Ecosystems in Nevada (October 2000). This includes specific program guidelines for grazing and range improvement projects.

25. **Comment:** *The first step in Elko BLM conducting an honest, fair, and defensible analysis of grazing in the Owyhee allotment must be the staff's recognition of the importance of the lands and waters here. That is the only way BLM will ever escape its yoke of domination by the livestock industry.*

Response: The Nevada Northeastern Great Basin Advisory Council (RAC), as chartered by the Department of the Interior to promote healthy rangelands, has developed Standards and Guidelines for grazing administration on public land administered by the Bureau of Land Management within the designated geographic area of the Northeastern Great Basin. The RAC in developing these Standards and Guidelines, understands and agrees that grazing is only one of the multiple uses recognized under the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1739, 1740). These recommended Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry in the Northeastern Great Basin. Four fundamentals of rangeland health are listed in 43 CFR § 4180.1. They combine the basic precepts of physical function and biological health with elements of law relating to water quality and plant and animal populations and communities.

The Owyhee Allotment Evaluation, a stand alone report that clearly records all aspects of the evaluation and analysis and interpretation of available information, was conducted to arrive at 2 outcomes:

1. To conduct an analysis and interpretation of the findings resulting from the assessment, relative to land health standards, to evaluate the degree of achievement of land health standards.
2. To conduct an analysis and interpretation of information on the causal factors for not achieving a land health standard.

AGRI BEEF CO.

1. **Comment:** *First, the timeframe assessed in the OAE should more closely correspond with the implementation of the AMP and Agri Beef's ownership and management control of the Owyhee Allotment.*

Response: The monitoring data collected prior to the full implementation of the AMP provides important historical data. By using the pre-AMP data, it can be shown that the AMP has been successful in improving range conditions. The AMP implemented a combination rest-rotation and deferred-rotation system to provide growing season rest in each of the native pastures one year out of two. The Owyhee Allotment Evaluation also points out on page 3, that the permittee has voluntarily ceased grazing use by June 30, within the Star Ridge Pasture since 1995 in order to reduce hot-season grazing use on the South Fork Owyhee River.

As the allotment evaluation points out on page 54, the 1989 use pattern map for the Chimney Creek and Dry Creek Pastures was not used in determining the carrying capacity for the Dry Creek Pasture because the fence which was constructed to split the two pastures was not yet completed.

2. **Comment:** *Secondly, as documented in the recent wild horse gathering of 612 head plus the observations of an additional 500-700 head in the Star Ridge pasture and 150 in the Chimney Creek Allotment, the wild horse population estimates contained in the OAE are flawed and incorrect. The previous surveys conducted the past twelve years have all grossly underestimated the population, all of which have been contested by IL Ranch Management. This fact is not emphasized enough in the OAE.*

Response: For the past 30 years, the BLM has attempted to conduct complete aerial counts of all animals on a given area. In fairly open areas with low vegetation, a skillful observer working with a cooperative pilot may well be able to tally nearly all of the animals present. The conditions on the Owyhee Desert seem conducive to conducting complete aerial counts using a fixed-wing aircraft. However, during an emergency gather conducted in June of 2000, 612 horses were captured in a pasture that was aerially inventoried seven months prior to the gather and 276 horses were counted. This discrepancy brought to our attention that the type of aircraft used to census the Owyhee HMA should be changed to a helicopter.

However, the fixed-wing census flights provide the best *available* data for the Owyhee HMA. Because census flights were not coordinated with the Winnemucca BLM District, which manages the Little Owyhee HMA, it is not known how many horses were counted in the Owyhee HMA and then again in the Little Owyhee HMA. The gate on the pipeline road in the Star Ridge Pasture was constantly open prior to the cattleguard being installed in the Spring of 2001, and horses were able to easily move back and forth between HMAs. Because we do not know the degree of sampling error, we cannot arbitrarily apply a ratio or regression formula to work from the date of the removal (2000) to the earliest census (1982).

3. **Comment:** *By not illustrating an accurate wild horse population estimate, the OAE's utilization levels, carrying capacity, and available AUM's for livestock are severely underestimated. Had the wild horse population been more closely managed to a level closer to the one outlined in the AMP (or even if it was 2-3 times the management level), utilization levels for livestock would have never exceeded the 50% target and would have allowed for further improvement in range condition.*

Response: When figuring the carrying capacity for the three pastures that are within the Owyhee HMA, the BLM used the aerial census data collected over the last 19 years. Admittedly, the aerial census data appears to be in error, especially when the census of

the Dry Creek pasture, taken in November of 1999 (276) is compared to the actual number of horses gathered in that pasture in June of 2000 (665, see response to comment 2 above).

However, the BLM did use the aerial census data to figure average actual use by wild horses. This was combined with the average actual use by livestock to figure a total carrying capacity. The carrying capacity was then proportioned to wild horses and livestock based on percentage of average actual use; i.e., wild horses accounted for 8% of the use in the Dry Creek pasture, 5% of the use in the Chimney Creek pasture and 11% of the use in the Star Ridge pasture. Therefore, they were allotted 8% of the carrying capacity in the Dry Creek pasture, 5% of the carrying capacity in the Chimney Creek pasture and 11% in the Star Ridge pasture. This total allocation for wild horses came to a total appropriate management level of 231 wild horses.

If the BLM uses the wild horse population analysis provided by Agri Beef, the wild horse population would be as follows:

Year	Star Ridge	Dry Creek	Chimney Creek	Total
1988	46	28	19	93
1989	57	35	24	116
1990	71	44	30	145
1991	89	55	37	181
1992	111	69	46	226
1993	139	86	58	283
1994	174	107	72	354
1995	217	134	91	442
1996	272	168	113	553
1997	340	210	142	691
1998	425	262	177	864
1999	531	328	221	1080
2000	664	410	277	1350

The method that Agri Beef used for this population analysis was based on the actual number of horses caught in the Dry Creek Pasture (656) and the estimate of the horses

remaining in the other pastures in the HMA (550) for a total of approximately 1,200 horses in the HMA in 2000. Then, using an average foaling rate of 20% per year, Agri Beef extrapolated backward to reduce the population by 20% per year back to 1988. This method was used twice, once using a population estimate of 1,200 horses and once using an estimate of 1,500 horses and then the two were averaged. Then a "pasture percentage to revised wild horse population" was applied to come up with numbers of horses by pasture. 49% of the total population was applied to Star Ridge, 30% of the total was applied to Dry Creek and 20% was applied to Chimney Creek (BLM census data indicates that 60% of the Owyhee HMA horses inhabit the Star Ridge Pasture, 29% inhabit the Dry Creek Pasture and 10% inhabit the Chimney Creek Pasture. It is not clear where Agri Beef came up with the percentages they used).

If the carrying capacity calculations are refigured using the wild horse population given above, we have the following:

Pasture	Average Actual Use		Total Average Actual Use	Percent of Total Actual Use		Carrying Capacity	Carrying Capacity (AUMS)	
	Cattle	Wild Horses ¹		Cattle	Wild Horses		Cattle	Wild Horses
Dry Creek	12,361	1,756	14,117	88%	12%	11,209	9,864	1,345
Chimney Creek	4,933	1,379	6,312	78%	22%	8,862	6,912	1,950
Star Ridge	8,492	2,895	11,387	75%	25%	16,584	12,438	4,146
TOTAL							29,214	7,441

¹ supplied by Agri Beef

Below is Table 8, the carrying capacity allocations for livestock and wild horses from the Owyhee Allotment Evaluation, page 54:

Pasture	Average Actual Use ¹		Total Actual Use ²	Percent of Total Actual Use		Carrying Capacity (AUMs)	
	Cattle	Wild Horses		Cattle	Wild Horses	Cattle	Wild Horses
Dry Creek	12,361	1,013	13,374	92%	8%	10,077	876
Chimney Creek	4,933	284	5,217	95%	5%	7,543	397
Star Ridge	8,492	1,072	9,564	89%	11%	12,101	1,496
TOTAL³						29,721	2,769

1. Average actual use for both livestock and wild horses is from 1990 to present.
2. Actual use for livestock and wild horses combined.
3. This row was added for the MASR.

As is clearly shown, if the BLM were to use the method suggested by Agri Beef, *the AML for wild horses would increase from 231 to 620 wild horses (7,441 AUMs divided by 12 months = 620 horses)*, while the carrying capacity for livestock decreases by 507 AUMs. Please see Appendix I of this document for the carrying capacity calculations based on Agri Beef's wild horse population analysis.

There is merit to Agri Beef's comment and suggestion, because it is certain that the BLM has been undercounting wild horses in the Owyhee HMA, most likely due to the type of aircraft used for the census; however, the BLM is not confident that extrapolating from the 2000 gather back to 1990 gives a more accurate picture of the horse numbers in the Owyhee HMA than does the BLM census data. Some possible scenarios for the sudden increase in horses in the Owyhee HMA are 1.) a significant number of wild horses may have moved from the Little Owyhee HMA (managed by the Winnemucca Field Office) to the Owyhee HMA during gathers conducted by Winnemucca in 1997, 1993-1994 and 1992, 2.) it is possible that horses moved between the HMAs through open gates between the two HMAs. Bureau specialists feel more confident using the AML figure of 231 horses. If, through further monitoring data collection, it is shown that the HMA is capable of supporting more wild horses, the AML can be adjusted.

4. **Comment:** *Page 8, first paragraph: Bookkeeper Springs is on private land. Despite this fact, we remain open to developing a plan to improve the riparian area.*

Response: The Master Title Plat for T41N., R47E., Sec. 5, shows all of section 5 being public lands. The Tuscarora USGS 1:100 000 map shows Bookkeeper Spring on the edge of section 5. Prior to any project development, the spring location will be surveyed. The BLM appreciates the willingness of Agri Beef to cooperate on this project whether the spring is on public or private land.

5. **Comment:** *Livestock Grazing, page 12-15:* 1990-1992 observations of utilizations above 50% were dry years and impacted by wild horse population under previous management (Bill Maupin). 1996 observation of utilization levels above 50% were in part due to wild horse numbers and should be duly noted.

Response: In the tables displayed in the Range Appendix of the allotment evaluation, average carrying capacity by pasture for the Owyhee Allotment was calculated using actual use data that included both livestock and wild horses.

6. **Comment:** *Wild Horse Use, page 17-18:* Not accurate. Given our current estimate of the wild horse population, we would suggest using the 2000 estimate and then extrapolating an inventory number for preceding years (see Tables 1-3).

Response: Please see response to comment 3 above.

7. **Comment:** *Mule Deer, page 19:* Reference to past and pre-AMP livestock management as cause for the lack in native vegetation cover is ambiguous. Since we were not responsible for pre-AMP grazing management and since the overall range environment has improved under current management, we would suggest the word "past" be stricken for one may interpret Agri Beef as part of "past management."

Response: The statement on Page 19 should be qualified to say "any past/pre-AMP livestock management that has negatively affected perennial grass composition. The statement of "past management" was not stated to implicate Agri Beef Company's management. Please see Pages 2 and 3 for background information to help qualify said information stated on Page 19. The AMP was developed in 1987 for the allotment. BLM records indicate that Agri Beef was the livestock permittee for the allotment effective Spring, 1989. The grazing system was not fully implemented until the 1990 grazing season when all fencing was in place. However, it is unknown when final grazing systems adjustments were made for the subject pasture. The rest-rotation system use on both the Star Ridge and Dry Creek Pastures outlined in the AMP is from March 1 to August 15. The Ranch has voluntarily ceased grazing use by June 30 within the Star Ridge Pasture since 1995.

8. **Comment:** *Sage Grouse (pg. 21-25):* The negative impact of wild horses to the environment needs to be emphasized throughout this section.

Response: Section III, D.1. Sage Grouse, will be revised to read "livestock/wild horse use" throughout the discussion on sage grouse habitat.

9. **Comment:** *We would also recommend that you include the impediments surrounding range reform and Nevada State Water Law, which have precluded the IL Ranch and BLM*

from making a more concerted effort in developing water improvements.

Response: The 1995 "Rangeland Reform" regulations 43 CFR 4120.3-9 require that the use of water on public land for the purpose of livestock watering on public land, shall be acquired, perfected, maintained, and administered in the name of the United States, to the extent allowed by the law of the state. The State Engineer has denied the Bureau of Land Management (BLM) applications for livestock water for use on public lands in accordance with Senate Bill 96 (NRS 533.503), passed by the Nevada Legislature in 1995. The State Engineer interpreted the bill to prohibit him from issuing livestock water rights to the BLM on public land.

The United States filed a lawsuit against the State Engineer. The State Engineer was upheld in Nevada District Court. The case was appealed to the Nevada Supreme Court. Oral arguments were heard before the Nevada Supreme Court on September 14, 2000. On July 24, 2001, the Nevada State Supreme Court ruled that the BLM is a qualified applicant for water rights under Nevada Law. The Elko Field Office will await further direction from the Washington Office and Nevada State Office before proceeding on water developments.

10. **Comment:** *Had we been able to implement some of the range improvement projects outlined in the AMP (and which are planned in the OAE), sage grouse environment may have possibly been better than "fair-good."*

Response: It is unknown at this time if implementation of said range improvements would have resulted in improved sage grouse habitat.

11. **Comment:** *South Fork of the Owyhee (pg. 25-29): Again, there has been no reference to the impact due from the wild horse population and request such language in this section. In addition, stretches of the South Fork, which are accessible by the YP Ranch, need to be outlined in this section.*

Response: The fact that YP cattle have access to the South Fork of the Owyhee River within the Star Ridge Pasture is recognized in the Technical Recommendations Section (pg.58). Additional information on use of the River by cattle from both the YP and the Owyhee Allotments as well as by wild horse has been added to discussion of aquatic and riparian habitat conditions. The paragraph will be revised to read as follows:

Cattle from both the Owyhee and YP Allotments have access to the South Fork Owyhee River within the Star Ridge Pasture. Wild horses also access the River at the Pipeline Crossing; at times this is the only available water within the pasture and up to 300-400 wild horses must water at this location. Use of the South Fork Owyhee River by livestock within the Lower 4-mile pasture is felt to be primarily due to cattle from the

Owyhee Allotment as wild horses do not inhabit this pasture.

12. **Comment:** *Livestock-Rangeland Objective (pg. 32): The Allotment may have met the 37,428 AUM objective by including a more accurate wild horse population estimate.*

Response: An error was made in on Table 2 in the Range Appendix which shows the carrying capacity for the Star Ridge Pasture. The correct carrying capacity should be 13,598 rather than 11,445. The calculated carrying capacity for 1988 was inadvertently not included in the calculations shown on Table 2, however the incorrect figure of 11,445 was not carried through the entire evaluation; the correct figures of 13,598 was included in the technical recommendations section.

The total carrying capacity for the Owyhee Allotment is 42,751, with 39,910 AUMS available for livestock grazing and 2,769 AUMs allocated to wild horses. It is important to note, that the Owyhee Allotment is under a rest-rotation grazing system, so either the Dry Creek AUMs (10,007) or the Star Ridge AUMs (12,101) must be subtracted from the permitted 39,910 AUM total depending on the year. The carrying capacity for livestock would be either 29,903 or 27,809 AUMs depending on the year and which pasture received rest.

13. **Comment:** *Livestock-50% Key Species Utilization (1d) and (2b), (pg. 33). Again no reference to wild horses is made here. In addition, we could argue the harshness of using 6 out of 76 readings as a basis of grading this objective as "partially met." Given the above, we would believe the objective has been "met."*

Response: In chapter IV, section 1.d., page 33 of the Owyhee Allotment Evaluation, it was concluded that; "However, the utilization level was only exceeded 6 times out of 71 readings at the existing key areas since 1979 in which collection of utilization information was initiated." Utilization of key forage species was measured each year at key areas from March 1 (start of growing season) to the date monitoring took place. Actual use at these key areas included the use by both livestock and wild horses. The resulting Technical Recommendations concerning the proposed grazing system, which includes modifications to the current grazing system as well as completion of proposed water developments, are expected to result in attainment of the utilization objective through continued ecological improvement of the vegetative communities within the allotment.

14. **Comment:** *Livestock-Conception Rate to 90% (pg. 34): This objective has not been met. In 1993-95, we achieved an 88% conception rate but are now 80-85%. This year, given the wild horse population and our efforts to protect range conditions (shipping 1000 cows off the Owyhee) our conception rate will be 75%.*

Response: The BLM response to the permittee objective (d., page 34) to improve conception rate will be changed to indicate that the objective has not been met.

15. **Comment:** *Livestock-Two different herds (pg.34): Permittee objective (e) is not important and this can be removed.*

Response: The permittee objective (e., page 34) to maintain two different herds of cattle on the allotment will be deleted.

16. **Comment:** *Key Area Objectives (pg. 34-39):* Please include reference to wild horse population.

Response: The key area objectives section is a listing of the key area objectives and a short summary of the analysis on whether or not the objective was met or not met; this section does not indicate the causal factor. A more complete explanation of the causal factor can be found in Section IV, Standards and Guidelines for Rangeland Health. In this section, it will be emphasized that an excessive number of wild horses contributed to the non-attainment of objectives and standards.

17. **Comment:** *Wild Horse Objective 1a (pg. 39): Given the rapid increase in horse population and number of key area objectives, which were "not met" or were only "partially met," we would suggest that this objective has not yet been "partially met." We believe that this objective towards "maintaining a thriving, natural ecological balance" will only be "partially met" once another horse gathering occurs.*

Response: The BLM concluded that because the wild horses have "remained within the wild horse herd management area boundary", this objective was "partially met". Upon further consideration, the BLM is willing to change this conclusion to "not met".

18. **Comment:** *Wildlife objectives (pg. 40-51): We would request a reference to wild horses and the lack of additional water sources as cause for the "partially met" or "not met" results on sage grouse nesting (1c), big game forb composition (3b2-3c3), and especially aquatic habitats (3f1-3f2).*

Response: In the discussion on the partial attainment of the objective for the sage grouse nesting habitat on page 42, the BLM cites the combined utilization of livestock, wild horses and big game.

In a fecal analysis study conducted in 1980 in the Elko District, it was found that forbs make up less than 10% of the spring and summer diet of wild horses (*Foods of Wild horses, Cattle, Sheep, Deer, and Antelope in the Antelope- Ferber Flat- Cherry Creek Area of Nevada*, BLM., Elko District, August 1981), therefore it is unlikely that wild

horses were a causal factor in not meeting the big game forb composition objective. However, any concentrated wild horse use with combined livestock and big game use has likely affected forb composition and other ecological site dynamics, particularly, on vegetated playa areas. These vegetated playas are areas where water stock tanks have been developed and forage diversity has the potential to be relatively high in comparison to other ecological sites on the allotment.

We concur that wild horses are part of the reason for non-attainment of the rangeland health standard for riparian and wetland sites (especially Bookkeeper Spring). The text on page 51 has been revised to state that livestock management practices as well as overuse of riparian area by wild horses have contributed to the non-attainment of this standard.

19. **Comment:** *Riparian and Wetland Sites (pg. 51): Same comments as referenced above in g) wildlife objectives (i.e., wild horses and lack of additional water improvements).*

Response: See response to comment 18 above.

20. **Comment:** *Livestock Grazing Recommendation (pg. 52-54): We recommend further analysis to determine a more accurate estimate of livestock AUM's.*

Response: The carrying capacity for the Star Ridge Pasture was recalculated; see response to comment 12 above. Calculation of carrying capacity for the other pastures within the Owyhee Allotment were adequately supported by actual use and key area utilization data. These data indicate some improvement in the uplands under the current grazing system. In the proposed grazing system, seasons of use within specific pastures will be altered in order to eliminate hot season grazing use on the South Fork Owyhee River in order to improve existing riparian habitat. This should result in continued ecological improvement of the allotment and progress towards meeting standards for rangeland health.

21. **Comment:** *Recommendation 4: Once you perform further analysis in determining a more accurate livestock AUM base, IL Ranch management would like to meet and discuss the options pursuant to the rest rotation/deferred grazing system.*

Response: The BLM invites participation from any interested parties in the grazing management of all allotments as well as participation in the allotment evaluation process and subsequent grazing management decisions.

22. **Comment:** *Recommendation 6: We remain open to range improvements that will improve riparian conditions, whether on private or public land.*

Response: The BLM appreciates the cooperation that we have received from Agri Beef in the past and we look forward to continuing to work together to improve rangeland health in the Owyhee Allotment.

23. **Comment:** *Wild Horse-Recommendation 2: Would request that a deadline be developed for the removal of these horses to an inventory level as presented in Recommendation 1.*

Response: The removal of excess wild horses can only occur after the appropriate management level has been established and typically in Nevada, this is done through the multiple use decision process (except in emergency situations). Once AML is established, the request to gather is submitted to the Nevada State Office, who then prioritizes all of the needed gathers within the State. This gather schedule is then forwarded to the National Wild Horse and Burro Program Office who further prioritizes gathers on a National level. How many animals are gathered yearly depends on funding from Congress, space in the processing centers and the supply and demand of the Adopt-A-Horse program. Currently, the Owyhee HMA is scheduled to be gathered during the summer/fall of 2002.

24. **Comment:** *Range Appendix/Wild Horse Appendix. Please update upon the basis of a more accurate number of the wild horse population and further analysis.*

Response: Please see response to comments 3 and 12 above.

B. ANALYSIS OF MONITORING DATA

An evaluation of the existing monitoring data indicates that of the 78 land use plan (LUP), Rangeland Program Summary (RPS), Allotment Management Plan (AMP), and key area multiple use objectives, 21 were attained, progress was made toward attaining or objectives were partially met on 30, 21 were not attained and 6 were either not evaluated or the data was not conclusive.

Standards and Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada were approved by the Secretary of the Interior on February 12, 1997. Standards are expressions of levels of physical and biological condition or degree of function required for healthy, sustainable rangelands. Guidelines are types of grazing management methods and practices determined to be appropriate to ensure that standards can be met or that significant progress can be made toward meeting the standard.

Based on the data analysis and conclusions for LUP, RPS, AMP and key area objectives presented in the Owyhee Allotment Evaluation, the following determinations are made regarding attainment of the Standards for Rangeland Health:

Standard 1. Upland Sites

Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Analysis of monitoring data indicates that although this Standard has not been attained, some progress is being made toward attainment. Livestock management practices as well as the number of wild horses within the HMA portions of the allotment are causal factors contributing to the non-attainment of this standard.

Standard 2. Riparian and Wetland Sites

Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

Analysis of monitoring data indicates that this Standard has not been attained.

Based on the evaluation of Aquatic and Riparian Habitats RPS Objectives 1a and 1b., it has been determined that this standard has not been met, although some progress has been made. Livestock management practices and wild horse numbers far exceeding the AML have contributed to the non-attainment of this standard.

Standard 3. Habitat

Habitats exhibit a healthy productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.

Analysis of monitoring data indicates that although this Standard has not been attained, some progress has been made toward attainment. Based on the evaluation of RPS Objectives 1(a-c), and AMP objectives 2(a-e), it was determined that, although this standard has not been met, progress is being made towards attainment of this standard on the allotment. Livestock grazing management practices and wild horse numbers in excess of AML are causal factors contributing to the non-attainment of this habitat standard.

Standard 4. Cultural Resources

Land use plans will recognize cultural resources within the context of multiple use.

Analysis of monitoring data indicates that this Standard has been attained. All range improvements that cause surface disturbance have been subject or will be subject to cultural resources review and modification by BLM or contract archeologists, as required by standard operating procedure specified in the Elko RMP Record of Decision.

C. REVISION OF THE OWYHEE ALLOTMENT EVALUATION

After carefully considering the comments received and after further review by Elko Field Office resource specialists, the following changes have been made to the draft Owyhee Allotment evaluation dated September, 2000:

1. Section C. Wildlife, 2. Pronghorn Antelope, contains an error. The fifth sentence in the second paragraph should read "The population estimate for Units 067 and 068 during the same period was 550 pronghorn."
2. Table 2 in the Carrying Capacity Section of the Range Appendix should look as follows:

Year	Actual use from 3/1 to the monitoring date		Monitoring Date	Utilization	Carrying ¹ Capacity
	Cattle	Wild Horses			
Key Area 7					
1997	13,165	807	7/29	ORHY 47%	14,864
1995	15,040	825	8/9	ORHY 9%	88,139
1994	Rest	490	7/11	SIHY 3%	8,167
1990	11,098	414	8/15	ORHY 65%	8,855
1988	2,517	134	8/9	ORHY 5%	26,510
1986	3,927	212	6/12	ORHY 12%	17,246
1984	6,320	127	8/7	SIHY 1%	322,350
1983	Non-use	86	9/15	SIHY 3%	1,433
1982	4,165	57	7/22	SIHY 24%	8,796
Key Area 8					
1997	13,165	807	7/29	ORHY 24%	29,108
1995	15,040	825	8/9	ORHY 10%	79,325
1990	11,098	414	8/15	ORHY 9%	63,955
1986	3,927	212	6/12	ORHY 4%	51,738
1984	6,320	127	8/7	ORHY 30%	10,745
1983	Non-use	86	8/15	ORHY 20%	215
Average Carrying Capacity					13,597

¹ The figures in bold were used in calculating the average carrying capacity.

This does not change the figures in Table 8 on page 54 of the evaluation, as 13,597 AUMs were brought forward to this table, not 11,445 as shown in error on Table 2 in the appendix.

3. In response to comment 13 from the Nevada Division of Wildlife, a Literature Cited section will be added to the Owyhee Allotment Evaluation.
4. The text on page 51 has been revised as follows: "Livestock management practices, as well as overuse of riparian area by wild horses, have contributed to the non-attainment of this standard."
5. Section III, D.1. Sage Grouse, has been revised to read "livestock/wild horse use"

throughout the discussion on sage grouse habitat.

6. The following paragraph has been added to the rationale for Technical Recommendation 4:

Cattle from both the Owyhee and YP Allotments have access to the South Fork Owyhee River within the Star Ridge Pasture. Wild horses also access the River at the Pipeline Crossing; at times this is the only available water within the pasture and up to 300-400 wild horses must water at this location. Use of the South Fork Owyhee River by livestock within the Lower 4-mile pasture is felt to be primarily due to cattle from the Owyhee Allotment and wild horses do not inhabit this pasture.

7. Owyhee Allotment Objectives Appendix: AY-1-01, 4. should read : Improve to, or maintain Bolander silver sagebrush composition, by weight, to at least 2-5% to provide forage and cover for wildlife and forage for livestock and wild horses.

D. SUMMARY OF OPTIONS

Based on the analysis of the available monitoring data and comments received to the allotment evaluation, it is determined that 23 technical recommendations are required to ensure significant progress toward attainment of the Standards for Rangeland Health and the multiple use objectives for the allotment. Following is a discussion of the management actions selected as well as those that were modified, added or not selected.

1. Technical Recommendations Modified

Technical Recommendation B.1 shall be modified to show one number as the AML for each pasture within the HMA. Current Bureau direction is to express AML as one number, but gather the herd to 40% below AML to put the HMA on a four year gather cycle. This will help the HMA stay below AML for three years following the gather; reach AML the fourth year following the gather and then another gather is conducted. The table shall look as follows:

Table 12. Appropriate Management levels for wild horses by pasture within the Owyhee Herd Area.

Pasture	Season of Use	Wild Horse Numbers	Wild Horse AUMs
Star Ridge	3/1-2/28	125	1,496
Dry Creek	3/1-2/28	73	876
Chimney Creek	3/1-2/28	33	397
Total		231	2,769

Technical Recommendation 5, which is a table listing the proposed range improvements

for the Owyhee Allotment, was modified to remove the cattleguard in the Star Ridge Pasture. This project was completed in the early spring of 2001.

Wildlife Technical Recommendation 5, will be reworded as follows:

Consider relocation of water sources away from Wet Clay Basin 8-10''p.z. Ecological Sites on vegetated playas. Existing pit reservoirs on vegetated playas shall be allowed to naturally fill in, with no further mechanical improvements to be authorized.

Rationale: This management action would help reduce livestock and wild horse concentrations and overutilization of vegetative resources on playa areas. It would help to improve the ecological condition of vegetated playas and overall habitat conditions for wildlife, including sage grouse, a BLM Sensitive Species. The action would also help towards the attainment of Desired Plant Community objectives. The attainment of these objectives would result in improvement in forage diversity for wildlife including sage grouse and pronghorn antelope. The recommendation to construct water catchments on drainage areas or pipelines (see Livestock Grazing Recommendation 5) within two to three miles from man-made playa reservoirs would help to mitigate the loss of these artificial water resources to cattle, wild horses and wildlife. The existence of seven artificial watering devices (guzzlers) in the vicinity of the vegetated playas is currently effective in providing reliable water for wildlife during critical summer periods.

This technical recommendation would also implement Guidelines 1.1 and 3.4 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standard for Rangeland Health for Upland Sites and Habitat.

E. SELECTED MANAGEMENT ACTIONS

The following technical recommendations have been determined appropriate to establish significant progress toward attainment of the multiple use objectives for the Owyhee Allotment and the Standards for Rangeland health approved for the Northeastern Great Basin Area of Nevada. These actions will be implemented through the issuance of a Final Multiple Use Decision.

1. Vacate the 1987 Allotment Management Plan (AMP) for the Owyhee Allotment.

Rationale: Future management of the Owyhee Allotment will be in accordance with the Owyhee Allotment Evaluation and the subsequent Assistant Field Manager's Final Multiple Use Decision.

2. Establish permitted use for livestock within the Owyhee Allotment as follows:

Allotment	Livestock Number & Kind	Begin Period ¹	End Period ¹	%PL	Type Use	AUMs
Owyhee	3,053 Cattle	2/15	2/28	98	Active	1,377
	3,053 Cattle	3/1	12/15	98	Active	28,526
Total						29,903

¹ Grazing use will be in accordance with the prescribed grazing system which outlines the period of use and AUMs allocated for each pasture.

Rationale: As per analysis of existing data in the Owyhee Allotment evaluation, the carrying capacity was established by pasture using actual use and key area utilization data. Construction of the proposed projects in conjunction with the season of use outlined for grazing in this section, will ensure progress towards the attainment of objectives.

The average carrying capacities shown in the Owyhee Allotment evaluation Range Appendices for the Dry Creek, Star Ridge and Chimney Creek Pastures which are within the Owyhee Herd Area were allocated between livestock and wild horses based on their percentage of the total average actual use made for each pasture. The average actual use for both livestock and wild horses was based on actual use submitted by the permittee and from wild horse census data collected by BLM specialists. Due to the fact that the Chimney Creek Pasture was fenced separately from the Dry Creek Pasture in the fall of 1989 the average actual use for livestock and wild horses was for the period between 1990 to the present. The allocation of AUMs between livestock and wild horses is shown in the table below:

Pasture	Average Actual Use ¹		Total Actual Use ²	Percent of Total Actual Use		Carrying Capacity (AUMs)	
	Cattle	Wild Horses		Cattle	Wild Horses	Cattle	Wild Horses
Dry Creek	12,361	1,013	13,374	92%	8%	10,077	876
Chimney Creek	4,933	284	5,217	95%	5%	7,543	397
Star Ridge	8,492	1,072	9,564	89%	11%	12,101	1,496

¹ Average actual use for both livestock and wild horses is from 1990 to present.

² Actual use for livestock and wild horses combined.

This management action would also implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2 and 3.3 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for

Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

3. **The terms and conditions on the term grazing permit should read as follows:**

“Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Owyhee Allotment dated _____.”

“There are 1,692 Historic Suspended AUMs in the Owyhee Allotment”

“An annual grazing application outlining the annual operation which reflects the terms and conditions in the term grazing permit and multiple use decision must be submitted prior to the start of the grazing season. An actual use report will be submitted as indicated below. A billing notice will be prepared for grazing use within the Owyhee Allotment after the grazing season based on actual grazing use in accordance with 43 CFR 4130.8-1(e).”

“Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular or liquid form. Such supplements will be placed at least ¼ mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands.”

“An actual use report (Form 4130-5) showing use by pasture will be turned in within 15 days after completing annual use.”

“All riparian enclosures, including spring development enclosures, are closed to livestock use unless specifically authorized in writing by the Assistant Field Manager for Renewable Resources.”

“Payment of grazing fees is due on or before the due date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified on the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.”

“Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the **immediate** vicinity of the discovery and protect it **from your activities** for 30 days or until notified to proceed by the authorized officer.”

Rationale: An evaluation of current grazing management practices has indicated that some of The Standards for Rangeland Health approved for The Northeastern Great Basin area of Nevada and some of the multiple use objectives have not been achieved and changes are necessary.

The permittee is afforded flexibility in their livestock numbers in order to adjust to range readiness, climatic conditions, and annual fluctuations in their livestock operation.

The collection of actual use data is essential in the monitoring effort.

Supplemental feed and its location is important to proper livestock distribution and range management.

Excluding livestock grazing from riparian areas leads to improved riparian habitat conditions.

This action will result in significant progress toward fulfillment of the Standards for Rangeland Health. This management action is consistent with Guidelines 1.1, 2.1, 2.4, 3.1, 3.2 and 3.3 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

4. **Implement the following rest rotation and deferred grazing system for the Owyhee Allotment outlined in the tables below and with the following special grazing stipulations:**

Year 1

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs	
Owyhee	Star Ridge	2,761 Cattle	2/15	2/28	98	Active	1,245	
		2,761 Cattle	3/1	6/30	98	Active	10,856	
	Chimney Creek	1,709 Cattle	3/1	5/15	98	Active	4,184	
		1,709 Cattle	10/16	12/15	98	Active	3,359	
	Lower 4-mile	1,857 Cattle	7/1	10/15	98	Active	6,403	
	Upper 4-mile	181 Cattle	7/1	10/15	98	Active	625	
		48 Horses	3/1	12/15	98	Active	444	
Winters Creek Seeding	518 Cattle	3/1	5/30	98	Active	1,518		
	518 Cattle	10/1	12/15	98	Active	1,269		
	Dry Creek						Rest	
Total							29,903	

Year 2

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Owyhee	Dry Creek	1,872 Cattle	2/15	2/28	98	Active	844
		1,872 Cattle	3/1	7/31	98	Active	9,233
	Chimney Creek	3,838 Cattle	8/1	9/30	98	Active	7,543
	Lower 4-mile	1,307 Cattle	3/1	5/15	98	Active	3,201
		1,307 Cattle	10/1	12/15	98	Active	3,202
	Upper 4-mile	255 Cattle	3/1	5/15	98	Active	625
48 Horses		3/1	12/15	98	Active	444	
Winters Creek Seeding	518 Cattle	3/1	5/30	98	Active	1,518	
	518 Cattle	10/1	12/15	98	Active	1,269	
	Star Ridge					Rest	
Total							27,879

“The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture. Livestock would be moved in accordance with the dates outlined in the grazing system.”

“Pasture moves may be adjusted by 10 days either way based upon the availability of feed and water, with the exception of the Star Ridge Pasture in which grazing use will not extend beyond 6/30.”

“Deviations from the grazing system beyond flexibility outlined above will be allowed to meet the needs of the resources and the permittee as long as these deviations are consistent with multiple use objectives. Deviations beyond the limits of the flexibility outlined above, including deviations in turnout date, increases in livestock numbers and deviation from the grazing system, will require an application, and written authorization from the Assistant Field manager for Renewable Resources prior to grazing use.”

Rationale: The current existing grazing system which was outlined and implemented through the existing AMP will be modified and implemented as outlined above. The overall concept of rest rotation and deferred rotation between specific pastures will remain the same. Seasons of use within specific pastures were slightly altered in order to eliminate hot season grazing use on the South Fork Owyhee River within the Star Ridge Pasture.

The current grazing system has resulted in some improvement in condition of the uplands. Changes in the period of use for specific pastures is necessary to remove hot season grazing use on the South Fork Owyhee River in order to improve existing riparian habitat conditions, this has already been done voluntarily by the permittee within the Star Ridge Pasture since 1995. Although cattle from the adjoining YP Allotment currently have access to the river, management changes proposed through the YP Multiple Use Decision will eliminate hot season use of the South Fork Owyhee River by YP livestock.

The proposed grazing system will still consist of a two pasture rest-rotation system and a two-pasture deferred rotation system. Under these systems, complete rest from livestock grazing or the deferment of grazing during critical growth period of key management plant species will allow these species to maintain and/or increase their density, composition, vigor, production, and reproduction. This should result in continued ecological improvement of the vegetative communities within the allotment. In addition, improvement in existing riparian conditions will improve as a result of removing hot season grazing on the South Fork Owyhee River. Reductions in livestock use of streamside vegetation through fencing or through a combination of rest and early grazing will result in improved ecological condition of the South Fork Owyhee River for the benefit of redband trout and the California floater.

This technical recommendation would also implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2 and 3.3 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

5. Construct the following range improvement projects within the Owyhee Allotment as follows:

Proposed Range Improvements Projects for the Owyhee Allotment			
Proposed Project	Pasture	Legal Description	Units
Star Ridge Well & Pipeline	Star Ridge	T47N R46E Sec. 11 & 12 T47N R47E Sec. 7	1 well 3 miles pipeline
Star Valley Well Pipeline Extension	Star Ridge	T46N R46E Sec. 13 & 14 T46N R47E Sec. 19	3 miles of pipeline from exiting well.
Pipeline Extension	Dry Creek	T43N R47E Sec. 14 & 15	2 miles of pipeline from proposed well located on private land.
Winters Creek Seeding Well Pipeline Extension	Dry Creek	T42N R48E Sec. 4 & 5	2 miles of pipeline from existing well in Winters Creek Seeding.
Pipeline Extension	Dry Creek	T42N R48E Sec. 28, 29, 33, 34 & 35	4 miles of pipeline from existing well on private land.
Exxon Storage Tank Pipeline Extension	Chimney Creek Winters Creek Sdg.	T43N R49E Sec. 30 T43N R48E Sec. 25 & 36	2 miles of pipeline extension from Exxon Storage Tank.
Exxon Well Pipeline Extension	Chimney Creek Lower Fourmile	T43N R49E Sec. 9, 16 & 17	1 mile of pipeline extension from Exxon Well.
South Fork Owyhee River Gap Fence	Lower Fourmile	T44N R50E Sec. 30, 31 & 32 T43N R50E Sec. 5, 6 & 7	2 miles of gap fence.
Fourmile Creek Limited Gap Fencing	Lower Fourmile Chimney Creek	T44N R49E Sec. 29 & 32 T43N R49E Sec. 5, 8, 9 & 16	To be determined.
Bookkeeper Spring Development & Enclosure	Dry Creek	T41N R47E Sec. 5	Located at Bookkeeper Spring.

Rationale: Completion of the proposed water development projects will create additional permanent water sources for livestock, wild horses and wildlife within the allotment resulting in improved livestock distribution and a more uniform use pattern within the Star Ridge, Dry Creek, Chimney Creek, Lower Fourmile and Winters Creek Seeding Pastures.

Construction of these range improvement projects is essential in improving livestock distribution and control. Site specific environmental assessments will be completed prior

to construction of each proposed project. Reductions in livestock use of streamside vegetation through fencing or through a combination of rest and early grazing will result in improved ecological condition of the South Fork Owyhee River for the benefit of redband trout and the California floater. In addition, this management action will assist in the increase in growth and establishment of riparian vegetation and will allow for the attainment of objectives including the development of stable, well vegetated streambanks and for improved hydrologic function of aquatic systems.

This action will also implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2 and 3.3 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

6. Establish two additional upland monitoring sites within the Star Ridge Pasture, one additional monitoring site within the Chimney Creek Pasture and one additional monitoring site (AY-1-02) on Silver Lake within the Dry Creek Pasture.

Rationale: There are no upland monitoring sites to measure impacts of wild horses and livestock within the northern portion of the Star Ridge pasture in the vicinity of Star Valley Ridge and Rubber Hill and the northern portion of the Chimney Creek Pasture. In addition, there are currently no monitoring sites to monitor wild horse and livestock use within the Wet Clay Basin Range Sites which is representative of Silver Lake.

Allowable percentages of perennial grasses and perennial forbs will be determined after baseline data are collected for those monitoring sites established in the Star Ridge and Chimney Creek Pastures. Monitoring objectives for the proposed key area (AY-1-02) within the Dry Creek Pasture have been proposed and are located in the Owyhee Allotment Objectives Appendices.

7. Modify and/or requantify the allotment specific and key area objectives for the Owyhee Allotment to read as described in the Owyhee Allotment Objectives Appendices. The general land use plan objectives and Standards for rangeland health developed for the Northeastern Great Basin Area remain unchanged.

Rationale: Based on monitoring data and conclusions presented in the Owyhee Allotment evaluation, it is necessary to modify and/or requantify the allotment specific objectives to address the following resource issues:

- upland range conditions
- lotic and lentic riparian conditions
- wildlife habitat conditions

This management action would implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, 3.3, and 3.4 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

8. **Continue to conduct necessary monitoring studies and periodically evaluate the effects of grazing to determine if significant progress is being made in meeting the multiple use objectives. The Owyhee Allotment will be re-evaluated in accordance with priorities established in the Elko Field Office Monitoring and Evaluation schedule. If monitoring studies indicate a need to bring grazing use in line with capacity, necessary adjustments will be made.**

Rationale: Additional monitoring and analysis will be required to determine whether objectives are being met and determine if carrying capacities need to be adjusted or changes made to existing management strategies.

9. **Establish appropriate management level for wild horses for the Owyhee Allotment and Owyhee HMA as follows:**

Pasture	Season of Use	Wild Horse Numbers	Wild Horse AUMs
Star Ridge	3/1-2/28	125	1,496
Dry Creek	3/1-2/28	73	876
Chimney Creek	3/1-2/28	33	397
Total		231	2,769

Rationale: Maintaining wild horses at or below the appropriate management level will result in a thriving, natural, ecological balance between wild horses and other resource values. Continued monitoring within the allotment will show if any adjustment in the AML is needed.

10. **Remove sufficient number of wild horses to attain the appropriate management level and maintain wild horse populations at a level which will maintain a thriving natural ecological balance consistent with other resource values.**

Rationale: Horses should be gathered down to 40% below the AML and allowed to increase over a four year period to the maximum AML. The maximum AML is the upper threshold, in numbers of adult animals, the range can sustain before deterioration of the thriving natural ecological balance begins.

This management action would implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, 3.3

11. **Continue to collect combined use utilization data and collect wild horse use only utilization data.**

Rationale: Collection of utilization data is necessary to determine if management practices are meeting objectives and will indicate management changes needed in response to climatological changes, such as drought, etc. Continued monitoring would also determine if the AML is maintaining a thriving natural ecological balance within the Owyhee HMA.

12. **Continue to collect seasonal distribution and census data on the Owyhee HMA.**

Rationale: The BLM is required by FLPMA to keep a current inventory of wild horses inhabiting public lands. In 1991, intensive seasonal distribution flights were begun within the Elko district. These flights have provided valuable information on horse movements and should continue until monitoring data indicates that the appropriate management level has been attained. Once AML is established and maintained, census flights may be conducted on a four year rotational basis.

13. **Develop additional water developments (guzzlers) for use by wildlife. Consider four sites on Star Ridge Pasture and three sites in the southern portion of the Chimney Creek pasture.**

Rationale: Water developments would provide reliable sources of water in suitable habitat with emphasis for pronghorn where present sources are over three to four miles apart. Sage grouse, a BLM Sensitive Species, would likely benefit from the water developments.

14. **Increase forage diversity and herbaceous cover for wildlife and herbaceous forage for livestock by creating a mosaic pattern of vegetational succession stages through vegetative manipulation practices including those described in the Owyhee Allotment Evaluation, Fire Management Plan.**

Rationale: Nongame, big game and sage grouse habitat would be enhanced through increased forage diversity and herbaceous cover. Shrub manipulation would release moisture and stimulate herbaceous plant and younger age class shrub growth which would improve sage grouse nesting and summer use habitat. Thinning dense stands of sagebrush could also increase the palatability and leader growth of sagebrush for mule deer, pronghorn and sage grouse by inducing plant physiological changes related to competition for moisture, nutrients and lower monoterpene levels.

Techniques to be considered would include mechanical treatment, prescribed burning, and herbicidal treatment. The treatment methodology would be tailored to the vegetative

type at each specific site where stands are dominated by mature age class and decadent shrubs.

This management action would implement Guideline 3.4 which has been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standard for Rangeland Health for Habitat.

15. **Identify and prioritize any needed fence project modifications that do not meet BLM specifications starting with the pasture division fence between Upper and Lower Fourmile Pastures. Complete any needed modifications by BLM crews or third party crews hired by BLM.**

Rationale: Fence modifications to BLM specifications would help facilitate big game movements and allow for more efficient use of available habitat while retaining the primary goal of restricting livestock movements.

16. **Complete actions to mitigate the effects on wildlife resources due to man-made structures within the allotment. Identify existing BLM range improvements near documented key sage grouse habitat areas and prioritize them for predatory bird-proofing. These actions would include completion of measures on allotment and pasture fence braces and horizontal /vertical corral/guzzler posts, leveling pit reservoir berms (without compromising water holding/catching ability), or relocating corrals through consultation with the permittee. Actions to visually outline projects to minimize collisions would include painting t-post fence tops white or addition of fence stays to make the fence more visible to sage grouse or other wildlife that travel/fly during periods of low or no light in those areas designated as a problem or threat to sage grouse. Complete these actions starting with fence projects and structures near Twelvemile Flat, Silver Lake and Corral Lake leks.**

Rationale: BLM projects might allow artificial perch or nesting sites for predatory birds such as ravens or raptor species that prey on sage grouse where these structures were previously unavailable or limited. Collisions with fence structures during flight are documented mortality factors for sage grouse, particularly, during periods of low light or no light. These factors are associated with the grazing allotment and could negatively affect sage grouse populations. They could be minimized by completion of measures to mitigate the effects of man-made structures on sage grouse in the vicinity of leks and other key habitat areas.

17. **Continue to monitoring water quality at both monitoring locations, including discharge.**

Rationale: At least ten samples should be collected that measure all the constituents that the state has established standards for at both locations to determine if the standards are being met, and if they are not, what the cause of the problem is. Some of the previous samples did not have discharge measurements to correlate the water quality data with, which is necessary to properly interpret the data.

18. Continue water and air temperature monitoring at both sites.

Rationale: Only one season of temperature monitoring has been done and it shows that the temperature standard was exceeded. Not enough data was collected to draw any firm conclusions as to the cause for the exceedances and whether they are natural or caused by overgrazing, nor whether this situation occurs every year.

19. Implement the Owyhee Allotment Fire Management Plan (Fire Management Appendice, Owyhee Allotment Evaluation).

Rationale: The 1998 Elko Field Office Fire Management Plan identified fire and fuels management goals and objectives for the Elko District. The Owyhee Allotment Fire Management Plan is tiered off the Field Office Plan and identifies site specific fire suppression, prescribed fire and fuels management goals and objectives for the public lands within this complex. The Owyhee Allotment Fire Management Plan is required to effectively implement the goals and objectives of the Elko Field Office Fire Management Plan within the Owyhee Allotment.

20. Continue monitoring all uses and ensure that all uses meet WSA standards.

Rationale: BLM is mandated to manage the WSA under the standards established in the *Interim Management Policy for Lands Under Wilderness Review* (Rev. 7/5/95).

21. Continue implementing the South Fork of the Owyhee River Special Recreation Management Area (SRMA).

Rationale: This management action will ensure that the management objectives for the area are met and will continue to preserve the rivers' wild and primitive qualities.

22. Continue to manage the designated river segments as Wild and Scenic Rivers.

Rationale: The Bureau is directed to protect any eligible river segments and those values identified in the eligibility and classification study.

F. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW

The selected management action for the Owyhee Allotment conform with the environmental analysis described in the Final Elko Environmental Impact Statement dated March 11, 1987. The Environmental Impact Statement and Administrative Determination of NEPA Compliance are on file in the Elko Field Office, 3900 E. Idaho Street, Elko, Nevada 89801.

G. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Elko Field Office will continue to conduct necessary monitoring studies and periodically evaluate the effects of grazing to determine if progress is being made in meeting the Standards for Rangeland Health and the multiple use objectives in the allotment. The allotment will be reevaluated in accordance with priorities established in the Elko Field Office's Monitoring and Evaluation Schedule. These reevaluations are necessary to determine if the Standards for Rangeland Health and the allotment specific objectives are being met under the existing management strategies. The interested publics will remain a part of these future evaluation efforts.



CLINTON R. OKE, Assistant District Manager
Renewable Resources

9/17/01

Date

APPENDIX A
Carrying Capacity Calculations
Wild Horse Numbers Supplied by Agri Beef

Actual Use by Wild Horses			
Year	Star Ridge (#s/AUMs)	Dry Creek (#s/AUMs)	Chimney Creek (#s/AUMs)
1988	46/552	28/336	19/228
1989	57/684	35/420	24/288
1990	71/852	44/528	30/360
1991	89/1068	55/660	37/444
1992	111/1332	69/828	46/552
1993	139/1668	86/1032	58/696
1994	174/2088	107/1284	72/864
1995	217/2604	134/1608	91/1092
1996	272/3264	168/2016	113/1356
1997	340/4080	210/2520	142/1704
1998	425/5100	262/3144	177/2124
1999	531/6372	328/3936	221/2652
2000	664/7968	410/4920	277/3324
Average Actual Use	2,895	1,756	1,379

Carrying Capacity - Dry Creek Pasture (wild horse AUMS supplied by Agri Beef)

Year	Actual ¹ use AUMs	% of Allotment Mapped in Each Utilization Category				Weighted Average Utilization	Carrying Capacity ²
		Light (21-40%)	Moderate (41-60%)	Heavy (61-80%)	Severe (81-100%)		
Undated	Unknown	73%	23%	3%	1%	36.4%	N/A
1991	11,299	39%	20%	41%	0%	50.4%	11,209
1989	19,673	49%	29%	22%	0%	44.6%	N/A
Carrying Capacity							11,209

¹ Actual use is livestock and wild horses combined.

² The shaded cells were used in calculating carrying capacity.

³ Actual use in 1989 was combined for Dry Creek and Chimney Creek Pastures with no specific information of how many aums of use were made in the Dry Creek Pasture by livestock because the fence between the two pastures was not completed until late 1989.

Carrying Capacity - Star Ridge Pasture (wild horse AUMS supplied by Agri Beef)

Year	Actual use from 3/1 to the monitoring date		Monitoring Date	Utilization	Carrying ¹ Capacity
	Cattle	Wild Horses			
2000	rest	4213	9/9	ORHY 58%	3,632
2000	rest	2576	6/26	AGSP 27%	47,703
1997	13,165	1,688	7/29	ORHY 47%	15,801
1995	15,040	1,156	8/9	ORHY 9%	89,978
1994	Rest	761	7/11	SIHY 3%	12,683
1990	11,098	392	8/15	ORHY 65%	8,838
1988	2,517	245	8/9	ORHY 5%	27,620
1986	3,927	(no data provided by Agri Beef) 212	6/12	ORHY 12%	17,246
1984	6,320	(no data provided by Agri Beef) 127	8/7	SIHY 1%	322,350
1983	Non-use	(no data provided by Agri Beef) 86	9/15	SIHY 3%	1,433
1982	4,165	(no data provided by Agri Beef) 57	7/22	SIHY 24%	8,796
Key Area 8					
1997	13,165	1,688	7/29	ORHY 24%	30,944
1995	15,040	1,156	8/9	ORHY 10%	80,980
1990	11,098	392	8/15	ORHY 9%	57,450
1986	3,927	(no data provided by Agri Beef) 212	6/12	ORHY 4%	51,738
1984	6,320	(no data provided by Agri Beef) 127	8/7	ORHY 30%	10,745
1983	Non-use	(no data provided by Agri Beef) 86	8/15	ORHY 20%	215
Average Carrying Capacity					16,584

¹ The figures in bold were used in calculating the average carrying capacity.

Carrying Capacity - Chimney Creek Pasture (wild horse AUMs supplied by Agri Beef)

Year	Actual use from 3/1 to the monitoring date		Monitoring Date	Utilization	Carrying ¹ Capacity
Key Area 4	Cattle	Wild Horses			
1998	5,567	1,298	10/9	AGSP 41%	8,372
1995	Non-use	170	4/26	AGSP 10%	850
1993	1,043	538	12/7	No use	N/A
1991	7,949	282	10/18	AGSP 44%	9,353
Average Carrying Capacity					8,862

¹ The figures in bold were used in calculating the average carrying capacity.

Total Carrying Capacity Using Agri Beef Wild Horse Numbers

Pasture	Average Actual Use ¹		Total Actual Use ²	Percent of Total Actual Use		Carrying Capacity (AUMs)	
	Cattle	Wild Horses		Cattle	Wild Horses	Cattle	Wild Horses
Dry Creek	12,361	1,013	13,374	92%	8%	10,077	876
Chimney Creek	4,933	284	5,217	95%	5%	7,543	397
Star Ridge	8,492	1,072	9,564	89%	11%	12,101	1,496
TOTAL³						29,721	2,769

1. Average actual use for both livestock and wild horses is from 1990 to present.
2. Actual use for livestock and wild horses combined.
3. This row was added for the MASR.