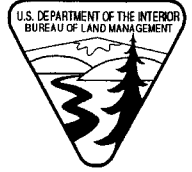




United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Surprise Field Office
PO Box 460
Cedarville, CA 96104
www.ca.blm.gov/surprise

In Reply Refer To:
4160 (CA-370) P

September 29, 2009

Dear Reader:

Enclosed you will find the Notice of Field Manager's Proposed Decision Grazing Permit Issuance for the Nut Mountain Allotment. The Environmental Assessment NEPA document (DOI-BLM-CAN070-2009-0006-EA) pertaining to the Proposed Decision is posted on the Surprise Field Office website at:

http://www.blm.gov/ca/st/en/fo/surprise/grazing_permit_renewals.html.

If you have any difficulties accessing documents on our website or questions regarding this decision, please contact our office at (530) 279-6101.

Sincerely,

Shane DeForest,
Surprise Field Manager

Cc: List Attached

Enclosure: Notice of Field Manager's Proposed Decision

Cc: Nut Mountain Allotment Interested Publics

Judy Topol (Cert. Mail # 7610 3901 9846 2318 5515)
Pete Craig, Pacific Livestock, Inc. (Cert. Mail # 7610 3901 9846 2318 5522)
Michael Connor, Western Watersheds Project (Cert. Mail # 7610 3901 9846 5539)
Mr. Bob Mrowka, Center for Biological Diversity (Cert. Mail # 7610 3901 9846 2318 5546)
Roy Leach, Nevada Division of Wildlife (Cert. Mail # 7610 3901 9846 2318.5553)
Cathy Barcomb, Preservation of Wild Horses (Cert. Mail # 7610 3901 9846 2318 5560)
Cindy McDonald (Cert. Mail # 7610 3901 9846 2318 5577)
Brian Beffort, Friends of Nevada Wilderness (Cert. Mail # 7610 3901 9846 2318 5584)
Craig Downer (Cert. Mail # 7610 3901 9846 2318 5508)

Todd Degarmo, Chair, Ft. Bidwell Tribal Council
Cherie Rhoades, Chair, Cedarville Rancheria
Jim Gifford, USDA, NRCS
James Linebaugh, NV State Grazing Board
Dennis Smith, Modoc Cattlemen's Association
Nancy Huffman, Chair, Northeastern California RAC
Jesse Harris, Nevada Cattlemen's Association, North Washoe Unit
Jim Irvin, Modoc-Washoe Experimental Stewardship Committee
Norvie Enns, CA & NV Rockhounds
Matt Drechsel (NRCS)
Missy Merrill-Davies (UC Extension)
Bill Phillips
Terry Hardwicke
Larry Johnson, Coalition for Nevada Wildlife
Donald E. Klusman, CA Assoc. of 4WD Clubs, Inc.
Susan Lynn, Nevada Water Network
Mr. Dennis Porter, High Rock Trekkers
Susie Askew
Karen Boeger
Chuck Dodd, OR CA Trails Assn.
Rochanne Downs, Fallon Paiute-Shoshone Tribe
Mr. James Eidel, Great Basin Bird Observatory
Will Roger, Burning Man
Donna Potter Stammers, Empire Farms
Dr. Craig Young
Andrew List, Nevada Fire Safe Council
Nevada Land and Resource Co. LLC
Canvasback Gun Club
Great Old Broads for Wilderness Org
Wilderness Watch
Silver Arrow Bowmen
Nevada Bow Hunters Association
Walker River Bowmen, Dennis Rechel
Oregon Natural Desert Association

Northwest Great Basin Association
Northern Nevada Native Plant Society
Sarah Barth, The Wilderness Society
Leah Brashear
Judi Caron, Washoe County Wildlife Management Advisory
Mr. Paul C. Clifford Jr.
Ms. Mary Conelly, Senator Harry Reid Office
John Davis
Robert P. Davison, Wildlife Mgt. Institute
Tony Diebold, Nevada Trophy Hunts
Gale G. Dupree
Mike Harper, Washoe County Dept. of Comp Plng
Ms. Vicky Hoover, Sierra Club
James Jurad, Pershing County Wildlife Advisory Board
Bryan Lamont, Rocky Mtn. Elk Foundation
Ken Longballa
Kody Menghini
Willie Molini, The Wildlife Society
James D. Morefield, NV Natural Heritage Program
Terry A. Reed, Public Lands Solutions
Brent Schoradt, California Wilderness Coalition
Ms. Debbie Sease, Sierra Club
Ms. Marjorie Sill, Sierra Club
Stephen Smith, BLM Nevada State Office
Steve Tabor, Desert Survivors
Ed & Anita Wagner, Coalition for NV Wildlife
Johanna Wald, Natural Resources Defense Council
Terry Williams
Mark Conley, Wilderness Coordinator BLM California State Office

Nevada Clearinghouse – e-mail



United States Department of the Interior



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Surprise Field Office
P. O. Box 460
Cedarville, CA 96104
www.ca.blm.gov/surprise

In Reply Refer To:
4160 (CA-370) P

September 21, 2009

NOTICE OF FIELD MANAGER'S PROPOSED DECISION GRAZING PERMIT ISSUANCE FOR THE NUT MOUNTAIN ALLOTMENT

The Bureau of Land Management (BLM) is proposing to issue the grazing permit on the Nut Mountain Allotment. The current permit was issued under the Appropriations Act; therefore requires renewal by September 30, 2009. Environmental Assessment (EA) DOI-BLM-CA-N070-2009-0006-EA was prepared to disclose and analyze the environmental consequences of re-authorizing a livestock grazing permit/lease for 10-years as proposed on the Nut Mountain Allotment. The EA analyzed three alternatives; issuing a grazing permit with new terms and conditions (proposed action), current management (no action), and no grazing. The EA was completed in accordance with 43 CFR 4100 and consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act. The EA's Proposed Action was intended to address resource concerns and establish a grazing strategy for achieving BLM objectives and to maintain or achieve Rangeland Health Standards described for various resources.

BACKGROUND

The Nut Mountain Allotment is located in northwestern Washoe County Nevada at T 41- 43 N, R 19 - 21 E; and encompasses 74,721 acres public lands and 6,195 acres private lands. Elevation ranges from 5,400 and 7,000 feet; precipitation varies from 8 to 16 inches depending on elevation. The Massacre Rim Wilderness Study Area (WSA) and the Massacre Rim Area of Critical Environmental Concern (ACEC) are located in the northern portion of the allotment. The southern-most portion of the allotment includes 11,915 acres of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA); and 3,505 acres of the East Fork High Rock Canyon Wilderness Area (refer to attached Map 1).

Two Herd Management Areas (HMAs) lie within the boundaries of the Nut Mountain Allotment. The Nut Mountain HMA lies entirely within the allotment south of NV 8A; a portion of the Bitner HMA lies within the allotment north of NV 8A (refer to attached Map 2). The Appropriate Management Level (AML) for Bitner HMA is 20 horses, and the AML for Nut Mountain is 55 horses.

Nut Mountain Allotment is authorized for 815 cattle to utilize 4893 (Active) AUMs from April 16 to October 15 annually. The Nut Mountain Allotment is an "I" (Improve) category allotment, meaning that it has the highest priority with large amounts of public land, significant resource and grazing management issues that require attention, along with a high potential for improvement in range condition.

Livestock grazing on the Nut Mountain Allotment is subject to the Surprise Resource Management Plan (RMP) and as adopted by the Record of Decision, April 2008, and the Secretary approved Northeastern California and Northwestern Nevada Standards for Rangeland Health and Guidelines for Livestock Grazing Management, July 2000. The Nut Mountain Allotment is in an area identified for livestock grazing in the RMP.

Livestock grazing on the Nut Mountain Allotment has been assessed in relation to meeting Standards and Guidelines for Rangeland Health for Northeastern California and Northwestern Nevada. This determination concluded that the standard for soils is being met; however, riparian, stream health and biodiversity standards are not being met in the Mountain pasture. The Final Determination has been posted at:

http://www.blm.gov/ca/st/en/fo/surprise/grazing_permit_renewals.html.

The public was first notified of the project in January 2008, and a scoping letter was sent to 66 interested publics of record on January 17, 2008. Two comment letters were received from Western Watersheds Project and Nevada Department of Wildlife. Permittees offered verbal comments during the 2009 annual grazing meeting.

BLM met with local tribal groups to discuss this grazing permit renewal and other projects being proposed.

Washoe-Modoc Experimentally Stewardship Program (ESP) and Northeastern Resource Advisory Committee were provided updates as to the progress of the grazing permit renewal for the Surprise Field Office.

Following the completion of the Land Health Determination, a second scoping letter / notice of proposed action was sent out in late February to notify the interested publics of our finding and provide the public an opportunity for additional input.

A Technical Review Team (TRT) was established by ESP to review conditions on the allotment as well as findings from the 2008 Rangeland Health Assessment. The team was comprised of Matt Drechsel (Natural Resources Conservation Service), Missy Merrill Davies (UC Cooperative Extension), Roy Leach (Nevada Department of Wildlife), Brian Beffort (Friends of Nevada Wilderness), Michael Connor (Western Watersheds Project), Dave LeFevre (Recreation Planner,

Black Rock Field Office), Stu Brown (Nut Mountain land owner), Pete Craig (Nut Mountain permittee) and Steve Mathews (BLM). The TRT met three times to review the allotment and discuss solutions which would address resource concerns. As the result of these meetings, the proposed action and alternatives were developed for the environmental assessment.

Based on the rangeland health determination and issues identified during scoping, the Surprise Field Office is proposing to implement the EA's proposed action which would issue a new 10 year permit with new terms and conditions. Terms and conditions, including Allotment specific short and long term objectives will be added to ensure grazing use conforms to the RMP and Land Health Standards. Desired plant community objectives will be established and five essential range improvement projects will be constructed.

FIELD MANAGER'S PROPOSED DECISION

It is my proposed decision to implement the Proposed Action, the issuance of the grazing permit for 10 years on the Nut Mountain Allotment.

The following tables summarize the livestock permitted use (mandatory terms and conditions) in accordance with 43 CFR 4130.3-1 and the final grazing system:

Nut Mountain Allotment Terms and Conditions

Authorized Use Summary (Mandatory Terms and Conditions)

Allotment	Number of Livestock	Kind	Class	From	To	AUMs
Nut Mountain	815	Cattle	Cow	4/16	10/15	4893

Final Grazing System (once essential range improvements are constructed)

Use Area	YEAR 1		YEAR 2	
	No. of cattle	Use dates	No. of cattle	Use dates
Upper Field	100	5/16 – 6/30		REST
Mountain North	715	5/16 – 6/30	815	8/1 – 8/30
Mountain East		REST	815	7/1 - 7/30
Hanging Rock		REST	815	6/1 – 6/30
Mountain West	815	7/1 – 8/31		REST
Massacre Lakes	815	9/1 – 10/15		REST
Cavalry Camp Seeding	815	4/16 – 5/15	815	4/16 – 5/30 9/1 - 10/15

The grazing permit contains terms and conditions consistent with meeting Surprise RMP objectives and land health standards. Monitoring would be consistent with the Record of Decision for the Rangeland Health Standards and Guidelines for Northeastern California and Northwestern Nevada.

This permit will be subject to the following terms and conditions issued in accordance with 43 CFR 4130.3:

1. Grazing use offered or authorized by BLM is subject to all provisions of the grazing regulations (43 CFR Parts 4100) and other applicable law and regulation. Grazing use authorization may be modified in accordance with regulation to attain progress towards achieving rangeland health standards (subpart 4180.1 and 4180.2 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration). Any changes to the permit would occur after consultation, cooperation and coordination with the grazing permittee and other interested parties).
2. All use will be in accordance with the Field Office Manager's Final Decision. Billing will be based on actual use reports submitted 15 days following the last authorized take off date for your permit. Actual use report will be submitted no later than October 30. If no actual use report is submitted, permittee(s) will be billed and liable for their full permitted active use.
3. Salt and/or mineral supplements will be placed no closer than ¼ mile from any public water source.
4. All range improvements must be maintained to BLM standards prior to livestock turnout. All assigned fence maintenance must be completed annually, even if your permit is not activated. Failure to complete assigned fence maintenance may result in suspension of your grazing authorization.
5. The livestock operators are responsible for moving livestock in a timely manner before allowable use levels are exceeded.

Other Terms and Conditions (43 CFR 4130.3-2)

1. An annual pre-season livestock turn-out meeting will be held with the permittee(s) to discuss previous years use and document current years grazing schedule. Livestock may not be turned out before this meeting has been conducted without prior written approval from the authorized officer.
2. Flexibility includes adjustments to livestock numbers; however, adjustment may not exceed permitted active use and must retain permitted season of use in any given pasture.
3. Any adjustments in move dates or numbers must be communicated to BLM within 7 days of the change and shall be recorded accurately on the actual use report.

4. Additional adjustments in livestock use may be required by BLM annually based on utilization, drought, water availability or other conditions.
5. During the interim management period, use areas in the Mountain Pasture must be 95% clean by the move date and 100% clean within 5 days of the move date. For movements of livestock between the Upper Field, Massacre Lakes and Cavalry Camp Seeding pastures, 95% of livestock must be removed within 5 days of the move date and 100% removed within 10 days of the move.
6. Once essential projects are constructed, use areas in the Mountain Pasture and between the Mountain Pasture and the other pastures must be 95% clean of livestock within 5 days of the move date and 100% clean within 10 days of the move.
7. To improve livestock distribution, salt and mineral supplements may be used in the allotment. These must not be located closer than $\frac{1}{4}$ mile from any natural or artificial water source, archaeological site, aspen stand or riparian area.
8. Protein supplements are not authorized in the allotment.
9. Range improvements assigned to you must be maintained prior to livestock turnout and inspected periodically throughout the period of scheduled use to ensure livestock are restricted to those areas they are scheduled to be in.
10. Maximum allowable use for key upland native grasses is 60% in all use areas and pastures except Hanging Rock use area which is 40%.
11. No livestock may be placed at either of the unfenced public springs or the upper reach of Hanging Rock Creek.
12. During the interim management period, permittee shall continue to ride and check the use areas in the Mountain Pasture to ensure no livestock drift either into areas previously used or areas not yet scheduled for use.
13. Use areas in the Mountain Pasture including the upper reach of Hanging Rock Creek should be ridden and checked a minimum of three times weekly to remove any drifting cattle. Cattle found in the creek should be removed from the allotment to avoid recurrent use.
14. Permittee will keep track of checks he makes during the entire Mountain Pasture use period and shall provide record of these compliance rides when he turns in his actual use report at the end of the grazing season.
15. Permittee is responsible for determining when annual allowable use has been reached and for moving livestock into the next scheduled use area or off the allotment within five days. Permittee is advised that allowable use may be reached before the scheduled move date and

should act accordingly. BLM will monitor annual performance at the end of the grazing season.

16. During the interim management period, if monitoring determines that **livestock use** exceeds either the stubble height or utilization objectives in public riparian areas and the Mountain West and Hanging Rock use areas, Permittee and BLM will determine appropriate changes in the next years scheduled use to ensure achievement of objectives. If agreement cannot be reached, scheduled use will be reduced by 1 week.
17. Gates into adjacent pastures may be opened to facilitate livestock movement to the next scheduled use area if the permittee determines utilization levels are approached or exceeded, or in preparation of normally scheduled moves. Gates may not be opened more than 2 days prior to these scheduled moves. The scheduled period of use (number of days) may not be exceeded in any pasture or use area as a result of early moves.

Range Improvements

The proposed improvements are essential for meeting rangeland health riparian standards and to implement the livestock management section described above.

Only those projects considered essential to the implementation of the final grazing system are included. All projects would include SOPs for construction and maintenance; include thresholds for continued relevance of the analysis (example; adjustments in boundaries or footprints not larger than 500 feet are considered in this alternative to still be within the scope of the action and the current analysis.

The following changes (new improvements) are essential to the grazing system and would be implemented as part of this alternative:

- **Hanging Rock Creek riparian protection fence**
Most of Hanging Rock Creek flows through fenced private land on the allotment. A small unfenced public portion of the upper reach is receiving heavy impacts from wild horses and cattle.
The project would consist of approximately ¼ mile of barbed wire fence (built to BLM specs) between two 40 acre parcels of private land. A solar pump will be used to deliver water from the creek through a pipeline to a trough outside the enclosure to provide water for wild horses and livestock. The pipeline would be buried to prevent damage and reduce maintenance.
- **Hanging Rock drift fence**
No division fence exists between the Mountain Pasture and Hanging Rock use area. Because of this, excessive drift occurs from the west side of Hanging Rock, north to the west side of the Mountain Pasture; specifically in the Rock, Nut (private), and Miller & Lux Spring areas. A drift fence running east/west (approximately 1.5 miles) from Hanging Rock

Reservoir to the western allotment boundary fence would greatly reduce or eliminate cattle movement to the north. A cattle guard and gate would be installed on the improved road to Stevens Camp. In addition, horse gates would be installed to allow for wild horse movement between the Hanging Rock use area and northern portions of the allotment.

▪ **Miller & Lux Spring riparian pasture**

Miller & Lux Spring is one of the four public springs on the allotment. A small reservoir was constructed below the spring to catch and provide water for livestock. The reservoir is now very shallow and will need to be dredged and the dam built up.

The area is receiving heavy impacts from wild horses and cattle and the creation of a fenced, 40 to 50 acre riparian exclosure is proposed to protect the site.

The spring source would be developed with a head box and pipeline to divert and supply water to a trough outside the exclosure. Water not diverted will flow into the reservoir and overflow back into the original riparian channel.

▪ **Rock Spring riparian exclosure**

Rock Spring is another of the four public waters on the allotment being impacted by wild horses and livestock. Like Miller & Lux, a reservoir was constructed below the spring source to catch and provide water for livestock. Overflow from the reservoir currently runs north down a drainage for a very short distance before it dissipates. A two-track road accessing the reservoir crosses the overflow channel which is being entrenched by vehicles.

The proposed project would consist of an exclosure (or riparian pasture) to protect riparian habitat and cultural resources from wild horse and livestock impacts. Water would be gravity fed through a pipeline from the reservoir to a water trough outside the exclosure. In addition, a culvert would be installed where the two-track road crosses the overflow channel to prevent further damage.

▪ **Trough Spring development modification**

Trough Spring is public water that has been developed for livestock use. A reservoir was constructed below the spring source similar to Rock and Miller & Lux Springs. The Trough Spring development is completely fenced and acts as a water trap for two pastures in the Nut Mountain Allotment with a portion of the reservoir accessible to livestock and wildlife on the Massacre Mountain Allotment. Due to heavy impacts to the spring source and associated riparian, modification of the development is necessary. A preliminary proposal includes a pipeline and solar pump to deliver water from the reservoir to troughs outside the existing exclosure.

The following Standard Operating Procedures will be adopted for all necessary range improvement projects:

1. BLM will be responsible for survey and design of all projects. Once projects are complete, permittees will be responsible for annual maintenance.
2. An archaeological inventory will be conducted in compliance with 36 CFR 800.4 through

800.5 prior to the survey, design, or construction of the identified range improvement projects.

3. Any cultural resource sites located within project corridors will be avoided. With the exception of pit reservoirs that must be built in specific locations. If cultural resources are discovered in proposed pit reservoir locations, a determination of National Register significance will be made in consultation with the Nevada State Historic Preservation Office. If cultural resource sites are found to be not eligible to the National Register of Historic Places (NRHP) then the reservoir may be constructed, otherwise all NRHP eligible sites will be avoided.
4. Appropriate water rights or other permits will be secured before construction begins.
5. Follow recommendations in Vya PMU sage-grouse strategy for construction/maintenance of spring developments as follows:
 - A. Construct new spring developments to maintain their free-flowing nature and wet meadow characteristics, install wildlife escape ramps in new water troughs, retrofit existing troughs with wildlife escape ramps”.
 - B. Construct new livestock facilities (troughs, fences, corrals) at least 0.6 miles (1 km) from leks, restrict new water developments. In a rare occasion that a project is constructed within .6 miles of a lek, “perch guards” on fence posts and construct future livestock enclosures large enough to minimize raptor predation. Any new fences will use steel pipe for corners panels and gates. Steel pipe will have domed caps to reduce wildlife entrapment and discourage raptor perching. The top wire will be secured above the cross brace to discourage perching.
6. New fences will be built to pronghorn specifications. Top wires will be flagged the first year following construction to increase visibility and reduce the possibility for wildlife collision.
7. Maintenance of new range improvements will be assigned to the permittee and cooperative agreements will be completed before construction.
8. Soil removed during construction of reservoirs will be mounded and shaped to reduce erosion and bare soils will be seeded with an approved mix to discourage weed establishment.
9. Equipment used for construction will be washed before entering the construction site to reduce the possibility of introducing weeds.
10. Blading (removal) of vegetation or other ground disturbance is not authorized outside of the immediate reservoir area.

11. New roads will not be established to sites. Any disturbed access routes will be reclaimed at the conclusion of the construction phase.
12. Any adjustments in boundaries or "footprints" not larger than 500 feet are considered in this alternative to be within the scope of this alternative and the current analysis.

E. Monitoring

Utilization data will be collected from all pastures/use areas after pasture moves and final take-off date annually. Utilization will be read on all major ecological sites, and resulting data will be used to create use pattern maps. Additional monitoring to determine achievement of other objectives (ex. wildlife habitat) will be conducted as appropriate.

Trend sites (established in 1983) are placed throughout the Nut Mountain Allotment. Vegetation data was collected in 1983 as well as in 2000. Vegetation species cover data will be read at these sites every 10 years to ensure continued vegetative health and upward trend. All monitoring will be performed in accordance to BLM policy following protocols from BLM approved manuals and technical references.

RATIONALE

This Proposed Decision will authorize grazing on the Nut Mountain Allotment in accordance with 43 CFR 4100, and consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act.

The Proposed Decision has also been determined to be in conformance with the Surprise Resource Management Plan and Record of Decision, April 2008, (RMP) as required by regulation (43 CFR 1610.5-3(a)). The Nut Mountain Allotment is in an area identified for livestock grazing in the Surprise RMP, and therefore the Proposed Decision is consistent with the land use plan decisions, resource management goals and objectives.

The Proposed Decision was developed after a review of resource issues and conditions found on the Nut Mountain Allotment. These resource reviews are summarized in the rangeland health determination.

Environmental Assessment NEPA # DOI-BLM-CA-N070-2009-0006-EA was prepared to analyze the proposed action in consultation with the permittees, state agencies and interested publics. A total of three alternatives were analyzed, including the selected alternative and no grazing alternative. New and modified terms and conditions are incorporated into the permit to ensure consistency with rangeland health standards, while continuing to provide forage for livestock grazing. Annual flexibility in the basic operation is incorporated into permit to address such things as weather and economic factors. In addition to the management prescriptions (including all terms and conditions) discussed in this Proposed Decision, BLM may use its authority to close an area of the allotment to grazing use or take other measures to protect resources at any time, if needed. Therefore, issuance of a grazing permit with appropriate terms and conditions is consistent with BLM's responsibility to manage the public's use, occupancy,

and development of the public lands and prevent unnecessary or undue degradation of the lands (43 USC 1732(b)).

AUTHORITY

The authority for this decision includes but is not limited to:

Sec. 4100.0-8 Land use plans

The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).

Sec. 4130.2 Grazing Permits or Leases

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

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

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

Sec. 4130.3 Terms and Conditions

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

Sec. 4130.3-1 Mandatory Terms and Conditions

(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

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

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

Sec. 4130.3-2 Other Terms and Conditions

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

- (a) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;
- (b) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;

Sec. 4180.1 Fundamentals of Rangeland Health

Standards and guidelines developed or revised by a Bureau of Land Management State Director under §4180.2(b) must be consistent with the following fundamentals of rangeland health:

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

(c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.

(d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal proposed or candidate threatened and endangered species, and other special status species.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Shane DeForest, Surprise Field Manager, PO Box 460, 602 Cressler Street, Cedarville, California 96104 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.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the Proposed Decision. In the event a protest is received, the authorized officer will consider the protest points and issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

In accordance with 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

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

Sincerely,

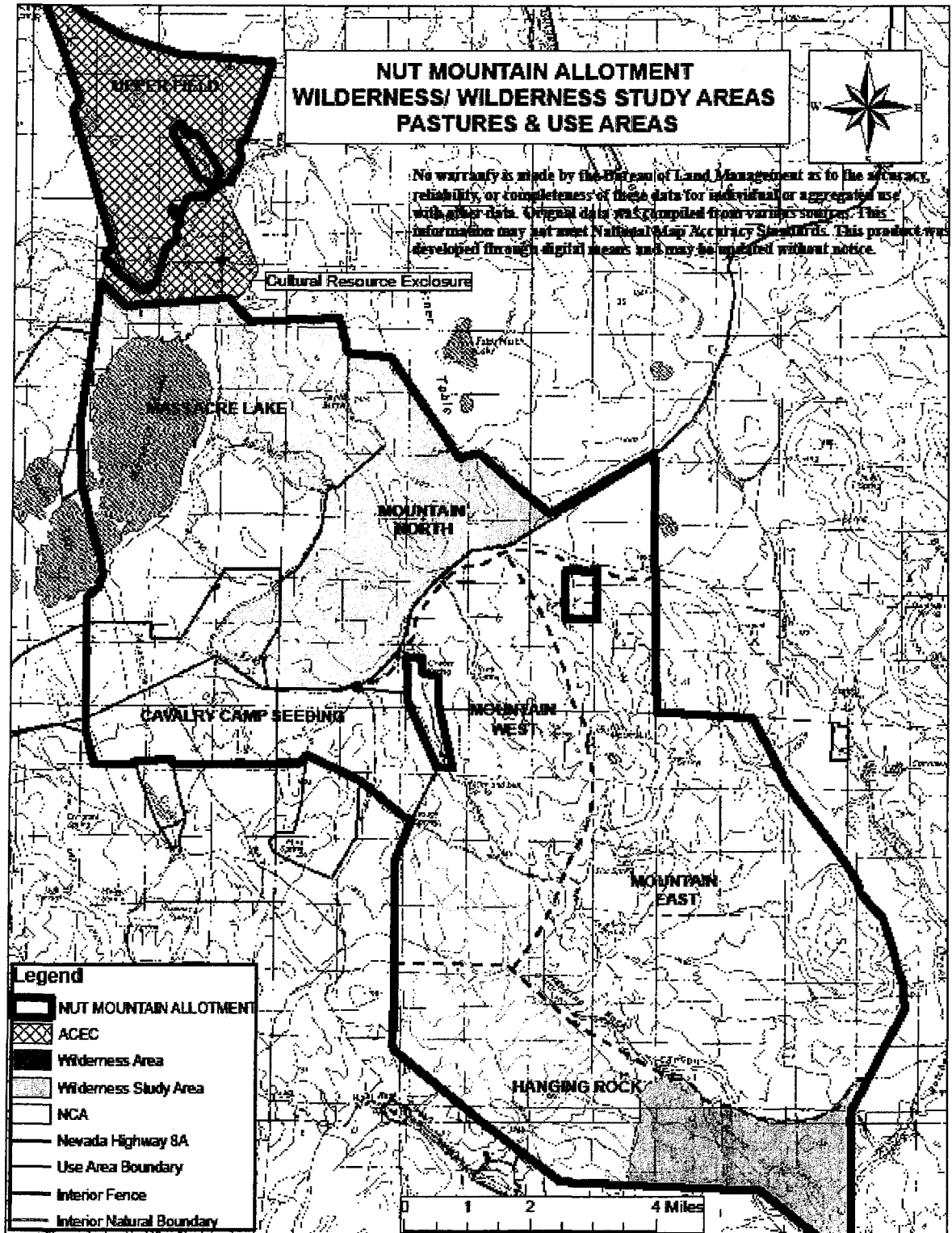


Shane DeForest,
Surprise Field Manager

Attachments: Map 1 Nut Mountain Allotment Wilderness & Pastures/Use Areas
Map 2 Nut Mountain Allotment Herd Management Areas

Map 1

Nut Mountain Allotment Wilderness, Pastures & Use Areas



Map 2
Nut Mountain Allotment Herd Management Areas

