



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Elko Field Office  
3900 East Idaho Street  
Elko, Nevada 89801-4611  
<http://www.nv.blm.gov>



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CERTIFIED MAIL NO. P 213 904 018  
RETURN RECEIPT REQUESTED

Hammond Ranches, Inc.  
c/o Daniel B. May  
5716 South Bemis Street  
Littleton, CO 80120

### FINAL DECISION EFFECTIVE UPON ISSUANCE FOR THE LITTLE HUMBOLDT ALLOTMENT

The Record of Decision for the Elko Environmental Impact Statement and Resource Management Plan (EIS/RMP) was issued on March 11, 1987. This document established the multiple use goals and objectives which guide management of the public lands on the Little Humboldt Allotment. The Rangeland Program Summary (RPS) was issued on July 23, 1987, which further identified specific objectives for the Little Humboldt Allotment.

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 provided clear direction to achieve properly functioning ecosystems for both uplands and riparian areas. They also provide for managing rangelands in a manner that will achieve or maintain ecological health, including the protection of habitats for threatened or endangered species and the protection of water quality.

As identified in the Elko RMP and RPS, monitoring was established on the Little Humboldt Allotment to determine if existing multiple uses for the allotment are consistent with attainment of the objectives established by the RMP. Since 1977, monitoring data have been collected and analyzed, to determine progress in meeting the multiple use objectives for the Little Humboldt Allotment and to determine what changes in existing management are required in order to meet management objectives.

An evaluation of current riparian conditions of the Little Humboldt Allotment was issued to

the public for a 15-day comment period on April 26, 1999. This evaluation also contained proposed changes in livestock grazing management. This allotment merits special management consideration because Lahontan cutthroat trout (LCT), a federally listed threatened species, inhabit four of the major streams in the allotment.

Several meetings were conducted with Carl Hammond of Hammond Ranches, Inc. concerning the proposed changes in management for the Little Humboldt Allotment in which he provided comments. On May 5, 1999 the Elko Field Office received information that the issued and outstanding shares of capitol stock of Hammond Ranches, Inc. had been purchased by LaVaca Cattle Co., Inc. Comments were received from LaVaca Cattle Co., Inc. and Nevada Division of Wildlife on May 14, 1999. Comments were also received from the Nevada Division of State Lands on May 24, 1999. Informal consultation completed with U.S. Fish and Wildlife Service on May 28, 1999.

Through the consultation, coordination, and cooperation process (CCC), your input, as well as input from the interested public, has been considered in this decision. As a result of the evaluation conclusions and after consideration of input received through the CCC process, it has been determined that:

- a) Evaluation of the existing riparian monitoring data indicates that of the four land use plan and Rangeland Program Summary objectives evaluated for the Little Humboldt Allotment, none were obtained or showing progress towards attainment;
- b) The riparian Rangeland Health Standard approved for the Northeastern Great Basin area of Nevada has not been achieved, nor has any significant progress towards attainment of this standard been made.
- c) Cattle grazing is a causal factor in the non-attainment of the riparian rangeland health standard;
- d) Changes in current cattle management are required to ensure significant progress toward attainment of the riparian rangeland standard and attainment of riparian land use plan objectives;
- e) Existing management of wildlife and wild horses has not contributed to the non-attainment of the riparian rangeland health standard or riparian land use plan objectives;
- f) Riparian resources on the Little Humboldt Allotment require immediate protection to prevent the imminent likelihood of significant resource damage which will occur under continued existing grazing use.

Special interim management considerations are required in order to meet the riparian standard for rangeland health and the riparian land use plan objectives for the Little Humboldt Allotment, prevent the imminent likelihood of significant resource damage, and protect habitat

for Lahontan cutthroat trout (LCT), a Federally listed threatened species. Therefore, it is my decision to implement the management actions identified below immediately upon issuance of this decision. As provided for in 43 CFR 4110.3-3(b) and 4180.3(f) this decision shall remain in effect pending the decision on appeal unless a stay is granted by the office of Hearings and Appeals in accordance with 43 CFR 4.21.

**LIVESTOCK GRAZING MANAGEMENT DECISION**

Implement the following interim grazing management actions listed below for the Little Humboldt Allotment until completion of the Little Humboldt Allotment Evaluation and issuance of a Final Multiple Use Decision (FMUD) for implementing long-term management actions to achieve all multiple use objectives.

1. *Interim changes in livestock management for the Little Humboldt Allotment will be reflected in Hammond Ranches, Inc. term grazing permit as listed below:*

Allotment	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Little Humboldt	2,426 Cattle	3/16	6/30	97	Active	8,279
<b>Total</b>						8,279
Jakes Creek	130 Cattle	4/16	11/15	34	Active	312
	25 Horses	4/16	10/15	34	Active	51
Jakes Creek FFR	4 Cattle	4/1	2/28	100	Custodial Grazing	50
<b>Total</b>						413

**The terms and conditions on the term grazing permit will be as follows:**

*Authorized grazing use will be in accordance with the Final Decision implementing interim grazing management dated June 1, 1999.*

*Historic suspended AUMs are listed below by allotment:*

*Little Humboldt: 2,600*

*Jakes Creek: 107*

*The livestock permittee will have the flexibility to adjust livestock numbers within the seasons of use outlined for the allotments above as long as the total number of AUMs of permitted use are not exceeded.*

*Deviations from the seasons of use may be authorized only in the Jakes Creek Allotment on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment and the standards for rangeland health.*

*The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to meet the requirements of 43 CFR 4180 - Fundamentals of Rangeland Health and Guidelines for Grazing Administration. An evaluation of the multiple use objectives for the Little Humboldt Allotment, including an assessment of approved standards for rangeland health is currently scheduled for 1999. Any necessary changes to permit terms and conditions will be made in consultation with affected interests in accordance with 43 CFR 4110.3 and 43 CFR 4130.3-3.*

*Actual use data on all pastures must be submitted to this office within 15 days from the last day of use.*

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

*All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing.*

*Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon 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.*

*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.*

## RATIONALE

There is a need to make management changes on LCT streams in the Little Humboldt Allotment as soon as possible. Observations in 1998 show severe recent channel entrenchment along the South Fork Little Humboldt River resulting in accelerated base level lowering of the entire South Fork system including tributaries, Sheep and Secret Creeks. Streambanks are cut and eroded, floodplains have been largely drained, and there is minimal regeneration of woody riparian plants. Although recent years of good streamflow conditions have allowed LCT populations to remain viable even though habitat conditions are poor, fish

remain vulnerable to high summer stream temperatures and lethal winter icing conditions during periods of low flow. In addition, heavy sediment loads threaten spawning success.

Removal of cattle from the Little Humboldt Allotment by 6/30 is felt to provide for sufficient protection of LCT habitats based on the relatively high average elevation (about 6,800 feet) of the South Fork Little Humboldt drainage. Snow cover typically precludes cattle from gaining access to LCT streams until about mid to late May, effectively limiting duration of grazing to about four to six weeks prior to 6/30. In addition, uplands remain green later into the growing season at higher elevations, effectively limiting use of riparian areas until later in the summer. On Little Porter and Winters Creeks in the Elko District, use of both woody and riparian vegetation was found to be only slight by July in 1998. Elevation of these streams ranges between about 6,200 to 6,900 feet.

Finally, early grazing treatments with off dates between mid June and mid July have been shown to result in excellent recovery of stream systems within the Elko District regardless of elevation, channel type, vegetative type or on-dates. Excellent recovery has been documented for 11 widely different stream systems in the Elko District with off-dates ranging from mid June to mid July and with elevations ranging from just over 5,000 feet to approximately 6,600 feet.

The Little Humboldt FMUD is scheduled for completion in 2000 and will address other issues in the allotment including wild horses, uplands and remaining riparian habitats.

This action will result in significant progress toward fulfillment of the Riparian and Wetland Standard for Rangeland Health developed for the Northeastern Great Basin area of Nevada. This management action is consistent with Guidelines 2.1 and 2.4, which have been developed for the Northeastern Great Basin Resource Advisory Council area of Nevada to establish significant progress toward conformance with the Riparian and Wetland Standard for Rangeland Health.

Authority for the actions described in this final decision are found in 43 CFR Parts 4100.0-8, 4110.2-2, 4110.3, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3(b), 4160.1(c), 4160.3(f), 4160.4, 4180.1, and 4180.2(c).

Any applicant, permittee, lessee or other person whose interest is adversely affected by this final decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, at 3900 E. Idaho Street, Elko, NV, 89801 within 30 days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification



based on the following standards:

- (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.

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

Sincerely yours,



CLINTON R. OKE, Assistant District Manager  
Renewable Resources

cc: Bottari & Associates Realty  
HTT Resource Advisors  
Elko County Conservation Assoc.  
Commission for the Preservation of Wild Horses  
Wild Horse Organized Assistance  
U.S. Fish & Wildlife Service  
Friends of Nevada Wilderness  
Nevada Cattlemen's Assoc. & Land Action Assoc.  
Barrick Goldstrike Mines Inc.  
Federal Land Bank of Sacramento  
Nevada Division of Wildlife  
Nevada State Clearinghouse  
Nevada Division of Agriculture  
Elko County, Board of County Commissioners  
Kenneth Buckingham  
Ellison Ranching Company  
Resource Concepts, Inc.  
Nevada First Corporation  
Farm Credit Services  
Hammond Ranches, Inc. c/o Carl Hammond