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Working to protect and restore Western watersheds

Western Watersheds Project

August 3, 2004

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Office of the Secretary, Board of Land Appeals
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Appellant: Western Watersheds Project

RE: Appeal and Petition for Stay of Elko Assistant Field Manager's Final Multiple Use Decision 4130/4400 NV (012), NEPA analysis, FONSI, Final Multiple Use Decision, grazing permit for Barrick Goldstrike c/o Ron Espell, grazing permit for Ellison Ranches and related BLM documents for the Spanish Ranch, Squaw Valley, Elevenmile Flat and any other associated allotments. "Wildlife Decisions".

NOTICE OF APPEAL, STATEMENT OF REASONS, AND PETITION FOR STAY

NOTICE OF APPEAL AND STATEMENT OF STANDING

Appellant Western Watersheds Project (WWP) files this notice of Appeal and Statement of Reasons concerning Appeal and Petition for Stay of Elko Assistant Field Manager s Final Multiple Use Decision 4130/4400 NV(012), NEPA analysis, FONSI, Final Decision, grazing permit for Barrick Goldstrike c/o Ron Espell, and grazing permit for Ellison Ranches, and related documents and satellite decisions for the Spanish Ranch and Squaw Valley allotments. We file this separate Appeal of the Wildlife Decisions under Protest. This appeal is pursuant to all applicable authority, including the Federal Lands Policy Management Act (16 U.S.C. 1752) and implementing regulations of the BLM and Department of the Interior, including 43 C.F.R. 4180.

Appellant Western Watershed Project is a not-for-profit conservation organization with over 1000 members. WWP has participated in on-the-ground tours relating to public lands managed by the Elko Field Office, and have visited and recreated on the public lands of the these allotments. WWP and its members have a keen interest in protection of biodiversity and restoration of damaged arid lands, and protection of important aquatic and terrestrial habitats for native wildlife.

Appellant is an Interested Public in this allotment. Appellant s members use these public lands for scientific, educational, recreational (including hunting, fishing, wildlife viewing, and botanizing), aesthetic and spiritual purposes. In addition, Appellant has a particular interest in the management of these lands that are rich in biodiversity, and home to rare and declining species such as sage grouse, pygmy rabbit, loggerhead shrike, interior redband trout, California floater, threatened species such as Lahontan cutthroat trout, and where mountain quail have recently been extirpated due to habitat loss and degradation.

These are significant public lands located in scenic high desert sagebrush-steppe country including portions of both Great Basin and Interior Columbia Basin watersheds.

Manager Oke s Decision and satellite decisions provide management schemes with many layers of uncertainty built in. Despite the vast area of the uplands encompassed in these allotments (according to BLM maps, more than 300,000 acres, BLM has very little current data of any kind on the ecological condition of these lands. BLM relies on remarkably old and out-dated information. This adds to the confusion of the already confusing and uncertain grazing schedules and management. The FD allows for large flexibility in livestock numbers in pastures. Plus, BLM leaves the door wide open for a later increase in stocking rates on these depleted lands, claiming a huge carrying capacity exists.

BLM allows livestock grazing use without any utilization levels of any kind on numerous riparian areas throughout the allotments (see Appendix 1, Response to Comments at 25,

FD at 6-10, and FD at 18-21). Worse, it proposes construction of a massive battery of new livestock projects: 117 miles or more of new fence, including in areas that would restrict movement of wild horses, at a cost of **over half a million dollars**, with most costs to be borne by U. S. taxpayers! The purpose of many of the maze of new fences is to control livestock under a permit held by a foreign gold mine.

In a time of widespread loss and fragmentation of sagebrush across the West, BLM outrageously authorizes herbiciding/purging of sagebrush from exotic crested wheatgrass seedings across several pastures in order to produce livestock forage for the foreign gold mine s cattle and sheep on these depleted lands at U. S. taxpayer expense. On top of this, BLM s Decision includes massive open-ended treatment and thinning of sagebrush and other native vegetation at U. S. taxpayer expense in order to produce livestock forage across hundreds of thousands of acres of these public lands. See FD at 36, authorizing actions to **thin any heavy shrub foliar cover** the increase might occur by native release **after vegetative manipulation** otherwise, **artificial seeding** . Although BLM references use of native vegetation in such seeding, it does not require that this be done, so the public will end up footing the bill for exotics seeded to feed the foreign gold mine s cattle and sheep on these depleted lands.

BLM issues grazing permits based on livestock numbers in excess of the average actual use grazed here. BLM s actual use data is all old. Data for all native pastures is 1999 or older, and is hopelessly tangled. Every different Key Area in the same allotment has a different Actual Use as shown in Appendix 4 so what BLM represents here as actual use and thus what forms the basis of supposed carrying capacity calculations can not be the **actual use** or numbers of AUMs that were indeed grazed on these lands. See, Appendix 4, Tables 2 and 3.

In addition, BLM s old upland data cannot be the basis of carrying capacity calculations, as conditions in these lands have dramatically changed since BLM collected its ESI data (which was 1994 following a banner precipitation year, thus resulting in an inflated view of site conditions), or its extremely limited trend data (circa 1998?). BLM now itself admits that: trend is undetermined at this time in light of livestock management since this time coupled with **severe to extreme drought from 1999 to 2003** , or fire or other factors (FD at 41, FD at 42, FD at 43, FD at 48, FD at 49, FD at 50, FD at 55, FD at 56, FD at 57, FD at 58, for example). This is repeated again and again by BLM — dramatic and large-scale changes have occurred to these lands since BLM collected its data across hundreds of thousands of acres of uplands here. BLM s 2004 Decision stocking rate and management actions ignore the direct, indirect, cumulative and synergistic effects of drought, fire, sagebrush die-off due to insects and other mortality agents on these beleaguered lands.

Barrick Goldstrike, a foreign mining company, purchased lands and associated grazing permits as partial mitigation for massive groundwater pumping and environmental damage. See *High Country News* June 13, 1994, Gold Mines Are Sucking Aquifers Dry describing drastic aquifer depletion, and also BLM s documents related to the small UWCHEP area. BLM conducts no analysis of the mitigation value of most of the aspects

of its decision — such as the high stocking rate, the massive new fencing, the herbiciding of sagebrush, and open-ended vegetation manipulation projects that would largely be carried all of which will be paid for almost entirely at taxpayer expense.

This decision authorizes harmful livestock grazing numbers and levels of use in the significant public wild lands of this allotment, above the average actual use that has occurred here in the past. This decision adversely affects appellants. We are negatively impacted by: the extremely high stocking rates of the 10-year permits; the large new zones of unassessed intensive and damaging concentration of livestock use in the areas of the new livestock facility projects that are proposed for these fragile lands; the herbiciding of native sagebrush that is trying to re-establish in degraded exotic crested wheatgrass seedings; the programmatic authorization of massive sagebrush treatments and thinning across hundreds of thousands of acres of public wild lands and other BLM propositions. These disturbances will introduce new disturbance into an ecosystem already unraveling from combined effects of livestock grazing and fire; and the failure to prepare an EIS to fully assess the environmental effects of this nightmarishly complicated grazing management scheme and associated treatments and projects. These fragile sagebrush wild lands are highly vulnerable to soil erosion, weed infestation, and irreversible wildlife habitat loss due to the combined effects of livestock degradation and fire followed by cheatgrass or other weed invasion. Livestock facilities negatively impact recreational uses and enjoyment of these lands. Sheep grazing overlaps cattle grazing, with unassessed and unmitigated impacts. This decision will result in increased damage to the affected public lands.

BLM authorizes a stocking rate in excess of levels that have been shown to be destructive to a broad spectrum of public lands values in BLM s own documents (see MASR at 2 and 3) describing failures to comply with the Fundamentals of Rangeland Health (FRH). BLM plans to construct a maze of fences, and chops and fragments these significant lands into numerous pastures, and plans new livestock sacrifice zones. BLM proposes flooding lands with livestock during sensitive periods of the year for native species, with no limitation on the level of livestock grazing and trampling use that is allowed to occur on nearly all fragile riparian areas within the allotments. The full impacts of shifting, increasing and concentrating livestock use in new areas with the construction of 117 miles and more of new fence have not been assessed. The levels of utilization (50 to 55%, or even 100% utilization allowed in many riparian areas) fail to provide sufficient residual cover for special status species like sage grouse, or protection for woefully damaged stream banks during spring and summer runoff events. This is despite the fact that BLM admits lands to be damaged, and in violation of the Fundamentals of Rangeland Health (FRH) and Standards and Guidelines.

BLM proposes the construction of new range projects without necessary analysis of impacts to public lands resources, including synergistic and cumulative impacts.

BLM has failed to consider the direct, indirect and cumulative impacts of its actions especially associated: weed invasions, soil erosion and loss, loss of watershed integrity, harms to habitats of populations of important and special status and ESA-listed species.

BLM has prepared no adequate new studies of livestock grazing suitability, productivity, ecological condition, stocking rate, carrying capacity or other information or studies that provide a current examination of the ability of the land to sustain livestock grazing in this allotment. BLM relies on limited, old, flawed and biased data.

BLM, operating under a new Memorandum of Understanding between BLM and the Public Lands Council and livestock industry, may allow the permittee, a foreign gold mine, to monitor the damage that privately owned cattle and sheep are doing to the public lands. BLM s Decision bases a possible future increase in stocking rate on monitoring attainment of objectives. This would allow the foreign gold mine to collect data that may result in increased stocking rates and its own financial gains. BLM allows the fox to guard the hen house.

BLM authorizes construction of a plethora of new fences — 117 miles or more of new fence, and herbiciding seedings to increase the amount of forage available to livestock (FD at 24), and thinning and other treatment of sagebrush across hundreds of thousands of acres, despite large areas of the allotments and surrounding lands having burned and become devoid of sagebrush.

Appellants are alarmed at these actions. Appellants members will be harmed if they are unable to hike, fish, hunt, view wildlife, and seek solitude and solace in natural settings. They will also be harmed if they cannot enjoy public lands that show improved ecological health, maintenance and restoration of habitat for rare, declining and threatened species, and that provide wild and primitive recreation opportunities in a natural and untrammeled setting.

Appellants do not Appeal or Petition for Stay Term and Condition 1, which keeps fire closures in place until standards set in them are met, and likely related Term and Condition 2 a, which applies to cattle grazing in certain LCT habitat in the short term. We do not Appeal Wildlife Decisions 1, 3, and 5.

BACKGROUND

WWP provided comments on this prolonged process in 1997. Now, in 2004, we are faced with a series of Appeals of a hopelessly contorted FMUD and satellite decisions that are largely based on extremely limited data, and old data. BLM did not even mail Interested Publics a copy of the NEPA analysis, which it prepared to rubber stamp its actions.

Elko Field Office failed to address numerous concerns raised by Appellant in comments, and plans a maze of new fences and other projects that will cause irreparable damage to many areas of public lands. BLM s Decision will lead to continued ecological harm to many areas of the sagebrush-steppe ecosystem and scarce desert waters in both the Great Basin and the Interior Columbia Basin.

STATEMENT OF REASONS

NEPA requires all federal agencies to undertake a thorough and public analysis of the environmental consequences of the proposed federal actions, including a detailed EIS for all major federal actions that may have a significant impact on the human environment, and site-specific and cumulative analysis of the likely environmental consequences of proposed actions. Such analysis must include consideration of a reasonable range of alternatives to a proposed action, and means to mitigate adverse impacts. FLPMA requires BLM to consider the multiple uses of the public lands, and to protect these lands from undue degradation.

BLM violated NEPA, FLPMA and other federal regulations in issuance of the Final Decision. We appeal BLM s actions due to:

- Failure to prepare an EIS to analyze the current conditions and a wide range of alternative actions to address livestock grazing across these vast public lands. This action involves multiple kinds of livestock, and habitat for many declining and special status species, as well as lands with serious impairment.
- Breaking a series of closely related and intertwined actions apart into separate and segmented Decisions with no logical basis for their separation. The decisions are all part of a single document with sequentially numbered pages, and there is only one signature page. For example, BLM considers the Other Management Decisions to be a separate Decision, yet it is really completely intertwined with other parts of the FMUD and is directly related to livestock grazing and management. There is no rationale provided for this confusion and segmentation. This complicated decisionmaking, likely to avoid necessary NEPA analysis at the level of an EIS, demonstrates the need for an EIS.
- Errors in its Final Decision Part II at 11, where BLM claims that 26,518 cattle AUMs and 4000 sheep AUMs total 26,518 AUMs total preference in Squaw Valley. This is a clear error of fact.
- BLM s failure to assess and explain how continuing very high stocking rates and constructing large-scale new livestock developments (costing more than half a million dollars), and likely millions of dollars of other sagebrush herbiciding and treatments conducted at taxpayer expense on these lands is compatible with mitigation for large-scale ground water depletion and other environmental damage caused by cyanide heap leach mining, which is supposedly the reason the gold mine acquired the grazing permits in the first place.
- BLM has prepared hopelessly complex and unclear documents, and has changed analysis in midstream - adding areas (Elevenmile allotment), spinning off separate plans (UWCHEP), constructing livestock projects following fire, and largely relying on limited, old, stale and inadequate data from the 1980s and 1990s as the basis for a decision in 2004.
- BLM s sacrifice of wild horse herds and their habitats, in order to benefit domestic cattle and sheep. BLM fails to ensure a thriving ecological balance will be maintained, and instead swamps horse ranges with sheep and cattle, plus plans to construct numerous new fences that will block wild horse movement and lead

to likely mortality. This all will place more stress on already damaged overlapping wildlife habitats.

- Violations of the ESA by failing to collect and assess current data necessary to understand the condition of uplands, watersheds and riparian systems. Thus, BLM cannot have prepared an adequate Biological Assessment. The overall lack of specificity and uncertainty, (including flexibility) of the Decision, provide no guarantee that habitats will be properly managed. Plus, the meager and inadequate standards (such as the 4 end of grazing episode stubble height which is not even required as a Term and Condition of the grazing permit) will not protect or allow adequate recovery of the hand full of damaged streams (LCT Habitats) where it is to be applied.
- Failure to require a 6 inch stubble height trigger for livestock removal as a Term and Condition on all LCT streams, and failure to require requre stubble height, trampling and browse standards for all riparian areas.
- Failure to conduct a fair and unbiased NEPA process as an integral part of the Decisionmaking process. BLM never even mailed the EA that it prepared to rubberstamp its decision to the public.
- Failure to require compliance with any measurable upland standards of use on nearly all areas as a term and condition of the grazing permit. No measurable upland use standards are part of the grazing permit Terms and Conditions. Measurable upland utilization standards are described as necessary to meet objectives (for example, FD at 17), but are not put in place by BLM.
- Failure to require compliance with any measurable riparian use standards on all riparian areas in the allotment outside the very small Upper Willow Creek Habitat Enhancement Area (see Appendix 1 at 75).
- Allowing the livestock permittee to conduct monitoring that was a basis for components of the Decision and potentially increasing AUMs for the financial gain of the permittee. This is the fox guarding the hen house. See FD at 51, where BLM relies on the permittee s contractor s monitoring.
- Failure to take a hard look at the environmental consequences of the decision, which includes both sheep and cattle grazing, often overlapping in unspecified and unassessed ways. BLM perpetuates excessive stocking rates and harmful grazing practices, including grazing during sensitive periods for native wildlife, during critical growing periods for native grasses and forbs, allows excessive utilization levels, allows large-scale flexibility to flood pastures with livestock, and shifts and concentrates livestock use in unassessed ways.
- Failure to take a hard look at the environmental consequences of construction of 117 miles and more of new fences, extensive vegetation manipulation projects, other and likely other projects that will result in irreparable harm to springs, ephemeral drainages, soils, plant communities, recreational values and other important components of these public lands. BLM ignores impacts of shifts of use that will result from both the short-term and long-term objectives.
- Failure to determine direct, indirect and cumulative impacts of existing livestock facilities so that it can understand direct, indirect and cumulative impacts of constructing new facilities. BLM proposes constructing extensive new livestock facilities, yet has never studied the effectiveness or impacts of existing structures.

- Failure to provide a clear and understandable management decision. BLM s decision contains confusing, unspecific and unclear actions. This maximizes uncertainty, and thwarts any sound analysis of the direct, indirect and cumulative impacts of the Decision. The documents are filled with nebulous and unclear provisions, and rely on flexibility . This thwarts orderly management of the public lands.
- Failure to prepare a current suitability, capability, carrying capacity, stocking rate or other study that would determine the productivity or ability of the land to support levels of livestock use and numbers of livestock as authorized by the Final Decision. Large areas of these lands are rugged, rocky, steep, have barriers to livestock movement (such as rimrocks or canyon walls) that funnel livestock use into small flatter areas, primarily near water. Much of the land has burned, and been invaded by cheatgrass, and many remaining native vegetation communities are devoid of any taller native bunchgrasses due to livestock depletion. These depleted understories that produce far less forage than that predicted based on range site descriptions. The severely degraded and depleted condition of lands and waters in areas where livestock have been concentrated has further reduced the ability of the land to sustain livestock use in many areas without suffering new and accelerating damage.
- Failure to conduct a current inventory and assessment of all endangered, threatened and BLM sensitive and special status species and other native biota within affected lands. This baseline information is necessary before a full analysis of the impacts of the decision and the direct, indirect and cumulative impacts of management schemes and the maze of new facilities can be conducted. Current, site-specific baseline information on all native biota throughout these and surrounding lands is lacking. This is necessary to understand livestock grazing impacts under the decision or any alternatives, and impacts of proposed and existing developments and activities.
- Failure to inventory cultural sites, identify livestock damage and impacts, and to act to ameliorate and mitigate impacts of livestock and management actions to cultural sites.
- Failure to comply with FLPMA. The continued high and damaging stocking rate, overlapping sheep and cattle grazing and trailing, shifted and concentrated livestock use during periods of high recreational activity and sensitive periods of the year for native wildlife, further fragmentation and chopping of the land with over one hundred miles of new fences leading to new sacrifice zones of livestock projects and activities will irreparably harm wild lands. Native vegetation will be harmed by excessive livestock use and continued high stocking rates on damaged lands. More weeds will invade. Soils will suffer accelerated erosion. Undue degradation will occur. These lands will suffer irreparable environmental harm.
- Failure to conduct a comprehensive weed inventory, and take actions to prevent exotic species infestation and spread by livestock, and stemming from the maze of new projects.
- Failure to assess risks of weed invasion and proliferation as an outcome of the proposed decisions and associated actions like excessive stocking rates,

overlapping cattle and sheep grazing and trailing, and high livestock use levels on already damaged lands.

- Failure to conduct a Standards and Guides Assessment and Determination that assess all of the ecological harms that are occurring in violation of the Fundamentals of Rangeland Health. BLM has failed to collect data on the health and condition of springs and seeps across the allotment. An assessment of their health and flows is necessary to understand impacts to associated biota and land health. BLM has failed to collect data on special status species necessary to determine health of populations and habitats. BLM has failed to collect data on soils and watershed processes.
- Failure to adequately address the role of current livestock grazing in ongoing degradation, and failure to comply with the FRH. BLM irrationally ignores and/or downplays the role of livestock in FRH violations. BLM has also failed to collect data necessary to determine the outcome of the high stocking rate, shifted use periods and impacts, and the maze of new projects and treatments that it proposes.
- Failure to adequately consider impacts of drought and significant changes (weeds, fires, mining) on these lands since its limited and outdated information was collected.
- Failure to end sheep grazing and take actions to reintroduce bighorn sheep.
- Failure to study and reveal the condition and the impacts of existing livestock facilities on soils, vegetation, cultural sites, recreational uses, important special status species and other important public land values.
- Failure to adequately consider and assess indirect, synergistic or cumulative impacts of the proposed action. Lands will be harmed by shifting of use and the proliferation of livestock developments that accommodate shifts in use stemming from this decision.
- Failure to consider cumulative impacts of actions on neighboring allotments and private lands that impact special status species, recreational uses, weed spread, watersheds, viable populations and other important factors.
- Failure to take measures necessary to comply with the Clean Water Act, water quality standards and the FRH.
- Failure to protect upland and riparian soils from harmful and irreversible erosion. BLM fails to protect erodible soils in uplands and riparian areas from chronic livestock-caused erosion. BLM proposes high stocking rates and shifts in livestock use that will result in raw, bare soils exposed to both wind and water erosion. BLM allows concentrated livestock use in spring periods when soils may be wet and more readily compacted by trampling activity, and completely ignores the health of microbiotic crusts. Eroding soils will impair water quality. BLM plans new livestock facilities that will result in extensive new zones of livestock concentration, and alter and erode soils.
- Failure to provide adequate mitigation for sheep and cattle grazing impacts.
- Failure to provide adequate monitoring. BLM provides no regular schedule for monitoring or for compliance checks, nor does it commit to monitoring all components of the decision.
- Failure to adequately address Appellant s comments, as shown in Appendix 1.

- Failure to comply with many RMP objectives. BLM violates the RMP with its loose and unenforceable management schemes, failure to collect data and assess progress toward goals, objectives and management actions of the Land Use Plan.
- Violations of the FRH in failing to change grazing practices so as to ensure that **significant** progress will be made in attaining health of the lands, waters and biota. BLM provides no definition of significance, and no time frame for improvement —when will all streams be in PFC under the proposed action?
- Failure to consider a suitable range of alternatives, such as adequate periods of rest or significant reductions in livestock numbers coupled with mandatory science-based measurable and enforceable use standards.
- Failure to consider a full range of economic impacts of the action. BLM fails to consider the economic harms caused by livestock degradation to recreational, watershed and other uses and values of these important lands, while giving overwhelming regard to supposed economic issues of the permittee. BLM fails toconsider the costs to taxpayers of the herbiciding and other projects.
- Failure to adequately reveal and analyze the impacts and costs of the projects (117 miles of fence, potential spring projects, herbicide killing of sagebrush trying to re-establish in exotic seedings, and massive treatments across hundreds of thousands of acres) associated with the Decision.
- Failure to prepare a concise document, as is necessary for an EA. The voluminous and confusing amount of information alone demonstrates the need for an EIS to asssess the maze of projects and management confusion.
- Failure to adequately describe and assess the impacts on lands and waters of the allotment of overlapping sheep and cattle use. BLM has never analyzed impacts on native ecosystems and ecological processes.
- Failure to assess impacts of predator killing (associated with domestic sheep grazing) on native wildlife populations and ecosystem processes.
- Failure to assess direct, indirect and cumulative impacts of sheep and/or cattle behavioral disturbance to/ displacement of/competition with native wildlife species.

We incorporate our previous comments on the Rock Creek (Spanish Ranch and Squaw Valley) and Andrae allotments into this Appeal.

APPEAL

BLM Wrongly Segments FMUD Appeal Process.

On top of its cumbersome and confusing analysis and protracted decisionmaking process, BLM appears to have confusingly structured and segmented this as separate Decisions, in order to avoid necessary analysis at the level of an EIS. However, Manager Oke has only signed one Decision (FD at 68), and all satellite decisions are bundled by BLM into the same document with sequentially numbered pages, so we do not believe these should be viewed as separate Decisions, and all elements can be appealed as part of an Appeal of the MUD. Portions of the various part of the MUD are inextricably linked. The Livestock Grazing Management Decision is completely linked to the Other

Management Decisions , as in the case of Key Areas, Utilization levels and other factors, and the two can not be viewed separately, and are interdependent. BLM s segmenting this into as many as four possible Decisions also places extra burdens on the public, especially under the expense generated by BLM s new Appeals regulations, and may be designed to thwart public participation in the Appeals process.

If this logic is followed, it leaves Appellants with no way to Appeal the entire MUD as a whole, which is the only document that is signed. The various satellite decisions embedded within the MUD are not. It also thwarts integrated analysis, and violates NEPA. This further demonstrates the need to prepare an EIS, as BLM has woefully segmented processes and analyses.

BLM Fails to Require Compliance With Measurable Standards of Use As a Term and Condition of the Grazing Permit.

BLM invites over-use and undue degradation of the public lands by failing to require any measurable or enforceable standards of upland use as a term and condition of the grazing permit. BLM haphazardly casts aside any mandatory protective standards of livestock use for uplands, and only places two potential riparian use standards on certain Lahontan cutthroat trout streams in a very small area.

Remarkably, BLM does not even require an upland utilization standard as a term and condition of the grazing permit. Despite the degraded upland and riparian conditions, BLM does not require that any measurable use standards of any kind be met by the permittee on almost all areas.

Many measures that are claimed by BLM in its documents associated with this decision as necessary to protect uplands, riparian areas, and water quality are **not** mandatory Terms and Conditions on the permit (see FD at 17, referring to utilization restrictions that are not, it turns out, required to be met).

BLM Regulation 43 C.F.R. 4130.3-1 through its subpart, 43 C.F.R. 4130.3-1(c), states: " Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

BLM s decision does not ensure such conformance. BLM fails to comply with this regulatory mandate by not incorporating mandatory grazing permit Terms and Conditions governing levels of livestock use on soils, watersheds, native vegetation, cultural sites, and wildlife habitats, and by requiring that they be implemented. Without these being implemented and mandatory compliance required, the success of the Decision in meeting legal mandates of making "significant progress" toward attaining the FRH and Standards and Guidelines, and compliance with FLPMA, can not be met. .

Critical Riparian and Water Quality Protections Are Lacking

BLM s Decision fails to include critical riparian protections for many streams, and springs and seeps. BLM has never assessed the current condition of many springs and seeps, as well as flowing streams and riparian areas, and takes no action to protect those that are damaged.

The riparian areas in these allotments that BLM has bothered to monitor (its documents are devoid of data on the condition of dozens of springs and seeps on public lands here, as shown on BLM s own 1:100,000 land status maps, Tuscarora and Osgood Mountain), show extreme degradation.

BLM s Decision allows livestock to strip every bit of protective herbaceous cover from nearly all streams, springs, and seeps during grazing episodes, leaving streams vulnerable to erosion from spring runoff and rainfall and summer thunderstorm run-off events. Riparian areas are subjected to multiple and overlapping sheep grazing and trailing events, and there is no commitment to monitor repeated bouts of grazing such as trailing. There is no riparian use standard as a measurable term and condition of the grazing permit, nor

BLM also allows continued hot season grazing on many riparian areas, and its grazing period for most LCT streams corresponds to the April-July LCT spawning period.

BLM overoptimistically predicts good outcomes of the Decisions. Yet, as previously discussed, BLM is not even implementing measurable livestock use limitations in many areas, and giving the permittee large flexibility to swamp pastures at any one time with large numbers of livestock.

BLM s analysis of water quality is flawed, and BLM never collected site-specific and current data on water quality as required to make a Determination under the FRH (See MASR Appendix 5). BLM admits that many riparian areas are in poor condition. Streams in the assessment area can not be meeting beneficial use criteria due to elevated stream temperatures and bacteria levels, and thermal modification and lack of streambank cover. Yet BLM s analysis of water quality is woefully lacking.

Instead of employing Mandatory Terms and Conditions necessary to adequately protect all riparian areas, BLM does not even commit to improving the condition of the many springs and seeps in this allotment (see FD at 66, achieve PFC on selected lentic (standing water) riparian habitats. We have no idea what springs are selected and which are not.

BLM does not adequately address the consequences and outcomes of continued high stocking rates and upland utilization levels on beleaguered watersheds and watershed processes that are critical to attaining water quality standards.

The Final Decision contains no necessary protection for Nonfunctioning or Functioning at Risk streams, and other riparian areas such as springs and seeps that are extremely degraded. This is especially the case for the many riparian areas that are outside the

riparian pastures and would be subject to relentless hot season grazing. See FD at 5 showing native pastures on both the Squaw Valley and Spanish Ranch allotments being grazed from 3/16 to 11/30.

Toe Jam Creek, as shown by BLMs own documents and as then summarized by WWP and CIHD in Comments at 69-70: Toe Jam, identified as a high priority stream in the RMP, once supported one of the highest densities of Lahontan cutthroat trout (LCT) in the Rock Creek subbasin. **Populations have declined significantly**. Conditions are currently deteriorating LCT populations are jeopardized by continued habitat degradation . BLM s only response was comment noted . Middle Rock Creek, a BLM RMP high priority stream, current habitat conditions are poor and have deteriorated. Appendix 1, Response to Comments at 67 describes **poor condition** of springs and of riparian habitats for sage grouse, and throughout 67-76, long litanies of riparian degradation and water quality problems from BLM s own documents are summarized.

BLM s 1990s analyses showed only on the Frazer Creek exclosures were habitat conditions improving for LCT - yet as an outcome of this decision, BLM proposes to remove the exclosure fences! Appendix 1, Response to Comments at 77.

BLM s own limited updated riparian data shows conditions in 2004 have only worsened. See Appendix 5, Updated Stream Monitoring . On the Squaw Valley allotment, this shows that the LCT numbers in Lewis and Rock Creek are down , data collected for Upper Willow Creek in 2002 showed overall stream and riparian habitat conditions have **declined** since data were last collected in 1997 ; Trout Creek was rated as functional-at-risk with a downward trend on the basis of lack of riparian vegetation as well as evidence of excessive erosion and deposition ; Middle Rock Creek was rated as **nonfunctional,** due to almost complete absence of a riparian zone, excessive scouring and deposition, and lateral instability . On Spanish Ranch, habitat conditions have also declined on Big Cottonwood Creek ... while there has been little change on Red Cow and Six Mile Creeks (in very poor condition, too). Big Cottonwood Creek was rated as **nonfunctional** on the basis of channel braiding, lack of riparian vegetation and evidence of excessive erosion and deposition . While BLM s Short Term Objectives (at least partially a result of fire closures) may keep livestock (apparently cattle but not sheep) out of LCT streams for a brief period, once grazing is resumed many areas will be grazed during the LCT spawning season, and lacking any mandatory stubble height.

BLM s Decision provides redband trout streams, other non-LCT streams, and many upland springs and seeps with no special treatment of any kind — if they are not part of riparian pastures, especially nor do they have any special protections or any requirements that protect them. In fact, conditions on these streams will likely worsen, as they will receive hot season use, spawning season use, too, and increased and shifted cattle and sheep use as livestock are moved out of LCT habitats but high stocking rates continue.

BLM Fails to Adequately Consider the Multiple Uses of this Land.

The public uses of these lands are changing dramatically. The population of the interior West and recreational uses of public lands are growing rapidly. Instead of taking into account the growing recreational (wildlife viewing, nature study, photography, camping, hiking, backpacking, hunting, fishing, wild horse viewing) and scientific uses of the land, BLM perpetuates livestock numbers and grazing practices that it has documented to be causing extensive damage to these important public lands.

BLM s Decision allows construction of 117 miles or more of new fences, authorizes, purges of sagebrush from exotic seedings and open-ended vegetation manipulation across hundreds of thousands of acres, and shifts and concentrates livestock use during periods when visitor use is at its peak — spring and early summer and fall in many areas. This all maximizes conflicts of livestock use and associated activities with recreational use and enjoyment of the affected lands. Livestock interfere with visitor use and enjoyment, and pursuit of recreational activities on public lands. Livestock movement can interfere with birdwatching, photography, wild horse viewing, angling and other pursuits. Livestock deposit copious amounts of waste in the scarce flatter areas of these lands — which are campsites for recreational users. Livestock bellowing, noise, and stench, particularly at the high levels authorized in this decision, will impair recreational and other pursuits on these lands.

BLM has failed consider the harmful impacts of pathogens of domestic livestock that can be transmitted to humans through water or soil, including dust. For example, there is no discussion of Q fever, known to be carried by domestic sheep, and to have infected soils in many areas of the West.

BLM perpetuates excessive stocking rates, and use levels that will result in continued degradation of these important wild lands. Plus, BLM continues and newly concentrates and shifts livestock use in areas and during periods of the year when harm to much of the native biota is maximized. These harms, as they affect recreational uses, are not assessed.

BLM s Decision Sacrifices Wild Horse Herds for the Benefit of Livestock

BLM makes a mockery of the Wild Horse and Burro Act and FLPMA s multiple use requirement in the Squaw Valley Decision. Impacts to wild horses are swept aside or ignored. BLM unlawfully shifts and alters cattle and sheep grazing within lands inhabited by wild horses, while at the same time authorizing construction of a maze of harmful new fences. BLM blatantly admits this, stating: **Many miles of fence is planned for the protection of T&E species and it is proposed that the herd area boundaries be changed to eliminate private land. These actions are proposed at the expense of wild horses in favor of other uses.** (Appendix 1, Response to Comments at 41-42.

BLM appears to be caving into pressure from the gold mine permittee, who repeatedly complains about wild horses and demands that BLM remove them. Instead, across most areas this Decision maximizes privately owned domestic livestock use at the expense of numerous public lands values. See, for example, Appendix 1, Response to Comments at 27, Barrick requesting removal of horses from all private lands throughout the Herd Area,

despite the fact that with the complex interspersion of public and private lands (supposedly acquired as mitigation for mining damage), it is impossible to remove horses from all private lands without eliminating the horse herd.

Appellant is not a wild horse advocate. However, we have become concerned at many recent Nevada BLM decisions where livestock numbers have been kept the same, with possible increases in cattle allowed, while at the same time wild horses have been reduced, or their herd areas further diminished. Competition with livestock is thus increased, and horse use is thus shifted or increased while livestock grazing and numbers remain the same or are even increased in horse areas. See, for example, shifted and increased cattle livestock use in several HMAs in the recent Winnemucca BLM Soldier Meadows Decision. Plus, the construction of the maze of new fences makes this an animal cruelty issue, too, as BLM fences may be poorly constructed, and entrap and kill horses. See June 29, 2004 *Las Vegas Review Journal* article Failure to Install Gates Leads to Deaths of Wild Horses . These lands are already plagued with fence maintenance and alteration issues with the current amount of fences, as shown in Appendix 1.

BLM allocates 3000 AUMs of forage for wild horses (150-250 animals), while at the same time authorizing 50,241 active AUMs of cattle and sheep forage under this decision — with the potential to increase domestic livestock stocking rates even more in the future. See FD at 5. BLM sacrifices wild horse HMAs and horse herds to accommodate over-stocking of cattle and sheep. BLM provides no evidence that it is maintaining, let alone conserving, protecting and enhancing, a thriving ecological balance in Squaw Valley lands. BLM s FRH Determination found widespread violations of the FRH.

If BLM increases livestock use within areas used by horses with its construction of the maze of fences and shifted and concentrated use, this will have harmful impacts that reverberate through these lands. Horses faced with increased competition with livestock or disturbance by ranching and herding activities may be displaced to less suitable areas, and use be shifted to other lands and wildlife habitats, including outside the allotments covered by this decision. BLM has never assessed the impacts of such shifts under its FD. If high livestock numbers under the FD devour the forage allocated for horses or alter the ecological balance, or livestock and management activities cause horses to move into new and suboptimal areas already highly degraded or excessively used by livestock, the lands where the horses are forced to move will face increased, and unassessed pressures that will affect the health of those lands.

BLM blames wild and free roaming horses for degradation of riparian and uplands here, when in reality, it has not collected data necessary to separate horse and cattle and sheep herding and trailing use. See Appendix 1, Response to Comments at 41, BLM admits that pre-livestock utilization (i. e. horse utilization) **was not collected because the allotments receive season-long use by livestock .** Thus, data necessary to measure the impacts of wild horses vs. domestic livestock was not collected. BLM has never conducted careful, site-specific monitoring to acquire data necessary to separate the impacts of horses, cattle and the repeated bouts of domestic sheep grazing and trailing

activity. If one looks at a past grazing schedule, one assumes only horse use has occurred and could attribute damage only to horses — yet cattle trespass or sheep grazing and trailing is a frequent occurrence and has resulted in use and resource damage falsely attributed to horses.

BLM perpetuates extremely high stocking rates based on abstruse and out-dated calculations of forage from old adjudication maps (FD at 4). This is forage that it has never shown exists here, and which its own documents show is largely nonexistent. See, for example, BLM s acknowledgment in the FD that in many areas, increases in tall forage grasses in depleted lands have largely disappeared and been replaced by small and much less productive *Poas* and bottlebrush squirreltail, or cheatgrass, and that it has no hope of recovering them (FD at 35-50). The forage that may have once been present, which is the basis for the suitability, convoluted carrying capacity calculations and stocking rates, is now gone. See, for example, Appendix 1, Response to Comments at 25, where BLM admits no adjustment was made in carrying capacity on pastures where has resulted in dominance of exotic species, i.e. cheatgrass. Cheatgrass has wild fluctuations in production, and is not a reliable forage source, and BLM s own documents provide abundant evidence of depletion and loss of large native bunchgrasses. BLM knows these problems exist, and has to undertake special measures to save horses on depleted lands where domestic livestock have been allowed to continue grazing in large numbers, including during drought. See Appendix 1, Response to Comments at 48-49, BLM states: **the second and third gather [wild horse] were conducted in 1996 and 2002 to prevent death loss to horses due to drought and also to prevent further damage to rangeland resources .**

BLM has never analyzed the full range of impacts of its cattle and sheep management, including harmful impacts at the expense of native vegetation and wildlife, and the wild horse habitats and populations. In this decision, instead of conducting careful analysis to determine an appropriate, scientifically based assessment of land health and stocking rate for livestock, BLM plans to allow high stocking rates based on hardly any monitoring data and almost no current upland data at all (see, for example, Appendix 2, where even utilization in nearly all native areas has not been measured after 1998). BLM fails to conduct necessary analysis of land health, and also fails to conduct a valid current carrying capacity, stocking rate, suitability, or other study to determine an appropriate number of domestic livestock in depleted lands shared with a host of special status wildlife species and wild horses.

BLM has violated the mandates of the Wild and Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195), which requires BLM to manage wild and free roaming horses and burros under multiple-use in a manner that is designed to achieve a thriving ecological balance in public lands. they are to be considered in the area where presently found, as an integral part of the natural system of the public lands BLM must protect the natural ecological balance , and the range must have a thriving natural ecological balance .

BLM has never analyzed the impacts of the grazing systems and periods of use and shifted and newly concentrated use and flexibility and high stocking rate on wild horses. For example, livestock impacts to winter ranges shared by wild horses with native wildlife and the current ecological condition/thriving ecological balance of winter range is never assessed. During the critical winter period, sage grouse, mule deer and antelope may all be forced to compete with wild horses on lands depleted by shifted or increased numbers of livestock under new pasture configurations. Disturbance and ensuing stress on wild horses and big game is likely from repeated ranching activities, new projects and associated impacts that have not been adequately assessed by BLM. BLM admits that horses leave the allotment, claiming it is due to social factors, and never addressing depletion of necessary forage that is likely causing them to leave. This makes construction of a maze of new fences even more alarming. In hard winters, deep snows may make it very difficult for animals (mule deer and horses) — to negotiate fences or horses to get to any gates that are supposed to be left open. In Appendix 1 at 9, BLM states: when the population of wild horses within the Rock Creek HA exceeds 300, social factors are causing the horses to leave the HA during the winter moths. **Excess horses are pushing through the fence and open gates in attempt to access less crowded are [sic] more desirable winter range on the Owyhee Desert** . By authorizing construction of a plethora of new fences under this decision, BLM is likely creating winter deathtraps for horses. BLM claims it will keep horses down to a level which can be supported in the herd area , yet has failed repeatedly to do so in the past.

The extreme degradation of these lands and habitat for wildlife and wild horses are further demonstrated by massive winter deaths of mule deer. Appendix 1, Response to Comments at 9, describes mule deer staying near escape cover, and being reluctant to move out, as **the majority of the lower elevation winter range was dominated by annual vegetation .** In Appendix 1, Response to Comments at 17, NDOW states at least 50 percent of crucial mule deer winter range has burned , and BLM itself describes areas devastated by past wildfires and where perennial shrub and grass vegetation has been lost (Appendix 1 at 23-24). Despite all this, BLM proposes continued high stocking rates for cattle and sheep, based on old or nonexistent data on available forage.

BLM s own analyses in other allotments show that serious harm may occur to wild horses due to the construction of the fences (see, for example, Winnemucca BLM Soldier Meadows allotment analysis of harmful impacts to horses of construction of fences, and the possibility that fences may trap horses and cause them to starve (Soldier Meadows EA at 102-103). Much more fence is proposed under the current Squaw Valley process.

BLM never analyzed the impacts of existing fences, let alone the maze of new fences and projects that it proposes. Cumulative impacts of private land fences and fences on other allotments used by the horse herd must also be assessed, and have not been.

The wild horse situation demonstrates how inextricably linked all parts of the FMUD are. BLM s livestock-related Decision elements (117 miles of new fence, vegetation treatments, high stocking rates) made in the Squaw Valley FMUD process are limiting management options for horses. BLM further segments analysis, in addressing wild

horses herd lands in these allotments, claiming any change to the Rock Creek Herd Management Area boundaries will be done through a Land Use Plan Amendment which requires public consultation through the NEPA process (Appendix 1 at 11). Yet, the current Squaw Valley Decision significantly affects, sacrifices and alters wild horse herd areas, as BLM states: **Many miles of fence is planned for the protection of T&E species and it is proposed that the herd area boundaries be changed to eliminate private land. These actions are proposed at the expense of wild horses in favor of other uses.** (Appendix 1, Response to Comments at 42). Again, this illustrates the need to prepare an EIS so that all parts of this series of connected actions can be analyzed in one document.

BLM Fails to Adequately Consider a Broad Body of Science That Demonstrates Ecological Harms of Its Actions and Fails To Take a Hard Look at the Consequences of Its Decision

A healthy environment and associated recreational, aesthetic and other values of native vegetation communities and associated wildlife are of growing importance. Sage grouse populations have plummeted across the interior West. The pygmy rabbit has vanished from vast areas of sagebrush habitats. There is grave concern for the future of special status species and threatened species. Sage grouse, Brewer s sparrow, loggerhead shrike, sage thrasher, vesper sparrow, pygmy rabbit and other sagebrush-dependent species are faced with accelerated habitat loss and fragmentation. Current science now soundly recognizes the looming ecological crisis for sagebrush habitats, and dependent native biota. See Knick et al. 2003, Connelly et al. 2000.

Ecological science now also recognizes the profound role of livestock grazing in alteration of ecological processes in arid western lands, including alteration of community structure, composition and function (Fleischner 1994, Mack and Thompson 1982) Livestock disturbance to soils and native vegetation as a primary cause in the spread and proliferation of exotic species in native vegetation communities and habitats, and in creating zones of disturbance that allow weeds to flourish (Pyke 1999, Belsky and Gelbard 2000, Belsky et al. 1999, Billings 1994, and other Literature Cited). Cheatgrass, medusahead, leafy spurge, bur buttercup and white top invade disturbed soil sites along streams and other areas where livestock congregate. Additionally, livestock are vectors of dispersal for weed seeds. Weeds actively invade zones of livestock disturbance in these allotments.

Despite this wide body of scientific evidence, BLM s Decision authorizes high stocking rates and unassessed shifted use, fails to apply measurable standards of use as Terms and Conditions of the grazing permit on almost all lands, and relies on very high utilization that will remove residual vegetation necessary for watershed protection, water quality improvement, and cover and food for native wildlife. On top of this, the Decision allows new and extended zones of soil disturbance associated with construction of a plethora of livestock facilities — as facilities cause new concentrations of livestock where resultant disturbance creates ideal sites for weed infestation and spread.

BLM has failed to take measures necessary to limit livestock spread and infestation of weeds. BLM plans to allow high stocking rates and overlapping sheep and cattle grazing on degraded lands, and even increased stocking in the future. Even MORE disturbance due to the construction of many new livestock facilities and resultant new zones of construction disturbance and concentrated livestock use will occur. Plus, BLM is allowing sheep to roam and be trailed over portions of these allotments, creating extensive zones of disturbance in association with trailing, bedding and grazing activity, with only minor limitations on their intensity of disturbance. Sheep are notorious vectors of weed seed dispersal in their wool and dung. Sheep appear to even be allowed to graze in areas closed in the short term to cattle, see FD at 6-7) in trailing . There is no limitation on sheep browsing or structural alteration of sagebrush.

Successful sage grouse nesting requires 7 to 9 of residual grass stubble height in uplands. See Connelly et al. 2000, Hockett 2003. Sage grouse require 7 to 9 or greater stubble height for successful nesting. The non-mandatory and unenforceable 50%-55% or higher upland utilization in Squaw Valley will not allow this to be achieved, as these utilization levels will result in grasses being grazed below this necessary level. See USDI/BLM, Lower Snake River District Jarbidge TNR EA, 2003. This BLM document shows that grazing utilization as proposed in Squaw Valley will result in grazing of native grasses to levels as low as 1.5 inches or less. In order to meet the nesting habitat needs of sage grouse, BLM must 1) limit utilization of Idaho fescue, bottlebrush squirreltail and Sandberg bluegrass to less than 10%; and 2) limit utilization to 20% on other natives (bluebunch wheatgrass, Thurber s needlegrass) Jarbidge TNR EA, Chapter 4, page 89, 100, others.

Unfortunately, BLM is authorizing livestock utilization in the Squaw Valley Decision that will lead to minimal residual herbaceous cover.

BLM s decision maintains high stocking rates, and shifts and concentrates intensive livestock use during extremely sensitive periods of the year for native biota. It authorizes prolonged use during critical spring and early summer growing periods (see FD at 16 Grazing Systems for native grasses) and in fall periods when no regrowth of vegetation that is necessary for watershed protection can occur. This grazing use is extremely likely to result in continued degradation and weed invasion of uplands, and resultant erosion and harm to riparian areas.

BLM s grazing schedule allows fall use (FD at 5, grazing until 11/30) well past the period when any regrowth on herbaceous riparian or upland vegetation can occur. A primary purpose of stubble heights is to protect streams during periods of spring runoff, and if riparian areas are grazed too low in fall, no protective vegetation will be present. BLM fails to even establish annual attainment of stubble heights or any utilization as a mandatory Term and Condition of the grazing permit on all riparian areas, and fails to control repeated sheep grazing and trailing events on riparian areas. This is reckless, given that many streams and riparian areas are nonfunctional or functioning at risk, or are not included in riparian pastures, and BLM has abundant evidence of resource damage.

BLM perpetuates excessive stocking rates and harmful grazing practices, including grazing during sensitive periods for native wildlife, and critical growing periods for native grasses and forbs. BLM continues to authorize 50% or greater upland utilization in pastures grazed during critical growing periods for native grasses. BLM s own Technical Bulletin (Anderson 1991) shows that livestock use at levels authorized under BLM s decision may result in death or weakening of native grasses, especially during critical growing periods as are authorized here. BLM increases the concentration of livestock during the critical growing period for native grasses in some areas. Important wild lands will be subject to this devastating level of use.

This level of utilization, as well as the extensive sheep grazing and trailing and its overlapping use with cattle on the same lands or in the same watersheds, will result in harm to native bunchgrasses and forbs, extensive trampling disturbance and destruction of microbiotic crusts and loss of cover and disturbance for native wildlife, especially ground nesting species like sage grouse, sage sparrow, vesper sparrow. This livestock damage will create ideal conditions for spread and proliferation of weeds into these important wild lands. See Belsky and Gelbard (2000), Pyke 1999.

BLM has proposed prolonged and extended livestock use during critical birthing, fawning and rearing periods for native animals including sage grouse and pygmy rabbit, or during periods when fish will be spawning (FD at 16, grazing systems). Thus, BLM has failed to take a hard look at the impacts of its decision, base the Decision on current science, and act to avoid harm to native vegetation, wildlife and aquatic species .

BLM s Projects Alone Necessitate Preparation of a Site-Specific EIS.

BLM fails to analyze a broad range alternatives to the construction of 117 miles of new fence, and herbiciding large areas of sagebrush that is reestablishing in soil-depleting crested wheatgrass seedings. BLM opens the door to altering and manipulating vast areas of sagebrush and other native vegetation over nearly the entire allotment (see MASR at 27-52, FD at 36-60). Instead of relying on livestock management by the permittee, measurable standards of use to trigger livestock movement and passive restoration methods, BLM chooses a host of controversial and disturbance-inducing actions that have a high risk of weed invasion, failure under drought conditions and other uncertainty. BLM has failed to take a hard look at their impacts, especially the cumulative impacts of inducing massive disturbance with new facilities and extensive projects. Instead of killing sagebrush, BLM must evaluate alternatives that would restore crested wheatgrass seedings to functioning sagebrush communities that provide habitat for a wealth of special status species (as required under its Land Use Plan Objectives conserve and enhance terrestrial, riparian and aquatic wildlife). The areas of dense sagebrush that BLM proposes to kill and thin provide essential canopy cover and structural diversity for species like the pygmy rabbit, sage thrasher or loggerhead shrike.

BLM has no idea how much land area the fences will encompass, or even the feasibility of constructing them (see MASR at 9, FD at 3 calculated AUMs may change). Construction will involve extensive crosscountry travel with motorized equipment over

unknown paths. The fences alone are likely to result in 100 miles or more of new roading in these already much- roaded lands — yet impacts of existingroading on soil erosion, weed invasion (see Gelbard and Belnap 2003), as corridors for predators of sage grouse, disturbance of critical wintering and nesting areas, and in causing habitat fragmentation have never been assessed. Fences always shift intensive livestock use to new areas, and livestock concentrate in new areas, trail in new patterns and otherwise create new zones of intense disturbance. The cumulative impacts of this massive array of new projects on cultural sites is never assessed.

Analysis of the indirect, cumulative and synergistic effects of these projects alone requires preparation of an EIS. The Decision also makes passing reference to spring projects. Digging into the heart of springs may permanently destroy surface flow. Springs are nearly always cultural sites, and artifacts are disturbed. BLM has provided no information of any kind on spring flow and hydrology, stratigraphy, feasibility of development, or cultural site impacts — all this is necessary to understand the impacts of unknown spring projects that this Decision addresses.

Cumulative impacts of developing and de-watering even more springs in areas where so many springs have already been permanently and irreparably altered for livestock purposes, or are in terrible condition due to livestock use are not assessed. How many springs will remain undeveloped in any way? How will their condition be improved? BLM has never revealed this, and has never committed to improve the condition of all damaged areas. See FD at 66, describing improving condition on selected areas only and the public is never told what areas have been selected, or what springs are doomed to remain grossly trampled and altered by livestock damage. Other indirect and cumulative impacts that are not assessed include failures by permittees or BLM to maintain fences, spring projects and other existing livestock facilities. Project proliferation will also impact mobile wildlife species and their populations, as well as wild horses.

The cost of the fences alone is astonishing — ove**half a million dollars**! See FD 23, Table 5. There is no discussion or analysis of any kind of the cost to taxpayers of the herbiciding, massive vegetation manipulation, spring projects, and other projects — all of which are being constructed to extend or perpetuate damaging livestock stocking rates and high levels of use.

Plus it simply makes no sense to construct 117 miles of fence when horses will break it (see FD at 71 describing horses breaking existing fences), or fences will entrap or provide a barrier to wildlife or wild horses. There is also a history of permittees modifying fences here and adding extra wires that are a lethal barrier to wildlife (mule deer, antelope) movement. See Appendix 1 Response to Comments at 7 where permittee admits adding wires to public land fence. Nevada BLM has recently entrapped and killed wild horses through construction of new fences as part of a vegetation treatment project, cutting wild horses off from water when gates were inadvertently closed (Andrea Lacocco, Fund for Animals, pers. comm. to Katie Fite, and *Las Vegas Review Journal* June 29, 2004, Failure to install gates leads to death of wild horses , www.reviewjournal.com/lvrj_home/2004Jun-29-Tue2004/news/24203009.html .

Construction of the maze of new fences totaling over half a million dollars in cost, most of which will be borne by U. S. taxpayers. Barrick s mitigation fund for depleting ground water is to be used to cover only a small part of the cost of the fence projects of the FD. The maze of fences here is being constructed to perpetuate high stocking rates by Barrick livestock while attempting to deal with widespread damage to riparian areas, and taxpayers are largely footing the bill. If this gold mine really bought the permits for mitigation purposes, then why should taxpayers foot the bill for projects that are hazards to wild horses and wildlife, that shift and concentrate livestock use in new areas, and otherwise affect soils, watersheds, native vegetation, upland special status species habitats, cultural sites and recreational values, or that may cause mortality of big game or wild horses? Alternatives such as active herding coupled with periods of rest throughout the allotment and reduced stocking rates are ignored. The project that is the primary mitigation here (UWCHEP) is extremely small — only around 13,000 acres, a tiny part of the hundreds of thousands of acres of public lands affected.

BLM s proposed grazing regulation changes would give partial ownership of range projects to permittees, with unassessed consequences. These are reasonably foreseeable impacts that must be assessed and are not.

BLM itself even admits that the current fence situation, without the new fences, is a **maze** . Appendix 1, Response to comments at 7, where BLM states: one area where the deer could better negotiate **the maze of fence work in the area** , and discusses private land fencing, too. The cumulative impacts of existing public and private land fencing on wildlife are never assessed.

Lastly, BLM is well aware of the maintenance nightmare it is creating. BLM never maintained exclosure fences in the past, and now it has given up and is removing the unmaintained fences altogether (Appendix 1, Response to comments at 77). Horses have routinely broken fences in these lands, too — so 117 miles of new fence will be a maintenance nightmare — when BLM has already proven that it has been unable to maintain even small lengths of exclosure fence.

BLM Violates the RMP Objectives, and Misleads the Public.

BLM s Decision violates the RMP, including RMP Objectives for soils, vegetation, water resources, fishery habitat, cultural sites, wild horses and others.

For example, BLM s RMP Objective requires it to conserve and enhance terrestrial, riparian and aquatic wildlife habitat , and manage wild horse populations and habitat in the established herd areas consistent with other resource uses (FD at 35).

The areas of dense sagebrush that BLM proposes to kill and thin provide essential canopy cover and structural diversity for native wildlife species like the pygmy rabbit, sage thrasher and loggerhead shrike and many other terrestrial wildlife.

BLM, as described under Wild Horses of this appeal, abjectly fails to provide data and analysis of impacts of its decision on wild horse populations (for example, the authorization of constructing many miles of potentially deadly new fence in horse areas), or restricting wild horses to smaller areas where they will compete with wildlife on livestock-depleted winter ranges.

BLM is required under its RMP (at 2) to manage wildlife habitat to provide forage for mule deer, pronghorn antelope and bighorn sheep. BLM s Decision does not demonstrate that this is done under its high livestock stocking rates. Plus, the RMP at 2 limits BLM to 500 acres of vegetation treatment within crucial big game range. BLM is also required to make adjustments to season of use for livestock to improve or maintain essential and crucial wildlife habitats — and BLM provides no evidence that it has done so.

BLM Has Failed to Assess a Reasonable Range of Alternatives.

BLM has failed to conduct a full and open NEPA process, despite the extreme complexity, cost and irreversible ecological consequences of its actions. It only conducted NEPA as an afterthought, to rubber stamp a livestock-industry biased course of action that it had already decided upon. BLM never even sent an EA out for public review and comment. See FD at 68.

These lands contain important special status species and resources and unique areas. BLM s failure to undertake necessary NEPA analysis and objectively analyze a **reasonable range** of alternatives that included significant reductions in stocking rates, mandatory measurable use standards, and reliance on active and diligent herding not construction of more than a half million dollars of livestock fences to control livestock distribution, and passive restoration rather than herbiciding sagebrush and large-scale vegetation treatments (see FD at 36 describing thinning and artificial seeding with a native plant species emphasis — i.e. BLM could still seed exotics. See Appendix 1, Response to Comments at 55-79, showing range of alternative management actions proposed by WWP and CIHD and ignored by BLM.

BLM Has Failed to Collect Current and Site-Specific Data Needed to Prepare A Current Suitability, Capability, Carrying Capacity and Stocking Rate Study or Analysis.

BLM has no idea what current grazing suitability, carrying capacity, or stocking rate really should be on these allotments. BLM has not conducted an adequate current suitability, capability, carrying capacity, stocking rate or any other study that would determine the productivity or ability of the land to support levels of livestock use and numbers authorized by the Decision. BLM admits: **there has been no adjustment in carrying capacity in pastures where fire has resulted in a dominance of annual exotic species** (Appendix 1, Response to Comments at 25). Vast areas of these lands have burned, and BLM has ignored the new reality of large-scale cheatgrass invasion, and loss of perennial forage, its failed post-fire seedings that have become dominated by cheatgrass, and other factors in calculating 2004 stocking rates. Cheatgrass does not

produce reliable forage, and can fluctuate greatly from year to year depending on drought and other conditions.

BLM also admits that cheatgrass is widespread in understories of sagebrush communities, and **any moderate density [of cheatgrass] could compromise long term composition of perennial grass, forb and shrub species** .FD at 46).

Areas of these lands are rugged, or rocky, or steep, or replete with topographic barriers (such as sheer canyon walls), and contain canyons and rimrocks. The topography largely confines and funnels livestock movement into flatter areas, primarily near water. This will occur no matter what season of the year these lands are is grazed. Contour lines and canyon walls do not shift with seasons.

Many areas in these allotments are unsuitable for livestock grazing due to topography and physical features. Plus, the depleted conditions of lands and waters (as demonstrated by the failures to meet the Fundamentals of Rangeland Health, and the extensive areas that have become near-monocultures of cheatgrass. See Appendix 1, Response to Comments at 10 **a large percentage of the lower elevation was dominated by annual vegetation** ; Appendix 1 at 17: **at least 50 percent of crucial mule deer winter range has burned** ; Appendix 1 at 23-24, **areas devastated by past wildfires and where perennial shrub and grass vegetation has been lost** . Many areas of these lands have also lost nearly all larger (and thus they produce more forage) native bunch grasses, so the lands have greatly diminished ability to produce forage , as well as cover for native wildlife. See MASR at 29 and FD at 38 and elsewhere, where BLM admits drastic alteration of native vegetation communities, and **loss of tall genera grasses** like bluebunch wheatgrass and Thurber s needlegrass. Sandberg s bluegrass, and bottlebrush squirrel tail produce much less forage. Here too, BLM gives up on ever recovering the tall genera grasses, stating an increase in tall genera grasses is not likely in the long term although they are part of the potential species on the site .

BLM has no idea how much conditions have deteriorated in the Key Area sites that it has used as a basis for estimating conditions in the vast uplands. BLM last conducted any systematic inventory and evaluation of the vegetative composition at Key Areas in 1994. 1994 followed a banner precipitation year , and so the 1994 data also presented a well-above normal view of site conditions (FD at 29). This bumper production year data can not be used as the basis for decisionmaking in 2004, following prolonged drought where all of Nevada was declared a drought disaster area, where massive wildfires have burned and led to cheatgrass invasion over large areas of the allotments and due to continued livestock degradation of understories and native plant communities, cheatgrass and other weed invasion has also progressed. See, for example, FD at 43 and throughout where BLM admits trend is undetermined at this time in light of livestock management since this **time coupled with severe to extreme drought from 1999 to 2003 .** Drought continues into the present.

These factors have further reduced the ability of the land to sustain livestock in many areas without them suffering new and accelerating damage and further depletion of soils,

watersheds, remaining native vegetation, wildlife habitats, cultural sites and recreational and special values.

BLM has no real grazing suitability study of any kind for these lands. BLM has not even calculated carrying capacity based on current data. Instead, BLM relied on estimated carrying capacity (FD at 2) with its primary basis being the ancient adjudication maps . These maps in no way reflect current ecological conditions in these lands, where BLM admits that severe to extreme drought has occurred, that cheatgrass is widespread and increasing, and many other important values exist. It is well known that stocking rates, as shown on old adjudication maps, were grossly inflated when grazing was adjudicated and overseen by boards completely controlled by the livestock industry (grazing advisory boards).

BLM s calculation of carrying capacity on which the AUMs authorized under the ten-year grazing permits are based (FD at 5 and 15) result in stocking levels greater than the actual use that was calculated here in the period from the 1980s to 1998 or 1999 (See Appendix 4, Tables 2 and 3). Despite average actual use found in Appendix 4, Tables 1 and 2 for the Squaw Valley allotment to be 2350 plus 20,686 = 23,036 AUMs, BLM s FD at 5 authorizes 26,518 AUMs to Barrick Goldstrike. Appendix 4, Table 3 finds 20,686 average actual use AUMs for Spanish Ranch, yet FD at 5 authorizes 22,201. Note: this average use does not appear to be the actual use that actually occurred, which is likely far lower. Plus, BLM s abstruse calculations omit calculated actual use for the last 4 or 5 years. These years were a period of unrelenting drought —so they may have been omitted as they show how much-reduced any carrying capacity, or stokincg rate really is. In addition, in FD Part II at 11, BLM claims that 26,518 cattle AUMs and 4000 sheep AUMs total 26,518 AUMs total preference in the Squaw Valley allotment. This is a clear error of fact.

BLM also leaves the door open to large increases in AUMs (following attainment of objectives to be monitored, including by the permittee). The carrying capacity calculations - again based on no recent data — would allow as many 61,289AUMs to be grazed on Spanish Ranch and Squaw Valley (Appendix 4, Table 6), a level much in excess of the present.

BLM Has Failed to Take A Hard Look at the Cumulative Impacts of Its Proposed Action.

The decision violates APA and NEPA and BLM s regulations. These regulations include requirements that BLM adequately reveal environmental impacts, including cumulative impacts of its actions, support many conclusions and statements with data and scientific evidence, and demonstrate how environmental damage will be mitigated.

BLM has failed to consider watershed-level effects of its decision, and the degradation of neighboring allotments and private lands on wildlife species, aquatic species and special status species and habitats. Some neighboring allotments are highly degraded. Uplands that provide critical habitat for mule deer, sage grouse, and other important wildlife

species whose populations are shared between allotments are likewise degraded, with unassessed cumulative impacts on these species. Likewise, new fence, water and other BLM or private land projects constructed in these lands may have fundamentally altered livestock (and likely wildlife) use and movement patterns.

BLM failed to view the degraded conditions and ecosystem processes on the Squaw Valley, Spanish Ranch and Elevenmile complex of allotments as part of a broader ecological picture, and evaluate the relative scarcity of the values at stake, such as pygmy rabbit habitats, or interior redband trout streams.

BLM failed to reveal and assess conditions and problems on other allotments and lands, including lands grazed by some of the same permittees on the Forest, in the intertwined ecosystem. BLM authorizes grazing in the Elevenmile allotment under this Decision, and structures portions of this decision around that allotment, but never provides any data or analysis of conditions on that allotment.

BLM has failed to assess the cumulative impacts of widespread fire disturbance on these and neighboring lands, and the habitat loss, habitat fragmentation, degradation, weed invasion, and soil erosion that has resulted. See Knick et al. 2003.

BLM has failed to assess the cumulative impacts of livestock projects, roads and other human-caused disturbance both on the lands of these and neighboring allotments, on wildlife habitats, cultural sites, aquatic habitats, fisheries, and recreational uses and enjoyment on these lands.

BLM has failed to assess the cumulative impacts of mining disturbance on these lands and surrounding lands and waters (large mine near Midas, old and new minining activity, etc.). For example, cyanide heap leach gold mining causes aquifer depletion and lowering of the water table. What are the cumulative impacts of Barrick and other mines (Midas area) aquifer depletion on both aquifers underlying these allotments, and the health and viability of populations of species that are affected? What are the effects on the surface flows of springs, etc.?

BLM has also failed to consider the wide range of harmful activities that are occurring on private lands in and neighboring the allotments, and their implications for special status species and their habitats. Such activities include stream diversions or de-watering of the flows of entire streams. BLM fails to assess the impacts of on native biota and hbaitats and populations throughout the assessment area.

The additive or cumulative impacts of new livestock projects and facilities on top of the existing projects that scar these and neighboring lands have also never been considered by BLM. BLM fails to describe condition and impacts of existing livestock facilities on habitats and populations.

BLM should have fully considered cumulative effects in developing a range of suitable alternatives and analysis of environmental effects here, but failed to do so.

BLM Has Failed to Conduct a Current Inventory and Assessment of Threatened, BLM Sensitive Species and Important Native Wildlife in the Allotments. No baseline surveys exist.

BLM is required to examine and assess the impacts of the proposed action on endangered, threatened, and special status species, as well as other native birds and biota within the affected lands prior to the adoption of a decision to increase stocking rates on lands shown to be degraded by livestock grazing. BLM is also required to manage important mule deer, pronghorn and other species to meet these species habitat needs.

No current inventory data is presented for important special status shrub-steppe species that are known to inhabit juniper communities. Sage grouse, burrowing owl, pygmy rabbit, Brewer s sparrow and other sagebrush obligates inhabit sagebrush lands in the allotment (see FD Attachment 2). Mountain quail have been recently extirpated.

BLM has not conducted a baseline inventory for special status plants in these allotments. BLM cannot assess the direct, indirect and cumulative impacts of its actions, including massive construction of greater than 117 miles of new fences, spring developments and de-watering, and massive vegetation alteration - projects that often entails significant crosscountry travel by motorized equipment and would result in development of extensive new roading.

Without baseline and current inventories of wildlife habitat condition and population use of these areas, BLM can not conduct a valid FRH assessment, or NEPA analysis, of cumulative impacts on special status plant and animal species.

BLM Fails to Asssess Conditions of Soils and To Protect Upland and Riparian Soils from Harmful and Irreversible Erosion.

BLM fails to adequately examine the impacts of increasing grazing on the microbiotic /cryptogamic crusts and soils within the allotments. BLM fails to collect data and undertake any substantive analysis of the likely impacts of increasing grazing on these fragile resources.

BLM fails to collect necessary site-specific data on soils across the allotment that is necessary to understand their current health and condition, which is also necessary to make a reasoned decision under the FRH, and to take a hard look at alternative courses of action that are necessary to protect or improve their condition.

An overwhelming body of scientific literature ties grazing to erosion and destruction of soil crusts. Even under moderate stocking rates, grazing substantially contributes to the deterioration of soil stability in deserts (Warren et al. 1985), thus leading to increased soil erosion. Soil erosion is further exacerbated by increased surface runoff triggered by loss of vegetative cover and litter (Ellison 1960), both of which have been shown by numerous studies to be reduced by livestock grazing. Numerous studies have observed

severe erosion in the western United States when comparing heavily grazed areas to ungrazed sites (e.g. Cottam and Evans 1945, Gardner 1950 Lusby 1979, and Kauffman et al. 1983). Furthermore, there are a number of extensive literature reviews on this topic that describe the indisputable impact of livestock grazing on soil stability and erosion (see Gifford and Hawkins 1978, Fleischner 1994, Trimble and Mendel 1995, and Jones 2000).

Despite the presence of a wealth of special status species, and imperiled aquatic species here, BLM failed to study how livestock grazing may affect the very foundation of the ecosystem, the soils, and how its actions may affect soils in watersheds. Some of the many deficiencies include: Failure to study how constructing greater than 117 miles of new fence and thus shifts and concentration of livestock use may affect soils and watershed stability; failure to study how the proposed stocking rates may affect the health of microbiotic crusts (healthy crusts serve as a shield against cheatgrass and weed invasion — which are recognized problems in these allotments); failure to study how the health and integrity of soils may affect erosion processes and protect from erosion-caused harm to cultural sites.

Upland soils, under the Northeastern Great Basin Standards (FD at 35), are required to exhibit infiltration and permeability rates that are appropriate to soil type, climate, landform .

The degree to which BLM ignores concerns about livestock damage to soils is shown in its Final Decision Allotment Specific Objectives, Terrestrial Wildlife Habitat, and the entire FD where upland soil health is completely ignored.

There is no analysis of how its decision may affect erodible soils in uplands and thus sedimentation of riparian areas.

BLM shifts more concentrated livestock use to periods to some areas when soils may be wet and more readily damaged by trampling activity in this rugged country and its narrow riparian arteries, as well as allows sheep grazing and trailing on top of cattle grazing. Compacted soils will limit water infiltration and palnt root growth. Eroding soils will further impair water quality.

Soil formation rates in arid uplands are exceedingly slow, and erosion causes irreversible loss. BLM never describes the erosion rate currently occurring in comparison to soil formation rates.

BLM Fails to Adequately Address Impacts of Livestock Grazing to Cultural Sites.

Livestock trampling damage impacts cause the surface disturbance, soil compaction, and other damage to cultural sites described above — and the exact same number of cattle will be present — thus those impacts will be the same, and perhaps even greater under the Final Decision because livestock are likely to be present in both spring and fall when

ground surfaces are moist, and compaction and disturbance impacts of trampling may be greatest.

BLM Sacrifices Recreational Values to the Livestock Industry.

Visitors in the sagebrush and aspen country of northern Nevada use these lands during these times to view wildflowers, photograph and enjoy scenery, fish, and in the fall to hunt or view elk, deer and other animals.

Under so-called flexibility BLM allows the permittee to swamp pastures with livestock, allowing livestock numbers in pastures to vary wildly, and inundate areas used by recreational visitors.

The Final Decision allows these lands to be inundated with cattle and sheep during the critical nesting and birthing periods in spring and early summer for most native animals. See FD at 5. Wildlife viewing and enjoyment and nature study are an important component of visitor enjoyment, and the harmful impacts of such use are unaddressed, as are the economic losses to recreational components of the economy.

BLM Fails to Ensure Protection of Relevant and Important Values of the Public Lands.

BLM describes widespread infestations of noxious weeds, and extensive cheatgrass problems, including in 1994 ESI or trend sites. However, BLM s Final Decision blindly ignores protection of native plant communities from weed infestation and spread, and allows large-scale new disturbance of fences, herbiciding, and widespread treatments that will only result in accelerated invasion.

BLM blindly overlooks the role of livestock, including sheep grazing and trailing, in infestation and spread of weeds. BLM takes no actions to limit livestock grazing in weed infested areas, and subsequent transport of weed seeds in fur, mud on hooves, or in feces, into and across these lands. BLM s massive array of new livestock projects and vegetation treatment will result in new zones of intense disturbance —by both livestock and activity associated with project development — that will create ideal sites for weed infestation and spread.

Exotic species like cheatgrass that continue to move into livestock-disturbed areas in 2004 in these allotments fundamentally alter fire cycles (Whisenant 1991, Billings 1994, Knick et al. 2003). BLM fails to assess the impacts of its stocking rates, projects, and other livestock-associated activities on alteration of fire cycles.

BLM Fails to Provide Adequate Site-Specific Information on Vegetation Characteristics and Existing Livestock Facilities.

Appellants have observed seriously degraded upland vegetation for large areas surrounding existing livestock facilities on Elko BLM lands. Freilich et al. 2003, Braun

1998, Belsky and Gelbard 2000, Federal Register 69 (77) 2004, describe the many harms to sage grouse associated with livestock facilities. Plus, weeds are increasingly emanating outward from livestock facilities, along livestock trails, or under junipers where livestock seek shade and destroy the understory. These weeds then are dispersed outward into native vegetation communities. BLM fails to adequately analyze the negative and harmful impacts of existing facilities on native vegetation and habitats, yet proposes to construct more facilities here. BLM has failed to consider a range of alternatives that would include removal, or lessening impacts, of existing harmful facilities.

The grazing decisions do not address the effect that existing water developments and fencing, and cattle and domestic sheep grazing and trailing have had on native vegetation and wildlife, coupled with the new impacts of concentrated use resulting from these facilities under the grazing levels and stocking proposed rates here.

Livestock herd sizes have clearly not been able to be managed in a way to protect these important public lands in the past (see FRH violations), a further indication that large areas of these rugged allotments are unsuitable for grazing and proper control of large livestock herds.

BLM Fails to Provide Adequate Monitoring.

BLM fails to provide monitoring or use standards that trigger livestock removal from pastures. BLM commits to no regular compliance monitoring, water quality monitoring, examination for trespass livestock, or other essential monitoring. It is essential that BLM provide a detailed and planned commitment to regular during-grazing-episode monitoring, but BLM has not done so.

BLM Fails to Assure Adequate Mitigation.

BLM fails to provide adequate mitigation for the construction of over 117 miles of new fence.

BLM fails to study and assess the harmful impact to uplands and terrestrial wildlife of the mitigation that is provided to some aquatic species.

BLM fails to describe and assess the indirect impacts of mitigation activities. For example, the whole reason Barrick acquired the grazing permit here is supposed to be mitigation for aquifer depletion and other environmental damage. Yet, the Decision is replete with expensive projects to be funded almost entirely by taxpayers. In these projects, such as herbiciding sagebrush, U. S. taxpayers will further subsidize Barrick s privately owned livestock. Is this killing native vegetation to provide livestock forage (possibly for livestock displaced from LCT habitats) really compatible with mitigation?

BLM Violates the ESA, and Has Not Provided Data and Analysis Necessary for Adequate Consultation Under the Endangered Species Act

BLM violates the ESA by failing to collect and assess current data necessary to understand the condition of uplands, watersheds and riparian areas, which are linked and inter-related. BLM has not prepared an adequate Biological Assessment. The Decision s overall lack of specificity and complexity, the large-scale flexibility, non-mandatory stubble heights, uncertain monitoring perhaps to be conducted largely by the permittee, and other factors, provide no guarantee that habitats will be properly managed. Plus, the meager and inadequate non-mandatory 4 end of grazing episode stubble height will not protect or allow adequate recovery of the hand full of damaged streams where it is applied.

BLM has changed horses in midstream so many times in this process (which largely relies on old and outdated information on all upland conditions 1994), that it is impossible to understand the impacts of actions that will result.

BLM s Decision allows livestock grazing to occur throughout the period when Lahontan cutthroat trout are spawning. See Appendix 1, Response to Comments at 56, WWP and CIHD state: Trout reproduction is most commonly limiting in degraded streams where spawning gravel is washed away or buried by sediments; favorable habitats can also be eliminated by unacceptable stream flows and temperatures. Lahontan cutthroat spawning migration is initiated after minimum stream temperatures reach 5C (April-July) with incubation in acceptable substrate (6-50 mm gravel with dissolved oxygen >5 mg/l) taking 4 to 6 weeks. BLM responds comment noted , acknowledging the validity of Appellant s comments, yet fails to alter grazing to avoid extensive use during LCT spawning periods. For example, in its very small 13,500 acre Upper Willow Creek Habitat Enhancement Area , BLM allows grazing throughout the LCT spawning period (see FD at 19).

BLM also allows the flexibility to flood LCT pastures with large numbers of livestock at any one time during a prolonged grazing period.

The decision lacks certainty. The unlimited flexibility means that livestock in large numbers can flood pastures with ESA-listed species, and consume riparian vegetation to very low levels. There is no trigger for livestock removal.

BLM arbitrarily applies non-mandatory stubble height standards that are lower and more damaging than other BLM Offices that administer Lahontan cutthroat trout habitat. See Winnemucca BLM Soldier Meadows allotment Response to Protest where BLM determines that 6 stubble height is required on LCT streams. Elko BLM s application of a meager 4 stubble height on portions of the degraded stream systems (those streams in watersheds that are lucky enough to have any utilization standard - albeit nonmandatory - applied at all) shows that its actions are in many ways more designed to maximize livestock production than to protect LCT habitats, and allow significant harm to LCT habitat.

PETITION FOR STAY

Pursuant to 43 C.F.R./4.21 Appellant WWP hereby Petitions for Stay of the challenged Final Multiple Use Decision. Appellant hereby requests the Board of Land Appeals in the Office of Hearing and Appeals, Office of the Secretary of the Interior, to stay this Decision until this appeal is resolved.

Appellants do not Appeal or Petition for Stay FMUD Term and Condition 1, which keeps fire closures in place until standards set in them are met, or Term and Condition 2 a, which applies to cattle grazing in certain LCT habitat in the short term. We also do not Appeal Wildlife Decisions 1, 3, and 5.

Relative Harm to Parties - Harm to Appellant.

Appellant s members, who actively recreate on this portion of public land of the United States, will be harmed if this Decision is permitted to proceed as proposed. The implementation of this Decision will result in a violation of federal laws and regulations as documented in the Statement of Reasons (incorporated herein by reference) and Appeal, and the loss of the ability of Appellants and their members to experience the land in question with ongoing degradation of important public resources and values. Further, if this flawed and weak decision is implemented, the losses to the public will be significant, and may be long-term and irreversible.

BLM has confusingly segmented the FMUD into a series of four separate smaller Decisions, yet all actions in each of those Decisions is inextricably linked to the other. If this logic is followed, it leaves Appellants with no way to Appeal the entire MUD, which is the only document that is signed as a whole. The various satellite decisions are not. It also thwarts integrated analysis, and violates NEPA. This further demonstrates the need to prepare an EIS, as BLM has woefully segmented processes and analyses.

If the proposed levels of grazing are enacted, they will result in irreparable damage to the lands, watersheds, waters and the species that inhabit them. Native bunchgrasses will die from excessive use during sensitive critical spring and early summer growing periods. Sage grouse populations will continue to decline, as necessary nesting cover will be devoured by livestock to levels too low for successful nesting, as BLM does not even require measurable upland standards of livestock use as a Term and Condition of the grazing permit (see FD at 6-10). Plus, the utilization it does suggest (50-55%) is far too great to ensure adequate nesting cover remains. Except for a hand full of LCT streams, BLM has no required measurable utilization limit of any kind applied to any riparian areas (most of them horribly degraded as described in Appendix 1, Response to Comments at 67-84, and Appendix 5) throughout these vast public lands, including important habitat for interior redband trout, Columbia spotted frog, California floater and other rare or declining aquatic species facing remarkably degraded habitat conditions (see FD at 6-10, FD at 17-21, FD Appendix 5, and Appendix 1 Response to Comments at 61-78). Livestock will thus be allowed to strip and devour every bit of riparian herbaceous and browse vegetation in scarce riparian areas across hundreds of thousands of acres of these allotments. Plus, streams and springs subject to extreme cattle and/or sheep grazing

impacts during any regularly scheduled spring-summer use period may also be subject to repeated use during fall sheep trailing events.

Irreversible soil erosion loss in the rugged terrain will occur, as will undue degradation of the public lands and their myriad values besides domestic livestock production. BLM authorizes high stocking rates, above those known to have caused a broad array of violations of the FRH (MASR at 2 and 3).

Further depletion of native vegetation in uplands will occur, especially with no required upland utilization standards, non-mandatory upland utilization at 50-55%, continued livestock use on bunchgrasses during the critical growing period and the continued high stocking rate. Conditions on the vast uplands are already so degraded that BLM itself acknowledges that many areas have lost nearly all larger native bunch grass components of the plant community, and thus have greatly diminished ability to produce forage or cover for native wildlife. See MASR at 29 and FD at 38 and elsewhere, where BLM admits drastic alteration of native vegetation communities, and loss of tall genera grasses like bluebunch wheatgrass and Thurber s needlegrass. BLM gives up on ever recovering the tall genera grasses, stating an increase in tall genera grasses is not likely in the long term although they are part of the potential species on the site .

BLM s upland data (covering around 300,000 acres or more) is old, limited and flawed, and is completely inadequate for decisionmaking in 2004. As BLM states again and again in the FD **trend is undetermined at this time in light of livestock management since this time coupled with severe to extreme drought from 1999 to 2003** (see FD at 41, FD at 42, FD at 43, FD at 48, FD at 49, FD at 50, FD at 55, FD at 56, FD at 57, FD at 58, for example), and fire and cheatgrass invasion or other factors (see Appendix 1, Response to Comments at 64, 65, 71). BLM s high stocking rate, lack of required measurable standards of livestock use, and other management actions ignore the direct, indirect, cumulative and synergistic effects of drought, fire, sagebrush die-off due to insects and other mortality agents that is the reality on these beleaguered lands in 2004.

Plus, impacts to wildlife will occur as these lands are swamped with cattle and sheep during critical periods of the year for native wildlife, or habitats are altered and further fragmented. BLM will also harm recreational uses by swamping these lands with livestock during the spring and periods of highest recreational use. BLM allows grazing of LCT habitats during critical LCT spawning periods (see Appendix 1, Response to Comments at 56, LCT spawning is April-July, and compare to FD at 5 and 18- 21. BLM also allows grazing of redband trout habitats in redband trout spawning periods. The construction of over 117 miles of new fence at a cost of over half a million dollars will result in extensive new zones of both construction disturbance and irreparable new livestock disturbance, associated new roading (roads inevitably spring up along fence lines both during construction and as they are driven again and again during maintenance), and other impacts that will result in new and expanded weed invasion and spread.

If new cheatgrass, medusahead, knapweed, bur buttercup, white top and other exotic species invasions, caused by continued or shifted excessive livestock use and new zones of livestock disturbance that provide ideal sites for weed invasion, result in declines or extirpations of native species from public lands, restoration of populations may be extremely difficult and costly.

BLM sacrifices wild horses and their habitats for the benefit of continued high livestock stocking rates and harmful grazing practices. BLM blatantly admits this, stating: **Many miles of fence is planned for the protection of T&E species and it is proposed that the herd area boundaries be changed to eliminate private land. These actions are proposed at the expense of wild horses in favor of other uses.** (Appendix 1, Response to Comments at 41-42.

Throughout Appendix 1, Response to Comments, there are many references to problems with fences — ranging from permittees in the allotments adding extra wires so that fences restrict wildlife passage to BLM s own lack of fence maintenance to wild horses breaking through existing fences, the state of which BLM itself describes as a maze . (Appendix 1, Response to Comments at 7, 9 and throughout).

BLM s decision includes greater than $500,000 of new livestock facility construction on these public lands, and open-ended vegetation manipulation across hundreds of thousands of acres of public lands. If the disturbance and intensive new zones of concentration from fence projects and inevitable new fragmentation of habitats, irreparable soil erosion, loss of native vegetation and loss of native wildlife will occur.

This direct result of the issuance of a Stay on this Decision will be the prevention of direct harm to Appellants because of the violation of legal statutes of the United States on which the Appellants rely if the decisions are permitted to take effect.

Relative Harm to the Parties - Harm to BLM.

The relative harm to the BLM of the issuance of a Stay as requested is unclear. The BLM has not indicated that there are no other possible actions that could be taken. In fact, this decision violates many of BLM s own stated policies. If a Stay were not granted, the BLM would violate its own policies and irreparably harm the affected lands. Therefore, it is not reasonable to suggest that the relative harm weighs in favor of the BLM. BLM has had plenty of time to develop a reasonable and balanced decision here. It has delayed and changed this process for nearly a decade.

If Appellants are granted a Stay, BLM can issue a decision placing protective interim use requirements on the uplands and riparian areas of these allotments. In fact, this is far more protective than BLM issuing new permits with few measurable Terms and Conditions, harmful stocking rates, and extensive new facilities and vegetation treatment as will occur under the new Decision. BLM can act to ensure that permittees meet the stream protection standards by applying Interim Terms and Conditions, and these lands will be better protected than under the incredibly weak decision. The greater than half a

million dollars contemplated for fence projects alone can be used to hire some herders, at a tiny fraction of the cost of fencing, and none of the ecological costs.

In addition, if a Stay is not granted, BLM will be free to proceed with development of massive fencing and vegetation manipulation project. Harms caused by building new livestock facilities include irreparable harm to soils, vegetation, watersheds, wild horses, wildlife habitats, and wildlife populations shared between these and neighboring lands; and harm to cultural sites and recreational attributes of these important and significant wild lands. Construction of the maze of new fences will have serious impacts to wild horses, which Nevada BLM knows full well become entrapped in fences and die if gates are not left open, or if fences are not constructed properly (See *Las Vegas Review Journal* June 29, 2004, Failure to Install Gates Leads to Death of Wild Horses). Plus, the fences will be a hazard to wildlife, will concentrate horse use in fragile wildlife habitats and increase competition between horses, wildlife and livestock even more on depleted lands. The existing fences are also known to be a maintenance nightmare, and BLM itself has failed in its own maintenance responsibilities.

Appellants Likelihood of Success on the Merits.

Appellant has established that it will likely succeed on the merits of this case based upon BLM s (1) failure to prepare an EIS and to take a hard look at the environmental consequences of the complicated FMUD and intertwined satellite decisions, including at cumulative impacts; (2) Failure to conduct an inventory and assessment of endangered, threatened and BLM sensitive species and other native species within the project area; (3) Failure to provide current site-specific information on vegetation, soil and habitat condition, livestock grazing impacts, weed infestation areas, and use this as a basis the impacts of shifting and concentrating livestock use under this Decision; (4) Failure to provide meaningful monitoring and mitigation for harmful livestock actions especially in uplands; (5) Failure to ensure compliance with the FRH and that significant progress will be made; (6) Failure to provide an accurate analysis of water quality; (6) Failure to maintain a thriving natural ecological balance for wild horses as well as the construction of a maze of new fences that will shift, alter and entrap and kill wild horses across large areas of these lands; (7) Biased and arbitrary decisionmaking that places the interest of a foreign gold mine s privately owned livestock grazed on areas where permits were supposedly acquired as mitigation for extensive environmental damage and aquifer depletion caused by cyanide heap leach gold mining above many of the other multiple use values of these public lands; (8) Failure to provide a current study examining carrying capacity, stocking rate, sustainability, productivity or other information needed to determine suitability of lands for grazing that is based on site-specific and current data; (9) Failure to prepare an adequate Biological Assessment and environmental analysis necessary to understand the impacts of the actions on Lahontan cutthroat trout, and allowing trampling and other direct loss of Lahontan cutthroat trout permitting in grazing LCT habitats throughout the spawning period; (10) Failure to assess direct, indirect and cumulative impacts of fence and other projects including irreparable ground disturbance and soil and vegetation and habitat loss while constructing fences, as new roading

develops along them, in using mechanical equipment to treat sagebrush and other native vegetation, purging sagebrush with herbicides and many other associated actions.

The Likelihood of Irreparable Harm.

The harm created by the implementation of BLM s Final Decision is irreparable in that it will permit new and purposeful degradation of public resources. Environmental loss such as soil erosion, weed invasion, loss of native wildlife habitats and populations, or death of entrapped wild horses is irreparable.

Appellants will be deprived of the opportunity to enjoy thriving wildlife populations, healthy and thriving populations of special status species such as pygmy rabbit, sage grouse, interior redband trout or Columbia spotted frog. Instead, Appellants will be faced with additional acreages of flourishing exotic species invasions in zones of ongoing and massive new livestock and livestock facility disturbance, trampled and polluted waters, declining wildlife populations as their habitat becomes fragmented by increased cheatgrass and weeds and continued harmful use levels. These impacts, if permitted, will never be fully recoverable and therefore represent, through the loss of existing soils, native vegetation, wildlife habitat, and special status species, an irreparable action on the part of the BLM, which will harm the environment and the ability of Appellants to carry forward a legal contest of this action, once it is in place. The implementation of this Decision pending review by the Office of Hearings and Appeals on the merits of Appellants appeal is irreparable and irretrievable.

Public Interest Favors the Granting of the Stay.

The public interest clearly favors granting the Stay. The significant sagebrush-steppe and riparian habitats, special status species, and the threatened Lahontan cutthroat trout, and magnificent wild land areas spanning portions of the Great Basin and Interior Columbia Basin and other resources will be degraded environmentally by the implementation of the Final Decision. This clearly violates the public interest. Recovering the health of these public domain lands and compliance with FLPMA, NEPA, the Wild Horse and Burro Act, the CWA, the APA, the FRH, and is in the best interest of the public. In addition, the public interest as expressed by Congress through NEPA will be violated because laws and regulations will be broken if a Stay is not granted pending resolution of this appeal at the Office of Hearings of Appeals.

Appellant Western Watersheds Project believes the granting of a Stay in this matter clearly serves the interest of the health of ecosystems, native biota and humans on Nevada s public wild lands.

Sincerely,

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CERTIFICATE OF SERVICE

I, Katie Fite, Hereby certify that on the _____ day of August 2004, the foregoing document* will be served, via certified mail return receipt requested to:

Bureau of Land Management
Elko Field Office
Attn: Clinton Oke
3900 East Idaho Street
Elko, NV 89801-4611

Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way Room E-2753
Sacramento, CA 95825-1890

I further certify that on August _____, 2004 the foregoing document was sent, via e-mail or FAX, to Manager Oke.

Katie Fite Date

6/30/04

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

In Reply Refer To:

4130/4400 NV(012)

Rock Creek

CERTIFIED MAIL: 7002 0860 0004 9773 4939
Return Receipt Requested
Barrick Goldstrike
c/o Ron Espell
P.O. Box 29
Elko, NV 89803

JUN 30 2004

FINAL MULTIPLE USE DECISION FOR THE SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS

Dear Mr. Espell:

The Rock Creek (Spanish Ranch and Squaw Valley) and Andrae Allotment Evaluations as well as the 2003 Management Action Selection Report (MASR), analyzed monitoring data from 1983 through 2003. Monitoring was conducted to determine if current management practices and grazing systems are meeting the Land Use Plan (LUP), Rangeland Program Summary (RPS), Resource Management Plan (RMP), Standards and Guidelines for Rangeland Health for Northeastern Nevada, and allotment specific multiple use objectives. A 30-day comment period was provided for the interested public to submit written comment and concerns regarding the evaluation.

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 within the Spanish Ranch and Squaw Valley Allotments were selected. The actions selected for implementation were described in the "Squaw Valley and Spanish Ranch Allotments Management Action Selection Report (MASR)".

On October 2, 2003, the Proposed Multiple Use Decision (PMUD) for the Spanish Ranch and Squaw Valley Allotments was issued. The Elko Field Office did not receive any protests on the PMUD.

In order to ensure progress towards and achieve the standards for rangeland health and multiple use objectives, changes in current livestock and wild horse management are required. ***Therefore, my final decision is to implement the management actions identified below for livestock, wild horse, and wildlife management in the Spanish Ranch and Squaw Valley allotments.*** These management actions will become effective at the end of the appeal period for this decision.

LIVESTOCK GRAZING MANAGEMENT DECISION

SELECTED MANAGEMENT ACTIONS FOR LIVESTOCK GRAZING WITHIN THE SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS

The following management actions have been determined appropriate to establish significant progress toward attainment of the multiple use objectives for the Squaw Valley and Spanish Ranch Allotments and the Standards for Rangeland Health approved for the Northeastern Great Basin Area of Nevada. These actions will be implemented through the issuance of this Final Multiple Use Decision.

Implement all of the following selected management actions for the Spanish Ranch and Squaw Valley allotments:

CARRYING CAPACITY RECOMMENDATIONS

1. Establish carrying capacities for the Spanish Ranch and Squaw Valley Allotments by proposed or existing pastures.

Table 1. Estimated Carrying Capacity by Proposed Pasture for the Spanish Ranch Allotment

SPANISH RANCH ALLOTMENT (see map 1)		
Pastures (see map 2)	% of Allotment Carrying Capacity from Adjudication Maps (using public and private lands for % calculation)[1]	Pro-rated Carrying Capacity[2] (AUMs)
Burner Hills	19.6	5,399
Winters Creek	9.7	2,672
Red Cow	24.7	6,803
Cornucopia	9.4	2,589
Big Cottonwood Upland	31.2	8,594
Big Cottonwood Riparian	1.9	523
Hot Creek	3.5	964
TOTAL	100%	27,544

[1]Grazing use is licensed based on public land capacity expressed as a percentage of the total capacity (public and private). The Spanish Ranch Allotment is licensed at 74% public land. However, the total number of Animal Unit Months (AUMs) of specified livestock grazing shown in this table reflects only those AUMs from public lands. An AUM is the amount of forage a cow and her calf consume during a 30 day period.

[2]Calculated AUMs may change based on the design and location of proposed pasture fences.

Table 2. Estimated Carrying Capacity by Proposed Pasture for the Native Pastures in the Squaw Valley Allotment.

SQUAW VALLEY ALLOTMENT (see map 1)		
Pastures (see map 2)	% of Allotment Carrying Capacity from Adjudication Maps (using public and private lands for % calculation)[1]	Pro-rated Carrying Capacity[2] (AUMs)
Horseshoe	8.5	3,041
Indian Springs	5.7	2,039
Upper Clover	0.4	143
Lower Squaw Field	4.9	1,753
Lower Gorge Pathway	1.7	608
Frazer Creek Riparian	7.1	2,540
Soldier Field	6.4	2,289
Trout Creek Riparian	22.1/TBD	7,905/TBD[3]
Toe Jam Riparian	TBD	TBD[3]
Rock Creek Riparian	9.7	3,470
Willow Creek Reservoir	Before split 30.9	11,053
Nelson Field	2.6	930
Total	100%	35,771

TBD = To be determined

[1] Grazing use is licensed based on public land capacity expressed as a percentage of the total capacity (public and private). The Squaw Valley Allotment is licensed at 80% public land. However, the total number of AUMs of specified livestock grazing shown in this table reflects only those AUMs from public lands. An AUM is the amount of forage a cow and her calf consume during a 30 day period.

[2] Calculated AUMs may change based on the design and location of proposed pasture fences.

[3] The AUMs for the Trout Creek and Toe Jam Pastures will be determined once the fence line is constructed.

Rationale: Although data indicated that there is sufficient carry capacity to support an increase in total numbers of Animal Unit Months (AUMs) of specified livestock grazing on both the Spanish Ranch and Squaw Valley Allotments, not all of the multiple use objectives have been met on both allotments. Failure to meet some of these objectives can be attributed to livestock grazing. Until those objectives that are directly related to livestock management are met, no increase in total number of specified livestock grazing is recommended.

The estimated carrying capacity figures for the Native Pastures of the Spanish Ranch and Squaw Valley Allotments were pro-rated to the new pastures based on the relative carrying capacity of each pasture. For the native pastures within the Squaw Valley and Spanish Ranch Allotments, an

additional step was required. From 1983 through 1990, actual use was reported for the entire Rock Creek Native Pasture. From 1991 through 1995, actual use was reported separately for each allotment. Therefore, the average estimated carrying capacity for the Rock Creek Native Pasture was pro-rated to the Squaw Valley and Spanish Ranch Allotments based on the total number of AUMs of specified livestock grazing outlined in the Elko Resource Management Plan.

Note: The average estimated carrying capacity for the **Native Pasture** of each allotment (for the period 1990-1995) was then averaged with the pro-rated average for the Rock Creek Native Pasture (for the period 1983-1990). The relative carrying capacity for each pasture was calculated from the Tuscarora, Taylor, and Owyhee Adjudication Maps. The total number of AUMs of specified livestock grazing for the Squaw Valley Allotment outlined in the RMP included the three seeded pastures. Carrying capacities for the seeded pastures in the Squaw Valley Allotment were calculated using the utilization levels observed and the actual use recorded, and are displayed in the appendix of the MASR. Calculations and explanation of the methods used to derive carrying capacity are also displayed in the MASR.

TOTAL NUMBER OF AUMS OF SPECIFIC LIVESTOCK GRAZING AND TERM PERMIT CONDITIONS

2. Establish the total number of AUMs of specified livestock grazing at 22,201 AUMs for Ellison Ranching Co. on the Spanish Ranch Allotment and 26,518 AUMs for Barrick Goldstrike on the Squaw Valley Allotment. Maintain permitted use on the Elevenmile Flat Allotment at 1,542 AUMs. Modify term grazing permits for Ellison Ranching Company and Barrick Goldstrike as shown below:

Note: The season of use for Elevenmile Flat Allotment is outlined to incorporate this allotment into the management of the Squaw Valley Allotment and implementation of the grazing system.

Ellison Ranching Company's term permit for the Spanish Ranch Allotment and Barrick Goldstrike's term permit on Squaw Valley and Elevenmile Flat will be modified as shown below:

Issue new ten-year grazing permits for the Squaw Valley, Spanish Ranch, and Elevenmile Flat Allotments as follows:

Allotment/ Pasture	*Livestock Number & Kind*[1]	*Begin Period*	*End Period*	*%PL*	*Type Use*	*AUMs*
Spanish Ranch						
Native	3,818 Cattle	3/25	11/15	74	active	21,921
Native	950 Sheep[2]	6/10	7/15	74	active	166
Native	640 Sheep[2]	10/05	10/31	74	active	84
FFR	3 Cattle	3/1	2/28	100	custodial	30
Total						22,201
Squaw Valley						
Native	2,766 Cattle	3/16	11/30	80	active	18,914
Native	17 Horses	5/1	11/30	80	active	96
Midas Sdg.	105 Cattle	3/16	11/20	85	active	733
Rock Ck Sdg.	84 Cattle	3/16	11/20	100	active	690
Horseshoe Sdg.	226 Cattle	3/16	11/20	100	active	1,861
Horseshoe Sdg.	10 Horses	3/16	11/20	100	active	82
FFR	12 Cattle	3/1	2/28	100	custodial	142
Native	Sheep[2]	3/16	11/30	80	active	4,000
Total						26,518
Elevenmile Flat	1,720 Cattle	3/16	4/30	39	active	1,014
	844 Sheep	4/1	11/30	39	active	528
Total						1,542

1 The total active use is based on the maximum number of AUMs allowed during any one year of the four year grazing cycle. Therefore, depending on the year and pasture being rested, the active use will vary annually. Those AUMs scheduled for rest will be placed in suspension each year.

2 Sheep will not be allowed to bed on the same bedding grounds more than two nights in a row. Sheep will not graze or trail along streams, springs, or aspen stands. Each band will use alternate trailing routes and different bedding areas. Sheep, ***when trailing***, will be trailed at least five miles per day. Movement to and from bedding sites will be random to avoid the creation of trails. Sheep bands would not occupy the same bedding sites used in the summer during the fall.

Terms and Conditions:
Squaw Valley Allotment

PART I
Adopt the Reasonable and Prudent Measures (RPMs) and implement the terms and conditions outlined in the Final Biological Opinion (1-5-04-F-05). The RPMs, terms and conditions, and reporting requirements are described below.

A. REASONABLE AND PRUDENT MEASURES

1. Minimize utilization of riparian vegetation and streambank alteration by livestock along LCT streams with the Squaw Valley Allotment.

2. Assess compliance with the reasonable and prudent measures, terms and conditions, for minimizing utilization of riparian vegetation and streambank alteration (RPM 1), and ensure compliance with reinitiation requirements contained in the biological opinion.

B. TERMS AND CONDITIONS

To implement RPM 1, BLM shall fully implement the following terms and conditions:

1. Under provisions of the Final Agreement for Fire Closure and Management on the Squaw Valley and Spanish Ranch Allotments effective April 2002, and the 2003 Upper Willow Creek Habitat Enhancement Plan, livestock (cattle and/or domestic sheep) grazing and/or trailing shall not be reauthorized in the Frazer Creek Riparian Pasture or the Upper Willow Creek Habitat Enhancement Area until all stream and riparian objectives have been met. For Frazer Creek, the average riparian condition class must meet a rating of 65%, an average aspen regeneration height of at least 7 feet, and achieve proper functioning condition (PFC). For the Upper Willow Creek Habitat Enhancement Area, Lewis Creek must have an average riparian condition class of 70%, average stream width/depth ratio of 15:1, and must achieve PFC. Nelson Creek must have an average riparian condition class of 70%, an average stream width/depth ratio of 16:1, and must achieve PFC. Upper Willow Creek must meet an average riparian condition class of 65%, an average stream width/depth ratio of 20:1, and must also achieve PFC.

2. Under the proposed short-term livestock grazing system, livestock (cattle and/or domestic sheep) grazing and/or trailing within Soldier Field/Trout Creek/Toe Jam Riparian Field/Pasture and the Frazer Creek Riparian Field/Pasture shall be in accordance with the following resource criteria/restrictions:

   a. Cattle grazing and/or trailing shall not be allowed.

   b. Domestic sheep bands[1] shall avoid as much as possible grazing/bedding along streams,

[1] A domestic sheep band is a grouping of about 1,000 ewes plus lambs or 1,000 to 1,500 dry ewes without lambs.

and next to springs, and/or aspen stands.

c. When trailing, domestic sheep shall be restricted to existing roads/trails where possible and sheep bands must travel at least 5 miles/day.

d. Domestic sheep bands shall not occupy the same bedding site more than two nights in a row.

e. Domestic sheep bands shall not occupy the same bedding sites used in the summer in the fall.

f. Domestic sheep movement between bedding sites shall be random.

OR

g. Cattle grazing and/or trailing shall be permitted in Frazer Creek Riparian Field/Pasture under the resource criteria/restrictions of the proposed long-term livestock grazing system as outlined under Reasonable and Prudent Measure Number 1, Term and Condition Number 3 and Reasonable and Prudent Measure Number 2, Term and Condition Number 1.

3. Under the proposed long-term livestock grazing system, livestock (cattle and/or domestic sheep) grazing and/or trailing shall be permitted within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures and the Upper Willow Creek Habitat Enhancement Area under the following resource criteria/restrictions:

   a. Domestic sheep bands shall avoid as much as possible grazing/bedding along streams, and next to springs, and/or aspen stands.

   b. When trailing, domestic sheep shall be restricted to existing roads/trails where possible and sheep bands must travel at least 5 miles/day.

   c. Domestic sheep bands shall not occupy the same bedding site more than two nights in a row.

   d. Domestic sheep bands shall not occupy the same bedding sites used in the summer in the fall.

   e. Domestic sheep movement between bedding sites shall be random.

   f. Any cattle that are trailed through these fields/pastures/areas shall be continuously herded until they reach their final destination in one day. No over night stops shall be permitted.

g. Livestock (cattle and/or domestic sheep) grazing shall be permitted in the following fields/pastures/areas under the following resource criteria/restrictions:

(1) A *Hot Season* prescription shall only occur once within a 4-year grazing cycle within the Frazer Creek Riparian, Trout Creek and Toe Jam, Fields/Pastures.

(2) Two consecutive years of *Hot Season* prescriptions shall not be permitted within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures.

(3) A minimum of one year of rest shall be required within a 4-year grazing cycle within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures. A request to waive this requirement will considered by BLM in the absence of *Hot Season* grazing during a 4-year grazing cycle.

(4) A *Hot Season* prescription shall not occur within the Upper Willow Creek Habitat Enhancement Area.

(5) Rest shall occur ever other year within the Upper Willow Creek Habitat Enhancement Area.

h. Livestock (cattle and/or domestic sheep) off dates for spring, fall, winter and/or hot season prescriptions shall not be extended in any field/pasture/area unless annual and/or 4-year monitoring evaluations demonstrate attainment of riparian objectives and/or woody vegetation utilization and/or bank alteration (bank trampling and sheering) criteria shall not be jeopardized.

i. Livestock (cattle and/or domestic sheep) grazing along Upper Rock, Toe Jam, Frazer, Lewis, Nelson, and Upper Willow Creeks under the proposed long-term livestock grazing system, shall be contingent upon the achievement of: 1) four of six 4-year stream riparian objectives for Upper Rock, Toe Jam, Frazer Creeks listed in Table 6 of this decision; and all stream riparian objectives for Lewis, Nelson, and Upper Willow Creeks listed in Table 7 of this decision.

j. BLM shall monitor LCT stream riparian habitats within the Frazer Creek Riparian (Frazer Creek), Trout Creek (Toe Jam and Upper Rock Creeks), Toe Jam (Toe Jam and Upper Rock Creeks) Fields/Pastures and the Upper Willow Creek Habitat Enhancement Area (Lewis, Nelson, and Upper Willow Creeks) throughout the course of the 4-year grazing cycle. Riparian woody utilization, streambank alteration shall be monitored to document and evaluate grazing impacts. Additional information collected by Trout Unlimited, Nevada Department of Wildlife, and Barrick Goldstrike Mines, Inc. including trout surveys, habitat surveys, green line monitoring, low level color photography, and water temperature monitoring will also be used to evaluate the effectiveness of the grazing system. Monitoring would occur following each year of grazing within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures and

the Upper Willow Creek Habitat Enhancement Area to ensure that all or a combination of the criteria listed below are not exceeded. BLM shall determine which criteria are applicable based on site potential and stream characteristics:

(a) Maximum allowable riparian woody utilization does not exceed 30 percent on willow species greater than 5 feet tall and/or 20 percent on willow species less than 5 feet tall; and/or 10 percent on aspen species of any height (percentages are based on an average measurement from all stations for each LCT stream); and/or

(b) Livestock streambank alteration (bank trampling and sheering) does not exceed 10 percent (percentages are based on an average measurement from all stations for each LCT stream).

k. Salt and/or mineral blocks shall not be placed within 1/4 mile of springs, streams, riparian habitats, or aspen stands.

To implement Reasonable and Prudent Measure Number 2, BLM shall fully implement the following Term and Condition:

1. Under the proposed long-term livestock grazing system, livestock (cattle and/or domestic sheep) grazing and/or trailing shall be permitted within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures and the Upper Willow Creek Habitat Enhancement Area under the following resource criteria/restrictions:

   a. Prior to turnout each year, the SVA lessee(s) or permittee(s) shall notify BLM Elko Field Office in writing with the following:

      1) The kind and number of AUMs of livestock they propose to graze in each field/pasture/area.

      2) Which grazing prescription (spring, hot season, fall, winter) they propose to use in each field/pasture/area.

   b. Annually, following each year of grazing use within the Frazer Creek Riparian, Trout Creek and Toe Jam Fields/Pastures and the Upper Willow Creek Habitat Enhancement Area, BLM shall evaluate the monitoring data collected from Upper Rock, Toe Jam, Frazer, Lewis, Nelson, and Upper Willow Creeks to determine if adequate progress is being made toward achieving short and long-term stream riparian objectives as outlined under Reasonable and Prudent Number 1, Term and Condition Number 3i and if any of the riparian woody vegetation utilization and/or bank alteration criteria as outlined under Reasonable and Prudent Number 1, Term and Condition Number 3j have been exceeded.

c. **BLM shall ensure that short-term and/or long-term riparian objectives as outlined under Reasonable and Prudent Number 1, Term and Condition Number 3i are not jeopardized and that riparian criteria as outlined under Reasonable and Prudent Number 1, Term and Condition Number 3j are not exceeded. If adequate progress towards meeting stream and riparian objectives cannot be demonstrated in any given year and/or if any of the riparian woody vegetation utilization and/or bank alteration criteria have been exceeded, then the lessee(s) or permittee(s), BLM, and the Service will address any needed changes in grazing use on an annual basis informally prior to the initiation of any formal consultation. All parties shall address current data, and trends in the determination of making significant progress towards meeting rangeland health standards and specific allotment objectives. If the BLM, the Service, and the lessee(s) or permittee(s) can not reach an agreement as to the appropriate corrective action(s), livestock grazing shall not be allowed in the affected field/pasture/area during the next grazing season.**

d. At the end of each 4-year grazing cycle within the Frazer Creek Riparian, Trout Creek, Toe Jam Field/Pasture and the Upper Willow Creek Habitat Enhancement Area, BLM shall evaluate the monitoring data collected from Upper Rock, Toe Jam, Frazer, Lewis, Nelson, and Upper Willow Creeks to determine if the achievement of any applicable short-term and/or long-term riparian objectives have been jeopardized. If the achievement of any of these applicable riparian objectives have been jeopardized within an affected field/pasture/area, BLM, after the completion of consultation, cooperation, and coordination with the lessee(s) or permittee(s) and interested publics, shall determine which changes in the proposed grazing system are necessary within the affected field/pasture/area to ensure the achievement of the applicable riparian objectives. If BLM and the lessee(s) or permittee(s) can not reach an agreement as to the appropriate corrective action(s), BLM shall issue a decision regarding the proposed change in grazing management in the affected field/pasture/area.

e. An annual monitoring summary shall be prepared and provided to all of the interested publics including the Service, outlining riparian objectives and criteria for each pasture grazed, how the allotment was grazed, any problems encountered and how they were resolved, the effectiveness of LCT minimization measures, any proposed changes for the following year(s), and an assessment of what progress toward improvement in resource conditions occurred.

f. BLM shall monitor SVA to determine if or when a portion of the 4,000 available domestic sheep AUMs could be converted to cattle AUMs. No more than 2,000 domestic sheep AUMs (50 percent of 4,000 sheep AUMs) shall be converted and phased in at 4-year increments. However, the conversion of these domestic sheep AUMs shall be contingent on showing progress in meeting stream riparian objectives outlined in Reasonable and Prudent Measure Number 1, Term and Condition Number 3i (Table 9) over each 4-year increment.

REPORTING REQUIREMENTS

Upon locating dead, injured, or sick threatened or endangered species during the time when livestock are authorized to be in SVA, initial notification must be made to the Service's Division of Law Enforcement in Las Vegas, Nevada at telephone number (702) 388-6380 and NFWO at telephone number (775) 861-6300 within three working days. Instructions for proper handling and disposition of such specimens will be issued by the Division of Law Enforcement. Care must be taken in handling sick or injured LCT to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. In conjunction with the care of sick and injured fish or wildlife, the preservation of biological materials from a dead specimen, the BLM and the lessee(s) have the responsibility to ensure that information relative to the date, time, and location of the wildlife, when found, and possible cause of injury or death of each must be recorded and provided to the Service.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

BLM should implement following Terms and Conditions for Trout Creek, because this stream is an unoccupied potential LCT recovery stream identified in the 1995 LCT recovery plan:

Reasonable Prudent Measure Number 1, Term and Condition Number 3.

Reasonable Prudent Measure Number 2, Term and Condition Number 1.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

PART II

"Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Spanish Ranch and Squaw Valley Allotments dated_____."

ALLOTMENT	CATTLE AUMs	SHEEP AUMs	TOTAL ACTIVE USE	TOTAL PREFERENCE
Squaw Valley	26,518	4,000	26,518	26,518
Elevenmile Flat	1,014	528	1,542	1,542

The grazing system will be performance driven: if criteria, standards, objectives are not met, then additional rest or adjustments in livestock numbers will be required in subsequent year. This may also include a 40% utilization restriction in the native pastures during the active growing season. If objectives and standards for rangeland health are being met, potential does exist for consideration of an increase in livestock use.

The permittee is responsible for ongoing observations to ensure that utilization criteria associated with livestock use are not exceeded. The BLM will provide information and or training to the permittee on the standard methodology used to monitor utilization if necessary or requested. The BLM will continue to monitor to ensure that the permittee complies with the criteria. If problems are identified, the BLM and the permittee will work together to find solutions that address the problems and the annual grazing system will be adjusted the following years as needed.

Livestock numbers identified in this permit are a function of seasons of use and the total number of animal unit months of specified livestock grazing. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of multiple use objectives. The terms and conditions of the permit (or lease) may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

Flexibility – The livestock permittee will have the flexibility to adjust his livestock numbers within the grazing system outlined as long as the total number of AUMs of specified livestock grazing for the allotment and target AUMs for each pasture are not exceeded. Moves between pastures can vary by five days before or after the scheduled dates, except for the riparian pastures listed below. Because of riparian concerns, no flexibility in off dates for early or hot season use grazing treatments will be permitted for the following pastures, unless monitoring demonstrates on extension in off dates will not jeopardize attainment of objectives:

Squaw Valley Allotment

- Frazer Creek Riparian Pasture
- Soldier Creek Riparian Pasture
- Trout Creek Riparian Pasture
- Toe Jam Riparian Pasture
- Rock Creek Riparian Pasture

Permittees on the Squaw Valley and Elevenmile Flat Allotments will have "after the fact" billing privileges. Prior to the grazing season, the livestock permittee will apply for grazing use in conformance with their term permit and any multiple use decisions or allotment management plans. The livestock permittee will submit accurate actual use records by pasture to the Elko District within 15 days after closure of the authorized grazing season. One billing notice, based on the actual use report, will be issued within two weeks of receipt of the actual use report. Payment of grazing fees must be made within 15 days of the bill due date. Failure to pay the grazing bill within 15 days of the due date specified in 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.

Repeated delays in payment of "after the fact" billings or noncompliance with the terms and conditions of the permit (including failure to submit actual use report within 15 days) shall be cause to revoke "after the fact" billing privileges (43 CFR 4130.8-1(f)).

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.

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.

Spanish Ranch Allotment

"Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Spanish Ranch and Squaw Valley Allotments dated_____."

ALLOTMENT	CATTLE AUMs	SHEEP AUMs	TOTAL ACTIVE USE	TOTAL PREFERENCE
Spanish Ranch	21,951	250	22,201	22,201

The grazing system will be performance driven: if criteria, standards, objectives are not met, then additional rest or adjustments in livestock numbers will be required in subsequent year. This may also include a 40% utilization restriction in the native pastures during the active growing season. If objectives and standards for rangeland health are being met, potential does exist for consideration of an increase in livestock use.

The permittee is responsible for ongoing observations to ensure that utilization criteria associated with livestock use are not exceeded. The BLM will provide information and or training to the permittee on the standard methodology used to monitor utilization if necessary or requested. The BLM will continue to monitor to ensure that the permittee complies with the criteria. If problems are identified, the BLM and the permittee will work together to find solutions that address the problems and the annual grazing system will be adjusted the following years as needed.

Livestock numbers identified in this permit are a function of seasons of use and the total number of animal unit months of specified livestock grazing. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of multiple use objectives. The terms and conditions of the permit (or lease) may be modified if additional information indicates that revision is necessary to conform with 43

CFR 4180.

Flexibility – The livestock permittee will have the flexibility to adjust his livestock numbers within the grazing system outlined as long as the total number of AUMs of specified livestock grazing for the allotment and target AUMs for each pasture are not exceeded. Moves between pastures can vary by five days before or after the scheduled dates, except for the riparian pastures listed below. Because of riparian concerns, no flexibility in off dates for early or hot season use grazing treatments will be permitted for the following pastures, unless monitoring demonstrates on extension in off dates will not jeopardize attainment of objectives:

Spanish Ranch Allotment

- Winters Creek Riparian Pasture
- Red Cow Riparian Pasture
- Big Cottonwood Riparian Pasture

Permittees on the Spanish Ranch Allotment will have "after the fact" billing privileges. Prior to the grazing season, the livestock permittee will apply for grazing use in conformance with their term permit and any multiple use decisions or allotment management plans. The livestock permittee will submit accurate actual use records by pasture to the Elko District within 15 days after closure of the authorized grazing season. One billing notice, based on the actual use report, will be issued within two weeks of receipt of the actual use report. Payment of grazing fees must be made within 15 days of the bill due date. Failure to pay the grazing bill within 15 days of the due date specified in 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. Repeated delays in payment of "after the fact" billings or noncompliance with the terms and conditions of the permit (including failure to submit actual use report within 15 days) shall be cause to revoke "after the fact" billing privileges (43 CFR 4130.8-1(f)).

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.

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.

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, as well as some of the multiple use objectives, have not been achieved and changes in grazing

management are necessary.

Modifications of term grazing permits, including dates and numbers of livestock and terms and conditions, will allow implementation of the grazing system(s) outlined to meet multiple use objectives and rangeland health standards on the Spanish Ranch and Squaw Valley Allotments, therefore a new ten year permit will be issued for the Spanish Ranch, Squaw Valley, and Elevenmile Flat Allotments.

Collecting and reporting information on stream and riparian habitat conditions and fish populations, along with livestock use activities, is important to assess the impacts of livestock grazing on LCT and their habitat, ensure that significant progress is being made towards attainment of the Standards for Rangeland Health for the Northeastern Great Basin Area of Nevada.

Barrick Goldstrike's current livestock use within the seeded pastures on the Squaw Valley Allotment has been limited to 2,088 AUMs in the Horseshoe seeding, 735 AUMs in the Midas Seeding, and 821 AUMs in the Rock Creek Seeding. Livestock use in the Native Pasture was limited to 23,010 AUMs. Based on monitoring data collected from 1983 to 2000, use on the seeded pastures should be changed to the capacities outlined in Appendix 4 within the MASR. Although carrying capacity calculations show an increase in total number of AUMs of specified livestock grazing, no increase would be made in the existing Native Pasture due to multiple use objectives not being met.

The Elevenmile Flat Allotment is used in conjunction with the Squaw Valley Allotment to trail cattle and sheep from wintering areas to the spring range. Modifying the date of entry on the Elevenmile Flat Allotment to coincide with the on-date for Squaw Valley simplifies management and recognizes the suitability for early spring use on Elevenmile Flat Allotment.

Due to the size of the pastures and the complex terrain of the allotments, five days flexibility on either side of the move dates between pastures (except for spring and hot season grazing treatments in riparian pastures) is permitted to ensure the removal of all livestock from the pastures. The permittees are allowed flexibility in their operations in order to adjust for climatic conditions and annual fluctuations in their livestock operation. However, flexibility must be limited in the riparian pastures to maintain short-duration or reduction of hot season grazing to achieve multiple use objectives.

Ellison Ranching Company and Barrick Goldstrike have requested "after the fact" billing privileges. Ellison has annually provided actual use reports in a timely manner, have paid their grazing fees on time, and closely coordinated management on their allotments with the BLM. They are in compliance with the terms and conditions of their grazing permit. Based on grazing regulations which allow "after the fact" billing and compliance with terms and conditions, Ellison Ranching Company on the Spanish Ranch and Barrick Goldstrike on Squaw Valley and Elevenmile Flat should be granted this privilege for those allotments managed under an allotment management plan or multiple use decision. In additions, the administrative time required for

billing for the permittees on those allotments will be reduced. Their annual billings are complex and require a great deal of administrative time. Issuing one bill based on actual use for their allotments will shorten this time.

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

GRAZING SYSTEMS

3. Implement the grazing system on the Spanish Ranch Allotment outlined in the table below and with the following grazing stipulations:

Table 3. Spanish Ranch Allotment Grazing System.

FIELD (see map 2)	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Burner Hills (4,346 AUMs)	3/25-6/30c	3/25-6/30c	3/25-6/30c	3/25-6/30c
Winters Creek (2,151 AUMs)	3/25-6/30c	Rest	3/25-6/30c	3/25-6/30c
Red Cow (5,476 AUMs)	3/25-7/15c[1] (2,753 AUMs)	3/25-7/15c	3/25-7/15c	3/25-7/15c
Cornucopia (2,084 AUMs)	3/25-5/31c	3/25-5/31c	3/25-5/31c	3/25-5/31c
Big Cottonwood Uplands (6,917 AUMs)	7/1-11/15c *sheep use	7/15-11/15c **sheep use	7/15-11/15c **sheep use	7/15-11/15c **sheep use
Big Cottonwood Riparian (421 AUMs)	Limited fall gather[2]	Limited fall gather[2]	Limited fall gather[2]	Limited fall gather[2]
Hot Creek[3] (776 AUMs)	4/15-6/15 10/1-10/31 *sheep use	4/15-6/15 10/1-10/31 *sheep use	4/15-6/15 10/1-10/31 *sheep use	4/15-6/15 10/1-10/31 *sheep use

[1] All livestock will be removed by 6/30 from the Red Cow Pasture if monitoring conducted by or around 6/15 shows any of the following: streambank trampling in excess of 5%, willow utilization in excess of 10%, or riparian herbaceous stubble heights of less than 4".

[2] Stocking rates and/or timing and duration of grazing will be adjusted downward in subsequent years if monitoring in year 1 shows streambank trampling in excess of 10%, willow utilization in excess of 20%, or riparian herbaceous stubble heights of less than 4".

[3] The public land portion of Hot Creek may be fenced depending on the results of monitoring.

Limited trailing will be authorized in Red Cow Pasture during year 1 to get cattle from Winters Creek and Burner Hills Pasture to the Upland Pastures. Trailing will be from Winters Creek Pasture to a private holding field on Fourmile Creek in one day, and the private holding field on Fourmile Creek to the upland pastures the next day.

*Refer to the following dates for authorized sheep use:

6/10-6/28
7/9-7/15
10/5-10/31

Sheep will not be allowed to bed on the same bedding grounds more than two nights in a row. Sheep will not graze or trail along streams, springs, or aspen stands. Each band will use alternate trailing routes and different bedding areas. Sheep, *when trailing*, will be trailed at least five miles per day. Movement to and from bedding sites will be random to avoid the creation of trails. .
Sheep bands would not occupy the same bedding sites used in the summer during the fall.
AUM calculations may change pending the design and location of pasture fences.

Rationale: On high priority stream habitats, implementation of the grazing system outlined above will eliminate hot season use on riparian areas and will allow for regrowth in all years. A combination of short duration grazing coupled with rest and removal dates which allow for regrowth has been shown to be an effective strategy for improving riparian areas (Myers 1989). Implementation of this grazing system will allow improvement in riparian conditions and enhancement of fisheries habitat conditions on high priority streams, particularly for redband trout, a State of Nevada BLM sensitive species. Improvement in riparian conditions will also enhance mule deer and sage grouse habitat. The upland conditions are expected to be maintained or to improve with this proposed grazing system in all of the Spanish Ranch Allotment. On upland pastures, utilization restrictions will provide residual forage for the following year, enough ground cover for soil stability during runoff, and prevent over grazing of critical seeps, springs, wildlife forage, and sage grouse habitat.

Exclosures around important riparian habitats on public lands (seeps, springs, aspen stands, and possibly stream segments) may be built to protect these areas in the Big Cottonwood Uplands Field. Additional preliminary field work, survey, and design are needed before specific locations are identified.

If standards and objectives are not met within Burner Hills, Red Cow, and Cornicopia Pastures, then changes in season of use or adjustments in livestock numbers will be required in subsequent year. This may also include a 40% utilization restriction in the native pastures during the active growing season.

Sheep trail from the Squaw Valley Allotment through the Spanish Ranch Allotment to the summer range on the Forest Service grazing allotments. As shown on the permit, spring sheep use is from mid-June until mid-July. In the fall, sheep trail through for approximately one week total (about one-half to one day per band).

This management selection would implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3 which have been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standards for rangeland health for Upland Sites, Riparian and Wetland Sites, and Habitat.

4. Implement the grazing system on the Squaw Valley Allotment outlined in the table 4. below and with the following grazing stipulations:

TABLE 4. SQUAW VALLEY GRAZING SYSTEM

FIELD	ACRES	AUM's[1]	KEY ISSUES	MANAGEMENT STRATEGY SHORT-TERM (2004-2006)[2,3]	MANAGEMENT STRATEGY LONG-TERM (2007-2014)[2,3]
Horseshoe	27,101	1,956	Poor ecological condition Crucial deer winter range Cheatgrass domination Protection of seeded species Wildfire Severe-extreme drought (1999-03; ***applies to all pastures***)[4]	**Grazing:** March-April Fall use would be limited to alternate year trailing[3] with Indian Springs with utilization restrictions of 50% of the current year's growth on crested wheatgrass and forage kochia[5] See sheep grazing footnote	**Grazing:** Flexible with following restrictions: If grazing during active growing season when apical meristem can be harvested (est. May 1st – June 30th), then no grazing during active growing season the following year; fall use would be limited to alternate year trailing with Indian Springs with utilization restrictions of 50% of the current year's growth on crested wheatgrass and forage kochia[5] Follow-up monitoring will be completed to ensure that seeded species and soils/soil hydrology on seedings are not impacted. If seeded species are being impacted, carrying capacities and stocking rates may be adjusted accordingly or the pasture will receive one of two years rest or a rotation with Indian Springs Pasture. See sheep grazing footnote. **Improvements:** Evaluate potential for water developments and additional seedings for fuelbreaks, wintering big game, and improvement of ecological sites.
Indian Springs	15,973	1,312	Same as above	Same as above	**Grazing**: Same as above and if fall grazing (after September 15th), then utilization restrictions of 50% of the current year's growth on crested wheatgrass and forage kochia[5] See sheep grazing footnote **Improvements**: Same as above
Horseshoe Seeding	4,447	1,943	Low biodiversity	**Grazing:** Flexible	**Grazing:** Flexible **Improvements:** Evaluate the need for mosaic-pattern vegetative manipulation of shrub species and seeding of forb species[6]
Midas Seeding	1,189	733	Low plant species diversity	**Grazing**: Flexible	**Grazing:** Flexible **Improvements:** Same as Horseshoe Seeding above[6]
Rock Creek Seeding	1,358	690	Same as above	**Grazing:** Flexible	**Grazing:** Flexible **Improvements:** Same as Horseshoe Seeding above[6]
Upper Clover Seeding	668	92	Same as above	**Grazing**: Flexible	**Grazing:** Flexible **Improvements:** Same as Horseshoe Seeding above[6]
Rock Creek Riparian (existing fire fence)	35,964	2,233	Riparian values-Rock Creek Protection of seeded species	**Cattle Grazing**: Rest **Sheep Grazing:** See sheep restrictions footnote	**Grazing**: Early off (by June 15th) annually or alternate with fall use (after Sept. 30th) with the following restriction: If grazing during active growing season when apical meristem can be harvested (est. May 1st – June 15th), then no grazing during active growing season the following year. See sheep grazing footnote **Improvements**: Evaluate the potential for water developments and fencing selected areas along Rock Creek.
Lower Rock Creek Gorge Pathway	1,300	391	Manage area, including that portion affected by 2001 Hot Lake Fire burn area, to help restore site dynamics and to prevent cheatgrass domination	**Grazing**: Flexible although AUMs justify consideration primarily as trailing route. See sheep grazing footnote	**Grazing**: Flexible although AUMs justify consideration primarily as trailing route. In concert with management of above pasture, restrict use during native perennial grass critical growth period. See sheep grazing footnote

FIELD	ACRES	AUM's[1]	KEY ISSUES	MANAGEMENT STRATEGY SHORT-TERM (2004-2006)[2,3]	MANAGEMENT STRATEGY LONG-TERM (2007-2014)[2,3]
Willow Creek Reservoir	62,554	6,972	Riparian values-Willow Creek and springs Mule deer intermediate range High sage grouse values	**Grazing:** Flexible with progress to consider restriction of active growing season use and other criteria as shown for the long term. See sheep grazing footnote	***Pending any final NEPA approval to construct fences to create pastures:*** **Grazing:** Flexible. If grazing during active growing season when apical meristem can be harvested (est. May 1st – June 30th), then no grazing during active growing season the following year. Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1). See sheep grazing footnote **Improvements**: Fence selected key riparian habitats as necessary.
Willow Creek South (Proposed long-term field)	TBD[6]	TBD		NA	**Grazing:** Alternate active growing season use with other Willow Creek fields with the following restrictions: -Utilization of the current year's growth of bitterbrush will not exceed 50% (25% by livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1) See sheep grazing footnote **Improvements:** Evaluate the following potential actions: Fencing to divide Willow Creek Reservoir Field into two units to create this field; prescribed burning; mechanical vegetation treatments; water developments; fence selected riparian habitats as necessary
Willow Creek NW (long-term field)	TBD	TBD		NA	**Grazing:** Same as above per evaluation **Improvements**: Evaluate the need to split the North Field into two separate pastures
Willow Creek NE (long-term field)	TBD	TBD		NA	**Grazing:** Same as above **Improvements**: Same as above
Lower Squaw Creek	15,846	1,128	Poor ecological conditions 1999 Squaw Valley Fire area imperiled as a result of potential cheatgrass domination	**Grazing:** June-July **Improvements**: Construct pasture fence segment	**Grazing**: Flexible with caveat that if grazed during active growing season when apical meristem can be harvested (est. May 1st – June 30th), then no grazing during active growing season the following year. See sheep grazing footnote **Improvements:** Evaluate the potential following actions: water developments; fence selected non-stream riparian habitats as necessary.
Upper Willow Creek Habitat Enhancement Area[7]	13,500	736	Lahontan cutthroat trout Riparian-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	Rest until criteria defined in the Upper Willow Creek Habitat Enhancement Plan (UWCHEP) are met See sheep grazing footnote **Improvements:** Fence west side of Upper Willow Creek with mitigation for sage grouse concerns.	***Once Stream and Riparian Habitat Criteria defined in UWCHP are met:*** **Grazing**: No grazing after July 1st and before September 16th with the following restrictions: -The UWCHEA shall be rested following any year of livestock use -The following conditions would be met following removal of livestock: 4 inch herbaceous stubble height Utilization would not exceed 20% on willows and 10% on aspen Streambank trampling would not exceed 10% -If above conditions are not met, the UWCHEA would be rested from livestock grazing for two consecutive years and future grazing use

FIELD	ACRES	AUM's[1]	KEY ISSUES	MANAGEMENT STRATEGY SHORT-TERM (2004-2006)[2,3]	MANAGEMENT STRATEGY LONG-TERM (2007-2014)[2,3]
					would be adjusted to ensure criteria for stubble height, utilization, and trampling conditions are not exceeded. -No flexibility in July 1st off date allowed. See sheep grazing footnote **Improvements**: Prescribed burning
Frazer Creek Riparian	20,443	1,633	Lahontan cutthroat trout Riparian-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	**Cattle Grazing:** Rest **Sheep Grazing:** See sheep restrictions footnote	**Cattle Grazing**: Hot season use [(use between June 16th and October 20h, (depending on climatic conditions)] cannot occur more than one time each in a four year grazing cycle. A minimum of one year of rest is required in a four year cycle[8]. Two consecutive years of hot season use will not be allowed. **Sheep Grazing:** See sheep restrictions footnote
Trout Creek	TBD	5,085 before split with Toe Jam	Lahontan cutthroat trout recovery habitat Riparian-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	**Cattle Grazing**: Rest **Sheep Grazing:** See sheep restrictions footnote	**Cattle Grazing**: Hot season use [(use between June 16th and October 20h, (depending on climatic conditions)] cannot occur more than one time each in a four year grazing cycle. A minimum of one year of rest is required in a four year cycle[8]. Two consecutive years of hot season use will not be allowed. **Sheep Grazing:** See sheep restrictions footnote **Improvements**: Construct Trout Creek/Soldier Field pasture fence; evaluate the potential for prescribed burning and water developments
Soldier Field	19,965	1,472	Riparian values-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	NA	**Cattle Grazing:** Hot season use [(use between June 16th and October 20h, (depending on climatic conditions)] cannot occur more than one time each in a four year grazing cycle. A minimum of one year of rest is required in a four year cycle[8]. Two consecutive years of hot season use will not be allowed. **Sheep Grazing:** See sheep restrictions footnote
Trout Creek Field	TBD	TBD	Lahontan cutthroat trout recovery habitat Riparian-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	NA	**Cattle Grazing:** Hot season use [(use between June 16th and October 20h, (depending on climatic conditions)] cannot occur more than one time each in a four year grazing cycle. A minimum of one year of rest is required in a four year cycle[8]. Two consecutive years of hot season use will not be allowed. **Sheep Grazing:** See sheep restrictions footnote **Improvements:** Construct Trout Creek/Soldier Field pasture fence; evaluate the potential for prescribed burning and water developments
Toe Jam Field	TBD	TBD	Lahontan cutthroat trout Riparian-streams, springs Sage grouse nesting and brood rearing Mule deer summer range	NA	**Cattle Grazing:** Hot season use [(use between June 16th and October 15h, (depending on climatic conditions)] cannot occur more than one time each in a four year grazing cycle. A minimum of one year of rest is required in a four year cycle[8]. Two consecutive years of hot season use will not be allowed. **Sheep Grazing:** See sheep restrictions footnote **Improvements:** Construct Trout Creek/Toe Jam pasture fence, not shown on map 2; evaluate the potential for prescribed burning and water developments

[1]Based on the percentage of total AUMs in the native pastures derived from adjudication maps, multiplied by the proposed permitted use for the Native Pasture of the allotment. AUM calculations for the Seeding Pastures can be found in Appendix 4 within this report.
[2]Unless noted, grazing will be limited to dates shown.
[3]Definitions: Flexible – no season of use constraints; Rest- no grazing between January and December of the same calendar year. Trailing: All livestock being trailed through the Indian Springs or Horseshoe Pastures during the fall, will enter and leave the pasture in no more than 5 days.
[4]Area represents some of the driest portions of the Elko BLM District (refer to AZ1136 for considerations for drought in general, April 28th, 2003 newspaper article, March 14, 2003 BLM Drought Letter and 2003 Drought Monitor attachments.
[4]Utilization restrictions may apply to other seeded plant species as applicable.
[5]Seeding will likely require at least two years growing season rest. Some costs will be borne by livestock permittee.
[6]To be determined once pasture fences are constructed.
[7]Conditions for livestock use of the Willow Creek Habitat Enhancement Area are defined in the Upper Willow Creek Habitat Enhancement Plan (UWCHEP) developed as part of the Final Supplemental Environmental Impact Statement Betze Project, Barrick Goldstrike Mines, Inc. (BLM 2003).
[8]A request to waive the one year rest requirement for cattle in a four year grazing cycle will be considered by the BLM in the absence of hot season grazing during that grazing cycle.

Sheep Grazing Restrictions Footnote: Sheep will not be allowed to bed on the same bedding grounds more than two nights in a row. Sheep will not graze or trail along streams, springs, or aspen stands. Each band will use alternate trailing routes and different bedding areas. Sheep, *when trailing*, will be trailed at least five miles per day. Movement to and from bedding sites will be random to avoid the creation of trails. Sheep bands would not occupy the same bedding sites used in the summer during the fall.

The grazing system will be performance driven: if criteria, standards, objectives are not met, then additional rest or adjustments in livestock numbers will be required in subsequent years. This may also include a 40% utilization restriction in the native pastures during the active growing season. If objectives and standards for rangeland health are being met, potential does exist for consideration of an increase in livestock use.
2,000 of the sheep AUMs may be converted to cattle AUMs and put into active use after the first four year cycle, if progress towards meeting short-term objectives for upland and riparian habitat can be demonstrated. The Authorized Officer, accompanied with proper NEPA documentation, will determine if sheep AUMs may be converted and activated at that time. Complete conversion and activation of sheep AUMs may occur after the second four year cycle, once significant progress or achievement of short and long-term objectives have been made.

Additional range improvements will be implemented as they make sense and as funds are available.

Rationale: All five proposed riparian pastures (Rock Creek, Frazer Creek, Soldier Field, Trout Creek Field, Toe Jam) include high priority riparian habitat, with Frazer, Trout, and Toe Jam pastures also supporting high priority LCT habitat. The proposed grazing strategies, based on limiting hot season use, are designed to improve stream and riparian habitats within the context of stream type and potential. The grazing strategy proposed for all five riparian pastures has proven to be effective elsewhere on the District and is supported by literature (Myers 1989). Limited hot season grazing would also improve seeps and springs. Improvement in riparian conditions will enhance habitat for many species of wildlife as well.

The upland conditions are expected to be maintained or to improve with this system in most of the Squaw Valley Allotment. Horseshoe and Indian Springs will be early use due to the crucial deer winter range and important forage for wildlife. This will ensure significant amount of forage for wildlife during the critical time of the year.

Sheep trail from the Elevenmile Flat Allotment through the Squaw Valley Allotment in an eastward pattern. In the spring sheep typically stay close to water while lambing. As shown on the permit, spring sheep use is from early April until mid-July. Sheep are slowly moved along the trail from the winter/spring range en route to the summer range on the Forest. In the fall, sheep trail much more quickly from the Forest to the winter range. Use in the fall is generally only three to four weeks. In the long-term sheep grazing will be required to follow the same dates as cattle as outlined above. Other restrictions on trailing will also prevent further degradation of riparian habitat.

This management selection would implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3 which have been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standards for rangeland health for Upland Sites, Riparian and Wetland Sites, and Habitat.

RANGE IMPROVEMENTS

5. Construct the following range improvements for the proposed grazing systems as funding, feasibility, and manpower allow. These improvements are necessary for the implementation of the selected management actions. Reconstruct the Winters Creek Pasture fence to 4-wire, 16.5 foot post spacing, as necessary. Additional range improvements will be implemented as they make sense and as funds are available.

Table 5.

Range Improvements on the Spanish Ranch Allotment

Range Improvements	Units	Estimated Cost	Priority for Construction
Red Cow Pasture Fence (east end)	~ 11 miles	$55,000	1
Winters Creek Reconstruction	~15 miles	$30,000	2
Winters Creek Corridor Fence	~6	$30,000	3
Big Cottonwood Canyon Riparian Fence	~ 14 miles	$70,000	4
Cornucopia Fence	~ 8.5 miles 2 cg.	$42,500	5
Burner Hills/Winters Creek Holding Field	~ .5 miles	$2,500	6

Range Improvements on the Squaw Valley Allotment

Range Improvements	Units	Estimated Cost	Priority for Construction
SV/SR Allotment Boundary Fence	~ 28 miles	$150,000	1
Lower Squaw Creek Fence	~ 2 miles 1 cg.	$15,000	2
Upper Willow Creek Fence	~ 5 miles 2 cg.	$30,000	3
Trout Creek Fence	~ 10 miles 1 cg.	$50,000	4
Toe Jam Fence	~ 8 miles	$40,000	5
Willow Creek Division Fence	~9 miles	$45,000	6

Rationale: The range improvements listed are needed to implement the grazing systems outlined above. The Allotment Boundary Fence between Spanish Ranch and Squaw Valley and

the Lower Squaw Field Fence are first priority. These fences are needed to divide the allotments and control livestock from crossing the boundary and to allow scheduled rest periods within riparian pastures. The allotments may have different livestock operators, as well as different schedules within the pastures adjoining each other. The Trout Creek Riparian Fence, Toe Jam Fence, Big Cottonwood Riparian Fence and the Red Cow Riparian Fence are the next priority. Management of livestock and the ability to prescribe rest to these pastures will allow for achievement of riparian and fisheries objectives following construction of these fences. The second priority is construction of the Winters Creek Corridor Fence, Cornucopia Fence, and the holding pens in Burner Hills and Winters Creek. The Corridor fence will facilitate movement of livestock through Winters Creek into Red Cow during periods of rest. This fence will also allow movement of wild horses through Winters Creek to reach Red Cow. The holding pens will allow the livestock operator to adequately gather and hold livestock during moves between pastures. The Cornicopia Fence is needed for the management of livestock to achieve riparian and fisheries objectives. This would complete all of the proposed pasture fencing associated with the grazing systems.

A recent inventory in 2003 of the Winters Creek Pasture fence showed extensive damage caused by high population levels of wild horses. It is apparent that the 3-wire, 22 foot post spacing was inadequate to keep horses from going through it. In order to properly manage for livestock grazing this fence must remain intact and maintained. A 4-wire fence with 16.5 foot post spacing will better handle the pressure caused by wild horses.

Site specific EA's will be completed for all range improvement projects. Schedules for implementation of range improvements will be based on feasibility, funding, and manpower.

6. Complete vegetative treatments within the Horseshoe, Midas, and Rock Creek seedings to reduce the amount of foliar cover by big sagebrush and increase the amount of forage available to livestock. Techniques to be considered would include mechanical treatment, prescribed burning, and herbicidal treatment. Treatments will be selected based on the ability to meet management objectives. Seeding the area after treatment may also be considered.

Rationale: This action would increase forage for livestock and would help protect large blocks of rangelands from large-scale block burns. By increasing livestock forage in the seeding areas, pressure from livestock grazing in the native pastures may decrease over time.

7. Ascertain that the permittee is aware of BLM standards for fence specifications where cooperative agreements designate permittee fence maintenance of BLM projects. On an annual basis, reiterate the special conditions for fence specifications prior to grazing authorization.

Rationale: Unauthorized modifications of permittee-maintained BLM fence projects have been a problem within allotments in the Elko Resource Area; the restriction of big game movements is a concern. A major problem has been the addition of a fifth strand of barbed-wire to where the

bottom wire is six to seven inches above the ground or top wire is over 50 inches above the ground.

This management selection would implement Guideline 3.3 which as been developed for the Northeastern Great Basin area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

8. Within the Spanish Ranch and Squaw Valley Allotments under the proposed grazing system, identify, prioritize, fence, and develop (as necessary), selected non-stream riparian habitats as funding and manpower limitations permit. Areas considered first will include sites in pastures receiving the majority of the hot season grazing, such as Willow Creek Reservoir Field, Cottonwood Uplands, and Lower Squaw Creek. Sites for fencing and/or development may also be considered in pastures receiving stream-grazing treatments if those treatments prove ineffective for non-stream riparian habitats in upland range sites that would benefit from development projects.

Rationale: Some non-stream riparian areas may require protection or exclusion from grazing, even when grazed under a system designed to improve stream riparian habitats. Within proposed pastures including those in the wild horse herd area, livestock and wild horses would be more apt to utilize water available in troughs, which could potentially decrease direct use of undeveloped seeps/springs and stream riparian areas in a given pasture. Spring developments with water piped away from spring sources would benefit riparian areas. Increased availability of water will also increase livestock distribution and will help facilitate the implementation of the grazing system. Restoration of identified riparian areas would help to achieve multiple use objectives.

Emphasis has been placed on stream riparian habitats, particularly those that support or provide habitat for threatened Lahontan cutthroat trout. With limited funding and manpower, priorities have to be set in those areas with the most potential for improvement and/or that are most at risk for irreversible degradation or loss.

This management selection would be consistent with the Standards for Rangeland Health for Riparian and Wetland Sites and Habitat developed for the Northeastern Great Basin Area of Nevada and allows implementation of Guidelines 2.1, 2.4, 3.2, and 3.3 to establish significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

Decision Authority

The authority for the livestock decision is contained in Title 43 of the Code of Federal Regulations; pertinent citations are below:

4100.0-8 "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)."

4110.3 "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain, or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.

4130.3-1(a) "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

4130.3-2 "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

4160.1(a) Proposed decisions- Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modification relating to applications, permits and agreements (including range improvements permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent certified to the interested public.

4160.2 Protests - Any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

4180.1 "The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist:

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

(b) Ecological processes, including the hydrologic cycle, nutrient cycle, and 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, candidate species and other special status species.

Additional authority is contained within the pertinent sections of the Endangered Species Act (ESA) and in 50 C.F.R. part 402, which identifies the procedures for complying with the act.

Section 7 (a) (2) of the ESA states in part "Each Federal Agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species..."

Under Section 7 (b) (4) (A) of the ESA of 1973 as amended, it states in part that the Secretary will offer the Agency after consultation"...reasonable and prudent

alternatives which the Secretary believes would not violate..." Section 7 (a) (2) of the ESA.

Title 50 CFR, sub part B, section 402.14(i) (1) (iii) states that the U.S. Fish and Wildlife Service will provide in the Opinion to the Agency requesting a formal consultation a statement that, "Sets forth the terms and conditions...that must be complied with by a Federal Agency or any applicant to implement the measures specified..." as reasonable or prudent measures.

APPEAL PROCEDURES

In accordance with 43 CFR 4.470, 4160.3(d), and 4160.4, any person whose interest is adversely affected by a final decision of the authorize officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(d), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer at Bureau of Land Management, Clinton R. Oke, Assistant Field Manager for Renewable Resources, 3900 E. Idaho St., Elko, Nevada, 89801. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision (see attachment 4), and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days

after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

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

WILD HORSE MANAGEMENT DECISION

SELECTED MANAGEMENT ACTIONS FOR WILD HORSE MANAGEMENT WITHIN THE SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS

1. Set an Appropriate Management Level (AML) of 150-250 wild horses within the Rock Creek Herd Management Area (HMA).

Rationale: In accordance with 43 CFR Subpart 4700, it has been determined through the evaluation of monitoring data that a thriving ecological balance will be obtained by providing wild horses 3,000 AUMs annually within the Rock Creek HMA. This decision will result in maintaining the population between 150-250 wild horses (1,800-3,000 AUMs).

This management selection would be consistent with the Standards for Rangeland health for Upland Sites, Riparian and Wetland Sites, Habitat, and Healthy Wild Horse and Burro Populations developed for the Northeastern Great Basin Area of Nevada and allow implementation of Guideline 1.1, 2.1, 2.4, 3.1, 3.2, 3.3, 5.2, and 5.3 to establish significant progress towards conformance with the Standards for Rangeland Health.

Maintaining wild horses within the AML will result in a thriving, natural, and ecological balance between wild horses and other resource values. Continued monitoring within the allotments will show if any adjustment to AML is needed. The establishment of AML as a range is in conformance with BLM's 2001 Wild Horse Strategy, where all HMA's will be gathered over a four (4) year cycle plan to manage horses Bureau wide.

Population adjustments will occur when data indicates the population is not consistent with the established AML. The AML will remain unchanged until data indicates a change is necessary to reach HMA objectives including maintenance of a thriving natural ecological balance and multiple-use relationship in the HMA.

2. Following the attainment of AML, prepare a Herd Management Area Plan (HMAP) to guide the management of wild horses within the Rock Creek HMA.

Rationale: Management strategies are necessary to ensure that wild horse populations maintain their free-roaming, self-sustaining, genetically viable status. All HMAPs would be prepared in

accordance with Bureau regulations, policies, and National Program Office Guidance.

Decision Authority

The authority for this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states:

4700.0-6(a)	Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.
4710.3-1	Herd Management Areas-...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other users of the public and adjacent private lands, and the constraints contained in 4710.4.
4710.4	Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.
4720.1	Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal immediately...

APPEAL PROCEDURES

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals". Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days or receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellant has the burden of proof to demonstrate that a stay should be granted.

WILDLIFE MANAGEMENT DECISION

SELECTED MANAGEMENT ACTIONS FOR WILDLIFE MANGEMENT WITHIN THE SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS

1. Complete needed fence modifications in crucial deer winter and intermediate habitat; identify and prioritize any needed fence modifications in crucial deer summer habitat.

Rationale: Fences that are not constructed to BLM standards might pose problems for big game movement. Modifying these fences would facilitate big game movements.

This management selection is consistent with the Standard for rangeland health developed for Habitat in the Northeastern Great Basin Area of Nevada.

2. Manage critical mule deer winter range within the Squaw Valley Allotment through the use of vegetative treatments including fuel breaks to protect intact stands of sagebrush communities, and vegetative seedings to increase forage and cover for wintering mule deer. Types of vegetative treatments may include the following: disk/drill seeding, aerial seeding, shrub planting, prescribed fire, and the use of herbicides to reduce cheatgrass.
Rationale: Depending on the severity of the winter, the area provides winter range for several hundred to 2,000-3,000 mule deer. By implementing appropriate vegetative treatments, the projects would provide forage for wildlife and livestock, help restore a functioning healthy ecosystem, provide a fuels break to help reduce the fire frequency, size, and intensity in the area, and will help protect critical mule deer winter range. Seeded species will be selected based on their ability to establish under drought conditions and in marginal soils, provide aggressive competition to cheatgrass and noxious weeds, and provide forage value for wildlife and livestock.

This management selection would implement Guideline 3.4 which has been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

3. Per management actions for the RMP wildlife habitat objective and Memorandum of Understanding with NDOW, jointly evaluate and analyze availability and condition of habitat areas identified by NDOW for the augmentation of mountain quail populations following improvement of riparian conditions through implementation of appropriate management selections.

Rationale: Native populations of mountain quail have historically inhabited suitable habitat in the allotment. Although no recent documentation of habitat use by this species has been made in the allotments, remnant populations exist in the adjoining Little Humboldt and Bullhead Allotments within the Snowstorm Mountains; use could be occurring at the present time within suitable habitat in the western portions of the Spanish Ranch and Squaw Valley Allotments. The management selection for improving riparian and range conditions would help to improve mountain quail habitat.

This management selection would implement Guidelines 3.2 and 3.3 which have been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

4. 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. Prioritize and complete treatments on selected areas in the Spanish Ranch and Squaw Valley Allotments. Target vegetation types in the allotment where vegetative data have indicated that big and low sagebrush shrub cover is excessive or at upper limits that would restrict herbaceous growth, existing native herbaceous plants would respond to reduced shrub competition, and livestock utilization has been documented ranging from slight (1-20%) to moderate (41-60%). Stimulate younger age class shrub recruitment through a reduction of excessive mature or decadent shrub cover. Treatments would replicate natural small-scale disturbances. Desired Plant Community objectives for treated areas would be established based on range site potentials and response objectives. Any vegetation manipulation treatment would be coordinated with the grazing schedule to rest the subject area through the growing season following the given treatment. The treatments should not include any more than 10% of the entire allotment to be treated in any one-treatment period (approximately 10 years). Specific treatments would be determined on a case-by-case basis with full National Environmental Policy Act documentation and compliance.

Rationale: Based on comparisons with range site potentials, shrub cover has been documented as being excessive or at the upper limit where herbaceous cover is limited due to shrub competition at some key areas and is potentially excessive at other range sites in the allotment. Range sites with excessive shrub cover have generally been documented as having poor forage diversity which would not be improved through only a change in the grazing system. Recent studies have documented that shrub cover in healthy stands of Wyoming big sagebrush is generally less than 15%; as shrub cover increases over 15%, the grass and forb cover decreases. For the mountain or basin big sagebrush vegetation type, healthy stands generally have less than 20% shrub cover. For the big sagebrush-bitterbrush vegetation type, healthy stands generally have less than 30% shrub cover.

The treatment objective would be to reduce shrub canopy cover in a mosaic pattern within irregular shaped 20-40 acres blocks and allow the treated areas to replicate shrub cover in early to mid successional stages for given range sites. Denser cover would remain in the untreated areas to allow wildlife habitat diversity. A prescribed mosaic of cover on said vegetation types would help to enhance mule deer, pronghorn and sage grouse habitat by increasing forage diversity and herbaceous cover. Shrub manipulation would release moisture to stimulate herbaceous plant and younger age class shrub growth relative to sage grouse nesting and summer use habitat. Habitats that contain 8-12% shrub cover in Wyoming big sagebrush and less than 20% shrub cover in mountain or basin big sagebrush stands coupled with the sufficient amount and type of grass cover are factors that increase sage grouse nesting success. Thinning dense stands 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. Sage grouse selection for plants with lower monoterpene levels has been observed.

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 selection would implement Guideline 3.4 which has been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

5. Develop two guzzlers for wildlife in the Squaw Valley Allotment. Each guzzler would be constructed to incorporate fenced water sources and separate water storage for wildlife. One guzzler would be located on Willow Creek Ridge and the other guzzler would be located between Rock Creek Ranch and Governor's Mine southwest of Ivanhoe Creek. Construct these guzzlers in phases if contributed funds for wildlife habitat improvement are available.

Wildlife Habitat Improvement	Units	Estimated Cost/each	Expected Date of Construction	Potential Funding Source
Guzzlers on Willow Creek Ridge & Ivanhoe area (2 total)	apron & 2 wildlife troughs (each)	$ 20,000	2005	Bighorns Unlimited/ Challenge Cost Share

Rationale: These guzzlers would provide water sources away from perennial stream sources that have been identified in the RMP and evaluation as priority streams that either require long-term protection or restricted livestock use to help meet resource objectives. The guzzlers would benefit wildlife species in areas where water sources are limited in suitable habitat.

This management selection would implement Guideline 3.3 which has been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

6. Delay initiating reintroduction plans of bighorn sheep pending any future cooperative agreement with the permittee that either specifies a designated domestic sheep trail route away from potential bighorn habitat or specifies other actions that would preclude the possibility of bighorn-domestic sheep interaction.

Rationale: The Spanish Ranch and Squaw Valley Allotments have been historically licensed for domestic sheep and cattle. The RMP recognized this domestic sheep use. Current BLM guidelines state that bighorn ranges should be managed so that bighorn never come in contact with domestic sheep. Bighorn sheep should not be reintroduced into the Squaw Valley

Allotment until actions to preclude domestic sheep-bighorn interactions can be developed and a cooperative agreement between the BLM and the grazing permittee is completed.

A contract study completed for the BLM in 1980 by the Nevada Department of Wildlife "*Potential Bighorn Sheep Habitat in Northern Nevada*" identified potential bighorn sheep habitat within the Squaw Valley Allotment portion of the Izzenhood Range study area. The cooperative effort between the BLM and NDOW to reintroduce bighorn sheep into suitable historic habitat is an objective in the Elko Resource Management Plan; reintroduction plans are to be accommodated through cooperative agreements. Several studies indicate bighorn are fatally susceptible to diseases contracted during interaction with domestic sheep.

This management selection would implement Guideline 3.3 which has been developed for Northeastern Great Basin Area of Nevada, to establish significant progress towards conformance with the Standard for rangeland health for Habitat.

APPEAL PROCEDURES

Within 30 days of receipt of this wildlife decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals". Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days or receipt of this decision you have a right to file a petition for a stay (suspension) of the decision <u>together</u> with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellant has the burden of proof to demonstrate that a stay should be granted.

OTHER MANAGEMENT DECISIONS

SELECTED MANAGEMENT ACTIONS FOR OTHER DECISIONS WITHIN THE SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS

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 Spanish Ranch and Squaw Valley allotments 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 the 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. Modify and/or requantify the allotment specific and key area objectives for the Spanish Ranch and Squaw Valley Allotments as described below. The general land use plan objectives and Standards for Rangeland Health developed for the Northeastern Great Basin Area remain unchanged.

General Land Use Plan (Elko RMP/ROD) Objectives:

1. Maintain or improve the condition of the public rangelands to enhance productivity for all rangeland values.

2. Conserve and enhance terrestrial, riparian, and aquatic wildlife habitat.

3. Manage wild horse populations and habitat in the established herd areas consistent with other resource uses.

Standards for Rangeland Health Developed for the Northeastern Great Basin Area:

1. Upland Sites: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, and landform.

2. Riparian and Wetland Sites: Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

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.

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

5. Wild horses and burros exhibit characteristics of a healthy, productive, and diverse population. Age structure and sex ratios are appropriate to maintain the long-term viability of the population as a distinct group. Herd management areas are able to provide suitable feed, water, cover and living space for wild horses and burros and maintain historic patterns of habitat use.

Allotment Specific Objectives:

Spanish Ranch and Squaw Valley Allotments:

Note: Some of the objectives listed below might not be attainable without management actions that include efforts to thin any "heavy" shrub foliar cover and increase perennial native herbaceous cover to allow a balanced understory similar to those for affected ecological sites listed in the NRCS site descriptions in late seral or better condition. [See given ecological site description - plant community dynamics for potential cause and effects.] The increase in perennial native herbaceous cover might occur by native release after vegetative manipulation, as a result of livestock grazing system, or combination of both. Otherwise, artificial seeding with native plant species-emphasis should be considered as any priority to do so arise. Follow-up livestock management would need to be completed in a manner that would help maintain the balance. This includes, in part, efforts to mitigate the effects of any livestock use on a given pasture during the critical growth period of perennial grasses and forbs during the spring period and considerations for maintaining ecological site dynamics for any given grazing system. Any management actions would be implemented based on monitoring efforts at key areas throughout the allotment.

Terrestrial Wildlife Habitat (with emphasis on Sage Grouse Habitat and Seasonal Big Game Habitat per RMP)/Rangeland

Note: The intent of the key area objectives are to consolidate any new or former wildlife habitat and rangeland objectives. There may be cases where wildlife habitat key browse objectives are solely monitored.

1. Excerpts from Rock Creek (Spanish Ranch and Squaw Valley) and Andrae Allotment Evaluations (April 16, 1997) pages 131 and 132:

> "Manage rangelands to achieve or exceed a late seral stage of ecological condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with affected interests) where appropriate to site potential, except where Desired Plant Community objectives have been developed to achieve multiple use objectives".

2. Squaw Valley Allotment existing/proposed key areas and key area objectives:

Squaw Valley Allotment
Existing Key Areas:

Key Area Location	Utilization Objective
All key areas on native range	Average of 50% of current year's growth on native grass key species, not to exceed 55% in any one year.
Horseshoe, Midas and Rock Creek Seedings	Average of 55%, not to exceed 60% in any one year.

Willow Creek Reservoir Field

1. **Key Area RC-07 (DI-T-88-33) - Willow Creek Ridge**. Mule deer intermediate range, pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Claypan 10-12" P.Z. ecological site. Low sagebrush vegetation type. Potential vegetative composition is about 60% grasses, 10% forbs and 30% shrubs by air dry weight. 1994 (latest) composition was rated at "upper" (numerical rating at 50) mid seral status with 28% grasses, 14% forbs and 60% shrubs (over 100% due to rounding)*. 1994 followed the banner 1992-1993 winter precipitation year.

Short Term (by spring 2007) make progress towards, and Long-Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of low sagebrush as measured by Cole Browse Method.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses**.
- Provide lateral sage grouse nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- % foliar canopy cover of shrubs not to exceed 20-25% with no less than 8-10%.
- % foliar canopy cover of shrubs on any shrub manipulation areas: 8-10% or less***.
- Improve to, or maintain, late seral status or better status (numerical rating at least 51) on ecological site as indicated by forage production monitoring, with at least 5-10% "allowable" native forbs*.

*The Ecological Status write-up and Ecological Site Description includes present versus allowable percentages of forbs. This helps to provide for forb diversity where percentages are allowable compared to where present percentage might only solely

include disturbance-associated forbs such as Hood's phlox, as an example. Therefore, Hood's phlox would only be allowed two percentage points versus any larger percentage which would not represent a semblance of the potential diversity on the site. The allowable forb percentages sampled in 1994 was seven percent.

**An increase in "tall genera" grasses such as bluebunch wheatgrass and Thurber's needlegrass (important as nesting cover) is likely in the long term. These species were not sampled during 1994 forage production; Sandberg's bluegrass and bottlebrush squirreltail were the two perennial grass species sampled. Bluebunch wheatgrass is present in the vicinity of the key area and overall Willow Creek Ridge area with observations on September 5, 2003 varying from isolated to scattered plants, to plant densities more uniformly represented in upland areas.

***Potential short and long term management actions coupled with grazing system: 1) Mosaic shrub manipulation, followed by low ground impact interseeding of native "tall genera" grasses (e.g. bluebunch wheatgrass, Snake River wheatgrass and Great Basin wildrye) and native forbs; 2) fuelbreak along west and south side of primary Willow Creek Ridge road to slow down or stop potential block-burn wildfires.

2. Proposed Browse Utilization Transect/ Key Area on Willow Creek Ridge

Establish a browse utilization transect/key area west of Nelson Creek in the vicinity of T 39 N., R 49 E., sections 6, 7, and 18. Mule deer intermediate range, pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Big sagebrush-bitterbrush vegetation type. Loamy Slope 10-12" P.Z. Ecological Site. Potential vegetation composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. Area exhibited (ocular estimate) satisfactory age and form class, and slight to light utilization on September 5, 2003. At a minimum, collect bitterbrush utilization data and age and form class condition data with the following objectives:

Browse Transect:

Short Term (by spring 2007) and Long Term (by spring 2015):

A. Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1).
B. Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.

Note: This browse transect would represent an area where bitterbrush condition and utilization can be evaluated within intermediate (transitional) mule deer habitat and pronghorn summer habitat. Bitterbrush is fair to good forage for mule deer, pronghorn and livestock during the spring to fall period. Data collection would allow an analysis of any potential conflicts that might occur with livestock grazing.

Key area:

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

Short Term (by spring 2007) and Long Term (by spring 2015):

- Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1).
- Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species**.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Achieve or maintain at least late seral status (numerical rating of 51) of ecological site as indicated by forage production monitoring, with at least 5-10% "allowable" native forbs*.

*Representation by "tall genera" grasses such as bluebunch wheatgrass and Idaho fescue (important as nesting cover) within "allowable" 25-35% range is likely (ocular estimate) in the long term and would help meet this objective.

Trout Creek Field*

1. Key Area RC-11 (CDS-T-88-35) – Pole Creek*. Deer intermediate range, pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Low sagebrush vegetation type. Claypan 12-16" P.Z. Ecological Site. Potential vegetative composition is about 60% grasses, 15% forbs and 25% shrubs by air dry weight. 1994 (latest) composition at "low" late seral (numerical rating of 58) status was 31% grasses, 1% forbs (includes trace composition on several species) and 66% shrubs (under 100% due to rounding)**. 1994 followed the banner winter 1992-spring 1993 winter precipitation year.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of low sagebrush as measured by Cole Browse Method.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species***.
- % foliar canopy cover of shrubs not to exceed 20-25% with no less than 8-10%.
- % foliar canopy cover of shrubs on any shrub manipulation areas: 8-10% or less****.
- Maintain at least late seral status (numerical rating of 51) of ecological site as indicated by forage production monitoring, with at least 10% "allowable" native forbs**.

*Depending on any final approval and layout to create another field (Toe Jam Field), it is unknown if this existing transect would be in Trout Creek Field or any approved additional field. If so, a new key area transect would be needed with proposal on Loamy 10-12" P.Z. Site east of Trout Creek where bitterbrush or serviceberry would be the key browse species and utilization criteria would be 50% on mule deer summer range and 25% livestock/25% big game on mule deer intermediate range (see Soldier Field below).

**The Ecological Status write-up and Ecological Site Description includes present versus allowable percentages of forbs. This helps to provide for forb diversity where percentages are allowable compared to where present percentage might only solely include disturbance-associated forbs such as Hood's phlox, as an example. Therefore, Hood's phlox would only be allowed two percentage points versus any larger percentage which would not represent a semblance of the potential diversity on the site. The allowable forb percentages in 1994 was one percent.

***Representation by "tall genera" grasses such as bluebunch wheatgrass and Idaho fescue (important as nesting cover) within "allowable" (see ** above) 25-35% range is likely in the long term and would help meet this objective; the composition in 1994 was 27%.

****Ecological site dynamics maintenance or improvement should be noted in concert with livestock grazing system proposed to improve riparian habitat. However, potential short and long term management actions coupled with grazing system could help to improve vegetative diversity: 1) Mosaic shrub manipulation, followed by low ground impact interseeding of native "tall genera" grasses (e.g. bluebunch wheatgrass, Snake River wheatgrass and Great Basin wildrye) and native forbs, could be completed as deemed necessary.

2. Proposed Key Area/Browse Transect: Establish a browse utilization transect/key area approximately 1.5 miles north of Toe Jam Creek on, or in the vicinity of, T40N, R48E, section 25 E1/2. At a minimum, collect bitterbrush utilization data and age and form class condition data within mule deer intermediate range, pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Big sagebrush-bitterbrush vegetation type. Loamy Slope10-12" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. (Late 1980s ecological status inventory indicates that, at sampling points, the area was in late seral ecological status. Trend is undetermined at this time in light of present livestock management, severe to extreme fifth-year drought from 1999-2003 and wild horse issues in various states of resolve.)

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1.
- Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
- Provide for lateral sage grouse nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall" genera species.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs.

Trout Creek Field (potential option as Toe Jam Creek Field*)

1. **Key Area RC-05 (CDS-T-88-38) Toe Jam Creek** - Crucial deer summer habitat.

South Slope 14-18" P.Z. Ecological Site. Mountain big sagebrush-montane shrub vegetation type. Potential vegetative composition is about 65% grasses, 10% forbs and 25% shrubs by air dry weight. 1980s ocular ecological status inventory indicates that the area was in late seral ecological status at specified ocular/quantified sampling points. Trend is undetermined at this time in light of livestock management since this time coupled with severe to extreme drought from 1999 to 2003.

Short Term (by spring 2007) maintain, or make progress towards, and Long Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of snowberry and chokecherry as measured by Cole Browse Method.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- % foliar canopy cover of shrubs on any shrub manipulation areas: 8-10% or less**.
- Maintain or exceed late seral status of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs***.

*This existing transect would be located in "Toe Jam Field" pending any final approval and layout to create a new field to help meet overall allotment objectives.

** Potential short and long term management actions coupled with grazing system would include shrub manipulation completed in mosaic patterns targeting any reduction of "excessive" mountain big sagebrush cover to help meet objectives.

***Ecological site maintenance or improvement should be noted in concert with livestock grazing system proposed to improve riparian habitat.

2. **Proposed Key Area/Browse Transect in Dry Creek Mountain/Rock Creek Headwater area:** Establish a browse utilization transect/key area in the vicinity of T40N, R48E, sections 5 and 8. At a minimum, collect serviceberry utilization data and age and form class condition data within mule deer crucial summer range. Mountain brush vegetation type; South Slope 14-18" P.Z. Ecological Site. Potential vegetative composition is about 65% grasses, 10% forbs and 25% shrubs by air dry weight. 1980s ecological status inventory indicates that the area was in late seral ecological status at specified ocular sampling points. Trend is undetermined at this time in light of livestock management since this time coupled with severe to extreme drought from 1999 to 2003. However, use on serviceberry has consistently been severe (81% to 100% as noted on field trips in 1990s) likely as a result of domestic sheep trailing and cattle concentrations on upper Rock Creek.

   Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve:

   - Utilization of current year's growth of serviceberry will not exceed 50%.
   - Maintain age and form class of serviceberry in satisfactory condition or improve to satisfactory condition.
   - % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
   - Provide a minimum of 15% to 18% basal cover of native perennial

grasses.

- % foliar canopy cover of shrubs on any shrub manipulation areas: 8-10% or less.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs.

Note: Ecological site maintenance or improvement should be noted in concert with livestock grazing system proposed to improve riparian habitat. Potential short and long term management actions coupled with grazing system would include shrub manipulation completed in mosaic patterns in efforts to reduce "excessive" mountain big sagebrush foliar cover to help meet objectives.

Horseshoe and Indian Springs (ESR Seeding) Fields

Proposed Key Area Transects to be determined per site visits on Clover I and II Seeding portion of fields. Crucial deer and pronghorn winter range; Pre-disturbance Wyoming big sagebrush and salt desert shrub vegetation types that receive 5 to 8 inches to 8 to 10 inches of precipitation a year. Trend is undetermined at this time in light of recent seeding efforts, past and present livestock management, and severe to extreme drought from 1999 to 2003 on some of the driest ecological sites on the Elko District. The 1980s ecological status inventory indicated that the areas were in early to mid seral ecological status. Four-wing saltbush was seeded separately within seed drill equipment. Therefore, four-wing saltbush browse transect might be separate, but in the same area as perennial grass/forage kochia transects.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of forage kochia and perennial grasses (crested wheatgrass, Siberian wheatgrass and Russian wildrye) would not occur during the May 1 to June 30 critical active growing period*, with authorized livestock use starting no earlier than March 15.
- Maintain age and form class of forage kochia and four-wing saltbush in satisfactory condition or improve to satisfactory condition.
- Provide for a minimum of one seeded shrub or "half-shrub" (forage kochia) and three to five perennial seeded species per 10 square feet**.
- Satisfactory soil percolation tests compatible with predominate ecological site(s) measured after spring grazing period***.

* If grazing occurs during the active growing season when apical meristem can be harvested (estimated May 1st to June 30th), then no grazing would occur during the active growing season the following year; fall use would be limited to alternate year trailing with Indian Springs Field with utilization restrictions of 50% of the current year's growth on crested wheatgrass and forage kochia.

**Success of recent seeding efforts, including presence of four-wing saltbush, is pending –it could take at least four years for some species to be represented on these droughty sites.

***Follow-up monitoring will be completed to ensure that seeded species, native plant species, and soils/soil hydrology on seedings are not impacted per BLM-specified sampling protocol. If seeded species and soils are being impacted, carrying capacities and stocking rates might be adjusted accordingly or the pasture will receive one of two years rest or a rotation with Indian Springs Pasture. Small exclosures (consider satellite "pixel"-compatible size) would be constructed as comparison areas where no grazing would occur.

Rock Creek Riparian Area Field (Portion east of Rock Creek Gorge*)

Key Area RC-14 (DI-T-88-34) – Ivanhoe Creek - Deer intermediate range and pronghorn summer range, sage grouse nesting/early brood-rearing habitat. Loamy 10-12" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. June 25, 1994 (latest) composition at mid seral status (43 numerical rating) was 14% grasses (includes 2% cheatgrass), 0.1% forbs and 86% shrubs. 1994 followed the banner 1992 fall-1993 winter precipitation year.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of basin big sagebrush as measured by Cole Browse Method.
- % foliar cover of shrubs at 8-20%**.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover .
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall" genera species***.
- Maintain or achieve at least late seral (51 or higher numerical rating) status of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs****.
- Management that does not result in cheatgrass over 2% composition with efforts to reduce it to 1% or less****.

- Satisfactory soil percolation tests compatible with predominate ecological site(s) measured after any spring grazing period*****.

*A second key area would be considered, as deemed necessary, on the west side of Rock Creek within the Field on a representative site.

**Key area was within 2001 Hot Lake Fire perimeter and was included in perimeter of post-fire rehabilitation seeding of Wyoming big sagebrush, basin big sagebrush, forage kochia and Western yarrow. Shrub foliar cover is expected to measure above 10% by Year 2015 with respect to recovery potential of the affected ecological site.

***Representation by "tall genera" grasses such as bluebunch wheatgrass and Great Basin wildrye (important as nesting cover) within the "allowable" 15-25% range is likely and would help meet this objective in the long term.

****This objective is attainable with potential flush of native perennial herbaceous vegetation after the 2001 Hot Lake Fire if key area was burned in part, or in entirety; however, any increase in cheatgrass above 1994 composition could compromise objectives.

*****Area was affected by the 2001 Hot Lake Fire. Follow-up monitoring will be completed to ensure that seeded species, native plant species, and soils/soil hydrology on seeded/burned areas are not impacted per BLM-specified sampling protocol. If seeded species and soils are being impacted, carrying capacities and stocking rates might be adjusted accordingly or the pasture will receive one of two years rest on a rotation with adjacent pasture(s). A small exclosure (consider satellite "pixel"-compatible size) would be considered as a comparison area where no grazing would occur.

Lower Squaw Creek Field

Proposed New Key Area – Deer intermediate range, pronghorn summer range, sage grouse nesting/early brood-rearing habitat. Loamy 8-10" P.Z. ecological site (approx. 80% of Field). Potential vegetative composition is about 60% grasses, 5% forbs and 35% shrubs. 1980s ecological status inventory indicates that, at ocular sampling points, the area was in mid seral ecological status. A portion of the Field was affected by the 1999 Squaw Fire where no rehabilitation was completed; consider key area within this burn area to ensure natural rehabilitation to a semblance ("upper" mid seral status)* of potential native community.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of Wyoming big sagebrush and basin big sagebrush as measured by Cole Browse Method.
- % foliar cover of shrubs at 5-15%**.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% basal cover of native perennial grasses***.
- Maintain or achieve at least "upper" (40-50 numerical rating) mid seral status of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs*.
- Management that does not result in cheatgrass domination above baseline values with efforts to reduce it to 1% or less.
- Satisfactory soil percolation tests compatible with predominate ecological site(s) measured after given grazing period****.

* The Ecological Status write-up and Ecological Site Description includes present versus allowable percentages of forbs, grasses and shrubs. This helps to provide for plant diversity where percentages are allowable compared to where present percentage might only solely include disturbance-associated forbs such as Hood's phlox, as an example. Therefore, Hood's phlox would only be allowed two percentage points versus any larger percentage which would not represent a semblance of the potential diversity on the site.

**Shrub foliar cover is not expected to measure above 15% by Year 2015 with respect to inherent slow recovery of the affected ecological site if key area is established within the Squaw Fire burn area; additional intensive seeding/seedling transplant efforts might otherwise help. Management that results in establishment/maintenance of perennial grasses and forbs help provide interspace areas for shrub establishment.

***Sandberg bluegrass and bottleneck squirreltail was observed in the understory in summer 2001 on the Squaw Fire burn area and periphery of the burn area; however, cheatgrass was present and any moderate densities could compromise long term composition of perennial grass, forb and shrub species.

****Area was affected, in part, by the 1999 Squaw Fire. Follow-up monitoring will be completed to ensure that native plant species, and soils/soil hydrology on burned areas are not impacted per BLM-specified sampling protocol. If seeded species and soils are being impacted, carrying capacities and stocking rates might be adjusted accordingly or the pasture will receive one of two years rest or a rotation with adjacent pasture(s). A small exclosure (consider satellite "pixel size) would be considered as a comparison area where no grazing would occur.

Willow Creek South (Proposed long-term field)

1. Key Area RC-09 – Antelope Spring - Deer intermediate range and pronghorn summer range, and sage grouse nesting/early brood-rearing habitat. Loamy 10-12" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. July 15, 1994 (latest) composition at mid seral status (46 numerical rating) was 48% grasses (includes 2% cheatgrass), 7% forbs and 45% shrubs. 1994 followed the banner 1992-1993 winter precipitation year.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of Wyoming big sagebrush as measured by Cole Browse Method.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall" genera species*.
- % foliar cover of shrubs at 8-15%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs**.
- Manage in a manner that does not result in cheatgrass over 2% composition with efforts to reduce it to 1% or less.

*Representation by "tall genera" grasses such as bluebunch wheatgrass and Great Basin wildrye (important as nesting cover) is attainable in the short and long term per 1994 monitoring.

**This objective is attainable with high mid seral rating noted during 1994; however, any increase in cheatgrass above 1994 composition could compromise objectives. See Lower Squaw Creek Field footnote above regarding allowable forbs.

2. New Browse Transect/Key Area [DI-SV-15-(YEAR)] Between Big Butte and Hot Creek Spring – in vicinity of T38N, R48E, section 15, --Deer intermediate range and pronghorn summer range, and sage grouse nesting/early brood-rearing/winter habitat. Big sagebrush-bitterbrush vegetation type; Loamy Slope12-16" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 60% grasses, 15% forbs and 25% shrubs. 1980s ecological status inventory indicates that, at ocular sampling points, the area was in late seral ecological status.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1.
- Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs.

Soldier Field

New Browse Transect/Key Area [DI-SV-16-(YEAR)] Between Coyote Creek and Little Rock Creek in vicinity of T40N, R48E, section 16 SW or 21NW - Deer intermediate range and pronghorn summer range, sage grouse nesting/brood-rearing habitat. Consider areas higher in elevation, as deemed necessary, to select representative site in vicinity of T40N, R48E, section 8 and 9. Big sagebrush-bitterbrush vegetation type; Loamy Slope10-12" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. (1980s ecological status inventory indicates that, at ocular sampling points, the area was in late seral ecological status. Trend is undetermined at this time in light of present livestock management, severe to extreme drought from 1999-2003, and wild horse issues in various states of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big game during 10/15 to 5/1 on deer intermediate range.
- Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
- % foliar canopy cover of shrubs not to exceed 30% with no less

than 8-10%.

- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs.

Frazer Creek Riparian Field

Establish a browse utilization transect/key area on Loamy 10-12" P.Z. Ecological Site characterized by the big sagebrush/bitterbrush vegetation type. Consider area in the vicinity of Scraper Springs Creek in the vicinity of T40N, R47E, section 15. At a minimum, collect bitterbrush utilization data and age and form class condition data within mule deer summer range, pronghorn summer range and sage grouse nesting habitat. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. (1980s ecological status inventory indicates that, at ocular sampling points, the area was in mid seral to late seral ecological status. Trend is undetermined at this time in light of livestock management since the 1980s , severe to extreme fifth-year drought from1999-2003, overall 2001 Buffalo Fire effects and livestock closure, and wild horse issues in various states of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush will not exceed 50%.
- Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
- Provide for lateral sage grouse nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs *.

*Ecological site maintenance or improvement should be noted in concert with livestock grazing system proposed to improve riparian habitat, and ongoing resolution of wild horse issues.

<u>Upper Willow Creek Habitat Enhancement Plan (UWCHEP) area</u>[1]

1. Key Areas Number 1 and Number 2

Upper Nelson Field[2]: Deer intermediate range, pronghorn summer range and sage grouse nesting habitat. Low sagebrush vegetation type; Claypan 12-16" P.Z. Ecological Site[3]. Potential vegetative composition is about 60% grasses, 15% forbs and 25% shrubs by air dry weight. 1980s ocular/quantified ecological status inventory indicated that the ecological site was in late seral ecological status at specified ocular sampling points adjoining Nelson Field with the potential for same within Nelson Field. Trend in the area is undetermined at this time in light of livestock management within the area since this time coupled with severe to extreme drought from 1999 to 2003.

Short Term (by spring 2007) maintain, or make progress towards, and Long Term -Phase I (by spring 2015) and Long Term - Phase II (summer 2015 to life of Barrick Betze Project dewatering) achieve the following:

- Maintain satisfactory age and form class of low sagebrush as measured by Cole Browse Method.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall" genera species with height greater than seven inches[4].
- % foliar canopy cover of shrubs not to exceed 20-25% with no less than 8-10%.
- % foliar canopy cover of shrubs on any shrub manipulation areas: 8-10% or less[5].
- Improve to, or maintain, at least late seral status (numerical rating of 51) of ecological site with at least 10% "allowable" native forbs[6] as indicated by forage production monitoring; or 10% basal cover[7] as indicated by point intercept monitoring.

[1] Per post-allotment evaluation meetings between BLM and DeLoyd Satterthwaite (at-the-time livestock permittee), Barrick Goldstrike representatives, and Nevada Division of Wildlife personnel; January 2003 Supplemental Environmental Impact Statement (SEIS) – Betze Project Record of Decision; and follow-up meetings with by Cedar Creek (Barrick consultants) for key area establishment: New key areas established in enhancement area to monitor mule deer transitional range and sage grouse nesting habitat. Establish Desired Plant Community objectives.

[2] January 2003 SEIS – Betze Project, Appendix B, page 9 incorrectly mentions Key Area Number 1 as being located in Lower Nelson Field.

[3] Per ocular comparison of ecological status maps, ecological site description, February 2002 Upland Evaluation write-ups for 2001 baseline by Cedar Creek Associates (Barrick's contractor) and their key area photos.

[4] Sage Grouse Nesting Cover: Representation by "tall genera" grasses such as bluebunch wheatgrass and Idaho fescue (important as nesting cover) within "allowable" (see below) 25-35% range would help meet this objective in the Long Term –Phase I. The contractor's 2001 baseline monitoring indicates that this should be attainable.

[5] Ecological site dynamics maintenance or improvement should be noted in concert with livestock grazing system proposed to improve riparian habitat. However, potential short, mid and long term management actions coupled with grazing system could improve cover, and forage availability and diversity: 1) Mosaic shrub manipulation by prescribed fire or mechanical methods or other means to allow native release, or low ground impact interseeding of native "tall genera" grasses (e.g. bluebunch wheatgrass, Snake River wheatgrass and Great Basin wildrye) and native forbs, could be completed as deemed necessary. Compare with recent 2002 "small" wildfire burn on Nelson Field for any potential to improve herbaceous cover, and forage diversity and availability on similar ecological site.

[6]The Ecological Status write-up and Ecological Site Description includes present versus allowable percentages of forbs. This helps to provide for forb diversity where percentages are allowable compared to where present percentage might only solely include disturbance-associated forbs such as Hood's phlox, as an example. Therefore, Hood's phlox would only be allowed two percentage points versus any larger percentage which would not represent a semblance of the potential diversity on the site.

[7]Measured as basal cover of forbs per BLM-adopted monitoring techniques and scientific research, and mentioned as "10% canopy cover" in *Management Guidelines for Sage Grouse and Sagebrush Ecosystems in Nevada, October 2000* – BLM, Nevada.

2. **Key Area Number 3**

Lower Nelson Field: Collect bitterbrush, serviceberry and low sagebrush age and form class condition data within mule deer transitional (intermediate) habitat and sage grouse nesting habitat with the following objectives:

Short Term (by spring 2007) maintain, or make progress towards, and Long Term -Phase I (by spring 2015) and Long Term - Phase II (summer 2015 to life of Barrick Betze Project dewatering) achieve the following:

Maintain age and form class of bitterbrush, serviceberry and low sagebrush in satisfactory condition or improve to satisfactory condition*. Complete this action by: Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 and 25% big

game during 10/15 to 5/1.

*Define Satisfactory Age and Form Class Per BLM Technical Manual 4400-3 and BLM Form 6630-3:

Age Class: When the sum of seedlings (basal stems 1/8" or less in diam.) and young plants (basal stems 1/8" to 1/2" in diam.) in the sample (25 to 50 plants) outnumber decadent plants, the key browse species age class is satisfactory at the monitoring site.

Form Class: When the two-year-old growth (the previous year's leaders) of mature, seedling, young, resprouting, and decadent (>50% of the canopy area dead) plants in the sample (25 to 50 plants) reflect less than 50% utilization (41-60% utilization class interval), and outnumber severely hedged (61% or more utilization of two-year-old growth), unavailable (at least 50% of crown out of reach of cattle and big game), and dead plants, the key browse species form class is satisfactory at the monitoring site.

Further considerations regarding key browse form class per interpretation of BLM Technical Manual 4400-3 - Browse plants are considered to reflect the normal growth form when less than 50 percent of the two-year-old growth (the previous year's leaders) has clipped ends and the majority of the current leaders extend directly from terminal buds off two-year-old wood. Alterations from the normal growth form are reflected when 50 percent or more of the two-year-old wood has clipped ends. Current leaders occur mostly as extensions from lateral buds off two-year-old wood in the moderately hedged condition or as clumped lateral and/or adventitious sprouts in the severely hedged condition.

3. Key Area Number 4
Upper Nelson Field:

Quaking Aspen Objectives for deteriorated stand identified and monitored as a baseline by Cedar Creek Associates (Barrick contractors) per January 2003 SEIS – Betze Project Record of Decision:

Short Term (by spring 2007) and Long Term (by spring 2015)
Improve young aspen age class recruitment by increasing the number of single-stemmed saplings[1] by at least 10% above baseline values per acre in deteriorating[2] stands.

Short Term (by spring 2007 or three years after implementation of baseline transects):
Improve* young age class recruitment by making significant progress toward an equivalent of at least 850 single-stemmed saplings[1] per acre in deteriorating[2] stands identified in 2001 with overstory canopy cover class[3] of 20% or less.

Long Term –Phase I (by spring 2015) and Long Term – Phase II (summer 2015 to
Maintain* young age class recruitment by allowing an equivalent of at least 850

single-stemmed saplings[1] per acre in deteriorating stands identified in 2001 with a post-2002 overstory canopy cover class[3] of 20% or less.

* Short term improvement of identified deteriorating stands and long-term maintenance of young age class recruitment in identified deteriorating stands would take in consideration site potential, disease and natural mortality factors, and potential need for disturbance treatments (to stimulate recruitment) and/or fencing.

[1] Saplings, as mentioned for these objectives, are defined as single-stemmed aspen that are at least 4.9 feet in height and less than 3.9 inches in diameter at breast height (4.5 feet). The sapling definition for these objectives take in consideration a minimum height needed to help allow terminal growth out of reach of browsing animals which is 0.5-foot higher than saplings defined by Natural Resource Conservation Service (NRCS) ecological site descriptions for aspen woodland sites on the allotment. The maximum diameter (less than 3.9 inches) at breast height for saplings is considered because stems less than 3.9 inches in diameter usually constitute reproduction while larger stems usually contribute to the overstory.

[2] Deteriorating stands, as mentioned for these objectives, include those existing stands in immature, mature, and overmature woodland successional stages as defined by NRCS range site descriptions, with (1) an open canopy (10% or less canopy cover class), (2) abnormally large amounts of aspen residue (standing or fallen), and (3) sagebrush invasion. A deteriorating stand was identified in the 2001 field season by Cedar Creek Associates.

[3] Canopy cover class of 20% or less, as mentioned for this objective, is expressed as the percent cover class where young age class recruitment is less likely to be influenced by competition by older age class aspen in immature, mature, and overmature stands.

Aspen recruitment studies: Density of single-stemmed saplings sampled in fixed 1/100-acre circular plots (5-10 plots per stand) 2X30-meter belt transects, or other standardized forestry methodology.

3. Spanish Ranch Allotment existing/proposed key areas and key area objectives:

Spanish Ranch Allotment
Existing Key Areas:

Key Area Location	Utilization Objective
All key areas on native range	Average of 50% of current year's growth on native grass key species, not to exceed 55% in any one year

Burner Hills Field

Key Area RC-13 (AS-T-88-37) – Mint Mine area, established in 1988. Pronghorn summer range and sage grouse nesting/early brood rearing habitat. Loamy 8-10" P.Z. ecological site. Potential vegetative composition is about 60% grasses, 5% forbs and 35% shrubs by air dry weight. 1994 (latest) composition was rated at mid seral status ("fair" condition with numerical rating at 37) with 51% grasses (including 33% cheatgrass), 3% forbs and 46% shrubs. 1994 followed the banner 1992-1993 winter precipitation year.

Short Term (by spring 2007) maintain, or make progress towards, and Long Term (by spring 2015) achieve the following:

- Maintain satisfactory age and form class of Wyoming big sagebrush as measured by Cole Browse Method.
- % foliar canopy cover of shrubs not to exceed 15% with no less than 8-10%*.
- Provide a minimum of 15% basal cover of native perennial grasses.
- Provide lateral sage grouse nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover **.
- Maintain or achieve at least "upper" mid seral status of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs***.
- Management that does not result in cheatgrass over 1% composition by cover with efforts to reduce it to less than 1% (0.94% in 1988)*****.

*Shrub foliar cover was 11.8% in 1988 (latest).

**Basal cover of perennial grasses was 4.1% in 1988. An increase in "tall genera" grasses such as bluebunch wheatgrass and Thurber's needlegrass (important as nesting cover) is not likely in the long term although they are part of the potential species on site. These species were not sampled during 1994 forage production and might only exist in scattered areas/tucked under brush in the Burner Hills Field. However, squirreltail (7% of composition), Sandberg's bluegrass (11% of composition) and Great Basin wildrye [Less than 1% (Trace) of composition] were sampled.

*** The allowable forb percentages sampled in 1994 was 3%. The Ecological Status write-up and Ecological Site Description includes present versus allowable percentages of forbs. This helps to provide for forb diversity where percentages are allowable compared to where present percentage might only solely include disturbance-associated forbs such as Hood's phlox, as an example. Therefore, Hood's phlox would only be allowed two percentage points versus any larger percentage which would not represent a semblance of the potential diversity on the site. The 5-10% allowable forbs should be attainable in

"upper" mid seral to late seral ecological status.

****The 33% composition by air dry weight sampled in 1994, as part of forage production monitoring, is a concern. Restoration work to reduce cheatgrass composition and increase composition of native perennial species through seeding efforts could be completed as this type of work is prioritized on the allotment in concert with a grazing system that would help maintain or improve the composition and diversity of native grasses.

New Wildlife/Range Transect/Key Area [SR-BH-#-YEAR] West of Soldier Cap between Scraper Springs Road and headwaters of Chimney Creek in vicinity of public lands in T40N, R47E, sections 1 and 2. Deer and pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Loamy Slope10-12" P.Z. Ecological Site - Big sagebrush-montane shrub (including bitterbrush) vegetation type. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. 1980s ecological status inventory indicates that the area was in mid seral ecological status as monitored at ocular sampling points. Trend is undetermined at this time in light of present livestock management*, the 1994 Mahogany Fire, severe to extreme drought from 1999-2003, and major wild horse issues in various states of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush/serviceberry will not exceed 50% on pronghorn summer range.
- Maintain age and form class of bitterbrush/serviceberry in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs.

*Livestock permittee has stated that cattle have not been intentionally moved to the area due to excessive wild horse numbers during the past five years (1999-2003) although cattle have "drifted" into the area from surrounding areas during this time.

Winters Creek Field

New Wildlife/Range Transect/Key Area [SR-WC-#-YEAR] Between Threemile Creek and Winters Creek in vicinity of T41N, R48E, section 10 S1/2 or 15N1/2. Pronghorn summer range and sage grouse nesting/early brood-rearing habitat. Consider areas higher in elevation, as deemed necessary, to select representative site. Loamy Slope10-12" P.Z. Ecological Site - Big sagebrush-montane shrub (including bitterbrush) vegetation type. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. 1980s ecological status inventory indicates that the area was in late seral ecological status, as monitored at ocular sampling points. Trend is undetermined at this time in light of present livestock management, 1994 Mahogany Fire, severe to extreme drought from 1999-2003, and major wild horse issues in various states of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush/serviceberry will not exceed 50% on pronghorn summer range.
- Maintain age and form class of bitterbrush/serviceberry in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs*.

Red Cow Field

New Wildlife/Range Transect/Key Area [SR-RC-#-YEAR] Between Fourmile Creek and Amazon Creek in vicinity of T41N, R49E, section 2SW or 3SE. Pronghorn summer range, deer summer range, and sage grouse nesting/early brood-rearing habitat. Consider areas higher in elevation, as deemed necessary, to select representative site. Loamy Slope10-12" P.Z. Ecological Site; Big sagebrush-montane shrub (including bitterbrush) vegetation type. Potential vegetative composition (air dry weight) is about 65% grasses, 10% forbs and 25% shrubs. 1980s ecological status inventory indicates that the area was in late seral ecological status as monitored at ocular sampling points. Trend is undetermined at this time in light of present season-long livestock use, severe to extreme drought from 1999-2003, and wild horse issues in various states of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush/serviceberry will not exceed 50% on pronghorn summer range.
- Maintain age and form class of bitterbrush/serviceberry in satisfactory condition or improve to satisfactory condition.
- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs*.

Big Cottonwood Uplands Field

1. **Key Area RC-04 (CDS-T-88-31)** Six Mile – Crucial deer summer range and sage grouse nesting/early brood-rearing habitat. Big sagebrush-bitterbrush vegetation type; Loamy Slope 12-14" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 70% grasses, 10% forbs and 20% shrubs. 1994 (latest) composition was rated at mid seral status (numerical rating at 39) with 20% grasses (including 2% cheatgrass), 5% forbs and 74% shrubs (under 100% due to rounding). 1994 followed the banner 1992-1993 winter precipitation year. Trend is undetermined at this time in light of present season-long livestock use and severe to extreme drought from 1999-2003.

   Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

   - Utilization of current year's growth of bitterbrush will not exceed 50%.
   - Maintain age and form class of bitterbrush in satisfactory condition or improve to satisfactory condition.
   - Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
   - Provide a minimum of 15% to 18% basal cover of native perennial grasses with emphasis on representation of "tall genera" species.
   - % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
   - Maintain or achieve at least late seral status (51 numerical rating)

of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs*.

Proposed Key Area/Browse Transect between Red Cow Creek and Big Cottonwood Creek Headwater area: Establish a key area in the vicinity of T41N, R50E, sections 33 and 34. Mountain brush vegetation type; Loamy Slope 16+ P.Z. Ecological Site. Potential vegetative composition is about 50% grasses, 15% forbs and 35% shrubs and trees by air dry weight. 1980s ecological status inventory indicates that the area was in Potential Native Community (PNC) at specified ocular sampling points. Trend is undetermined at this time in light of season-long livestock use, severe to extreme drought from 1999 to 2003 and wild horse issues in various stages of resolve.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following*:

- Utilization of current year's growth of serviceberry/chokecherry will not exceed 50%.
- Maintain age and form class of serviceberry/chokecherry/bitterbrush in satisfactory condition or improve to satisfactory condition.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses.
- Maintain or achieve Potential Native Community status (75 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" native forbs.

Cornucopia Field

Key Area RC-12 (CDW-2-T-04) Cornucopia Ridge – Deer intermediate range and sage grouse nesting/early brood-rearing habitat. Big sagebrush-bitterbrush vegetation type; Loamy Slope12-16" P.Z. Ecological Site. Potential vegetative composition (air dry weight) is about 60% grasses, 15% forbs and 25% shrubs. July 1994 forage production monitoring indicates that the area was in mid seral ecological status. 1994 followed the banner 1992-93 winter precipitation year.

Short Term (by spring 2007) maintain, or make progress towards, and Long-Term (by spring 2015) achieve the following:

- Utilization of current year's growth of bitterbrush will not exceed 50% (25% livestock during 5/1 to 10/14 period and 25% big game during 10/15 to 5/1 period.
- Maintain age and form class of bitterbrush in satisfactory condition

or improve to satisfactory condition.

- Provide sage grouse lateral nesting cover and a minimum of 15% perennial native grass canopy cover and 10% perennial native forb cover.
- Provide a minimum of 15% to 18% basal cover of native perennial grasses.
- % foliar canopy cover of shrubs not to exceed 30% with no less than 8-10%.
- Maintain or achieve at least late seral status (51 numerical rating) of ecological site as indicated by forage production monitoring with at least 5-10% "allowable" perennial forbs*

All Fields on Squaw Valley and Spanish Ranch Allotments where Quaking Aspen Occurs (except Upper Willow Creek Habitat Enhancement Plan area as described above), as deemed necessary:

Quaking Aspen Objectives for deteriorated stand identified and monitored on the Squaw Valley and Spanish Ranch Allotments, as deemed necessary:

Short Term (by three years after implementation of baseline transects) and Long Term (by 12 years after implementation of baseline transects):
Improve young aspen age class recruitment by increasing the number of single-stemmed saplings[1] by at least 10% above baseline values per acre in deteriorating[2] stands.

Short Term (three years after implementation of baseline transects):
Improve* young age class recruitment by making significant progress toward an equivalent of at least 1,500 single-stemmed saplings[1] per acre in deteriorating[2] stands identified in 2001 with overstory canopy cover class[3] of 20% or less.

Long Term –Phase I (by 12 years after implementation of baseline transects) and LongTerm – Phase II (12 years or later after implementation of baseline transects)
Maintain* young age class recruitment by allowing an equivalent of at least 1,500 single-stemmed saplings[1] per acre in deteriorating stands identified in baseline transects with a post-baseline overstory canopy cover class[3] of 20% or less.

* Short term improvement of identified deteriorating stands and long-term maintenance of young age class recruitment in identified deteriorating stands would take in consideration site potential, disease and natural mortality factors, and potential need for disturbance treatments (to stimulate recruitment) and/or fencing.

[1] Saplings, as mentioned for these objectives, are defined as single-stemmed aspen that are at least seven feet in height and less than 3.9 inches in diameter at breast height (4.5

feet). The sapling definition for these objectives take in consideration a minimum height needed to help allow terminal growth out of reach of browsing animals which is 2.5-feet higher than saplings defined by Natural Resource Conservation Service (NRCS) ecological site descriptions for aspen woodland sites on the allotment. The maximum diameter (less than 3.9 inches) at breast height for saplings is considered because stems less than 3.9 inches in diameter usually constitute reproduction while larger stems usually contribute to the overstory. Sapling height and density recommendations per Dr. Charles Kay's December 2002 report to BLM Battle Mountain and Elko Field Office entitled *Aspen Management Guidelines for BLM Lands in North-Central Nevada.*

[2] Deteriorating stands, as mentioned for these objectives, include those existing stands in immature, mature, and overmature woodland successional stages as defined by NRCS range site descriptions, with (1) an open canopy (10% or less canopy cover class), (2) abnormally large amounts of aspen residue (standing or fallen), and (3) sagebrush invasion.

[3] Canopy cover class of 20% or less, as mentioned for this objective, is expressed as the percent cover class where young age class recruitment is less likely to be influenced by competition by older age class aspen in immature, mature, and overmature stands.

Aspen recruitment studies: Density of single-stemmed saplings sampled in fixed 1/100-acre circular plots (5-10 plots per stand), 2X30-meter belt transects*, or other standardized forestry methodology. The samplings should be evenly distributed throughout an entire aspen stand or clone*.

* Per methods described by Dr. Charles Kay in his December 2002 report to BLM Battle Mountain and Elko Field Office entitled *Aspen Management Guidelines For BLM Lands in North-Central Nevada* available from BLM Elko Field Office.

Wildlife:

4. Improve to and/or maintain all seasonal big game habitat to good or excellent condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with affected interests), except where Desired Plant Community objectives have been developed to achieve multiple use objectives, to provide forage and habitat capable of supporting the following reasonable numbers:

4,181	Mule deer (5,015 AUMs)
56	Pronghorn antelope (101 AUMs)

Riparian:

5. Manage grazing on the following streams to achieve short and long-term stream/riparian habitat objectives as outlined below:

LOTIC (FLOWING WATER) RIPARIAN HABITATS

Squaw Valley Allotment

Manage grazing to achieve short and long-term stream/riparian habitat objectives as defined in Tables 6, 7, and 8. Note that objectives may be revised at the conclusion of the short and/or long-term evaluation periods.

Streams Not Included in the Upper Willow Creek Habitat Enhancement Plan (UWCHEP)

Table 6. Short and long-term objectives for selected habitat parameters for streams in the Squaw Valley Allotment based on date of implementation of the grazing plan. Data are from stream survey stations (shown in parentheses) located on both public and private land (refer to map 3).

STREAM HABITAT PARAMETER	MOST CURRENT BASELINE DATA	SHORT-TERM OBJECTIVE (4 yrs)[1]	LONG-TERM OBJECTIVE (8 yrs)[2]
Middle Rock Creek - Dominant Rosgen Channel Type: B (S-1 through S-6)			
Riparian Condition Class (% optimum)[3]	57 (2003)	≥60	67 ± 7
Stream width/depth Ratio[4]	22 (2003)	Maintain or decrease	18 ± 5
Shorewater Depth (in.)[4]	1.9 (2003)	Maintain or increase	1.0 ± 0.4
Streambank Angle (°)[4]	131 (2003)	Maintain or decrease	132 ± 11
Ave. Width Type A Riparian Vegetation[5] (ft.)	4.3 (2003)	5.6[6]	Increase in Type A and/or Type B
Functioning Condition	Functional at Risk, trend upward (2003)	Proper Functioning Condition (PFC)	Proper Functioning Condition (PFC)
Upper Rock Creek (upper reach) - Dominant Rosgen Channel Type: B (S-1through S-4, SA-1)			
Riparian Condition Class (% optimum)[3]	66 (2003)	Maintain or increase	67 ± 7
Stream width/depth Ratio[4]	15 (2003)	Maintain	18 ± 5
Shorewater Depth (in)[4]	1.3 (2003)	Maintain or increase	1.0 ± 0.4
Streambank Angle (°)[4]	136 (2003)	Maintain or decrease	132 ± 11
Ave. Width Type A Riparian Vegetation[5] (ft.)	7.5 (2003)	9.8[6]	Increase or maintain Type B
Functioning Condition	Proper Functioning Condition (PFC) (2003)	Maintain	Maintain
Upper Rock Creek (lower reach) - Dominant Rosgen Channel Type: C (S-5 through S-9)			
Riparian Condition Class (% optimum)[3]	48 (2003)	62	68 ± 4
Stream width/depth Ratio[4]	27 (2003)	≤23	18 ± 5
Shorewater Depth (in.)[4]	0 (2003)	Increase	0.7 ± 0.3
Streambank Angle (°)[4]	150 (2003)	≤147	139 ± 8
Ave. Width Type A Riparian Vegetation[5] (ft.)	3.8 (2003)	4.9[6]	Increase in Type A and/or Type B
Functioning Condition	Functional at Risk-trend not apparent/ Non-functional (2003)	Functional at risk-upward trend	Proper Functioning Condition (PFC)
Toe Jam Creek (upper reach) - Dominant Rosgen Channel Type: B (S-11 through S-14)			
Riparian Condition Class (% optimum)[3]	75 (2003)	Maintain or increase	67 ± 7

STREAM HABITAT PARAMETER	MOST CURRENT BASELINE DATA	SHORT-TERM OBJECTIVE (4 yrs)[1]	LONG-TERM OBJECTIVE (8 yrs)[2]
Stream width/depth Ratio[4]	23 (2003)	Maintain or decrease	18 ± 5
Shorewater Depth (in.)[4]	0.8 (2003)	Maintain or increase	1.0 ± 0.4
Streambank Angle (°)[4]	140 (2003)	Maintain or decrease	132 ± 11
Ave. Width Type A Riparian Vegetation[5] (ft.)	4.7 (2003)	6.1[6]	Increase in Type A and/or Type B
Functioning Condition	Functional at risk, trend not apparent (2003)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Toe Jam Creek (lower reach) - Dominant Rosgen Channel Type: B (S-1 through S-10)			
Riparian Condition Class (% optimum)[3]	52 (2003)	≥60	67 ± 7
Stream width/depth Ratio[4]	28 (2003)	≤23	18 ± 5
Shorewater Depth (in)[4]	0.2 (2003)	0.3	1.0 ± 0.4
Streambank Angle (°)[4]	151 (2003)	≤143	132 ± 11
Ave. Width Type A Riparian Vegetation[5]	2.6 (2003)	3.4[6]	Increase in Type A and/or Type B
Functioning Condition	Functional at Risk, trend not apparent to downward (2003)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Frazer Creek - Dominant Rosgen Channel Type: B (S-1 through S-7)			
Riparian Condition Class (% optimum)[3]	73 (2003)	Maintain or increase	67 ± 7
Stream width/depth Ratio[4]	15 (2003)	Maintain or decrease	18 ± 5
Shorewater Depth (in)[4]	0.7 (2003)	Maintain or increase	1.0 ± 0.4
Streambank Angle (°)[4]	138 (2003)	Maintain or decrease	132 ± 11
Ave. Width Type A Riparian Vegetation[5] (ft.)	7.5 (2003)	9.8[6]	Increase in Type A and/or Type B
Functioning Condition	Functional at Risk, upward trend (2003)	Proper Functioning Condition (PFC)	Proper Functioning Condition (PFC)
Trout Creek - Dominant Rosgen Channel Type: B (S1 through S-6; S-1A through S-3A)			
Riparian Condition Class (% optimum)[3]	56 (2003)	≥60	67 ± 7
Stream width/depth Ratio[4]	14 (2003)	Maintain or decrease	18 ± 5
Ave. Width Type A Riparian Vegetation[5] (ft.)	4.7 (2003)	6.1[6]	Increase in Type A and/or Type B
Functioning Condition	Variable (2003)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Coyote Creek			
Functioning Condition	Nonfunctional (1999)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Soldier Creek			
Functioning Condition	Nonfunctional (1999)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)

[1]Based on 30% improvement over baseline values where applicable.

[2]Based on mean values (± 95% confidence limits) for applicable Rosgen channel types in desired condition (Newman 2001and Rosgen 1996).

[3]Average of bank cover and bank stability. Optimum is considered to represent stable streambanks well

vegetated with tall trees or shrubs (BLM 2002).
[4]Objectives for stream width/depth ratio may not be applicable if the survey area is included within a beaver dam complex. Note also depth measurements are based on average of three measurements.
[5]Canopy cover of riparian shrubs, trees and basal cover of riparian herbaceous vegetation is less than 50% (BLM 2002).
[6] 30% increase over baseline may be in Type B riparian vegetation (defined as canopy cover of shrubs, trees and basal cover of herbaceous vegetation greater than 50%) (BLM 2002).

Note: Stream survey stations are shown for Lower Willow Creek below the reservoir on map 3. Additional objectives may be established for this area at a future date.

Techniques for measuring stream habitats are described in Aquatic Habitat Inventory and Monitoring Level III Survey Procedures, Level III Survey Procedures, Elko Revised Handbook 6720-1 (BLM 2002). Techniques for determining proper functioning condition of lotic riparian habitats are described in BLM Technical Reference 1737-15 (Prichard et al. 1998). Data are currently averaged by stream but may be averaged by stream segments within pastures if and when additional pasture fences are constructed. For the grazing treatment to be considered successful for a particular stream, the majority (> 50%) of the objectives identified for that stream must be met. Locations of stream survey stations are shown in Map 3.

Additional information including pool characteristics, substrate composition, streambank and riparian zone characteristics, ungulate impacts, and water temperatures collected as part of BLM's stream survey protocol will also be used to evaluate the overall effectiveness of the grazing system. Riparian herbaceous stubble heights, woody riparian plant utilization, and streambank trampling will be monitored to document and evaluate grazing impacts. Stubble height and plant utilization will be measured using techniques described in BLM (1996) and in Nevada Rangeland Studies Task Group (1984). Streambank trampling will be determined by measuring the percent of streambank trampled or compacted by livestock along transects established at study sites.

Streams included in the Upper Willow Creek Habitat Enhancement Plan (UWCHEP)

Table 7. Stream habitat improvement criteria for streams included within the Upper Willow Creek Habitat Enhancement Plan (UWCHEP) area (BLM 2003). Stream survey stations are shown in parentheses.

STREAM HABITAT PARAMETERS	2002 BASELINE[1]	CRITERIA[2]
Lewis Creek (S-1:S-4)		
Riparian Condition Class (% optimum)[3]	63	70
Stream width/depth Ratio	15	15:1 or a 30% reduction from baseline, whichever is achieved first
Functioning Condition	TBD* (2003)	Proper Functioning Condition (PFC)

STREAM HABITAT PARAMETERS	2002 BASELINE[1]	CRITERIA[2]
Nelson Creek (S-1:S-4; S-5 excluding T-2)		
Riparian Condition Class (% optimum)[3]	73	70
Stream width/depth Ratio	23	15:1 or a 30% reduction from baseline, whichever is achieved first
Functioning Condition	TBD (2003)	Proper Functioning Condition (PFC)
Upper Willow Creek (S-1:S-5)		
Riparian Condition Class (% optimum)[3]	46	65
Stream width/depth Ratio	29	15:1 or a 30% reduction from baseline, whichever is achieved first
Functioning Condition	TBD (2003)	Proper Functioning Condition

[1]Refer also to Viert (2002) for additional information on baseline values for stream width to depth ratios.
[2]Under the UWCHEP, criteria shown must be attained prior to reauthorization of grazing following exclusion of livestock in 2004.
[3]Average of bank cover and bank stability. Optimum is considered to represent stable streambanks well vegetated with tall trees or shrubs (BLM 2002).
*TBD=To be determined

Monitoring techniques for streams within the UWCHEP are the same as those described for streams in Table 6.
Under provisions of the UWCHEP, additional habitat parameters will be monitored on Lewis, Nelson, and Upper Willow Creeks to evaluate the overall effectiveness of the grazing system. These parameters along with monitoring methods are shown in Table 6.

Table 8. Additional stream and riparian habitat monitoring parameters and methods for streams included within the UWCHEP area (BLM 2003).

MONITORING PARAMETER	METHODOLOGY
Riparian Zone Width	Elko Revised Handbook 6720-1 (BLM 2002)
Vegetation cross-section composition, greenline composition, woody riparian species regeneration	U. S. Forest Service Gen. Tech. Report RMS-GTR-47 (Winward 2000)
Temperature	Thermographs
Photography	Elko Revised Handbook 6720-1 (BLM 2002)
Vegetative Overhang	Elko Revised Handbook 6720-1 (BLM 2002)
Pool Quality	Elko Revised Handbook 6720-1 (BLM 2002)

Spanish Ranch Allotment

Manage grazing to achieve short and long-term stream/riparian habitat objectives as defined in Tables 9. Note that objectives may be revised at the conclusion of the short and/or long-term evaluation periods.

Table 9. Short and long-term objectives for selected habitat parameters for streams in the Spanish Ranch Allotment based on date of implementation of the grazing plan. Data are from stream survey stations (shown in parentheses) located on public land (refer to map 3).

STREAM HABITAT PARAMETER	MOST CURRENT BASELINE DATA	SHORT-TERM OBJECTIVE (4 yrs)[1]	LONG-TERM OBJECTIVE (8 yrs)[2]
Red Cow Creek - Dominant Rosgen Channel Type: B (S-1, S-2, S-5, S-6, S-7, S-8, S-10, S-11)			
Riparian Condition Class (% optimum)[3]	49	≥64	68 ± 4
Stream width/depth Ratio[4]	32	≤23	18 ± 5
Shorewater Depth (in)[4]	0.10	Maintain or increase	0.7 ± .3
Streambank Angle (°)[4]	157	≤147	139 ± 8
Ave. Width Type A Riparian Vegetation[5] (ft.)	3.3	4.3[6]	Increase in Type A and/or Type B
Functioning Condition	Non-functional (2000)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Chino (Fourmile) – Rosgen B Channel Type (S-7, S-9)			
Riparian Condition Class (% optimum)[3]	52 (1992)	≥60	67 ± 7
Stream width/depth Ratio[4]	30 (1992)	≤23	18 ± 5
Functioning Condition	Functional at Risk, downward trend (2002)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Big Cottonwood Canyon - Dominant Rosgen Channel Type: B (S-2, S-3, S-8)			
Riparian Condition Class (% optimum)[3]	41	53	67 ± 7
Stream width/depth Ratio[4]	28	≤23	18 ± 5
Shorewater Depth (in)[4]	0	Increase	1.0 ± 0.4
Streambank Angle (°)[4]	156	≤143	132 ± 11
Ave. Width Type A Riparian Vegetation[5]	5.0	6.5[6]	Increase in Type A and/or Type B
Functioning Condition	Non-functional (1999)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)
Winters Creek - (establish stream survey stations on public land)			
Riparian Condition Class (% optimum)[3]	TBD*	TBD	TBD
Stream width/depth Ratio[4]	TBD	TBD	TBD
Ave. Width Type A Riparian Vegetation[5]	TBD	TBD[6]	Increase in Type A and/or Type B
Functioning Condition	TBD	TBD	Proper Functioning Condition (PFC)
Sixmile Canyon Creek - Dominant Rosgen Channel Type: B (S-2, S-3, S-4, S-5)			
Riparian Condition Class (% optimum)[3]	60 (2002)	Maintain or increase	67 ± 7
Functioning Condition	Functional at risk, trend not apparent (83%) PFC (17%) (1999)	Functional at Risk, upward trend/Proper Functioning Condition (PFC)	Proper Functioning Condition (PFC)
Hot Creek	Nonfunctional (1999)	Functional at Risk, upward trend	Proper Functioning Condition (PFC)

[1]Based on 30% improvement over baseline values where applicable.
[2]Based on mean values (± 95% confidence limits) for applicable Rosgen channel types in desired condition (Newman 2001 and Rosgen 1996).
[3]Average of bank cover and bank stability. Optimum is considered to represent stable streambanks well vegetated with tall trees or shrubs (BLM 2002).
[4]Objectives may not be applicable if the survey area is included within a beaver dam complex. Note also width to depth measurements are based on average of three measurements.
[5]Canopy cover of riparian shrubs, trees and basal cover of riparian herbaceous vegetation is less than 50% (BLM 2002).
[6] 30% increase over baseline may be in Type B riparian vegetation (defined as canopy cover of shrubs, trees and basal cover of herbaceous vegetation greater than 50%) (BLM 2002).

Techniques for measuring stream habitats are described in Aquatic Habitat Inventory and Monitoring Level III Survey Procedures, Level III Survey Procedures, Elko Revised Handbook 6720-1 (BLM 2002). Techniques for determining proper functioning condition of lotic riparian habitats are described in BLM Technical Reference 1737-15 (Prichard et al. 1998). Data are currently averaged by stream but may be averaged by stream segments within pastures if and when additional pasture fences are constructed. For the grazing treatment to be considered successful for a particular stream, functioning condition objectives as well as majority (> 50%) of the stream and riparian habitat objectives identified for that stream must be met. For example, if objectives for functioning condition, riparian condition class, stream width to depth ratio, and shorewater depth are met, but objectives for width of type A riparian vegetation and streambank angle are not met, the grazing treatment will still be considered successful for that stream. Locations of stream survey stations are shown in map 3.

Additional information including pool characteristics, substrate composition, streambank and riparian zone characteristics, ungulate impacts, and water temperatures collected as part of BLM's stream survey protocol will also be used to evaluate the overall effectiveness of the grazing system. Riparian herbaceous stubble heights, woody riparian plant utilization, and streambank trampling will be monitored to document and evaluate grazing impacts. Stubble height and plant utilization will be measured using techniques described in BLM (1996) and in Nevada Rangeland Studies Task Group (1984). Streambank trampling will be determined by measuring the percent of streambank trampled or compacted by livestock along transects established at study sites.

LENTIC (STANDING WATER) RIPARIAN HABITATS

Squaw Valley and Spanish Ranch Allotments

Within four years from the date of implementation of the grazing system, show progress towards meeting Proper Functioning Condition (PFC) on selected lentic (standing water) riparian habitats within applicable pastures or grazing treatment areas. Over the long-term (within eight years of the date of implementation of the grazing system) achieve PFC on selected riparian habitats. Techniques for determining proper functioning condition of lentic riparian habitats are described in BLM Technical Reference 1737-16 (Prichard, et al. 1999).

Wild Horses:

6. Manage for a wild horse herd size which will maintain a thriving ecological balance consistent with other multiple uses while remaining within the newly designated wild horse herd management area.

2. **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 and standards for rangeland health. The Spanish Ranch and Squaw Valley Allotments will be analyzed after one complete cycle of the proposed grazing systems to determine progress toward attainment of objectives and to make any necessary adjustments in grazing use. Subsequently, these allotments will be reevaluated in accordance with priorities established in the Elko District Monitoring and Evaluation Schedule. If monitoring studies indicate a need to modify grazing use based on carrying capacity, necessary adjustments will be made. In addition to specific monitoring techniques described for lotic and lentic riparian habitats, the following studies will include, but are not limited to, the following:**

Uplands:
·forage production
·ecological production
·trend frequency
·utilization
·actual use
·Upland Proper Functioning Condition Assessment
·Ecological Site Inventory
·Precipitation studies

Wildlife Habitat:
·habitat condition studies (BLM Manual 6630)
·wildlife population census
·Cole Browse

Wild Horses:
·wild horse population census

Rationale: The Spanish Ranch and Squaw Valley AE summarized current grazing management, determined where 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 AE, were formulated based on management issues which existed in 1987 when the RPS was published. Based on monitoring data and conclusions presented in the AE, 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.

A supplement to the 1998 Biological Assessment for the Squaw Valley Proposed Multiple Use Decision (BLM 1998) has been transmitted to the U.S. Fish and Wildlife Service for formal consultation. The supplement addresses the grazing systems proposed for the Squaw Valley Allotment. An Environmental Assessment (EA) has also been prepared to analyze the affects of the proposed actions. All three documents (1998 Biological Assessment, 2003 Biological Assessment Supplement, and the 2004 Final Multiple Use Decision Environmental Analysis) are available by request from the Elko BLM Field Office.

Sincerely,

CLINTON R. OKE
Assistant Field Manager
Renewable Resources

Enclosures: As stated above

cc:

Nevada Department of Wildlife
National Mustang Association
Bureau of Land Management (Winnemucca FO)
Nevada Woolgrower's Association
American Bashkir Curley Register
U.S. Fish and Wildlife Service
Commission for the Preservation of Wild Horses
Western Watersheds Project
Committee for Idaho's High Desert
Bill Houston
Gregg Simonds
Sierra Club
WHOA
Nevada State Division of Ag.
Agri Beef
Nevada Cattlemen's Assoc.
Resource Concepts Inc.
Elko County Commissioners
Fund for Animals
Duane Erickson

Supporting Documents

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ATTACHMENT 1

2001 Migratory Bird Executive Order This executive order outlines the responsibilities of Federal agencies to protect migratory birds. The United States has recognized their ecological and economic value to this country and other countries by ratifying international, bilateral conventions for the conservation of migratory birds. These migratory bird conventions impose substantive obligations on the United States for conservation of migratory birds and their habitats. The United States has implemented these migratory bird conventions through the Migratory Bird Treaty Act. President Clinton's Migratory Bird Executive Order directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. As defined in the executive order, "action" means a program, activity, project, official policy (such as a rule or regulation), or formal plan directly carried out by a Federal agency. The executive order further states that each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service that shall promote conservation of migratory bird populations. The term "action" will be further defined in this MOU as it pertains to each Federal agency's own authorities and programs.

A list of the migratory birds affected by the President's executive order is contained in 43 CFR 10.13. References to "species of concern" pertain to those species listed in the periodic report "Migratory Nongame Birds of Management Concern in the United States", priority migratory bird species as documented by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 CFR 17.11.

A list pertaining to subject Squaw Valley and Spanish Ranch Allotments is shown below.

The Nevada Partners in Flight Bird Conservation Plan identifies the following bird species for prioritization for management action associated with each of the habitat types listed below:

Aspen	Montane Riparian	Montane Shrub	Sagebrush
Obligates*: None Other**: Northern Goshawk Calliope Hummingbird Flammulated Owl Lewis's Woodpecker Red-naped Sapsucker Mountain Bluebird Orange-crowned Warbler	Obligates: Wilson's Warbler MacGillivray's Warbler Other: Cooper's Hawk Northern Goshawk Calliope Hummingbird Lewis's Woodpecker Red-Naped Sapsucker Orange-crowned	Obligates: None Other: Black Rosy Finch Black-throated Gray Warbler Calliope Hummingbird Cooper's Hawk Loggerhead Shrike Blue Grosbeak Vesper Sparrow	Obligates: Sage Grouse Other: Black Rosy Finch Ferruginous Hawk Gray Flycatcher Loggerhead Shrike Vesper Sparrow Prairie Falcon Sage Sparrow Sage Thrasher Swainson's Hawk

Aspen	Montane Riparian	Montane Shrub	Sagebrush
MacGillivray's Warbler Wilson's Warbler Other Associated Species Cooper's Hawk Northern Flicker Hermit Thrush Yellow-rumped Warbler Long-eared Owl	Warbler Virginia's Warbler Yellow-breasted Chat Other Associated Species Warbling Vireo Broad-tailed Hummingbird Fox Sparrow Blue Grouse	MacGillivray's Warbler Orange-crowned Warbler Swainson's Hawk Western Bluebird	Burrowing Owl Calliope Hummingbird Other associated species: Brewer's Sparrow Western Meadowlark Black-throated Sparrow Lark Sparrow Green-tailed Towhee Brewer's Blackbird Horned Lark Lark Sparrow

Cliffs and Talus	Lakes (Playas)***
Obligates: Prairie Falcon Black Rosy Finch Other: Ferruginous Hawk Other Associated Species Golden Eagle White-throated Swift Say's Phoebe Common Raven Cliff Swallow Violet-green Swallow Canyon Wren Rock Wren	Obligates (PIF-listed as Wetlands/Lakes): White-faced Ibis Snowy Plover American Avocet Black Tern Other (PIF-listed as Wetlands/Lakes): Sandhill Crane Long-billed Curlew Short-eared Owl Other Associated (Wetlands/Lakes) Species American bittern Great Egret Snowy Egret Cattle Egret Black-crowned Night Heron Marsh Wren Common Yellowthroat Yellow-headed Blackbird

*"Obligates" are species that are found only in the habitat type described in the section. [Habitat needed during life cycle even though a significant portion of their life cycle is supported by other habitat types]

**"Others" are species that can be found in the habitat type described in the Nevada Partners in Flight Bird Conservation Plan.

*** Other Associated Wetlands/Lakes Species predominately associated with wetlands where emergent aquatic vegetation provides cover and foraging areas. Otherwise, relative to Spanish Ranch and Squaw Valley Allotments, anywhere where standing water collects or slow moving water flows occur including, but not limited to, snow ponds, playas, beaver dams and other pools associated with riparian areas, and manmade reservoirs could provide some seasonal habitat for some of these species shown.

Attachment 2 – Special Status Species

Definitions of Special Status Species

Federally Threatened or Endangered Species: Any species that the U.S. Fish and Wildlife Service has listed as an endangered or threatened species under the Endangered Species Act throughout all or a significant portion of its range.

Proposed Threatened or Endangered Species: Any species that the Fish and Wildlife Service has proposed for listing as a Federally endangered or threatened species under the Endangered Species Act.

Candidate Species: Plant and animal taxa that are under consideration for possible listing as threatened or endangered under the Endangered Species Act.

BLM Sensitive Species: Species 1) that are currently under status review by the U.S. Fish and Wildlife Service; 2) whose numbers are declining so rapidly that Federal listing may become necessary; 3) with typically small and widely dispersed populations; or 4) that inhabit ecological refugia or other specialized or unique habitats.

State of Nevada Listed Species: State-protected animals that have been determined to meet BLM's Manual 6840 policy definition.

The listing of Nevada BLM Special Status Species is based on input provided by BLM, Nevada Division of Wildlife, and U.S. Fish and Wildlife Service in BLM Instruction Memorandum No. NV-98-013 (February 27, 1998). BLM Elko Field Office provided input for BLM Instruction Memorandum No. NV-98-013, entitled "Former Candidate Category 2 Species On Or Suspected On Elko District -BLM Lands Recommended As BLM Sensitive Species As Of 5/96". As of July 29, 2003 BLM Information Bulletin No. NV-2003-097 includes an attachment for Nevada BLM's newly approved BLM Sensitive Species List. This list was completed through review and suggestions from BLM, Nevada Department of Wildlife, Nevada Natural Heritage Program , Nevada Division of Forestry; and review and comments from the U. S. Fish and Wildlife Service.

The effects of a proposed action on species that are listed or are proposed for listing as threatened or endangered are subject to consultation under section 7 of the ESA.

Nevada BLM policy is to provide State of Nevada Listed Species and Nevada BLM Sensitive Species with the same level of protection as is provided for candidate species in BLM Manual 6840.06C. Per wording in BLM Information Bulletin No. NV-2003-097, Nevada BLM Sensitive are taxa that are not already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. BLM policy is to provide these species with the same level of protection as is provided for candidate species in BLM Manual 6840.06 C, that is to "ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed". The Sensitive Species designation is normally used for species that occur on Bureau administered lands for which BLM has the capability to significantly affect the conservation status of the species through management. The BLM Manual 6840.06 E provides factors by which a native species may be listed as "sensitive" if it:

1. Could become endangered or extirpated from a state, or within a significant portion of its range in the foreseeable future;

2. Is under status review by the FWS and/or National Marine Fisheries Service;

3. Is undergoing significant current or predicted downward trends in: (1) habitat capability that would reduce a species' existing distribution; and/or (2) population or density such that federally listed, proposed, candidate, or State listed status may become necessary.

4. Typically consists of small and widely dispersed populations;

5. Inhabits ecological refugia, or specialized or unique habitats;

6. Is State-listed, but which may be better conserved through application of BLM sensitive species status.

The following table lists the species according to their status that either documented as shown in bold print or are potentially found on the Squaw Valley and Spanish Ranch Allotments on a seasonal or yearlong basis.

BLM Special Status Species

COMMON NAME	SCIENTIFIC NAME
Federally Endangered Species	
(None)	(None)
Federally Threatened Species	
Lahontan cutthroat trout [1]	*Oncorhynchus clarki henshawi*
Bald Eagle	*Haliaeetus leucocephalus*
Federally Proposed Threatened or Endangered Species	
(none)	(none)
Federal Candidate Species	
Spotted frog [1]	*Rana pretiosa*
State of Nevada Listed Species	
White pelican	*Pelecanus erythrorhynchos*
White-faced ibis	*Plegadis chihi*
Spotted bat	*Euderma maculatum*

COMMON NAME	SCIENTIFIC NAME
Nevada BLM Sensitive Species	
Mammals	
Small-footed myotis	*Myotis ciliolabrum*
Long-eared myotis	*Myotis evotis*
Fringed myotis	*Myotis thysanodes*
Long-legged myotis	*Myotis volans*
Yuma myotis	*Myotis yumanensis*
Pale Townsend's big-eared bat	*Plecotis townsendii pallescens*
Pacific Townsend's big-eared bat	*Plecotis townsendii townsendii*
Preble's shrew	*Sorex preblei*
Pygmy rabbit[1]	*Brachylagus idahoensis*
River otter	*Lontra canadensis*
Birds	
Northern Goshawk	*Accipiter gentiles*
Golden Eagle	*Aquila chrysaetos*
Burrowing Owl	*Athene cunicularia*
Ferruginous Hawk	*Buteo regalis*
Swainson's Hawk	*Buteo swainsoni*
Greater Sage Grouse	*Centrocercus urophasianus*
Mountain quail	*Oreoryx pictus*
Short-eared owl	*Asio flammeus*
Long-eared owl	*Asio otus*
Vesper sparrow	*Pooecetes gramineus*
Black rosy finch	*Leucosticte atrata*
Long-billed curlew	*Numenius americanus*
Loggerhead shrike	*Lanius ludovicianus*

COMMON NAME	SCIENTIFIC NAME
Prairie falcon	*Falco mexicanus*
Peregrine falcon	*Falco peregrinus*
Black tern	*Chilidonias niger*
Sandhill Crane	*Grus canadensis*
Yellow-breasted chat	*Icteria virens*
Lewis's woodpecker	*Melanerpes lewis*
Fish	
Interior redband trout [2]	*Onchorhyncus mykiss gibbsi*

[1] Squaw Valley Allotment
[2] Spanish Ranch Allotment

Attachment 3 - Wildlife Species List
Lower Sagebrush/Grassland Steppe, Northeastern Nevada

Birds

Turkey Vulture	*Cathartes aura*
Bald Eagle	*Haliaetus leucocephalus*
Northern Harrier	*Circus cyaneus*
Swainson's Hawk	*Buteo swainsoni*
Red-tailed Hawk	*Buteo jamaicensis*
Ferruginous Hawk	*Buteo regalis*
Rough-legged Hawk	*Buteo lagopus*
Golden Eagle	*Aquila chrysaetos*
American Kestrel	*Falco sparverius*
Merlin	*Falco columbarius*
Prairie Falcon	*Falco mexicanus*
Cray Partridge	*Perdix perdix*
Chukar	*Alectoris chukar*
Sage Grouse	*Centrocercus urophasianus*
Mourning Dove	*Zenaida macroura*
Great Horned Owl	*Bubo virginianus*
Burrowing Owl	*Athene cunicularia*
Short-eared Owl	*Asio flammeus*
Common Nighthawk	*Chordeiles minor*
Broad-tailed Hummingbird	*Selasphorus platycercus*
Northern Flicker	*Colaptes auratus*
Gray Flycatcher	*Epidonax wrightii*
Ash-throated Flycatcher	*Myiarchus cinerascens*
Say's Phoebe	*Sayornis saya*
Western Kingbird	*Tyrannus verticalis*
Horned bark	*Eremophila alpestris*
Barn Swallow	*Hirundo rustica*
Black-billed Magpie	*Pica pica*
American Crow	*Corvus brachyrhynchos*
Common Raven	*Corvus corax*
Rock Wren	*Salpinctes obsoletus*
Mountain Bluebird	*Sialia currucoides*
American Robin	*Turdus migratorius*
Sage Thrasher	*Oreoscoptes montanus*
Loggerhead Shrike	*Lanius ludovicianus*
Northern Shrike	*Lanius excubitor*
European Starling	*Sturnus vulgaris*
Brewer's Sparrow	*Pooecetes gramineus*
Vesper Sparrow	*Chondestes grammacus*
Lark Sparrow	*Amphispiza belli*
White-crowned Sparrow	*Zonotrichia leucophrys*
Lapland Longspur	*Calcarius lapponicus*
Red-winged Blackbird	*Agelaius phoeniceus*
Western Meadowlark	*Sturnella neglecta*
Brewer's Blackbird	*Euphagus cyanocephalus*
Brown-headed Cowbird	*Molothrus ater*
Black Rosy Finch	*Leucosticte atrata*
Gray-crowned Rosy Finch	*Leucosticte tephrocotis*
House Sparrow	*Passer domesticus*

Mammals

Little Brown Bat	*Myotis lucifugus*
Long-eared Myotis	*Myotis evotis*
Long-legged Myotis	*Myotis volans*
Small-footed Myotis	*Myotis ciliolabrum*
Silver-haired Bat	*Lasionycteris noctivagan*
Western Pipistrelle	*Pipistrellus hesperus*
Big Brown Bat	*Eptesicus fuscus*
Townsend's Big-eared Bat	*Plecotus townsendii*
Brazilian Free-tailed Bat	*Tadarida brasiliensis*
Black-tailed Jackrabbit	*Lepus californicus*
Mountain Cottontail	*Sylvilagus nuttallii*
Pygmy Rabbit	*Sylvilagus idahoensis*
Townsend's Ground Squirrel	*Spermophilus townsendii*
Belding Ground Squirrel	*Spermophilus beldingi*
Least Chipmunk	*Tamias minimus*
Botta's Pocket Gopher	*Thomomys bottae*
Northern Pocket Gopher	*Thomomys talpoides*
Little Pocket Mouse	*Perognathus longimembris*
Great Basin Pocket Mouse	*Perognathus parvus*
Dark Kangaroo Mouse	*Microdipodops megacephalus*
Ord Kangaroo Rat	*Dipodomys ordii*
Chisel-toothed Kangaroo Rat	*Dipodomys microps*
Deer Mouse	*Peromyscus maniculatus*
Northern Grasshopper Mouse	*Onychomys leucogaster*
Desert Woodrat	*Neotoma lepida*
Sagebrush Vole	*Lemmiscus curtatus*
House Mouse	*Mus musculus*
Kit Fox	*Vulpes macrotis*
Coyote	*Canis latrans*
Long-tailed Weasel	*Mustela frenata*
Badger	*Taxidea taxus*
Striped Skunk	*Mephitis mephitis*
Mountain Lion	*Felix concolor*
Bobcat	*Lynx rufus*
Mule Deer	*Odocoileus hemionus*
Pronghorn	*Antilocapra americana*

Reptiles

Western Skink	*Eumeces skiltonianus*
Western Whiptail	*Cnemidophorus tigrus*
Desert Collared Lizard	*Crotaphytus insularis*
Long-nosed Leopard Lizard	*Gambelia wislizenii*
Desert Spiny Lizard	*Sceloporus magister*
Sagebrush Lizard	*Sceloporus graciosus*
Western Fence Lizard	*Sceloporus occidentalis*
Side-blotched Lizard	*Uta stansburiana*
Desert Horned Lizard	*Phrynosorna platyrhinos*
Short-horned Lizard	*Phrynosorna douglassii*
Long-nosed Snake	*Rhinocheilus lecontei*
Ground Snake	*Sonora semiannulata*
Night Snake	*Hypsiglena torquata*
Gopher Snake	*Pituophis melanoleucus*
Racer	*Coluber constrictor*
Striped Whipsnake	*Masticophis taeniatus*
Western Rattlesnake	*Crotalus viridis*

Attachment 4

Nevada Department of Wildlife
60 Youth Center Rd.
Elko, NV 89801

Ellison Ranching Co.
c/o Bill Hall
HC 32, Box240
Tuscarora, NV 89834

Sierra Club – Toiyabe Chapter
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720 Brookfield Drive
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Bureau of Land Management
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Winnemucca, NV 89445

Barrick Goldstrike Mines
Attn: Ron Espell
PO Box 29
Elko, NV 89803

Wild Horse Organized Assistance
PO Box 555
Reno, NV 89504

Nevada Woolgrower's Association
339 W. Rockwood Drive
Elko, NV 89801

Comm. for the Preservation of Wild Horses
885 E. Lake Blvd
Carson City, NV 89704

Nevada State Division of Ag.
350 Capitol Hill Ave.
Reno, NV 89502

Nevada Cattlemen's Association
P.O. Box 310
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American Bashkir Curley Register
Mrs. Sunny Martin
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Ely, NV 898301

Agri Beef
c/o Jim Andrea
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Tuscarora, NV 89834

USFS
Mountain City Ranger District
Attn: District Ranger
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Committee for Idaho's High Desert
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National Mustang Association
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Cedar City, UT 84721

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Elko, NV 89801

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1.) This decision is adverse to you **AND** 2.) You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES ***MUST*** BE FOLLOWED:

1. NOTICE OF APPEAL:
Within 30 days of receipt of the decision, file a "NOTICE OF APPEAL" in the office which issued this decision (see CFR secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL:

BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE
3900 E. IDAHO STREET
ELKO, NV 89801

and a copy to

OFFICE OF THE REGIONAL SOLICITOR
PACIFIC SOUTHWEST REGION
2800 COTTAGE WAY ROOM E-2753
SACRAMENTO, CA 95825-1890

3. STATEMENT OF REASONS:
Within 30 days after filing the "NOTICE OF APPEAL", file a **complete** statement of the reasons why you are appealing. This must be filed with the:

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY, BOARD OF LAND APPEALS
801 NORTH QUINCY STREET, SUITE 300
ARLINGTON, VA 22203

(See 43 CFR secs. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the "NOTICE OF APPEAL", no additional statement is necessary.

4. ADVERSE PARTIES:
Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor must be served with a copy of:

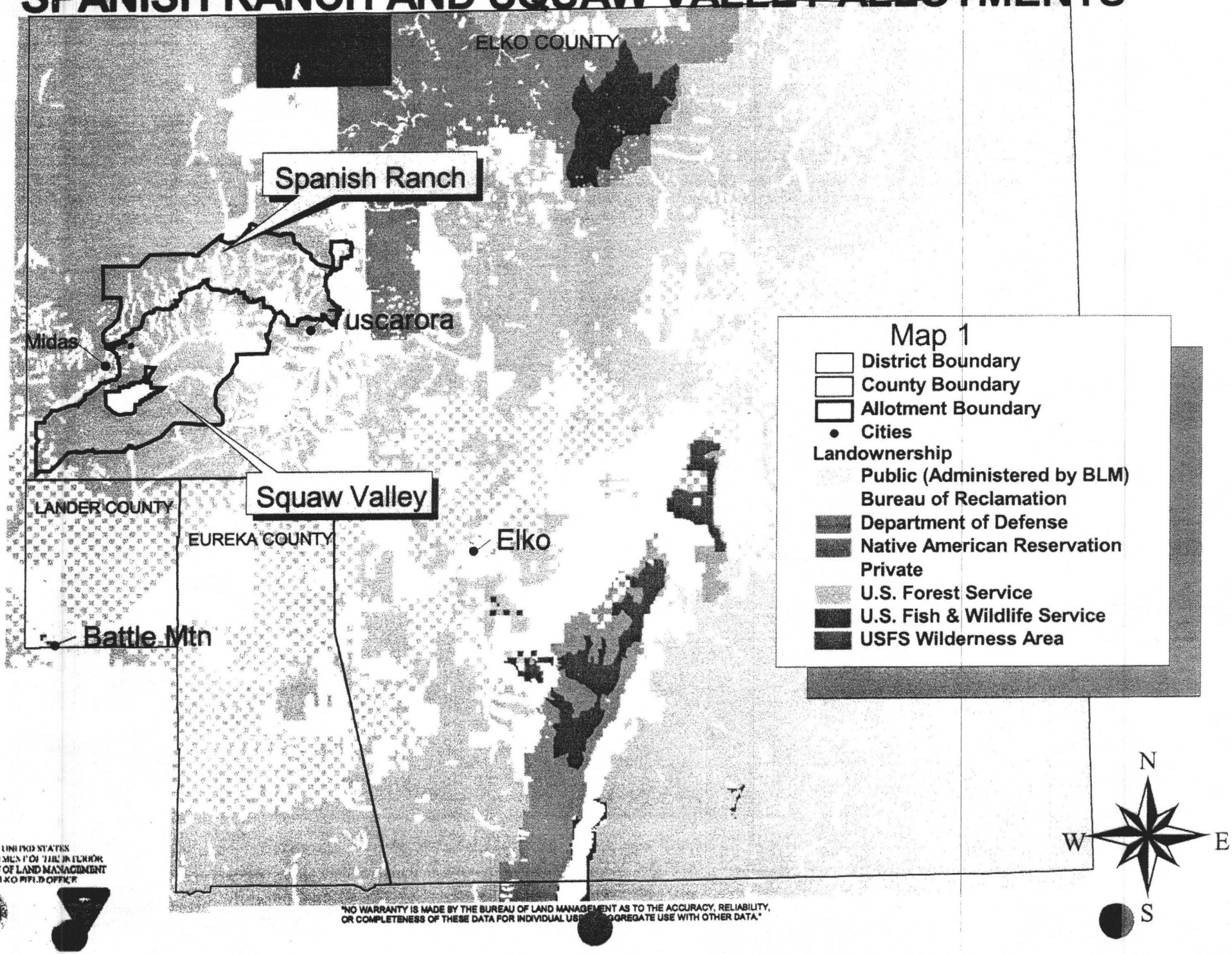
A. THE NOTICE OF APPEAL
B. THE STATEMENT OF REASONS, AND
C. ANY OTHER DOCUMENT FILED (See 43 CFR sec. 4.413).

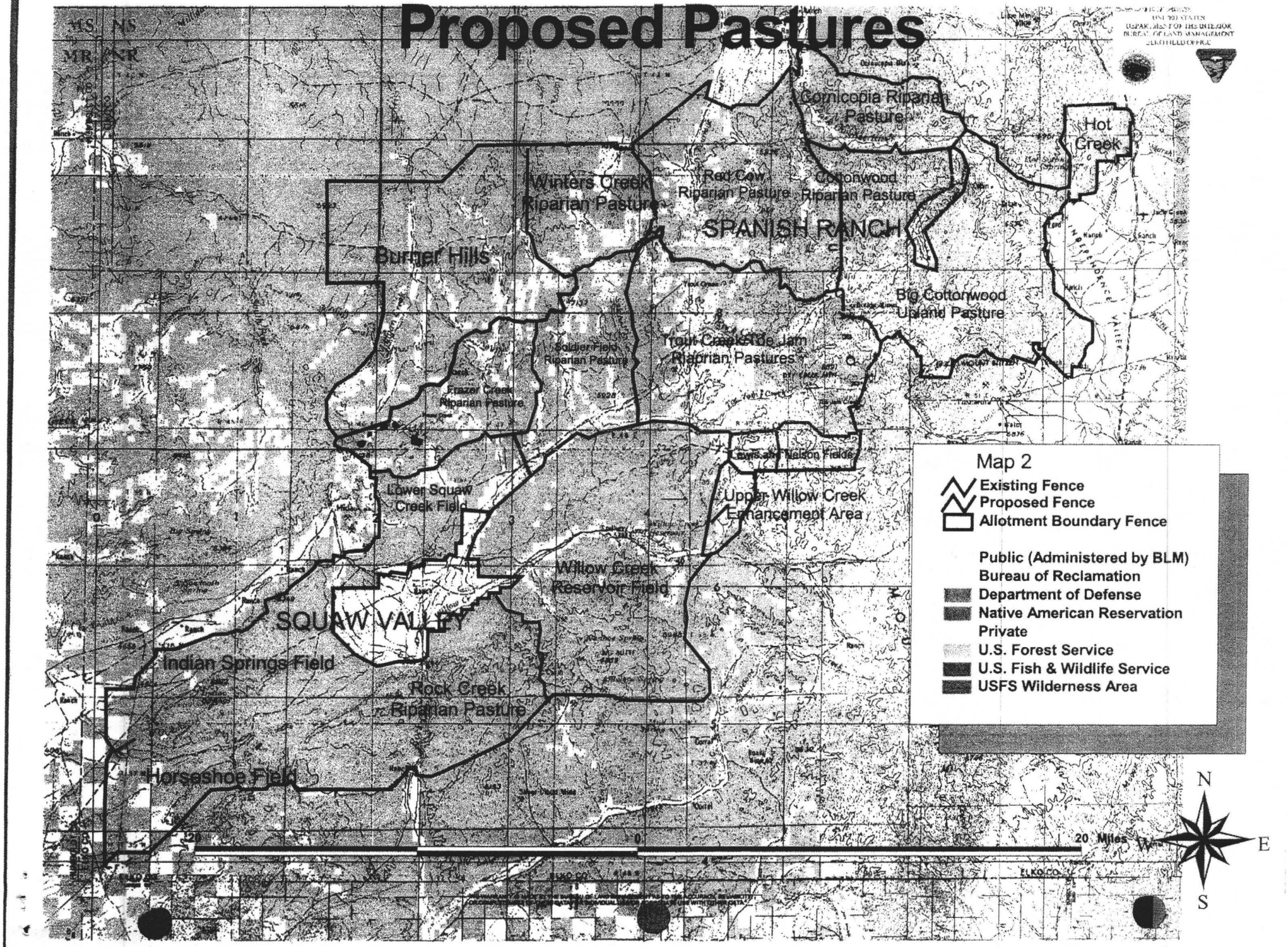
5. PROOF OF SERVICE:
Within 15 days after any document is served on an adverse party, file proof of that service with the BOARD OF LAND APPEALS, at the above address. This may consist of a certified or registered mail "return receipt card" signed by the adverse party (see 43 CFR sec. 4.401(c) (2)).

UNLESS THESE PROCEDURES ARE FOLLOWED, YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (see 43 CFR sec. 4.402). Be certain that all communications are identified by serial number, or other identification, of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see CFR sec. 4.401(a)).

SPANISH RANCH AND SQUAW VALLEY ALLOTMENTS




Proposed Pastures
Cornicopia Riparian Pasture
Hot Creek
Winters Creek Riparian Pasture
Red Cow Riparian Pasture
Cottonwood Riparian Pasture
SPANISH RANCH
Burner Hills
Big Cottonwood Upland Pasture
Trout Creek Log Jam Riparian Pastures
Soldier Field Riparian Pasture
Frazer Creek Riparian Pasture
Lower Squaw Creek Field
Upper Willow Creek Enhancement Area
Willow Creek Reservoir Field
SQUAW VALLEY
Indian Springs Field
Rock Creek Riparian Pasture
Horseshoe Field
Map 2
Existing Fence
Proposed Fence
Allotment Boundary Fence
Public (Administered by BLM)
Bureau of Reclamation
Department of Defense
Native American Reservation
Private
U.S. Forest Service
U.S. Fish & Wildlife Service
USFS Wilderness Area
20 Miles
N
S
E

STREAM SURVEY LOCATIONS