



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Tonopah Field Station
1553 South Main Street
P.O. Box 911
Tonopah, Nevada 89049-0911



In Reply Refer To:
4100
NV065.06

CERTIFIED MAIL NO. 7006 0100 0004 0869 4421
Return Receipt Requested

Mr. Bud Johns
P.O. Box 216
Silver Peak, NV 89047

NOTICE OF PROPOSED DECISION

Dear Mr. Johns:

INTRODUCTION

You applied for Temporary Non-Renewable (TNR) grazing use on the Montezuma Allotment on April 18, 2006 for 50 head of livestock from March 1, 2007 to February 28, 2008. You signed the Terms and conditions on May 16, 2006. The Bureau of Land Management has completed an Environmental Assessment (EA) (NV065-EA07-030) (Appendix I) on the TNR application. The TNR lease is based on the findings from the Environmental Assessment.

Each TNR is subject to modification if it is discovered that the allotment is not moving toward meeting objectives, standards and guidelines of the 1997 Tonopah Resource Management Plan (RMP) and Record of Decision, the Mojave-Southern Great Basin Resource Advisory Council (RAC), 1997 and the BLM regulations and policies.

A letter was sent to the interested parties on August 17, 2006 for their comments relating to the proposed decision in accordance with 43 Code of Federal Regulation (CFR) 4130.2. Ms. Katie Fite, Biodiversity Director, Western Watersheds Project, P.O. Box 2863, Boise, ID 83701 responded to the letter by providing comments (Appendix II). The comments were taken into consideration in developing the EA (NV065-EA07-030) and the proposed decision.

BACKGROUND

The Montezuma Allotment is a vacant allotment. The former lessee lost his lease in 1997. The allotment has received minor use since 1990. The TNR grazing use is allocated well below the former lease levels. The former lease was yearlong for 889 head of cattle. The TNR grazing use

is 50 head of livestock year round under a grazing rotation and utilization standard. The southern part of the west pasture has been not grazed since 2004.

PROPOSED DECISION

Through the consultation, coordination and cooperation (CCC) process, your input as well as input from other interested parties has been considered in the allotment assessment process. After consideration of input received through the CCC process, it is therefore, My Proposed Decision that:

Livestock Grazing Management Decision

The temporary non-renewable grazing authorization will be issued for 50 head of livestock from March 1, 2007 to February 28, 2008 under 43 CFR 4130.6-2.

Terms and Conditions

"Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part" in accordance with 43 CFR 4130.3.

The following stipulations will be incorporated into the terms and conditions of the grazing authorization (refer to Appendix II for location of pasture).

Grazing Authorization

Table 1 – Allocation of Livestock Number per Pasture

Pasture	Grazing Period		Number of Livestock	Animal Unit
	Begin	End		Months (AUMs)
West Pasture West of Highway U.S. 95/ and Goldfield, south of the Silver Peak Road	03/01/07	02/28/08	50	600

Livestock Grazing Stipulations

1. The terms and conditions of this grazing authorization would be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.

3. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock would be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
4. Livestock would not be allowed to concentrate at any water haul sites.
5. 43 CFR §4130.8-3(h) states: 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. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of Sec. 4140.1(b)(1) and shall result in action by the authorized officer under Secs. 4150.1 and 4160.1-2.
6. Salt blocks would be placed more than one mile from water developments.
7. 43 CFR §4130.8-3(b) states: The following table of service charges is applicable until changed through the Federal Register document as provided in paragraph (a) of this section. Except when the action is initiated by BLM, the authorized officer will assess the following service charges:

<u>Action</u>	<u>Service Charge</u>
Issue crossing permit	\$75
Transfer grazing preference	\$145
Cancel and replace or supplement a grazing fee	\$50

8. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
9. Temporary water haul sites would be used to distribute livestock on the Montezuma Allotment.
10. Request for temporary water haul sites would be made to the authorizing officer three months prior to the onset of grazing.

11. Temporary water haul sites would be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) which states "Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management."
12. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
13. The permittee would be notified of any competitive Off-Highway Vehicle (OHV) events beforehand.

RATIONALE

The rationale for this decision is based on an environmental assessment (NV065-EA06-030) done pursuant to the National Environmental Policy Act (NEPA).

Temporary Non-Renewable use was applied for by a qualified applicant in a vacant allotment with available forage. This temporary authorization is consistent with multiple use objectives.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§ 4130.2 states in part:

"(a) Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other BLM administered lands that are designated in land use plans as available for livestock grazing. ..."

"(c) Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources."

§ 4130.3 states:

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

§ 4130.3-1 states:

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

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

§ 4130.3-2 states in part:

"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."

§ 4130.6-2 (a) states:

"Nonrenewable grazing permits or leases may be issued on an annual basis, as provided in § 4110.3-1 (a), to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance of nonrenewable grazing permits and leases."

§ 4160.1(a) states:

"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 modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public."

§ 4160.2 states:

"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."

PROTEST

An Environmental Analysis (EA) of this proposed decision is enclosed (Appendix I). If I receive public comment, I proposed to issue a Final Decision, which may differ from this proposed decision. Any modifications will be a result of our analysis and response to received comments.

In accordance with 43 CFR § 4160.2, 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:

William S. Fisher
Assistant Field Manager, Tonopah
P.O. Box 911
Tonopah, NV 89049

within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the protestant believes the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestor and the interested public.

BLM will authorize use in accordance with this decision and 43 CFR 4130.6-2 Nonrenewable grazing permits and leases which states “ Nonrenewable grazing permits and leases maybe issued on annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the state having lands or responsible for managing resources within the area, and the interested public prior to the issuance of nonrenewable grazing permits and leases.”

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the Proposed Decision will become the Final Decision of the authorized officer without further notice.



William S. Fisher
Assistant Field Manager, Tonopah

3 Enclosures

1. Appendix I- EA -NV065-EA07- 030 (19 pp) and FONSI/Decision Record (3 pp)
2. Appendix II – Comments from Western Watershed (3 pp)
3. Certificate of Service – List of Interested Parties (2 pp)

APPENDIX I



United States Department of the Interior

Bureau of Land Management

Battle Mountain Field Office January 5, 2007



Tonopah Field Station

Bureau of Land Management

1553 S. Main Street

P.O. Box 911

Tonopah, NV 89049

Environmental Assessment

NV065-EA07-030

**Temporary Non Renewable Grazing Authorization
Montezuma Allotment**

1.0. INTRODUCTION/PURPOSE AND NEED

Introduction

The grazing season on the Montezuma Allotment was yearlong for the former lessee, Colvin Cattle Co. In 1990, the Colvin Cattle Co. reduced the herd size from 750 to 50 cattle. However, in 1995 the Colvin Cattle Co. stopped paying their grazing bills but continued to run 50 head of livestock in trespass on public lands on the Montezuma Allotment. In 1997, the grazing lease was cancelled by decision and the livestock were impounded in 2002.

In 2004, a temporary non-renewable (TNR) grazing authorization was issued to Bud Johns in the west pasture of the Montezuma Allotment. Livestock have not grazed this area since 2004. The forage is available for 50 head of livestock from March 1, 2007 to February 28, 2008. The west pasture is approximately 109,000 acres ranging from hilly to mountainous terrain and is located west of Highway 95 from Goldfield, NV.

1.1 Purpose and Need

The Bureau of Land Management, Battle Mountain Field Office, Tonopah Field Station (TFS) received a grazing application on April 18, 2006 from Bud John's requesting authorization for use of temporary available forage on the west pasture of the Montezuma Allotment from March 1, 2007 to February 28, 2008 for 50 head of livestock. The 50 head of livestock would be moved from Yellow Hills to the west pasture of the Montezuma Allotment. Such use and redistribution of livestock would provide a period of rest for the Yellow Hills and other parts of the Montezuma Allotment.

1.2 Land Use Plan Conformance Statement

The Proposed Action and Alternatives described below are in conformance with the livestock grazing management objective in the Approved Tonopah Resource Management Plan (RMP) and Record of Decision (ROD), approved October 2, 1997. The objective is, "To create healthy, productive rangelands through implementation of the recommendations of the ongoing rangeland monitoring and evaluation program (pg 12)."

The RMP also states "Management of the vegetative resource will provide for the physiological needs (such as critical growth periods, biomass production, root reserve increase, and seed production) of the key forage plant species." In addition, under the RMP (p. A-88) "Treatment 3: Defer livestock grazing until after seed ripe of key management species to promote reproduction."

1.3 Relationship to Statutes, Regulations, and Other Government Plans, and Other Environmental Analyses

The BLM may issue a temporary non-renewable grazing authorization in accordance with 43 CFR 4130.6-2:

“Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance of non-renewable grazing permits and leases.”

TNR authorization was issued for the Montezuma Allotment in the following Environmental Assessments (EA):

NV065-2004-034

NV065-2005-021

NV065-EA06-023

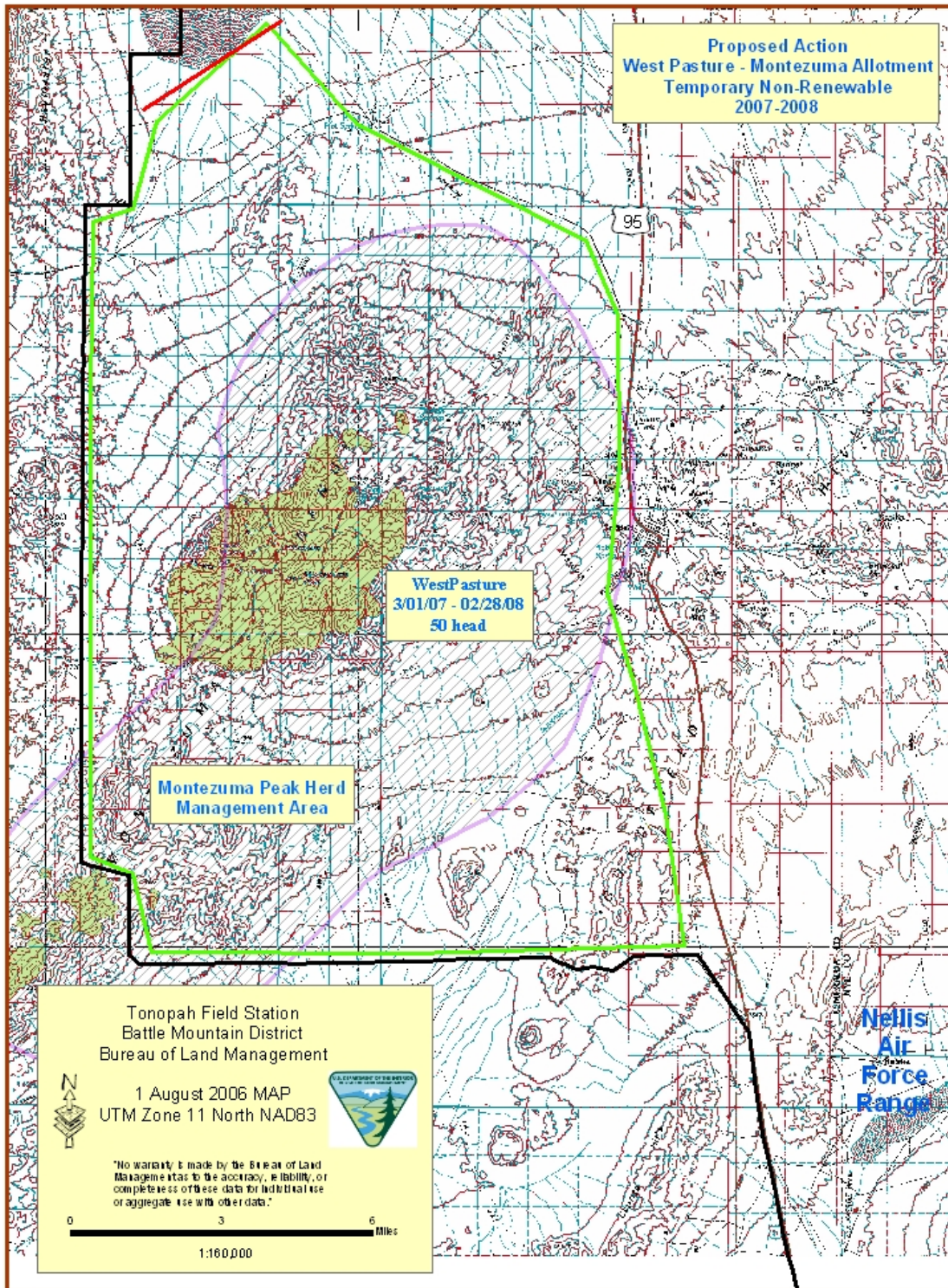
NV065-EA06-127

2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The Proposed Action is to make use of additional available forage in the west pasture of the Montezuma Allotment resulting from above normal precipitation on public land which has been rested for two years.

On April 18, 2006, Bud Johns applied for temporary non-renewable use on the Montezuma Allotment (west pasture) and signed the Terms and Conditions on May 16, 2006. The application requests the grazing authorization of this area for 50 head of livestock from March 1, 2007 to February 28, 2008 with a grazing rotation and utilization standard.



Proposed Grazing Schedule

Table 1 – Allocation of Livestock Number for the West Pasture of Montezuma Allotment

Pasture – Montezuma Allotment	Grazing Begin	Period End	Number of Livestock	Animal Unit Months (AUMs)
West Pasture	03/01/07	02/28/08	50	600

Livestock Grazing Stipulations

1. The terms and conditions of this grazing authorization would be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.
3. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock would be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
4. Livestock would not be allowed to concentrate at any water haul sites.
5. 43 CFR §4130.8-3(h) states: 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. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of Sec. 4140.1(b)(1) and shall result in action by the authorized officer under Secs. 4150.1 and 4160.1-2.
6. Salt blocks would be placed more than one mile from water developments.
7. 43 CFR §4130.8-3(b) states: The following table of service charges is applicable until changed through the Federal Register document as provided in paragraph (a) of this section. Except when the action is initiated by BLM, the authorized officer will assess the following service charges:

<u>Action</u>	<u>Service Charge</u>
Issue crossing permit	\$75
Transfer grazing preference	\$145
Cancel and replace or supplement a grazing fee	\$50

8. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
9. Temporary water haul sites would be used to distribute livestock on the Montezuma Allotment.
10. Request for temporary water haul sites would be made to the authorizing officer three months prior to the onset of grazing.
11. Temporary water haul sites would be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) which states “Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management.”
12. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
13. The permittee would be notified of any competitive Off-Highway Vehicle (OHV) events beforehand.

3.0. AFFECTED ENVIRONMENT

3.1 Scoping and Issue Identification

The Bureau of Land Management – Tonopah Field Station interdisciplinary renewable team met on May 1, 2006 to discuss the proposed TNR grazing authorization. The team agreed to evaluate and conduct an analysis of the project. A letter was sent to the interested parties for the Montezuma Allotment on August 7, 2006 to provide comments on the proposed action. Comments were received from Western Watershed Project within the 15 days period on this proposed action (refer to Appendix 1).

3.2 Proposed Action

3.2.1 General Setting

The Proposed Action would occur within the Montezuma Allotment's west pasture which contains approximately 109,000 acres. The pasture is located in hilly to mountainous terrain west of U.S. Highway 95 and Goldfield, NV.

3.2.2 Critical Elements of the Human Environment

To comply with the National Environmental Policy Act (NEPA), the BLM is required to address specific elements of the environment that are subject to requirements specified in state statute, regulation or by executive order (BLM 1988, BLM 1997). The following table outlines the 15 critical elements of the human environment that must be addressed in all environmental assessments, as well as other resources deemed appropriate for evaluation by the BLM, and denotes if the Proposed Action or No Action Alternative affects those elements.

Critical Element	Not Present	Present
Air Quality	✓	
ACECs	✓	
Cultural Resources		✓
Environmental Justice	✓	
Flood Plains	✓	
Prime or Unique Farmlands	✓	
Wastes, Hazardous or Solids	✓	
Invasive, Non Native Species		✓
Migratory Birds		✓
Native American Religious Concerns	✓	
Threatened and Endangered Animal & Plant Species	✓	
Water Quality	✓	
Wetlands and Riparian Zones	✓	
Wild and Scenic Rivers	✓	
Wilderness	✓	

The critical elements of the human environment listed above identified as 'Not Present' in the proposed project area are not brought forward for analysis in this EA.

Other Resources	Not Present	Present
Forestry	✓	
Grazing Management		✓
Land Use Authorization	✓	
Minerals	✓	
Paleontology	✓	
Recreation		✓
Socio-Economic		✓
Soils		✓
Special Status Species		✓
Vegetation		✓
Visual Resources	✓	
Wild Horses and Burros		✓
Wildlife		✓

Bureau specialists have further determined that these other resources identified as “Not Present” in the project area, are not affected by the Proposed Action and will not be further discussed in this EA.

3.3 Resources Present and Brought Forward for Analysis

3.3.1 Cultural Resources

Cultural resource surveys have been conducted in the east pasture area of the Montezuma allotment. The surveys were primarily for US Highway 95 betterment projects, gravel pits, bladed roads, and OHV events.

3.3.2 Invasive/Non-Native Species

There are non-native species along roads and disturbed areas such as gravel pits because of road maintenance activities. Halogeton (*Halogeton glomerata*) and Russian thistle (*Salsola kali*) are the dominant non-native species. There are no known noxious weeds on the Montezuma Allotment.

3.3.2 Migratory Birds

Nesting habitat for various migratory bird species occurs within the area of the Proposed Action. These species include but are not limited to the loggerhead shrike, sage thrasher, horned lark, American crow, common raven, burrowing owl, red tailed hawk, ferruginous hawk, sage sparrow, brewer's sparrow, black-throated sparrow, lark sparrow, rock wren, and white crowned sparrow.

3.3.4 Threatened, Endangered and Special Status Species

There are no Threatened or Endangered animal or plant species inhabiting the area of the Proposed Action, therefore there would be "No Affect" to any of them from the Proposed Action and they will not be further discussed in this document.

Nevada BLM Sensitive animal species that may occur in the area of the Proposed Action include: ferruginous hawk, Swainson's hawk, golden eagle, long-eared owl, burrowing owl, prairie falcon, pinyon jay, loggerhead shrike, LeConte's thrasher, pallid bat, big brown bat, spotted bat, silver-haired bat, western red bat, hoary bat, California myotis, small-footed myotis, long-eared myotis, little brown myotis, fringed myotis, long-legged myotis, Yuma myotis, Townsend's big-eared bat, western pipistrelle, brazilian free-tailed bat, and desert bighorn sheep.

3.3.5 Grazing Management

The grazing lease of the former lessee was cancelled by decision in 1997 due to unresolved trespass and unpaid grazing bills. The proposed grazing authorization is on a temporary non-renewable basis not to exceed one year. The carrying capacity for the west pasture was calculated based on the Tonopah RMP rate of 50.4 acres/AUM.

3.3.6 Recreation

The recreational uses on the Montezuma Allotment may include commercial and competitive OHV events, dispersed OHV use, off-highway driving for pleasure, big game hunting for antelope, desert bighorn, mule deer, and mountain lion and upland birds such as chukar.

3.3.7 Socioeconomics

The main economic activities of Esmeralda County, Nevada, are livestock grazing on public and private lands, farming, mining and recreation. These are the principal source revenues for the county and employment opportunities for the residents of the county. Esmeralda County, Nevada is located in the southwestern portion of Nevada and is bordered by California to the west. The county also borders and contains part of Death Valley National Monument and is 3,588 square miles in size. Goldfield is the county seat.

About 98 percent of the county's total area is managed by the federal government. Of these federally-managed lands, approximately 2.2 million acres are managed by the Bureau of Land Management.

In terms of employment opportunities in Esmeralda County, the majority of jobs are in the agriculture and mining industries.

3.3.8 Soils

Soils on the Montezuma allotment are entisols and aridisols. These soils have very little organic matter in the A-horizon (first horizon layer of a soil). The soil erosion on this pasture is limited because of the present vegetation cover. Soil erosion by wind and water does occur but on a limited basis when there are high wind and thunderstorm events.

3.3.9 Vegetation

Ecological sites in the Montezuma Allotment are mainly Loamy 5-8", Sandy loam 5-8" and Sandy 5-8". The majority of the area is dominated by shadscale (*Atriplex confertifolia*), budsage (*Picrothamnus desertorum*) and spiny menodora (*Menodora spinescens*), with Indian ricegrass (*Achnatherum hymenoides*), and winterfat (*Krascheninnikovia lanata*).

3.3.10 Wild Horses and Burros

One herd management area occurs within west pasture. Currently, the estimated population for the Montezuma Peak Herd Management Area (HMA) is 17 burros and 45 wild horses. These estimates may fluctuate throughout the year as the animals have free access to move into or out of the HMAs.

3.3.11. Wildlife

Mammals that occur within the Montezuma Allotment include: mule deer (*Odocoileus hemionus*), American pronghorn antelope (*Antilocapra americana*), coyote (*Canis latrans*), bobcat (*Felis rufus*), mountain lion (*Felis concolor*), kit fox (*Vulpes macrotis*), badger (*Taxidea taxus*), little brown myotis (*Myotis lucifungus*), Western pipistrelle (*Pipistrellus hesperus*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), Great Basin pocket mouse (*Perognathus parvus*), Merriam's kangaroo rat (*Dipodomys merriami*), deer mouse (*Peromyscus maniculatus*), and desert woodrat (*Neotoma lepida*). Reptiles that occur within the Montezuma Allotment include: zebra-tailed lizard (*Callisaurus draconoides*), desert collared lizard (*Crotaphytus insularis*), long-nosed leopard lizard (*Gambelia wislizenii*), and Great Basin rattlesnake (*Crotalus viridis* var. *lutosus*).

Raptors occurring within the Montezuma Allotment include: red-tailed hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*), Northern harrier (*Circus cyaneus*), rough-legged hawk (*Buteo lagopus*), prairie falcon (*Falco mexicanus*), American kestrel (*Falco sparverius*), and great horned owl (*Bubo virginianus*). Other avian species that occur within the Montezuma Allotment include: American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), sage sparrow (*Amphispiza belli*), black-throated sparrow (*Amphispiza bilineata*), horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), mourning dove (*Zenaida macroura*), and chukar (*Alectoris chukar*).

4.0 ENVIRONMENTAL CONSEQUENCES

This chapter describes the potential environmental consequences of the Proposed Action and the No Action Alternative. The Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR 1500-1508) defines three types of impacts from a Proposed Action to be considered in the environmental analysis: Direct, indirect and cumulative. Direct effects are caused by the action and occur at the same time and same place. Indirect effects are caused by the action but take place later in time or farther removed in distance but are still reasonably foreseeable. Cumulative effects result from the incremental impact of the Proposed Action added to other past, present, and reasonably foreseeable future actions.

4.1 Proposed Action and No Action Alternative

4.1.1 Cultural Resources

The Proposed Action increases the possibility of impacts to unidentified cultural resources from livestock grazing. Existing water haul sites would be placed in locations designated to decrease the possibility of impacts on unknown cultural sites. If it should become necessary to add or relocate a water haul site, a cultural resource survey would be done.

The No Action Alternative would not result in any impacts to cultural resources by livestock grazing since no grazing would be permitted within the west pasture.

4.1.2 Invasive/Non-Native Species

Based on the surveys of the Montezuma Allotment, the potential spread of invasive, non-native species by livestock would not occur because there are no noxious weeds on the allotment. There are non-native species located along roads and disturbed areas such as gravel pits and because of road maintenance activities. The main dispersion and spread of invasive, non native species would occur through recreational and road maintenance activities. Recreational activities may occur throughout the year and is highly dispersed.

The No Action Alternative would not result in any new impacts to the spread of invasive,

non native species. The main dispersion and spread of invasive, non native species would occur through recreational and road maintenance activities. Recreational activities may occur throughout the year and are highly dispersed.

4.1.3 Migratory Birds

The Proposed Action could have effects on migratory birds within the pasture due to the potential of cattle trampling the eggs and young of low shrub nesting and ground nesting birds. However, livestock grazing has not been scientifically identified as a factor contributing to the decline of any migratory bird species. The very low stocking rate and the livestock grazing Terms and Conditions further reduce the potential for adverse impacts.

The No Action Alternative would not authorize grazing in this pasture so there would not be any impacts to migratory birds as a result of this alternative.

4.1.4 Threatened, Endangered and Special Status Species

There are no Threatened and Endangered species on this portion of the allotment. Impacts on sensitive species populations should not occur due to the low grazing intensity of use analyzed by this EA. Also, the terms and conditions, grazing stipulations, and standards prohibit over utilization in regards to the Proposed Action.

The No Action Alternative would not authorize grazing in this pasture; therefore there would be no potential impacts on sensitive species habitat.

4.1.5 Grazing Management

There would be minimal effect on the forage resources because grazing would be authorized under a grazing management strategy. The grazing strategy would include a rotation schedule and utilization standards not be exceeded. Monitoring would continue to be conducted throughout the grazing period to assure that the management is within the limits of the Proposed Action.

The No Action Alternative would not have impacts on grazing management since grazing authorization would not be granted.

4.1.6 Recreation

The Proposed Action would have minimal if any impact on recreational use. Increase in grazing activity, in terms of number of animals, may result in conflict with OHV events. Under the Livestock Grazing Stipulation number 13, the permittee would be notified before any OHV race, which would allow the permittee to remove cattle from any areas affected by the event.

The No Action Alternative would not have any potential impacts on recreation resources because grazing would not be authorized.

4.1.7 Socioeconomics

The Proposed Action would increase the social and economic values of the area by providing opportunities for livestock grazing to an applicant, thereby adding economic value within Esmeralda County, Nevada through direct income to a resident and expenditure for supplies and assistance within the local economy.

The No Action would not increase the social and economic values by denying livestock grazing to an applicant. There would not be any economic and social values added to Esmeralda County. Expenditure for supplies and contribution to the local economy would not occur.

4.1.8 Soils

The Proposed Action would not affect the soil structure because the grazing area is dominated by poorly developed soils. Poorly developed soil structure would be minimally impacted by grazing because of the nature of the development of the soil horizons.

The No Action Alternative would not cause impacts to the soils because grazing would not be authorized.

4.1.9 Vegetation

The Proposed Action would not affect the vegetation because the low number of livestock would be spread over a large area and the utilization standard would not be exceeded. Since the livestock grazing intensity would remain within the grazing standard and the livestock grazing management would be under rotation, the impacts on vegetation would be limited so as to assure the long term productivity of the vegetation resources.

The No Action Alternative would not authorize grazing on the Montezuma Allotment. Therefore, impacts by livestock would not occur on the vegetative resources. The vegetation resources would complete their life cycle stages.

4.1.10 Wild Horses and Burros

The Proposed Action would overlap with the wild horse and burro populations because the livestock grazing would occur within the Montezuma HMA. However, the impact to the forage resources and the utilization levels within the HMA would not be exceeded. The wild horses tend to move in and out of the HMA and have greater mobility than livestock. The grazing overlap between the two species would be minimal.

The No Action Alternative would not have impacts to wild horses and burros as livestock grazing would not occur within the HMAs.

4.1.11. Wildlife

The Proposed Action may have the potential to impact wildlife if livestock excessively utilize the rangeland. However, if the grazing management strategy and terms and conditions of the grazing authorization are utilized and followed, this should not occur. When compared to historical amounts of grazing, impacts on the wildlife populations should not occur due to the low grazing intensity of use analyzed by this EA. The use of water hauling would be required in order to keep livestock out of areas receiving the heaviest wildlife use. Small reptile species, rodents, and native birds may be impacted by the Proposed Action by a reduction in available vegetative cover.

The No Action Alternative would not have impacts on small reptile species, rodents and native birds by livestock because livestock would not be authorized to graze in this pasture.

4.2 Mitigating Measures

Violation of any of the terms and condition would negate the grazing authorization and immediate removal of livestock would follow.

4.3 Cumulative Impacts

CEQ regulations state that the cumulative impact analysis should include the anticipated impacts to the environment resulting from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectivity significant actions taking place over time" (40 CFR.1508- 7).

Impacts of the Proposed Action and Alternatives presented in this EA are assessed for cumulative impacts with other actions conducted in the region. Unless otherwise specified, the region of influence for each resource in the cumulative analysis is the same as the area defined in Chapter 3.

This analysis considers the effects of the Proposed Action, as evaluated in detail in Chapter 4, when combined with the effects of other past, present, and reasonably foreseeable future actions in the affected region. Since the Proposed Action is the issuance of a grazing use and involves no ground-disturbing activities, no direct impacts would occur that would; contribute to cumulative conditions in the affected area. Current or reasonably foreseeable actions that have been identified are described below.

The time frame for the analysis of the TNR is from March 1, 2007 to February 28, 2008.

The Proposed Action has been examined for cumulative effects to the project area and surroundings. Grazing and recreation have occurred in the past and continue to be the dominant present activities. It is expected that grazing use on an intermittent basis and increasing recreation opportunities would continue to dominate in the foreseeable future. Lands east of U.S. Highway 95 are being withdrawn from mineral entry because of the proposed U.S. Department of Energy Yucca Mountain railroad project. Therefore, new mining activity would not occur in the foreseeable future in the east and west pastures of the Montezuma Allotment. A new train route has been proposed by the Department of Energy for the Yucca Mountain Project. The new trajectory would pass through the west portion of the Montezuma Allotment. This action would not occur during the proposed action time frame. It is anticipated that the demand for sand and gravel would increase in the foreseeable future if the railroad project is built.

4.3.1 Cultural Resources

Cumulative impacts from grazing are expected to be low. No impacts to cultural resources have been noted in the past and the possibility of future impacts due to the Proposed Action is low.

4.3.2 Invasive/Non-Native Species

Cumulative impacts from grazing on the spread of invasive non-native species would be minimal because the livestock would graze under a grazing management system and livestock would not be allowed to concentrate in one area. The main dispersion and spread of invasive non native species could occur through recreational and road maintenance activities. However, these activities are dispersed throughout the allotment.

4.3.3 Migratory Birds

The cumulative impacts on the migratory birds from grazing would be low to non-existent

because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. In addition, the impact of livestock on nesting birds would be minimal because of the low numbers within the proposed area. The temporary water haul sites would be placed on previous disturbed areas such as abandoned roads and gravel pit areas.

4.3.4 Threatened, Endangered and Special Status Species

The cumulative impacts from grazing on sensitive species would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. The impact on the habitat would be low because the habitat in this pasture can support the amount of grazing proposed by this EA without adverse impacts and the impacts on sensitive species populations should not occur due to the low grazing intensity of use. There would be no cumulative impacts to threatened or endangered species because they are not known to reside in the area of this allotment.

4.3.5 Grazing Management

The cumulative impacts on grazing management would be livestock grazing on a grazing rotation schedule where utilization standards would not be exceeded. Grazing within the Montezuma Allotment is only authorized on a TNR authorization basis not to exceed one year. Therefore, livestock would only be authorized to graze in this area if there is available forage. Monitoring would continue to be conducted throughout the grazing period. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. Cumulative impacts from the Proposed Action would be low to non-existent due to the temporary nature of the Proposed Action.

4.3.6 Recreation

The cumulative impacts on recreation from grazing would not occur since competitive OHV events occur only occasionally and recreational activities are highly dispersed. The lessee would be notified beforehand of the competitive OHV event dates and locations so that his livestock could be moved to other areas within the proposed area.

4.3.7 Socioeconomics

Cumulative impacts on socioeconomics from grazing would be minor since the benefits to the various parties would be temporary and would not set precedence for future grazing authorizations within the Allotment.

4.3.8 Soils

Cumulative Impacts to the soils from grazing would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. Therefore, the soil displacement would be low and the placement of temporary water haul sites would be on previously disturbed areas.

4.3.9 Vegetation

Cumulative Impacts to the vegetation from grazing would be low to non-existent because the animals would follow a grazing rotation schedule where utilization standards would not be exceeded. The use of temporary water haul sites would reduce the concentration of livestock and increase the distribution of livestock. The cumulative impacts by grazing on the spread of noxious weeds would not exist because there are no noxious weeds on the Montezuma Allotment. However, recreation, mining and road maintenance activities may spread noxious weeds from vehicular travel where weed seeds are spread from the undercarriage of vehicles.

4.3.10 Wild Horses and Burros

Cumulative impacts on the wild horses and burros from grazing would be low. The impact to the forage resources and the utilization levels within the HMA would not be exceeded because of the low resident numbers within the HMA. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock.

4.3.11 Wildlife

Cumulative impacts on the wildlife from grazing would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. In addition, the impact on the habitat would be low.

4.3.12 All resources values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the Proposed Action or alternatives with respect to the past, present and reasonably foreseeable actions that occur within the analysis area.

4.5 Monitoring

The monitoring described in the Proposed Action is sufficient for this action.

5.0 PERSONS OR AGENCIES CONSULTED

Andrea Felton Wild Horse and Burro Specialist
Bryson Code..... Wildlife Biologist
Robert PerrinOutdoor Recreation Planner
Valerie Metscher.....Lead Rangeland Management Specialist/Vegetation Specialist
Marc A. Pointel Rangeland Management Specialist (preparer)
Susan Rigby Archeologist
Valerie Metscher..... Rangeland Management Specialist/T&E Plants Specialist
Angelica Ordaz.....Planning and Environmental Coordinator
Christopher Worthington.....Planning and Environmental Coordinator

**FINDING OF NO SIGNIFICANT IMPACTS
AND
DECISION RECORD**

Environmental Assessment NV065-EA07-030

**Temporary Non Renewable Grazing Authorization
Montezuma Allotment**

FINDING OF NO SIGNIFICANT IMPACTS: Based on the analysis of environmental assessment NV065-EA07-30, for the Temporary Non-Renewable grazing use, west pasture of the Montezuma Allotment, I have determined that the Proposed Action will not have significant effect on the human environment; therefore, an environmental impact statement will not be prepared.

Decision: It is my decision to authorize the Temporary Non-Renewable grazing use on the west pasture of the Montezuma Allotment with the following livestock numbers and AUMs distribution:

Pasture – Montezuma Allotment	Grazing Begin	Period End	Number of Livestock	Animal Unit Months (AUMs)
West Pasture West of Highway U.S. 95	03/01/07	02/28/08	50	600

Monitoring

The authorized activities will be monitored during and after the grazing period to ensure that the utilization levels are not exceeded and the proper placement of water haul sites will be executed in accordance with the terms, conditions and stipulations of the decision (Exhibit A).

RATIONALE

The Proposed Action, as mitigated with the stipulations, will protect the natural resources associated with the public land. The applicant has demonstrated a need to rest his allotment and the forage resources on the Montezuma Allotment are available for grazing. In addition, the grazing management will be under a rotation system and utilization standard. The Proposed Action is in conformance with the Tonopah Resource Management Plan (1997) and was coordinated with the interested parties.

William S. Fisher
Assistant Field Manager, Tonopah

Date

EXHIBIT A

Livestock Grazing Stipulations

1. The terms and conditions of this grazing authorization would be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.
3. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock would be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
4. Livestock would not be allowed to concentrate at any water haul sites.
5. 43 CFR §4130.8-3(h) states: 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. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of Sec. 4140.1(b)(1) and shall result in action by the authorized officer under Secs. 4150.1 and 4160.1-2.
6. Salt blocks would be placed more than one mile from water developments.
7. 43 CFR §4130.8-3(b) states: The following table of service charges is applicable until changed through the Federal Register document as provided in paragraph (a) of this section. Except when the action is initiated by BLM, the authorized officer will assess the following service charges:

<u>Action</u>	<u>Service Charge</u>
Issue crossing permit	\$75
Transfer grazing preference	\$145
Cancel and replace or supplement a grazing fee	\$50

EXHIBIT A (cont')

Livestock Grazing Stipulations

8. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
9. Temporary water haul sites would be used to distribute livestock on the Montezuma Allotment.
10. Request for temporary water haul sites would be made to the authorizing officer three months prior to the onset of grazing.
11. Temporary water haul sites would be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) which states "Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management."
12. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
13. The permittee would be notified of any competitive Off-Highway Vehicle (OHV) events beforehand.

APPENDIX II

Comments from Western Watershed Projects



Western
Watersheds
Project

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RECEIVED
AUG 21 2006

Bureau of Land Mgmt
Tonopah Field Station

Working to protect and restore Western Watersheds

August 14, 2006

William S. Fisher
Tonopah Field Office, BLM
1553 South Main Street
P.O. Box 911
Tonopah, NV 89049

RE: Proposed Decision regarding Temporary Non-Renewable Grazing Authorization
Montezuma Allotment

Dear Mr. Fisher,

This letter is in response to your letter dated August 7, 2006 regarding the TNR for the
Montezuma Allotment.

We are curious why this particular rancher is to be allowed to graze on this area, when the
allotment which he regularly grazes is in poor condition and in need of rest. This is especially
curious, as "the precipitation in the last two years has been above normal," so drought as an
excuse for degraded lands is not an adequate excuse.

We are concerned that issuing this TNR will simply allow for the shifting of excessive and
damaging livestock impacts onto new areas. BLM must investigate the option of reducing the
overall number of cattle grazed in this allotment and by this operator. Please provide a complete
assessment of the conditions of the allotments which are regularly grazed by this livestock
operator.

It is important that BLM conduct all of the above assessments and surveys bearing in mind that
this operator will be grazing in this allotment on two TNR permits. Please assess the area
covered by each TNR including the livestock impacts and all baseline habitat and species
surveys, separately and cumulatively.

BLM must conduct a current standards and guides assessment or provide analysis of the current
condition of the soils, watershed, waters, native vegetation, wildlife habitats, cultural,
recreational and other values of the affected lands.

BLM should also conduct a current grazing capability/suitability/sustainability/carrying capacity analysis for these lands. Please fully catalogue the vegetation communities and the condition of these communities in this important wild land area.

It is important to assess the myriad harmful impacts of water hauling on soils, native biota, recreational and other important values of the affected lands, as well as the impact of this activity on weed spread and proliferation in the affected lands. One-time congregation of livestock can result in extensive soil disturbance that provides ideal sites for weed invasion. We strongly oppose water hauling. Soils and vegetation at and surrounding water haul sites rapidly are destroyed and permanently altered. It increases the total areas of disturbance by drawing cattle into the fragile upland areas. You have provided no map or other information that allows integrated assessment of the impacts of this activity.

BLM must require grazing use levels that will protect the vegetation during all periods of the grazing events, including during critical growing periods. We oppose the excessive use levels that BLM uses. A maximum of 25% utilization is appropriate for these lands.

Has BLM conducted necessary baseline surveys for special status species and declining species of native wildlife in the affected lands?

BLM needs to assess the impacts of drought on the lands and vegetation where TNR grazing is proposed. It takes vegetation, lands, native species many years to recover from drought events, and above normal precipitation is no excuse to just forge ahead and not consider the impacts of grazing on the vegetation.

Please provide a current Standards and Guides assessment or other information on the health of the lands where this livestock operator normally grazes. Please explain why you are allowing ranchers to degrade these lands. Please provide detailed information on the ecological condition, and livestock-caused degradation, of the allotments that they normally graze.

Has BLM assessed the cumulative impacts of grazing and OHV use and events on these lands? BLM failed to evaluate the current OHV impact on these lands, and provided no information on how grazing the area will change current conditions.

Please report the economic gain from grazing on public lands. The area hosts many other values, including species variety, recreational opportunities such as hunting, bird watching, horse watching, etc., and is nearby Death Valley National Monument. How much economic gain is obtained from grazing public lands? What is the net value of grazing these lands when impacts to wildlife, water, soil, vegetation, weed spread, and other factors of environmental quality and potential for enjoyment are factored in?

BLM must evaluate the impact grazing these lands would have on erosion. According to the EA, soil erosion is limited due to present vegetation cover. What impact would removing or weakening this vegetation— by grazing it— have on erosion?

Please prepare an EA/EIS to assess permanent closure of this allotment, and ending livestock

grazing here once and for all. Please consider a reasonable and complete range of alternatives, such as this.

An on the ground survey must be taken to assess whether or not there are endangered species present in this area which has remained untouched for two years. Furthermore, please thoroughly assess the impact of ground cover reduction on small mammals, reptiles, and nesting and migratory birds.

Has BLM assessed the impacts of this flood of livestock on the wild horses here? Simply assuming that there will be minimal impact between livestock and wild horses is irresponsible. Have horses utilized the area in the past? What is the vegetation and ecological condition within the Goldfield HMA?

With cattle grazing comes a flood of cowbirds, which parasitize nests, and also trampling, breakage, removal of ground cover, vegetative and prey alteration, and other harmful impacts. BLM must assess the impact of opening this area to grazing on migratory bird species as well as any sensitive bird species.

Please assess the impact of opening this area to grazing on burrowing owls. This species, which is dependant on other species such as badgers for their burrows, is particularly impacted by cattle trampling. Please provide an accurate assessment of the impact of livestock on any burrowing owls in the area.

Please address if there has been possible trespass in the past on this pasture.

BLM must thoroughly assess the impacts of grazing on riparian areas. What is the current condition of these areas and how will they be impacted by grazing in the area? BLM has failed to provide a map of all water sources, in addition to all proposed water haul sites, and failed to evaluate the total impact of cattle on these sources.

Please assess impacts to microbiotic crusts and the health of the land.

Please provide a complete assessment of the impact of grazing on the spread of invasive and exotic weeds in this and surrounding areas. Weeds have already made inroads here, spreading along roads and near gravel pits. Opening up this pasture to grazing would severely weaken the vegetation and microbiotic crusts that protect areas from the spread of invasive species. BLM has failed to assess the impact of this, along with the increased fire risk, in the area.

Please address impacts to ecological processes, watersheds and the health of the land. You have ailed to address a wide range of ecological science that demonstrates the harmful impacts of livestock grazing on arid western lands – especially lands that appear to have been subject to extensive past abuse.

It is important that BLM conduct a systematic survey for cultural resources in the area. A series of surveys for different projects provides no overall picture of the cultural resources located in this allotment.

BLM has not prepared the necessary EIS to analyze the impacts of this TNR use, or apparent permanent relegation of these important public lands to rotating TNR use for permittees who have beat out lands elsewhere. What you are really doing is proposing to use this allotment as a long-term sacrifice area.

Thank you,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO 2863
Boise, ID 83701

Certificate of Service

Interested Parties

Montezuma Allotment

Interested Party List/Montezuma

Proposed Decision

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