



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Winnemucca Field Office

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RECEIVED

OCT 04 2005

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

SEP 30 2005

In Reply Refer To:
4160 (NV-22.13)
Auth No 2702142

Dear Interested Public:

Enclosed is a copy of the Final Multiple Use Decision for the Pine Forest Allotment Environmental Assessment (NV-020-05-EA-04). The Proposed Action (Alternative 1) is approved for implementation with no changes to the EA. Appeal procedures can be found at the end of the wild horse decision and at the end the livestock decision. Please note that the process for appealing the wild horse decision is not the same as for appealing the livestock decision.

Background

The Bureau of Land Management (BLM) has conducted an environmental assessment (EA) to analyze the affects of grazing management that would result in significant progress toward achievement of the Standards for Rangeland Health and allotment specific objectives, and establishment of the appropriate management level for wild horses within the Pine Forest Allotment.

Summary of Public Involvement

On May 17, 2004, the Final Pine Forest Allotment Evaluation Summary was issued concurrently with the Determination Document/Standards for Rangeland Health, Pine Forest Allotment. Those documents show that modification of existing grazing management is needed to ensure the Standards for Rangeland Health are achieved and the allotment specific objectives are met. At that time BLM solicited and received input from the interested public on livestock management on the Pine Forest Allotment.

On June 23, 2004, a meeting to establish alternatives for management on Pine Forest Allotment to be analyzed in an environmental assessment was conducted at the Winnemucca Field Office. Subsequently, five alternatives were selected for analysis.

On November 10, 2004, the environmental assessment for Pine Forest Allotment Multiple Use Management, which analyzed the five alternatives, was completed. A letter mailed on November 16, 2004, informed the interested public that the environmental assessment was available online and as a paper copy. Input from interested publics was received during the review period, which ended December 18, 2004.

On March 30, 2005, the Finding of No Significant Impact for the environmental assessment for Pine Forest Allotment Multiple Use Management was signed.

On March 31, 2005 The Proposed Multiple Use Decision for Pine Forest Allotment was issued. A protest was received from Western Watersheds Project within the protest period.

Western Watersheds Project's protest points were extensive but can be consolidated into the following categories:

1. Lack of information to make an informed decision.
2. Adequacy of the Environmental Assessment.
3. Authorization of new range improvement projects.
4. Lack of specific triggers for future management actions and mandatory measurable standards of livestock use.
5. The relentless hot season grazing on the Cove and Mountain pastures and use of Leonard Creek when LCT may be spawning.
6. Issues outside of the scope of the EA and Multiple Use Decision.

No changes were made to the EA or to the Proposed Multiple Use Decision as a result of the comments from Western Watersheds Project.


One change in the Final Livestock Decision was made to resolve a conflict between items 4 and 5 of the Short-term monitoring criteria. "Willow [SALIX]" was removed from the fifth monitoring criteria to clarify that the acceptable criteria for utilization of willows is 30%.

Summary of Interagency Coordination

The U.S. Fish and Wildlife Service was contacted and concurred with the BLM's determination no T&E species would be affected. Furthermore they agreed that the proposed action would not likely to adversely affect Lahontan cutthroat trout if they became re-established within the streams within the allotment.

Additional Information

Contact Amanda Deforest of my staff at (775) 623-1500, for additional information, or write the above address.



**Arlan G. Hiner, Assistant Field Manager
Renewable Resources**



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In Reply Refer To:
4160(NV-22.13)
Auth No 2702142

CERTIFIED MAIL NO. 7005 0390 0000 6369 5803
RETURN RECEIPT REQUESTED

September 30, 2005

Final Multiple Use Decision Pine Forest Allotment

Pine Forest Land & Stock Company
c/o Michael B. Montero
5455 Twin Creek Dr.
Reno, NV 89293

Dear Mr. Montero:

The Paradise-Denio Final Environmental Impact Statement was issued on September 18, 1981. The Paradise-Denio Management Framework Plan Record of Decision was issued on July 9, 1982. These documents guide the management of public lands within the Pine Forest Allotment. Monitoring data have been collected on this allotment. In accordance with Bureau policy and regulations these data have been evaluated to determine progress in achievement of the Standards for Rangeland Health and allotment specific objectives.

On May 17, 2004, the Final Pine Forest Allotment Evaluation Summary was issued concurrently with the Determination Document/Standards for Rangeland Health, Pine Forest Allotment. Those documents show that modification of existing grazing management is needed to ensure the Standards for Rangeland Health are achieved and the allotment specific objectives are met. At that time the BLM solicited and received input from the interested public on livestock management on the Pine Forest Allotment.

On June 23, 2004, a meeting to establish alternatives for management on Pine Forest Allotment to be analyzed in an environmental assessment was conducted at the Winnemucca Field Office. Subsequently, five alternatives were selected for analysis.

On November 10, 2004, the environmental assessment for Pine Forest Allotment Multiple Use Management, which analyzed the five alternatives, was completed. A letter mailed on November 16, 2004, informed the interested public that the environmental assessment was available online and as a paper copy. Input from interested publics was received during the review period, which ended December 18, 2004.

On March 30, 2005, the Finding of No Significant Impact for the environmental assessment for Pine Forest Allotment Multiple Use Management was signed.

On March 31, 2005 The Proposed Multiple Use Decision for Pine Forest Allotment was issued.

ALLOTMENT SPECIFIC SHORT-TERM MONITORING CRITERIA AND LONG-TERM OBJECTIVES:

The short-term monitoring criteria are intended to be used to indicate whether grazing management is moving towards meeting long-term objectives. It is appropriate to use short-term monitoring criteria:

- In conjunction with long-term objectives and/or the Standards for Rangeland Health in evaluating the results grazing management over time,
- To make annual changes in grazing management as needed to facilitate progress towards meeting long-term objectives and/or the Standards for Rangeland Health, and
- As triggers to move livestock from an area during the grazing season.

Following appropriate consultation, some revision or further quantification of some short-term monitoring criteria and long-term objectives is expected prior to the next evaluation of grazing management. These science-based changes include, but may not be limited to, development of key area specific riparian plant community objectives.

Short-term Monitoring Criteria

1. The monitoring criteria for utilization of key grass and grasslike species (such as sedges [CAREX], rushes [JUNCUS], and bluegrasses [POA]) in streambank riparian habitats is a residual stubble height of four inches on fisheries streams. These streams include Center, Corral, Leonard, Chicken, Sage Hen, and Snow Creeks.
2. The monitoring criteria for utilization of key grasses and grasslike species (such as sedges [CAREX], rushes [JUNCU], and bluegrasses [POA]) in streambank riparian plant species in riparian habitats is 50% on streams that are not fisheries.
3. The monitoring criteria for streambank alteration in streambank riparian habitats is 10% on Chicken Creek and upper Leonard, and 20% on Center, Corral, lower/mid Leonard, Sage Hen, and Snow Creeks.
4. The monitoring criteria for utilization of key woody streambank riparian plant species (such as willow [SALIX], and aspen [POTR5]) in riparian habitats is 30%.
5. The monitoring criteria for utilization of key plant species (such as sedges [CAREX], rushes [JUNCU], and bluegrasses [POA]) in wetland riparian habitat is 50%.
6. The monitoring criteria for utilization of key plant species (such as Thurber needlegrass [STTH2], squirreltail [SIHY], bluebunch wheatgrass [AGSP], mountain mahogany [CERCO], and bitterbrush [PUTR2]) in upland habitats is 50%.

Long-term Objectives

1. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 2,338 AUMs for mule deer, 108 AUMs for pronghorn, 72 AUMs for bighorn sheep and 96 AUMs for elk.
 - a. Improve to and maintain mule deer habitat in good to excellent condition.
 - b. Improve to and maintain pronghorn habitat in fair or good condition.
 - c. Improve to and maintain bighorn sheep habitat in Pine Forest BY-8 in good to excellent condition.
 - d. Improve to and maintain elk habitat in Pine Forest EY-1 in good to excellent condition.
2. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with an initial stocking level of 9,700 AUMs.
3. Improve or maintain range condition based upon site potential.
4. Improve to and/or maintain ceanothus, mahogany, and aspen habitat types by allowing for successful reproduction and recruitment based on site potential.
5. Improve to and/or maintain riparian and meadow habitat types to ensure species diversity and quality and to maximize reproduction and recruitment of woody riparian species.
6. Improve to and/or maintain riparian streambank community composition of streambank riparian key management areas to late seral.
7. Improve or maintain streambank stability from baseline conditions.
8. Improve or maintain streambank riparian woody species regeneration to:
 - Seedlings and young – 15-20%
 - Mature – 60-70%
 - Decadent – 15-20%
9. Improve to and/or maintain lentic and lotic riparian habitats in Properly Functioning Condition (PFC).
10. Improve to and/or maintain fisheries habitat in good to excellent condition based upon stream potential.
11. Improve and maintain suitable sage grouse strutting, nesting, brood rearing, and/or wintering habitat in good condition based upon site potential.

The following parameters have been found to constitute optimum conditions for sage-grouse use. Application of these parameters, and other parameters used to determine habitat condition, will vary among habitat sites.

Strutting habitats

- Low sagebrush or brush free areas for strutting and nearby areas of sagebrush having 20-50% canopy cover for loafing.

Nesting habitats

- Between 7 and 31 inches of sagebrush height (optimum of 16 inches)
- Sagebrush canopy cover between 15-30% (optimum 27%)
- 25-35% basal ground cover
- Average under story height of 6-7 inches.

Early season Brood Rearing Habitats

- Sagebrush canopy cover of between 10 and 21% (optimum of 14%).

Late season Brood Rearing Habitats

- Meadow areas that are in functioning condition
- Residual meadow vegetation of no less than 4-6 inches in height.

Wintering habitats

- Greater than 20% sagebrush canopy cover.

12. Improve to and maintain the seeded pasture in good condition (5-10 acres per AUMs).
13. Improve or maintain the water quality of Leonard Creek, Snow Creek and Chicken Creek to the Nevada Class A standards.

STANDARDS FOR RANGELAND HEALTH:

1. Soil processes will be appropriate to soil types, climate and land form.
2. Riparian/wetland systems are in proper functioning condition.
3. Water quality criteria in Nevada or California State Law shall be achieved or maintained.
4. Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.
5. Habitat conditions meet the life cycle requirements of special status species.

WILDLIFE MANAGEMENT

Adjustments to wildlife numbers is not warranted at this time. Reasonable numbers will remain at the level outlined in the Land Use Plan. Reasonable numbers for wildlife within the Pine Forest Allotment are as follows:

Mule deer	2,338 AUMs
Pronghorn	108 AUMs
Bighorn sheep	72 AUMs
Elk	96 AUMs

RATIONALE:

Analysis of existing management of wildlife habitat does not indicate that current wildlife populations are contributing to failure meeting allotment specific objectives. Therefore, no change in wildlife use is recommended at this time.

WILD HORSE DECISION

Based upon evaluation of monitoring data, NEPA analysis, consultation with the interested publics, and recommendations from my staff, my decision follows:

Wild horses within the Pine Forest Allotment portion of the Black Rock Range Herd Management Area will be managed at the appropriate management level of 0 horses.

WILD HORSE DECISION RATIONALE:

The Black Rock Range - East Herd Management Area (HMA) contains approximately 95,104 acres of public and private land, with 2,880 acres in the Pine Forest Allotment and 92,224 acres in the Paiute Meadows Allotment. There have been no wild horses found within that portion of the HMA contained within the Pine Forest Allotment during census and distribution flights, which occurred after the passage of the Wild Free-Roaming Horse and Burro Act of 1971, as amended (Public Law 92-195). The livestock grazing permittee reported four wild horses were observed in the Pine Forest Allotment within the HMA from 1991 to 1993, and two wild horses were observed in the HMA in 1995. During the 2000 wild horse gather there were nine wild horses removed from the Pine Forest Allotment, from outside the HMA boundary.

Therefore, managing wild horses at the appropriate management level of 0 horses would have negligible impact upon resources within the Pine Forest Allotment.

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 Regulation, 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 shall be established for the maintenance of wild horse and burro herds. 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. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.

§ 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 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:

This decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellants' 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.

If you appeal this decision, please give this office a copy of your Statement of Reasons.

LIVESTOCK DECISION

Based upon evaluation of monitoring data, NEPA analysis, consultation with the permittee and other interested publics, and recommendations from my staff, my Final Decision, which is both a NEPA Decision and a Final Grazing Decision as outlined under 43 CFR subparts 4160 and 4120.2 (c), is as follows:

Issue a ten year grazing permit to authorize livestock grazing use on the Pine Forest Allotment, # 00054 as described below.

LIVESTOCK MANAGEMENT IS CHANGED FROM:

Active AUMs	Suspended AUMs	Permitted Use
9700 AUMs	1194 AUMs	10894 AUMs

No.	Period of Use	%	AUMs
		Fed	
600 c	04/01 to 04/15	97	287
1100 c	04/15 to 11/30	97	8068
389 c	12/01 to 02/28	97	1116
15 h	05/01 to 09/30	97	73
13 c	03/01 to 02/28	100	156

Allotment Total	9700
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LIVESTOCK MANAGEMENT IS CHANGED TO:

Active AUMs	Suspended AUMs	Permitted Use
9700 AUMs	1194 AUMs	10894 AUMs

No	Period of Use	%	AUMs
		Fed	
350 c	04/01 to 04/14	100	161
1100 c	04/15 to 06/27	100	2676
900 c	06/28 to 10/15	100	3255
755 c	10/16 to 02/28	100	3376
15 h	05/01 to 09/30	100	75
13 c	03/01 to 02/28	100	156

Allotment Total	9699
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PASTURE SCHEDULE:

Early Use Year 1

Pasture	No		Period of Use	% AUMs	
				Fed	AUMs
Bartlett	350	c	04/01 to 05/09	100	449
Center	350	c	05/10 to 07/09	100	702
Cherry/South Leonard	750	c	04/15 to 06/27	100	1825

Early Use Year 2

Pasture	No		Period of Use	% AUMs	
				Fed	AUMs
Center	350	c	04/01 to 05/31	100	702
Bartlett	350	c	06/01 to 07/09	100	449
Cherry/South Leonard	750	c	04/15 to 06/27	100	1825

Hot Season Use

Pasture	No		Period of Use	% AUMs	
				Fed	AUMs
Cove	550	c	06/28 to 07/09	100	217
	900	c	07/10 to 07/14	100	148
	550	c	07/15 to 09/21	100	1248
	Subtotal				
Mountain	350	c	07/15 to 09/14	100	713

Late Use

Pasture	No		Period of Use	% AUMs	
				Fed	AUMs
Seeding	300	c	09/22 to 10/15	100	237
North Leonard	350	c	09/15 to 09/21	100	81
	600	c	09/22 to 10/15	100	473
	55	c	10/16 to 11/30	100	83
	Subtotal				
Lower	700	c	10/16 to 11/30	100	1059
	755	c	12/01 to 02/28	100	2234
	Subtotal				

Horse Use and Fenced Federal

	No		Period of Use	% AUMs	
				Fed	AUMs
horses	15	h	05/01 to 09/30	100	75
fenced federal	13	c	03/01 to 02/28	100	156

Allotment Total	9700
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TERMS AND CONDITIONS:

The following terms and conditions are in conformance with the Standards and Guidelines for the Sierra Front - Northwestern Great Basin Resource Advisory Council, approved by the Secretary of the Interior on February 12, 1997.

- Grazing by domestic horses is not permitted in Bartlett Pasture, Center Pasture or Cove Use Area.
- This permit includes 156 AUMs fenced federal range which may be grazed concurrently with private land provided use is not detrimental to federal range.
- Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats, or aspen stands.
- The permittee is required to perform normal maintenance on the range improvements as per their signed Cooperative Agreements/Section 4 Permits prior to turning out in a pasture or use area scheduled for livestock use.
- The permittee's certified actual use report, by pasture/use area, is due 15 days after the end of the authorized grazing period.
- 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 objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). 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 thirty (30) days or until notified to proceed by the authorized officer.
- The authorized officer reserves the authority to make modifications to the annual grazing authorization that are consistent with the Standards for Rangeland Health and allotment specific objectives.

RANGE IMPROVEMENTS:

Installation of the following range improvements on public land is dependent upon completion of the project planning process. Installation is also dependent upon funding and project priorities.

EXCLOSURES:

Exclosures will be constructed at the following locations:

- E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 14, T42N, R28E (two exclosures, approximately 0.6 acres and 0.1 acres)
- NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T42N, R28E (approximately 0.2 acres)
- S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 25, T42N, R27E (approximately 2.3 acres)

WATER DEVELOPMENTS:

Two existing developments will be modified from stockwater ponds to collection boxes and troughs. These developments are located at Sections 9 and 16, T42N, R30E.

MODIFICATION OF EXISTING FENCES:

Two existing fences will be modified to allow cattle access to existing stockwater from both sides of the fence. Approximately 0.4 mile of Center Fence will be removed and 0.5 mile of new fence will be constructed at Sections 17 and 18, T43N, R30E. Approximately 0.5 mile of Snow Creek Fire Rehab Fence will be removed and 0.5 mile of new fence would be constructed at Sections 9, 10, 15 and 16, T42N, R27E.

NEW FENCES:

Cove/Center Segment: This fence will prevent movement of livestock between Cove Use Area and Center Pasture. It will be approximately 1.4 miles long and located within Sections 11, 14 and 23, T42N, R27E.

South Leonard/Cherry Segment: This fence will be constructed within the South Leonard/Cherry Use Area. It will improve livestock distribution by reducing cattle use in the vicinity of Tepee Creek and Leonard Creek. It may serve as a use area boundary in the future. It will be approximately 1.8 miles long and located within Sections 21, 28 and 29, T43N, R30E.

Mountain/Cove Segment: This fence would prevent movement between Mountain and Cove Use Areas. Analysis within the environmental assessment indicated that constructing the fence south of the proposed location would be beneficial to riparian habitat. However, the specific site has not been determined. Therefore, the decision to construct this fence is not included in this document.

Private Fence: The permittee plans on installing approximately 3.6 miles of fence between Leonard Creek Ranch and the Seeding. The permittee has volunteered to install this fence as part of his effort to address BLM concerns on riparian areas. The BLM claims no authority to allow or disallow construction of this fence on private land, but does appreciate the benefits to public land that will result. All except approximately 500 feet of fence will be constructed on private land. Approximately 500 feet at the north end will cross public land. Prior to construction on public land the permittee must acquire written authorization from the BLM.

INTERIM GRAZING SCHEDULE:

The range improvements decided above will facilitate effective implementation of the proposed grazing management. Prior to installation of the range improvements, herding or other actions on the part of the permittee will be needed to ensure the short-term monitoring criteria are met.

However, without the private fence it is unlikely that livestock would be prevented from drifting from Cove Use Area into South Leonard/Cherry Use Area during the hot season. As a result, it is unlikely that the short-term monitoring criteria will be met without installation of the private fence. Therefore, in the interim period prior to installation of the private fence, grazing management will be the same as proposed (on pages 8-10) with the exception that hot season use will include 1555 AUMs non-use and 771 AUMs active use as shown below:

Hot Season Use

Pasture	No	Period of Use	% Fed	AUMs	Type Use	
Cove	550	c 06/28 to 07/09	100	217	nonuse	
	350	c 07/10 to 07/14	100	58	active	
	550	c 07/10 to 07/14	100	90	nonuse	
	550	c 07/15 to 09/21	100	1248	nonuse	
	Subtotal				58	active
	Subtotal				1555	nonuse
Mountain	350	c 07/15 to 09/14	100	713	active	

If the private fence is completed prior to 6/28/2006, the interim grazing schedule will not be needed and will not be implemented.

LIVESTOCK DECISION RATIONALE:

It has been determined that livestock management practices within some lotic and lentic riparian systems, and within some aspen habitat, has resulted in partial non-achievement of the Standards for Rangeland Health. It has also been determined that it is more likely than not that existing grazing management needs to be modified to ensure that the Fundamentals of Rangeland Health are met, or making significant progress toward being met. A range of alternatives has been analyzed in the environmental assessment for the Pine Forest Allotment Multiple Use Management. The BLM has solicited and received input from the interested public on livestock management within Pine Forest Allotment, including those alternatives analyzed in the environmental assessment. The livestock decision is Alternative 1 and Alternative 2 (Interim Grazing Management), as modified.

The proposed livestock management and range improvements are expected to improve the health of lotic and lentic riparian systems, and aspen habitat. As a result, other resources such as fisheries, wildlife, water quality, vegetative communities, and others, will benefit. Health of upland areas will be maintained or improve. Achievement, or significant progress towards achievement, of the Standards for Rangeland Health is expected.

Adaptive management will be used to further ensure progress towards achieving the Standards for Rangeland Health. Short-term monitoring criteria will be used to indicate if livestock management is expected to result in progress towards long-term objectives. Initially, monitoring will be reviewed annually. If short-term monitoring criteria are not met, livestock management will be changed in consultation with the permittee to allow the short-term criteria to be met under subsequent grazing. For example, if the stubble height is less than four inches at the key area along Leonard Creek, the number of cattle grazing within the use area may be reduced, the period of use may be reduced, or other changes may be made. Adaptive management will be useful to confirm whether the pastures and use areas established in this decision are stocked at the appropriate level, and make changes if needed. In addition, science-based revisions or further quantifications of the short-term monitoring criteria and long-term objectives are likely prior to the next evaluation. For example, long-term objectives for riparian habitats will be further refined to maintain or improve spring brook/channel morphology, riparian vegetation cover/community, and aquatic species diversity. If long term objectives are not being met, adjustments in short term monitoring criteria may include, but are not limited to, changes in trampling limits, reduced utilization levels, and implementation/adjustment of stubble height triggers.

Under the proposed livestock management, livestock use will be authorized by pasture or use area. The permittee is required as a term and condition of his grazing permit to provide his certified actual use report, by pasture/use area, after the end of the authorized grazing period. Accurate and timely reporting of actual use is key to the success of adaptive management.

Bartlett and Center Pastures, and Cherry/South Leonard Use Area will be grazed in the spring/early summer, during which time livestock are expected to be well distributed with reduced livestock use on riparian areas. To maintain reduced use on riparian areas, with few exceptions, livestock use will not be authorized in those areas later than late June (in Cherry/South Leonard Use Area) or early July (for Bartlett and Center Pastures). Similarly, North Leonard Use Area and the Seeding will be grazed in the fall, when cattle again tend to be better distributed than during the hot season. To maintain reduced use on riparian areas, with few exceptions, livestock use will not be authorized in North Leonard Use Area or the Seeding earlier than mid-September.

Unless otherwise stated on the annual grazing authorization, active trailing of livestock through these areas outside of the authorized period of use is acceptable. Allowing livestock to drift through these areas outside the authorized period of use is not acceptable. Drift has apparently resulted in failure to meet riparian objectives in the past. It is also very important that all livestock be removed from a pasture or use area as scheduled. A small number of cattle left behind and concentrated on riparian areas can result in failure to meet riparian objectives that would otherwise have been met. The BLM recognizes that complete removal of livestock from large use areas within the allotment may take up to a week of diligent riding. However, the majority of the cattle can be moved within two or three days.

Construction of the proposed enclosures will eliminate livestock grazing from springs that have been impacted by livestock use. The water developments and fence modifications will improve stockwater availability and improve livestock distribution. The new fences will facilitate livestock control. The purpose for all range improvements is to allow effective implementation of the proposed grazing management and healthy rangelands.

This decision conforms to the Paradise-Denio Management Framework Plan and is consistent with federal, state and local laws, regulations, and plans to the maximum extent consistent with federal law.

GRAZING PERMIT:

A ten year grazing permit, reflecting the terms and conditions of this decision, will be offered upon completion of the decision making process. Any existing permit will become null and void as the new term permit becomes effective.

FUTURE MONITORING AND GRAZING ADJUSTMENTS:

The Winnemucca Field Office will continue to monitor the Pine Forest Allotment. The monitoring data will continue to be collected in the future to provide the necessary information for adaptive management subsequent evaluations. These evaluations are necessary to determine if the allotment specific objectives are being met and the Standards for Rangeland Health are being achieved under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives and standards.

AUTHORITY:

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

§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.”

§4130.2(a) “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans.”

§4130.2(b) “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 or renewal of grazing permits and leases.”

§4130.2(c) “Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources.”

§4130.3 “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(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."

§4160.3(a) "In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision."

§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 towards 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 towards 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, and other special status species."

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

§4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested publics."

APPEAL:

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized 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 the date the proposed decision becomes final or 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(c), an appellant 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 the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer Arlan G. Hiner, Bureau of Land Management, 5100 East Winnemucca Boulevard, Winnemucca, NV 89445. 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, 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:

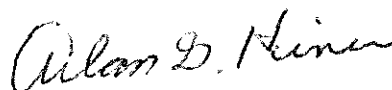
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

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 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 to the petition, 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)).

Sincerely,



Arlan G. Hiner
Assistant Field Manager
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