



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
• HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
<http://www.blm.gov/nv/st/en.html>



NOV 21 2007

In Reply Refer to:
4160 (NV-045)

George I. Andrus
59 S 500 E
St. George, UT 84770

CERTIFIED MAIL #7006 0810 0005 7113 5691
RETURN RECEIPT REQUESTED

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

NOV 26 2007

RECEIVED

FINAL DECISION

George I. Andrus Term Permit Renewal for the Oak Wells Allotment

Background Information

On September 11, 2007 the Finding of No Significant Impact (FONSI) for George I. Andrus (Oak Wells Allotment) term permit renewal (EA No. NV-040-07-22) was signed. The Environmental Assessment (EA) and FONSI documents are attached. This Final Decision is issued in accordance with CFR § 4160.3. The Proposed Decision was issued on September 20, 2007. No protests were received.

This decision complies with BLM Nevada Instruction Memorandum (IM) No. NV-2006-034 which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EAs) as per the requirement set forth in the following BLM Washington Office Instruction Memorandums: WO 2003-071 and WO 2004-126.

The allotment is ranked as "I" (Improve) category allotment in the Caliente Resource Area Rangeland Program Summary (1985). The current term permit issuance period for each of the current term permits is illustrated in the table above. The allotment encompasses approximately 29,139 acres of public land. The new grazing permit will reflect terms and conditions in accordance with the EA.

Processing and renewing the term permit for George I. Andrus on the Oak Wells Allotment provides for a legitimate multiple use of the public lands. The permit includes terms and conditions for grazing use that conform to Guidelines and will continue to achieve, or make progress toward achieving, the Standards for Nevada's Mojave-Southern Great Basin Area in accordance with all applicable laws, regulations, and policies; and in accordance with Title 43 CFR 4130.2(a) which states in part, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands administered by the Bureau of

Land Management that are designated as available for livestock grazing through land use plans.” This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under the Proposed and Final Decisions execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met and that significant progress is made towards those that are currently not met.

The standards were assessed for the Oak Wells Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Publications used in assessing and determining achievement of the Standards include: Soil Survey of Meadow Valley Wash; Sampling Vegetation Attributes; National Range and Pasture Handbook published by the Natural Resources Conservation Service (NRCS); Nevada Plant List; Major Land Resource Area (MLRA) Rangeland Ecological Site Descriptions; Soil Survey of South Lincoln County, Nevada and Soil Survey of North Lincoln County, Nevada. These documents are available for public review at the Caliente Field Station during business hours.

Monitoring data was reviewed and an assessment of the rangeland health was completed during the permit renewal process and a Standards Determination document was prepared (Appendix II of EA).

The results of the findings, regarding the achievement or non-achievement of the Standards for Rangeland Health, are displayed in the following table. It has been determined that livestock are **NOT** a causal factor for those Standards which have not been achieved. The data also indicates that grazing is in conformance with all applicable Guidelines. As a result, no changes to the current term grazing permit information – displayed in the table under the Proposed Action of the EA – have been identified.

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Not Applicable
3. Habitat and Biota Standard	Not Achieved

Conclusions of the Standards Determination Document:

Standard 1: Achieved.

Observations indicated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction or accelerated erosion. This indicates that the allotment has sufficient vegetative cover to maintain soil stability and to resist accelerated erosion, maintain soil productivity and, thus, sustain the hydrologic cycle. Use pattern mapping and utilization indicated that grazing use within the vicinity of the pipeline was mostly in the moderate use category with most of the remainder of the allotment exhibiting slight use. Collectively, low to moderate grazing intensity, lack of evidence of accelerated erosion and soil compaction infers current existing livestock grazing conforms to Guidelines.

Standard 2: Not applicable.

Standard 3: Not Achieved. Livestock are **NOT** a causal factor.

Overall, the plant communities are lacking in perennial grass composition and overall grass production while shrubs comprise a higher percentage of the vegetative understory composition. This indicates that biodiversity is lacking regarding composition and productivity, but also in structure. Although field observations and professional judgment have shown that, overall, grasses exist in low percentages, the amount and variety of the shrub component was deemed appropriate for the sites. Grazing is not a causal factor in the lack of achievement of Standard 3. The causal factor is judged to be a lack of disturbance which would result in a reduction of the tree canopy.

The project proposal was posted on the Ely Field Office web site, January 30, 2007, at http://www.nv.blm.gov/ely/nepa/ea_list.htm and no comments were received.

The preliminary EA was posted on the Ely external webpage on June 30, 2007 for a thirty day public comment period. No protests were received. A hard copy of the preliminary EA was mailed to the permittee and those publics who have specifically requested one and who have expressed an interest in range management actions on the Oak Wells Allotment. Comments were received from Cindy MacDonald. They were reviewed and considered in association with completing the final EA.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3 permitted use for George I. Andrus on the Oak Wells Allotment, will remain unchanged and will be as follows:

George I. Andrus (#2705010)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		* % Public Land	AUMs		
Name	Number	Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Permitted Use
Oak Wells	01051	43	Cattle	3/1	2/28	100	511	2,862	3,373

* This is for billing purposes

This decision will be effective upon the decision becoming final or pending final determination on appeal. The renewal of the term grazing permit will be for a period of 10 years. Utilization objectives (allowable use levels or AULs) for each of the allotments would be included as part of the Terms and Conditions (Appendix III). The AULs are a quantification of the land use plan objectives.

The new term permit would include terms and conditions for grazing use which would further assist in achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

In accordance with 43 CFR §§ 4130.3, 4130.3-1 and 4130.3-2, the following additional terms

and conditions will be included in the term grazing permit for the Oak Wells Allotment.

Specific Terms and Conditions

1. Allowable use levels, as measured through a combination of key areas readings and use pattern mapping, will not exceed 50% on grasses and forbs, and 45% on shrubs during the authorized use period indicated in the Term Grazing Permit.
2. Salt and or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.
3. Wildlife escape ramps would be maintained by the permittee for every water trough used on their allotment(s).

Stipulations Common to All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
4. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, Mastercard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.
5. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary 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 30 days or until notified to proceed by the authorized officer.
6. Grazing use will be in accordance with the Mojave Southern Great Basin Standards and Guidelines for grazing administration as developed by the respective resource advisory council and were approved by the Secretary of the Interior on February 12, 1997 with subsequent revisions. Grazing use will also be in accordance with 43 CFR Subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing

Administration.

7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

Terms and Conditions for Preventative Measures for Noxious Weeds:

1. The grazing permittee will watch for and report new noxious weeds infestations in their allotment area.
2. Noxious weeds will be treated by methods to be approved by the Authorized Officer.
3. Grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.

Rationale:

Monitoring data review and assessment findings indicate that of the applicable Standards for Rangeland Health, Standard 1 as being achieved; Standard 3 has not been achieved. However, it has been determined that livestock are **NOT** the causal factor for the lack of achievement of Standard 3. The data also indicates that grazing is in conformance with all applicable Guidelines. The causal factor is judged to be a lack of disturbance which would result in a reduction of the tree canopy.

It is anticipated that the Standards for Rangeland Health will continue to be achieved and grazing use levels will remain at low levels throughout a majority of the allotment, especially with the addition of the aforementioned proposed terms and conditions to the new permit, and without any changes to the current term grazing permit information displayed in the table on page four above.

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

§ 4110.3 Changes in Permitted Use

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

§ 4130.2 Grazing Permits and Leases

- (a) States in part: "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands administered by the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

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

§ 4130.3-1 Mandatory terms and conditions.

- (a) "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.
- (b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.
- (c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

§ 4130.3-2 Other Terms and Conditions

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

§ 4160.3 Final Decisions.

- (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.
- (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 public.

- (c) A period of 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final as provided in paragraph (a) of this section, is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section. See Sec. Sec. 4.21 and 4.470 of this title for general provisions of the appeal and stay processes.”

§ 4180.1 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

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

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.
- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.
- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

Appeal

Appeal

In accordance with 43 CFR 4.470 and 4160.4, any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the proposed decision becomes final as provided in 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer Kyle V. Hansen, Acting Assistant Field Manager for Renewable Resources, Ely Field Office Box 33500, 702 North Industrial Way HC33 Ely, Nevada 89301. 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:

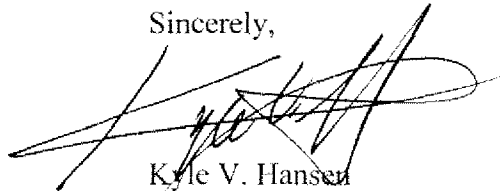
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

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 a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

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

Sincerely,



Kyle V. Hansen
Acting Assistant Field Manager
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-07-22 (includes the Standards Determination Document)

cc:

Steven Carter 7006 0810 0005 7111 8373
P.O. Box 27
Lund, NV 89317

Mr. Steve Foree 7006 0810 0005 7111 8380
NDOW
60 Youth Center Road
Elko, NV 89801

Brad Hardenbrook 7006 0810 0005 7111 8397
NDOW-Southern Region
4747 Vegas Drive
Las Vegas, NV 89108

Curt Leet 7006 0810 0005 7111 8403
HC 33 Box 32120
Ely, NV 89301

Lincoln Co. Commissioners 7006 0810 0005 7111 8410
P.O. Box 90
Pioche, NV 89043

Cindy MacDonald 7006 0810 0005 7111 8427
3605 N. Silver Sand Ct.
N. Las Vegas, NV 89032

Betsy Macfarlan 7006 0810 0005 7111 8434
ENLC
P.O. Box 150266
Ely, NV 89315

John McLain 7006 0810 0005 7111 8441
Resource Concepts, Inc
340 N. Minnesota St.
Carson City, NV 89703-4152

Nevada State Clearinghouse 7006 0810 0005 7111 8458
Department of Administration
Budget & Planning Div. Grants
209 E Musser St. Room 200
Carson City, NV 89701-4298

Jerry Reynoldson 7006 0810 0005 7111 8465
P.O. Box 995
Logandale, NV 89021

Mike Scott
NDOW
P.O. Box 79
Pioche, NV 89043

7006 0810 0005 7111 8472

Western Watersheds Project
Katie Fite
PO Box 2863
Boise, ID 83701

7006 0810 0005 7111 8489

**FINDING OF NO SIGNIFICANT IMPACT
FOR
Tom Williams, Bradley Guymon, Jared Cornelius
Term Permit Renewals
(Bennett Spring, Black Canyon, Klondike and Highland Peak Allotments)**

EA (NV-040-07-22)

I have reviewed Environmental Assessment (EA) (NV-040-07-22). After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-07-22 has been reviewed through the interdisciplinary team process

I have determined the proposed action is in conformance with the *Caliente Management Framework Plan* approved under the *Caliente Planning Unit Decision Summary and Record of Decision* issued July 1, 1983, and the *Caliente Final Environmental Statement - Proposed Domestic Livestock Grazing Management Program (INT FES 79-44)* (September 21, 1979) (*Caliente ES*). This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: The Oak Wells Allotment is located, approximately, 10 miles east of Caliente, Nevada and encompasses approximately 29,139 acres of public land.

Lincoln County is sparsely populated, with approximately 4,300 people living mostly within five towns. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The Environmental Assessment considered both, beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance (i.e., exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc.)

2) *The degree to which the proposed action affects public health or safety.*

The Proposed Action will not result in substantial, adverse impacts to public health and safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no parks, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Prime and unique farmland is found only in a very small portion in the east part of the allotment. Livestock grazing will not impact prime farmlands, because it will not change soil characteristics that affect farmland status.

Oak Wells Allotment is almost entirely within a high cultural sensitivity level. Prehistoric cultural resources (habitation/non habitation sites; lithic scatters, projectile points, camp areas) may be found in areas adjacent to spring sites, ridge tops and adjacent hillsides throughout the district.

There are no Traditional Cultural Properties currently identified within the Ely District.

The historic properties that were evaluated are located east of the Hollow fires protection fence (located on the eastern 1/3 of the allotment) which is an area of low to moderate grazing use. No affects to historic properties are anticipated.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the *Caliente ES*. Although public input has been sought for the proposed action, there has been little public interest and only a few pertinent comments on effects analyzed in the attached EA.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives. The effects analysis demonstrates the effects are not uncertain, and do not involve unique or unknown risk

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Renewing the grazing permits does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future projects within the proposed action area or in surrounding areas will be fully analyzed as a separate action and independently of the proposed action.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in

cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) were identified in the project area and EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species. The action complies with the Endangered Species Act, in that the potential effects of this decision on listed species have been analyzed and documented (EA Chapter IV). The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, as amended.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

/s/ William E. Dunn

William E. Dunn
Assistant Field Manager Renewable Resources
Ely Field Office

9/11/07

Date

ENVIRONMENTAL ASSESSMENT
for the
Grazing Permit Renewal for George I. Andrus
on the Oak Wells Allotment

(EA-NV-040-07-22)

September 18, 2007

United States Department of the Interior
Bureau of Land Management
Caliente Field Station

Prepared by:

Domenic A. Bolognani
Caliente Field Station, Nevada

I. INTRODUCTION

Background Information

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permits for George I. Andrus (#2705010) on the Oak Wells Allotment (#01051). This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. Both the proposed action and alternatives to the proposed action are considered.

The term permit under consideration is for Oak Wells Allotment (Appendix I, Map #1). Cattle are the kind of livestock grazed on this allotment. The allotment is ranked as category "I" (Improve) in the Caliente Rangeland Program Summary (Pgs. 3-4; June 1985). Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997.

Monitoring data was reviewed and an assessment of the rangeland health was completed during the permit renewal process (Appendix II).

As a result of the monitoring data review and assessment, findings indicate that of the applicable Standards for Rangeland Health, Standard 1 as being achieved. However, Standard 3 has not. It has been determined that livestock are **NOT** the causal factor for the lack of achievement of Standard 3. The data also indicates that grazing is in conformance with all applicable Guidelines. There are no riparian areas on public lands within the allotment. As a result, no changes to the current term grazing permit information – displayed in the table under the Proposed Action of the EA – have been identified. A summary of information regarding the achievement of Standards is as follows:

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Not Applicable
3. Habitat and Biota Standard	Not Achieved

Much of the Oak Wells allotment is being remapped as to ecological sites and soils information. This data is not yet available.

Therefore, professional field observations were conducted on the allotment to assess existing overall cover for protection of soils in relation to erosion and the hydrologic cycle, and to determine current existing livestock grazing conformance to Guidelines and achievement of RAC standards.

Conclusions of the Standards Determination Document:

Standard 1: Achieved.

Observations indicated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction or accelerated erosion.

This indicates that the allotment has sufficient vegetative cover to maintain soil stability and to resist accelerated erosion, maintain soil productivity and, thus, sustain the hydrologic cycle.

Utilization at the Key Area was in the light use category. Use pattern mapping indicated that grazing use within the vicinity of the pipeline was mostly in the moderate use category with most of the remainder of the allotment exhibiting slight use.

Collectively, low to moderate grazing intensity, lack of evidence of accelerated erosion and soil compaction infers current existing livestock grazing conforms to Guidelines.

Standard 2: Not applicable.

Standard 3: Not Achieved.

Overall, the plant communities are lacking in perennial grass composition and overall grass production while shrubs comprise a higher percentage of the vegetative understory composition. This indicates that biodiversity is lacking regarding composition and productivity, but also in structure.

Although field observations and professional judgment have shown that, overall, grasses exist in low percentages, the amount and variety of the shrub component was deemed appropriate for the sites.

Grazing is not a causal factor in the lack of achievement of Standard 3. The causal factor is judged to be a lack of disturbance which would result in a reduction of the tree canopy.

Need for the Proposal

The proposed action is needed to provide for legitimate multiple uses of the public lands by renewal of term permit for George I. Andrus on the Oak Wells Allotment in accordance with all applicable laws, regulations and policies. In accordance with Title 43 CFR § 4130.2(a), "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing."

Relationship to Planning

The proposed action is in conformance with the *Caliente Management Framework Plan* (MFP) (February 1982) approved under the Caliente Planning Unit Decision Summary and Record of Decision issued July 1, 1983; and is tiered to the *Caliente Final Environmental Statement - Proposed Domestic Livestock Grazing Management Program (INT FES 79-44)* (September 21,

1979) (*Caliente ES*). The proposed action implements livestock management decisions from these approved land use plans.

The *Caliente ES* states, "Data from [monitoring] would be evaluated to determine the effectiveness of current management and to assist in making appropriate adjustments...Changes in use requested by the livestock operator, which were outside the limits of the proposed action and were consistent with management objectives, would be requested in writing and must be approved in advance of the grazing period" (page 1-22).

The proposed action is also consistent with the *Lincoln County Public Land and Natural Resource Management Plan* (December 5, 1997) which states, "Lincoln County supports multiple use of the public lands, grazing is a part of this system. Grazing shall be managed to support a healthy range resource. Resource utilization must be monitored according to standard accepted range monitoring standards" (page 15).

The proposed action is also in conformance with the Lincoln County Elk Management Plan approved July, 1999.

Relationship to Bureau Guidance

The proposed action is in compliance with BLM Nevada Instruction Memorandum (IM) No. NV-2006-0034, which provides guidance to facilitate the preparation of grazing permit renewals Environmental Assessments (EAs) per the requirement set forth in BLM Washington Office IM-WO-2003-071 and IM-WO-2004-126. This document complies with the IM guidance.

Identification of Issues

There were no issues identified during public scoping for these proposed term permit renewals. These term permit renewals were scoped by resource specialists during a meeting held February 1, 2007 at the Ely BLM Field Office. The public was invited to provide input and will be afforded the opportunity to provide comments on this analysis.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The Bureau of Land Management would process and issue a term grazing permit for the Oak Wells Allotment and authorize grazing on the allotment. The current term permit information for the permittee is as follows:

George I. Andrus (#2705010)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		* % Public Land	AUMs		
Name	Number	Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Oak Wells	01051	43	Cattle	3/1	2/28	100	511	2,862	3,373

* This is for billing purposes

The renewal of the term grazing permits would be for a period of 10 years. Utilization objectives (allowable use levels or AULs) for each of the allotments would be included as part of the Terms and Conditions (Appendix III). The AULs are a quantification of the land use plan objectives.

The new term permit would include terms and conditions for grazing use which would further assist in achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

The following terms and conditions would be included in the term grazing permits for the Oak Wells Allotment.

Specific Terms and Conditions

1. Allowable use levels, as measured through a combination of key areas readings and use pattern mapping, will not exceed 50% on grasses and forbs, and 45% on shrubs during the authorized use period indicated in the Term Grazing Permit.
2. Salt and or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.
3. Wildlife escape ramps would be required, installed and maintained by the permittee for every water trough used on their allotment(s).

Terms and Conditions for Preventative Measures for Noxious Weeds:

1. The grazing permittee will watch for and report new noxious weeds infestations in their allotment area.
2. Noxious weeds will be treated by methods to be approved by the Authorized Officer.
3. Grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.

Monitoring

Rangeland monitoring data would continue to be collected on all four allotments to determine if the livestock management practices are continuing to achieve or are making progress towards achieving the Standards for Rangeland Health and other vegetative objectives for the allotments.

Monitoring studies may include use pattern mapping, key forage plant method utilization transects (KFPM), cover studies, ecological condition studies, frequency trend studies, observed apparent trend studies, weed detection, professional observations, and photographs. Rapid riparian assessment (proper functioning condition studies) would be conducted on an as needed basis. Baseline monitoring (ecological condition, cover, utilization, and trend) may be conducted in association with watershed assessment.

Prior to authorizing annual grazing use, monitoring should be conducted to determine forage availability, grazing use areas and grazing management practices. Following the grazing period, monitoring may be conducted to determine overall utilization levels and grazing use patterns.

If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit would be revised subject to revised terms and conditions.

The term permit renewal area would also be monitored by the BLM for noxious weeds or non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment (Appendix IV).

No Action Alternative

The no action alternative is the same as the proposed action alternative and will not be further addressed in accordance with IM NV-2006-0034.

Other Alternatives

The *Caliente ES* addressed several alternatives (Chapter 8), including the No Grazing alternative (Chapter 8 pgs. 19-33). Not issuing term grazing permits was considered. The Code of Federal Regulations at § CFR 4130.2 requires the issuance of grazing permits to qualified applicants. No additional site specific alternatives are necessary for analysis since there are no unresolved conflicts concerning alternative uses of available resources.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The Oak Wells Allotment

The allotment is located entirely within Lincoln County in the south central portion of the Ely District BLM, approximately 10 miles east of Caliente, Nevada. The allotment encompasses approximately 29,139 acres of public land. The permit area occurs within the Panaca Valley (#210), Escalante Desert (#208), Clover Creek North (#212N) and Clover Creek South (#212S) Watersheds. It also falls within the Miller Flat Wild Horse Herd Management Area (HMA). Pinyon-juniper woodlands dominate a majority of the HMA and, consequently, the allotment.

Elevation ranges from approximately 7,343 feet on Mosey Mountain peak which is located in the northwest section of Oak Wells Allotment to approximately 5,900 feet at the lower elevations within the allotment. Precipitation varies from four to eight inches at the lower elevations to eight to sixteen inches at higher elevations.

Water for livestock within the Oak Wells Allotment is largely provided by a pipeline which supplies water to three troughs along its approximate four mile stretch (Appendix I, Map #2).

The pipeline was installed contiguous to an existing road which traverses Oak Well Hollow. A fourth watering area is located at Oak Well Spring which is the water source supplying the pipeline. The spring is located on private land where the pipeline originates. Topographically, this pipeline is located within Oak Well Hollow. The watering locations supplied by the pipeline, when used, also serves to attract wild horses and deer.

The Hollow Fire occurred in 2000, which burned approximately 1,311 acres, was confined to the east portion of the allotment. Following this fire the burned area was seeded and an approximate four mile fence was constructed for the temporary control of livestock to facilitate seeding establishment (Appendix I, Map #3). The intention was that the fence would be temporary until the seeding was considered well established. During 2006 another fire occurred, also named the Hollow Fire, which was approximately 220 acres. Most of the acreage of this burn fell within the boundaries of the 2000 Hollow Fire burn. The fence runs north-south and ties into the allotment's north and south boundary fences, respectively, and is now being used to protect the 2006 burn. Plans are being made to keep the fence to use as a management tool to help control livestock within the allotment.

Critical Elements of the Human Environment

The Critical Elements of the Human Environment, which must be considered because of requirements specified in statute, regulation, or executive order, are listed below in Table 1. Elements that may be affected are further described in this EA. Those elements that are not present or would not be affected are also listed in Table 1, but will not be considered further in this document.

Table 1. Critical Elements of the Human Environment

Critical Element	May Affect	No Effect	Not Present	Rationale
Noxious weeds and non-native, invasive species	X			Surface disturbance through livestock movement may increase the risk of non-native, invasive species establishment. Just outside of the allotment there are salt cedar (<i>Tamarix spp.</i>) infestations located at Miller Spring and Buckboard Spring. There is also a Russian knapweed (<i>Acroptilon repens</i>) infestation just south of the allotment on the road to Crossroads. Cheatgrass (<i>Bromus tectorum</i>) occurs sporadically throughout the allotments, though it is confined to areas along and adjacent to roads.
Wild Horses and Burros		X		The allotment is located within the Miller Flat Wild Horse Herd Management Area (HMA).
Migratory Birds		X		Several species of migratory birds are known to have a distribution that overlaps with the proposed action area. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable, because of low density of livestock within the allotment. No damaging effects to existing or potential nesting sites are expected.
Air Quality		X		Minor dust is associated with normal livestock trailing to/from water locations. The amount of dust produced however, is

				negligible and not likely to have any lasting effects on air quality.
Environmental Justice		X		No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)		X		Prime and unique farmland is found only in a very small portion in the east part of the allotment. Livestock grazing will not impact prime farmlands, because it will not change soil characteristics that affect farmland status.
Native American Religious Concerns		X		A Native American Coordination Meeting was held in the BLM Ely Field Office on January 17, 2007. No concerns were identified.
Wastes (hazardous or solid)		X		No hazardous or solid wastes would be introduced by the proposed action.
Wetlands/Riparian		X		There are no wetlands in the environment. No riparian areas have been identified on public lands within the allotment.
Cultural Resources		X		According to the <i>Cultural Resource Analysis and Probability Model for the Bureau of Land Management Ely District</i> (Drews and Ingbar 2004), Oak Wells Allotment is almost entirely within a high cultural sensitivity level. Prehistoric cultural resources (habitation/non habitation sites; lithic scatters, projectile points, camp areas) may be found in areas adjacent to spring sites, ridge tops and adjacent hillsides throughout the district. There are no Traditional Cultural Properties currently identified within the Ely District. The historic properties that were evaluated are located East of the Hollow fires protection fence (located on the eastern 1/3 of the allotment) which is an area of low to moderate grazing use. No affects to historic properties are anticipated.
Areas of Critical Environmental Concern (ACEC)			X	No areas of critical environmental concern have been proposed or designated within the allotments.
Special Status Species (Federally listed, proposed or candidate threatened or endangered species and state sensitive species) (plants)			X	Examination of databases and other sources indicates there are no known special status plant species located within the allotment.
Special Status Species (Federally listed, proposed or candidate threatened or endangered species and state sensitive species) (animals)			X	Examination of databases and other sources indicates there are no known special status animal species located within the allotment.
Floodplains			X	There are no known floodplains within the project area; however the proposed action would have no effect on flood plains.
Water Quality (drinking/ground)			X	Ground water located in a deep aquifer would not be impacted. No surface water in the proposed action area is used for drinking water within the allotments.

Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.
Wilderness Values			X	Neither the allotment, nor portions thereof, is located within a wilderness or wilderness study Area (WSA).

In addition to the critical elements of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The potential resources and uses, or non-critical elements that may be affected are listed below in Table 2. A brief rationale for either considering or not considering the non-critical element further is provided. The non-critical elements that are considered in the EA are described in the Affected Environment (Section III) and are analyzed in the Environmental Consequences (Section IV).

Table 2. Other Resources and Uses

Resource or Issue	May Affect	No Effect	Not Present	Rationale
Socioeconomics	X			The Proposed Action would provide stability to livestock operator.
Vegetation	X			Direct impacts would include the temporary removal of above ground biomass, through grazing, which would temporarily reduced cover.
Wildlife	X			Yearlong deer and elk use occurs throughout the allotment with crucial deer winter habitat occurring along the northwest edge. The allotment also provides habitat for various species of invertebrates, reptiles, birds and mammals.
Range/Livestock Grazing/Standards and Guidelines	X			Standard 1 Achieved. Standard 2 Not applicable Standard 3 Not Achieved, but not as a result of livestock grazing.
Soils		X		Soils are stable. Areas near waters and along the pipeline would receive minor impacts of hoof action on surface soils, however due to the limited number of livestock (30-45) and the relatively large analysis area, these impacts should be relatively minor. Some temporary reduction in soil protection could occur as a result of biomass consumption.
Recreation		X		Dispersed recreation in this area includes large and small game hunting, wildlife observation and photography, hiking and general off highway vehicle use.
Visual Resources		X		The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class III and IV objectives.

Potentially Affected Elements of the Human Environment

Based on the review of existing baseline data and surveys conducted in preparation of this EA, BLM specialists have identified the following as potentially affected elements of the human environment:

- Noxious Weeds and Non-native Invasive Species
- Wild Horse and Burros
- Socioeconomics
- Vegetation
- Wildlife
- Range/Livestock Grazing/Standards and Guidelines

Noxious Weeds and Invasive, Non-Native Species

A Weed Risk Assessment was completed on March 15, 2007 (Appendix IV). There are no documented infestations of noxious or invasive weeds within the Oak Wells Allotment, however this area has not been completely surveyed. Just outside of the allotment there are salt cedar (*Tamarix spp.*) infestations located at Miller Spring and Buckboard Spring. There is also a Russian knapweed (*Acroptilon repens*) infestation just south of the allotment on the road to Crossroads.

Invasive annuals include cheatgrass (*Bromus tectorum*) which occurs sporadically throughout the allotments though it is confined to areas along and adjacent to roads.

Wild Horses and Burros

A Horse Gather was conducted in December 2006 on the HMA. The appropriate management level (APM) is between 9 – 15 horses. The last horse gather in the HMA was conducted in July 2002 under emergency conditions, whereby 25 horses were removed. The population estimate in 2006 was approximately 50.

Socioeconomics

The local economy of Lincoln County has been dependent on the areas farming and ranching community this includes the county tax base. The farming and ranching-life style has been and continues to be important in the county and State of Nevada.

Vegetation

Most of the Oak Wells Allotment is dominated by pinyon-juniper (*Pinus monophylla* - *Juniperus osteosperma*) overstory (over 90%). Pinyon-juniper understory varies from little to no vegetation with possible pavement, under denser tree canopies, to correspondingly increasing amounts of various types of shrubs and grasses with decreasing density of canopy cover. Cliffrose (*Cowania mexicana*), desert bitterbrush (*Purshia glandulosa*) and antelope bitterbrush (*Purshia tridentata*) exist in sufficient amounts, in portions of the allotment, and may elicit a

significantly favorable increase as a response to overstory removal. Sagebrush (*Artemisia spp.*) also occurs and may be found scattered throughout the allotment.

Wildlife

Mule deer habitat exists throughout the Miller Flat HMA. Therefore, yearlong use occurs throughout the allotment with crucial winter habitat occurring along the northwest edge.

The Lincoln County Elk Management Plan has identified the Miller Flat HMA as potential elk habitat. The plan identified the area as yearlong moderate habitat except for the northern portion of the HMA which was designated as summer use. Management actions and strategies outlined in the plan will be followed to manage elk within the HMA.

Range/Livestock Grazing/Standards and Guidelines

Although the current permit allows for year-round grazing the permittee varies turnout to fall between April and May and grazes into the fall and sometimes until December depending on the weather. The permittee has not used his full active use since the end of the 2000 grazing year (March 1, 2000 – February 28, 2001).

For the past six years he has grazed according to the following use levels:

Grazing Year (3/1 – 2/28)	% of Active Use Used
2001	41%
2002	Non-Use
2003	43 %
2004	39 %
2005	29 %
2006	51 %

Standards and Guidelines have been achieved.

IV. ENVIRONMENTAL CONSEQUENCES

The environmental consequences of the proposed action were analyzed in the *Caliente ES*. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the *Caliente ES*. There have been no changes made with the proposed term permit renewal that differ from the rangeland management actions presented in the *Caliente ES*. The proposed action is not substantially different that the actions analyzed in the *Caliente ES*. The following site specific analysis is in addition to that in the *Caliente ES*.

Noxious Weeds and Invasive, Non-Native Species

The proposed action could increase the populations of noxious and invasive weeds already found within and around the allotment through disturbance and transportation of seeds. There is also a potential for the introduction of new weed establishment. However, because of the mitigation

listed in the Noxious and Invasive Weed Risk Assessment, the grazing permit renewal would not likely result in an increase in noxious weeds to the area. The Risk Factor for spread of noxious weeds is Moderate (18) at the present time.

Grazing use may cause an increase in invasive plants depending on climate, stocking level, timing of grazing, presence or absence of fire and other factors.

Wild Horses and Burros

Implementing the proposed action would have little to no impact on wild horses in the Miller Flat HMA, because the proposed action implements no changes to current management practices.

Socioeconomics

Lifestyles of local residents would not be impacted. The proposed term permit renewal would provide economic benefits for the livestock permittee in this area by improving the efficiency of their overall operation. The proposed permit renewal would facilitate livestock management and could provide stability to the livestock operation

Vegetation

By maintaining AULs, negative impacts to the growth and reproductive cycle of vegetation would not occur. This would favor a plant's production and storage of carbohydrate reserves, vigor, reproduction, and a tendency towards favorable species composition, for both livestock and wildlife, in the area.

Direct impacts would include the increased removal of above ground biomass within the allotment. This would temporarily reduced cover. However, in keeping grazing intensity at or below AULs it would provide the residual vegetation necessary to provide ample forage and cover for wildlife, and to meet soil and watershed objectives.

The utilization study shows that grazing is within the allowable use levels throughout a vast majority of the allotment. Therefore, the negative impacts to vegetation are neither an issue nor anticipated.

Wildlife

Livestock grazing would provide some level of competition with deer, because of the dietary overlap. The main forage species for deer and livestock in the allotment is bitterbrush. Therefore, competition for this species would continue from summer through fall. The allotment is not typically grazed during the winter months, therefore said competition during this period would cease. Competition for grasses or forbs may increase as green-up begins in the spring and livestock are re-introduced into the allotment.

Range/Livestock Grazing/Standards and Guidelines

It is anticipated that the Standards for Rangeland Health will continue to be achieved and grazing use levels will remain at low levels throughout a majority of the allotment, especially with the aforementioned proposed terms and conditions in Section II.

Cumulative Impacts

According to BLM handbook *Guidelines for Assessing and Documenting Cumulative Impacts* (1994), the Cumulative impact analysis can be limited to those issues and resource values identified during scoping that are of major importance. No issues or resource values of major importance were identified during the EA scoping period, thus no specific resource value is addressed below. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

A few wood cutting units were established in the west central portion of the allotment. These units were used to provide wood to the general public while eliminating some of the overstory canopy of pinyon-juniper stands to increase forage in the understory.

Livestock grazing has occurred in the area since the mid-1800's.

Emergency stabilization efforts, following the 2000 and 2006 Hollow Fires has occurred. Both fires burned in pinyon-juniper woodland communities with a high percentage of the 2006 Hollow fire having burned within the 2000 Hollow Fire boundaries. The 2000 burned area was seeded. Field observations show that the seeding has been successful. These fires created a mosaic within the existing woodlands with a substantial increase in forage production for both, livestock and wildlife. To protect the 2000 burned area an approximate four mile fence was constructed.

There have been limited previous actions occurring in the allotment. Off-highway vehicle (OHV) use has become established. Casual woodcutting, pine-nut picking, hunting, trapping, wildlife viewing and other recreational activities use has occurred and continues to present day.

Rangeland management and activities within the Ely District, Caliente Field Station, have been in accordance with the Final Caliente ES – Proposed Domestic Livestock Grazing Management Program (INT-FES 79-44) (September 21, 1979).

Present Actions

The activities described above still continue.

Present grazing use is being managed to maintain and improve rangeland health as presented in the *Standards and Guidelines for Nevada's Mojave Southern Great Basin Area* for grazing administration, approved February 12, 1997.

Monitoring data is being collected on the allotment in accordance with the *Standards and Guidelines*.

Reasonably Foreseeable Future Actions

The current permittee would continue to be the permittee on his allotment. It is reasonable to expect that the permit would be active and that sheep would be permitted to graze on the allotments. Rangeland monitoring would be expected to continue at the present level and intensity on the allotment. Dozens of range permit renewals are expected to occur each year through 2009 and subsequent years.

The Ely Field Office is working on a new Resource Management Plan (RMP). This document, when finalized, will guide resource management on public lands administered by the BLM in White Pine, Lincoln and portions of Nye County in Nevada. The plan will go to the public in 2007. When finalized, resource management would occur on a watershed basis.

Cumulative Impacts Conclusion

The proposed action in conjunction with the past, present and reasonable foreseeable future actions would result in no noticeable overall changes to the affected environment. Grazing under the proposed permit renewal would continue to meet the rangeland health standards with the understanding that adjustments to grazing management would occur when any of the standards are not being achieved. There would be negligible cumulative visual impairment to the area as a result of the term permit renewal. There may be perceived increased conflicts between dispersed recreation and livestock grazing if recreation increases as a result of foreseeable future actions. No cumulative impacts of concern are anticipated as a result of the proposed action in combination with any other existing or planned activity.

V. PROPOSED MITIGATING MEASURES

Appropriate mitigation has been included as part of the proposed action (mitigation measures for weeds are identified in the Noxious Weed Assessment). No additional mitigation measures are proposed based on this environmental analysis.

VI. SUGGESTED MONITORING

Appropriate monitoring has been included in the proposed action. No monitoring is suggested in response to anticipated impacts.

VII. CONSULTATION and COORDINATION

A. Public Interest and Record of Contacts

There is a continued public interest in the proper grazing management of public lands. The permittee on the Oak Wells Allotment has a strong interest in this permit renewal.

On January 17, 2007 the Oak Wells Term Grazing Permit Renewal was presented to a Tribal coordination meeting at the Ely BLM Office. No concerns were identified during this meeting. There were no questions or comments, regarding the proposal, from the Tribal participants.

On January 30, 2007 a letter was mailed to the public. Also on this date, the proposed action for this EA was posted on the Ely BLM internet site (http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

On January 31, 2007 the proposal was presented to the Ely BLM internal scoping team and no issues were identified.

On February 6, 2007 the respective permittees were sent a letter informing them of the permit renewal process.

This EA was posted for a 30 day public review and comment period on the Ely BLM external website. A hard copy was also mailed to those interested publics who had requested it and who had expressed an interest in range management actions on the Oak Wells Allotment. Comments were received from Cindy MacDonald. Changes in the EA, based upon public input, were made as appropriate.

Interested publics will be notified, again, by mail or email when the Proposed Decision Record and Finding of No Significant Impact (DR/FONSI) is signed. Before including addresses, phone numbers, email addresses or other personal identifying information in comments, you should be aware that the entire comment – including personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. These documents will also be mailed to interested publics that request a hard copy. The signed DR/FONSI initiates a 15 day protest period followed by a 30 day appeal period.

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range improvement actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The individuals and organizations, who were sent the annual CCC letter in January, 2007 have requested additional information regarding rangeland related actions or programs within the Oak wells grazing allotment.

B. Interested Publics Mail List

George Andrus
Steven Carter
Mr. Steve Foree
Brad Hardenbrook
Curt Leet
Lincoln County Commissioners
Cindy MacDonald
Betsy McFarlan
John McLain
Nevada State Clearinghouse
Jerry Reynoldson
Mike Scott
Katie Fite

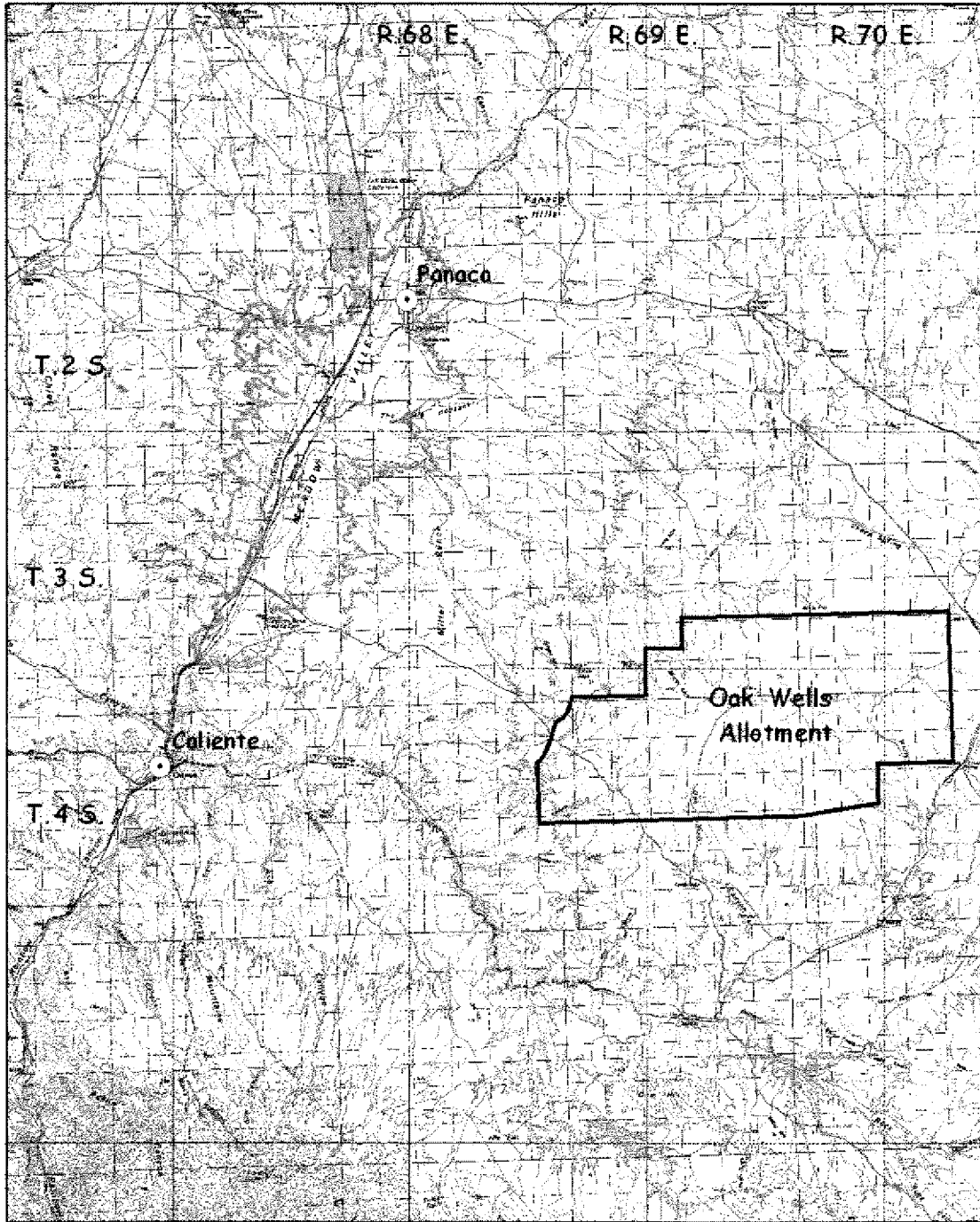
C. Internal District Review

Kari Harrison	Soil, Water, and Air; Floodplains, Riparian, and Wetlands
Gary Medlyn	Soil, Water, and Air; Floodplains, Riparian, and Wetlands
Lisa Gilbert	Archaeology/Historic Paleontological Wildlife /Migratory Birds /Special Status Species (plants and animals),
Steve Abele	Areas of Critical Environmental Concern
Elvis Wall	Native American Religious Concerns
Domenic A. Bolognani	Rangeland Management
Chris Mayer	Rangeland Management Lead
Bruce Winslow	Visual Resource Management, Recreation
Bonnie Waggoner	Noxious & Invasive, Non-Native Species
Benjamin Noyes	Wild Horses and Burros
Susan Howell	Environmental Coordination
Sheri Wysong	Environmental Coordination
Melanie Peterson	Wastes, Hazardous and Solid, Hazmat

APPENDIX I

MAPS

Location of Oak Wells Allotment
with Respect to Surrounding Towns



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

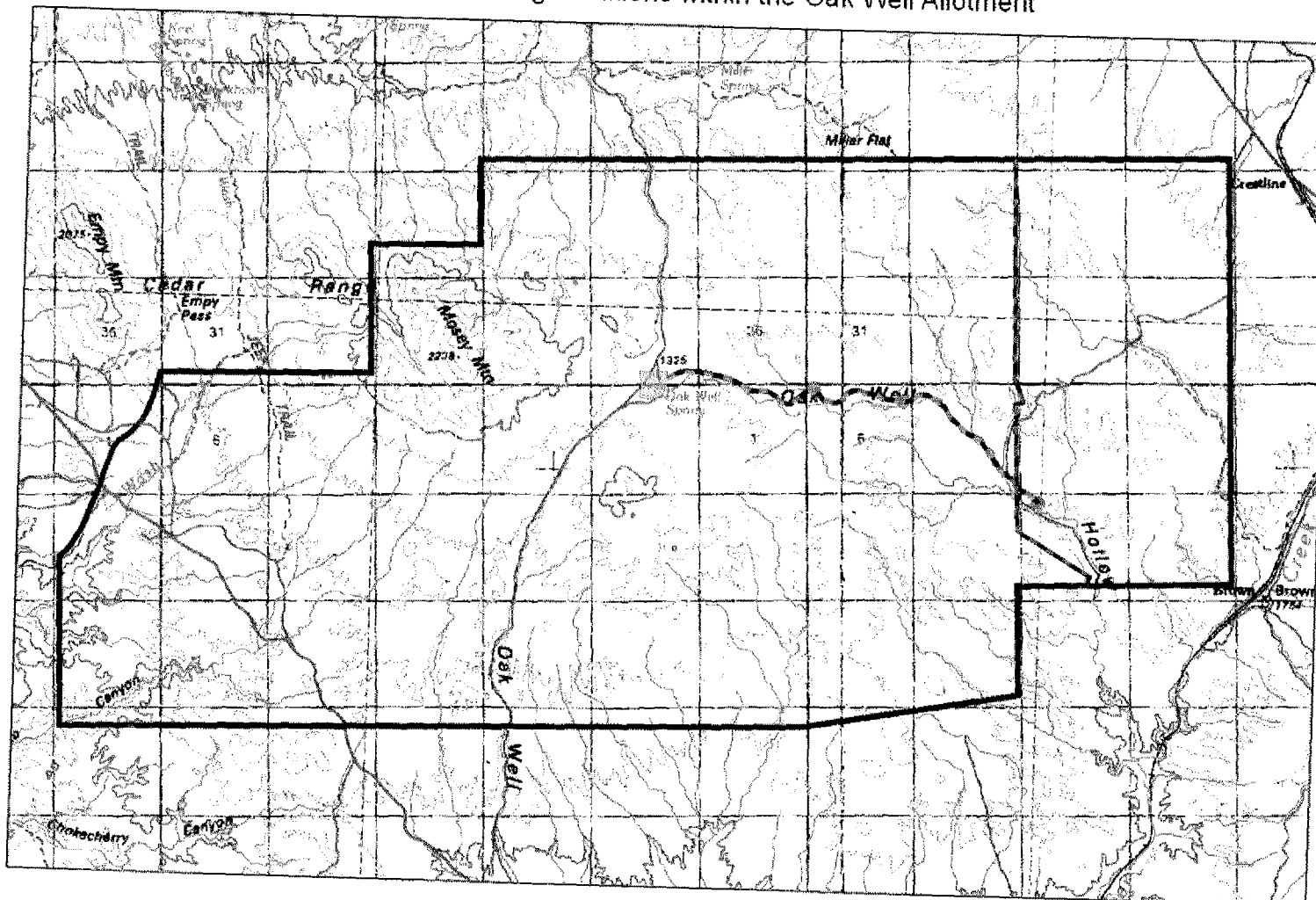


Legend

- Towns
- Private Lands

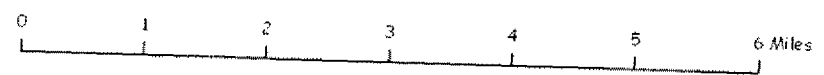
Reliable Watering Locations within the Oak Well Allotment

MAP #2



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

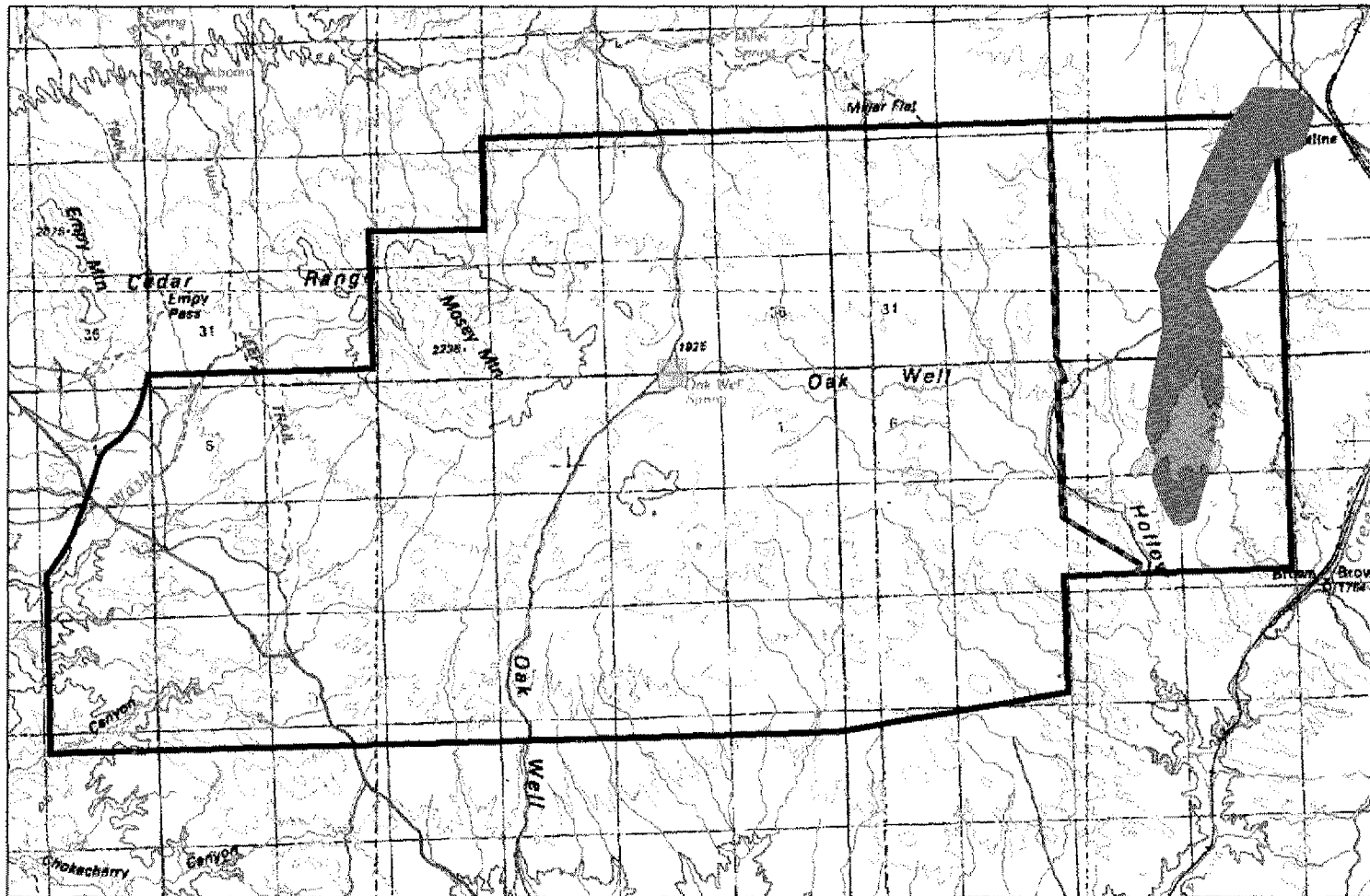
Caliente Field Station
March 30, 2007



LEGEND

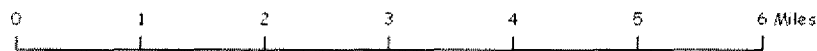
- Oak Wells Pipeline
- Troughs Along Oak Wells Pipeline
- Private Land in Oak Wells
- Hollow Fire Protection Fence

Location of the 2000 and 2006 Hollow Fires with Respect to the Oak Wells Allotment







No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

Caliente Field Station
March 30, 2007



LEGEND

-  Private Land in Oak Wells
-  2000 Hollow Fire (1,311 acres)
-  2006 Hollow Fire (220 acres)
-  Hollow Fire Protection Fence

APPENDIX II

STANDARDS DETERMINATION DOCUMENT

George I. Andrus Term Permit Renewal
Oak Wells Allotment

EA NV-040-07-22

Standards and Guidelines Assessment

The Mojave-Southern Great Basin Standards and Guidelines for grazing administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern RAC intends that the Standards and Guidelines will result in a balance of sustainable development and multiple use along with progress, over time, toward attaining desired rangeland conditions.

Standards of rangeland health are expressions of physical and biological conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the Standards. Guidelines are options that move rangeland conditions toward the multiple use Standards. Guidelines are based on science, best rangeland management practices and public input. Therefore, determination of rangeland health is based upon conformance with these standards.

This Standards Determination document evaluates and assesses livestock grazing management and achievement of the Standards and Guidelines for the Oak Wells Allotment in the Ely District BLM. It does not evaluate or assess the Standards or Guidelines for Wild Horses and Burros. Publications used in assessing and determining achievement of the Standards include: Soil Survey of Meadow Valley Wash; Sampling Vegetation Attributes; National Range and Pasture Handbook; Nevada Plant List; Major Land Resource Area (MLRA) Rangeland Ecological Site Descriptions; Soil Survey of South Lincoln County, Nevada. A complete list of references is included at the end of this document. These documents are available for public review at the Caliente Field Station during business hours.

There is one key area on the Oak Wells Allotment (Map #1 of this Appendices). The key area was selected based on accessibility, soil mapping units, representative ecological (range) sites and livestock use patterns.

Following the end of the 2006 grazing year, use pattern mapping and a key area reading was conducted on the Oak Wells Allotment. The Key Forage Plant Utilization Method (KFPM) was used in determining grazing use according to the Nevada Rangeland Monitoring Handbook (September 1984). This method is based on percent utilization of current year's growth, by weight.

Much of the Oak Wells allotment is being remapped as to ecological sites and soils information. This data is not yet available. Currently, pinyon-juniper overstory has been noted as being prominent throughout a majority of the allotment.

Consequently, general field observations were conducted on the allotment in assessing existing overall cover for protection of soils in relation to erosion and the hydrologic cycle; professional observations were used in determining current existing livestock grazing conformance to Guidelines and achievement of RAC standards.

The following is an analysis of monitoring data which was used to evaluate applied management practices during the evaluation period. These data were used in determining if such management practices yielded results that were in conformance with the Mojave-Southern Great Basin Standards. The results of the following analysis have been incorporated into the Environmental Assessment EA NV-040-07-22.

STANDARD 1. SOILS:

“Watershed soils and stream banks should have adequate stability to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.”

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground);
- Surfaces (e.g., biological crusts, pavement); and
- Compaction/infiltration.

Riparian soil indicators:

- Stream bank stability.

All of the above indicators are appropriate to the potential of the ecological site.

Determination:

Achieving the Standard

- Not achieving the Standard, but making significant progress towards meeting the Standard.
- Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard.
- Failure to meet the standard is related to other issues or conditions.

Guidelines

In conformance with the Guidelines

- Not in conformance with the Guidelines

Conclusion: *Standard 1 Achieved.*

Overall, general observations on the allotments indicated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction.

This indicates that each of the allotments has sufficient vegetative cover to maintain stability and to resist accelerated erosion (sheet and rill erosion), maintain soil productivity and, thus, sustain the hydrologic cycle. It further indicates that there is minimal wind and/or water erosion of topsoil and appropriate percolation and infiltration of water from snowmelt and rainfall.

Collectively, low grazing intensities and sufficient vegetative cover infers litter production that further adds to increased soil protection and stability.

Utilization at the Key Area was in the light use category. Use pattern mapping indicated that grazing use within the vicinity of the pipeline was mostly in the moderate use category with most of the remainder of the allotment exhibiting slight use. This indicates that overgrazing is not an issue.

Collectively, low to moderate grazing intensity, lack of evidence of accelerated erosion and soil compaction infers current existing livestock grazing conforms to Guidelines.

Standard 2 *ECOSYSTEM COMPONENTS:*

"Watersheds should possess the necessary ecological components to achieve state water quality criteria, maintain ecological processes, and sustain appropriate uses."

"Riparian and wetlands vegetation should have structural and species diversity characteristic of the stage of stream channel succession in order to provide forage and cover, capture sediment, and capture, retain, and safely release water (watershed function)."

Upland indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.
- Ecological processes are adequate for the vegetative communities.

Riparian indicators:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.
- Elements indicating proper functioning condition such as avoiding acceleration erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:
 - Width/Depth ratio;
 - Channel roughness;
 - Sinuosity of stream channel;

- Bank stability;
- Vegetative cover (amount, spacing, life form); and
- Other cover (large woody debris, rock).
- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

- Chemical, physical and biological constituents do not exceed the stat water quality standards.

The above indicators shall be applied to the potential of the ecological site.

Determination:

- Meeting the Standard
- Not meeting the Standard, but making significant progress towards meeting the Standard.
- Not meeting the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

- Livestock are a contributing factor to not meeting the standard.
- Livestock are a contributing factor to not meeting the standard.
- Failure to meet the standard is related to other issues or conditions.

Conclusion: *Standard 2 Not applicable.*

There is no riparian habitat, located on public lands, within the allotment.

Standard 3 *HABITAT AND BIOTA:*

"Habitats and watersheds should sustain a level of biodiversity appropriate for the area and conducive to appropriate uses. Habitats of special status species should be able to sustain viable populations of those species."

Habitat indicators:

- Vegetation composition (relative abundance of species);
- Vegetation structure (life forms, cover, height, and age classes);
- Vegetation distribution (patchiness, corridors);
- Vegetation productivity; and
- Vegetation nutritional value.

Wildlife indicators:

- Escape terrain;
- Relative abundance;
- Composition;
- Distribution;

- Nutritional value; and
- Edge-patch snags.

The above indicators shall be applied to the potential of the ecological site.

Determination:

- Meeting the Standard
- Not meeting the Standard, but making significant progress towards meeting the Standard.
- Not meeting the Standard, not making significant progress towards meeting the Standard.**

Causal Factors:

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard.**
- Failure to meet the standard is related to other issues or conditions.

Conclusion: *Standard 3 Not Achieved.*

General field observations indicate that species diversity is lacking throughout much of the allotment as noted from the compilation of a species list. A pinyon-juniper tree canopy is prevalent throughout a vast majority of the allotment, thereby resulting in a limited understory. Understory consists mainly of antelope bitterbrush, Cliffrose and in some portions of the allotment sagebrush and Gamble's oak. Grass production is very low and comprise, on average, approximately 1% of the understory, based on ocular reconnaissance.

Overall, the plant communities are lacking in perennial grass composition and overall grass production while shrubs comprise a majority of the vegetative understory composition. This indicates that biodiversity is lacking regarding composition and productivity, but also in structure.

Utilization at the Key Area was in the light use category. Use pattern mapping indicated that grazing use within the vicinity of the pipeline was mostly in the moderate use category with most of the remainder of the allotment exhibiting slight use. This indicates that overgrazing is not an issue. Therefore, grazing is not a causal factor in the lack of achievement of Standard 3. The causal factor is judged to be a lack of disturbance which would result in a reduction of the tree canopy and subsequent release of the understory.

PART 2. ARE LIVESTOCK A CONTRIBUTING FACTOR TO NOT MEETING THE STANDARDS?

Standard 3 is not being achieved; however, livestock is **NOT** the causal factor.

Pinyon-Juniper overstory dominates a majority of the allotment and has been slowly excluding understory vegetation through time. Important existing forage shrub species such as antelope

bitterbrush (*Purshia tridentata*) and important forage grass species such as Indian ricegrass (*Achnatherum hymenoides*) and bottlebrush squirreltail (*Elymus elymoides*) are diminishing due to a progressively increasing tree overstory.

PART 3. GUIDELINE CONFORMANCE REVIEW and SUMMARY

GUIDELINES for SOILS (Standard 1):

See Conclusion for Standard 1 above.

Current livestock grazing management practices conform with Guideline 1.1. The remaining three Guidelines are not applicable to the assessment area at this time.

Upland management practices are maintained and promoted through adequate vegetative cover.

GUIDELINES for ECOSYSTEM COMPONENTS (Standard 2):

See Conclusion for Standard 2 above.

Current livestock grazing management practices conform with Guidelines 2.3 and 2.4. The remaining six Guidelines are not applicable to the assessment area at this time.

GUIDELINES for HABITAT AND BIOTA (Standard 3):

See Conclusion for Standard 3 above.

Current livestock grazing management practices conform with Guidelines 3.1, 3.2, 3.3, 3.4, 3.5 and 3.6. The remaining three Guidelines are not applicable to the assessment area at this time.

PART 4. MANAGEMENT PRACTICES TO CONFORM WITH GUIDELINES

1. Maintain all terms and conditions as indicated in the current term grazing permit. Introduce terms and conditions establishing allowable use levels and terms and conditions for preventative measures for noxious weeds.
2. Allowable use levels, as measured through a combination of key areas readings and use pattern mapping, will not exceed 50% on grasses and forbs, and 45% on shrubs during the authorized use period indicated in the Term Grazing Permit.
3. Reduce the pinyon-juniper overstory canopy. This will release the diminishing understory and promote structure, diversity and productivity to help achieve Standard 3.

Prepared by:

/s/ Domenic A. Bolognani

Domenic A. Bolognani, Rangeland Management Specialist

9/12/07

Date

Reviewed by:

/s/ Chris Mayer

Chris Mayer, Lead Rangeland Management Specialist

9/12/07

Date

I concur:

/s/ William E. Dunn

Authorized Officer

9/12/07

Date

REFERENCES

USDA – NRCS. 1976. Soil Survey of Meadow Valley Wash, Nevada.

USDA - USFS, NRCS, USDI - BLM, Cooperative Extension Service. 1996. Sampling Vegetative Attributes.

USDA – NRCS. 1997. National Range and Pasture Handbook.

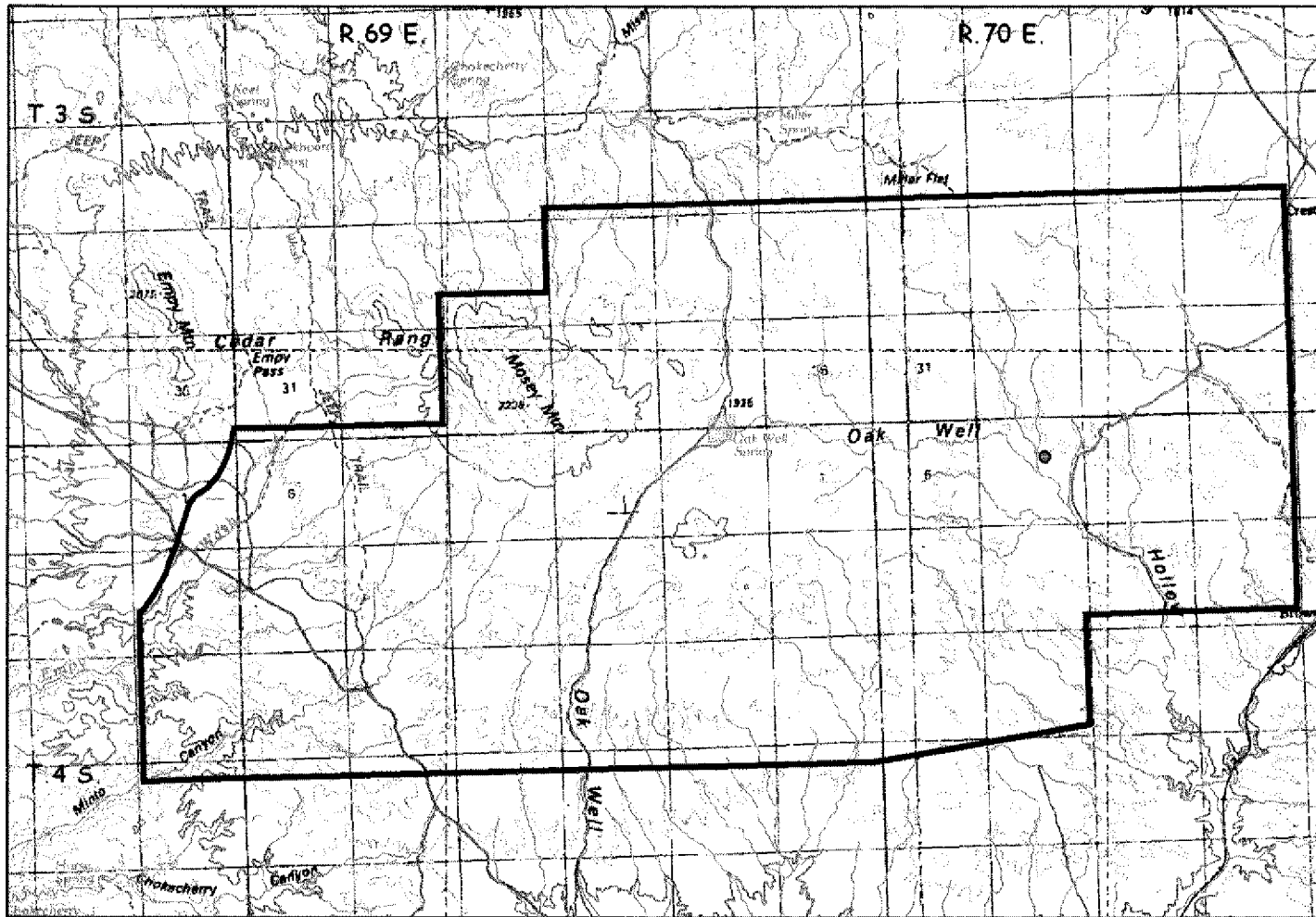
USDA – NRCS. 1998. Nevada Plant List.

USDA – NRCS. 2003. Major Land Resource Area 29, Southern Nevada Basin and Range Ecological Site Descriptions.

USDA – NRCS. 2006. Soil Survey of South Lincoln County, Nevada.

Location of the Key Area in Oak Wells Allotment.

MAP #1



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

Caliente Field Station
March 30, 2007



LEGEND

- Oak Wells Key Area Location
- ▨ Private Land in Oak Wells Allotment

APPENDIX III

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the term grazing permit for the Oak Wells Allotment.

Standard Operating Terms and Conditions

1. Allowable use levels on current year's growth, within the Oak Wells Allotment, during the authorized grazing use period will be as follows:

Utilization on grasses and forbs will not exceed 50% and utilization on shrubs will not exceed 45% during the authorized use period indicated in the Term Grazing Permit, as measured through a combination of key areas readings and use pattern mapping.

2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the allotment.
3. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
4. Pursuant to 43 CFR 10.4 (G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary 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 30 days or until notified to proceed by the authorized officer.
5. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
6. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.
7. Grazing use will be in accordance with the Mojave-Southern Great Basin Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

APPENDIX IV

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Term Grazing Permit Renewals for George Andrus
Oak Wells Allotment
Lincoln County, Nevada

On March 19, 2007 a noxious weed assessment was conducted for and Environmental Assessment (#NV-040-07-22) to Renew the Term Grazing Permit for George Andrus (#2705010) on the Oak Wells (#01051). The allotment is located approximately 10 miles east of Caliente, Nevada in Lincoln County on public lands administered by the Bureau of Land Management Caliente Field Station (Map #1, at the end of this Noxious Weed Risk Assessment). The current permits are as follows:

George I. Andrus

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		% Public Land	AUMs		
Name	Number	Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Oak Wells	01051	43	Cattle	03/01	02/28	100	511	2,862	3,373

Areas within and vicinal to the allotments were inventoried. Ely District weed inventory data and field observations were used. The following results were obtained:

There are no documented infestations of noxious or invasive weeds within the Oak Wells allotment, however this area has not been completely surveyed. Just outside of the allotment there are salt cedar (*Tamarix spp.*) infestations located at Miller Spring and Buckboard Spring. There is also a Russian knapweed (*Acroptilon repens*) infestation just south of the allotment on the Beaver Dam Road. Invasive annuals include cheatgrass (*Bromus tectorum*) which occurs sporadically throughout the allotments though it is confined to areas along and adjacent to roads.

This noxious weed assessment identifies mitigation measures which would help control the probability of spreading noxious weeds.

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Low (3) at the present time. While cattle grazing will cause ground disturbance the fact that there are no known infestations of noxious weeds within the allotment should allow project activities to be implemented and prevent the spread of noxious weeds.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

For this project, the factor rates as Moderate (6) at the present time. Since the area is considered to be relatively weed-free any noxious or invasive weed establishment could have adverse effects on the native plant communities within the allotment. Any increase in density of cheatgrass could potentially alter the fire regime in the area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

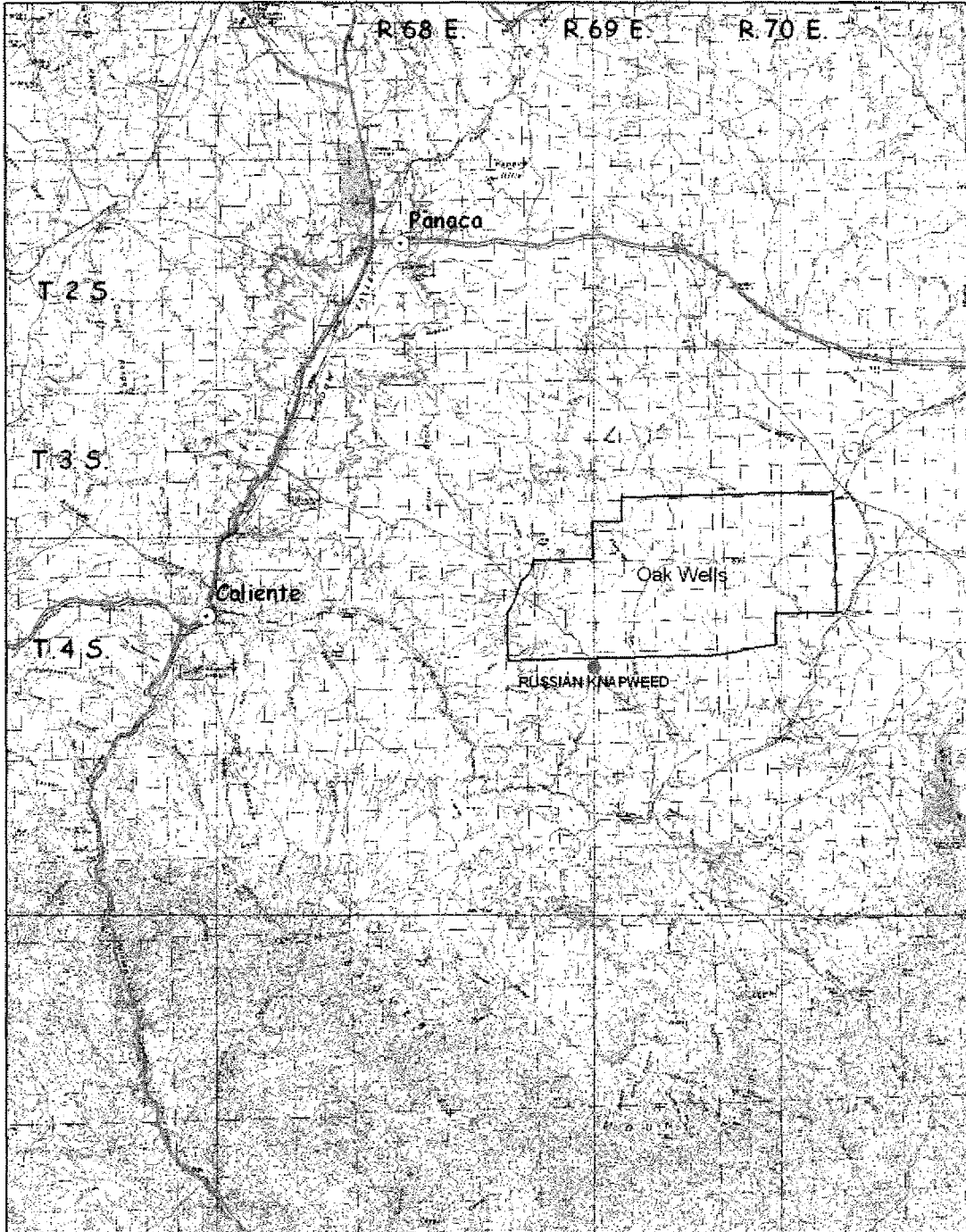
None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (18) at the present time. This indicates that the project can proceed as planned. To insure that noxious and invasive weeds do not become established the following measures should be followed:

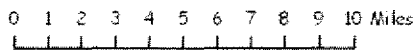
- 1. The permittee will watch for, report, and eradicate any small noxious weed patches in their allotment area.
- 2. Noxious weeds will be treated by methods to be approved by the Authorized Officer.
- 3. The grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.
- 4. The range specialist for the allotments will include weed detection with project compliance inspection activities. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by: /s/ Bonnie Waggoner March 19, 2007
Bonnie Waggoner Date
Ely District Noxious & Invasive Weeds Coordinator

Location of Noxious Weeds Vicinal to the Oak Wells Allotment



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data



Legend

- Russian Knapweed Vicinal to the Oak Wells Allotment