

United States Department of the Interior



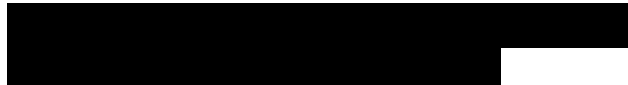
BUREAU OF LAND MANAGEMENT

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



September 26, 2008

In Reply Refer to:
4160 (NV-042)



PROPOSED DECISION

NL Ranch and Joseph Peacock Term Permit Renewals for the White Rock Allotment

On September 26, 2008 the Finding of No Significant Impact (FONSI) for the NL Ranch and Joseph Peacock Grazing Term Permit Renewals on the White Rock Allotment was signed (EA No. NV-040-08-10). The FONSI, Environmental Assessment (EA), and Standards Determination Document are attached. This proposed decision is issued in accordance with 43 CFR 4160.1.

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 BLM Washington Office IMs WO 2003-071 and WO 2004-126.

The term grazing permits under consideration authorize grazing use on the White Rock Allotment (#0613). Specifically, the permits authorize grazing use within four pastures of the allotment – the East Water Canyon Native, North Preston Seeding, Four Pipe Native, and South Horse Camp Seeding Pastures. The current term permit for NL Ranch on the White Rock Allotment has been issued for the period 10/01/2000 to 09/30/2010. The current forage allocation of 394 cattle AUMs with an overall season of use from 3/1 to 01/01 has been in effect since a grazing decision was issued on July 17, 2000. The current term permit for Joseph Peacock on the White Rock Allotment has also been issued for the period 10/01/2000 to 09/30/2010. The current forage allocation of 872 cattle AUMs with an overall season of use from 3/1 to 01/01 has also been in effect since the grazing decision of 2000. The permit renewal area encompasses approximately 35,000 acres of BLM managed lands. The new grazing permits will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permits for NL Ranch and Joseph Peacock on the White Rock Allotment provides for a legitimate multiple use of the public lands and includes terms and conditions for grazing use that conform to Guidelines and will achieve or make significant progress towards

achieving the Standards for Nevada’s Northeastern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states “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.” This decision specifically identifies management actions and terms and conditions appropriate to achieve management and resource condition objectives. The proposed action that was developed under this proposed decision executes livestock management practices that would ensure that Standards for Rangeland Health and multiple use objectives continue to be achieved and that significant progress is made towards those that are currently not achieved.

The Standards were assessed for the White Rock Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologists, weeds specialist, watershed specialist, archaeologist, recreation specialist, soil/water/air specialist, and others. The team individually or collaboratively utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-NRCS) Range Site Descriptions (USDA-NRCS-2007), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), Utilization Studies and Residual Measurements, and the National Range and Pasture Handbook (USDA NRCS 2003). For a complete list of references, see Appendix IV to the Environmental Assessment. All documents are available for public review in the Ely District BLM Office. The interdisciplinary team also used rangeland monitoring data, professional observations, electronic data files, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The internal scoping and assessment of rangeland health for the White Rock Allotment was conducted on February 13, 2008. At this meeting, the proposed action was presented to the interdisciplinary team. A review and analysis of the rangeland monitoring data was conducted. Rangeland monitoring data for the White Rock Allotment is summarized in the Standards Determination Document that is associated with the Term Permit Renewal EA (Appendix I to the EA). As a result of the I.D. Team assessment and monitoring data review, it has been determined that rangeland health and the quality of the plant communities is adequate to authorize the grazing permit renewals.

One of two Standards is achieved and one Standard is not achieved, and significant progress is not being made towards achievement. Current livestock management practices are not in conformance with Guidelines for Rangeland Health on the White Rock Allotment.

A summary of the achievement or non-achievement of the Standards for Rangeland Health follows:

- | | |
|--|---|
| 1. Upland Sites Standard | (Achieved) |
| 2. Riparian and Wetland Sites Standard | Not Applicable |
| 3. Habitat Standard | (Not Achieved, not making significant progress towards) |

Conclusions of the Standard Determination

The following discussion of the Standards achievement is a summary only. The complete conclusion analysis is provided in the Standards Determination Document in the Environmental Analysis.

Standard # 1. Upland Sites

Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Conclusion:

Standard achieved (marginally achieved). Vegetation cover studies, ecological condition studies, utilization studies, licensed use records, photographs, and professional observations indicate the majority of that portion of the White Rock Allotment permitted to NL Ranch and Joseph Peacock (two native pastures and two crested wheatgrass seedings) is achieving the Upland Sites Standard. The amount of canopy and ground cover, including litter, live vegetation, and rock, are appropriate to ecological site potential in native range. Utilization levels of key forage plants have varied during the evaluation period. Utilization has generally been in conformance with the Guidelines for Rangeland Health and is within the range that scientific literature and experience indicates should allow for ecological site maintenance. Key forage utilization accomplished in both big sagebrush range (028BY094NV and 028BY007NV) and black sagebrush range (028BY011NV) has been generally moderate or less during the assessment period. This promotes litter to stabilize upland sites. Biological crusts are present and there is no indication of excess surface compaction or trampling of soils. This indicates stable soils where percolation and infiltration are appropriate to ecological site potential. Key Areas are on landform slopes less than 5%. Mild slopes are contributing to stable soil conditions. There are no cheatgrass/annual grass dominant ranges in the allotment.

However, vegetation composition is inappropriate in the East Water Canyon Native Pasture (one of four pastures in the allotment) to the extent that Key Area WR-04 and Study Site EWC-01 are in a shrub dominant state with a native grass and forb component that is below ecological site potential (see Habitat Standard discussion below). Soil/water relations are optimum when a healthy herbaceous component appropriate to site potential is present. The absence of the more desired native grasses and forb component increases the risk of soil erosion, runoff, and less water infiltration and percolation.

Standard #2. Riparian and Wetland Sites

Riparian and wetland areas exhibit a properly functioning condition and achieve State water quality criteria

Conclusion:

This Standard is not applicable to the permit renewal area of the White Rock Allotment. This Standard was not evaluated since there are no public land riparian systems present in that portion of the White Rock Allotment permitted to NL Ranch and Joseph Peacock.

Standard #3. Habitat

Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.

Conclusion:

The Habitat Standard is not achieved, and significant progress is not being made towards achievement. Vegetation cover studies, ecological condition studies, frequency trend studies, photographs, and professional observations indicate portions of the White Rock Allotment native range are not achieving the Habitat Standard, due to inappropriate plant composition at certain key areas and due to sage grouse objectives not being met. Plant composition is one of five indicators used to determine achievement of this Standard. The shrub composition at Key Area WR-04 and at Study Site EWC-01, both in the East Water Canyon Native Pasture, is too high. Professional observations gathered from several site visits to Wyoming sagebrush rangeland ecological sites in the East Water Canyon Native Pasture also indicate a large portion of these sites to be shrub dominant with an absence of native perennial grasses and forbs in the understory.

Vegetation structure is inappropriate in the term permit renewal area to the extent that certain key areas and other areas are in a shrub dominant state with a native grass and forb component that is below ecological site potential. The shrub life form is over abundant and the native perennial grass life form or forb life form is lacking. However the variation in vegetation structure over the entire term permit renewal area is good, as indicated by topographic diversity and the variation in soil mapping units and rangeland ecological sites.

The timing of grazing has not been optimum for sage grouse objectives. Grazing has occurred during the sage grouse strutting and nesting activities. Utilization of native grasses or crested wheatgrass has often exceeded that recommended for sage grouse habitat, with little residual forage remaining.

Invasive species are present in the term permit renewal area. The invasive annual grass cheatgrass is present in portions of the allotment, including in the Dixie harrow treatment implemented in the fall of 2006. Cheatgrass production varies from year to year. The invasive annuals halogeton, Russian thistle, and some mustards are present, primarily along roadways.

In the crested wheatgrass seedings, livestock are a contributing or causal factor in failing to achieve the Habitat Standard. Some years use levels have exceeded those recommended for sage grouse nesting and early brooding habitat. In native range, livestock are not a clear contributing or causal factor in failing to achieve the Habitat Standard. The failure to achieve is more directly related to the other causal factors such as drought, historic heavy livestock grazing from 1870-1990, lack of natural wildfire, climate change, road construction, or other factors.

Movement towards achieving the Habitat Standard is not at an acceptable level of rate and magnitude and could be more effective. Grazing use has occurred during the critical growth period of key forage species and during the sage grouse strutting and breeding period.

Livestock as a Causal Factor or Contributing Factor in Failing to Achieve the Habitat Standard

X Livestock are a causal or contributing factor

Livestock are not a causal or contributing factor

X The failure to achieve the Standard is also related to other factors or conditions

Consultation and Coordination

The project proposal was posted on the Ely District Office web site in March 2008 at http://www.blm.gov/nv/st/en/fo/ely_field_office.htm. No comments were received regarding this posting. A hard copy of the preliminary EA was mailed on September 8, 2008 to the permittee and those publics who requested one and who have expressed an interest in range management actions on the White Rock Allotment. The preliminary EA was posted on the Ely District web site on August 28, 2008. The hard copy mailing and the web posting allowed a fifteen day comment period. The hard copy mailing requested comments by September 19, 2008. No comments have been received in response to the web site posting. Verbal comments have been received from the two grazing permittees, Russel Peacock and Norris Hendrix, via telephone. The comments were documented on BLM conversation records. Comments were also received from the grazing permittees during a meeting held at the Ely BLM Office on September 23, 2008. Changes to the preliminary EA have been made based upon the comments received.

Additional information on public consultation and coordination is presented in Section VII of the EA.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1, and in accordance with the change in season of use alternative identified in the EA, permitted use for NL Ranch and Joseph Peacock on the White Rock Allotment will be as follows:

Terms and Conditions of Authorized Use – NL Ranch Permit

The active permitted use associated with this term permit renewal authorizes 394 AUMs of cattle grazing in the White Rock Allotment with an overall season of use from 04/01 - 01/01 for cattle. This permit is summarized as follows:

Terms and Conditions of Authorized Use – NL Ranch Permit – Change in Season Alternative

Allotment Number	Allotment Name/Pasture	Livestock Number/Kind	Grazing Period		% Public* Land (Billing)	Type Use	AUMs**
			Begin	End			

0902 White Rock/ Water Canyon Native	22	Cattle	04/01 – 05/31	100	Active	45
	15	Cattle	10/16 – 01/01	100	Active	38
North Preston Seeding	38	Cattle	04/01 – 05/31	100	Active	76
	22	Cattle	10/16 – 01/01	100	Active	56
Four Pipe Native	19	Cattle	06/01 – 10/15	100	Active	86
South Horse Camp Sdng.	21	Cattle	06/15 – 10/15	100	Active	<u>86</u>
Total						387

– ** 387 AUMs is a rounded number. Active permitted use totals 394 AUMs for the permit.

The allotment summary is as follows:

Allotment	Active	Suspended	Total
0902 White Rock	394	0	394

The grazing permit is for 394 active AUMs authorized use.

Terms and Conditions of Authorized Use – Joseph Peacock Permit – Change In Season Alternative

Allotment Number	Name/Pasture	Livestock Number/Kind	Grazing Period		% Public* Land (Billing)	Type Use	AUMs**
			Begin	End			
0902 White Rock/ Water Canyon Native		44 Cattle	04/01	05/31	100	Active	88
			10/16	01/01			
North Preston Seeding		75 Cattle	04/01	05/31	100	Active	151
			10/16	01/01			
Four Pipe Native		44 Cattle	06/01	10/15	100	Active	198
South Horse Camp Sdng.		49 Cattle	06/15	10/15	100	Active	<u>198</u>
Total							871

– ** 871 AUMs is a rounded number. Active permitted use totals 872 AUMs for the permit.

The allotment summary is as follows:

Allotment	Active	Suspended	Total
0902 White Rock	872	0	872

The grazing permit is for 872 active AUMs authorized use.

Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permits for both NL Ranch and Joseph Peacock on the White Rock Allotment:

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 above allotment(s).
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.
3. 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 for 30 days or until notified to proceed by the authorized officer.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. 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 \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. 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.
6. Grazing use in the White Rock Allotment, located in White Pine County, will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration, as developed by the resource Advisory Council (RAC) and approved by the Secretary of the interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR sub-parts 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards the fulfillment of the Standards and toward conformance with the Guidelines. The management actions implement the Guidelines to meet multiple use objectives and Standards.
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.
8. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.

9. The permittee must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of any hazardous or solid wastes as defined in 40 CFR Part 261.

Other Terms and Conditions:

White Rock Stipulations:

The following allowable use levels apply for all herbivory – cattle, elk, deer, antelope, rabbit, or other animal use.

1. An allowable use level will be established as 40% of the current year's growth by weight for spring use (4/1 – 5/31) of the key native species Indian ricegrass in the East Water Canyon Native Pasture of the White Rock Allotment. This is to help achieve sage grouse habitat objectives and rangeland health objectives in the pasture. An allowable use level will be established as 50% of the current year's growth by weight for yearlong use in the East Water Canyon Native Pasture. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the allotment.
2. An allowable use level will be established as 50% of the current year's growth by weight for summer/fall use (6/1 – 10/15) of the key native species Indian ricegrass and bluebunch wheatgrass in the Four Pipe Native Pasture of the White Rock Allotment. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the allotment.
3. An allowable use level will be established as 50% of the current year's growth by weight for spring use of crested wheatgrass in the North Preston Seeding. An allowable use level will be established as 60% for use through 01/01.
4. An allowable use level will be established as 60% of the current year's growth by weight for summer/fall use of crested wheatgrass in the South Horse Camp Seeding.
5. For NL Ranch, cattle will graze the East Water Canyon Native Pasture and the North Preston Seeding for the period 4/1 to 5/31 and for the period 10/16 to 01/01. Annual permitted use will not exceed 83 AUMs on the East Water Canyon Pasture and 133 AUMs on the North Preston Seeding. Beginning 6/1, cattle will be turned into the Four Pipe Pasture and beginning 06/15 cattle will be turned into the South Horse Camp Seeding. Annual permitted use will not exceed 89 AUMs in the Four Pipe Pasture and 89 AUMs in South Horse Camp Seeding.
5. For Joseph Peacock, cattle will graze the East Water Canyon Native Pasture and the North Preston Seeding for the period 4/1 to 5/31 and for the period 10/16 to 01/01. Annual permitted use will not exceed 180 AUMs on the East Water Canyon Pasture and 296 AUMs on the North Preston Seeding. Beginning 6/1, cattle will be turned into the Four Pipe Pasture and beginning 6/15 cattle will be turned into the South Horse Camp Seeding. Annual permitted use will not exceed 198 AUMs in the Four Pipe Pasture and 198 AUMs in South Horse Camp Seeding.
6. Grazing use on the White Rock Allotment shall be in accordance with the final multiple use decision dated July 17, 2000.
7. The permittee(s) will be responsible for continued maintenance of the existing fences and water developments as assigned in the June 1994 agreement.
8. Salt and supplements will be allowed within ¼ mile on specific stock waters (i.e. Water Canyon Creek) for livestock management purposes.

The issuance of the term grazing permits for NL Ranch and Joseph Peacock on the White Rock Allotment will be effective upon this proposed decision becoming final or pending final determination on appeal. The permit will be issued for a ten year period. Allowable use levels for key forage species will be included in the new permit, as indicated above. Allowable use levels are a quantification of Land Use Plan vegetative objectives and a clarification of the grazing permit terms and conditions.

Monitoring Program

During the period of this permit renewal, BLM and NL Ranch and Joseph Peacock will monitor the White Rock Allotment for resource conditions in order to determine the continued effectiveness of the livestock grazing management practices in achieving or making progress towards achieving the Standards for Rangeland Health and conformance to the Guidelines. NL Ranch and Joseph Peacock will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability. Monitoring conducted following grazing use will determine utilization levels and use patterns. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Specific rangeland monitoring studies could include vegetation cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, photographs, or other approved methods.

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

4100.0-8: “The authorized officer shall manage livestock grazing on public lands under the principle of multiple-use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at CFR 601.0-5(b).”

4110.3: “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.”

4110.3-2 (b): “When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.”

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

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

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

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

Protest and Appeal

Protest

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to Jane Peterson, Field Manager for the Schell Field Office, 702 North Industrial Way, HC33 Box 33500 Ely, Nevada 89301 within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

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

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 Jane Peterson, Field Manager for the Schell Field Office, 702 North Industrial Way, HC33 Box 33500 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,

Jane Peterson
Field Manager
Schell Field Office

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-043-08-005 (including the standards determination document)

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR
NL Ranch and Joseph Peacock Grazing Term Permit Renewals EA # NV-040-08-10**

Finding of No Significant Impact (FONSI)

I have reviewed the Final Environmental Assessment (EA) NV-040-08-10 dated September 26, 2008. 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 renewals along with the management practices 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-040-08-10 has been reviewed through the interdisciplinary team process.

Rationale:

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008). These proposed term permit renewals would be effective in restoring rangeland health and watershed condition on public lands in the White Rock Allotment. Through sound livestock management practices, progression will be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

This finding and conclusion of no significant impact 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 proposed term permit renewals are located within the White River Valley and South Steptoe Valley Watersheds. The grazing permit is for four pastures of the White Rock Allotment – the East Water Canyon Native, North Preston Seeding, Four Pipe Native, and South Horse Camp Seeding Pastures. These four pastures encompass a total of approximately 35,000 acres of BLM managed lands, in White Pine County, Nevada. White Pine County is sparsely populated. Although the acreage involved is somewhat extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the area.

Intensity:

1) Impacts that may be both beneficial and adverse.

The Environmental Assessment has considered both beneficial and adverse impacts of the proposed action. None of the impacts considered in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc. In other words, none of the resource impacts are intensely adverse or beneficial.

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

The Proposed Action would not result in potentially substantial or 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 unique cultural or environmental characteristics in the geographic area. Cultural and historic resources typical of the general area may occur on the allotment, but there are no known sites of particular importance or interest. There are no parks, prime or unique farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis.

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 Ely District Resource Management Plan. Although public input has been sought for the proposed action, there has been little public interest and only a few 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 and maintain or achieve rangeland health. The effects analysis demonstrates the effects on the human environment are not highly 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 permit does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future actions or projects within the area or in surrounding areas will be analyzed and evaluated on their own merits and would be implemented or not, independent of the actions currently selected.

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, would 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 proposed action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed and documented (EA Section 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/ Jane Peterson

9/26/07

Jane Peterson
Field Manager
Schell Field Office

Date

