

**U.S. Department of the Interior
Bureau of Land Management**

Proposed Decision

(EA-NV-045-08-013)

August 9, 2008

Grazing Permit Renewal for Kay Wright Ranch, LLC
on
Cottonwood Allotment

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
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United States Department of Interior



BUREAU OF LAND MANAGEMENT

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Aug 13 2008

In Reply Refer to:

4160

EA File

NV-045.01

PROPOSED DECISION

Kay Wright Ranch, LLC Term Permit Renewal for the Cottonwood Allotment

Background Information

On 8/11/08 the Finding of No Significant Impact (FONSI) for Kay Wright Ranch, LLC term permit renewal on the Cottonwood Allotment (EA-NV-045-08-013) was signed. The Environmental Assessment (EA), Standards Determination Document and FONSI documents 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 proposed action associated with EA No. NV-045-08-013 is to issue a new term grazing permit to Kay Wright Ranch, LLC (#2700037) on the Cottonwood Allotment. In addition, a correction of the dates shown in segment C of the grazing rotation schedule, which were improperly copied into the Multiple Use Decision (FMUD) issued October 1993 and subsequently the current term grazing permit, will occur.

The current term permit issuance period for the current term permit is 10/01/2002 – 02/28/2012. The allotment encompasses approximately 42,172 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 Kay Wright Ranch, LLC on the Cottonwood 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 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 to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met.

The standards were assessed for the Cottonwood 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: Caliente Final Environmental Statement; Sampling Vegetation Attributes; Nevada Rangeland Monitoring Handbook; Utilization Studies and Residual Measurements; National Range and Pasture Handbook; Nevada Plant List; Major Land Resource Area (MLRA 29) Rangeland Ecological Site Descriptions; and Soil Survey of North 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 Office during business hours.

Current 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). These data are available for public review at the Caliente Field Station during business hours.

The results of the findings, regarding the achievement or non-achievement of the Standards for Rangeland Health, are displayed in the following table. The data also indicates that grazing is in conformance with all applicable Guidelines. As a result, no changes in livestock management practices have been identified.

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

Conclusions of the Standards Determination Document:

Standard 1: Achieved.

Cover data collected at the key areas were within the range of values found in the applicable Rangeland Ecological Site Description. According to the range site descriptions for key areas KA1-CW and KA2-CW the potential ground cover (basal and crown) is 10-20% and 20-30%, respectively. Cover at KA1-CW and KA2-CW was determined to be 17% and 26%, respectively.

Key area readings on the allotment, following the 2007 grazing season, showed grazing use to be in the light use category at Key Area KA1-CW and moderate use category at KA2-CW. This indicates that overgrazing is not an issue.

Field observations on the allotment have substantiated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction. This indicates that the allotment has sufficient vegetative cover to maintain stability and to resist accelerated 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. In addition, the gravelly/stony soil characteristics, as described in the applicable Rangeland Ecological Site Descriptions, further contribute to soil protection.

Collectively, light to moderate grazing intensities and sufficient vegetative cover infers litter production which further increases soil protection and stability. Field observations have substantiated scattered litter throughout the allotment.

Standard 2:

Upland Ecosystem Components – *Achieved*

Riparian Habitat Components – *Not Applicable*

Uplands

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard I which was achieved. Observed live vegetation species were discussed in Standard 3.

Furthermore, there are a variety of soil types supporting a variety of vegetation types (ecological sites) within the allotment. Existing within the allotment are big sagebrush, black sagebrush, spiny hopsage - Nevada ephedra, winterfat, and shadscale plant communities along with each of their respective components. Consequently, the allotment supports a healthy, diverse variety of native perennial grasses, shrubs and trees with a small component of annual forbs all of which provide soils with inputs of organic matter to become incorporated into the surface soil layer. Summarily, all of this infers that ecological processes are adequate for the existing vegetative communities, while sustaining appropriated uses.

Riparian

There are two natural springs found within the allotment: Barton Spring and Carpenter Spring. Carpenter Spring is developed and feeds an approximate eight and one-half mile pipeline. The water is piped to troughs in the west and middle pastures. Both springs have no riparian area associated with them.

Standard 3: *Achieved.*

General observations indicate a diversity of various vegetation types that are distributed in a patchy nature across the landscape within the allotment.

Such observations revealed that at least two species of trees, eight perennial species of shrubs and four perennial species of grasses exist widespread within the allotment. These include shrubs such as winterfat, spiny hopsage, fourwing saltbush and Nevada ephedra; and grasses such as galleta, Indian ricegrass and bottlebrush squirreltail and needleandthread. These are known to be nutritious, palatable plant species for livestock and/or wildlife.

Pinyon-juniper stands also exist in portions of the allotment.

Moderate to good species diversity of perennial plant species and light to moderate levels of grazing use indicate that there is sufficient ground cover to protect soils and perpetuate vegetative productivity while ensuring appropriate vegetative structure.

The project proposal was posted on the Ely Field Office web site, April 8, 2008, at http://www.blm.gov/nv/st/en/fo/ely_field_office.html and no comments were received.

The preliminary EA was posted on the Ely external webpage on July 3, 2008 for a fifteen day public comment period. A hard copy of the preliminary EA was mailed to the permittee and those publics who had specifically requested one and who had expressed an interest in range management actions on the Cottonwood Allotment. No comments were received from interested publics.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3 permitted use for Kay Wright Ranch, LLC on the Cottonwood Allotment, will remain unchanged and will be as follows:

Kay Wright Ranch, LLC (#2700037)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		* % Public Land	AUMs		
Name	Number	**Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Cottonwood	11015	194	Cattle	03/01	05/31	100	1,177	0	1,177
		194	Cattle	10/01	12/31				

* This is for billing purposes
 ** These numbers are approximate

However, the correction of the dates shown in segment C of the grazing rotation schedule, which were improperly copied into the Multiple Use Decision (FMUD) issued October 1993 and subsequently the current term grazing permit, will occur.

The proposed correctional change for Segment C of the grazing rotation schedule will be as follows:

FROM:

Rotation Schedule		
A. 03/01 – 03/31	E. 11/26 – 12/31	I. 10/01 – 12/31
B. 04/01 – 05/31	F. 03/01 – 05/31	J. 03/01 – 04/24
C. 10/01 – 11/25	G. 10/01 – 11/25	
D. 11/06 – 12/31	H. 04/25 – 05/31	

3 – Pasture Cycle by Year			
Year	Pasture		
	West	Valley (Middle)	East
1	A	B & C	D
2	E	F	G
* 3	H	I	J

* After year 3 the cycle would start over with year 1.

TO:

Rotation Schedule		
A. 03/01 – 03/31	E. 11/26 – 12/31	I. 10/01 – 12/31
B. 04/01 – 05/31	F. 03/01 – 05/31	J. 03/01 – 04/24
C. 10/01 – 11/05	G. 10/01 – 11/25	
D. 11/06 – 12/31	H. 04/25 – 05/31	

3 – Pasture Cycle by Year			
Year	Pasture		
	West	Valley (Middle)	East
1	A	B & C	D
2	E	F	G
* 3	H	I	J

* After year 3 the cycle would start over with year 1.

The renewal of the term grazing permit will be for a period of up to 10 years. This decision will be effective upon the decision becoming final or pending final determination on appeal.

The new term permit will include terms and conditions which further assist in achieving/maintaining the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use. Utilization objectives (allowable use levels or AULs), which are a quantification of the land use plan objectives, will be included as part of these Terms and Conditions.

In accordance with 43 CFR §§ 4130.3, 4130.3-1 and 4130.3-2, the following will be included as terms and conditions in the term grazing permit for the Cottonwood Allotment.

Standard Operating Terms and Conditions (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. If future monitoring data indicate that Standards and Guidelines for grazing management are not being achieved, the permit will be re-issued subject to revised terms and conditions.
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.

The following Best Management Practices will be included, as Other Terms and Conditions, in the term grazing permit for the Cottonwood Allotment.

Other Terms and Conditions

1. Allowable use levels on current year's growth, within the Cottonwood 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. Salt and/or mineral supplements for livestock will be located no closer than 3/4 mile from existing water sources.
3. Wildlife escape ramps will be installed in each water trough used on the allotment when possible and practicable.

Rationale:

Monitoring data review and assessment findings indicate that Standard 1, the Upland portion of Standard 2 (the Riparian portion is not applicable) and Standard 3 are being achieved. The data also indicates that grazing is in conformance with all applicable Guidelines.

It is anticipated that the Standards for Rangeland Health will continue to be achieved and grazing use levels will remain at or below AULs throughout a majority of the allotment.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (2004), which states in pertinent part(s):

§ 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.”

§ 4160.1 Proposed Decisions

- (a) “Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.
- (b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§ 4130.8 and 4150.3 and the action to be taken under § 4170.1.
- (c) The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with § 4110.3-3(b) or § 4150.2(d).”

§ 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.”

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 within 15 days after receipt of such decision to:

Ronald Clementsen
Field Manager
Caliente Field Office
1400 S. Front Street
Box 237
Caliente, NV 89008

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:

Ronald Clementsen
Field Manager
Caliente Field Office
1400 S. Front Street
Caliente, NV 89008

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,

/s/ Ron Clementsen

Ron Clementsen
Field Manager
Caliente Field Office

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. NV-045-08-013 (includes the Standards Determination Document)

FINDING OF NO SIGNIFICANT IMPACT

Kay Wright Ranch, LLC Term Permit Renewal Cottonwood Allotment

EA (NV-045-08-013)

I have reviewed Environmental Assessment (EA) (NV-045-08-013). 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-045-08-013 has been reviewed through the interdisciplinary team process.

I have determined the proposed action is in conformance with the Schell Management Framework Plan (MFP) and the Proposed Domestic Livestock Grazing Management Program for the Schell Resource Area Record of Decision (ROD) (July 1983) (Schell Draft Grazing Environmental Impact Statement (EIS)). 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 Cottonwood Allotment is located mostly within Lincoln County in the west-central portion of the Ely District BLM, approximately 60 miles northwest of Caliente, Nevada with the far northern tip of the allotment being located in Nye County, Nevada. It encompasses approximately 42,172 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, prime and unique farmland, or ecologically critical areas (ACECs) within the area of analysis.

The sites contained within this allotment are predominately isolated finds and as such are not considered eligible to the National Register. There are no Traditional Cultural Properties currently identified within the Ely District.

Prehistoric:

The Cottonwood Allotment is predominately within a low to medium 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.

Historic: Within the western portion of the allotment is the Freiberg Mining district established in 1865, as well as the Quinn Canyon Mining district established in 1934.

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 *Schell Draft Grazing EIS*. Although public input has been sought for the proposed action, there has been little public interest and no comments were received 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/ Ron Clementsen

8/11/08

Ron Clementsen
Field Manager
Caliente Field Office

Date

**U.S. Department of the Interior
Bureau of Land Management**

Final Environmental Assessment

EA-NV-045-08-013

July 20, 2008

Grazing Permit Renewal for Kay Wright Ranch, LLC
on
Cottonwood Allotment

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
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I. INTRODUCTION

Background Information

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew the term grazing permit for Kay Wright Ranch, LLC on the Cottonwood Allotment. It is tiered to and incorporates by reference the Final Schell Grazing Environmental Impact Statement (1982), which disclosed the cumulative impacts of grazing actions in the Schell Resource Area. 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 Cottonwood Allotment (Appendix I, Map #1). The current term permit authorizes cattle use and expires on 2/28/2012.

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 were reviewed and an assessment of the rangeland health was completed during the permit renewal process through a Standards Determination Document (Appendix II).

As a result of the monitoring data review and assessment, findings indicate that of the applicable Standards for Rangeland Health, both Standards 1 and 3 have been achieved. The data also indicate that grazing is in conformance with all applicable Guidelines. There are no existing riparian areas on public lands within the allotment; therefore Standard 2 is not applicable. As a result, no changes in livestock management practices have been identified. A summary of this information follows:

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

Conclusions of the Standards Determination Document:

Standard 1: Achieved.

Cover data collected at the key area were within the range of values found in the applicable Rangeland Ecological Site Description. According to the range site descriptions for key areas KA1-CW and KA2-CW the potential ground cover (basal and crown) is 10-20% and 20-30%, respectively. Cover at KA1-CW and KA2-CW was determined to be 17% and 26%, respectively.

Key area readings on the allotment, following the 2007 grazing season, showed grazing use to be in the light use category at Key Area KA1-CW and moderate use category at KA2-CW. This indicates that overgrazing is not an issue.

Field observations on the allotment have substantiated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction. This indicates that the allotment has sufficient vegetative cover to maintain stability and to resist accelerated 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. In addition, the gravelly/stony soil characteristics, as described in the applicable Rangeland Ecological Site Descriptions, further contribute to soil protection.

Collectively, light to moderate grazing intensities and sufficient vegetative cover infers litter production which further increases soil protection and stability. Field observations have substantiated scattered litter throughout the allotment.

Standard 2:

Upland Ecosystem Components – *Achieved*
Riparian Habitat Components – *Not Applicable*

Uplands

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard I which was achieved. Observed live vegetation species were discussed in Standard 3.

Furthermore, there are a variety of soil types supporting a variety of vegetation types (ecological sites) within the allotment. Existing within the allotment are big sagebrush, black sagebrush, spiny hopsage - Nevada ephedra, winterfat, and shadscale plant communities along with each of their respective components. Consequently, the allotment supports a healthy, diverse variety of native perennial grasses, shrubs and trees with a small component of annual forbs all of which provide soils with inputs of organic matter to become incorporated into the surface soil layer. Summarily, all of this infers that ecological processes are adequate for the existing vegetative communities, while sustaining appropriated uses.

Riparian

There are two natural springs found within the allotment: Barton Spring and Carpenter Spring. Carpenter Spring is developed and feeds an approximate eight and one-half mile pipeline. The water is piped to troughs in the west and middle pastures. Both springs have no riparian area associated with them.

Standard 3: Achieved.

General observations indicate a diversity of various vegetation types that are distributed in a patchy nature across the landscape within the allotment.

Such observations revealed that at least two species of trees, eight perennial species of shrubs and four perennial species of grasses exist widespread within the allotment. These include shrubs such as winterfat, spiny hopsage, fourwing saltbush and Nevada ephedra; and grasses such as galleta, Indian ricegrass and bottlebrush squirreltail and needleandthread. These are known to be nutritious, palatable plant species for livestock and/or wildlife.

Pinyon-juniper stands also exist in portions of the allotment.

Moderate to good species diversity of perennial plant species and light to moderate levels of grazing use indicate that there is sufficient ground cover to protect soils and perpetuate vegetative productivity while ensuring appropriate vegetative structure.

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 Kay Wright Ranch, LLC on the Cottonwood Allotment in accordance with all applicable laws, regulations and policies. In accordance with Title 43 of the Code of Federal Regulations (43CFR) § 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 consistent with Federal, State, and local plans to the maximum extent possible. The proposed action is in conformance with the Schell Management Framework Plan (MFP) and the Proposed Domestic Livestock Grazing Management Program for the Schell Resource Area Record of Decision (ROD) (July 1983) (Schell Draft Grazing Environmental Impact Statement (EIS)). The proposed action has been analyzed within the scope of other relevant plans, statutes, regulations, and executive orders listed below and found to be in compliance:

- State Protocol Agreement between the Bureau of Land Management (BLM), Nevada and the Nevada State Historic Preservation Office (1999).
- Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (12 February 1997).
- Lincoln County Elk Management Plan (approved July, 1999) – Revised 2006
- Endangered Species Act – 1973.
- Wilderness Act – 1964.
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01).

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).

Relationship to Bureau Guidance

The proposed action is in compliance with IM guidance in accordance 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. It also complies with the requirements outlined in the following policies and manuals:

- BLM Manual 8560, H-8560-1, 8561 (Wilderness Management).
“The BLM must foster a natural distribution of native species of wildlife, fish, and plants by ensuring that ecosystems and ecological processes continue to function naturally” (.11 A 1).
- BLM Manual 8400 - Visual Resources Management.
- Ely District Policy: Management Actions for the Conservation of Migratory Birds – 5/01/01.

Identification of Issues

These permit renewal proposals were scoped internally by resource specialists on January 27, 2008 at the Ely BLM Field Office. The Standards Determination Document revealed that all Standards were being achieved.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The Bureau of Land Management would fully process and issue a new term grazing permit for the Cottonwood Allotment which would authorize cattle grazing on the allotment. The renewal of the term grazing permit would be for a period of up to 10 years.

The current term permit for the permittee is as follows:

Kay Wright Ranch, LLC (#2700037)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		* % Public Land	AUMs		
Name	Number	**Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Cottonwood	11015	194	Cattle	03/01	05/31	100	1,177	0	1,177
		194	Cattle	10/01	12/31				

* This is for billing purposes
 ** These numbers are approximate

Through a Final Multiple Use Decision (FMUD) issued October 25, 1993 and a settlement agreement dated March 22, 1994, rotational grazing was established in accordance with the following schedule:

Rotation Schedule		
A. 03/01 – 03/31	E. 11/26 – 12/31	I. 10/01 – 12/31
B. 04/01 – 05/31	F. 03/01 – 05/31	J. 03/01 – 04/24
C. 10/01 – 11/25	G. 10/01 – 11/25	
D. 11/06 – 12/31	H. 04/25 – 05/31	

3 – Pasture Cycle by Year			
Year	Pasture		
	West	Valley (Middle)	East
1	A	B & C	D
2	E	F	G
* 3	H	I	J

* After year 3 the cycle would start over with year 1.

However, the Management Action Selection Report (MASR) associated with the aforementioned FMUD displayed the dates for letter C in the rotation schedule, above, as being 10/01 – 11/05 and not 10/01 – 11/25 as shown in the FMUD. The MASR dates are correct. This was not carried forth correctly into the FMUD. Therefore, the correction would be made through this proposed renewal process and would constitute the only change made to the terms and conditions of the permit.

Therefore, the Proposed Rotation Schedule is as follows:

Rotation Schedule		
A. 03/01 – 03/31	E. 11/26 – 12/31	I. 10/01 – 12/31
B. 04/01 – 05/31	F. 03/01 – 05/31	J. 03/01 – 04/24
C. 10/01 – 11/05	G. 10/01 – 11/25	
D. 11/06 – 12/31	H. 04/25 – 05/31	

3 – Pasture Cycle by Year			
Year	Pasture		
	West	Valley (Middle)	East
1	A	B & C	D
2	E	F	G
* 3	H	I	J

* After year 3 the cycle would start over with year 1.

The new term permit would include the current terms and conditions directed toward the achievement of the Standards and Guidelines for Grazing Administration, and the other pertinent land use objectives for livestock use (Appendix III). There are no proposed changes to these terms and conditions of the permit.

However, the following Best Management Practices would be included, as Other Terms and Conditions, in the term grazing permit for the Cottonwood Allotment. Utilization objectives for the allotment are quantified in these Best Management Practices.

Best Management Practices

1. Allowable use levels on current year's growth, within the McCutcheon Spring 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. Salt and/or mineral supplements for livestock will be located no closer than 3/4 mile from existing water sources.
3. Wildlife escape ramps will be installed in each water trough used on the allotment when possible and practicable.

Monitoring

Rangeland monitoring data would continue to be collected on the allotment 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 allotment.

Monitoring studies may include use pattern mapping, utilization studies, cover studies, ecological condition studies, frequency trend studies, apparent trend studies (based on observations), weed detection, professional observations, and photographs. Drought assessments would be conducted on an as needed basis. Baseline monitoring (ecological condition, cover, utilization, and trend) may be conducted in association with a watershed assessment.

Prior to authorizing annual grazing use, monitoring may be conducted to determine forage condition and 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 would result in no changes to the terms and conditions. The dates associated with letter C in the rotation schedule would not be changed. The time period as displayed in letters C and D would have a 20 day overlap.

Other Alternatives

The alternative of no livestock grazing was fully described and analyzed in the Schell Draft Grazing EIS, so the effects of not renewing the term grazing permit are not analyzed in this document. The decision in the RMP amendment was that the lands within the Cottonwood Allotment would be available for grazing, in which case under 43 CFR 4130.2 (a) and 4130.2 (e)(3) requires the issuance of grazing permits to qualified applicants that accept the proposed terms and conditions of the permit or lease. The applicant accepts the proposed terms and conditions of the permit or lease.

Three other alternatives were analyzed in the Schell Draft Grazing EIS:

1. The *Resource Protection Alternative*, which would have reduced AUM's by 16%, to provide more forage for wildlife.
2. The *Graze at Preference Alternative*, which would have increased AUM's from 2,345 to 4,106 and removed wild horses from the allotment
3. The *No Action Alternative*, which is essentially the current management prescriptions without implementation of a grazing management program to address resource problems.

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 Cottonwood Allotment

This water based allotment is located mostly within Lincoln County in the west-central portion of the Ely District BLM, approximately 60 miles northwest of Caliente, Nevada with the far northern tip of the allotment being located in Nye County, Nevada. It is situated in the central part of Garden Valley, within the Garden Valley (#185) and Coal Valley (#188) Watersheds and encompasses approximately 42,172 acres of public land. Approximately 180 acres of private

(patented) land are located within the extreme northwest part of the allotment. The Worthington Mountains extend into the far southeast corner of the allotment. However, no wilderness, wilderness study areas or Wild Horse Herd Management Areas (HMA), or portions thereof, are found within the allotment.

The allotment is divided into three pastures; a west, middle and an east pasture (Appendix I, Map #2). Reliable watering locations for livestock within the Cottonwood Allotment are largely provided by a pipeline, approximately two miles in length, which supplies water to three troughs along its length. Another watering location, not connected with the pipeline, is the Cottonwood Reservoir located in the north-central part of the allotment which services the middle and east pastures. Water is manually hauled to the reservoir when needed.

Cottonwood Creek originates at approximately 8,600 feet elevation on the east side of the Quinn Canyon Range, and decreases to approximately 5,500 feet elevation at the northeast boundary of the Cottonwood Allotment. Approximately 5 miles of its total length occur within the allotment. The flow within the creek is very ephemeral, within the allotment, with no flow during drier years and little to no flow even in wetter years. The rocky nature of the stream banks controls head-cutting and renders itself minimally susceptible to much cattle use; and the relatively flat nature of the creek bed resists erosion.

There are two natural springs found on public lands within the allotment: Barton Spring and Carpenter Spring. The former has no riparian area associated with it. Carpenter Spring is developed and feeds an approximate eight and one-half mile pipeline. The water is piped to troughs in the west and middle pastures. Consequently, it also has no riparian area associated with it.

Elevation ranges from approximately 7,000 feet in the Quinn Canyon Range which occupies a portion of the far northwest part of the allotment to approximately 5,400 feet at the lower elevations within the east part of the allotment. Precipitation varies from five to eight inches at the lower elevations to twelve inches at higher elevations.

Mandatory Items for Consideration

Mandatory items, which must be considered because of requirements specified in statute, regulation, executive order or Bureau policy, are listed in Table 1. Items 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. Mandatory Items for Consideration

Mandatory Item	No or negligible Effect beyond those disclosed in the RMP/FMP/Grazing EIS	May Effect	Not Present	Rationale
Noxious weeds and non-native, invasive species		X		See Noxious Weed Risk Assessment in Appendix IV.
Migratory Birds	X			Several species of migratory birds are known to have a distribution that overlaps with the

				<p>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.</p> <p>No damaging effects to existing or potential nesting sites are expected.</p>
Air Quality	X			<p>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.</p>
Environmental Justice	X			<p>No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.</p>
Farmlands (Prime or Unique)			X	<p>Prime and unique farmland is not found on the allotment.</p>
Native American Religious Concerns	X			<p>A Native American Coordination Meeting was held in the BLM Ely Field Office on February 12, 2008.</p> <p>No concerns were identified.</p>
Wastes (hazardous or solid)	X			<p>No hazardous or solid wastes would be introduced by the proposed action.</p>
Wetlands/Riparian			X	<p>There are no wetlands in the allotment.</p> <p>No riparian areas have been identified on public lands within the allotment.</p>
Cultural Resources	X			<p>Livestock grazing has been an historic use of federal lands, now managed by the Caliente Field Office, since the mid-19th century. The extent of effects from livestock grazing on archeological sites is difficult to determine, since extensive livestock grazing has occurred in this region for over 150 years. Though, it is likely that the majority of the livestock-related impacts on cultural resources occurred prior to the passage of the Taylor Grazing Act in 1934.</p> <p>The BLM conducts field investigations and maintains files of archeological sites on public lands. Analyses of existing documentation indicates that concentrated livestock activities near water sources, along fences, and in areas where livestock seek shelter, could adversely affect cultural resources. Site monitoring is conducted by BLM archeologists, law enforcement rangers, and trained site stewards, to identify impacts and evaluate site conditions. Special management actions are taken when resource damage is noted.</p>

			<p>Prehistoric: According to the <i>Cultural Resource Analysis and Probability Model for the Bureau of Land Management, Ely District</i> (Drews and Ingbar, 2004) the Cottonwood Allotment is predominately within a low to medium 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.</p> <p>Historic: Within the western portion of the allotment is the Freiberg Mining district established in 1865, as well as the Quinn Canyon Mining district established in 1934.</p> <p>The sites contained within this allotment are predominately isolated finds and as such are not considered eligible to the National Register. There are no Traditional Cultural Properties currently identified within the Ely District.</p> <p>In accordance with the <i>Archeological Resources Protection Act of 1979</i>, “any material remains of past human life or activities which are of archaeological interest” shall be assessed and secured “for the present and future benefits of the American People”. All ground disturbing developments related to this permit, such as the construction of fences, pipelines, and watering troughs, etc., as well as grazing practices that will create potential impacts such as salt blocks, will be subject to Section 106 review and, if needed, State Historic Preservation Office (SHPO) consultation as per implementation of the Nevada BLM/SHPO Protocol Agreement for cultural resources. Eligible cultural resources would be avoided or impacts mitigated as necessary before any surface disturbing treatments are initiated.</p> <p>Prior consultation efforts for properties within the Ely District Office administrative area resulted in the identification that there are no known traditional cultural properties within the district.</p>
Special Status Animal Species (FWS candidate, State threatened or endangered species and BLM State sensitive	X		Although state or BLM listed sensitive species may be present within the allotment, it is highly unlikely that individuals would be impacted by the livestock grazing as proposed in this EA due to the relative low

species)				<p>density of livestock within the allotment(s). In addition, the current livestock management practices may allow the improvement of habitat for these species. Furthermore, the species' populations would not be expected to be negatively impacted by the proposed livestock grazing.</p> <p>Although sage grouse habitat has been identified on the allotment in the Lincoln County Sage Grouse Conservation Plan, no sage grouse use has been documented on the allotment. Pigmy Rabbit (<i>Brachylagus idahoensis</i>) use also is not known to occur on the allotment.</p>
Special Status Plant Species (FWS candidate and State threatened or endangered species and State sensitive species)			X	Site-Specific Examination of databases and other sources indicates there are no known special status plant species located within the allotment.
Wilderness Values			X	Neither the allotment, nor any of its portions thereof, is located within a Wilderness or Wilderness Study Area.
Areas of Critical Environmental Concern (ACEC)			X	No areas of critical environmental concern have been proposed or designated within the allotment.
Wild Horses and Burros			X	The allotment is not located within a Wild Horse Herd Management Area (HMA).
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 allotment.
Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.

In addition to the mandatory items, 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-mandatory items that may be affected are listed in Table 2. A brief rationale for either considering or not considering the non-mandatory items further is provided. The non-mandatory items 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	No or negligible Effect beyond those disclosed in the RMP/FMP/Grazing EIS	May Affect	Not Present	Rationale
Socioeconomics	X			The Proposed Action would provide stability to livestock operator and, correspondingly, the surrounding communities.

Vegetation		X	Site Specific vegetation types are identified in Chapter 1 and impacts to vegetation are discussed in Chapter 3 of the Schell Draft Grazing EIS. Direct impacts would include the temporary removal of above ground biomass, through grazing, which would temporarily reduced cover.
Range/Livestock Grazing/Standards and Guidelines		X	Standard 1 Achieved. Standard 2 Achieved for Uplands Not Applicable for Riparian Standard 3 Achieved. A minor date correction in the Rotation Schedule from 10/01 – 11/25 to 10/01 – 11/05 would occur with no anticipated impacts.
Wildlife	X		The allotment provides year-round habitat for mule deer, pronghorn antelope, and elk. The allotment also provides habitat for coyotes, rabbits, sagebrush obligate birds, and other small mammals and reptiles. The project, as proposed, should continue to provide the current level of habitat for the species presently occurring there.
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 number of livestock 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. BLM Technical Reference 1730-2 (2001) indicates that Biological Soil Crusts (BSC) tend to not be associated with the forage preferred by livestock, reducing the likelihood of disturbance to crusts. Cattle could trail through open areas more likely to be associated with BSC; however the intermittent nature of the disturbance and the regenerative capacity of the crusts would result in an overall negligible impact.
Recreation	X		Dispersed recreation in this area includes a very limited amount of 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
- Vegetation
- Range/Livestock Grazing/Standards and Guidelines

Noxious Weeds and Invasive, Non-Native Species

No field weed surveys were completed for this project. Instead the Ely District weed inventory database was consulted. The Cottonwood Allotment was last inventoried for noxious weeds in 2007. The following species are found within the boundaries of the Cottonwood Allotment:

Onopordum acanthium Scotch thistle

The following species are found along roads and drainages leading to the Cottonwood Allotment:

Cirsium vulgare Bull thistle
Lepidium draba Hoary cress
Tamarix spp. Salt cedar

While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*), horehound (*Marrubium vulgare*), and Russian thistle (*Salsola kali*).

Vegetation

Vegetation within the allotment consists mainly of grasses, forbs and shrubs. Trees occur in higher elevations. Grasses include galleta (*Pleuraphis jamesii*), Indian ricegrass (*Achnatherum hymenoides*), bottle brush squirreltail (*Elymus elymoides*) and needleandthread (*Hesperostipa comata*); shrubs include winterfat (*Krascheninnikovia lanata*) bud sage (*Artemisia spinescens*), Nevada ephedra (*Ephedra nevadensis*), 4-wing saltbush (*Atriplex canescens*), Spiny Hopsage (*Grayia spinosa*), Snakeweed (*Gutierrezia sarothrae*), Wyoming Big Sagebrush (*Artemisia tridentata wyomingensis*) and Black Sagebrush (*Artemisia nova*) exist within the allotment.

Range/Livestock Grazing/Standards and Guidelines

The Cottonwood Allotment is currently permitted for cattle use only. The current permitted AUMs for cattle use are described fully in the proposed action. The permittee periodically varies the number of cattle on the allotment according to available forage and precipitation conditions.

Grazing use on the allotment, since 2003, is reflected in the following table:

Cottonwood Allotment (Active Use = 1,177 AUMs)		
Grazing Year (3/1 – 2/28)	AUMs Licensed	% of Active Use Used
2003	0	Non-Use
2004	589	50 %
2005	755	70 %
2006	755	70 %
2007	694	59 %

Standards and Guidelines have been achieved for Standard 1, the Uplands portion of Standard 2 (Riparian portion is not applicable) and for Standard 3. However, a change needs to be made for letter C of the Rotation Schedule.

The Management Action Selection Report (MASR) associated with the aforementioned FMUD displayed the dates for letter C in the rotation schedule as being 10/01 – 11/05 and not 10/01 – 11/25 as shown in the FMUD (see Section II). The MASR dates are correct. Evidently, this was not carried forth correctly into the FMUD. Therefore, the correction will be made through this currently proposed renewal process and will constitute the only changes to be made to the terms and conditions.

IV. ENVIRONMENTAL CONSEQUENCES

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

Noxious Weeds and Invasive, Non-Native Species

The proposed action could increase the populations of invasive weeds already found within the allotment through disturbance and transportation of seeds depending on climate, stocking level, timing of grazing, presence or absence of fire and other factors. The Risk Factor for spread of invasive weeds is Moderate (32) at the present time. This indicates that the project can proceed as planned. The increase in noxious and invasive weeds to the area should be limited as long as the following mitigation measures are followed:

- Prior to entering public lands, the BLM will provide information regarding noxious weed management and identification to the permit holders affiliated with the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.

- The range specialist for the allotment will include weed detection into project compliance inspection activities. If the spread of noxious weeds is noted, appropriated weed control procedures will be determined in consultation with BLM personnel and will be in compliance with the appropriate BLM handbook sections and applicable laws and regulations.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for feed or bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office.
- 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.
- Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Vegetation

By maintaining Allowable Use Levels (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 the allotment. Therefore, the negative impacts to vegetation are neither an issue nor anticipated.

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, in spite of the dates being changed in letter C of the Rotation Schedule from 10/01 – 11/25 to 10/01 – 11/05.

Cumulative Impacts

According to BLM publication *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

There have been limited previous actions occurring in the allotment. Livestock grazing has occurred, in the area, since the mid to late 1800's. Off-highway vehicle (OHV) use has become established. Hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal. Small two track roads associated with these activities are not extensive and have not altered the landscape.

Rangeland monitoring has occurred in the area. Rangeland management and activities within the Ely District's Caliente Field Office have been in accordance with the Schell Management Framework Plan (MFP) and the Schell Draft Grazing Environmental Impact Statement (EIS) (June, 1983) and the subsequent Record of Decision (ROD) (July 1983).

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining or oil and gas exploration. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. There have been no recent wildfires.

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 are 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 cattle would be permitted to graze on the allotment. 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 including those vicinal to the allotment.

In the vicinity of the allotment, the Department of Energy may construct a railroad line on which nuclear waste would be transported to Yucca Mountain for storage.

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. 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 Cottonwood Allotment has a strong interest in this permit renewal.

On February 12, 2008, the Cottonwood 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 March 3, 2008 the permittee was sent a letter informing him of the permit renewal process.

On April 8, 2008, the proposal to fully process the term permit was posted on the Ely BLM internet site (http://www.blm.gov/nv/st/en/fo/ely_field_office.html) and no comments or concerns were received.

On May 19, 2008, the Preliminary EA was presented to the Ely BLM internal scoping team. Comments and concerns were incorporated into the document.

The EA was posted for a 15 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 Cottonwood Allotment. No comments were received.

Interested publics will be notified, again, by mail or email following the signing of the Proposed Decision Record and Finding of No Significant Impact (DR/FONSI). 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 available to the public 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 related actions are instructed to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2008 have requested additional information regarding rangeland related actions within the Cottonwood Allotment.

B. Interested Publics Mail List

Steven Carter
Holland & Hart LLP
Rob Mrowka
John McClain, Resource Concepts, Inc
Maria M. Ryan, SNWA Environmental Resources Division
Dana Smith, SNWA Deputy Counsel
Brandon Humphries, SNWA Ranch Manager
Linda Carriger, Tuffy Ranch Properties
Cindy MacDonald
Richard A. Orr, Sustainable Grazing Coalition
Laurel Marshall
Brad Hardenbrook, NDOW-Southern Region
Mr. Steve Foree, NDOW
Mike Scott, NDOW
Katie Fite, Western Watersheds Project
Nevada State Clearinghouse, Zosia Targosz

C. Internal District Review

Kari Harrison	Soil, Water, and Air; Floodplains, Riparian, and Wetlands
Bonnie Million	Noxious & Invasive, Non-Native Species
Domenic A. Bolognani	Rangeland Management Specialist
Chris Mayer	Lead Rangeland Management Specialist

Lisa Gilbert	Archaeology/Historic Paleontological
Rick Baxter	Wildlife /Migratory Birds /Special Status Species (plants / animals)
Chris Linehan	Recreation
Melanie Peterson	Wastes, Hazardous and Solid, Hazmat
Elvis Wall	Native American Religious Concerns
Sheri Wysong	Environmental Coordination

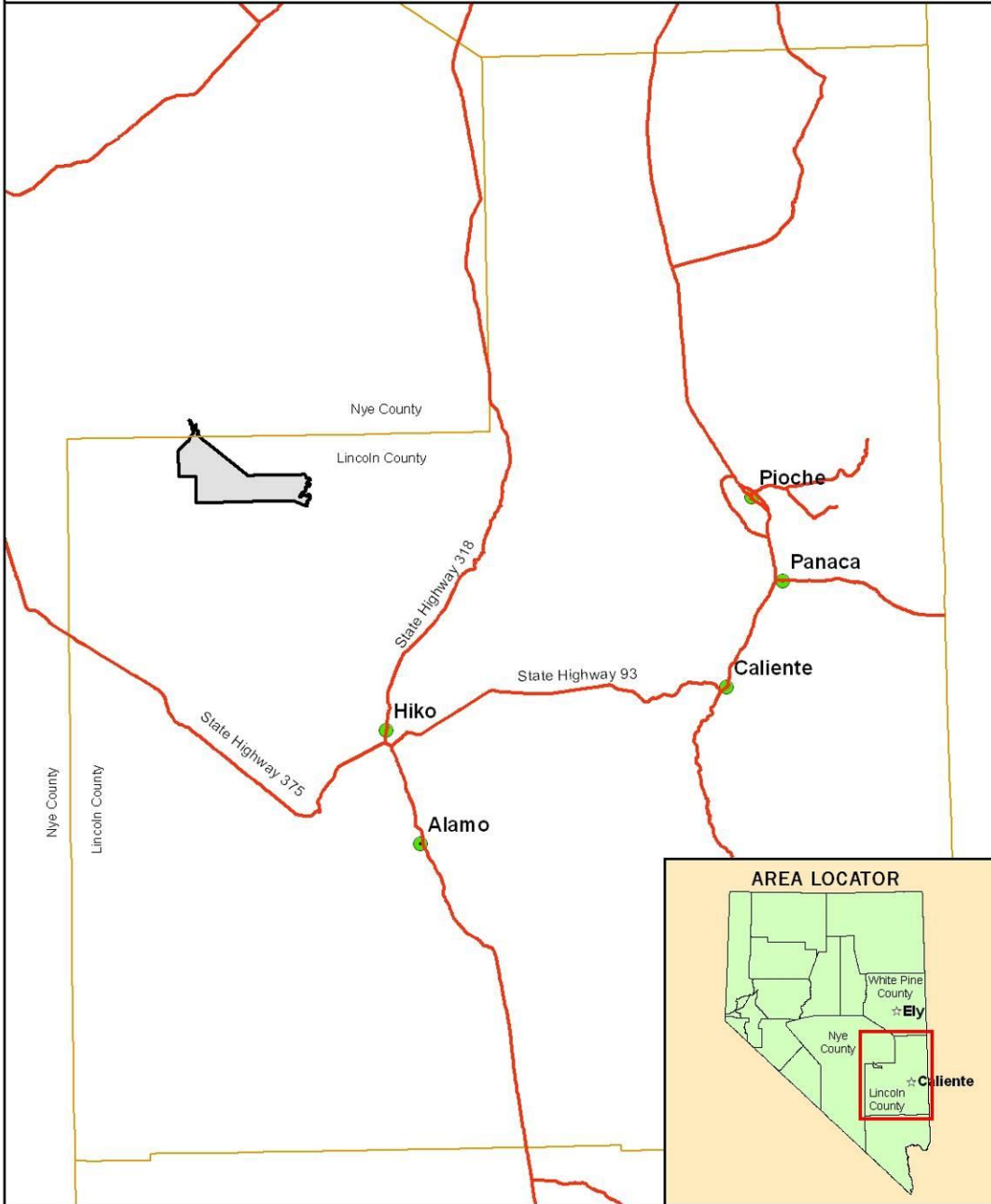
APPENDIX I

MAPS

Location of Cottonwood Allotment
with Respect to Surrounding Towns.

MAP #1

BLM



March 29, 2008
Caliente Field Station



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.

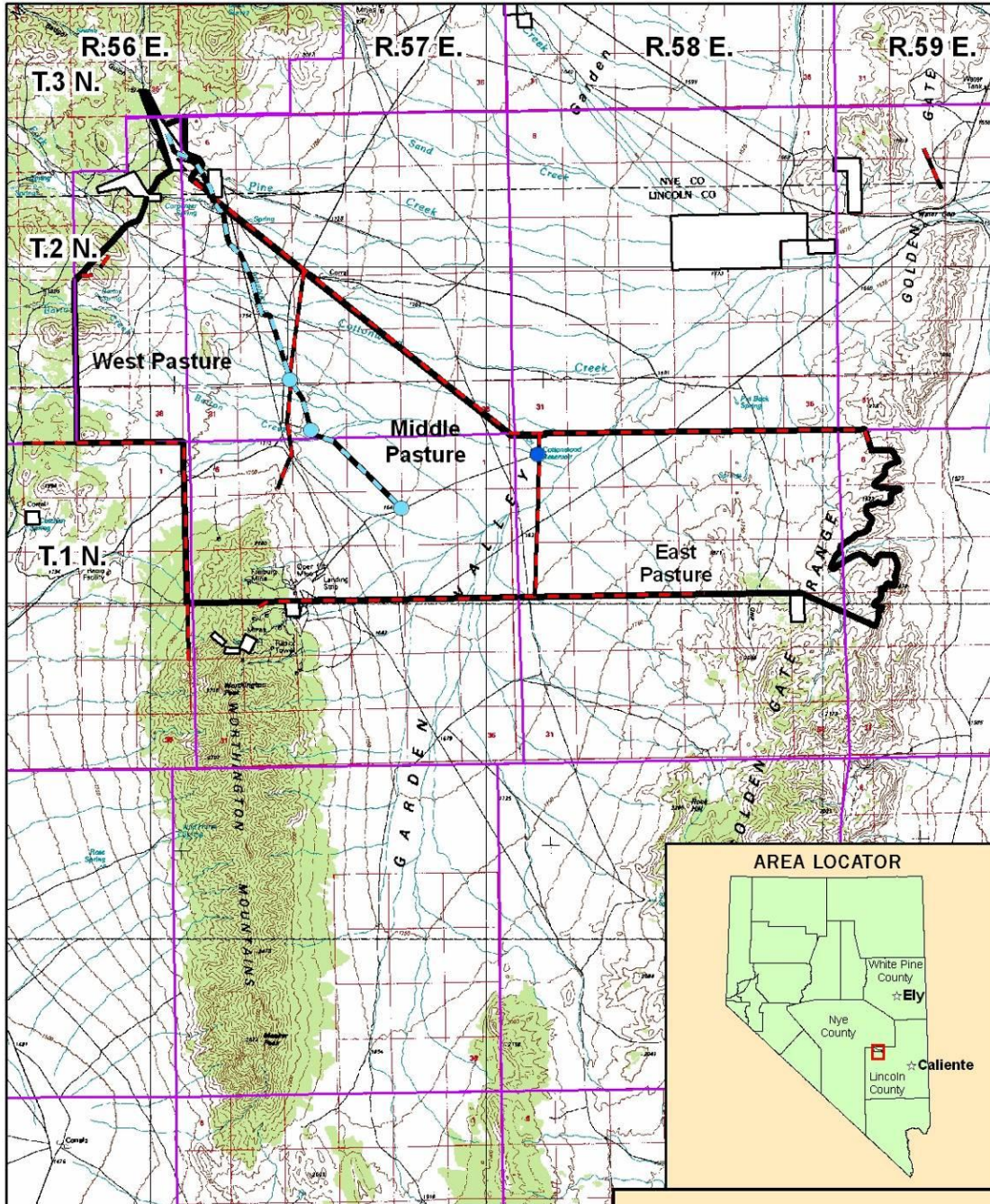
LEGEND

- Cottonwood Allotment
- County Line
- Nevada Roads
- Towns

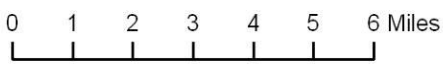


Ely District Office

Layout of the Cottonwood Allotment Pastures with Respect to the Location of the Pipeline and Permanent Watering Locations.



March 29, 2008
Caliente Field Station



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.

Quinn Canyon and Tempiute
1:100,000 Quad Maps

LEGEND

- Cottonwood Reservoir
- Permanent Watering Locations
- Pipeline
- Fences Associated with Cottonwood Allotment
- Private (Patented) Lands

Ely District Office



APPENDIX II

STANDARDS DETERMINATION DOCUMENT

STANDARDS DETERMINATION DOCUMENT

Kay Wright Ranch, LLC Permit Renewal (#2700037)

Cottonwood Allotment (#11015)

(EA-NV-045-08-013)

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.

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 Cottonwood 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: Caliente Final Environmental Statement; Sampling Vegetation Attributes; Nevada Rangeland Monitoring Handbook; Utilization Studies and Residual Measurements; National Range and Pasture Handbook; Nevada Plant List; Major Land Resource Area (MLRA 29) Rangeland Ecological Site Descriptions; and Soil Survey of North 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 Office during business hours.

This water based allotment is located in the west-central portion of the Ely District BLM, approximately 60 miles northwest of Caliente, Nevada (Appendix A, Map #1). Most of the allotment is located within Lincoln County; however, the far northern tip of the allotment is located in Nye County. It is situated in the central part of Garden Valley, within the Garden Valley (#185) and Coal Valley (#188) Watersheds, and encompasses approximately 42,172 acres of public land. Approximately 180 acres of private (patented) land are located within the extreme northwest part of the allotment.

Neither the allotment, nor any portion of it thereof, is located within desert tortoise habitat, a Wilderness Study Area, a Wilderness Area or a Wild Horse Herd Management Area.

The allotment is divided into three pastures; a west, middle and an east pasture (Appendix A, Map #2). As the map also shows there are two key areas on the allotment: KA1-CW (middle pasture) and KA2-CW (east pasture). Both were used for cover and utilization. They were established based on accessibility, soil mapping units, representative ecological (range) sites, watering locations and livestock use patterns. The existing pipeline and all permanent watering locations are also illustrated on the map.

On March 11, 2008, following the 2007 grazing season, utilization and cover data were collected on the Cottonwood Allotment. The Key Forage Plant Method was used in determining grazing use levels according to the Nevada Rangeland Monitoring Handbook (1984 and 2006). This method is based on percent utilization of current year’s growth, by weight. Cover data were collected using the Line Intercept Method. This method is described in Sampling Vegetation Attributes (USDI-BLM et. al., 1996). General field observations and professional judgment were used in determining achievement of Standards 2 and 3.

It should be noted that the permittee makes periodic adjustments in cattle numbers on the allotment according to available forage and correlated precipitation conditions.

Grazing use on the allotment, since 2003, is reflected in the following table:

Cottonwood Allotment (Active Use = 1,177 AUMs)		
Grazing Year (3/1 – 2/28)	AUMs Licensed	% of Active Use Used
2003	0	Non-Use
2004	589	50 %
2005	755	70 %
2006	755	70 %
2007	694	59 %

The following is an analysis of monitoring data which were 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.

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:

X 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

X In conformance with the Guidelines

- Not in conformance with the Guidelines

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 Conformance:

X In conformance with the Guidelines

- Not in conformance with the Guidelines

A majority of the soils within the allotment, according to a combination of Soil Mapping Units and Rangeland Ecological Site Descriptions published by the Natural Resource Conservation Service (NRCS), occur generally within the 8-10” and 8-12” precipitation zones, and vary from having a shallow effective rooting depth (having restrictive layers within the rooting zone) to being moderately deep to deep. They vary from having high amounts of gravels throughout the soil profile with the available water capacity being low, to being characterized by being stony, cobbly or gravelly on the surface and have an available water capacity of low to moderate. Available water capacities vary from very low to moderate with runoff ranging from slow to rapid.

Table 1 in Appendix B shows the comparison of vegetative cover data collected at both key areas, within the Cottonwood Allotment, to Potential Natural Community (PNC) cover values for the applicable range site.

The utilization reading at KA1-CW showed Light use (23.5%), while at KA2-CW it exhibited Moderate use (42%).

Conclusion: *Standard 1 Achieved*

Cover data collected at the key area were within the range of values found in the applicable Rangeland Ecological Site Description. According to the range site descriptions for key areas KA1-CW and KA2-CW the potential ground cover (basal and crown) is 10-20% and 20-30%, respectively. Cover at KA1-CW and KA2-CW was determined to be 17% and 26%, respectively.

Key area readings on the allotment, following the 2007 grazing season, showed grazing use to be in the light use category at Key Area KA1-CW and moderate use category at KA2-CW. This indicates that overgrazing is not an issue.

Field observations on the allotment have substantiated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction. This indicates that the allotment has sufficient vegetative cover to maintain stability and to resist accelerated 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. In addition, the gravelly/stony soil characteristics described above further contribute to soil protection.

Collectively, light to moderate grazing intensities and sufficient vegetative cover infers litter production that further adds to increased soil protection and stability. Field observations have substantiated scattered litter throughout the allotment.

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.

Guidelines Conformance:

In conformance with the Guidelines

- Not in conformance with the Guidelines

Conclusion:

Upland Ecosystem Components – *Achieved*

Riparian Habitat Components – *Not Applicable*

Uplands

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard I which was achieved. Observed live vegetation species were discussed in Standard 3.

Furthermore, there are a variety of soil types supporting a variety of vegetation types (ecological sites) within the allotment. Existing within the allotment are big sagebrush, black sagebrush, spiny hopsage - Nevada ephedra, winterfat, and shadscale plant communities along with each of their respective components. Consequently, the allotment supports a healthy, diverse variety of native perennial grasses, shrubs and trees with a small component of annual forbs all of which provide soils with inputs of organic matter to become incorporated into the surface soil layer. Summarily, all of this infers that ecological processes are adequate for the existing vegetative communities, while sustaining appropriated uses.

Riparian

There are two natural springs found within the allotment: Barton Spring and Carpenter Spring. Carpenter Spring is developed and feeds an approximate eight and one-half mile pipeline. The water is piped to troughs in the west and middle pastures. Both springs have no riparian area associated with them.

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:

- 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

General field observations revealed that at least two species of trees, nine perennial species of shrubs and four perennial species of grasses exist widespread within the allotment. The following table displays these observations:

Trees	Shrubs	Grasses
Pinyon (<i>Pinus monophylla</i>)	Winterfat (<i>Krascheninnikovia lanata</i>)	Galleta (<i>Pleuraphis jamesii</i>)
Juniper (<i>Juniperus Osteosperma</i>)	Spiny Hopsage (<i>Grayia spinosa</i>)	Indian ricegrass (<i>Achnatherum hymenoides</i>)
	Fourwing Saltbush (<i>Atriplex canescens</i>)	Bottlebrush squirreltail (<i>Elymus elymoides</i>)
	Shadscale (<i>Atriplex confertifolia</i>)	Needleandthread (<i>Hesperostipa comata</i>)
	Bud sage (<i>Artemisia spinescens</i>)	
	Nevada ephedra (<i>Ephedra nevadensis</i>)	
	Snakeweed (<i>Gutierrezia sarothrae</i>)	
	Wyoming Big Sagebrush (<i>Artemisia tridentata wyomingensis</i>)	
	Black Sagebrush (<i>Artemisia nova</i>)	

As noted earlier, the utilization reading at KA1-CW showed Light use (23.5%), while at KA2-CW it exhibited Moderate use (42%).

Conclusion: Standard 3 Achieved

General observations indicate a diversity of various vegetation types that are distributed in a patchy nature across the landscape within the allotment.

Shrubs such as winterfat, spiny hopsage, fourwing saltbush and Nevada ephedra; and grasses such as galleta, Indian ricegrass, bottlebrush squirreltail and needleandthread are known to be nutritious, palatable plant species for livestock and/or wildlife.

Pinyon-juniper stands also exist in portions of the allotment.

Moderate to good species diversity of perennial plant species and light to moderate levels of grazing use indicate that there is sufficient ground cover to protect soils and perpetuate vegetative productivity while ensuring appropriate vegetative structure.

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

All applicable Standards are being achieved.

PART 3. GUIDELINE CONFORMANCE REVIEW and SUMMARY

GUIDELINES for *SOILS* (Standard 1):

See Conclusion for Standard 1, and Part 2 above.

Current livestock grazing management practices conform to 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 ground cover.

GUIDELINES for *ECOSYSTEM COMPONENTS* (Standard 2):

See Conclusion for Standard 2, and Part 2 above.

Current livestock grazing management practices on the allotment conform to Guideline 2.3. The remaining seven Guidelines are not applicable to the assessment area at this time.

GUIDELINES for *HABITAT AND BIOTA* (Standard 3):

See Conclusion for Standard 3, and Part 2 above.

Current livestock grazing management practices conform to Guidelines 3.1 and 3.2. The remaining seven Guidelines are not applicable to the assessment area at this time.

PART 4. MANAGEMENT PRACTICES TO CONFORM WITH GUIDELINES AND ACHIEVE STANDARDS

1. Maintain all terms and conditions as indicated in the current term grazing permit. There are no additional terms and conditions needed for management practices to conform with guidelines and achieve standards.
2. Incorporate the following Best Management Practices into the Term Grazing Permit as Other Terms and Conditions:
 - a. Allowable use levels on current year's growth, within the McCutcheon Spring 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%. These utilization objectives will aid in maintaining the Standards.
- b. Salt and/or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.
- c. Wildlife escape ramps would be installed in each water trough used on the allotment when possible and practicable.

Specialists:

<u>/s/ Kari Harrison</u> Kari Harrison – Soil, Water & Air Quality, Floodplains & Riparian	<u>8/6/2008</u> Date
<u>/s/ Bonnie Waggoner</u> Bonnie Waggoner – Noxious Weed Coordinator	<u>8/5/2008</u> Date
<u>/s/ Lisa Gilbert</u> Lisa Gilbert – Archaeologist	<u>8/6/08</u> Date
<u>/s/ Rick Baxter</u> Rick Baxter – Wildlife Biologist	<u>8/11/08</u> Date
<u>/s/ Melanie Peterson</u> Melanie Peterson – Hazardous Materials	<u>8/6/08</u> Date
<u>/s/ Elvis Wall</u> Elvis Wall – Native American Coordinator	<u>8/6/08</u> Date

Prepared by:

<u>/s/ Domenic A. Bolognani</u> Domenic A. Bolognani – Rangeland Management Specialist	<u>8/11/08</u> Date
---	------------------------

Reviewed by:

<u>/s/ Chris Mayer</u> Chris Mayer – Lead Rangeland Management Specialist	<u>8/11/08</u> Date
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I concur:

<u>/s/ Ron Clementsen</u> Ron Clementsen – Caliente Field Manager	<u>8/11/2008</u> Date
--	--------------------------

REFERENCES

BLM – 1979. Caliente Final Environmental Statement - Proposed Domestic Livestock Grazing Management Program (INT FES 79 44).

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

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USDA – USFS, USDA – SCS, USDI – BLM, Univ. of Nevada, Reno Agricultural Research Service. 1984. Nevada Rangeland Monitoring Handbook.

USDA – USFS, USDA – NRCS, USDI – BLM, Utah Cooperative Extension Service. 1999. Utilization Studies and Residual Measurements; Interagency Technical Reference 1734 – 3.

USDA – NRCS. 1998. Nevada Plant List.

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

USDA – NRCS. 2007. Soil Survey of North Lincoln County, Nevada.

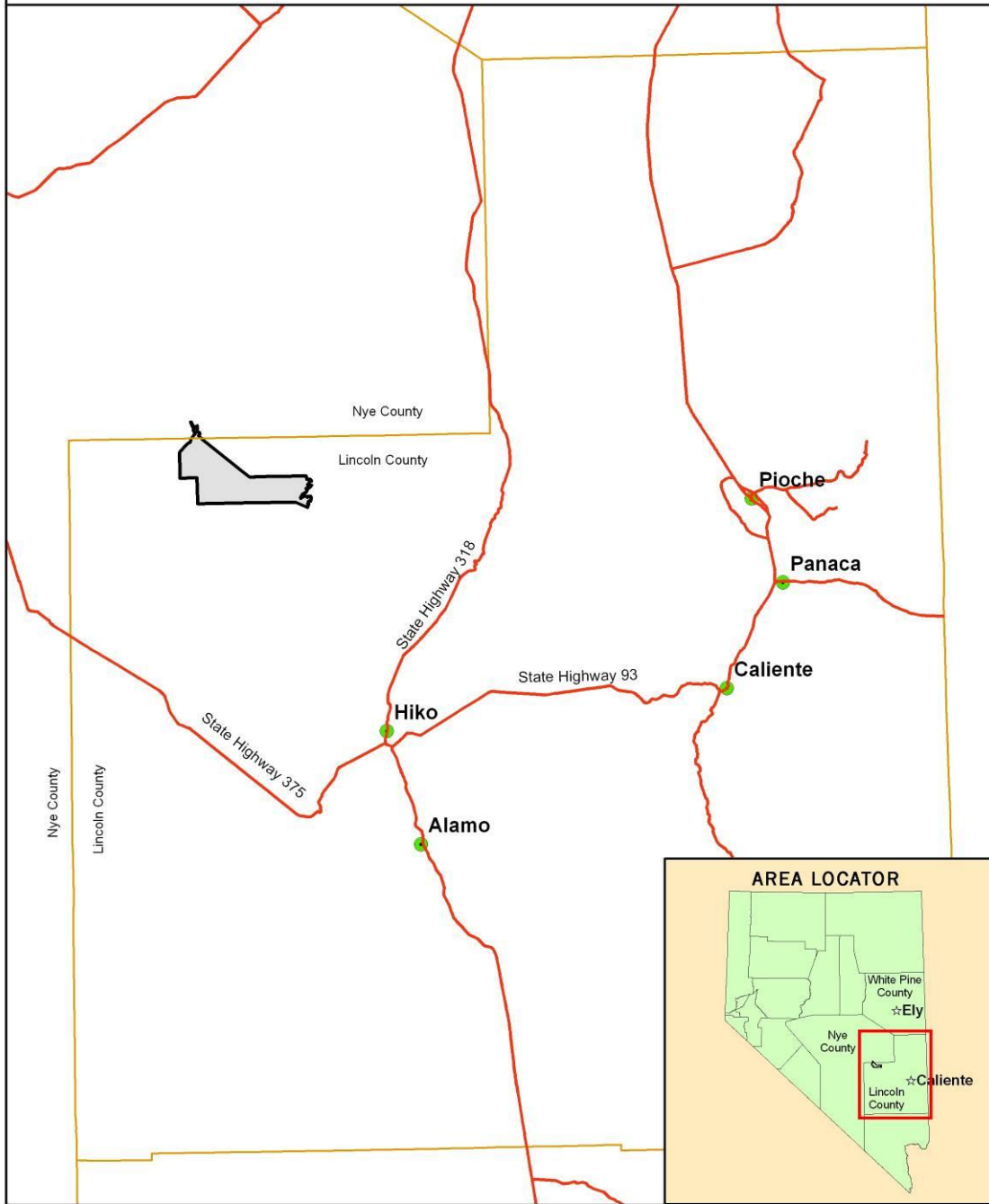
APPENDIX A

MAPS

Location of Cottonwood Allotment with Respect to Surrounding Towns.

MAP #1

BLM



Ely District Office

March 29, 2008
Caliente Field Station

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.

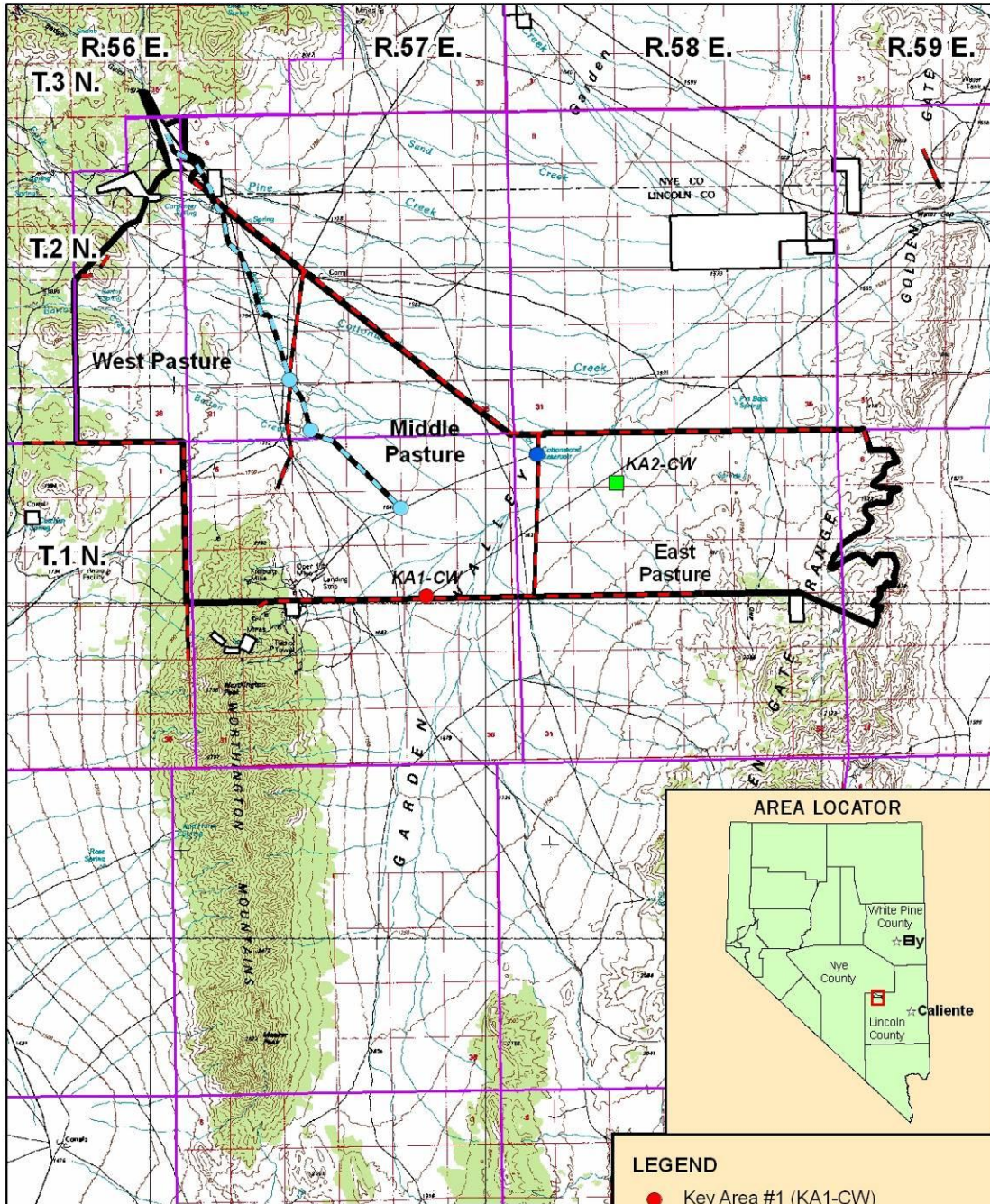


LEGEND

- Cottonwood Allotment
- County Line
- Nevada Roads
- Towns



Layout of the Cottonwood Allotment Pastures with Respect to the Location of the Pipeline, Permanent Watering Locations and Key Areas.



March 29, 2008
Caliente Field Station



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.

Quinn Canyon and Tempiute
1:100,000 Quad Maps

LEGEND

- Key Area #1 (KA1-CW)
- Key Area #2 (KA2-CW)
- Cottonwood Reservoir
- Permanent Watering Locations
- Pipeline
- Fences Associated with Cottonwood Allotment
- Private (Patented) Lands

Ely District Office



APPENDIX B

TABLE

Table 1. Comparison of Cover Data Collected at Key Areas KA1-CW and KA2-CW in Cottonwood Allotment to Potential Natural Community (PNC) Cover Values for the Applicable Range Site.

Allotment (Key Area)	Range Site	Associated Vegetation Type	% Cover	Appropriate % Cover at PNC from Rangeland Site Description
KA1-CW (middle pasture)	029XY020NV	KRLA2 / ACHY - ELEL5 Silty 5-8" P.Z.	17%	10% – 20%
KA2-CW (east pasture)	029XY079NV	GRSP - EPNE / ACHY – ACSP12 Droughty Loam 5-8 P.Z.	26.3%	20% – 30%

APPENDIX III

STANDARD TERMS AND CONDITIONS

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

Standard Operating Terms and Conditions

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. If future monitoring data indicate that Standards and Guidelines for grazing management are not being achieved, the permit will be re-issued subject to revised terms and conditions.
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

WEED RISK ASSESSMENT

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Term Grazing Permit Renewal for Kay Wright Ranch, LLC

Cottonwood Allotment
Lincoln & Nye Counties, Nevada

(EA-NV-045-08-013)

On February 20th, 2008 a Noxious & Invasive Weed Risk Assessment was completed for a proposed term grazing permit renewal for Kay Wright Ranch, LLC on the Cottonwood Allotment.

This water based allotment is located in the west-central portion of the Ely District BLM, approximately 60 miles northwest of Caliente, Nevada. Most of the allotment is located within Lincoln County; however, the far northern tip of the allotment is located in Nye County.

The proposal is to fully process the renewal of the term grazing permit for a period of up to ten years. The current term permit, which will expire on 2/28/2012, currently authorizes up to 1,177 AUMs of cattle grazing, annually, with periods of use occurring from 4/1 – 5/31 and 10/1 – 12/31. The Cottonwood Allotment is situated in the central part of Garden Valley and encompasses approximately 42,172 acres of public land within the Garden Valley (#185) and Coal Valley (#188) watersheds. Approximately 180 acres of private (patented) land are located within the extreme northwest part of the allotment. The Worthington Mountains extend into the far southeast corner of the allotment.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data were consulted (see attached map to this Noxious Weed Risk Assessment). The Cottonwood Allotment was last inventoried for noxious weeds in 2007. The following species are found within the boundaries of the Cottonwood Allotment:

Onopordum acanthium Scotch thistle

The following species are found along roads and drainages leading to the Cottonwood Allotment:

Cirsium vulgare Bull thistle
Lepidium draba Hoary cress
Tamarix spp. Salt cedar

While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*), horehound (*Marrubium vulgare*), and Russian thistle (*Salsola kali*).

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 Moderate (4) at the present time. The proposed action could increase the populations of the noxious and invasive weeds already within the allotment and could aid in the introduction of weeds from surrounding areas. Within the allotment, watering and salt block sites are of particular concern of new weed infestations due to the concentration of livestock around those sites and the amount of ground disturbance associated with that.

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.

This project rates as High (8) at the present time. If new weed infestations establish within the Cottonwood Allotment this could have an adverse impact those native plant communities since the allotment is currently considered to be weed-free. Also, any increase of cheatgrass could 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.

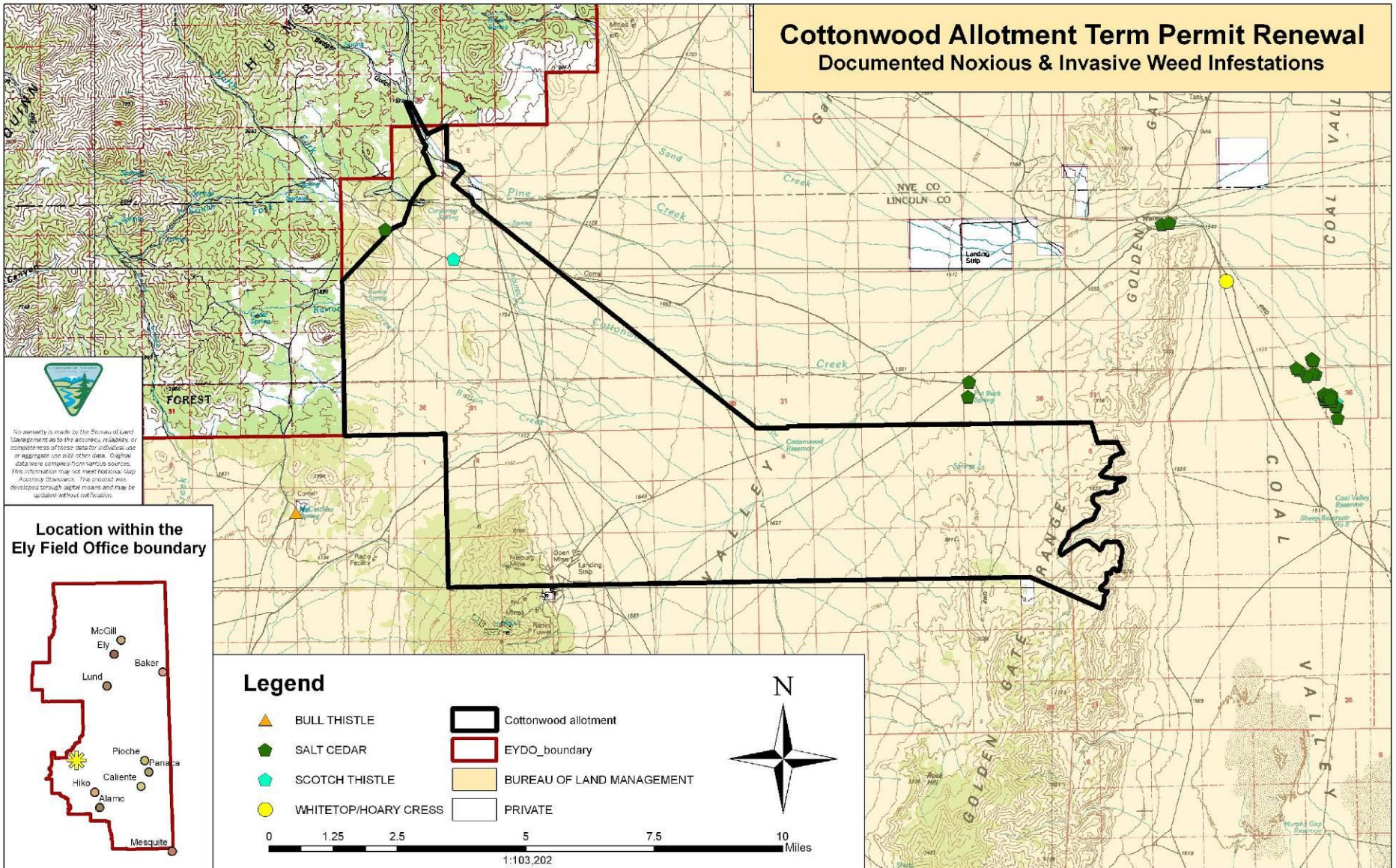
For this project, the Risk Rating is Moderate (32). This indicates that the project can proceed as planned as long as the following measures are followed:

- Prior to entering public lands, the BLM will provide information regarding noxious weed management and identification to the permit holders affiliated with the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.
- The range specialist for the allotment will include weed detection into project compliance inspection activities. If the spread of noxious weeds is noted, appropriated weed control procedures will be determined in consultation with BLM personnel and will be in compliance with the appropriate BLM handbook sections and applicable laws and regulations.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for feed or bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office.
- 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.
- 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
Bonnie Waggoner
Ely District Noxious & Invasive Weeds Coordinator

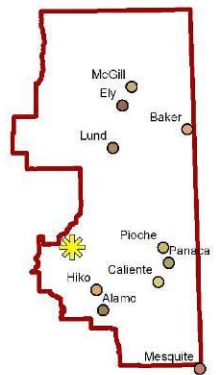
 2/20/2008
Date

Cottonwood Allotment Term Permit Renewal Documented Noxious & Invasive Weed Infestations



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregated use with other data. Contour data were compiled from various sources. This information may not meet National Map Accuracy Standards. The product may develop through digital means and may be updated without notification.

Location within the Ely Field Office boundary



Produced on 2/20/2008 by Bonnie M. Weggoner, Noxious & Invasive Weeds Coordinator for the Ely Field Office