

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

PROPOSED DECISION

Dusty Youren Term Permit Renewal for the Allotment Mill Springs

Prepared By: Craig Hoover

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Bureau of Land Management
Ely District Office
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer to:
4160 (NV-040)

SEPT 29 2008



PROPOSED DECISION

Dusty Youren Term Permit Renewal for the Mill Springs Allotment

Background Information

On September 23, the Finding of No Significant Impact (FONSI) for the Dusty Youren (Mill Spring Allotment) term permit renewal (EA No. NV-040-08-024) was signed. The Environmental Assessment (EA) and the FONSI is 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) per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126.

The term grazing permits under consideration is for the Mill Spring (#10109). The Mills Springs Allotment is a cattle allotment with a permitted use of 418 Animal Unit Months (AUMs). The current permitted season of use is May 15 to June 30 and April 1 to September 30. The current term permit for the Mills Springs Allotment has been issued for the period of 11/16/2005 to 11/17/2015. The allotment is located in White Pine County approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region. The Mills Spring allotment is located at T.20N. and T.21N. R.69E. and R.70 E., multiple sections. The Mill Spring Allotment consists of 5587 acres under Bureau of Land Management administration. The Mill Spring allotment has been classified by Land Use Planning Documents as a category "C" (custodial) allotment. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for Dusty Youren for the Mill Spring Allotment provides for a legitimate multiple use of the public lands and this permit includes terms and

conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for Nevada's Northern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans" 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 and that significant progress is made towards those that are currently not met.

The standards were assessed for the Mill Spring Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the Soil Survey of Western White Pine County Area, Ecological Site Descriptions for Major Land Resource Area 28A, Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996) and the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Ely BLM District Office. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The assessment of rangeland health for the Mill Spring Allotment was conducted in Spring of 2008. It was determined that the Habitat Standard was not being achieved. A review and analysis of the monitoring data was conducted. As a result of this review, changes to the management of livestock were proposed to improve the vegetative conditions of the allotment. The complete standards determination is located in Appendix I of the EA (EA-NV-040-08-024). A summary of the findings for the allotment are as follows:

1. Upland Site Standard: Achieving the Standard
2. Riparian and Wetland Sites Standard: Achieving the Standard
3. Habitat Standard: The Standard is not being achieved regarding the habitat indicators due to perhaps a combination of past drought (see Crop Year Precipitation Table), wildfire suppression and historic (pre-Taylor Grazing Act) over-grazing.

Conclusions of the Standard Determination:

Standard 1 (Upland Sites Standard) Achieved. Standard achieved.

Line intercept cover and utilization studies were conducted at one key study site on the Mills Spring Allotment in 2008. The MLRA (Major Land Resource Area) 28A ecological site descriptions for the Mills Springs Allotment states the appropriate ground cover for the areas where the key site is located is fifteen to twenty-five percent. The range sites for all the key areas and key study sites is R028AY013NV, a Shallow Calcareous Loam 8-10". A review of the data

shows measured vegetative ground cover is within the appropriate cover levels in the key study site on the Mills Springs allotment as recommended in the ecological site description guides for the range site.

In 2008 no utilization studies were conducted as no authorized grazing has taken place since the summer of 2002.

Vegetation cover studies, utilization studies, photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential the key study site on the allotments.

Standard 2 (Riparian and Wetland Sites Standard) Standard achieved.

Proper functioning condition (PFC) monitoring studies have been conducted at Mill and Cane springs located on federal land within the Mills Spring Allotment in the fall of 2007 and spring of 2008.

Proper functioning condition studies accomplished on Mills Spring Allotments during the fall of 2007 and the spring of 2008 indicate one of the riparian areas was in proper functioning condition and one was found to be in a functioning-at-risk with a downward trend condition. This condition was not caused by authorized livestock use. With regards to the riparian area meeting standards, adequate vegetation, debris, and rock are present to dissipate water or snow run-off energy during high water flow years in and around spring source areas. Bank stability is good. Vegetative cover was appropriate for the associated riparian area. Desired plants were establishing. Areas of sedges were present. Floodplain characteristics were present that would dissipate energy.

Mills Springs is in proper functioning condition achieves State water quality criteria.

Standard 3 (Habitat Standard) Not achieved.

The 2008 cover by species data for the key study site show the present dominant vegetation consists of black sagebrush and phlox. These species comprise over 80%, by composition, of the present vegetation community. Ideally, these vegetation communities should contain a shrub cover component much less than what currently exists, between twenty and thirty-five percent, and a grass/forb cover component much greater than what currently exists, greater than thirty-five percent, as stated in the "Soil Survey of White Pine County, Nevada, East Part" information. There is a concern over the disproportionate amount of shrubs species on the allotment in relation to forb and grass plant species component of the present plant community. Professional observations suggest the vegetation composition changes along the elevation gradient and plant communities are separated by small hills and gullies on the lower mountain benches and there is a mosaic and a "mix" of plant communities and ecological sites, including sites dominated by Wyoming big sagebrush, black sagebrush, and fourwing salt bush. There are many travel corridors present for grazing animals in the washes and drainage bottoms. The current existing native plant communities are adequate to sustain animal needs, even in the winter period. The native vegetation consists of very small quantities of native grasses mixed with large quantities

of the sagebrush species and in some areas pinyon/juniper especially where past wild fires have been suppressed.

The ecological sites within this allotment have transitioned into plant communities dominated by shrubs. The sagebrush, fourwing saltbush, and grass plant communities are in a static stable state. An over abundance of pinyon/juniper species in some areas of the allotment is currently an issue of concern. Pinyon/juniper can provide abundant carry fuel for wildfires. A very small herbaceous component is present. Monitoring data indicates the shrub composition to be above the appropriate shrub composition for the range site. The over dominance of shrubs and lack of herbaceous component on the allotment is due to a combination of drought (see Table 3) and historical overgrazing (pre 1934 Taylor Grazing Act).

Consultation and Coordination

The project proposal was posted on the Ely Field Office web site, February 27, 2008, at http://www.nv.blm.gov/ely/nepa/ea_list.htm and no comments were received.

A hard copy of the preliminary EA was mailed to the permittee and those publics who have specifically requested one and who have expressed an interest in range management actions on the Mill Spring Allotment. Comments will be incorporated into the Final environmental assessment as deemed appropriate.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1 permitted use for Dusty Youren on the Mill Spring Allotment will be as follows:

Table 1. Current Term Permit for Dusty Youren (#2700015)

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
10109 Mills Springs	40 Cattle	05/16	06/30	100	Active	341
	13 Cattle	04/01	09/30	100	Active	
*% Public Land is the percent of public land for billing purposes.						
**AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						
Allotment AUMs Summary						
ACTIVE AUMS		SUSPENDED AUMS		PERMITTED USE		
341		77		418		

The proposed term permit and allotment information is as follows:

Proposed Term Permit for Delamar Valley Cattle (#2700015)

Allotment Name Number	Livestock Number/Kind	Grazing Period		% Public* Land	Type Use	AUMs**
		Begin	End			
10109 Mills Springs	Cattle	06/01	07/15	100	Active	341

The allotment summary is as follows:

Allotment AUMs Summary		
ACTIVE AUMS	SUSPENDED AUMS	PERMITTED USE
341	77	418

The proposed action is to renew the grazing permit with changes to the season of use within the permit. The proposed change in season of use would be from (05/16 to 06/30) for 40 cattle and (04/01 to 09/30) for 13 cattle to (06/01 to 07/15) for 91 cattle. The Active AUMs would remain the same. Grazing would continue as it has in the past with the exception of a change in a portion of the cattle permitted season of use from spring to summer use. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the spring critical growing season. This should promote plant vigor, health, seedling establishment and improved soil water infiltration. Appendix II lists the specific terms and conditions that will be included as part of the grazing permit. The issuance of the term grazing permit would be for a period of ten years. (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment are further quantified in the Terms and Conditions.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

The renewal of the term grazing permit would be for a period of ten years from 10/01/2008 to 09/30/2018. Proposed changes to the permit terms and conditions would affect the overall management of livestock based on timing of grazing, and allowable use levels on perennial native plants.

Terms and conditions for grazing use which would become pertinent to the Dusty Youren permit are proposed as follows:

1. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

2. Change the current season of use for cattle grazing from (4/01 to 09/30) for 14 cattle and (05/16 to 06/30) for 40 cattle to (06/01 to 07/15) for all authorized livestock on the Mills Springs Allotment.
3. Maintain the current stocking level at 341 active AUMs with 77AUMs in suspended use on the Mills Springs Allotment.
4. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread on the Mills Springs Allotment.
5. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.
6. Salt blocks and nutritional supplements will be located at least ¼ mile away from riparian/wetland areas, water ditches, or other permanently located or natural water sources and supplement locations should be moved every year.

Terms and Conditions:

Stipulations common to all allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the above allotment(s).
2. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing.
3. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities for 30 days or until notified to proceed by the authorized officer.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment with VISA, MasterCard or

American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Grazing use in the Mills Springs Allotment, located in White Pine County, will be in accordance with the Northern Great Basin Area Standards and Guidelines for Grazing Administration, as developed by the resource Advisory Council (RAC) and approved by the Secretary of the interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR sub-part 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards the fulfillment of the Northern Great Basin Area Standards and toward conformance with the guidelines. The management actions implement the guidelines to meet multiple use objectives and standards.

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

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

9. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.

Rationale For Changes in Grazing Use

Livestock grazing is not a contributing factor to not achieving the Habitat Standard. The primary reason cited is inadequate soil protection through inappropriate vegetation community. The likely primary causal factors are drought and perhaps historic over-grazing use. The proposed change in season of use on the Mill Spring Allotment would be from The proposed action is to renew the grazing permit with changes to the season of use within the permit. The proposed change in season of use would be from (05/16 to 06/30) for 40 cattle and (04/01 to 09/30) for 13 cattle to (06/01 to 07/15) for 91 cattle. The Active AUMs would remain the same. Grazing would continue as it has in the past with the exception of a change in a portion of the cattle permitted season of use from spring to summer use. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the spring critical growing season. This should promote plant vigor, health, seedling establishment and improved soil water infiltration. Appendix II lists the specific terms and conditions that will be included as part of the grazing permit. The issuance of the term grazing permit would be for a period of ten years. (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment are further quantified in the Terms and Conditions.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use. The change in season of use would allow a greater period of rest from grazing on the critical forage plant species during the spring

critical growing season. This should promote plant vigor, health, seedling establishment and improved soil water infiltration in areas needing improvement.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

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

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

4110.3: “The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.”

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

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

4130.3-1(a): “The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

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

4130.3-3: “Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part...”

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

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

Protest and Appeal

Protest

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

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

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

Appeal

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

The appeal and any petition for stay must be filed at the office of the authorized officer Jane Peterson, Field Manager Schell Field Office, Ely Field Office Box 33500 702 North Industrial Way HC33 Ely, Nevada 89301. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

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

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)). (43 CFR 4.422(c) 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)(2)).

Sincerely,

Jane Peterson
Field Manager Schell Field Office
Ely District BLM

Enclosures:

1. Finding of No Significant Impact (FONSI)
2. EA NV-040-06-14 (including the standards determination document)
3. Allotment Map(s)

cc:

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**FINDING OF NO SIGNIFICANT IMPACT
FOR
Dusty Youren Term Permit Renewal (Mill Spring Allotment)
EA # NV-040-08-024**

I have reviewed Environmental Assessment (EA) **NV-040-08-024**, dated August 19, **2008**. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) **NV-040-08-024** has been reviewed through the interdisciplinary team process.

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan approved August 20, 2008. 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 Mills Spring Allotment consists of 5587 acres under Bureau of Land Management administration. The allotment is located in White Pine County approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region., all in White Pine County, Nevada. White Pine County is sparsely populated, with less than one person per square mile. 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 described under the Standards Determination Document. 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 potentially substantial or adverse impacts to public health and safety.

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

There are no parks, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Cultural and historic resources typical of the general

area may occur on the allotment, but there are no known sites of particular importance or interest.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Ely District Record of Decision and Approved Resource Management Plan approved August 20, 2008. Although public input has been sought for the proposed action, there has been little public interest and only a few comments on effects analyzed in the attached EA.

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

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives. 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 permit does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future projects within the area or in surrounding areas will be analyzed on their own merits and implemented or not, independent of the actions currently selected.

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

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be propose 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) would be affected by the proposed action were identified in the project area and EA. Evaluations of any known eligible sites within the allotment determined

that the proposed action will not cause their loss or destruction, nor of any 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 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.

Jane Peterson
Field Manager Schell Field Office
Ely District BLM

Date

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

Environmental Assessment (EA)

NV-040-08-024

**GRAZING PERMIT ISSUANCE FOR DUSTY YOUREN
United States Department of the Interior
Bureau of Land Management
Ely Field Office**

Prepared By: Craig Hoover

August 19, 2008

U.S. Department of the Interior
Bureau of Land Management
Ely District Office
Phone: 775-289-1800
Fax: 775-2891910



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 Dusty Youren on the Mill Springs Allotment (10109). 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.

This EA is tiered to and incorporates by reference the Ely District Record of Decision and Approved Resource Management Plan approved August 20, 2008. This broad, long term land use planning document implemented decisions regarding rangeland management in the Ely District. The Mill Springs Allotment has been designated as management category “custodial” (C).

The term grazing permit under consideration authorizes grazing use within the Mill Springs Allotment. Cattle and sheep are the authorized kind of livestock. The sheep portion of the permit has been in non-use for over six years. The permit would be for a period of ten years. The current term permit for the Mill Springs Allotment has been issued for the period 11/16/2005 to 11/17/2015.

A Grazing Final Multiple Use Decision (FMUD) has been accomplished for the Mill Springs Allotment in September of 1993. Per the Multiple Use decision 77 AUMs were suspended and 203 AUMs put into nonuse pending completion of an allotment boundary fence. The fence to date has not been completed on the allotment. The standards assessment and evaluation report was completed for a term permit renewal for the allotment in August, 2008.

An assessment of the rangeland health has been conducted prior to the permit issuance (renewal) process. Standards for Rangeland Health were assessed by a BLM interdisciplinary team on April 21, 2008 on the Mill Springs Allotment. The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologists, Natural Resource Specialists, Archaeologists, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS 1982), Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), and Riparian Area Management (USDI-BLM et al. 1998). The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997.

A review of the monitoring data was conducted. As a result of this assessment, no changes in the livestock management practices (salting/supplementation, fencing, herding) have been identified

as necessary to meet or maintain rangeland health standards. The assessment was based on rangeland monitoring data that is summarized within appendix 1. As a result of the assessment and monitoring data review, it has been determined that the Standards and Guidelines for Rangeland Health are being achieved or making progress toward being met on the Mill Springs Allotment. A summary of this finding for the allotment follows:

- | | |
|--|--|
| 1. Upland Sites Standard | Standard Achieved. |
| 2. Riparian and Wetland Sites Standard | Standard Achieved |
| 3. Habitat Standard | (Not Meeting the Standard, but making significant progress towards and livestock are not the casual factor). |

Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) Standard achieved.

Findings: Monitoring data results describing current resource conditions for the Key study site within the Mills Spring Allotment as they relate to the above Upland Sites Standard and soils indicators are as follows:

Line intercept cover and utilization studies were conducted at one key study site on the Mills Spring Allotment in 2008. The MLRA (Major Land Resource Area) 28A ecological site descriptions for the Mills Springs Allotment states the appropriate ground cover for the areas where the key site is located is fifteen to twenty-five percent. The range sites for all the key areas and key study sites is R028AY013NV, a Shallow Calcareous Loam 8-10". A review of the data shows measured vegetative ground cover is within the appropriate cover levels in the key study site on the Mills Springs allotment as recommended in the ecological site description guides for the range site.

In 2008 no utilization studies were conducted as no authorized grazing has taken place since the summer of 2002.

Conclusion:

Vegetation cover studies, utilization studies, photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential the key study site on the allotments.

Standard 2 (Riparian and Wetland Sites Standard) Standard Achieved.

Findings: Proper functioning condition (PFC) monitoring studies have been conducted at Mill and Cane springs and several dried-up spring sources located on federal land within the Mills Spring Allotment in the fall of 2007 and spring of 2008.

Proper functioning condition studies accomplished on Mills Spring Allotments during the fall of 2007 and the spring of 2008 indicate one of the riparian areas was in proper functioning condition and one was found to be in a functioning-at-risk with a downward trend condition. This condition was not caused by authorized livestock use. With regards to the riparian area meeting standards, adequate vegetation, debris, and rock are present to dissipate water or snow run-off energy during high water flow years in and around spring source areas. Bank stability is good. Vegetative cover was appropriate for the associated riparian area. Desired plants were establishing. Areas of sedges were present. Floodplain characteristics were present that would dissipate energy.

Mill Springs is in proper functioning condition and achieves State water quality criteria. There is very little evidence of domestic livestock or wildlife use in this area of the allotment during the assessment period during the fall of 2007 and summer of 2008.

Conclusion:

All but one riparian and wetland area exhibited a properly functioning condition and achieved state water quality criteria. The riparian area which did not meet a properly functioning condition was not caused by authorized livestock grazing.

Standard 3 (Habitat Standard) Not achieved.

Findings: Monitoring data results describing current resource conditions for Key study site in the Mill Springs Allotment as they relate to the above Habitat Standard and habitat indicators are as follows:

The “Soil Survey of White Pine County, Nevada, East Part” information, field observations, and professional judgment were used in this assessment to describe and compare the dominant potential vegetation in the Mill Springs Allotment with the current existing vegetation communities.

A. Potential Natural Community characteristics of Upland Vegetation Communities

The vegetation within the Mills Springs Allotment should be diverse with sagebrush/shrub/grass plant communities dominating. The major plant components within the allotment should be black sagebrush, Indian ricegrass and Needleandthread. These should be the dominant vegetative species on the Mills Springs Allotment study site which was chosen as an area of representation for the dominant ecological site on the allotment. Black sagebrush should comprise as much as thirty- five percent by composition of the vegetation community. Indian ricegrass and Needleandthread grasses together should comprise as much as fifty-five percent of the vegetation community as stated in the MLRA 28A “Soil Survey of White Pine County, Nevada, East Part”.

B. Current Community characteristics of Upland Vegetation Communities in the Mill Spring Allotment

The 2008 cover by species data for the key study site show the present dominant vegetation consists of black sagebrush and phlox. These species comprise over 80%, by composition, of the present vegetation community. Ideally, these vegetation communities should contain a shrub cover component much less than what currently exists, between twenty and thirty–five percent, and a grass/forb cover component much greater than what currently exists, greater than thirty–five percent, as stated in the “Soil Survey of White Pine County, Nevada, East Part” information. There is a concern over the disproportionate amount of shrubs species on the allotment in relation to forb and grass plant species component of the present plant community. Professional observations suggest the vegetation composition changes along the elevation gradient and plant communities are separated by small hills and gullies on the lower mountain benches and there is a mosaic and a “mix” of plant communities and ecological sites, including sites dominated by Wyoming big sagebrush, black sagebrush, and fourwing salt bush. There are many travel corridors present for grazing animals in the washes and drainage bottoms. The current existing native plant communities are adequate to sustain animal needs, even in the winter period. The native vegetation consists of very small quantities of native grasses mixed with large quantities of the sagebrush species and in some areas pinyon/juniper especially where past wild fires have been suppressed.

Ecological Processes and Conclusion

The ecological sites within this allotment have transitioned into plant communities dominated by shrubs. The sagebrush, fourwing saltbush, and grass plant communities are in a static stable state. An over abundance of pinyon/juniper species in some areas of the allotment is currently an issue of concern. Pinyon/juniper can provide abundant carry fuel for wildfires. A very small herbaceous component is present. Monitoring data indicates the shrub composition to be above the appropriate shrub composition for the range site. The over dominance of shrubs and lack of herbaceous component on the allotment is due to a combination of drought (see Table 3) and historical overgrazing (pre 1934 Taylor Grazing Act).

Need for the Proposal

The proposal is needed to provide for legitimate multiple uses of the public lands by renewal of the term grazing permit for Dusty Youren on the Mill Springs Allotment in accordance with all applicable laws, regulations, and policies. In accordance with Title 43 CFR 4130.2(a), “Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing.”

Relationship to Planning

This EA is tiered to and incorporates by reference the Ely District Record of Decision and Approved Resource Management Plan approved August 20, 2008. The proposed action would implement the management decisions from these approved Land Use Planning document regarding range (p.7) and watershed condition (p.6). The proposed action would also be in

conformance with the Interim Management Policy and Guidelines for Lands under Wilderness Review (H-8550-01) 1983, and the White Pine County Elk Management Plan approved March 1999. The project is also consistent with the White Pine County Land Use Plan of May, 1998 which states the following:

- “The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives.” (page 7)

Relationship to Bureau Guidance

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

Identification of Issues

There were no issues identified during public scoping for this proposed term grazing permit renewal. This permit renewal proposal was scoped by resource specialists during a meeting held April 21, 2008 at the Ely BLM Field Office. A 15 day public comment period will be allowed on the preliminary EA. No issues were identified during the comment period.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The Bureau of Land Management would issue and fully process a new term grazing permit for Dusty Youren and authorize livestock grazing on the Mill Springs Allotment. The current term permit and allotment information follows:

The proposed action is to issue a new term grazing permit for Dusty Youren (operator # 2704446) and authorize livestock grazing on the Mill Springs Grazing Allotment. The current term permit and allotment information follows:

Table 1. Current Term Permit for Dusty Youren (#2704446)

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
10109 Mills Springs	41 Cattle	05/16	06/30	100	Active	341
	13 Cattle	04/01	09/30			

*% Public Land is the percent of public land for billing purposes.
 **AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.

Allotment AUMs Summary		
ACTIVE AUMS	SUSPENDED AUMS	PERMITTED USE
341	77	418

*% Public land is the percent of public land for billing purposes

**AUMs may differ from active Preference due to a rounding difference with the number of livestock and the period of use.

The allotment summary is as follows:

Allotment AUMs Summary		
ACTIVE AUMS	SUSPENDED AUMS	PERMITTED USE
341	77	418

The proposed action is to renew the grazing permit with changes to the season of use within the permit. The proposed change in season of use would be from (05/16 to 06/30) for 40 cattle and (04/01 to 09/30) for 13 cattle to (06/01 to 07/15) for 91 cattle. The Active AUMs would remain the same. Grazing would continue as it has in the past with the exception of a change in a portion of the cattle permitted season of use from spring to summer use. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the spring critical growing season. This should promote plant vigor, health, seedling establishment and improved soil water infiltration. Appendix II lists the specific terms and conditions that will be included as part of the grazing permit. The issuance of the term grazing permit would be for a period of ten years. (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment are further quantified in the Terms and Conditions.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

Monitoring

Rangeland monitoring data would continue to be collected for the Mill Springs Allotment to determine if the livestock management practices are continuing to meet or making progress towards meeting the Standards for Rangeland Health and other vegetative objectives for the allotments.

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

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

Monitoring data would continue to be collected by the BLM for the allotment including utilization (use pattern mapping and key area), ecological condition, trend and cover. 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 on a regular basis for noxious weeds and non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area.

No Action Alternative

The change in the season of use on the permit would not be proposed and remain as it is on the current grazing permit.

Other Alternatives

The No Grazing alternative was addressed in the Schell Draft Grazing EIS. The EIS analyzed the impacts of grazing through a proposed action and four alternatives. Not issuing term grazing permits was considered but eliminated from detailed analysis because the Code of Federal Regulations at CFR 4130.2 requires the issuance of grazing permits to qualified applicants. No additional site specific alternatives are necessary for analysis since there are no unresolved conflicts concerning alternative uses of available resources.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The Mill Springs Allotment consists of 5587 acres under Bureau of Land Management administration. The allotment is located in White Pine County approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region. Elevation varies from 6,200 feet in Pleasant Valley and North Spring Valley to 9,600 feet on the north aspect of the Kern Mountain Range. Annual precipitation ranges from nine inches in the valley bottoms to nineteen inches at the higher elevations on the allotment. Precipitation occurs as winter snow or spring/fall thundershowers and rains. July and August are normally very hot, dry months. Average annual air temperature is from 42 to 48 degrees Fahrenheit. The average frost-free season is from 90 to 120 days. The permit area occurs within the Deep Creek and North Spring Valley Watersheds.

The Mills Springs Allotment occurs within Major Land Resource Area (MLRA) 028A, the Central Nevada Basin and Range Area, first described by the U. S. Department of Agriculture in the early 1960's. The Soil Conservation Service (now Natural Resource Conservation Service (NRCS)) has extensively described the topography, geology, soils, climate, and range sites of each MLRA. The NRCS periodically updates information concerning each MLRA as new data becomes available. NRCS data will be used in this analysis to assess watershed conditions. The

Mill Springs Allotment occurs within the Deep Creek and North Spring Valley Watersheds. The NRCS website is: <http://www.nv.nrcs.usda.gov>

Critical Elements of the Human Environment

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

Table 1. Critical Elements of the Human Environment

Critical Element	No Effect	May Affect	Not Present	Rationale
Air Quality	X			Minor dust is associated with normal livestock trailing to/from water locations.
Areas of Critical Environmental Concern (ACEC)			X	No areas of critical environmental concern have been proposed or designated within the allotment.
Cultural Resources	X			There would be no impacts to any Historic Properties by the term permit renewal. Small, very diffuse lithic scatters occur in the allotment area around spring sources.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)		X		There is prime or unique farmland on the allotment. The greatest acreage of the potential prime farmland is located on private property.
Floodplains			X	There are no known floodplains within the project area; however the proposed action would have no affect on floodplains.
Migratory Birds		X		Several species of migratory birds have a distribution that overlaps with the Proposed Action Area.
Native American Religious Concerns	X			On January 19, 2006 the Pleasant Valley Enterprises Term Permit Renewal proposal was presented at a

				Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.
Noxious weeds and non-native, invasive species		X		Surface disturbance through livestock movement may increase the risk of non-native, invasive species establishment.
Special Status Species (animals)		X		Bald eagles are transient through the area. There are no other known species afforded protections under the endangered species act (ESA) Nevada Sensitive Species identified under BLM policy may occur in the Proposed Action Area. There are no ferruginous hawk nest sites. There are no known sage grouse leks (strutting grounds) on the allotment. It is expected there is no sage grouse nesting or brooding habitat on the allotment.
Special Status Species (plants)			X	There are no listed, sensitive or candidate Threatened/Endangered plant or animal species known to occur on the Mill Springs Allotment.
Wastes (hazardous or solid)	X			No hazardous or solid wastes exist on permitted allotment, nor would any be introduced by the proposed action.
Water Quality (drinking/ground)	X			Ground water located in a deep aquifer would not be impacted. No surface water within the area is used for domestic drinking water.
Wetlands/Riparian		X		Proper functioning condition studies accomplished on Mills Spring Allotments during the fall of 2007 and the spring of 2008 indicate one of the riparian areas was in proper functioning condition and one was found to be in a functioning-at-risk with a downward trend condition. This condition was not caused by authorized livestock use.
Wild Horses and Burros	X			All of the Mill Springs Allotment lies in the prior Moriah Herd Management Area (HMA). The new RMP considered the ability to actively

				manage wild horses. The Moriah HMA status was changed to Herd Area (HA), and the decision was made to remove the population as a non-manageable population.
Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.
Wilderness Values			X	The permit renewal area does not occur within a wilderness or a wilderness study area (WSA No areas of critical environmental concern (ACEC) have been identified within the term permit renewal area.

In addition to the critical elements of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The potential resources and uses, or non-critical elements that may be affected are listed in Table 2. A brief rationale for either considering or not considering the non-critical element further is provided. The non-critical elements that are considered in the EA are described in the Affected Environment (Section 3) and are analyzed in the Environmental Consequences (Section 4).

Table 2. Other Resources and Uses

Resource or Issue	No Effect	May Affect	Not Present	Rationale
Soils		X		Soils are stable, primarily consisting of loams, minimal disturbance could occur due to hoof action within the Proposed Action Area.
Socioeconomics		X		The Proposed Action would provide stability to livestock operator
Vegetation		X		The Proposed Action could improve vegetation.
Wildlife		X		There is yearlong habitat and no identified corridors or crucial habitat for Rocky Mountain elk within the allotment. The allotment has mule deer winter range and no migration corridors or crucial habitat. There is yearlong pronghorn antelope habitat and no identified corridors or crucial habitat.
Range/Livestock Grazing/Standards and Guidelines		X		Standards and Guidelines 2 and 3 has not been met however progress toward achievement of the standards would continue.

Recreation	X			Dispersed recreation in this area includes large and small game hunting, wildlife observation and photography, hiking and general off highway vehicle use.
Visual Resources	X			When temporary water haul sites are used, the temporary water haul sites would introduce visual contrasts into the landscape. Temporary water haul sites would not be visible from the highway. The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class III objectives for this area.

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:

- Air Quality
- Migratory Birds
- Noxious Weeds and Non-native Invasive Species
- Special Status Species (Federally listed threatened or endangered, proposed, and candidate species; state protected species; and BLM sensitive species.
- Riparian
- Range/Livestock Grazing/Standards and Guidelines
- Soils
- Socioeconomic
- Vegetation
- Wildlife

Air Quality

It is expected that the current air quality within the proposed project area is within acceptable limits and meets State standards. The proposed project area is not within an area containing residential or industrial development. There are currently no activities occurring within the area which would affect air quality standards.

Migratory Birds

A number of migratory bird species, such as the loggerhead strike, are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Outside the breeding season, any number of species

have the potential to use the area during the winter or migration. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock within the allotment.

Invasive, Non-Native Species (including Noxious Weeds)

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. The following species are found within the boundaries of the Mill Springs allotment:

<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane

The following species are found along roads and drainages leading to the Mill Spring allotment:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Mill Spring allotment was last inventoried for noxious weeds in 2004. It should be noted that this allotment borders the BLM Fillmore Field Office and no weed inventory data for the BLM Fillmore Field Office is available. While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomeratus*), horehound (*Marrubium vulgare*), and Russian thistle (*Salsola kali*).

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)

Nevada BLM Sensitive Species list are species designated by the State Director, in cooperation with the State of Nevada Department of Conservation and Natural Resources, that are not already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. Species which were eliminated from the U. S. Fish and Wildlife Service's Category II candidate list in 1995 were maintained by BLM as per Instruction Memorandum No. NV-98-013. Nevada BLM policy is to provide these species with the same level of protection as is provided for candidate species in BLM Manual 6840.06 C. The Policy (BLM Manual section 6840.06 C) states in pertinent part "BLM shall carry out management, consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened or endangered."

BLM sensitive species

There are no listed, sensitive or candidate Threatened/Endangered plant or animal species known to occur on the Mill Springs Allotment. There are no ferruginous hawk nest sites. According to Nevada Department of Wildlife (NDOW) records, no current or historical sage grouse leks have been found within 8 km of the Mill Springs Allotment. The allotment is located within the Schell Range/Antelope Valley Greater Sage Grouse Population Management Unit (PMU). The White Pine County Portion of the Sage Grouse Conservation Plan (2004) states that the risk to greater sage grouse populations in this PMU from livestock grazing is low. Pinyon/juniper encroachment is identified as having a moderate effect on the quantity and quality of breeding, nesting, and early and late brood rearing habitat. The species population would not be expected to be negatively impacted by the proposed livestock grazing.

Mills Springs Allotment is part of the Schell Range/Antelope Valley PMU. The White Pine County Portion of the Sage Grouse Conservation Plan (2004) states that the risk to greater sage grouse populations in this PMU from livestock grazing is low. Pinyon/juniper encroachment is identified as having a moderate effect on the quantity and quality of breeding, nesting, and early and late brood rearing habitat. According to Nevada Department of Wildlife (NDOW) records, there are no current or historical sage grouse leks within 8 km of the allotment. NDOW is the lead entity responsible for the sage grouse monitoring program, including survey and population assessment, compiling surveys and maintaining species status databases

Federally listed, proposed or candidate Threatened or Endangered Species

Bald eagles, federally listed as threatened and proposed for delisting, may be observed in the allotment at varying times of the year.

Riparian

Proper functioning condition studies accomplished on Mills Spring Allotments during the fall of 2007 and the spring of 2008 indicate one of the riparian areas was in proper functioning condition and one was found to be in a functioning-at-risk with a downward trend condition. This condition was not caused by authorized livestock use.

Range

The Mill Springs Allotment is currently permitted for cattle grazing. Historically, both cattle and sheep grazing occurred on this allotment. Wild horse and wildlife use of the area are discussed below, under a separate heading. The current permit for cattle use is described above under the Proposed Action on page 6.

Vegetation

The Mill Springs Allotment occurs within Major Land Resource Area (MLRA) 028A – Great Salt Lake Area. The ecological sites (range sites) within the allotment have been described, classified, and studied by the Natural Resource Conservation Service (NRCS). The three vegetation types within the allotment are black sagebrush, northern desert shrub (big sagebrush types) and winterfat communities. Scattered pinyon-juniper trees occur in the upper elevations of the allotment. The dominant vegetation consists of black sagebrush, Indian ricegrass, needle and thread grass, big sagebrush and some winterfat. The invasive annual grass cheatgrass is common in the allotment. Other non-native invasive plants including Halogeton, Russian thistle, Bull thistle, Canada thistle, Musk thistle, Russian knapweed, salt cedar are present in the allotment.

Soils

The soils in the Mills Springs Allotment are primarily gravelly-sandy loam soils. The soils are primarily alluvial, occurring on the alluvial fans on the east side of the Kern Mountain Range. The main Soil Mapping Units are 1306, a Jericho- Armespan Association, 1307 Kyler-Amtoft association, 1315, a Kiou-Pinwheeler –Growset association, 1325, a Bellenmine-Grosschat-topeki association, and 3436, a Lodar-Amtoft-Monarch association. These soils are duripan soils that have a restrictive layer going to 20” deep. This restrictive layer limits plant rooting depth. The soils are moderately susceptible to wind or water erosion. The soils on the benches and higher elevation sites are generally less susceptible to erosion than the more fragile silts near the valley bottom. Soils in the Mill Springs Allotment vary in percolation rates, and water holding capacity.

Socioeconomic

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

Wildlife

The Mills Springs Allotment is within Nevada Division of Wildlife Big Game Management Area 11, Unit 113. The allotment provides habitat for mule deer, pronghorns and Rocky Mountain elk. The allotment receives year-long antelope use and minimal winter/early spring use by deer and elk.

Bald eagles, golden eagles, and peregrine falcons may be observed in the allotment at varying times of the year. The allotment provides habitat for coyotes, rabbits, sagebrush obligate birds, and other small mammals and reptiles.

NDOW is the lead entity responsible for wildlife surveys on public lands in Nevada. The nearest raptor nests reported on NDOW’s raptor nest database are identified as being located more than

57 km from the allotment. In general, overall Nevada populations of ferruginous hawks have been reported as healthy and stable, although quantitative data is limited.

IV. ENVIRONMENTAL CONSEQUENCES AND THE NO ACTION ALTERNATIVE

The environmental consequences of grazing were analyzed in the Schell Management Framework Plan and Environmental Impact Statement (MFP/EIS), dated June 1983. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the EIS. There have been no major changes made associated with the proposed term permit renewal from the rangeland management actions presented in the EIS. The proposed action is not substantially different than the actions analyzed in the EIS. The following site specific analysis is in addition to that in the EIS.

Air Quality

The proposed term permit renewal may increase dust levels during trailing to and from water sources. Any increase in dust would be transitory and quickly dissipate. Dust is not expected to exceed Nevada and National Ambient Air Quality Standards. In addition, it is expected that any emissions would not affect any Class I air quality areas.

No Action Alternative

The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use. Livestock would continue to graze as they have in the past.

Migratory Birds.

A number of migratory bird species, such as the loggerhead strike, are known to have a distribution that overlaps with the proposed action area. Migratory bird nesting and foraging habitat may be located throughout the allotment. Based on known habitat associations, species composition may be somewhat anticipated. Outside the breeding season, any number of species have the potential to use the area during the winter or migration. However, the potential for the proposed livestock grazing to negatively affect migratory birds is discountable because of low density of livestock within the allotment.

No Action Alternative

The No Action Alternative would not have any additional impacts on the migratory birds nesting in the allotment. No change to the permit would constitute that no changes in habitat or nesting impacts would occur.

Invasive, Non-Native Species (including Noxious Weeds)

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. However, with the weed control measures added to the proposed action, the grazing permit renewal would not likely result in an increase in noxious weeds to the area. The Risk Factor for spread of noxious weeds is moderate at the present time (See Appendix 3 for the Noxious and Invasive Weed Risk Assessment). Localized areas of livestock concentration or disturbance may increase the distribution of noxious weeds. Grazing use may cause an increase in invasive plants, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors. If new weed infestations establish within the Mill Spring allotment this could have an adverse impact those native plant communities since the allotment is currently considered to be mostly weed-free. Also, any increase of cheatgrass could alter the fire regime in the area.

No Action Alternative

No Action: The No Action Alternative would allow livestock grazing during the current permitted season of use which would result in a decline in the winterfat community's health and vigor. There could be an increase in the populations of the noxious and invasive weeds already within the allotment and could aid in the introduction of weeds from surrounding areas. There would be a greater chance of invasive weeds such as cheatgrass and halogeton invading the winterfat communities due to the season of use.

Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)

Bald eagles are transitory migrants and effects to special status species are generally transitory in nature and have no known use areas. These species would not generally be affected by the proposed action.

According to Nevada Department of Wildlife (NDOW) records, no current or historical sage grouse leks have been found within 8 km of the Mills Springs Allotment. Because there are no significant changes for the term permit there should be no net change for sage grouse resulting in impacts to any potential future populations.

No Action Alternative

No Action: The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use. There will be no impacts to BLM sensitive species.

Range/Livestock Grazing

According to the proposed action, grazing would continue as it has in the past with an exception to a proposed change in permitted season of use from spring/summer use to summer use for cattle. The change in season of use would allow a greater period of rest from grazing on key forage plant species during the summer growing season which promotes plant vigor and health. Livestock management practices would remain the same. Cattle distribution would continue to be controlled through water hauling. Historically, both cattle and sheep grazing occurred on this allotment. Utilization of key forage plants is expected to be moderate or less. Moderate use stimulates new plant growth. It is possible that local areas of over-utilization of key forage plants could result from use by cattle. This possibility would be monitored and actions taken to correct the problem. Utilization of cheatgrass would help prevent catastrophic wildfire. Wildfire in this allotment would lead to a loss of native plants and an increase in cheatgrass. The proposed action would make progress towards achieving Standards and Guidelines for Grazing Administration and the other multiple use resource objectives for the allotment.

No Action Alternative

The permitted season of use would not change on the Mills Springs Allotment. Livestock would continue to graze annually during the current permitted season of use.

Riparian

All but one riparian and wetland area exhibited a properly functioning condition and achieved state water quality criteria. The riparian area which did not meet a properly functioning condition was not caused by authorized livestock grazing.

No Action Alternative

The No Action Alternative would have the same effects as the proposed action. The permit would not be changed to reflect the proposed season of use.

Soils

It is expected that soil characteristics would benefit from improved livestock distribution. Increased forage production and an improved ground cover would result in less soil erosion, better soil/water relations, and an overall improved watershed. Most of the soils are shallow-calcareous loams and should not be affected by the term permit renewal.

No Action Alternative

Soils would not be affected if the proposed action is not implemented. There would be no change to the soils based on the level of grazing use occurring on the allotment.

Socioeconomic

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

No Action Alternative

The No Action Alternative would have the same effects as the proposed action.

Vegetation

The term permit renewal would be expected to lead to vegetation impacts such as maintaining or improving current vegetation composition and cover, maintaining vegetation production and forage availability, stimulation of new growth, and stabilization of rangeland condition and trend. Limited spring cattle use along with distribution of grazing would allow native plants to produce seed. During many recent drought years native plants have not produced much seed. Disturbed areas of vegetation of approximately ½ acre could develop around temporary water haul locations.

No Action Alternative

Livestock would continue to graze as they have in the past and the permitted season of use for the Mill Springs Allotment would not change under the No Action Alternative.

Wildlife

It is expected that wildlife habitat would not change measurably as a result of the proposed action. To the extent that moderate livestock grazing stimulates new plant growth, that growth will be available for wildlife. The habitat requirements of sagebrush obligate species such as songbirds would not change. Water availability would increase for wildlife at temporary water haul sites. Because water would not be provided year-round at temporary water haul sites, some stress may result to localized wildlife populations when the water is shut off. Some wildlife drownings could occur even though wildlife escape ramps would be placed in the troughs.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to wildlife. Wildlife species are not currently being impacted by the grazing use on the Mill Springs Allotment.

Cultural Resources

It is expected that cultural resources would not change measurably as a result of the proposed action.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to cultural resources. Cultural resources are not currently being impacted by the grazing use on the Mill Springs Allotment.

Recreation

It is expected that recreation resources would not change measurably as a result of the proposed action.

No Action Alternative

If the proposed permit changes are not implemented, there would be little if any, effect to recreational resources. Recreational resources are not currently being impacted by the grazing use on the Mill Springs Allotments.

Cumulative Impacts

According to the 1994 BLM Handbook “Guidelines for Assessing and Documenting Cumulative Impacts,” the analysis can be focused on 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. A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There have been limited previous actions occurring in the project area. Limited historical mineral mining has occurred on the east side of the Kern Mountain Range. There has been no historical oil or gas production and minimal oil exploration in the area. There are no known reclaimed oil exploration pads in the Mill Springs Allotment. Woodcutting and pinyon nut gathering have been minimal. Hunting, trapping, wildlife viewing, and other recreational activities including OHV use have been minimal, in part due to the isolated geographic position of the allotment. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildlife use has not been intensive in the area and has not fundamentally altered the plant communities. Livestock grazing has been intensive historically and together with drought, lack of wildfire, road establishment, and/or other factors, may be a contributing factor to the presence of invasive plant species. Rangeland monitoring has been a common activity in the area.

Present Actions

Current activities or projects occurring in the project area are very limited. There is no current mineral mining, oil and gas exploration, or wind energy testing. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. Current livestock grazing and wildlife use are not intensive in the project area. Dusty Youren has taken non-use in the area for several years. When livestock grazing does occur the permitted area continues to be monitored to determine if grazing management practices are meeting the healthy rangelands, watershed, and vegetative objectives for the allotment.

Reasonably Foreseeable Future Actions

No public lands actions are planned for the project area in the near future. There are no anticipated increases in mining, oil & gas development, wind energy testing, woodcutting, pinyon nut gathering, OHV use, hunting, or trapping in the area in the reasonably foreseeable future. Rangeland monitoring is expected to continue in about the same manner and scope as it has in the past.

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. The draft RMP/EIS was sent out for a 120 day public comment and review period, which closed on November 28, 2005. According to the new RMP/EIS, resource management would occur on a watershed basis. The area of the proposed action occurs within the Deep Creek Watershed. Broad watershed assessment of this watershed is expected to be accomplished by BLM within the next ten years. The assessment will determine if further changes in grazing management practices are needed to meet Standards for Rangeland Health. The assessment may also recommend sagebrush restoration treatments or other vegetative treatments.

Cumulative Impacts Conclusion

The proposed action in conjunction with the past actions, present actions and reasonably foreseeable future actions would result in no noticeable overall changes to the affected environment. Implementation of the proposed permit renewal would continue to meet or make progress toward meeting the rangeland health standards. No cumulative impacts of major or minor concern are anticipated as a result of the proposed project.

V. PROPOSED MITIGATION MEASURES

Appropriate weed control measures have been included as part of the proposed action (measures for weeds control are identified in the Noxious Weed Risk Assessment in Appendix 3) and no additional control 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

Public Interest and Record of Contacts

There is a general public interest in the proper grazing management of public lands. Dusty Youren has a strong interest in this grazing permit renewal

On February 12, 2008 the Dusty Youren Term Permit Renewal proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.

On April 21, 2008 the project was presented to the Ely BLM internal scoping team and no issues were identified. The project proposal was posted on the Ely Field Office web site, February 27, 2008 http://www.nv.blm.gov/ely/nepa/ea_list.htm and no comments were received.

has had

This EA and Standards and determination document will be 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 Mills Springs Allotment. Comments may be received. Changes in the EA, based upon public input, will be made as appropriate.

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

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range improvement actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2008, have requested additional information regarding rangeland related actions or programs within the Mill Springs grazing allotment:

Steve Carter, Carter Cattle Company
Western Watersheds Project, Katie Fite
Nevada State Clearinghouse
Rob Mrowka
John McLain, Resource Concepts, Inc.
Meghan Wereley, Nevada Cattleman's Association
Cindy MacDonald
Richard A. Orr, Sustainable Grazing Coalition
Bill Myers, Holland & Hart LLP
Maria M. Ryan, SNWA Environmental Resources Division
Dana Smith, SNWA Deputy Counsel
Brandon Humphries, SNWA Ranch Manager
Dusty Youren

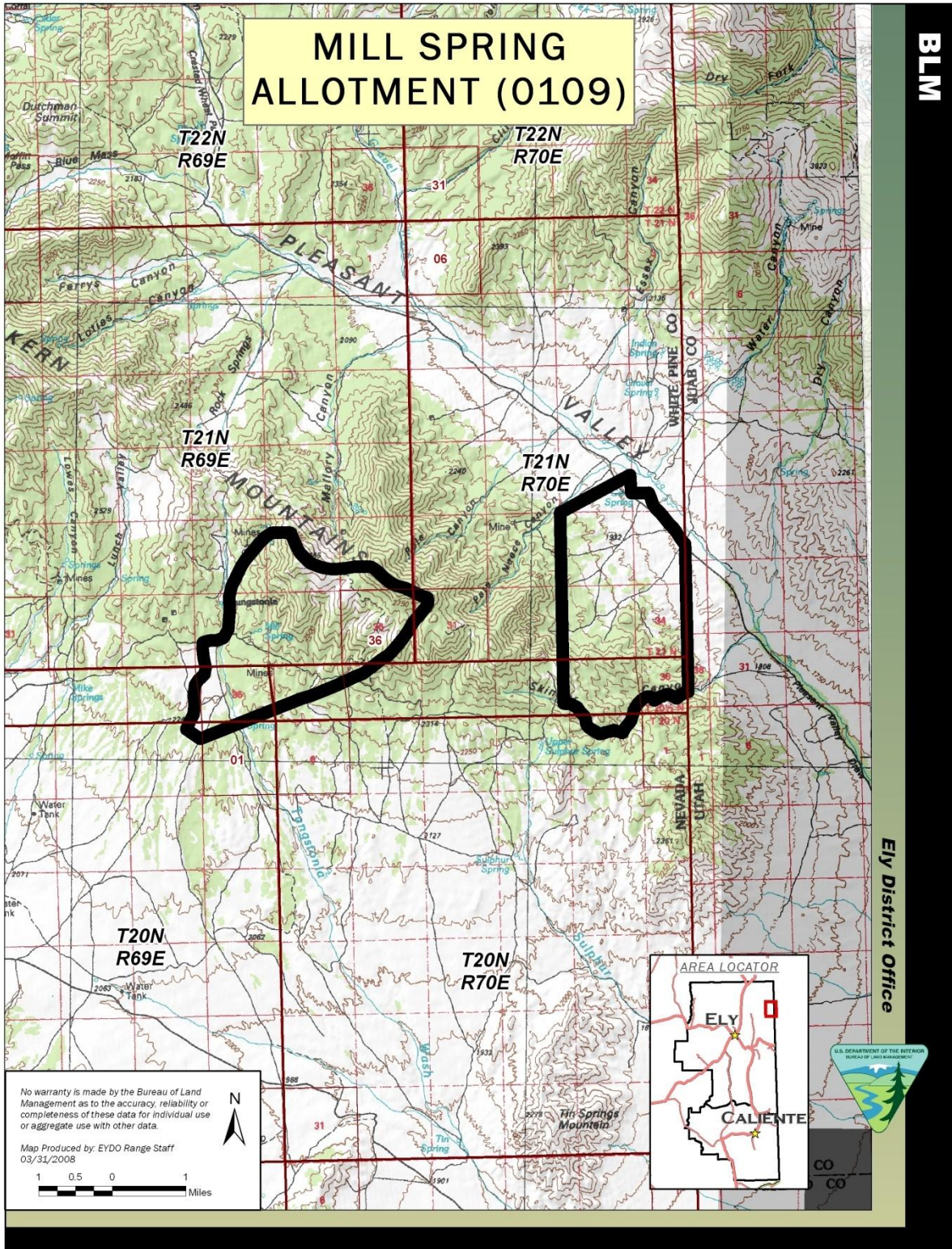
Record of Personal Consultation and Coordination

Dusty Youren

B. Internal District Review

<i>Deb Koziol</i>	<i>Wildlife/T & E Species/Riparian</i>
<i>Craig Hoover</i>	<i>Rangeland Resources</i>
<i>Kalem Lenard</i>	<i>Visual Resources/Recreation</i>
<i>Lorie Leshner</i>	<i>Cultural Resources</i>
<i>Chris Mayer</i>	<i>Rangeland Resources</i>
<i>Gary Medlyn</i>	<i>Soil/Water/Air</i>
<i>Ben Noyes</i>	<i>Wild Horses</i>
<i>Melanie Peterson</i>	<i>Wastes, Hazardous & Solid</i>
<i>Jake Rajala</i>	<i>Environmental Coordination</i>
<i>Bonnie Million</i>	<i>Noxious Weeds</i>
<i>Sheri Wysong</i>	<i>Environmental Coordination</i>
<i>Dave Jacobson</i>	<i>Wilderness</i>

Figure 1: General Location Map Mill Springs Allotment



STANDARDS DETERMINATION DOCUMENT
Dusty Youren Term Permit Renewal (Operator # 2704446)

Standards and Guidelines Assessment

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Area Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. Standards and Guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards 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.

This Standards Determination Document evaluates and assesses conformance and achievement of the Standards and Guidelines for Mills Spring grazing Allotment, in the Ely District BLM. The allotment is located in White Pine County approximately 50 miles northeast of Ely, Nevada within the Great Basin physiographic region. The Mills Spring allotment is located at T.20N. and T.21N. R.69E. and R.70 E., multiple sections.

The Mills Spring Allotment consists of 5587 acres under Bureau of Land Management administration. The current permit allows Dusty Youren to graze 13 Cattle from 04/01 to 09/30 and 40 cattle from 05/16 to 06/30. 203 AUMs are in mandatory nonuse until a boundary fence line is constructed. A total of 341 active AUMs are currently permitted. The Mills Springs allotment has been classified by Land Use Planning Documents as a category "C" (custodial) allotment.

Standards for Rangeland Health were assessed by a BLM interdisciplinary team on April 21, 2008 on the Mills Springs Allotment. The interdisciplinary team (consisting of Rangeland Management Specialists, Wildlife Biologists, Natural Resource Specialists, Archaeologists, and others) utilized several scientifically based documents and official publications to complete the assessment. These documents include the White Pine County Soil Survey (USDA-SCS 1982), Range Site Descriptions (USDA-SCS 1994), Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996), the Nevada Rangeland Monitoring Handbook (USDA-SCS et al. 1984), and The National Range and pasture Handbook (USDA NRCS 2003). A complete list of references is included as an appendix to this Standards Determination Document. The interdisciplinary team also used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

One study site area on native range within the Mills Springs Allotment was monitored during the spring of 2008. The study site has been selected based on accessibility and livestock use patterns. A vegetation cover study was completed at the study site area during the spring of 2008. Photographs were taken and professional observations noted.

Standard Riparian Functioning Condition Checklists" (USDI-BLM 2000) have been completed for the Mill Springs Allotment.

All scientifically based documents and rangeland monitoring data are available for public inspection at the Ely Field Office during business hours.

The following Rangeland Health Standards information has been incorporated into Environmental Assessment NV-040-06-024.

PART 1. STANDARD CONFORMANCE REVIEW

Standard # 1. Upland Sites

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

Soils indicators:

- ❖ Canopy and ground cover, including litter, live vegetation and rock, appropriate to the potential of the site.

Determination:

X Achieving the Standard

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

Guidelines Conformance:

X In conformance with the Guidelines

Findings: Monitoring data results describing current resource conditions for the Key study site within the Mills Spring Allotment as they relate to the above Upland Sites Standard and soils indicators are as follows:

Line intercept cover and utilization studies were conducted at one key study site on the Mills Spring Allotment in 2008. The MLRA (Major Land Resource Area) 28A ecological site descriptions for the Mills Springs Allotment states the appropriate ground cover for the areas where the key site is located is fifteen to twenty-five percent. The range sites for all the key areas and key study sites is R028AY013NV, a Shallow Calcareous Loam 8-10". A review of the data shows measured vegetative ground cover is within the appropriate cover levels in the key study site on the Mills Springs allotment as recommended in the ecological site description guides for the range site.

In 2008 no utilization studies were conducted as no authorized grazing has taken place since the summer of 2002.

Conclusion:

Standard achieved. Vegetation cover studies, utilization studies, photographs, and professional observations indicate the majority of the allotment is achieving the Upland Sites Standard. Canopy and ground cover, including litter, live vegetation, and rock are appropriate to ecological site potential the key study site on the allotments (see Table 1).

Standard # 2. Riparian and Wetland Sites

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

Determination:

Achieving the Standard

X Not achieving the Standard, but making significant progress towards

Not achieving the Standard, not making significant progress towards

Guidelines Conformance:

X In conformance with the Guidelines

Findings: Proper functioning condition (PFC) monitoring studies have been conducted at Mill and Cane springs located on federal land within the Mills Spring Allotment in the fall of 2007 and spring of 2008.

Proper functioning condition studies accomplished on Mills Spring Allotments during the fall of 2007 and the spring of 2008 indicate one of the riparian areas was in proper functioning condition and one was found to be in a functioning-at-risk with a downward trend condition. This condition was not caused by authorized livestock use. With regards to the riparian area meeting standards, adequate vegetation, debris, and rock are present to dissipate water or snow run-off energy during high water flow years in and around spring source areas. Bank stability is good. Vegetative cover was appropriate for the associated riparian area. Desired plants were establishing. Areas of sedges were present. Floodplain characteristics were present that would dissipate energy.

Mills Springs is in proper functioning condition achieves State water quality criteria. There is very little evidence of domestic livestock or wildlife use in this area of the allotment during the assessment period during the fall of 2007 and summer of 2008.

Conclusion:

All but one riparian and wetland area exhibited a properly functioning condition and achieved state water quality criteria. The riparian area which did not meet a properly functioning condition was not caused by authorized livestock grazing.

Standard #3. Habitat

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

Habitat indicators:

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

Determination:

Achieving the Standard

X Not achieving the Standard, but making significant progress towards

Not achieving the Standard, not making significant progress towards

Causal Factors:

Livestock are a contributing factor to not achieving the Standard

X Livestock are not a contributing factor to not achieving the Standard

Failure to achieve the Standard is related to other issues or conditions

X In conformance with the Guidelines

Findings: Monitoring data results describing current resource conditions for Key study site in the Mill Springs Allotment as they relate to the above Habitat Standard and habitat indicators are as follows:

The “Soil Survey of White Pine County, Nevada, East Part” information, field observations, and professional judgment were used in this assessment to describe and compare the dominant potential vegetation in the Mill Springs Allotment with the current existing vegetation communities.

A. Potential Natural Community characteristics of Upland Vegetation Communities

The vegetation within the Mills Springs Allotment should be diverse with sagebrush/shrub/grass plant communities dominating. The major plant components within the allotment should be black sagebrush, Indian ricegrass and Needleandthread . These should be the dominant vegetative species on the Mills Springs Allotment study site which was chosen as an area of representation for the dominant ecological site on the allotment. Black sagebrush should comprise as much as thirty- five percent by composition of the vegetation community. Indian ricegrass and Needleandthread grasses together should comprise as much as fifty-five percent of

the vegetation community as stated in the MLRA 28A “Soil Survey of White Pine County, Nevada, East Part”.

B. Current Community characteristics of Upland Vegetation Communities in the Mill Spring Allotment

The 2008 cover by species data for the key study site show the present dominant vegetation consists of black sagebrush and phlox. These species comprise over 80%, by composition, of the present vegetation community. Ideally, these vegetation communities should contain a shrub cover component much less than what currently exists, between twenty and thirty-five percent, and a grass/forb cover component much greater than what currently exists, greater than thirty-five percent, as stated in the “Soil Survey of White Pine County, Nevada, East Part” information. There is a concern over the disproportionate amount of shrubs species on the allotment in relation to forb and grass plant species component of the present plant community. Professional observations suggest the vegetation composition changes along the elevation gradient and plant communities are separated by small hills and gullies on the lower mountain benches and there is a mosaic and a “mix” of plant communities and ecological sites, including sites dominated by Wyoming big sagebrush, black sagebrush, and fourwing salt bush. There are many travel corridors present for grazing animals in the washes and drainage bottoms. The current existing native plant communities are adequate to sustain animal needs, even in the winter period. The native vegetation consists of very small quantities of native grasses mixed with large quantities of the sagebrush species and in some areas pinyon/juniper especially where past wild fires have been suppressed.

Ecological Processes

The ecological sites within this allotment have transitioned into plant communities dominated by shrubs. The sagebrush, fourwing saltbush, and grass plant communities are in a static stable state. An over abundance of pinyon/juniper species in some areas of the allotment is currently an issue of concern. Pinyon/juniper can provide abundant carry fuel for wildfires. A very small herbaceous component is present. Monitoring data indicates the shrub composition to be above the appropriate shrub composition for the range site. The over dominance of shrubs and lack of herbaceous component on the allotment is due to a combination of drought (see Table 3) and historical overgrazing (pre 1934 Taylor Grazing Act).

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

Standard # 1. Soils.

No. The Upland Sites Standard for stable soils and hydrologic function are being achieved as the measured ground cover is at the appropriate levels with regards to the ecological site guides.

Standard # 2. Riparian and Wetland Sites

No. This Standard is not being achieved as one of the riparian areas is not in proper functioning condition. The riparian area not meeting the standard is not caused by authorized livestock grazing use.

Standard # 3. Habitat

No. The Standard is not being achieved regarding the habitat indicators due to a combination of past drought (see Crop Year Precipitation Table), wildfire suppression and perhaps historic (pre-Taylor Grazing Act) over-grazing.

PART 3. GUIDELINE CONFORMANCE REVIEW:

GUIDELINES:

1.1 Management practices will maintain or promote upland vegetation and other organisms and provide for infiltration and permeability rates, soil moisture storage, and soil stability appropriate to the ecological site within management units.

1.2 When grazing practices alone are not likely to restore areas of low infiltration or permeability, land management treatments should be designed and implemented where appropriate.

1.3 Management practices are adequate when significant progress is being made toward this Standard.

Current livestock grazing management practices conform with Guidelines 1.1 and 1.3. Guideline 1.2 is not applicable to the assessment area at this time.

GUIDELINES:

2.1 Management practices will maintain or promote sufficient vegetation cover, large woody debris, or rock to achieve proper functioning condition in riparian and wetland areas. Supporting the processes of energy dissipation, sediment capture, groundwater recharge, and stream bank stability will thus promote stream channel morphology (e.g. width/depth ratio, channel roughness, and sinuosity) appropriate to climate, landform, gradient, and erosional history

2.2 Where grazing practices are not likely to restore riparian and wetland sites, land management treatments should be designed and implemented where appropriate to the site.

2.3 Management practices are adequate when significant progress is being made toward this standard.

2.4 Grazing management practices will maintain, restore or enhance water quality and ensure the attainment of water quality that meets or exceeds state standards.

Current livestock grazing management practices are in conformance with Guidelines 2.1 and 2.3. Guideline 2.2 is not applicable to the assessment area at this time.

GUIDELINES:

3.1 Management practices will promote the conservation, restoration, and maintenance of habitat for threatened and endangered species, and other special status species as may be appropriate.

3.2 Intensity, frequency, season of use and distribution of grazing use should provide for growth and reproduction of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition and trend/utilization will be in accordance with techniques identified in the Nevada Rangeland Monitoring Handbook.

3.3 Grazing management practices should be planned and implemented to allow for integrated use by domestic livestock, wildlife, and wild horses consistent with land use plan objectives.

3.4 Where grazing practices alone are not likely to achieve habitat objectives, land treatments may be designed and implemented as appropriate.

3.5 When native plant species adapted to the site are available in sufficient quantities, and it is economically and biologically feasible to establish or increase them to meet management objectives, they will be emphasized over non-native species.

3.6 Management practices are adequate when significant progress is being made toward this Standard. Current livestock grazing management practices conform with Guidelines 3.2, 3.3, and 3.6. Guidelines 3.1, 3.4, and 3.5 are not applicable to the assessment area at this time. Currently there is no habitat identified for threatened or endangered species or special status species in the North Chokecherry Allotment.

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

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

The Proposed change in the season of use livestock grazing on the Mills Spring Allotment corresponds to the appropriate season of use with regards to key forage plant species physiology principles and critical growing periods. The livestock grazing current and proposed seasons of use are illustrated in the table below.

The majority of the water sources on the allotment are either developed or natural undeveloped springs. The timing of livestock movement will be carried through with consideration of minimal disturbance to wildlife such as sage grouse on lek grounds and deer on wintering ranges.

Livestock forage utilization levels will not exceed fifty percent of current years forage in normal precipitation years. Adjustments in key forage use levels have been made in the past and will be in the future with regards drought, wildfire area closures and the associated decrease in available livestock forage.

The tables below illustrates the current and proposed grazing season of use:

Table 1. Current Term Permit for Dusty Youren (#2704446)

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
10109 Mills Springs	42 Cattle	05/16 to 06/30		100	Active	341
	13 Cattle	04/01-09/30				
*% Public Land is the percent of public land for billing purposes. **AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						
Allotment AUMs Summary						
ACTIVE AUMS		SUSPENDED AUMS		PERMITTED USE		
341		77		418		

The proposed term permit and allotment information is as follows:

Table 2. Proposed Term Permit for Dusty Youren (#2704446)

	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
10109 Mills Springs	91 Cattle	6/1-7/15		100	Active	341
*% Public Land is the percent of public land for billing purposes. **AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						
Allotment AUMs Summary						
ACTIVE AUMS		SUSPENDED AUMS		PERMITTED USE		
341		77		418		

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use. (See Appendix 2). The BLM and

Dusty Youren will work together on an annual basis to identify livestock management practices to be implemented for each year in Mill Springs Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health. The permittee will be required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits. During the possible ten year period of this term permit renewal, the BLM and Dusty Youren will monitor the Mills Springs Allotment for resource conditions in order to determine the effectiveness of the term permit renewal in achieving or making progress towards achieving the Standards for Rangeland Health. Dusty Youren will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.

1. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.
2. Change the current season of use for cattle grazing from (4/01 to 09/30) for 14 cattle and (05/16 to 06/30) for 40 cattle to (06/01 to 07/15) for all authorized livestock on the Mills Springs Allotment.
3. Maintain the current stocking level at 341 active AUMs with 77AUMs in suspended use on the Mills Springs Allotment.
4. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread on the Mills Springs Allotment.
5. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

Terms and Conditions:

Stipulations common to all allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use

may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the above allotment(s).

2. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing.

3. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities for 30 days or until notified to proceed by the authorized officer.

4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.

5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment with VISA, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Grazing use in the Mills Springs Allotment, located in White Pine County, will be in accordance with the Northern Great Basin Area Standards and Guidelines for Grazing Administration, as developed by the resource Advisory Council (RAC) and approved by the Secretary of the interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR sub-part 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The grazing management practices identified in the terms and conditions are designed to ensure significant progress towards the fulfillment of the Northern Great Basin Area Standards and toward conformance with the guidelines. The management actions implement the guidelines to meet multiple use objectives and standards.

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

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

9. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.

Other Terms and Conditions:

1. BLM and Dusty Youren will work together on an annual basis to identify livestock management practices to be implemented for each year in the Mills Springs Allotment. Annual

grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health.

2. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits. During the ten year period of this term permit renewal, the BLM and Dusty Youren will monitor the Mills Springs Allotment for resource conditions in order to determine the effectiveness of the term permit renewal in achieving or making progress towards achieving the Standards for Rangeland Health. Dusty Youren will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.

3. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

4.) Livestock will be herded in the west pasture to prevent drift into the Indian George Allotment. Active use in the west pasture will be 60 AUMs with 203 AUMs Mandatory non-use until fence line is constructed.

5. Supplement locations should be moved every year.

6. Salt blocks and nutritional supplements will be located at least ¼ mile away from riparian/wetland areas, water ditches, or other permanently located or natural water sources.

Prepared by: <u>RMS</u>	<u>/s/ Craig Hoover</u> Title	<u>09/26/2008</u> Date
<u>Lead RMS</u>	<u>/s/ Chris Mayer</u> Title	<u>09/26/2008</u> Date
<u>/s/ Gary Medlyn</u> Soil/Water/Air/Floodplains/Riparian/Wetlands		<u>09/26/2008</u> Date
<u>/s/ Bonnie Million</u> Noxious and Invasive Non-Native Species		<u>09/26/2008</u> Date
<u>/s/ Lorie Leshar</u> Cultural Resources		<u>09/24/2008</u> Date
<u>/s/ Benjamin Noyes</u> Wild Horse and Burros Specialist		<u>09/24/2008</u> Date
<u>/s/ Melanie Peterson</u> Hazardous and Solid Waste Specialist		<u>09/25/2008</u> Date
<u>/s/ Dave Jacobson</u> Wilderness Values/ACEC Special Designations		<u>09/24/2008</u> Date
<u>/s/ Kalem Lenard</u> Recreation Specialist		<u>09/24/2008</u> Date
<u>/s/ Elvis Wall</u> Native American Religious Concerns		<u>09/25/2008</u> Date
<u>/s/ Gina Jones</u> Ecology/Environmental Coordination		<u>09/26/2008</u> Date
<u>/s/ Gary Medlyn</u> Watershed Assessment		<u>09/26/2008</u> Date

I concur:

<u>/s/ Jane Peterson</u> Field Manager Schell Field Office Ely District BLM		<u>09/08/2008</u>
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REFERENCES

USDA- NRCS. 2005. Soil Survey of White Pine County, Nevada, East Part. CD Disk.

USDA-NRCS. 2003. MLRA 28A Central Nevada Basin and Range Nevada Ecological Site Descriptions

USDI-BLM. 2000. Interpreting Indicators of Rangeland Health. Version 4. Technical Reference 1734-6. BLM/WO/ST-00/001+1734. National Science and Technology Center Information and Communications Group, Denver, Colorado.

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USDA-NRCS. Revised 2003. National Range and Pasture Handbook.

Appendix I

Table 1

Ground Cover on Mills Springs Allotment

Key study site, & Date	Range Site	Measured Ground Cover Intercept (%)	Site Guide Appropriate Ground Cover	Species Observed (*Plant Symbol)
MSss-1 UTM N 4396139 , E 751329 04/10/08	028AY013NV	23.61%	15-25%	ARNO, ORHY, CHVI,EPNE, Phlox spp.

* USDA Natural Resources conservation Service, 1998. Nevada Plant List.

Table 2

PROPER FUNCTIONING CONDITION

Name	Location	Date	PFC Rating	Species Observed
Mill Springs	T21N, R69E, Sec.34	fall 2007	Proper Functioning	Carex, Juncus,Aster,,Taraxacum, Distylis, Amelanchier, Rorippa
Cane Spring	T21N, R70E, Sec. 22	spring 2008	Functioning at Risk with downward trend	Carex, Chryothamnus, Salix

Table 3

Year	Crop Year Precipitation
1997	7.83
1998	10.00
1999	7.18
2000	6.70
2001	5.26
2002	4.42
2003	6.88
2004	5.45
2005	12.20
2006	8.32

The above precipitation data by year is presented for the Ely Weather Station (Yelland Field) as summarized by the National Oceanic and Atmospheric Administration. The precipitation totals are for crop year precipitation, or that moisture (including snow) measured from September through June. This is effective moisture for plant growth. The average crop year precipitation for the Ely Station for the thirty year period 1977 – 2006 is 8.44 inches. Eight of the ten years listed below are below this average. This represents drought conditions.

Appendix 2

Grazing Permit Terms and Conditions

Terms and Conditions of Authorized Use –Dusty Youren Permit

Allotment Name Number	Livestock Number/Kind	Grazing Period		% Public* Land	Type Use	AUMs**
		Begin	End			
Mills Springs (#10109)	91 Cattle	06/01	07/15	100	Active	341

The allotment summary is as follows:

<u>Allotment</u>	<u>Active</u>	<u>Suspended</u>	<u>Permitted Use</u>
Mills Springs (#10109)	341	77	418

Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Dusty Youren on the Mills Springs Allotment.

Stipulations Common To All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the 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. 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.

4. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 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.
6. Grazing use will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern 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.
7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

Other Terms and Conditions:

1. BLM and Dusty Youren will work together on an annual basis to identify livestock management practices to be implemented for each year in the Mills Springs Allotment. Annual grazing may be modified from the terms and conditions listed above in consideration of climatic conditions such as drought, forage availability, wildfire locations, and/or other factors, as long as vegetative objectives are met. Grazing use will be in accordance with Standards and Guidelines for Rangeland Health.
2. The permittee is required to perform normal maintenance on the range improvements that have been or will be issued through approved cooperative agreements or section 4 permits. During the ten year period of this term permit renewal, the BLM and dusty Youren will monitor the Mills Springs Allotment for resource conditions in order to determine the effectiveness of the term permit renewal in achieving or making progress towards achieving the Standards for Rangeland Health. Dusty Youren will be encouraged to participate in the monitoring. Rangeland monitoring may be conducted both prior to and following annual use. Monitoring conducted prior to annual use will determine areas of forage availability and cattle stocking levels. Monitoring conducted following grazing use will determine utilization levels and use patterns. Specific rangeland monitoring studies could include cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, observed apparent trend, professional observation, and photographs.
3. An allowable use level will be established as 50% of the current year's growth by weight for the key native species Indian ricegrass and Needle and thread. Utilization will be measured at established key grazing areas or other sites representative of the dominant vegetation in the use area. When an average of 50% use is reached at these sites, the cattle will be removed from the pasture.

4.) Livestock will be herded in the west pasture to prevent drift into the Indian George Allotment. Active use in the west pasture will be 60 AUMs with 203 AUMs Mandatory non-use until fence line is constructed.

5. Supplement locations should be moved every year.

6. Salt blocks and nutritional supplements will be located at least $\frac{1}{4}$ mile away from riparian/wetland areas, water ditches, or other permanently located or natural water sources.

Appendix 3

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Term Grazing Permit Renewal for Dusty Youren

Mill Spring Allotment

White Pine County, Nevada

On March 7th, 2008 a Noxious & Invasive Weed Risk Assessment was completed for the term grazing permit renewal for Dusty Youren on the Mill Spring allotment in White Pine County, NV approximately 50 miles northeast of Ely, Nevada. The proposal is to fully process the renewal of the term grazing permit for a period of ten years. The permit has been inactive for five years. The current term permit currently authorizes up to 341 AUMs of cattle grazing from 04/01 to 09/30 with 203 AUMs in mandatory non-use until a boundary fence line is constructed. The Mill Spring allotment encompasses approximately 5,587 acres of public land.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. The following species are found within the boundaries of the Mill Spring allotment:

<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane

The following species are found along roads and drainages leading to the Mill Spring allotment:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Mill Spring allotment was last inventoried for noxious weeds in 2004. It should be noted that this allotment borders the BLM Fillmore Field Office and no weed inventory data is currently available for that area. While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomeratus*), 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 Mill Spring allotment this could have an adverse impact those native plant communities since the allotment is currently considered to be mostly 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:

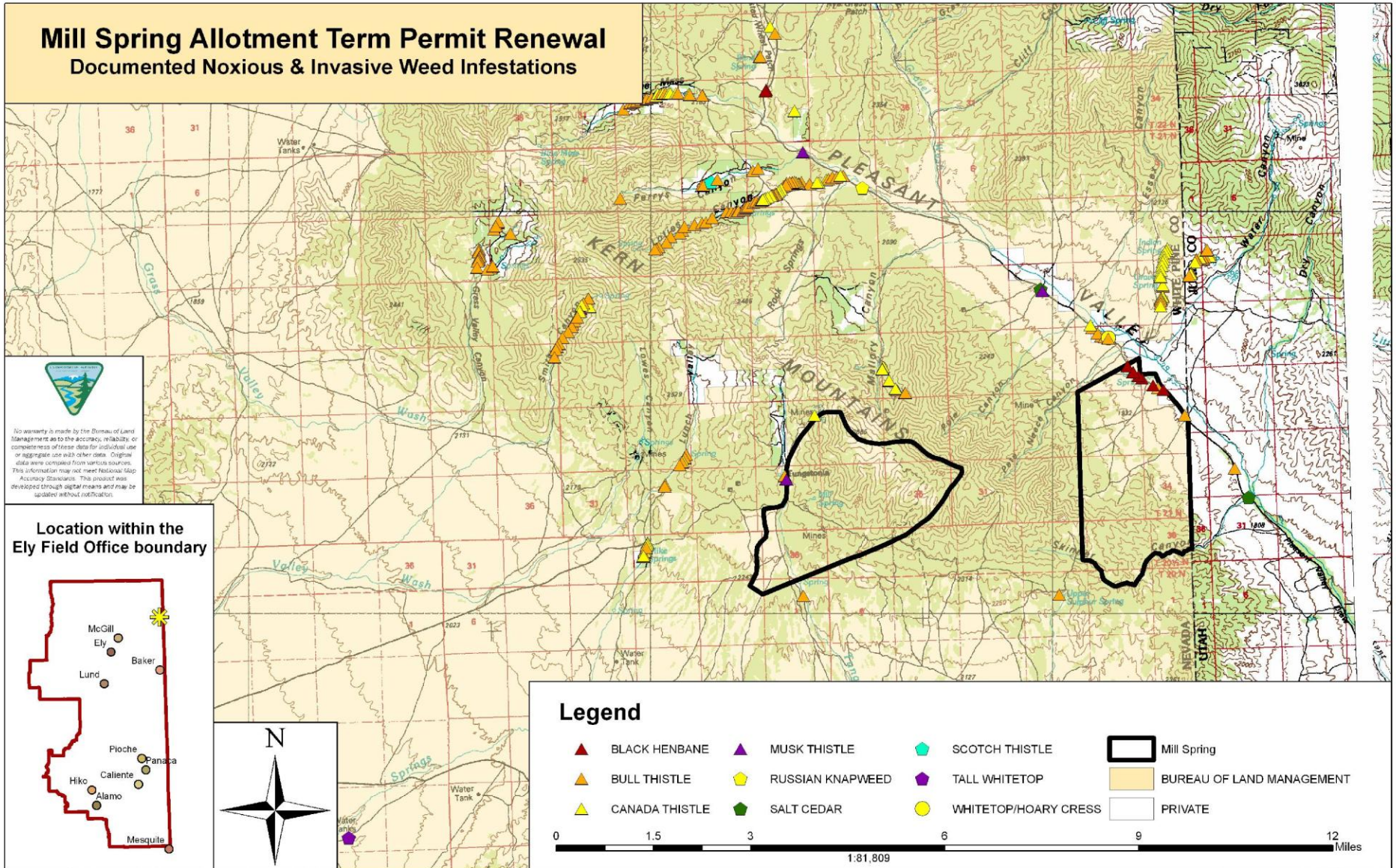
- Prior to entering public lands, the BLM will provide information regarding noxious weed management and identification to the permit holders affiliated with the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will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

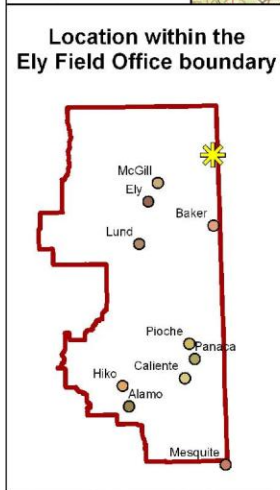
Bonnie Waggoner
Ely District Noxious & Invasive Weeds Coordinator

Date

Mill Spring 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 aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



Legend

BLACK HENBANE	MUSK THISTLE	SCOTCH THISTLE	Mill Spring
BULL THISTLE	RUSSIAN KNAPWEED	TALL WHITETOP	BUREAU OF LAND MANAGEMENT
CANADA THISTLE	SALT CEDAR	WHITETOP/HOARY CRESS	PRIVATE

0 1.5 3 6 9 12 Miles
1:81,809