



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Tonopah Field Station
1553 South Main Street
P.O. Box 911
Tonopah, Nevada 89049-0911



In Reply Refer To:

4100

NV065.06

JUN 24 2005

Dear Interested Party:

You have requested to be notified as an interested party for land management decisions regarding the Montezuma Allotment within the Tonopah Planning Area.

Enclosed for your review and comments are copies of the Proposed Decision for Temporary Non-Renewable grazing use and the Environmental Assessment (NV065-05-021). Please submit any comments you may have within 15 days for the proposed decision from receipt of this letter.

Please contact Marc Pointel (775) 482-7800 if you have any questions.

Sincerely,

William S. Fisher
Assistant Field Manager, Tonopah

4 Enclosures

1. Proposed Decision (6 pp)
2. Appendix I- EA -NV065-2005-021 (17 pp) and FONSI/Decision Record
3. Appendix II – Maps
4. Certificate of Service – List of Interested Parties (5 pp)

RECEIVED
JUN 27 2005
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Tonopah Field Station
1553 South Main Street
P.O. Box 911
Tonopah, Nevada 89049-0911



In Reply Refer To:
4100
NV065.06
JUN 24 2005

CERTIFIED MAIL NO. 7003 1010 0002 9847 2473
Return Receipt Requested

Mr. Bud Johns
P.O. Box 216
Silver Peak, NV 89047

NOTICE OF PROPOSED DECISION

Dear Mr. Johns:

INTRODUCTION

You applied for Temporary Non-Renewable (TNR) grazing use on the Montezuma Allotment on January 26, 2005 for 275 head of livestock from October 15, 2005 to February 28, 2006 and 200 head of livestock from September 1, 2005 to January 31, 2006. You signed the Terms and conditions on March 8, 2005. The Bureau of Land Management has completed an Environmental Assessment (NV065-2005-021) (Appendix I) on the TNR application. The TNR lease is based on the findings from the Environmental Assessment.

Each TNR is subject to modification if it is discovered that the allotment is not moving towards meeting objectives, standards and guidelines of the 1997 Tonopah Resource Management Plan (RMP) and Record of Decision, the Mojave-Southern Great Basin Resource Advisory Council (RAC), 1997 and the BLM regulations and policies.

BACKGROUND

The Montezuma Allotment is a vacant allotment. The former lessee lost his lease in 1997. The allotment has received minor use since 1990. The TNR grazing use is allocated well below the former lease levels. The former lease was yearlong for 889 head of cattle. The TNR grazing use is for late summer, fall and winter. The applicant withdrew his livestock from the east portion of

the Montezuma Mountain in January 2005. The pasture northwest of the Beatty, NV has not been grazed for several years.

PROPOSED DECISION

Through the consultation, coordination and cooperation (CCC) process, your input as well as input from other interested parties has been considered in the allotment assessment process. After consideration of input received through the CCC process, it is therefore, My Proposed Decision that:

Livestock Grazing Management Decision

The temporary non-renewable grazing authorization will be issued for 275 head of livestock from October 15, 2005 to February 28, 2006 and 200 head of livestock from September 1, 2005 to January 31, 2006 under 43 CFR 4130.6-2.

Terms and Conditions

"Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part" in accordance with 43 CFR 4130.3.

The following stipulations will be incorporated into the terms and conditions of the grazing authorization (refer to Appendix II for location of pastures).

Grazing Authorization

Table 1 – Allocation of Livestock Number per Pasture

| Pastures | Grazing Begin | Period End | Number of Livestock | Animal Unit Months (AUMs) |
|--|---------------|------------|---------------------|---------------------------|
| North of Goldfield East of Highway U.S. 95 Pasture A | 10/15/05 | 02/28/06 | 50 | 225 |
| North of Goldfield East of Highway U.S. 95 Pasture B | 10/15/05 | 02/28/06 | 125 | 563 |
| South of Goldfield East of Highway 95 | 10/15/05 | 02/28/06 | 100 | 450 |
| Northwest of Beatty West of Highway 95 | 09/01/05 | 01/31/06 | 200 | 1,006 |

Livestock Grazing Stipulations

1. The terms and conditions of this grazing authorization should be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. The new schedule will become effective upon signature of the Final Decision.
3. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.
4. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock will be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
5. Livestock will not be allowed to concentrate at any water haul sites.
6. 43 CFR §4130.8-1 (f) states: Failure to pay the grazing bill within 15 days of the due date specified in the bill will result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
7. Salt blocks will be placed more than one mile from water developments.
8. Changes requiring the reissue of a grazing bill after the bill has been sent to the lessee will be subject to a service charge of \$10.00 per bill under 43 CFR §4130.8-3.
9. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.
10. Temporary water haul sites will used to distribute livestock on the Montezuma Allotment.
11. Request for temporary water haul sites will be made to the authorizing officer three months prior to the onset of grazing.
12. Temporary water haul sites will be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) States "Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management."

13. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
14. The applicant will place all water haul sites within the "Northwest of Beatty" pasture either in or along the foothills of the Grapevine Mountains or near the Montezuma/Magruder Mtn. allotment boundary.
15. The permittee will be notified of the any OHV race beforehand.

RATIONALE

The rationale for this decision is based on an environmental assessment (NV065-2005-021) done pursuant to the National Environmental Policy Act (NEPA).

Temporary Non-Renewable use was applied for by a qualified applicant in a vacant allotment with available forage. This temporary authorization is consistent with multiple use objectives.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

4130.2 states in part:

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

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

4130.3 states:

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

4130.3-1 states:

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

"(b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or any terms or condition of the permit or lease."

4130.3-2 states in part:

"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."

4130.6-2 states:

"Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance of nonrenewable grazing permits and leases."

4160.1(a) states:

"Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public."

4160.2 states:

"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 the authorized officer within 15 days after receipt of such decision."

PROTEST

An Environmental Analysis (EA) of this proposed decision is enclosed (Appendix I). If I receive public comment, I proposed to issue a Final Decision, which may differ from this proposed decision. Any modifications will be a result of our analysis and response to received comments.

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 the authorized officer:

William S. Fisher
Assistant Field Manager, Tonopah
P.O. Box 911
Tonopah, NV 89049

within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the protestant believes the Proposed Decision is in error.

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 protestor and the interested public.

BLM will authorize use in accordance with this decision and 43 CFR 4130.6-2 Nonrenewable grazing permits and leases which states “ Nonrenewable grazing permits and leases maybe issued on annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the state having lands or responsible for managing resources within the area, and the interested public prior to the issuance of nonrenewable grazing permits and leases.”

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.



William S. Fisher
Assistant Field Manager, Tonopah

3 Enclosures

1. Appendix I- EA -NV065-2005-021 (17 pp) and FONSI/Decision Record (2 pp)
2. Appendix II – Maps
3. Certificate of Service – List of Interested Parties (5 pp)

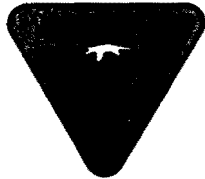
APPENDIX I



United States Department of the Interior

Bureau of Land Management
Battle Mountain Field Office

June 24, 2005



Tonopah Field Station
Bureau of Land Management
1553 S. Main Street
P.O. Box 911
Tonopah, NV 89049

Environmental Assessment
NV065-2005-021

Temporary Non Renewable Grazing Authorization
Montezuma Allotment

1.0. INTRODUCTION/PURPOSE AND NEED

Introduction

The grazing season on the Montezuma Allotment for the former lessee, Colvin Cattle Co. was yearlong. In 1990, the Colvin Cattle Co. reduced his herd size from 750 to 50 cattle. The Colvin Cattle Co. stopped paying his grazing bills in 1995 while continuing to run 50 livestock in trespass on public lands on the Montezuma Allotment. His lease was cancelled in 1997. In 2001, a temporary non-renewable (TNR) grazing authorization was issued to Bud Johns for the northeast pasture. In 2003, a TNR grazing authorization was issued for the south, west and southeastern portion of the allotment. In 2004, a TNR was issued for the northwest and the east portion of the allotment. The applicant decided to remove his livestock from the east pasture in January 2004. The livestock in the northwest pasture remained until the termination of the TNR grazing authorization.

1.1 Purpose and Need

The Bureau of Land Management (BLM) Battle Mountain Field Office, Tonopah Field Station (TFS) received an application from Bud John's requesting authorization for use of temporary available forage on the Montezuma Allotment. Such use would provide a period of rest for the Yellow Hills Allotment.

1.2 Land Use Conformance Statement

The Proposed Action and alternatives described below are in conformance with the livestock grazing management objective in the Approved Tonopah Resource Management Plan and Record of Decision. (RMP) (p.12). The objective is, "To create healthy, productive rangelands through implementation of the recommendations of the ongoing rangeland monitoring and evaluation program."

The RMP also states "Management of the vegetative resource will provide for the physiological needs (such as critical growth periods, biomass production, root reserve increase, and seed production) of the key forage plant species." In addition, under the RMP (p. A-88) "Treatment 3: Defer livestock grazing until after seed ripe of key management species to promote reproduction."

1.3 Relationship to Statutes, Regulations, and Other Government Plans

The BLM may issue a temporary non-renewable grazing authorization in accordance with 43 CFR 4130.6-2

"Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing

livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance of non-renewable grazing permits and leases.”

2.0. PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

On January 26, 2005, Bud Johns applied for temporary non-renewable use on the Montezuma Allotment (Northwest, North and South Pastures) (refer to Appendix II for location of pastures) and signed the Terms and Conditions on March 8, 2005. The application is for late summer, fall and early winter grazing with 475 animals.

Proposed Grazing Schedule

Table 1 – Allocation of Livestock Number per Pasture

| Pastures | Grazing Begin | Period End | Number of Livestock | Animal Unit Months (AUMs) |
|--|---------------|------------|---------------------|---------------------------|
| North of Goldfield East of Highway U.S. 95 Pasture A | 10/15/05 | 02/28/06 | 50 | 225 |
| North of Goldfield East of Highway U.S. 95 Pasture B | 10/15/05 | 02/28/06 | 125 | 563 |
| South of Goldfield East of Highway 95 | 10/15/05 | 02/28/06 | 100 | 450 |
| Northwest of Beatty West of Highway 95 | 09/01/05 | 01/31/06 | 200 | 1,006 |

Livestock Grazing Stipulations

1. The terms and conditions of this grazing authorization should be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. The new schedule would become effective upon signature of the Final Decision.
3. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.

4. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock would be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
5. Livestock would not be allowed to concentrate at any water haul sites.
6. 43 CFR §4130.8-1 (f) states: Failure to pay the grazing bill within 15 days of the due date specified in the bill would result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
7. Salt blocks would be placed more than one mile from water developments.
8. Changes requiring the reissue of a grazing bill after the bill has been sent to the lessee would be subject to a service charge of \$10.00 per bill under 43 CFR §4130.8-3.
9. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation would be made by the authorized officer after consulting with the holder.
10. Temporary water haul sites would used to distribute livestock on the Montezuma Allotment.
11. Request for temporary water haul sites would be made to the authorizing officer three months prior to the onset of grazing.
12. Temporary water haul sites would be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) States "Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management."
13. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
14. The applicant would place all water haul sites within the "Northwest of Beatty" pasture either in or along the foothills of the Grapevine Mountains or near the Montezuma/Magruder Mtn. allotment boundary.
15. The permittee would be notified of the any OHV race beforehand.

2.2 No-Action Alternative

The TNR grazing authorization would not be issued and authorization of temporary livestock grazing would not occur on the Montezuma Allotment. There would be no rest cycle for the Yellow Hills Allotment.

3.0. AFFECTED ENVIRONMENT

3.1 Scoping and Issue Identification

The Bureau of Land Management – Tonopah Field Station interdisciplinary renewable team met to discuss the proposed TNR grazing authorization. The team agreed to evaluate and conduct an analysis of the project.

3.2 Proposed Action

3.2.1 General Setting

The Proposed Action has been divided into four pastures. The pastures are located in flat to hilly terrains with the exception of the northwest pasture. The southern part of the northwest pasture consists of mountainous and rugged landscapes. The northern part of the northwest pasture is composed of mostly flat to rolling landscape.

3.2.2 Critical Elements of the Human Environment

To comply with the National Environmental Policy Act (NEPA), the BLM is required to address specific elements of the environment that are subject to requirements specified in state statute, regulation or by executive order (BLM 1988, BLM 1997). The following table outlines the 15 critical elements of the human environment that must be addressed in all environmental assessments, as well as other resources deemed appropriate for evaluation by the BLM, and denotes if the Proposed Action or No Action Alternative affects those elements.

| Critical Element | Not Present | Present |
|--|--------------------|----------------|
| Air Quality | ✓ | |
| ACECs | ✓ | |
| Cultural Resources | | ✓ |
| Environmental Justice | ✓ | |
| Flood Plains | ✓ | |
| Prime or Unique Farmlands | ✓ | |
| Wastes, Hazardous or Solids | ✓ | |
| Invasive, Non Native Species | | ✓ |
| Migratory Birds | | ✓ |
| Native American Religious Concerns | ✓ | |
| Threatened and Endangered Animal Species | | ✓ |
| Threatened and Endangered Plant Species | ✓ | |
| Water Quality | ✓ | |
| Wetlands and Riparian Zones | | ✓ |
| Wild and Scenic Rivers | ✓ | |
| Wilderness | ✓ | |

The critical elements of the human environment listed above identified as 'Not Present' in the proposed project area are not brought forward for analysis in this EA.

| Other Resources | Not Present | Present |
|------------------------|--------------------|----------------|
| Forestry | ✓ | |
| Grazing Management | | ✓ |
| Land Use Authorization | ✓ | |
| Minerals | ✓ | |
| Paleontology | ✓ | |
| Recreation | | ✓ |
| Socio-Economic | | ✓ |
| Soils | | ✓ |
| Vegetation | | ✓ |
| Visual Resources | ✓ | |
| Wild Horses and Burros | | ✓ |
| Wildlife | | ✓ |

Bureau specialists have further determined that the resources identified as “Not Present” in the project area, are not affected by the Proposed Action and will not be further discussed in this EA.

3.3 Resources Present and Brought Forward for Analysis

3.3.1 Cultural Resources

A number of inventories have been conducted within the proposed project area. Most of the inventories were conducted along the U.S. Highway 95 right-of-way, and along bladed roads, which are used during OHV events. The inventories have recorded 33 sites. The majority of sites are isolated occurrences; the remaining cultural properties with the exception of Klondike are multi component sites. Historic artifacts associated with these sites were collected when they were initially recorded. Thirty-two of the cultural properties have been determined ineligible to the National Register. Klondike, a railroad depot, was also determined to be ineligible by the recorder. The site was recorded as part of an independent survey. There is no evidence of concurrence of that opinion by the Bureau of Land Management or State Historic Preservation Office.

Only one site, Klondike has features associated with it. Features within the site, include sawed off telephone poles, a possible mine shaft, trash dumps, foundations, and several depressions. Features within the site have been heavily affected by looting, cattle grazing, and road construction and is unevaluated. Water haul sites would be inventoried before they are established to avoid cultural sites.

3.3.2 Invasive/Non-Native Species

There are non-native species along roads and disturbed areas such gravel pits because of road maintenance activities. Halogeton (*Halogeton glomerata*) and Russian thistle (*Salsola kali*) are the dominant non-native species.

3.3.2 Migratory Birds

Nesting habitat for various migratory bird species occurs within the area of the Proposed Action. These species include but are not limited to the loggerhead shrike, sage thrasher, horned lark, American crow, common raven, burrowing owl, red tailed hawk, ferruginous hawk, sage sparrow, brewer's sparrow, black-throated sparrow, lark sparrow, rock wren, and white crowned sparrow.

3.3.4 Threatened, Endangered and Sensitive Species

The only Federally Threatened or Endangered species that has the potential to occur in the area of the Proposed Action is the Threatened desert tortoise (*Gopherus agassizii*).

There is no critical habitat for the tortoise within the area of the Proposed Action. There is no tortoise habitat identified by the Tonopah RMP or the current Programmatic Biological Opinion (File # 1-5-01-F-570) covering all land use plan activities within the Tonopah Planning Area that overlaps with the area of the Proposed Action. However, some contiguous habitat exists between the "Northwest of Beatty" pasture and the known desert tortoise habitat in the area of Sarcobatus Flat. There is one record of a tortoise from Sarcobatus flat.

Nevada BLM Sensitive animal species that may occur in the area of the Proposed Action include: Chuckwalla, ferruginous hawk, Swainson's hawk, golden eagle, long-eared owl, burrowing owl, prairie falcon, pinyon jay, loggerhead shrike, mountain quail, LeConte's thrasher, pallid bat, big brown bat, spotted bat, silver-haired bat, western red bat, hoary bat, California myotis, small-footed myotis, long-eared myotis, little brown myotis, fringed myotis, long-legged myotis, Yuma myotis, Townsend's big-eared bat, western pipistrelle, brazilian free-tailed bat, and desert bighorn sheep.

There are known populations of Funeral milkvetch (*Astragalus funereus*) in the allotment. It is a Nevada state sensitive species with a Global Rank of G2.

3.3.5 Wetlands and Riparian Habitats

There are no riparian areas accessible to livestock in the northern and southern pastures proposed for grazing. One spring (Willow Spring) is accessible to livestock in the northwest pasture. In addition, the water rights to the spring are in the name to the former lessee. Water quality analysis of the spring has not been conducted but the water has not been used since 2000.

3.3.6 Grazing Management

The grazing lease was cancelled in 1997 due to unresolved trespass and unpaid grazing bills. Present grazing authorization is on a temporary non-renewable basis. The carrying capacity for each pasture was calculated based on the Tonopah RMP rate of 50.4 acres/AUM.

3.3.7 Recreation

The primary recreational use on the Montezuma Allotment includes competitive OHV events, big game hunting for antelope, desert bighorn, mule deer, and mountain lion and upland birds such as chukar. The annual Las Vegas-Reno Off-Road Race is scheduled to run through the Northwest of Beatty pasture on Friday, Oct 7, 2005. This is during the period of grazing use on that pasture.

3.3.8 Socioeconomic

The main economic activities of Esmeralda County, Nevada, are livestock grazing on public and private lands, farming, mining and recreation. These are the principal source revenues for the county and employment opportunities for the resident of this area.

3.3.9 Soils

Soils on the Montezuma allotment are entisols and aridisols. These soils have very little organic matter in the A-horizon (first horizon layer of a soil). Soils on the East Pasture are dominated by sandy surface. Sandy soils are very productive and this area supports a large amount of grass with some winterfat (*Krascheninnikovia lanata*). The North Pasture is not as sandy and is less productive than the other pastures. The soil erosion on these pastures is limited because of the present vegetation cover. Soil erosion by wind and water do occur but on a limited basis due high wind and thunderstorm events.

3.3.10 Vegetation

Ecological sites in the Montezuma Allotment are mainly Loamy 5-8", Sandy loam 5-8" and Sandy 5-8". The majority of the area is dominated by shadscale (*Atriplex confertifolia*), budsage (*Picrothamnus desertorum*) and spiny menodora (*Menodora spinescens*), with Indian ricegrass (*Achnatherum hymenoides*), winterfat (*Krascheninnikovia lanata*). There are no known noxious weeds on the Montezuma Allotment.

3.3.11 Wild Horses and Burros

Two herd management areas (HMA), Bullfrog and Goldfield, occur in the area of the Proposed Action. Currently, the estimated population for the Goldfield HMA is 15 burros and 5 horses. The estimated population for Bullfrog is approximately 41 burros. These estimates may fluctuate throughout the year as the animals have free access to move into or out of the HMAs (refer to Map B).

Water has always been an issue in this HMA. In 1996, all of the horses and burros were removed from the Goldfield HMA due to extended and severe drought conditions. The horses that currently reside in the HMA may have been missed in the gathers, or emigrated from the Nevada Test Site or other HMAs. Goldfield has had a series of emergency gathers due to drought and private water issues. Wild horses and burros were gathered under emergency circumstances in 1996, 1994, and 1990.

Only burros live in the Bullfrog HMA as the forages and climate are more suited to burros' desert evolution. A few small bands of burros roam within this HMA. The Tonopah Resource Management Plan and Record of Decision (1997), states that the Interim Herd Size (IHS) for the Bullfrog HMA is 12 horses and 142 burros and the AML is 53 burros.

Between August 22 and September 14, 1990, 63 burros were captured in a "nuisance gather" and were sent to the Palomino Valley Center in Sparks, Nevada, for adoption. As a result of extreme drought conditions in the early 1990's, the BLM conducted two emergency gathers within and around this HMA. Between March 1 and 8, 1995, a total of 500 wild burros were gathered. Eight were returned to the HMA, and the remainder was sent to the Ridgecrest Adoption Center in Ridgecrest, California. Between July 28 and August 30, 1996, 417 burros were gathered and sent to the Ridgecrest, California Adoption Center.

3.3.12. Wildlife

Mammals that occur within the Montezuma Allotment include: mule deer (*Odocoileus hemionus*), American pronghorn antelope (*Antilocapra americana*), coyote (*Canis latrans*), bobcat (*Felis rufus*), mountain lion (*Felis concolor*), kit fox (*Vulpes macrotis*), badger (*Taxidea taxus*), little brown myotis (*Myotis lucifungus*), Western pipistrelle (*Pipistrellus hesperus*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), Great Basin pocket mouse (*Perognathus parvus*), Merriam's kangaroo rat (*Dipodomys merriami*), deer mouse (*Peromyscus maniculatus*), and desert woodrat (*Neotoma lepida*). Reptiles that occur within the Montezuma Allotment include: zebra-tailed lizard (*Callisaurus draconoides*), desert collared lizard (*Crotaphytus insularis*), long-nosed leopard lizard (*Gambelia wislizenii*), and Great Basin rattlesnake (*Crotalus viridis* var. *lutosus*).

Raptors that occur within the Montezuma Allotment include: red-tailed hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*), Northern harrier (*Circus cyaneus*), rough-legged hawk (*Buteo lagopus*), prairie falcon (*Falco mexicanus*), American kestrel (*Falco sparverius*), and great horned owl (*Bubo virginianus*). Other avian species that occur within the Montezuma Allotment include: American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), sage sparrow (*Amphispiza belli*), black-throated sparrow (*Amphispiza bilineata*), horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), mourning dove (*Zenaida macroura*), and chukar (*Alectoris chukar*).

4.0 ENVIRONMENTAL CONSEQUENCES

This chapter describes the potential environmental consequences of the Proposed Action and the No Action Alternative. The Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR 1500-1508) defines three types of impacts from a Proposed Action to be considered in the environmental analysis: Direct, indirect and cumulative. Direct effects are caused by the action and occur at the same time and same place. Indirect effects are caused by the action but take place later in time or farther removed in distance but are still reasonably foreseeable. Cumulative effects result from the incremental impact of the proposed action added to other past, present, and reasonably foreseeable

4.1 Proposed Action and No Action Alternative

4.1.1 Cultural Resources

The Proposed Action would increase the possibility of impacts to unknown cultural resources due to grazing. To prevent adverse impacts, all water haul sites would be

surveyed to determine if cultural resources are present. If cultural resources are present, the water haul site would be moved at least half a mile from the cultural resources. Klondike would be impacted if a water haul site is established there. However, no water haul sites would be established within a half mile of Klondike.

The No Action Alternative would not result in impacts to any cultural resources. Cultural resource clearances would not be needed to determine water haul sites since livestock would not be authorized on the allotment.

4.1.2 Invasive/Non-Native Species

Based on the surveys of the Montezuma Allotment, the potential spread of invasive, non-native species by livestock would not occur. Selection of the No Action Alternative would prevent the spread of invasive non-native species. The main dispersion and spread of invasive, non native species would occur through recreational and road maintenance activities.

The No Action Alternative would not result in impacts to the spread of invasive, non native species. Selection of the No Action Alternative would result in the non occurrence of occur through recreational and road maintenance activities.

4.1.3 Migratory Birds

The Proposed Action would not have direct adverse effects on migratory birds within the allotment because the proposed season of use is outside the migratory bird nesting season. There is the potential for adverse impact to nesting habitat if cattle are allowed to excessively utilize an area. However, the implementation of maximum use levels of 45% for shrubs and 55% for grasses would alleviate the potential risk of impacts.

The No Action alternative would not result in potential overuse by livestock. There would be no impacts to migratory birds.

4.1.4 Threatened, Endangered and Sensitive Species

There would be "No Affect" to the desert tortoise from this Proposed Action due to the placement of the water hauls and the lack of overlap between the desert tortoise habitat and the preferred livestock grazing habitat. Livestock grazing may have the potential to impact BLM Sensitive species habitat if they are allowed to excessively utilize the rangeland. However, when compared to historical amounts of grazing, impacts on sensitive species populations should not occur due to the low grazing intensity of use analyzed by this EA.

The No Action Alternative would not result in potential impacts on the sensitive species habitat. Livestock grazing would not be authorized.

4.1.5 Wetlands and Riparian Habitats

There would be “No Affect” on the spring from the Proposed Action because of the use water haul sites and the movement of livestock by the applicant would keep cattle away from the spring. In addition, the water rights are in the name of the former lessee which would prevent the livestock from accessing the spring.

The No Action Alternative would not result in potential impact to the spring since grazing would be not authorized.

4.1.6 Grazing Management

There would be “No Affect” on the grazing management from the Proposed Action because the livestock would be under a grazing rotation scheme and utilization standards would not be exceeded. Monitoring would continue to be conducted throughout the grazing period to assure that the management is within the limits of the Proposed Action. Consequently, the impact on vegetation would be limited so as to assure the long term productivity of the vegetation resources.

The No Action Alternative would not have impacts on allotment management since grazing authorization would not be granted.

4.1.7 Recreation

The Proposed Action would have minimal if any impact on recreational use. Increase in grazing activity, in terms of number of animals, may result in conflict with OHV events. The Las Vegas - Reno Off-Road race is scheduled to run through the Northwest of Beatty pasture on Friday, Oct 7, 2005

The No Action Alternative would not have any potential impacts on recreation resources because grazing would not be authorized.

4.1.8 Socioeconomic

The Proposed Action would increase the social and economic values of the area by providing opportunities for livestock grazing to an applicant, thereby adding economic value within Esmeralda County, through direct income to a resident, and expenditure for supplies and assistance within the local economy.

The No Action would have a negative impact on the social and economic values by denying livestock grazing to an applicant. There would not be any economic and social values added to Esmeralda County. Expenditure for supplies and contribution to the local economy would not occur.

4.1.9 Soils

The Proposed Action would not affect the soil structure because grazing areas are dominated by poorly developed soils. The sandy soils in Central Nevada are poorly developed and the soil profiles structure would be minimally impacted by compaction.

The No Action Alternative would not impacts on the soils because grazing would not be authorized

4.1.10 Vegetation

The Proposed Action would not affect the vegetation because grazing would take place during the dormant season and the utilization standard would not be exceeded. Since the livestock grazing intensity would be within the grazing standard low and the season of use is mainly during winter, these impacts to vegetation are not expected to occur. The potential spread of noxious weeds would be non-existent because there are no known noxious weeds in the proposed grazing areas.

The No Action Alternative would not be authorized on the Montezuma Allotment. Therefore, impacts by livestock would not occur on the vegetative resources. The vegetation resources would complete their life cycle stages. The impacts to the spread of noxious weeds would not occur since there are no known weeds of this category in the proposed grazing areas.

4.1.11 Wild Horses and Burros

The Proposed Action would not affect the wild horse and burro populations because of the low resident numbers within the HMA. Therefore, the impact to the forage resources and the utilization levels within the HMA would be exceeded

The No Action Alternative would not have impacts to wild horses and burros would not occur within the HMAs.

4.1.12. Wildlife

The Proposed Action may have the potential to impact wildlife if livestock grazing are allowed to excessively utilize the rangeland. However, when compared to historical amounts of grazing, impacts on the wildlife populations should not occur due to the low grazing intensity of use analyzed by this EA. The use of water hauling would be

required in order to avoid riparian impacts and surface water rights conflicts. This would have the complementary effect of keeping livestock out of areas receiving the heaviest wildlife use. Small reptile species, rodents, and native birds may be impacted by the Proposed Action by reducing available cover.

The No Action Alternative would not have impacts on small reptile species, rodents and native birds by livestock because livestock would not be authorized.

4.2 Mitigating Measures

Violation of any of the terms and condition would negate the grazing authorization and immediate removal of livestock would follow.

4.3 Residual Impacted

There would be not direct or indirect impacts from the proposed action, therefore no cumulative effect would be seen.

4.4 Cumulative impacts

CEQ regulations state that the cumulative impact analysis should include the anticipated impacts to the environment resulting from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectivity significant actions taking place over time" (40 CFR.1508- 7).

Impacts of the proposed action and alternatives presented in this EA are assessed for cumulative impacts with other actions conducted in the region. Unless otherwise specified, the region of influence for each resource in the cumulative analysis is the same as the area defined in Chapter 3.

This analysis considers the effects of the proposed action, as evaluated in detail in Chapter 4, when combined with the effects of other past, present, and future actions in the affected region. Since the Proposed Action is the issuance of a grazing use and involves no ground-disturbing activities, no direct impacts would occur that would; contribute to cumulative conditions in the affected area. Current or reasonably foreseeable actions that have been identified as described below.

The time frame for the analysis of the TNR is from September 1, 2005 to February 28, 2006.

The Proposed Action has been examined for cumulative effects to the project area and surroundings. Grazing and recreation have occurred in the past and continue to be the dominant present activities. It is expected that grazing use on an intermittent basis and increasing recreation opportunities would continue to dominate in the foreseeable future. The area would be withdrawn from mineral entry because of the proposed U.S. Department of Energy Yucca Mountain railroad project. Therefore, new mining activity would not occur in the foreseeable future. However, it is anticipated that the demand for sand and gravel would increase in the foreseeable future if the railroad project is build.

4.4.1 Cultural Resources

Cumulative Impacts from grazing are expected to be low. However, large scale mineral exploration projects could directly damage cultural resources during construction to drill roads and pads. These impacts would be reduced based on permitting requirements that may include cultural resource inventories. In addition, road maintenance activities may impact the unknown cultural resources. The site at Klondike, a railroad depot, was also determined to be ineligible by the recorder and the Cumulative Impact to the site would be low.

4.4.2 Invasive/Non-Native Species

Cumulative Impacts from grazing on the spread of invasive non-native species would be low because the livestock would graze during the dormant season and livestock would not be allowed to concentrate in one area. However, the main dispersion and spread of invasive non native species could occur through recreational and road maintenance activities.

4.4.3 Migratory Birds

The Cumulative Impacts on the migratory birds from grazing would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. In addition, the impact on the habitat would be low.

4.4.4 Threatened, Endangered and Sensitive Species

The Cumulative Impacts from grazing on the threatened, endangered and sensitive species would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. The impact on the habitat would be low and the impacts on sensitive species populations should not occur due to the low grazing intensity of use.

4.4.5 Wetlands and Riparian Habitats

The Cumulative Impacts from grazing on Willow Spring would not occur since the water rights are in the name to the former lessee. In addition, the use of water haul sites and the movement of livestock by the applicant would keep the cattle away from the spring.

4.4.6 Grazing Management

The Cumulative Impacts on grazing management would be low to non-existent because livestock would be under a grazing rotation scheme and utilization standards would not be exceeded. Monitoring would continue to be conducted throughout the grazing period. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. In addition, the impact on the vegetation would be low.

4.4.7 Recreation

The Cumulative Impacts on recreation from grazing would not occur since the OHV race occurs only once a year and recreational activities are highly disperse.

4.4.8 Socioeconomic

The Cumulative Impacts on socioeconomic from grazing would not occur since the benefits to the various parties would be temporary.

4.4.9 Soils

Cumulative Impacts to the soils from grazing would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. Therefore, the soil displacement would be low and the placement of temporary water haul sites would be on previously disturbed areas.

4.4.10 Vegetation

Cumulative Impacts to the vegetation from grazing would be low to non-existent because the animals would graze during the dormant season and the utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration of livestock and increase the distribution of livestock. The Cumulative Impacts by grazing on the spread of noxious weeds would not exist because there are no noxious weeds on the Montezuma Allotment. However, recreation, mining and road maintenance activities may spread noxious weeds by from vehicular travel where weed seeds are spread from the undercarriage of vehicles.

4.4.11 Wild Horses and Burros

Cumulative impacts on the wild horses and burros from grazing would be low. The impact to the forage resources and the utilization levels within the HMA would not be exceeded because of the low resident numbers within the HMA. In addition, the grazing would occur during the dormant season. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock.

4.4.12 Wildlife

Cumulative impacts on the wildlife from grazing would be low to non-existent because the grazing utilization would not be exceeded. The use of temporary water haul sites would reduce the concentration and increase the distribution of livestock. In addition, the impact on the habitat would be low.

4.4.13 All resources values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or alternatives.

4.5 Monitoring

The monitoring described in the Proposed Action is sufficient for this action.

5.0 PERSONS OR AGENCIES CONSULTED

| | |
|------------------------|--|
| Amy Dumas | Wild Horse and Burro Specialist |
| Rhen Etzelmler | Wildlife Biologist |
| Robert Perrin | Outdoor Recreation Planner |
| Valerie Metscher | Lead Rangeland Management Specialist/Vegetation Specialist |
| Marc A. Pointel | Rangeland Management Specialist (preparer) |
| Susan Rigby | Archeologist |
| Dustin Rooks..... | Rangeland Management Specialist/T&E Plants Specialist |
| Wendy Seley | Realty Specialist |
| Angelica Ordaz..... | Planning and Environmental Coordinator, Battle Mountain Field Office |
| Desna Young..... | Planning and Environmental Coordinator, Carson City Field Office |

**FINDING OF NO SIGNIFICANT IMPACTS
AND
DECISION RECORD**

Environmental Assessment NV065-2005-021

**Temporary Non Renewable Grazing Authorization
Montezuma Allotment**

FINDING OF NO SIGNIFICANT IMPACTS: Based on the analysis of environmental assessment NV065-2005-021, for the Temporary Non-Renewable grazing use, Montezuma Allotment, I have determined that the Proposed Action will not have significant effect on the human environment; therefore, an environmental impact statement will not be prepared.

Decision: It is my decision to authorize the Temporary Non-Renewable grazing use on the Montezuma Allotment with the following livestock numbers and AUMs distribution per pasture:

| | Grazing | Period | Number of | Animal Unit |
|--|----------|----------|-----------|---------------|
| Pastures | Begin | End | Livestock | Months (AUMs) |
| North of Goldfield East of Highway U.S. 95 Pasture A | 10/15/05 | 02/28/06 | 50 | 225 |
| North of Goldfield East of Highway U.S. 95 Pasture B | 10/15/05 | 02/28/06 | 125 | 563 |
| South of Goldfield East of Highway 95 | 10/15/05 | 02/28/06 | 100 | 450 |
| Northwest of Beatty West of Highway 95 | 09/01/05 | 01/31/06 | 200 | 1,006 |

Monitoring

The authorized activities will be monitored during and after the grazing period to ensure that the utilization level are not exceeded and the proper placement of water haul sites will be executed in accordance with the terms, conditions and stipulations of the decision (Exhibit A).

RATIONALE

The Proposed Action, as mitigated with the stipulations, will protect the natural resources associated with the public land. The applicant has demonstrated a need to rest his allotment and the forage resources on the Montezuma Allotment available for grazing. The Proposed Action is in conformance with the Tonopah Resource Management Plan (1997) and was coordinated with the interested parties.

William S. Fisher
Assistant Field Manager, Tonopah

Date

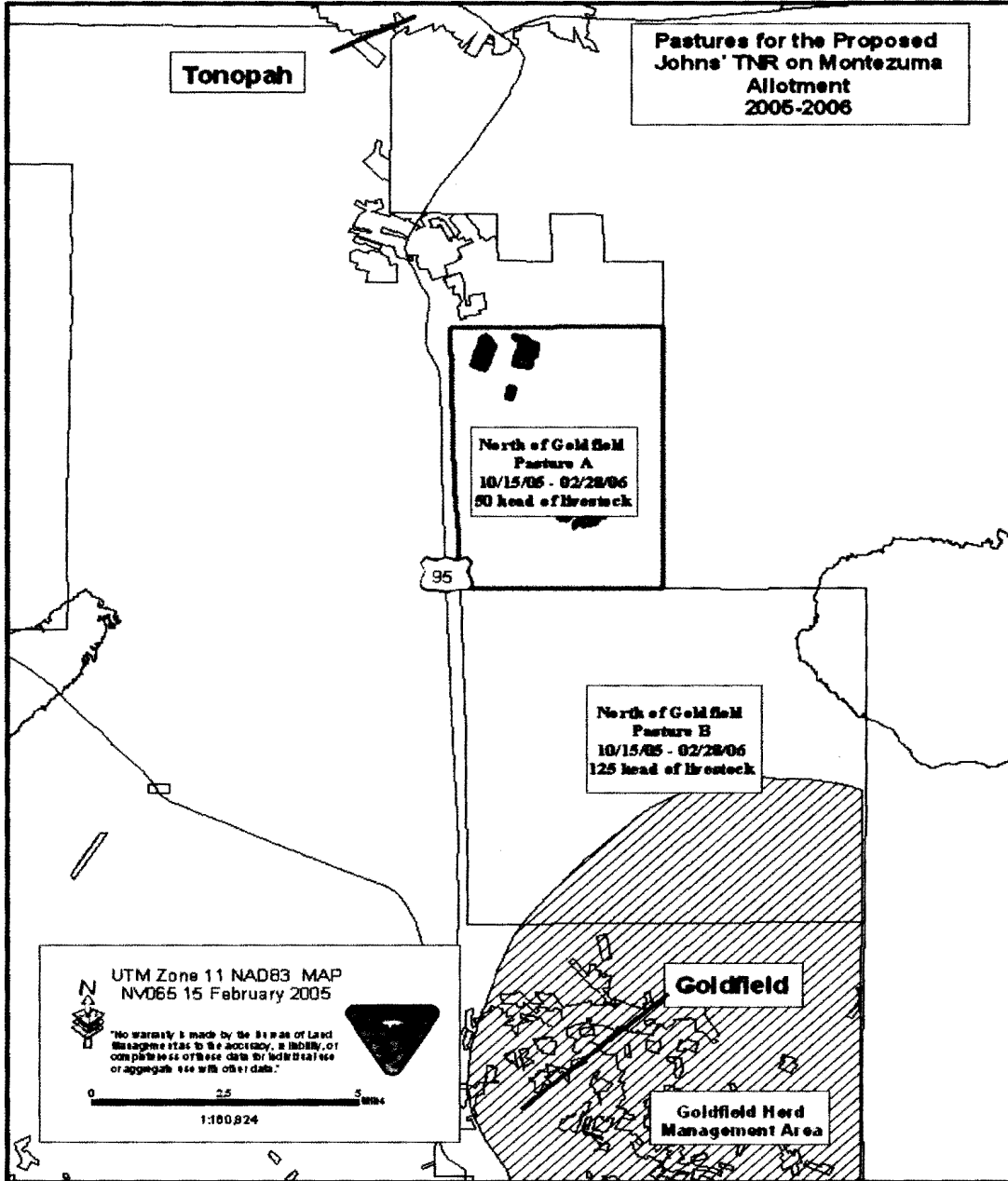
EXHIBIT A

Livestock Grazing Stipulations

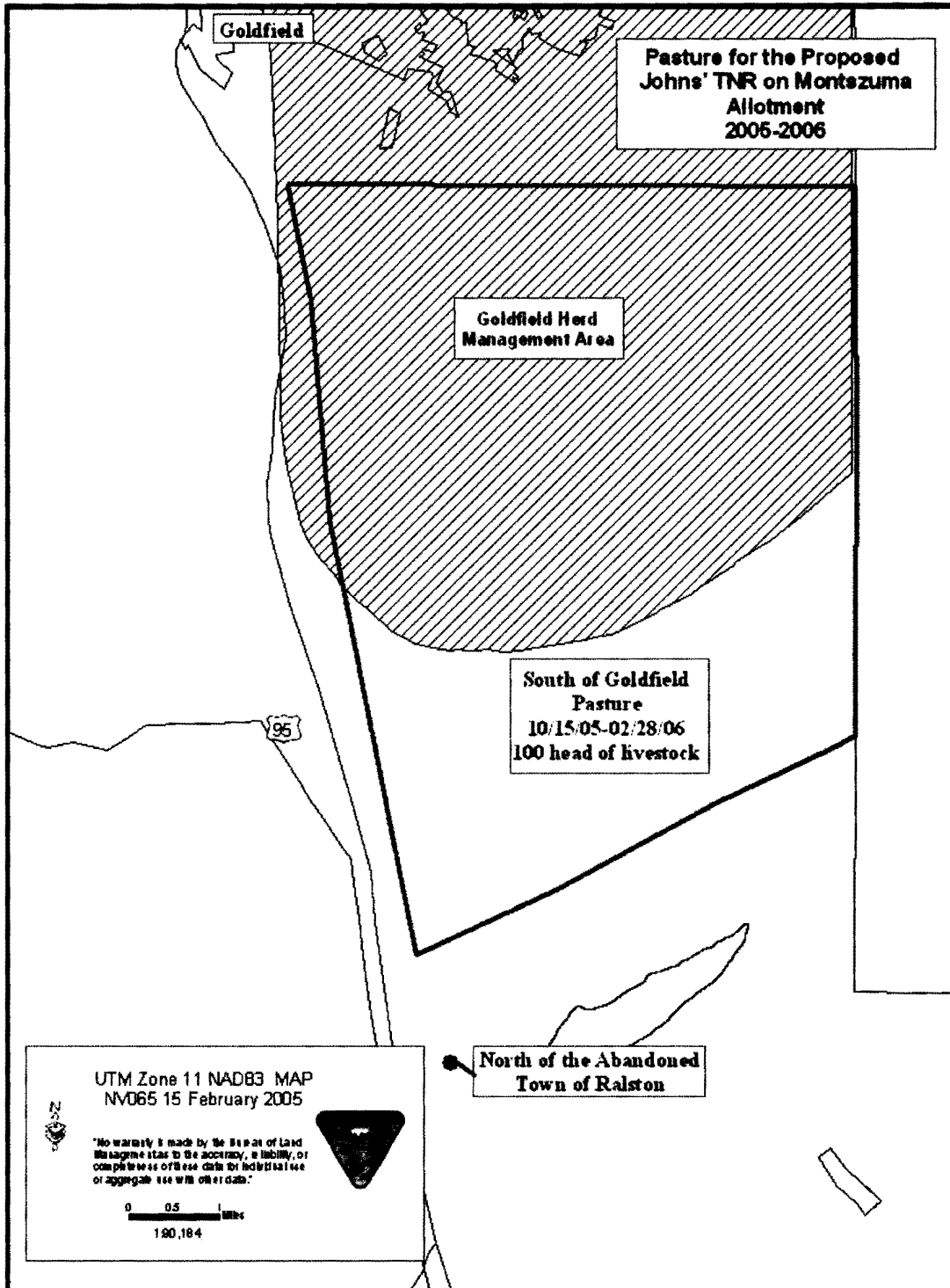
1. The terms and conditions of this grazing authorization should be consistent with the Standards and Guidelines for Healthy Rangelands established by the Mojave Southern Great Basin Area Resource Advisory Council in 1997.
2. The new schedule would become effective upon signature of the Final Decision.
3. Notify the Tonopah BLM two days prior to the turnout of livestock as agreed by the affected parties.
4. The Nevada Rangeland Handbook (1984) established proper use levels for grasses at 55 percent and for shrubs at 45 percent. Livestock would be removed or moved to a new area prior to attaining the maximum allowable utilization level of 50 percent (Nevada Rangeland Monitoring Handbook, 1984)
5. Livestock would not be allowed to concentrate at any water haul sites.
6. 43 CFR §4130.8-1 (f) states: Failure to pay the grazing bill within 15 days of the due date specified in the bill would result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
7. Salt blocks would be placed more than one mile from water developments.
8. Changes requiring the reissue of a grazing bill after the bill has been sent to the lessee would be subject to a service charge of \$10.00 per bill under 43 CFR §4130.8-3.
9. The holder of this authorization will notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of Native American remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the holder will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation would be made by the authorized officer after consulting with the holder.
10. Temporary water haul sites would be used to distribute livestock on the Montezuma Allotment.
11. Request for temporary water haul sites would be made to the authorizing officer three months prior to the onset of grazing.
12. Temporary water haul sites would be removed when no longer required or authorized in accordance with 43 CFR 4120.3-1(a) States "Range Improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management."
13. The applicant is responsible to request the Tonopah Field Station BLM archeologist for cultural clearance of the temporary water haul sites.
14. The applicant would place all water haul sites within the "Northwest of Beatty" pasture either in or along the foothills of the Grapevine Mountains or near the Montezuma/Magruder Mtn. allotment boundary.
15. The permittee would be notified of the any OHV race beforehand.

APPENDIX II

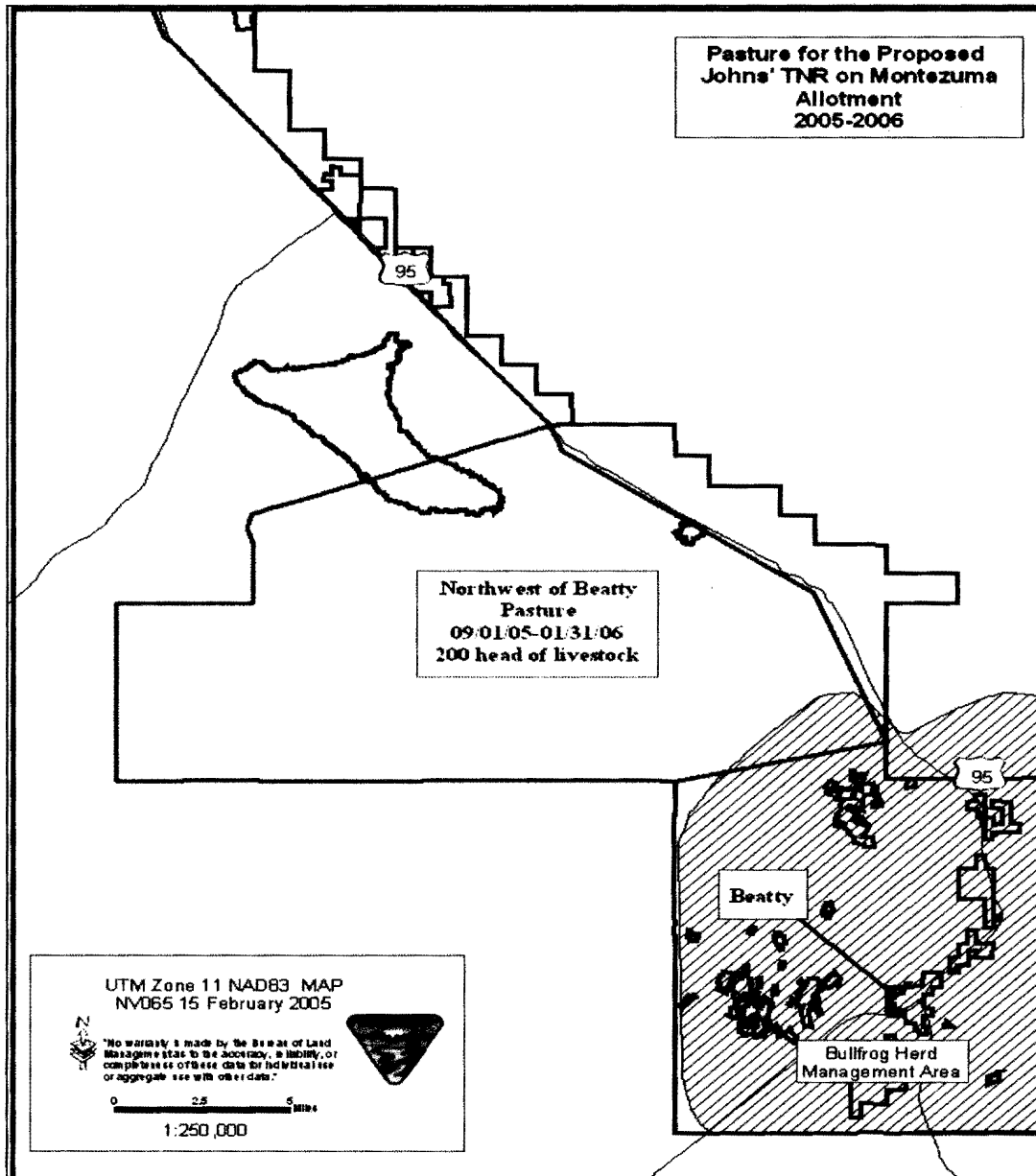
Location of Proposed Action & Herd Management Area



Location of Proposed Pastures & Herd Management Area



Location of Proposed Pastures & Herd Management Area



CERTIFICATE OF SERVICE

**Certificate of Service for the Proposed Decision of
Temporary Non Renewable Grazing Authorization
Montezuma Allotment**

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