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

Final Decision

(DOI-BLM-NV-045-2009-0013-EA)

August 6, 2009

Grazing Permit Renewal for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments

Lincoln County, Nevada

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

NATIONAL SYSTEM OF PUBLIC LANDS

United States Department of the Interior

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AUG 06 2009

In Reply Refer to:
4160 (NVL0300)

FINAL DECISION

7J Ranch on the Meadow Valley,
Ash Flat, Pennsylvania and Rainbow Allotments

Background Information

On June 30, 2009 the Finding of No Significant Impact (FONSI) for the 7J Ranch term permit renewal on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments was signed. The Environmental Assessment (DOI-BLM-NV-045-2009-0013-EA), Finding of No Significant Impact (FONSI) and Standards Determination documents are contained herein. This Final Decision is issued in accordance with 43 CFR § 4160.3.

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

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) dated August 20, 2008. The proposed action is specifically provided for in the following Management Decisions: "LG-1: Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis. LG-5: Maintain the current preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock, and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health."

The proposed action, associated with DOI-BLM-NV-045-2009-0013-EA (EA) is to fully process and issue a new term grazing permit to 7J Ranch (#2705130) on the Meadow Valley (#01041), Ash Flat (#21002), Pennsylvania (#01056) and Rainbow (#11028) Allotments.

The current Term Grazing Permit for the 7J Ranch has been issued for the period 3/1/07 – 2/28/2017. The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres of BLM managed lands, respectively. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for 7J Ranch - to authorize grazing on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments - provides for a legitimate multiple use of the public lands. The permit includes terms and conditions for grazing use that conform to Guidelines and will continue to achieve, or make progress toward achieving, the Standards for Nevada's Mojave-Southern Great Basin Area in accordance with all applicable laws, regulations, and policies; and in accordance with Title 43 CFR § 4130.2(a) which states in part, **"**Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans". This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this Final Decision execute management actions which would ensure that Standards for Rangeland Health and multiple use objectives continue to be met.

The standards were assessed for the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Publications used in assessing and determining achievement of the Standards include: Ely Record of Decision and Approved Resource Management Plan (RMP); Sampling Vegetation Attributes; National Range and Pasture Handbook published by the Natural Resources Conservation Service (NRCS); Nevada Rangeland Monitoring Handbook; Utilization Studies and Residual Measurements; Nevada Plant List; Major Land Resource Area (MLRA 29) Rangeland Ecological Site Descriptions; Soil Survey of Meadow Valley Area, Nevada and Utah. These documents are available for public review at the Caliente Field Office during business hours.

Current monitoring data was reviewed and an assessment of the rangeland health was completed during the permit renewal process and a Standards Determination document was prepared (Appendix II of EA). These data are available for public review at the Caliente Field Office during business hours.

The results of the findings, regarding the achievement or non-achievement of the Mojave-Southern Great Basin Area Standards for Rangeland Health for the aforementioned allotments are summarized in the following table.

Conclusions of the Standards Determination Document

The results of the findings, regarding the achievement or non-achievement of the Mojave-Southern Great Basin Area Standards for Rangeland Health for the aforementioned allotments are summarized in the following table.

ALLOTMENT	STANDARD	STATUS
Meadow Valley	**1. Soils**	Achieved
	2. Riparian and Wetland Sites Standard	Achieved
	3. Habitat and Biota Standard	Not Applicable (See Standards Determination Document in Appendix II of EA)
- -		
Ash Flat	**1. Soils**	**Achieved:** for areas designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Areas designated as Functional at Risk - Upward Trend **Not Achieved,** not making significant progress towards meeting the Standard: for Riparian Areas designated as Functioning and Risk - No Apparent Trend; Functioning and Risk - Downward Trend; and Nonfunctional - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions.- -
	2. Riparian and Wetland Sites Standard	**Achieved:** for the Riparian zone in Proper Functioning Condition; and, the North and South segments of the three riparian segments within the allotment designated as Functional at Risk - Upward Trend. **Not Achieved,** not making significant progress towards meeting the Standard: for the Middle Segment of the three riparian segments, within the allotment, designated as Functional at Risk - Upward Trend; and the Riparian Areas Designated as Functioning and Risk - No Apparent Trend; Functioning and Risk - Downward Trend; Nonfunctional. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	3. Habitat and Biota Standard	Not Applicable (See Standards Determination Document in Appendix II of EA)

- -		
Pennsylvania and Rainbow	**1a. Soils - Lotic Riparian Zone -**	**Achieved:**: for Riparian Area designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Area designated Functional at Risk - Upward Trend. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	1b. Soils – Upland Areas -	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	2a. Riparian and Wetland Sites Standard - Lotic Riparian Zone -	**Achieved:** for Riparian Area designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Area designated as Functional at Risk - Upward Trend. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	2b. Riparian and Wetland Sites Standard - Upland Areas -	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	3. Habitat and Biota Standard	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -

Consultation and Coordination

On November 14, 2008, the aforementioned permittee associated with the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments was sent a letter informing him of the proposed term permit renewal process scheduled for his respective allotments during 2009.

On November 19, 2008, a letter was sent to local Indian tribes requesting comments, regarding

these permit renewal proposals, by December 22, 2008.

The project proposal was posted on the Ely Field Office web site, December 29, 2008, at http://www.blm.gov/nv/st/en/fo/ely_field_office.html.

On April 9, 2009, a hard copy of the Preliminary EA was mailed to those interested publics responding to the annual CCC letter who - for the 2009 calendar year - had expressed an interest in range management actions on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments. Comments were received from Western Watersheds Project and the Nevada Department of Wildlife – Southern Region. Changes to the Preliminary EA were made as appropriate and were based upon relevant public input.

On April 17, 2009, a Biological Assessment (BA) entitled: "Request for Concurrence on Batched Consultation for Term Permit Renewals for Grazing in Southwest Willow Flycatcher Habitat in Meadow Valley Wash" was submitted to the U. S. Fish and Wildlife Service. Among other allotments, the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments were included in this request. In response, a Biological Opinion (BO) dated June 15, 2009 was received by the BLM.

On July 2, 2009 the Proposed Decision was issued. A Protest was submitted by Western Watersheds Project. The protest points were reviewed and were determined to be either conjecture, statements of opinion, unfounded claims of fact, or outside the scope of the proposed action.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3 Active Use for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments, will remain unchanged, however the Season of Use will be changed according to the following:

FROM:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
[1] Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	4	C	11/01	4/30	100	56	65	121
		4	H	3/01	2/28	100	----	----	----
Ash Flat	21002	7	C	5/01	3/24	100	74	29	103
Pennsylvania	01056	97	C	5/01	10/31	100	588	262	850
Rainbow	11028	28	C	3/01	2/28	100	332	0	332

* These numbers are approximate.

** This is for billing purposes only.

[1] A stipulation was included in the existing Term Grazing Permit which stated that no livestock grazing will occur between May 1 and August 31 on any of the above 4 allotments, to allow nesting of the southwest willow flycatcher, a threatened species under the Endangered Species Act

TO:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	11	C	10/01	2/28	100	56	65	121
		11	H	10/01	2/28	100			
Ash Flat	21002	15	C	10/01	2/28	100	74	29	103
Pennsylvania	01056	118	C	10/01	2/28	100	588	262	850
Rainbow	11028	47	C	10/01	4/30	100	332	0	332

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

This decision will become effective following the 30 day appeal period, if no appeals are filed, or pending final determination on appeal.

The renewal of the term grazing permit will be for a period of up to 10 years. If either the grazing privileges or the base property are transferred during this ten year period - with no changes to the terms and conditions of the permit - the new term permit would be issued for the remainder of the 10-year period.

The data indicate that grazing is in conformance with all applicable Guidelines. As a result, no changes in the Terms and Conditions, related directly to grazing management, have been identified. However, the new term permit will include terms and conditions which further assist in achieving/maintaining the Standards and Guidelines for Grazing Administration and the other pertinent land use objectives for livestock use.

In accordance with 43 CFR §§ 4130.3, 4130.3-1 and 4130.3-2, the following will be included as terms and conditions in the term grazing permit for the 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments.

Standard Operating Terms and Conditions (Common to All Allotments):

1. Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.

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

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

4. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within

15 days of the due date, you will be charged a late fee assessment of $25 or 10 percent of the grazing bill, whichever is greater, not to exceed $250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

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

6. Grazing use will be in accordance with the great basin area standards and guidelines for grazing administration. The Standards and Guidelines have been developed by the respective 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 Subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be re-issued 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.

10. When necessary, control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.

The following Best Management Practices will also be included, as Other Terms and Conditions, in the term grazing permit for the 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments. Utilization objectives (allowable use levels or AULs), which are a quantification of the land use plan objectives, will be included as part of these Other Terms and Conditions.

<u>Best Management Practices</u>

1. No livestock grazing will occur between May 1 and August 31 on any of the allotments, to allow nesting, brooding and rearing of the southwest willow flycatcher, a threatened species under the Endangered Species Act.

2. Allowable Use Levels on current year's growth of riparian vegetation within Meadow Valley Wash portions of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow

Allotments – during the authorized grazing use period – will not exceed 35% (Light Use Category).

3. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – during the authorized grazing use period – will not exceed 40% (Light Use Category).

4. Bank alteration, as defined and assessed in Technical Bulletin BLM/ID/GI-08/001+1150, on existing stream banks will not exceed a total of 20% along the entire lotic riparian zone associated with a particular allotment.

5. Livestock will be moved to another authorized pasture or removed from the allotment before utilization or bank alteration objectives are met; or no later than 5 days after meeting the utilization or bank alteration objectives. Any deviation in livestock movement will require authorization from the authorized officer.

6. Salt and/or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.

7. Water troughs

    - Place troughs connected with spring developments outside of riparian and wetland habitats to reduce livestock trampling damage to wet areas.

    - Control trough overflow at springs with float valves or deliver the overflow back into the native channel.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to either make progress toward or maintain achievement of the standards.

However, to address the Clover Mountains Wilderness Area, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition will be added to comply with the Wilderness Act of 1964 (P.L. 88-577)

8. No motorized access is permitted within the designated Clover Mountains Wilderness Area without approval of the Field Manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not have a significant adverse impact on the natural environment.

Rationale:

The data indicate that grazing is in conformance with all applicable Guidelines. Where a Standard was not achieved, livestock grazing was NOT a contributing factor to NOT meeting the

Standard in question. Lack of achievement was either caused from wildfire, flood, mechanical treatment of the Meadow Valley Wash by the Union Pacific Railroad or a combination thereof.

However, the proposed changes in season of use and establishment of BMPs - including Allowable Use Levels - on all allotments would aid in either continuing to achieve or in making progress towards achieving the upland and riparian Mojave-Southern Great Basin Standards; they would also assist in providing sufficient suitable habitat not only for the southwest willow flycatcher, but all migratory birds of concern.

Changes in season of use, to shorten the grazing season during the grazing year, would also decrease disturbance of the endangered southwest willow flycatcher (*Empidonax traillii extimus*) and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months.

Such changes would also aid in allowing plants to develop above ground biomass for protection of soils; contribute to litter cover; and continue to develop root masses which would lend itself to improved carbohydrate storage for vigor, reproduction, and desirable perennial cover for soil protection and wildlife.

In addition, a Biological Assessment, dated April 17, 2009 was submitted by the BLM to the U.S. Fish and Wildlife Service. In response, a Biological Opinion (BO) dated June 15, 2009 was received by the BLM. After reviewing the current status of the southwest willow flycatcher, the environmental baseline for the project area, the effects of the proposed action and the cumulative effects, it was the service's biological opinion that the proposed action was within the scope of the Programmatic Biological Opinion (as contained in the RMP) and is therefore, not likely to jeopardize the continued existence of the flycatcher.

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

§ 4110.3 Changes in Permitted Use

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

§ 4120.5–1 Cooperation in management.

> The authorized officer shall, to the extent appropriate, cooperate with Federal, State, Indian tribal and local governmental entities, institutions, organizations, corporations, associations, and individuals to achieve the objectives of this part.

§ 4130.2 Grazing Permits and Leases

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

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

§ 4130.3-1 Mandatory terms and conditions.

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

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

(c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

§ 4130.3-2 Other Terms and Conditions

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

§ 4160.3 Final Decisions.

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

(b) Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

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

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

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

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

(c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.

(d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species."

Appeal

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:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
Box 237
Caliente, NV 89008

Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Sincerely,

/s/ Victoria Barr

Victoria Barr
Field Manager
Caliente Field Office

Enclosures

FINDING OF NO SIGNIFICANT IMPACT

7J Ranch Term Permit Renewal
Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments

DOI-BLM-NV-045-2009-0013-EA

I have reviewed Environmental Assessment DOI-BLM-NV-045-2009-0013-EA. 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 DOI-BLM-NV-045-2009-0013-EA 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 (RMP) signed 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: These land based allotments are located within Lincoln County in the south-central portion of the Ely District BLM, ranging approximately seven to 21 miles south of Caliente, Nevada. The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres, respectively. None of the allotments in the proposed action are located within a Wild Horse Herd Management Area (HMA) or desert tortoise habitat. A portion of the Pennsylvania Allotment is located within the Clover Mountains Wilderness Area.

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

Intensity:

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

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

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

The proposed action will not result in substantial, adverse impacts to public health and safety.

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

There are no parks, wetlands, wild and scenic rivers, prime and unique farmland or ecologically critical areas (ACECs) within the area of analysis.

Historic and cultural resources identified in the project area were reviewed and analyzed in a *Cultural Resources Inventory Needs Assessment*. The BLM recognizes the potential for grazing to affect historic properties through: (1) the concentration of livestock on cultural resources; (2) construction and maintenance of grazing facilities; and (3) other grazing operations in the immediate vicinity of historic properties.

Consequently, the *Needs Assessment* outlined stipulations regarding: (1) the Issuance of Grazing Permits with respect to cultural impacts; (2) Cultural Permit Stipulations with respect to range improvements, and; (3) Paleontological Resource Stipulations with respect to human activities per se.

Through the *Needs Assessment*, no effects to unique characteristics of the geographic area, such as proximity to historic or cultural resources, were identified. There are currently no known documented paleontological resources within any of the four allotments. There are no identified Traditional Cultural Properties within the area of potential effect of this project in any of the four allotments.

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 RMP. Public input was solicited for the proposed action. Comments were received, and considered, from Western Watersheds and the Nevada Department of Wildlife – Southern Region regarding effects analyzed in the attached EA.

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

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

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

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

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

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

Historic properties are known to be present within the proposed area. Based on a detailed analysis, this proposal will not adversely affect districts, sites, highways, structures, or other objects listed or eligible for listing. Nor will the proposed project cause loss or destruction of significant scientific, cultural, or historical resources. All proposed undertakings associated with the issuance of this permit, which could adversely impact an archaeological or historic resource, will be subject to full compliance with Section 106 of the National Historic Preservation Act.

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

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

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

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

/s/ Victoria Barr	6/30/09
Victoria Barr Field Manager Caliente Field Office	Date

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

Final Environmental Assessment

DOI-BLM-NV-045-2009-0013-EA

July 2, 2009

Grazing Permit Renewal for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments

and

Lyle and Ruth Whiteside on the Rainbow Allotment

Lincoln County, Nevada

U.S. Department of the Interior
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1.0 Introduction: Need for Action

This document identifies issues, analyzes alternatives, and discloses the potential environmental impacts associated with the proposed term grazing permit renewals for 7J Ranch (#2705130) on the Meadow Valley (#01041), Ash Flat (#21002), Pennsylvania (#01056) and Rainbow (#11028) Allotments; and Lyle and Ruth Whiteside (#2705136) on the Rainbow Allotment.

These land based allotments are located within Lincoln County in the south-central portion of the Ely District BLM, ranging approximately seven to 21 miles south of Caliente, Nevada (Appendix I, Map #1).

The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres, respectively. The first four are located in the Meadow Valley Wash North (#N 214 A) Watershed. The Rainbow Allotment is located in the Meadow Valley Wash North and Kane Springs (#217) Wash Watershed.

The legal locations of the allotments are as follows:

Meadow Valley Allotment

T.5 S., R.66 E., MDBM, many sections
T.6 S., R.66 E., MDBM, many sections

Ash Flat Allotment

T.6 S., R.66 E., MDBM, many sections
T.7 S., R.66 E., MDBM, many sections
T.7 S., R.67 E., MDBM, many sections

Pennsylvania Allotment

T.5 S., R.66 E., MDBM, many sections
T.6 S., R.66 E., MDBM, many sections
T.7 S., R.66 E., MDBM, many sections
T.5 S., R.67 E., MDBM, many sections
T.6 S., R.67 E., MDBM, many sections
T.7 S., R.67 E., MDBM, many sections

Rainbow Allotment

T.7 S., R.66 E., MDBM, many sections
T.7 S., R.67 E., MDBM, many sections

1.0.1 Background

Current management practices are a reflection of Best Management Practices (BMPs) as coordinated between the permittees and appropriate Range Management Specialist.

1.1 Introduction of the Proposed Action.

The Bureau of Land Management (BLM) Caliente Field Office proposes to fully process and issue term grazing permits for the 7J Ranch (#2705130) and Lyle and Ruth Whiteside (hereafter called Whiteside) (#2705136). The permits would authorize livestock grazing for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments; and for Whiteside on the Rainbow Allotment.

Changes to the existing permits - regarding season of use - are recommended to decrease disturbance of the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months.

Changes are also recommended which would establish Allowable Use Levels (AULs) within the Meadow Valley Wash riparian zone and the uplands of the Pennsylvania and Rainbow Allotments. Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997. These AULs would not only aid in achieving or maintaining the upland and riparian Standards but, subsequently, assist in providing sufficient suitable habitat for the southwestern willow flycatcher within the Meadow Valley Wash.

Monitoring data were collected and analyzed and an assessment of the rangeland health for all allotments was completed in 2008 – 2009, during the permit renewal process, through a Standards Determination Document (SDD) (Appendix II).

A summary of this information follows:

Table 1.1-1. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments.

ALLOTMENT	STANDARD	STATUS
Meadow Valley	**1. Soils**	Achieved
	2. Riparian and Wetland Sites Standard	Achieved
	3. Habitat and Biota Standard	Not Applicable
- -		

Ash Flat	**1. Soils**	**Achieved:** for areas designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Areas designated as Functional at Risk - Upward Trend **Not Achieved,** not making significant progress towards meeting the Standard: for Riparian Areas designated as Functioning and Risk - No Apparent Trend; Functioning and Risk - Downward Trend; and Nonfunctional - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions.- -
	2. Riparian and Wetland Sites Standard	**Achieved:** for the Riparian zone in Proper Functioning Condition; and, the North and South segments of the three riparian segments within the allotment designated as Functional at Risk - Upward Trend. **Not Achieved,** not making significant progress towards meeting the Standard: for the Middle Segment of the three riparian segments, within the allotment, designated as Functional at Risk - Upward Trend; and the Riparian Areas Designated as Functioning and Risk - No Apparent Trend; Functioning and Risk - Downward Trend; Nonfunctional. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	3. Habitat and Biota Standard	Not Applicable
- -		
Pennsylvania **and** **Rainbow**	**1a. Soils** **- Lotic Riparian Zone -**	**Achieved:**: for Riparian Area designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Area designated Functional at Risk - Upward Trend. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -

	1b. Soils – Upland Areas -	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	2a. Riparian and Wetland Sites Standard - Lotic Riparian Zone -	**Achieved:** for Riparian Area designated as PFC. **Not Achieved,** but making significant progress towards meeting the Standard: for Riparian Area designated as Functional at Risk - Upward Trend. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	2b. Riparian and Wetland Sites Standard - Upland Areas -	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -
	3. Habitat and Biota Standard	**Not Achieved,** but making significant progress towards meeting the Standard. - - Livestock are NOT a contributing factor to NOT meeting the Standard / Failure to meet the Standard is related to other issues or conditions. - -

1.2 Need for the Proposed Action.

The need for the proposal is to provide for legitimate multiple uses of the public lands by renewing the term grazing permits for 7J Ranch and Whiteside with new terms and conditions for grazing use that continue to conform to guidelines and achieve standards for Nevada's Mojave-Southern Great Basin 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 authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing."

1.3 Objectives for the Proposed Action.

1.3.1. To renew the grazing term permits for 7J Ranch and Whiteside and authorize grazing in accordance with applicable laws, regulations, and land use plans (LUP) on approximately 45,222 acres of public land.

1.3.2. To improve vegetative health and growth conditions on the allotments and continue to meet or make progress towards achieving the Standards and Guidelines for rangeland health as approved and published by Mojave-Southern Great Basin RAC.

1.4 Relationship to Planning

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) signed August 20, 2008, which states, "Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health." In addition, "To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (p. 85-86)."

Management Action LG-1 states, "Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis."

Management Action LG-5 states, "Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health."

1.4.1 Relationship to Other Plans

The proposed action is consistent with the following Federal, State, and local plans to the maximum extent possible.

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

1.4.2 Tiering

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (EPRMP/FEIS) (November 2007).

1.5 Relevant Issues and Internal Scoping/Public Scoping.

On November 14, 2008, the permittees associated with the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments - 7J Ranch and Whiteside – were sent letters informing them of the proposed term permit renewal process scheduled for their respective allotments during 2009. No comments were received.

On November 19, 2008, a letter was sent to local Indian tribes requesting comments, regarding these permit renewal proposals, by December 22, 2008. No comments were received.

The Ely District Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations who have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request, from the District Office, more information regarding specific actions.

On November 20, 2008, the Ely BLM annual CCC letter was mailed which notified interested publics of the livestock grazing term permit renewals scheduled for 2009. The following individuals and organizations who were sent this annual CCC letter have requested additional information regarding rangeland related actions within the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments:

Nevada State Clearinghouse (electronic copy only)
Western Watersheds Project, Katie Fite
Steven Carter
Sustainable Grazing Coalition, Richard Orr
Eastern Nevada Landscape Coalition, Betsy Macfarlan
Linda Carriger, Tuffy Ranch Properties
Pat and Kena Gloelkner
Assistant Field Supervisor USFS, NFO

On December 29, 2008, the proposals to fully process the term permits were posted on the Ely BLM internet site (http://www.blm.gov/nv/st/en/fo/ely_field_office.html). Comments were received from Western Watersheds Project.

On January 13, 2009, in an internal meeting held in coordination between the Caliente Field Office the Ely BLM District Office, the 7J Ranch and Whiteside term permit renewal proposals were presented and scoped by resource specialists to identify any relevant issues. Potential issues identified were related to Wilderness and Noxious Weeds.

On April 9, 2009, a hard copy of the Preliminary EA was mailed to those interested publics responding to the annual CCC letter who - for the 2009 calendar year - had expressed an interest in range management actions on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments. Comments were received from Nevada Department of Wildlife – Southern Region, Division of Water Resources and Western Watersheds Project. Changes to the Preliminary EA were made as appropriate and were based upon relevant public input.

On April 17, 2009, a Biological Assessment (BA) entitled: "Request for Concurrence on Batched Consultation for Term Permit Renewals for Grazing in Southwest Willow Flycatcher Habitat in Meadow Valley Wash" was submitted to the U. S. Fish and Wildlife Service. Among other allotments, the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments were included in this request. In response, a Biological Opinion (BO) dated June 15, 2009 was received by the BLM. After reviewing the current status of the southwest willow flycatcher, the environmental baseline for the project area, the effects of the proposed action and the cumulative effects, it was the service's biological opinion that the proposed action was within the scope of the Programmatic Biological Opinion (as contained in the RMP) and is therefore, not likely to jeopardize the continued existence of the flycatcher.

2.0 Alternatives Including the Proposed Action

2.1 Proposed Action

The Bureau of Land Management (BLM) Caliente Field Office proposes to fully process and issue a new term grazing permit for both, the 7J Ranch (#2705130) to authorize grazing on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments; and Whiteside (#2705136) to authorize grazing on the Rainbow Allotment.

Even though the current 7J Ranch Term Grazing Permit reads according to Table 2, under 2.2.1 below, a stipulation does occur in the current Term Grazing Permit which states: "livestock grazing will not be authorized within the riparian area associated with the Meadow Valley Wash portions of the Ash flat, Meadow Valley, Rainbow, and Pennsylvania Allotments during the period May 1 to August 31, to allow nesting of the southwest willow flycatcher, an endangered species under the Endangered Species Act." Nevertheless, for the Meadow Valley, Ash Flat and Pennsylvania Allotments it is believed that additional livestock non-grazing time - both immediately before and immediately after this period - is appropriate to help further ensure undisturbed breeding, nesting, and brood-rearing of the flycatcher that occur in the spring and summer months.

For the Rainbow Allotment, such an expansion of non-grazing time outside of the May 1 to August 31 date is believed to be less critical. This is because it is extremely rare for livestock to wander off the Rainbow Allotment and into the Meadow Valley Wash riparian area associated with the allotment, due to topography, as explained in the SDD (Appendix II). Topography along the northern portion of the allotment is rugged, steep and very restrictive to livestock travel to the Meadow Valley Wash riparian area. Livestock waters are located in the much flatter, mesa-like, upper elevation areas in the west half of the allotment; and, in combination with the rough topography along the north portion of the allotment, strongly encourages livestock to stay in the flatter, more navigable locations in the allotment and out of Meadow Valley Wash. Even so, more non-grazing time would be added following the August 31st date, to be consistent with other allotments on the 7J Ranch permit.

Contrastingly, the current Term Grazing Permit for Whiteside allows for year-round grazing on the Rainbow Allotment with no regard to the southwestern willow flycatcher.

Therefore, as part of the proposed action, a change in Season of Use for both Term Grazing Permits would occur. Accordingly, the proposed action is to expand the existing May 1 to August 31 "no grazing" period for the 7J Ranch Term Permit according to the aforementioned; and include the same, regarding the Rainbow Allotment, on the Whiteside permit. The result would be that which is shown in Tables 4 and 5, under 2.1.2, below.

The proposed action would also establish BMPs - such as Allowable Use Levels (AULs) - within the Meadow Valley Wash riparian zone and the uplands of the Pennsylvania and Rainbow Allotments.

The proposed changes in season of use and establishment of BMPs - including Allowable Use Levels - on all allotments would aid in either continuing to achieve or in making progress towards achieving the upland and riparian Mojave-Southern Great Basin Standards; they would also assist in providing sufficient suitable habitat not only for the southwestern willow flycatcher, but all migratory birds of concern. Such changes would also aid in allowing plants to develop above ground biomass for protection of soils; contribute to litter cover; and continue to develop root masses which would lend itself to improved carbohydrate storage for vigor, reproduction, and desirable perennial cover for soil protection and wildlife.

Other BMPs would also be incorporated into both permits. No other changes to the permits would be made.

2.1.1 Current Permit

The current Term Grazing Permit for the 7J Ranch has been issued for the period 3/1/07 – 2/28/2017. The current Term Grazing Permit for Whiteside has been issued for the period 3/22/05 – 3/21/2015. Tables 2 and 3, below, display the current term grazing permits for 7J Ranch and Whiteside, respectively:

Table 2. Current Term Grazing Permit for 7J Ranch (#2705130) on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
[1] Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	4	C	11/01	4/30	100	56	65	121
		4	H	3/01	2/28	100	----	----	----
Ash Flat	21002	7	C	5/01	3/24	100	74	29	103
Pennsylvania	01056	97	C	5/01	10/31	100	588	262	850
Rainbow	11028	28	C	3/01	2/28	100	332	0	332

* These numbers are approximate.

** This is for billing purposes only.

[1] A stipulation was included in the existing Term Grazing Permit which stated that no livestock grazing will occur between May 1 and August 31 on any of the above 4 allotments, to allow nesting of the southwestern willow flycatcher, an endangered species under the Endangered Species Act.

Table 3. Current Term Grazing Permit for Lyle and Ruth Whiteside (#2705130) on the Rainbow Allotment.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Rainbow	11028	28	C	3/01	2/28	100	333	0	333

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

2.1.2 Proposed Term Permit

The renewal of the term grazing permits would be for a period of up to 10 years. If an associated base property is transferred during this ten year period - with no changes to the terms and conditions of the permit - the new term permit would be issued for the remaining period of the term permit. If a term permit is renewed during this ten year period - with no changes to the terms and conditions - the new term permit would be issued for the remaining period of the term permit.

Tables 4 and 5, below, display the proposed term grazing permits for 7J Ranch and Whiteside, respectively:

Table 4. Proposed Term Grazing Permit for 7J Ranch (#2705130) on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	11	C	10/01	2/28	100	56	65	121
		11	H	10/01	2/28	100			
Ash Flat	21002	15	C	10/01	2/28	100	74	29	103
Pennsylvania	01056	118	C	10/01	2/28	100	588	262	850
Rainbow	11028	47	C	10/01	4/30	100	332	0	332

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

Table 5. Proposed Term Grazing Permit for Lyle and Ruth Whiteside (#2705130) on the Rainbow Allotment.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Rainbow	11028	47	C	10/01	4/30	100	333	0	333

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

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

However, the following BMPs would be included as Other Terms and Conditions in the term grazing permits, for both permittees, as indicated. Utilization objectives for all allotments are quantified in these BMPs.

Best Management Practices

7J Ranch and Whiteside:

1. No livestock grazing will occur between May 1 and August 31 on any of the allotments, to allow nesting, brooding and rearing of the southwest willow flycatcher, a threatened species under the Endangered Species Act.

2. Allowable Use Levels on current year's growth of riparian vegetation within Meadow Valley Wash portions of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – during the authorized grazing use period – will not exceed 35% (Light Use Category).

3. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – during the authorized grazing use period – will not exceed 40% (Light Use Category).

4. Bank alteration, as defined and assessed in Technical Bulletin BLM/ID/GI-08/001+1150, on existing stream banks will not exceed a total of 20% along the entire lotic riparian zone associated with a particular allotment.

5. Livestock will be moved to another authorized pasture or removed from the allotment before utilization or bank alteration objectives are met; or no later than 5 days after meeting the utilization or bank alteration objectives. Any deviation in livestock movement will require authorization from the authorized officer.

6. Salt and/or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.

7. Water troughs

    - Place troughs connected with spring developments outside of riparian and wetland habitats to reduce livestock trampling damage to wet areas.

    - Control trough overflow at springs with float valves or deliver the overflow back into the native channel.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to either make progress toward or maintain achievement of the standards.

7J Ranch:

To address the Clover Mountains Wilderness Area, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition would be added to comply with the Wilderness Act of 1964 (P.L. 88-577) (see Congressional Grazing Guidelines in Appendix C of the Standards Determination Document in Appendix II of this EA):

8. No motorized access is permitted within the designated Clover Mountains Wilderness Area without approval of the Field Manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not have a significant adverse impact on the natural environment.

2.1.3 Invasive, Non-Native Species and Noxious Weeds

A Weed Risk Assessment (Appendix IV) was completed on December 10, 2008 for the 7J Ranch and Whiteside term grazing permit renewals. The following stipulations listed in the Weed Risk Assessment would be followed when grazing occurred on the allotment to minimize the effects on weeds:

- 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, appropriate weed control procedures will be determined in consultation with BLM personnel and will be in compliance with the appropriate BLM handbook sections and applicable laws and regulations.

- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for feed or bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely Field Office.

- Grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.

- Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

2.1.4 Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals" (pg. 88).

2.2 No Action Alternative

The No Action Alternative represents the status quo. The permits would be renewed without changes to grazing management or modifications to the terms and conditions of each permit. This includes no changes to season of use which would then not aid in decreasing disturbance of the endangered southwestern willow flycatcher (*Empidonax traillii extimus)* and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months.

2.3 Alternatives Considered but Eliminated from Further Analysis

The EPRMP/FEIS (November, 2007) analyzes five alternatives of livestock grazing (p.4.16-1 to 4.16-15.), including a no-grazing alternative (D). No further analysis is necessary in this document.

- The Proposed RMP
- Alternative A, The Continuation of Current Existing (No Action alternative)
- Alternative B, the maintenance and restoration of healthy ecological systems
- Alternative C, commodity production
- Alternative D, conservation alternative (no-grazing alternative)

3.0 Description of the Affected Environment and Associated Environmental Consequences

3.1 Allotment Information

The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments are land based allotments and are located within Lincoln County in the south-central portion of the Ely District BLM, ranging approximately seven to 21 miles south of Caliente, Nevada (Appendix I, Map #1). The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres, respectively. The first three are located in the Rainbow Canyon portion of the Meadow Valley Wash North (#N 214 A) Watershed. The Rainbow Allotment is located in the Meadow Valley Wash North and Kane Springs (#217) Wash Watershed, and is situated in the south end of Rainbow Canyon. None of the allotments are located within a Wild Horse Herd Management Area (HMA) or desert tortoise habitat. However, a portion of the Pennsylvania Allotment is located within the Clover Mountains Wilderness Area.

Portions of the Ash Flat, Pennsylvania and Rainbow Allotments were burned during the Southern Nevada Complex Fires (Appendix A, Map #4 of the Standards Determination Document in Appendix II of this EA); a major conflagration which occurred during the 2005 fire season and burned over one-half million acres. The Meadow Valley Fire (part of the Southern Nevada Complex Fire) burned approximately: 1,013 acres or 30% of the Ash Flat Allotment; 8,845 acres or 29% of the Pennsylvania Allotment; and 4,620 acres or 58% of the Rainbow Allotment. The Delamar Fire (also part of the Southern Nevada Complex Fire) burned an additional 159 acres or 2% of the Rainbow Allotment. Fire emergency stabilization and/or rehabilitation (ES/R) efforts were then scheduled to occur for 1-3 years post-fire. Within the Ash Flat Allotment, the fire burned mostly the higher, inaccessible areas east of the Rainbow Canyon's east rim. During 2006, in the extreme southwest portion of the Ash Flat Allotment, the Moe Fire further consumed approximately 138 acres or 4% of the allotment. All burned areas were subsequently closed to livestock grazing, and were to remain closed until re-opened through an evaluation by an interdisciplinary team. To date the burned areas are still closed.

3.2 Resources/Concerns Considered for Analysis - Proposed Action

The following items have been evaluated for the potential for significant impacts to occur, either directly, indirectly, or cumulatively, due to implementation of the proposed action. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general and to the Ely BLM in particular.

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	No	Air quality in the affected area is generally good except for occasional dust storms. The proposed action would contribute to ambient dust in the air due to trailing, but the impact would be temporary and would not approach a level that would exceed any air quality standards. Detailed analysis is not required.
Cultural Resources	No	According to the Ely District Approved Resource Management Plan, August 2008, (RMP) it is the goal of the Ely District to identify, preserve, and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations. They are to protect and maintain these cultural resources on BLM-administered land in stable condition. To accomplish this they are to seek to reduce imminent threats and resolve potential conflicts from natural or human-caused deterioration or potential conflict with other resource uses by ensuring that all authorizations for land use and resource use will comply with the National Historic Preservation Act, Section 106. In accordance with this act, "any material remains of past human life or activities which are of archaeological interest" shall be assessed and secured "for the present and future benefits of the American People". Therefore, all ground disturbing activities related to livestock grazing (such as fence construction, road construction, water developments, etc.) within the allotment(s) covered by this Term Permit will be subject to Section 106 review and, if needed, SHPO consultation as per BLM Nevada's implementation of the Protocol for cultural resources. Livestock grazing has been an historic use of federal lands, now managed by the Caliente Field Office, since the mid-19th century. The extent of effects from livestock grazing on archeological sites is difficult to determine, since extensive livestock grazing has occurred in this region for over 150 years. Though, it is likely that the majority of the livestock-related impacts on cultural resources occurred prior to the passage of the Taylor Grazing Act in 1934.

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
		The BLM conducts field investigations and maintains files of archeological sites on public lands. Analyses of existing documentation indicates that concentrated livestock activities near water sources, along fences, and in areas where livestock seek shelter, could adversely affect cultural resources. The cultural staff will identify cultural properties being impacted by grazing activities to be monitored in order to determine condition, impacts, deterioration, and use of these properties. Site monitoring is conducted by BLM archeologists, law enforcement rangers, and trained site stewards, to identify impacts and evaluate site conditions. As necessary, strategies are developed and implemented in order to reduce threats and resolve conflicts to the property.
Paleontological Resources	No	No currently identified paleontological resources are present in the project area.
Native American Religious Concerns and other concerns	No	Tribal Coordination Letters were sent our November 19, 2008 for the 7J Ranch, and Lyle and Ruth Whiteside term permit renewals notifying the tribes of a 30 day comment period. No concerns were identified. Direct impacts and cumulative impacts would not occur because there were no identified concerns through coordination.
Noxious and Invasive Weed Management	Yes	Changes in the season of use of the permit would result in changes in the impacts to noxious and invasive weeds.
Vegetative Resources	No	Impacts from livestock grazing on Vegetation Resources were analyzed on page 4.5-9 in the EPRMP/FEIS (November 2007). Beneficial impacts to vegetative resources are consistent with the need and objectives for the proposed action. Burned areas are still closed to livestock grazing. No further analysis is needed.
Rangeland Standards and Health	No	Impacts from livestock grazing on Rangeland Standards and Health are analyzed on pages 4.16-3 through 4.16-4 of the EPRMP/FEIS (November 2007). Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the proposed action. Monitoring data were reviewed and an assessment of the rangeland health was completed during the permit renewal process through a Standards Determination Document (Appendix II). No further analysis is needed.
Forest Health[1]	No	High elevation pinyon-juniper woodlands, which lack appreciable forage in the understory, are found within the Pennsylvania Allotment. However, given the location of the woodlands in generally inaccessible locations and non-palatability of such trees to livestock, the impact of grazing in the woodlands is cumulatively negligible.
Wastes, Hazardous or Solid	No	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced by the proposed action.
Wilderness	No	A portion of the Pennsylvania Allotment is located within the Clover Mountains Wilderness Area.
Special Designations other than Designated Wilderness	No	No Special Designations occur within the project area.

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Wetlands/Riparian Zones	No	Impacts from livestock grazing on riparian areas are analyzed on page 4.3-5 of the EPRMP/FEIS (November 2007). The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments have portions of their boundaries associated with the Meadow Valley Wash riparian zone. The only natural spring found on any of the allotments is Carson Spring. It is located in P/J woodlands in the far upper elevations in the east-central part of the Pennsylvania Allotment near the allotment's east boundary (within one mile of a ridge top) and doesn't receive livestock grazing; therefore, it was not evaluated against the Standards for Livestock Grazing.
Water Quality, Drinking/Ground	No	Impacts from livestock grazing on Water Resources were analyzed on page 4.3-5 in the EPRMP/FEIS (November 2007). The proposed action does not pose any impact to ground water in the project area. No surface water in the project area is used as human drinking water sources and no impaired water of the State are present in the project area.
Water Resources (Water Rights)	No	The proposed action would have no affect on water rights.
Floodplains	No	No floodplains have been identified by HUD or FEMA within the allotment. Floodplains, as defined in Executive Order 11988, may exist in the area, but would not be affected by the proposed action.
Watershed Management	No	Impacts from livestock grazing on Watershed Management are analyzed on page 4.19-8 of the EPRMP/FEIS (November 2007). Further changes to livestock management may be recommended by the watershed analysis process, however no concerns have been identified at this time.
Migratory Birds	No	The migratory bird species that likely occur in or near the project area are listed in Appendix V. Changes in season of use and establishment of Best Management Practices, including Allowable Use Levels, on all allotments would aid in either continuing to achieve or in making progress towards achieving the upland and riparian Mojave-Southern Great Basin Standards; thereby, improving habitat condition for all migratory birds of concern. There is potential of livestock trampling of migratory bird nests, however the likelihood of this happening is minimal, because of the low number of livestock grazed during any year. The impacts to migratory bird populations as a whole would be negligible.
U.S. Fish and Wildlife Service (USFWS) Listed or proposed for listing Threatened or Endangered Species or critical habitat.*	Yes	The Meadow Valley Wash riparian area contains potential habitat for the southwestern willow flycatcher (*Empidonax traillii extimus*) which is considered an Endangered species by the USFWS.
Special Status Plant Species, other than those listed or proposed by the UFWS as Threatened or Endangered	No	No known Special Status plant species are known to exist within any of the allotments.
Special Status Animal Species, other than those listed or proposed by the UFWS as Threatened or Endangered	No	BLM Special Status Animal Species, other than those listed or proposed by the USFWS as Threatened or Endangered, for the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments may be found in Appendices V and VI. The effects of the proposed action would not contribute to the need to list these species. Negative impacts would be minimal.
Fish and Wildlife	No	Impacts from livestock grazing on Fish and Wildlife are analyzed on pages 4.6-10 through 4.6-11 in the EPRMP/FEIS (November 2007). The following habitat or species are known to exist within the respective allotments. These

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
		data are not comprehensive, and additional species not listed here may be present within the allotment boundary. <u>Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments</u> Mule deer year-round and crucial summer habitat (*Odocoileus hemionus*) - No special status Kangaroo rats, woodrats, deer mice, and many other small mammals Various indigenous lizards, snakes and other reptiles <u>Meadow Valley</u> Beaver (*Castor canadensis*) - No special status <u>Pennsylvania</u> Gray fox (*Urocyon cinereoargenteus*) - No special status Site specific examination of the allotments did not reveal any concerns above those addressed in the EIS.
Wild Horses	No	None of the allotments are located within a Wild Horse Herd Management Area (HMA)
Soil Resources	No	Impacts from livestock grazing on Soil Resources were analyzed on page 4.4-4 in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007). Soils were analyzed in the Standard Determination Document. There are no anticipated impacts as a result of the proposed action.
Mineral Resources	No	There would be no modifications to mineral resources through the proposed action, therefore no direct or cumulative impacts would occur to minerals.
VRM	No	The proposed action is consistent with the VRM classification s 1, 2, 3 and 4 for the area, therefore no direct or cumulative impacts to visual resources would occur.
Recreation Uses	No	Design features identified in the proposed action would result in negligible impacts to recreational activities
Grazing Uses	No	The proposed action and the changes to the term grazing permits for 7J Ranch and Lyle and Ruth Whiteside would continue to meet the RMP goals and objectives, including maintaining achievement or progressing toward achieving the Standards for Rangeland Health. The proposed action is consistent with the need for the action, no further analysis is necessary.
Land Uses	No	There would be no modifications to land use authorizations through the proposed action, therefore no impacts would occur. No direct or cumulative impacts would occur to access and land use.
Environmental Justice	No	No environmental justice issues are present at or near the project area. No minority or low income populations would be unduly affected by the proposed action

[1] Healthy Forests Restoration Act projects only
*Consultation required unless a "not present" or "no effect" finding is made.

The resources/concerns that are not present in the proposed action allotments or are affected negligibly by the proposed action and do not require a detailed analysis include Air Quality, Paleontological Resources; Native American Religious Concerns; Forest Health; Wastes-Hazardous or Solid; Wilderness; Special Designations other than Designated Wilderness; Water Quality-Drinking/Ground; Water Resources (Water Rights); Floodplains; Migratory Birds; Special Status Plant Species-other than those listed or proposed by the USFWS as Threatened or Endangered; Mineral Resources; VRM; Recreation Uses; Grazing Uses; Land Uses and Environmental Justice.

The resources that have impacts from livestock grazing are disclosed in the EPRMP/FEIS (November 2007) and include Cultural Resources (page 4.9-5); Noxious and Invasive Weed Management (page 4.21-5); Vegetation Resources (page 4.5-9); Rangeland Standards and Health (pages 4.16-3 through 4.16-4); Water Resources (Wetlands/Riparian) (page 4.3-5); Watershed Management (page 4.19-8); Special Status Species Animal (page 4.7-28 through 4.7-30); Fish and Wildlife (pages 4.6-10 through 4.6-11); Wild Horses (page 4.8-6); Soil Resources (page 4.4-4). These resources do not require a further detailed analysis.

3.2.1 Noxious and Non-native, Invasive Weeds

Affected Environment

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 Meadow Valley Allotment:

Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found within the boundaries of the Ash Flat Allotment:

Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar
Tribulus terrestris	Puncturevine

The following species are found within the boundaries of the Pennsylvania Allotment:

Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found within the boundaries of the Rainbow Allotment:

Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found along roads and drainages leading to all four allotments:

Centaurea stoebe	Spotted knapweed

Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar
Tribulus terrestris	Puncturevine

The Meadow Valley Wash drainage portion of these allotments was last inventoried for noxious weeds in 2007. While not officially documented the following non-native invasive weeds probably occur in or around both allotments: red brome (*Bromus rubens*), horehound (*Marrubium vulgare*), and Russian thistle (*Salsola kali*).

Environmental Consequences

A Noxious and Invasive Weed Risk Assessment was completed for this project (Appendix IV). The proposed action could increase the populations of the noxious and invasive weeds already within the allotments and could aid in the introduction of weeds from surrounding areas. Within the allotments, 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. If new weed infestations become established within the allotments, this could have an adverse impact to those native plant communities however, since there are many weed infestations currently within the allotments, those impacts would be limited. Also, any increase of cheatgrass could alter the fire regime in the area. These impacts would be less than the No-Action Alternative due to the change in the season of use. This change would reduce grazing during the critical growing season, allowing for more vigorous native plant communities which could better compete against non-native invasive plant invasion.

3.2.2 U.S. Fish and Wildlife Service (USFWS) Listed or Proposed for Listing Threatened or Endangered Species or Critical Habitat.

Affected Environment

The southwestern willow flycatcher is a small passerine bird which was placed on the federal Endangered Species list in 1995. The U.S. Fish and Wildlife Service has determined that the portion of the Meadow Valley Wash associated with the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments supports potential habitat for this bird species. The USFWS has also determined that the use period for the migratory bird, in this portion of the wash, is from approximately May 1 – August 31 each year.

Environmental Consequences

The proposed changes in season of use and establishment of BMPs - including Allowable Use Levels - on all allotments would aid in either continuing to achieve or in making progress towards achieving the upland and riparian Mojave-Southern Great Basin Standards; they would

also assist in providing sufficient suitable habitat not only for the southwestern willow flycatcher, but all migratory birds of concern.

Changes in season of use, to shorten the grazing season during the grazing year, would also decrease disturbance of the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months.

Such changes would also aid in allowing plants to develop above ground biomass for protection of soils; contribute to litter cover; and continue to develop root masses which would lend itself to improved carbohydrate storage for vigor, reproduction, and desirable perennial cover for soil protection and wildlife.

3.3 Resources/Concerns Considered for Analysis - No Action Alternative

Impacts to resources/concerns from renewing the permit under the no action alternative are described as follows:

Impacts to the following, under the No Action Alternative, would be the same as those described under the proposed action: Air Quality, Cultural Resources; Paleontological Resources; Native American Religious Concerns; Forest Health; Wastes-Hazardous or Solid; Wilderness; Special Designations other than Designated Wilderness; Water Quality-Drinking/Ground; Floodplains; Special Status Plant Species-other than those listed or proposed by the USFWS as Threatened or Endangered; Wild Horses; soil resources; Mineral Resources; VRM; Recreation Uses; Grazing Uses; Land Uses and Environmental Justice.

There would be no establishment of BMPs including Allowable Use Levels - on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – which would aid in either continuing to achieve or in making progress towards achieving the upland and riparian Mojave-Southern Great Basin Standards; thereby, maintaining or improving habitat conditions for not only the Southwest willow flycatcher but all migratory birds of concern. Therefore, there would be an impact to Migratory Birds, specifically the southwestern willow flycatcher, which is listed as endangered under the Endangered Species Act. It would also similarly impact other migratory birds considered BLM sensitive (Appendices V and VI).

There would be no changes to season of use for the 7J Ranch Term Permit. Therefore, the existing non-grazing period of May 1 – August 31st in the Meadow Valley Wash portions of the four 7J Ranch allotments (Meadow Valley, Ash Flat, Pennsylvania and Rainbow) would continue. This would <u>not</u> provide additional assurance against disturbance of the endangered southwestern willow flycatcher (*Empidonax traillii extimus)* and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months as would otherwise occur through implementation of the proposed action.

Because the Whiteside Term Permit is a year-round grazing permit, it contains no Season of Use grazing restrictions regarding the southwestern willow flycatcher. Even though it is extremely rare for livestock to wander off the Rainbow Allotment and into the Meadow Valley Wash

riparian area associated with the allotment, due to topography, under the No Action Alternative no preventative measures would be in place to provide for the undisturbed breeding, nesting, and brood-rearing of the flycatcher.

There would be no opportunity in improving Impacts to vegetative resources as described under the proposed action.

4.0 Cumulative Impacts

According to page 36 of the 1994 BLM publication, *Guidelines for Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values where the incremental impact of the proposed action results in a meaningful change in the cumulative effect from other past, present and reasonably foreseeable future actions within the Cumulative Effects Study Area (CESA). The CESA is defined as the Meadow Valley Wash North (#N 214 A) and Kane Springs (#217) Wash Watersheds.

Additionally, the guidance provided in The National BLM NEPA Handbook H-1790-1 (2008), for analyzing cumulative effects issues states, "determine which of the issues identified for analysis may involve a cumulative effect with other past, present, or reasonably foreseeable future actions. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource" (p.57).

Cumulative impacts analysis can be found on pages 4.28-1 through 4.36-1 of the EPRMP/FEIS (November 2007).

The following projects were not considered in the EPRMP/FEIS since its issuance in November 2007:

- The Carp-Rox County Road Right-of-Way
- Nevada Department of Transportation Road Repair

All ground disturbing activities have the potential to introduce and spread noxious and invasive weeds. However, most past and all present and reasonably foreseeable future actions, as identified in the Ely Proposed Resource Management Plan/FEIS, have noxious and invasive weed prevention stipulations and weed treatment requirements associated with each project. This in combination with the active BLM Ely District Weed Management Program would minimize the spread of weeds throughout the watersheds.

An additional reasonably forseeable future action for the CESA is the Southeastern Lincoln County Habitat Conservation Plan (SLCHCP). The public comment period on the SLCHP, associated Draft Environmental Impact Statement, and the Implementing Agreement ended on February 18, 2009. The SLCHCP has been developed for incidental take permits under Section 10(a)(1)(B) of the Endangered Species Act (ESA) for private lands owned by Lincoln County, City of Caliente, and Union Pacific Railroad. The permits would authorize the take of desert tortoise (*Gopherus agassizii*) and southwestern willow flycatcher (*Empidonax trailii extimus*) within the CESA associated with land development and maintenance activities, utility and

infrastructure development and maintenance activities, flood control activities, County roadway maintenance, and railroad construction and maintenance. The SLCHCP has been developed to demonstrate that the effects of the taking of listed species authorized by the permits will be minimized and mitigated to the maximum extent practicable, and that the incidental take of desert tortoise and southwestern willow flycatcher will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. Implementation of this plan should also produce a beneficial effect to southwestern willow flycatcher by creating and improving breeding, nesting, and fledging habitat in Meadow Valley Wash.

In addition, the BLM is in the process of conducting a consultation process with the U.S. Fish and Wildlife Service, regarding livestock grazing in southwest willow flycatcher habitat, through the submittal of a Biological Assessment (BA). An associated Livestock Monitoring Plan - designed to monitor habitat and forage condition prior to turnout, during the grazing period and following livestock removal – was submitted with the BA. The BMPs, stipulations, and terms and conditions of the resulting associated Biological Opinion will also help maintain and improve the habitat and decrease the potential negative effects to the bird.

The proposed action in conjunction with the past, present and reasonable foreseeable future actions would result in no noticeable overall changes to the affected environment. Grazing under the proposed permit renewal would aid in either making progress toward achievement or maintaining achievement of the rangeland health Standards, with the understanding that adjustments to grazing management would occur when any of the Standards are not being achieved. With the implementation of the proposed action, there would be negligible cumulative impacts to Special Status Species; and, because livestock grazing would be occurring outside the nesting, brooding and rearing period of the Southwest willow flycatcher, minimal cumulative (indirect) impacts to this threatened species.

In addition, no cumulative impacts of concern are anticipated as a result of the proposed action in combination with any other existing or planned activities.

5.0 Proposed Mitigation and Monitoring

5.1 Proposed Mitigation

Outlined design features incorporated into the proposed action are sufficient. No additional mitigation is proposed based on the analysis of environmental consequences.

5.2 Proposed Monitoring

Appropriate monitoring has been included as part of the proposed action. No additional monitoring is proposed as a result of the impact analysis.

6.0 Consultation and Coordination

6.1 List of Preparers - BLM Resource Specialists

Domenic A. Bolognani	Rangeland Management Specialist/Project Lead
Chris Mayer	Supervisory Rangeland Management Specialist
Joseph David	Planning and Environmental Coordinator
Bonnie Million	Noxious and Invasive, Non-native Species
Rick Baxter	Wildlife, Special Status Species, Migratory Birds
Chris Linehan	Recreation, Visual Resources
Nick Pay	Cultural Resources
Mark D'Aversa	Soil, Water, Wetlands and Riparian, Floodplains
Benjamin Noyes	Wild Horse and Burro Resources
Elvis Wall	Native American Cultural Concerns
Dave Jacobson	Wilderness
Melanie Peterson	Hazardous & Solid Waste/Safety

6.2 Persons, Groups or Agencies Consulted

J Ranch, Hank and Joi Brackenbury, permittee
Lyle and Ruth Whiteside, Permittee
Nevada State Clearinghouse (electronic copy only)
Western Watersheds Project, Katie Fite
Steven Carter
Sustainable Grazing Coalition, Richard Orr
Eastern Nevada Landscape Coalition, Betsy Macfarlan
Assistant Field Supervisor USFS, NFO
U.S. Fish and Wildlife Service, Las Vegas, Nevada

Public Notice of Availability

On November 19, 2008, a letter was sent to local Indian tribes requesting comments, regarding the permit renewal proposals, by December 22, 2008.

On November 20, 2008, the Ely BLM annual CCC letter was mailed which notified interested publics of the livestock grazing term permit renewals scheduled for 2009; this included the 7J Ranch and the Lyle and Ruth Whiteside term grazing permit renewals.

On December 29, 2008, the proposal to fully process the term permits were posted on the Ely BLM internet site (http://www.blm.gov/nv/st/en/fo/ely_field_office.html.

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USDI - BLM. 1997. Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area.

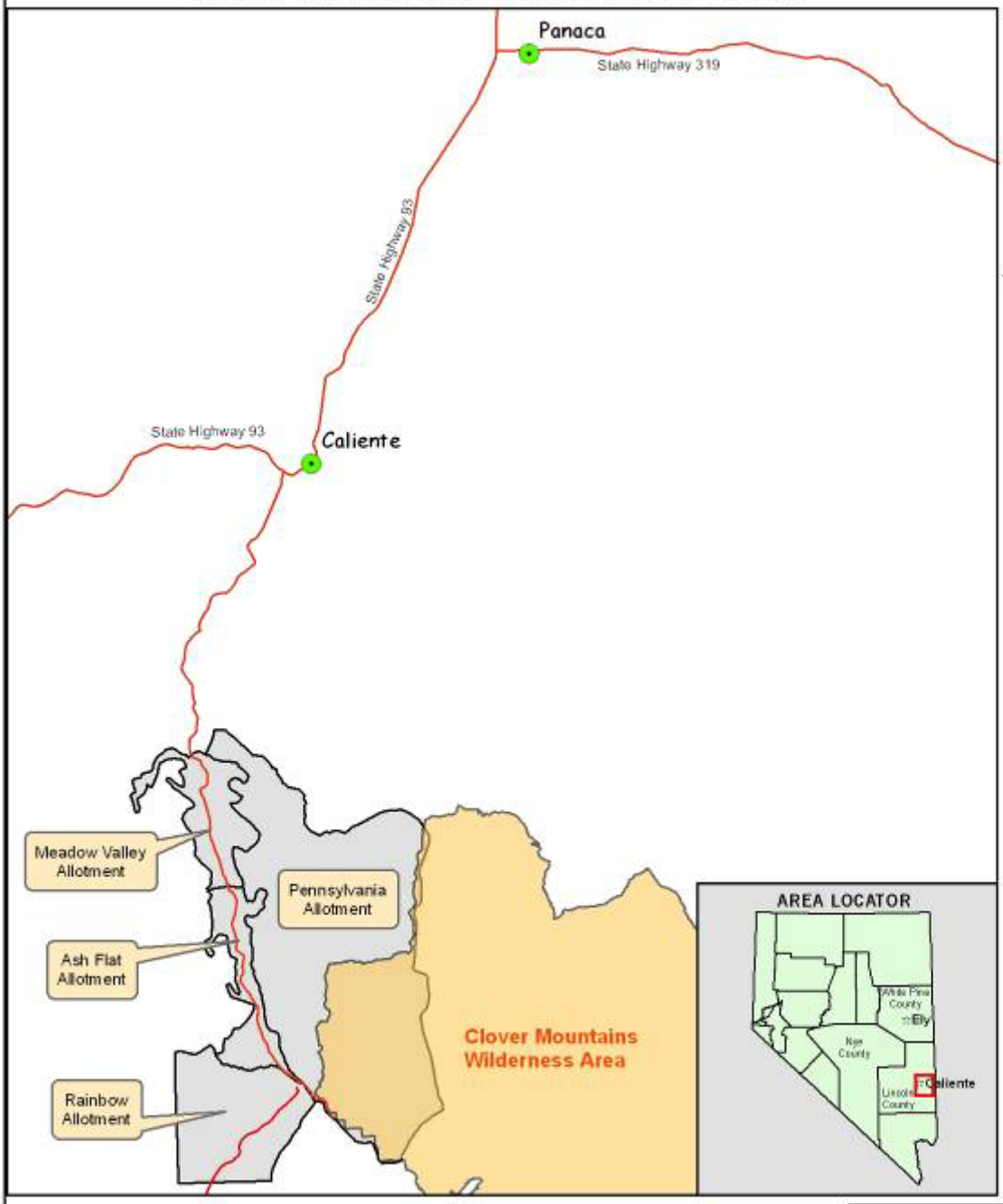
APPENDIX I

(EA)

MAPS

MAP #1

Location of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments with Respect to the Clover Mountains Wilderness Area and the Towns of Caliente and Panaca, Nevada.



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.

November 9, 2008
Caliente Field Station

BLM

Ely District Office

APPENDIX II

(EA)

STANDARDS DETERMINATION DOCUMENT

STANDARDS DETERMINATION DOCUMENT

7J Ranch Renewal (#2705130)
Lyle and Ruth Whiteside (#2705136)

Meadow Valley (#01041), Ash Flat (#21002), Pennsylvania (#01056)
and Rainbow (#11028) Allotments

(DOI-BLM-NV-045-2009-0013 EA)

Standards and Guidelines Assessment

The Mojave-Southern Great Basin Standards and Guidelines for grazing administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997.

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

This Standards Determination document evaluates and assesses livestock grazing management and achievement of the Standards and Guidelines for the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments in the Ely District BLM. It does not evaluate or assess the Standards or Guidelines for Wild Horses and Burros. Publications used in assessing and determining achievement of the Standards include: Ely Record of Decision and Approved Resource Management Plan (RMP); Sampling Vegetation Attributes; National Range and Pasture Handbook published by the Natural Resources Conservation Service (NRCS); Nevada Rangeland Monitoring Handbook; Utilization Studies and Residual Measurements; Nevada Plant List; Major Land Resource Area (MLRA 29) Rangeland Ecological Site Descriptions; Soil Survey of Meadow Valley Area, Nevada and Utah. A complete list of references is included at the end of this document. These documents are available for public review at the Caliente Field Office during business hours.

The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments are land based allotments and are located within Lincoln County in the south-central portion of the Ely District BLM, ranging approximately seven to 21 miles south of Caliente, Nevada (Appendix A, Map #1). The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres, respectively. The first three are located in the Rainbow Canyon portion of the Meadow Valley Wash North (#N 214 A) Watershed. The Rainbow Allotment is located in the Meadow Valley Wash North and Kane Springs (#217) Wash Watershed, and is situated in the south end of Rainbow Canyon. None of the allotments are located within a Wild Horse Herd Management Area (HMA) or desert tortoise habitat.

However, a portion of the Pennsylvania Allotment is located within the Clover Mountains Wilderness Area.

Appendix A, Map #2 shows the layout of the Meadow Valley Wash and the associated lotic riparian zone with respect to the aforementioned allotments. Note how the Meadow Valley Wash (Rainbow Canyon) runs latitudinally through the heart of the Meadow Valley and Ash Flat Allotments.

During early January 2005, rain following substantial snowfall caused massive flooding throughout the length of the Meadow Valley Wash. The flood involved large debris and scoured the lotic riparian zone within the wash. The damage was extensive. Obviously, this drastically affected the lotic riparian zones associated with all four allotments. It should be noted that only a small portion of the total allotment boundary of either the Rainbow or Pennsylvania Allotments occurs on public lands within the Meadow Valley Wash lotic riparian zone. Consequently, these allotments were impacted relatively very little, overall, compared to the Meadow Valley and Ash Flat Allotments which are long and narrow and are centrally dissected along their entire length by the wash.

Key areas on the Meadow Valley and Ash Flat Allotments were located within the riparian zone. These key areas were destroyed during the flood.

In April 2008, a Lotic Riparian Proper Functioning Condition Survey was conducted along the Meadow Valley Wash lotic riparian zones associated with all four allotments and the results were mapped (Appendix A, Map #3). Table 1, below, shows the Riparian Proper Functioning Condition Ratings determined within each allotment and the length of reach (miles) associated with each condition rating.

Table 1. Riparian Proper Functioning Condition Ratings (Lotic) Found within Each Allotment and the Length of Reach (miles) Associated with Each Condition Rating.

Allotment	**Riparian Proper Functioning Condition Ratings within the Allotment (Lotic)**	**Approximate Length of Reach Associated with Each Condition Rating (miles)**
Meadow Valley	Proper Functioning Condition	1.0
	Functional at Risk - Upward Trend	2.2
	Total	**3.2**
	- -	
Ash Flat	Proper Functioning Condition	1.3
	Functional at Risk - Upward Trend	1.4
	Functional at Risk - No Apparent Trend	.9
	Functional at Risk - Downward Trend	2.1
	Non Functional	.4
	Total	**6.1**
	- -	
Rainbow	Functional at Risk - Upward Trend	**1.0**
	- -	
Pennsylvania	Proper Functioning Condition	1.4
	Functional at Risk - Upward Trend	.6
	Total	**2.0**

Applied ratings within the survey consisted of the following:

Proper Functioning Condition (PFC)
Functioning at Risk – Upward Trend
Functional at Risk – No Apparent Trend
Functional at Risk – Downward Trend
Non Functional

Portions of the Ash Flat, Pennsylvania and Rainbow Allotments were burned during the Southern Nevada Complex Fires (Appendix A, Map #4); a major conflagration which occurred during the 2005 fire season and burned over one-half million acres. The Meadow Valley Fire (part of the Southern Nevada Complex Fire) burned approximately: 1,013 acres or 30% of the Ash Flat Allotment; 8,845 acres or 29% of the Pennsylvania Allotment; and 4,620 acres or 58% of the Rainbow Allotment. The Delamar Fire (also part of the Southern Nevada Complex Fire) burned an additional 159 acres or 2% of the Rainbow Allotment. Fire emergency stabilization and/or rehabilitation (ES/R) efforts were then scheduled to occur for 1-3 years post-fire. Within the Ash Flat Allotment, the fire burned mostly the higher, inaccessible areas east of the Rainbow Canyon's east rim. During 2006, in the extreme southwest portion of the Ash Flat Allotment, the Moe Fire further consumed approximately 138 acres or 4% of the allotment. All burned areas were subsequently closed to livestock grazing, and were to remain closed until re-opened through an evaluation by an interdisciplinary team.

The key area in the Pennsylvania Allotment, formerly placed within a decades-old burn (Appendix A, Map #4), was destroyed during the Southern Nevada Complex Fires.

Currently, there are two permittees on the Rainbow Allotment: 7J Ranch (Henry and Joi Brackenbury), and Lyle and Ruth Whiteside. The Whitesides obtained the grazing privileges during 2005. Two other permittees preceded the Whitesides: the Longhorn Cattle Company and 325 E. 4th Street, LLC. However, the Whitesides were the Authorized Representative for each of these permittees and orchestrated all grazing which occurred during those years. Although livestock have the potential to wonder into the lotic riparian zone within the Meadow Valley Wash portion of the Rainbow Allotment, it is an extremely rare occurrence. During rare times when it has occurred, access to the lotic riparian zone was gained via the Kane Springs Road (see Appendix A, Map #2). Exclusive of this road, topography along the northern portion of the allotment is rugged, steep and very restrictive to livestock travel to the Meadow Valley Wash riparian area. Livestock waters are located in the much flatter, mesa-like, upper elevation areas in the west half of the allotment; and, in combination with the rough topography along the north portion of the allotment, strongly encourages livestock to stay in the flatter, more navigable locations in the allotment and out of Meadow Valley Wash.

The 7J Ranch is the sole permittee on the Meadow Valley, Ash Flat and Pennsylvania Allotments.

Due to the restrictive topographic nature of the Meadow Valley and Ash Flat Allotments, livestock grazing opportunities are extremely limited (Appendix A, Map #2). The steep to

extremely steep terrain along Meadow Valley Wash and within the few drainages feeding into the Meadow Valley Wash, within these two allotments, is extremely prohibitive. Therefore, these areas are not very conducive to either human access or livestock grazing. Consequently, in all practicality, any areas which may be considered uplands of any consequence are relatively inaccessible due to such topography. A possible exception to this may be in the extreme southwest portion of the Ash Flat Allotment where it is possible, but not probable, that livestock may potentially gain access (if herded) to graze in the hills west of the Rainbow Canyon Road. It should be noted that there are no watering locations in this portion of the allotment, except for the very enticing Meadow Valley Wash lotic riparian zone. Consequently, there is little motivation for livestock to travel into these hills on their own accord. Furthermore, the Union Pacific Railroad (UPRR) right-of-way, which runs latitudinally and adjacent to the Meadow Valley Wash riparian zone through both allotments, is mostly fenced. This restricts livestock movement from east to west and vice-versa within these allotments. Consequently, grazing primarily occurs along the lotic riparian area associated with the Meadow Valley Wash. In view of the aforementioned, the results of the Lotic Riparian Proper Functioning Condition Survey were used to determine either achievement or non-achievement of Standards 1 and 2 for these two allotments. Furthermore, from the aforementioned it was also determined that Standard 3, which is applicable to the evaluation of uplands, cannot be appropriately or practicably applied to the Meadow Valley and Ash Flat Allotments and was, therefore, not considered.

In contrast, although the Pennsylvania Allotment shares some of these same restrictive topographic characteristics, most of it and a majority of the Rainbow Allotment do not; therefore, all three Standards were used in evaluating livestock grazing on these two allotments.

The Pennsylvania Allotment is characterized by steep terrain and a lack of water throughout most of the uplands. Prior to the 2005 fires, pinyon (*Pinus monophylla*) / juniper (*Juniper osteosperma*) (P/J) woodlands occupied, approximately, the northwest quarter and the northern two-thirds of the east half of the allotment. The allotment was also lacking in appreciable forage; not only within the pinyon-juniper woodlands, but also in the blackbrush areas which occupy approximately 26% of the south half of the allotment (approximately 13% of the entire allotment). Consequently, the most attractive upland foraging area to livestock, prior to the 2005 fires, was the decades-old burn mentioned earlier (Appendix A, Map #4). The 2005 fires consumed a majority of this burn, along with a mix of plant communities in lower elevations and a large portion of P/J woodlands in the north-central portion of the allotment. The only natural spring on the allotment is Carson Spring. It is located in P/J woodlands in the far upper elevations in the east-central part of the allotment near the allotment's east boundary (within one mile of a ridge top) and doesn't receive livestock grazing; therefore, it will not be evaluated against the Standards. As mentioned earlier, a relatively small portion of the total allotment boundary of the Pennsylvania Allotment occurs on Public Lands within the Meadow Valley Wash lotic riparian zone. Because of the steep, rugged terrain and lack of water throughout the allotment, holding cattle in the uplands has always proven difficult. Therefore, cattle invariably migrated to the lotic riparian area of the allotment within Meadow Valley Wash. Approximately 40 - 45% of this lotic riparian area occurs on private lands.

Livestock grazing, by grazing year, from March 1, 1999 through February 28, 2009 (10 years) for both permittee on their respective allotments is illustrated in Tables 2 and 3 in Appendix B.

The tables display the Animal Unit Months (AUMs) licensed and corresponding percent of Active Use Used for each grazing year. They also show the Total Active Use and Season of Use for each allotment by permittee. Table 4 in Appendix B illustrates the combined licensed use of 7J Ranch and Lyle Whiteside, by grazing year, from March 1, 1999 through February 28, 2008 on the Rainbow Allotment.

Currently, there is no livestock grazing allowed within the lotic riparian area associated with the Meadow Valley Wash portions of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments from 5/1 – 8/31. This is to allow undisturbed nesting of the southwestern willow flycatcher (*Empidonax traillii extimus*). This small passerine bird is considered endangered under the Endangered Species Act.

As mentioned earlier, grazing within Meadow Valley and Ash Flat Allotments primarily occurs along the lotic riparian area associated with the Meadow Valley Wash. Therefore, the Lotic Riparian PFC Survey was used to determine either the achievement or non-achievement of Standards 1 and 2 for these two allotments. It was also determined that Standard 3, which is applicable to the evaluation of uplands, could not be appropriately or practicably applied to these two allotments and was, therefore, not considered.

For the Pennsylvania and Rainbow Allotments, the Lotic Riparian PFC Survey along with an upland health assessment was conducted; both were used in assessing all three Standards for these two allotments.

All mileage designated in this Standards Determination Document is <u>not</u> an exact measurement, but an approximation based on field observations and estimations.

STANDARD 1. SOILS:

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

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

Riparian soil indicators:
- Stream bank stability.

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

Meadow Valley Allotment

Determination:

- **X Achieving the Standard**
- ☐ Not achieving the Standard, but making significant progress towards meeting the Standard.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines Conformance:

- **X In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

Approximately 3.2 miles of lotic riparian habitat exist within the Meadow Valley Allotment.

The PFC Ratings show that within the Meadow Valley Allotment the riparian zone is either in PFC (1.0 miles) or Functioning at Risk – Upward Trend (2.2 miles).

Riparian Area Designated as PFC (1.0 miles):

Conclusion: *Standard 1 Achieved*

The riparian zones within Meadow Valley Allotment are recovering well from the 2005 flood as shown through the Riparian PFC Ratings obtained during April 2008.

Stream banks are very stable with canopy cover ranging from 30% - 90% and consisting mostly of willows with a few cottonwood trees. Numerous young willows, along stream banks, are providing heavy cover and are contributing substantially to the stabilization of the banks. A mixture of grasses (*Poa spp.*), sedges (*Carex spp.*), rushes (Juncus spp.) and cattails (*Typha spp.*) also contribute to cover on the shallow banks. Approximately 60% cover, composed mostly of sagebrush, exists on the immediate floodplain.

Riparian Area Designated as Functional at Risk - Upward Trend (2.2 miles):

Conclusion: *Standard 1 Achieved*

Water flow has decreased through this portion of the stream, compared to upstream, where the designation of PFC applied. In contrast, this portion of the stream appears to be producing a less vegetation, with recruitment returning slowly, which may be due to the lack of water. Even so, Stream banks appear to be stable. Existing vegetation consists of young Cottonwood trees, sedges and some grasses.

Ash Flat Allotment

Determination:

- **X** **Achieving the Standard**
  For the Riparian Area designated as PFC.
- **X** **Not achieving the Standard, but making significant progress towards meeting the Standard**
  For Riparian Areas designated as Functional at Risk - Upward Trend
- **X** **Not achieving the Standard, not making significant progress towards meeting the Standard**
  For Riparian Areas designated as Functioning and Risk - No Apparent Trend;
  Functioning and Risk - Downward Trend; and
  Nonfunctional

Causal Factors:

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

Guidelines Conformance:

- **X** **In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

A total of approximately 6.1 miles of lotic riparian habitat exists within the Ash Flat Allotment. Of this, approximately 2.7 miles were determined to be either in PFC or Functioning at Risk - Upward Trend, according to the following:

Proper Functioning Condition (1.3 miles)
Functioning at Risk - Upward Trend (1.4 miles)

The remaining 3.4 miles (56% of the total) were determined to be:

Functioning and Risk - No Apparent Trend (.9 miles);
Functioning and Risk - Downward Trend (2.1 miles); and
Nonfunctional (.4 miles)

Riparian Area Designated as PFC (1.3 miles)

Conclusion: *Standard 1 Achieved*

Stream banks are very stable with 25-65% over-story cover of mature cottonwoods and abundant Cottonwood regeneration; approximately 90% ground cover along stream banks; a diversity of riparian plant species, including sedges, rushes, grasses and cattails; and a large, very stable beaver dam resulting in a pooling of, approximately, ¼ acre of water.

Riparian Areas Designated as Functional at Risk - Upward Trend (1.4 miles total)

Conclusion: *Standard 1 Not Achieved, but making progress toward achievement.*

There are three segments of the Meadow Valley Wash stream, within the Ash Flat Allotment, which have been determined to be in this designated category (Appendix A, Map #3). For explanatory purposes, these will be referred to as: the north segment; the middle segment; and the south segment.

There has been obvious activity (post reconstruction flood work) by the UPRR resulting in the construction of dikes in the Middle and South Segments. Vegetative recruitment is occurring, in all three segments; with vegetative composition, structure and diversity increasing. This is particularly true in the South Segment where beaver activity is occurring and resulting in overall improvement of neighboring riparian areas. However, stream banks are unstable in the middle segment and marginally stable in the North and South Segments. The PFC Survey indicates that the stability of the stream banks, in all three segments, has been slowly and steadily improving over time since the 2005 flood. It is anticipated that this will continue.

Therefore, these three segments are NOT achieving the Standard, but making significant progress towards achieving the Standard**.**

For the past 10 Grazing Years (1999 through 2008), grazing was only licensed for Grazing Years 2002, 2003 and 2004, accounting for 16 AUMs (22% of Active Use), 25 AUMs (34% of Active Use) and 59 AUMs (80% of Active Use), respectively. Non-use occurred for the remainder of those years. Therefore, overgrazing by livestock is not an issue.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 1.

Riparian Areas Designated as Functional at Risk - No Apparent Trend, Functional at Risk - Downward Trend and Nonfunctional

Conclusion: *Standard 1 Not Achieved, NOT making progress toward achievement.*

No Apparent Trend (.9 miles):

The area still appears to be recovering from the 2005 flood. Banks are relatively unstable, with some bank areas being undercut and actively eroding. Vegetation is still trying to gain a foothold with little to no cover existing in some areas and as much as 75% cover being provided in others.

At the lower end of the reach, banks may reach a height of approximately 15 feet, with little to no surface flow, and are not vegetated. The stream in this area has become rechanneled in some places with the old channel vegetation (Cottonwood trees) dying from lack of water; and the "new" channel vegetation amounts being very limited, not yet well established and providing limited shade.

It is believed that there will eventually be an upward trend associated with this reach if vegetative succession and recruitment is allowed to continue. However, another flood event, before vegetation becomes well established may create a downward trend.

Downward Trend (2.1 miles):

Post flood reconstruction work, involving bulldozing and blading by the UPRR immediately following the flood, has resulted in a drastic modification of most of the floodplains rendering them unstable. It has also resulted in a narrowly vegetated riparian zone, because a majority of the vegetation, except that which is within approximately 5 - 10 feet of the banks, has been bladed/dozed. Even so, cover within the riparian zone is approximately 80% overall with existing Cottonwood trees being approximately 20 – 30 feet in height and stream banks being sandy in nature.

Nonfunctional (.4 miles):

The water in the stream travels sub-surface, creating a Nonfunctional segment of riparian habitat. The cause is unknown. There is no overstory canopy or ground cover.

The events which have resulted in the above two determined designations (Functional at Risk – No Apparent Trend and Functional at Risk - Downward Trend) creates uncertainty as to the fate of these two reaches and puts the factor of stream bank stability in question.

Therefore, the portions of the stream labeled with the above three designations (Functional at Risk - No Apparent Trend; Functional at Risk - Downward Trend; and Nonfunctional) are NOT achieving Standard 2, and are NOT making significant progress towards achieving the Standard**.**

For the past 10 Grazing Years (1999 through 2008), grazing was only licensed for Grazing Years 2002, 2003 and 2004, accounting for 16 AUMs (22% of Active Use), 25 AUMs (34% of Active Use) and 59 AUMs (80% of Active Use), respectively. Non-use occurred for the remainder of those years. Therefore, overgrazing by livestock is not an issue.

The flood of January 2005 caused significant damage to the riparian zones within Meadow Valley Wash as explained in the previous discussion.

In addition, the 2005 Southern Nevada Complex fires burned approximately 30% of the Ash Flat Allotment, most of which occurred in areas not grazed by livestock due to steep topography or relative inaccessibility.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 1.

Pennsylvania and Rainbow Allotments

Lotic Riparian Zone

Determination:

- **X** **Achieving the Standard** – for Riparian Area designated as PFC.
- **X** **Not achieving the Standard, but making significant progress towards meeting the Standard**
  For Riparian Area designated Functional at Risk - Upward Trend.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines Conformance:

- **X** **In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

The Pennsylvania and Rainbow Allotments are associated with a total of approximately 3 miles of lotic riparian habitat; approximately 2 miles of this is associated with the Pennsylvania Allotment and one mile is associated with the Rainbow Allotment.

Of the 2 miles of riparian habitat associated with the Pennsylvania Allotment, 1.4 miles was determined to be in Proper Functioning Condition. The remaining .6 miles was determined to be Functional at Risk - Upward Trend.

The 1 mile of lotic riparian habitat, on public lands, associated with the Rainbow Allotment was designated Functional at Risk - Upward Trend.

Refer to earlier dialogue regarding the January 2005 flood and subsequent fires affecting these allotments during that year.

Riparian Area Designated as PFC (1.4 miles)
(Pennsylvania Allotment Only)

Conclusion: *Standard 1 Achieved*

Stream banks are stable to very stable with 25-90% ground cover, even on stream bars. Overstory, along the reach varies from no overstory – but with ground cover - to many mature cottonwoods along with Cottonwood regeneration. A diversity of riparian plant species is present, particularly within the stream channel, which includes sedges, rushes, grasses, cattails

and various broadleaf species. Upper banks (flood plain) in some areas are covered with rocks where vegetation is lacking, while in other areas they are well vegetated.

Riparian Area Designated as Functional at Risk - Upward Trend (1.6 miles)
(Pennsylvania and Rainbow Allotments)

Conclusion: *Standard 1 Not Achieved,* but making significant progress towards achieving the Standard.

Some re-channelization appears to have occurred due to the 2005 flood. There are old mature Cottonwood trees along the "old" channel; and young Cottonwood regeneration (3 - 10 feet in height), along with sedges and rushes in the "new" channel (vegetative recruitment is occurring) yielding good vegetative cover, diversity and structure. However, stream banks are marginally stable, because the vegetation is young.

Therefore, the portion of the stream under this designation is Not achieving the Standard, but making significant progress towards achieving the Standard.

For the past 10 Grazing Years (1999 through 2008), the only grazing licensed on the Pennsylvania Allotment occurred during Grazing Year 2000 when 142 AUMs (24% of the Total Active Use) were licensed. However, a majority of this grazing occurred on the private lands located at the south tip of the allotment in Meadow Valley Wash.

The combined licensing of 7J Ranch and the Whitesides on the Rainbow Allotment for the past 10 Grazing Years (1999 through 2008), show that grazing occurred during the years 1999, 2000, 2002, 2003, 2004, 2005 and 2008, accounting for 281 AUMs (42% of Active Use), 314 AUMs (47% of Active Use), 181 AUMs (27% of Active Use), 123 AUMs (18% of Active Use), 75 AUMs (11% of Active Use), 254 AUMs (38% of Active Use) and 67 AUMs (10% of Active Use), respectively. Non-use occurred during 2001, 2006 and 2007. Therefore, overgrazing by livestock is not an issue.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 1.

Upland Areas

Determination:

- X Achieving the Standard.
- **X Not achieving the Standard, but making significant progress towards meeting the Standard**.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines Conformance:

X In conformance with the Guidelines

☐ Not in conformance with the Guidelines

The Southern Nevada Complex Fire, which occurred during the 2005, burned approximately 8,845 acres or 29% of the Pennsylvania Allotment, and 4,779 acres or 60% of the Rainbow Allotment.

According to a combination of the Soil Mapping Units and corresponding Rangeland Ecological Site Descriptions determined by the NRCS, the following Ecological Sites occur throughout a majority of each respective allotment as indicated:

Pennsylvania Allotment

Woodland (029XY078NV) (*Pinus Monophylla – Juniperus osteosperma / Artemisia tridentata vaseyana – Amelanchier utahensis – Quercus*);

Soils of this woodland site are typically shallow and well drained. These soils are skeletal with 35 to over 50 percent gravels, cobbles or stones, by volume, distributed throughout their profile. Available water capacity is low, but trees and shrubs extend their roots into fractures in the bedrock allowing them to utilize deep moisture. There are high amounts of rock fragments at the soil surface which occupy plant growing space, yet help to reduce evaporation and conserve soil moisture. Runoff is medium to rapid and potential for sheet and rill erosion is moderate to severe depending on slope. Soil temperature regime is mesic and soil moisture regime is ustic.

Woodland (029XY089NV) (*Juniperus osteosperma / Quercus turbinella - Purshia glandulosa - Ceanothus / Achnatherum hymenoides*);

Soils are shallow to very shallow and well drained. These soils are skeletal with over 50 percent gravels or cobbles, by volume, distributed throughout their profile. Soil reaction is neutral to slightly acid. Available water capacity is very low. Runoff is medium to rapid and potential for sheet and rill erosion is slight to moderate depending on slope. Coarse fragments on the soil surface provide a stabilizing affect on surface erosion conditions.

Shallow Gravelly Loam 5-8" P.Z. (029XY013NV) (*Coleogyne ramosissima / Achnatherum hymenoides*);

The soils in this site are shallow. These soils have formed in residuum or colluvium from volcanic flow rock, tuff or quartzite. The soils are well drained, have rapid runoff, and have moderately slow permeability. Available water capacity is very low. Water and wind erosion hazards are slight unless the surface is physically disturbed.

Shallow Gravelly Loam 8-10" P.Z. (029XY077NV) (*Coleogyne ramosissima / Achnatherum speciosum*).

The soils of this site are shallow and well drained. Surface soils are medium to coarse textured. Subsoils are generally heavy textured with a high percent of gravels. Runoff is rapid and the potential for gully, sheet or rill erosion varies with slope. The soils are slowly permeable and available water capacity is very low to low. These soils are dry most of the year but are moist for short periods during the winter and early spring months and occasionally for short intermittent periods following summer convection storms.

Rainbow Allotment

Shallow Gravelly Loam 8-10" P.Z. (029XY077NV) (*Coleogyne ramosissima / Achnatherum speciosum*).

The soils of this site are shallow and well drained. Surface soils are medium to coarse textured. Subsoils are generally heavy textured with a high percent of gravels. Runoff is rapid and the potential for gully, sheet or rill erosion varies with slope. The soils are slowly permeable and available water capacity is very low to low. These soils are dry most of the year but are moist for short periods during the winter and early spring months and occasionally for short intermittent periods following summer convection storms.

Shallow Gravelly Loam 8-10" P.Z. (029XY077NV) (*Coleogyne ramosissima / Achnatherum speciosum*).

The soils of this site are shallow and well drained. Surface soils are medium to coarse textured. Subsoils are generally heavy textured with a high percent of gravels. Runoff is rapid and the potential for gully, sheet or rill erosion varies with slope. The soils are slowly permeable and available water capacity is very low to low. These soils are dry most of the year but are moist for short periods during the winter and early spring months and occasionally for short intermittent periods following summer convection storms.

Conclusion: *Standard 1 Not Achieved, but making significant progress towards meeting the Standard.*

General field observations on these allotments show that ground cover, including litter, is becoming re-established in portions of the burned-over areas. However, it is not appropriate to the potential of the existing ecological sites.

On the Rainbow Allotment, the main species listed in the Ecological Site Descriptions for the ecological sites found within the areas burned by the by 2005 fires are either not present or rarely encountered. Such species include blackbrush (*Coleogyne ramosissima*), Indian ricegrass (*Achnatherum hymenoides*), galleta (*Pleuraphis jamesii*), desert bitterbrush (*Purshia glandulosa*), Nevada ephedra (*Ephedra nevadensis*) and desert needlegrass (*Achnatherum speciosum*).

The same situation exists for the Pennsylvania Allotment. For this allotment, the plant species would include Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), blackbrush, Indian ricegrass and needleandthread (*Hesperostipa comata*). A portion of the pinyon/juniper woodlands, found within the allotment, was also destroyed by the fire.

Therefore, Standard 1 is not being achieved within the uplands on the Pennsylvania and Rainbow Allotments. However, they are making progress towards meeting the Standard.

Grazing use for the past 10 years (1999 - 2008) on the Pennsylvania and Rainbow Allotments was discussed, above, in the Lotic Riparian Section for these allotments. Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 1.

STANDARD 2 ECOSYSTEM COMPONENTS:

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

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

Upland indicators:

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

Riparian indicators:

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

    - Width/Depth ratio;
    - Channel roughness;
    - Sinuosity of stream channel;
    - Bank stability;
    - Vegetative cover (amount, spacing, life form); and
    - Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water quality indicators:

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

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

Meadow Valley Allotment

Determination:

- **X Achieving the Standard**
- ☐ Not achieving the Standard, but making significant progress towards meeting the Standard.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines Conformance:

- **X In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

Approximately 3.2 miles of riparian habitat exist within the Meadow Valley Allotment.

The PFC Ratings show that within the Meadow Valley Allotment the riparian zone is either in PFC (1.0 miles) or Functioning at Risk – Upward Trend (2.2 miles).

Conclusion: *Standard 2 Achieved*

The riparian zones within Meadow Valley Allotment are recovering well as shown through the Riparian PFC Ratings obtained during April 2008.

Riparian Area Designated as PFC (1.0 miles):

Stream banks are very stable with canopy cover ranging from 30% - 90% and consisting mostly of willows with a few cottonwood trees. Numerous young willows, along stream banks, are providing heavy cover and are contributing substantially to the stabilization of the banks. A mixture of grass, sedges, cattails and rushes also contribute to cover on the shallow banks. Approximately 60% cover, composed mostly of sagebrush, exists on the immediate floodplain. There are also active/stable beaver dams in the south portions of this reach showing very recent activity.

In addition, the following was observed during the PFC Survey:

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e., landform, geology and bioclimatic region)
- The riparian zone is widening; the upland watershed is not contributing to riparian degradation;
- The upland watershed is not contributing to riparian degradation;
- There is a diverse age structure and composition of vegetation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Existing plants exhibit vigor and have root masses capable of withstanding high stream flow events;
- There is adequate vegetative cover present to protect banks and dissipate energy during high flows;
- Plant communities within the riparian area are an adequate source of course and/or large woody debris.
- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are adequate to dissipate energy along portions of this reach;
- Point bars are revegetating;
- Lateral stream movement is associated with natural sinuosity;
- The system is vertically stable; and
- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Riparian Area Designated as Functional at Risk - Upward Trend (2.2 miles):

Water flow has decreased through this portion of the stream, compared to upstream, where the designation of PFC applied. In contrast, this portion of the stream appears to be producing a less vegetation, with recruitment returning slowly, which may be due to the lack of water. Even so, Stream banks appear to be stable. Even so, Stream banks appear to be stable. Existing vegetation consists of young Cottonwood trees, sedges and some grasses.

In addition, the following was observed during the PFC Survey:

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e.,

landform, geology and bioclimatic region)

- The riparian zone is widening; the upland watershed is not contributing to riparian degradation;
- The upland watershed is not contributing to riparian degradation;
- There is a diverse age structure and composition of vegetation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Existing plants exhibit vigor and have root masses capable of withstanding high stream flow events;
- Plant communities within the riparian area are an adequate source of course and/or large woody debris.
- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are adequate to dissipate energy along portions of this reach;
- Lateral stream movement is associated with natural sinuosity;
- The system is vertically stable; and
- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Ash Flat Allotment

Determination:

X Achieving the Standard

For: The Riparian zone in Proper Functioning Condition;

The North and South segments of the three riparian segments within the allotment designated as Functional at Risk - Upward Trend.

☐ Not achieving the Standard, but making significant progress towards meeting the Standard

X Not achieving the Standard, not making significant progress towards meeting the Standard

For: the Middle Segment of the three riparian segments, within the allotment, designated as Functional at Risk - Upward Trend;

and the Riparian Areas Designated as: Functioning and Risk - No Apparent Trend; Functioning and Risk - Downward Trend; Nonfunctional

Causal Factors:

☐ Livestock are a contributing factor to not meeting the standard.

X Livestock are not a contributing factor to not meeting the standard.

X Failure to meet the standard is related to other issues or conditions.

Guidelines Conformance:

X In conformance with the Guidelines

☐ Not in conformance with the Guidelines

A total of approximately 6.1 miles of lotic riparian habitat exist within the Ash Flat Allotment. Approximately 2.7 miles of the total are either in PFC or Functioning at Risk - Upward Trend, according to the following:

Proper Functioning Condition (1.3 miles)
Functioning at Risk - Upward Trend (1.4 miles)

The remaining 3.4 miles (56% of the total) has been determined to be:

Functioning and Risk - No Apparent Trend (.9 miles);
Functioning and Risk - Downward Trend (2.1 miles); and
Nonfunctional (.4 miles)

Riparian Area Designated as PFC (1.3 miles)

Conclusion: *Standard 2 Achieved*

Stream banks are very stable with 25-65% over-story cover of mature cottonwoods and abundant Cottonwood regeneration; approximately 90% ground cover along stream banks; a diversity of riparian plant species, including sedges, rushes, grasses and cattails; and a large, very stable beaver dam resulting in a pooling of, approximately, ¼ acre of water.

In addition, the following was observed during the PFC Survey:

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e., landform, geology and bioclimatic region)
- The upland watershed is not contributing to riparian degradation;
- There is a diverse age structure and composition of vegetation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Existing plants exhibit vigor and have root masses capable of withstanding high stream flow events;

- there is adequate vegetative cover present to protect banks and dissipate energy during high flows;

- Plant communities within the riparian area are an adequate source of course and/or large woody debris.

- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are adequate to dissipate energy along portions of this reach;

- Point bars are revegetating along the north half of this reach;

- Lateral stream movement is associated with natural sinuosity;

- The system is vertically stable; and,

- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Riparian Areas Designated as Functional at Risk - Upward Trend (1.4 miles total)

There are three segments of the Meadow Valley Wash stream, within the Ash Flat Allotment, which have been determined to be in this designated category (Appendix A, Map #3); a north segment, a middle segment and a south segment. Because of all the Riparian Indicators involve in assessing this Standard, these three segments were addressed individually, except where they shared a common denominator.

North Segment and South Segment

Conclusion: *Standard 2 Achieved*

North Segment

Water flow has decreased through this portion of the stream, compared to upstream, where the designation of PFC applied. This portion of the stream appears to be producing a less vegetation, with recruitment returning slowly, which may be due to a lack of water. Existing vegetative consists of Cottonwood trees with some grasses and sedges. Overall, the vegetation is young.

South Segment

There has been obvious activity (flood work) by the UPRR resulting in the construction of dikes. There is beaver activity in this segment, resulting in a series of ponds and more diverse understory vegetation under a scattered tree canopy. Consequently, it is improving the overall habitat, including stream bank stability.

North and South Segments

In addition, the following common denominators were observed, during the PFC Survey, in relation to the North and South Segments:

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e., landform, geology and bioclimatic region);

- The riparian zone is widening in the North Segment only with the South Segment at full extent, because of restrictive geologic formations; the upland watershed is not contributing to riparian degradation;

- There is a diverse age structure and composition of vegetation; the species present indicate maintenance of riparian soil moisture characteristics;

- Existing plants exhibit moderate to high vigor and have root masses capable of withstanding high stream flow events; however, stream banks are marginally stable.

- Plant communities within the riparian area are an adequate source of course and/or large woody debris.

- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are adequate to dissipate energy;

- Lateral stream movement is associated with natural sinuosity;

- The system is vertically stable; and

- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Middle Segment

Conclusion: *Standard 2 Not Achieved, Not making significant progress towards achievement of the Standard*.

Here, again, there has been obvious activity (flood work) by the UPRR resulting in the construction of dikes. There is only approximately 5% cover. The water within the stream is relatively warm with plentiful algal growth along the banks. The stream is has a low flow and is revegetating, but progress is slow which may be due to low flow. The banks are very unstable and actively eroding. There is clear evidence of flood work by the UPRR

In addition, the following was observed during the PFC Survey:

Positive Characteristics of the Middle Segment

- The riparian zone is widening; the upland watershed is not contributing to riparian degradation;
- The upland watershed is not contributing to riparian degradation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- There is a diverse age structure of vegetation
- Point bars are revegetating;
- Lateral stream movement is associated with natural sinuosity;
- The system is vertically stable; and
- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Negative Characteristics of the Middle Segment

- Sinuosity, width/ depth ratio and gradient are NOT in balance with the landscape setting (i.e., landform, geology and bioclimatic region)
- There is NOT a diverse composition of vegetation;
- Existing plants DO NOT exhibit vigor and DO NOT have root masses capable of withstanding high stream flow events;
- There is NOT adequate vegetative cover present to protect banks and dissipate energy during high flows; the channel appears scoured.
- Plant communities within the riparian area are NOT an adequate source of course and/or large woody debris.
- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are NOT adequate to dissipate energy along portions of this reach;

Therefore, the Middle Segment is NOT achieving the Standard, and NOT making significant progress towards achieving the Standard.

For the past 10 Grazing Years (1999 through 2008), grazing was only licensed for Grazing Years 2002, 2003 and 2004, accounting for 16 AUMs (22% of Active Use), 25 AUMs (34% of Active Use) and 59 AUMs (80% of Active Use), respectively. Non-use occurred for the remainder of those years. Therefore, overgrazing by livestock is not an issue.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 2.

Riparian Areas Designated as Functional at Risk - No Apparent Trend; Functional at Risk - Downward Trend; and Nonfunctional

Conclusion: *Standard 2 Not Achieved, NOT making progress toward achievement*

No Apparent Trend (.9 miles):

The area still appears to be recovering from the 2005 flood. Banks are relatively unstable, with some bank areas being undercut and actively eroding. Vegetation is still trying to gain a foothold with little to no cover existing in some areas and as much as 75% cover being provided in others.

At the lower end of the reach, banks may reach a height of approximately 15 feet, with little to no surface flow, and are not vegetated. The stream in this area has become rechanneled in some places with the old channel vegetation (Cottonwood trees) dying from lack of water; and the "new" channel vegetation amounts being very limited, not yet well established and providing limited shade.

It is believed that there will eventually be an upward trend associated with this reach if vegetative succession and recruitment is allowed to continue. However, another flood event, before vegetation becomes well established may create a downward trend.

Downward Trend (2.1 miles):

Post flood reconstruction work, involving bulldozing and blading by the UPRR immediately following the flood, has resulted in a drastic modification of most of the floodplains rendering them unstable. It has also resulted in a narrowly vegetated riparian zone, because a majority of the vegetation, except that which is within approximately 5 - 10 feet of the banks, has been bladed/dozed. Even so, cover within the riparian zone is approximately 80% overall with existing Cottonwood trees being approximately 20 – 30 feet in height and stream banks being sandy in nature.

Nonfunctional (.4 miles):

The water in the stream travels sub-surface, creating a Nonfunctional segment of riparian habitat. The cause is unknown. There is no overstory canopy or ground cover.

The events which have resulted in the two determined designations - Downward Trend and Nonfunctional - create uncertainty as to the fate of these two reaches and have put the factor of stability in question.

Therefore, the portions of the stream labeled with the above three designations (Functional at Risk - No Apparent Trend; Functional at Risk - Downward Trend; and Nonfunctional) are NOT

achieving Standard 2, and are NOT making significant progress towards achieving the Standard**.**

For the past 10 Grazing Years (1999 through 2008), grazing was only licensed for Grazing Years 2002, 2003 and 2004, accounting for 16 AUMs (22% of Active Use), 25 AUMs (34% of Active Use) and 59 AUMs (80% of Active Use), respectively. Non-use occurred for the remainder of those years. Therefore, overgrazing by livestock is not an issue.

The flood of January 2005 caused significant damage to the riparian zones within Meadow Valley Wash as explained in the previous discussion.

In addition, the 2005 Southern Nevada Complex fires burned approximately 30% of the Ash Flat Allotment, most of which occurred in areas not grazed by livestock due to steep topography or relative inaccessibility.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 2.

Pennsylvania and Rainbow Allotments

Lotic Riparian Zone

Determination:

- **X** **Achieving the Standard** – for Riparian Area designated as PFC.
- **X** **Not achieving the Standard, but making significant progress towards meeting the Standard**
  for Riparian Area designated as Functional at Risk - Upward Trend.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines Conformance:

- **X** **In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

The Pennsylvania and Rainbow Allotments are associated with a total of approximately 3 miles of lotic riparian habitat; approximately 2 miles of this is associated with the Pennsylvania Allotment and one mile is associated with the Rainbow Allotment.

Of the 2 miles of riparian habitat associated with the Pennsylvania Allotment, 1.4 miles was determined to be in Proper Functioning Condition. The remaining .6 miles was determined to be Functional at Risk - Upward Trend.

The 1 mile of lotic riparian habitat, on public lands, associated with the Rainbow Allotment was designated Functional at Risk - Upward Trend.

Refer to earlier dialogue regarding the January 2005 flood and subsequent fires affecting these allotments during that year.

Riparian Area Designated as PFC (1.4 miles)
(Pennsylvania Allotment Only)

Conclusion: *Standard 2 Achieved*

Stream banks are stable to very stable with 25-90% ground cover, even on stream bars. Overstory, along the reach varies from no overstory – but with ground cover - to many mature cottonwoods along with Cottonwood regeneration. A diversity of riparian plant species is present, particularly within the stream channel, which includes sedges, rushes, grasses, cattails and various broadleaf species. Upper banks (flood plain) in some areas are covered with rocks where vegetation is lacking, while in other areas they are well vegetated.

In addition, the following was observed during the PFC Survey:

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e., landform, geology and bioclimatic region)
- The riparian zone is widening; the upland watershed is not contributing to riparian degradation;
- The upland watershed is not contributing to riparian degradation;
- There is a diverse age structure and composition of vegetation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Existing plants exhibit vigor and have root masses capable of withstanding high stream flow events;
- There is adequate vegetative cover present to protect banks and dissipate energy during high flows;
- Plant communities within the riparian area are an adequate source of course and/or large woody debris.
- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are adequate to dissipate energy along portions of this reach;
- Point bars are revegetating;

- Lateral stream movement is associated with natural sinuosity;
- The system is vertically stable; and
- The stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition).

Riparian Area Designated as Functional at Risk - Upward Trend (1.6 miles)
(Pennsylvania and Rainbow Allotments)

Conclusion: *Standard 2 Not Achieved,* but making significant progress towards achieving the Standard.

Cottonwood trees and a variety of species have become re-established (vegetative recruitment is occurring) yielding good vegetative cover, diversity and structure. However, stream banks are marginally stable, because vegetation is young.

Cover is approximately 75% and is comprised of about 5% Cottonwood trees and approximately 70% wetland obligates. There are a lot of fish and tadpoles in this reach of the stream. Some re-channelization appears to have occurred due to the 2005 flood. There are old mature Cottonwood trees along the "old" channel; and young Cottonwood regeneration (3 - 10 feet in height), along with sedges and rushes in the "new" channel (vegetative recruitment is occurring) yielding good vegetative cover, diversity and structure. However, stream banks are <u>marginally</u> stable, because the vegetation is young.

In addition, the following was observed during the PFC Survey:

<u>Positive Characteristics of the Segment</u>

- Sinuosity, width/ depth ratio and gradient are in balance with the landscape setting (i.e., landform, geology and bioclimatic region)
- The riparian zone is widening; the upland watershed is not contributing to riparian degradation;
- There is a diverse age structure and composition of vegetation;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Approximately 50% of Existing plants exhibit vigor;
- Lateral stream movement is associated with natural sinuosity;
- The system is vertically stable; and
- The stream is in balance with the water and sediment being supplied by the watershed

i.e., no excessive erosion or deposition).

Negative Characteristics of the Segment

- The upland watershed may be contributing to riparian degradation and appears to be temporary;
- The species present indicate maintenance of riparian soil moisture characteristics;
- Approximately 50% of Existing plants do NOT exhibit vigor; and do NOT have root masses capable of withstanding high stream flow events;
- There is NOT adequate vegetative cover present to protect banks and dissipate energy during high flows;
- Plant communities within the riparian area are NOT an adequate source of course and/or large woody debris.
- Floodplain and channel characteristics (i.e., rocks, coarse and/or large woody debris) are NOT adequate to dissipate energy along portions of this reach;

Therefore, the portion of the stream under this designation is Not achieving the Standard, but making significant progress towards achieving the Standard.

For the past 10 Grazing Years (1999 through 2008), the only grazing licensed on the Pennsylvania Allotment occurred during Grazing Year 2000 when 142 AUMs (24% of the Total Active Use) were licensed. However, a majority of this grazing occurred on the private lands located at the south tip of the allotment in Meadow Valley Wash.

The combined licensing of 7J Ranch and the Whitesides on the Rainbow Allotment for the past 10 Grazing Years (1999 through 2008) is displayed in Appendix B, Table 4. As the table shows, total grazing use on the allotment ranged from 67 AUMs (10% of Active Use) in 2008 to 314 AUMs (47 % of Active Use) in 2000. Therefore, overgrazing by livestock is not an issue.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 2.

Upland Areas

Determination:

X Achieving the Standard.

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

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

Causal Factors:

☐ Livestock are a contributing factor to not meeting the standard.

X Livestock are not a contributing factor to not meeting the standard.

X Failure to meet the standard is related to other issues or conditions.

Guidelines Conformance:

X In conformance with the Guidelines

☐ Not in conformance with the Guidelines

The Southern Nevada Complex Fire, which occurred during the 2005, burned approximately 8,845 acres or 29% of the Pennsylvania Allotment, and 4,779 acres or 60% of the Rainbow Allotment.

Soils for the upland portions of Pennsylvania and Rainbow Allotments have been described under Standard 1.

Conclusion: *Standard 2 Not Achieved, but making significant progress towards meeting the Standard.*

General field observations on these allotments show that ground cover, including litter, is becoming re-established in portions of the burned-over areas. However, it is not appropriate to the potential of the existing ecological sites.

On the Rainbow Allotment, the main species listed in the Ecological Site Descriptions for the ecological sites found within the areas burned by the by 2005 fires are either not present or rarely encountered. Such species include blackbrush (*Coleogyne ramosissima*), Indian ricegrass (*Achnatherum hymenoides*), galleta (*Pleuraphis jamesii*), desert bitterbrush (*Purshia glandulosa*), Nevada ephedra (*Ephedra nevadensis*) and desert needlegrass (*Achnatherum speciosum*). The same situation exists for the Pennsylvania Allotment. For this allotment, the plant species would include Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), blackbrush, Indian ricegrass and needleandthread (*Hesperostipa comata*). A portion of the pinyon/juniper woodlands, found within the allotment, was also destroyed by the fire.

Therefore, Standard 2 is not being achieved within the uplands on the Pennsylvania and Rainbow Allotments. However, the allotments are making progress towards meeting the Standard.

Grazing use for the past 10 years (1999 - 2008) on the Pennsylvania and Rainbow Allotments was discussed, above, in the Lotic Riparian Section for these allotments. Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 2.

STANDARD 3 HABITAT AND BIOTA:

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

Habitat indicators:

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

Wildlife indicators:

- Escape terrain;
- Relative abundance;
- Composition;
- Distribution;
- Nutritional value; and
- Edge-patch snags.

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

The geographic layout and topographically restrictive nature of the Meadow Valley and Ash Flat Allotments have been previously discussed in the opening pages of this Standards Determination Document. The practical and appropriate application of the Standards to these allotments was included in this discussion. The discussion concluded that Standard 3, which is applicable to the evaluation of uplands, cannot be appropriately or practicably applied to the Meadow Valley and Ash Flat Allotments.

The discussion further concluded that although the Pennsylvania Allotment shares some of these same restrictive topographic characteristics, most of it and a majority of the Rainbow Allotment do not. Consequently, an evaluation of Standard 3 for these allotments is found below.

Pennsylvania and Rainbow Allotments

Determination:

- ☐ Achieving the Standard
- **X** **Not achieving the Standard, but making significant progress towards meeting the Standard**.
- ☐ Not achieving the Standard, not making significant progress towards meeting the Standard.

Causal Factors:

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

Guidelines:

- **X In conformance with the Guidelines**
- ☐ Not in conformance with the Guidelines

The Southern Nevada Complex Fire, which occurred during the 2005, burned approximately 8,845 acres or 29% of the Pennsylvania Allotment, and 4,779 acres or 60% of the Rainbow Allotment.

Conclusion: *Standard 3 Not Achieved, but making significant progress towards meeting the Standard.*

General field observations on these allotments show that ground cover is becoming re-established in portions of the burned-over areas. However, it is not appropriate to the potential of the existing ecological sites.

On the Rainbow Allotment, the main species listed in the Ecological Site Descriptions for the ecological sites found within the areas burned by the by 2005 fires are either not present or rarely encountered. Such species include blackbrush (*Coleogyne ramosissima*), Indian ricegrass (*Achnatherum hymenoides*), galleta (*Pleuraphis jamesii*), desert bitterbrush (*Purshia glandulosa*), Nevada ephedra (*Ephedra nevadensis*) and desert needlegrass (*Achnatherum speciosum*). The same situation exists for the Pennsylvania Allotment. For this allotment, the plant species would include Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), blackbrush, Indian ricegrass and needleandthread (*Hesperostipa comata*). A portion of the pinyon/juniper woodlands, found within the allotment, was also destroyed by the fire.

Therefore, Standard 1 is not being achieved within the uplands on the Pennsylvania and Rainbow Allotments. However, they are making progress towards meeting the Standard.

Consequently, livestock grazing is NOT a contributing factor to NOT meeting Standard 3.

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

Livestock are NOT a causal factor in any instance where a Standard was NOT being achieved. The causal factor has consistently been either the occurrence of wildfire or massive flood or both.

PART 3. GUIDELINE CONFORMANCE REVIEW and SUMMARY

GUIDELINES for *SOILS* (Standard 1):

See Conclusion for Standard 1, and Part 2 above.

Current livestock grazing management practices conform to Guideline 1.1, 1.2 and 1.4. Guideline 1.3 is not applicable to the assessment area at this time.

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

GUIDELINES for *ECOSYSTEM COMPONENTS* (Standard 2):

See Conclusion for Standard 2, and Part 2 above.

Current livestock grazing management practices on the allotment conform to Guideline 2.1, 2.2, 2.3, 2.4 and 2.5. Guidelines 2.6, 2.7 and 2.8 are not applicable to the assessment area at this time.

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

See Conclusion for Standard 3, and Part 2 above.

Current livestock grazing management practices conform to Guidelines 3.1 and 3.2. Guidelines 3.3, 3.4, 3.5, 3.6, 3.7 and 3.8 are not applicable to the assessment area at this time

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

1. Change the Season of Use for all allotments in the current term grazing permits, for both the 7J Ranch and the Whiteside permits, to decrease disturbance of the endangered southwestern willow flycatcher (*Empidonax traillii extimus)* and its habitat during the breeding, nesting, and brood-rearing seasons that occur in the spring and summer months.

   Establish Allowable Use Levels (AULs) within the Meadow Valley Wash riparian zone and the uplands of the Pennsylvania and Rainbow Allotments. These AULs would not only aid in achieving or maintaining upland and riparian Standards but, subsequently, assist in providing sufficient habitat for the southwestern willow flycatcher within the Meadow Valley Wash.

   For the 7J Ranch Term Grazing Permit, Season of Use on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments would be changed according to the following:

FROM:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
[1] Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	4	C	11/01	4/30	100	56	65	121
		4	H	3/01	2/28	100	----	----	----
Ash Flat	21002	7	C	5/01	3/24	100	74	29	103
Pennsylvania	01056	97	C	5/01	10/31	100	588	262	850
Rainbow	11028	28	C	3/01	2/28	100	332	0	332

* These numbers are approximate.
** This is for billing purposes only.
[1] A stipulation was included in the existing Term Grazing Permit which stated that no livestock grazing will occur between May 1 and August 31 on any of the above 4 allotments, to allow nesting of the southwestern willow flycatcher, a threatened species under the Endangered Species Act.

TO:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	11	C	10/01	2/28	100	56	65	121
		11	H	10/01	2/28	100			
Ash Flat	21002	15	C	10/01	2/28	100	74	29	103
Pennsylvania	01056	118	C	10/01	2/28	100	588	262	850
Rainbow	11028	47	C	10/01	4/30	100	332	0	332

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

For Lyle & Ruth Whiteside Term Grazing Permit, the Season of Use on the Rainbow Allotment would be changed according to the following:

FROM:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Rainbow	11028	28	C	3/01	2/28	100	333	0	333

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

TO:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Rainbow	11028	47	C	10/01	4/30	100	333	0	333

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

Incorporate the following Best Management Practices into the Term Grazing Permit for the 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments; and for Lyle & Ruth Whiteside on the Rainbow Allotment as indicated:

<u>7J Ranch and Whiteside</u>

1. Allowable Use Levels on current year's growth of riparian vegetation within Meadow Valley Wash portions of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – during the authorized grazing use period – will not exceed 35% (Light Use Category).

2. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments – during the authorized grazing use period – will not exceed 40% (Light Use Category).

3. Bank alteration, as defined and assessed in Technical Bulletin BLM/ID/GI-08/001+1150, on existing stream banks will not exceed a total of 20% along the entire lotic riparian zone associated with a particular allotment.

4. Livestock will be moved to another authorized pasture or removed from the allotment before utilization or bank alteration objectives are met; or no later than 5 days after meeting the utilization or bank alteration objectives. Any deviation in livestock movement will require authorization from the authorized officer.

5. Salt and/or mineral supplements for livestock would be located no closer than 3/4 mile from existing water sources.

<u>7J Ranch</u>

6. Water troughs

    - Place troughs connected with spring developments outside of riparian and wetland habitats to reduce livestock trampling damage to wet areas.

    - Control trough overflow at springs with float valves or deliver the overflow back into the native channel.

To address the Clover Mountains Wilderness Area, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition will be added to comply with the Wilderness Act of 1964 (P.L. 88-577) (see Congressional Grazing Guidelines in Appendix C):

7. No motorized access is permitted within the designated Clover Mountains Wilderness Area without approval of the Field Manager. Occasional motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such use would not have a significant adverse impact on the natural environment.

In relation to grazing, there are no additional terms and conditions needed for management practices to conform to guidelines and achieve standards.

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Specialists:

/s/ Mark D'Aversa	4/1/09
Mark D'Aversa – Soil, Water & Air Quality, Floodplains & Riparian	Date
/s/ Bonnie Million	4/16/09
Bonnie Million – Noxious Weed Coordinator	Date
/s/ Rick Baxter	4/13/09
Rick Baxter – Wildlife Biologist	Date

Prepared by:

/s/ Domenic A. Bolognani	4/10/09
Domenic A. Bolognani – Rangeland Management Specialist	Date

Reviewed by:

/s/ Chris Mayer	4/1/09
Chris Mayer – Lead Rangeland Management Specialist	Date

I concur:

/s/ Victoria Barr	4/16/09
Victoria Barr – Caliente Field Manager	Date

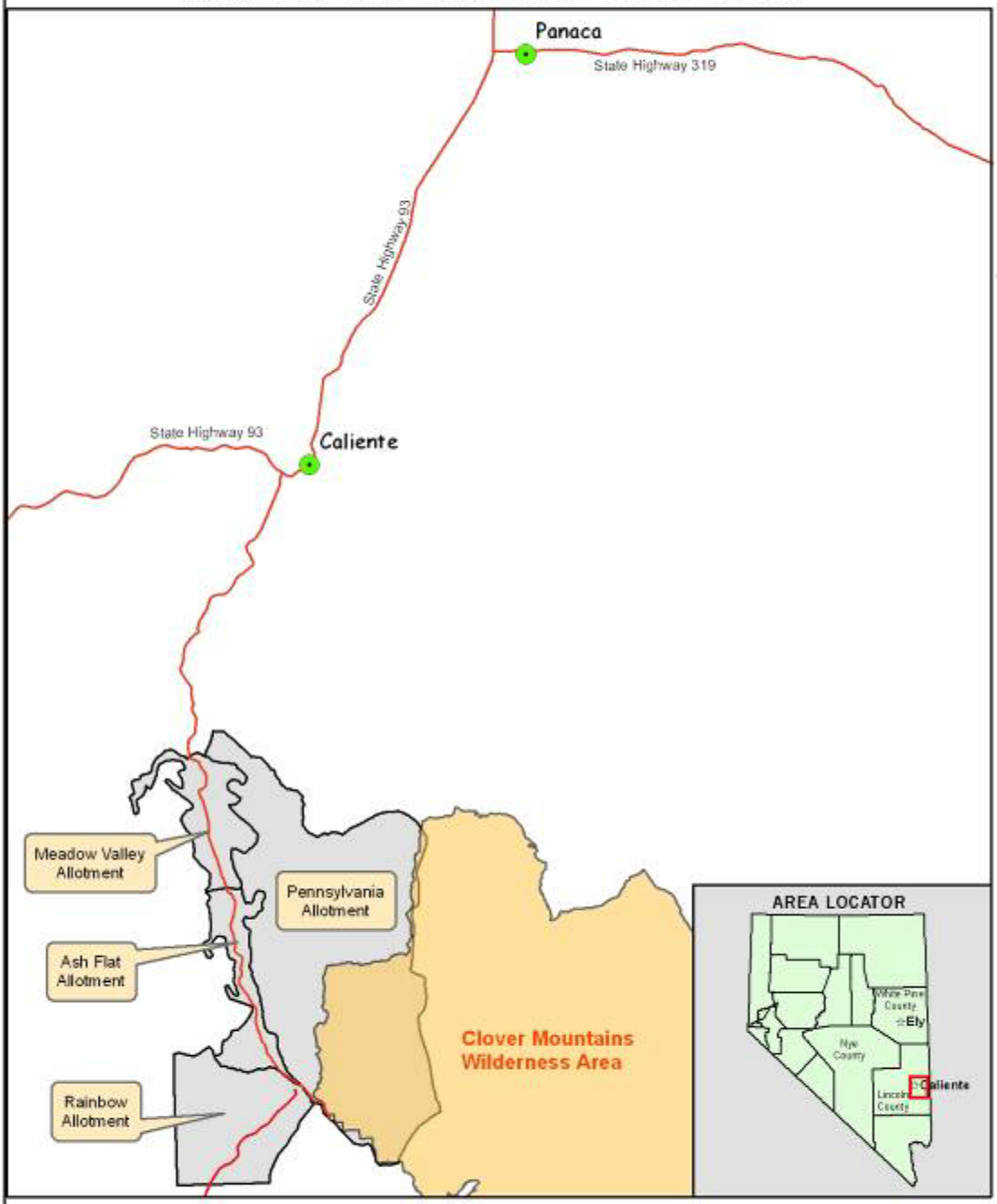
APPENDIX A

(Standards Determination Document)

MAPS

MAP #1

Location of the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments with Respect to the Clover Mountains Wilderness Area and the Towns of Caliente and Panaca, Nevada.



BLM

Ely District Office

0 1 2 3 4 5 Miles

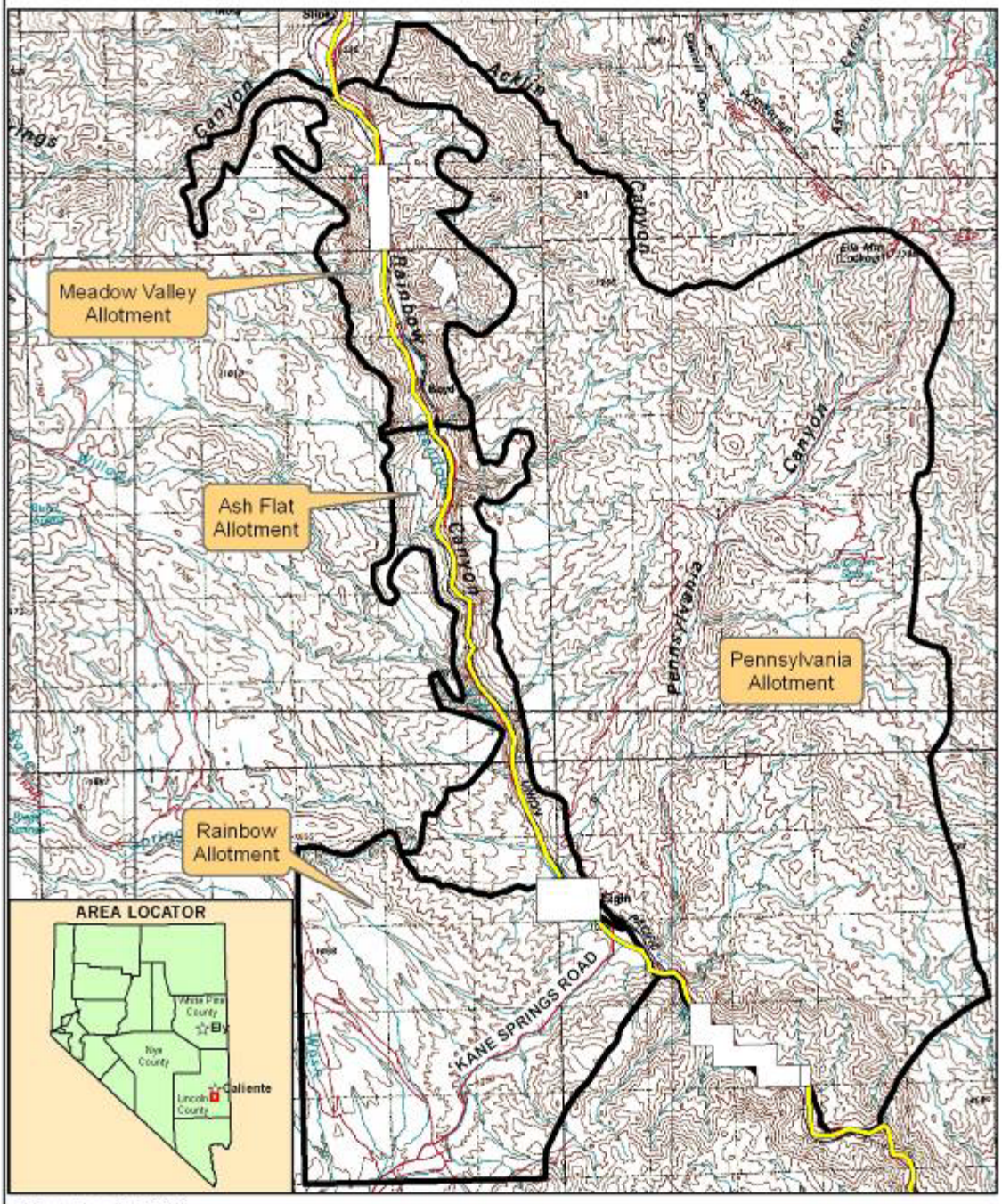
November 9, 2008
Caliente Field Station

LEGEND
- BLM Wilderness
- Towns
- Nevada Roads

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.

MAP #2

Location of Meadow Valley Wash and the Associated Lotic Riparian Zone with Respect to the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments.



November 15, 2008
Caliente Field Station

0 1 2 3 Miles

Caliente and Clover Mountain
1:100,000 Quad Maps

LEGEND

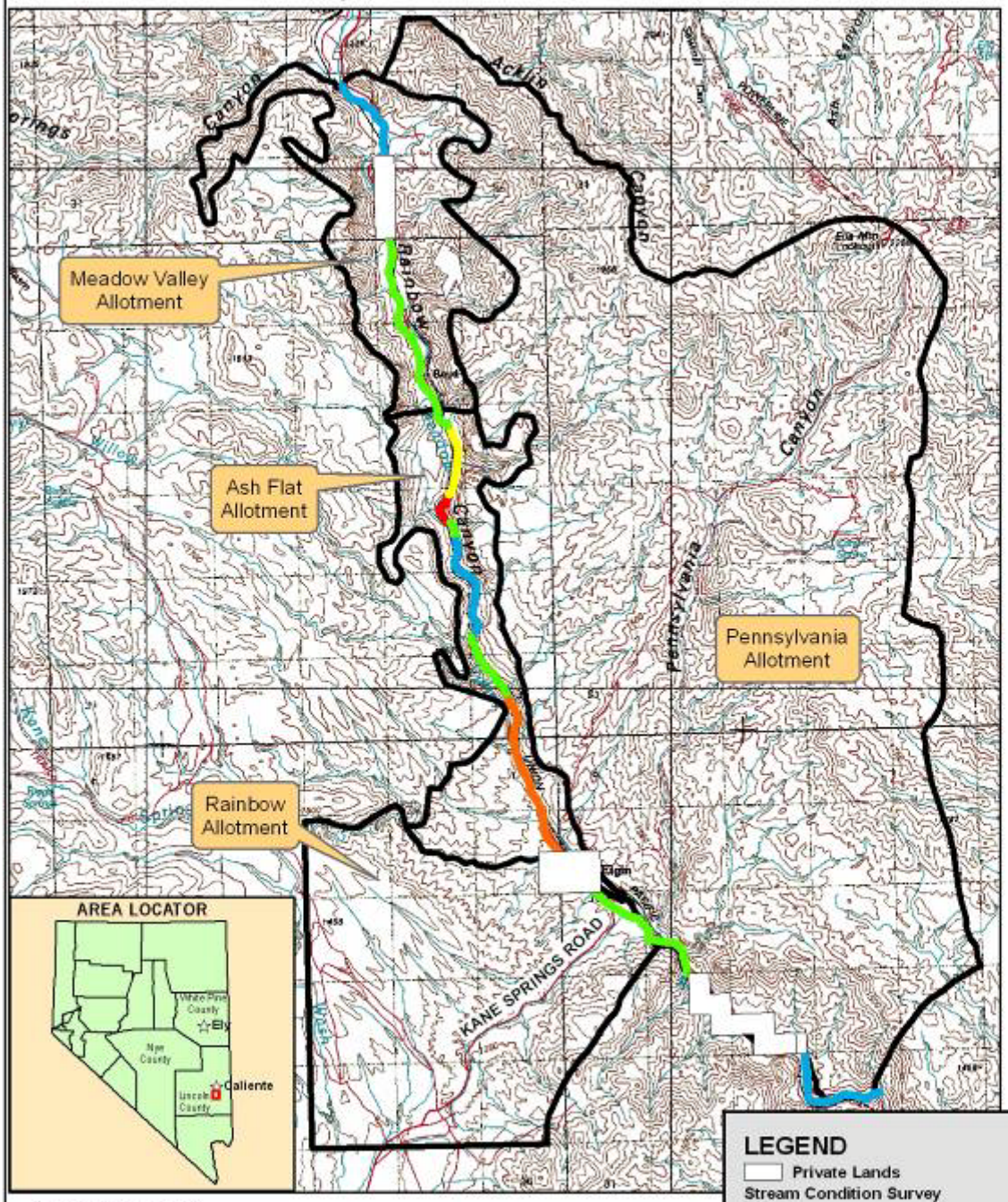
- Meadow Valley Wash and Lotic Riparian Zone
- Private Lands

BLM

Ely District Office

MAP #3

Stream Ratings (Proper Functioning Condition) of the Meadow Valley Wash Lotic Riparian Zones Associated with the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments.



November 15, 2008
Caliente Field Station

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

0 1 2 3 Miles

Caliente and Clover Mountain
1:100,000 Quad Maps

LEGEND

- Private Lands

Stream Condition Survey Ratings

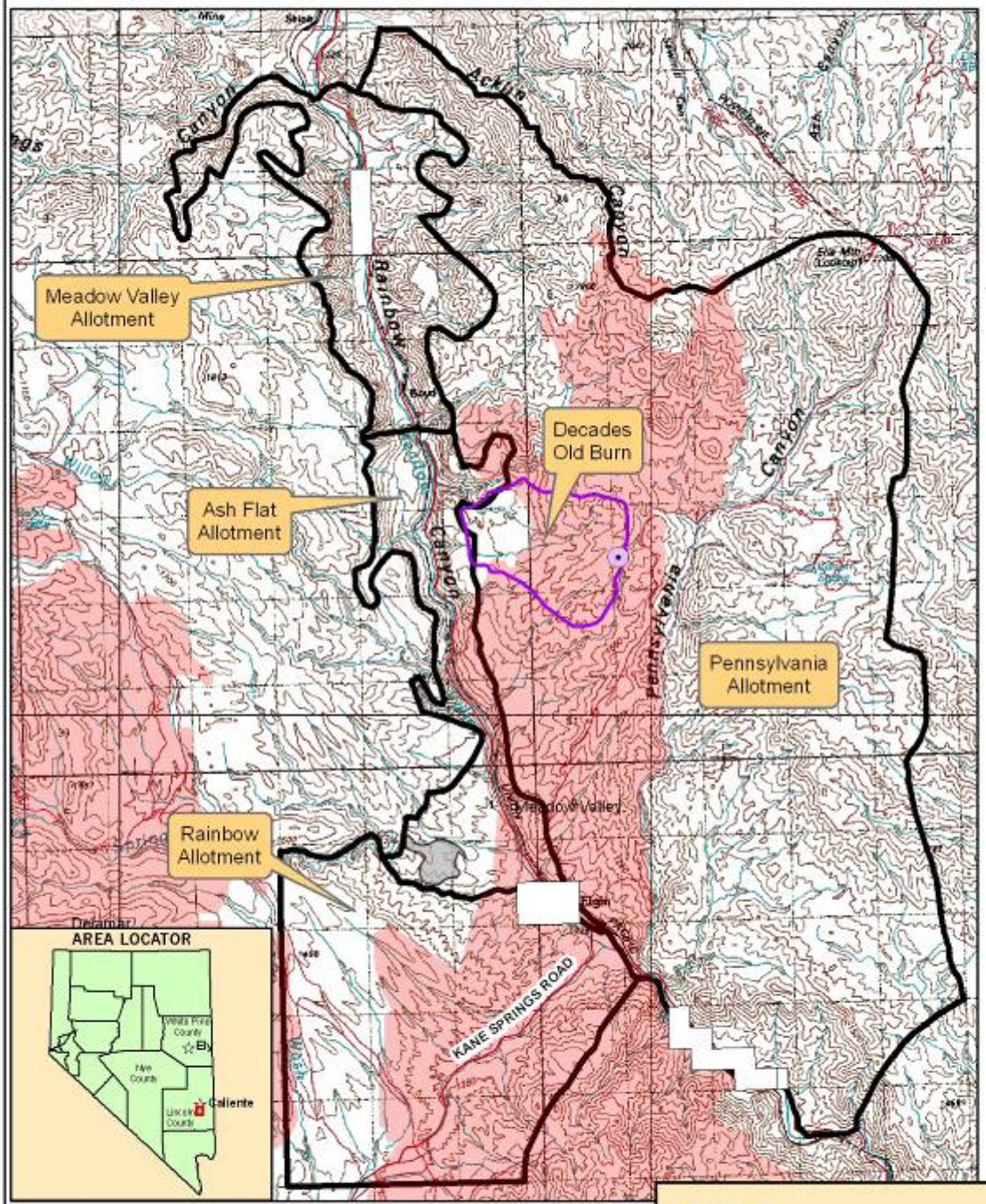
- Proper Functioning Condition
- Functional at Risk - Upward trend
- Functional at Risk - No apparent trend
- Functional at Risk - Downard Trend
- Non Functional

BLM

Ely District Office

MAP #4

Burned Portions of the Ash Flat, Pennsylvania and Rainbow Allotments due to the 2005 Southern Nevada Complex Fires and the 2006 Moe Fire.



November 15, 2008
Caliente Field Station

Caliente and Clover Mountain
1:100,000 Quad Maps

LEGEND

- 2006 Moe Fire in Ash Flat Allotment
- 2005 Southern Nevada Complex Fires
- Private Lands
- Key Area in Pennsylvania Allotment

BLM

Ely District Office

APPENDIX B

(Standards Determination Document)

TABLES

Table 2. Licensed Use for Ruth and Lyle Whiteside, by Grazing Year, from March 1, 1999 through February 28, 2008 on the Rainbow Allotment.

Allotment/Active Use/Season of Use	Longhorn Cattle Co. → Prior to 2004 (Whiteside – Authorized Rep.) 325 E. 4th Street, LLC → 2004 – 2005 (Whiteside – Authorized Rep.) Lyle and Ruth Whiteside → 2005 – Present **Grazing Year (3/1 – 2/28)**	**AUMs Licensed**	**% of Active Use Used**
Rainbow (Active Use = 333 AUMs) Season of Use = 3/1 – 2/28	1999	281	84%
	2000	314	94%
	2001	0	Non-Use
	2002	158	47%
	2003	44	13%
	2004	75	23%
	*2005	104	31%
	2006	0	Non-Use
	2007	0	Non-Use
	2008	16	5%

* Grazing which occurred prior to the 2005 Southern Nevada Complex Fires.

Table 3. Licensed Use for the 7J Ranch, by Grazing Year, from March 1, 1999 through February 28, 2008 on the Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments.

Allotment/Active Use/Season of Use	7J Ranch – Henry and Joi Brackenbury		
	Grazing Year (3/1 – 2/28)	**AUMs Licensed**	**% of Active Use Used**
Meadow Valley (Active Use = 56 AUMs) <u>Cattle</u> Season of Use = 11/1 – 4/30 <u>Horses</u> Season of Use = 3/1 – 2/28	1999	37	66%
	2000	47	84%
	2001	0	Non-Use
	2002	30	54%
	2003	35	63%
	2004	0	Non-Use
	2005	0	Non-Use
	2006	0	Non-Use
	2007	15	27%
	2008	0	Non-Use
Ash Flat (Active Use = 74 AUMs) Season of Use = 5/1 – 3/24	1999	0	Non-Use
	2000	0	Non-Use
	2001	0	Non-Use
	2002	16	22%
	2003	25	34%
	2004	59	80%
	2005	0	Non-Use
	2006	0	Non-Use
	2007	0	Non-Use
	2008	0	Non-Use
Pennsylvania (Active Use = 588 AUMs) Season of Use = 5/1 – 10/31	1999	0	Non-Use
	2000	142	24%
	2001	0	Non-Use
	2002	0	Non-Use
	2003	0	Non-Use
	2004	0	Non-Use
	2005	0	Non-Use
	2006	0	Non-Use
	2007	0	Non-Use
	2008	0	Non-Use
Rainbow (Active Use = 332 AUMs) Season of Use = 3/1 – 2/28	1999	0	Non-Use
	2000	0	Non-Use
	2001	0	Non-Use
	2002	23	7%
	2003	79	24%
	2004	0	Non-Use
	2005 *	150	45%
	2006	0	Non-Use
	2007	0	Non-Use
	2008	151	45%

* Grazing which occurred prior to the 2005 Southern Nevada Complex Fire.

Table 4. Combined Licensed Use, by Grazing Year, for 7J Ranch and Lyle Whiteside on the Rainbow Allotment from March 1, 1999 through February 28, 2008.

Allotment/Active Use/Season of Use	Grazing Year (3/1 – 2/28)	Combined AUMs Licensed	Combined % of Active Use Used
Rainbow Whiteside (Active Use) 333 AUMs 7J Ranch (Active Use) 332 AUMs Total 665 AUMs Season of Use = 3/1 – 2/28	1999	281	42%
	2000	314	47%
	2001	0	Non-Use
	2002	181	27%
	2003	123	18%
	2004	75	11%
	*2005	254	38%
	2006	0	Non-Use
	2007	0	Non-Use
	2008	67	10%

* Grazing which occurred prior to the 2005 Southern Nevada Complex Fire.

APPENDIX C

(Standards Determination Document)

CONGRESSIONAL GRAZING GUIDELINES

Congressional Grazing Guidelines

(excerpt from House Report 96-1126)

Grazing in National Forest Wilderness Areas

Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."
The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964. Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95-620 and 95- 1821) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests* * *. This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the

construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96 Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

   It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in the area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

   Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for

example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The placement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines is adhered to by the Forest Service. Of course, the inclusion of these guidelines in this joint Statement of Managers does not preclude the Congress from dealing with the issue of grazing in wilderness areas statutorily in the future.

APPENDIX III

(EA)

STANDARD TERMS AND CONDITIONS

1. Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.

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

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

4. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of $25 or 10 percent of the grazing bill, whichever is greater, not to exceed $250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

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

6. Grazing use will be in accordance with the great basin area standards and guidelines for grazing administration. The Standards and Guidelines have been developed by the respective 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 Subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be re-issued 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.

10. When necessary, control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.

APPENDIX IV

(EA)

WEED RISK ASSESSMENT

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Term Grazing Permit Renewal for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania & Rainbow Allotments
and
Lyle and Ruth Whiteside on the Rainbow Allotment

Lincoln County, Nevada

DOI-BLM-NV-L010-2009-0013-EA

On December 10, 2008 a Noxious & Invasive Weed Risk Assessment was completed for the term grazing permit renewal for the 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments; and for Lyle and Ruth Whiteside on the Rainbow Allotment. All allotments are in Lincoln County, NV. The proposed action is to fully process the renewal of the term grazing permit for 7J Ranch on the Meadow Valley, Ash Flat, Pennsylvania, and Rainbow Allotments; and Lyle and Ruth Whiteside on the Rainbow Allotment. The issuance of the term grazing permit would be for a period of up to ten years. The current term permits expire on 2/28/2017 and 3/21/2015 for 7J Ranch and for Lyle and Ruth Whiteside, respectively. The two permits authorize cattle and horse grazing according to the following:

7J Ranch (#2705130)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
[1] Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Meadow Valley	01041	4	C	11/01	4/30	100	56	65	121
		4	H	3/01	2/28	100	----	----	----
Ash Flat	21002	7	C	5/01	3/24	100	74	29	103
Pennsylvania	01056	97	C	5/01	10/31	100	588	262	850
Rainbow	11028	28	C	3/01	2/28	100	332	0	332

* These numbers are approximate.
** This is for billing purposes only.
[1] A stipulation was included in the existing Term Grazing Permit which stated that no livestock grazing will occur between May 1 and August 31 on any of the above 4 allotments, to allow nesting of the southwestern willow flycatcher, a endangered species under the Endangered Species Act.

Lyle and Ruth Whiteside (#2705130)

ALLOTMENT		LIVESTOCK		GRAZING PERIOD			AUMs		
Name	Number	* Number	Kind	Begin	End	** % Public Land	Active Use	Hist. Susp. Use	Total Use
Rainbow	11028	28	C	3/01	2/28	100	333	0	333

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

These land based allotments are located within Lincoln County in the south-central portion of the Ely District BLM, ranging approximately seven to 21 miles south of Caliente, Nevada. The Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments encompass approximately 3,971, 3,247, 30,971, and 7,033 acres, respectively. The first four are located in the Meadow Valley Wash North (#N 214 A) Watershed. The Rainbow Allotment is located in the Meadow Valley Wash North and Kane Springs (#217) Wash Watershed.

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 Meadow Valley Allotment:

Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found within the boundaries of the Ash Flat Allotment:

Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar
Tribulus terrestris	Puncturevine

The following species are found within the boundaries of the Pennsylvania Allotment:

Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found within the boundaries of the Rainbow Allotment:

Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following species are found along roads and drainages leading to all four allotments:

Centaurea stoebe	Spotted knapweed
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar
Tribulus terrestris	Puncturevine

The Meadow Valley Wash drainage portion of these allotments was last inventoried for noxious weeds in 2007. While not officially documented the following non-native invasive weeds probably occur in or around both allotments: red brome (*Bromus rubens*), horehound (*Marrubium vulgare*), and Russian thistle (*Salsola kali*).

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

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

For this project, the factor rates as Moderate (4) at the present time. The proposed action could increase the populations of the noxious and invasive weeds already within the allotments and could aid in the introduction of weeds from surrounding areas. Within the allotments, 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 allotments this could have an adverse impact those native plant communities especially since all of the allotments is currently considered to be mostly weed-free. Also, any increase of red brome 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.

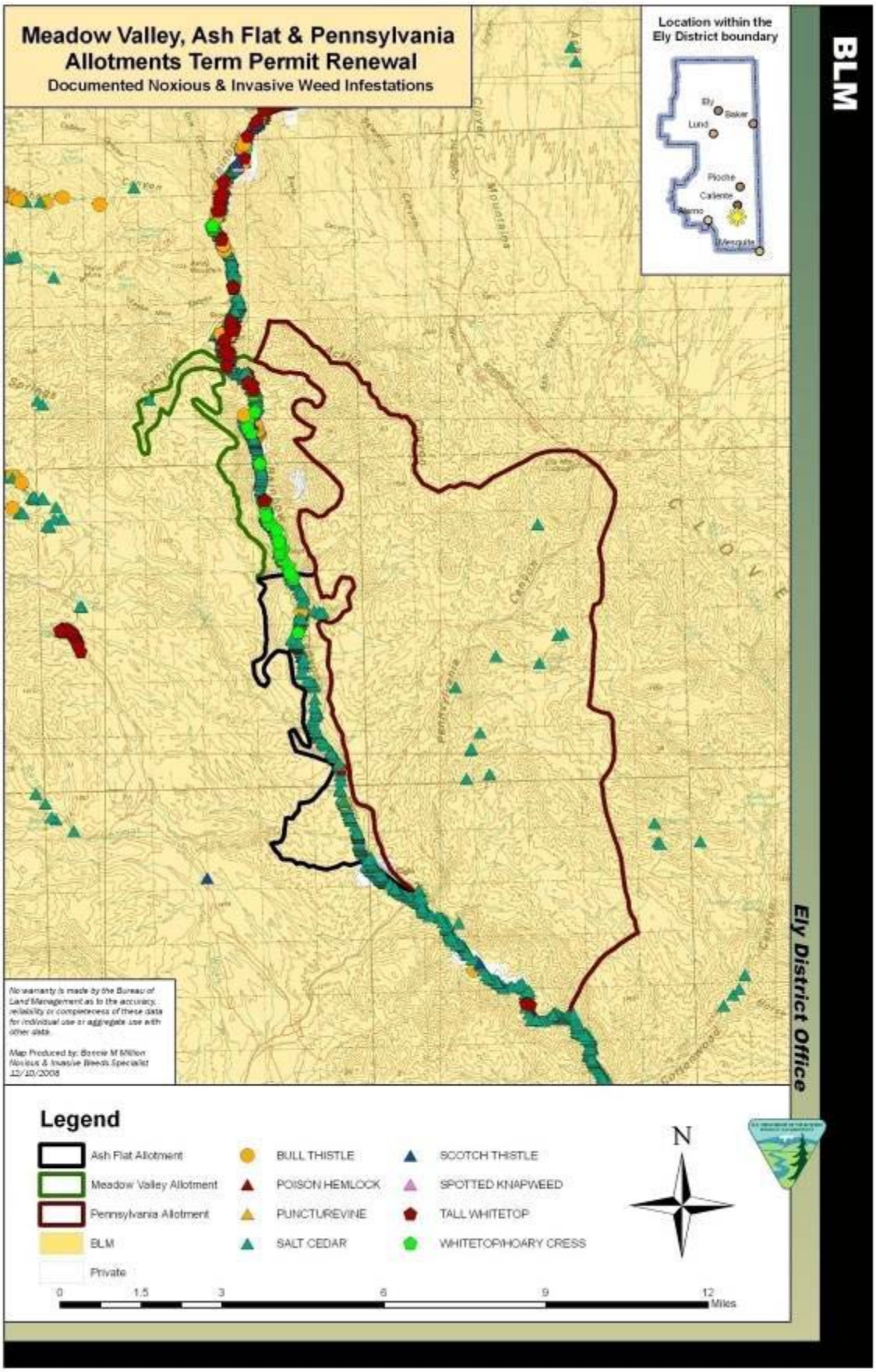
- Grazing will be conducted in compliance with the Ely District BLM noxious weed schedules. The scheduled procedures can significantly and effectively reduce noxious weed spread or introduction into the project area.

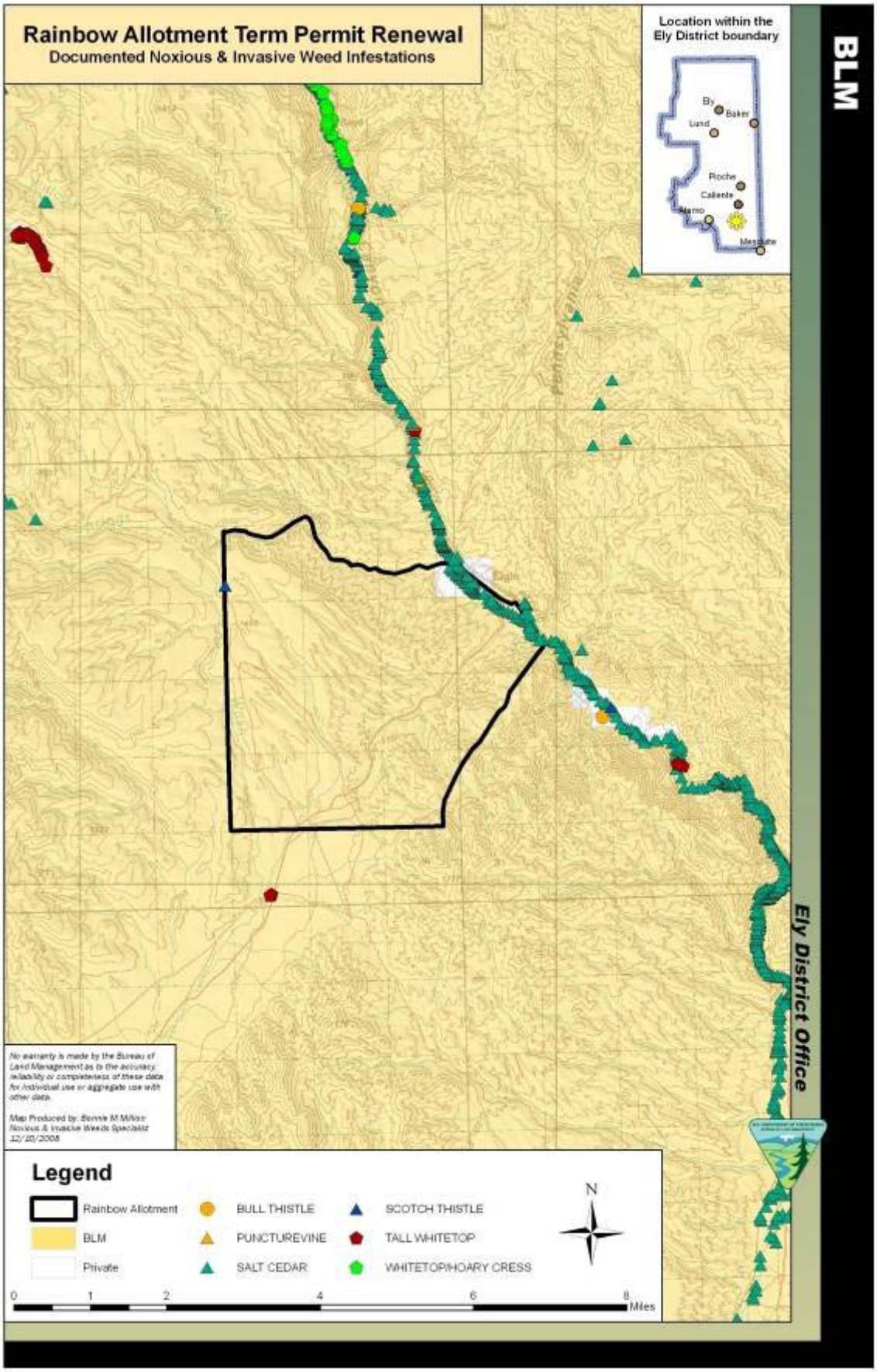
- Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by: /s/ Bonnie Million 12/10/2008

Bonnie Million Date

Ely District Noxious & Invasive Weeds Coordinator


Meadow Valley, Ash Flat & Pennsylvania Allotments Term Permit Renewal
Documented Noxious & Invasive Weed Infestations
Location within the Ely District boundary
Ely
Baker
Lund
Pioche
Caliente
Panaca
Mesquite
BLM
Ely District Office
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.
Map Produced by: Bonnie M Miller
Noxious & Invasive Weeds Specialist
12/10/2008
Legend
Ash Flat Allotment
Meadow Valley Allotment
Pennsylvania Allotment
BLM
Private
BULL THISTLE
POISON HEMLOCK
PUNCTUREVINE
SALT CEDAR
SCOTCH THISTLE
SPOTTED KNAPWEED
TALL WHITETOP
WHITETOP/HOARY CRESS
N
0
1.5
3
6
9
12
Miles


Rainbow Allotment Term Permit Renewal
Documented Noxious & Invasive Weed Infestations
Location within the Ely District boundary
Ely
Baker
Lund
Ploche
Caliente
Alamo
Mesquite
BLM
Ely District Office
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.
Map Produced by: Bernie M Miller
Noxious & Invasive Weeds Specialist
12/10/2008
Legend
Rainbow Allotment
BLM
Private
BULL THISTLE
PUNCTUREVINE
SALT CEDAR
SCOTCH THISTLE
TALL WHITETOP
WHITETOP/HOARY CRESS
N
0
1
2
4
6
8
Miles

APPENDIX V

(EA)

MIGRATORY BIRDS

The following data reflect survey blocks and/or incidental sightings of bird species found **near** the allotments mentioned below from the Atlas of the Breeding Birds of Nevada (Floyd et al. 2007).

These data represent birds that were confirmed, probably, or possibly breeding within the area. These data are not comprehensive, and additional species not listed here may be present within the allotment boundary.

Bolded species names are birds considered BLM Sensitive (also see Appendix VI of this EA for additional Special Status animal species listings).

Works Cited

Floyd T, Elphick CS, Chisholm G, Mack K, Elston RG, Ammon EM, and Boone JD. 2007. Atlas of the Breeding Birds of Nevada. Reno: University of Nevada Press.

Meadow Valley

Great Blue Heron (*Ardea herodias*)
Turkey vulture (*Cathartes aura*)
Red-tailed Hawk (*Buteo jamaicensis*)
Gambel's Quail (*Callipepla gambelii*)
Mourning Dove (*Zenaida macroura*)
Greater Roadrunner (*Geococcyx californianus*)
Ash-throated Flycatcher (*Myiarchus cinerascens*)
Western Kingbird (*Tyrannus verticalis*)
Violet-green Swallow (*Tachycineta thalassina*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
Barn Swallow (*Hirundo rustica*)
Common Raven (*Corvus corax*)
Verdin (*Auriparus flaviceps*)
Bewick's Wren (*Thryomanes bewickii*)
Blue-gray Gnatcatcher (*Polioptila caerulea*)
Yellow Warbler (*Dendroica petechia*)
Common Yellowthroat (*Geothlypis trichas*)
Yellow-breasted Chat (*Icteria virens*)
Western Tanager (*Piranga ludoviciana*)
Lazuli Bunting (*Passerina amoena*)
Abert's Towhee (*Pipilo aberti*)
Brewer's Sparrow (*Spizella breweri*)
Black-throated Sparrow (*Amphispiza bilineata*)
Song Sparrow (*Melospiza melodia*)
White-crowned Sparrow (*Zonotrichia leucophrys*)
Brown-headed Cowbird (*Molothrus ater*)
Bullock's Oriole (*Icterus bullockii*)
House Finch (*Carpodacus mexicanus*)
House Sparrow (*Passer domesticus*)

Great Horned Owl (*Bubo virginianus*)
Ladder-backed Woodpecker (*Picoides scalaris*)
Black Phoebe (*Sayornis nigricans*)
Say's Phoebe (*Sayornis saya*)
Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)
Canyon Wren (*Catherpes mexicanus*)
Loggerhead Shrike (*Lanius ludovicianus*)
Bell's Vireo (*Vireo bellii*)
Warbling Vireo (*Vireo gilvus*)
Lucy's Warbler (*Vermivora luciae*)
Yellow-rumped Warbler (*Dendroica coronata*)
MacGillivray's Warbler (*Oporornis tolmiei*)
Wilson's Warbler (*Wilsonia pusilla*)
Blue Grosbeak (*Passerina caerulea*)
Brewer's Blackbird (*Euphagus cyanocephalus*)
Lesser Goldfinch (*Carduelis psaltria*)
Cooper's hawk (*Accipiter cooperii*)

Ash Flat
Great Blue Heron (*Ardea herodias*)
Turkey vulture (*Cathartes aura*)
Red-tailed Hawk (*Buteo jamaicensis*)
Gambel's Quail (*Callipepla gambelii*)
Mourning Dove (*Zenaida macroura*)
Greater Roadrunner (*Geococcyx californianus*)
Ash-throated Flycatcher (*Myiarchus cinerascens*)
Western Kingbird (*Tyrannus verticalis*)
Violet-green Swallow (*Tachycineta thalassina*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
Barn Swallow (*Hirundo rustica*)
Common Raven (*Corvus corax*)
Verdin (*Auriparus flaviceps*)
Bewick's Wren (*Thryomanes bewickii*)
Blue-gray Gnatcatcher (*Polioptila caerulea*)
Yellow Warbler (*Dendroica petechia*)
Common Yellowthroat (*Geothlypis trichas*)
Yellow-breasted Chat (*Icteria virens*)
Western Tanager (*Piranga ludoviciana*)
Lazuli Bunting (*Passerina amoena*)
Abert's Towhee (*Pipilo aberti*)
Brewer's Sparrow (*Spizella breweri*)
Black-throated Sparrow (*Amphispiza bilineata*)
Song Sparrow (*Melospiza melodia*)
White-crowned Sparrow (*Zonotrichia leucophrys*)
Brown-headed Cowbird (*Molothrus ater*)
Bullock's Oriole (*Icterus bullockii*)

House Finch (*Carpodacus mexicanus*)
House Sparrow (*Passer domesticus*)
Great Horned Owl (*Bubo virginianus*)
Ladder-backed Woodpecker (*Picoides scalaris*)
Black Phoebe (*Sayornis nigricans*)
Say's Phoebe (*Sayornis saya*)
Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)
Canyon Wren (*Catherpes mexicanus*)
Loggerhead Shrike (*Lanius ludovicianus*)
Bell's Vireo (*Vireo bellii*)
Warbling Vireo (*Vireo gilvus*)
Lucy's Warbler (*Vermivora luciae*)
Yellow-rumped Warbler (*Dendroica coronata*)
MacGillivray's Warbler (*Oporornis tolmiei*)
Wilson's Warbler (*Wilsonia pusilla*)
Blue Grosbeak (*Passerina caerulea*)
Brewer's Blackbird (*Euphagus cyanocephalus*)
Lesser Goldfinch (*Carduelis psaltria*)
Yellow-billed cuckoo (*Coccyzus americanus occidentalis*) Candidate species (USFWS)

Pennsylvania
Great Blue Heron (*Ardea herodias*)
Turkey vulture (*Cathartes aura*)
Red-tailed Hawk (*Buteo jamaicensis*)
Gambel's Quail (*Callipepla gambelii*)
Mourning Dove (*Zenaida macroura*)
Greater Roadrunner (*Geococcyx californianus*)
Ash-throated Flycatcher (*Myiarchus cinerascens*)
Western Kingbird (*Tyrannus verticalis*)
Violet-green Swallow (*Tachycineta thalassina*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
Barn Swallow (*Hirundo rustica*)
Common Raven (*Corvus corax*)
Verdin (*Auriparus flaviceps*)
Bewick's Wren (*Thryomanes bewickii*)
Blue-gray Gnatcatcher (*Polioptila caerulea*)
Yellow Warbler (*Dendroica petechia*)
Common Yellowthroat (*Geothlypis trichas*)
Yellow-breasted Chat (*Icteria virens*)
Western Tanager (*Piranga ludoviciana*)
Lazuli Bunting (*Passerina amoena*)
Abert's Towhee (*Pipilo aberti*)
Brewer's Sparrow (*Spizella breweri*)
Black-throated Sparrow (*Amphispiza bilineata*)
Song Sparrow (*Melospiza melodia*)
White-crowned Sparrow (*Zonotrichia leucophrys*)

Brown-headed Cowbird (*Molothrus ater*)
Bullock's Oriole (*Icterus bullockii*)
House Finch (*Carpodacus mexicanus*)
House Sparrow (*Passer domesticus*)
Great Horned Owl (*Bubo virginianus*)
Ladder-backed Woodpecker (*Picoides scalaris*)
Black Phoebe (*Sayornis nigricans*)
Say's Phoebe (*Sayornis saya*)
Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)
Canyon Wren (*Catherpes mexicanus*)
Loggerhead Shrike (*Lanius ludovicianus*)
Bell's Vireo (*Vireo bellii*)
Warbling Vireo (*Vireo gilvus*)
Lucy's Warbler (*Vermivora luciae*)
Yellow-rumped Warbler (*Dendroica coronata*)
MacGillivray's Warbler (*Oporornis tolmiei*)
Wilson's Warbler (*Wilsonia pusilla*)
Blue Grosbeak (*Passerina caerulea*)
Brewer's Blackbird (*Euphagus cyanocephalus*)
Lesser Goldfinch (*Carduelis psaltria*)
Steller's Jay (*Cyanocitta stelleri*)
White-breasted nuthatch (*Sitta carolinensis*)
Spotted towhee (*Pipilo maculates*)
Cassin's kingbird (*Tyrannus vociferans*)
Black-chinned sparrow (*Spizella atrogularis*)
Brown-crested flycatcher (*Myiarchus tyrannulus*)

Rainbow
Great Blue Heron (*Ardea herodias*)
Turkey vulture (*Cathartes aura*)
Red-tailed Hawk (*Buteo jamaicensis*)
Gambel's Quail (*Callipepla gambelii*)
Mourning Dove (*Zenaida macroura*)
Greater Roadrunner (*Geococcyx californianus*)
Ash-throated Flycatcher (*Myiarchus cinerascens*)
Western Kingbird (*Tyrannus verticalis*)
Violet-green Swallow (*Tachycineta thalassina*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
Barn Swallow (*Hirundo rustica*)
Common Raven (*Corvus corax*)
Verdin (*Auriparus flaviceps*)
Bewick's Wren (*Thryomanes bewickii*)
Blue-gray Gnatcatcher (*Polioptila caerulea*)
Yellow Warbler (*Dendroica petechia*)
Common Yellowthroat (*Geothlypis trichas*)
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Western Tanager (*Piranga ludoviciana*)
Lazuli Bunting (*Passerina amoena*)
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Brown-headed Cowbird (*Molothrus ater*)
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Wilson's Warbler (*Wilsonia pusilla*)
Blue Grosbeak (*Passerina caerulea*)
Brewer's Blackbird (*Euphagus cyanocephalus*)
Lesser Goldfinch (*Carduelis psaltria*)
White-crowned sparrow (*Zonotrichia leucophrys*)
Verdin (*Auriparus flaviceps*)
Cactus wren (*Campylorhynchus brunneicapillus*)

APPENDIX VI

(EA)

SPECIAL STATUS ANIMAL SPECIES

Other Than Those Listed or Proposed by the USFWS
as Threatened or Endangered

The following Special Status Species or habitat has been noted within the respective allotments as listed.

Also see **Bolded** species names in Appendix V of this EA for additional Special Status animal species listings.

Meadow Valley, Ash Flat, Pennsylvania and Rainbow Allotments

BLM sensitive species:

Meadow Valley Wash desert sucker (*Catostomus clarki* ssp.)
Meadow Valley Wash speckled dace (*Rhinichthys osculus* ssp.)
Arizona toad (*Bufo microscaphus*)]
Desert Bighorn sheep unoccupied habitat (*Ovis canadensis nelsoni*)

Rainbow Allotment

Desert Bighorn sheep occupied habitat (*Ovis canadensis nelsoni*)

Ash Flat Allotment

BLM sensitive species:

Red-naped sapsucker (*Sphyrapicus nuchalis*)
Prairie falcon (*Falco mexicanus*)

Candidate species (USFWS):

Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)