

RECEIVED

MAY 19 2008



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 - Fax: 775-635-4034
<http://www.nv.blm.gov/battlemountain>
or bmfoweb@nv.blm.gov

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND FINANCING DIVISION



In Reply Refer To:
4130 (NV062)

MAY 08 2008

Dear Permittees and Interested Public:

The purpose of this letter is to inform you that between now and September 30, 2008, the Mount Lewis Field Office (MLFO) will be working with you to take the appropriate actions required to fully process grazing permit(s) and subsequently renew the term grazing permits associated with the South Smith Creek Allotment. To date, the term permits associated with this allotment have either been issued or renewed under the various Congressional Omnibus Appropriations bills from 1999 to present, or are due to expire before September 30th, 2009.

The term "fully processed" has been defined through Bureau of Land Management (BLM) policy as completing adequate environmental impact analysis and appropriate consultation in accordance with the Endangered Species Act. As a result of several decisions issued by the Office of Hearings and Appeals, the BLM issued considerable guidance in 1999 and 2000, which established policy and processes for renewing grazing permits and leases. At the same time, a spike in permit/lease expirations in 1999 and 2000 occurred, which resulted in a backlog of expired permits that needed to have these processes completed. The guidance for renewing permits has been strongly linked to completing evaluations of land health standards. Since 1999, in order to avoid disruption to livestock grazing operations dependent on public land permits, Congress legislated means to continue authorizing livestock grazing while BLM was processing permit renewals.

The Washington Office of the BLM issued policy in 2003 that requires states to fully process all permits previously renewed under the congressional appropriation authority as well as those due to expire between now and the end of fiscal year (September) 2009. This policy further states that by the end of fiscal year 2009, all permits should be fully processed in the year they expire.

As indicated in a letter we issued to you on June 16, 2006, the MLFO, with concurrence from the BLM Nevada State Office, developed a primary strategy for achieving the goal of fully processing grazing permits by the end of fiscal year 2009. Although there are a number of approaches that can be used to fully process and renew grazing permits, we believe the most practical approach for the MLFO is to pursue the concept of developing and implementing grazing management systems along with terms and conditions that address the current resource concerns and/or issues that are present for allotment. The MLFO will be working closely with

the permittee and the interested public to develop grazing management with permit terms and conditions that will make progress towards or will be consistent with allotment-specific allotment management objectives along with the Standards and Guidelines for Rangeland Health. Other approaches such as completing formal rangeland health evaluations and issuing multiple use decisions may be a selected course of action in certain situations.

The process that will be used to develop grazing management systems that address resource concerns brought forward through analysis of monitoring data, comply with the National Environmental Policy Act (NEPA), complete Section 7 consultation as needed and ultimately issue decisions both implementing the grazing management system and issuing a new 10 year permit would be as follows. To initiate the permit renewal process, the MLFO will be supplementing existing data with new data to be collected this year. During the 2008 field season, the MLFO Renewable Resources staff will begin vegetation monitoring work throughout the South Smith Creek Allotment. Vegetation monitoring will focus on upland and riparian areas. The purpose for monitoring is to assess rangeland health conditions for the purpose of renewing ten-year grazing permits.

Beginning in mid-April, existing Key Management Areas (KMAs) will be evaluated, and new KMAs will be established, if needed. Cover, frequency/trend, and utilization will then be collected on these sites through the summer and into fall. Starting July 1st, riparian areas will be monitored for Properly Functioning Condition (PFC) and utilization. A monitoring schedule has not been compiled at this time but will be developed as the season progresses.

The second step in the process will be to compile the monitoring data collected, assess the existing status of the allotment, and determine any issues that need to be addressed in order to show progress towards attaining allotment specific objectives and the Standards for Rangeland Health. An interdisciplinary team will compile the data acquired through monitoring efforts and utilize the information to aid in determining if changes in grazing management are necessary prior to the renewal of the ten-year permit. If monitoring information indicates that changes are necessary to meet resource management plan objectives, allotment specific objectives or in order to be consistent with Resource Advisory Council (RAC) standards for rangeland health and conform to the guidelines, we will explore management alternatives in collaboration with permittees and the interested public that will ensure progress is made towards the standards and conform with the guidelines. In some cases, monitoring information may indicate that no change in existing management in all or part of an allotment will be necessary.

The next step of the process is to schedule preliminary meetings with the permittee to discuss the issues and concerns brought forward through the assessment of the monitoring data. At this time, the MLFO, in conjunction with the permittee, will discuss alternatives for grazing management systems that would address these issues and concerns. The MLFO will then issue an Environmental Assessment (EA) with the supporting monitoring report which will bring forward any resource issues that need to be addressed with changes in livestock management. These documents will be sent out to the permittees and interested public for review and comment. During this time, it is anticipated that additional alternatives to the Proposed Action of the EA will be brought forward. This step complies with the consultation, cooperation, and coordination requirements in the grazing regulations (43 CFR 4130.2(b)) and is part of the

scoping step in NEPA. Following the comment period, comments will be considered and incorporated as appropriate into the NEPA analysis. Any reasonable alternatives that are brought forward to the MLFO during the given timeframe will be incorporated into a final EA.

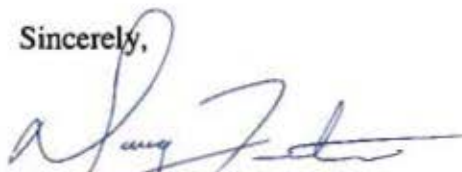
The final steps of the permit renewal process are the decision processes. First, the Proposed Grazing Decision, which will implement the desired alternative analyzed through the EA and renew a fully processed grazing permit for the permittee will be issued. If listed species and/or designated critical habitat under the Endangered Species Act are present within your allotment, completing the required Section 7 consultation with the U.S. Fish and Wildlife Service will be an added step in this process. The proposed decision will be issued for a 15-day protest period upon receipt of the document. If protests are received as a result of the Proposed Grazing Decision, the MLFO will carefully review and address such protests and issue a Final Grazing Decision. The final decision will be issued for a 30-day appeal period upon receipt. Pending any appeals and petitions for a stay, a term grazing permit would be issued to the permittee following the appeal period.

As I previously mentioned, there are a number of processes that BLM can employ to fully process and renew grazing permits. I am confident that the most efficient and effective way to proceed is to work cooperatively with the permittee and interested public to identify problems where they exist, develop management alternatives and develop management programs that will not only result in fully processing the term grazing permits, but facilitate the implementation of sound management practices on the public lands.

If you are interested in participating in the monitoring efforts for the South Smith Creek Allotment, please contact Jason Spence at (775) 635-4194. It is anticipated that most work days will be at least 10 hours; therefore, you will need to provide your own lunches and plenty of drinking water. It is also recommended to have a 4-wheel drive vehicle to gain access to some of the monitoring areas.

If you have any questions regarding the permit renewal process that the MLFO will be utilizing in order to fully process the term grazing permits associated with the South Smith Creek Allotment, please contact either myself at (775) 635-4056 or Michele McDaniel, Supervisory Rangeland Management Specialist at (775) 635-4083.

Sincerely,



Douglas W. Furtado
Field Manager
Mount Lewis Field Office

cc: Permittees and Interested Public for the South Smith Creek Allotment

American Horse Protection Assoc.
Animal Welfare Institute - D.J. Schubert
Center for Biological Diversity - Paul J. Spitler
Vicki J. Cohen
Harry Brown Family Trust - Harry Brown
Lander County Commissioners
Lander County PLUAC - Ray Williams Jr.
Cindy MacDonald
Mandy McNitt
National Mustang Association
Nevada Cattlemens Association - Meghan Wereley
Nevada Commission for Preservation of Wild Horses - Cathy Barcomb
Nevada Department of Wildlife - Mike Podborny
Nevada Department of Wildlife - Dave Pulliam, Habitat Chief
Nevada Department of Wildlife Eastern Region - Steve Foree, Supervisory Habitat Biologist
Nevada Department of Wildlife Southern Region - D. Bradford Hardenbrook, Supervisory Habitat Biologist
Nevada Dept of Agriculture - Jim Connelley, State Brand Inspector
Nevada State Clearing House - Krista Coulter
Nye County Commissioners
Silver Creek Ranch Inc. - Paul Inchauspe
U.S. Fish and Wildlife Service
Western Watersheds Project - Katie Fite, Biodiversity Director
White Sage Grazing Assoc. - Jerry Masterpool
Wild Horse Spirit, Ltd - Bobbi Royale
Wild Horses Organized Assistance - Dawn Lappin
Yomba Shoshone Tribe Environmental Department - Teresa M. Beck



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 - Fax: 775-635-4034
<http://www.nv.blm.gov/battlemountain>
or bmfoweb@nv.blm.gov



In Reply Refer To:
4130 (NV062)

MAY 09 2008

RECEIVED

MAY 19 2008

Dear Permittees and Interested Public:

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

The purpose of this letter is to inform you that between now and September 30, 2008, the Mount Lewis Field Office (MLFO) will be working with you to take the appropriate actions required to fully process grazing permit(s) and subsequently renew the term grazing permits associated with the Tierney Creek, O'Toole Ranches and Home Allotments. To date, the term permits associated with this allotment have either been issued or renewed under the various Congressional Omnibus Appropriations bills from 1999 to present, or are due to expire before September 30th, 2009.

The term "fully processed" has been defined through Bureau of Land Management (BLM) policy as completing adequate environmental impact analysis and appropriate consultation in accordance with the Endangered Species Act. As a result of several decisions issued by the Office of Hearings and Appeals, the BLM issued considerable guidance in 1999 and 2000, which established policy and processes for renewing grazing permits and leases. At the same time, a spike in permit/lease expirations in 1999 and 2000 occurred, which resulted in a backlog of expired permits that needed to have these processes completed. The guidance for renewing permits has been strongly linked to completing evaluations of land health standards. Since 1999, in order to avoid disruption to livestock grazing operations dependent on public land permits, Congress legislated means to continue authorizing livestock grazing while BLM was processing permit renewals.

The Washington Office of the BLM issued policy in 2003 that requires states to fully process all permits previously renewed under the congressional appropriation authority as well as those due to expire between now and the end of fiscal year (September) 2009. This policy further states that by the end of fiscal year 2009, all permits should be fully processed in the year they expire.

As indicated in a letter we issued to you on June 16, 2006, the MLFO, with concurrence from the BLM Nevada State Office, developed a primary strategy for achieving the goal of fully processing grazing permits by the end of fiscal year 2009. Although there are a number of approaches that can be used to fully process and renew grazing permits, we believe the most practical approach for the MLFO is to pursue the concept of developing and implementing grazing management systems along with terms and conditions that address the current resource

concerns and/or issues that are present for allotment. The MLFO will be working closely with the permittee and the interested public to develop grazing management with permit terms and conditions that will make progress towards or will be consistent with allotment-specific allotment management objectives along with the Standards and Guidelines for Rangeland Health. Other approaches such as completing formal rangeland health evaluations and issuing multiple use decisions may be a selected course of action in certain situations.

The process that will be used to develop grazing management systems that address resource concerns brought forward through analysis of monitoring data, comply with the National Environmental Policy Act (NEPA), complete Section 7 consultation as needed and ultimately issue decisions both implementing the grazing management system and issuing a new 10 year permit would be as follows. To initiate the permit renewal process, the MLFO will be supplementing existing data with new data to be collected this year. During the 2008 field season, the MLFO Renewable Resources staff will begin vegetation monitoring work throughout the Tierney Creek, O'Toole Ranches and Home Allotments. Vegetation monitoring will focus on upland and riparian areas. The purpose for monitoring is to assess rangeland health conditions for the purpose of renewing ten-year grazing permits.

Beginning in mid-April, existing Key Management Areas (KMAs) will be evaluated, and new KMAs will be established, if needed. Cover, frequency/trend, and utilization will then be collected on these sites through the summer and into fall. Starting July 1st, riparian areas will be monitored for Properly Functioning Condition (PFC) and utilization. A monitoring schedule has not been compiled at this time but will be developed as the season progresses.

The second step in the process will be to compile the monitoring data collected, assess the existing status of the allotment, and determine any issues that need to be addressed in order to show progress towards attaining allotment specific objectives and the Standards for Rangeland Health. An interdisciplinary team will compile the data acquired through monitoring efforts and utilize the information to aid in determining if changes in grazing management are necessary prior to the renewal of the ten-year permit. If monitoring information indicates that changes are necessary to meet resource management plan objectives, allotment specific objectives or in order to be consistent with Resource Advisory Council (RAC) standards for rangeland health and conform to the guidelines, we will explore management alternatives in collaboration with permittees and the interested public that will ensure progress is made towards the standards and conform with the guidelines. In some cases, monitoring information may indicate that no change in existing management in all or part of an allotment will be necessary.

The next step of the process is to schedule preliminary meetings with the permittee to discuss the issues and concerns brought forward through the assessment of the monitoring data. At this time, the MLFO, in conjunction with the permittee, will discuss alternatives for grazing management systems that would address these issues and concerns. The MLFO will then issue an Environmental Assessment (EA) with the supporting monitoring report which will bring forward any resource issues that need to be addressed with changes in livestock management. These documents will be sent out to the permittees and interested public for review and comment. During this time, it is anticipated that additional alternatives to the Proposed Action of the EA will be brought forward. This step complies with the consultation, cooperation, and

coordination requirements in the grazing regulations (43 CFR 4130.2(b)) and is part of the scoping step in NEPA. Following the comment period, comments will be considered and incorporated as appropriate into the NEPA analysis. Any reasonable alternatives that are brought forward to the MLFO during the given timeframe will be incorporated into a final EA.

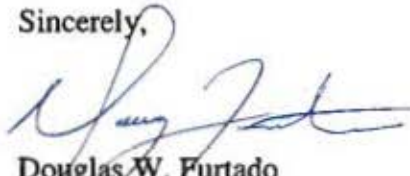
The final steps of the permit renewal process are the decision processes. First, the Proposed Grazing Decision, which will implement the desired alternative analyzed through the EA and renew a fully processed grazing permit for the permittee will be issued. If listed species and/or designated critical habitat under the Endangered Species Act are present within your allotment, completing the required Section 7 consultation with the U.S. Fish and Wildlife Service will be an added step in this process. The proposed decision will be issued for a 15-day protest period upon receipt of the document. If protests are received as a result of the Proposed Grazing Decision, the MLFO will carefully review and address such protests and issue a Final Grazing Decision. The final decision will be issued for a 30-day appeal period upon receipt. Pending any appeals and petitions for a stay, a term grazing permit would be issued to the permittee following the appeal period.

As I previously mentioned, there are a number of processes that BLM can employ to fully process and renew grazing permits. I am confident that the most efficient and effective way to proceed is to work cooperatively with the permittee and interested public to identify problems where they exist, develop management alternatives and develop management programs that will not only result in fully processing the term grazing permits, but facilitate the implementation of sound management practices on the public lands.

If you are interested in participating in the monitoring efforts for the Tierney Creek, O'Toole Ranches and Home Allotments, please contact Jason Spence at (775) 635-4194. It is anticipated that most work days will be at least 10 hours; therefore, you will need to provide your own lunches and plenty of drinking water. It is also recommended to have a 4-wheel drive vehicle to gain access to some of the monitoring areas.

If you have any questions regarding the permit renewal process that the MLFO will be utilizing in order to fully process the term grazing permits associated with the Tierney Creek, O'Toole Ranches and Home Allotments, please contact either myself at (775) 635-4056 or Michele McDaniel, Supervisory Rangeland Management Specialist at (775) 635-4083.

Sincerely,



Douglas W. Furtado
Field Manager
Mount Lewis Field Office

cc: Permittees and Interested Public for the Tierney Creek, O'Toole Ranches and Home Allotments

Center for Biological Diversity - Paul J. Spitler
Todd Chambers
Vicki J. Cohen
Lander County Commissioners
Lander County PLUAC - Ray Williams Jr.
Mandy McNitt
Nevada Cattlemens Association - Meghan Wereley
Nevada Department of Wildlife - Mike Podborny
Nevada Department of Wildlife - Dave Pulliam, Habitat Chief
Nevada Department of Wildlife Eastern Region - Steve Foree, Supervisory Habitat Biologist
Nevada Department of Wildlife Southern Region - D. Bradford Hardenbrook, Supervisory Habitat Biologist
Nevada Dept of Agriculture Jim Connelley - State Brand Inspector
Nevada State Clearing House - Krista Coulter
Nye County Commissioners - Gary Hollis
Nye County Commissioners
O'Toole Ranches - Lilly J. O'Toole
Waymen & Judy Rosenlund
Stage Stop Ranch - Doris House
U.S. Fish and Wildlife Service
Western Watersheds Project - Katie Fite, WWP Biodiversity Director
Wild Horse Spirit, Ltd - Bobbi Royale
Yomba Shoshone Tribe - Teresa M. Beck