

EL DORADO MTH
Hms

Las Vegas Dist

1-31-92

DRAFT

Fireteba Peaks Allotment
Evaluation Documentation
Narrative

Bureau of Land Management
Las Vegas District
Stateline Resource Area
Las Vegas, Nevada

Ireteba Peaks Allotment
Evaluation Documentation
Table of Contents

Evaluation Documentation Summary.....i-v

I. Introduction..... 1

 A. Allotment name and number..... 1

 B. Permittees..... 1

 C. Selective Management Category and Priority..... 1

II. Initial Stocking Rate..... 1

 A. Livestock Use..... 1

 1. Classification and Preference..... 1

 2. Season of Use..... 1

 3. Kind and Class of Livestock..... 1

 4. Percent of Federal Lands..... 1

 B. Wild Burro Use..... 1

 C. Wildlife Use..... 2

 1. Big Game..... 2

 2. Desert Tortoise..... 2

III. Allotment Profile..... 2

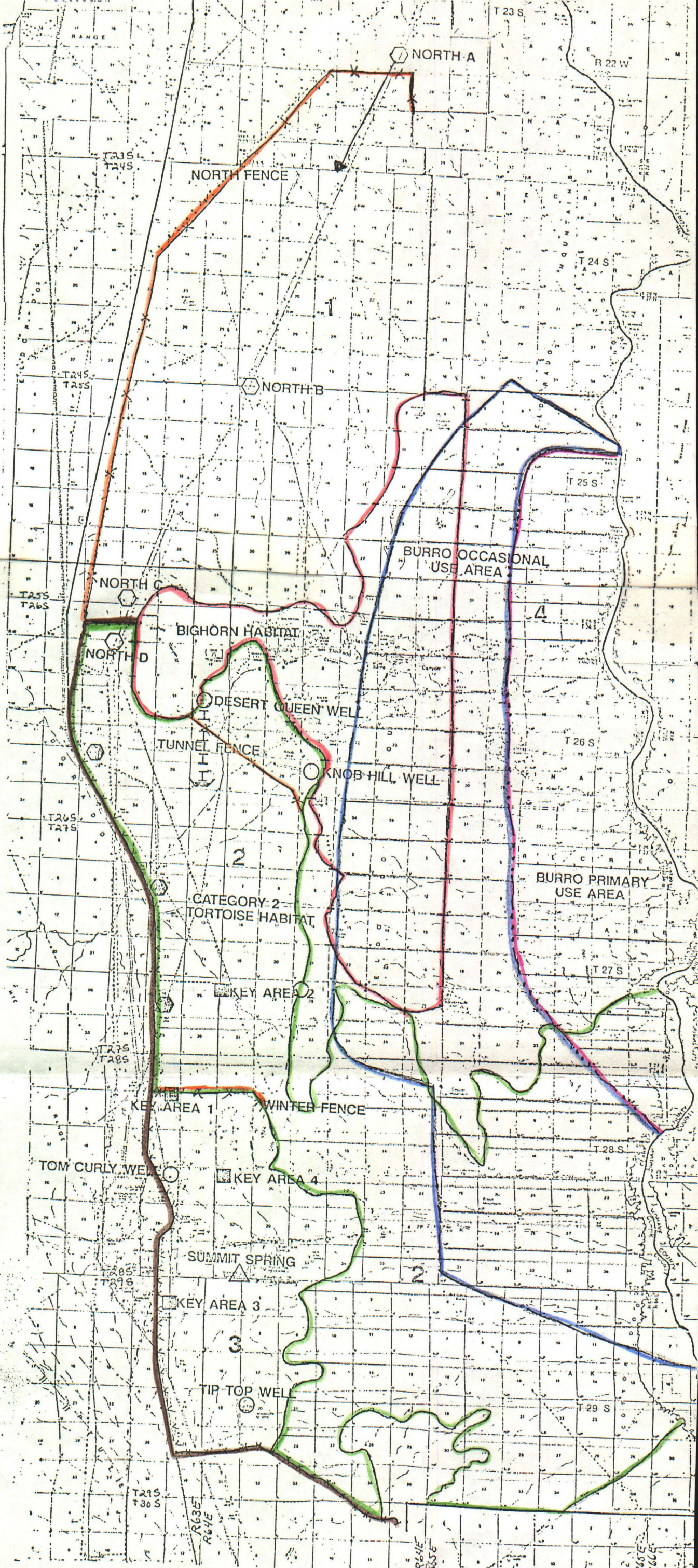
 A. Description..... 2

 B. Acreage..... 3

 C. Management Objectives..... 3

 D. Threatened and Endangered Species..... 7

 E. Key Species..... 8



- BIG HORN HABITAT
- KEY AREAS
- EXISTING WATER HAUL
- PROPOSED WATER HAUL
- BURRO PRIMARY
- BURRO OCCASIONAL

- CATEGORY II TORTOISE HABITAT
- PROPOSED FENCE
- EXISTING FENCE
- WELLS
- SPRINGS
- PIPELINE & TROUGH

| | |
|---|----|
| IV. Management Evaluation..... | 8 |
| A. Purpose..... | 8 |
| B. Summary of Studies Data..... | 8 |
| 1. Actual Use..... | 8 |
| 2. Weather Data..... | 9 |
| 3. Utilization..... | 9 |
| 4. Trend and Cover..... | 10 |
| V. Conclusions..... | 11 |
| VI. Summary of Recommendations..... | 18 |
| VII. Consultation..... | 21 |
| Appendixes | |
| Appendix A - Weather Data Graphs 1-3..... | 22 |
| Appendix B - Licensed Use Graph 4..... | 25 |
| Appendix C - Utilization K.A. 1-4 Graphs 5-8..... | 27 |

DRAFT

Evaluation Summary
for the
Ireteba Peaks Allotment
Documentation

Allotment Name and Number: Ireteba Peaks, 15411

District/Resource Area: Las Vegas/Stateline

Total Acreage: 344,607 (100% Public Lands administered by the BLM and the National Park Service)

I. Description of Grazing Practices

In 1969, the Ireteba Peaks Allotment was declared ephemeral range by authority of the Special Rule for Southwest Desert Ranges (Federal Register, Vol. 33, No. 238, December 7, 1968, and 43 CFR 4120.4a).

Past grazing practices centered around water hauls located along Highway 95, with only slight use in the Ireteba Peaks. Two hundred cattle were divided into smaller units of between 25 to 75 head and located near the existing water sources. Livestock generally graze the lower elevation during the fall, spring and winter, with the high elevation range grazed during the summer hot months. Currently, the 1985 CRMP recommendation is being implemented through a verbal agreement with the permittee. Seventy-five cattle are allowed to graze crucial tortoise habitat, between March 1 and May 31, even if 300 lbs/acre of air-dry spring annuals is not produced. Additional cattle could graze crucial tortoise habitat when production exceeded 300 lbs/acre of air-dry spring annuals. The number of additional cattle would be determined by production clippings.

The grazing preference for ephemeral forage is expressed in terms of the allotment or area used and not in terms of animal unit months (AUMs). The season of use is yearlong as forage is available. The kind and class of livestock using the allotment are cattle and cow-calf, respectively.

II. Evaluation Summary in relation to Management Objectives

The allotment objectives have been tiered from the Land Use Plan(LUP)/Management Framework Plan(MFP) III objectives or decisions. If the respective allotment objective(s) are met, the LUP/MFP III objective(s)/ decision(s) have been met. The key/crucial management area objectives are tiered from the allotment objectives. Whether or not an allotment objective is met is determined by the results of the respective key, riparian, or wildlife area evaluation conclusions.

The key/crucial management area objectives buttress the allotment level objectives, which in turn stay the LUP/MFP III objectives and decisions.

III. Summary of Recommendations

| Allotment Objectives | <u>Met</u> | <u>Not Met</u> |
|--|------------|----------------|
| AO-1 | X | |
| AO-2 | | X |
| AO-3 | X | |
| AO-4 | | X |
| AO-5 | | X |
| AO-6 | | X |
| AO-7 | | X |
| AO-8 | | X |
| AO-9 | X | |
| AO-10 | X | |
| AO-11 | X | |
| Key/Crucial Management Area Objectives | | |
| Specific Key Area Objectives | | |
| KA-1L | X | |
| KA-1S | | X |
| Watershed | | |
| W-1 | X | |
| Riparian | | |
| RA-1 | | X |
| Wildlife | | |
| WL-1L | X | |
| WL-2L | | X |
| WL-3L | | X |
| WL-4L | X | |
| WL-1S | | X |
| Use Pattern Mapping | | |
| UP-1 | | X |
| Wild Burros | | |
| WB-1L | | X |
| WB-1S | | X |

- A. Provide two years rest at the old water hauls along Highway 95 allowing only occasional strays in the area. After two years assess the response of the range and determine if another two years rest is required. (AO 2-4, UP-1)
- B. Continue to conduct field inspections prior to the issuance of an ephemeral grazing permit, on a quarterly basis approximately 3-4 weeks prior to licensing. (AO-11)
- C. In coordination with the Park Service and the BLM's wild horse specialist, locate 2-3 wild burro study sites by 1990. (AO-8, WB-1L, WB-1S)
- D. Implement the following grazing system by 1994.

The allotment will be divided into 4 pastures or units with various restrictions on each pasture.

Pasture 1 will be used mainly during the spring/summer months with occasional use in the fall depending on presence of annual forage during the spring and later in the fall.

Pasture 2 contains a large area of Category II desert tortoise habitat, therefore it will be a winter use pasture. Grazing can begin on October 15 and end March 15 each year. The livestock would be removed early if 55 % of the perennial forage has been utilized, before March 15th.

Pasture 3 is another spring/summer use area. It will be used in conjunction with or separate from pasture 1 depending on precipitation fluctuations and forage production.

The two spring/summer pastures will be utilized on a deferred rotation which will incorporate spring rest one out of every two years.

Pasture 4 will be used mainly in the fall before the livestock go to winter pasture. However, use will be allowed during other times of the year if the need is determined.

This grazing system requires a great deal of flexibility and close supervision. It provides for the habitat needs of the tortoise and does not put the livestock operator out of business. It also provides for spring rest of key perennial species, once every other year. (ALL objectives)

E. Adjust wild burro populations to achieve a thriving natural ecological balance by removing excess animals and leaving a thriving population of 50 animals. Monitoring data evaluated supports this recommendation. Remove approximately 100 burros from the Eldorado herd use area in coordination with the National Park Service from the southern portion of the Herd Management Area just north of Cottonwood Cove by 1991.
(AO-4, AO-8, WB-1L, WB-1S)

F. The following range improvements are recommended to facilitate the implementation of the proposed grazing system. (AO-2+4-7, KA-1S, RA-1 WL-1L, WL-2L)

1. Construct Winter fence by 1993.

This fence will divide Category II & III desert tortoise habitat, which will help control livestock distribution in central portion of the allotment.

2. Reconstruct Tip Top Well and Pipeline by 12/31/89.

Reconstruction will eliminate the need to haul water to the existing trough.

3. Remove all water hauls located along HI 95 by 12/31/89.

These water hauls must be removed to control the heavy utilization and distribute the cattle to other parts of the allotment.

4. Construct two corrals to facilitate livestock handling by 1992.

The corrals are required to brand calves and separate animals for shipment and movement within allotment.

5. Fence an additional 18 miles along HI 95 and tie off into or near the recreation area boundary by 1994.

This fence is necessary to open the northern part of the allotment. Current use is limited because cattle wander onto the highway and may be a safety hazard.

6. Place a water haul along the powerline road as shown on the allotment map by 1994.

These water hauls are required in pasture 1 to facilitate the proper use of the pasture.

7. Develop a 3 mile pipeline from Desert Queen Well south by 1995.

This pipeline is required to provide a properly located water source in the category II desert tortoise habitat winter pasture.

8. Construct Tunnel Protection fence by 1993.

This fence is required to keep livestock off category II desert tortoise habitat during the critical spring period.

9. Develop water in the Copper Canyon by 1991.

Many mines have water available for livestock use. Since proper livestock distribution is preferred, development of these waters will be encouraged.

I. Introduction

A. Allotment name and number: Ireteba Peaks, 15411.

B. Permittees:

Ebbie Davis Jr.
Nola Whipple

C. Selective Management Category and Priority: The Ireteba Peaks Allotment is an "I" category allotment and thus is of first priority for the development of intensive grazing management.

II. Initial Stocking Rate

A. Livestock Use

1. Classification and Preference: In November 1969, Ireteba Peaks Allotment was classified as ephemeral range. "Preference for ephemeral forage is expressed in terms of the allotment or area used and not in terms of AUM's (BLM Manual 4110-1.22). Under the ephemeral range rule, livestock use is "adjusted to the annual capacity available from year to year.

Because the Ireteba Peaks Allotment is designated as ephemeral rangeland, the 10-year permit specifies only the area of use "since grazing use is authorized only upon the periodic availability of forage" (BLM Manual 4110-1). Preference is expressed in terms of the allotment or area used rather than in Animal Unit Months (AUM's) as there are no set numbers of livestock.

2. Season of use: Yearlong if forage is available.
3. Kind and class of livestock: Cattle (cow-calf).
4. Percent of Federal range: 100% Public Lands, administered by the BLM and the National Park Service.

B. Wild Horse and Burro Use

The Eldorado Mountains Herd Management Area (HMA) is totally contained within the Ireteba Peaks Allotment. The Management Level for this HMA is 139 burros (834 AUMs), which is the mandated population numbers according to P.L. 92-195 and the Land Use Plan (LUP). The majority of the use occurs on the bajadas and washes from Nelson's Landing to two miles north of Cottonwood Cove, with some animals being spotted south of the Cove.

DRAFT

C. Wildlife Use

1. Bighorn Sheep

In the "Clark County Range Program Summary - 1985" the population estimate for big game on the Ireteba Peaks Allotment was 131 bighorn sheep (317 AUMs). Nevada Department of Wildlife (NDOW) and the BLM established the following "reasonable numbers" of 512 bighorn sheep (1236 AUMs) for the allotment.

2. Desert Tortoise

Category II & III desert tortoise habitat is present on the Ireteba Peaks Allotment. Approximately 1/3 of the allotment is Category II habitat, with desert tortoise population densities in the high category (greater than 100 desert tortoises per square mile). Desert tortoise habitat is generally defined as land that is less than 4000 ft. in elevation.

III. Allotment Profile

A. Description:

The Ireteba Peaks Allotment is located in southern Clark County, between Boulder City, NV, and extending east from Highway 95 to the Colorado River. It is a large allotment, containing a wide variety of land forms, from valley bottoms to mountain peaks. Elevation ranges from 3550' in the Eldorado Mountains to 650' at the shore of upper Lake Mojave. Topography varies from nearly level in Eldorado Valley to mountain sides approaching 100 % slopes.

The following Ireteba Peaks Allotment vegetative information is from the Clark County Range Survey:

| <u>Vegetation Types and Sub-types</u> | <u>Acreage</u> | <u>%</u> |
|---------------------------------------|----------------|----------|
| creosotebush - creosotebush | 273,908 | 79.48 |
| desert shrub - other desert shrub | 37,165 | 10.78 |
| desert shrub - bursage | 20,046 | 5.82 |
| desert shrub - blackbrush | 10,128 | 2.94 |
| desert shrub - Joshua tree | 2,927 | 0.85 |
| saltbrush - desert saltbrush | 399 | 0.12 |

There are 39 acres (0.12%) of rock included in the total acreage of the allotment.

B. Acreage

1. The total acreage of the Ireteba Peaks Allotment is 344,607 acres.

C. Management Objectives

Allotment Objectives (AO) have been tiered from the Land Use Plan(LUP)/Management Framework Plan(MFP) III objectives or decisions. The Key/Crucial Management Area Objectives (KMAO, CMAO or K/CMAO) are tiered from the AOs. The K/CMAOs buttress the AOs, which in turn stay the LUP/MFP III objectives and decisions. In the parentheses following the AOs are the LUP/MFP III objectives/decisions which are appropriate for that AO. The AOs are in parentheses following their particular K/CMAOs.

Allotment Objectives:

1. (AO-1) Maintain existing ground cover, as defined by the revised Universal Soil Loss Equation (W 3.0 & W 4.0).
2. (AO-2) Maintain or improve the riparian vegetative community of Summit Spring (RM 1.2(4), WL 1.1, & WL 1.35).
3. (AO-3) Maintain static or upward trend on key perennial forage species on key areas (LG 1.0, RM 1.0, RM 1.1, RM 1.2(2), RM 1.2(3), RM 1.10, RM 2.0, & WL 2.0).
4. (AO-4) Maintain utilization levels at the allowable-use levels identified on key/crucial management areas and recorded through use pattern mapping (LG 1.0, RM 1.0, RM 1.1, RM 1.2(2), RM 1.2(3), RM 1.10, RM 2.0, & WL 2.0).
5. (AO-5) Maintain or improve habitat conditions for a reasonable number of 512 bighorn sheep (1236 AUMs) (RM 1.2(3), RM 1.10, WL 1.0 & WL 2.0).
6. (AO-6) Maintain or improve habitat conditions for Gambel's Quail (RM 1.2(7), WL 1.0 & WL 1.35).
7. (AO-7) Maintain or improve desert tortoise habitat. (RM 1.2(1), & WL 3.0).

8. (AO-8) Maintain or improve wild burro habitat by providing 834 AUMs of forage to initially manage for 139 wild burros year long in the Eldorado Mountains Herd Management Area (HMA). Use must be consistent with the attainment of the vegetative objectives and maintain the burros in a thriving ecological balance. (RM 1.1; WH&B 1.1) (HMAP-A).
9. (AO-9) Protect or improve wild burro free roaming behavior by preserving or enhancing home ranges. (RM 1.1, & RM 2.0; WH&B 1.0, WH&B 1.1, & WH&B 2.0) (HMAP-A).
10. (AO-10) Maintain or improve wild burro habitat by providing waters where possible. (WH&B 2.0).
11. (AO-11) Prior to issuing an ephemeral grazing permit, a field inspection will be made to determine if sufficient forage is available (LG 2.0, RM 1.0, RM 1.9, & RM 2.0).

Key/Crucial Management Area Objectives:

1. Specific Key Area

a. Long Term Objective (KA-1L)

Maintain or increase the frequency of occurrence of the key species of each of the key areas at the 10% level of significance (AO-1 & 3).

| | |
|------------|---|
| Key Area 1 | big galleta sand dropseed Nevada ephedra |
| Key Area 2 | big galleta sand dropseed bush muhly |
| Key Area 3 | big galleta desert globemallow |
| Key Area 4 | big galleta bush muhly desert needlegrass |

b. Short Term Objective (KA-1S)

Maintain the utilization levels below for the key species in each key area (AO-4).

| | |
|-------|--------------------|
| ≤ 55% | big galleta |
| ≤ 55% | bush muhly |
| ≤ 55% | desert needlegrass |
| ≤ 55% | sand dropseed |
| ≤ 55% | desert globemallow |
| ≤ 45% | Nevada ephedra |

2. Watershed (W-1)

Long and short term

Maintain or sustain any increase for the combined perennial vegetative canopy and litter components as measured at key areas 1, 2, 3 & 4. All live annual species, and persistent and non-persistent litter are considered as litter (AO-1).

3. Riparian (RA-1)

Long and short term

Utilization by foraging animals on Summit Spring riparian area's vegetation will not exceed the allowable use, which is as follows: 55% of the perennial grasses, grasslikes, forbs and biennial forbs; and 45% of the shrubs, half-shrubs and trees (AO-1, 2 & 4).

4. Wildlife

Long term

- a. (WL-1L) Maintain or improve the habitat condition for a reasonable number of 512 bighorn sheep (1236 AUMs) (AO-5).
- b. (WL-2L) Maintain or improve the habitat condition for Gambel's quail by keeping utilization at or below the allowable-use levels throughout the allotment, especially within a 1.5 mile radius of all waters used by the Gambel's quail (AO-2 & 6).

- c. (WL-3L) Maintain or improve the range condition of Category II desert tortoise habitat to a minimum of late seral stage (AO-7).
- d. (WL-4L) Maintain or improve the range condition of non-crucial desert tortoise habitat to a minimum of mid seral stage (AO-7).

Short Term

- e. (WL-1S) In crucial desert tortoise habitat areas allow grazing between October 15 and March 15th of each year and at use levels not to exceed 55% of the previous year's growth on key forage species. (AO-4, 7 and UP-1).

5. Use Pattern Mapping (UP-1)

Long and short term

Maintain utilization on key species by all ungulates at or below the following use-levels for the periods and locations identified (AO-1-5 & 7).

| <u>Maximum Utilization Level Allowed</u> | | |
|--|--|------------------------|
| | Category II Desert Tortoise Habitat | Remaining Allotment |
| <u>Key Species</u> | <u>10/15-3/15</u> | <u>YearLong</u> |
| Perennial | ≤ 55% | ≤ 55% |
| Herbaceous | | |
| Shrubs | ≤ 45% | ≤ 45% |

6. Wild Burros: (WB-1L)

a. Long term

Maintain or improve wild burro habitat by providing 834 AUMs of forage to initially manage for 139 wild burros year long in the Eldorado Mountains HMA, if such use is consistent with the attainment of the vegetative objectives (AO-3, 8, 9 & 10).

b. Short term (WB-1S)

Maintain the utilization at the following use-levels for these key species in the wild burro key areas (AO-3, 4 & 8).

| | |
|--------------------|-------|
| big galleta | ≤ 55% |
| bush muhly | ≤ 55% |
| desert needlegrass | ≤ 55% |
| sand dropseed | ≤ 55% |
| globemallow | ≤ 20% |
| catclaw | ≤ 5% |
| Nevada ephedra | ≤ 45% |
| range ratany | ≤ 5% |
| white bursage | ≤ 5% |

D. Threatened and Endangered Species

The following plants are listed by the state of Nevada as threatened with extinction and were placed on the list of fully protected species in November, 1979: They have also been identified as federal candidates species and may be added to the threatened list in the future.

Mojave crypantha
Cryptantha tumulosa

bicolor penstemon
Penstemon bicolor bicolor

bicolor penstemon
Penstemon bicolor roseus

Nelson phacelia
Phacelia anelsonii

These plants have been reported on the Iretaba Peaks Allotment. At this time, these three taxons are not listed by the U.S. Fish and Wildlife Service.

The populations of these four plant species should be monitored.

The desert tortoise was listed as endangered by emergency listing on August 4, 1989.

- E. Common and scientific name of the key species of key areas : See Key/Crucial Management Area Objective: KA-1L for species list.

IV. Management Evaluation

- A. The purpose of this evaluation is to determine if the current administration and management practices are meeting the Land Use Plan objectives and the Management Framework Plan III decisions for the Ireteba Peaks Allotment. The reader will be referred to tables or graphs in the appendixes for a detailed presentation of the data.

B. Summary of studies data:

1. Actual Use

a. Livestock

The licensed-use was employed as an estimate of the livestock actual-use due to incomplete records of the latter. Generally, authorized livestock grazing occurs from November to May. Over the 11 year period (1977 to 1987) of licensed-use data utilized, the Ireteba Peaks Allotment received the following average monthly, seasonal and annual cattle use:

| | <u>Mean</u> | <u>High</u> | <u>Low</u> | | | |
|-----------|-------------|-------------|-------------|-------------|---------------|--|
| March | 206 | 260 | 150 | | | |
| April | 206 | 260 | 150 | | | |
| May | 199 | 260 | 137 | | | |
| June | 160 | 260 | 85 | | | |
| July | 149 | 210 | 85 | | | |
| August | 149 | 210 | 85 | | | |
| September | 157 | 210 | 85 | | | |
| October | 159 | 210 | 85 | | | |
| November | 163 | 210 | 115 | | | |
| December | 176 | 245 | 100 | | | |
| January | 176 | 245 | 100 | | | |
| February | 174 | 245 | 85 | | | |
| | <u>Spr.</u> | <u>Sum.</u> | <u>Fall</u> | <u>Win.</u> | <u>Annual</u> | |
| Mean | 611 | 458 | 480 | 527 | 2081 | |
| High | 780 | 680 | 630 | 735 | 2825 | |
| Low | 450 | 255 | 320 | 285 | 1495 | |

The grazing year is from the first of March to the end of the following February. The highs and lows did not necessarily occur in the same grazing year.

For a graphic presentation of the last 14 grazing years of cattle licensed-use refer to figures 1 of Appendix A.

b. Wildlife

According to the Clark County Rangeland Program Summary (January, 1985), there were in "existing use", 131 bighorn sheep (317 AUMs) on the Ireteba Peaks Allotment.

2. Weather Data

The Searchlight, NV NOAA weather station's data was used because of its proximity and similar elevation to the Ireteba Peaks Allotment. The following information is based on nineteen years of data collection.

| | | <u>Means</u> | <u>Highs</u> | <u>Lows</u> |
|-------------------|-------|--------------|--------------|-------------|
| Annual ppt. | (in.) | 8.45 | 14.92 | 2.89 |
| Warm-season ppt. | (in.) | 3.72 | 8.78 | 0.09 |
| Cool-season ppt. | (in.) | 4.77 | 11.30 | 1.16 |
| Annual temp. | (F) | 63.28 | 66.43 | 61.38 |
| Warm-season temp. | (F°) | 72.53 | 78.80 | 73.48 |
| Cool-season temp. | (F°) | 50.50 | 56.94 | 50.19 |

The annual precipitation and annual temperature is based on the water year, that is from October to September. The warm-season is from July to October, while the cool-season is from November to May. For a detailed presentation of the weather data, refer to figure 1-3 in Appendix B.

3. Utilization

Utilization is the amount of the current year's production of selected key plant species removed by foraging animals during the season of use. The key species are big galleta, Indian ricegrass and sand dropseed. The type of utilization transects used on the Ireteba Peaks Allotment has been the ocular estimate method.

Allowable-use is the maximum amount of utilization which is desirable on a key species for a given key area. Allowable-use on perennial grasses and forbs is 55% and for shrubs is 45%.

Four utilization studies exist and are located near the frequency/trend plots. Use exceeded 55% on perennial grasses at the following key areas:

1. Key area #1 SPCR 59% in 1985
2. Key area #2 SPCR 80%, 75%, in 1986 and 1987 respectively.
MUPO2 74% in 1986
3. Key area #3 STSP 60% in 1987

Key 4 area recorded a high of 22% utilization on HIRI in 1982, with use not exceeding 9% since that time.

Use pattern mapping along Lake Mead indicates heavy to severe utilization predominately by burros. Cattle rarely use this part of the allotment because of the competition with the burros.

4. Trend and Cover

Vegetational and cover trends were measured by using the quadrat frequency method described in the BLM "Rangeland Monitoring - Trend Studies (TR 4400-4)" handbook. Frequency of occurrence and cover data was collected from each of the four key management areas, in 1982 and 1988. A statistical analysis was done on the data by the use of a two-way analysis of variance (ANOVA), followed by the Duncan's multiple range test. The treatments in the ANOVA were years and transects, but this evaluation is only concerned with any differences between years. Due to the nature of the binomial distribution, even with the application of the arcsine transformation, a significant difference between two extreme percentages (near 0 or 100%) is not as reliable as a significant difference between two percentages in the 20 to 80 range. Thus, a significant difference between two values at the extremes of the range will be viewed as suspect to error and unreliable.

- a. Significant differences in a key species frequency of occurrence determined if the overall vegetational trend for a particular key area was up or down; if no significant differences were obtained then it infers a static trend. Key Area data indicates that Key Areas 1 & 2 are static with Key Area 4 exhibiting an upward trend. Key Area 3 shows a decrease in the % frequency of HIRI from 10 % in 1982 to 5 % in 1987. This data falls outside the 20 to 80 % range needed to obtain a reliable statistical analysis. Therefore, we can not infer a downward trend as this data suggests.

- b. Significant changes in the six cover categories were used to determine the cover trend of the key areas. The six cover categories were vegetation, bare ground, litter, rock, vegetation plus litter, and bare ground plus rock. Cover data indicates an upward trend in Key Area 4 with an increase in the vegetation + litter component total from 108 to 139. This supports the increase in frequency as noted above.

Key areas 2 + 3 indicate a static trend situation with less difference in the combined vegetation and litter components.

Key area 1 showed an increase in both the vegetation and litter components. However, due to the low number of total hits between years 82 and 87, this site will be considered static.

V. Conclusions

The AOs have been tiered from the LUP/MFP III objectives or decisions. If the respective AO(s) are met, the LUP/MFP III objective(s)/ decision(s) have been met. The K/CMAOs are tiered from the AOs, which are noted in parentheses after each K/CMAO. Whether or not an AO is met is determined by the results of the respective K/CMAO(s) conclusions. Both the AOs and K/CMAOs have been reproduced here for the ease of the reader.

A. Allotment Objectives:

1. (AO-1) Maintain existing ground cover, which will be defined by the revised Universal Soil Loss Equation (W 3.0 & W 4.0).

This objective has been met. Cover at key area locations indicate either static or upward trend.

2. (AO-2) Maintain or improve the riparian vegetative community of Summit Spring (RM 1.2(4), WL 1.1, & WL 1.35).

This objective has not been met. Utilization has been heavy at Summit Spring in the past. Heavy utilization at the spring source has led to a change in the expected vegetative community.

3. (AO-3) Maintain static or upward trend on key perennial forage species on all key areas (LG 1.0, RM 1.0, RM 1.1, RM 1.2(2), RM 1.2(3), RM 1.10, RM 2.0, & WL 2.0).

This objective has been met. Key Area frequency transects all indicate a static or upward trend.

4. (AO-4) Maintain utilization levels at or below the prescribed allowable-use levels identified on key/crucial management areas and recorded through use pattern mapping (LG 1.0, RM 1.0, RM 1.1, RM 1.2(2), RM 1.2(3), RM 1.10, RM 2.0, & WL 2.0).

This objective has not been met. Utilization levels have exceeded proper use at Key Areas 1,2 + 3. Also, use pattern maps show large areas near the HI 95 water hauls which receive heavy use year in and year out.

5. (AO-5) Maintain or improve habitat conditions for a reasonable number of 512 bighorn sheep (1236 AUMs) (RM 1.2(3), RM 1.10, WL 1.0 & WL 2.0).

This objective has not been met. Refer to Wildlife Long Term conclusion WL-1L.

6. (AO-6) Maintain or improve habitat conditions for Gamble's quail (RM 1.2(7), WL 1.0 & WL 1.35).

This objective has not been met. Spring sources have received heavy utilization in the past.

7. (A)-7) Maintain or improve desert tortoise habitat. (RM 1.2(1), & WL 3.0).

This objective has not been met. Refer to Wildlife Long Term Objectives WL-3L.

8. (AO-8) Maintain or improve wild burro habitat by providing 834 AUMs of forage to initially manage for 139 wild burros year long in the Eldorado Mountains Herd Management Area (HMA), if such use is consistent with the attainment of the vegetative objectives (RM 1.1; WH&B 1.1) (HMAP-A).

This objective has not been met. Refer to Wild Burro Long Term Objective (WB-1L).

9. (AO-9) Protect or improve wild burro free roaming behavior by preserving or enhancing home ranges (ie. prohibit new fences that may restrict movement or encourage removal of existing fences that may increase movement) (RM 1.1, & RM 2.0; WH&B 1.0, WH&B 1.1, & WH&B 2.0) (HMAP-A).

This objective has been met. There are no new or existing fences in the Burro area which restrict their movement.

10. (AD-10) Maintain or improve wild burro habitat by providing waters where possible (excluding rain water catchments for wildlife) (WH&B 2.0).

This objective has been met. Burros have unlimited use of Lake Mead.

11. (AD-11) Prior to issuing an ephemeral grazing permit, a field inspection will be made to determine if sufficient forage is available (LG 2.0, RM 1.0, RM 1.9, & RM 2.0).

This objective has been met. Field inspections have been completed before livestock use is authorized.

B. Key/Crucial Management Area Objectives:

1. Specific Key Area

a. Long term Objective (KA-1L)

Maintain or increase the frequency of occurrence of the key species of each of the four key areas at the 10% level of significance. (AD-1 & 2).

| | |
|------------|---|
| Key Area 1 | big galleta sand dropseed Nevada ephedra |
| Key Area 2 | big galleta sand dropseed bush muhly |
| Key Area 3 | big galleta desert globemallow |
| Key Area 4 | big galleta bush muhly desert needlegrass |

This objective has been met. Trend is static to upward based on cover and frequency data.

b. Short term (KA-1S)

Maintain the utilization levels below for the key species in each key area (AO-4).

- ≤ 55% big galleta
- ≤ 55% bush muhly
- ≤ 55% desert needlegrass
- ≤ 55% sand dropseed
- ≤ 55% desert globemallow
- ≤ 45% Nevada ephedra

This objective has not been met. Four utilization studies exist and are located near the frequency/trend plots. Use exceeded 55% on perennial grasses at the following key areas:

1. Key area #1 SPCR 59% in 1985.
2. Key area #2 SPCR 80%, 75%, in 1986 and 1987 respectively.
MUPO2 74% in 1986.
3. Key area #3 STSP 60% in 1987.

2. Watershed (W-1)

Long and Short Term

Maintain or increase the combined perennial vegetative canopy and litter components as measured at key areas 1, 2, 3, & 4. All live annual species, persistent and non-persistent litter are considered as litter (AO-1).

This objective has been met. The data shows cover to be maintained at the current grazing levels.

3. Riparian (RA-1)

Long and short term

Utilization by foraging animals on Summit Spring riparian area's vegetation will not exceed 55% of the perennial grasses, grasslike, forbs and biennial forbs; and 45% of the shrubs, half-shrubs and trees of current years growth (AO-1, 2 & 4).

This objective has not been met. Use pattern maps indicate moderate to heavy use has occurred on Summit Spring in 1986.

4. Wildlife

Long term

a. Bighorn sheep WL-1L

Maintain or improve the habitat condition for a reasonable number of 512 bighorn sheep (1236 AUMs) (AO-4).

This objective has been met. Meeting the improvement portion of this objective in the arid desert environment is contingent upon the construction of artificial water developments. No bighorn guzzlers are planned at this time because the sheep have access to Lake Mead. The operator will continue to make livestock waters available.

Utilization levels, in the bighorn habitat, have remained in the slight to light category since the studies were initiated.

b. Gambel's quail WL-2L

Maintain or improve the habitat condition for Gambel's quail by keeping utilization at or below the allowable-use levels throughout the allotment, especially within a 1.5 mile radius of all waters used by Gambel's quail (AO-3 & 5).

The objective has not been met. Utilization at Summit Spring was heavy during 1986 and moderate the other years data was collected. Continued moderate to heavy utilization will not maintain or improve the habitat.

c. Desert tortoise WL-3L

Maintain or improve the range condition of Category II desert tortoise habitat to a minimum of late seral stage (AO-6).

This objective has not been met. An Ecological Status Inventory has not been completed in the Ireteba Peaks Allotment, however the areas around the highway water hauls are severely overgrazed. These areas have a potential to produce a good stand of perennial grass as shown in the highway right-of-way.

Past heavy to severe grazing has reduced the perennial grass population to less than 5% of the total estimated dry weight biomass. Therefore, this portion of the category II desert tortoise habitat is estimated to be in mid seral status.

d. Desert tortoise WL-4L

Maintain or improve the range condition of Category III desert tortoise habitat to a minimum of mid seral stage (AO-6).

This objective has been met. From an ecological standpoint, field inspections indicate the range is mid seral or better. The ecological condition improves as you move closer to the foothills of Ireteba Peaks.

Short Term

e. Desert tortoise WL-1S

In Category II desert tortoise habitat allow grazing between October 15 and March 15 of each year and at use levels not to exceed 55% of the previous year's growth on key forage species. (AO-4, 7 and UP-1)

This objective has not been met. Use has occurred most years during the study period between March 15 to October 15. Utilization has exceeded 55% in Category III desert tortoise habitat every year since data has been collected.

5. Use Pattern Mapping UP-1

Maintain utilization levels on key species by all ungulates at or below the following levels for the periods and locations identified (except as identified in WB-1L) (AO-1-5 & 7).

Maximum Utilization Level Allowed

| | Category II Desert Tortoise Habitat | Remaining Allotment |
|--------------------|-------------------------------------|---------------------|
| <u>Key Species</u> | <u>10/15-3/15</u> | <u>YearLong</u> |
| Perennial | ≤ 55% | ≤ 55% |
| Herbaceous | | |
| Shrubs | ≤ 45% | ≤ 45% |

This objective has not been met. Utilization has exceeded proper use levels as shown on the use pattern maps and utilization transects, every year data was collected in both tortoise and wild burro habitat.

6. Wild Burros:

a. Long term WB-1L

Maintain or improve wild burro habitat by providing 834 AUMs of forage to initially manage for 139 wild burros year long in the Eldorado Mountains HMA, if such use is consistent with the attainment of the vegetative objectives (AD-3, 8, 9 & 10).

This objective has not been met. The Eldorado Mountains Herd Management Area Plan (HMAP) has not been written, thus the habitat condition for the appropriate management level of 139 wild burros (834 AUMs) can not be determined at this time.

Use pattern maps indicate the area along Lake Mead have received heavy to severe use. This use is inconsistent with maintaining habitat conditions.

b. Short term WB-1S

Maintain the utilization at the following use-levels for these key species in the wild burro key areas (AD-3, 4 & 8).

| | |
|--------------------|-------|
| big galleta | < 55% |
| bush muhly | < 55% |
| desert needlegrass | < 55% |
| sand dropseed | < 55% |
| globemallow | < 20% |
| catclaw | < 5% |
| Nevada ephedra | < 45% |
| range ratany | < 5% |
| white bursage | < 5% |

The objective has not been met. Use pattern maps show heavy use (61-80%) all along the river, therefore the majority of the species listed above have exceeded proper use levels.

VI. Summary of Recommendation

- A. Provide two years rest at the old water hauls along Highway 95 allowing only occasional strays in the area. After two years assess the response of the range and determine if another two years rest is required. (AO 2-4, UP-1)
- B. Continue to conduct field inspections prior to the issuance of an ephemeral grazing permit, on a quarterly basis approximately 3-4 weeks prior to licensing. (AO-11)
- C. In coordination with the Park Service and the BLM's wild horse specialist, located 2-3 wild burro study sites by 1990. (AO-8, WB-1L, WB-1S)
- D. Implement the following grazing system by 1994.

The allotment will be divided into 4 pastures or units with various restrictions on each pasture.

Pasture 1 will be used mainly during the spring/summer months with occasional use in the fall depending on presence of annual forage during the spring and later in the fall.

Pasture 2 contains a large area of Category II desert tortoise habitat, therefore it will be a winter use pasture. Grazing can begin on October 15 and end March 15 each year. The livestock would be removed early if 55% of the perennial forage has been utilized before March 15th.

Pasture 3 is another spring/summer use area. It will be used in conjunction with or separate from pasture 1 depending on precipitation fluctuations and forage production.

The two spring/summer pastures will be utilized on a deferred rotation which will incorporate spring rest one out of every two years.

Pasture 4 will be used mainly in the fall before the livestock go to winter pasture. However, use will be allowed during other times of the year if the need is determined.

This grazing system requires a great deal of flexibility and close supervision. It provides for the habitat needs of the tortoise and does not put the livestock operator out of business. It also provides for spring rest of key perennial species, once every other year. (ALL objectives)

- E. Adjust wild burro populations to achieve a thriving natural ecological balance by removing excess animals and leaving a thriving population of 50 animals. Monitoring data evaluated supports this recommendation. Remove approximately 100 burros from the Eldorado herd use area in coordination with the National Park Service from the southern portion of the Herd Management Area just north of Cottonwood Cove by 1991.
(AO-4, AO-8, WB-1L, WB-1S)

- F. The following range improvements are recommended to facilitate the implementation of the proposed grazing system. (AO-2+4-7, KA-1S, RA-1 WL-1L, WL-2L)

1. Construct Winter fence by 1993.

This fence will divide Category II & III desert tortoise habitat, which will help control livestock distribution in central portion of the allotment.

2. Reconstruct Tip Top Well and Pipeline by 12/31/89.

Reconstruction will eliminate the need to haul water to the existing trough.

3. Remove all water hauls located along HI 95 by 12/31/89.

These water hauls must be removed to control the heavy utilization and distribute the cattle to other parts of the allotment.

4. Construct two corrals to facilitate livestock handling by 1992.

The corrals are required to brand calves and separate animals for shipment and movement within allotment.

5. Fence an additional 18 miles along HI 95 and tie off into or near the recreation area boundary by 1994.

This fence is necessary to open the northern part of the allotment. Current use is limited because cattle wander onto the highway and may be a safety hazard.

6. Place a water haul along the powerline road as shown on the allotment map by 1994.

These water hauls are required in pasture 1 to facilitate the proper use of the pasture.

7. Develop a 3 mile pipeline from Desert Queen Well south by 1995.

This pipeline is required to provide a properly located water source in the category II desert tortoise habitat winter pasture.

8. Construct Tunnel Protection fence by 1993.

This fence is required to keep livestock off category II desert tortoise habitat during the critical spring period.

9. Develop water in the Copper Canyon by 1991.

Many mines have water available for livestock use. Since proper livestock distribution is preferred, development of these waters will be encouraged.

DRAFT

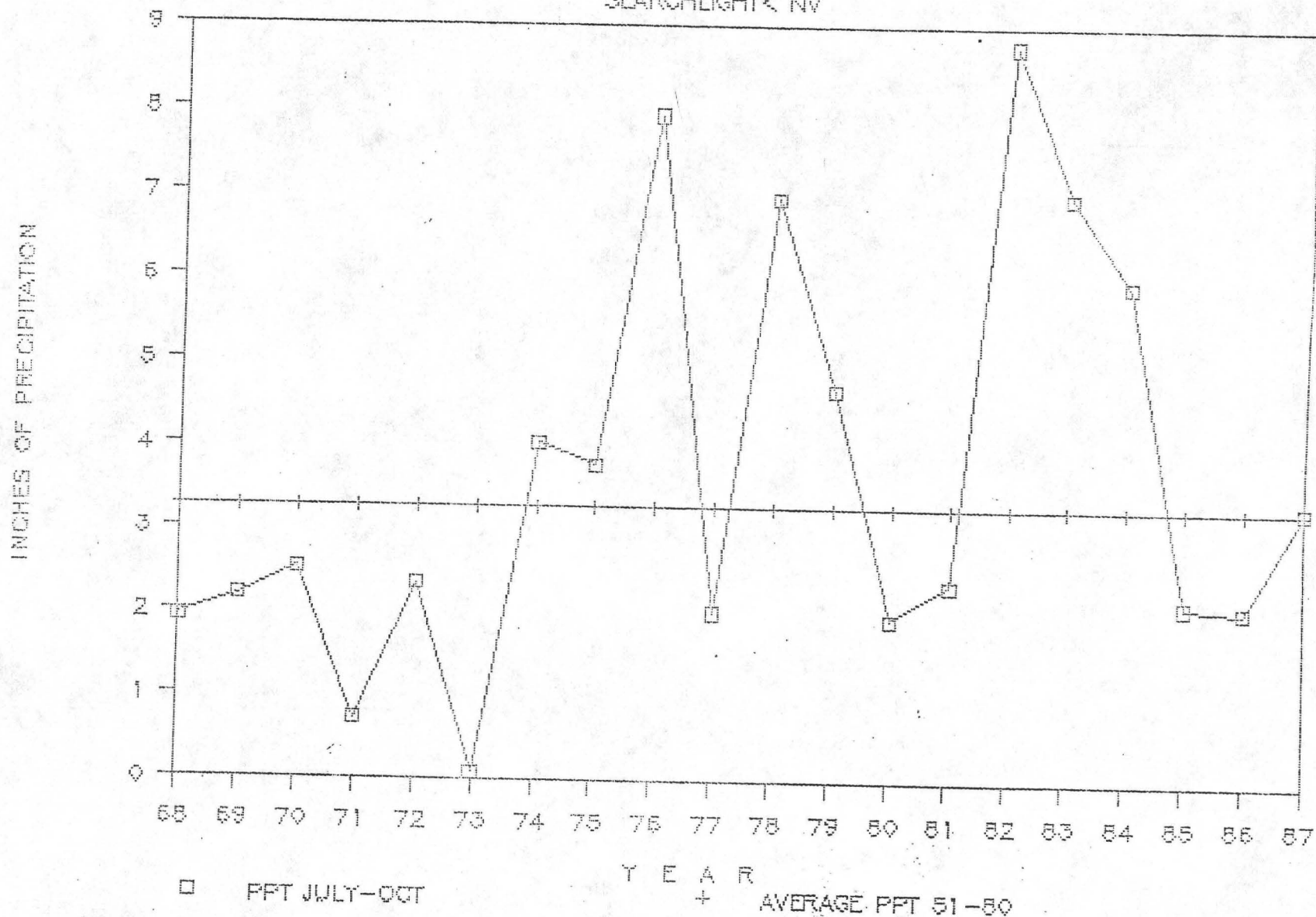
VII. Consultation

BLM Wildlife Biologists Jeanie Cole, Mark Maley and Sid Slone were consulted for information and recommendations concerning bighorn sheep, Gambel's quail and desert tortoise.

BLM Range Conservationists Rich Barry, Terry Driver, Susan Gray, Jack Pfeiffer, Bob Stager, and Jeff Steinmetz were consulted in reference to range management information and recommendations.

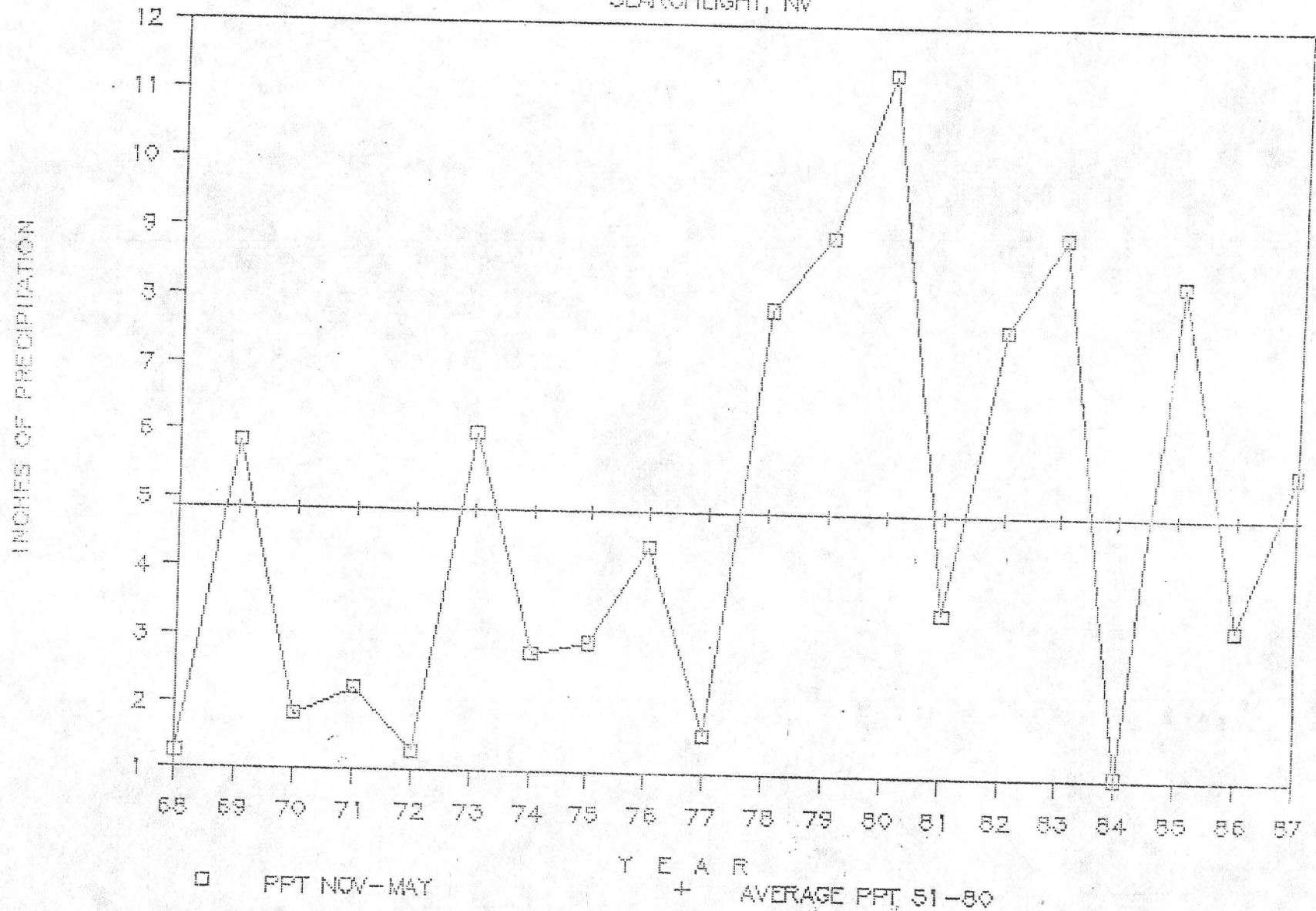
WARM SEASON GROWING PERIOD JULY-OCT

SEARCHLIGHT < NV



COOL SEASON GROWING PERIOD NOV-MAY

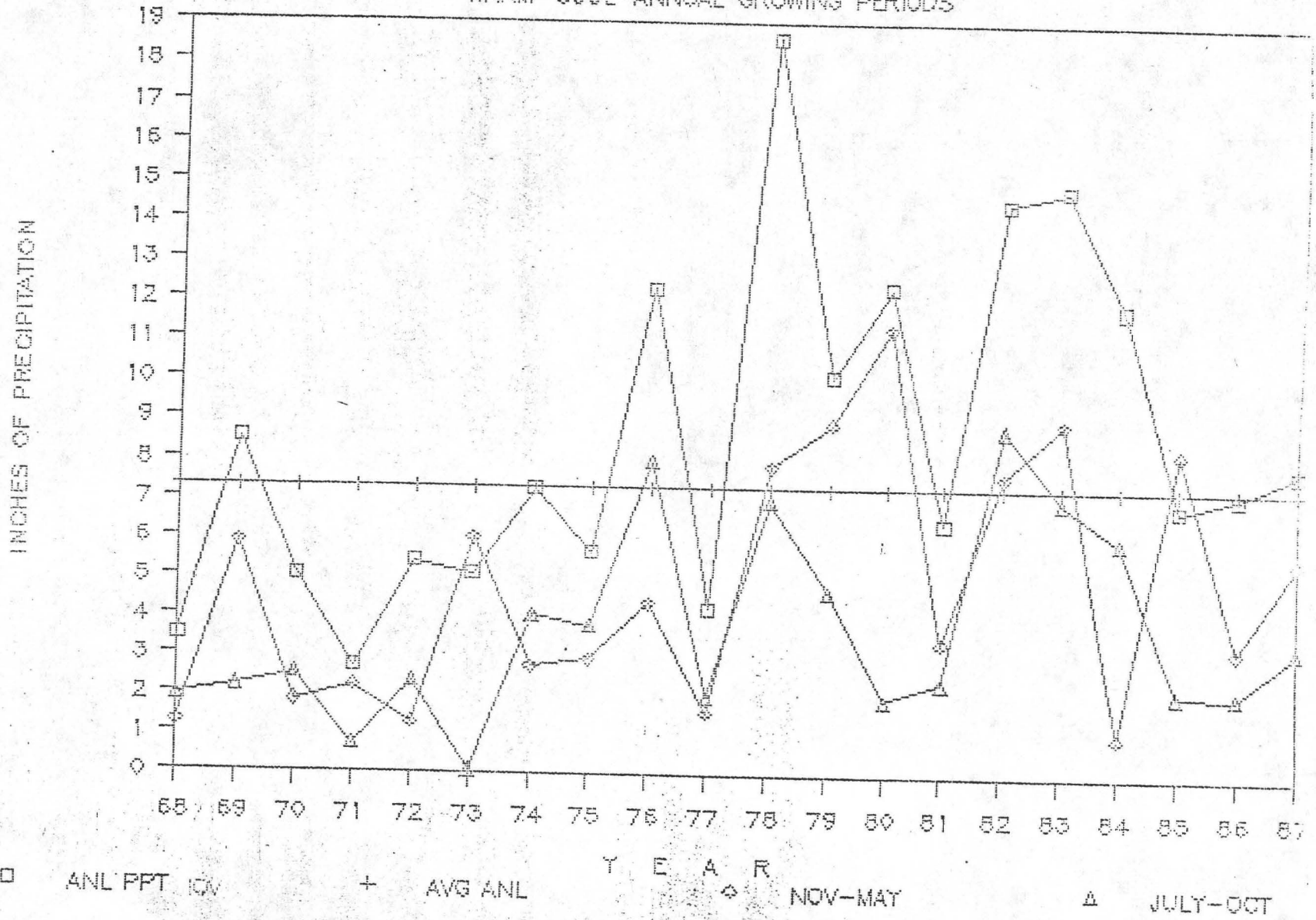
SEARCHLIGHT, NV



GRAPH 3

PRECIPITATION DATA SEARCHLIGHT NEVADA

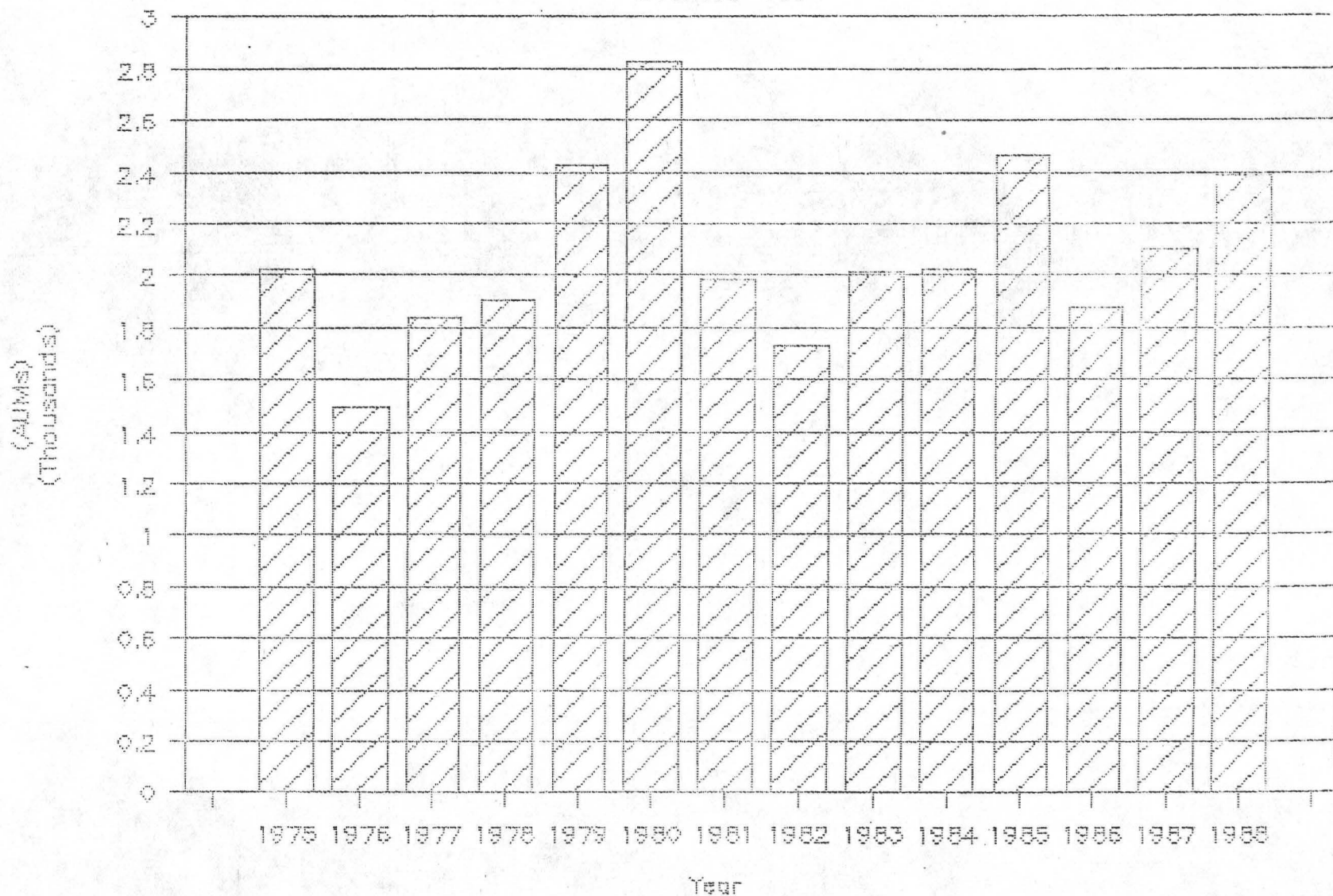
WARM-COOL-ANNUAL GROWING PERIODS



GRAPH 4

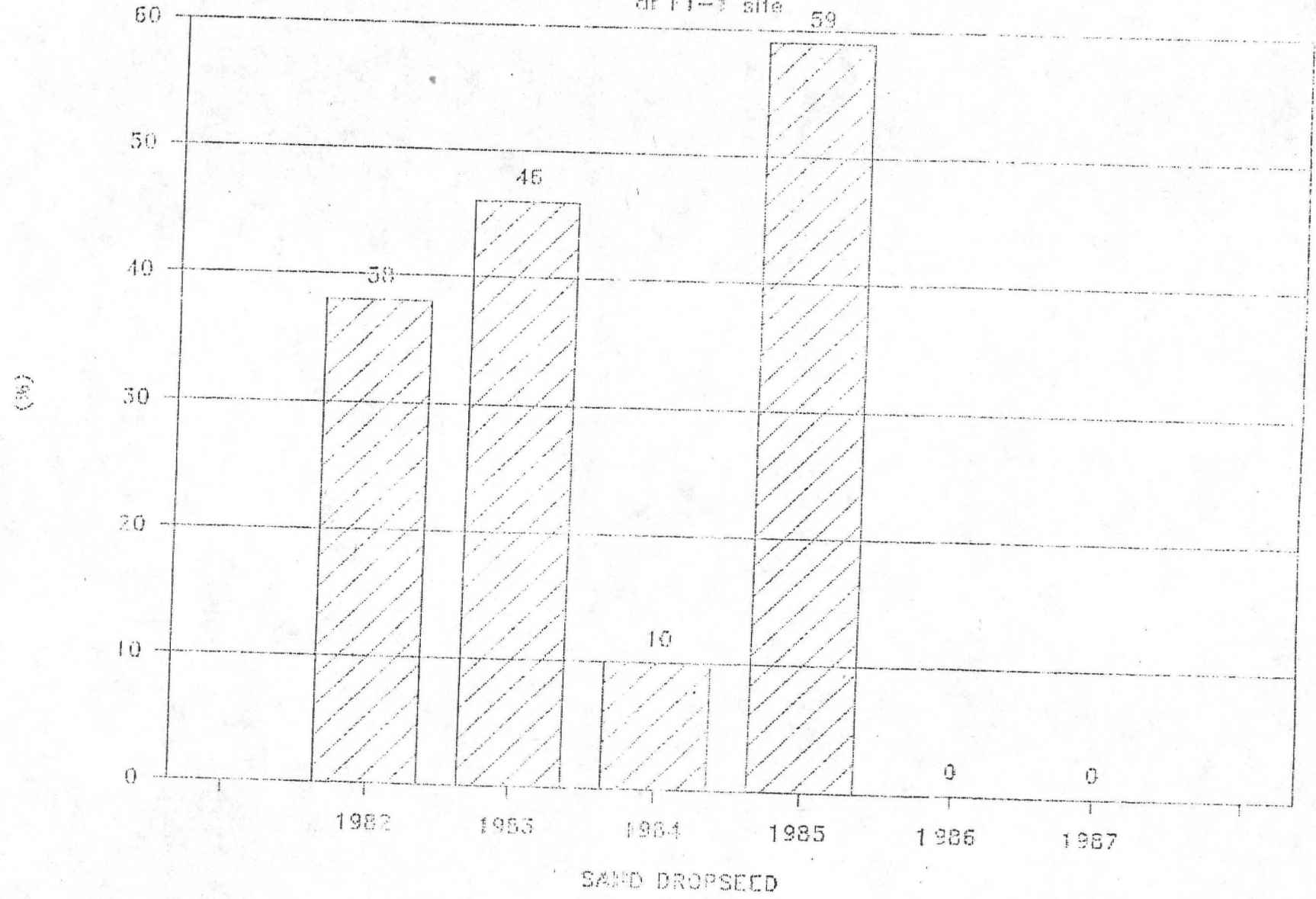
IRETEBA PEAKS ALLOTMENT

Licensed-Use

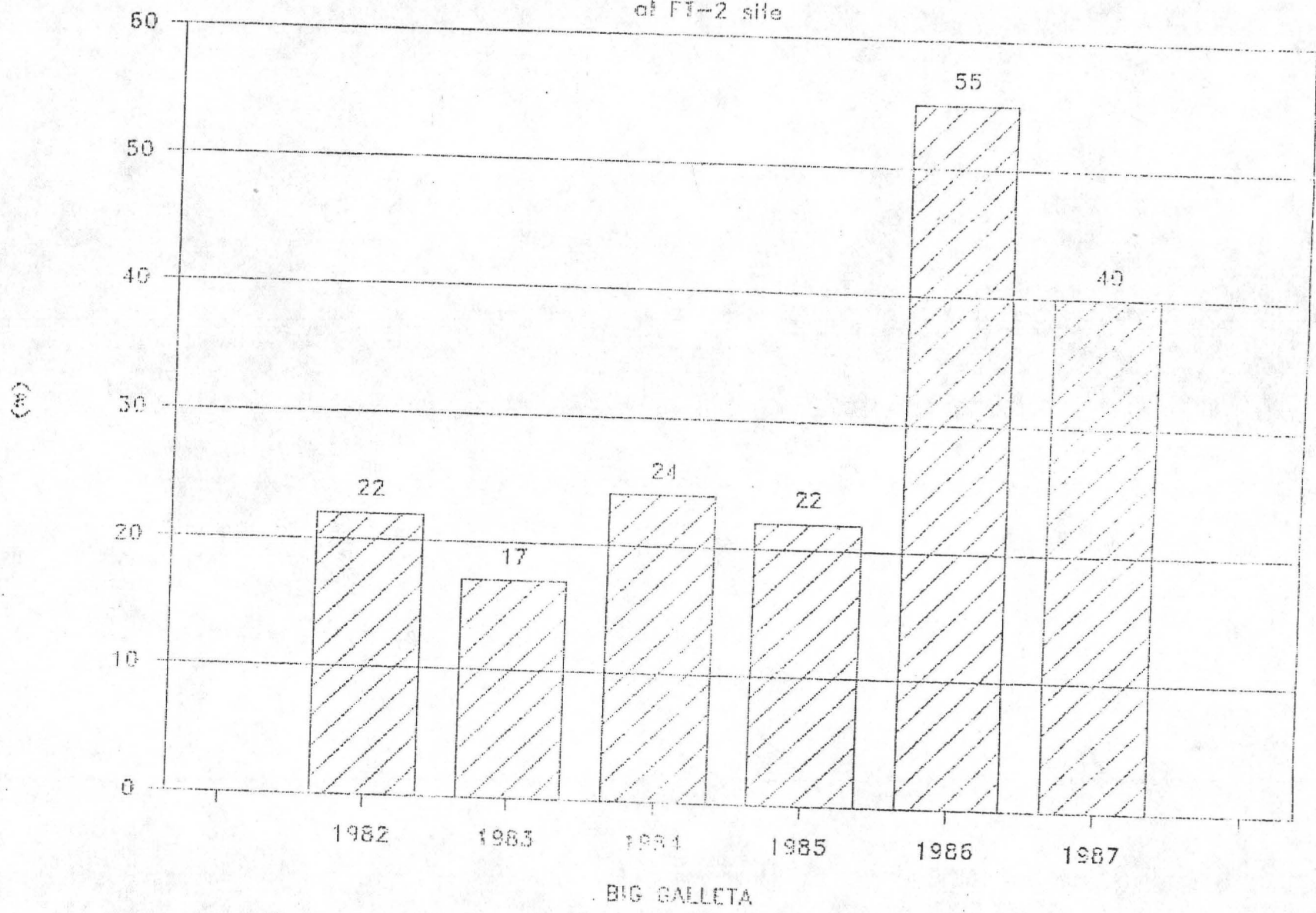


UTILIZATION on the IRETEBA PEAKS ALLOTMENT

at FT-1 site 59

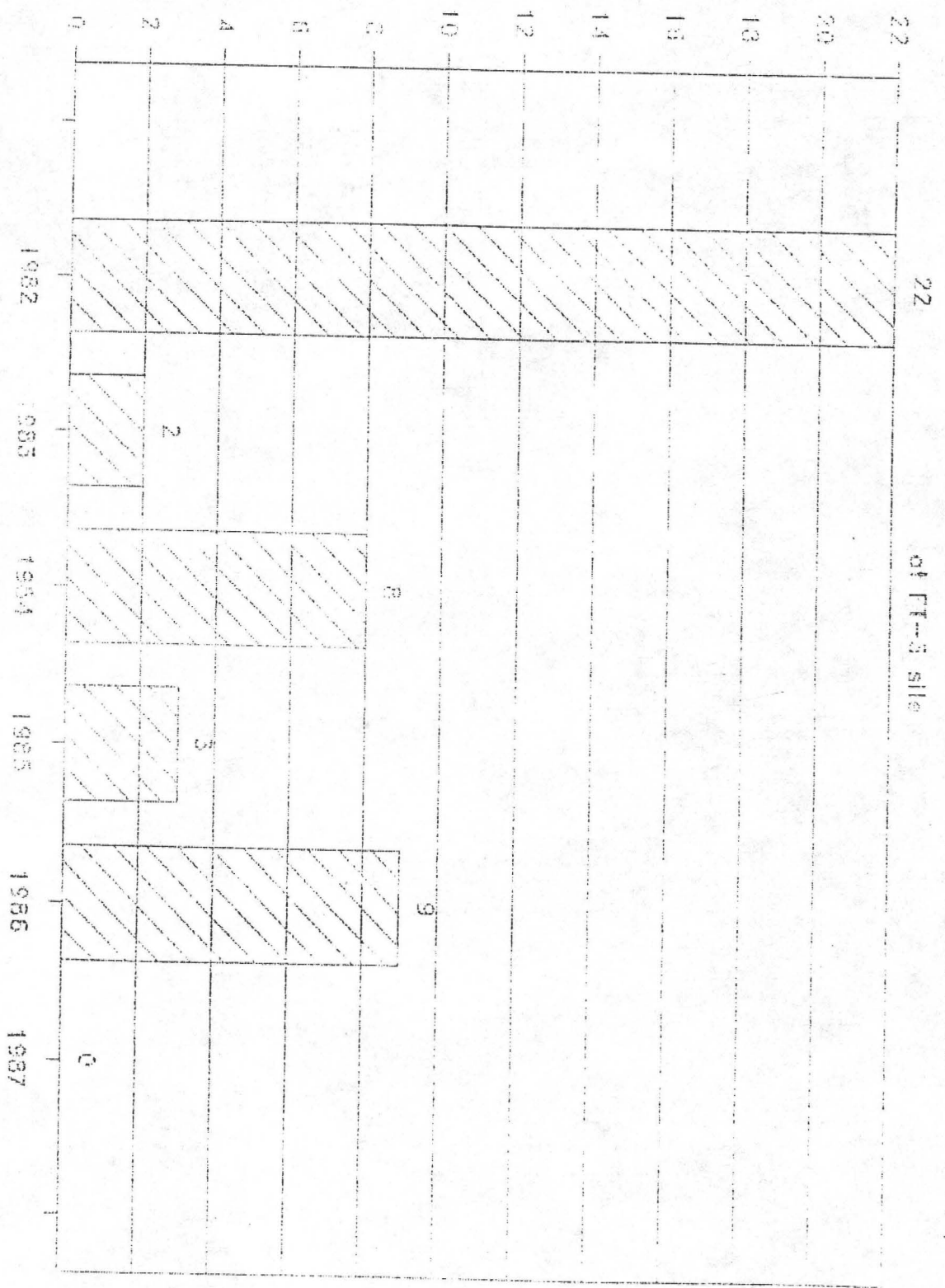


UTILIZATION on the IRETEBA PEAKS ALLOTMENT of FT-2 site



UTILIZATION on the IRETERBA PEAKS ALLIUM/PHIT

at FT-3 site



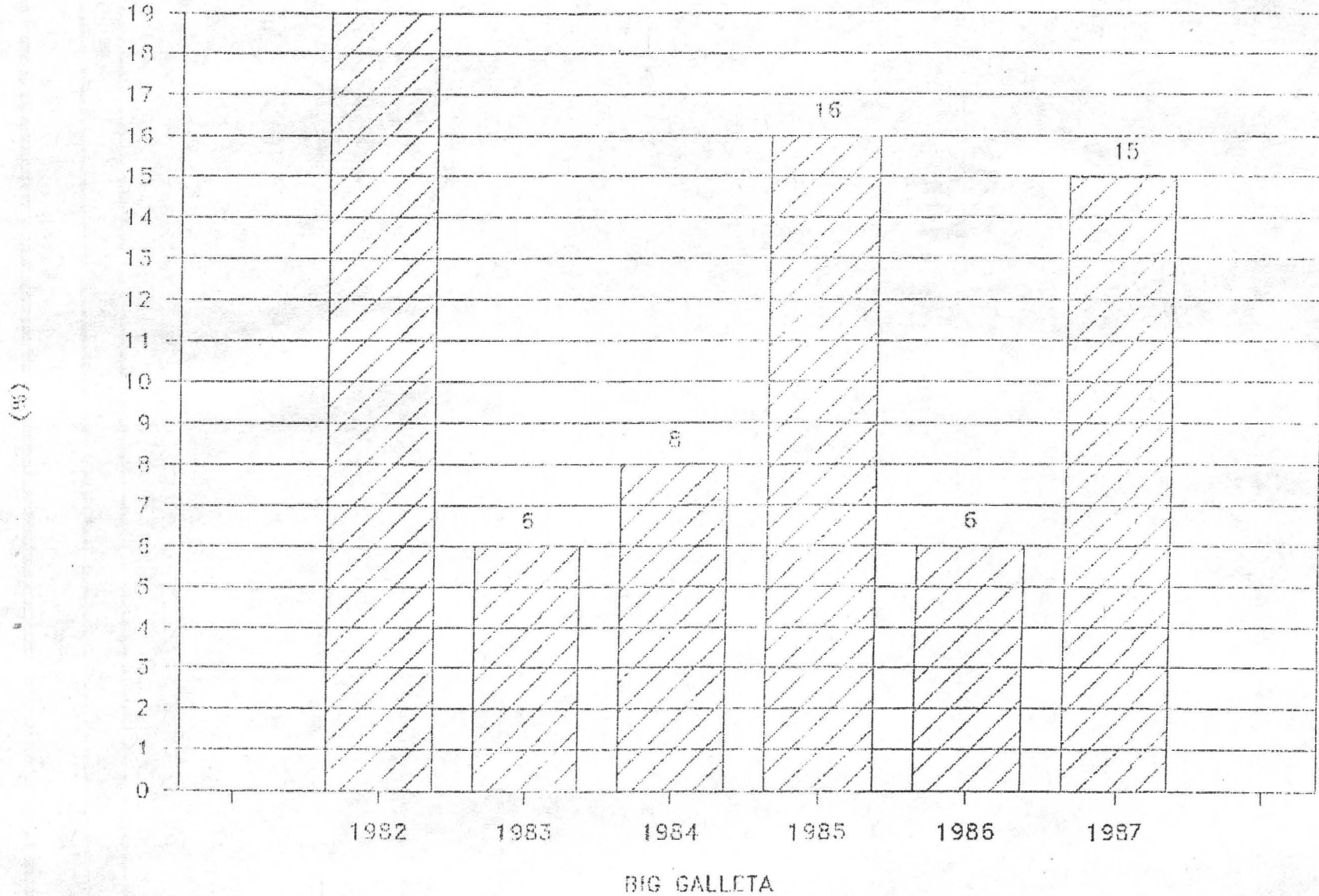
(8)

BIG CALIFITA

UTILIZATION on the IRETEBA PEAKS ALLOTMENT

19

of FT-4 site





IN REPLY REFER TO:

4160
(NV-054)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Stateline Resource Area
4765 Vegas Drive
P.O. Box 26569
Las Vegas, Nevada 89126



JAN 31 1992

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

FULL FORCE AND EFFECT DECISION IRETEBA PEAKS ALLOTMENT

Nola D. Whipple
7705 Chandelle Pl
Hollywood, CA 90046

Dear Mrs. Whipple:

On August 4, 1989 the U.S. Fish and Wildlife Service (USFWS) listed the Desert Tortoise within its range in the Mojave Desert as endangered under an emergency ruling in the Federal Register Notice, Vol. 54, No. 149 in compliance with the Endangered Species Act of 1973 as amended and 50 CFR 424.20.

On October 13, 1989 the USFWS published a proposed rule in the Federal Register Vol. 54, No. 197, to list the Desert Tortoise as an endangered species within its range in the Mojave Desert.

On April 2, 1990 the USFWS published Rules and Regulations in Federal Register Vol. 55, No. 63 listing the Mojave population of the Desert Tortoise to be a threatened species pursuant to the Endangered Species Act of 1973 as amended.

In accordance with Section 7 (a) titled Federal Agency Actions and Consultations of the Endangered Species Act of 1973 as amended and 50 CFR Sub Part B, 402.14 titled Formal Consultations "Each Federal Agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat. If such a determination is made, formal consultation is required..." The BLM has determined that livestock grazing on public lands within desert tortoise habitat is an action that requires formal consultation.

I have met with the Las Vegas District Grazing Advisory Board first on October 17, 1989 and later on a number of occasions during the development of the Las Vegas District's *Biological Evaluation for Managing Livestock Grazing in Desert Tortoise Habitat*. I requested and received recommendations from permittees that were considered along with monitoring data in the biological evaluation prior to initiating formal Section 7 consultation with the U. S. Fish and Wildlife Service. The Bureau of Land Management, Las Vegas District's *Biological Evaluation* was submitted to the USFWS on January 23, 1991.

A copy of the *Biological Evaluation* was mailed on February 12, 1991 with a letter to all affected interests. The letter stated in part that "You are entitled to an opportunity to submit information to the USFWS for consideration during the consultation (50 CFR Section 402.14 (d) (Vol. 51, No. 106, June 3, 1986))."

The *Biological Opinion for the Proposed Livestock Grazing Program Within Desert Tortoise Habitat in Southern Nevada* (File No.: 1-5-91-F-36), herein referred to as the *Opinion*, was issued on August 14, 1991, by the USFWS. The *Opinion* stated that "The proposed licensing of livestock within Desert Tortoise habitat in southern Nevada is not likely to jeopardize the continued existence of the Desert Tortoise." The *Opinion* also stated "In order to be exempt from the prohibitions of Section 9 of the Act, the Bureau must ensure that all allottees/lessees comply with various terms and conditions which implement the reasonable and prudent measures described . . ." in the *Opinion*. A copy of the said *Opinion* is attached for your information.

The Bureau of Land Management, Stateline Resource Area staff specialists discussed with you on January 14, 1992 alternative management options for livestock grazing on the Ireteba Peaks allotment consistent with the *Opinion*. As a result of that meeting and the consideration of alternatives, this decision reflects those agreed upon management actions which are to be implemented in accordance with the *Opinion* of August 14, 1991. Those portions of the allotment which are not categorized as Prescription 1 or 2 areas within the *Opinion* and can not be managed or grazed separately from the prescription areas are included in this decision.

Therefore, based on the opportunities for you to provide comments on this matter, the Opinion dated August 14, 1991, consultation with affected interests, and recommendations from my staff, my Final Decision is to modify your existing ten year Federal Grazing Permit dated October 2, 1985 and issue a new Federal Grazing Permit with terms and conditions listed below effective 03/01/92 and expires 02/28/95. The term corresponds to the expiration date of your current 10 year permit. This Final Decision is to be placed in Full Force and Effect commencing March 1, 1992 in order to be in compliance with Section 7 (a) (2) and (b) (4) of the Endangered Species Act of 1973 as amended.

Your ten year Federal Grazing Permit for the Ireteba Peaks allotment will be modified as follows:

FROM:

EXISTING FEDERAL GRAZING PERMIT
09/05/85 TO 02/28/95

| ALLOTMENT NAME | LIVESTOCK NUMBER | LIVESTOCK KIND | SEASON OF USE | | PERCENT FEDERAL LAND | ACTIVE PREFERENCE |
|----------------|------------------|----------------|---------------|----------|----------------------|-------------------|
| | | | BEGIN DATE | END DATE | | |
| IRETEBA PEAKS | | CATTLE | | | 100 | |

TERMS AND CONDITIONS:

This allotment is designated for ephemeral grazing use by decision and public notice dated: 11-12-69. When forage becomes available, you must file an application to include the desired number of livestock and period of use. When applicable fees are paid, your billing notice becomes your authorization to make a specific amount of grazing use.

TO:

NEW FEDERAL GRAZING PERMIT
FROM 03/01/92 TO 02/28/95

| ALLOTMENT NAME | NUMBER OF LIVESTOCK | KIND OF LIVESTOCK | SEASON OF USE | | PERCENT FEDERAL LAND | ACTIVE PREFERENCE |
|----------------|---------------------|-------------------|---------------|----------|----------------------|-------------------|
| | | | BEGIN DATE | END DATE | | |
| IRETEBA PEAKS | | CATTLE | 06/15 | 02/28 | 100 | |

**SPECIFIC TERMS AND CONDITIONS
FOR THE NEW FEDERAL GRAZING PERMIT**

Ireteba Peaks Allotment

1. Grazing will be permitted in accordance with grazing Prescription 1 as identified in the Opinion as amended.
2. Grazing prescription areas within your allotment are delineated on Attachment 1, titled Ireteba Peaks Allotment Map.
3. Livestock grazing use shall be authorized in the Ireteba Peaks allotment from 06/15 through 02/28 each quarter (the 3 month period beginning 03/01) forage is determined available for the term of the permit. See the following table and Attachment 1.

**SPECIFIC USE AREAS AND
IDENTIFIED PERIODS OF USE
FROM 03/01/92 TO 02/28/95**

| PRESCRIPTION AREAS ^{1/} | SEASON OF USE | |
|-------------------------------------|---------------|----------|
| | BEGIN DATE | END DATE |
| Prescription 1 | 06/15 | 02/28 |
| Prescription 2 | 06/15 | 02/28 |
| Non-Prescription | 06/15 | 02/28 |

^{1/} Refer to Attachment 1.

^{2/} Prescription 1, Tortoise Habitat Categories I, II, and Intensive III.

^{3/} Prescription 2, Tortoise Habitat Category III non-intensive.

4. All vehicle use in desert tortoise habitat within the Ireteba Peaks Allotment shall be restricted to existing roads and trails.
5. Trash and garbage shall be removed from each camp site that is associated with livestock grazing operations (branding, sheep herding, roundup, etc.) and disposed of off site in a designated facility. No trash or garbage shall be buried at camp sites.

6. Use of hay or grains as a feeding supplemental shall be prohibited in desert tortoise habitat to avoid the introduction of non-native plant species. Mineral, protein and salt blocks are authorized subject to 43 CFR section 4130.6-2(c).
7. The allotment shall include at a minimum the following key species for monitoring purposes where appropriate based upon density and availability: galleta grass (*Hilaria jamesii*) and (*H. rigida*), bush muhly (*Muhlen-bergia porteri*), sand dropseed (*Sporobolus cryptandrus*), Indian ricegrass (*Oryzopsis hymenoides*), black grama (*Bouteloua eriopoda*), desert needlegrass (*Stipa speciosa*), range ratany (*Krameria parvifolia*), ephedra (*Ephedra spp.*), white burrobrush (*Hymenoclea salsola*) and winterfat (*Eurotia lanata*).
8. The Ireteba Peaks Allotment contains both grazing prescription 1, 2 and non-prescription areas. However, due to the lack of improvements (i.e. fences, springs, waterhauls etc.) required to segregate the allotment on the ground and the geography of the area, the allotment will be managed by the season of use identified under prescription 1 management.

The following table identifies the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring purposes within prescription 1 and 2 areas.

| ALLOTMENT NAME | PRESCRIPTION | ALLOWABLE USE LEVELS AND USE PERIODS PER GRAZING PRESCRIPTION FOR THE TERM 03/01/92 TO 02/28/95 | | |
|----------------|----------------|---|---|---|
| | | 06/15-10/14 | 10/15 - 02/28 | 03/01 -06/14 |
| IRETEBA PEAKS | PRESCRIPTION 1 | All Perennial species - <40% | Key Perennial grasses - <50% Key Perennial Shrubs & Forbs - <40% | No Livestock Use will be allowed during this Period |
| | | 06/15 -10/14 | 10/15 - 02/28 | 03/01 - 06/14 |
| | PRESCRIPTION 2 | All Perennial species - <40% | same as above for grasses Key Perennial Shrubs & Forbs <45% | All Perennial species - <40% |
| | | 06/15 -10/14 | 10/15 - 02/28 | 03/01 - 06/14 |

9. The following table identifies key areas, species and the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring purposes within prescription 1 and 2 areas in the Ireteba Peaks allotment. As additional key species and/or key areas are determined necessary for monitoring purposes, maximum allowable use levels will be established based upon the conditions as set forth in the Opinion for Prescription 1 and/or 2 areas and, the Nevada Rangeland Monitoring Handbook guidelines as well as Bureau of Land Management accepted monitoring policies and guidelines for this allotment.

EXISTING KEY AREAS, SPECIES AND ALLOWABLE USE LEVELS
FROM 03/01/92 TO 02/28/95

| KEY AREA & LEGAL DESCRIPTION | KEY SPECIES | PRESCRIPTION 1 | | | PRESCRIPTION 2 | |
|------------------------------------|----------------|----------------------|---|----------------------|----------------------|----------------------|
| | | 10/15 TO 02/28 | 03/01 TO 06/14 | 06/15 TO 10/14 | 10/15 TO 02/28 | 03/01 TO 10/14 |
| 1 (T.28S.,R.63E., Sec. 11) | Nevada ephedra | <45% | No live- stock use will be made during this period. | <40% | <45% | <40% |
| | Big galleta | <50% | | <40% | <50% | <40% |
| | Sand dropseed | <50% | | <40% | <50% | <40% |
| 2 (T.27S.,R.64E., Sec. 30) | sand dropseed | <50% | | <40% | <50% | <40% |
| | Big galleta | <50% | | <40% | <50% | <40% |
| | Bush muhly | <50% | | <40% | <50% | <40% |

10. When allowable use levels are reached for prescription 1 and/or 2 areas, livestock will be removed from the allotment(s). Other management alternatives may be authorized by the Stateline Area manager consistent with this decision and the Opinion.
11. Applications for changes in grazing use must be in written form and be received by the Stateline Resource Area office no later than 15 days prior to the desired date of change.
12. Applications for changes in grazing use filed after a billing notice has been issued, and which require the issuance of a replacement bill or supplemental bill shall be subject to a ten (10) dollar service charge.
13. Grazing Applications will be issued on a quarterly basis showing all grazing use as active. If you desire to take all or partial non-use for the grazing year, you must indicate this in writing on your Grazing Application, along with your reason(s).

14. A statement of Actual Grazing Use made on the Ireteba Peaks allotment must be received in the Stateline Resource Area office no later than 15 days after the last day of authorized grazing use. In the case of year round grazing, this Actual Grazing Use statement must be received in the Stateline Resource Area office no later than March 15th of each year. Actual use shall be submitted by use within each prescription area as identified on Attachment 1.
15. If tortoise are determined to be active in the early spring prior to March 1st (February 1st to February 28th) in the Prescription 1 area, no cattle use shall occur within the Prescription 1 area until the amount of spring ephemeral forage in the area is at least 150 pounds of air dry forage per acre. Should the ephemeral production drop below 150 pounds per acre, the allottee/permittee shall be required to remove the animals from the allotment within 10 days.
16. The Ireteba Peaks allotment was designated for ephemeral grazing use by the decision and public notice dated November 12, 1969. When forage becomes available, you must file an application to include the desired number of livestock and period of use. When applicable fees are paid, your billing notice becomes your authorization to make a specific amount of grazing use. The specific application of the ephemeral classification is under study at this time. This may modify some allotment classifications by separate decision at a later date.

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

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.2 (c): "Grazing permits authorizing livestock grazing on the public lands and other lands under administration of the Bureau of Land Management shall be issued for a term of 10 years, unless; (iii) it will be in the best interest of sound land management to specify a shorter term."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1 (a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under CFR 4110.3, 4110.3-1 and 4110.3-2."

4130.6-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands."

4130.6-2 (c): "Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;"

4130.6-2 (d): "A requirement that permittees or lessees operating under a grazing permit or lease submit within fifteen (15) days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;"

4130.6-3 "Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the permit or lease if monitoring data show that present grazing use is not meeting the land use plan or management objectives."

Additional authority is contained within the pertinent sections of the Endangered Species Act of 1973 as amended and in Title 50 of the Code of Federal Regulations, part 402, which identifies the procedures for complying with the Act.

Section 7 (a) (2) of the Act states in part "Each Federal Agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species . . ."

Under Section 7 (b) (4) (A) of the Endangered Species Act of 1973 as amended, it states in part that the Secretary will offer the Agency after consultation ". . . reasonable and prudent alternatives which the Secretary believes would not violate . . ." Section 7 (a) (2) of the Act.

Title 50 CFR, Sub Part B Section 402.14 (i) (1) (iii) states that the U.S. Fish and Wildlife Service will provide in the Opinion to the Agency requesting a formal consultation a statement that, " Sets forth the terms and conditions . . . that must be complied with by a Federal Agency or any applicant to implement the measures specified" as reasonable or prudent measures.

In the Opinion, Reasonable and Prudent Measure number 5 states "Measures shall be taken to insure compliance with all conditions required in this Biological Opinion."

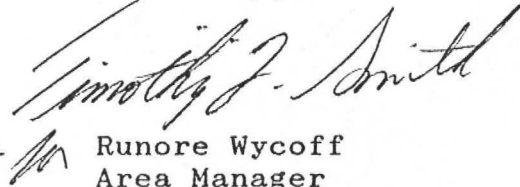
In the terms and conditions of the Opinion for the Proposed Livestock Grazing Program Within Desert Tortoise Habitat in Southern Nevada (File No.: 1-5-91-F-36) it states in part that, "Grazing prescriptions 1 and 2 shall be implemented prior to March 1, 1992, and shall take effect on that date as full force and affect decisions". This decision is placed in Full Force and Effect in order to comply with all provisions of Section 7 of the Act.

In Title 43 CFR 4160.3 (c): states in part: "The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal".

If you wish to appeal this decision for the purpose of a hearing before a Administrative Law Judge, in accordance with 43 CFR 4160.3 (c), 4160.4, and 4.470, you are allowed thirty (30) days from receipt of this notice within which to file an appeal with the Stateline Resource Area Manager at the following address: Bureau of Land Management, Stateline Resource Area, Attn. Area Manager, 4765 Vegas Drive, P. O. Box 26569, Las Vegas, NV 89126.

The appeal shall state the reasons, clearly and concisely, as to why you think this Final Decision is in error.

Sincerely,



Runore Wycoff
Area Manager

2 Attachments

1. Iretaba Peaks Allotment Map (1 pp.)
2. Biological Opinion for the Proposed Livestock Grazing Program Within Desert Tortoise Habitat in Southern Nevada (File No: 1-5-91-F-36)

cc: Wild Horse Organized Assistance, Inc.
Nevada Department of Wildlife
Desert Tortoise Council
Animal Protection Institute of America
National Park Service,
Lake Mead National Recreation Area
U.S. Fish and Wildlife Service,
Reno Field Station
Johanna H. Wald,

Natural Resources Defense Council
Sierra Club,
c/o David Brickey
Resource Concepts, Inc.,
c/o John McClain
N-5 Board,
c/o Kenneth D. Lee
Silver State Measure Riders
National Wild Horse Association,
National Headquarters
Barbara Spolter,
Regional Associate,
The Wilderness Society
Tom Williams

ATTACHMENT 1 MEAD NATIONAL RECREATION AREA

T 23 1/2 S

PRESCRIPTION 1

PRESCRIPTION 2 2

T 23 S

T 24 S

T 25 S

T 26 S

T 27 S

T 28 S

T 29 S

DORADO VALLEY

LAKE VALLEY

LAKE VALLEY

R 63 E

R 64 E

R 65 E

R 66 E

Iretaba Peak

COPIPA MOUNTAIN

COPIAL MOUNTAIN

BLACK MOUNTAIN

VALLEY

LAKE MOHAVE
LAKE MEAD NATIONAL RECREATION AREA

BLACK MOUNTAIN

MALPERS FLATTOP

FIRE MOUNTAIN

MOUNT DAVIS

Cottonwood 680

Searchlight 3405

Searchlight 3405

Summit Spring

Tip Top Well

Farlow Spring

Bridge Spring

Nelson

Edarado

Tule Spring

Common

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Wash

Tennite Well

Wash