

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

Proposed Decision

(DOI-BLM-NV-L030-2012-0001 EA)

July 25, 2012

Authorizations
#2705030, #2705033, #2705074 and #2705086
on the
Pahranagat East Allotment (#11027)

Lincoln County, Nevada

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
Phone: (775) 726-8100
Fax: (775) 726-8111





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer to:

4160 (NVL0300)

PROPOSED DECISION

Authorizations #2705030, #2705033, #2705074 and #2705086
on the Pahrnagat East Allotment (#11027)

Background Information

On July 23, 2012, the Finding of No Significant Impact (FONSI) for authorizations #2705030, #2705033, #2705074 and #2705086 on the Pahrnagat East Allotment (#11027) was signed. The Final Environmental Assessment (DOI-BLM-NV-L030-2012-0001 EA), Finding of No Significant Impact (FONSI) and Standards Determination Documents are contained herein. This proposed decision is issued in accordance with 43 CFR § 4160.1.

The proposed action, associated with DOI-BLM-NV-L030-2012-0001 EA (EA), is to fully process and issue new term grazing permits to the aforementioned on the Pahrnagat East Allotment which encompasses approximately 34,146 acres.

Permit #2705030 was previously issued for the period 3/01/04 – 2/28/2014, while the remaining permits were previously issued for the period 3/01/03 – 2/28/2013. The new grazing permit will reflect terms and conditions in accordance with the Final EA.

The Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008) states as a goal (p. 85): “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.” It further states as an objective (p. 86): “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health.” Management Action LG-8 states, “Implement management actions for desert tortoise habitat contained in the 2008 Biological Opinion.”

The Programmatic Biological Opinion (PBO) in Appendix D of the Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008) identified the Pahrnagat East Allotment as an allotment in desert tortoise habitat available for livestock grazing. It also states: “Allotments or portions of allotments in desert tortoise habitat outside ACECs will be managed according to seasonal utilization limits of 40% of annual growth on key forbs, perennial grasses and shrubs (March 1 to October 31)”.

The Pahrnat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). The allotment does not contain desert tortoise critical habitat or Areas of Critical Environmental Concern (ACECs).

On May 10, 2012, the U.S. Fish and Wildlife Service (USFWS) received BLM's request for Section 7 consultation for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*), regarding the proposed action, through a memorandum dated May 8, 2012. The request contained measures which would minimize potential effects to the desert tortoise.

In response to the request, the USFWS determined that the effects of the proposed action was within the scope of, and described in, the "Effects of the Action, Desert Tortoise" section of the PBO. They further determined that not only would most of these effects be minimized by BLM's proposed measures; but that the proposed change in grazing would improve desert tortoise habitat over time.

In conclusion, after reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it was the USFWS's biological opinion that the proposed action is not likely to jeopardize the continued existence of the threatened desert tortoise.

Fully processing and renewing the term grazing permits for authorizations #2705030, #2705033, #2705074 and #2705086 on the Pahrnat East Allotment provides for a legitimate multiple use of public lands. The permit will include terms and conditions, for grazing use, that conform to grazing Guidelines which will aid in continuing to achieve the Resource Advisory Council 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".

Consequently, this decision specifically identifies management actions and terms and conditions deemed appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that will aid in ensuring that continued achievement of the Standards for Rangeland Health and multiple use objectives occur.

Conclusions of the Standards Determination Document

Current monitoring data were reviewed and an evaluation of the rangeland health was completed during the permit renewal process. As a result, a Standards Determination document was prepared (Appendix II of EA). 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 allotment are summarized in Table 1, below

Table 1. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Pahrnagat East Allotment.

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Upland portion – Achieved Riparian Portion – Not Applicable
3. Habitat and Biota Standard	Achieved

The data indicate that grazing is in conformance with all applicable Guidelines. However, the new term permit will include terms and conditions directed toward the achievement of both, the Standards and Guidelines for Grazing Administration and other pertinent land use objectives for livestock use.

In addition, Best Management Practices (BMPs) will be included, as Terms and Conditions, in the term grazing permits. Utilization objectives for the allotment are a quantification of the land use plan objectives and will be included as a BMP.

Consultation and Coordination

On December 16, 2011, the annual Ely BLM annual Consultation, Cooperation and Coordination letter was mailed to individuals and organizations who have previously expressed an interest in federal actions on the Ely District. The letter solicited public requests, regarding various program areas, to be a 2012 interested public.

On February 22, 2012, a letter was sent to local Native American tribes initiating the consultation compliance process in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. The letter solicited input for various permit renewals scheduled during 2012, including those on the Pahrnagat East Allotment. No comments were received.

On February 23, 2012, the four permittees on the Pahrnagat East Allotment (authorization numbers 2705030, 2705033, 2705074 and 2705086) were each sent a letter informing them of the proposed term grazing permit renewal process scheduled during 2012. No comments were received.

On February 28, 2012 a BLM internal meeting was held in coordination between the Caliente Field Office and the Ely BLM District Office. The term permit renewal proposal for authorization numbers 2705030, 2705033, 2705074 and 2705086 was presented and scoped by resource specialists to identify any relevant issues. Issues were identified by both, the staff wildlife biologist and archaeologist.

On March 5, 2012, the proposal to fully process the term permit for authorization numbers 2705030, 2705033, 2705074 and 2705086 was submitted for posting on the National

Environmental Policy Act (NEPA) register webpage (ePlanning). A direct link to this webpage was posted on the Ely BLM Homepage. No comments were received.

On April 11, 2012, a hard copy of the Pahranaagat East Allotment Preliminary EA was mailed to all interested publics who had expressed an interest in grazing permit renewals during the 2012 calendar year. The public mailing List, as updated through April 11, 2012, was used. The due date for all comments ended at the close of business on April 27, 2012. Comments were received by Western Watersheds, via email, after the close of business on May 22, 2012.

On April 11, 2012, the Preliminary EA was also posted on the NEPA Register webpage for a 15 day public review and comment period with the direct link to this webpage posted on the Ely BLM Homepage. No comments were received.

On April 11, 2012, the Preliminary EA was also submitted to the Nevada State Clearinghouse for a 15 day public review and comment period. Statements regarding general state water laws and existing water rights were cited by the Division of Water Resources and received as comments by the BLM.

On May 10, 2012, the U.S. Fish and Wildlife Service (FWS) received BLM's request for Section 7 consultation for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) through a memorandum dated May 8, 2012. The FWS provided a response to the request, dated June 22, 2012, which was received by the BLM on July 2, 2012.

Relevant changes to the EA were made as appropriate.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §4130.3, §4130.3-1 and §4130.3-2, the term permits for authorizations #2705030, #2705033, #2705074 and #2705086 on the Pahranaagat East Allotment will be changed according to the following:

FROM:

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Pahranaagat East	11027	#2705030	16	C	8/01	5/31	100	157	0	157
		#2705033	16	C	8/01	5/31	100	156	0	156
		#2705074	12	C	8/01	5/31	100	120	0	120
		#2705086	8	C	8/01	5/31	100	78	0	78

* These numbers are approximate

** This is for billing purposes only.

TO:

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Pahranagat East	11027	#2705030	18	C	8/01	4/15	100	157	0	157
		#2705033	18	C	8/01	4/15	100	156	0	156
		#2705074	14	C	8/01	4/15	100	120	0	120
		#2705086	9	C	8/01	4/15	100	78	0	78

* These numbers are approximate

** This is for billing purposes only.

The renewal of the term grazing permit will be for a period of up to 10 years. This decision will be effective upon the decision becoming final or pending final determination on appeal. If the grazing privileges are transferred during this ten year period - with no changes to the terms and conditions of the permit - the new term permit will be issued for the remainder of the 10 year period.

In addition, the following BMPs will be added to the term grazing permits, as Terms and Conditions, for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranagat East Allotment. Utilization objectives for the allotment are a quantification of the land use plan objectives and will be included as a BMP.

Best Management Practices:

1. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Pahranagat East Allotment - during the authorized grazing use period (8/1-4/15) - will not exceed 40%.
2. Watering locations will be rotated, so that those used during one grazing season will not be used during the next.
3. Under the discretion of the BLM, water hauling locations will be used in a manner which will yield maximum livestock distribution within the allotment.
4. Water hauling will be limited to existing roads.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

5. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This

program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.

6. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way in accordance with Service guidelines (2009).
7. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow when the ambient air temperature is above 95° F. Ambient air temperature will be measured in the shade, protected from wind, at a height of 2 inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95° F before handling and relocation can be completed. If the ambient air temperature exceeds 95° F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95° F and the animals will not be released until ambient air temperature declines to below 95° F.
8. Although it is unlikely desert tortoises would be moved, tortoises shall be handled by authorized individuals following recognized protocol (Service 2009).
9. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible Federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

10. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become

vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat which may include use of water, salt mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.

11. Livestock grazing utilization levels or other thresholds shall be incorporated into the allotment term permits.
12. The permittee shall be required to take immediate action to remove any livestock that moves into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the Service, will take measures to ensure straying is prevented.
13. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
14. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management, they will be placed in previously-disturbed areas at least 0.5 mile from riparian areas. In some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage.
15. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including Service biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the Service.
16. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to maintain achievement of the Standards for Rangeland Health.

Standard Operating Terms and Conditions:

In accordance with 43 CFR § 4130.3, § 4130.3-1 and § 4130.3-2, the following will also be included as terms and conditions in the term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment.

1. Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations are consistent with multiple-use

objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

2. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
3. Grazing use will be in accordance with the 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.
4. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.
5. 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.
6. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.
7. 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.
8. Livestock will be moved to another authorized pasture (where applicable) or removed from the allotment before utilization objectives are met or no later than 5 days after meeting the utilization objectives. Any deviation in livestock movement will require authorization from the authorized officer.
9. The placement of mineral or salt supplements will be a minimum distance of 1/2 mile from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements will also be one mile from active sage-grouse leks. Placing supplemental feed (i.e. hay, grain, pellets, etc.) on public lands without authorization is prohibited.

Rationale

A Summary of the Assessment of the Mojave-Southern Great Basin Area Standards for the Pahranaagat East Allotment is displayed in Table 1, above (Table 1.2 of the Environmental Assessment). Monitoring data review and assessment findings indicate that all Standards, or their applicable portions thereof, are being achieved (Standards 1 and 3; and the upland portion of Standard 2). The data also indicates that grazing is in conformance with all applicable Guidelines.

However, the current season of use (8/1 – 5/31) doesn't allow periodic spring rest during the critical growing period for plants. Consequently, there is the potential that it would not allow for the type of root mass and subsequent above ground biomass development which lends itself to healthy, vigorous growing plants; especially grasses. It is believed that annual spring grazing could potentially steadily diminish the root systems of the grasses, causing above ground biomass to correspondingly diminish over time¹.

The Proposed Action to change the Season of Use, from 8/1 – 5/31 to 8/1 – 4/15, would result in grazing which neither occurs during the latter portion of the critical growing period for cool season plants, nor during a portion of the critical growing period for warm season plants. This would favor plant growth and seed set requirements in both, warm season and cool season grasses. It would also allow the potential for grazed cool season plants, which may have begun some spring growth, to continue growth which would aid in allowing such plants: to develop above ground biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Consequently, the benefits to plant physiology, added soil protection and wildlife cover would be enhanced; the plant quality and volume of existing forage species would be promoted; and the potential for loss of desired plant species, due to repeated spring grazing during the critical growing period for plants, would decline. Summarily, this would impact the desired forage base in a positive manner.

Having existing permanent water haul locations spread throughout the Pahrangat East Allotment provides a means to help control livestock. Strategically using multiple watering locations during a grazing season can improve livestock distribution to achieve a more uniform utilization level within the allotment.

Seasonal rotation of watering locations – whereby, those locations used during one grazing season are not used during the next – provides the benefit of allowing the periodic rest of areas directly influenced by point water sources with regards to trampling and levels of grazing use.

Creating a more uniform utilization level within the portion of the allotment being grazed, coupled with the periodic rest resulting from the seasonal rotation of watering locations, should result in achieving/maintaining enhanced forage production, ground cover, plant vigor and overall range condition. In addition, the potential for unacceptable utilization levels can be dramatically reduced; while providing benefits to wildlife regarding not only forage and cover, but additional water availability during the livestock grazing season.

The installation and maintenance of bird ladders would allow a means of escape for wildlife.

It is anticipated and reasonable to expect, then, that Standards 1, 3 and the upland portion of Standard 2 would continue to be achieved.

¹ Dietz, Harland E. 1989. Grass: the Stockman's Crop, How to Harvest More of It. Special Report. Sunshine Unlimited, Inc. 15 pp.

The Proposed Action would also add other terms and conditions (BMPs) to the permit that would aid in achieving/maintaining the Mojave-Southern Great Basin Standards.

Land Use Plan Conformance

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.”

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

§ 4130.2 (a) 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.”

§ 4160.1 Proposed Decisions

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

- (b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§ 4130.8 and 4150.3 and the action to be taken under § 4170.1.
- (c) The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with § 4110.3-3(b) or § 4150.2(d).”

§ 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.”

PROTEST AND APPEAL

Protest

In accordance with 43 CFR § 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under § 4160.1 of this title, in person or in writing within 15 days after receipt of such decision to:

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

The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

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

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

Appeal

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

The appeal and any petition for stay must be filed at the office of the authorized officer:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
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

Authorizations #2705030, #2705033, #2705074 and #2705086
on the Pahrnagat East Allotment (#11027)

DOI-BLM-NV-L030-2012-0001 EA

I have reviewed Environmental Assessment (EA) (DOI-BLM-NV-L030-2012-0001 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 renewals identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Environmental Assessment DOI-BLM-NV-L030-2012-0001 EA has been reviewed through the interdisciplinary team process.

Rationale:

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP/ROD) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008).

This proposed term permit renewal would be effective in improving/maintaining rangeland health and watershed condition on public lands within the Pahrnagat East Allotment. Through the introduction and implementation of the sound livestock management practices associated with the Proposed Action, progression will be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

The finding and conclusion of no significant impact is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The Pahrnagat East Allotment is located within the White River South Watershed (#160C), and is approximately 34,146 acres in size. Elevations range from approximately 5,600 feet near the east boundary of the allotment to approximately 3,600 feet near the west boundary.

Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA), Wilderness or Wilderness Study Area. The approximate west half of the south half of the Pahrnagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix I, Map #2 of EA). Desert tortoise critical habitat and desert tortoise Areas of Critical Environmental Concern (ACEC) does not exist within the allotment.

There are no known riparian areas located within the allotment, on BLM managed lands.

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.). None of the resource impacts are intensely adverse or beneficial.

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

The Proposed Action will not result in potentially substantial or adverse impacts to public health and safety.

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

The Ely RMP EIS has evaluated the impacts of livestock grazing on natural resources and unique geographic characteristics found on public lands throughout the district, and decisions were made to eliminate grazing in areas where the impacts could cause unacceptable degradation to natural resources and unique geographic characteristics. No site specific concerns were identified in the EA.

There are no parks, wetlands, wild and scenic rivers or ecologically critical areas (ACECs) found within the allotment.

Prime and unique farmland is found in the north-central and far northern tip of the allotment. Livestock grazing will have impacts to prime farmlands, because it will not change soil characteristics that affect farmland status.

Historic and cultural resources identified in the proposed area were reviewed and analyzed. No effects to unique characteristics of the geographic area such as proximity to historic or cultural resources were identified.

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

Whereas, it may be controversial to continue to permit livestock grazing on public lands in spite of the effects, there is little controversy as to what they are. The Ely RMP EIS

analyzed several alternatives with various effects to conflicting uses of natural resources and disclosed these effects. Decisions were made to continue livestock grazing in areas deemed appropriate.

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 and maintain or achieve rangeland health. The Ely RMP EIS analyzed the effects of livestock grazing throughout the district and has eliminated grazing in areas where unique environmental risks could occur.

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 actions or projects - within either the proposed action area or surrounding areas - will be analyzed and evaluated as a separate action; and, independently of the current 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 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.*

A *Findings for Cultural Resources Needs Assessment* was completed on May 3, 2012. There are no known conflicts between current grazing practices and cultural resources within the allotment associated with this permit renewal. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. The Bureau of Land Management reserves the right to expeditiously mitigate or eliminate impacts to cultural resources discovered after this permit is issued.

All future range improvements, surface disturbing projects, and changes in grazing patterns that will concentrate grazing and may create impacts related to this permit will be subject to

Section 106 review and, if needed, SHPO consultation as per the BLM Nevada's implementation of the Protocol for cultural resources.

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

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species.

Wildlife species (plant and animal) that occur in or near the project area are listed in Appendix V of the EA.

The approximate west half of the south half of the Pahranaagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix I, Map #2 of the EA). Formal section 7 consultation for this species, between the Bureau of Land Management and the United States Fish and Wildlife Service (USFWS), was completed on June 22, 2012 and received by BLM on July 2, 2012.

After reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it was the USFWS's biological opinion that the proposed action was within the scope of the Programmatic Biological Opinion contained in Ely's District Record of Decision and Approved Resource Management Plan (August 2008); and was, therefore, not likely to jeopardize the continued existence of the Mojave desert tortoise.

The allotment also contains habitat for two federally endangered fish: the White River Springfish (*Crenichthys baileyi baileyi*) and the Pahranaagat roundtail chub (*Gila robusta jordani*); and a federally endangered bird, southwestern willow flycatcher (*Empidonax traillii extimus*). However, a fence prevents livestock access to Ash Springs where these species and their habitat occur. Therefore, no effects are anticipated.

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

Victoria Barr
Field Manager
Caliente Field Office

July 23, 2012

Date

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

Preliminary Environmental Assessment

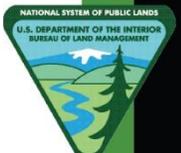
DOI-BLM-NV-L030-2012-0001-EA

July 5, 2012

Grazing Permit Renewal
For Authorizations
#2705030, #2705033, #2705074 and #2705086
on the
Pahranagat East Allotment (#11027)

Lincoln County, Nevada

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
Phone: (775) 726-8100
Fax: (775) 726-8111



1.0 Introduction

This document identifies issues, analyzes alternatives, and discloses the potential environmental impacts associated with the proposed term grazing permit renewals for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranaagat East Allotment (#11027).

1.1 Background

The Pahranaagat East Allotment, a land based allotment having four permittees, is located in central Lincoln County, Nevada. It is approximately 40 miles southwest of Caliente, Nevada and approximately five miles south of Hiko, Nevada (Appendix I, Maps #1 and #2). Cattle are the type of livestock grazed on the allotment.

No formal grazing system exists within the allotment. Current management practices are a reflection of Best Management Practices (BMPs) as coordinated between the permittee and the appropriate Bureau of Land Management (BLM) Range Management Specialist.

Allotment General Location:

T.4 S., R.61 E., MDBM, many sections
T.5 S., R. 60, 61 E., MDBM, many sections
T.6 S., R. 61 E., MDBM, many sections
T.7 S., R. 61, 62 E., MDBM, many sections

1.2 Introduction of the Proposed Action.

The BLM, Caliente Field Office, proposes to renew the aforementioned term grazing permits on the Pahranaagat East Allotment.

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. Changes to grazing management are recommended which would establish Best Management Practices (BMPs) within the allotment. Such BMPs would assist in achieving/maintaining these Standards.

The BLM collected and analyzed monitoring data, and conducted professional field observations, as part of the permit renewal process. This information was used to evaluate livestock grazing management and rangeland health within the Pahranaagat East Allotment. Subsequently, an evaluation of rangeland health along with recommendations associated with grazing management practices, in the form of a Standards Determination Document (SDD), was completed in 2012 (Appendix II). A summary of the RAC Standards assessment is found in Table 1.2, below.

Table 2.2 Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Pahrnagat East Allotment.

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Upland portion – Achieved Riparian Portion – Not Applicable
3. Habitat and Biota Standard	Achieved

1.3 Need for the Proposed Action.

The need for the proposal is to authorize grazing use on public lands in a manner which satisfies the Federal Land Policy and Management Act (FLPMA) (1976) while being consistent with multiple use, sustained yield and the Nevada’s Mojave-Southern Great Basin Area Standards for Rangeland Health; to manage livestock in accordance with all applicable laws, regulations, and policies; and, to renew the term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment (#11027) while introducing BMPs – along with specific (mandatory) terms and conditions – directed toward achieving and/or maintaining the applicable Standards and Guidelines for Grazing Administration.

1.3.1 Objectives for the Proposed Action.

- To renew the term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086; while authorizing grazing in accordance with applicable laws, regulations, and land use plans (LUPs) on approximately 34,146 acres of public land.
- To improve/maintain vegetative health and growth conditions on the allotment while either making progress toward or maintaining achievement of 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) (August 2008), which states as a goal (p. 85): “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.” It further states as an objective (p. 86): “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health.”

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-3 states, “Allow allotments or portions of allotments within desert tortoise habitat, but outside of Areas of Critical Environmental Concern (ACECs) to remain at current stocking levels unless a subsequent evaluation indicates a need to change the stocking level.”

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.”

Management Action LG-8 states, “Implement management actions for desert tortoise habitat contained in the 2008 Biological Opinion.”

1.5 Relationship to Other Plans

The proposed action was analyzed within the scope of the *Revised Recovery Plan for the Mojave Population of the Desert Tortoise (Gopherus agassizii)* (2011) and found to be in compliance.

The proposed action is also consistent with the *Lincoln County Public Lands Policy Plan* (2010) which states (p. 38):

“Policy 4-4: Grazing should utilize sound adaptive management practices consistent with the BLM Mojave-Southern Great Basin Resource Advisory Council’s Standards and Guidelines for Grazing Administration. Lincoln County supports the periodic updating of the Nevada Rangeland Monitoring Handbook to help establish proper levels of grazing. Lincoln County supports accountability between BLM and Lincoln County Commission to assure these management practices are carried out in a timely and professional manner.

Policy 4-5: Allotment management strategies should be developed that provide incentives to optimize stewardship by the permittee. Flexibility should be given to the permittee to reach condition standards for the range. Monitoring should utilize all science-based relevant studies, as described in the current Nevada Rangeland Monitoring Handbook. Changes to these standards should involve pre-planning collaborative consultation with the permittee and Lincoln County Commission.”

1.6 Relationship to Acts, Executive Orders, Agreements and Guidance

The proposed action was analyzed within the scope of other relevant Acts, Executive Orders and associated regulations, Agreements and Guidance listed below and found to be in compliance:

- State Protocol Agreement between the BLM, Nevada and the Nevada State Historic Preservation Office (October 26, 2009)

- National Historic Preservation Act (1966) (Public Law 89-665; 16 U.S.C. 470 as amended through 2000)
- Archaeological Resources Protection Act (ARPA) (1979)
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01).
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds (2001)
- The National Environmental Policy Act (1969) (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994)
- The Federal Land Policy and Management Act (1976) (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996)
- Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (12 February 1997).
- Endangered Species Act (ESA) (1973).

1.7 Tiering

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (Ely PRMP/FEIS, Volumes I and II) (November 2007).

1.8 Relevant Issues and Internal Scoping/Public Scoping.

The Ely District Office mails an annual Consultation, Cooperation and Coordination (CCC) letter, for various program areas, to individuals and organizations who have previously expressed an interest in federal actions on the Ely District. Through the CCC letter, the public has the opportunity to submit a request to be a 2012 interested public for grazing management actions on the Ely BLM District; and to specify the specific grazing management actions and grazing allotments in which they are interested. Grazing permittees are automatically included on the Grazing Interested Public Mailing List for any allotment on which they have a grazing permit.

On December 16, 2011, the aforementioned Ely BLM annual CCC letter was mailed.

On February 22, 2012, a letter was sent to local Native American tribes initiating the consultation compliance process in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. The letter solicited input for various permit renewals scheduled during 2012, including those on the Pahrnagat East Allotment.

On February 23, 2012, the four permittees on the Pahrnagat East Allotment (authorization numbers 2705030, 2705033, 2705074 and 2705086) were each sent a letter informing them of

the proposed term grazing permit renewal process scheduled during 2012. No comments were received.

On February 28, 2012 a BLM internal meeting was held in coordination between the Caliente Field Office and the Ely BLM District Office. The term permit renewal proposal for authorization numbers 2705030, 2705033, 2705074 and 2705086 was presented and scoped by resource specialists to identify any relevant issues. Issues were identified by both, the staff wildlife biologist and archaeologist.

On March 5, 2012, the proposal to fully process the term permit for authorization numbers 2705030, 2705033, 2705074 and 2705086 was submitted for posting on the National Environmental Policy Act (NEPA) register webpage (ePlanning). A direct link to this webpage was posted on the Ely BLM Homepage. No comments were received.

On April 11, 2012, a hard copy of the Pahrnagat East Allotment Preliminary EA was mailed to all interested publics who had expressed an interest in grazing permit renewals during the 2012 calendar year. The public mailing List, as updated through April 11, 2012, was used. The due date for all comments ended at the close of business on April 27, 2012. Comments were received by Western Watersheds, via email, after the close of business on May 22, 2012.

On April 11, 2012, the Preliminary EA was also posted on the NEPA Register webpage for a 15 day public review and comment period with the direct link to this webpage posted on the Ely BLM Homepage. No comments were received.

On April 11, 2012, the Preliminary EA was also submitted to the Nevada State Clearinghouse for a 15 day public review and comment period. Statements regarding general state water laws and existing water rights were cited by the Division of Water Resources and received as comments by the BLM.

On May 10, 2012, the U.S. Fish and Wildlife Service (USFWS) received BLM's request for Section 7 consultation for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) through a memorandum dated May 8, 2012. The FWS provided a response to the request, dated June 22, 2012, which was received by the BLM on July 2, 2012.

Relevant changes to the EA were made as appropriate.

2.0 Alternatives Including the Proposed Action

2.1 Proposed Action

The BLM, Caliente Field Office, proposes to renew the term grazing permit for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment (#11027).

Table 1 in Appendix B of the SDD (Appendix II of this EA) illustrates annual livestock grazing use for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment - as AUMs licensed each year by each permittee; total AUMs licensed each year on

the allotment; and total AUMs licensed each year on allotment as a percent of the total active use for all four permittees - from March 1, 2002 through February 28, 2012 (10 years).

As the table illustrates, the licensed annual use on the allotment for all four permittees, during the ten year period, has frequently been below the combined Total Active AUMs. The total AUMs licensed each year on the allotment, as a percent of the total active use for all four permittees, varied from 4.5% - 46% with a 10 year average of 27 %. In addition, the table also illustrates that three of four permittees typically grazed less than 50% of their active use, annually, during seven of the ten year time span.

However, the current season of use (8/1 – 5/31) doesn't allow periodic spring rest during the critical growing period for plants. Consequently, there is the potential that it would not allow for the type of root mass and subsequent above ground biomass development which lends itself to healthy, vigorous growing plants; especially grasses. It is believed that annual spring grazing could potentially steadily diminish the root systems of the grasses, causing above ground biomass to correspondingly diminish over time².

The Proposed Action is to maintain the current Active Use of all four permittees with grazing authorizations being based on annual forage availability. However, a change in the season of use would be implemented. The season of use would be changed from 8/1 – 5/31 to 8/1 – 4/15, so that grazing neither occurs during the latter portion of the critical growing period for cool season plants, nor during a portion of the critical growing period for warm season plants.

Water hauling to the existing permanent water haul locations (troughs), within the allotment, would continue (Appendix I, Map #2). However, permittees would be required to rotate watering locations, so that those used during one grazing season would not be used during the next. In addition, water hauling would be limited to existing roads; the placement of salt would not be allowed closer than one-half mile from any water source; and all permittees would be required to install wildlife escape ramps (bird ladders) in all watering troughs.

Furthermore, under the discretion of the BLM, water hauling locations would be used in a manner which will yield maximum livestock distribution within the allotment.

The Proposed Action would also add other terms and conditions (BMPs) to the permit that would aid in achieving/maintaining the Mojave-Southern Great Basin Standards. No other changes to any of the permits would be made.

2.1.1 Current Permits

Table 2.1.1, below, displays the mandatory terms and conditions for the current term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment.

² Dietz, Harland E. 1989. Grass: the Stockman's Crop, How to Harvest More of It. Special Report. Sunshine Unlimited, Inc. 15 pp.

Table 2.1.1 Current Term Grazing Permits for Authorization Numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranaagat East Allotment:

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Pahranaagat East	11027	#2705030	16	C	8/01	5/31	100	157	0	157
		#2705033	16	C	8/01	5/31	100	156	0	156
		#2705074	12	C	8/01	5/31	100	120	0	120
		#2705086	8	C	8/01	5/31	100	78	0	78

* These numbers are approximate

** This is for billing purposes only.

2.1.2 Proposed Term Permits

The new term permits would contain the same mandatory terms and conditions as the current term permit (Table 2.1.1) with one exception. The season of use would change from 8/1 – 5/31 to 8/1 – 4/15 for all four permittees.

Table 2.1.2 displays the proposed term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086.

Table 2.1.2 Proposed Term Grazing Permits for Authorization Numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranaagat East Allotment:

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Pahranaagat East	11027	#2705030	18	C	8/01	4/15	100	157	0	157
		#2705033	18	C	8/01	4/15	100	156	0	156
		#2705074	14	C	8/01	4/15	100	120	0	120
		#2705086	9	C	8/01	4/15	100	78	0	78

* These numbers are approximate

** This is for billing purposes only.

The renewal of the term grazing permits would be for a period of up to 10 years. If the grazing privileges, associated with any of the permits, are transferred during this ten year period - with no changes to the terms and conditions of the permit in question - the new term permit would be issued for the remainder of the 10 year period.

The new term permits would also include standard terms and conditions which further assist in achieving/maintaining the Standards and Guidelines for Grazing Administration in addition to other pertinent land use objectives for livestock use (Appendix III).

The following Terms and Conditions would also be added to the Term Grazing Permits:

1. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Pahrnagat East Allotment - during the authorized grazing use period (8/1-4/15) - will not exceed 40%.
2. Watering locations will be rotated, so that those used during one grazing season will not be used during the next.
3. Under the discretion of the BLM, water hauling locations will be used in a manner which will yield maximum livestock distribution within the allotment.
4. Water hauling will be limited to existing roads.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

5. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.
6. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way in accordance with Service guidelines (2009).
7. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow when the ambient air temperature is above 95° F. Ambient air temperature will be measured in the shade, protected from wind, at a height of 2 inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95° F before handling and relocation can be completed. If the ambient air temperature exceeds

95° F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95° F and the animals will not be released until ambient air temperature declines to below 95° F.

8. Although it is unlikely desert tortoises would be moved, tortoises shall be handled by authorized individuals following recognized protocol (Service 2009).
9. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible Federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

10. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat which may include use of water, salt mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.
11. Livestock grazing utilization levels or other thresholds shall be incorporated into the allotment term permits.
12. The permittee shall be required to take immediate action to remove any livestock that moves into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the Service, will take measures to ensure straying is prevented.
13. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
14. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management, they will be placed in previously-disturbed areas at least 0.5 mile from riparian areas. In

some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage.

15. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including Service biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the Service.
16. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

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 to maintain achievement of the Standards for Rangeland Health.

2.1.3 Invasive, Non-Native Species and Noxious Weeds

A Weed Risk Assessment was completed for this project (Appendix IV). According to recent weed surveys (2009), the only known noxious weed found within the boundaries Pahranaagat East Allotment is scotch thistle (*Onopordum acanthium*), and is found within the Ash Springs recreation area. The measures listed in the Weed Risk Assessment will be followed, when grazing occurs on the allotment, to minimize the spread of weeds.

2.1.4 Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include (p. 88): “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”.

Under guidance of the Endangered Species Act and through Section 7 consultation with the U.S. Fish and Wildlife Service, a species specific monitoring plan was developed to monitor desert tortoise habitat.

2.2 Description of Alternatives Analyzed in Detail

2.2.1 No Action Alternative

The No Action Alternative, for livestock grazing, permit renewals is defined as “continuing to graze under current terms and conditions” in IM-2000-022, Change 1 (re-authorized by IM-2010-063)

Therefore, the No Action Alternative would reflect the status quo. The term permits would be issued without changes to grazing management, or modifications to the existing terms and conditions of the permit.

2.2.2 No Grazing Alternative

Under this alternative a new term grazing permit would not be issued, once the current term permit expired, resulting in no authorized livestock grazing on the allotment.

This alternative was also considered and analyzed in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November, 2007) which is addressed below.

2.3 Alternatives Considered but Eliminated from Further Analysis

The Ely PRMP/FEIS (Volume II) analyzed the Environmental Impacts of livestock grazing under the Proposed RMP along with four alternatives (p.4.16-1 to 4.16-15.), which included a no-grazing alternative (Alternative D). It also analyzed Environmental impacts on vegetative resources from livestock grazing under the Proposed RMP and the four alternatives (4.5-1 to 4.5-28), which included the no-grazing alternative. No further analysis is necessary in this document for Alternatives A, B and C. However, the no-grazing alternative is additionally analyzed in this EA. The following is a list of the four Alternatives contained within the PRMP/FEIS (Volume II):

- 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 Pahrnat East Allotment is located within the White River South Watershed (#160C), and is approximately 34,146 acres in size. Elevations range from approximately 5,600 feet near the east boundary of the allotment to approximately 3,600 feet near the west boundary.

Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA), Wilderness or Wilderness Study Area. The approximate west half of the south half of the Pahrnat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix I, Map #2). Desert tortoise critical habitat and desert tortoise Areas of Critical Environmental Concern (ACEC) does not exist within the allotment.

There are no known riparian areas, located within the allotment, on BLM managed lands. Watering of livestock is accomplished through water hauling to established permanent water haul locations (troughs) (Appendix I, Map #2).

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	<p>Air quality in Lincoln County is classified by the State of Nevada as being “unclassifiable” since no monitoring has been conducted to determine the classification and National Ambient Air Quality Standards; violations would not otherwise be expected in the county.</p> <p>The proposed action would not have a measurable affect the air quality of Lincoln County. Any dust created would be expected to be ephemeral.</p>
Cultural Resources	No	<p>Impacts from livestock grazing on Cultural Resources are analyzed on page 4.9-5 of the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007).</p> <p>A Findings for Cultural Resources Needs Assessment was completed on May 3, 2012. All range improvements, surface disturbing projects, and changes in grazing patterns that will concentrate grazing and may create impacts related to this permit will be subject to Section 106 review and, if needed, SHPO consultation as per the BLM Nevada’s implementation of the Protocol for cultural resources.</p> <p>There are no known conflicts between current grazing practices and cultural resources within the allotment associated with this permit renewal. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. The Bureau of Land Management reserves the right to expeditiously mitigate or eliminate impacts to cultural resources discovered after this permit is issued.</p>
Paleontological Resources	No	No currently identified paleontological resources are present in the project area.

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Native American Religious Concerns and other concerns	No	<p>Letters notifying Native American Tribes of proposed term grazing permit renewals scheduled for 2012 were sent out on February 22, 2012 for a 30 day comment period. The Pahrnagat East Allotment was included in the notification. No concerns were identified.</p> <p>Direct impacts and cumulative impacts would not occur, because there were no identified concerns through coordination.</p>
Noxious and Invasive Weed Management	No	<p>Livestock grazing has the potential to spread noxious and invasive weeds. A Weed Risk Assessment was completed for this project (Appendix IV).</p> <p>The design features of the proposed action, in addition to the vigilant practices described in the Noxious Weed Risk Assessment, will help prevent livestock grazing from spreading noxious and non-native, invasive weeds.</p> <p>No additional analysis is needed.</p>
Vegetative Resources	Yes	<p>Impacts from livestock grazing on Vegetation Resources were analyzed on page 4.5-9 in the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007). Beneficial impacts to vegetative resources are consistent with the need and objectives for the proposed action.</p> <p>This resource has been further analyzed in the EA.</p>
Rangeland Standards and Health	Yes	<p>Impacts from livestock grazing on Rangeland Standards and Health are analyzed on pages 4.16-3 through 4.16-4 of the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007). Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the proposed action.</p> <p>Analysis of the proposed action and alternatives is provided in the affected environment and environmental impacts sections of this EA.</p>
Grazing Uses	Yes	Livestock grazing is analyzed in this EA.
Forest Health ¹	No	There are no Pinyon-juniper woodlands located on the Pahrnagat East Allotment.
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 or alternatives.
Wilderness	No	Neither the allotment nor any of its portions are located within Wilderness or Wilderness Study 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	No riparian areas occur on public land in the analysis area.
Water Quality, Drinking/Ground	No	<p>The Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) disclosed effects to Water Resources from livestock grazing on page 4.3-5.</p> <p>The proposed action would not affect water quality (surface or groundwater sources) or drinking water in the project area. No surface water in the project area is used as human drinking water sources and no impaired water bodies of the State on Nevada are present in the project area.</p>
Water Resources (Water Rights)	No	The Proposed Action would not affect existing or pending water rights vicinal to or within the project analysis area.
Floodplains	No	The project analysis area is not included on FEMA flood maps. The resource does not exist in the proposed project area.
Migratory Birds	No	<p>The migratory bird species that occur in or near the project area are listed in Appendix V. This list includes BLM Sensitive species.</p> <p>There is always a possibility that the nests, and/or developing young, of ground nesting birds during the spring nesting period could be trampled by cattle or horses. However, the potential for nest trampling is anticipated to be remote and upon occurrence, would be limited to an occasional individual or nest. If nests were lost due to trampling, birds would likely re-nest.</p> <p>Grazing would also reduce the height of existing vegetative structure and cover to some degree. However, with the establishment Allowable Use Levels it is anticipated that vegetative structure and cover would be negligibly affected.</p> <p>In view of the aforementioned, it is anticipated that negative impacts to migratory bird populations, as a whole, would be negligible.</p>
U.S. Fish and Wildlife Service (USFWS) Listed or proposed for listing Threatened or Endangered Species or critical habitat.*	Yes	<p>Wildlife species (plant and animal) that occur in or near the project area are listed in Appendix V.</p> <p>The approximate west half of the south half of the Pahranaagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (<i>Gopherus agassizii</i>) (Appendix I, Map #2). On May 10, 2012, the U.S. Fish and Wildlife Service received BLM's request for section 7 consultation for this species through a memorandum dated May 8, 2012.</p> <p>The allotment also contains habitat for two federally endangered fish: the White River Springfish (<i>Crenichthys baileyi baileyi</i>) and the Pahranaagat roundtail chub (<i>Gila robusta jordani</i>); and a federally endangered bird, southwestern willow flycatcher (<i>Empidonax traillii extimus</i>). However, a fence prevents livestock access to Ash Springs where these species and their habitat occur. Therefore, no effects are anticipated.</p> <p>The aforementioned species are analyzed in detail in this EA.</p>

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Special Status Plant Species, other than those listed or proposed by the USFWS as Threatened or Endangered	No	<p>Plant species that occur in or near the project area are listed in Appendix V.</p> <p>The allotment contains one riparian BLM sensitive plant species: St. George blue-eyed grass (<i>Sisyrinchium radicum</i>) at Ash Springs. Because the Ash Springs area is completely fenced, livestock grazing is has been totally excluded. Therefore no impact to this species is anticipated as a result of the Proposed Action.</p>
Special Status Animal Species, other than those listed or proposed by the UFWS as Threatened or Endangered	Yes	<p>Wildlife species that occur in or near the project area are listed in Appendix V.</p> <p>The allotment contains the following BLM sensitive species: desert bighorn sheep (<i>Ovis canadensis nelsoni</i>); Pahrnagat Valley montane vole (<i>Microtus montanus fucosus</i>); banded Gila monster (<i>Heloderma suspectum</i>); Pahrnagat naucorid bug (<i>Pelocoris shoshone shoshone</i>); grated tyronia (<i>Tyronia clathrata</i>); Pahrnagat pebblesnail (<i>Pyrgulopsis merriami</i>); golden eagle (<i>Aquila chrysaetos</i>); loggerhead shrike (<i>Lanius ludovicianus</i>); and western yellow-billed cuckoo (<i>Coccyzus americanus</i>).</p> <p>The aforementioned species are analyzed in detail in this EA.</p>
Fish and Wildlife	No	<p>There are no lentic or lotic riparian areas located within the Pahrnagat East Allotment on BLM managed lands. The Ash Springs area is completely fenced. Therefore, livestock grazing is has been totally excluded.</p> <p>Wildlife species – including sensitive species – that occur in or near the project area are listed in Appendix V.</p> <p>Impacts from livestock grazing on Fish and Wildlife are analyzed on pages 4.6-10 through 4.6-11 in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).</p> <p>Grazing would reduce the amount of available forage (grass and forbs); however, compliance with Ely Resource Management Plan standards for utilization percentages ensures that forage is present in the allotment after cattle are removed.</p> <p>The allotment contains general habitat for mule deer (<i>Odocoileus hemionus</i>), small mammals, reptiles, and some aquatic species. No population level impacts are anticipated to these species.</p> <p>Therefore, it is anticipated that the proposed action would have no a measurable affect this resource.</p>
Wild Horses	No	Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA).

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Soil Resources	No	<p>The Ely Proposed resource Management Plan/Final Environmental Impact Statement (November 2007) disclosed effects to Soil Resources resulting from livestock grazing actions on page 4.4-4.</p> <p>Soils in the project analysis area are not prone to compaction or erosion problems; infiltration rates and soil permeability are high and soil textures are coarse throughout the area</p> <p>It is expected that the proposed action would not measurably affect soil resources.</p>
Mineral Resources	No	<p>There would be no modifications to mineral resources through the proposed action or alternatives; therefore, no direct or cumulative impacts would occur to minerals.</p>
VRM	No	<p>The proposed action is consistent with the VRM classification objectives for VRM classes 2, 3 and 4 within the allotment; therefore, no direct or cumulative impacts to visual resources would occur.</p> <p>The portion of the allotment within the Mt. Irish Wilderness, which has a VRM classification of 1, is characterized by steep, rugged terrain which is unattractive to livestock. There are no designated roads of any kind located within the portion of the wilderness area occurring inside the allotment boundary.</p>
Recreation Uses	No	<p>Design features identified in the proposed action would result in negligible impacts to recreational activities</p>
Land Uses	No	<p>There would be no modifications to land use authorizations through the proposed action, therefore no impacts would occur.</p> <p>No direct or cumulative impacts would occur to access and land use.</p>
Environmental Justice	No	<p>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 or alternatives.</p>
Areas of Critical Environmental Concern (ACEC)	No	<p>Resource not present in allotment.</p>
Farmlands (Prime or Unique)	No	<p>Prime and unique farmland is found in the north-central and far northern tip of the allotment.</p> <p>Livestock grazing will have impacts to prime farmlands, because it will not change soil characteristics that affect farmland status.</p>

¹ Healthy Forests Restoration Act projects only

* Consultation required, unless a “not present” or “no effect” finding is made.

An analysis of grazing impacts on the following resources – noted in the above table as being negligibly affected – may be found in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) on the noted pages: Air Quality; Cultural Resources (page 4.9-5); Water Resources (page 4.3-5); Fish and Wildlife (pages 4.6-10 through 4.6-11); and Soil Resources (page 4.4-4). Consequently, these resources do not require a further detailed analysis.

3.3 Resources/Concerns Analyzed

The following resources were assigned a “Yes” under the “Issue(s) Analyzed” column in the above table and have been identified by the BLM interdisciplinary team as resources within the affected environment that merit a detailed analysis: Vegetative Resources; Rangeland Standards and Health; Grazing Uses; USFWS Listed or proposed for listing Threatened or Endangered Species or critical habitat; and Special Status Animal Species other than those listed or proposed by the USFWS as Threatened or Endangered. An analysis of grazing impacts on the former two resources may also be found in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007), on the following noted pages: Vegetative Resources (page 4.5-9); Rangeland Standards and Health (pages 4.16-3 through 4.16-4).

3.3.1 Vegetative Resources; Rangeland Standards and Health; Grazing Uses

3.3.1.1 Affected Environment

Sections 1.1, 2.1 and 3.1 describe and/or reference basic information about the Pahranaagat East Allotment.

As described under section 1.2, an assessment of livestock grazing management and rangeland health on the allotment, in the form of a SDD was completed in conjunction with the permit renewal process (Appendix II).

The assessment indicated that Standards 1 and 3, and the upland portion of Standard 2 are being achieved. The riparian portion of Standard 2 is not applicable. However, as explained under section 2.1, the current season of use (8/1 – 5/31) doesn’t allow periodic spring rest during the critical growing period for plants.

3.3.1.2 Environmental Consequences

Proposed Action

The Proposed Action is to maintain the current Active Use of all four permittees with grazing authorizations being based on annual forage availability. However, a change in the season of use would be implemented. The season of use would be changed from 8/1 – 5/31 to 8/1 – 4/15, so that grazing neither occurs during the latter portion of the critical growing period for cool season plants, nor during a portion of the critical growing period for warm season plants. This would favor plant growth and seed set requirements in both, warm season and cool season grasses. It would also allow the potential for grazed cool season plants, which may have begun some spring growth, to continue growth which would aid in allowing such plants: to develop above ground

biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Consequently, the benefits to plant physiology, added soil protection and wildlife cover would be enhanced; the plant quality and volume of existing forage species would be promoted; and the potential for loss of desired plant species, due to repeated spring grazing during the critical growing period for plants, would decline. Summarily, this would impact the desired forage base in a positive manner.

A concentrated influence on vegetation, vicinal to water troughs, is expected due to typical ungulate behavior associated with point water sources. Typically, there is an area immediately surrounding the troughs where soil and vegetation is the most affected as a result of cattle trampling and/or grazing while drinking. Varying degrees of grazing use/trampling subsequently occurs, in a radial pattern, with such affects decreasing as distance from the watering source increases.

However, having existing permanent water haul locations spread throughout the Pahrangat East Allotment provides a means to help control livestock. Strategically using multiple watering locations during a grazing season can improve livestock distribution to achieve a more uniform utilization level within the allotment.

Seasonal rotation of watering locations – whereby, those locations used during one grazing season are not used during the next – provides the benefit of allowing the periodic rest of areas directly influenced by point water sources with regards to trampling and levels of grazing use.

Creating a more uniform utilization level within the portion of the allotment being grazed, coupled with the periodic rest resulting from the seasonal rotation of watering locations, should result in achieving/maintaining enhanced forage production, ground cover, plant vigor and overall range condition. In addition, the potential for unacceptable utilization levels can be dramatically reduced; while providing benefits to wildlife regarding not only forage and cover, but additional water availability during the livestock grazing season.

The installation and maintenance of bird ladders would allow a means of escape for wildlife.

It is anticipated and reasonable to expect, then, that Standards 1, 3 and the upland portion of Standard 2 would continue to be achieved.

The Proposed Action would also add other terms and conditions (BMPs) to the permit that would aid in achieving/maintaining the Mojave-Southern Great Basin Standards.

No Action Alternative

All of the mandatory terms and conditions of the current permit, as displayed under section 2.1.1, would remain unchanged. This would potentially allow annual grazing during the entire spring critical growing period for cool season plants and during a portion of the critical growing period for warm season plants on the allotment. Consequently, the benefits to plant physiology and added soil protection and wildlife cover, as described under 2.1 of the Proposed Action, would

be dramatically reduced; and the plant quality and volume of existing forage species could decrease, possibly to the point of the eradication of some plant species; thereby, impacting the desired forage base in a highly negative manner.

Also, under the no action alternative, the standard terms and conditions referenced under 2.1.2 in the Proposed Action and in Appendix III of this EA would not be included in the new permit.

No Grazing Alternative

For a short period of time following implementation, this may accomplish the same desired result as allowing periodic rest during the spring critical growing period for plants as presented under the proposed action by allowing perennial forage plants rest during the vital phonological stages of their annual growing cycle. However, according to studies this benefit would be relatively short-lived.

In fact it is realized in the scientific community that, over time and without outside influences such as fire, grasses may become wolfy from lack of grazing use. If this occurs, substantial forage can become wasted, because current year's growth is intermixed with older, cured materials that are nutritionally deficient and present a physical barrier to cattle grazing. Such plants would also lose vigor and become less palatable, thereby contributing to less productive rangelands for either wildlife or domestic livestock that depend on such a forage base.

Anderson (1993) elaborated on the consequences of choosing a No Grazing option. He states: "After a period of time, ungrazed herbaceous fibrous-rooted plant species become decadent or stagnant. Annual above-ground growth is markedly reduced in volume and height. Root systems likely respond the same. The result is reduction in essential features of vegetational cover, including the replacement of soil organic matter and surface residues, and optimum capture of precipitation." He also lists two other consequences: "(1) loss of quality herbaceous forage for wild herbivores, causing them to move to areas where regrowth following livestock grazing provides succulent forage (Anderson 1989), and (2) increased hazard from wildfires that can be devastating from a rangeland watershed standpoint."

Courtois et. al. (2004) found that 65 years of protection from grazing on 16 exclosures, at different locations across Nevada, resulted in relatively few differences between vegetation inside the exclosures and that exposed to moderate grazing outside the exclosures. Where differences occurred, total vegetation cover was greater inside the exclosures while density was greater outside the exclosures. Protection from grazing failed to prevent expansion of cheatgrass into the exclosures (Ely PRMP/FEIS pg. 4.5–27).

3.3.2 USFWS Listed or proposed for listing Threatened or Endangered Species or critical habitat; and Special Status Animal Species other than those listed or proposed by the USFWS as Threatened or Endangered

3.3.2.1 Affected Environment

The Pahrnagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). The allotment does not contain desert tortoise critical habitat or any ACECs. Desert tortoise individuals have been sighted on this allotment.

3.3.2.2 Environmental Consequences

Proposed Action

On May 10, 2012, the USFWS received BLM's request for Section 7 consultation for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*), regarding the proposed action, through a memorandum dated May 8, 2012. The request contained measures which would minimize potential effects to the desert tortoise.

In response to the request, the USFWS determined that the effects of the proposed action was within the scope of, and described in, the "Effects of the Action, Desert Tortoise" section of the Programmatic Biological Opinion (PBO). They further determined that not only would most of these effects be minimized by BLM's proposed measures; but that the proposed change in grazing would improve desert tortoise habitat over time.

In conclusion, after reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it was the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the threatened desert tortoise.

The Revised Recovery Plan for the Mojave Population of the Desert Tortoise (2011), states under Recovery Action 2.16, Minimize impacts to tortoises from livestock grazing: "Grazing by livestock (cattle and sheep) affects desert tortoises through crushing animals or their burrows, destroying or altering vegetation (which may introduce weeds and change the fire regime), altering soil, and competition for food (Boarman 2002). There is currently no evidence that cattle grazing will restore habitat or prevent fire in Mojave Desert environments."

The Revised Recovery Plan goes on to recommend: "The [U.S. Fish and Wildlife] Service should work to assist grazing managers to develop experimental application of more flexible grazing practices, such as allowing or reducing grazing during specific times of the year (*e.g.*, after ephemeral forage is gone or winter only) or under certain environmental conditions (*e.g.*, following a specified minimum amount of winter rain), in order to investigate the compatibility of grazing with desert tortoise populations." The Revised Recovery Plan identifies outside of desert tortoise conservation areas as the most appropriate areas to collect data on these sorts of experimental applications.

Some management actions recommended in the Revised Recovery Plan are incorporated into the proposed action for the Pahrangat East allotment, such as: removing trespass cattle, seasonal restrictions, monitoring, and prohibiting supplemental feeding. A change to the Season of Use for the allotment has been proposed, which would reduce the temporal overlap between desert tortoises and livestock.

In Boarman's *Threats to Desert Tortoise Populations: A Critical Review of the Literature* (2002), he summarizes livestock grazing as a threat to desert tortoise in the following way: "Surprisingly little information is available on the effects of grazing on the Mojave Desert ecosystem (Oldemeyer 1994, Rundel and Gibson 1996, Lovich and Bainbridge 1999). Differences in rainfall patterns, nutrient cycling, and foraging behavior of herbivores and how

these three factors interact make applications of research from other areas of limited value in understanding the range ecology of the Mojave Desert. The paucity of information is surprising given the controversy surrounding grazing in the Mojave and the importance of scientific information for making resource management decisions affecting grazing. Studies, mostly from other arid and semi-arid regions tells us that grazing can alter community structure, compact soil, disturb cryptogamic soils and increase fugitive dust and erosion. Some impacts to tortoises or their habitat have been demonstrated, but the evidence is not overwhelming.”

No Action Alternative

Because the Season of Use would not change, grazing would continue to occur until May 31st rather than shortening the Season of Use to April 15th. This could have a negative impact on plants that could otherwise serve as thermal cover or forage species for the desert tortoise. Not changing the Season of Use on the Pahranaagat East Allotment could have negative impacts on desert tortoise.

Also, under the no action alternative, the terms and conditions listed under 2.1.2 in the Proposed Action would not be included in the new permit.

No Grazing Alternative

Not grazing the allotment could be beneficial to desert tortoise by eliminating a perceived threat of grazing in desert tortoise habitat. Grazing is one of the few threats to desert tortoise that can be managed.

However, the absence of grazing could lead to greater fuel loading. If this fuel loading resulted in wildfires, then the absence of grazing could be detrimental. The Revised Recovery Plan states: “There is currently no evidence that cattle grazing will restore habitat or prevent fire in Mojave Desert environments.” Further study would be needed to determine the long-term consequences of not grazing this area and how the absence of grazing impacts desert tortoise.

3.3.3 Special Status Animal Species other than those listed or proposed by the USFWS as Threatened or Endangered

3.3.3.1 Affected Environment

The allotment contains the following BLM sensitive species: desert bighorn sheep (*Ovis canadensis nelsoni*), Pahranaagat Valley montane vole (*Microtus montanus fucosus*), banded Gila monster (*Heloderma suspectum*), Pahranaagat naucorid bug (*Pelocoris shoshone shoshone*), grated tyronia (*Tyronia clathrata*), Pahranaagat pebblesnail (*Pyrgulopsis merriami*), golden eagle (*Aquila chrysaetos*), loggerhead shrike (*Lanius ludovicianus*), and western yellow-billed cuckoo (*Coccyzus americanus*).

Pahranaagat naucorid bug, grated tyronia, Pahranaagat pebblesnail, and yellow-billed cuckoo habitat are located at Ash Spring. A fence and cattleguard prevent livestock from entering habitat for these species at Ash Spring.

3.3.3.2 Environmental Consequences

Proposed Action

The proposed change to the Season of Use would benefit the BLM sensitive species found in the allotment because it would reduce the temporal overlap of livestock grazing with the sensitive species. The bird species would benefit from a reduced overlap with breeding and nesting activities. Because the sensitive bird species found in this allotment typically nest at a height greater than what livestock can reach (3 feet and above), no impacts to birds are anticipated.

According to Nevada Department of Wildlife's (NDOW) Bighorn Sheep Management Plan (2001), it is important that bighorn sheep habitats are maintained in good to excellent ecological condition because livestock directly compete with bighorns for forage, water, and space. The current condition of this habitat is unknown. The proposed action is designed to maintain or move toward good to excellent ecological condition therefore minimizing effects to desert bighorn sheep.

Pahranagat Valley montane vole occupies shallow burrows and surface runways (State of Nevada, 2005). Trampling could be an impact to this species due to livestock grazing. This species breeds April to October, so the proposed change to Season of Use could benefit this species.

No Action Alternative

According to the *Nevada Comprehensive Bird Conservation Plan* (2010), "Domestic livestock (cattle and sheep) are a long-established component of most publicly managed lands in Nevada. . . . Livestock grazing, however, is not invariably harmful to birds, and it may sometimes be beneficial for achieving particular management objectives." The Plan concludes that "overgrazing" may be a conservation concern when it involves the removal of understory vegetation at sensitive times or leads to permanent changes in vegetation composition and structure.

Because the Season of Use would not change, grazing would continue in the last part of April and all of May under the no action alternative. This could lead to increased competition for forage between desert bighorn sheep and livestock in areas where habitat overlaps grazing areas.

Also, under the no action alternative, the terms and conditions listed under 2.1.2 in the Proposed Action and in Appendix III of this EA would not be included in the new permit.

No Grazing Alternative

The no grazing alternative, as discussed in section 3.3.1.2, would remove any pressure from invasive annual grasses and allow fuel loading to increase. Increased fire frequency and severity removes and prevents the re-establishment of native perennial species. Recovery and survival of perennial habitat components is dependent on maintaining historic disturbance regimes. If invasive annual grasses are allowed to flourish without any competitive pressure, fuel loading will eventually lead to more frequent and more intense fires. Wildfires could be detrimental to sensitive species and their associated habitats.

4.0 Cumulative Effects

4.1 Past Actions

Livestock grazing operations in the planning area developed during the mid to late-1800s. The Ely PRMP/FEIS summarizes livestock grazing history in the region on pages 3.16–1 to 3.16–3. Range improvements have occurred on the allotment to improve grazing management and include fencing and stockwater developments.

On August 23, 2006 the Higbee Fire, located in Lincoln County Nevada, started due to lightning (Appendix A, Map #3 of SDD in Appendix I of this EA). The fire occurred on the Pahrnagat East, Pahroc and Six Mile Allotments and was approximately 11,890 acres in size with approximately 4,817 acres (approximately 14 %) occurring within the Pahrnagat East Allotment. The portion within the Pahrnagat East Allotment occurred in an area relatively inaccessible to livestock due to rugged terrain and lack of water.

No known vegetation treatments (e.g., chainings, seedings, sprayings, etc.) have been implemented within the allotment.

4.2 Present Actions

Currently four permittees hold grazing privileges on the Pahrnagat East Allotment.

Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA), Wilderness or Wilderness Study Area. However, the approximate west half of the south half of the Pahrnagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise. There are no known riparian areas located within the allotment.

Widely dispersed incidental recreation occasionally occurs within the allotment in the form of 4-wheeling (OHV) and wildlife viewing. Organized recreational events have occurred which were confined to existing roads.

4.3 Reasonably Foreseeable Future Actions

Widely dispersed incidental recreation and organized recreational events will continue into the future. Livestock grazing will continue under the existing grazing permits on the allotment. Upon expiration, the permits will be considered for renewal through site-specific NEPA analysis.

4.4 Cumulative Effects Summary

4.41 Proposed Action

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). In addition, a comprehensive cumulative impacts analysis can be found in section 4.28 of the Ely RMP/FEIS.

The CESA for this project is defined as the Pahranaagat East Allotment.

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).

A comprehensive cumulative impacts analysis can be found on pages 4.28-1 through 4.36-1 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).

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 renewals would aid in either making progress toward achievement or maintaining achievement of the Standards for Rangeland Health, with the understanding that adjustments to grazing management would occur when determined that any of the Standards are not being achieved. Appropriate action would be taken as soon as practicable, but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines (43 CFR §4180.2 (c)).

No cumulative impacts of concern are anticipated as a result of the proposed action in combination with any other existing or planned activity.

4.42 No Action Alternative

Same cumulative effect as the Proposed Action

4.43 No Grazing Alternative

The No Grazing Alternative will not have any cumulative effects on rangeland health.

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
Travis Young	NEPA Coordinator
Alicia Styles	Wildlife, Special Status Species, Migratory Birds
Clinton Wertz	Soil, Water, Wetlands and Riparian, Floodplains
Cameron Boyce	Noxious and Invasive, Non-native Species
Nick Pay	Cultural Resources
Elvis Wall	Native American Cultural Concerns
Melanie Peterson	Hazardous & Solid Waste/Safety
Lisa Domina	Recreation, Visual Resources

6.2 Persons, Groups or Agencies Consulted

This Final EA is being sent to the Interested Publics included on the annual Range Actions Interested Public Mailing List for 2012.

Public Notice of Availability

On December 16, 2011, the aforementioned Ely BLM annual CCC letter was mailed.

On February 22, 2012, a letter was sent to local Native American tribes initiating the consultation compliance process – as per the National Historic Preservation Act of 1966, as amended, Section 106 – for various permit renewals scheduled during 2012; including those on the Pahrnat East Allotment. It informed them that, for each permit renewal, they would have the opportunity to provide input during the EA process.

On February 23, 2012, authorization numbers 2705030, 2705033, 2705074 and 2705086 were each sent a letter informing them of the proposed term permit renewal process, associated with their permit on the Pahrnat East Allotment, scheduled during 2012. No comments were received.

On March 5, 2012, the proposal to fully process the term permit for authorization numbers 2705030, 2705033, 2705074 and 2705086 was submitted for posting on the following E-Gov for Planning and NEPA (ePlanning) website:

https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

References

- Anderson, E. William. 1993. Prescription grazing to enhance rangeland watersheds. *Rangelands*, 15 (1): 31–35.
- Boarman, W.I. 2002. Threats to Desert Tortoise Populations: A Critical Review of the Literature. USGS Western Ecological Research Center, Sacramento, CA
- Courtois, D.R., B.L. Perryman and H.S. Hussein. 2004. Vegetation Changes After 65 Years of Grazing and Grazing Exclusion. *Journal of Range Management* 57: 574–582.
- Dietz, Harland E. 1989. Grass: the Stockman's Crop, How to Harvest More of It. Special Report. Sunshine Unlimited, Inc. 15 pp.
- 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.
- Great Basin Bird Observatory. 2010. Nevada Comprehensive Bird Conservation Plan, ver. 1.0. Great Basin Bird Observatory, Reno, NV. Available online at www.gbbo.org/bird_conservation_plan.html.
- Nevada Division of Wildlife. 2001. Bighorn Sheep Management Plan. Nevada Division of Wildlife, Reno, NV.
- State of Nevada. 2005. Comprehensive Wildlife Conservation Strategy. Nevada Department of Wildlife, Reno, NV
- State of Nevada Department of Conservation and Natural Resources. Nevada Natural Heritage Program. 2006. <http://heritage.nv.gov>.
- Swanson, Sherman, Ben Bruce, Rex Cleary, Bill Dragt, Gary Brackley, Gene Fults, James Linebaugh, Gary McCuin, Valerie Metscher, Barry Perryman, Paul Tueller, Diane Weaver, Duane Wilson. 2006. Nevada Rangeland Monitoring Handbook. Second Edition. Educational Bulletin 06-03.
- USDA - NRCS 1997. National Range and Pasture Handbook.
- USDI - BLM. 1997. Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area.
- USDOI. 2007. Ely Proposed Resource Management Plan/ Final Environmental Impact Statement. U.S. Department of the Interior, Bureau of Land Management. BLM/EL/PL-07/09+1793. DOI No. FES07-40. November 2007.
- USDOI. 2008. Ely District Record of Decision and Approved Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. BLM/NV/EL/PL-GI08/25+1793.

USDOI, Bureau of Land Management. 2008. National Environmental Policy Act. Handbook H-1790-1.

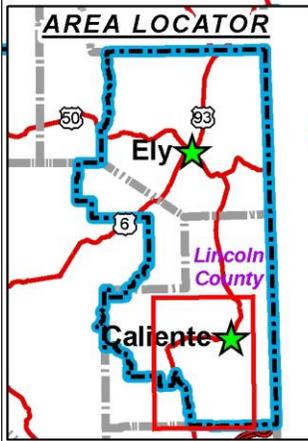
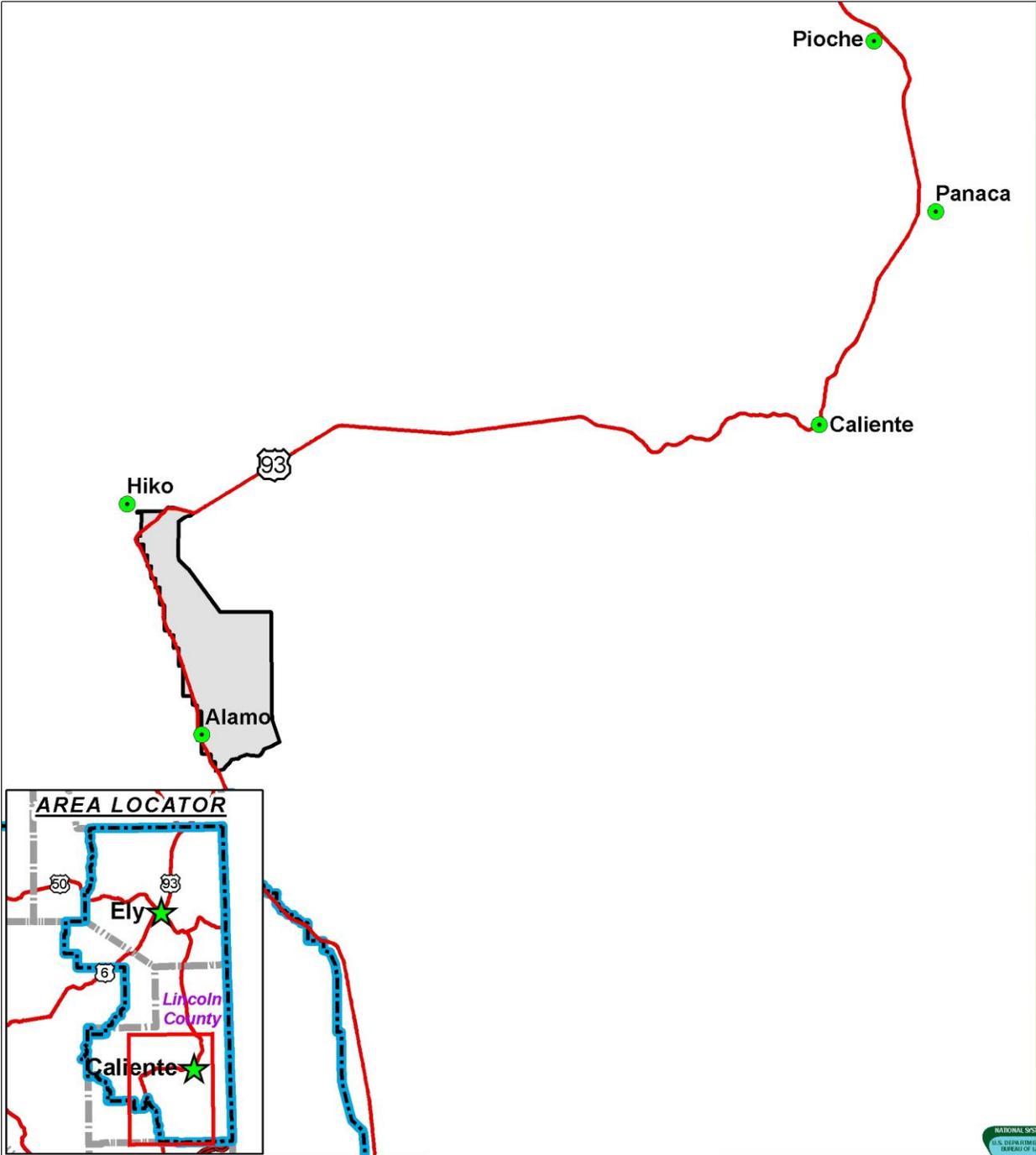
USDOI, Bureau of Land Management. 1994. Guidelines for assessing and documenting cumulative impacts. WO-IB-94-310.

U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, CA. 222 pp.

APPENDIX I
(EA)

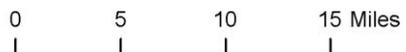
MAP(S)

Location of the Pahrnagat East Allotment (#11027)
with Respect to the Surrounding Towns.



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.

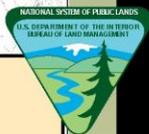
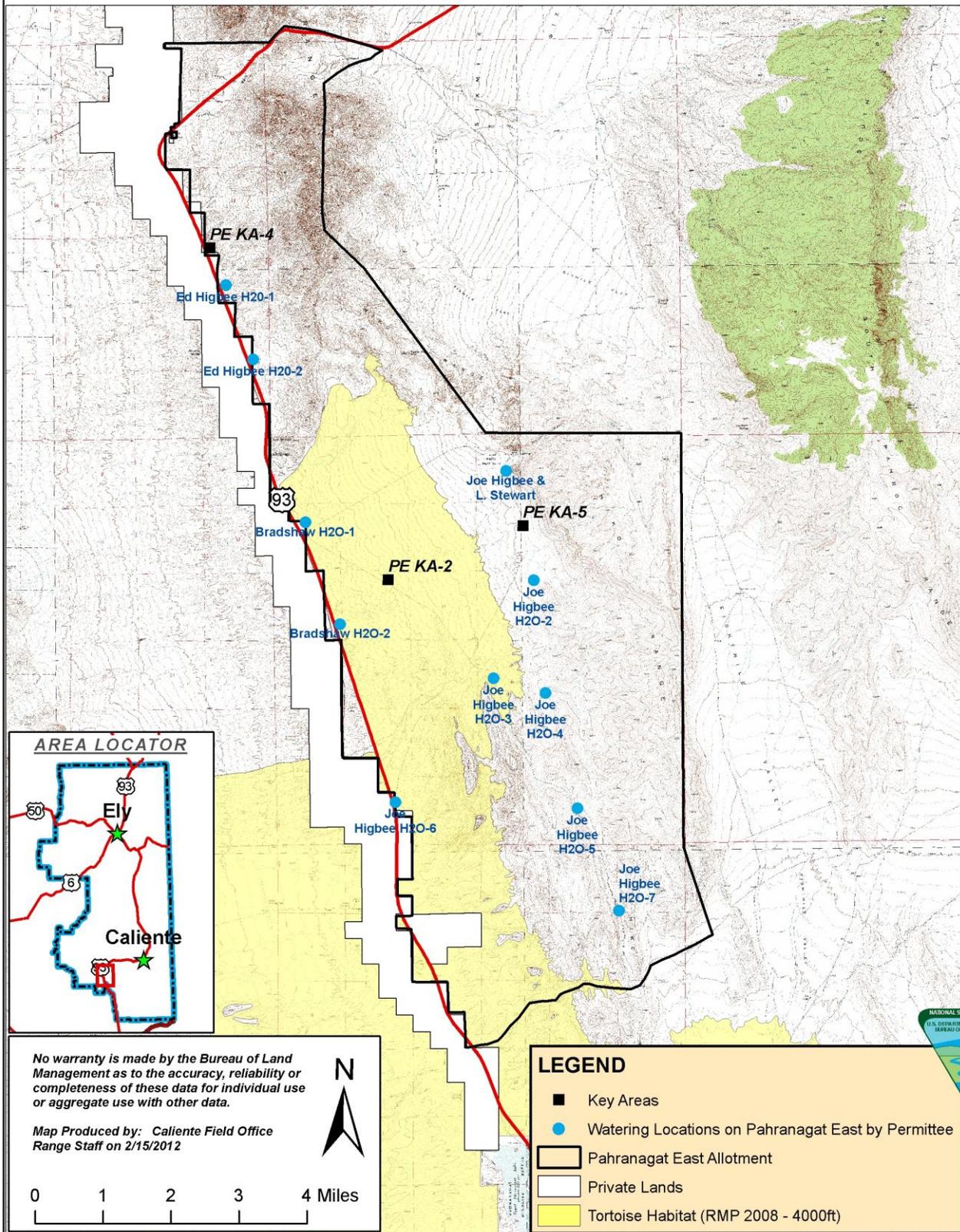
Map Produced by: Caliente Field Office
Range Staff on 1/15/2012



LEGEND

-  Cities & Towns
-  Pahrnagat East Allotment
-  County Boundary
-  Ely District

Location of the Three Key Areas, Watering Locations and Agassiz's Desert Tortoise Habitat within the Pahrnagat East Allotment (#11027).



APPENDIX II
(EA)

STANDARDS DETERMINATION DOCUMENT

STANDARDS DETERMINATION DOCUMENT

Permit Renewals for Authorization Numbers 2705030, 2705033,
2705074 and 2705086

on the

Pahranagat East Allotment (#11027)

(DOI-BLM-NV-L030-2012-0001-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, best rangeland management practices and public input. Therefore, determination of rangeland health is based upon conformance with these standards. Thus Guidelines indicate the types of grazing methods and practices for achieving the Standards for multiple use, are developed for functional watersheds and implemented at the allotment level.

This Standards Determination document evaluates livestock grazing management and achievement of the Standards and Guidelines for the Pahrnagat East Allotment. 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) (August 2008); 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; and Major Land Resource Area (MLRA 29 and MLRA 30) Rangeland Ecological Site Descriptions. 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 Pahrnagat East Allotment, a land based allotment having four permittees, is located in central Lincoln County, Nevada. It is approximately 40 miles southwest of Caliente, Nevada and approximately five miles south of Hiko, Nevada (Appendix A, Map #1). It is located within the White River South Watershed (#160C), and is approximately 34,146 acres in size. Cattle are the type of livestock grazed on the allotment. Elevations range from approximately 5,600 feet near the east boundary of the allotment to approximately 3,600 feet near the west boundary.

Neither the allotment nor any of its portions are located within a Wild Horse Herd Management Area (HMA), Wilderness or Wilderness Study Area. However, the approximate west half of the south half of the Pahrnagat East Allotment contains habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) (Appendix A, Map #2). Desert tortoise critical

habitat and desert tortoise Areas of Critical Environmental Concern (ACEC) does not exist within the allotment.

Although there are no known riparian areas located within the allotment, on BLM managed lands, there are scattered livestock watering locations (troughs) on the allotment (Appendix I, Map #2). Therefore, water hauling is the sole means by which water is supplied.

Three key areas (KAs) were originally established in the Pahrnagat East Allotment in 1982. However, as a result of this evaluation it was discovered that KAs #1 and #3 were considered nonfunctional with respect to the criteria for selecting key areas as explained in the 2006 Nevada Rangeland Monitoring Handbook. Therefore, these two KAs were not used in the evaluation of the allotment. Consequently, PE KA-4 and PE KA-5 were newly established by an interdisciplinary team, as their replacements, on January 26, 2012 (Appendix A, Map #2).

Utilization data was obtained reflecting grazing use during the 2009, 2010 and 2011 grazing years (3/1 – 2/28) at PE KA-2. Utilization data was obtained reflecting grazing use during the 2011 grazing year at the PE KA-4 and PE KA-5 upon their establishment. Cover data was obtained at all three key areas in January 26, 2012.

Table 1 in Appendix B displays annual livestock grazing use for Authorization Numbers 2705030, 2705033, 2705074 and 2705086 on the Pahrnagat East Allotment - as AUMs licensed each year by each permittee; total AUMs licensed each year on the allotment for all four permittees; and, total AUMs licensed each year on allotment as a percent of the total Active Use of all four permittees - from March 1, 2002 through February 28, 2012 (10 years). The table also displays the individual Total Active Use for all four permittees and the Season of Use on the allotment.

As the table indicates during the 10 year timespan, the total AUMs licensed each year on allotment as a percent of the total active use of all four permittees, ranged from 5% in 2003 to 41% in 2009. This indicates that the allotment has received very little use over the past 10 years.

During 2005, the Pmountain fire occurred which burned approximately 35 acres in the very hilly landscape in the southeast portion of the Pahrnagat East Allotment (Appendix A, Map #3). During 2006, the Higby Fire occurred which burned approximately 1,384 acres in the allotment along its east boundary; it occurred in an area relatively inaccessible to livestock due to rugged terrain and lack of water. The Higby fire was aerially seeded during 2007, in the very mountainous inaccessible portion of the fire, and a fire closure agreement was signed by all four permittees during January and February of the same year. The agreement excluded grazing within the fires for a period of two full growing seasons.

Also during 2006, the Columbus fire burned approximately 3,566 acres within the very hilly to mountainous east-central part of the allotment. Soils within the Columbus fire vary from being very cobbly or stony to extremely bouldery which doesn't easily attract livestock. Although it was given a different name, it was considered part of the Higby fire and burned during the same approximate time period. The Columbus fire was not seeded.

The Key Species Method was used in determining grazing use according to the Nevada Rangeland Monitoring Handbook (2006). This method is based on percent utilization of current

year's growth, by weight. Cover data were obtained using the Line Intercept Method. The method is described in Sampling Vegetation Attributes (USDI-BLM et. al., 1996).

The following is an analysis of monitoring data which were used to evaluate applied management practices during the evaluation period. These data were used in determining if such management practices yielded results that were in conformance with the Mojave - Southern Great Basin Standards.

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 upland indicators have been deemed appropriate to the potential of the ecological site.

Determination:

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:

In conformance with the Guidelines

- Not in conformance with the Guidelines

Soil Mapping Units and corresponding Rangeland Ecological Site Descriptions, as determined by the NRCS, combined with professional field observations were used to determine the ecological site represented by each key area.

All three key areas on the allotment were determined to be located in a Loamy 5-7" P.Z. (030XB006NV – shadscale (*Atriplex confertifolia* / Indian Ricegrass (*Achnatherum hymemoides*)).

The soils of this site are shallow to moderately deep and are relatively high in sodium near the surface. Surface soils are typically medium to moderately fine textured. The soil surface has high amounts of gravel, cobbles, or stones. Water intake rate is moderate and available water capacity is low. Runoff is medium and these soils are well drained.

The following three photos (Figures 1-3) show the vegetation and soil surface characteristics of each of the key areas.



Figure 1. Overview of Study Site PE KA-2 showing existing vegetation.



Figure 2. Overview of Study Site PE KA-4 showing existing vegetation.



Figure 3. Overview of Study Site PE KA-5 showing existing vegetation.

The table below shows a comparison summary of cover data, collected at each key area on the Pahranaगत East Allotment, to the potential natural community (PNC) cover value for the applicable range site.

Key Area	Range Site	Associated Vegetation Type	% Cover Collected at Key Area	% Cover at PNC In Applicable Rangeland Site Description
PE KA-2	* 030XB006NV	ATCO-AMDU2 / ACHY	10.3%	5% – 15%
PE KA-4	* 030XB006NV	ATCO-AMDU2 / ACHY	10.1%	5% – 15%
PE KA-5	* 030XB006NV	ATCO-AMDU2 / ACHY	20.1%	5% – 15%

* Based upon Soil Mapping Units as provided by the Natural Resource Conservation Service (NRCS) along with ground reconnaissance.

Conclusion: *Standard 1 Achieved*

According to the site description applicable to all three key areas, potential ground cover (basal and crown) should range between 5 – 15%. As the above table shows, cover values at all three key areas occurs well within – or even exceeds – this range.

Utilization data collected at key areas PE KA-1, PE KA-2 and PE KA-3, reflecting grazing use during the 2011 grazing year was in the Slight (14.5), Light (24%) and Slight (19%) use categories, respectively.

Utilization data collected at key area PE KA-2 reflecting grazing use during the 2009 and 2010 grazing years was in the Slight (24%) and Light (17.5%) use categories, respectively.

Therefore, grazing use data indicates that overgrazing is not an issue.

Field observations on the allotment have substantiated that soils were stable, native plants were not pedestalled and there were no signs of soil compaction. This indicates that the allotment has sufficient vegetative cover to maintain stability and to resist accelerated erosion, maintain soil productivity and, thus, sustain the hydrologic cycle. It further indicates that there is minimal wind and/or water erosion of topsoil, and apparent appropriate infiltration of water from snowmelt and rainfall. In addition, the gravelly/stony soil surface characteristics found in soil mapping units comprising large portions of the allotment further contribute to soil protection.

Collectively, slight to light grazing intensities and sufficient live vegetative cover infers litter production that further adds to increased soil protection and stability. Field observations have substantiated various amounts of scattered litter throughout the allotment.

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.

Determination:

Meeting the Standard

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

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

Causal Factors:

Livestock are a contributing factor to not meeting the standard.

Livestock are a contributing factor to not meeting the standard.

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

Guidelines Conformance:

In conformance with the Guidelines

Not in conformance with the Guidelines

Conclusion: *Standard 2*

Upland Ecosystem Components - *Achieved*

Riparian Habitat Components – *Not Applicable*

Uplands

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard I which was achieved. Observed live vegetation species are discussed in Standard 3.

The allotment supports a healthy, diverse variety of native perennial grasses and shrubs with a small component of annual forbs; all of which provide soils with the appropriate inputs of organic matter to become incorporated into the surface soil layer. Summarily, all of this infers that ecological processes are adequate for the existing vegetative communities, while sustaining appropriated uses.

Riparian

There are no known riparian areas found on public lands within the Pahrangat East Allotment.

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.

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:

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

General field observations revealed that, at least, eleven perennial species of shrubs; five perennial species of grasses; a variety of perennial forb species; one species of tree; and three different species of cacti exist in a patchy network within the allotment. The following table displays these observations:

Shrubs	Grasses	Forbs	Trees	Cacti
Anderson's wolfberry (<i>Lycium andersonii</i>)	big galleta (<i>Pleuraphis rigida</i>)	desert globemallow (<i>Sphaeralcea ambigua</i>)	Joshua tree (<i>Yucca brevifolia</i>)	barrel cactus (<i>Ferocactus spp.</i>)
burrobrush (<i>Hymenoclea Salsola</i>)	fluffgrass (low whollygrass) (<i>Dasyochloa pulchella</i>)	desert trumpet (<i>Eriogonum inflatum</i>)		cholla (<i>Opuntia spp.</i>)
bud sagebrush (<i>Picrothamnus desertorum</i>)	Indian ricegrass (<i>Achnatherum hymenoides</i>)	redstem stork's bill (<i>Erodium cicutarium</i>)		prickly pear (<i>Opuntia spp.</i>)
creosote bush (<i>Larrea tridentata</i>)	purple threeawn (<i>Aristida purpurea</i>)			
horsebrush (<i>Tetradymia spp.</i>)	Squirreltail (<i>Elymus elymoides</i>)			
Nevada ephedra (<i>Ephedra nevadensis</i>)				
shadscale (<i>Atriplex confertifolia</i>)				
snakeweed (<i>Gutierrezia spp.</i>)				
spiny menodora (<i>Menodora spinescens</i>)				
spiny hopsage (<i>Grayia Spinosa</i>)				
Burrobush (<i>Ambrosia dumosa</i>)				

Conclusion: *Standard 3 Achieved*

Habitat indicators for Standard 3 refer to vegetative composition, structure, distribution, productivity, and nutritional value. Vegetative conditions on the Pahrangat East Allotment suitably reflect these attributes.

Field observations revealed a diversity of various vegetation types that are distributed in a patchy nature across the landscape within the allotment. Observations also indicate that species composition, for each occurring range site, is appropriate throughout the allotment. This indicates productive and functional plant communities with suitable structure and distribution.

Spiny hopsage, Nevada ephedra, spiny menodora, bud sagebrush, shadscale, Indian ricegrass, galleta and squirreltail are known to be nutritious, palatable plant species for livestock and/or wildlife. Various forb species were also noted on the allotment. This serves to provide a variable and productive forage base; and in combination with the aforementioned characteristics of the landscape, is capable of supporting a level of biodiversity appropriate for the area while being conducive to appropriate uses.

Moderate to good species diversity of perennial plant species, coupled with low levels of grazing use, indicate that there is sufficient ground cover (in the form of live vegetation and litter) to protect soils and perpetuate vegetative productivity while ensuring appropriate vegetative structure and diversity.

In concert, the various vegetation habitats within the allotment provide escape terrain and thermal cover, while short and tall statured woody species create perching/nesting habitat for the avian community. These habitats also offer a desirable environment for a variety of small mammals, reptiles and assorted numerous songbirds.

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

All applicable Standards are being achieved.

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. The remaining three Guidelines are not applicable to the assessment area at this time.

Upland 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.

Uplands

Current livestock grazing management practices conform to Guidelines 2.3 and 2.4. The remaining six Guidelines are not applicable to the assessment area at this time.

Riparian

There are no known riparian areas found on public lands within the Pahranaagat East Allotment. Therefore, Standard 2 and associated Guidelines, regarding the riparian portion of this standard, are not applicable.

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, 3.2, 3.3, 3.4, 3.5 and 3.6. The remaining three Guidelines are not applicable to the assessment area at this time.

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

Maintain the full Active Use as stated in the current term permits. However, the authorization of the current total Active AUMs for each permittee, during any given year, would be based on annual forage availability and the terms and conditions and the Best Management Practices included in the new term permits.

Change the Season of Use from 8/1 – 5/31 to 8/1 – 4/15; so that grazing neither occurs during the latter portion of the critical growing period for cool season plants, nor during a portion of the critical growing period for warm season plants. This would favor plant growth and seed set requirements in both, warm season and cool season grasses. It would also allow the potential for grazed cool season plants, which may have begun some spring growth, to continue growth which would aid in allowing such plants: to develop above ground biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Incorporate the following Best Management Practices into the new Term Grazing Permits:

1. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Pahrnagat East Allotment - during the authorized grazing use period (8/1–4/15) - will not exceed 40%.
2. Watering locations will be rotated, so that those used during one grazing season will not be used during the next.
3. Under the discretion of the BLM, water hauling locations will be used in a manner which will yield maximum livestock distribution within the allotment.
4. Water hauling will be limited to existing roads.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

5. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.
6. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way in accordance with Service guidelines (2009).
7. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow when the ambient air temperature is above 95° F. Ambient air temperature will be measured in the shade, protected from wind, at a height of 2 inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95° F before handling and relocation can be completed. If the ambient air temperature exceeds 95° F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95° F and the animals will not be released until ambient air temperature declines to below 95° F.
8. Although it is unlikely desert tortoises would be moved, tortoises shall be handled by authorized individuals following recognized protocol (Service 2009).
9. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible Federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

10. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat which may include use of water, salt mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.
11. Livestock grazing utilization levels or other thresholds shall be incorporated into the allotment term permits.
12. The permittee shall be required to take immediate action to remove any livestock that moves into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the Service, will take measures to ensure straying is prevented.
13. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
14. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management, they will be placed in previously-disturbed areas at least 0.5 mile from riparian areas. In some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage.
15. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including Service biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the Service.
16. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

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 to maintain achievement of the Standards for Rangeland Health.

REFERENCES

BLM – August 2008. Ely Record of Decision and Approved Resource Management Plan (RMP)

USDA – USFS, NRCS, USDI - BLM, Cooperative Extension Service. 1996. Sampling Vegetative Attributes.

USDA – NRCS. 1997. National Range and Pasture Handbook.

USDA – USFS, USDA – NRCS, USDI – BLM, Univ. of Nevada Cooperative Extension. 2006. Nevada Rangeland Monitoring Handbook (Second Edition).

USDA – USFS, USDA – NRCS, USDI – BLM, Utah Cooperative Extension Service. 1999. Utilization Studies and Residual Measurements; Interagency Technical Reference 1734 – 3.

USDA – NRCS. 1998. Nevada Plant List.

USDA – NRCS. 2003. Major Land Resource Area 29, Southern Nevada Basin and Range Ecological Site Descriptions.

USDA – NRCS. 2002. Major Land Resource Area 30, Southern Nevada Basin and Range Ecological Site Descriptions.

Specialists:

/s/ Alicia Styles

Alicia Styles – Wildlife Biologist

7/23/2012

Date

/s/ Victoria Barr for

Clinton Wertz – Soil, Water & Air Quality, Floodplains & Riparian

7/23/2012

Date

/s/ Cameron Boyce

Cameron Boyce – Noxious and Invasive Weeds

7/23/2012

Date

Prepared by:

/s/ Domenic A. Bolognani

Domenic A. Bolognani – Rangeland Management Specialist

7/23/2012

Date

Reviewed by:

/s/ Chris Mayer

Chris Mayer – Supervisory Rangeland Management Specialist

7/19/2012

Date

I concur:

/s/ Victoria Barr

Victoria Barr – Caliente Field Manager

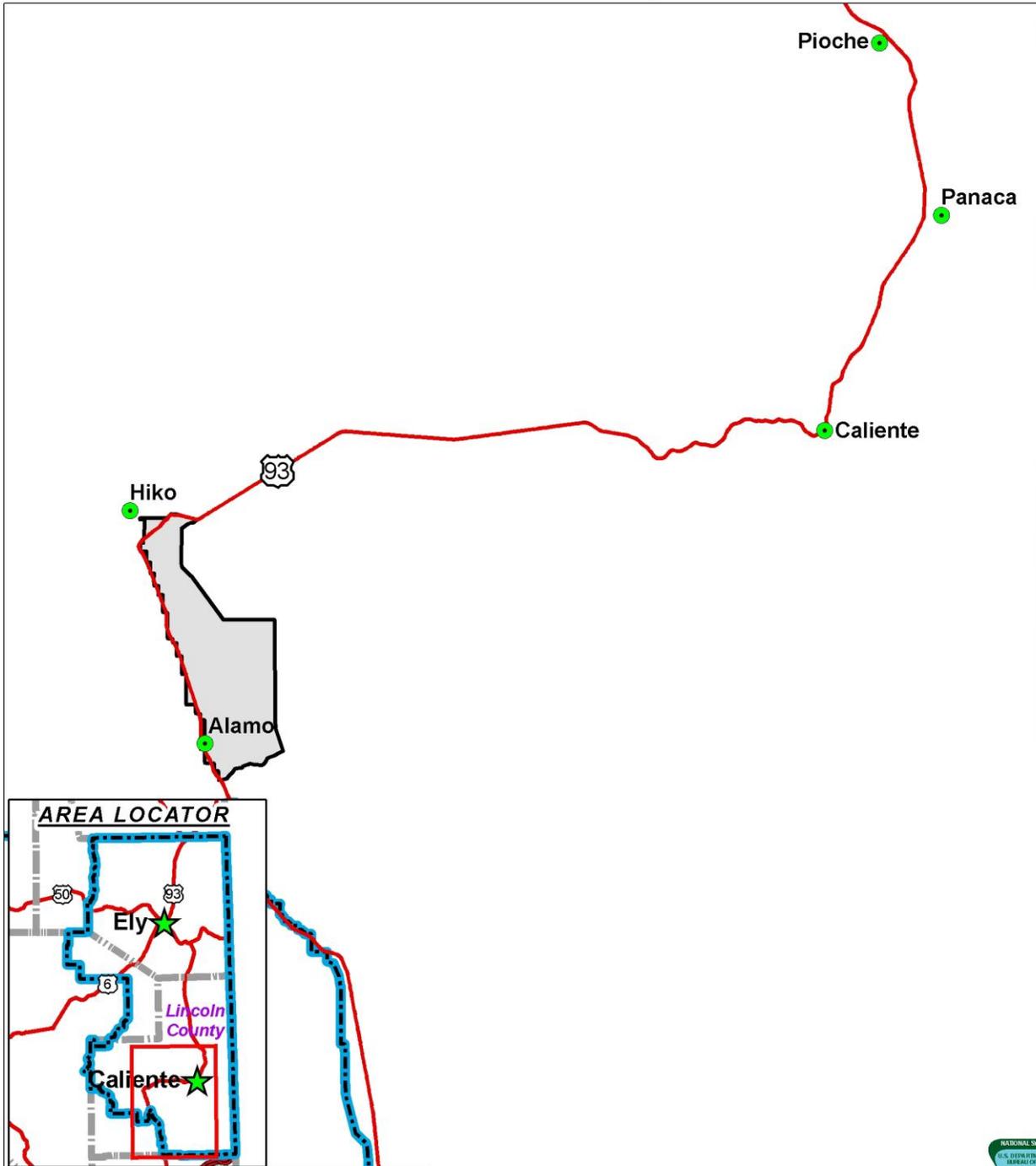
7/23/2012

Date

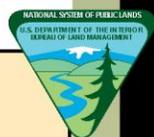
APPENDIX A
(Standards Determination Document)

MAPS

Location of the Pahranaagat East Allotment (#11027)
with Respect to the Surrounding Towns.



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.

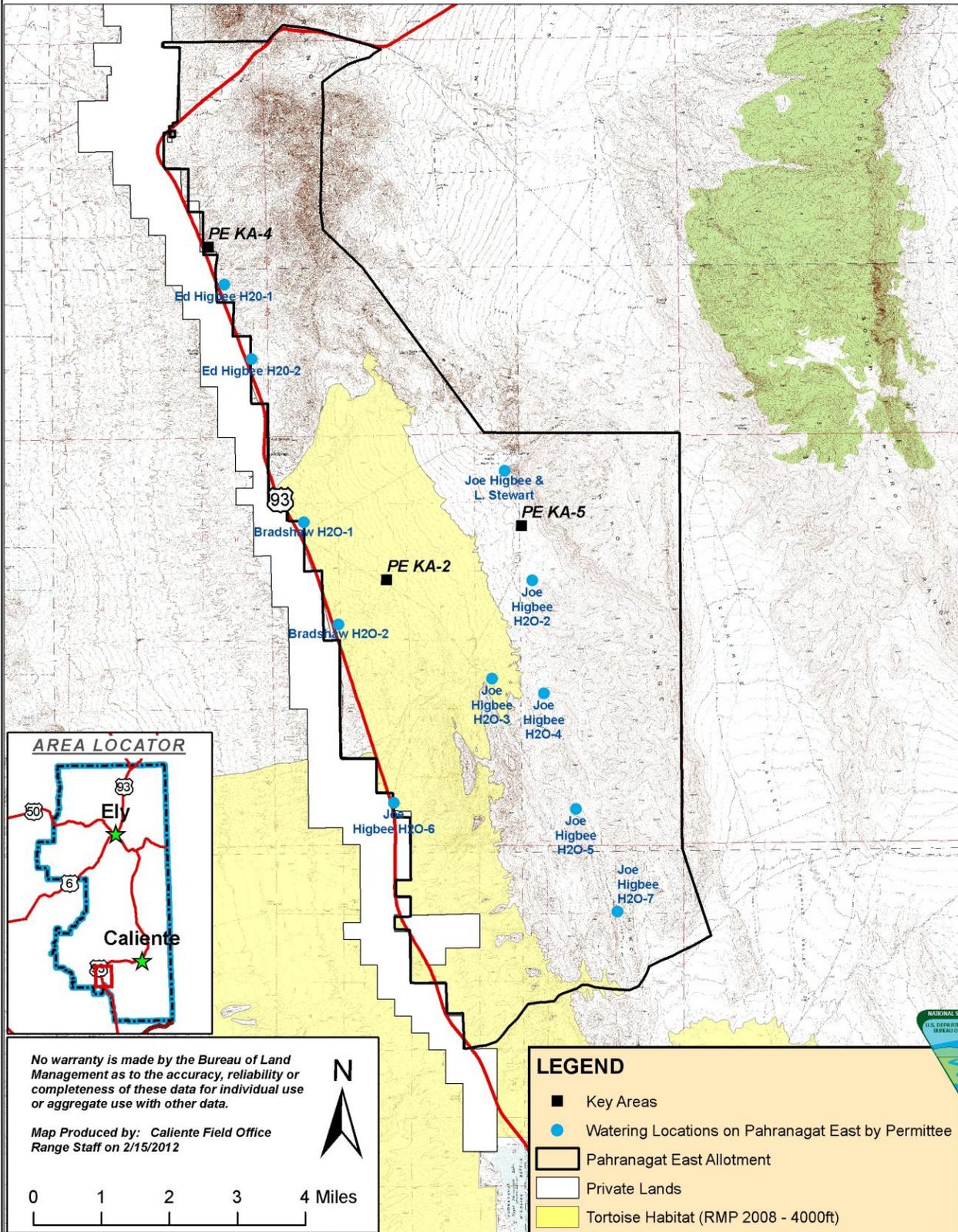
Map Produced by: Caliente Field Office
Range Staff on 1/15/2012



LEGEND

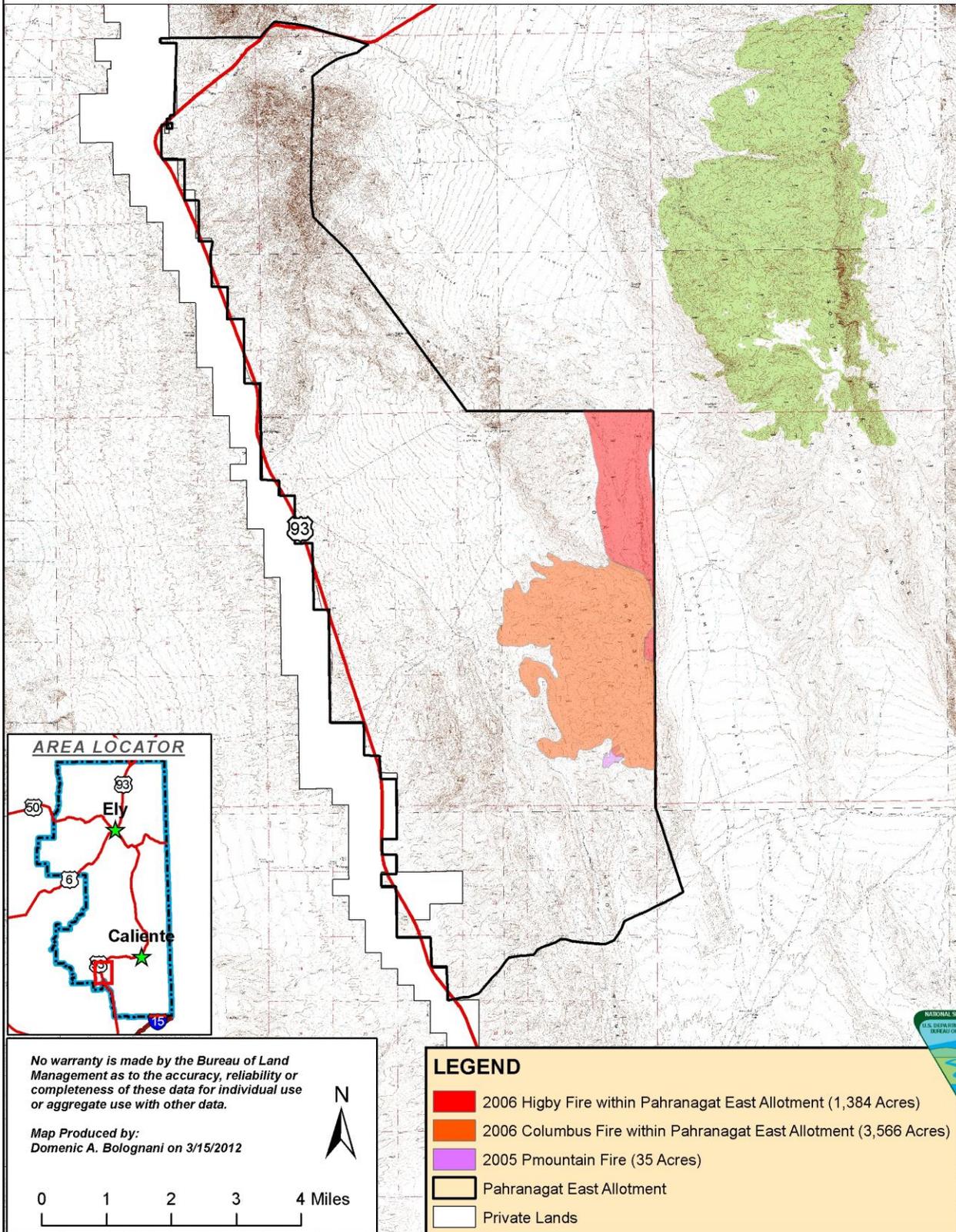
-  Cities & Towns
-  Pahranaagat East Allotment
-  County Boundary
-  Ely District

Location of the Three Key Areas, Watering Locations and Agassiz's Desert Tortoise Habitat within the Pahranaगत East Allotment (#11027).



Ely District Office

Location of the 2005 Pmountain Fire, and the 2006 Higby and Columbus Fires within the Pahranaगत East Allotment.



APPENDIX B

(Standards Determination Document)

Table 1. Annual Livestock Grazing Use for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranaagat East Allotment - as AUMs Licensed Each Year by Each Permittee; Total AUMs Licensed Each Year on the Allotment for All Four Permittees; and Total AUMs Licensed Each Year on Allotment as a Percent of the Total Active Use of All Four Permittees - from March 1, 2002 through February 28, 2012 (10 years).

Current Term Grazing Permit Information ----- Permittees/Season of Use/Active Use	Grazing Year (3/1 – 2/28)	Permittee Authorization #	AUMs Licensed Each Year (by permittee)	AUMs Licensed Each Year as % of Total Active Use (by permittee)	Total AUMs Licensed Each Year on Allotment (all permittees)	Total AUMs Licensed Each Year on the Allotment, as a % of the Total Active Use for All Four Permittees (511 AUMs)
Pahranaagat East Allotment Season of Use = 8/1 – 5/31 <u>Active Use</u> # 2705030 157 AUMs # 2705033 156 AUMs # 2705074 120 AUMs # 2705086 78 AUMs TOTAL 511 AUMs	2002	#2705030	Nonuse	----	116	23%
		#2705033	38	24%		
		#2705074	Nonuse	----		
		#2705086	78	100%		
	2003	#2705030	Nonuse	----	23	4.5%
		#2705033	23	15%		
		#2705074	Nonuse	----		
		#2705086	Nonuse	----		
	2004	#2705030	84	54%	205	40%
		#2705033	59	38%		
		#2705074	Nonuse	----		
		#2705086	62	79%		
	2005	#2705030	56	36%	133	26%
		#2705033	Nonuse	----		
		#2705074	Nonuse	----		
		#2705086	77	99%		
	2006	#2705030	47	30%	164	32%
		#2705033	Nonuse	----		
		#2705074	40	33%		
		#2705086	77	99%		
	2007	#2705030	Nonuse	----	48	9%
		#2705033	48	31%		
		#2705074	Nonuse	----		
		#2705086	Nonuse	----		
	2008	#2705030	69	44%	126	25%
		#2705033	Nonuse	----		
		#2705074	Nonuse	----		
		#2705086	57	73%		
	2009	#2705030	132	84%	210	41%
		#2705033	Nonuse	----		
		#2705074	Nonuse	----		
		#2705086	78	100%		
	2010	#2705030	28	18%	117	23%
		#2705033	41	26%		
		#2705074	Nonuse	----		
		#2705086	48	62%		
	2011	#2705030	124	79%	237	46%
		#2705033	35	22%		
		#2705074	Nonuse	----		
		#2705086	78	100%		
AVERAGE						26.95%

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. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations are consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
2. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
3. Grazing use will be in accordance with the 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.
4. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.
5. 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.
6. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.
7. 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.
8. Livestock will be moved to another authorized pasture (where applicable) or removed from the allotment before utilization objectives are met or no later than 5 days after meeting the utilization objectives. Any deviation in livestock movement will require authorization from the authorized officer.
9. The placement of mineral or salt supplements will be a minimum distance of 1/2 mile from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements will also be one mile from active sage-grouse leks. Placing supplemental feed (i.e. hay, grain, pellets, etc.) on public lands without authorization is prohibited.

APPENDIX IV
(EA)

WEED RISK ASSESSMENT

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Term Grazing Permit Renewal
for
Authorization Numbers 2705030, 2705033, 2705074 and 2705086
on the
Pahranagat East Allotment (#11027)

On March 1, 2012, a Noxious & Invasive Weed Risk Assessment was completed on the Pahranagat East Allotment in Lincoln County, Nevada in preparation for the permit renewal process scheduled during 2012.

The Bureau of Land Management (BLM), Caliente Field Office, proposes to fully process and issue new term grazing permits for authorization numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranagat East Allotment.

The Proposed Action is to maintain the current Active Use of all four permittees with grazing authorizations being based on annual forage availability. However, a change in the season of use would be implemented. The season of use would be changed from 8/1 – 5/31 to 8/1 – 4/15, so that grazing neither occurs during most of the critical growing period for cool season plants nor during a portion of the critical growing period for warm season plants.

The Proposed Action would also add other terms and conditions to the permits that would aid in achieving/maintaining the Mojave-Southern Great Basin Standards. No other changes to any of the permits would be made.

Table 1, below, displays the Current Term Grazing Permits for authorization Numbers 2705030, 2705033, 2705074 and 2705086 on the Pahranagat East Allotment:

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Pahranagat East	11027	#2705030	16	C	8/01	5/31	100	157	0	157
		#2705033	16	C	8/01	5/31	100	156	0	156
		#2705074	12	C	8/01	5/31	100	120	0	120
		#2705086	8	C	8/01	5/31	100	78	0	78

* These numbers are approximate

** This is for billing purposes only.

The following Best Management Practices would be added to the Term Grazing Permits:

1. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Pahranagat East Allotment - during the authorized grazing use period - would not exceed 45%.

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

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. This area was last surveyed in 2009. Currently, the following noxious weeds are documented within the allotment and is found only within the Ash Springs recreation area..

(Onopordum acanthium) Scotch Thistle

While not officially documented, the following non-native invasive weeds probably occur in or around the allotment: cheatgrass (*Bromus tectorum*) 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. Grazing can increase the populations of the invasive weeds already within the permitted areas and could aid in the introduction of weeds from surrounding areas. However the design features of the proposed action will help to prevent weeds from establishing or spreading.

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 Moderate (5) at the present time. If noxious weed infestations establish within the permitted area this could have an adverse impact those native plant communities however, the proposed action includes measures to increase native plants and to help prevent weeds from establishing. An 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.

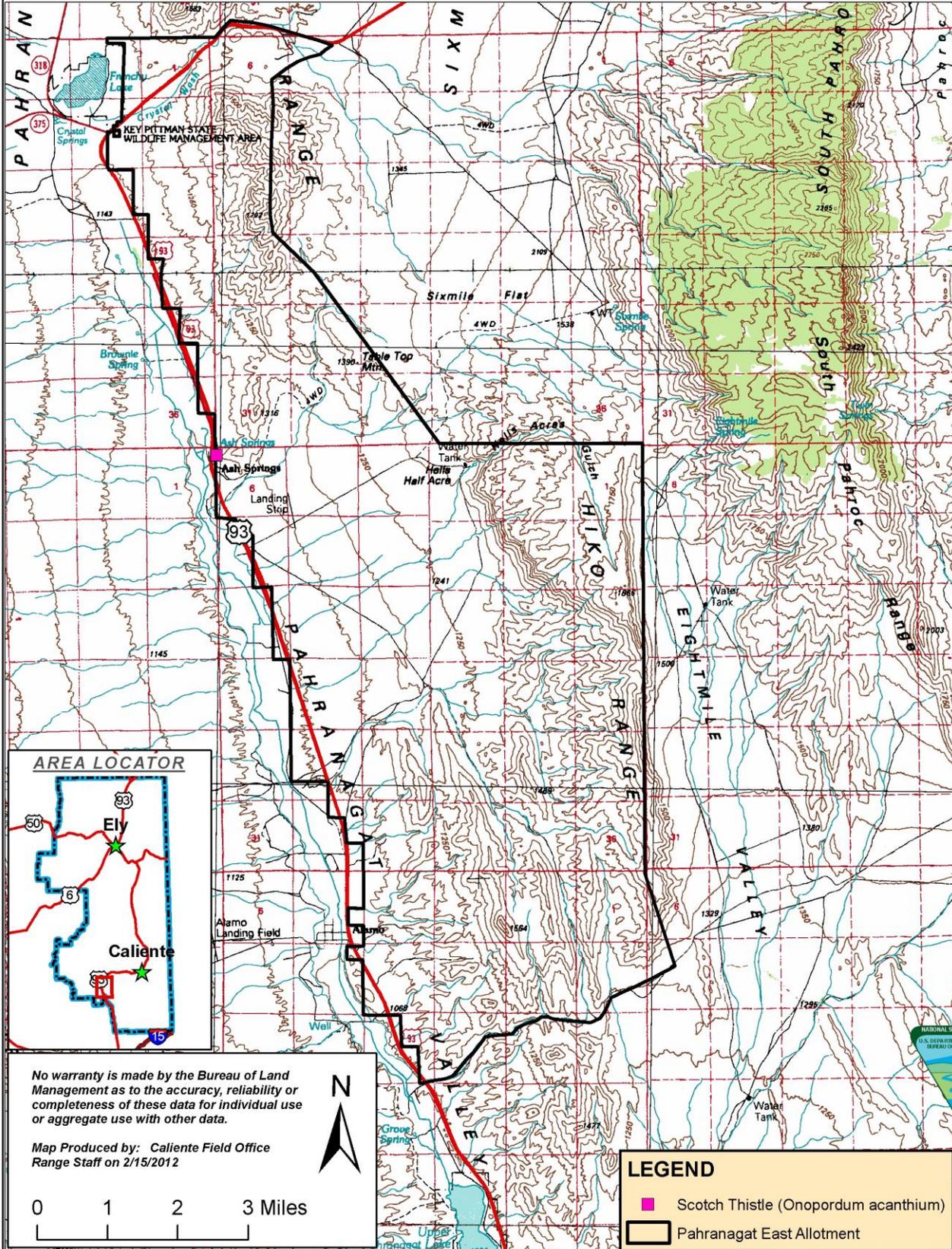
For this project, the Risk Rating is Moderate (20). This indicates that the project can proceed as planned as long as the following measures are followed:

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

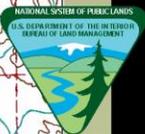
Reviewed by: /s/ Cameron Boyce
 Cameron Boyce
 Natural Resource Specialist

3/7/12
 Date

Location of the Known Noxious Weeds within the Pahrana East Allotment (#11027).



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: Caliente Field Office
Range Staff on 2/15/2012



0 1 2 3 Miles

LEGEND

- Scotch Thistle (*Onopordum acanthium*)
- Pahrana East Allotment

APPENDIX V
(EA)

Wildlife and Plant Species

Wildlife & Plants for Pahranaagat East Allotment Term Permit Renewals

The project area is the Pahranaagat East Allotment and reviews existing data as of 3/1/2012.

NOTE: Highlighted species are BLM Sensitive Species in Nevada.

Derived from Ely RMP (2008), Nevada Natural Heritage Data and Nevada Department of Wildlife Diversity Data:

Federal Threatened & Endangered Species

White River springfish (*Crenichthys baileyi baileyi*) federally endangered
Pahranaagat roundtail chub (*Gila robusta jordani*) federally endangered
desert tortoise (*Gopherus agassizii*) federally threatened
southwestern willow flycatcher (*Empidonax traillii extimus*) federally endangered

BLM Sensitive Species

desert bighorn sheep (*Ovis canadensis nelsoni*)
Pahranaagat Valley montane vole (*Microtus montanus fucosus*)
Banded Gila monster (*Heloderma suspectum*)
Pahranaagat naucorid bug (*Pelocoris shoshone shoshone*)
Grated tyronia (*Tyronia clathrata*)
Pahranaagat pebblesnail (*Pyrgulopsis merriami*)
St. George blue-eyed grass (*Sisyrinchium radicum*)

General wildlife

Mule deer (*Odocoileus hemionus*) general habitat
Gray fox (*Urocyon cinereoargenteus*)
Zebra-tailed lizard (*Callisaurus draconoides*)
Desert horned lizard (*Phrynosoma platyrhinos*)
Great Basin collared lizard (*Crotaphytus bicinctores*)
Long-nosed leopard lizard (*Gambelia wislizenii*)
Desert spiny lizard (*Sceloporus magister*)
Common chuckwalla (*Sauromalus ater*)
Yellow-backed spiny lizard (*Sceloporus uniformis*)
Panamint rattlesnake (*Crotalus stephensi*)
Convict cichlid (*Cichlasoma nigrofasciatum*) aquarium exotic fish

Shortfin molly (*Poecilia mexicana*) aquarium exotic fish
Western mosquitofish (*Gambusia affinis*)
Ash Springs riffle beetle (*Stenelmis lariversi*)
Neararctic riffle beetle (*Stenelmis occidentalis*)

Migratory birds

The allotment occurs within the Pahranaagat Valley Complex Important Bird Area (IBA). Livestock grazing is not identified as a conservation issue for this IBA (McIvor 2005).

The following data reflect survey blocks and/or incidental sightings of bird species within the project area boundaries 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 project area boundaries. These data are not comprehensive, and additional species not listed here may be present within the project area boundary. No survey blocks were located within the project area.

Golden eagle (*Aquila chrysaetos*)

Red-tailed hawk (*Buteo jamaicensis*)
American bittern (*Botaurus lentiginosus*)
Northern harrier (*Circus cyaneus*)
Barn owl (*Tyto alba*)
Short-eared owl (*Asio flammeus*)
Western screech-owl (*Otus kennicottii*)
Great horned owl (*Bubo virginianus*)
Broad-tailed hummingbird (*Selasphorus platycercus*)
Hairy woodpecker (*Picoides villosus*)
Say's phoebe (*Sayornis saya*)
Black phoebe (*Sayornis nigricans*)
Ash-throated flycatcher (*Myiarchus cinerascens*)

Loggerhead shrike (*Lanius ludovicianus*)

Lesser goldfinch (*Carduelis psaltria*)
American crow (*Corvus brachyrhynchos*)
Bewick's wren (*Thryomanes bewickii*)
Bell's vireo (*Vireo bellii*)
Common yellowthroat (*Geothlypis trichas*)
Yellow-breasted chat (*Icteria virens*)
Summer tanager (*Piranga rubra*)
Great-tailed grackle (*Quiscalus mexicanus*)
Brown-headed cowbird (*Molothrus ater*)
Osprey (*Pandion haliaetus*)
Sharp-shinned hawk (*Accipiter striatus*)
Willow flycatcher (*Empidonax traillii*)
Western kingbird (*Tyrannus verticalis*)
Bushtit (*Psaltriparus minimus*)

American robin (*Turdus migratorius*)
European starling (*Sturnus vulgaris*)
Yellow warbler (*Dendroica petechia*)
Blue grosbeak (*Passerina caerulea*)
Virginia rail (*Rallus limicola*)
Sora (*Porzana carolina*)
Yellow-billed cuckoo (*Coccyzus americanus*) federal candidate
Ladder-backed woodpecker (*Picoides scalaris*)
Vermillion flycatcher (*Pyrocephalus rubinus*)
Phainopepla (*Phainopepla nitens*)
Lazuli bunting (*Passerina amoena*)
Abert's towhee (*Pipilo aberti*)
Bullock's oriole (*Icterus bullockii*)
House sparrow (*Passer domesticus*)
Greater road-runner (*Geococcyx californianus*)

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.

McIvor, DE. 2005. Important Bird Areas of Nevada. Lahontan Audubon Society. Reno, Nevada.

State of Nevada Department of Conservation and Natural Resources. Nevada Natural Heritage Program. 2006. <http://heritage.nv.gov>.

USDOI. 2008. Ely District Record of Decision and Approved Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. BLM/NV/EL/PL-G108/25+1793.