BLM

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

Finding of No Significant Impact
DOI-BLM-NV-L020-2016-0001-EA
September 4, 2020

Wilson Creek Term Grazing Permit Renewal

Location: Lincoln County, Nevada
and
Beaver and Iron Counties, Utah

U.S. Department of the Interior
Bureau of Land Management
Ely District
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NATIONAL SYSTEM OF PUBLIC LANDS

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Environmental Assessment DOI-BLM-NV-L020-2016-0001-EA
Wilson Creek Term Grazing Permit Renewal

Finding of No Significant Impact (FONSI):
I have reviewed the Final Environmental Assessment DOI-BLM-NV-L020-2016-0001-EA. After consideration of the environmental effects as analyzed in the EA, and incorporated herein, I have determined that all Alternatives analyzed with fully processing the grazing permit renewal and .vegetation treatments, subject to the management practices 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-L020-2016-0001-EA has been reviewed through the interdisciplinary team process.

Rationale:
I have determined that all of the Alternatives analyzed are in conformance with the Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008). They would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement.

This 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 Wilson Creek Allotment encompass approximately 1.1 million acres of which 847,442 acres of public land was analyzed in this EA. The allotment is located within Lincoln County, Nevada and Iron and Beaver Counties in western Utah. It is situated within all or portions of the Lake Valley, Hamblin Valley, South Spring Valley, Spring Valley Southeast, Spring Valley Southwest, Eagle Valley, Rose Valley, Patterson Wash, Dry Lake Valley, and White River South Watersheds. The area is sparsely populated. Although the acreage involved is somewhat extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the area.

Intensity:
1) ***Impacts that may be both beneficial and adverse.***
The EA has considered both beneficial and adverse impacts of the Agency Alternative (Proposed Action), Cattle Operator's Alternative, Sheep Operator's Alternative and the No Action Alternative. For all of these Alternatives, none of the impacts considered in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc. In other words, none of the resource impacts are intensely adverse or beneficial.

2) ***The degree to which the proposed action affects public health or safety.***
The Alternatives 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. The EA did not identify unacceptable degradation to natural resources or unique geographic characteristics within the use area of the Alternatives.

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 those effects are. The Ely RMP EIS analyzed several alternatives with various effects to conflicting uses of natural resources and disclosed the 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 and terms and conditions are employed to meet resource objectives and to maintain or make progress towards achievement of rangeland health standards. 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 Alternatives will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Renewing the grazing permit does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future grazing permit renewals within the area or in surrounding areas will be analyzed and evaluated on their own merits, and changes will or will not be implemented, independent of the actions currently selected.

7) ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***
The Alternatives would not contribute to any significant cumulative impacts when considered in combination with past, present, and reasonably foreseeable future actions identified in the EA.

8) ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.***
Known eligible cultural sites that could potentially be affected by grazing practices (e.g. watering locations, mineral placement, trailing, etc.) would be monitored for effects from livestock grazing. If it is determined that there are unanticipated effects to those sites, the BLM will follow the process outlined in Section VI.B. of the State Protocol Agreement between the BLM and the Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act (2014), or any amendment thereto. As a result, the BLM may implement actions to avoid effects including changes in grazing practices.

For any new range improvements and maintenance of existing improvements all required section 106 inventory and avoidance measures would be completed prior to proceeding with any ground disturbance. All historic properties shall be completely avoided for both direct and indirect effects thereby rendering a "no effect" situation.

Prior to implementation of a vegetation treatment, a Cultural Needs Assessment would be completed for each treatment, with a detailed description of the specific location and proposed activities. A cultural resource specialist would determine the appropriate inventory and actions needed to protect cultural properties and areas of traditional religious or cultural importance in accordance with the most recent Nevada State Protocol Agreement between BLM and the Nevada State Historic Preservation Office (BLM 2014), and Nevada BLM's most recent Guidelines and Standards for Archaeological Inventory (BLM, 2012).

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

10) ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***
The Alternatives will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

JARED BYBEE Digitally signed by JARED BYBEE
Date: 2020.09.04 10:31:02 -07'00'

Jared Bybee
Associate District Manager
Ely District Office

Date

United States Department of the Interior

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9/4/2020

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FINAL DECISION
Grazing Permit Renewal for B Bar D, LLC (#2700244) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for B Bar D, LLC (Permittee) and authorizes cattle grazing on the South Lake Valley Use Area of the Wilson Creek Allotment. The terms and conditions of authorized grazing use includes changes to the period of use for cattle grazing for B Bar D, LLC.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the period of use, but not the authorized active animal unit months (AUMs) for the South Lake Valley Use Area. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period.
The BLM will issue other Final Decisions concurrently that renew the grazing permits for the other grazing permittees within Wilson Creek Allotment. Refer to Appendix 1 for map reference associated with the use area(s) for the grazing permit renewal.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request

to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for B Bar D LLC (#2700244) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Pete Delmue Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments, that were in compliance with the EA, Ely 2008 RMP, and 2015 ARMPA. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The rangeland health evaluation concluded that the South Lake Valley Use Area is not meeting standards and not making progress to meet standards. Causal factors that are not allowing standards to be met are encroachment of pinyon and juniper trees into the area, which are causing Black Sagebrush and Wyoming Big Sage communities to decrease and the use area to lose its understory cover of forbs and grasses. The encroachment will also decrease the amount of water in the riparian areas, which is also a causal factor of the Use Area not meeting standards. The encroachment will also cause a decline in the (quality or quantity) of Greater sage grouse habitat because it will cause a decrease in the amount of forage and cover available. However, soils in the South Lake Valley Use Area are meeting standards due to the amount of perennial cover at the key areas. The foliar and ground cover is sufficient to the potential of the site.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

Actions Selected from Alternative A

The Pioche Bench Use Area was recently fenced on both sides of the highway, which separated it into two pastures. Through this Final Decision, the Pioche Bench Use Area is being combined into the South Lake Valley Use Area as pastures 1 and 2 to make four pastures, and the four pastures are now named (from west to east) Pastures 1, 2, 3, and 4 (See Appendix 1).

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected Alternative A from the EA, including the authorized range improvements listed at Appendix 2 and hereby authorizes grazing subject to the following terms and conditions.

FROM: Summary of Grazing Authorization # 2700244

Use Area	**Number**	**Kind**	**Period of Use**		**Type Use**	**Active Use (AUMs)**
			Begin	**End**		
South Lake Valley Use Area	Variable[1]	Cattle	3/15 11/1	9/30 12/31	Active	1,399
Permitted Use Summary[2]					**Total**	**1,399**
Active AUMs 1,399	Suspended AUMs 0	Temp Suspended 0	Permitted Use 1,399			

[1] Not to exceed total number of Active Use AUMs.
[2] Permitted Use Summary comes directly from the grazing permit

TO: Summary of Grazing Authorization # 2700244

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
South Lake Valley Use Area	**117***	Cattle	3/15 11/1	10/31 3/15	Active	1,399[1]
Permitted Use Summary[2]					**Total**	**1,399**
Active AUMs 1,399	Suspended AUMs 0	Temp Suspended 0	Permitted Use 1,399			

[1]May differ from that calculated from schedule due to differences in rounding.
*The Number of cattle can exceed 117 head, but not exceed total permitted AUMs

Other Terms and Conditions

1. Permittee must implement a deferred rotation grazing system for the South Lake Valley Use Area. Cattle grazing will be authorized in all four pastures of the South Lake Valley Use Area, but the permittee will defer spring grazing on pastures as to only graze a pasture in the spring one time within a three-year period. All other operators on the use area must abide by the pasture rotation system in such that it will defer spring grazing use for each pasture one out of three years. Pastures 1 and 2 will be used in conjunction with each other where one may be rested on a given year to allow for additional rest. The deferred rotation grazing system for South Lake Valley Use Area will be coordinated between the sheep and cattle operators. Deferred rotation grazing will accommodate the sheep and cattle operators and allow for resting pastures on a rotational basis.

2. If the sheep and cattle permittees reach agreement and consensus regarding grazing use in any of the areas of the South Lake Valley Use Area, the BLM may authorize grazing in accordance with that agreement. Such an agreement could include adjustments in pasture rotation, as long as the above terms and conditions of the permit are followed with deferred areas identified in addition to achieving outcome based grazing objectives.

3. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.

4. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

5. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water

hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

6. The Permittee must move livestock 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 BLM authorized officer.
7. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.
8. When necessary, the Permittee must 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.
9. The Permittee must submit an actual use grazing report to the BLM showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.
10. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.
11. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.
12. The allowable use level for all users in the South Lake Valley Use Area is 60% at the end of the grazing year. The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

Range Improvements

This decision authorizes construction of range improvement projects in the South Lake Valley. Those projects are described in Chapter 2 of the EA under Alternative A, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The BLM selected the actions identified in this Final Decision because they will be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to make significant progress towards achievement. The BLM chose Alternative A for the South Lake Valley Use Area on the Wilson Creek Allotment that include range improvements, period of use and terms and conditions. This grazing authorization is not dependent on range improvements, vegetation treatment projects, or removal of wild horses.

The approved adaptive management practices will allow and promote flexibility for the grazing permittees as part of its overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use while not exceeding active use AUMs by permittee for the allotment as a whole. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use allows for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate

amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improve areas identified in the SDD as not meeting standards (South Lake Valley Use Area), the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for South Lake Valley Use Area. The BLM is also changing the number of cattle in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment, which is a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health, since it is also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

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

selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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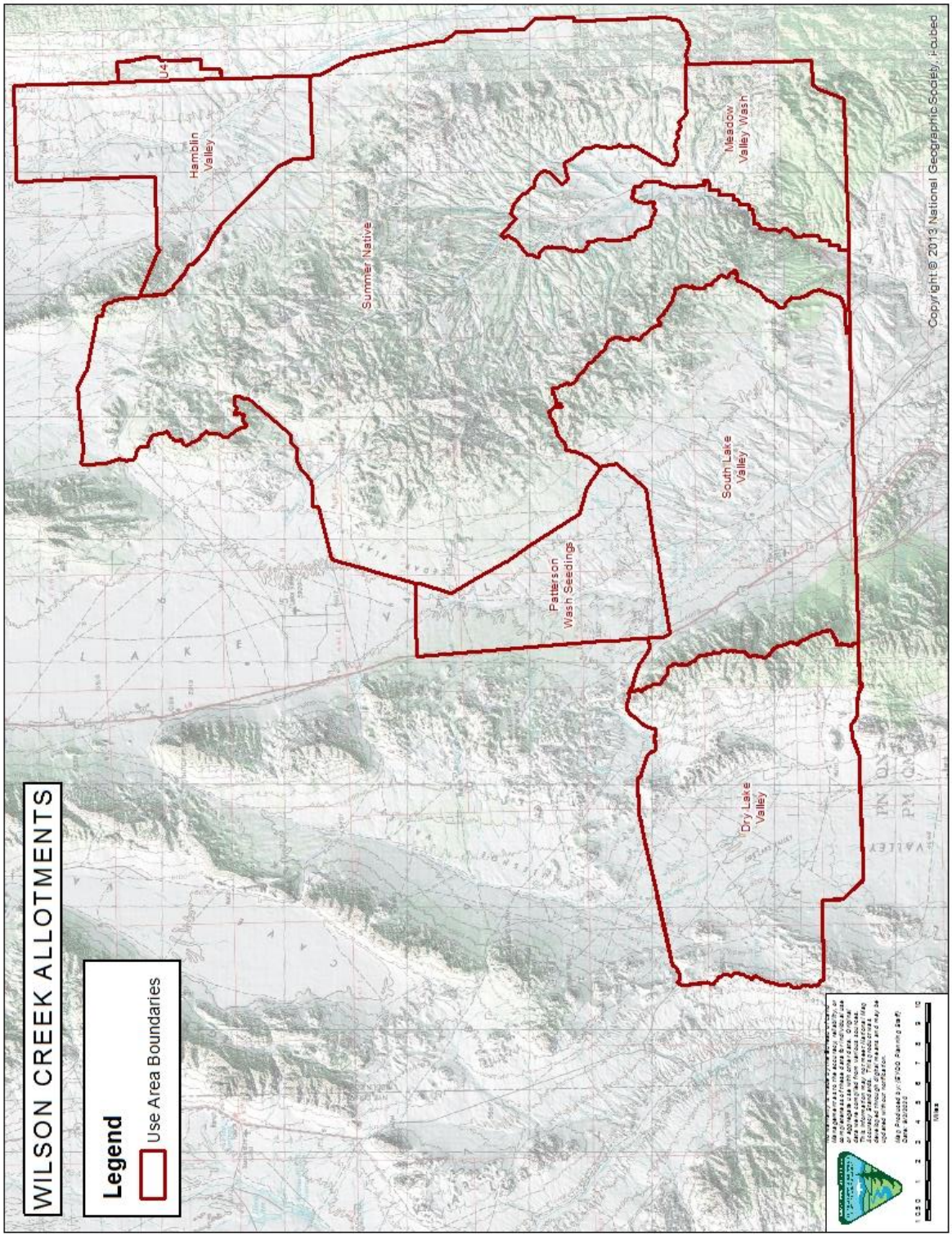
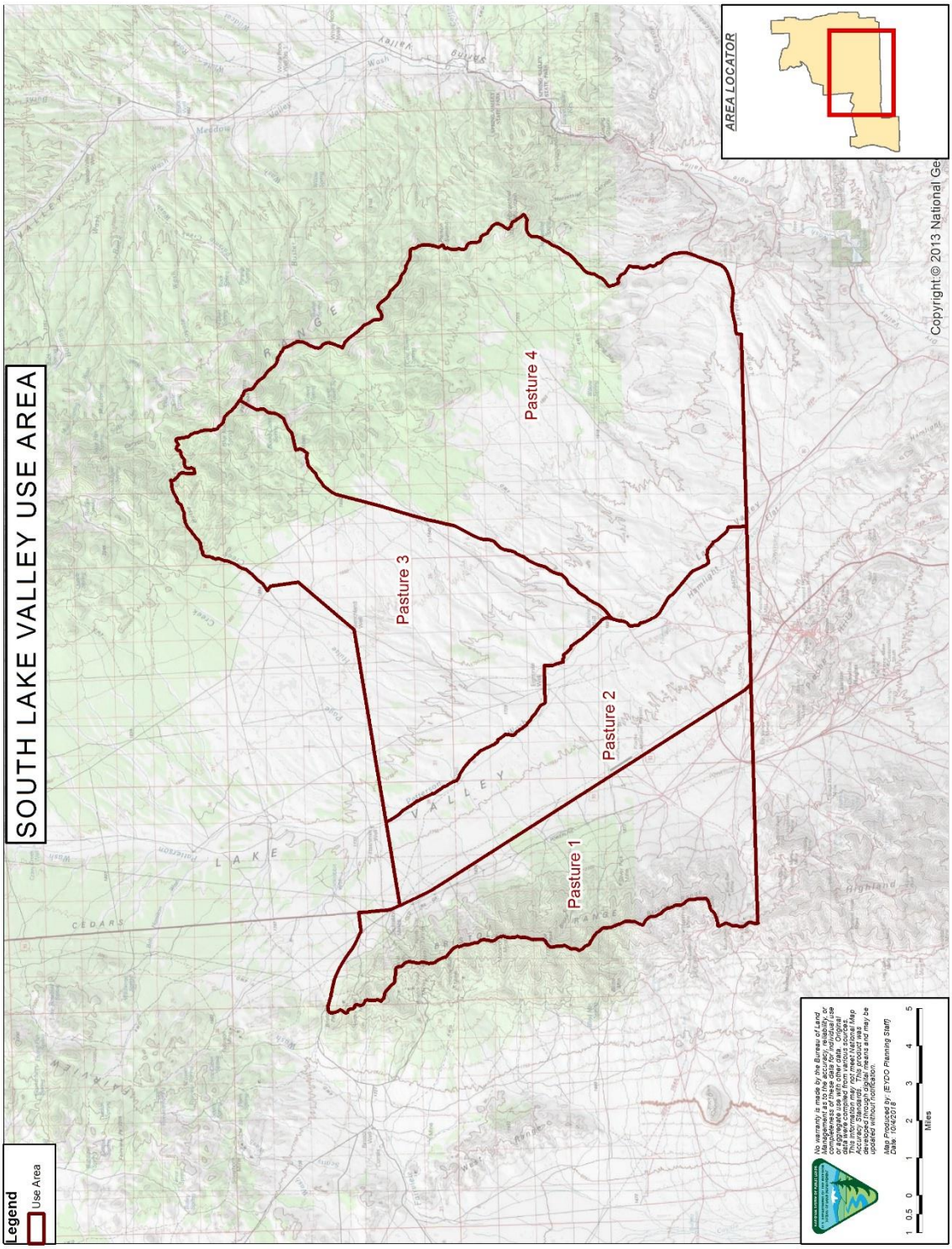
APPENDIX 1
Use Area Map




SOUTH LAKE VALLEY USE AREA
Legend
Use Area
Pasture 1
Pasture 2
Pasture 3
Pasture 4
AREA LOCATOR
Copyright:© 2013 National Ge
Miles

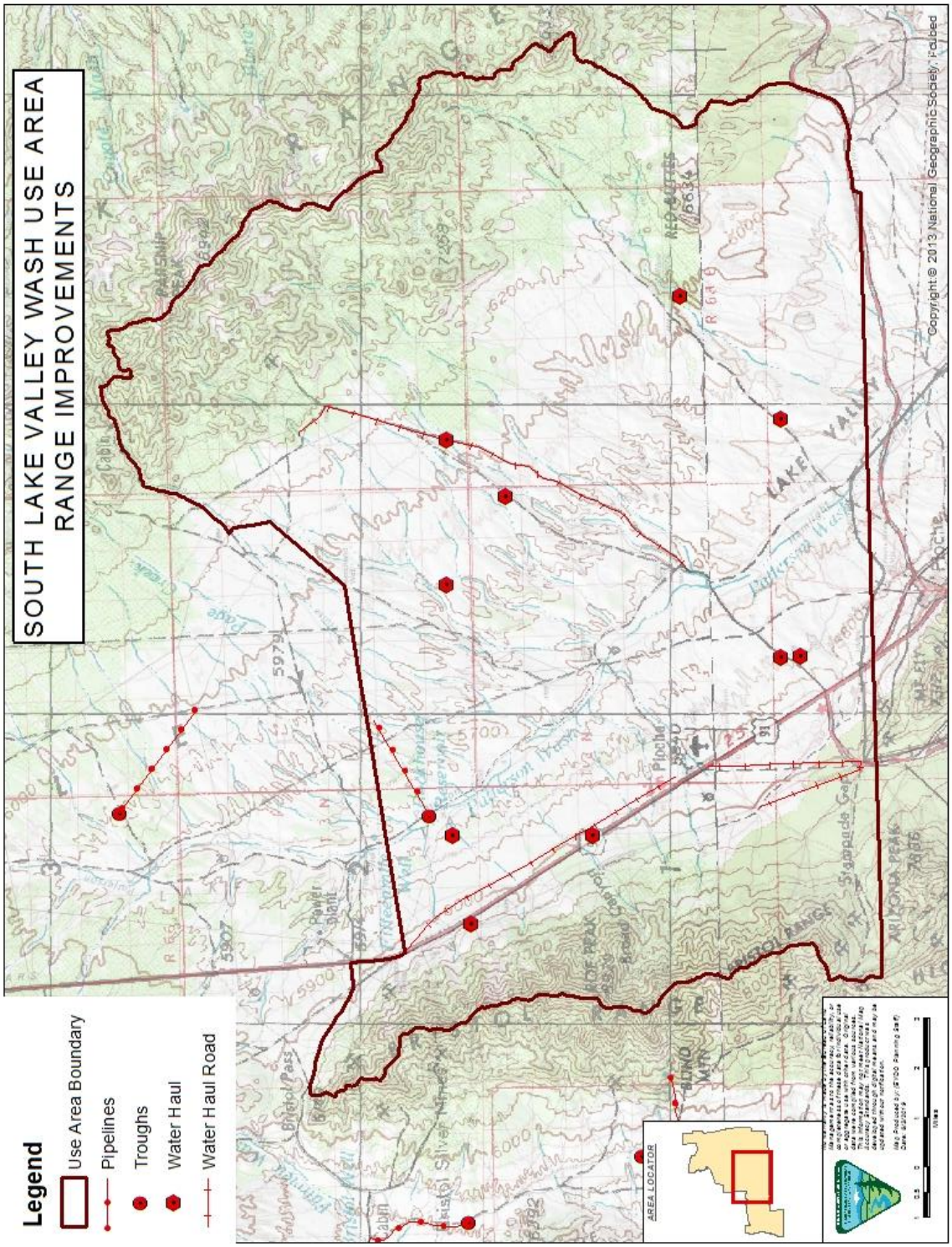
Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley									
South Lake Valley Well Pipeline	X	X	X	X					X

Alternative A Water Haul Locations

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley Use Area									
Powerline Water Haul Road	X	X	X	X					X
Airport Water Haul Road	X	X	X	X					X
Gravel Pit Water Haul Road	X	X	X	X					X
Water Haul Sites	X	X	X	X					X


SOUTH LAKE VALLEY WASH USE AREA
RANGE IMPROVEMENTS
Legend
Use Area Boundary
Pipelines
Troughs
Water Haul
Water Haul Road
AREA LOCATOR
Copyright:© 2013 National Geographic Society, i-cubed

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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9/4/2020

Bulloch Brothers
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FINAL DECISION
Grazing Permit Renewal for Bulloch Brothers (#2705105) on the Black Rock Allotment (NV00159) (formerly the Thorley Use Area of the Wilson Creek Allotment)

Introduction

This Final Decision renews the grazing permit for Bulloch Brothers (Permittee) and establishes the Black Rock Allotment, which was formerly the Thorley Use Area on the Wilson Creek Allotment. Prior to this Final Decision, a portion of the Dry Lake Valley Use Area was commonly referred to as the Thorley Use Area, but that area will now become a separate grazing allotment called the Black Rock Allotment. This Final Grazing Decision establishes the boundary of the Black Rock Allotment in relation to the adjoining allotments and use areas of the Wilson Creek Allotment (Appendix 1 map). This Final Decision authorizes grazing use on the Black Rock Allotment.

Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment.

This Final Decision modifies the existing terms and conditions of the grazing permit, but the authorized active animal unit months (AUMs) and the suspended AUMS held by the Permittee remain unchanged. The renewed grazing permit will include new terms and conditions which will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions. Refer to Appendix 1 for a map associated with the use area for this grazing permit renewal.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the

Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period. The BLM will issue other Final Decisions concurrently that renew the grazing permits for the other grazing permittees within the Wilson Creek Allotment.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Bulloch Brothers (#2705105) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; Budd-Falen Law Offices on behalf of Matt Bulloch dated November 8, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council

(MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The Black Rock Allotment is not meeting standards but is making significant progress towards standards. Casual factors include the season of use and a grazing system that did not allow for rest of use areas, as well as undesirable use conditions on springs by wildlife, horses and livestock due to trampling. Exclosures were established around the Deadman Spring in 2011 and progress is now being made because the conditions are improving around springs and the BLM has observed a decrease in annual vegetation. Uplands are not meeting standards due to invasive species and lack of desirable vegetation cover.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected actions from both Alternatives A, B, and D. The creation of the Black Rock Allotment from the Thorley Use Area was analyzed in both alternatives A and B. Alternative B clarifies the record that the western boundary for the Black Rock Allotment is the physical watershed boundary, e.g. from the point determining the direction of any surface water flow being to the east (Black Rock) or to the west (Deadman). Range improvements authorized in this decision are analyzed under Alternative A and B of the EA and identified in Appendix 2 of this Decision, with the exception of Hamilton Spring Pipeline Extension for which Alternative D is selected.

Alternatives A, B, and D are indistinguishable with regards to the grazing schedule and AUMs. Other terms and conditions include those analyzed under Alternatives A and B that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands and hereby authorizes grazing for Bulloch Brothers on the Black Rock Allotment subject to the following terms and conditions.

From:

Summary of Bulloch Brothers Grazing Authorization # 2705105

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Thorley	181	Cattle	10/15	5/15	Active	1271

Permitted Use Summary[1] (AUMs)				Total[2]	1,271
Active 1,271	Suspended 529	Temp Suspended 0	Permitted Use 1,800		

[1] Permitted Use Summary comes directly from the grazing permit

[2] May be different from the sum of above due to rounding after calculating Number and Period of Use. Total indicates active AUMs shown on permit.

TO:

Summary of Bulloch Brothers Grazing Authorization # 2705105

Allotment	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Black Rock	181	Cattle	10/15	05/15	Adaptive*	1,271

Permitted Use Summary (AUMs)				Total	1,271
Active 1,271	Suspended 327	Temp Suspended 202	Permitted Use 1,800		

*Adaptive means that active AUMs can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the entire allotment by permittee.

Other Terms and Conditions

1. The Black Rock Allotment consists of three pastures: North Valley Bottom Pasture, South Valley Bottom Pasture, and the Mountain Pasture. A spring deferred grazing rotation system is authorized for the North Valley Bottom and South Valley Bottom Pastures. The North Valley Bottom Pasture will be rested from cattle grazing in the spring one year, and the South Valley Bottom Pasture will be rested in the spring the second year. The grazing system will therefore rotate on a two year basis. Cattle will be moved into the other pastures that are not being rested during the spring period allowing rest in the spring every other year. The Mountain Pasture will be grazed for the period 10/15 to 05/15. The Permittee will implement this annual rotation by developing strategically located water sources in the valley bottom and alternating access to the valley bottom for the period 03/16 to 05/15.

2. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment

of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.

3. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

4. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½ mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

5. The Permittee must move livestock 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 BLM authorized officer.

6. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

7. When necessary, the Permittee must 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. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

9. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

10. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines

and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

11. The allowable use level for all perennial grasses and shrubs at the end of the grazing year will be 60% of current year's growth. The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as a whole, percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Black Rock Allotment can be so highly variable.

Range Improvements

This decision authorizes construction of range improvement projects for the Permittee in the Black Rock Allotment and extension of the Blackrock/DLVUA boundary fence. Those projects are described in Chapter 2 of the EA under Alternative A and B, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2, except that the Deadman Spring Pipeline extension and trough is not authorized beyond the Black Rock Allotment boundary. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects.

Vegetation Treatments

This Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The BLM selected the actions identified in this Final Decision because they will be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose a combination of actions from both Alternatives A and B for the Black Rock Allotment that include range improvements, period of use and terms and conditions. This grazing authorization is not dependent on range improvements, vegetation treatment projects, or removal of wild horses.

The approved adaptive management practices will allow and promote flexibility for the Permittee as part of its overall livestock operation. Adaptive management will allow flexibility in

livestock numbers and period of use while not exceeding active use AUMs. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use would allow for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

The movement of AUMs from suspended to temporarily suspended (non-use) is clarifying the record and resolution of protest. This change is in accordance with a 1968 AUM reduction MOU between BLM and the permittees and the 1992 FMUD for the Wilson Creek Allotment. This is within the analysis of the EA and does not change the active grazing use analyzed.

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

In order to address improve areas identified in the SDD as not meeting standards, the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment, which is a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health, since it is also a contributing factor to failure to meet rangeland health conditions in several use areas.

Thorley Division Fence

The Thorley Division Fence has been a point of question requiring clarification with regards to the purpose and function of the fence. This Final Decision serves to clarify the Thorley Division Fence. The proposed decision for the DLVUA portrayed the boundary of the DLVUA incorrectly. The Decision Record and Finding of No Significant Impact for the Thorley Division Fence Environmental Assessment (EA) No. NV-040-03-008 was signed and approved January 23, 2004. The Decision record states in pertinent part "Rationale: The project will accomplish the need for separating two distinct grazing operations in the Thorley and Dry Lake Valley Use Areas of the Wilson Creek Allotment while allowing for better control of livestock and thereby managing for healthier rangelands." Agreement was reached between all permittees at the time of the EA for this boundary. The fence was installed during the summer of 2005 and continues to serve the purpose for installation. The fence marks the boundary between the Thorley and Dry Lake Valley Use Areas and as the boundary for the newly created Black Rock Allotment.

Boundary Clarification: The 1992 FMUD erroneously described the Deadman and Thorley Use Area boundaries using overlapping descriptions. The FMUD's description of the Deadman Use Area did not follow the physical watershed boundary and is an error in the legal description. The correct boundary is

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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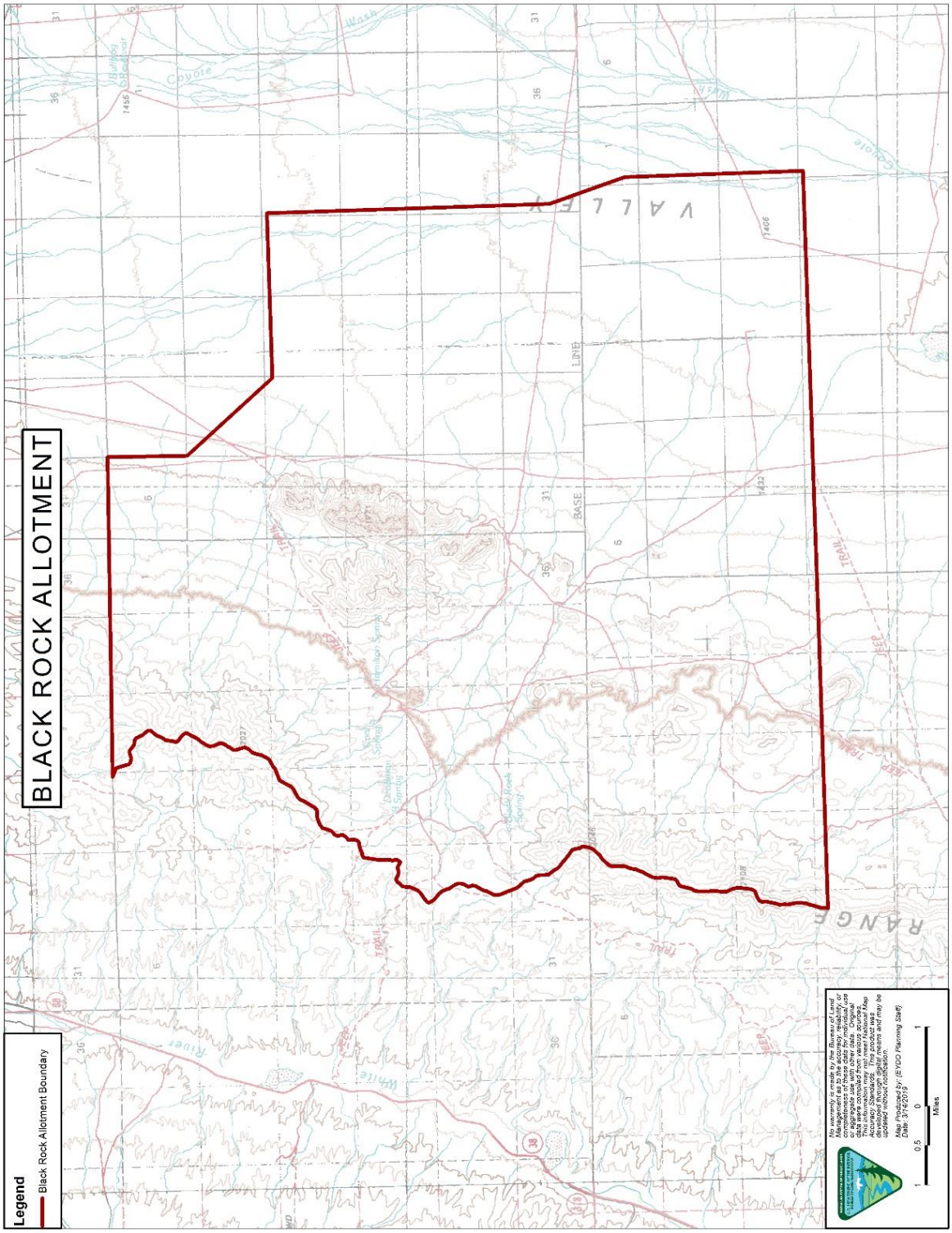
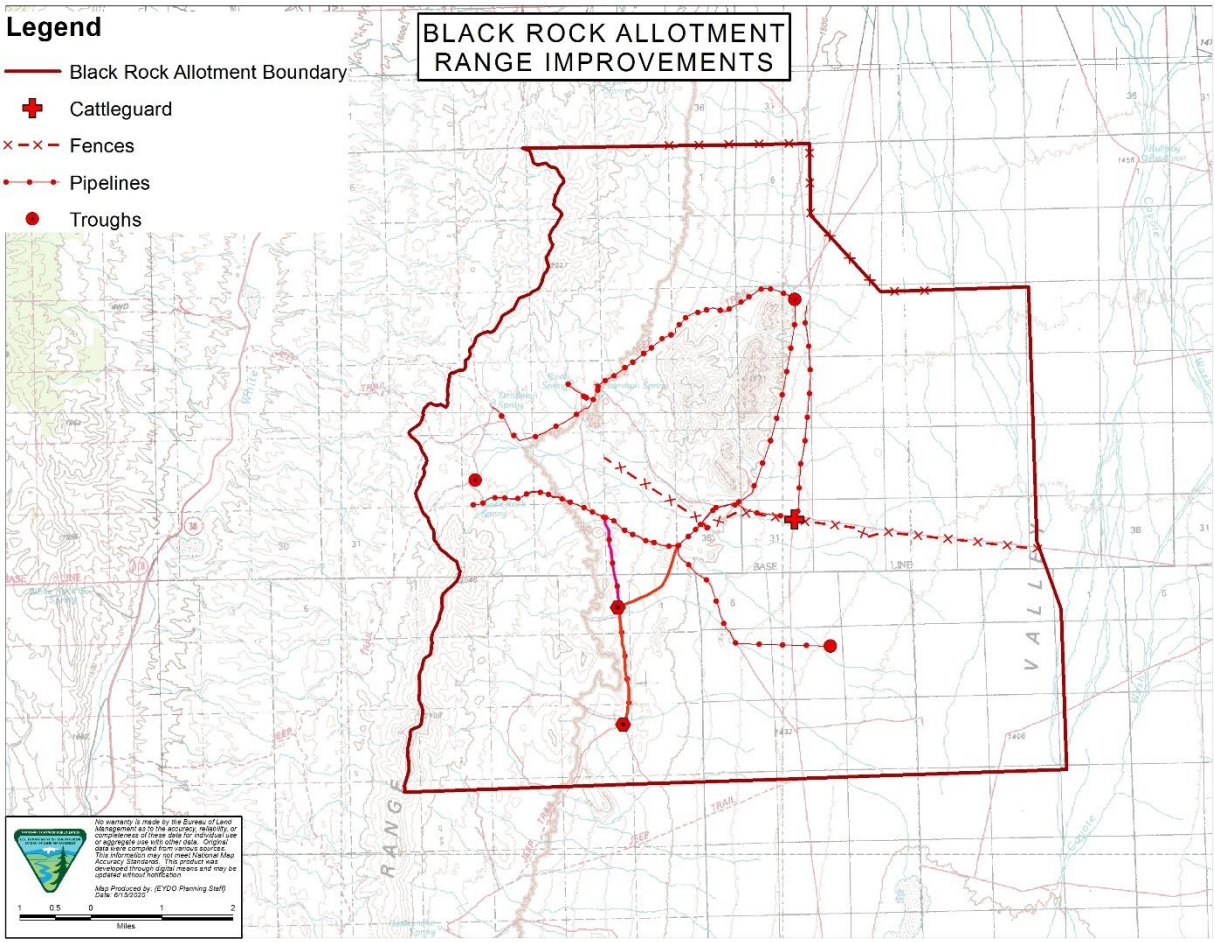
Appendix I
General Allotment Map



Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Thorley/Black Rock Allotment									
Hamilton Spring Pipeline					X				
Black Rock Pipeline					X				
Rattlesnake Redundant Pipeline					X				
Thorley Division Fence Extension					X				
Road Improvement					X				
Permanent water haul sites					X				
Unnamed Spring Pipeline and Trough					X				
Black Rock Allotment									
Black Rock Pipeline reconstruction and extension					X				
Deadman Pipeline					X				
Redundant Pipeline					X				
Black Rock Pipeline extension #2 (contingent)					X				
Division Fence and Cattle Guard (contingent)					X				
Miller Creek Pipeline	X								
Reservoir Exclosures	X								


BLACK ROCK ALLOTMENT
RANGE IMPROVEMENTS
Legend
Black Rock Allotment Boundary
Cattleguard
Fences
Pipelines
Troughs
RANGE
VALLEY
BASE
LINE
TRAIL
JEEP
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. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
Map Produced by: (EYDO Planning Staff)
Date: 6/13/2022
1 0.5 0 1 2
Miles

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Bristlecone Field Office
702 N. Industrial Way
Ely, Nevada 89301

9/4/2020

Carlisle W. Hulet
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FINAL DECISION
Grazing Permit Renewal for Carlisle Hulet (#2705109) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Carlisle Hulet (Permittee) and authorizes sheep grazing on the Hamblin Valley Use Area of the Wilson Creek Allotment. The mandatory terms and conditions of the grazing permit including the number and kind of livestock, the period(s) of use, the use area, and the amount of use in animal unit months (AUMs), which will be the same as the current grazing permit. This Final Decision also includes current and additional terms and conditions, which will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period.

The BLM will issue other Final Decisions concurrently that renew the grazing permits for the other grazing permittees within the Wilson Creek Allotment. Refer to Appendix 1 for map associated with the use area(s) for this grazing permit renewal.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Carlisle Hulet (#2705109) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The Standards Determination Document (SDD) initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The Hamblin Valley Use Area is not meeting standards but is making significant progress towards standards. Historical use levels on winterfat by livestock and wild horses have been identified in the SDD as the primary factor causing Hamblin Valley Use Area to not meet the standards. The leading resource and management concern stemming from this area's historic overutilization is the growing dominance of halogeton and subsequent habitat degradation.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

The following actions from the EA are being selected as part of this grazing decision:

Actions selected from Alternative A

For the Hamblin Valley Use Area, the southwest boundary of the Hamblin Valley Use Area is to be moved out to the west and north to follow the Hermitage Road to the northwest (see maps in appendix 1). The new Boundary will not change the active use AUMs for the Hamblin or Miller Use Areas. The boundary change will allow for grazing by sheep on the black sage as it was historically.

Actions selected from Alternative D

Authorization #2705109 will remain unchanged with regards to season of use and AUMs.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected range improvements from Alternative A from the EA, refer to Appendix 2 for a list of authorized range improvements. This decision hereby authorizes grazing for Carlisle Hulet on the Hamblin Valley Use Area of the Wilson Creek Allotment subject to the following terms and conditions:

From: Summary of Grazing Authorization # 2705109

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Hamblin Valley	1,735	Sheep	11/1	4/30	Active	2,076
Permitted Use Summary					**Total**	**2,076**
Active AUMs 2,076	Suspended AUMs 440	Temp Suspended 0	Permitted Use 2,516			

TO: Summary of Grazing Authorization # 2705109

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Hamblin Valley	1,735	Sheep	11/1	4/30	Adaptive	2,076
Permitted Use Summary					**Total**	**2,076**
Active AUMs 2,076	Suspended AUMs 440	Temp Suspended 0	Permitted Use 2,516			
Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the entire allotment by permittee.						

Other Terms and Conditions

1. The Permittee must locate sheep bedding grounds and camps at least ½ mile away from winterfat dominated sites and base placement on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee may allow sheep to graze the bench areas and utilize the black sagebrush communities.

2. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.

3. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

4. The Permittee may use temporary water hauling to distribute use but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½ mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

5. The Permittee must move livestock 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 BLM authorized officer.

6. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

7. When necessary, the Permittee must 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. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

9. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

10. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

11. The Allowable Use Level for the Hamblin Use Area at the end of the grazing year (4/30) will be 60 % of current year's growth for key species. Allowable use represents use made by all users. The BLM considered utilization and allowable use levels and set them based on factors such as; amount of forage, standing crop remaining at the end of the grazing

cycle across the use area as a whole, percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

Range Improvements

This decision authorizes construction of range improvement projects in the Hamblin Use Area for the Permittee. Those projects are described in Chapter 2 of the EA under Alternative A, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects.

The Hamblin Use Area is also used by Dry Valley LLC. There are additional range improvements that were analyzed in Alternative B of the EA (pg. 46) and are authorized in the separate decision for Dry Valley LLC.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. Alternatives A and D were chosen for the Hamblin Use Area on the Wilson Creek Allotment. Grazing authorization is not dependent on range improvements, vegetation treatment projects, or removal of wild horses.

The proposed adaptive management practices would allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management would allow flexibility in livestock numbers and period of use while not exceeding active use AUMs. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors.

The adaptive use and flexibility would promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured

grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

The BLM determined that changes to season of use and number of livestock were not warranted because blacksage communities are located on the east and west benches and they are utilized by sheep during the winter months. Instead, the BLM has chosen a combination of portions of Alternatives A and D that will help increase the distribution of livestock with additional water hauls. Adding corrals will assist in holding and faster removal of animals once season of use has ended. This decision will also help in creating stable areas around springs, still allowing wildlife access. Distribution will help to not further the increase of Halogeton populations throughout the Hamblin Valley Use Area and allow for Winterfat patches to have a rest period during the season of use. The BLM also authorized the southwest boundary to be moved out to the west and south to follow the Hermitage road to the northwest.

These changes – boundary adjustment and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment, which is a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the completion of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health, since it is also a contributing factor to failure to meet rangeland health conditions in several use areas

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, “Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources

affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA) and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.
.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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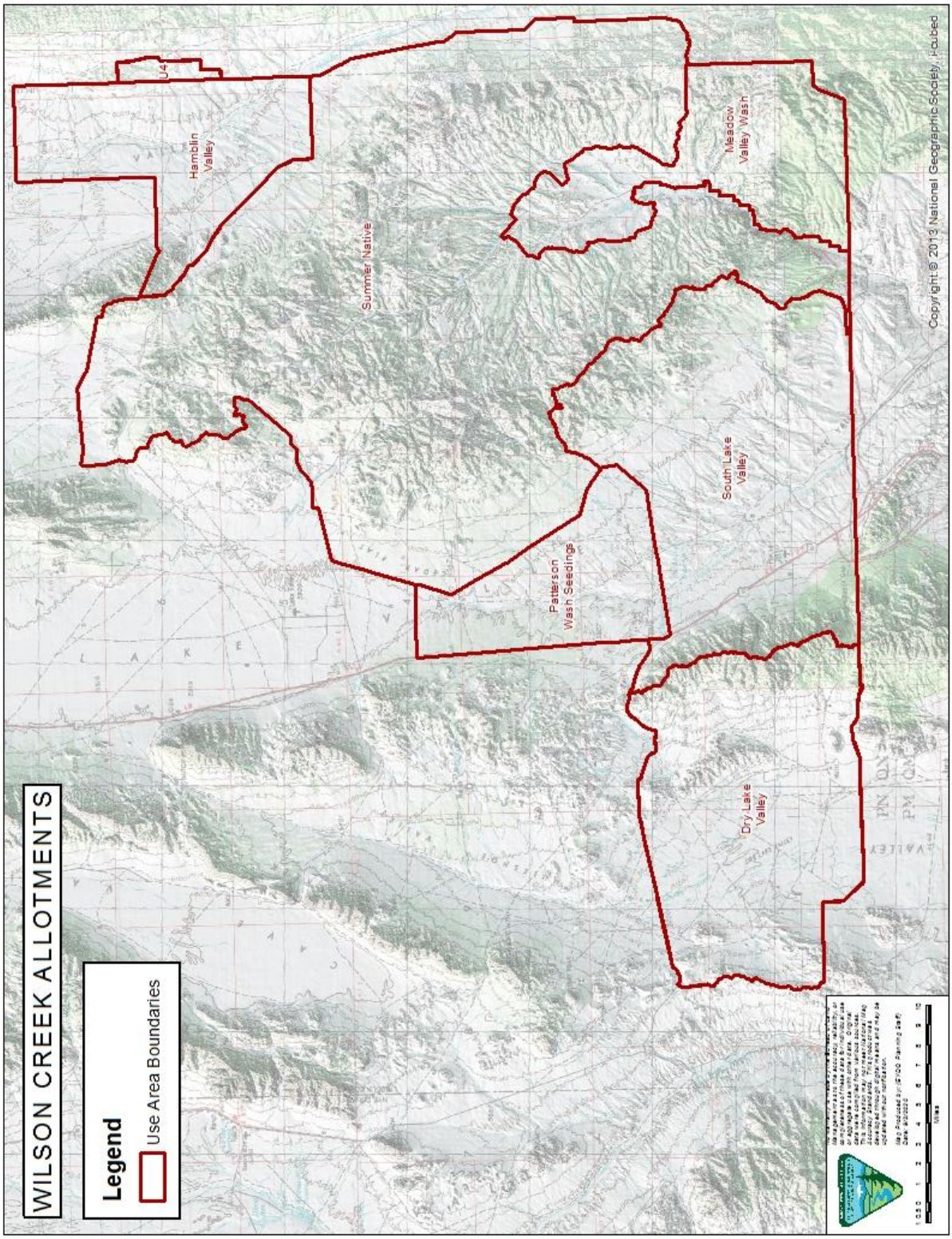
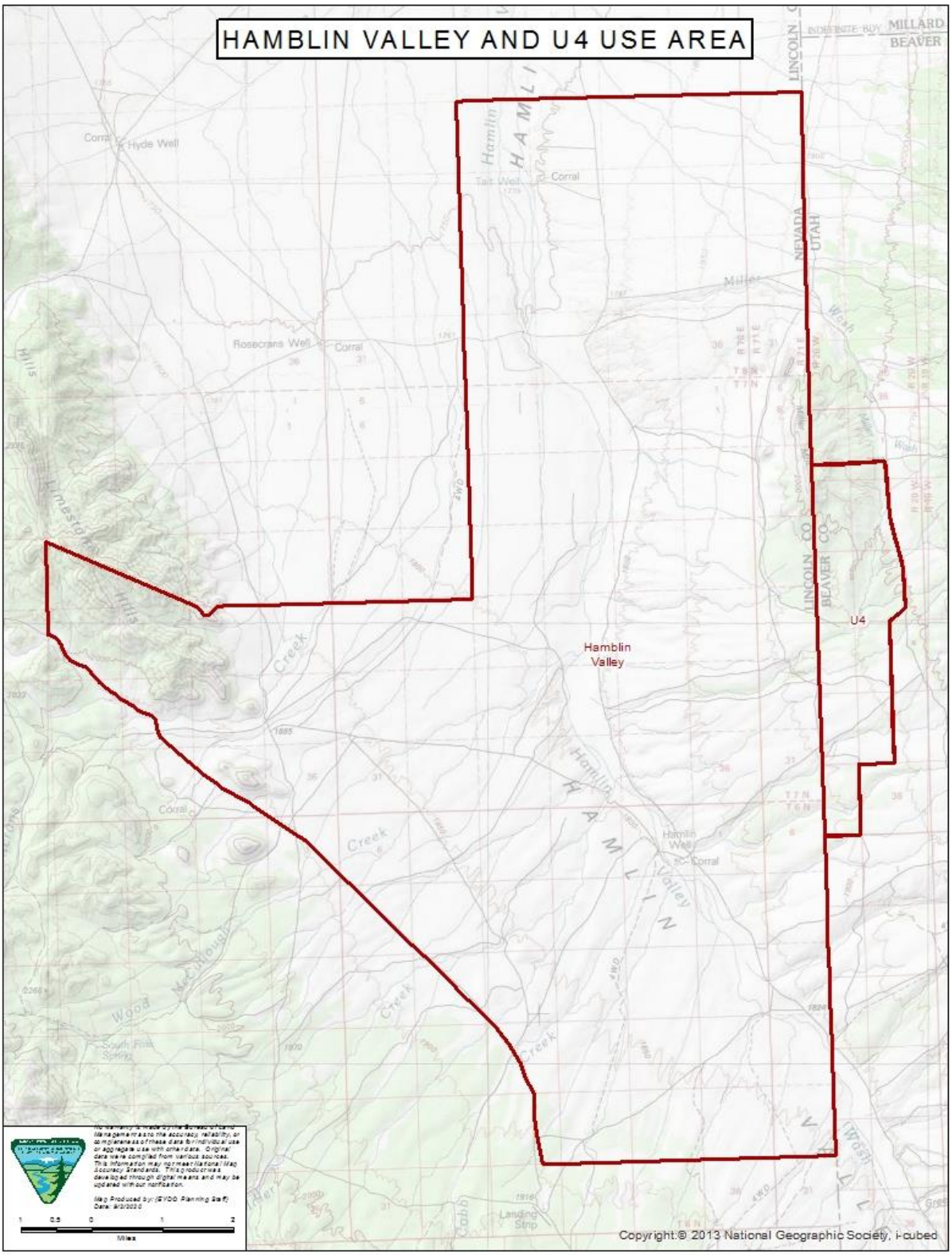
APPENDIX 1
Hamblin Valley Use Area Map




HAMBLIN VALLEY AND U4 USE AREA
Hamblin Valley
U4
Hyde Well
Rosecrans Well
Corral
Hamblin Wash
Hamblin Valley
Hamblin Wash
Hamblin Creek
Wood Creek
Limestone Hills
Miller Wash
Hamblin Wash
Hamblin Well
Tait Well
Landing Strip
LINCOLN CO
BEAVER CO
NEVADA
UTAH
MILLARD
BEAVER
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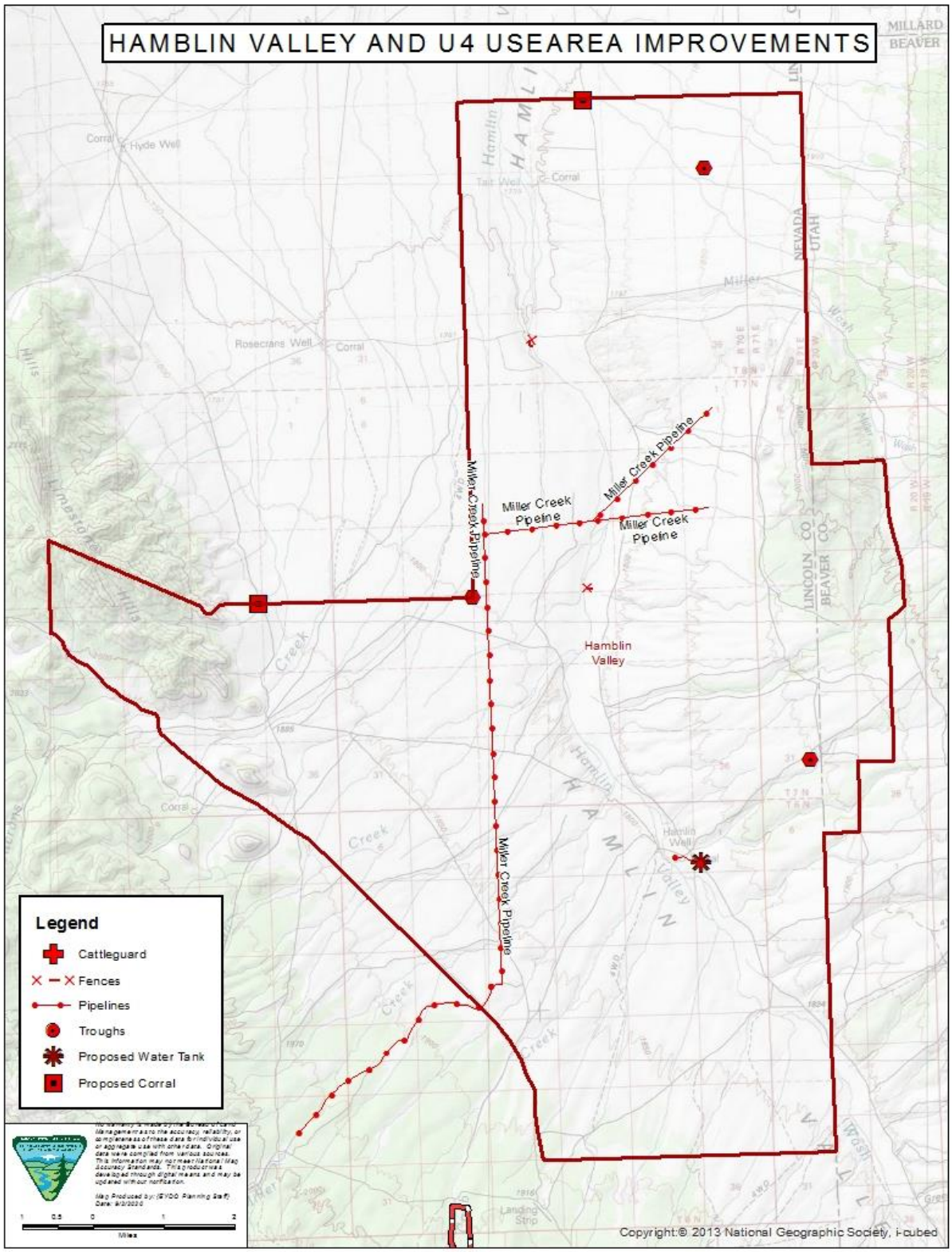
Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Hamblin Valley Use Area									
Loading ramp and corral for sheep	X					X			
Water tank and short pipeline	X					X			
Reservoir Exclosures	X					X			
Hamblin Valley Water Hauls #1, #2, & #3	X					X			


HAMBLIN VALLEY AND U4 USEAREA IMPROVEMENTS
MILLARD
BEAVER
Hyde Well
Corral
Tait Well
Rosecrans Well
Miller
NEVADA
UTAH
LINCOLN CO
BEAVER CO
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Hamblin Valley
Hamblin Well
Landing Strip
Legend
Cattleguard
Fences
Pipelines
Troughs
Proposed Water Tank
Proposed Corral
Miles
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Appendix 3
Protest and Response Matrix Summary

United States Department of the Interior

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9/4/2020

Charles and Fawn Hulet
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FINAL DECISION
Grazing Permit Renewal for Charles and Fawn Hulet (#2700298) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Charles and Fawn Hulet (Permittee) and authorizes grazing use on the Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, and the South Lake Valley Use Area of the Wilson Creek Allotment. The Bureau of Land Management will issue a separate Final Decision to authorize grazing use within the Dry Lake Valley Use Area of the Wilson Creek Allotment. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the authorized active animal unit months (AUMs) and the suspended AUMS held by Charles and Fawn Hulet. This Final Decision also changes use areas and the period (s) of use. The renewed grazing permit includes new terms and conditions that allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health. Refer to Appendix 1 for map reference associated with the use area(s) for this grazing permit renewal.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for H. Matt Bulloch (#2705106) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

A grazing preference transfer has been approved since the Proposed Decision was issued. Grazing preference was transferred from H. Matt Bulloch to Charles and Fawn Hulet on November 1, 2018. This transferred all of the AUMs previously authorized to H. Matt Bulloch on the Wilson Creek Allotment for the Patterson Wash Seedings, Brown Spring, Meadow Valley Seedings, Summer Native, Mt. Wilson Burn, and South Lake Valley Use Areas to Charles and Fawn Hulet. This Final Decision is issued to Charles and Fawn Hulet.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based

on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The rangeland health evaluation concluded that the South Lake Valley Use Area is not meeting standards and not making progress to meet standards. Causal factors that are not allowing standards to be met are encroachment of pinyon and juniper trees into the area, which are causing Black Sagebrush and Wyoming Big Sage communities to decrease and the use area to lose its understory cover of forbs and grasses. The encroachment will also decrease the amount of water in the riparian areas, which is also a causal factor of the Use Area not meeting standards. The encroachment will also cause a decline in the (quality or quantity) of Greater sage grouse habitat because it will cause a decrease in the amount of forage and cover available. However, soils in South Lake Valley are meeting standards due to the amount of perennial cover at the key areas. The foliar and ground cover is sufficient to the potential of the site.

The Patterson Wash Seedings Use Area is not meeting standards and progress is not being made towards standards due to pinyon and juniper encroachment, livestock concentration in valley bottoms, and year-round use by wild horses. The BLM has observed that there is difficulty with the rotation system. Pastures are rested only until cattle need to be moved to another pasture. Then, trailing from one pasture to another causes cattle to be moved through pastures that are being rested, which results in some use of that pasture. The encroachment of pinyon and juniper also decrease the amount of forbs, which are necessary for quality Sage-grouse habitat. However, the Patterson Wash Seedings Use Area is meeting standards for soils due to the amount of ground and surface cover to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

In the Brown Spring Use Area, standards are not being met and no progress towards standards is occurring. The encroachment of pinyon and juniper into the Black Sagebrush communities have a detrimental effect on the community by decreasing sagebrush, grasses and forbs, water at springs, and wildlife quality habitat availability. This has also led to an increase in fuel load and risk for large wildfires.

The Summer Native Use Area is not meeting standards and there is no progress being made towards standards. Portions of the Uplands are meeting standards but the riparian areas are not. The causing factors include encroachment of pinyon and juniper, lack of stream bank stability, and the lack of native annual grasses within the burned areas. Riparian areas are not meeting

standards due to lack of riparian obligate, willow, and cottonwood that are to be expected in the stream area. The stream system is also not trapping sediment and revegetating along point bars.

The Meadow Valley Seedings Use Area is meeting standards except for the habitat and biota. Foliar and ground cover are sufficient to the potential of the site and adequate to resist accelerated erosion, provide for infiltration and the ecological processes are adequate for vegetation communities. The Use Area is not meeting standards with habitat and biota due to the lack of forbs for wildlife quality habitat because of the regeneration of sagebrush within the area.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

The following actions from the EA are being selected as part of this grazing decision:

Actions From Alternative A

Summer Native will be consolidated with Miller, Mt. Wilson Burn, Brown Spring, and the southern portion of U-4 Use Areas. Authorized AUMs in these areas are being combined into the Summer Native Use Area for other related decisions and grazing authorizations. For this decision, the AUMs associated with the U-4 use area will remain with the northern remaining portion of U-4 that is not consolidated with the Summer Native Use Area. Grazing in U-4 is authorized only to Dry Valley LLC.

The Pioche Bench Use Area was recently fenced on both sides of the highway, which separated it into two pastures. Through this Final Decision, the Pioche Bench Use Area is being combined into the South Lake Valley Use Area as pastures 1 and 2 to make four pastures, and the four pastures are now named (from west to east) Pastures 1, 2, 3, and 4 (See Appendix 1). The permittee will be authorized to graze pasture three (3) and four (4) of South Lake Valley only.

Actions From Alternative B

Summer Native will be consolidated with Miller, Mt. Wilson Burn, Brown Spring, the southern portion of U-4 Use Areas. Authorized AUMs in these area are being combined into the Summer Native Use Area for this Final Decision.

The Miller Use Area includes the Delmue Burn, which burned approximately 7,123 acres of the allotment. The burn area rehabilitation included fencing and ultimately resulted in increased forage and the area being used as a separate area within the Miller Use Area. As a result, 1,306 suspended AUMs are reactivated among the respective permittees, of which Charles and Fawn Hulet receives 218 AUMs. The 184 AUMs reduced in South Lake Valley Use Area will be

placed in temporary suspension and will be activated upon development of additional waters in the Dry lake Valley Use Area.

The Nov 5, 1992 Notice of Final Multiple Use Decision for the Wilson Creek Allotment moved suspended AUMs from the Dry Lake Valley Use Area to the South Lake Valley Use Area. The carrying capacity does not support the additional AUMS therefore the suspended AUMs are moved back to the Dry Lake Valley Use Area

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. For this decision the BLM has selected the Hamblin Valley-Summer Native boundary adjustment from Alternative A and Summer Native Use Area consolidation of Alternative B from the EA, including the authorized range improvements shown in Appendix 2. As analyzed in the EA, Alternatives A and B are the same with regards to season of use, AUMs, and Other Terms and Conditions. This decision hereby authorizes grazing for the Permittee on the Wilson Creek Allotment subject to the following terms and conditions.

From:

Summary of Grazing Authorization # 2705106

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Patterson Wash Seedings	Variable[1]	Cattle	4/16[2] 7/1[3] 9/1	6/30 8/31[3] 10/31	Active	527
Brown Spring	66	Cattle	6/1	6/30	Active	127
Meadow Valley Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	352
Mt. Wilson Burn	51	Cattle	6/1	9/30	Active	206
Summer Native	155	Cattle	6/1	9/30	Active	623
South Lake Valley	Variable[1]	Cattle	4/16 11/1	10/31 11/30	Active	271
Permitted Use Summary[4]					**Total[5]**	**2,106**
Active AUMs 2,106	Suspended AUMs 416	Temp Suspended 0	Permitted Use 2,522			

[1] Not to exceed total number of Active Use AUMs.

[2] "One week's flexibility on either side of the begin date will be considered during annual use authorizations for the Patterson Seedings to allow for cattle coming off the winter range early."

[3]"will be allowed upon seed dissemination on any given year." This will rule out using the 9/1 to 10/31 period.

[4] Permitted Use Summary comes directly from the grazing permit

[5] May be different from the sum of above due to rounding. Total indicates exact number shown on permit.

TO:

Summary of Grazing Authorization # 2700298

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Patterson Wash Seedings	66	Cattle	3/15	11/15	Adaptive	527
Meadow Valley Seedings	47	Cattle	4/01	10/31	Adaptive	352
Summer Native	179	Cattle	04/01	10/31	Adaptive	1,174
South Lake Valley	22	Cattle	3/15	10/31	Adaptive	271
Permitted Use Summary (AUMs)					**Total**	**2,324**
Active AUMs 2,324	Suspended AUMs[4] 198	Temp Suspended 0	Permitted Use 2,522			

Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the entire allotment by permittee.

The period of use for Meadow Valley Seedings includes summer use of 7/1 to 8/31 to incorporate a rest rotation system.

[4] The Nov 5, 1992 Notice of Final Multiple Use Decision for the Wilson Creek Allotment moved suspended AUMs from the Dry Lake Valley Use Area to the South Lake Valley Use Area. The carrying capacity does not support the additional AUMS therefore the suspended AUMs are moved back to the Dry Lake Valley Use Area

Other Terms and Conditions

1. Permittee must implement a four pasture deferred or rest-rotation grazing system for the Patterson Wash Seedings Use Area, which includes pastures of Craw Creek North, Craw Creek South, 21 Mile, and 15 Mile Bench and 15 Mile. The pasture rotation system must include rest of each pasture one out of four years.
2. Permittee must implement a deferred or rest rotation grazing system for the Meadow Valley Seedings Use Area. The pastures within the Meadow Valley Seedings Use Area include: Bull, Buck Wash, White Rock, Willow Spring and the Stateline Burn. The Stateline Burn pasture will be incorporated into the grazing system.
3. Permittee must implement a deferred rotation grazing system for the South Lake Valley Use Area. Cattle grazing will be authorized in pastures three (3) and four (4) of the South Lake Valley Use Area. The pasture rotation system will defer spring grazing use for each pasture one out of three years.
4. If the sheep and cattle permittees reach agreement and consensus regarding grazing use in any of the areas of the South Lake Valley Use Area, the BLM may authorize grazing in accordance with that agreement. The agreement could include adjustments in pasture rotation, as long as the above terms and conditions of the permit are followed with deferred areas identified in addition to achieving outcome based grazing objectives.
5. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Suspended or nonuse AUMs for winter use may only be activated in the winter use areas. Suspended or nonuse summer AUMs may only be activated in summer use areas. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area but will not exceed Permittee's active AUMs for the entire allotment.
6. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.
7. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½ mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.
8. The Permittee must move livestock 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 BLM authorized officer.

9. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.
10. When necessary, the Permittee must 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.
11. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.
12. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.
13. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as a whole, percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

14. For all pastures of the Patterson Wash Seedings, the allowable use level at the end of the period of use (11/15) will be 60% of current year's growth for crested wheatgrass as well as native key species.
15. For all pastures of the Meadow Valley Seedings the allowable use level at the end of the period of use (10/31) will be 60% for crested wheatgrass and native key species of current year's growth.
16. The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) will be 60% of current year's growth.
17. Allowable Use Levels for all users in the South Lake Valley Use Area is 60% at the end of the grazing year.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are described in Chapter 2 of the EA under alternatives A and B, as well as summarized in Appendix 2 (Summary of Range Improvements) and the maps in Appendix 2 of this decision. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects. This decision authorizes range improvements in the South Lake Valley, Patterson Wash Seedings, Summer Native, and Meadow Valley Seedings Use Area for the Charles and Fawn Hulet permit. There are additional range improvements that were analyzed and outlined in the proposed decision for Dry Lake Valley Use Area. These improvements, if authorized, will be authorized in a separate decision for that permit.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. A combination of actions from Alternative A and B were chosen for the Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, U-4 Use Area, and the South Lake Valley Use Area on the Wilson Creek Allotment that include range improvements, period of use and terms and conditions. Grazing authorization is not dependent on range improvements, veg treatment projects, or removal of wild horses.

The proposed adaptive management practices would allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management would allow flexibility in livestock numbers and period of use while not exceeding active use AUMs. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use would allow for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured

grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improve areas identified in the SDD as not meeting standards (South Lake Valley Use Area, Patterson Wash Use Area, Brown Springs Use Area, and Summer Native Use Area), as well as continue to meet standards in the Meadow Valley Seedings Use Area, the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for Patterson Wash Seedings, Meadow Valley Seeding, Summer Native, U-4, and South Lake Valley Use Areas. The BLM is also changing the number of cattle. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes in season of use, adjustments to livestock numbers, and authorization for range improvements support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment, which is a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health, since it is also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA).

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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Thomas Rosevear Trust
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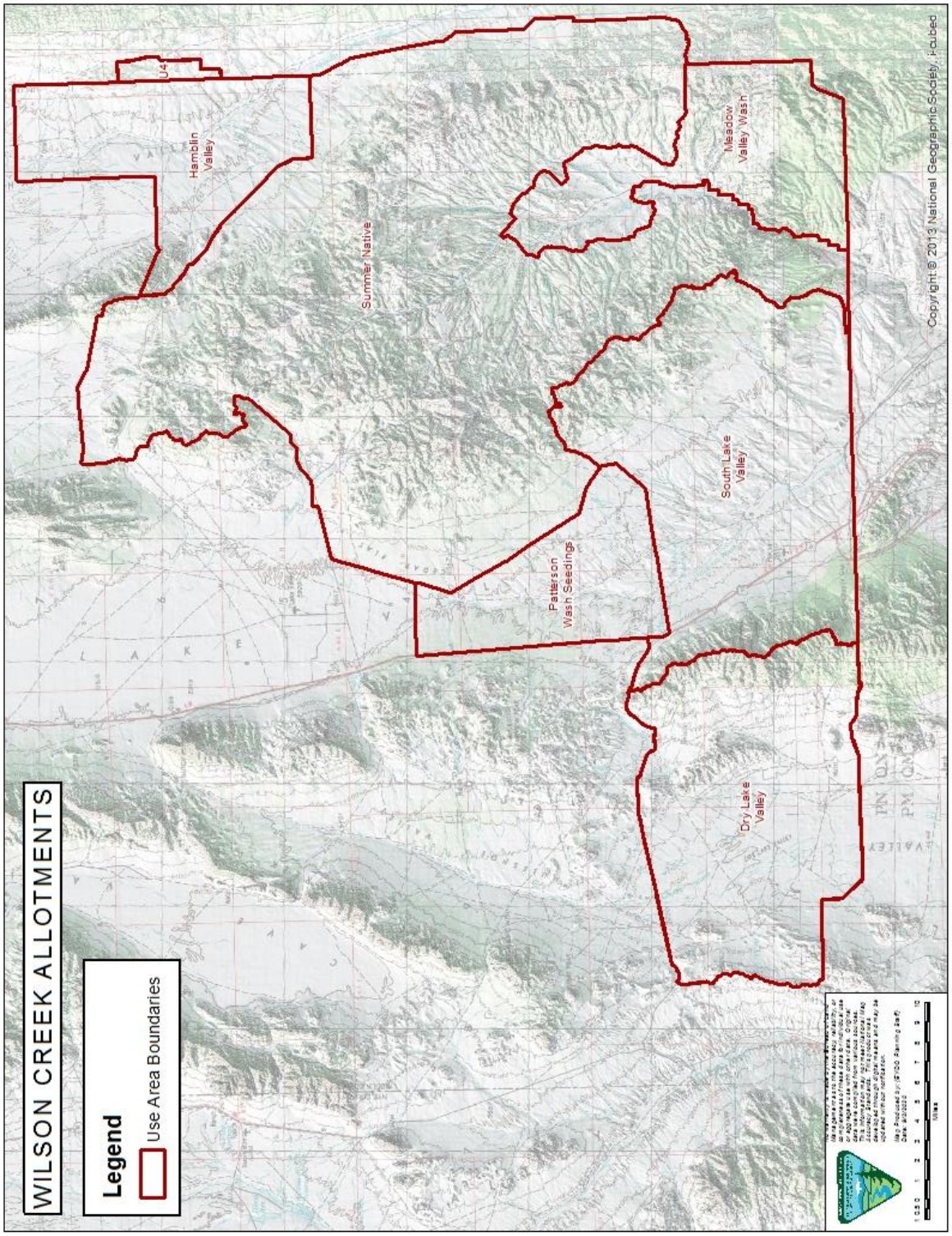
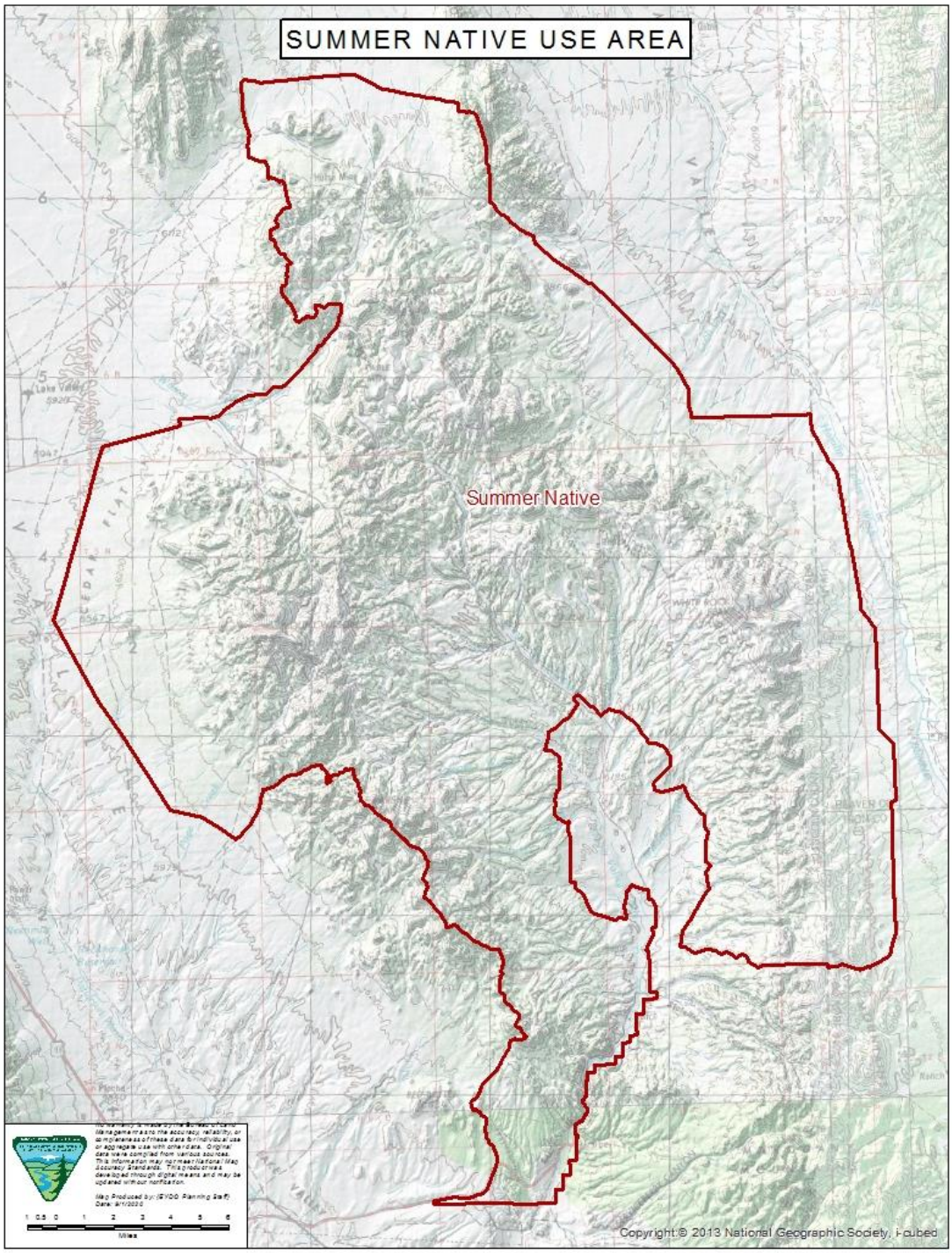
APPENDIX 1
Use Are Maps




SUMMER NATIVE USE AREA
Summer Native
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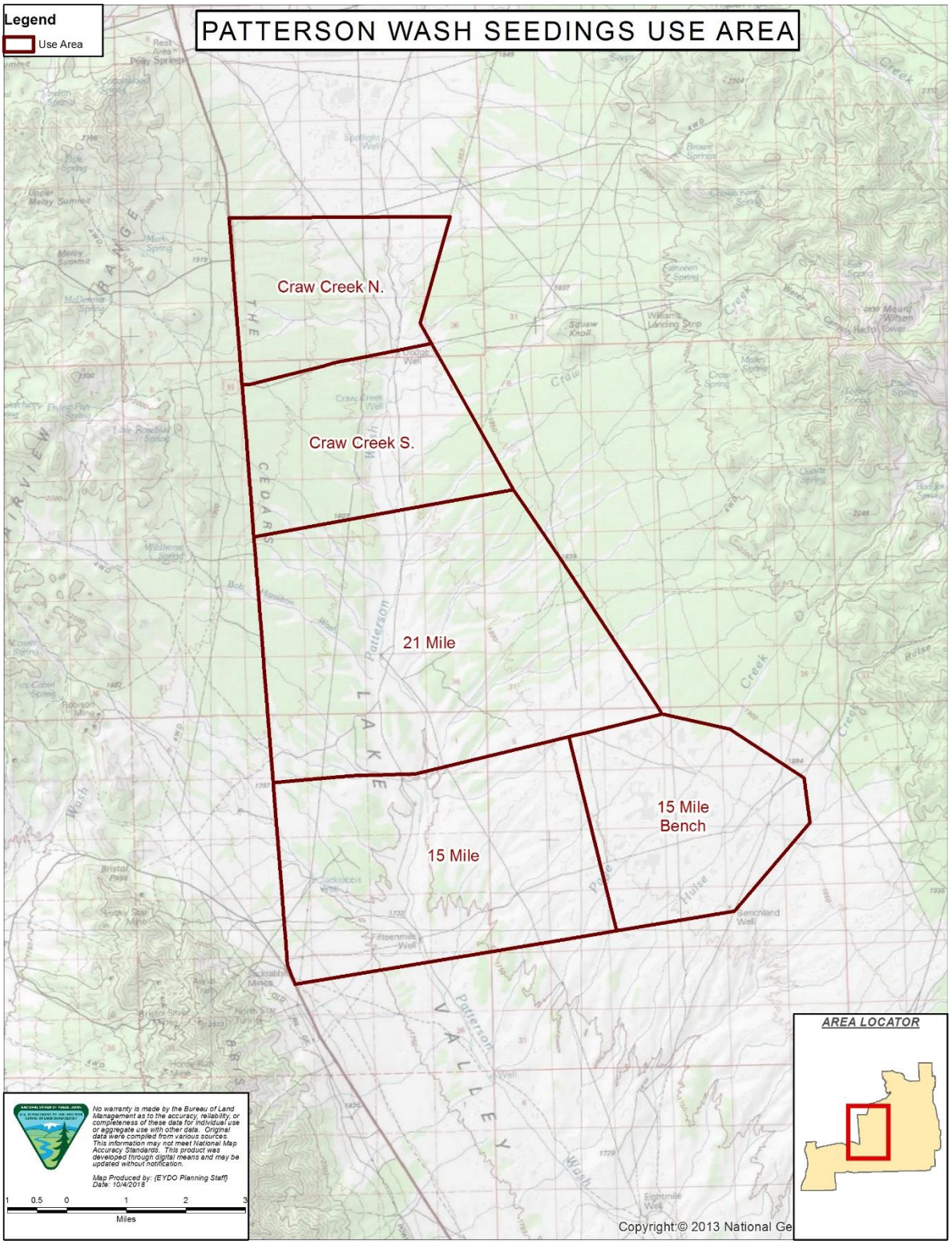
PATTERSON WASH SEEDINGS USE AREA
Legend
Use Area
Craw Creek N.
Craw Creek S.
21 Mile
15 Mile
15 Mile Bench
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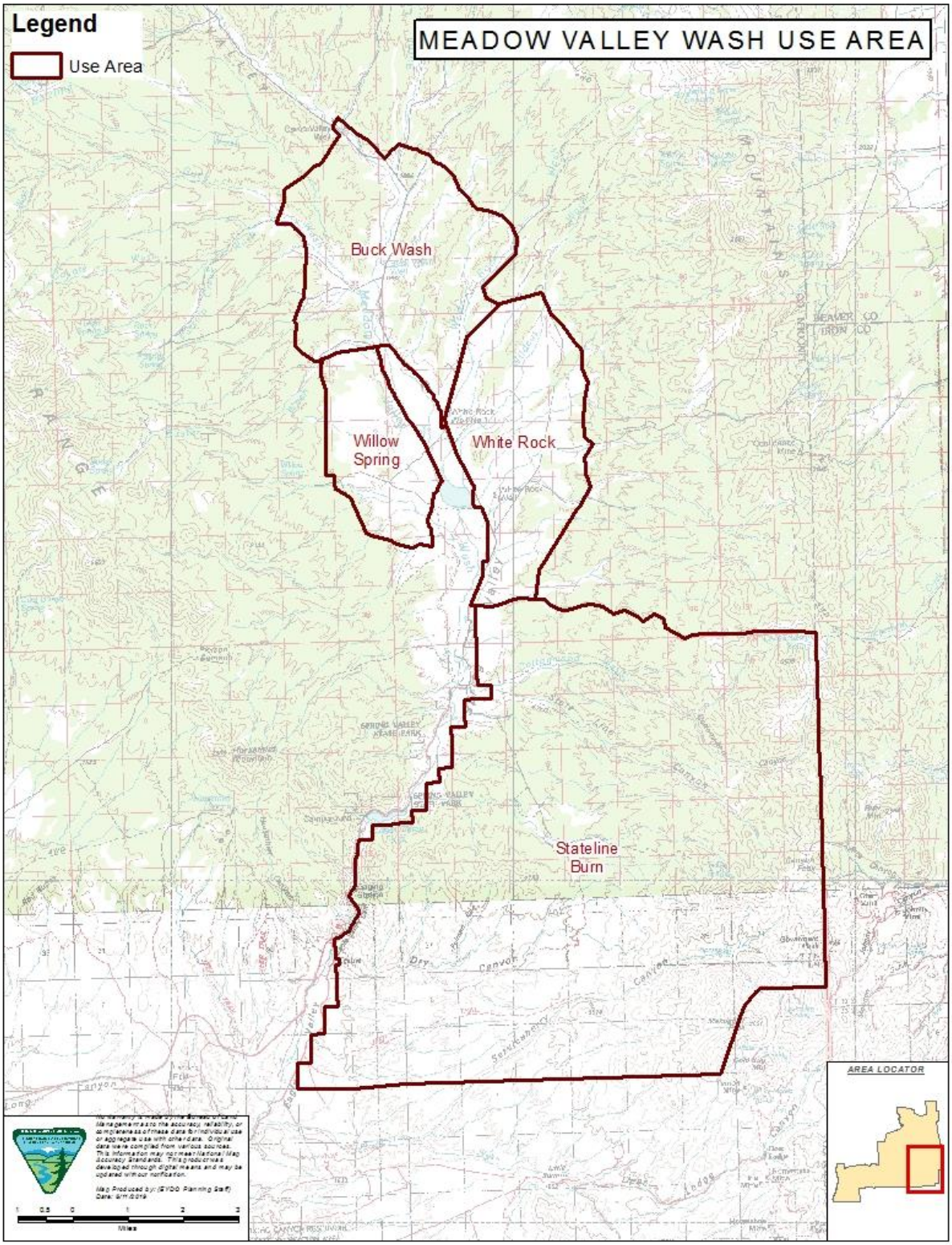
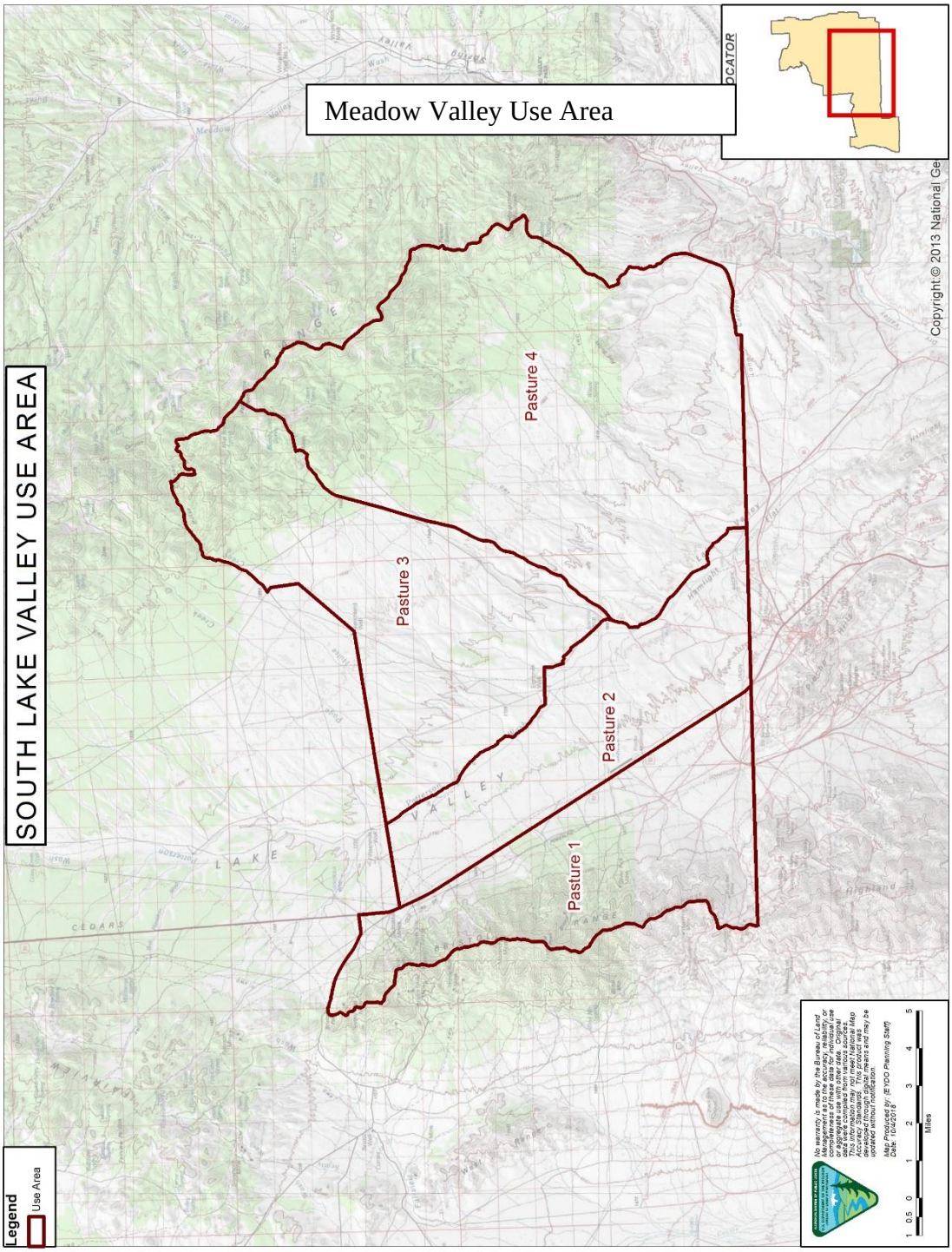

Legend
Use Area
MEADOW VALLEY WASH USE AREA
Buck Wash
Willow Spring
White Rock
Stateline Burn
AREA LOCATOR


SOUTH LAKE VALLEY USE AREA
Meadow Valley Use Area
Pasture 1
Pasture 2
Pasture 3
Pasture 4
Legend
Use Area
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Appendix 2
Range Improvements

Alternative A Range Improvements

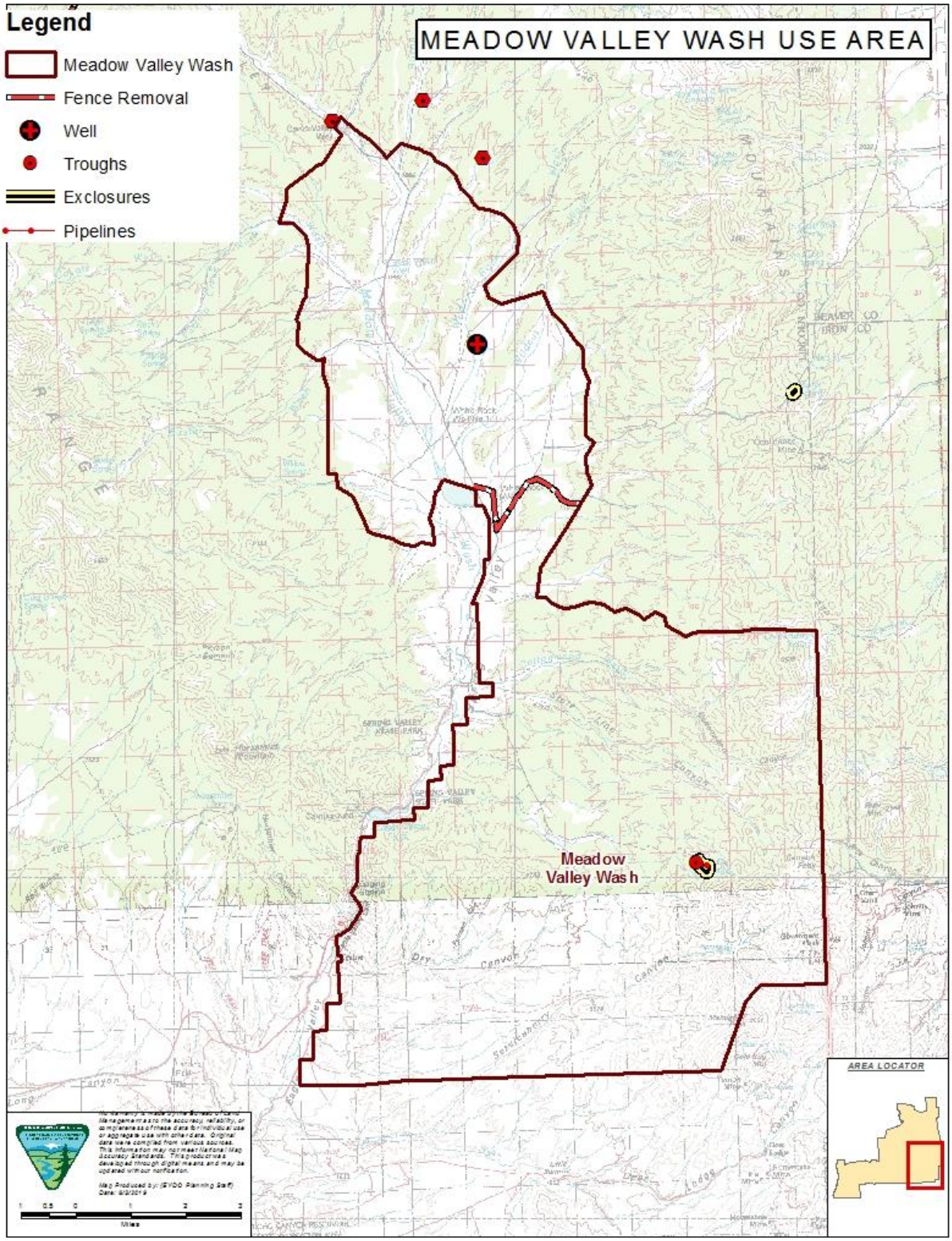
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Patterson Wash Seeding Use Area									
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
South Lake Valley Use Area									
South Lake Valley Well Pipeline	X		X	X					X
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Fence Removal	X	X	X	X			X		
Riparian Exclosure Fence	X	X	X	X			X		
Riparian Exclosure Fence	X	X	X	X			X		
Riparian Exclosure Fence	X	X	X	X			X		
Riparian Exclosure Fence	X	X	X	X			X		
Permanent Water Haul Sites	X	X	X	X			X		
Pipeline and trough	X	X	X	X			X		
Meadow Valley Seedings Use Area									
Bull Pasture Fence/ White Rock Fence	X	X	X	X					
White Rock Well	X	X	X	X					
Willow Spring Pipeline	X	X	X	X					

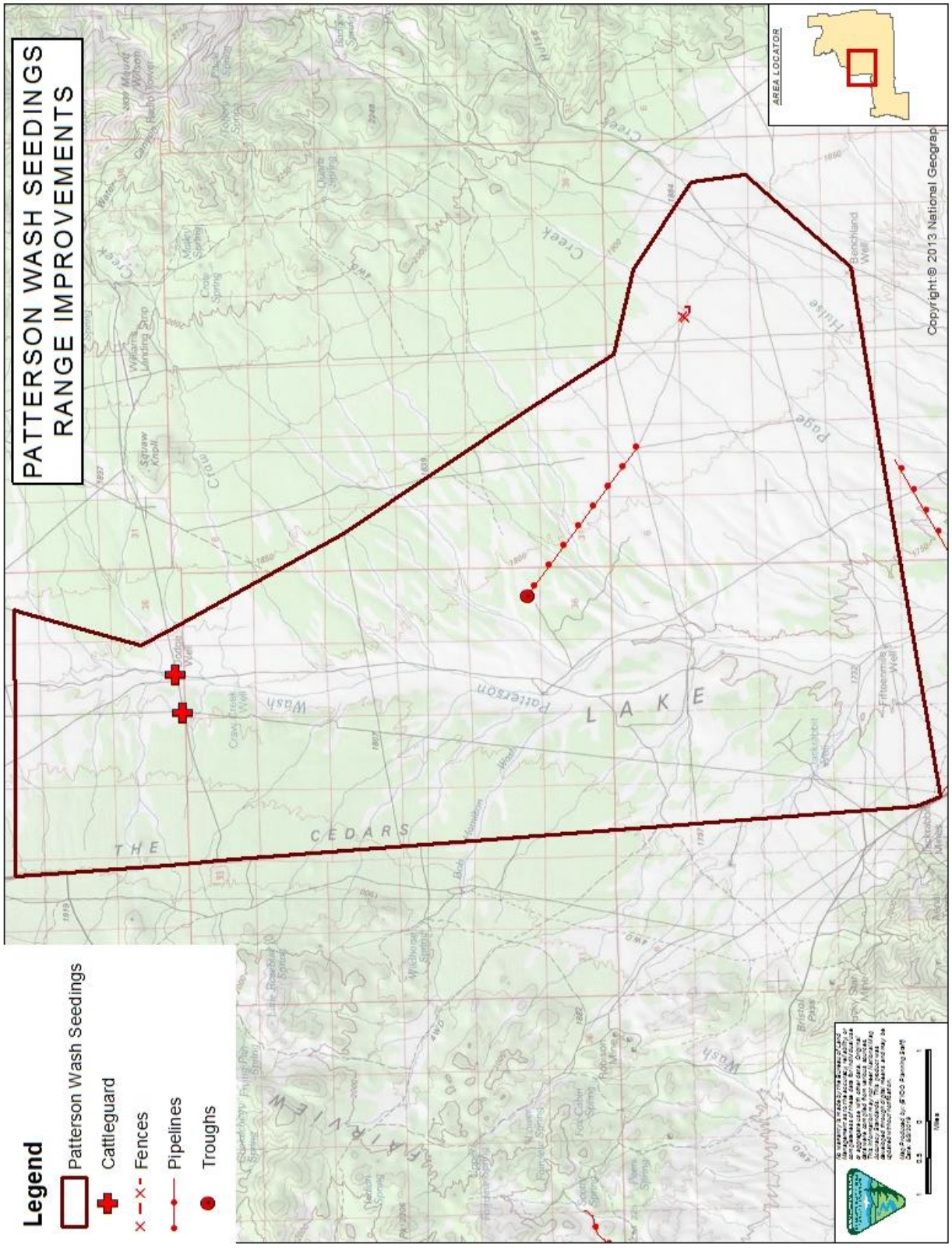
Deer Canyon, Ticapoo, White Rock, Red Hills, and South End Reservoir Dams	X	X	X	X					
Miller Use Area									
Remove Fence	X	X	X	X					
Rattlesnake Spring Exclosure[1]	X	X	X	X					
Whiskey Spring Exclosure Fence[1]	X	X	X	X					
Cobb Creek Meadow Exclosure Fence[1]	X	X	X	X					

Alternative A Water Haul Locations									
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley Use Area									
Powerline Water Haul Road	X		X	X					X
Airport Water Haul Road	X		X	X					X
Gravel Pit Water Haul Road	X		X	X					X
Water Haul Sites	X		X	X					X

Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence	X	X	X	X					
North DLV and South DLV cattleguards	X	X	X	X					
Deadman Spring Pipeline Extension	X	X	X	X					
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Pipeline	X	X	X	X			X		


MEADOW VALLEY WASH USE AREA
Legend
Meadow Valley Wash
Fence Removal
Well
Troughs
Exclosures
Pipelines
Meadow Valley Wash
AREA LOCATOR


PATTERSON WASH SEEDINGS
RANGE IMPROVEMENTS
Legend
Patterson Wash Seedings
Cattleguard
Fences
Pipelines
Troughs
AREA LOCATOR
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THE
CEDARS
LAKE
Patterson
Wash
Page
Hulse
Creek
Cedar
Squaw Knoll
Wilkins Landing Strip
Mount Wilson
Benchland Well
Fitzsimmons Well
Cow Creek Well
Lake Roosevelt Spring
Wildhorse Spring
Robinson Mesa
Bristol Pass
Star Mine
Jackrabbit Mine
Fairview
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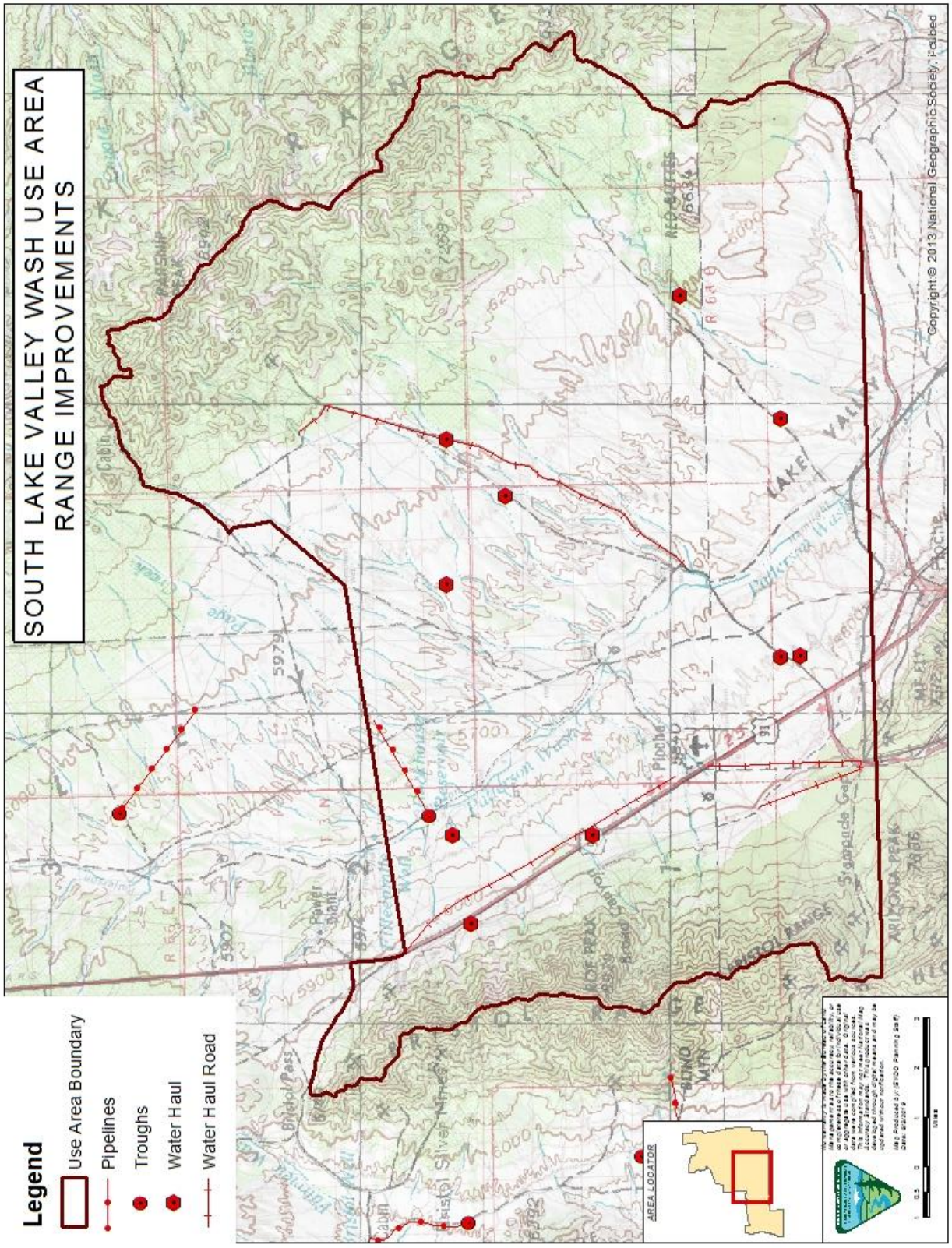
SOUTH LAKE VALLEY WASH USE AREA
RANGE IMPROVEMENTS
Legend
Use Area Boundary
Pipelines
Troughs
Water Haul
Water Haul Road
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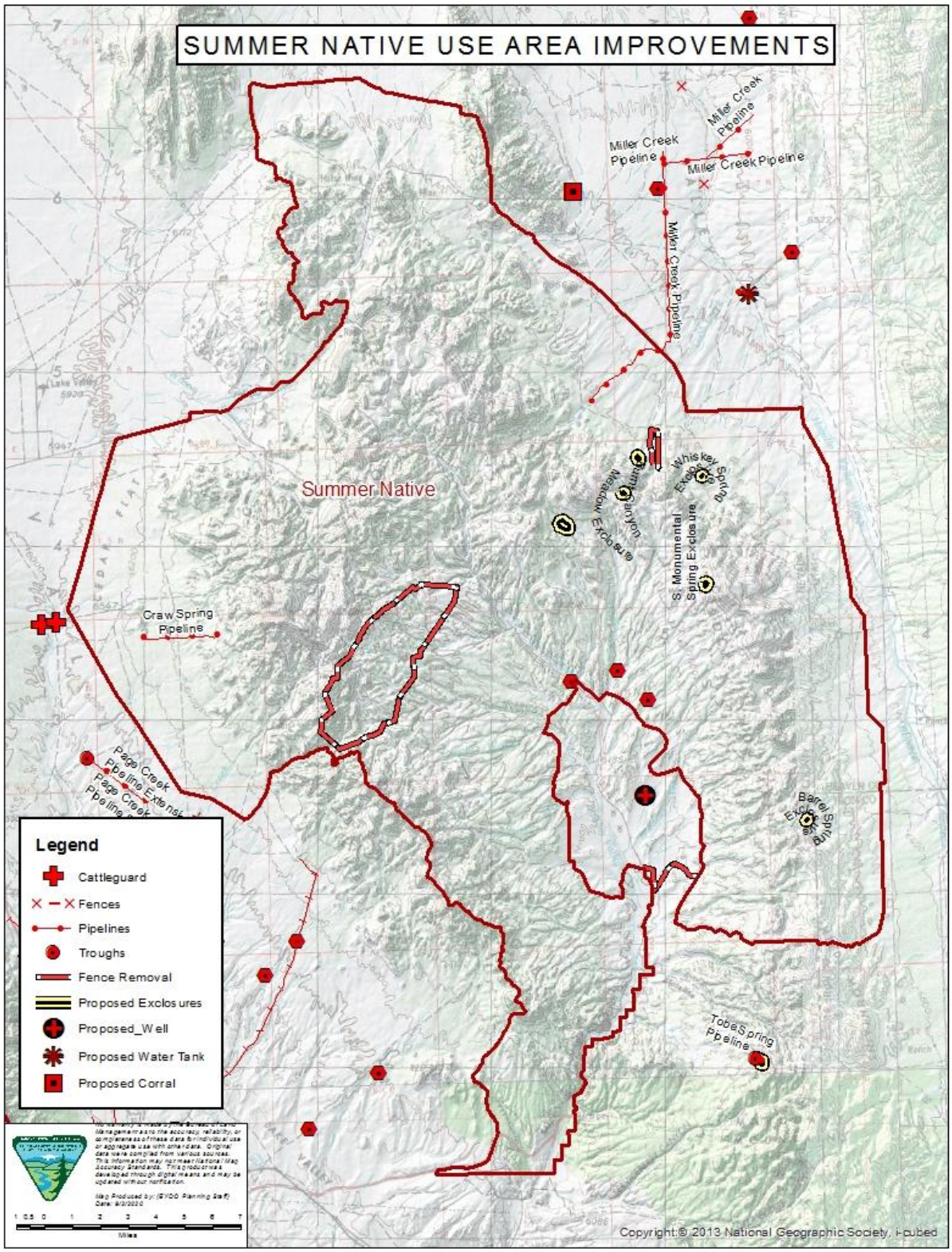
SUMMER NATIVE USE AREA IMPROVEMENTS
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Summer Native
Whiskey Spring Exclosure
Meadow Exclosure
Canyon Exclosure
S. Monumental Spring Exclosure
Craw Spring Pipeline
Page Creek Pipeline Extensi
Page Creek Pipeline
Barrel Spring Exclosure
Tobe Spring Pipeline
Legend
Cattleguard
Fences
Pipelines
Troughs
Fence Removal
Proposed Exclosures
Proposed_Well
Proposed Water Tank
Proposed Corral
Map Produced by: (BLM Planning Staff)
Date: 8/2/2010
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United States Department of the Interior

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9/4/2020

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FINAL DECISION
Grazing Permit Renewals for Dry Lake Valley Use Area
Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permits for Southern Nevada Water Authority (SNWA), Dry Valley LLC, Lytle Living Trust, Kena & Pat Gloeckner, and Charles and Fawn Hulet on the Dry Lake Valley Use Area of the Wilson Creek Allotment. This Final Decision only authorizes grazing use specific to Dry Lake Valley Use Area (DLVUA) of the Wilson Creek Allotment. Final Decisions will be issued separately and concurrently with this Final Decision authorizing grazing for the other use areas within the Wilson Creek Allotment.

This decision renews the grazing permits that were previously issued based on the Notice of Final Multiple Use Decision (FMUD) for the Wilson Creek Allotment dated Nov 5, 1992. Under this Final Decision, the existing terms and conditions of the grazing permits will be

modified. Active grazing use will be monitored annually to determine responses of the vegetation to grazing and weather conditions. The DLVUA will be divided into two pastures, named the West Pasture and the East Pasture. This Final Decision authorizes the construction of the Dry Lake Valley Division Fence to separate cattle and sheep grazing by establishing formal areas of use. This Final Decision also implements changes to the period(s) of use.

The renewed grazing permits will include new terms and conditions which provide flexibility in livestock grazing use under various circumstances and conditions. Terms and conditions will also allow and promote flexibility as part of the overall livestock operations in order to maintain economically viable grazing operations while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period.

A grazing preference transfer was approved November 15, 2018 following issuance of the Proposed Decision for the DLVUA. The grazing preference was transferred from H. Matt Bulloch to Charles and Fawn Hulet. The Proposed Decision was issued to H. Matt Bulloch. This Final Decision is being issued to Charles and Fawn Hulet, since they are now the permittees.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Dry Valley LLC, Southern Nevada Water Authority, Kena & Pat Gloeckner, Lytle Living Trust, Charles and Fawn Hulet on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; Pete Delmue Dry Lake Valley, LLC by personal delivery November 5, 2018, Budd-Falen Law Offices dated November 8, 2018, and SNWA dated October 29, 2018 and November 12, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The DLVUA is not meeting standards but is making significant progress towards standards. Casual factors for not meeting standards are the lack of vegetation cover, moderate to heavy utilization, lack of distribution and the location and distribution of water sources. One leading resource and management concern stemming from the areas of overutilization is the growing dominance of Halogeton and subsequent habitat degradation. An increase of other invasive species is also a management concern throughout this use area.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §4110.3, §4130.3, §4130.3-1, and §4130.3-2, mandatory terms and conditions of the grazing permits include the kind and number of livestock, the period of use, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

The BLM has selected the grazing schedules from Alternatives B and C for cattle operators, Alternative D for sheep operators, and a combination of Alternatives A, B, and C for the range improvements analyzed in the EA. Other terms and conditions include those analyzed under Alternatives A and B that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands and hereby authorizes grazing for Dry Valley, LLC, SNWA, Kena & Pat Gloeckner, Lytle Living Trust, and Charles and Fawn Hulet on the DLVUA of the Wilson Creek Allotment subject to the following terms and conditions:

From:

Summary of Grazing Authorizations:

Grazing Operator	**Number**	**Kind**	**Period of Use**		**Type Use**	**Suspended AUMs****	**Active**	**Permitted Use AUMs***
			Begin	**End**				
Dry Valley, LLC	381	Cattle	11/1	4/15	Active	5,276	2,081	7,357
Lytle Living Trust	194	Cattle	11/1	4/15	Active	1,037	1,060	2,097
H. Matt Bulloch	143	Cattle	11/1	4/15	Active	416	779	1,195
Kena & Pat Gloeckner	194	Cattle	11/1	4/15	Active	937	1,060	1,997
SNWA	4,139	Sheep	11/1	05/01	Active	2,258	5,169	7,427

*Permitted Use listed above only includes the Dry Lake Valley Use Area. Refer to the other Final Decisions for Permitted Use included in other use areas of the Wilson Creek Allotment where applicable.

**The Nov 5, 1992 Notice of Final Multiple Use Decision (FMUD) for the Wilson Creek Allotment included Suspended AUMs in Appendix 1 of that document. The Suspended AUMS applied to all use areas. The Suspended AUMs listed above apply to all use areas as a whole where grazing use is authorized for each grazing operator and not only for the Dry Lake Valley Use Area of the Wilson Creek Allotment.

To:

Summary of Grazing Authorizations:

Grazing Operator	Number	Kind	Period of Use		Type Use	Suspended AUMs*	Temporary Suspended AUMs*	Active AUMs*	Permitted Use AUMs*
			Begin	End					
Dry Valley, LLC	381	Cattle	11/1	4/15	Adaptive	0	1,490	2,081	7,845
Lytle Living Trust	194	Cattle	11/1	4/15	Adaptive	0	745	1,060	2,345
Charles and Fawn Hulet	143	Cattle	11/1	4/15	Adaptive	0	603	779	1,379
Kena & Pat Gloeckner	194	Cattle	11/1	4/15	Adaptive	0	745	1,060	1,997
SNWA	4,736	Sheep	11/1	5/01**	Adaptive	2258***	0	5,169	7,427

*only includes Dry Lake Valley AUMs for Cattle
**Two weeks additional use is to allow for trailing out of the use area
***includes total suspended AUMs for entire Wilson Creek Allotment

In accordance with 43 CFR §4120.3-1(a), and §4120.3-1(f), this Final Decision authorizes installation of the DLVUA Division Fence. However, the fence must comply with the EA at Page 122 that states "Fencing would be open ended, and not adversely affect the free-roaming behavior of wild horses throughout the Silver King HMA". The fence line illustrated in the EA does not accurately depict the open-ended design requirement to meet this identified feature. Most permittees within the DLVUA have stated that there is a need for separation between cattle grazers and the sheep grazers. However, different locations for this fence have been proposed throughout the permit renewal process, including submissions during resolution of protest. During the interim until the exact fence location is determined and constructed, active herding will be used to keep livestock from crossing Coyote Wash and the approximate location of the division fence (see Map 3 in the appendix). The exact fence location west of Coyote Wash, along with the fence design, will be determined on the ground following a pending Interior Board of Land Appeals (IBLA) decision regarding the division line and a rangeline agreement between the permittees for location and maintenance. If the Permittees cannot agree on the terms of such a rangeline agreement, the BLM will determine the final specific location of the fence on the ground. The design will comply with requirements for fences within an HMA, with completion of the cultural inventory, and with final engineering of the project. The fence will divide the DLVUA into two pastures known as the West Pasture and the East Pasture. Once the open-ended fence is constructed sheep will continue to be authorized to graze in the West Pasture and cattle will continue to be authorized to graze in the East Pasture, but the need for active herding will be reduced for both cattle and sheep operations. The impacts of building the DLVUA Division Fence are analyzed in the EA and the specific on-the-ground placement will not substantially change those impacts in relation to the location depicted in the EA.

The southern boundary of the DLVUA separating it from the Black Rock Allotment is the Thorley Division Fence. See the attached map which depicts the boundary between the allotments. The area south of the Thorley Division Fence is considered the Black Rock Allotment. The area north is the Dry Lake Valley Use Area which is a part of the Wilson Creek Allotment.

Cattle Grazing Terms and Conditions

1. .Cattle grazing is authorized only in the East Pasture of the DLVUA. During the interim until the exact fence location is determined and constructed, active herding will be used to keep livestock from crossing Coyote Wash and the approximate location of the division fence.

2. Rotate cattle grazing by water sources so that grazing will not occur in the same location and time grazed the previous year allowing for spring rest every other year for that location.

3. Rotate cattle grazing to provide growing season rest (i.e., after March 1) for winterfat sites. Rotate cattle so that grazing will not occur in the same location and time as grazed the previous year allowing for spring rest for that location.

Sheep Grazing Terms and Conditions

4. Sheep grazing is authorized only in the West Pasture of DLVUA. During the interim until the exact fence location is determined and constructed, active herding will be used to keep livestock from crossing Coyote Wash and the approximate location of the division fence.

5. Rotate sheep grazing during the spring grazing period so that grazing will not occur in the same location and time of the West Pasture grazed the previous year allowing for spring rest every other year for that location.

6. Sheep grazing will not occur in the same area within the West Pasture more than one time for each grazing year.

7. Sheep may trail across the East Pasture when entering and exiting the Dry Lake Valley Use Area. Sheep will be trailed along the Sunnyside Road and move at a rate of at least 5-miles per day.

8. Sheep grazing may include herding livestock with dogs and horses. Sheep camps will be established for the duration of the season and will be located immediately adjacent to existing dirt roads; the camps are moved regularly with sheep band(s).

9. The placement of sheep bedding grounds/sheep camps will be a minimum distance of one-half mile from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resources.

Common Terms and Conditions

10. If Permittees reach agreement and consensus regarding grazing use in any of the areas of the Dry Lake Valley Use Area, the BLM could authorize grazing subject to the agreement including adjustments in pasture rotation as long as the above terms and conditions of the permit are followed with deferred areas identified.

11. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed each permittee's active AUMs for the entire allotment.

12. Each permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

13. Each permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½ mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. A permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by a permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

14. Each permittee must move livestock 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 BLM authorized officer.

15. Each Permittee is responsible for maintenance of its authorized range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

16. When necessary, each permittee must 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.

17. Each permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

18. Each permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

19. Once there is a letter of agreement between the BLM and a permittee, existing graded and two-track roads may be maintained by the permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the permittee must consult the BLM before work begins.

20. Allowable Use Levels for both cattle and sheep, unless otherwise specified, will be 60% at the end of the grazing year (2/28) and 35% for spring use (4/15). The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as a whole, percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas would be influenced by changes in growing conditions especially when growing conditions within the Wilson Creek allotment can be so highly variable. Active grazing use will be monitored annually to determine responses of the vegetation to grazing and weather conditions.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are generally described in Chapter 2 of the EA under Alternative A, B, and C, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision, except as listed below for the DLVUA Division Fence and the Hamilton Spring pipeline extension and trough. The terms and conditions authorizing grazing use in this decision are dependent on new range improvement project construction. Until a division fence is constructed dividing sheep and cattle grazing, permittees will follow the interim guidance found in the Terms and Conditions of this decision. Following construction, grazing terms and conditions will change as described in this Final Decision, to allow more flexibility and reduce the need for coordination between sheep and cattle permittees. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects.

As more fully described above, this Final Decision authorizes installation of the DLVUA Division Fence. The exact fence location west of Coyote Wash, along with the fence design,

will be determined on the ground following a rangeline agreement for location and maintenance between the permittees. If the permittees cannot agree on the terms of such a rangeline agreement, the BLM will determine the final specific location of the fence on the ground. The design will comply with requirements for fences within an HMA, with completion of the cultural inventory, and with final engineering of the project. The fence will divide the DLVUA into two pastures known as the West Pasture and the East Pasture. .

The Hamilton Spring pipeline extension and trough is not authorized at this time, since it would remove water from the Black Rock Allotment and Bulloch Brothers no longer have permitted use within the DLVUA.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the DLVUA. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose a combination of Alternative A, B, and C to include range improvements, period of use and terms and conditions. Grazing authorization is not dependent on range improvements, vegetation treatment projects, or removal of wild horses.

The BLM determined that changes were necessary to the season of use for cattle operators in the DLVUA. The season of use has been extended by 15 days to allow flexibility. The BLM has chosen terms and conditions that will help increase the distribution of livestock with additional water hauls, pipelines and troughs. The Final Decision will also help in creating stable areas around springs, still allowing wildlife access. Distribution will help to prevent the increase of Halogeton populations throughout the DLVUA and allow for Winterfat patches to have a rest period during the season of use. The range improvements selected for the DLVUA will help to stabilize areas that are not making progress towards standards and help to other areas that are making progress to continue in that direction.

The proposed adaptive management practices will allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use without increasing active use AUMs. The BLM may allow deviations in stocking levels above the authorized active AUMs based on several factors such as limited forage availability in some areas, areas with increased forage production based on environmental factor influences such as higher than normal precipitation year resulting in greater forage and plant production. Flexibility in the period of use may allow use in conjunction with other use areas and rotation systems in the livestock operation. The

change in periods of use could allow for improvement and flexibility when livestock are being moved in and out of use areas.

Two weeks was added to the season of use for SNWA in Dry Lake Valley for trailing out of Dry Lake Valley Use Area to remove the gap in authorized use on other use areas. SNWA expressed a concern that without it they would have to remove the sheep from the area for a two week period before they move to another use area.

The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

The movement of AUMs from suspended to temporarily suspended (non-use) is clarifying the record and resolution of protest. This change is in accordance with a 1968 AUM reduction MOU between BLM and the permittees and the 1992 FMUD for the Wilson Creek Allotment. This is within the analysis of the EA and does not change the active grazing use analysis. The non use sheep AUMs were identified as being within the Atlanta use area as part of 1992 FMUD process. A decision is not being made on that use area, therefore the total suspended sheep AUMs are accounted for with the renewal of SNWA sheep permit.

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improving areas identified in the SDD as not meeting standards the BLM is making changes to permitted use and authorizing range improvements. The BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs. These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing

changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment, which is a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health, since it is also a contributing factor to failure to meet rangeland health conditions in several use areas.

Thorley Division Fence

The Thorley Division Fence has been a point of question requiring clarification with regards to the purpose and function of the fence. This Final Decision serves to clarify the function of the Thorley Division Fence. The Decision Record and Finding of No Significant Impact for the Thorley Division Fence Environmental Assessment (EA) No. NV-040-03-008 was signed and approved January 23, 2004. The Decision record states in pertinent part "Rationale: The project will accomplish the need for separating two distinct grazing operations in the Thorley and Dry Lake Valley Use Areas of the Wilson Creek Allotment while allowing for better control of livestock and thereby managing for healthier rangelands." The fence was installed during the summer of 2005 and continues to serve the purpose for installation. The fence marks the boundary between the Thorley and Dry Lake Valley Use Areas and as the boundary for the newly created Black Rock Allotment.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

- WH-3: Do not construct permanent fences that prohibit the free-roaming behavior of wild horses or prevent wild horses from moving within herd management areas. Remove existing fences within herd management areas that restrict the free-roaming behavior of wild horses.

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District

Enclosures: Finding of No Significant Impact

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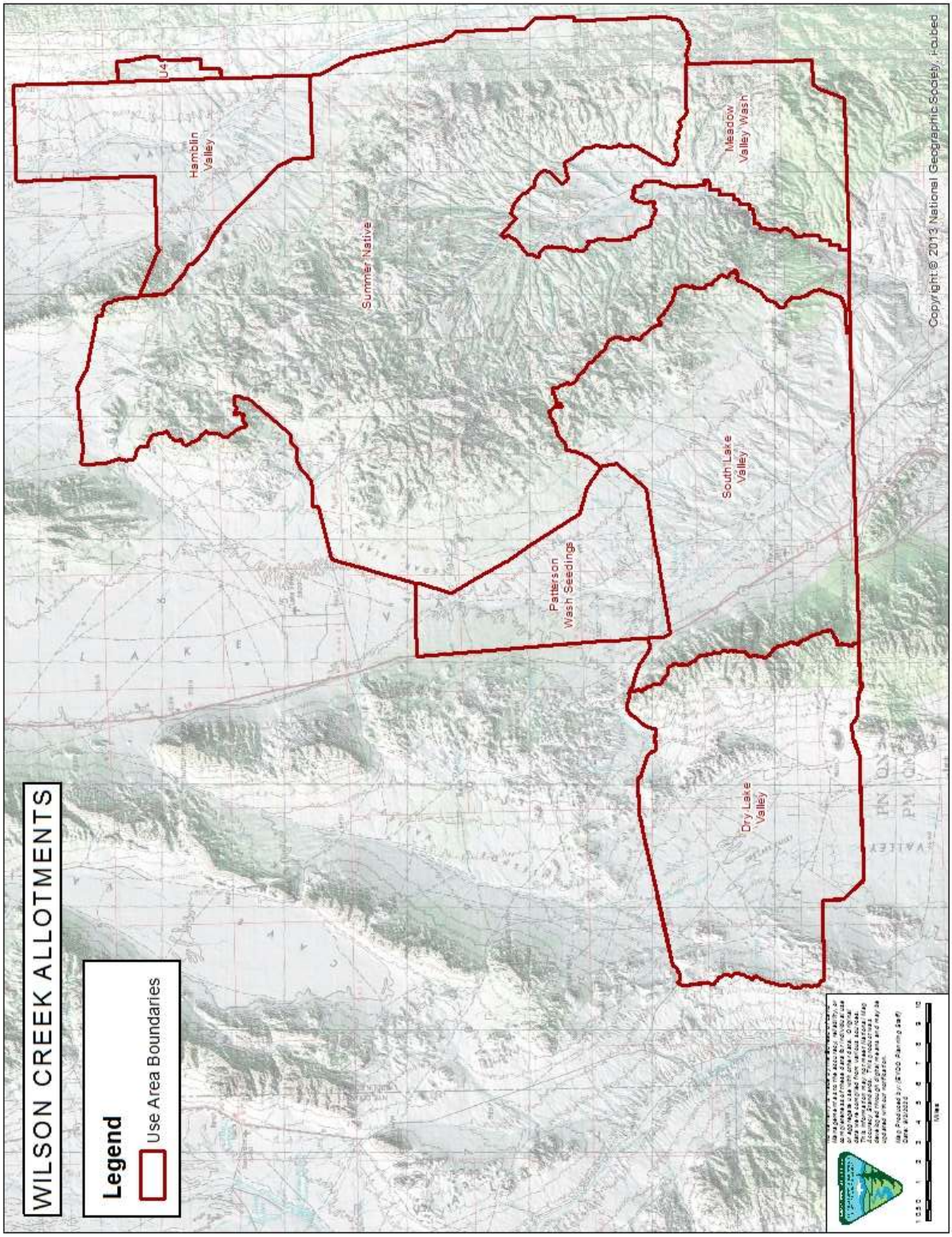
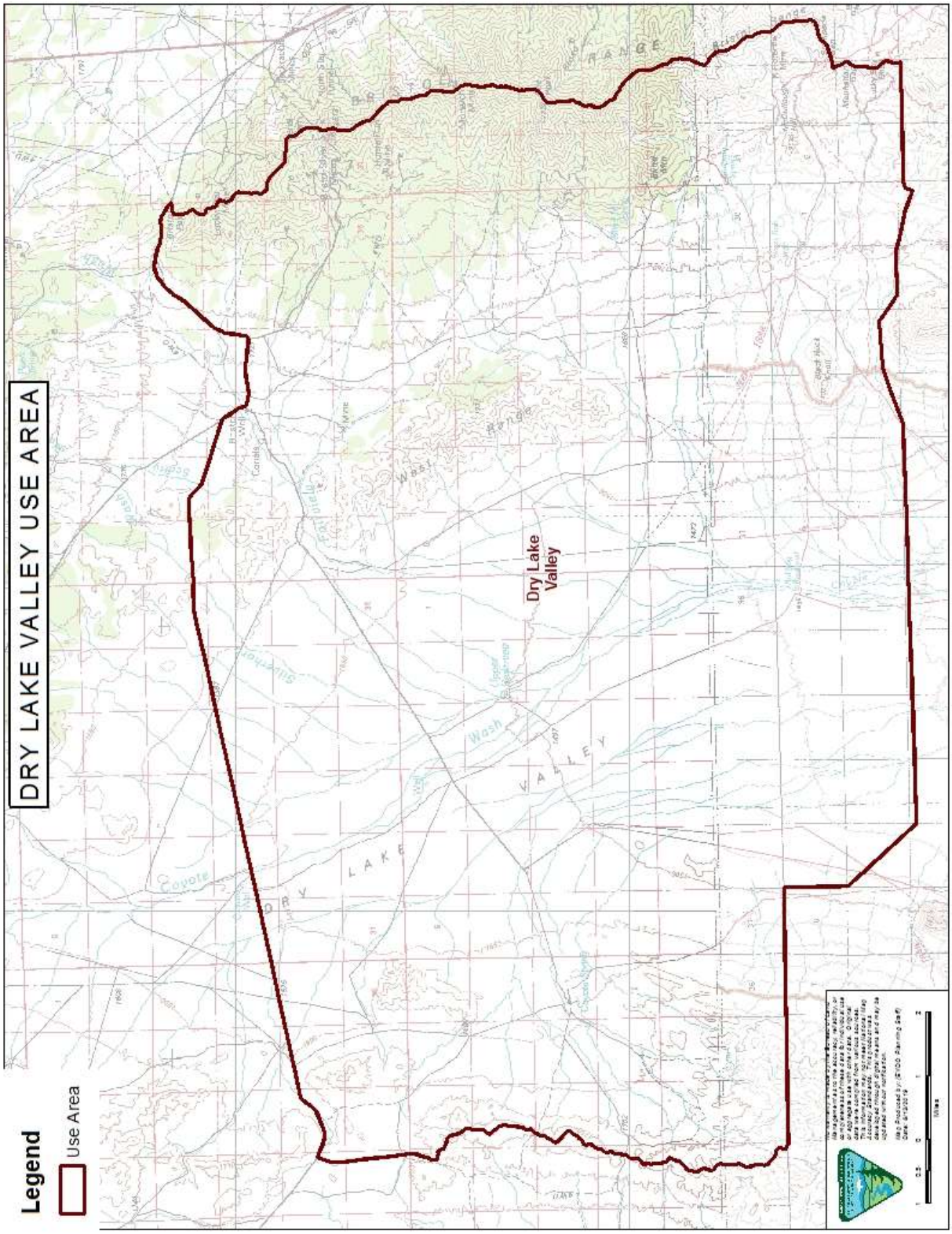
APPENDIX 1
Dry Lake Valley Use Area Map

Map 1



Map 2


DRY LAKE VALLEY USE AREA
Legend
Use Area
Dry Lake Valley
DRY LAKE VALLEY
Coyote Wash
Upper Reservoir
Gulch
Carlin
Mine
West Range
BARGE RANGE
Miles

Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
Scotty Spring Development and Pipeline	X	X	X	X					
Bristol Pipeline Extension#1	X	X	X	X					
Bristol Pipeline Extension#2	X	X	X	X					
Simpson Spring Pipeline Extension	X	X	X	X					
Blind Mtn. Spring Development, Pipeline, and trough	X	X	X	X					
SW Bench Water Haul	X	X	X	X					
East Bench Pasture Fence	X	X	X	X					
Dry Lake Valley Division Fence Extension	X	X	X	X					

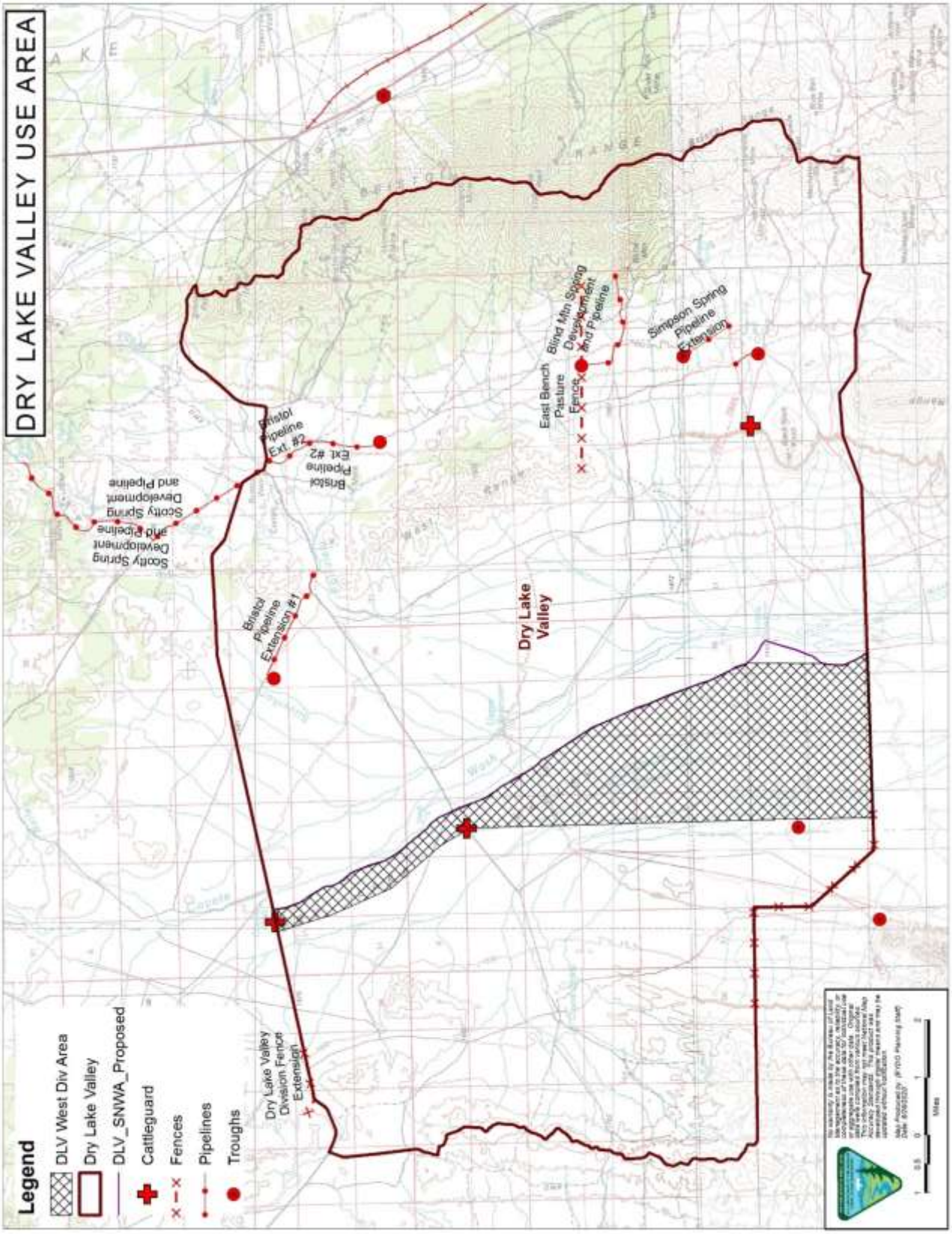
Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence	X	X	X	X					
North DLV and South DLV cattleguards	X	X	X	X					

Alternative C Range Improvements- Sheep Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence								X	

Map 3


DRY LAKE VALLEY USE AREA
Legend
DLV West Div Area
Dry Lake Valley
DLV_SNWA_Proposed
Cattleguard
Fences
Pipelines
Troughs
Dry Lake Valley Division Fence Extension
Bristol Pipeline Extension #1
Scotty Spring Development and Pipeline
Scotty Spring Development and Pipeline
Bristol Pipeline Ext. #2
Bristol Pipeline Ext. #2
East Bench Pasture Fence
Blind Mtn Spring Development and Pipeline
Simpson Spring Pipeline Extension
Dry Lake Valley
Miles

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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9/4/2020

Dry Valley, LLC
HC 74 Box 415
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FINAL DECISION
Grazing Permit Renewal for Dry Valley, LLC (#2700189) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Dry Valley, LLC (Permittee) and authorizes grazing use on the Hamblin Valley Use Area, Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, U-4 Use Area, and the South Lake Valley Use Area of the Wilson Creek Allotment. The Bureau of Land Management (BLM) will issue another Final Decision concurrently with this decision to authorize grazing use on the Dry Lake Valley Use Area of the Wilson Creek Allotment. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment. Refer to Appendix 1 for map associated with the use area(s) for this grazing permit renewal.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the authorized active animal unit months (AUMs) and the suspended AUMS held by Dry Valley LLC. There will also be changes to use areas and the period (s) of use for some of the use areas. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions. Refer to Appendix 1 for map reference associated with the use area(s) for this grazing permit renewal.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the BLM will issue the grazing permit for a ten-year period.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Dry Valley, LLC. (#2700189) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018;Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Pete Delmue Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The Standards Determination Document initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The rangeland health evaluation concluded that the South Lake Valley Use Area is not meeting standards and not making progress to meet standards. Causal factors that are not allowing standards to be met are encroachment of pinyon and juniper trees into the area, which are causing Black Sagebrush and Wyoming Big Sage communities to decrease and the use area to lose its understory cover of forbs and grasses. The encroachment will also decrease the amount of water in the riparian areas, which is also a causal factor of the Use Area not meeting standards. The encroachment will also cause a decline in the (quality or quantity) of Greater sage grouse habitat because it will cause a decrease in the amount of forage and cover available. However, soils in South Lake Valley are meeting standards due to the amount of perennial cover at the key areas. The foliar and ground cover is sufficient to the potential of the site.

The Patterson Wash Seedings Use Area is not meeting standards and progress is not being made towards standards. Standards are not being meet due to pinyon and juniper encroachment, livestock concentration in valley bottoms, and year-round use by wild horses. The BLM has observed that there is difficulty with the rotation system. Pastures are rested only until cattle need to be moved to another pasture. Then, trailing from one pasture to another causes cattle to be moved through pastures that are being rested, which results in some use of that pasture. The encroachment of pinyon and juniper also decrease the amount of forbs, which are necessary for quality Sage-grouse habitat. However, the Patterson Wash Seedings Use Area is meeting standards for soils due to the amount of ground and surface cover to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

In the Brown Spring Use Area, standards are not being met and no progress towards standards is occurring. The encroachment of pinyon and juniper into the Black Sagebrush communities have a detrimental effect on the community by decreasing sagebrush, grasses and forbs, water at springs, and wildlife quality habitat availability. This has led to an increase in fuel load and risk for large wildfires.

The Summer Native Use Area is not meeting standards and there is no progress being made towards standards. Portions of the Uplands are meeting standards but the riparian areas are not. The causing factors include encroachment of pinyon and juniper, lack of stream bank stability, and the lack of native annual grasses within the burned areas. Riparian areas are not meeting standards due to lack of riparian obligate, willow, and cottonwood that are to be expected in the stream area. The stream system is also not trapping sediment and revegetating along point bars.

The Meadow Valley Seedings Use Area is meeting standards except for the habitat and biota. Foliar and ground cover are sufficient to the potential of the site and adequate to resist accelerated erosion, provide for infiltration and the ecological processes are adequate for vegetation communities. The Use Area is not meeting standards with habitat and biota due to the lack of forbs for wildlife quality habitat because of the regeneration of sagebrush within the area.

The Hamblin Valley Use Area is not meeting standards but is making significant progress towards standards. Historical use levels on winterfat by livestock and wild horses have been identified in the SDD as the primary factor causing Hamblin Valley Use Area to not meet the standards. The leading resource and management concern stemming from this areas historic overutilization is the growing dominance of halogeton and subsequent habitat degradation.

The Miller Use Area is not meeting standards due to the riparian areas not making progress towards standard. Livestock, wild horses, and wildlife were identified as the causal factors at the spring where overuse was noted. Uplands in the area have been noted to meet the standards for soils and ecosystem components under the rangeland health evaluation.

U-4 Use Area is not meeting standards and not making progress towards standards. The high levels of Pinyon, Juniper and Cheatgrass have created a high-risk area for fire within the sagebrush community. The Use Area is meeting standards for the soils with the amount of foliar and ground cover.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration. Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands.

The following actions from the EA are being selected as part of this grazing decision:

Actions selected from Alternative A

For the Hamblin Valley Use Area, the southwest boundary of the Hamblin Valley Use Area is to be moved out to the west and north to follow the Hermitage Road to the northwest (see maps in appendix 1). The new Boundary will not change the active use AUMs for the Hamblin or Miller Use Areas. The boundary change will allow for grazing by sheep on the black sage as it was historically.

The Pioche Bench Use Area was recently fenced on both sides of the highway, which separated it into two pastures. Through this Final Decision, the Pioche Bench Use Area is being combined into the South Lake Valley Use Area as pastures 1 and 2 to make four pastures, and the four pastures are now named (from west to east) Pastures 1, 2, 3, and 4 (See Appendix 1). Dry Valley LLC will be authorized to graze pastures one (1), two (2), three (3) and four (4).

Actions selected from Alternative B

Summer Native will be consolidated with Miller, Mt. Wilson Burn, Brown Spring, and the southern portion of U-4 Use Areas. Authorized AUMs in these areas are being combined into the Summer Native Use Area for other related decisions and grazing authorizations. For this decision, the AUMs associated with the U-4 use area will remain with the northern remaining portion of U-4 that is not consolidated with the Summer Native Use Area. Grazing in U-4 is authorized only to Dry Valley LLC.

The Miller Use Area includes the Delmue Burn, which burned approximately 7,123 acres of the allotment. The burn area rehabilitation included fencing and ultimately resulted in increased forage and the area being used as a separate area within the Miller Use Area. As a result, 1,306

suspended AUMs are reactivated among the respective permittees, of which Dry Valley LLC receives 565 AUMs.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected the grazing schedule, use area, and Hamblin Valley boundary adjustment from Alternative A of the EA, and the grazing schedule and combining of use areas from Alternative B of the EA, including the authorized range improvements shown in Appendix 2. As analyzed in the EA, Alternatives A and B are the same with regards to season of use, AUMs, and Other Terms and Conditions. This decision hereby authorizes grazing for the Permittee on the Wilson Creek Allotment subject to the following terms and conditions:

From:

Summary of Grazing Authorization # 2700189

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Hamblin Valley	482	Cattle	11/1	4/15	Active	2,633
Patterson Wash Seedings	Variable[1]	Cattle	4/16[2] 7/1[3] 9/1	6/30 8/31[3] 10/31	Active	1,367
Brown Spring	217	Cattle	6/1	6/30	Active	214
Meadow Valley Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	912
Miller (include Delmue Burn)	Variable[1]	Cattle	4/16 10/1	6/30 10/31	Active	717
Mt. Wilson Burn	146	Cattle	6/1	9/30	Active	588
Summer Native	387	Cattle	6/1	9/30	Active	1,555
U-4	113	Cattle	5/1	10/31	Active	683
South Lake Valley	Variable[1]	Cattle	4/16 11/1	10/31 11/30	Active	687
Permitted Use Summary					**Total[5]**	**9,356**
Active AUMs 11,438	Suspended AUMs 5,276	Temp Suspended 0	Permitted Use[4] 16,714			

[1] Not to exceed total number of Active Use AUMs.
[2] "One week's flexibility on either side of the begin date will be considered during annual use authorizations for the Patterson Seedings to allow for cattle coming off the winter range early."
[3] "will be allowed upon seed dissemination on any given year." If used from 7/1 to 8/31 This will rule out using the 9/1 to 10/31 period.
[4] Permitted Use Summary comes directly from the grazing permit, this includes AUMs in Dry Lake Valley
[5] May be different from the sum of above due to rounding. Total indicates exact number shown on permit.

TO:
Summary of Grazing Authorization # 2700189

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use[3]	Active Use (AUMs)[1]
Hamblin Valley	483	Cattle	11/1	4/15	Adaptive	2,633
Patterson Wash Seedings	169	Cattle	3/15	11/15	Adaptive	1,367
Meadow Valley Seedings	121	Cattle	4/01	11/15	Adaptive	911
Summer Native	559	Cattle	04/15	10/31	Adaptive	3,639
U-4	57	Cattle	03/01	02/28	Adaptive	684
South Lake Valley	17	Cattle	3/15	10/31	Adaptive	687
Permitted Use Summary (AUMs)					**Total**	**9,921**
Active AUMs 12,002	Suspended AUMs 2,456	Temp Suspended 2,794	Permitted Use[2] 17,252			

[1] A difference of two AUMs is the result of rounding to whole numbers
[2] Permitted Use Summary comes directly from the grazing permit.
[3] Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area,but will not exceed active AUMs for the allotment by permittee.

Other Terms and Conditions

1. Permittee must implement a four pasture deferred or rest-rotation grazing system for the Patterson Wash Seedings Use Area, which includes pastures of Craw Creek North, Craw Creek South, 21 Mile, and 15 Mile Bench and 15 Mile. The pasture rotation system allows rest of each pasture one out of four years.
2. Permittee must implement a rotation grazing system for the Meadow Valley Seedings Use Area. The pastures within the Meadow Valley Seedings Use Area include: Bull, Buck Wash, White Rock, Willow Spring and the Stateline Burn. The Stateline Burn pasture will be incorporated into the grazing system.
3. Grazing use is authorized in that portion of the U-4 Use Area located in the State of Utah and immediately adjacent to the Summer Native and Hamblin Use Area.
4. Permittee must implement a deferred rotation grazing system for the South Lake Valley Use Area. Cattle grazing will be authorized in pastures three (3) and four (4) of the South Lake Valley Use Area. The pasture rotation system will defer spring grazing use for each pasture one out of three years.
5. The rest rotation grazing system for South Lake Valley Use Area will be coordinated with the sheep and cattle operators. Rest rotation grazing will accommodate the sheep and cattle operators and allow for rest and available forage for both permittees for all grazing years.
6. If the sheep and cattle permittees reach agreement and consensus regarding grazing use in any of the areas of the South Lake Valley Use Area, the BLM can authorize grazing. Grazing would be authorized subject to the agreement to include but not limited to adjustments in

pasture rotation as long as the above terms and conditions of the permit are followed with deferred areas identified in addition to achieving outcome based grazing objectives.

7. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Suspended or nonuse AUMs for winter use may only be activated in the winter use areas. Suspended or nonuse summer AUMs may only be activated in summer use areas. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area but will not exceed Permittee's active AUMs for the entire allotment.

8. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

9. The Permittee may use temporary water hauling to distribute use but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

10. The Permittee must move livestock 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 BLM authorized officer.

11. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

12. When necessary, the Permittee must 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.

13. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

14. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

15. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

Utilization Levels

The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

16. The allowable use level for the Hamblin Use Area at the end of the grazing year (2/28) will be 60 % of current year's growth for key species. Allowable use represents use made by all users.

17. For all pastures of the Patterson Wash Seedings, the allowable use level at the end of the period of use (11/15) will be 60% of current year's growth for crested wheatgrass as well as native key species.

18. For all pastures of the Meadow Valley Seedings, the allowable use level at the end of the period of use (11/15) will be 60% for crested wheatgrass and native key species of current year's growth.

19. The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) will be 60% of current year's growth.

20. The allowable use level for the U-4 Use at the end of the season of use (2/28) will be 60% of current year's growth.

21. Allowable Use Levels for all users in the South Lake Valley Use Area is 60% at the end of the grazing year.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are described in Chapter 2 of the EA, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements

projects. This decision authorizes range improvements in the South Lake Valley, Patterson Wash Seedings, Summer Native, and Meadow Valley Seedings Use Area for the Dry Valley, LLC permit. There are additional range improvements that were analyzed and are authorized in the Final Decision for Carlisle Hulet and the Dry Lake Valley Use Area. These improvements, if authorized, will be authorized in a separate decision for that permit.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose Alternatives A and B for the Hamblin Use Area, Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, U-4 Use Area, and the South Lake Valley Use Area on the Wilson Creek Allotment that include range improvements, period of use and terms and conditions. Grazing authorization is not dependent on range improvements, veg treatment projects, or removal of wild horses.

The proposed adaptive management practices will allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use while not exceeding active use AUMs. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use will allow for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility would promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

The movement of AUMs from suspended to temporarily suspended (non-use) is clarifying the record and resolution of protest. This change is in accordance with a 1968 AUM reduction MOU between BLM and the permittees and the 1992 FMUD for the Wilson Creek Allotment. This is within the analysis of the EA and does not change the active grazing use analyzed.

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate

amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104)

In order to address improve areas identified in the SDD as not meeting standards (South Lake Valley Use Area, Patterson Wash Use Area, Brown Springs Use Area, and Summer Native Use Area), as well as continue to meet standards in the Meadow Valley Seedings Use Area, the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for Patterson Wash Seedings, Meadow Valley Seeding, Summer Native, U-4, and South Lake Valley Use Area. The BLM is also changing the number of cattle in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment – a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Final Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health – also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

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

will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 C.F.R 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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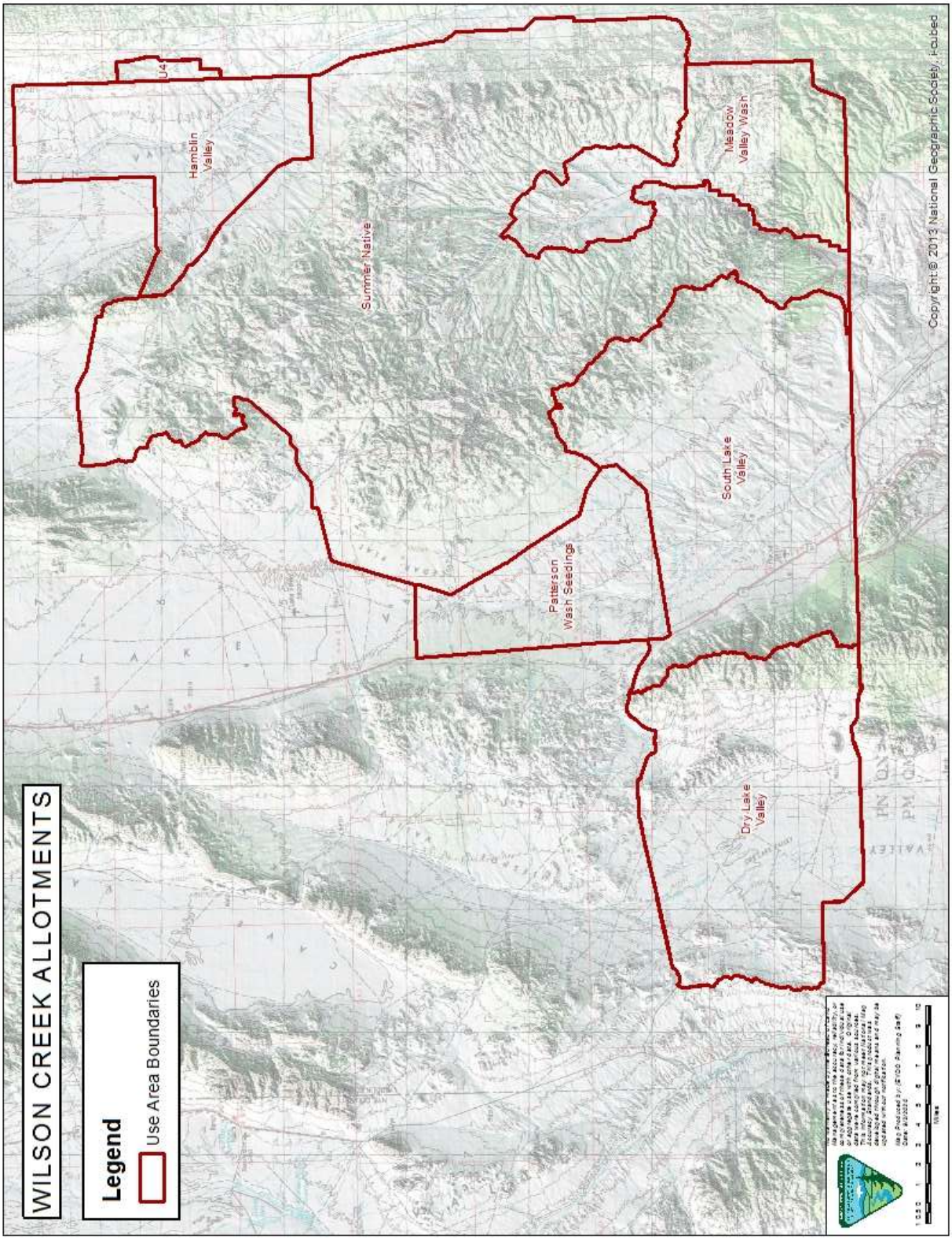
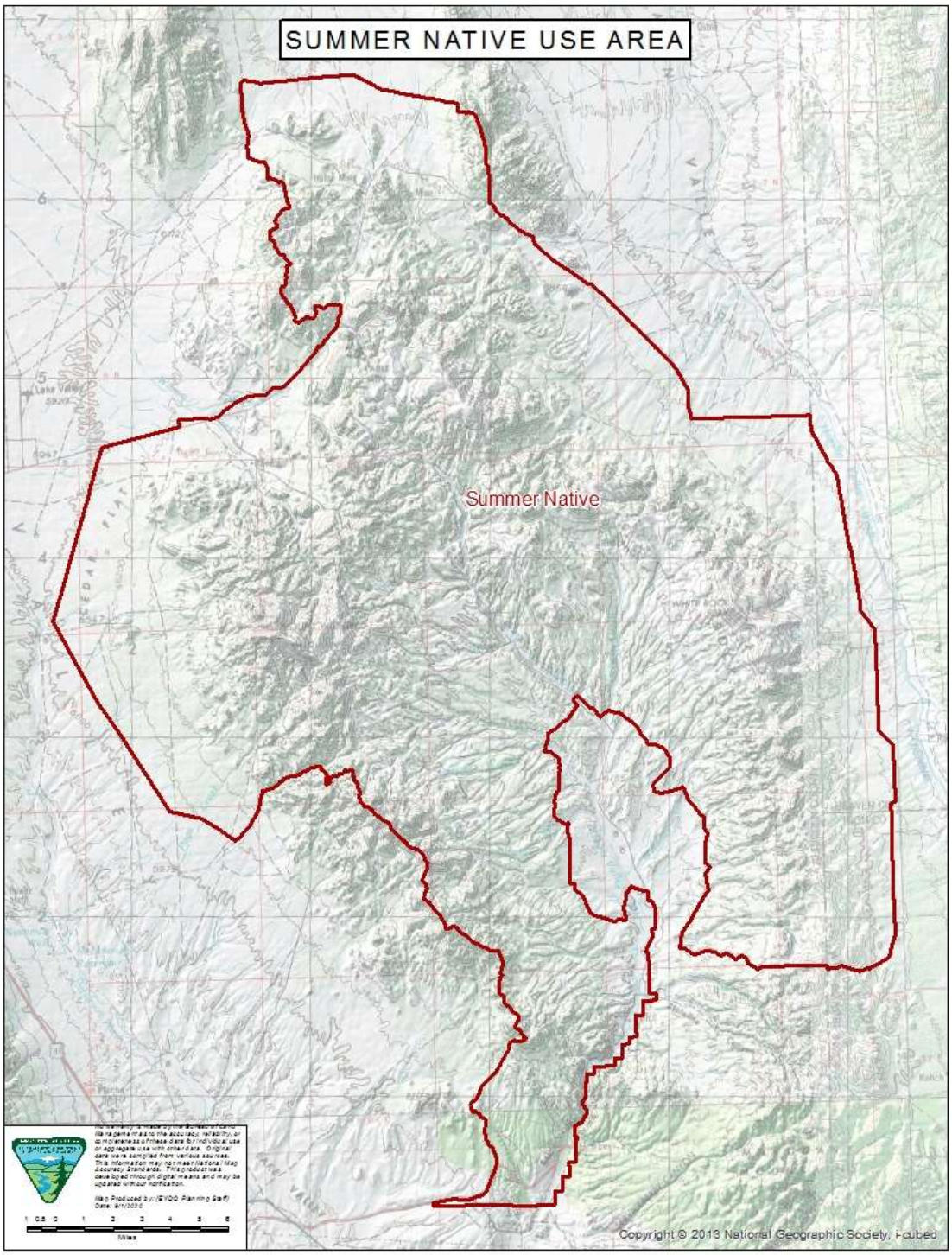
APPENDIX 1
Use Area Maps




SUMMER NATIVE USE AREA
Summer Native
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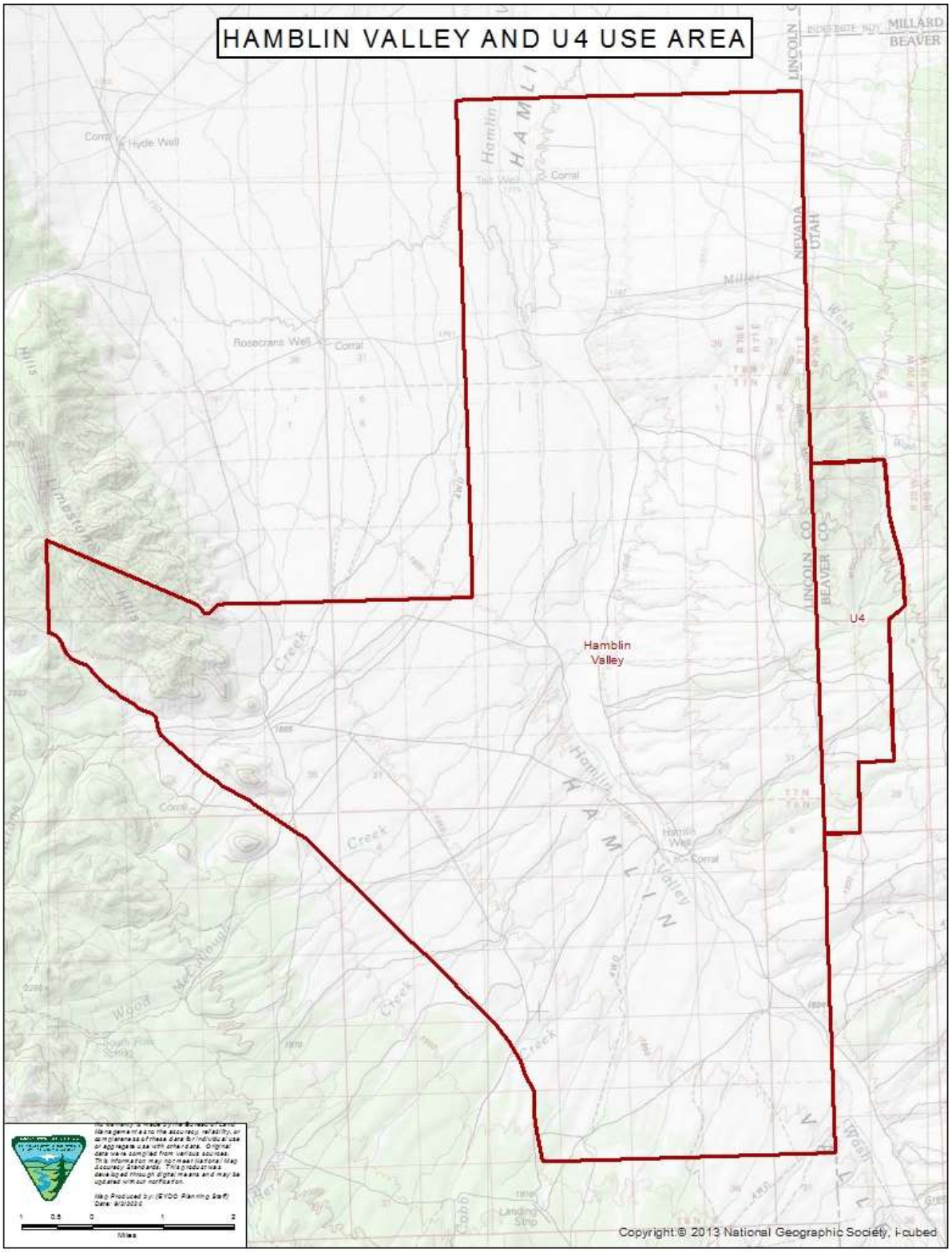
HAMBLIN VALLEY AND U4 USE AREA
MILLARD
BEAVER
LINCOLN
NEVADA
UTAH
LINCOLN CO.
BEAVER CO.
U4
Hamblin Valley
Hyde Well
Corral
Rosecrans Well
Hamblin Wash
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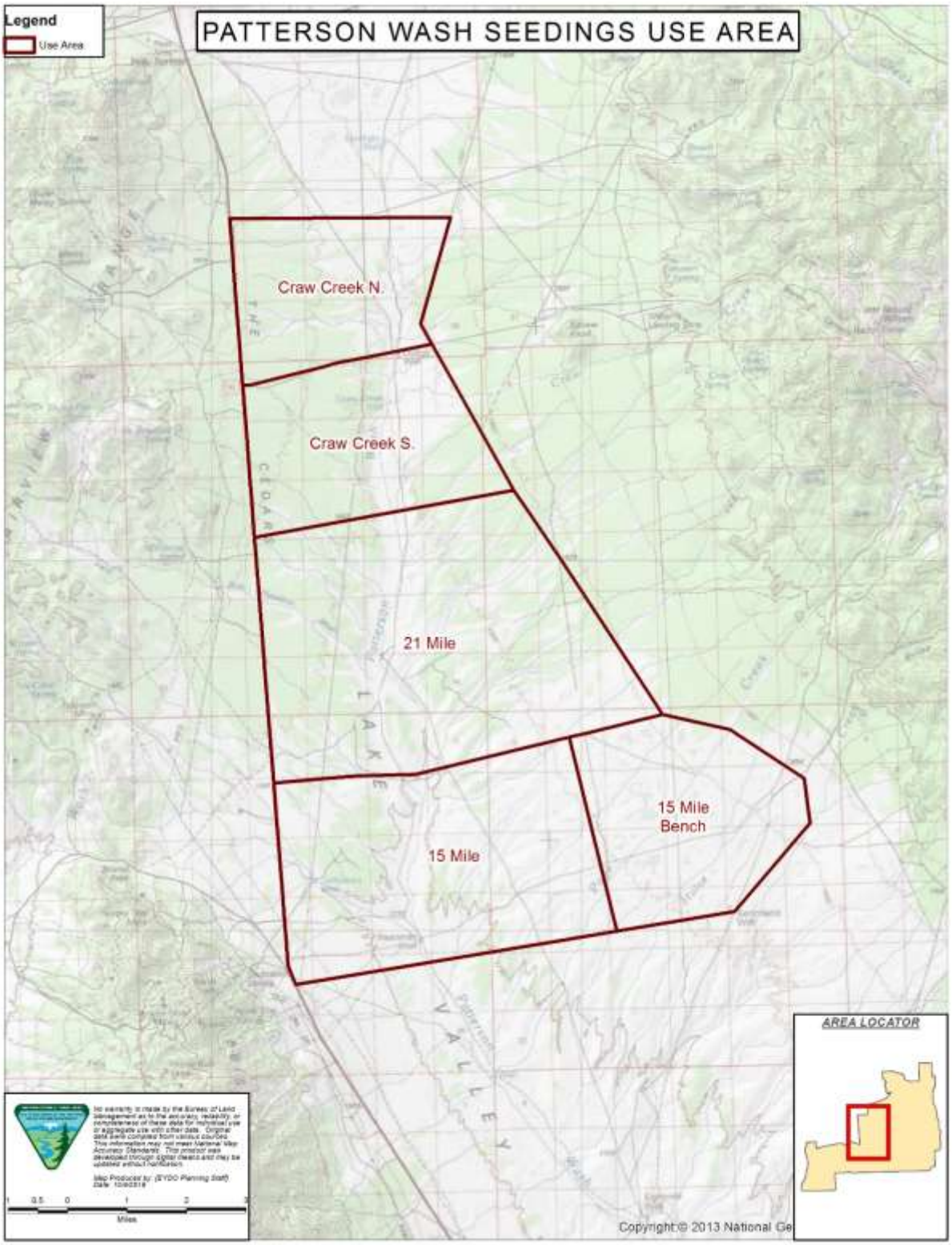
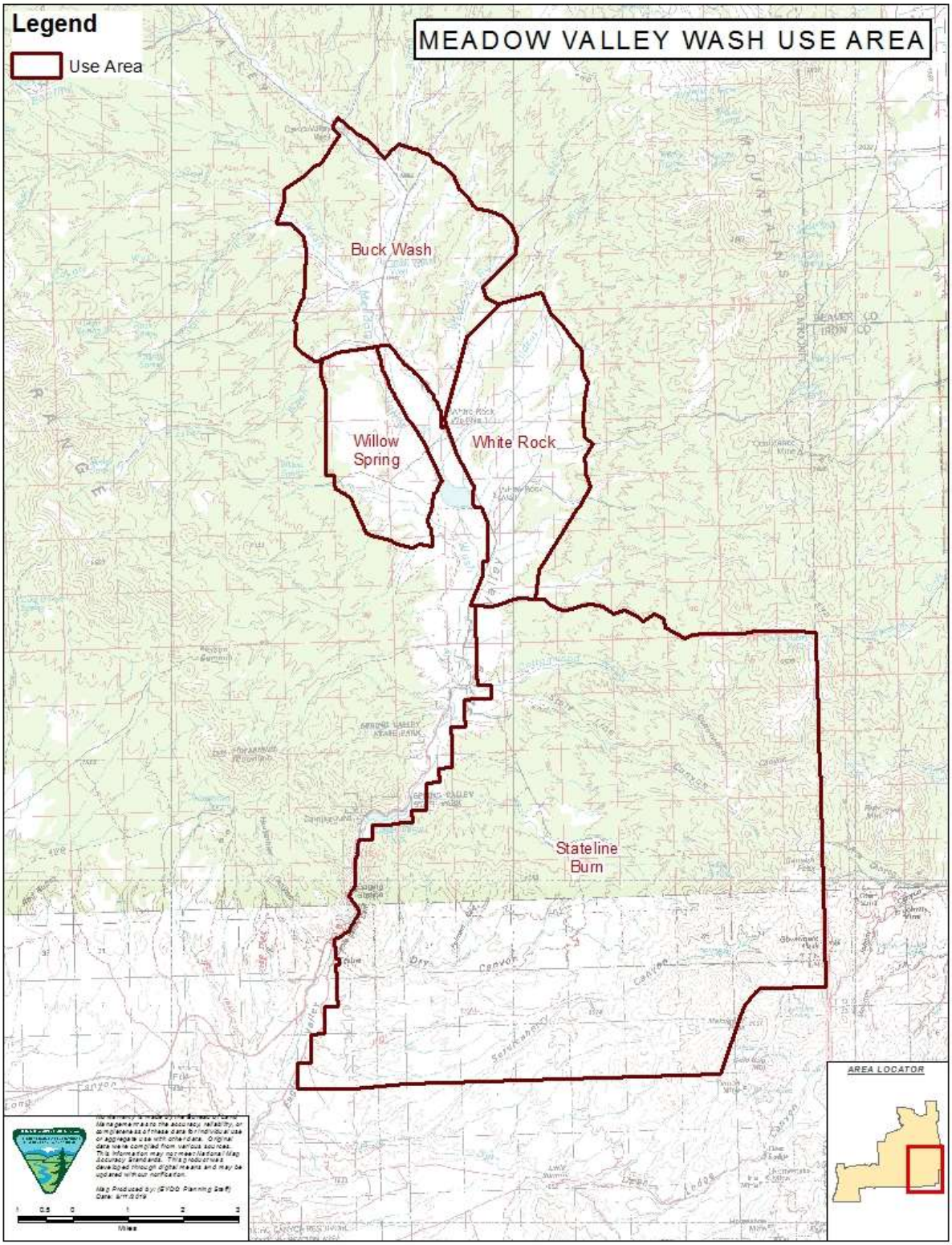
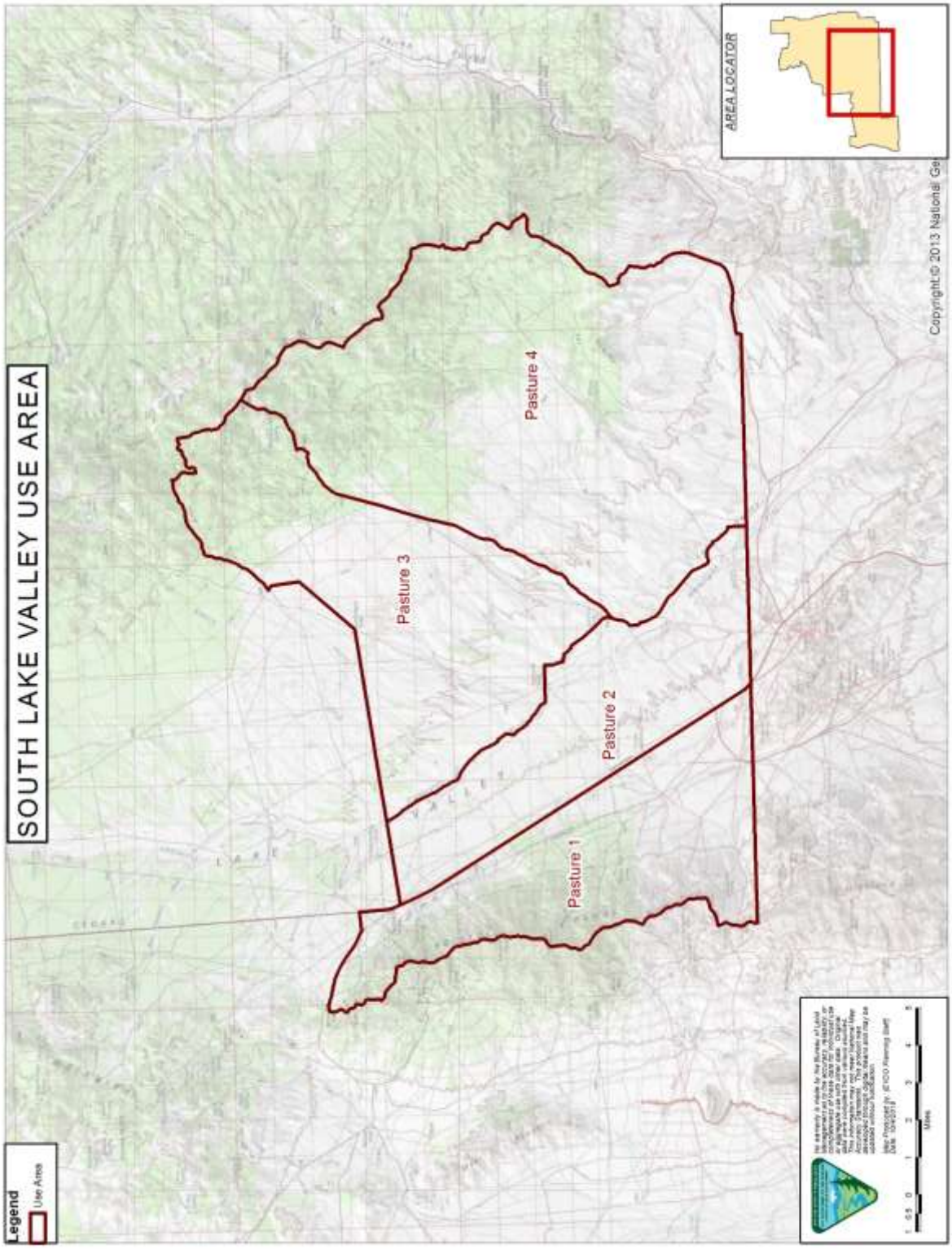

Legend
Use Area
PATTERSON WASH SEEDINGS USE AREA
Craw Creek N.
Craw Creek S.
21 Mile
15 Mile
15 Mile Bench
AREA LOCATOR
Miles
Copyright:© 2013 National Ge


Legend
Use Area
MEADOW VALLEY WASH USE AREA
Buck Wash
Willow Spring
White Rock
Stateline Burn
AREA LOCATOR


SOUTH LAKE VALLEY USE AREA
Legend
Use Area
Pasture 1
Pasture 2
Pasture 3
Pasture 4
AREA LOCATOR
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Appendix 2
Range Improvements

Alternative A Range Improvements

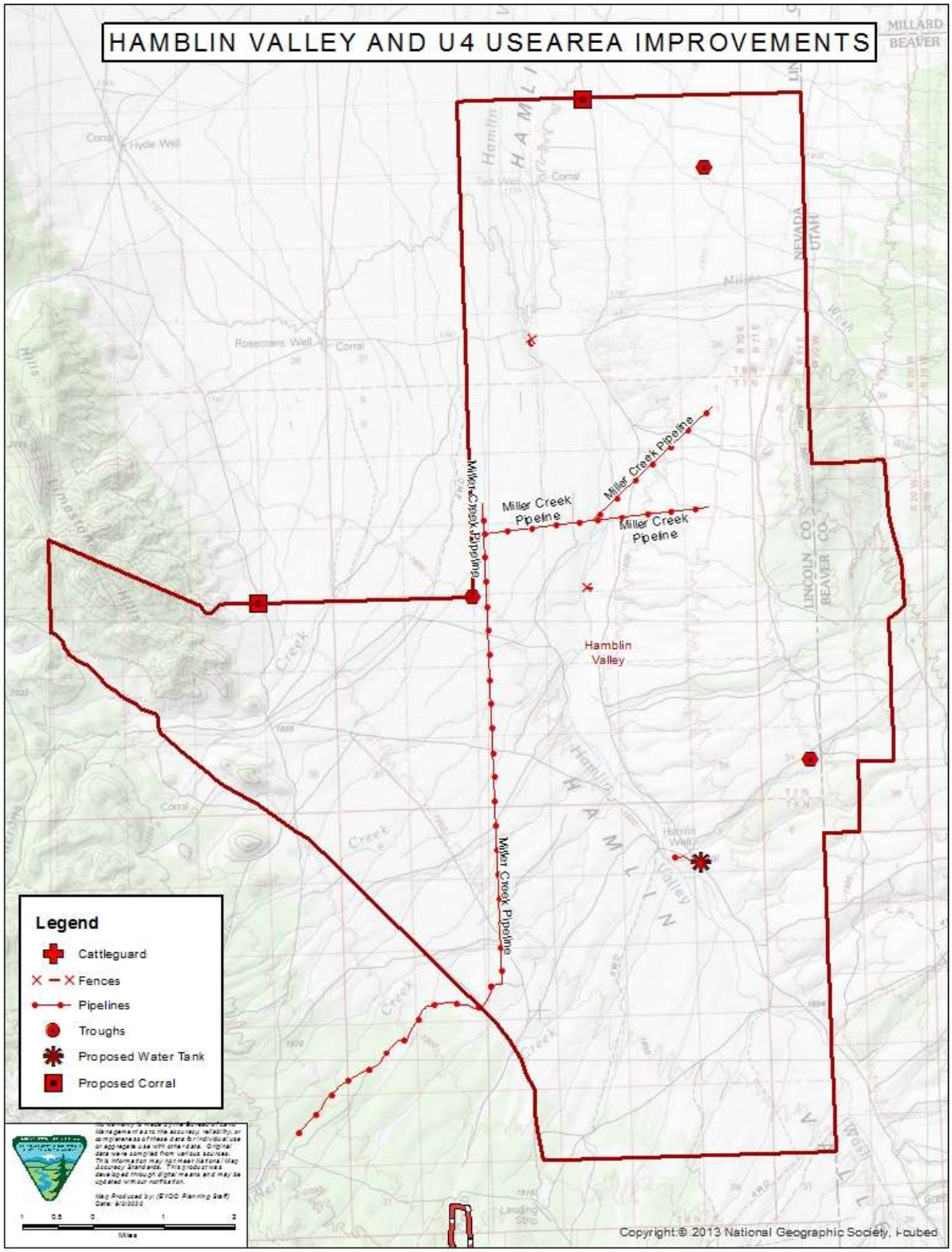
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Patterson Wash Seeding Use Area									
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
South Lake Valley Use Area									
South Lake Valley Well Pipeline	X	X	X	X					X
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Fence Removal	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Permanent Water Haul Sites	X	X	X	X			X		
Pipeline and trough	X	X	X	X			X		
Meadow Valley Seedings Use Area									
Bull Pasture Fence/ White Rock Fence	X	X	X	X					
White Rock Well	X	X	X	X					
Willow Spring Pipeline	X	X	X	X					

Deer Canyon, Ticapoo, White Rock, Red Hills, and South End Reservoir Dams	X	X	X	X					
Hamblin Valley Use Area									
Loading ramp and corral for sheep	X					X			
Water tank and short pipeline	X					X			
Reservoir Exclosures	X					X			
Hamblin Valley Water Hauls #1, #2, & #3	X					X			
Miller Use Area									
Remove Fence	X	X	X	X					
Rattlesnake Spring Exclosure[1]	X	X	X	X					
Whiskey Spring Exclosure Fence[1]	X	X	X	X					
Cobb Creek Meadow Exclosure Fence[1]	X	X	X	X					

Alternative A Water Haul Locations									
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley Use Area									
Powerline Water Haul Road	X	X	X	X				X	X
Airport Water Haul Road	X	X	X	X				X	X
Gravel Pit Water Haul Road	X	X	X	X					X
Water Haul Sites	X	X	X	X				X	X

Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence	X	X	X	X					
North DLV and South DLV cattleguards	X	X	X	X					
Deadman Spring Pipeline Extension	X	X	X	X					
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Pipeline	X	X	X	X			X		
Hamblin Valley Use Area									
Miller Creek Pipeline	X								
Reservoir Exclosures	X								


HAMBLIN VALLEY AND U4 USEAREA IMPROVEMENTS
MILLARD
BEAVER
Hyde Well
Corral
Rosecrans Well
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Hamblin Valley
NEVADA
UTAH
LINCOLN CO.
BEAVER CO.
Legend
Cattleguard
Fences
Pipelines
Troughs
Proposed Water Tank
Proposed Corral
Miles
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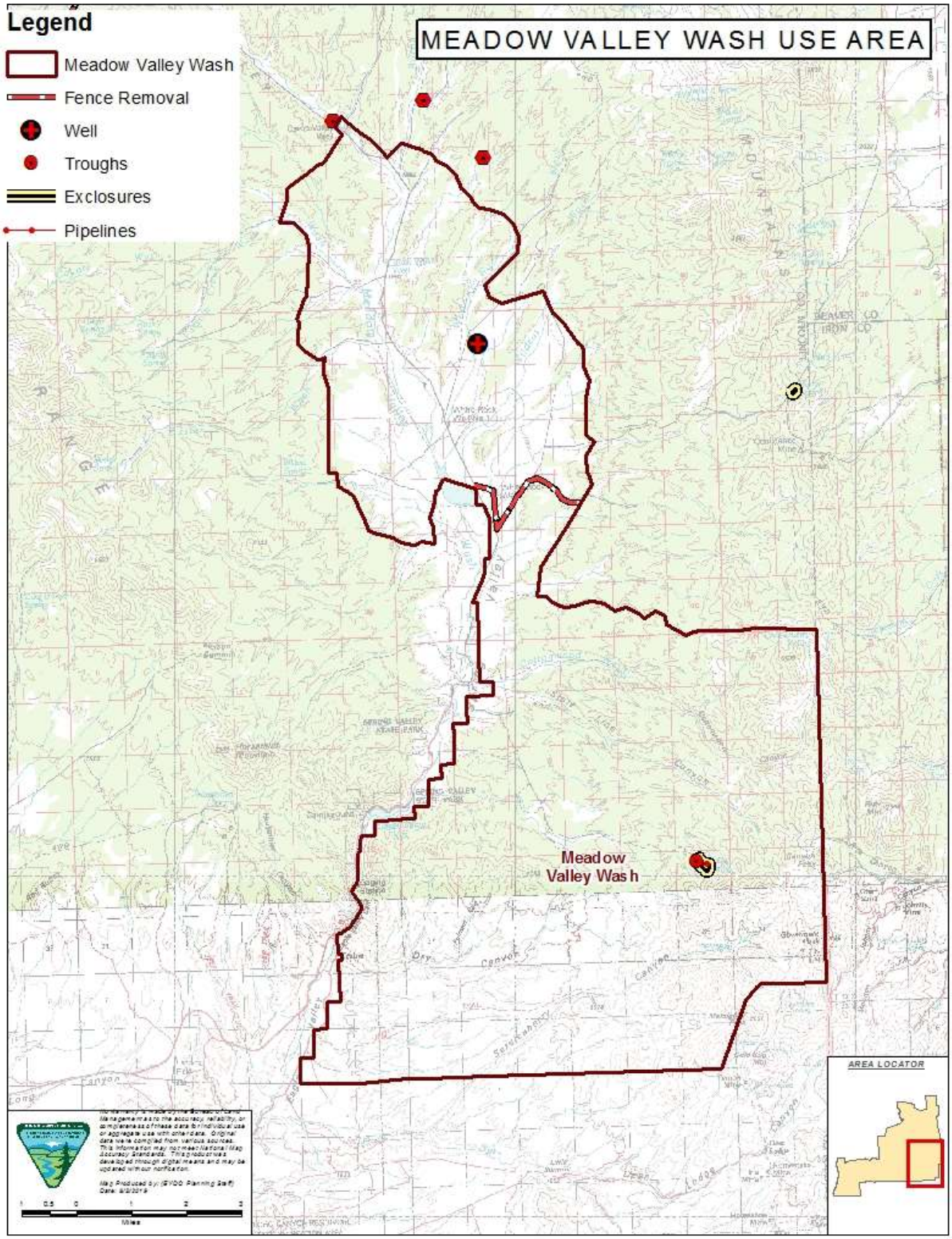
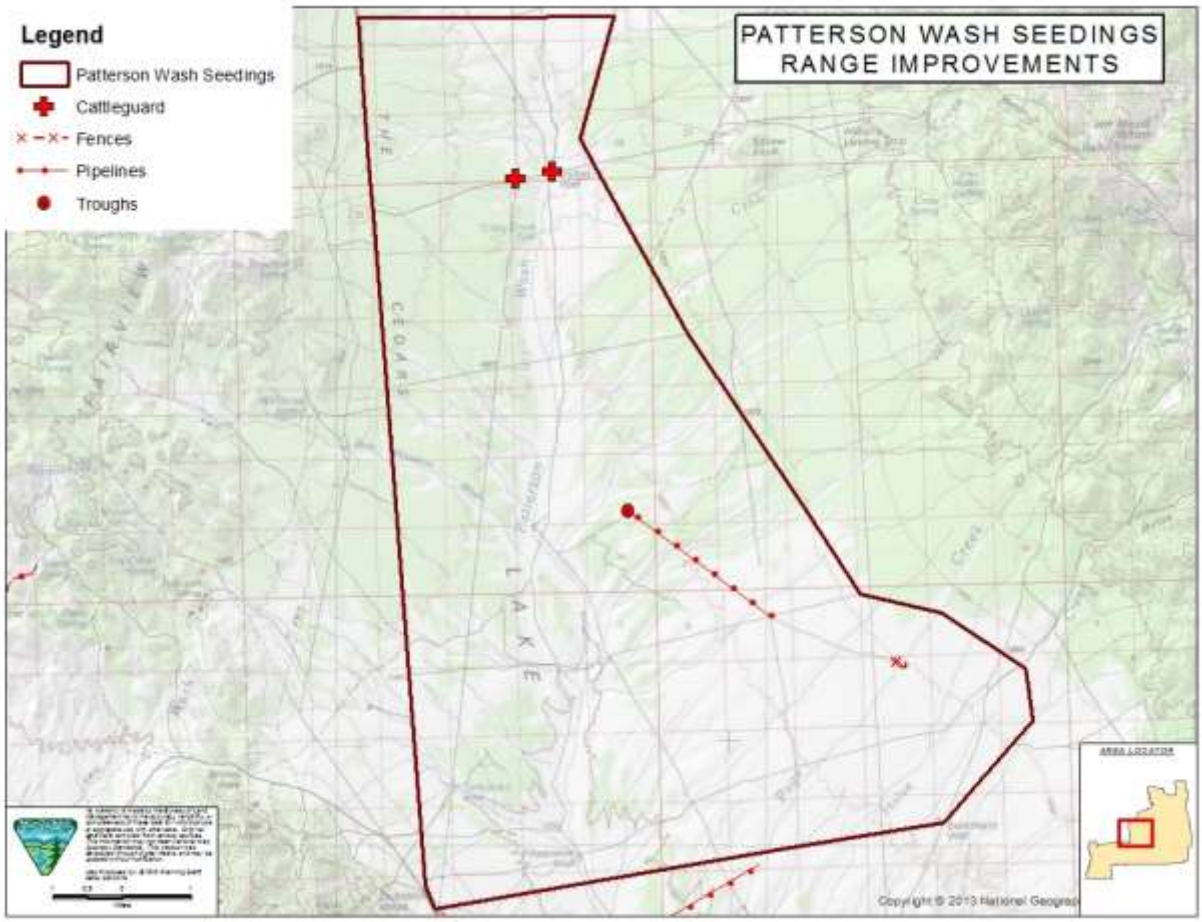

MEADOW VALLEY WASH USE AREA
Legend
Meadow Valley Wash
Fence Removal
Well
Troughs
Exclosures
Pipelines
Meadow Valley Wash
AREA LOCATOR


PATTERSON WASH SEEDINGS
RANGE IMPROVEMENTS
Legend
Patterson Wash Seedings
Cattleguard
Fences
Pipelines
Troughs
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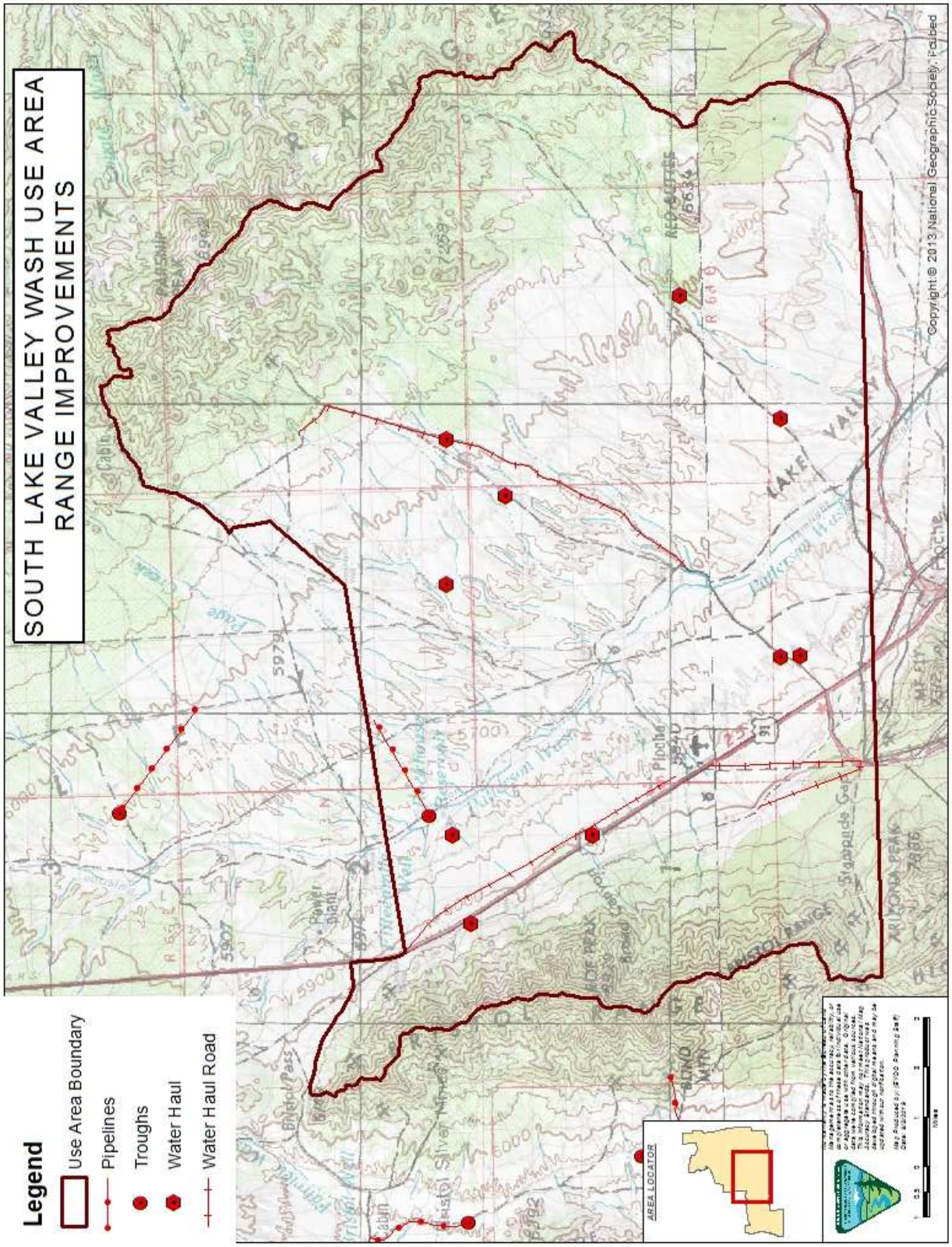
SOUTH LAKE VALLEY WASH USE AREA
RANGE IMPROVEMENTS
Legend
Use Area Boundary
Pipelines
Troughs
Water Haul
Water Haul Road
AREA LOCATOR
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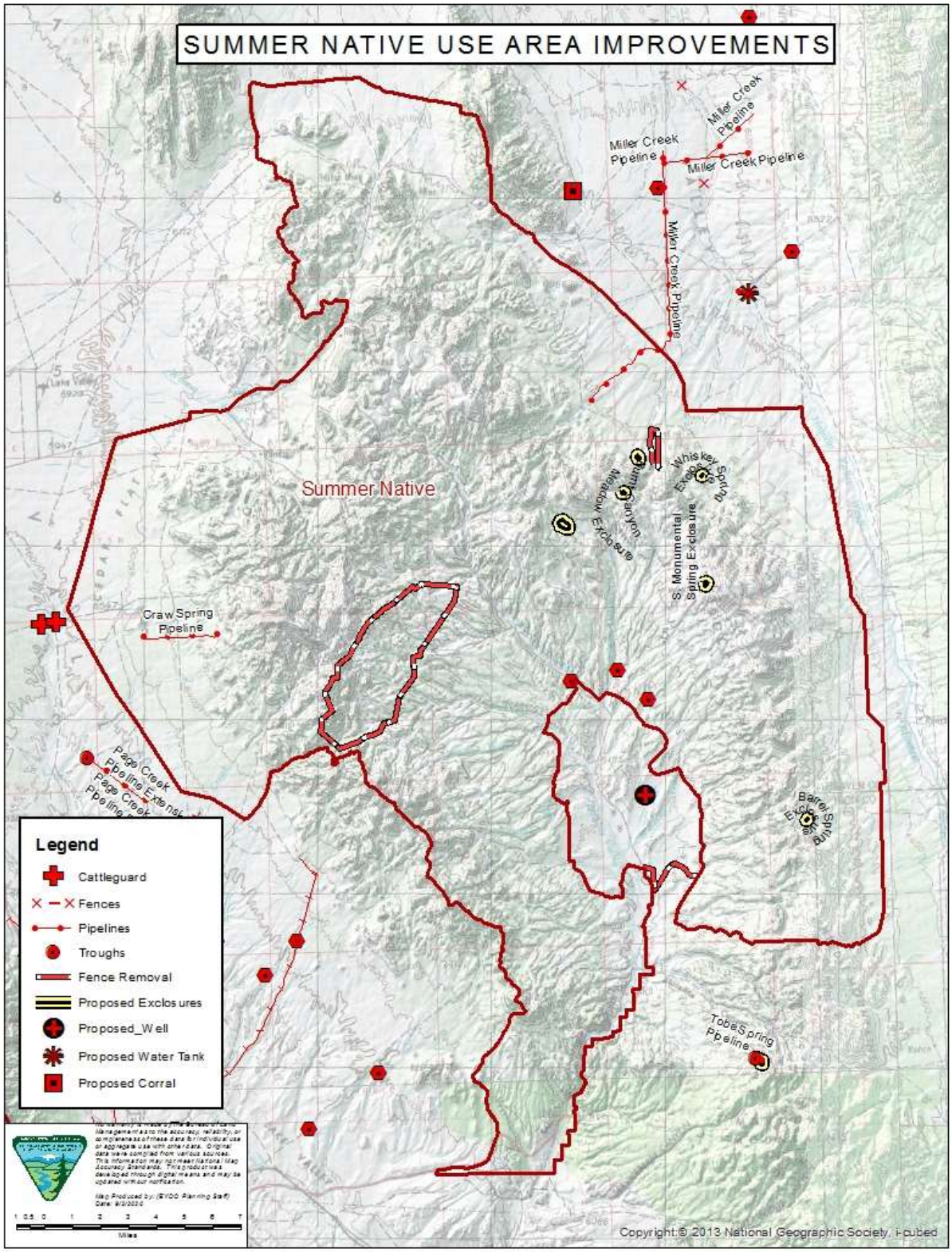
SUMMER NATIVE USE AREA IMPROVEMENTS
Summer Native
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Whiskey Spring Exclosure
S. Monumental Spring Exclosure
Meadow Canyon Exclosure
Craw Spring Pipeline
Page Creek Pipeline Extension
Page Creek Pipeline
Barrel Spring Exclosure
Tobe Spring Pipeline
Legend
Cattleguard
Fences
Pipelines
Troughs
Fence Removal
Proposed Exclosures
Proposed_Well
Proposed Water Tank
Proposed Corral
Miles
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Caliente Field Office
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9/4/2020

Kena and Pat Gloeckner
HC 74 Box 237
Pioche, NV 89043

FINAL DECISION
Grazing Permit Renewal for Kena & Pat Gloeckner (#2705135) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Kena & Pat Gloeckner (Permittee) and authorizes grazing use on the Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, and the Summer Native Use Area of the Wilson Creek Allotment. The Bureau of Land Management (BLM) will issue another Final Decision concurrently with this decision to authorize grazing use on the Dry Lake Valley Use Area of the Wilson Creek Allotment. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment. Refer to Appendix 1 for maps associated with the use area(s) for this grazing permit renewal.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the authorized active animal unit months (AUMs) and the suspended AUMS held by the Permittee. This Final Decision also changes or clarifies use area boundaries and the period(s) of use for some of the use areas. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

Livestock grazing and range improvements have been analyzed in the EA under the Greater Sage-Grouse Land Use Plan Amendment signed in September 2015. This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the BLM will issue the grazing permit for a ten-year period.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018, the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Kena & Pat Gloeckner (#2705135) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018;Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines

implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The Patterson Wash Seedings Use Area is not meeting standards and progress is not being made towards meeting standards. Standards are not being meet due to pinyon and juniper encroachment, livestock concentration in valley bottoms, and year-round use by wild horses. The BLM has observed that there is difficulty with the rotation system. Pastures are rested only until cattle need to be moved to another pasture. Then, trailing from one pasture to another causes cattle to be moved through pastures that are being rested, which results in some use of that pasture. The encroachment of pinyon and juniper also decrease the amount of forbs, which are necessary for quality Sage-grouse habitat. However, the Patterson Wash Seedings Use Area is meeting standards for soils due to the amount of ground and surface cover to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

In the Brown Spring Use Area, standards are not being met there is no progress being made towards meeting standards. The encroachment of pinyon and juniper into the Black Sagebrush communities are having a detrimental effect on the community by decreasing sagebrush, grasses and forbs, water at springs, and wildlife quality habitat availability. This has led to an increase in fuel load and risk for large wildfires.

Two large wildfires, The Delmue Burn and the Coyote Burn, occurred within the Miller Use Area. Rehabilitation after fires increased available forage and revitalized several spring sources including Whiskey Spring. The Delmue burn was fenced post fire and has been managed as its own use area.

The Summer Native Use Area is not meeting standards and there is no progress being made towards meeting standards. Portions of the Uplands are meeting standards but the riparian areas are not. The causing factors include encroachment of pinyon and juniper, lack of stream bank stability, and the lack of native annual grasses within the burned areas. Riparian areas are not meeting standards due to lack of riparian obligate, willow, and cottonwood that are to be expected in the stream area. The stream system is also not trapping sediment and revegetating along point bars.

The Meadow Valley Seedings Use Area is meeting standards except for the habitat and biota. Foliar and ground cover are sufficient to the potential of the site and adequate to resist accelerated erosion, provide for infiltration and the ecological processes are adequate for vegetation communities. The Use Area is not meeting standards with habitat and biota due to the lack of forbs for quality wildlife habitat because of the regeneration of sagebrush within the area.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

The following actions from the EA are being selected as part of this grazing decision:

Actions From Alternative A

The northeast boundary of the Summer Native Use Area, which borders the Hamblin Valley Use Area, is being moved to the west to follow the Hermitage Road to the northwest. The new boundary will not change the active use AUMs for any of the use areas as analyzed under Alternative A of the EA. The boundary change will allow for grazing by sheep on the black sage as it was historically. That boundary change is reflected on the map at Appendix 1.

Actions From Alternative B

Summer Native will be consolidated with Miller, Mt. Wilson Burn, Brown Spring, the southern portion of U-4 Use Areas. Authorized AUMs in these areas are being combined into the Summer Native Use Area for this Final Decision.

An additional 261 AUMs are added to the Summer Native use area as a result of the Delmue Burn.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected Alternatives A and B from the EA, including the authorized range improvements in Appendix 2, and hereby authorizes grazing for Kena & Pat Gloeckner on the Wilson Creek Allotment subject to the following terms and conditions.

From:

Summary of Grazing Authorization # 2705135

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Patterson Wash Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	628
Brown Spring	164	Cattle	6/1	6/30	Active	162
Meadow Valley Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	431
Mt. Wilson Burn	67	Cattle	6/1	9/30	Active	269
Summer Native	189	Cattle	6/1	9/30	Active	758
Permitted Use Summary[2]					**Total[4,6]**	**2,248**
Active AUMs 2,248	Suspended AUMs 937	Temp Suspended 0	Permitted Use 3,185			

[1] Not to exceed total number of Active Use AUMs.

[2] Permitted Use Summary comes directly from the grazing permit

[4] May be different from the sum of above due to rounding after calculating Number and Period of Use. Total indicates active AUMs shown on permit.

[6] Does not include 1,997AUMs in Dry Lake Valley which are covered under a separate decision.

TO:
Summary of Grazing Authorization # 2705135

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Patterson Wash Seedings	78	Cattle	03/15	11/15	Adaptive	628
Meadow Valley Seedings	57	Cattle	04/01	11/15	Adaptive	431
Summer Native	222	Cattle	04/01	10/31	Adaptive	1,450
Permitted Use Summary					**Total**	**2,509**
Active AUMs 2,509	Suspended AUMs 676	Temp Suspended 0	Permitted Use 3,188			

Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the entire allotment by permittee.

The period of use for the Patterson Wash Seedings could include the 7/1 to 8/31 summer season for the purpose of resting riparian areas in the Summer Native Use Area during the hot growing season.

The period of use for Meadow Valley Seedings includes summer use of 7/1 to 8/31 to incorporate a rest rotation system.

Other Terms and Conditions

1. Permittee must implement a four pasture deferred or rest-rotation grazing system for the Patterson Wash Seedings Use Area, which includes pastures of Craw Creek North, Craw Creek South, 21 Mile, and 15 Mile Bench and 15 Mile. The pasture rotation system allows rest of each pasture one out of four years.
2. Permittee must implement a rotation grazing system for the Meadow Valley Seedings Use Area. The pastures within the Meadow Valley Seedings Use Area include: Bull, Buck Wash, White Rock, Willow Spring and the Stateline Burn. The Stateline Burn pasture will be incorporated into the grazing system.
3. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Suspended or nonuse AUMs for winter use may only be activated in the winter use areas. Suspended or nonuse summer AUMs may only be activated in summer use areas. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area but will not exceed Permittee's active AUMs for the entire allotment.
4. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.

5. The Permittee must place mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

6. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

7. The Permittee must move livestock 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 BLM authorized officer.

8. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

9. When necessary, the Permittee must 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.

10. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

11. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

12. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate

functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

Allowable Use Levels

The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

1. For all pastures of the Patterson Wash Seedings, the allowable use level at the end of the period of use (11/15) will be 60% of current year's growth for crested wheatgrass as well as native key species.
2. For all pastures of the Meadow Valley Seedings the allowable use level at the end of the period of use (11/15) will be 60% for crested wheatgrass and native key species of current year's growth.
3. The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) will be 60% of current year's growth.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are described in Chapter 2 of the EA under Alternative A and B, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects. This decision authorizes range improvements in the Patterson Wash Seedings, Summer Native, and Meadow Valley Seedings Use Area for the Permittee. There are additional range improvements that were analyzed and are authorized in the Final Decision for Dry Lake Valley Use Area.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose a combination Alternative A and B for the Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, and the South Lake Valley Use Area on the Wilson Creek Allotment that include range improvements, period of use and terms and conditions. Grazing authorization is not dependent on range improvements, veg treatment projects, or removal of wild horses.

The proposed adaptive management practices would allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management would allow flexibility in livestock numbers and period of use while not exceeding active use AUMs. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use would allow for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility would promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

The movement of AUMs from suspended to temporarily suspended (non-use) is clarifying the record and resolution of protest. This change is in accordance with a 1968 AUM reduction MOU between BLM and the permittees and the 1992 FMUD for the Wilson Creek Allotment. This is within the analysis of the EA and does not change the active grazing use analyzed.

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improve areas identified in the SDD as not meeting standards (South Lake Valley Use Area, Patterson Wash Use Area, Brown Springs Use Area, and Summer Native Use

Area), as well as continue to meet standards in the Meadow Valley Seedings Use Area, the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for Patterson Wash Seedings, Meadow Valley Seeding, Summer Native, and South Lake Valley Use Area. The BLM is also changing the number of cattle in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment – a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health – also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with

multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 C.F.R 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee, Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
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Enclosures: Finding of No Significant Impact

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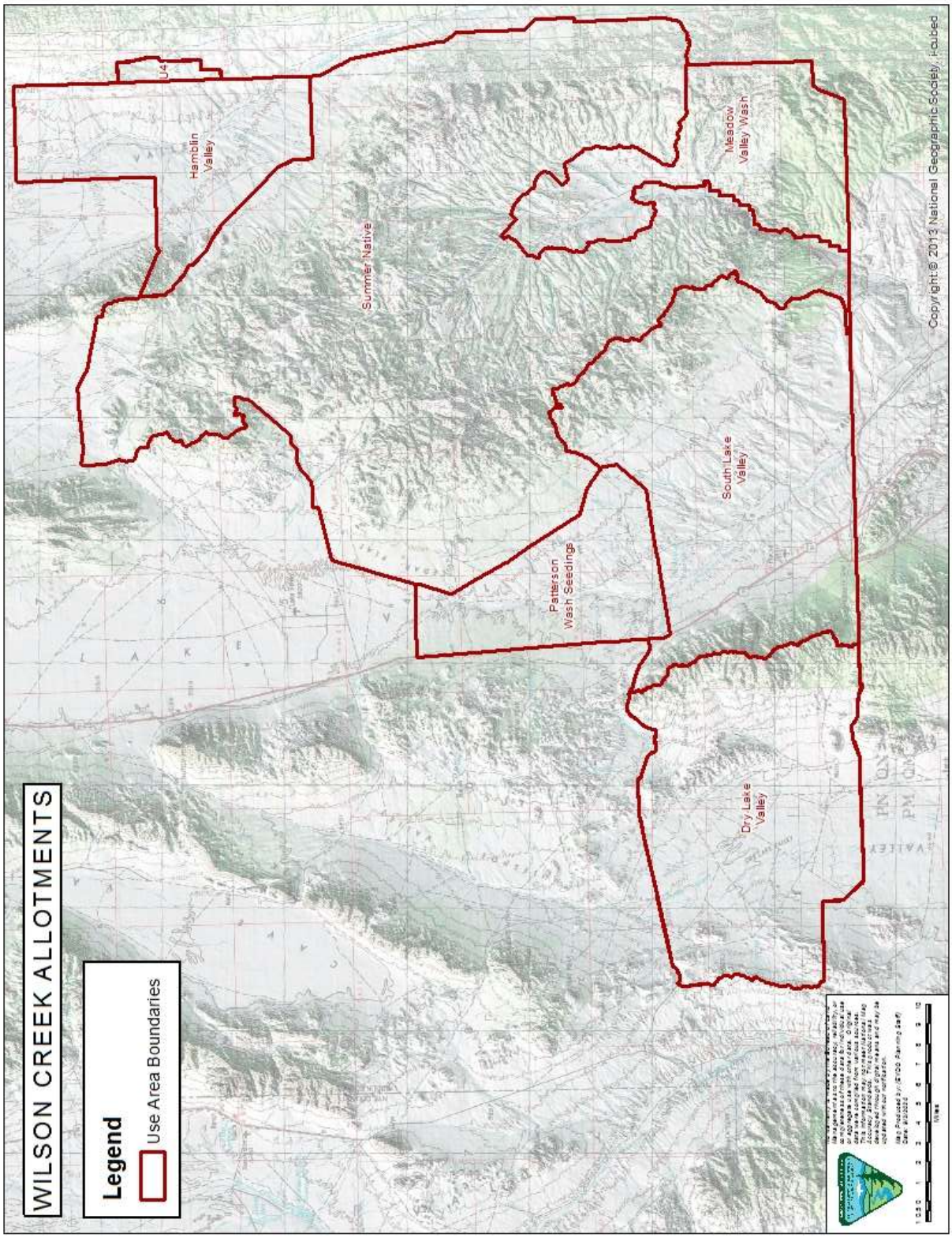
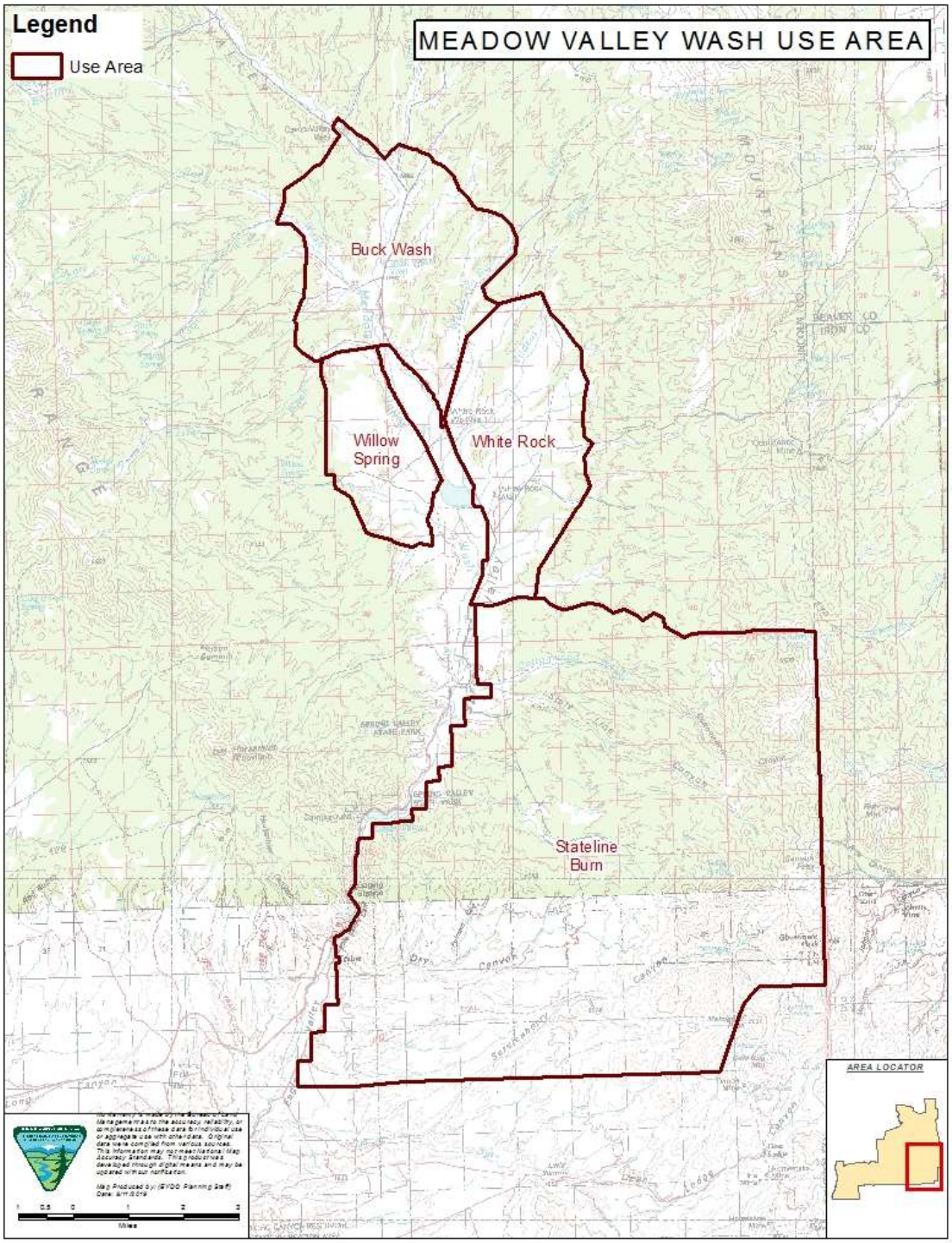
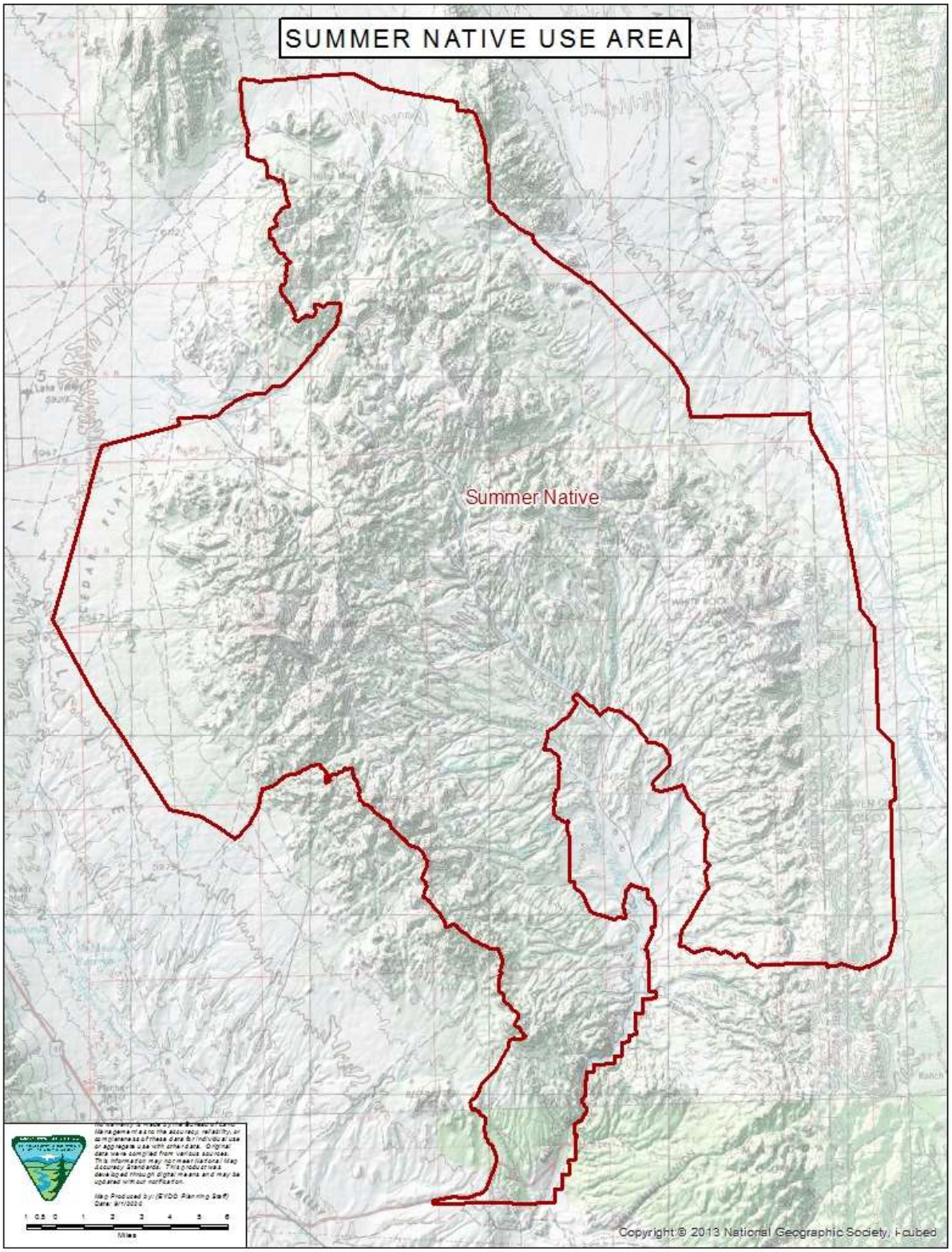
APPENDIX 1
Use Area Maps




Legend
Use Area
MEADOW VALLEY WASH USE AREA
Buck Wash
Willow Spring
White Rock
Stateline Burn
AREA LOCATOR


SUMMER NATIVE USE AREA
Summer Native
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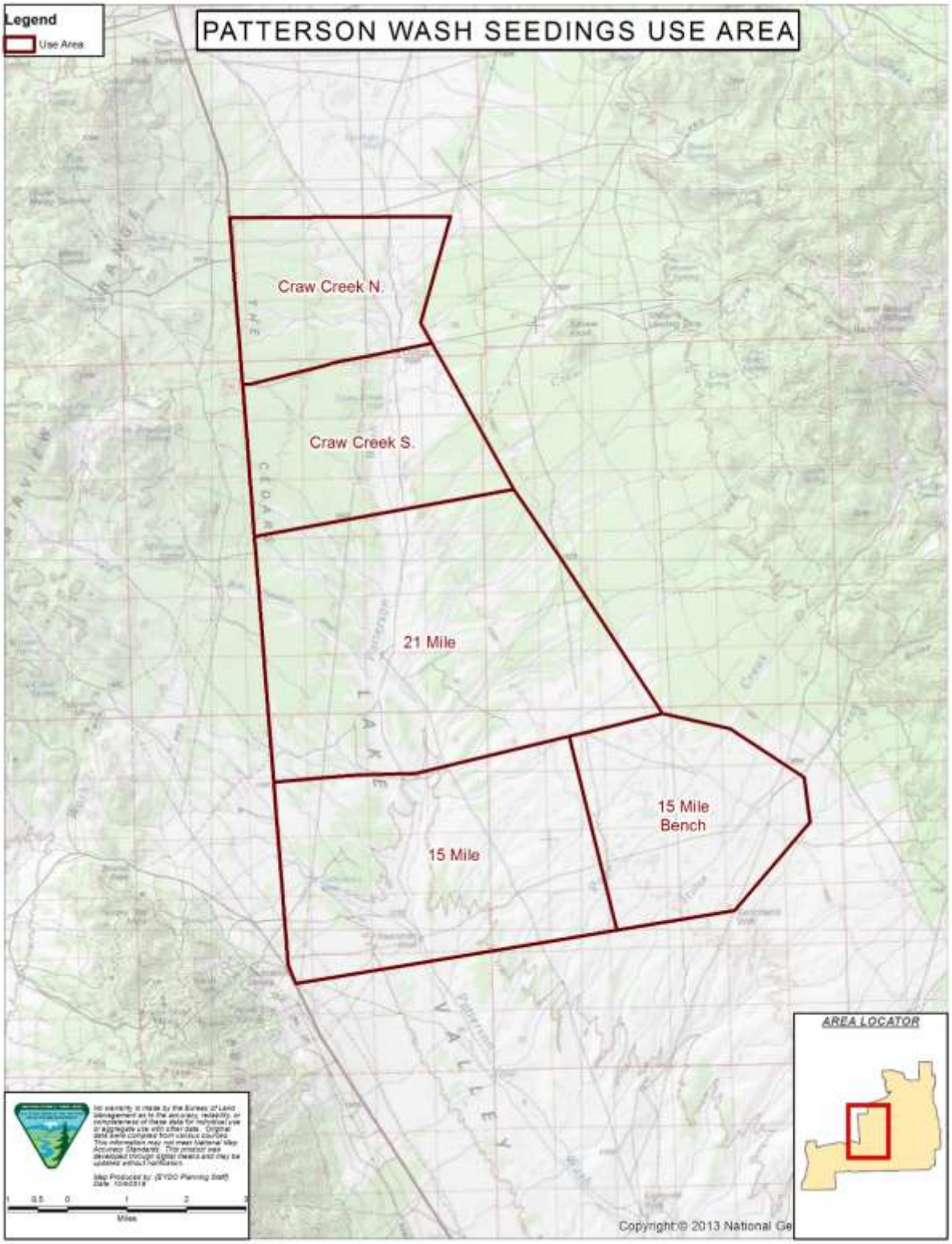

Legend
Use Area
PATTERSON WASH SEEDINGS USE AREA
Craw Creek N.
Craw Creek S.
21 Mile
15 Mile
15 Mile Bench
AREA LOCATOR
Miles
Copyright:© 2013 National Ge

Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Patterson Wash Seeding Use Area									
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
South Lake Valley Use Area									
South Lake Valley Well Pipeline	X	X	X	X					X
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Fence Removal	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Permanent Water Haul Sites	X	X	X	X			X		
Pipeline and trough	X	X	X	X			X		
Meadow Valley Seedings Use Area									
Bull Pasture Fence/ White Rock Fence	X	X	X	X					
White Rock Well	X	X	X	X					

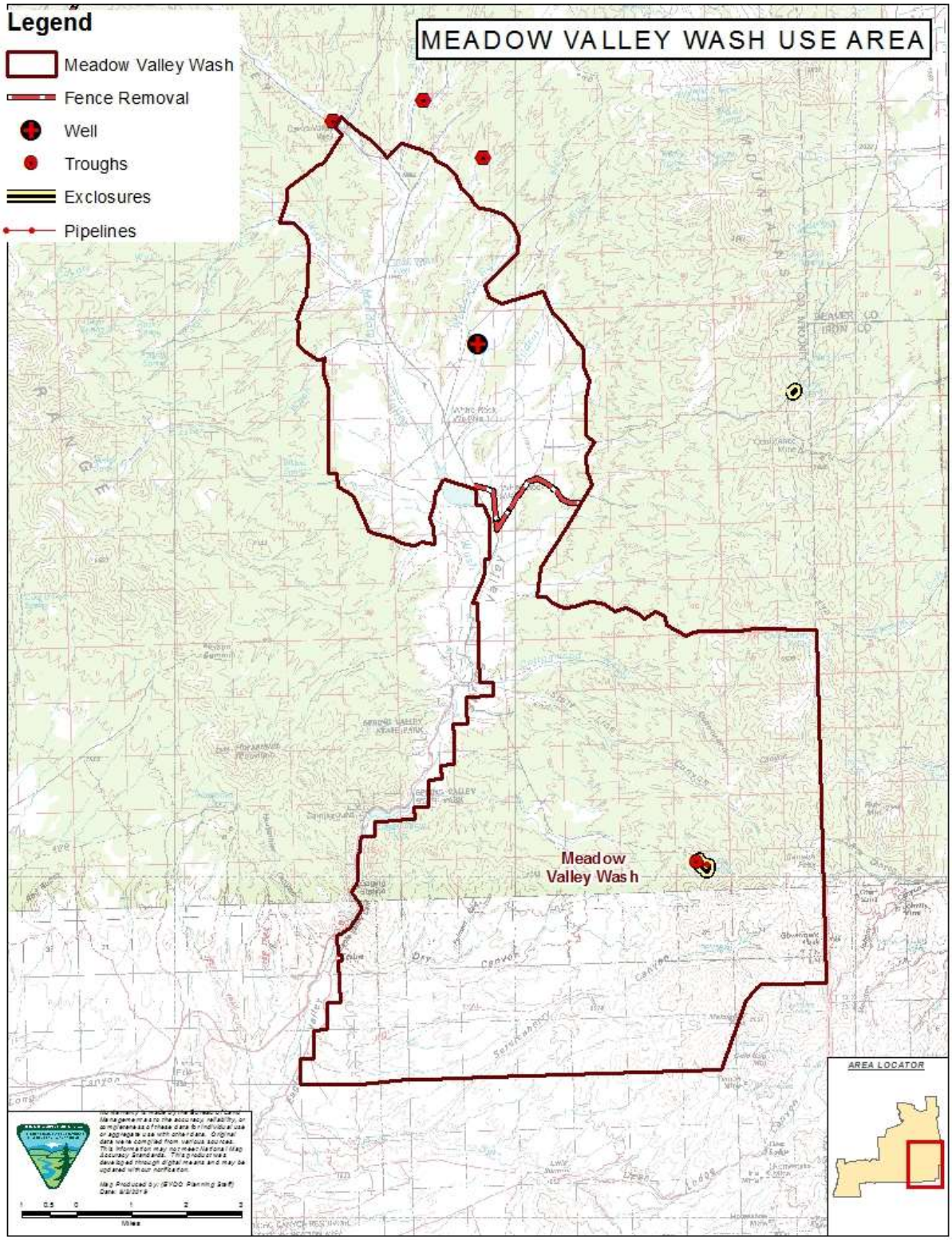
Willow Spring Pipeline	X	X	X	X					
Deer Canyon, Ticapoo, White Rock, Red Hills, and South End Reservoir Dams	X	X	X	X					
Miller Use Area									
Remove Fence	X	X	X	X					
Rattlesnake Spring Exclosure[1]	X	X	X	X					
Whiskey Spring Exclosure Fence[1]	X	X	X	X					
Cobb Creek Meadow Exclosure Fence[1]	X	X	X	X					

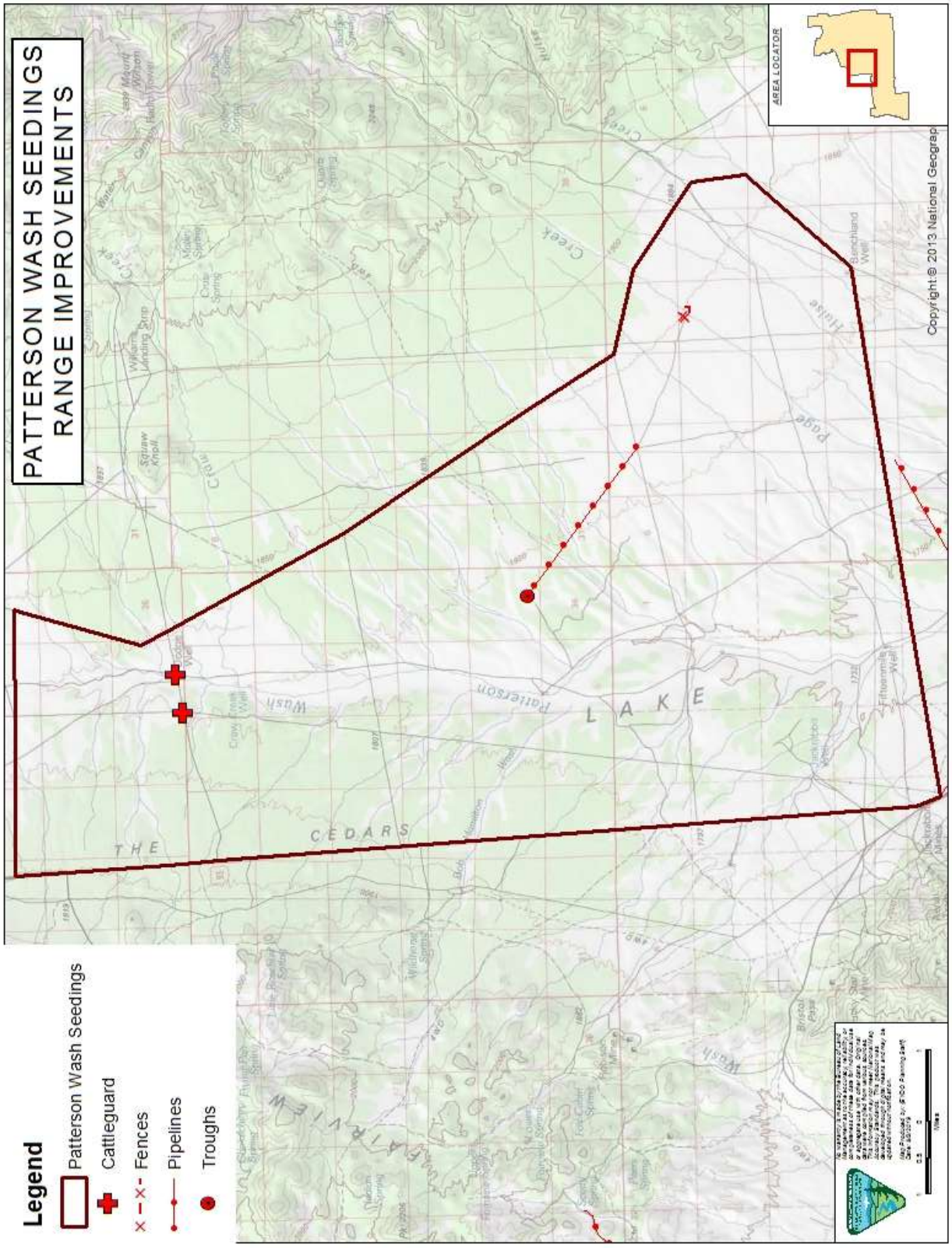
Alternative A Water Haul Locations									
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley Use Area									
Powerline Water Haul Road	X	X	X	X					X
Airport Water Haul Road	X	X	X	X					X
Gravel Pit Water Haul Road	X	X	X	X					X
Water Haul Sites	X	X	X	X					X

Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence	X	X	X	X					
North DLV and South DLV cattleguards	X	X	X	X					

Deadman Spring Pipeline Extension	X	X	X	X					
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Pipeline	X	X	X	X			X		


MEADOW VALLEY WASH USE AREA
Legend
Meadow Valley Wash
Fence Removal
Well
Troughs
Exclosures
Pipelines
Meadow Valley Wash
AREA LOCATOR


PATTERSON WASH SEEDINGS
RANGE IMPROVEMENTS
Legend
Patterson Wash Seedings
Cattleguard
Fences
Pipelines
Troughs
AREA LOCATOR
THE CEDARS
LAKE
Patterson
Wash
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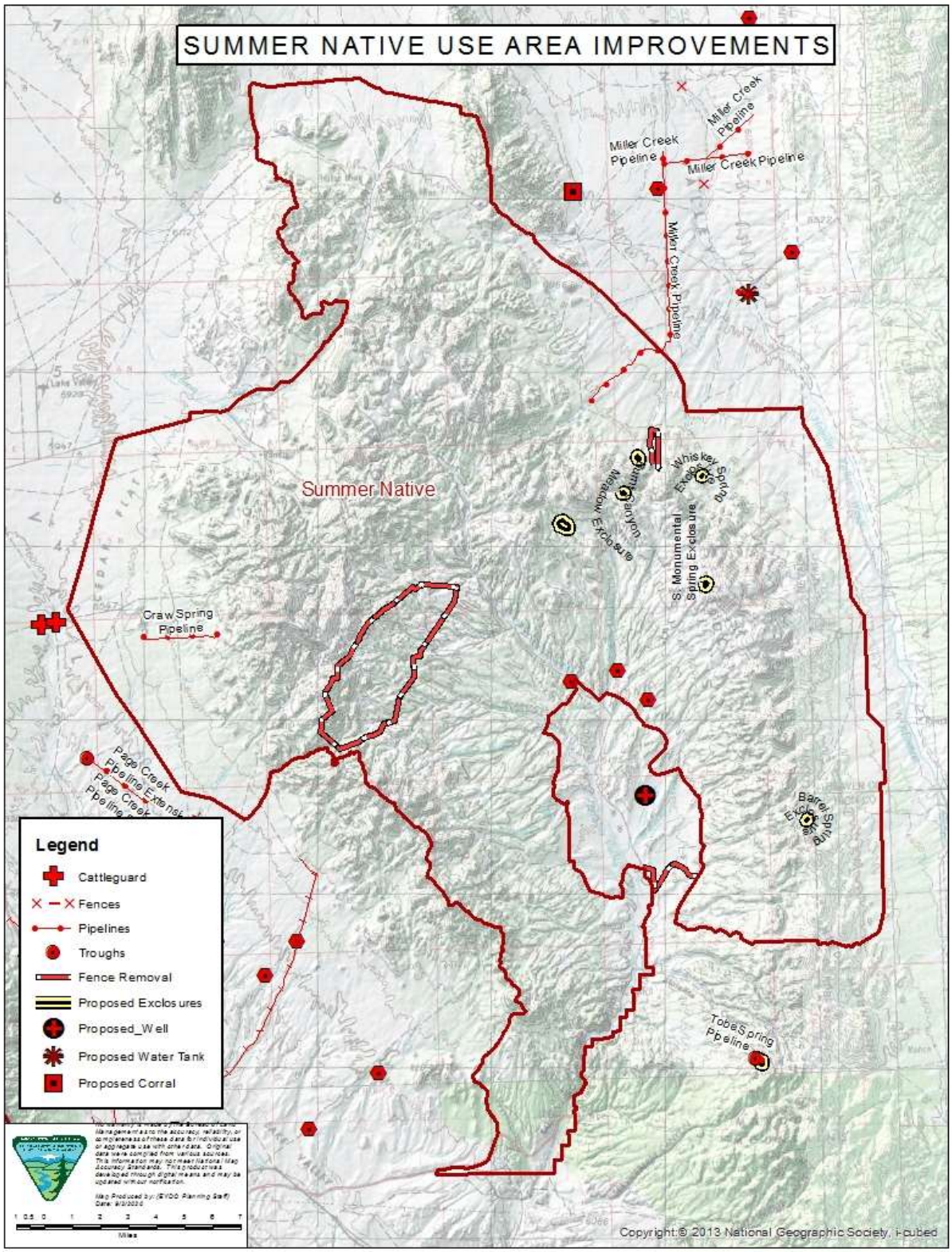
SUMMER NATIVE USE AREA IMPROVEMENTS
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Summer Native
Whiskey Spring Exclosure
Meadow Canyon Exclosure
S. Monumental Spring Exclosure
Craw Spring Pipeline
Page Creek Pipeline Extensi
Page Creek Pipeline
Barrel Spring Exclosure
Tobe Spring Pipeline
Legend
Cattleguard
Fences
Pipelines
Troughs
Fence Removal
Proposed Exclosures
Proposed_Well
Proposed Water Tank
Proposed Corral
Miles
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United States Department of the Interior

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9/4/2020

Kena & Pat Gloeckner
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Kenneth & Donna Lytle
Lytle Living Trust
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FINAL DECISION
Grazing Permit Renewal for Lytle Living Trust (#2705103) on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Lytle Living Trust (Permittee) and authorizes grazing use on the Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, U-4 Use Area, and the South Lake Valley Use Area of the Wilson Creek Allotment. The Bureau of Land Management (BLM) will issue another Final Decision concurrently with this decision to authorize grazing use on the Dry Lake Valley Use Area of the Wilson Creek Allotment. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment. Refer to Appendix 1 for map reference associated with the use area(s) for this grazing permit renewal.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the authorized active animal unit months (AUMs) and the suspended AUMS held by Lytle Living Trust. This Final Decision also changes use areas and the period (s) of use for some of the use areas. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the BLM will issue the grazing permit for a ten-year period.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for Lytle Living Trust (#2705103) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018;Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Pete Delmue Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

In response to a protest point, a records search was conducted and indicated that the 76 AUMs assigned to K. Lytle, had failed to be transferred from Ken Lytle to the Lytle Living Trust. Therefore these 76 AUMs continue to be held by K. Lytle. These 76 AUMs will be added back on to the Grazing Permit for Lytle Living Trust.

Rangeland Health Evaluation

The Standards Determination Document initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or

by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The rangeland health evaluation concluded that the South Lake Valley Use Area is not meeting standards and not making progress to meet standards. Causal factors that are not allowing standards to be met are encroachment of pinyon and juniper trees into the area, which are causing Black Sagebrush and Wyoming Big Sage communities to decrease and the use area to lose its understory cover of forbs and grasses. The encroachment will also decrease the amount of water in the riparian areas, which is also a causal factor of the Use Area not meeting standards. The encroachment will also cause a decline in the (quality or quantity) of Greater sage grouse habitat because it will decrease the forage and cover available. However, soils in South Lake Valley are meeting standards due to the amount of perennial cover at the key areas. The foliar and ground cover is sufficient to the potential of the site.

The Patterson Wash Seedings Use Area is not meeting standards and progress is not being made towards standards. Standards are not being meet due to pinyon and juniper encroachment, livestock concentration in valley bottoms, and year-round use by wild horses. The BLM has observed that there is difficulty with the rotation system. Pastures are rested only until cattle need to be moved to another pasture. Then, trailing from one pasture to another causes cattle to be moved through pastures that are being rested, which results in some use of that pasture. The encroachment of pinyon and juniper also decrease the amount of forbs, which are necessary for quality Sage-grouse habitat. However, the Patterson Wash Seedings Use Area is meeting standards for soils due to the amount of ground and surface cover to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

In the Brown Spring Use Area, standards are not being met and no progress towards standards is occurring. The encroachment of pinyon and juniper into the Black Sagebrush communities have a detrimental effect on the community by decreasing sagebrush, grasses and forbs, water at springs, and wildlife quality habitat availability. This will also lead to an increase in fuel load and risk for large wildfires.

The Summer Native Use Area is not meeting standards and there is no progress being made towards standards. Portions of the Uplands are meeting standards but the riparian areas are not. The causing factors include encroachment of pinyon and juniper, lack of stream bank stability, and the lack of native annual grasses within the burned areas. Riparian areas are not meeting

standards due to lack of riparian obligate, willow, and cottonwood that are to be expected in the stream area. The stream system is also not trapping sediment and revegetating along point bars.

The Meadow Valley Seedings Use Area is meeting standards except for the habitat and biota. Foliar and ground cover are sufficient to the potential of the site and adequate to resist accelerated erosion, provide for infiltration and the ecological processes are adequate for vegetation communities. The Use Area is not meeting standards with habitat and biota due to the lack of forbs for wildlife quality habitat because of the regeneration of sagebrush within the area.

U-4 Use Area is not meeting standards and not making progress towards standards. The high levels of Pinyon, Juniper and Cheatgrass have created a high risk area for fire within the sagebrush community. The Use Area is meeting standards for the soils with the amount of foliar and ground cover.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §§ 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

The following actions from the EA are being selected as part of this grazing decision:

Actions selected from Alternative A

The northeast boundary of the Summer Native Use Area, which borders the Hamblin Valley Use Area, is being moved to the west to follow the Hermitage Road to the northwest. The new boundary will not change the active use AUMs for any of the use areas as analyzed under Alternative A of the EA. The boundary change will allow for grazing by sheep on the black sage as it was historically. That boundary change is reflected on the map at Appendix 1.

The Pioche Bench Use Area was recently fenced on both sides of the highway, which separated it into two pastures. Through this Final Decision, the Pioche Bench Use Area is being combined into the South Lake Valley Use Area as pastures 1 and 2 to make four pastures, and the four pastures are now named (from west to east) Pastures 1, 2, 3, and 4 (See Appendix 1).

Actions selected from Alternative B

Summer Native will be consolidated with Miller, Mt. Wilson Burn, Brown Spring, and the southern portion of U-4 Use Areas. Authorized AUMs in these areas are being combined into the Summer Native Use Area for other related decisions and grazing authorizations.

The Miller Use Area includes the Delmue Burn, which burned approximately 7,123 acres of the allotment. The burn area rehabilitation included fencing and ultimately resulted in increased forage and the area being used as a separate area within the Miller Use Area. As a result, 1,306

suspended AUMs are reactivated among the respective permittees, of which Lytle Living Trust receives 261 AUMs.

AUMs authorized to Ken Lytle for the U-4 Use Area had not been transferred to the Ken and Donna Lytle Living Trust. For this decision, the 76 AUMs associated with the southern portion of the U-4 use area will be consolidated with the Summer Native Use Area AUMs.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected the grazing schedule, use area, and Hamblin Valley boundary adjustment from Alternative A of the EA, and the grazing schedule and combining of use areas from Alternative B of the EA, including the authorized range improvements shown in Appendix 2. As analyzed in the EA, Alternatives A and B are the same with regards to season of use, AUMs, and Other Terms and Conditions. This decision hereby authorizes grazing for the Permittee on the Wilson Creek Allotment subject to the following terms and conditions:

FROM:
Summary of Grazing Authorization # 2705103

Use Area	**Number**	**Kind**	**Period of Use**		**Type Use**	**Active Use (AUMs)**
			Begin	**End**		
Patterson Wash Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	628
Brown Spring	164	Cattle	6/1	6/30	Active	162
Meadow Valley Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	431
Mt. Wilson Burn	85	Cattle	6/1	9/30	Active	342
Summer Native	179	Cattle	6/1	9/30	Active	1,126
South Lake Valley	Variable[1]	Cattle	4/16 11/1	11/1 11/30	Active	378
Permitted Use Summary					**Total**	**3,067**
Active AUMs 3,067	Suspended AUMs 1,037	Temp Suspended 0	Permitted Use[2] 4,104			

1 Not to exceed total number of Active Use AUMs.
2 Permitted Use Summary comes directly from the grazing permit and does not include Dry Lake Valley Use Area.

TO:
Summary of Grazing Authorization # 2705103

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use[2]	Active Use (AUMs)[1]
Patterson Wash Seedings	78	Cattle	3/15	11/15	Adaptive	628
Meadow Valley Seedings	57	Cattle	4/01	11/15	Adaptive	431
Summer Native	289	Cattle	04/15	10/31	Adaptive	1,967
South Lake Valley	11	Cattle	3/15 11/01	10/31 03/15	Adaptive	130
Permitted Use Summary					**Total**	**3,404**
Active AUMs 3,404	Suspended AUMs[3] 700	Temp Suspended 0	Permitted Use 4,104			

[1] A difference of two AUMs is the result of rounding to whole numbers
[2] Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the allotment by permittee.
[3] The Nov 5, 1992 Notice of Final Multiple Use Decision for the Wilson Creek Allotment moved suspended AUMs from the Dry lake Valley Use Area to the South Lake Valley Use Area. The carrying capacity does not support the additional AUMS therefore the suspended AUMs are moved back to the Dry Lake Valley Use Area

Other Terms and Conditions

1. Permittee must implement a four pasture deferred or rest-rotation grazing system for the Patterson Wash Seedings Use Area, which includes pastures of Craw Creek North, Craw Creek South, 21 Mile, and 15 Mile Bench and 15 Mile. The pasture rotation system allows rest of each pasture one out of four years.
2. Permittee must implement a rotation grazing system for the Meadow Valley Seedings Use Area. The pastures within the Meadow Valley Seedings Use Area include: Bull, Buck Wash, White Rock, Willow Spring and the Stateline Burn. The Stateline Burn pasture will be incorporated into the grazing system.
3. Permittee must implement a deferred rotation grazing system for the South Lake Valley Use Area. Cattle grazing will be authorized in all four pastures of the South Lake Valley Use Area. The pasture rotation system will defer spring grazing use for each pasture one out of three years. Pastures 1 and 2 will be used in conjunction with each other where one may be rested on a given year to allow for additional rest.
4. The rest rotation grazing system for South Lake Valley Use Area will be coordinated with the sheep and cattle operators. Rest rotation grazing will accommodate the sheep and cattle operators and allow for rest and available forage for both permittees for all grazing years.
5. If the sheep and cattle permittees reach agreement and consensus regarding grazing use in any of the areas of the South Lake Valley Use Area, the BLM can authorize grazing. Grazing would be authorized subject to the agreement to include but not limited to adjustments in pasture rotation as long as the above terms and conditions of the permit are followed with deferred areas identified in addition to achieving outcome based grazing objectives.

6. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Suspended or nonuse AUMs for winter use may only be activated in the winter use areas. Suspended or nonuse summer AUMs may only be activated in summer use areas. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area but will not exceed Permittee's active AUMs for the entire allotment.
7. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.
8. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.
9. The Permittee must move livestock 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 BLM authorized officer.
10. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.
11. When necessary, the Permittee must 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.
12. The Permittee must submit an actual use grazing report to the BLM showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.
13. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.
14. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to

facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

Use Levels

The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

15. For all pastures of the Patterson Wash Seedings, the allowable use level at the end of the period of use (11/15) will be 60% of current year's growth for crested wheatgrass as well as native key species.

16. For all pastures of the Meadow Valley Seedings the allowable use level at the end of the period of use (11/15) will be 60% for crested wheatgrass and native key species of current year's growth.

17. The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) will be 60% of current year's growth.

18. Allowable Use Levels for all users in the South Lake Valley Use Area is 60% at the end of the grazing year.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are described in Chapter 2 of the EA under Alternative A and B, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects. This decision authorizes range improvements in the South Lake Valley, Patterson Wash Seedings, Summer Native, and Meadow Valley Seedings Use Area for the Lytle Living Trust permit. There are additional range improvements that were analyzed and are authorized in the Final Decision for Dry Lake Valley Use Area.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The actions identified in this Final Decision were selected because they would be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose Alternatives A and B for the, Patterson Wash Seedings Use Area, Meadow Valley Seedings Use Area, Summer Native Use Area, U-4 Use Area, and the South Lake Valley Use Area on the Wilson Creek Allotment that include range improvements, period of use and terms and conditions. Grazing authorization is not dependent on range improvements, veg treatment projects, or removal of wild horses.

The approved adaptive management practices will allow and promote flexibility for the Permittee as part of its overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use while not exceeding active use AUMs by permittee for the allotment as a whole, and in this decision active use AUMs may not be exceeded for the use area. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use would allow for improvement and flexibility when livestock are being moved in and out of use areas. The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improve areas identified in the SDD as not meeting standards (South Lake Valley Use Area, Patterson Wash Use Area, Brown Springs Use Area, and Summer Native Use Area), as well as continue to meet standards in the Meadow Valley Seedings Use Area, the BLM

is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for Patterson Wash Seedings, Meadow Valley Seeding, Summer Native, U-4, and South Lake Valley Use Area. The BLM is also changing the number of cattle in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment – a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health – also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the

objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 C.F.R 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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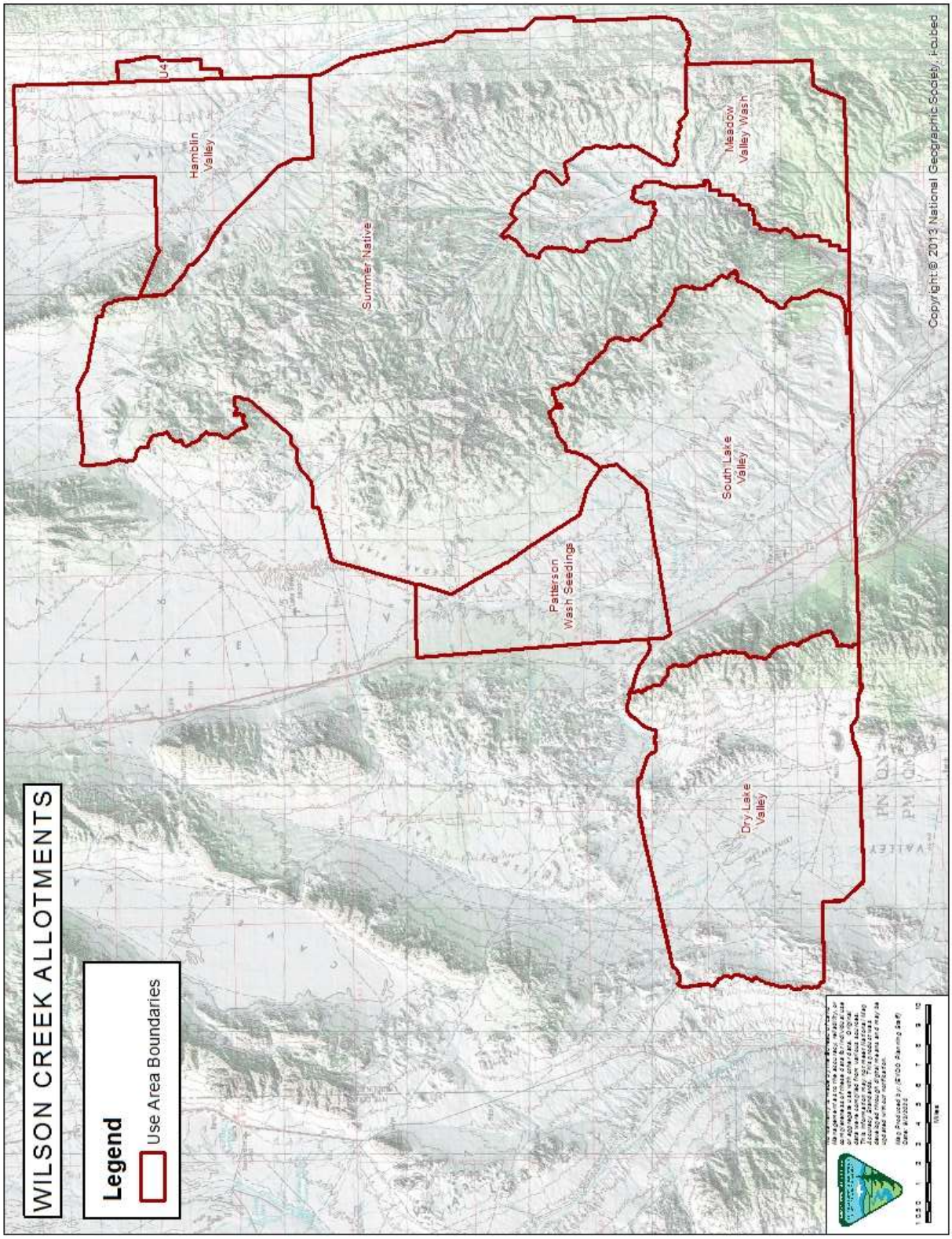
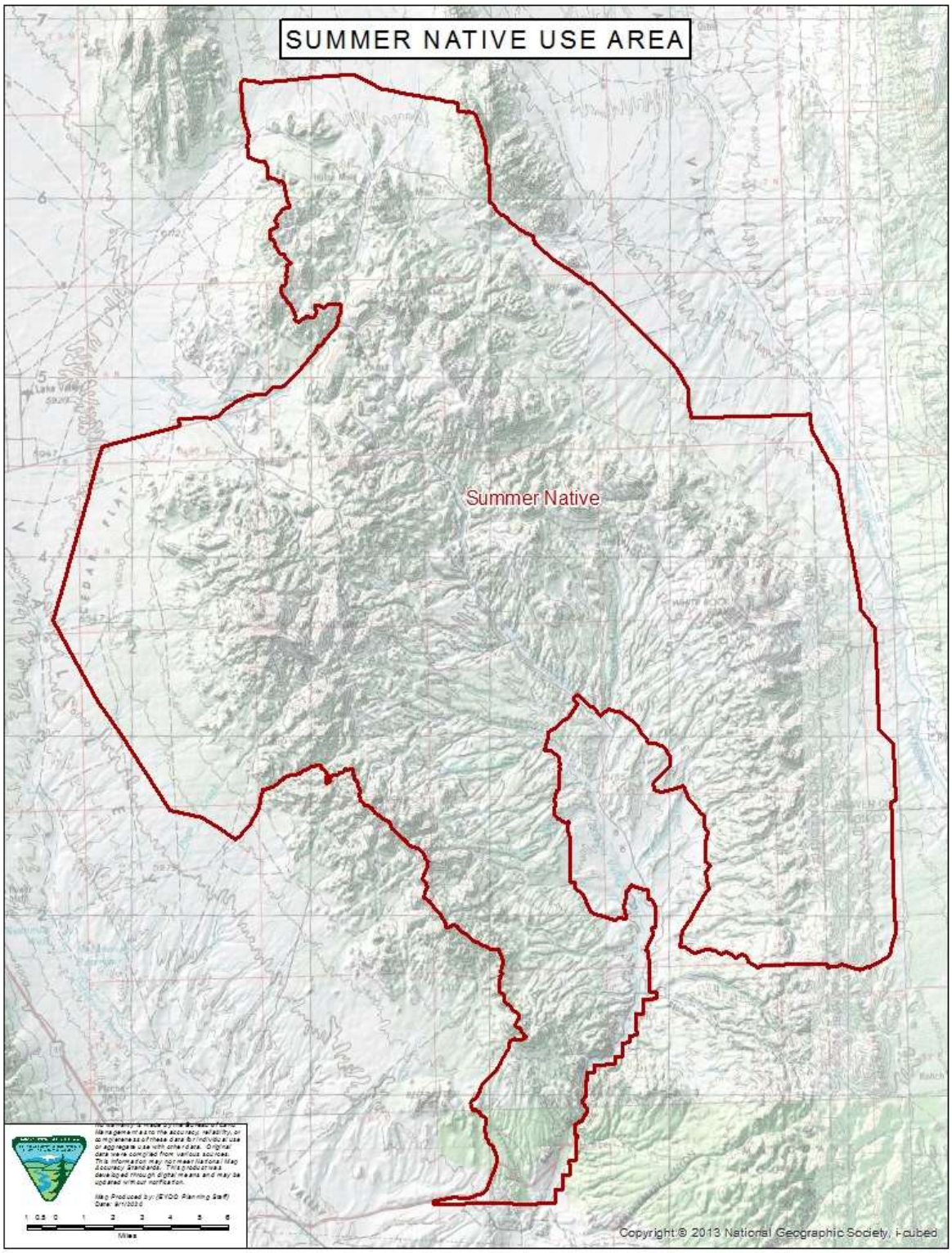
APPENDIX 1
Use Area Maps




SUMMER NATIVE USE AREA
Summer Native
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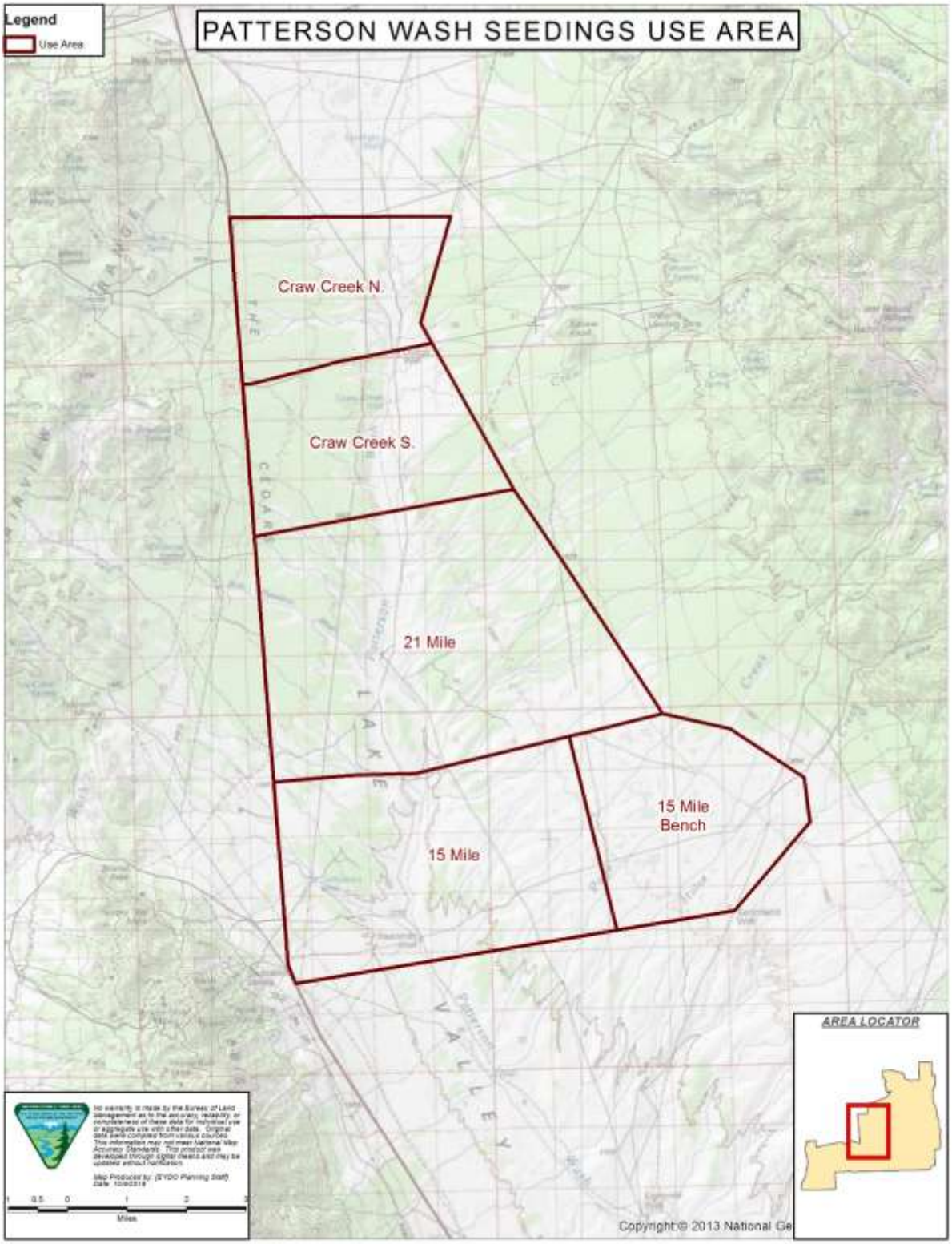
Legend
Use Area
PATTERSON WASH SEEDINGS USE AREA
Craw Creek N.
Craw Creek S.
21 Mile
15 Mile
15 Mile Bench
AREA LOCATOR
Miles
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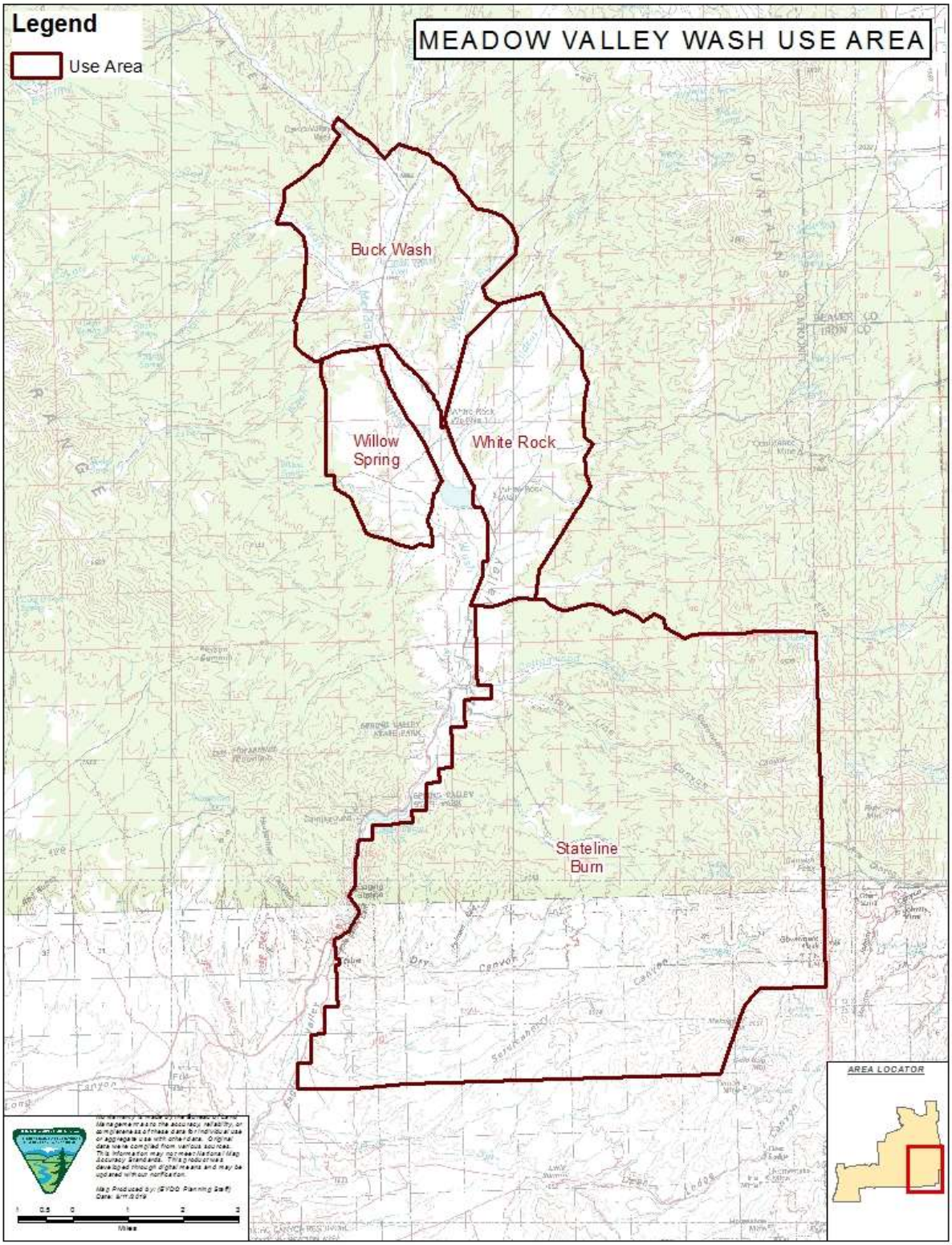
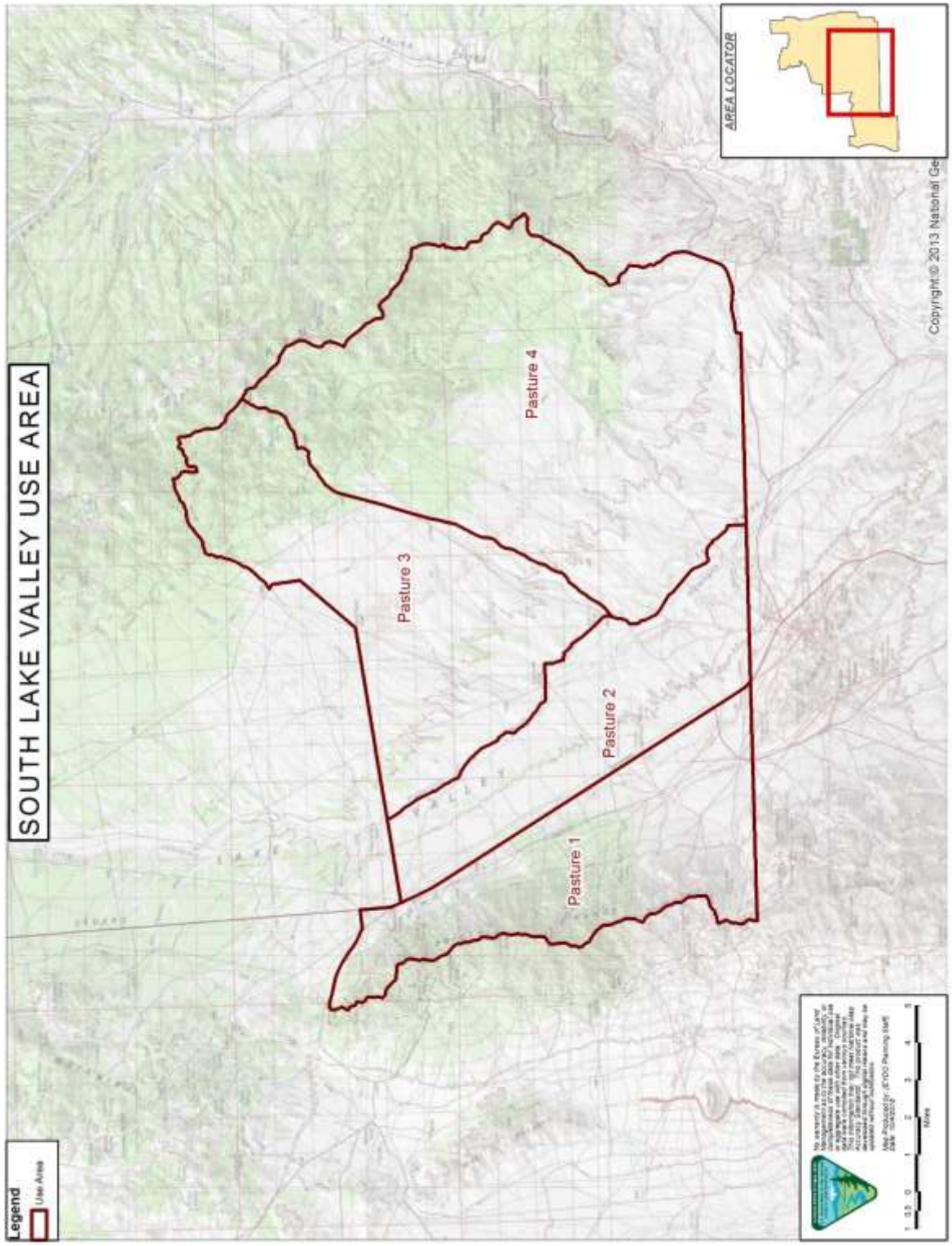

Legend
Use Area
MEADOW VALLEY WASH USE AREA
Buck Wash
Willow Spring
White Rock
Stateline Burn
AREA LOCATOR


SOUTH LAKE VALLEY USE AREA
Legend
Use Area
Pasture 1
Pasture 2
Pasture 3
Pasture 4
AREA LOCATOR
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Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Patterson Wash Seeding Use Area									
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
Page Creek Pipeline Extension	X	X	X	X					
Powerline and Dodge Well cattle guards	X	X	X	X					
South Lake Valley Well Pipeline	X	X	X	X					X
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Fence Removal	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Permanent Water Haul Sites	X	X	X	X			X		
Pipeline and trough	X	X	X	X			X		
Meadow Valley Seedings Use Area									
Bull Pasture Fence/ White Rock Fence	X	X	X	X					
White Rock Well	X	X	X	X					
Willow Spring Pipeline	X	X	X	X					

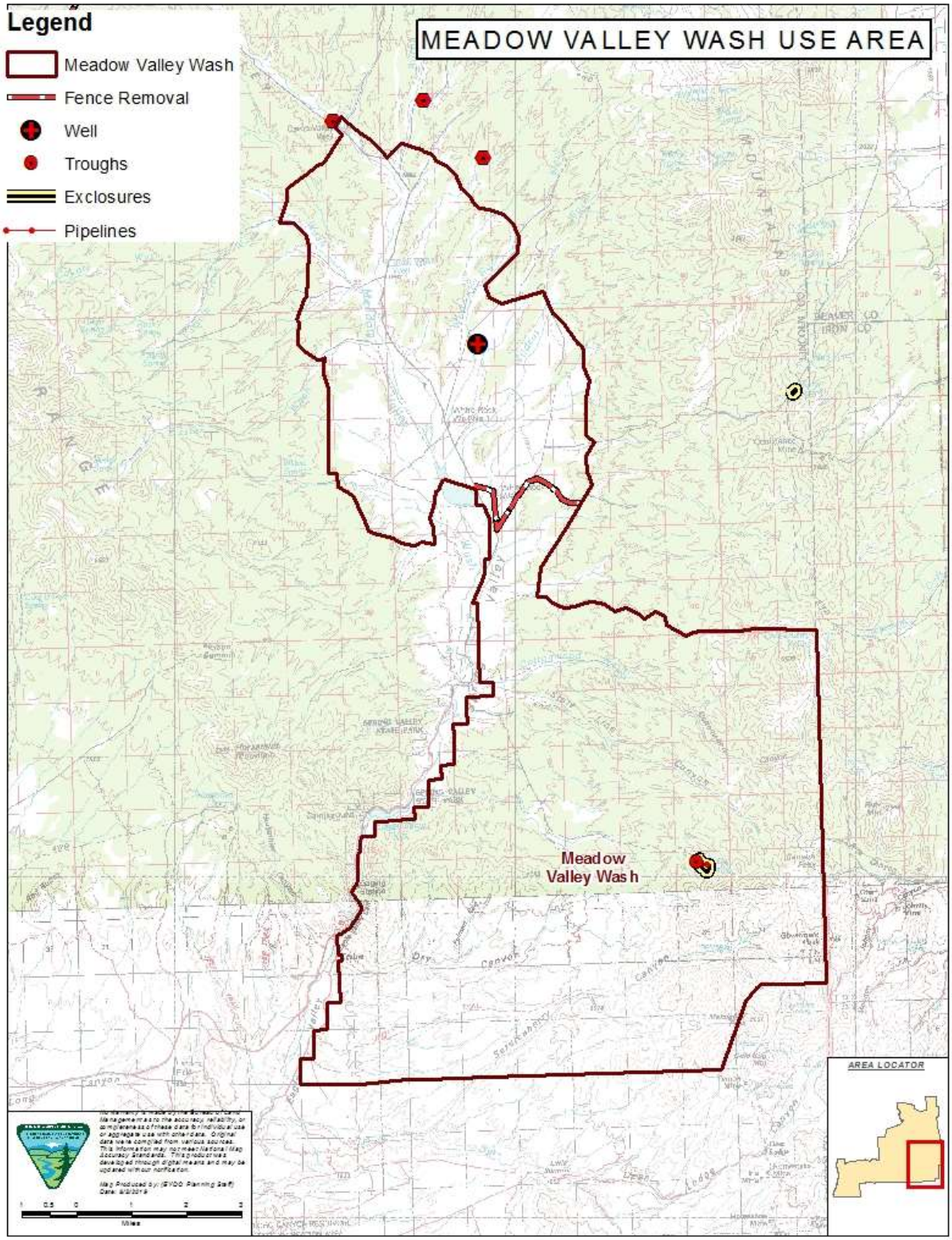
Deer Canyon, Ticapoo, White Rock, Red Hills, and South End Reservoir Dams	X	X	X	X					
Miller Use Area									
Remove Fence	X	X	X	X					
Rattlesnake Spring Exclosure[1]	X	X	X	X					
Whiskey Spring Exclosure Fence[1]	X	X	X	X					
Cobb Creek Meadow Exclosure Fence[1]	X	X	X	X					

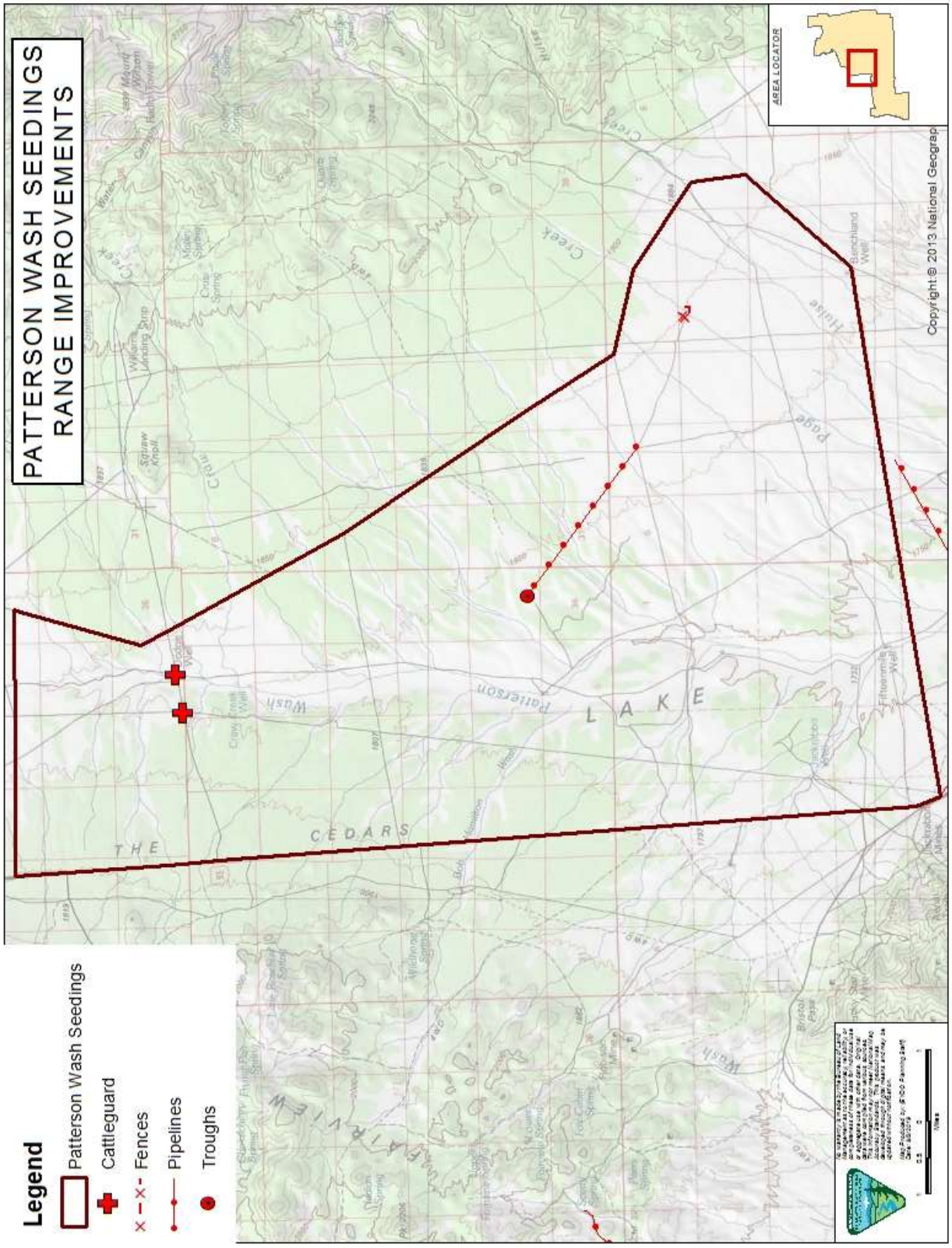
Alternative A Water Haul Locations									
	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
South Lake Valley Use Area									
Powerline Water Haul Road	X	X	X	X					X
Airport Water Haul Road	X	X	X	X					X
Gravel Pit Water Haul Road	X	X	X	X					X
Water Haul Sites	X	X	X	X					X

Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Dry Lake Valley									
West Division Fence	X	X	X	X					
North DLV and South DLV cattleguards	X	X	X	X					

Deadman Spring Pipeline Extension	X	X	X	X					
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Pipeline	X	X	X	X			X		


MEADOW VALLEY WASH USE AREA
Legend
Meadow Valley Wash
Fence Removal
Well
Troughs
Exclosures
Pipelines
Meadow Valley Wash
AREA LOCATOR


PATTERSON WASH SEEDINGS
RANGE IMPROVEMENTS
Legend
Patterson Wash Seedings
Cattleguard
Fences
Pipelines
Troughs
AREA LOCATOR
THE CEDARS
LAKE
Patterson
Wash
Creek
Page
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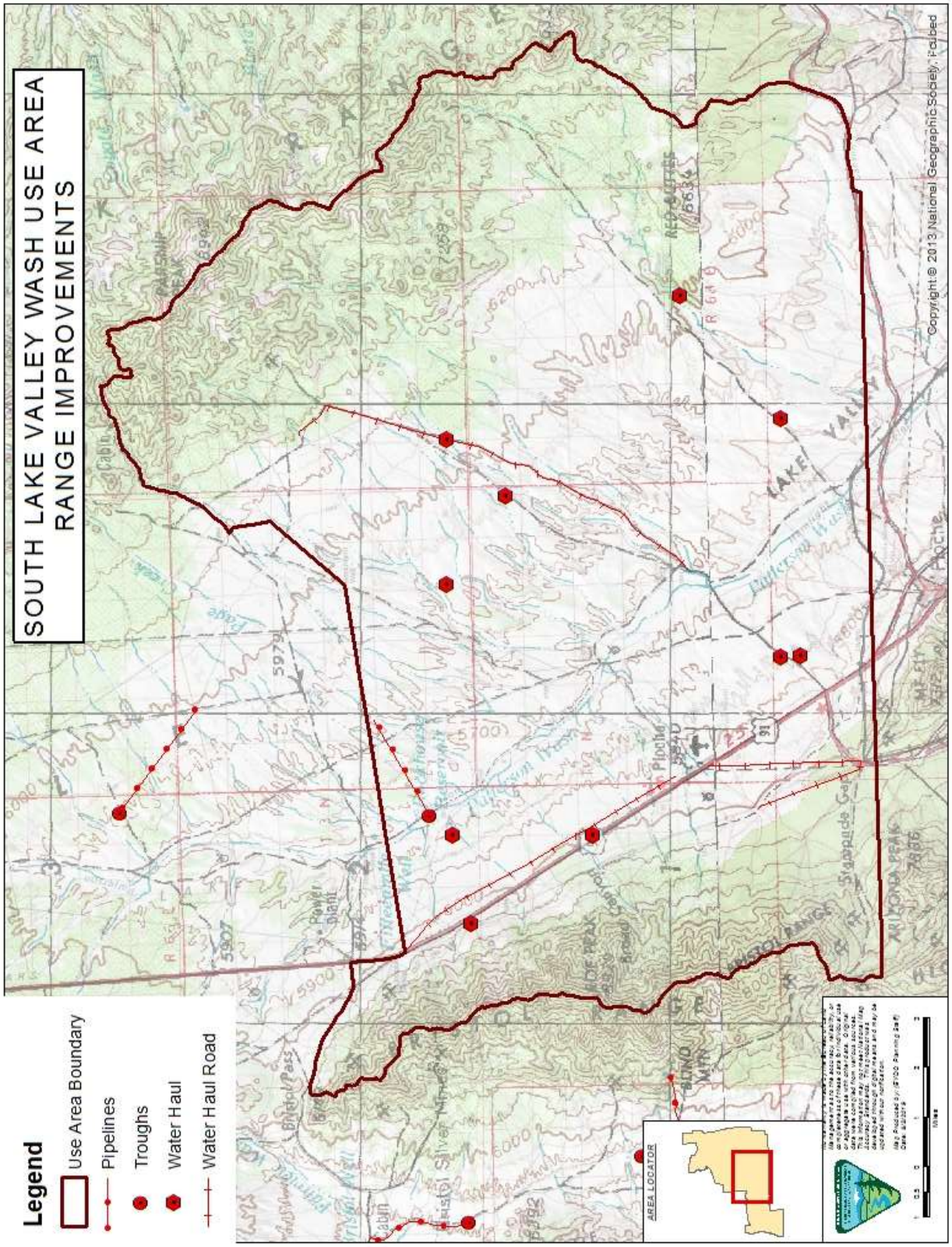
SOUTH LAKE VALLEY WASH USE AREA
RANGE IMPROVEMENTS
Legend
Use Area Boundary
Pipelines
Troughs
Water Haul
Water Haul Road
AREA LOCATOR
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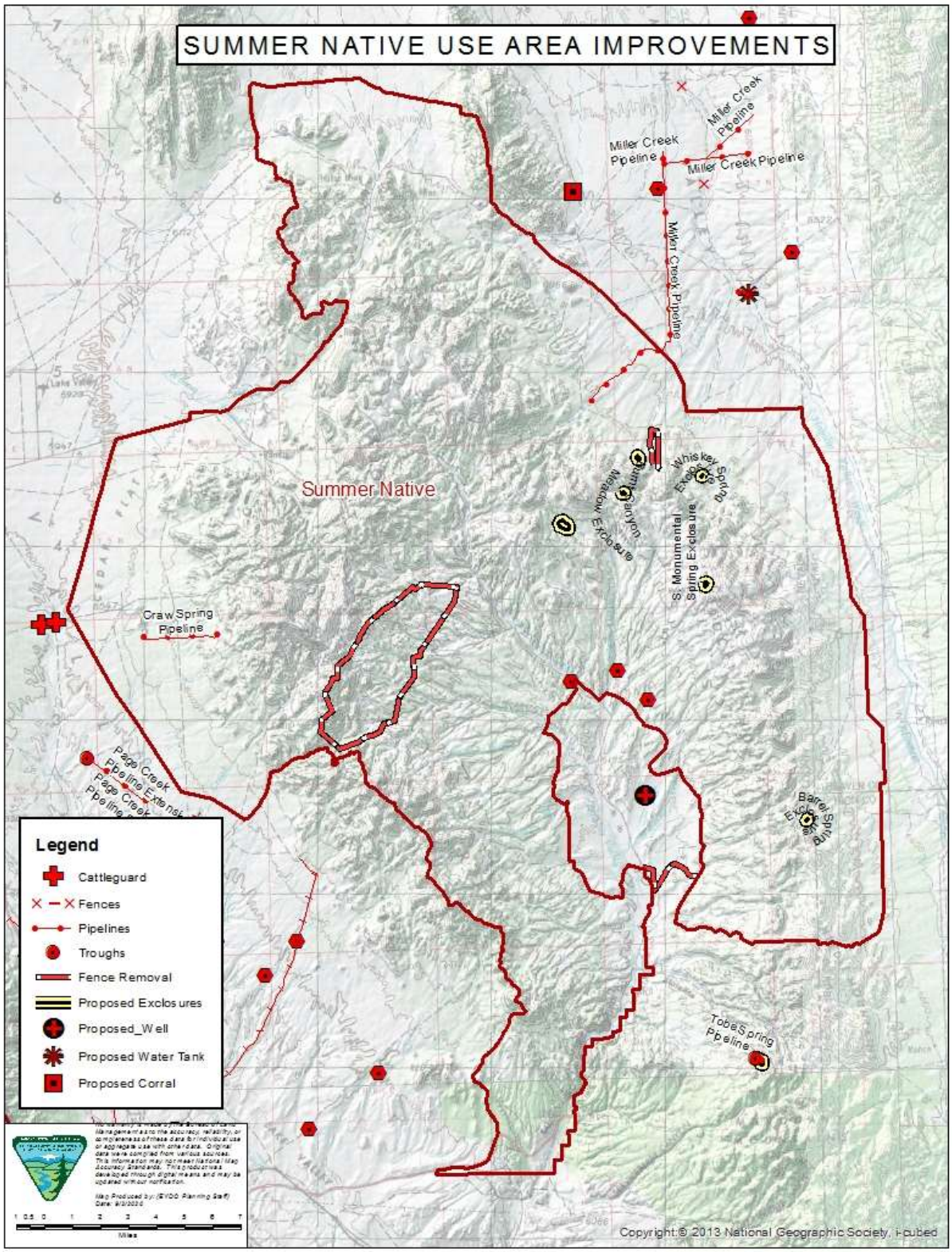
SUMMER NATIVE USE AREA IMPROVEMENTS
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Summer Native
Whiskey Spring Exclosure
Meadow Canyon Exclosure
S. Monumental Spring Exclosure
Craw Spring Pipeline
Page Creek Pipeline Extensi
Page Creek Pipeline
Barrel Spring Exclosure
Tobe Spring Pipeline
Legend
Cattleguard
Fences
Pipelines
Troughs
Fence Removal
Proposed Exclosures
Proposed_Well
Proposed Water Tank
Proposed Corral
Miles
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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

9/4/2020

Pearson Brothers
HC 74 Box 260
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FINAL DECISION
Grazing Permit Renewal for Pearson Brothers (#2705101)
on the Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Pearson Brothers (Permittee) and authorizes grazing use on the Summer Native Use Area of the Wilson Creek Allotment. The terms and conditions of authorized grazing use will include changes to the grazing use area. The Permittee's existing terms and conditions authorize grazing use in the Meadow Valley Seedings Use Area and the Summer Native Use Area, but this Final Decision authorizes grazing only in the Summer Native Use Area. Through this Final Decision, the Summer Native Use Area is consolidated with Miller, Mt. Wilson Burn, Brown Spring, and southern portion of the U-4 Use Areas and the authorized AUMs in these areas are being combined into the Summer Native Use Area. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health.

Livestock grazing and range improvements have been analyzed in the EA under the former Greater Sage-Grouse Land Use Plan Amendment signed in September 2015. This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the grazing permit for a ten-year period. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment. Refer to Appendix 1 of this decision for the map references associated with the use area (s) for this grazing permit renewal.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a

request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. On October 12, 2018 the BLM also issued Proposed Decisions to authorize grazing permit renewals on the Wilson Creek Allotment (NV01201) to the Permittees, and all interested publics including a Grazing Permit Renewal for Pearson Brothers (#2705101).

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; Pat and Kena Gloeckner and Lytle Living Trust (both included in same protest) dated November 4, 2018; and Pete Delmue Dry Lake Valley, LLC by personal delivery November 5, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments, that were in compliance with the EA, Ely 2008 RMP, and 2015 ARMPA. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

In the Brown Spring Use Area, standards are not being met and no progress towards standards is occurring. The encroachment of pinyon and juniper into the Black Sagebrush communities have a detrimental effect on the community by decreasing sagebrush, grasses and forbs, water at springs, and wildlife quality habitat availability. This will also lead to an increase in fuel load and risk for large wildfires.

The Miller Use Area is not meeting standards due to the riparian areas not making progress towards standard. Livestock, wild horses, and wildlife were identified as the causal factors at Cob Creek Drainage, Middle Spring and Coyote Spring where overuse was noted. Uplands in the area have been noted to meet the standards for soils and ecosystem components under the rangeland health evaluation.

U-4 Use Area is not meeting standards and not making progress towards standards. The high levels of Pinyon, Juniper and Cheatgrass have created a high-risk area for fire within the sagebrush community. The Use Area is meeting standards for the soils with the amount of foliar and ground cover.

The Summer Native Use Area is not meeting standards and there is no progress being made towards standards. Portions of the uplands are meeting standards but the riparian areas are not. The causing factors include encroachment of pinyon and juniper, lack of stream bank stability, and the lack of native annual grasses within the burned areas. Riparian areas are not meeting standards due to lack of riparian obligate, willow, and cottonwood that are to be expected in the stream area. The stream system is also not trapping sediment and revegetating along point bars.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4130.3, 4130.3-1, and 4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration.

Actions From Alternative A

The southwest boundary of the Hamblin Valley Use Area, which borders the Summer Native Use Area, is being moved out to the west and south to follow the Hermitage Road to the northwest. The new boundary will not change the active use AUMs for any of the use areas as analyzed under Alternative A of the EA. The boundary change will allow for grazing by sheep on the black sage as it was historically. That boundary change is reflected on the map at Appendix 1.

The Permittee's current authorized grazing use includes 58 AUMs to be used only in the Meadow Wash (Buck Wash) pasture of the Meadow Valley Seedings Use Area. Renewal of that use would interfere with establishing and following a pasture rotation system by not providing spring growing rest in the Meadow Wash pasture. Instead, 58 AUMs will be authorized in the area formerly recognized as the Summer Pasture . Beginning 04/01, the Permittee will be

authorized to use up to 58 AUMs utilizing rotating water hauls only within the former Summer Pasture area of the Summer Native Use Area. No one water haul should be used at the same time of season for two consecutive years. Spring turnout will be contingent upon following a spring rest rotation schedule. After 05/01, the Permittee will be authorized grazing use within the Summer, Table Mountain, and Mt. Wilson areas of the Summer Native Use Area as analyzed under Alternative B of the EA.

Action From Alternative B

The Summer Native Use Area currently consists of two pastures, Summer and Mt. Wilson Burn. This decision will combine the Summer and Mt. Wilson Burn pastures into one and will incorporate the following Use Areas: Miller, Delmue Burn the southern portion of U-4, and Brown Spring. These areas are being combined under a unified schedule, but will remain distinct areas of grazing use. The period of use will be changed from 7/01 – 9/30 to 4/01 – 10/31. There will be five permittees authorized to graze cattle in the Use Area as analyzed in Alternative B of the EA.

Summary of All Actions

Range improvements authorized in this decision are analyzed under Alternative A and B of the EA and identified in Appendix 2 of this Decision.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected the grazing schedule, use area, and Hamblin Valley boundary adjustment from Alternative A of the EA, and the grazing schedule and combining of use areas from Alternative B of the EA, including the authorized range improvements shown in Appendix 2. As analyzed in the EA, Alternatives A and B are the same with regards to season of use, AUMs, and Other Terms and Conditions. This decision hereby authorizes grazing for the Permittee on the Wilson Creek Allotment subject to the following terms and conditions.

FROM:

Summary of Grazing Authorization # 2705101

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Meadow Valley Seedings	Variable[1]	Cattle	4/1 9/1	6/30 10/31	Active	58
Mt. Wilson Burn	15	Cattle	6/1	9/30	Active	61
Summer Native	136	Cattle	6/1	9/30	Active	544
Permitted Use Summary[2]					**Total**	**663**
Active AUMs 663	Suspended AUMs 140	Temp Suspended 0	Permitted Use 803			

[1] Not to exceed total number of Active Use AUMs.
[2] Permitted Use Summary comes directly from the grazing permit.

TO:
Summary of Grazing Authorization #2705101

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Summer Native	95	Cattle	4/1	10/31	Adaptive[3]	665[1]
Permitted Use Summary[2]					**Total**	**665[1]**
Active AUMs 663	Suspended AUMs[4] 140	Temp Suspended 0	Permitted Use 803			

[1] A difference of two AUMs is the result of rounding to whole numbers
[2] Permitted Use Summary comes directly from the grazing permit.
[3] Adaptive means that active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed active AUMs for the allotment by permittee.
[4] The BLM may provide Permittee some flexibility by temporarily authorizing suspended AUMs. The BLM's temporary authorization will be contingent upon establishment of a grazing activity plan and monitoring plan.
[5]Total includes Summer Native, Brown Spring, Mt Wilson Burn, and Delmue Burn AUMs.

Other Terms and Conditions

1. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval.

2. Beginning 04/01, the Permittee is authorized to use 58 AUMs utilizing rotating water hauls only within the Summer Pasture area. The Permittee may not use an area at the same time of season for two consecutive years. Spring turnout is contingent upon following a grazing rotation schedule. After 05/01, the Permittee is authorized grazing use within the Summer, Table, and Mt. Wilson pastures.

3. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.

4. The Permittee must place mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.

5. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.

6. The Permittee must move livestock 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 BLM authorized officer.

7. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

8. When necessary, the Permittee must 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.

9. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.

10. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.

11. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.

Allowable Use Levels

12. The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) is 60% of current year's growth. The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

The allowable use level for the Summer Native Use Area at the end of the grazing year (10/31) is 60% of current year's growth. The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable.

Range Improvements

This decision authorizes construction of range improvement projects. Those projects are described in Chapter 2 of the EA, summarized in Appendix 2 (Summary of Range Improvements) and indicated on Maps in Appendix 2. These improvements are the same as those identified in the Proposed Decision. The terms and conditions authorizing grazing use in this decision are not dependent on new range improvement project construction. Grazing terms and conditions will be the same prior to and following construction. Cooperative Agreements must be completed prior to project installation for construction or maintenance of range improvements projects. This decision authorizes range improvements in the Summer Native Use Area for the Pearson Brothers permit.

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The BLM selected the actions identified in this Final Decision because they will be effective in improving and maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or

make significant progress towards achievement. The BLM chose a combination of Alternatives A and B for the Summer Native Use Area on the Wilson Creek Allotment that include range improvements and terms and conditions that are intended to achieve and maintain Mojave-Southern Great Basin RAC standards for rangelands and grazing. This grazing authorization is not dependent on range improvements, vegetation treatment projects, or removal of wild horses.

The approved adaptive management practices will allow and promote flexibility for the Permittee as part of its overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use while not exceeding active use AUMs by permittee for the allotment as a whole, and in this decision active use AUMs may not be exceeded for the use area. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use would allow for improvement and flexibility when livestock are being moved in and out of use areas. The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address improve areas identified in the SDD as not meeting standards Summer Native Use Area), the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use Summer Native. The BLM is also changing the number of cattle in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls, pipelines and troughs.

These changes – increased season of use, adjustments to livestock numbers, and authorization for range improvements – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment – a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health – also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA) and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely District Office

Enclosures: Finding of No Significant Impact

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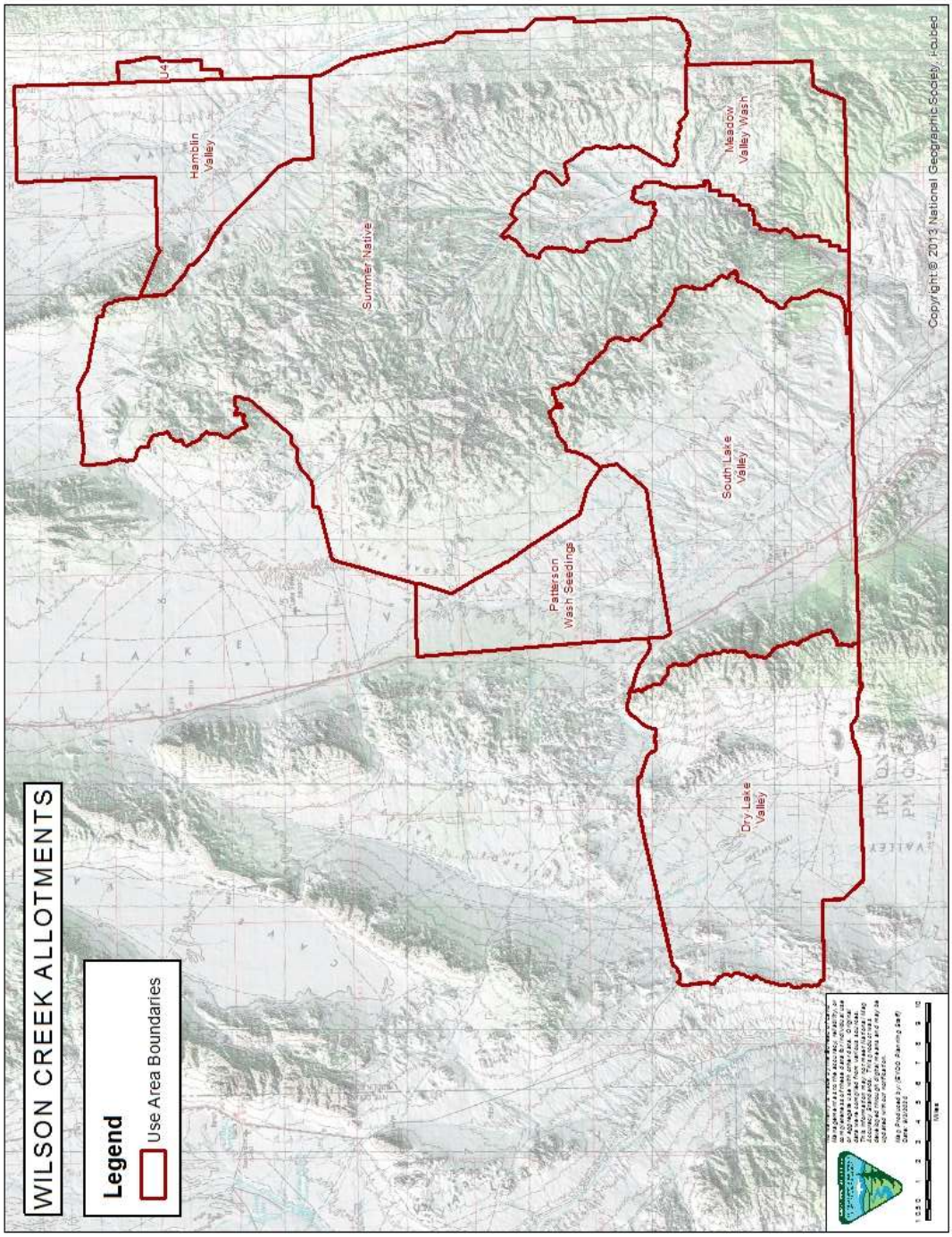
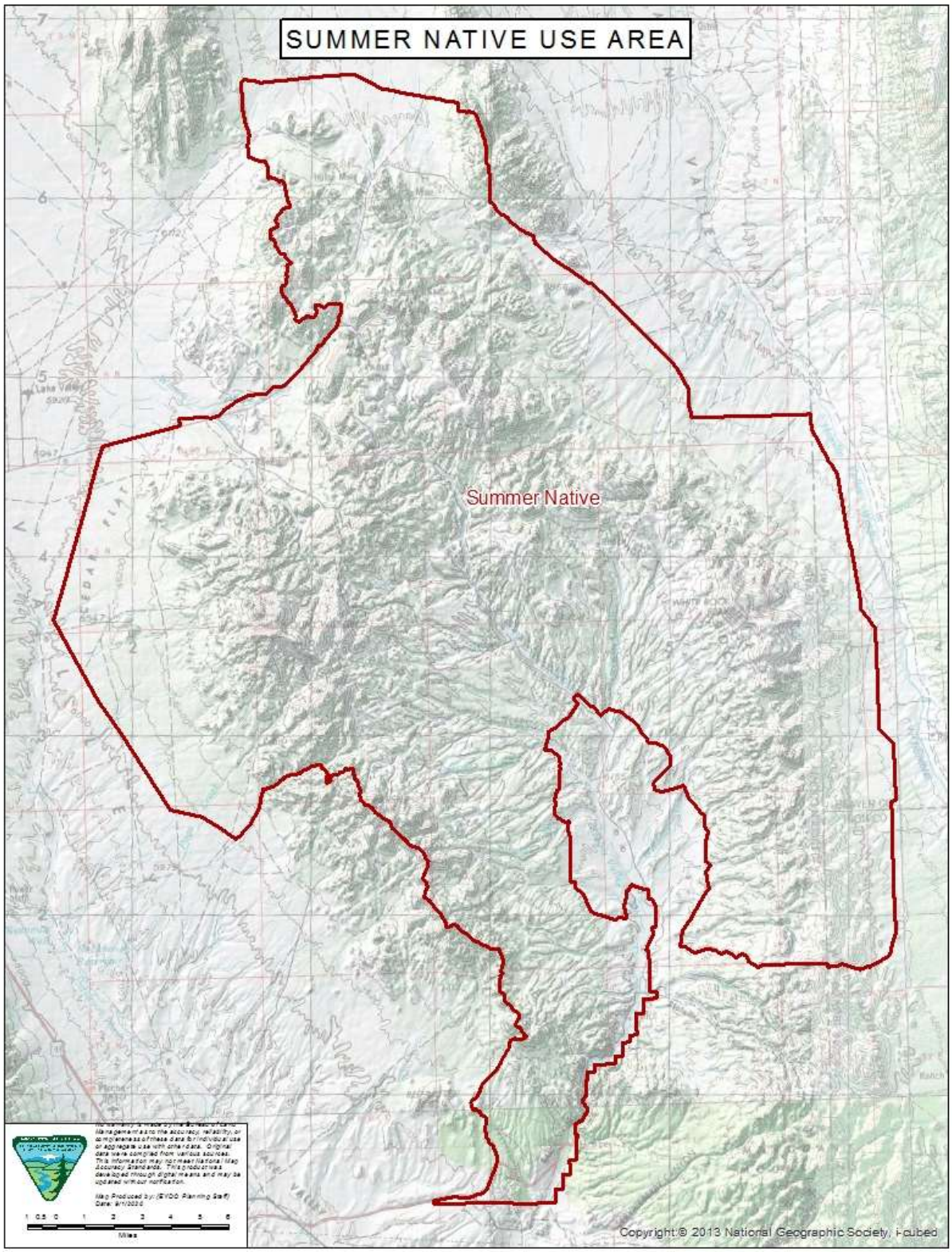
APPENDIX 1
Use Area Map




SUMMER NATIVE USE AREA
Summer Native
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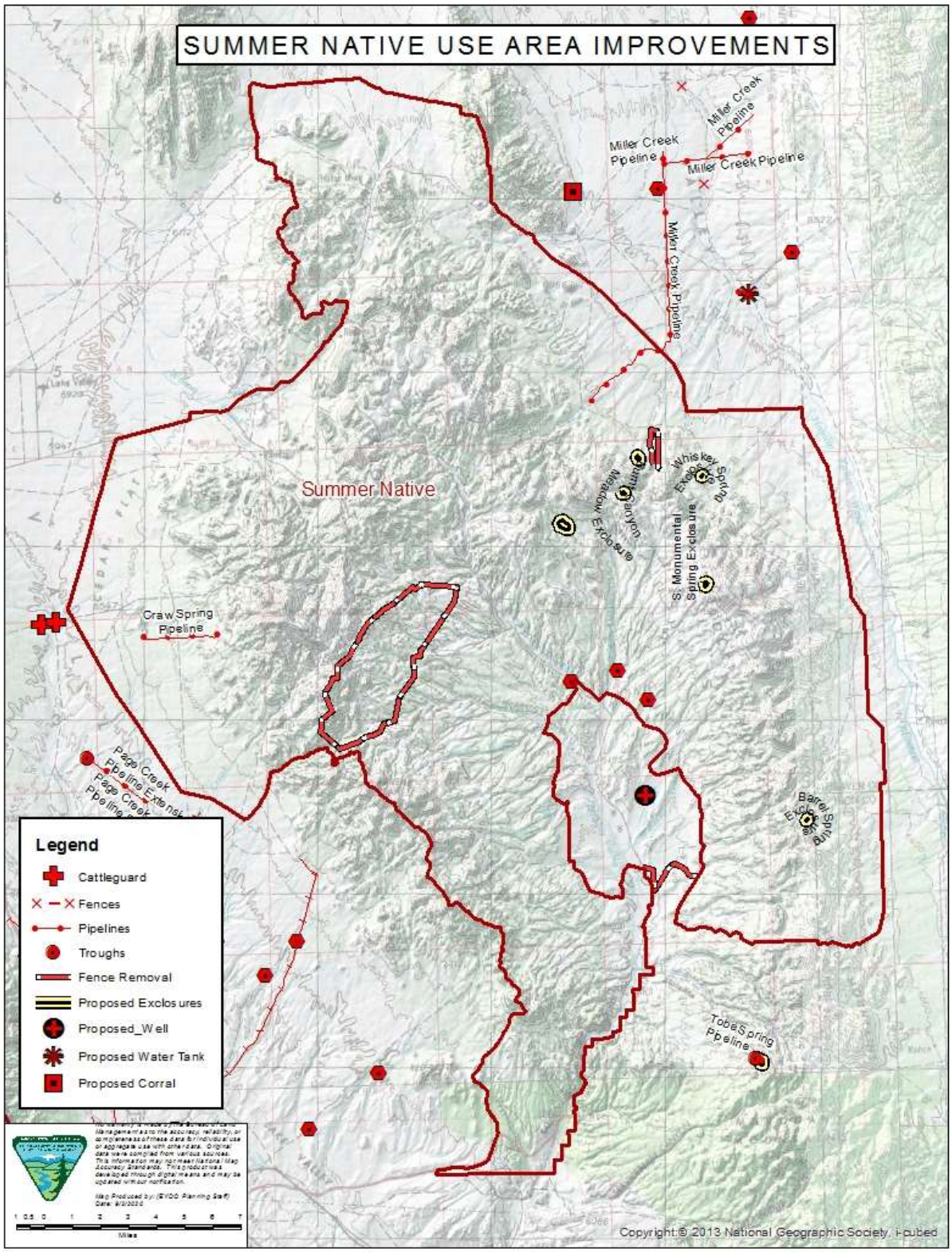
Appendix 2
Range Improvements

Alternative A Range Improvements

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Fence Removal	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Riparian Exclosure Fence[1]	X	X	X	X			X		
Permanent Water Haul Sites	X	X	X	X			X		
Pipeline and trough	X	X	X	X			X		

Alternative B Improvements - Cattle Operators

	Dry Valley LLC	Kena and Pat Gloeckner	Lytle Living Trust	Charles and Fawn Hulet	Bulloch Brothers	Carlisle Hulet	Pearson Brothers	SNWA	B Bar D, LLC.
Summer Native Use Area									
Fence Removal	X	X	X	X			X		
Pipeline	X	X	X	X			X		


SUMMER NATIVE USE AREA IMPROVEMENTS
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Miller Creek Pipeline
Summer Native
Whiskey Spring Exclosure
Meadow Canyon Exclosure
S. Monumental Spring Exclosure
Craw Spring Pipeline
Page Creek Pipeline Extensi
Page Creek Pipeline
Barrel Spring Exclosure
Tobe Spring Pipeline
Legend
Cattleguard
Fences
Pipelines
Troughs
Fence Removal
Proposed Exclosures
Proposed_Well
Proposed Water Tank
Proposed Corral
Miles
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United States Department of the Interior

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9/4/2020

Kimberly Reinhart
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FINAL DECISION

Grazing Permit Renewal for
Southern Nevada Water Authority (# 2703273)
on the South Lake Valley Use Area and Deadman Use Area of the
Wilson Creek Allotment (NV01201)

Introduction

This Final Decision renews the grazing permit for Southern Nevada Water Authority (SNWA or Permittee) and authorizes grazing use for the South Lake Valley Use Area and the Deadman/White River Use Area of the Wilson Creek Allotment. A separate Final Decision will be issued for grazing use within the Dry Lake Valley Use Area of the Wilson Creek Allotment. Other Final Decisions will be issued concurrently renewing the grazing permits for the other grazing permittees of the Wilson Creek Allotment. Grazing use in the Deadman/White River Use Area for SNWA will be evaluated again during the forthcoming Blue Diamond Oil Corporation grazing term permit renewal.

This Final Decision modifies the existing terms and conditions of the grazing permit by changing the authorized active animal unit months (AUMs) for the South Lake Valley Use Area.. There will also be changes to use areas and the period(s) of use for some of the use areas. The renewed grazing permit will include new terms and conditions that will allow and promote flexibility as part of the overall livestock operation in order to maintain an economically viable grazing operation while still achieving goals and objectives pertaining to rangeland health within the constraints of the permit's terms and conditions.

This decision is in compliance with the Nevada and Northern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA), by improving habitat for sage-grouse with range improvement projects resulting in greater distribution of livestock and meeting habitat objectives in Table 2-2 (2015 ARMPA) where appropriate.

This decision will be effective at the end of the appeal period or if an appeal is filed and a stay is granted, upon a final determination on appeal. Upon the decision becoming effective, the Bureau of Land Management (BLM) will issue the Permittee a grazing permit for a ten-year period.

Refer to Appendix 1 for map reference associated with the use area(s) for the grazing permit renewal.

Background Information

On December 5, 2017 the BLM signed the Standards Determination Document (SDD) for the Wilson Creek Grazing Allotment (01201), and it was sent to the permittees along with a request to review and provide comments on a draft Wilson Creek Allotment Grazing Practices document. On April 17, 2018, the BLM gave the permittees and cooperating agencies an administrative draft of Chapters 1 and 2 of the preliminary Environmental Assessment (EA) for a 15-day review. That administrative draft included alternatives submitted by the nine permittees on the Wilson Creek Allotment. Once the BLM reviewed those comments, it prepared a Preliminary EA and provided it to the public for a 30-day comment period concluding on August 3, 2018. The BLM reviewed and considered all the public comments.

On October 4, 2018, the BLM issued the Final EA and signed a Finding of No Significant Impact (FONSI). On October 5, 2018 the Final EA and FONSI were mailed to all permittees and all interested publics. The BLM also sent the Proposed Decision to authorize a Grazing Permit Renewal for SNWA (#2703273) on the Wilson Creek Allotment (NV01201) to the Permittee, the other grazing permittees on the Wilson Creek Allotment, and all interested publics on October 12, 2018.

The BLM received protests from: Wildlands Defense dated October 28, 2018; Western Watersheds Project on November 5, 2018; SNWA dated October 24, 2018; and B Bar D, LLC on December 10, 2018. The BLM reviewed all the protest points. Following this review and consideration of protest points, the BLM made changes and corrections to the Final Decision based on substantive comments. A comprehensive comment and response matrix; attached to this Final Decision at Appendix 3, includes the following protest and comment categories; substantive, not substantive, opinion, or out of scope.

Rangeland Health Evaluation

The SDD initiated the grazing permit renewal process for the Wilson Creek Allotment. Rangeland monitoring data associated with rangeland health conditions and a description of grazing use is presented in the SDD. In addition to the rangeland health evaluation included in the SDD is a review and evaluation of current grazing use and grazing practices. The evaluation includes recommendations to continue with existing terms and conditions and grazing practices, as well as recommendations to adjust grazing practices or further evaluate stocking levels based on carrying capacity for all users in a particular use area or by seasonal grazing use. Management recommendations presented in the SDD are included as alternatives in the EA.

The BLM completed a rangeland health evaluation based on a review and analysis of rangeland monitoring data. This analysis is summarized in the SDD. The SDD includes a determination of achievement of Standards for Rangeland Health. The Standards and Guidelines for Grazing Administration were developed by the Mojave-Southern Great Basin Resource Advisory Council (MOSORAC) and approved by the Secretary of the Interior on February 12, 1997. The Mojave-Southern Great Basin Area Standards and Guidelines include a standards and guidelines implementation process. The implementation process states that grazing permits shall contain terms and conditions that ensure conformance with the approved standards and guidelines.

The rangeland health evaluation concluded that the South Lake Valley Use Area is not meeting standards and not making progress to meet standards. Causal factors that are not allowing standards to be met are encroachment of pinyon and juniper trees into the area, which are causing Black Sagebrush and Wyoming Big Sage communities to decrease and the use area to lose its understory cover of forbs and grasses. The encroachment will also decrease the amount of water in the riparian areas, which is also a causal factor of the Use Area not meeting standards. The encroachment will also cause a decline in the (quality or quantity) of Greater sage grouse habitat because it will cause a decrease in the amount of forage and cover available. However, soils in South Lake Valley are meeting standards due to the amount of perennial cover at the key areas. The foliar and ground cover is sufficient to the potential of the site.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §4130.3, §4130.3-1, and §4130.3-2, mandatory terms and conditions of the grazing permit include the kind and number of livestock, the period of use, the allotment to be used, the amount of use in AUMs, and terms and conditions that ensure conformance with the fundamentals of rangeland health and standards and guidelines for grazing administration. This decision does not change the grazing terms and conditions for SNWA authorizations for the Muleshoe, Atlanta, Shoshone Unit Trail, Spring Trail and Fall Trail.

Actions Selected from Alternative A

The Pioche Bench Use Area was recently fenced on both sides of the highway, which separated it into two pastures. Through this Final Decision, the Pioche Bench Use Area is being combined into the South Lake Valley Use Area as pastures 1 and 2 to make four pastures, and the four pastures are now named (from west to east) Pastures 1, 2, 3, and 4 (See Appendix 1). SNWA has authorized use in pastures 1 and 2.

Other terms and conditions include those that will assist in achieving management objectives, provide for proper range management, or assist with the orderly administration of the public rangelands. The BLM has selected Alternative D for the Deadman/White River use Area and Alternative A from the EA for Range Improvements in the South Lake Valley Use Area, and hereby authorizes grazing subject to the following terms and conditions.

From:

Summary of Grazing Authorization # 2703273

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Deadman/ White River	897	Sheep	12/1	2/15	Active	445
Pioche Bench (West) AKA South Lake Valley	1,945	Sheep	4/15	5/31	Active	601
Pioche Bench (East) AKA South Lake Valley	1,712	Sheep	4/15	5/31	Active	529
Permitted Use Summary (Wilson Creek)[2]					**Total[4]**	**1,575**
Active AUMs 10,642[3] (9,738)	Suspended AUMs[5] 2,258	Temp Suspended 0	Permitted Use 12,900[3] (11,996)			

[2] Permitted Use Summary comes directly from the grazing permit and includes all AUMs for the Wilson Creek Allotment.
[3] Active AUMs and Permitted Use should be 9,738 and 11,996 (numbers in parenthesis above) due to an error that listed the 904 AUMs placed in nonuse AUMs as active AUMs on the permit for the Atlanta Use Area.
[4] May be different from the sum of above due to rounding after calculating Number and Period of Use. Total indicates active AUMs shown on permit.
[5] The Nov 5, 1992 Notice of Final Multiple Use Decision (FMUD) for the Wilson Creek Allotment at p. 19 of 52 includes 2,258 AUMs Suspended Use. The pastures listed in the FMUD in reference to the 2,258 suspended AUMs include: Muleshoe, Dry Lake Valley, Deadman/White River, Atlanta, Spring Trail, Fall Trail, and South Lake Valley. The Suspended Use AUMs are not clearly specified in the 1992 FMUD for each individual Use Area.

To:

Summary of Grazing Authorization # 2703273

Use Area	Number	Kind	Period of Use Begin	Period of Use End	Type Use	Active Use (AUMs)
Deadman/ White River	897	Sheep	12/01	2/15	Adaptive	445
South Lake Valley	944	Sheep	11/01	5/01	Adaptive	1,130
Permitted Use Summary (Wilson Creek)					**Total**	**1,575[1]**
Active AUM 1,575	Suspended AUMs[2] 2,258	Temp Suspended 0	Permitted Use 3,833			

[1] The Active AUMs in this Final Decision (1,575) only include the Active AUMs for the Deadman/White River Use Area and the South Lake Valley Use Area. The 2,258 AUMs Suspended Use does not change. The 3,833 Permitted Use AUMs includes the 1,575 Active AUMs and the 2,258 AUMs Suspended Use.
[2] The Nov 5, 1992 Notice of Final Multiple Use Decision (FMUD) for the Wilson Creek Allotment at p. 19 of 52 includes 2,258 AUMs Suspended Use. The pastures listed in the FMUD in reference to the 2,258 suspended AUMs include: Muleshoe, Dry Lake Valley, Deadman/White River, Atlanta, Spring Trail, Fall Trail, and South Lake Valley. The Suspended Use AUMs are not clearly specified in the 1992 FMUD for each individual Use Area.

Other Terms and Conditions

1. The Permittee is authorized to graze sheep in pastures 1 & 2 of South Lake Valley Use Area and grazing must be rotated between the two pastures in a rest rotation system resting one side each year.
2. If the sheep and cattle permittees reach agreement and consensus regarding grazing use in any of the areas of the South Lake Valley Use Area, the BLM may authorize grazing in accordance with that agreement. Such an agreement could include adjustments in pasture rotation, as long as the above terms and conditions of the permit are followed with deferred areas identified in addition to achieving outcome based grazing objectives.
3. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval.
4. The BLM may provide flexibility by authorizing a deviation in numbers of livestock, periods of use and timing of use, including scheduled beginning and end dates for use of the pasture, pasture rotations, and pasture seasons of use. Flexibility could also include temporary authorization of suspended AUMs. Flexibility would be contingent upon establishment of a grazing activity plan and monitoring plan, as well as BLM approval. Active AUMs for a specific use area can be exceeded upon establishment of a BLM-approved grazing plan for that use area, but will not exceed Permittee's active AUMs for the entire allotment.
5. The Permittee must place any mineral or salt supplements a minimum distance of ½ mile from riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements must also be at least one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited.
6. The Permittee may use temporary water hauling to distribute use, but must limit water hauling to existing roads when possible. Water haul sites must be located at least ½ mile away from winterfat dominated sites, riparian areas, and cultural sites. Placement should be based on site-specific assessment and characteristics such as riparian, topography, cultural, special status species, etc. The Permittee must coordinate with the Bureau of Land Management Rangeland Management Specialist on water haul locations on an annual basis. Any water hauling done by the Permittee associated with this term grazing permit must be in accordance with Nevada State Water Law.
7. The Permittee must move livestock 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 BLM authorized officer.
8. The Permittee is responsible for maintenance of all range improvements assigned through approved Cooperative Range Improvement Agreements including permanent water haul locations authorized in the Appendix attached.

9. When necessary, the Permittee must 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.
10. The Permittee must submit an actual use grazing report showing use by pasture and kind of livestock within 15 days from the last day of scheduled grazing use.
11. The Permittee must regularly coordinate with the BLM throughout the year to establish a grazing schedule and plan to include grazing objectives. If annual coordination does not occur, the BLM will authorize grazing use in accordance with the allotment/use area specific terms and conditions of the term grazing permit. Regular coordination should include assessing the current range and forage conditions, measuring grazing utilization, determining where and when to move livestock based on the grazing operation, and coordination with other permittees.
12. Once there is a letter of agreement between the BLM and the Permittee, existing graded and two-track roads may be maintained by Permittee within the Wilson Creek Allotment to facilitate animal management, water hauling, and access to range improvements. Maintenance performed by the Permittee must follow BLM road maintenance guidelines and be coordinated with the BLM and the related right-of-way holder, if applicable. The Permittee may clear vegetation/slides/slumping to allow for passage and to facilitate functional drainage. If fill is necessary for proper repairs, the Permittee must consult the BLM before work begins.
13. The BLM considered utilization and allowable use levels and set them based on factors such as amount of forage, standing crop remaining at the end of the grazing cycle across the use area as whole percentages of grazed and ungrazed plants, carryover vegetation, plant stubble heights and multiple use objectives. The movement of livestock across and within use areas are influenced by changes in growing conditions, especially because growing conditions within the Wilson Creek Allotment can be so highly variable. Allowable Use Levels for all users in the South Lake Valley Use Area is 60% at the end of the grazing year (5/01).

Vegetation Treatments

Vegetation treatments may be effective to address pinyon and juniper encroachment; however, this Final Decision does not authorize any vegetation treatments. The BLM may issue separate decisions to authorize vegetation treatments at another time.

Rationale for the Final Decision

The BLM selected the actions identified in this Final Decision because they will be effective in maintaining rangeland health and watershed condition on public lands in the Wilson Creek Allotment. Through sound livestock management practices and the terms and conditions of the grazing permit, Standards for Rangeland Health will continue to be achieved or make significant progress towards achievement. The BLM chose Alternative A for the South Lake Valley Use Area on the Wilson Creek Allotment which changes the period of use and terms and conditions.

Grazing authorization is not dependent on range improvements, veg treatment projects, or removal of wild horses.

The proposed adaptive management practices will allow and promote flexibility for the grazing permittees as part of their overall livestock operation. Adaptive management will allow flexibility in livestock numbers and period of use while not exceeding active use AUMs. Deviations could result in stocking levels above the authorized active AUMs that will be based on several factors. The period of use change allows use areas and rotation systems to be operated in conjunction with other use areas and rotation systems in the livestock operation. The change in periods of use will allow for improvement and flexibility when livestock are being moved in and out of use areas.

The adaptive use and flexibility will promote plant community resiliency and appropriate vegetation attributes of composition, production, vigor, diversity, cover, structure, residual cured grasses, and litter amount. Rest provides opportunity for the more palatable and nutritious plants to maintain or improve their vigor and increase in abundance (Schmutz 1973).

Rotation system grazing will allow for plant communities to be rested and promote re-growth while operators move livestock from use areas for the period of use. Promoting re-growth and reproduction of herbaceous species will allow for plants during dormancy to have the adequate amount of reserves for the next years growing season. This will also allow for an increase in plant recruitment and regeneration, which is necessary to maintain and promote grass cover.

Grazing management matches dietary preferences of sheep and cattle to the appropriate use areas that contain the preferred and available forage preference for sheep and cattle diets. Multi-species grazing can increase grazing land productivity. Including sheep and cattle in the grazing system would have beneficial results in terms of vegetation composition and animal health from dietary perspective. (Final Environmental Assessment Pg. 100-104).

In order to address the improvement of areas identified in the SDD as not meeting standards in the South Lake Valley Use Area, the BLM is making changes to permitted use and authorizing range improvements. Specifically, the BLM is changing the season of use for the South Lake Valley Use Area. The BLM is also changing the number of livestock in the Use Area. Finally, the BLM is authorizing actions to increase distribution of livestock through additional water hauls.

These changes – increased season of use and adjustments to livestock numbers – support increased flexibility for grazing and rotation of areas. Flexibility allows the permittees to tailor operations to annual and seasonal fluctuations in range conditions. This will also help create stable areas around springs while allowing wildlife access. Increasing livestock distribution will help provide rest for Winterfat patches during the season of use. The range improvements selected will help to stabilize areas that are not making progress towards standards, and help areas that are making progress to continue in that direction.

Although multiple factors contribute to the failure to meet rangeland health standards, it is important to note present livestock grazing is not a primary causal factor. Livestock grazing changes made in this decision seek to make progress toward meeting rangeland health standards, but the BLM acknowledges there are other contributing factors including pinyon and juniper encroachment and wild horse use. Therefore, while not authorized in this decision, the BLM anticipates pursuing vegetation treatments to address pinyon and juniper encroachment – a contributing factor to failure to meet rangeland health standards for several use areas. Terms and Conditions in this Decision are not dependent upon the anticipation of vegetation treatments. Additionally, the BLM anticipates pursuing opportunities to address the substantial impacts that the present overpopulation of wild horses has on rangeland health – also a contributing factor to failure to meet rangeland health conditions in several use areas.

Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include, "Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals. Monitoring will determine when grazing will be authorized in burned areas, and will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of will contribute to the selection of prescribed burn treatments or other types of treatments based on attainment of resource objectives." (pg. 88)

Land Use Plan (LUP) Conformance

This Final Decision is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, which includes the goal of managing livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health. In addition, it includes the objective of allowing livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health. (pp. 85-86)

This LUP specifically provided for the following Management Actions (pp. 86-87):

- 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 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."

This Final Decision is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015 ARMPA). Livestock Grazing Objective LG 1 in the 2015 ARMPA states, "Manage Permitted livestock grazing to maintain and/or enhance Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) to meet or make progress toward meeting all GRSG life-cycle requirements and habitat objectives (Table 2-2), based on site potential."

AUTHORITY

This Final Decision is issued in accordance with 43 CFR 4160.1. The decision complies with the BLM's statutory obligations, the multiple use mandate specified in the Federal Land Policy and Management Act of 1976 (FLPMA), and conforms to the fundamentals of Rangeland Health (43 CFR 4180). The authority for this decision includes the BLM's regulations at 43 CFR 4100.0-8, 4110.3, 4110.3-2 (b), 4130.2 (a), 4130.3, 4130.3-1 (a), 4130.3-1 (c), 4130.3-2, 4130.3-3, and 4180.1.

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 as provided in 43 CFR 4160.3(a).

The appeal and any petition for stay must be filed at the office of the authorized officer, Jared Bybee Associate District Manager, Ely District, 1400 South Front Street, P.O. Box 237, Caliente, NV, 89008. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Jared Bybee
Associate District Manager
Ely, District

Enclosures: Finding of No Significant Impact

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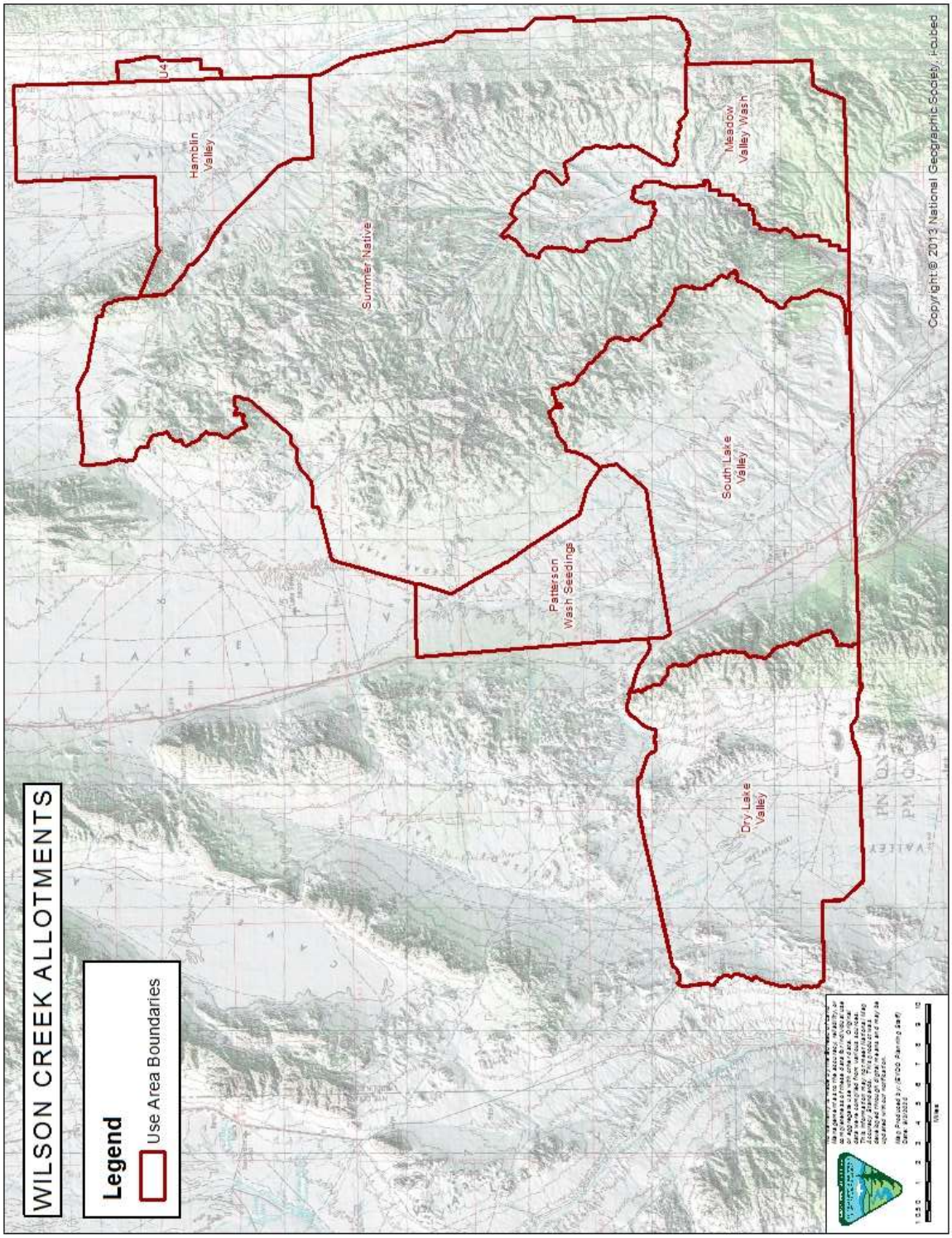
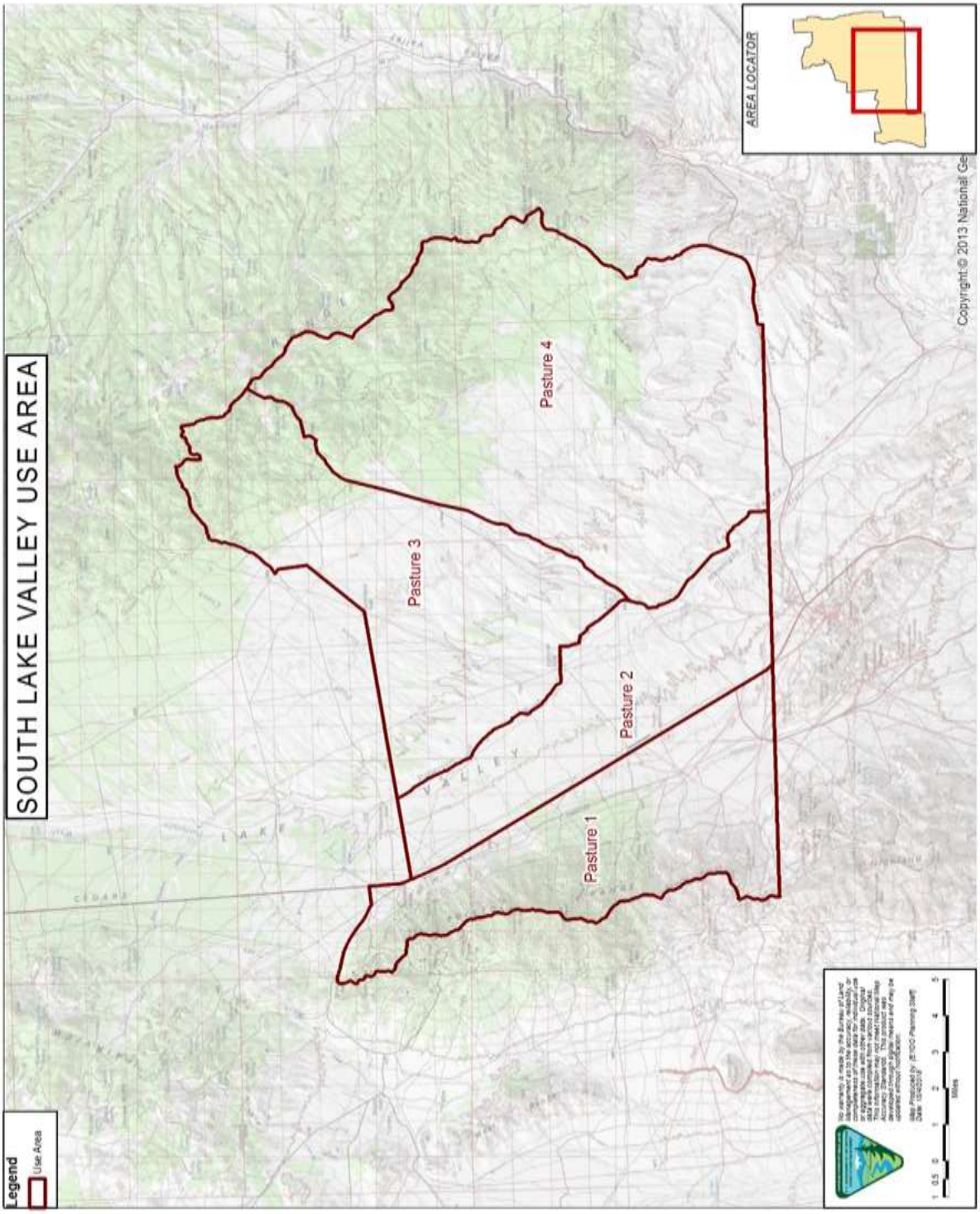
APPENDIX 1
South Lake Valley Use Area




SOUTH LAKE VALLEY USE AREA
Legend
Use Area
Pasture 1
Pasture 2
Pasture 3
Pasture 4
AREA LOCATOR
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