



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>



In Reply Refer To:
1793/4130 (NV-012)

Dear Interested Public:

On April 14, 2003, three Final Multiple Use Decisions (FMUDs) previously issued by the Bureau of Land Management (BLM) Elko Field Office for the Sheep Allotment Complex (which includes 9 allotments), Big Springs Allotment (which was split into 2 allotments), and Owyhee Allotment were challenged in the United States District Court for the District of Nevada with respect to the requirements of the Federal Lands Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §1701 et seq., and its implementing regulations including the Fundamentals of Rangeland Health (FRH), 43 CFR §4180, and the National Environmental Policy Act (NEPA). The three FMUDs are available upon request to the Elko Field Office, or may be viewed on our website at <http://www.nv.blm/elko.gov>.

On August 14, 2004, Honorable Judge Howard D. McKibben upheld BLM's decisions in all respects, except for one. He directed the BLM to complete an environmental impact statement (EIS) on livestock grazing management with respect to certain sensitive avian species associated with the subject grazing allotments. This ruling left the challenged FMUDs in place. Per Judge McKibben's Minute Order, the EIS is intended to determine impacts of livestock grazing (including both sheep and cattle) with respect to the following sensitive birds:

- Sheep Allotment Complex: Western burrowing owls, raptors and sage-grouse;
- Owyhee Allotment: Western burrowing owls, raptors and sage-grouse; and
- Big Springs Allotment: sage-grouse.

As ordered, "To the extent applicable to these sensitive species the BLM shall evaluate the impacts of grazing, considering springs, seeps and riparian areas, uplands habitat and land use plans."

As defined by regulations for the implementation of the NEPA found at 40 CFR §1508.25, "scope consists of the range of actions, alternatives, and impacts to be considered" in the EIS. BLM determined the scope of the EIS to include the significant issues to be analyzed, consistent with the Judge's order.

A Notice of Intent (NOI) to prepare the EIS was published in the Federal Register on December 17, 2004. This NOI initiated the formal public scoping period and invited the public to provide scoping input for the EIS during a 30-day scoping period. The public scoping period ended on January 18, 2005.

On January 12, 2005 a public meeting was held in an open house format at the BLM field office in Elko, Nevada. Representatives from the BLM and Nevada Department of Wildlife (NDOW) were present to give an overview of the project and give information in addition to the displays and presentation. NDOW is a cooperating agency for development of the EIS.

Following consideration of public input from the public scoping period, a Draft EIS was prepared and distributed for public review and comment in December 2005. By the end of the public comment period, the Elko Field Office received 450 comments in 40 comment letters from 29 individuals, permittees, local government, and a variety of local organizations. The BLM considered the public comments on the Draft EIS, revised the EIS as warranted, and prepared the Final EIS. The Final EIS is being transmitted with this decision.

As stated in the EIS, the BLM prefers Alternative 2. The following provides a summary of the impacts for each of the four alternatives analyzed in the EIS, by allotment or group of allotments. This summary is drawn from a review of the EIS and is intended to help the reader understand the similarities and differences between alternatives.

SHEEP ALLOTMENT COMPLEX ALTERNATIVES

The No Action alternative 1 is not proposed for implementation because it would not allow BLM to meet the rangeland health standards. Potential long-term impacts to the plant communities and habitat for the subject sensitive species would occur under this alternative. Impacts would be most pronounced for long-eared owl, short-eared owl, and sage grouse due to continued impacts to the riparian vegetation. Sage grouse would also be affected by impacts to the nesting habitat.

BLM prefers Alternative 2 because it would improve the overall plant health (shrubs and grasses), improving habitat for the raptor prey species and for sage grouse through changes in grazing management and wild horse numbers. The range improvements would improve riparian habitat, with concomitant benefits to long-eared owl, short-eared owl, and sage grouse. Other raptor species would also benefit by the improved riparian habitat as these areas would attract additional prey species. The range improvements under this alternative could have some impact on sage grouse at riparian areas. Some mortality due to fence collisions is possible; however, BLM fence construction standard operating procedures (SOPs) would reduce potential impacts and any impacts that do occur are likely to be offset by the improved foraging conditions for sage grouse broods at the protected riparian areas.

Alternative 3 would also result in improvement of the upland vegetation. The riparian areas would benefit some due to adjustments in wild horse numbers, but not to the extent of the improvement anticipated for Alternative 2. Similarly impacts from non-native, invasive species at riparian areas would continue at reduced levels. The impacts to riparian areas would impact all the raptors, but especially the long-eared and short-eared owls. Sage grouse summer brood habitat would remain degraded under this alternative. It would require more time for the

rangeland health standards for the riparian/spring areas to be met under this alternative as compared to Alternative 2.

Alternative 4 would result in improvement in the upland vegetation at least to the extent of the improvement anticipated under Alternative 2 or even greater due to the elimination of the growing season livestock grazing. Benefits to the raptor prey species are likely to be realized. Short-eared owl, long-eared owl, and sage grouse would benefit from improved riparian areas, as would the other raptors, but not to the same extent. The range improvements under this alternative could have some impact on sage grouse at riparian areas. Some mortality due to fence collisions is possible; however, BLM fence construction SOPs would reduce potential impacts and any impacts that do occur are likely to be offset by the improved foraging conditions for sage grouse broods at the protected riparian areas.

BIG SPRINGS ALLOTMENT ALTERNATIVES

Continuing to permit grazing at historic levels under Alternative 1 would not allow BLM to meet the rangeland health standards. Potential long-term impacts to the plant communities and habitat for the subject sensitive species would occur if no action is taken. Impacts to riparian vegetation and sage grouse habitat would occur under this alternative as riparian areas would continue to receive heavy use and water developments would continue to divert most or all of the water from several springs. Under this alternative, the potential would remain high for non-native, invasive species establishment.

BLM prefers Alternative 2 – Implement the Multiple Use Decision as Modified, because it would result in long-term improvement of shrub and grass species. Some short-term impacts may occur, but the rest built into the system between periods of use would allow the shrubs to recover and maintain vigor. Similarly, grasses would demonstrate some short-term impacts, but would receive rest to allow sufficient photosynthesis to maintain plant vigor. Some impacts would continue at the areas of concentrated use (i.e., water developments) as these areas receive heavier use than the rest of the pastures in addition to the mechanical hoof disturbance. These areas would be smaller in size, but more numerous as the new water sources would increase distribution of livestock grazing (decreasing the size of the area of impact in comparison to Alternative 1), but there would be more sites. The improvement in upland vegetation and riparian areas would decrease the long-term potential for non-native, invasive species establishment. The construction of the fences would create short-term potential for these species to establish within the allotment through surface disturbance that creates suitable seedbeds for non-native, invasive species. The net result, however, would be lower overall potential for non-native, invasive species.

The grazing system and spring enclosures/riparian fencing would improve riparian habitat as these areas would receive rest or protection during hot season grazing. This alternative would improve nesting habitat quality, reduce disturbance at leks, and improve summer brood habitat for sage grouse.

Alternative 3 would achieve the riparian goals without the riparian exclosures/fences and seedings, by creating riparian pastures in which the grazing is designed to benefit the riparian vegetation. The grazing system would result in improved upland grass and shrub vigor by providing sufficient rest between grazing periods in all pastures. The impact to grasses from the sagebrush density combined with the grazing near the water sources cannot be alleviated by only a change in the grazing system. The potential for non-native, invasive species to establish is less under Alternative 3 than Alternative 2. Fewer acres of surface disturbance would occur due to the elimination of some of the fences. The riparian vegetation would also recover under this alternative, except where wild horses are the causal factor. The grazing system would provide deferred use or rest-rotation in all the pastures with riparian habitats. However, livestock would still have access to the riparian areas and the amount of improvement under this alternative is anticipated to be less than Alternative 2.

Alternative 3 would result in the improvement of some nesting habitat, but without the rehabilitation of the sagebrush in Holborn Pasture, the potential for nesting habitat in this area of degraded sagebrush would not be realized. Lek disturbance would be reduced.

Alternative 4 would result in improvement of the grass and shrub vigor. The rest or deferment of riparian vegetation as well as the upland vegetation, combined with reduced AUMs would provide for lower intensity of use and periods of rest for plants to recover from the effects of herbivory.

The riparian improvement would be primarily a result of the grazing system. This is anticipated to provide more improvement in riparian vegetation than Alternative 3, but not as much as Alternative 2.

Impacts from non-native, invasive species would be similar to Alternative 3. Sage grouse would benefit from this alternative due to improved nesting habitat and some improvement in summer brood habitat. Alternative 4 would result in the least amount of disturbance during sage grouse breeding, nesting, and brooding activities, compared to the other alternatives.

OWYHEE ALLOTMENT ALTERNATIVES

The upland areas were improving under the existing grazing system (i.e., Alternative 1), but the riparian rangeland health objectives were not being met. Therefore, BLM does not consider Alternative 1 to be a viable alternative. Impacts to sage grouse breeding and nesting activities are likely to occur due to the alternating early season use in Star Ridge and Dry Creek pastures where 11 of the 12 documented leks within the allotment are located. The impacts to the riparian vegetation under this alternative reduce the quality of habitat for the long-eared owl, short-eared owl, and sage grouse brood habitat. Habitat for many of the prey species on which the raptors depend would also be degraded under this alternative.

Non-native, invasive species would continue to occupy and spread within the riparian areas under this alternative.

The BLM prefers Alternative 2 – Implement the Multiple Use Decision as Modified, because it would address many of the riparian issues, improving brood habitat for sage grouse, and habitat for long-eared and short-eared owls. An increase in prey species and abundance in the riparian areas is also anticipated under this alternative. The use of Star Ridge and Dry Creek pastures would still rotate between rest and use during the breeding/nesting season for sage grouse. Disturbance at the leks could occur under this alternative. Removal of residual grass cover in nesting habitat could also occur.

The range improvements would have an overall benefit to sage grouse, although some mortality due to fence collisions could occur. The proposed wildlife habitat vegetation treatments would open the dense sagebrush canopy and provide for a diversity of forbs and grasses. This is likely to improve habitat for prey species, as well as provide forbs for sage grouse broods. The openings may also be used as leks by sage grouse and nesting areas by burrowing owls, and possibly by short-eared owls.

Construction of the range improvements has potential to increase the distribution of non-native, invasive species under this alternative. However, there would be project stipulations to help control the spread of non-native, invasive species.

Alternative 3 would eliminate the disturbance at leks in Dry Creek Pasture by changing the livestock use to summer and fall or summer use. Star Ridge Pasture would alternate between rest and spring use, continuing the potential to disturb leks and remove nesting residual cover.

Recovery of riparian habitat in Upper and Lower Fourmile pastures and the limited amount of riparian habitat in the Chimney Creek Pasture would improve sage grouse brood habitat and habitat for long-eared and short-eared owls. Bookkeeper Spring would continue to be impacted by wild horses under this alternative.

The vegetation treatments would not be conducted under this alternative and the improved habitat for sage grouse, burrowing owl, and short-eared owls would not be realized. Similarly, the potential increase in prey species and abundance associated with these treatments would not occur.

Alternative 4 would also result in improvement of the riparian habitat, with concomitant benefits to sage grouse, long-eared owl, and short-eared owl, as well as the prey species for other raptors. The summer use alternating with rest in Dry Creek would eliminate disturbance at leks and provide residual nest cover in this pasture. Impacts to sage grouse (disturbance at leks and removal of residual nesting cover) would continue in the Star Ridge pasture.

Based on our analysis of impacts to sensitive species as described in the Final EIS, my proposed decision is to modify the Final Multiple Use Decisions (FMUDs) for the Sheep Allotment Complex issued on October 25, 2001, the Big Springs Allotments issued on September 17, 2002, and Owyhee Allotment issued on April 19, 2002, and reissue the livestock grazing permits to incorporate the modifications to the terms and conditions for use, as well as Conservation and Mitigation measures as described for Alternative 2 in the Final EIS and summarized below. Resource protection measures, grazing permit terms

and conditions, and monitoring actions described in the FEIS under “Actions Common to All Alternatives” are also included.

PROPOSED DECISIONS
SHEEP COMPLEX, BIG SPRINGS AND OWYHEE GRAZING ALLOTMENTS

SHEEP ALLOTMENT COMPLEX

1. Establish the total number of AUMs of permitted use (active and suspended use) for livestock in the Sheep Allotment Complex as described below. This modifies pertinent portions of decision #2 found on pages 5 to 16 of the FMUD for the Sheep Allotment Complex.

Rather than implement the grazing systems using the calculated carrying capacity AUMs (26,652 livestock AUMs of active use) as provided for in the FMUD, the livestock grazing systems will be implemented using the average actual use AUMs (17,474 total AUMs) for the period 1987 through 1999 as displayed under the column titled “Revised Permitted Use” in Table 1 below. This represents a 34 percent reduction in active use described in the FMUD. The difference between active use based on average actual use AUMs and active use provided in the FMUD (i.e., 9,178 AUMs) will be held in temporary suspension until short-term objectives are met, proposed range improvements are constructed, and monitoring shows the ability of the vegetative resources to sustain additional grazing use (e.g. during drought), as these apply to each allotment.

The short-term objectives will also be used to determine the sustainability of existing use and non-attainment of these objectives will result in adjustment of authorized use downward with reduced AUMs going back into temporary suspension. The short-term objectives are the utilization objectives described in the FMUD. For the West White Horse Allotment, where the average actual use was higher than the Post-Evaluation Carrying Capacity (active permitted use) established in the Sheep Allotment Complex FMUD, the authorized grazing level will be the Post-Evaluation Carrying Capacity (active permitted use) from the FMUD.

The AUMs in temporary suspension will be restored when short-term objectives are achieved in all years of a grazing rotation cycle (i.e., one to four years, depending on the allotment). Please note that the Final EIS stated the grazing rotation cycles were three to four years; however, the cycles range from one to four years, depending on the allotment. The AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations.

If, following the increase in AUMs, the short-term objectives are again exceeded, or if short-term objectives are not achieved during the initial cycle and livestock are determined

to be the causal factor, use will be reduced equivalent to the change suggested by the carrying capacity calculations for the specific key area where objectives are not being met (i.e., the key area utilization values will not be averaged over the entire Use Area or pasture, but will be based on the key area where objective(s) are not being achieved). This calculation will be used to set the allowable AUMs for the entire pasture or Use Area.

Table 1 – FMUD Allocation of Carrying Capacity for Active Use by Livestock Compared to the Revised Allocation of Active and Suspended Use for Livestock.

Allotment	FMUD Carrying Capacity	Revised Permitted Use		Total Permitted Use (Active + Suspended)
	Livestock Active Permitted Use (AUMs)	Livestock Active Use – Average Use 1987 - 1999 (AUMs)	Suspended Use (AUMs)	
Leppy Hills	3,351	2,257	1,094	3,351
UT/NV North	3,704	2,115	1,589	3,704
UT/NV South	2,646	1,690	956	2,646
Lead Hills	5,609	3,314	2,295	5,609
White Horse	3,916	2,154	1,762	3,916
West White Horse	465	325 325 465 ¹	0	465
Sugarloaf	2,001	1,979	22	2,001
Ferber Flat	2,013	1,498	515	2,013
Boone Springs	2,947	2,002	945	2,947
Total	26,652	17,474	9,178	26,652

¹Two Use Areas will be used one out of three years; 465 AUMs are included in the total.

Rationale: The 2001 FMUD authorized sheep use in the complex up to a total of 26,672 AUMs. This level of authorized use was based on carrying capacity calculations. The calculated capacity was 9,172 AUMs over the average actual use during the evaluation period. Grazing at average actual use levels during the evaluation period resulted in small portions of the allotments being grazed excessively. Although the changes to terms and conditions for livestock use described in the FMUD are anticipated to correct concerns over excessive use, we believe the livestock permittees should demonstrate that they can prevent excessive use prior to authorizing increases above average actual use and that additional use is available. The authorized use for the allotments will be limited to the average actual use to give the permittees the opportunity to demonstrate that they can meet short-term objectives at the average actual use level, and that additional use is available, before we consider increases above that level. If the permittee is unable to demonstrate that they can meet the short-term objectives, further reductions may be

warranted. Limiting authorized use to the average actual use level also takes into account the unavailability of AUMs within ¼ mile of riparian areas until the riparian areas achieve proper functioning condition of are otherwise fenced as described under new terms and conditions below.

2. Drought closure decisions were issued in 1993. Allotments or portions of allotments that continue to be closed as of the date of this decision due to drought will be managed with the following criteria upon reopening and the first five years after reopening: If the utilization objectives are exceeded by one or more utilization class in a Use Area or pasture, that Use Area or pasture will be rested the following year. This is a new term and condition for grazing use not found in the FMUD.

Rationale: The criteria applicable to livestock use upon reopening of areas closed due to drought are necessary to ensure the drought affected plants remain healthy and the shrubs have the opportunity to grow to their full stature.

3. Modify the management systems and/or seasons of use for the following allotments within the Sheep Allotment Complex as described below. This modifies pertinent portions of decision #3 found on pages 16 - 18, and page 26 of the FMUD for the Sheep Allotment Complex.

Leppy Hills Allotment.

The modifications pertinent to the Leppy Hills Allotment include removing Morris Basin as one of the two use areas regularly scheduled in the spring use rest rotation and replacing it with Use Area B. Morris Basin will continue to be available for use in April as described below; however, it is not included for use in the regular schedule.

The allotment will be divided into three use areas (Use Areas A, B, and Morris Basin). Use Area A will be located from the Playa reservoirs south to the allotment boundary and west of BLM road #1050. Use Area B will be located north and east of the Goshute Mountains and Use Area A. Authorized use will be from November 1 to March 31 allotment wide.

Use Area A and Use Area B will be used on a rest rotation schedule for the spring use period from April 1 through April 30, as indicated in Table 2 below. Use in Morris Basin during April, when authorized, will be used as a substitute for use in Area A or Area B during this time. See Map 2-1 in the FEIS for the locations of use areas.

Table 2 - Leppy Hills Allotment Spring Use System (April 1 – April 30)

Year	Use Area
1	B
2	A
3	Repeat cycle

The Morris Basin Use Area will be located in the Goshute Mountains. Approximately 450 AUMs occur in this basin, and grazing will be authorized on an annual review basis for this Use Area. When authorized, use will be from November 1 to December 1 and from April 1 to April 30. Please note the FEIS described the authorized periods of use in the Morris Basin Use Area as November 1 to December 1 and March 1 to March 31; however it was intended that use, when authorized, be November 1 to December 1 and April 1 to April 30. Unless specifically authorized in writing, no grazing will be allowed in the Morris Basin Use Area.

Utah/Nevada North Allotment.

The modifications pertinent to the Utah/Nevada North Allotment include removing Morgan Basin as one of the three use areas regularly scheduled in the spring use rest rotation. Morris Basin will be continue to be available for use from November 1 to December 1 and from April 1 to April 30 as described below; however, it is not included for use in the regular schedule.

The allotment includes three use areas. Authorized use will be from November 1 to March 31 allotment wide. The Oana corral is located in both Use Area A and B, and the permittee will be allowed to utilize the corrals each year for loading and handling. For the period April 1 to April 30 each year, the grazing system will rotate between Use Area A and Use Area B as indicated in Table 3 below. Use in Morgan Basin during April, when authorized, will be used as a substitute for use in Area A or Area B during this time. Approximately 976 AUMs occur in the Morgan Basin Use Area, but grazing will be authorized on a pre-use review basis for this use area. Unless specifically authorized in writing no grazing will be allowed in the Morgan Basin use Area. See Map 2-1 in the FEIS for location of use areas.

Table 3 - UT/NV North Allotment Grazing System for the Period April 1 to April 30

Year	Use Area
1	B
2	A
3	Repeat cycle

Boone Springs Allotment.

The grazing system in the FMUD described two use areas, Areas A and B. Each use area could have been grazed from 11/1 to 3/31 with the amount of authorized use limited to the AUMs allocated to each use area. The modified grazing system below now limits the use in Use Area A from March 1 to March 31 and authorizes use in this western portion of the allotment to only one year in three.

Two use areas have been identified for this allotment. Use Area A will include the land north and west of Alternate Highway 93, with a capacity of 947 AUMs. Use Area B will include lands south and east of Alternate Highway 93, with a capacity of 2,000 AUMs.

Use Area B will be used during fall and winter, November 1 to February 28. Use in Use Area A will be used from March 1 to March 31. Use in Use Area A will be limited to one in three years and, during the year of authorized use, the sheep will be herded so as to avoid entering the area within ¼ mile of known sage grouse leks (strutting grounds) to limit any possible impacts to historic sage grouse leks in the western portion of the Boone Springs Allotment.

When Use Area A is grazed, permitted use will be 947 AUMs and when Use Area B is grazed, permitted use will be 2,000 AUMs. See Map 2-1 in the FEIS for location of use areas.

Table 4 - Boone Springs Allotment Grazing Rotation for the Period March 1 to March 31.

Year	Use Area
1	A
2	B
3	B
4	Repeat cycle

The remaining grazing systems in the Lead Hills, White Horse, West White Horse, Sugarloaf, Ferber Flat, and UT/NV South will remain as outlined in the October 25, 2001 FMUD.

Rationale:

Leppy Hills - Incorporating Use Area B in the Leppy Hills Allotment into the rest rotation system with Use Area A and, when authorized, Morris Basin, for the spring use period (April 1 to April 30) provides additional flexibility to adapt to weather conditions such as heavy snow in the mountains, and to provide opportunities to graze cheatgrass that has invaded portions of Use Area B. Grazing cheatgrass in the spring can suppress cheatgrass competition with native species and reduce fine fuels to slow the spread of future wildfires.

Utah/NV North - Morgan Basin may at times have too much snow during April therefore it is not considered an area amenable to the regular rotation; however, it will still be available as a

substitute for one of the other use areas providing additional rest for the other use areas during April.

Boone Springs - Use in Use Area A will be limited to March 1 through March 31 and authorized of only one in three years to limit impacts to historic sage grouse leks in the western portion of the Boone Springs Allotment.

4. Modify the following short-term objectives.

Short-Term Key Area Objectives:

The short-term objectives are utilization objectives for all the allotments. This modifies pertinent portions of decision #4 found on page 27 of the FMUD for the Sheep Allotment Complex. The changes clarify the timeframe to which the objectives are applicable.

- a. Maximum utilization of 60 percent of previous year's growth on key herbaceous species by the end of the grazing season;**
- b. Maximum utilization of 50 percent of previous year's growth on salt desert shrub or other key shrubs (such as black sagebrush), by the end of the grazing season; and,**
- c. Maximum utilization of 30 percent on current year's growth on salt desert shrub and other key shrubs (such as black sagebrush), and 50 percent on key herbaceous species in spring use areas, based on use of current year's growth at the end of spring use.**

5. Add the following new and/or modified specific terms and conditions to the grazing permits as described below.

- a. The livestock permittee is expected to move their livestock so as to not exceed established utilization objectives for previous year's growth on fall and winter use areas, and established utilization objectives for current year's growth in spring use areas. This term and condition modifies pertinent portions of the FMUD found under decision #3 to clarify that it is the permittee's responsibility to move the livestock.**
- b. If BLM determines that objectives are being approached and will be exceeded before the scheduled livestock removal date, the permittee will be notified and will have five calendar days to remove livestock to other areas not yet having approached objective use levels, or remove livestock from the allotment. This is a new term and condition for grazing use not found in the FMUD.**
- c. If objective use levels are exceeded, scheduled off dates will be adjusted the following year to March 31, and remain in effect until monitoring for one complete grazing rotation cycle indicates incremental extensions or further reductions in period of use are warranted. This modifies the pertinent portion of decision #4 and adds this term and condition to decision #5 found on pages 27-28 of the FMUD for the Sheep Allotment Complex. Under decision #4 in the FMUD, we stated that if utilization was exceeded in two consecutive years, the scheduled off date would be adjusted to 3/31. This decision states that the**

adjustment will be made if use levels are exceeded in any one year and remain in effect until monitoring indicates adjustments are appropriate. In addition, this term and condition is added as a new term and condition to decision #5 in the FMUD.

d. No livestock grazing will be permitted within ¼-mile of seep or springs or along riparian areas until riparian projects are constructed or until Proper Functioning Condition (PFC) of the riparian areas is attained. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added to ensure that livestock do not add to the impacts on riparian areas impacted by wild horses.

e. Sheep camps will only be located in areas approved by the authorized officer. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added in order to limit the impacts from sheep camps.

f. Sheep bedding areas will only be located in areas approved by the authorized officer. Sheep may not be bedded in the same location more than seven consecutive days before being moved. Once moved, the next bedding area may not be within ¼-mile of the last bedding area. This is a new term and condition for grazing use not found in the FMUD. This term and condition is added in order to limit the impacts from sheep bed grounds.

g. The permittee will submit a grazing application to the Elko Field Office prior to the start of each grazing year describing planned use within each Use Area. Planned use will be reviewed in relation to permitted use. This is a new term and condition for grazing use not found in the FMUD. This term and condition will facilitate communication between the BLM and permittees to better ensure compliance with terms and conditions.

h. Actual use reports will be specific to sheep camp/bedding areas within use areas. This is a new term and condition for grazing use not found in the FMUD. Specific information on when use has occurred in relation to sheep camp/bedding areas will help to better evaluate cause and effect relationships.

6. The following Conservation and Mitigation measures will be applicable as described below. These are new measures not previously included in the FMUD.

a. Seed those areas receiving heavy use each year, as necessary, with desired perennial grass species such as Great Basin wildrye, crested wheatgrass, or other perennial grass that can better withstand the effects of concentrated livestock use at the water troughs and bedding areas. This would reduce the potential for non-native, invasive species to dominate the site, especially if annual treatment of noxious weeds is conducted.

b. Re-assess existing water developments to allow some spring flow to maintain the spring brook and associated riparian vegetation.

c. Seasonal restrictions for grazing within a quarter-mile of the leks in Boone Springs Allotment (Use Area A) during the sage grouse breeding period will mitigate potential disturbance of sage grouse at the leks. This restriction is included in the terms and

conditions for authorized sheep use in the Boone Springs Allotment as described under decision #3 above.

d. Provide for occasional short-term grazing or other shrub treatment within spring enclosures to keep the riparian area at least partially as a meadow complex for sage grouse broods. The livestock permittee must receive specific BLM approval prior to grazing livestock within any spring/riparian enclosure.

7. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under “Actions Common to All Alternatives” will apply to all actions, as applicable.

All other decision points not affected by the above remain as outlined in the October 25, 2001 FMUD.

EAST AND WEST BIG SPRINGS ALLOTMENTS

West Big Springs

1. Establish the total number of AUMs of permitted use (active and suspended use) for livestock in the West Big Springs Allotment during operation of the interim grazing systems as described below. This modification is an addition to decision #2 applicable to livestock use found on pages 3-5 of the FMUD for the Big Springs Allotment.

The initial level of authorized use under the interim grazing system will be 3,651 AUMs of active use with the additional 1,137 AUMs of current permitted use to be held in temporary suspension until all essential range improvements have been completed and monitoring of the allotment with respect to short-term key area objectives demonstrates that additional use is warranted. The short-term key area objectives will also be used to determine the sustainability of existing use, and non-attainment of these objectives will result in adjustment of authorized use downward, with reduced AUMs going back into temporary suspension.

Upon completion of the essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring demonstrates continued achievement of short-term objectives under the interim stocking levels, suspended AUMs will be reinstated. Suspended AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

2. Replace the Interim Grazing System described in decision #3 of the FMUD (pages 8-11) with the following Interim Grazing System:

The revised interim grazing system for the West Big Springs Allotment is displayed in Table 5 below followed by the narrative description by pasture. This table and accompanying descriptions replace the individual tables and descriptions for each pasture contained within the West Big Springs interim grazing system portion of the FMUD. Grazing use shall not exceed the rated carrying capacity calculations for each pasture specified in the FMUD. See Map 2-2 in the FEIS for the location of pastures/use areas.

Table 5 – Interim grazing system periods of use for the West Big Springs Allotment

PASTURE/USE AREAS	YEARS 1 and 3	YEARS 2 and 4
Independence Valley Pasture ¹	9/01 - 6/30	9/01 - 6/30
Holborn Pasture	5/1 – 6/30	Rest
North Pequop Mountains North Use Area	7/1 – 9/30	7/1 – 9/30
South Use Area	Rest	5/1 – 6/30

¹Use in the Independence Valley pasture will be rotated through use areas as described in the original FMUD.

Independence Valley Pasture. Some use areas will be grazed in the spring/early summer and the remaining use areas will be grazed in late summer/fall/winter/early spring. Generally, the areas grazed in the spring/early summer in one year will be grazed in late summer/fall of the next year. The southeast part of Independence Valley associated with Boxcar Well and North Boxcar Well will normally be reserved for late fall/winter use annually. Use areas are associated with water sources in this pasture; there are no fences that separate the Use Areas within the pasture. Planned grazing will be controlled by turning on and off stock water, which is provided by wells with the exception of the springs at the Warm Springs Ranch. Installation of a water pipeline and trough on private land and water hauling will be performed by the permittee to facilitate the grazing system.

Holborn Pasture. Between early May and end of June, livestock will be moved from the Independence Valley Pasture into the Holborn Pasture north of Interstate 80. The rest rotation plan will allow growing season use one year followed by a complete year of rest. The amount of time livestock remain in the pasture is dependent on available water for adequate distribution. In dry years, livestock will be moved to the North Pequop Mountain pasture earlier than the planned turn out date.

North Pequop Mountain Pasture. In normal precipitation years the pasture will receive deferment from livestock grazing in the North Use Area. Movement into this Use Area in

July will coincide with seed ripe or seed dissemination for most of the forage plants, resulting in deferment (i.e., growing season rest) each year.

The South Use Area will be rested one year and receive growing season use the following year, alternating with the Holborn Pasture.

This deferred rotation plan/rest rotation plan will require the cattle to be moved to the North Use Area each year from the Holborn Pasture and to the South Use Area in alternate years from the Independence Valley Pasture. The permittee will be responsible for monitoring livestock drift to the east side of this pasture, where the adjoining permittee grazes, and moving his livestock back to the west side in a timely manner. An important measure of the interim grazing system will be to remove livestock that drift into the East Squaw Creek and Upper Beacon Spring areas until the proposed allotment boundary fence is constructed.

There is sufficient topography in the western half of this pasture to normally prevent most livestock from drifting back to the south end of this pasture from the north. The permittee will be responsible for monitoring the south use area for any drift, with the livestock moved back to the north end in a timely manner.

Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

East Big Springs

3. Establish the total number of AUMs of permitted use (active and suspended use) for livestock in the East Big Springs Allotment as described below. This modification is an addition to decision #2 applicable to livestock use found on pages 3-5 of the FMUD for the Big Springs Allotment.

The interim grazing system includes authorized use up to 10,150 AUMs of active use annually, with 2,025 AUMs of current permitted use to be held in temporary suspension until all essential range improvements have been completed and monitoring of the allotment with respect to short-term key area objectives demonstrates that additional use is warranted. The short-term key area objectives will also be used to determine the sustainability of existing use, and non-attainment of these objectives will result in adjustment of authorized use downward, with reduced AUMs going back into temporary suspension.

Upon completion of the essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring demonstrates continued achievement of short-term objectives under the interim stocking levels, suspended AUMs will be reinstated. Suspended AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of

monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

4. Replace the Interim Grazing System described in decision #3 of the FMUD (pages 13-18) with the following Interim Grazing System:

The revised interim grazing system is outlined in Table 6 below followed by the narrative description by pasture. This table and the accompanying description replace the interim grazing system table and description for the East Big Springs Allotment contained in the existing FMUD. Grazing use shall not exceed the rated carrying capacity calculations for each pasture specified in the FMUD. See Map 2-2 in the FEIS for the location of pastures/use areas.

Table 6 – Interim grazing system periods of use for the East Big Springs Allotment

PASTURE/USE AREA	YEARS 1 and 3	YEARS 2 and 4
Shafter	11/01 - 4/15	12/1 – 3/01
East Pequop Bench ¹	3/15 – 6/15 10/01 – 10/30	3/01 – 6/15 10/01 – 11/30
Collar and Elbow ²	6/16 – 1/31	7/01 – 12/15
East Squaw Creek	6/20 – 6/30 9/01 – 10/20 (15 days during this period)	7/01 – 8/30
North Pequop Mountain ³ North Use Area South Use Area	7/01 – 9/30 Rest	Rest 5/01 – 6/30
Payne Basin	7/01 – 9/14	6/16 -9/05
Long Canyon/Six Mile	6/16 – 8/30	6/16 – 9/05
Railroad	Reserved Use	7/01 – 8/30
Windmill	8/01 – 9/15	7/01 – 8/30
North of Home	Drift Use	Drift Use
Squaw Creek Ranch	Drift Use/Gather	Drift Use/Gather
Lower Squaw Creek Ranch	Drift Use/Gather	Drift Use/Gather

¹Use of the East Pequop Bench Pasture will be rotated through use areas as described in the FMUD, with the exception of the North Bench area in East Pequop Bench, which will be deferred to last every year to minimize conflicts with sage grouse strutting and nesting.

²Livestock authorized in the North Pequop Mountain Pasture will be removed in a timely manner so that at the end of the growing season or grazing season, whichever occurs later:

a) a minimum of four inches average stubble height of selected key herbaceous riparian species (sedges/rushes) will be left along the stream banks of East Squaw Creek and;

b) Use on current year’s growth of aspen and willow along East Squaw Creek is 35 percent or less.

³ Collar and Elbow Pasture will be open as a place to move cattle when utilization objectives on East Squaw Creek in the North Pequop Mountain Pasture are met.

In years 1 and 3, livestock will winter in the Shafter Pasture. Starting around 15 March, livestock will move into the East Pequop Bench pasture, where they will follow the rotation described in the FMUD. Use in the North Bench Use Area of this pasture will be deferred until last to minimize any potential impacts to minimize any potential conflicts with sage grouse strutting and nesting. Starting in mid-June, the cattle will be split, with cattle going to the Collar and Elbow, East Squaw Creek, and Long Canyon/Six Mile pastures. The cattle in Collar and Elbow will remain there through August; the cattle in East Squaw Creek will spend ten days there before going to the north end of the North Pequop Mountain pasture.

Cattle will be removed from the North Pequop Mountain pasture when utilization objectives along East Squaw Creek are met, at which time they will be moved to Railroad Field, Windmill Seeding, and Collar and Elbow pastures.

Other parts of the herd will summer in the Long Canyon/Six Mile and Payne Basin pastures. If utilization levels along East Squaw Creek allow, livestock will remain in the north end of that pasture as late as September 30, at which time they will pass again through East Squaw Creek for another fifteen days. Please note that in the Final EIS, the information in Table 6 above showed use in East Squaw Creek during years 1 and 3 from 9/1 to 9/15; however, the dates have been expanded, as shown above, to provide flexibility to move into the East Squaw Creek Pasture later if utilization levels allow the livestock to remain in the North Pequop Mountain Pasture up to 9/30. All livestock will be removed to the private fields through September. Some cattle will go back to Collar and Elbow for some late fall/winter use, while the rest of the herd will spend October in East Pequop Bench before entering Shafter pasture on 1 November. The cattle in Collar and Elbow will be moved to Shafter by 31 January.

In years 2 and 4, livestock will leave Shafter Pasture by 1 March. The cattle will use East Pequop Bench from 1 March through 15 June, using the rotation system between use areas outlined in the FMUD. The North Bench use area in this pasture will be deferred until last in this pasture to minimize any potential impacts to sage grouse strutting and nesting. Starting in mid-June, the heard will be split, with some cattle going to Payne Basin and Six Mile/Long Canyon pastures. Starting on 1 May, some livestock will move into the North Pequop Mountain Pasture, where they will remain until the end of June or until utilization objectives along East Squaw Creek are met. On July 1, these cattle will be moved to Collar and Elbow, East Squaw Creek, Railroad, and Windmill pastures. By early September all cattle will be moved into the private fields. Cattle will re-enter the range around early October, with some cattle going to Collar and Elbow Pasture and the rest going to East Pequop Bench Pasture. Starting around 1 December, all livestock will be moved to Shafter for the winter.

Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

Rationale: The interim grazing systems implemented in the FMUD assumed that the planned range improvements would be in place in a short amount of time. The existing interim grazing systems expected an unrealistic level of livestock control without the aid of fences. The revised interim plan outlined above maintains the two years out of four deferral during the growing season included in the original system. The East Squaw Creek watershed will be closed to grazing two years out of four, with a riparian friendly spring use period occurring during the years the pasture is grazed. Livestock will be present in the southern use areas of the North Pequop Mountain Pasture of both allotments during the same time every other spring; some mixing of cattle between the two sides will be expected, but this will eliminate the possibility of livestock drifting across the division line into rested use areas.

5. Construct the following range improvements shown in Table 7 to transition grazing management from the Interim to the Final Systems. See Map 2-3 in the FEIS for the location of proposed projects. The Final Grazing System for the West Big Springs Allotment will be implemented when the allotment boundary fence is completed. The Final Grazing System for the East Big Springs Allotment will be implemented as the essential projects in each pasture are completed.

Table 7 – Essential Range Improvements for the East and West Big Springs Allotments

Project	Allotment/Location	Units
Allotment Boundary Fence	West and East Big Springs/Pequop Summit	3 miles
Pasture Fence	East Big Springs/North Pequop Mountains East Squaw Creek	3 miles
Riparian Pasture Fence	East Big Springs/North Pequop Mountains	1½ miles
Exclosures and troughs	East Big Springs/North Pequop Mountains and Payne Basin	To Be Determined

The BLM considers the improvements identified in Table 7 as essential to implementing the Final Grazing Plans outlined in the FMUD. The other improvements identified in the FMUD are categorized as “reasonably foreseeable future actions”.

Rationale: This list represents the improvements that must be installed to allow the Final Grazing Plan to be implemented. The Revised Interim Grazing Plan will remain in place until these improvements are in place.

6. Modify some of the short-term riparian objectives, as displayed in Appendix C of the Final EIS. Both the interim and final grazing systems will be governed by achievement of the short-term key area utilization objectives outlined in the FMUD, as modified.

Rationale: Modifications to some of the short-term riparian objectives were warranted based on what is practical to achieve under the interim and final grazing systems. The revisions pertain to the timeframes for achievement of upwards trends in functioning condition and proper

functioning condition on riparian areas. For example, upward trends in functioning conditions are expected to occur in the southern portion of the North Pequop Mountain Pasture within the East Big Springs Allotment during the interim grazing system, with proper functioning conditions to be achieved following installation of the essential fences and exclosures. Most of the riparian habitat is located in this pasture. Riparian areas located in other pastures are expected to improve and reach proper functioning condition following installation of exclosures.

7. Add the following Terms and Conditions to the Grazing Permits:

- a. **The livestock permittees are expected to move their livestock so as to not exceed established short-term key area objectives.**
- b. **If BLM determines that objectives are being approached and will be exceeded before scheduled livestock removal date, permittee will be notified and will have five calendar days to remove livestock to other areas within the pasture/use area not yet having approached objective use levels, to the next pasture in the schedule, or off the allotment.**
- c. **If short-term key area utilization objectives are exceeded, period of use for the next grazing period in that pasture/use area will be reduced by a minimum of two weeks where it shall remain until additional changes are indicated through monitoring. Period of use adjustments will apply to the next grazing season.**
- d. **Period of use extensions will be authorized only after two consecutive years of use with monitoring which indicates incremental extensions in period of use are warranted.**

Rationale: These objectives will ensure progress is made towards achieving the Standards for Rangeland Health.

8. The following Conservation and Mitigation measures will be applicable as described below. These are new measures not previously included in the FMUD.

- a. **Seed those areas receiving heavy use each year, as necessary, with desired perennial grass species such as Great Basin wildrye, crested wheatgrass, or other perennial grass that can better withstand the effects of concentrated livestock use at the water troughs.** This would reduce the potential for non-native, invasive species to dominate the site, especially if annual treatment of noxious weeds is conducted.
- b. **Provide for occasional short-term grazing or other shrub treatment within spring exclosures to keep the riparian area at least partially as a meadow complex for sage grouse broods. The livestock permittee must receive specific BLM approval prior to grazing livestock within any spring/riparian exclosure.**

9. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under “Actions Common to All Alternatives” will apply to all actions, as applicable.

All other decision points in the Sept 17, 2002 FMUD not affected by the above modifications remain the same.

OWYHEE ALLOTMENT

1. Establish the total number of AUMs of permitted use (active and suspended use) for livestock in the Owyhee Allotment during operation of the interim grazing system as described below. This modification is added to decision #1b found on pages 4-5 of the FMUD for the Owyhee Allotment.

Rather than implement the interim grazing system using the calculated carrying capacity (29,903 AUMs of active use in Year 1 (odd years) and 27,879 AUMs in Year 2 (even years)) authorized in the FMUD, the initial stocking levels for the interim grazing system will be 23,247 AUMs in year 1 (20,118 in year 2) which is equivalent to the average actual use AUMs during the period 1995 through 2005. The difference between the calculated carrying capacity (i.e., 29,903 AUMs) and the average actual use AUMs (i.e., 23,247 AUMs), or 6,656 AUMs, will be held in temporary suspension until short-term objectives are met, essential range improvements are constructed, and monitoring shows the ability of the vegetative resource to sustain additional grazing use. The short-term key area objectives are described in Appendix 1 of the FMUD and reiterated in Appendix C of the Final EIS. The short-term key area objectives will also be used to determine the sustainability of existing use. Non-attainment of these objectives will result in adjustment of authorized use downward, with reduced AUMs going back into temporary suspension. The terms and conditions and short-term key area objectives will apply to both the interim (initial) and final grazing systems.

Upon completion of the essential range improvements described below, the final grazing system will be implemented. Following implementation of the final grazing system, and after monitoring demonstrates continued achievement of short-term objectives after one cycle (i.e. two years) under the interim stocking levels, suspended AUMs will be reinstated by phasing-in the increase over a three-year period. Suspended AUMs will be restored at a rate to be determined by utilization goals and objectives, but not beyond the increases suggested by the FMUD carrying capacity calculations. The results of monitoring will determine whether an increase, decrease, or continuation of grazing at existing levels is necessary.

If, following an increase in AUMs, the short-term objectives are again exceeded, or if short-term objectives are not achieved during the initial cycle and livestock are determined to be the causal factor, use will be reduced. The reduction will be equivalent to the change suggested by the carrying capacity calculations for the specific key area where objectives are not being met (i.e., the key area utilization values will not be averaged over the entire Use Area or pasture, but will be based on the key area where objective(s) are not being achieved) or other adjustments will be made to resolve the issue.

2. Add the following Interim Grazing System as displayed in Table 8 below. See Map 2-5 in the FEIS for the location of pastures/use areas.

Table 8 - Interim Grazing System, Interim AUMs, and FMUD Allocation of Carrying Capacity for Active Use by Livestock for the Owyhee Allotment

Year	Pasture	Livestock Number & Kind	Begin Period	End Period	Interim AUMs ¹	FMUD Permitted AUMs
1	Star Ridge	2,300 Cattle	3/1	6/30	9,041	12,101
	Lower Fourmile	1,700	7/1	9/20	4,572	6,403
	Upper Fourmile	600 ²	7/1	8/25	1,083	1,069
	Chimney Creek	600 2,300	8/26 9/21	9/20 11/30	503 <u>5,261</u> 5,764	7,543
	Dry Creek	Rest	Rest	Rest	Rest	Rest
	Winters Creek ³	variable	Early Spring or Late Fall		2,787	2,787
	Total					23,247
2	Dry Creek	1,150 2,150	3/1 5/26	5/25 7/10	3,186 <u>3,186</u> 6,372	10,077
	Winters Creek	1,000	3/1	5/25	2,771	2,787
	Chimney Creek	2,150	7/11	9/25	5,334	7,543
	Lower Fourmile	2,150	9/26	11/30	4,572	6,403
	Star Ridge	Rest	Rest	Rest	Rest	Rest
	Upper Fourmile ³	variable	Early Spring or Late Fall		1,069	1,069
Total					20,118	27,879

¹ – The interim AUMs for each pasture are based on grazing a consistent number of livestock on an annual basis. As provided under new terms and conditions, the permittees may at their option, and in consultation with BLM during the interim grazing period, use variable herd size to use available AUMs calculated in the FMUD, provided the seasons of scheduled use remain the same and total authorized active use is not exceeded. Grazing in the Lower Fourmile Pasture during the interim grazing period will be limited to the average actual use from 1995 through 2005.

2 - The final grazing system under Alternative 2 in the Final EIS shows 48 head of domestic horses from 3/1-12/15 for 444 AUMs. This use was combined with the cattle use for the interim system in order to keep a consistent sized herd of cattle. If the permittee wishes to use 444 AUMs with domestic horses, he may do so within the dates outlined for the pasture.

³The Winters Creek Pasture and Upper Fourmile Pasture will act as a “utility pasture” in alternate years to be used as needed. This might involve gathering, branding, weaning, etc. It may also be used as needed if water is limited in other pastures or if utilization objectives are close to being exceeded prior to the off date in other pastures. The carrying capacity for the pastures shall not be exceeded.

Livestock may be trailed through pastures or use areas scheduled for rest or in dates outside permitted seasons of use only to reach pastures scheduled for use. No overnight stops in closed or rested pastures/use areas will be allowed on such trail movements.

Rationale: The interim grazing systems (even and odd years) implemented in the Owyhee FMUD assumed that the planned range improvements would be in place in a short amount of time after the issuance of the FMUD. While the grazing systems outlined in the FMUD were making progress towards the attainment of the standards for rangeland health, this progress was occurring at a slow rate. The range improvement projects identified for the Lower Fourmile Pasture were designed to increase the rate of progress toward attainment of riparian objectives in this pasture. The interim system devised for the Owyhee Allotment maintains the two-pasture rest rotation between the Star Ridge and Dry Creek Pastures. It also maintains the growing season deferment in the Chimney Creek and Lower Fourmile Pastures, but it eliminates the early spring use in the Chimney Creek and Lower Fourmile Pasture. The interim system curtails livestock AUMs in the Lower Fourmile Pasture at average actual use. The limit of average actual use within this pasture also limits use in the remaining five pastures within the allotment.

3. Construct the following range improvements shown in Table 9 below to transition grazing management from the Interim to the Final System. See Map 2-5 in the FEIS for the location of proposed projects. The Final Grazing System will be implemented when these range improvements are completed.

Table 9 – Range Improvements Essential for Implementation of the Final Grazing System

Project	Pasture	Units
South Fourmile Owyhee River Riparian Fence	Lower Fourmile	4 miles
Fourmile Butte Well	Lower Fourmile	1 well
Fourmile Butte Well Pipeline and Troughs	Lower Fourmile	9.5 miles

Rationale: This list represents the improvements that must be installed to allow the Final Grazing Plan to be implemented. The Interim Grazing Plan will remain in place until these improvements are in place.

4. Add the following new and/or modified specific terms and conditions to the grazing permit:

a. The livestock permittee is expected to move his livestock so as to not exceed established short-term key area objectives. This term and condition will help ensure progress is made towards achieving the Standards for Rangeland Health.

b. The permittees may at their option, and in consultation with BLM during the interim grazing period, use variable herd size to use available AUMs calculated in the FMUD, provided the seasons of scheduled use remain the same and total authorized active use is

not exceeded. Grazing in the Lower Fourmile Pasture during the interim grazing period will be limited to the average actual use from 1995 through 2005. This measure provides the permittee, in consultation with the BLM, some flexibility to adjust the number of AUMs harvested within individual pastures.

c. The Owyhee Fire Closure Decision dated May 25, 2006, which closes the Upper and Lower Fourmile Pastures until rehabilitation objectives are met, remains in effect until the BLM notifies the permittee that the closed area is re-opened to authorized livestock use. This term and condition is added based on the recent issuance of the Owyhee Fire Closure Decision.

5. The following Conservation and Mitigation measures will be applicable as described below. These are new measures not previously included in the FMUD.

a. Seed those areas receiving heavy use each year, as necessary, with desired perennial grass species such as Great Basin wildrye, crested wheatgrass, or other perennial grass that can better withstand the effects of concentrated livestock use at the water troughs. This would reduce the potential for non-native, invasive species to dominate the site, especially if annual treatment of noxious weeds is conducted.

6. Resource protection measures, grazing permit terms and conditions, and monitoring actions described in the FEIS on pages 2-1 and 2-2 under “Actions Common to All Alternatives” will apply to all actions, as applicable.

All other decision points not affected by the above modifications will remain as outlined in the April 19, 2002 FMUD.

AUTHORITY

Sec. 4100.0-8 Land Use Plans.

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

Sec. 4110.2-2 Specifying Permitted Use.

(a) Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits and leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan, or decision of the authorized officer under Sec. 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands.

Sec. 4110.3 Changes in Permitted Use.

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

Sec. 4110.3-2 Decreasing Permitted Use.

- (a) Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements.
- (b) When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

Sec. 4110.3-3 Implementing Reductions in Permitted Use.

(a) After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing Sec. 4110.3-2 shall be issued as proposed decisions pursuant to Sec. 4160.1, except as provided in paragraph (b) of this section.

Sec. 4120.2 Allotment management plans and resource activity plans.

Allotment management plans or other activity plans intended to serve as the functional equivalent of allotment management plans may be developed by permittees or lessees, other Federal or State resource management agencies, interested citizens, and the Bureau of Land

Management. When such plans affecting the administration of grazing allotments are developed, the following provisions apply:

(a) An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by such a plan, and the interested public. The plan shall become effective upon approval by the authorized officer. The plans shall –

(1) Include terms and conditions under 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, and subpart 4180 of this part;

(2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;

(3) Specify the limits of flexibility, to be determined and granted on the basis of the operator's demonstrated stewardship, within which the permittee(s) or lessee(s) may adjust operations without prior approval of the authorized officer; and

(4) Provide for monitoring to evaluate the effectiveness of management actions in achieving the specific resource objectives of the plan.

(c) The authorized officer shall provide opportunity for public participation in the planning and environmental analysis of proposed plans affecting the administration of grazing and shall give public notice concerning the availability of environmental documents prepared as a part of the development of such plans, prior to implementing the plans. The decision document following the environmental analysis shall be considered the proposed decision for the purposes of subpart 4160 of this part.

(d) A requirement to conform with completed allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans shall be incorporated into the terms and conditions of the grazing permit or lease for the allotment.

(e) Allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans may be revised or terminated by the authorized officer after consultation, cooperation, and coordination with the affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by the plan, and the interested public.

Sec. 4120.3-1 Conditions for Range Improvements.

(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

(f) Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

Sec. 4130.2 Grazing Permits or Leases.

(a) Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2.

(b) The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.

(d) The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless--

- (1) The land is being considered for disposal;
- (2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years;
- (3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or
- (4) The authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management.

Sec. 4130.3 Terms and Conditions.

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

Sec. 4130.3-1 Mandatory Terms and Conditions.

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

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

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

Sec. 4130.3-2 Other Terms and Conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

- (a) The class of livestock that will graze on an allotment;
- (b) The breed of livestock in allotments within which two or more permittees or lessees are authorized to graze;
- (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;
- (d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;
- (e) The kinds of indigenous animals authorized to graze under specific terms and conditions;
- (f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;

Sec. 4160.1 Proposed Decisions.

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

(b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations...

Sec. 4160.2 Protests.

Any applicant, permittee, lessee or other interested public may protest the proposed decision under Sec. 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

Sec. 4180.1 Fundamentals of Rangeland Health.

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

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

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

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

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

Sec. 4180.2 Standards and Guidelines for Grazing Administration.

(c) The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

PROVISIONS FOR A PROTEST

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to the Bureau of Land Management, Shane DeForest, Assistant Field Manager for Renewable Resources

(authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error. Please be specific as to which portion of the decision you are protesting.

Subsequent to the protest period, a final decision will be issued specifying the appeal and petition for stay procedures.

Sincerely yours,

SHANE DEFOREST
Assistant Field Manager
Renewable Resources

cc: See attached list