

ENVIRONMENTAL ASSESSMENT

CA-690-EA06-23

Issuance Of 10-Year Grazing Lease For Lazy Daisy Allotment

U.S. Department of the Interior
Bureau of Land Management
Needles Field Office

CHAPTER 1: PURPOSE AND NEED

A. Introduction

This Environmental Assessment (EA) is being prepared to disclose and analyze the environmental consequences of re-authorizing a livestock grazing lease for 10-years on the Lazy Daisy Grazing Allotment. The EA is a site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. “Significance” is defined by NEPA and is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI). If the decision maker determines that this project has “significant” impacts following the analysis in the EA, then an EIS would be prepared for the project. If not, a Decision Record may be signed for the EA approving the selected alternative, whether the proposed action or another alternative. A Decision Record (DR), including a FONSI statement, documents the reasons why implementation of the selected alternative would not result in “significant” environmental impacts (effects).

B. Background

Summary of current information:

Land Ownership acres in the allotment:

Public:	284,533
Private:	19,160
State:	7,629
Total:	311,322

Kind of livestock:

Cattle

Current authorized Use:

3,192 animal unit months (AUM)

Ephemeral or perennial:

Perennial

Acres of critical habitat (desert tortoise):

238,461

Area of Desert Wildlife Management Area (DWMA):

235,529

Plan area:

NECO

Identified for voluntary relinquishment:

Yes

In 1999, the grazing lease for the Lazy Daisy Allotment expired. The grazing lease was renewed under the authority of Public Law 106-113 in which allowed the lease to be renewed with the terms and conditions contained in the expiring lease to continue in effect under the new lease until such time as the lease is completely processed in compliance with all applicable laws and regulations, at which time the lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. The grazing lease was renewed for a period of five

years and contained the same terms and conditions as the expiring grazing lease.

On September 31, 2004 the grazing lease issued in 1999 for the Lazy Daisy Allotment expired. Livestock grazing is allowed to continue under provisions of the Administrative Procedures Act (APA).

The allotment encompasses 311,322 acres, including private, State lands, and BLM (public) lands. The allotment is located in the Old Woman, Piute, Turtle, and Stepladder Mountains as well as containing most of Ward Valley. The elevation range is between 1,900 to over 4,900 feet. Vegetation communities are dominated by Mojave and Sonoran Creosote Scrub with smaller components of Conifer, and Desert Dry Wash Woodland.

C. Purpose and Need for the Proposed Action

The purpose of the proposed action is to complete a site-specific evaluation of a 10-year grazing lease on the Lazy Daisy Allotment. The activity is part of BLM's rangeland management program administered in accordance with the 1934 Taylor Grazing Act ("TGA"), 43 U.S.C. § 315 et seq., the Federal Land Policy and Management Act (FLPMA) of 1976, as Amended (43 USC 1752)., regulations for the NEPA (40 CFR Part 1500), BLM grazing regulations (43 CFR Part 4100), and Public Law 106-113 section 325 to determine whether to authorize grazing within this allotment and whether changes are necessary to current management of the allotment. Additionally, livestock grazing is recognized as an appropriate use of public lands in the CDCA Plan as amended by the Northern and Eastern Colorado Desert Plan Record of Decision dated December 2002 (NECO) that provides additional management direction for the Lazy Daisy Allotment which reduces impacts on desert tortoise and its habitat, other resources and activities.

The need for the proposed action is to authorize grazing for the Lazy Daisy Allotment in compliance with the prescriptions prescribed in the NECO Plan, and the *Biological Opinion on the California Desert Conservation Area Plan [Desert Tortoise] {6840 CA930(P)} {1-8-04-F-43R} (CDCA BO)* dated March 31, 2005, and the proposed Regional Rangeland Health Standards

D. Land Use Plan Conformance

The proposed action is subject to and in conformance with the California Desert Conservation Area Management Plan of 1980 (as amended) in accordance with Title 43 Code of Federal Regulations 1610.5-3.

Tiering to Existing Land Use Plan/EIS

This environmental assessment (EA) is tiered to the NECO Plan Final EIS of June 2002, and provides site-specific analysis on the allotment. Tiering focuses this EA on the issues related to grazing on the allotment while relying on the NECO Plan for

guidance. Analysis of environmental issues previously considered and addressed in the NECO Plan will be incorporated by reference.

A summary of the NECO Plan amendment analysis tiered to this EA is as follows:

1. The NECO Plan is an amendment to the California Desert Conservation Area (CDCA) Plan developed expressly to address special status plant and animal species and to establish conservation strategies for those species within the multiple use context required for the CDCA by section 601 of the FLPMA. As part of the conservation strategy BLM determined which public lands will be available for livestock grazing. Livestock grazing in the CDCA is an economic resource of public lands recognized in section 601 of FLPMA. In addition to designating lands available or unavailable for grazing, the NECO Plan established programmatic management prescriptions including regional land health standards and guidelines for grazing management; utilization prescriptions for perennial species; restrictions on cattle grazing within tortoise habitat; monitoring requirements; and specific management prescriptions for Desert Wildlife Management Areas (DWMAs) such as the elimination of ephemeral authorizations and the implementation of an ephemeral forage production threshold of 230 pounds per acre (NECO Plan, section 2.2.3 pg. 2-27 and 2-28). This EA analyzes the specific application of the programmatic management prescriptions of the NECO Plan and considers alternative means to achieve the purpose and need on this allotment as described in section C of this chapter.

2. The NECO Plan considered a range of alternatives to the public land livestock grazing program. The alternatives considered more restrictive and less restrictive management approaches, and were addressed at a regional level for the approximately 3.8 million acres of public lands in the NECO planning area. This EA analyzes the range of alternatives for grazing consistent with the NECO Plan, including a proposed action and continuation of current management (No Action). A no grazing alternative is considered to address voluntary relinquishment and subsequent designation of the allotment as unavailable for grazing. In addition, a reduced grazing alternative is included where a lower level of grazing than under the proposed action would be considered. Chapter 2 of this EA describes the alternatives analyzed in detail and identifies the alternatives considered but dismissed from detailed consideration.

3. The NECO Plan balances conservation with public use, occupancy, and development on a regional level. For example, Areas of Critical Environmental Concern/Desert Wildlife Management Areas are established, routes of travel on public lands are designated open, limited or closed to motorized vehicles, and other management prescriptions are provided to guide multiple use management. Within the context of the CDCA Plan as amended by the NECO Plan, BLM is proposing specific lease terms and conditions to ensure that an appropriate multiple use balance is maintained on this allotment while providing for conservation in accordance with NECO Plan and the associated CDCA BO.

Voluntary Relinquishment

The NECO Plan identifies this allotment for voluntarily relinquishment.

Voluntary relinquishment of the grazing lease for this allotment, in combination with designation of the public lands as unavailable for livestock grazing, is an important method for achieving conservation goals for special status species identified in the NECO Plan amendment. BLM's decision to identify this allotment for voluntary relinquishment in the NECO Plan amendment and subsequent designation of the public lands as not available for grazing was based on criteria set forth in the BLM land use planning handbook H-1601-1, (NECO Plan Chapter 2. Section 2.2.3, Page 2-28)

Voluntary relinquishment and designation as unavailable for grazing would only occur where BLM determines that the action will result in direct conservation benefits for special status species as provided in NECO. A grazing decision on the voluntary relinquishment request would be issued based on the site-specific analysis of this EA and other required procedures of BLM's 4160 regulations. Upon relinquishment and issuance of the final grazing decision, BLM would, without further analysis or notice:

- > not reissue the lease;
- > remove the allotment designation;
- > assume any and all private interests in range improvements located on public lands; and,
- > designate the land within the allotment as unavailable for livestock grazing. A separate plan amendment or revision would not be required.

G. Public Notification and Consultation:

Notification of the proposed action and analysis has been prominently posted in the Needles Field Office public area and on the Field Office web site during the environmental review process. Both the public area posting and the office web site home page note that public participation is the cornerstone of the National Environmental Policy Act process and encourage public involvement in the office's review of uses proposed on public lands. The web site main page provides a link to projects currently under environmental review.

Native American Consultation and Coordination:

10/31/04: The Needles Field Office (NFO) mailed consultation letters to eight Indian Tribes, initiating government-to-government consultation. The eight Tribes included the Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Las Vegas Piute Tribe, Moapa Paiute Tribe, Pahrump Paiute Tribe, Timbisha Shoshone Tribe and Twenty-Nine Palms Band of Mission Indians of California.

11/1/04: The NFO received a letter from the Timbisha Shoshone Tribe stating that they had no comments on the proposed action.

- 12/14/04: The NFO initiated telephone consultation regarding the proposed action with Tribal Chairpersons of the Las Vegas Piute Tribe, Chemehuevi Indian Tribe and Fort Mojave Indian Tribe. Tribal Chairpersons requested a copy of the proposed action.
- 4/14/05 The NFO mailed detailed proposed actions to the Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Twenty-Nine Palms Band of Mission Indians of California, Las Vegas Piute Tribe, Moapa Paiute Tribe, and Pahrump Paiute Tribe.
- 05/12/05 The NFO left telephone messages with Tribal Chairpersons requesting concerns, comments, questions, or the need for additional information regarding the proposed action.
- 06/07/05 The Fort Mojave Tribal Chairperson requested a meeting with NFO Field Manager to discuss/address any potential Fort Mojave Indian Tribe concerns/questions. The Needles Field Manager met with the Fort Mojave Tribal Council to review the project with the Council. No concerns were expressed about the proposed action by the Tribal Council during the meeting.

Cooperation, Communication, and Coordination with lessee:

- 7/7/04: The NFO met with the grazing operator to discuss the proposed action and develop a list of needed range improvements.
- 8/13/04: The NFO contacted the grazing operator to remind him to sign and return the application for grazing lease renewal.
- 8/14/04: The grazing operator hand delivered a completed application for grazing lease renewal.
- 9/04/04 The NFO informed the grazing operator that the grazing lease renewal process had been temporarily suspended due to a court decision vacating and remanding the biological opinion for the NECO plan amendment to the U.S. Fish and Wildlife Service.
- 12/20/04: The NFO mailed a letter to the grazing operator discussing the delay in the lease renewal process due to a lawsuit remanding the June 17, 2002 Biological Opinion to the United States Fish and Wildlife Service.
- 4/5/05: The NFO informed the grazing operator that a new Biological Opinion had been issued.

H. Authority and Regulatory Relationships:

Authority

Authority for the proposed action includes: the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); the Taylor Grazing Act of June 28, 1934 as amended (43 United States Code 315, 315a through 315r); and the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.). Public land orders, executive orders, and agreements authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

Regulatory Relationships

1. Livestock Grazing:

BLM will ensure compliance with the Code of Federal Regulations (CFR) 4100.

2. Supplemental Procedures for Livestock Grazing Permit/Lease Renewals, a Cultural Resources Amendment to the State Protocol Agreement Between California Bureau Of Land Management and the California State Historic Preservation Officer:

Pursuant to 36 CFR 800.14(b), the State Director, California Bureau of Land Management and the California State Historic Preservation Officer (SHPO) addressed the issue of the National Historic Preservation Act (NHPA) Section 106 compliance procedures for processing grazing lease renewals for livestock as defined in 43 CFR 4100.0-5. The State Director and the SHPO amended the 2004 State Protocol Agreement Between California Bureau of Land Management and the California State Historic Preservation Officer with the 2004 Grazing Amendment, Supplemental Procedures for Livestock Grazing Lease Renewal. This amendment allows for the renewal of existing grazing leases prior to completing all NHPA compliance needs as long as the 2004 State Protocol direction, the BLM 8100 Series Manual Guidelines, and specific amendment direction for planning, inventory methodology, tribal and interested party consultation, evaluation, effect, treatment, and monitoring stipulations are followed. (Appendix III).

3. CDCA Biological Opinion

Pursuant to 50 CFR 402, BLM will ensure compliance with the incidental take statement of the biological opinion on the CDCA Plan as amended. BLM will immediately report any injuries or mortality to desert tortoises as a result of grazing to the Fish and Wildlife Service (USFWS). The BLM and USFWS will review the circumstances to determine if any additional protective measures are required. The BLM will compile any instances of take of the desert tortoise due to grazing activities and report annually to the USFWS. If the annual level of take reaches five tortoises for all allotments in the NECO and Northern and Eastern Mojave Desert CDCA plan amendment areas, BLM will meet with

USFWS to determine if re-initiation of consultation is necessary on the grazing aspect of the plan.

Only biologists authorized by the U.S. Fish and Wildlife Service, CDFG, and BLM, in accordance with recommended protocol (Desert Tortoise Council 1999), are allowed to: handle desert tortoises and their eggs; conduct clearance surveys; relocate desert tortoises; excavate burrows; monitor for desert tortoise compliance; conduct pre-project clearance surveys for desert tortoise; or engage in moving desert tortoises out of harm's way

The BLM or project proponent shall submit the name(s) of proposed authorized biologist(s) to the USFWS for review and approval at least 30 days prior to the onset of activities. No activities shall begin until an authorized biologist is approved. Authorization for handling shall be granted under the auspices of the Section 7 consultation.

CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is to issue a 10-year fully processed lease in conformance with CDCA Plan and the NECO Plan Amendment as described in parts 1-4 of this section. The proposed action balances environmental protection with continued use of the allotment for livestock grazing.

1. Livestock Numbers and Season of Use

Allotment Name	Cattle Number *	AUMs**	Season of Grazing Use	
			From	To
Lazy Daisy	266	3192	March 1	February 28

* The number of cattle authorized to graze during the season of use.

** Animal Unit Month (AUM) the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month.

2. Livestock Management

Grazing management in the Mojave Desert must have the flexibility to accommodate climatic conditions that can be extremely different from one year to next as well as within a single year. Distribution of cattle in an area or pasture requires the manipulation of water developments, and the use of topographic barriers.

Cattle would graze in the lower elevations during late fall, winter and early spring (October through May) corresponding with lower temperatures in association with increased precipitation and longer moisture retention in the soil. As temperatures rise and precipitation is less frequent and/or moisture is less likely to be retained in the soil, resulting in forage becoming less available, cattle are moved to higher elevations, usually beginning in late spring, and continuing through early fall (May through

September). The most western pasture of the allotment located in Sonoran Creosote Scrub has no water developments and is only used during spring in years when precipitation and other climatic conditions make it possible for cattle to be less dependent on water. Appendix 1, Map 3, depicts pasture areas that are generally used. During periods of extended drought the lessee would be required to remove cattle from the allotment.

During spring, from March 15 through June 15, cattle may be excluded from all or part of the Desert Wildlife Management Area (DWMA) if the threshold of 230 lbs per acre of ephemeral forage is not met.

3. Monitoring

Rangeland Health Assessments

The allotment does meet the Fallback Rangeland Health Standards as follows:

Table 1: 2000 Rangeland Health Assessment

Rangeland Health Standard	Meets	Does Not Meet	Impacts from Livestock
Soils	X	n/a	n/a
Riparian	X	n/a	n/a
Stream Channel	X	n/a	n/a
Native Species	X	n/a	n/a

On June 2, 2000, Rangeland Health determinations were completed.

Ephemeral Production

2003: Ephemeral production met the 230 lb/acre threshold in only part of the DWMA. As a result cattle were restricted from using the portion of the DWMA that did not meet the threshold from March 15 through June 15.

2004: Ephemeral production met the 230 lb/acre threshold in only part of the DWMA. As a result cattle were restricted from using the portion of the DWMA that did not meet the threshold from March 15 through June 15.

2005: Ephemeral production met the 230 lb/acre threshold requirement in the entire DWMA. No seasonal restriction in the DWMA was required.

2006: Ephemeral production did not meet the 230 lb/acre threshold anywhere in the DWMA. Cattle were restricted from using the entire portion of the DWMA located within the allotment boundary from March 15 through June 15.

4. Terms and Conditions

a. Applicable NECO Plan Amendment Provisions

Desert Tortoise

1. Within the Chemehuevi DWMA, authorization of perennial forage for the allotment would be based on production of ephemeral forage detailed in the following management prescription. When spring ephemeral forage production is less than 230 pounds per acre, cattle would be substantially removed from the DWMA until such time as 230 pounds per acre of ephemeral forage is achieved or June 15, whichever is earlier. The term “substantially removed” recognizes that some cattle may wander into the area of seasonal closure despite the operator’s best efforts and regardless of management facilities (e.g., fences, water sources) that are in place. If cattle must be removed, the operator would be given two weeks to remove them from the DWMA. In years of good winter precipitation and soil moisture presence, cattle would be allowed to remain past March 15 in expectation of ephemeral forage production over 230 pounds per acre. These determinations would be made based on the evaluation and judgment of the BLM authorized officer.
2. The lessee may voluntarily relinquish the allotment at which time grazing would be made unavailable for livestock use and all ownership of range improvements would be conveyed to the BLM.
3. A grazing strategy would be developed within a year and implemented within two years of lease issuance. The strategy would be a written plan detailing the areas of removal, natural cattle movements, existing and potential improvements, and other constraints of cattle management based on adopted DWMA.
4. Temporary non-renewable grazing use would not be authorized within the Chemehuevi DWMA.
5. Utilization of key perennial forage species shall not exceed 40 percent in the Lazy Daisy allotment. No averaging of utilization data among perennial key forage species or key areas shall occur. When utilization approaches authorized limits in any key area, steps shall be taken to redistribute or reduce cattle use for that key area. Grazing use will be managed to improve trends for native perennial and annual plants where site potential permits. Galleta grass shall be a key forage species wherever it is found.
6. Cattle shall be evenly dispersed throughout their area of use, and herding shall be limited to shipping and animal husbandry practices. Grazing use

shall be managed according to grazing regulations, allotment management plans, the CDCA Plan, and the current CDCA BO. Feeding of roughage, such as hay, hay cubes, or grains to supplement forage quantity is prohibited. Grazing use shall be curtailed to protect perennial plants during severe or prolonged drought. These steps may include removal of cattle or, where feasible, turning off water at troughs (especially when livestock are not present) to reduce adjacent grazing use.

7. All cattle carcasses found within 300 feet of any road shall be removed and disposed of in an appropriate manner. No prior notification to the BLM is necessary if off-road vehicle use is required outside of wilderness, but permission from the authorized officer is required to remove animals within wilderness with the use of motorized or mechanized equipment.
8. The authorization to use temporary perennial forage above permitted grazing use shall be for no longer than three-month increments in non-DWMA desert tortoise habitat.
9. Nine Mile Canyon Well located in the Old Woman Mountains and outside the Chemehuevi DWMA shall be developed to draw cattle away from the Chemehuevi DWMA. Construction and maintenance of range improvements involving land disturbance in desert tortoise habitat will follow these requirements:
 - i. Surface disturbance during construction of range improvements shall occur on previously disturbed sites and/or shall be minimized whenever possible. Routine vehicle use shall be limited to existing roads and disturbed areas, and off-road vehicle activity shall be held to a minimum. Construction of new roads shall be minimized. Construction of new or replacement facilities shall be carried out only from October 15 to March 15, unless specifically authorized due to safety or emergency considerations. After completion of the project, the disturbed soil shall be blended and contoured into the surrounding soil surface.
 - ii. To reduce attraction of desert tortoise predators, debris and trash created during construction or maintenance of a facility will be removed immediately.
 - iii. Range improvement construction, operation, and maintenance shall be modified as necessary to avoid direct impacts to desert tortoises and their burrows e.g., construction of fences or pipelines near tortoise burrows shall be avoided. All proposed range improvement projects shall be designed and flagged to avoid impacts to tortoises and their burrows. Preconstruction desert tortoise surveys of project sites shall be conducted by a qualified biologist. Existing access and

areas of disturbance shall be utilized when trenching a section of new pipe or during performance of maintenance. Any hazards to desert tortoises that may be created, such as auger holes and trenches, shall be monitored by biological monitor at least twice daily for desert tortoises that become trapped. These hazards will be eliminated before workers leave the site.

- iv. Prior to land-disturbing activities, a field contact representative (FCR) will be designated to ensure compliance with protective measures stipulations for the desert tortoise and will be responsible for coordinating with the Service. A FCR will have the authority and responsibility to halt activities in violation of the Service stipulations.
- v. Only authorized personnel are permitted to handle desert tortoises. If construction or maintenance of range improvements endangers the life of a desert tortoise, then authorized persons may move the animal a short distance away or hold the animal overnight to release it in the same area the next day.
- vi. All construction and maintenance workers shall strictly limit their activities and vehicles to areas flagged or cleared by persons authorized by the Service. When off-road use with equipment is required, the lessee is to notify the BLM two working days prior to construction or maintenance of a facility.

Proposed Regional Standards for Public Land Health and Guidelines for Grazing

Implementation of regional standards for public land health and guidelines for grazing management as shown in the NECO Plan would only occur after the Secretary of the Interior approves them. Until that time, the nationally developed fallback standards and guidelines would continue as the basis for public land health. The terms and conditions listed below are the regional guidelines for grazing management that are applicable to the lessee. A complete list of Regional and fallback standards and guidelines are listed in Appendix II.

- 10. Natural water sources developed as range improvements will be modified and maintained to ensure there is no excessive loss of water.
- 11. The lessee would place supplements a minimum of 1/4 mile from any natural water source such as wetlands, riparian areas, and springs.
- 12. In years when weather results in extraordinary conditions the BLM may require the lessee to modify grazing to allow seed germination, seedling establishment, and reproduction of native plant species.

13. During prolonged drought the BLM would require the lessee to reduce stocking rates.
14. When utilization levels of 25% are met or exceeded, the lessee will be required to remove livestock from the use or key areas.

b. CDCA Biological Opinion

15. To reduce attraction of desert tortoise predators, debris and trash created during maintenance of a facility will be contained and removed immediately.
16. The lessee shall notify BLM prior to any surface disturbing activities.
17. Handling of desert tortoise by the lessee is prohibited.
18. By signing this lease, the lessee acknowledges receipt of the provided information on the desert tortoise and its conservation, its status, the protection it receives under the Endangered Species Act, and the actions that can be taken to avoid killing or injuring desert tortoises when working or recreating in the desert.
19. The lessee must ensure that use by the lessee or their agents of open wash zones in the northern and eastern Colorado Desert planning area (see Appendix 1, Map) does not result in the take of desert tortoises by abiding by a 25 mph speed limit in these zones, avoidance of all wildlife burrows in open wash zones, checking underneath vehicles and equipment prior to moving them, disposal of trash in predator-proof containers, and limiting use of open wash zones during tortoise active season.
20. The lessee must identify on the Map provided by the BLM the types and frequency of use associated with allotment grazing and management of the open wash zones in the northern and eastern Colorado Desert planning area.
21. The lessee is required to notify the Needles Field Office immediately upon any instance of “take” (defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct” by the Endangered Species Act Section 3(18); “harass” includes disruption of breeding, feeding, or sheltering) of a desert tortoise.
22. The lessee must contact the BLM immediately if a desert tortoise is injured or killed by activities associated with grazing. Grazing may continue pending a review of the incident by the BLM and the U.S. Fish and Wildlife Service, provided all other stipulations of this lease have been adhered to.

c. Other Management

Management prescriptions listed below are those not generated through FWS consultation or the Plan Amendment process detailed in the NECO Plan.

General

23. Maintenance of range improvements would be the responsibility of the lessee.
24. Submission of actual use reports would be required within 15 days after the end of the grazing authorization. Actual use reports would be required to provide detailed location and number of livestock.

Fallback Standard and Guidelines

The terms and conditions listed below are the national fallback guidelines that are applicable to the lessee. A complete list of Regional and fallback standards and guidelines are listed in Appendix II.

25. Natural water sources developed as range improvements will be modified and maintained to ensure there is no excessive loss of water.
26. During prolonged drought the BLM would require the lessee to reduce stocking rates.
27. The BLM may require the lessee to modify grazing to allow seed germination, seedling establishment, and reproduction of native plant species.
28. Grazing on designated ephemeral (annual and perennial) rangeland is allowed to occur only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established and adverse effects on perennial species are avoided. See DWMA terms and conditions.

Motorized or mechanized vehicles and/or equipment in wilderness

29. The lessee and their agents would be issued specific authorization for the use of motorized or mechanized vehicles and/or equipment in wilderness. The lessee would be required to carry a copy of the access authorization letter when using motorized or mechanized vehicles or equipment within wilderness to complete repair and maintenance activities. All motorized vehicle travel would be restricted to routes that have existed previous to the passage of the California Desert Protection Act. Use of routes that have been restored would not be permitted except in cases of emergency.

30. Motorized vehicles shall only be used when activities can not be reasonably and practically accomplished on horseback or foot. The lessee and his agents would be encouraged to make every effort to avoid traveling along the routes during periods of inclement weather.
31. Motorized and/or mechanized vehicles would be limited to no larger than a pickup truck and trailer. Any vehicle larger would require prior written approval by the Needles Field Office.
32. The lessee and his agents would make every effort to access wilderness during periods when impacts to wilderness visitors would be at a minimum.
33. The lessee and his agents would be responsible for keeping gates locked when not in actual use.
34. The lessee and his agents would be responsible for all maintenance necessary for continued use of authorized routes. Motorized/mechanized vehicles/equipment would not be used for routine road maintenance. Routine maintenance would be defined as that maintenance which can be completed by one to four individuals using hand tools (such as shovels, pulaskis, McClouds). Any maintenance requiring the use of motorized or mechanized vehicles and equipment would require prior written approval by the BLM and will be evaluated under a separate site-specific environmental review.
35. Upon completion of activities, the lessee and his agents would be responsible for;
 - i. Obscuring vehicle tracks visible from the wilderness boundary up to 100 feet upon exiting from the wilderness (a broom would be carried specifically for this purpose).
 - ii. Reporting any needed or completed repairs on the gate, barriers or fences;
 - iii. Reporting any needed or completed route maintenance; and
 - iv. Removing all effects of repair and maintenance activities, such as equipment, tools, supplies, trash.
36. These stipulations may be modified to meet the future needs of the lessee and his agents only with approval of the authorized officer of the BLM.
37. Vehicle speeds will not exceed 30MPH.

38. When, in an emergency, it is necessary to use motorized and/or mechanized vehicles and/or equipment on a route that has been previously restored to a natural appearance, the lessee would be required to notify the Needles Field Office as soon as possible after the emergency access is conducted and will be responsible for returning the route to its pre-emergency condition.
39. At the end of each grazing year when the lessee is required to submit their actual grazing use report, the lessee would also be required to submit a wilderness access log report, which will be provided by the Needles Field Office.

Health and Safety

40. Grazing lease will be managed in compliance with Department of Interior policies (i.e. DOI Manual 485, Chapter 23, Public Safety and Health; <http://elips.doi.gov>), San Bernardino County Department of Public Health, California Occupational Safety and Health Administration, and other Federal, State, and local agencies having jurisdiction in these areas. The lessee is subject to periodic inspections by the BLM, and other governmental entities.

Solid and Hazardous Materials

41. The grazing lessee will comply with solid and hazardous material-related Federal, State, and local environmental regulations and directions. Hazardous materials with a potential to spill shall be stored in secondary containment, spill media shall be on hand to immediately remediate a spill. The grazing lessee will report, immediately, to the Federal Interagency Communications Center (FICC) at (909) 383-5652, releases of any material not authorized (such as waste oil). An initial written report will be provided to the authorized officer within 24 hours of the incident's discovery.

B. No Action (Current Management) Alternative

This alternative continues grazing under the terms and conditions consistent with current management under applicable BLM authority, including authority to authorize grazing under the Appropriations Act, and the grazing decision issued on June 24, 2003, which implemented the grazing terms and conditions listed in the grazing section of the NECO Plan.

1. Livestock Numbers and Season of Use

Same as proposed action

2. Livestock Management

Same as proposed action

3. Monitoring

Same as for proposed action

4. Terms and Conditions

a. **Biological Opinions**

1. Utilization of key perennial forage species shall not exceed 40 percent in the Lazy Daisy allotment. No averaging of utilization data among perennial key forage species or key areas shall occur. When utilization approaches authorized limits in any key area, steps shall be taken to redistribute or reduce cattle use for that key area. Monitoring of perennial vegetation such as utilization and trend would occur with methods detailed and prescribed in BLM manuals, handbooks, and plans. Grazing use will be managed to improve trends for native perennial and annual plants where site potential permits. Galleta grass shall be a key forage species wherever it is found.
2. Cattle shall be evenly dispersed throughout their area of use, and herding shall be limited to shipping and animal husbandry practices. Grazing use shall be managed according to grazing regulations, allotment management plans, CDCA Plan, and the current biological opinion. Feeding of roughage, such as hay, hay cubes, or grains to supplement forage quantity is prohibited. Grazing use shall be curtailed to protect perennial plants during severe or prolonged drought. These steps may include removal of cattle or, where feasible, turning off water at troughs (especially when livestock are not present) to reduce adjacent grazing use.
3. All cattle carcasses found within 300 feet of any road shall be removed and disposed of in an appropriate manner, and no prior notification to the BLM is necessary if off-road vehicle use is required, but permission from the authorized officer is required to remove animals within wilderness.
4. The authorization to use temporary, non-renewable perennial forage above permitted grazing use shall be for no longer than three-month increments.
5. Nine Mile Canyon Well in the Lazy Daisy Allotment shall be developed. Construction and maintenance of range improvements in tortoise habitat are limited to existing and proposed facilities listed in Biological Opinions 1-6-92-F-19 and 1-8-94-F-17. All proposed range improvements would receive NEPA and USFWS review as needed. For all construction, operation, and maintenance of

range improvements involving land disturbance in desert tortoise habitat the following requirements apply:

- a. Surface disturbance during construction of range improvements shall occur on previously disturbed sites and/or shall be minimized whenever possible. Routine vehicle use shall be limited to existing roads and disturbed areas, and off-road vehicle activity shall be held to a minimum. Construction of new roads shall be minimized. Construction of new or replacement facilities shall be carried out only from October 15 to March 15, unless specifically authorized due to safety or emergency considerations. After completion of the project, the disturbed soil shall be blended and contoured into the surrounding soil surface.
- b. To reduce attraction of desert tortoise predators, debris and trash created during construction or maintenance of a facility will be removed immediately.
- c. Range improvement construction, operation, and maintenance shall be modified as necessary to avoid direct impacts to desert tortoises and their burrows e.g., construction of fences or pipelines near tortoise burrows shall be avoided. All proposed range improvement projects shall be designed and flagged to avoid impacts to tortoises and their burrows. Preconstruction desert tortoise surveys of project sites shall be conducted by a qualified biologist. Existing access and areas of disturbance shall be utilized when trenching a section of new pipe or during performance of maintenance. Any hazards to desert tortoises that may be created, such as auger holes and trenches, shall be monitored by biological monitor at least twice daily for desert tortoises that become trapped. These hazards will be eliminated before workers leave the site.
- d. Prior to land-disturbing activities, a field contact representative (FCR) will be designated to ensure compliance with protective measures stipulations for the desert tortoise and will be responsible for coordinating with the Service. A FCR will have the authority and responsibility to halt activities in violation of the Service stipulations.
- e. Only authorized personnel are permitted to handle desert tortoises. If construction or maintenance of range improvements endangers the life of a desert tortoise, then authorized persons may move the animal a short distance away or hold the animal overnight to release it in the same area the next day.
- f. All construction and maintenance workers shall strictly limit their activities and vehicles to areas flagged or cleared by persons authorized by the Service. When off-road use with equipment is required, the lessee is to notify the BLM two working days prior to construction or maintenance of a facility.

b. Other Management Prescriptions

General

6. Maintenance of range improvements would be the responsibility of the lessee.
7. Submission of actual use reports would be required within 15 days after the end of the grazing authorization. Actual use reports would be required to provide detailed location and number of livestock.

Fallback Guidelines

8. Natural water sources developed as range improvements will be modified and maintained to ensure there is no excessive loss of water.
9. During prolonged drought the BLM would require the lessee to reduce stocking rates.
10. The BLM may require the lessee to modify grazing to allow seed germination, seedling establishment, and reproduction of native plant species.
11. Grazing on designated ephemeral (annual and perennial) rangeland is allowed to occur only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established and adverse effects on perennial species are avoided. See DWMA terms and conditions.

C. No Grazing Alternative

This alternative would not authorize grazing and would initiate a process in accordance with the 4100 regulations to eliminate grazing and make the allotment unavailable for grazing. If the lessee submits a request for voluntary relinquishment of the lease for this allotment at any time during the life of the lease, BLM will review the analysis contained in this EA for purposes of determining whether to accept such request without preparing an additional NEPA document. If conditions and circumstances remain substantially the same, no further NEPA document should be needed.

1. Terms and Conditions

Public Health and Safety

1. The BLM would conduct an inspection of range improvements to make a determination to remove, maintain, or abandon the range improvement projects. Specific environmental compliance documents will be completed if the action determined necessary requires it.

Solid and Hazardous Materials

1. The BLM would conduct an inspection of range improvements to make a determination to remove, maintain, or abandon the range improvement projects. Site specific environmental compliance documents will be completed if the action determined necessary requires it.

CHAPTER 3 ENVIRONMENTAL ANALYSIS

Required Elements:

Elements that are not present and will not be further analyzed:

- Farmlands, Prime or Unique
- Flood plains
- Wild and Scenic Rivers
- Essential Fish Habitat

Elements present that will be analyzed:

- Air Quality
- Areas of Critical Environmental Concern (ACEC) - -
- Cultural Resources
- Environmental Justice
- Livestock Grazing
- Native American Religious Concerns
- Public Health and Safety
- Recreation
- Socioeconomics
- Soil
- Waste, Hazardous or Solid
- Surface and Ground Water Quality
- Wetlands/Riparian Zones
- Wild Horses and Burros
- Wilderness
- Wildlife habitat
 - Threatened or Endangered Species
- Vegetation
 - Invasive/non-native
 - Special Status
 - Unusual Plant Assemblages
 - Biological Soil Crusts

AIR QUALITY

Affected Environment

The Mohave Desert Air Quality Management District (MDAQMD) has state air quality jurisdiction over the area associated with the proposed action. Much of the time, air quality throughout the project area is generally good. There are, however, times that the area does not meet air quality standards due to locally generated and/or wind transported pollutants. The vicinity in which the grazing allotment is located is currently classified as a federal non-attainment area for ozone and PM-10 under national standards. The area is within the Mojave Desert PM-10 Planning Area and the South East Desert Ozone non-attainment area. The State Implementation Plan (SIP) identifies sources of PM-10 emissions and control measures to reduce emissions. The SIP emphasizes controls and management.

Environmental Consequences:

A. Impacts of Proposed Action.

Soil disturbance from the trampling action of the livestock when soil moisture levels are low would result in increased fugitive dust emissions (PM10) in the allotment. In addition, vehicles used in association with livestock operations on the access roads would also generate small additional amounts of PM10 emissions and various precursor emissions for ozone.

However, the overall effect on air quality would be slight due to the generally wide distribution of livestock movement patterns in the allotment. Occasionally, livestock will be concentrated in corrals or temporary holding areas for short periods or up to several weeks to move livestock on or off an allotment. Emissions would be higher during this time but would not likely exceed standards. Excluding any future range improvements, PM-10 and ozone emissions within the allotment is de minimis and no further conformity determination is required.

B. Impacts of No Action (Current Management).

Same as above

C. Impacts of No Grazing.

Because no grazing related activities would be undertaken, no impacts to air quality would result from grazing use. No appreciable improvement of air quality would be expected because the area is a non-attainment area and grazing's contribution to periods of poor air quality is de minimis.

Consultation:

Consultation with MDAQMD was not undertaken as emissions are expected to be *deminimus* and air quality is not expected to be impacted.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)

Affected Environment:

The Chemehuevi DWMA was proposed as a recovery action for the desert tortoise in the Desert Tortoise (Mojave Population) Recovery Plan in 1994 by the U.S. Fish and Wildlife Service. BLM designated the Chemehuevi DWMA as an ACEC with the approval of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) in 2002. NECO is an amendment to the California Desert Conservation Area Plan of 1980. This ACEC was designated to protect desert tortoise and natural resources including special status plant and animal species and natural communities. The ACEC covers approximately 80% of the Lazy Daisy Allotment and contains 815,843 acres of public lands.

Environmental Consequences:

A. Impacts of Proposed Action

The DWMA ACEC was created to protect habitat for the recovery of the threatened desert tortoise. See the Wildlife section for information on impacts of grazing on desert tortoise.

B. Impacts of No Action (Current Management).

See the Wildlife section for information on impacts of No Action Alternative on desert tortoise.

C. Impacts of No Grazing.

See the Wildlife section for information on impacts of No Grazing Alternative on desert tortoise.

Maps:

Appendix 1, Map 2

References:

Bureau of Land Management. 1980. The California Desert Conservation Area Plan. California Desert District. Riverside, California.

Bureau of Land Management. 2002. Proposed Northern and Eastern Colorado Desert Management Plan and Final Environmental Impact Statement. California Desert District, Riverside California.

Bureau of Land Management. 2002. Proposed Northern and Eastern Mojave Desert Management Plan and Final Environmental Impact Statement. California Desert District, Riverside California.

Lovich, J.E., and D.A. Bainbridge. 1999. Anthropogenic degradation of the southern California desert ecosystem and prospects for natural recovery and restoration. *Environmental Management* 24:309-326.

U.S. Fish and Wildlife Service. 1994. Desert Tortoise (Mojave Population) Recovery Plan. U.S. Fish and Wildlife Service, Portland, Oregon. 73 pp.

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Webb, R.H. 2002. Recovery of severely compacted soils in the Mojave Desert, California, USA. *Arid Land Research and Management* 16:291-305.

CULTURAL RESOURCES

Affected Environment:

In the late 1970s the BLM conducted large Class I cultural resource surveys (exhaustive records search and literature review) and Class II cultural resource surveys (intuitive and random sample pedestrian) of the East Mojave Desert. These surveys were conducted by Gallegos et al. (1980); King, Casebier et al. (1981); Hall (1981); Warren et al. (1981); Rector (1981). The areas surveyed included the Lazy Daisy grazing allotment. These surveys provide the BLM with a significant historic and archaeological data base for cultural resource studies. Based on the above cultural surveys, the density and location of historic and prehistoric archaeological sites within the East Mojave may be predicted (e.g., presence/absence of a water source, naturally occurring lithic material for tool manufacture, subsistence resources available, and materials to construct shelter).

Numerous range improvements (e.g., ground disturbing activities such as cattle guards, windmills, wells, water tanks, water troughs, water embankment reservoirs, developed spring sites, water pipelines, corrals, etc.) have been constructed on the allotment (see list of individual range improvements constructed on the allotment). Approximately 2½% of the public lands within the boundaries of the allotment have been surveyed for cultural resources. More than half of the range improvements have been surveyed for cultural resources by federal, private consultants, and vocational archaeologists within

the past fifty (50) or sixty (60) years. These surveys include nineteen (19) 1-mile by 1/8-mile survey blocks conducted as part of the 1978-80 Class II survey of the Eastern Mojave Desert, five (5) linear surveys for pipeline/electrical transmission corridors, two (2) full section surveys (1 mile x 1 mile), and several 5-acre or less surveys for mining, range, and land actions.

A majority of the public lands within the allotment have been identified as possessing traditional Native American values. The Old Woman Mountains and Little Piute Mountains are of particularly high sensitivity (ca. 1991, Old Woman Mountain Technical Review Team and the Needles Resource Area, Bureau of Land Management). Site types known to be present within the boundaries of the grazing allotment include prehistoric and historic trails, historic railroads and roads, habitation sites, lithic reduction, resource procurement, rock rings/alignments, and traditional ritual sites. While a number of recorded archaeological sites located within the allotment are considered eligible for inclusion on the National Register of Historic Places (NRHP), no sites within the allotment have been formally nominated or listed on the NRHP. All sites with no determinations as either eligible or not eligible to the NRHP are presumed eligible for planning purposes. Current site condition and trends are unknown. Intensive archaeological surveys of existing locations where cattle congregate within the grazing allotment is scheduled for 2008.

Fifty-six (56) prehistoric and historic archaeological sites have been identified and formally recorded within the grazing allotment. The sites are identified and characterized in Table 2, below:

Table 2: Cultural Resources Information:

SITE NUMBER	TYPE SITE	LOCATION	DISTURBANCE
CA-SBR-164	Rock Shelters/Rock Art	Base of Mtns.	None Recorded
CA-SBR-285H	Rock Art/Campsite	Base of Mtns.	None Recorded
CA-SBR-337H	Campsite/Historic Ranching Activities at Spring	Alluvial Valley	Cattle Disturbance Historic Structures
CA-SBR-1165	Rock Art	Side of Drainage	None Recorded
CA-SBR-1815	Rock Art	Drainage	None Recorded
CA-SBR-1816	Rock Shelter/Surface Scatter	Side of Large Drainage	None Recorded
CA-SBR-1977	Rock Shelters/Rock Art	Side of Large Drainage	WWII Military Training Activities
CA-SBR-1978	Campsite	Base of Mtns.	None Recorded.
CA-SBR-1979	Rock Art	Base of Mtns./Spring	None Recorded
CA-SBR-1980	Campsite/Rock Art/Trail	Drainage	None Recorded
CA-SRR-1981	Rock Art	Base of Mtns.	None Recorded
CA-SBR-2040	Pottery Scatter	Terrace Above Wash	None Recorded
CA-SBR-2045	Lithic Scatter	Large Alluvial Valley	None Recorded
CA-SBR-2048	Lithic reduction/Ground stone	Large Alluvial Valley	None Recorded
CA-SBR-2049	Pottery Scatter	Large Alluvial Valley	None Recorded
CA-SBR-2500	Lithic Reduction	Large Alluvial Valley	None Recorded
CA-SBR-2501	Lithic Scatter	Large Alluvial Valley	None Recorded
CA-SBR-2502	Trail-Linear Alignment	Low-lying Hills/Valley	None Recorded

SITE NUMBER	TYPE SITE	LOCATION	DISTURBANCE
CA-SBR-2910H	Historic-National Trails Hwy.	Linear Historic Site	None Recorded
CA-SBR-3191H	Historic Mining Rock Cairn	Foothills of Mtns.	None Recorded
CA-SBR-3193	Lithic Reduction	Ridge Above Drainage	None Recorded
CA-SBR-3194	Lithic Reduction	Open Alluvial Surface	None Recorded
CA-SBR-3203	Pottery Shards	Terrace Above Drainage	None Recorded
CA-SBR-3204	Campsite	Base of Mtns./Spring	None Recorded
CA-SBR-3205H	Historic Mining Claim Cairn	Mountains	None Recorded
CA-SBR-3207	Campsite/Small Rock overhang	Within Drainage/Spring	Animal Disturbance –“Animals Wallowing in Midden”
CA-SBR-3208	Campsite	Within Drainage/Spring	Animal Disturbance-“Animals Wallowing in Midden”
CA-SBR-3209	Campsite/Rock shelter	Base of Mtns	None Recorded
CA-SBR-3218	Rock shelter	Slope of Mtns/Drainage	None Recorded
CA-SBR-3219	Pottery Shards	Slope of Mtns/Drainage	None Recorded
CA-SBR-3221	Pottery Shards	Slope of Mtns/Spring	None Recorded
CA-SBR-3226	Stone Circle	Slope of Mtns./Terrace	None Recorded
CA-SBR-3227H	Historic Mining Claim Cairn	Mtns.	None Recorded
CA-SBR-3228	Historic Mining Claim Cairn	Mtns.	Recorder Notes Cairn Base Disturbed by Small Mammals
CA-SBR-3231	Rock shelter	Drainage	Animal Disturbance- Animals Living in Cave (Small to Medium Size Mammals).
CA-SBR-3234	Historic Site (Probably Mining)	Alluvial Valley	None Recorded
CA-SBR-3236	Rock Ring	Hillside/Terrace	None Recorded
CA-SBR-3237	Historic Mine Site	Alluvial Valley	None Recorded
CA-BBR-3247	Lithic Scatter	Mountain Slopes	None Recorded
CA-SBR-3278H	Historic Town site	Alluvial Valley	None Recorded
CA-SBR-3279H	Historic Gas Station	Alluvial Valley	None Recorded
CA-SBR-4066	Trail	Mtns./Terrace	None Recorded
CA-SBR-4067	Lithic Scatter	Mtn. Canyon	None Recorded
CA-SBR-4068	Lithic Scatter	Mtns./Terrace	None Recorded
CA-SBR-4069	Hist. Military Rock Alignments	Low Lying Hillside	None Recorded
CA-SBR-4734	Lithic Reduction	Alluvial Valley	None Recorded
CA-SBR-5320	Rock Art	Base of Mtns./Canyon	None Recorded. Boulder in Large Wash. .Plastic Water Pipe Noted in Wash (No Negative Effect) .
CA-SBR-6693H	Historic Railroad-Linear Site	Alluvial Valley	None Recorded
CA-SBR-8145	Rock Shelter/Rock Art	Base of Mtns	None Recorded
CA-SBR-8146	Rock Art	Base of Mtns.	None Recorded
CA-SBR-8147	Rock Art	Base of Mtns.	None Recorded
CA-SBR-4737	Lithic Quarry/Campsite	Alluvia Valley	None Recorded
CA-SBR-8983H	WWII Military Training Site	Alluvial Valley	None Recorded
CA-SBR-8984H	WWII Military Training Site	Alluvial Valley	None Recorded
CA-SBR-8985H	WWII Military Training Site	Alluvial Valley	None Recorded
CA-SBR-12375	Rock Art	Base of Mtns.	None Recorded

Thirty-three (33) of these sites are located on the upper bajadas, lower mountain slopes, canyons, or in proximity to springs (transitional zone). Nineteen (19) of these sites are located within alluvial valley floors or on small hills within the valleys. Four sites are located within the three mountains or on mountain slopes. Three of the sites in the mountains are historic mining sites and one is a prehistoric lithic site. Valley sites include lithic scatters (6), historic mining sites, and historic transportation routes (2).

Table 3. Archaeological Sites By Zone

Type Site	Mountain	Valley	Transition Zone	Spring
Prehistoric				
Lithic	1	6	3	
Rock Art			7	1
Rock Art w/Habitation			5	
Habitation			6	3
Pottery Scatter		1	3	1
Rock Rings			2	
Trails		1	1	
Historic				
Mining	3	2	1	
Military		3		
Transportation/Town site		4		
Multi-component				
Prehistoric Campsite/-Historic Ranch				1

As Table 3 documents, the majority (82.5%) of prehistoric sites are located within the Transition Zone and the majority of historic period sites (60%) are located in the valley floors. The archaeological records indicate that one multi-component site, has been impacted by grazing/cattle and two sites (a sparse temporary campsite and a pottery scatter) have been impacted by animals wallowing on site. Field surveys of the three sites revealed that mule deer were probably responsible for the “wallowing locations” within and adjacent to the temporary campsite and potter scatter locations. Grazing cattle were responsible for impacts at the multi-component site due to cattle grazing, watering, and congregating within the boundaries of the site.

Environmental Consequences:

A. Impacts of Proposed Action

Livestock grazing is known to impact archaeological resources where cattle congregate by causing artifact damage, movement, and mixing. The intensity of grazing, soil hardness, moisture, and vegetation cover are factors that influence the level and types of impacts. Erosion is a secondary impact resulting from grazing that can also have

impact cultural sites. In zones where livestock are more dispersed, such as upland locations away from water sources, impacts would be restricted to surface displacement and impacts are anticipated to be minimal and would not impair site eligibility. In rock areas and zones without sufficient feed minimal impacts to cultural resources are likely to occur (ASPPN 1990; Roney 1977).

Although cattle use on the allotment is generally dispersed, congregation of cattle may occur near springs, water sources and other facilities (e.g., wells, tanks, troughs, and corrals) where cultural resources are known to occur. Potential impacts to cultural resources (e.g., artifact damage, artifact displacement, loss of site integrity and soil erosion) will be highest in these congregation areas where range improvement projects have been constructed and lowest in open range areas.

In August, 2004, the State Director, California Bureau of Land Management, and the California State Historic Preservation Officer (SHPO), addressed the issue of the National Historic Preservation Act (NHPA) Section 106 compliance procedures for processing grazing lease renewals for livestock as defined in 43 CFR 4100.0-5. The State Director and the SHPO amended the 2004 State Protocol Agreement Between California BLM and the California State Historic Preservation Officer with the 2004 Grazing Amendment, Supplemental Procedures for Livestock Grazing Lease Renewal. This amendment allows for the renewal of existing grazing leases prior to completing all NHPA compliance requirements as long as the 2004 State Protocol direction, the BLM 8100 Series Manual Guidelines (Protocol Amendment F), and specific Planning, Inventory methodology, tribal and interested party consultation, evaluation, effect, treatment, and monitoring stipulations are followed.

Cattle grazing has the potential to impact important cultural resources within the Lazy Daisy Allotment, particularly at developed springs, corrals, wells and water troughs, and salt licks where sites may co-occur. The archaeological record indicates that one multi-component site, has been impacted by grazing/cattle and two sites (a sparse temporary campsite and a pottery scatter) have been impacted by animals wallowing on site. Site records for three archaeological sites within the Lazy Daisy Allotment have specifically references to on-site impacts incurred as a consequence of grazing activities (and/or "animal disturbance"). All three sites are located adjacent to, or close proximity to an existing spring or water source:

1. CA-SBR-3207, is recorded as a small, temporary prehistoric campsite with small rock overhang. The site is located on a mountain ridge upslope from the spring location. The archaeological site record notes that "It appears that large animals are using the midden to wallow in". Artifacts observed within the site boundaries include "one chert flake, one piece of pottery (collected), and one piece of burned bone (collected)". A field assessment of the site, and it's immediate environs, revealed that the mule deer that live in the region are most likely responsible for the animal wallowing locations above the spring. Deer scat was observed within the proximity of several animal wallowing locations of the slopes and flat areas above the spring site. While a limited, or sparse number of cow paddies were noted above and adjacent to the spring

location, these were observed along trails providing the occasional range cow with access to the drainage floor and spring location. The wallow locations were too small to have been made by range cattle.

2. CA-SBR-3208 is a small, sparse pottery locus (the site consists of one piece of pottery found under a cat claw bush) on the mountain slopes north of the spring location and CA-SBR-3207 described above. Like CA-SBR-3207, the archaeological site record for CA-SBR-3208 notes that “it appears that large animals are using the midden to wallow in”. A field assessment of the area around the pottery locus revealed that mule deer that live in the region are most likely, like CA-SBR-3207, responsible for the single animal wallowing location observed within the vicinity of the site.

3. CA-SBR-337/H site protection measures will be mitigated with new access gates and the replacement of old fences.

B. Impacts of No Action (Current Management)

The grazing stipulations of the State Protocol Agreement Between California BLM and the California State Historic Preservation Office would be applicable under the No Action alternative. Active grazing leases would be scheduled for cultural resource compliance coverage, in consultation with the SHPO, over the next ten years. As stipulated in the protocol, the BLM has notified the State Historic Preservation Officer that the Section 106 survey of the Lazy Daisy Allotment is scheduled for implementation in fiscal year 2008.

In effect, the potential for impacts to cultural properties with the No Action alternative would remain the same as the Proposed Action for the Lazy Daisy Allotment.

C. Impacts of No Grazing

Cessation of grazing without the removal of range improvements within the allotment would terminate grazing related direct impacts to cultural resources. If cessation of grazing includes removal of grazing improvements, impacts to cultural resources co-located within the improvement would be impacted. Site specific analysis would be conducted and appropriate mitigation measures implemented as necessary prior to range improvement removal. Grazing related erosion will continue to indirectly impact cultural resources to an unknown extent.

Consultation:

See Chapter 1, G. Tribes, Individuals, Organizations, or Agencies Consulted.

Maps

Maps identifying the locations of cultural resources are not included due to the proprietary nature of the information (16 United States Code 470hh and 16 USC 470w-3).

References

ASPPN 1990 Impact of Domestic Livestock Grazing on Archaeological Resources, Archaeological Sites Protection and Preservation Notebook, Technical Notes 1-15. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS.

Gallegos, Dennis, et al. 1980 Cultural Resources Inventory of the Central Mojave and Colorado Desert Regions, California. Riverside: Bureau of Land Management.

Hall, Matthew C. 1981 Inventory of Spring/Seep Locations in the East Mojave Desert Region. *In*: Background to Historic and Prehistoric Resources in the East Mojave Desert Region, C. King and D.G. Casebier, eds. Riverside: Bureau of Land Management

King, Chester 1981 Background to Prehistoric Resources of the East Mojave Planning Unit. *In*: Background to Historic and Prehistoric Resources of the East Mojave Desert Region, C. King and D.G. Casebier, eds. Riverside: Bureau of Land Management

Old Woman Mountain Technical Review Team and the Needles Resource Area, Bureau of Land Management. CA. 1991, Draft Old Woman Mountain Coordinated Resource Management Plan. Draft plan on file at Bureau of Land Management, Needles Field Office, CA.

Rector, Carol 1981 Rock Art of the East Mojave. *In*: Background to Historic and Prehistoric Resources of the East Mojave Desert Region, C. King and D.G. Casebier, eds. Riverside: Bureau of Land Management.

Roney, John 1977 Livestock and Lithics: The Effects of Trampling. Manuscript on file at the Bishop Field Office, Bureau of Land Management.

Warren, Elizabeth von Till, et al. 1981 A Cultural Resources Overview of the Colorado Desert Planning Units. Riverside: Bureau of Land Management.

ENVIRONMENTAL JUSTICE

Affected Environment:

The grazing allotment being analyzed is located in rural San Bernardino County. The rural areas of the county are typically occupied by moderate to low-income households. No minority communities or low-income communities are located within or adjacent to the proposed project areas. The grazing of livestock in rural San Bernardino County has been a common practice for over 100 years. Ranching has been typically performed by persons of low to moderate income.

Environmental Consequences:

A. Impacts of Proposed Action.

The proposed action would not impact the Native American's distinct cultural practices or result in disproportionately high or adverse human health or environmental effects on minority communities.

B. Impacts of No Action (Current Management).

Same as proposed action.

C. Impacts of No Grazing.

Same as proposed action.

LIVESTOCK GRAZING

Affected Environment:

The Lazy Daisy Allotment, #9076, is a perennial allotment with potential forage production to enable the BLM to authorize grazing on an established perennial forage allocation. The current lease, #046976, authorizes 266 cattle from March 1, through February 28 (year long), or 3,192 AUMs. The allotment encompasses 311,322 acres, including private, State, and BLM (public) lands. Public land administered by the BLM totals 284,533 acres. Within the Lazy Daisy Allotment, there are 238,461 acres of desert tortoise critical habitat and 235,529 acres of DWMA.

Cattle graze in the lower elevations during late fall, winter and early spring (October through May) corresponding with lower temperatures in association with increased precipitation and longer moisture retention in the soil. Cattle are moved to the higher elevation pastures, usually beginning in late spring, and continuing through early fall (May through September), when temperatures rise and precipitation is less frequent resulting in forage becoming less available. The most western pasture of the allotment located in Sonoran Creosote Scrub has no water developments. Cattle only use this area during the spring, in years when the amount of precipitation is such that there is surface water available and/or allows the forage plants to retain enough moisture to make it possible for cattle to be less dependent on the use of developed water improvements. Appendix 1, Map 3, depicts pasture areas that are generally used. Cattle movement between pastures occurs by cattle moving on their own due to the factors described above reducing available forage, and cattle are gathered and moved by horseback, or transported in trucks.

Table 4: Existing Range Improvements

NUMBER*	NAME	TYPE
Corrals		
	Lazy Daisy Ranch Corral	Corral
9639	Milton's Well Corral	Corral
9694	Old Ranch Well Corral	Corral
Fences		
9505	Brinton And Robinson Fence	Fence
9517	Essex Fence	Fence
9491	Highway 66 Boundary Fence	Fence
9525	Sunflower Spring Enclosure	Fence
Water Developments		
9226	Old Ranch Well Pipe	Pipeline
	Barrel Spring	Spring
	Brady Spring	Spring
9123	Fenner Spring	Spring
	Honeymoon Spring	Spring
	Kane Spring	Spring
	Old Ranch Spring	Spring
	Paramount Spring	Spring
9222	Sunflower Old Tank & Pipeline	Spring
	Wilhelm Spring	Spring
	Willow Spring	Spring
9194	Florence Mine Tank	Tank & Trough
	Lazy Daisy Ranch Tank	Tank & Trough
9639	Milton's Well Corral	Trough
	Bea Landerman's Well	Well
9135	Lazy Daisy Well	Well
9174	Milton's Well	Well
9694	Old Ranch Well Corral	Well
9076	Painted Rock Well	Well
9189	Weaver's Well	Well

* Not all improvement projects are catalogued in the database that assigns a number. The NFO is continually updating the range improvement database.

Environmental Consequences:

A. Impacts of Proposed Action.

The DWMA encompasses approximately 76% of the Lazy Daisy Allotment. When the threshold of 230 lbs per acre of ephemeral forage is not met in the DWMA (term and condition 1), and cattle are excluded from all or part of the DWMA from March 15 through June 15, there would be a potential increase in labor costs associated with gathering and moving cattle. There may also be additional fuel costs associated with transporting cattle outside the DWMA, either off the allotment completely or to the only pasture outside of the DWMA, in the western portion of the allotment. This would increase the overall operating costs for the lessee.

During periods of drought the lessee may be required to remove cattle from all or part of the allotment. If the lessee were required to remove cattle from the allotment it would be necessary to transport, feed and hold the cattle somewhere off the allotment until conditions on the allotment improve and sufficient forage is available to sustain grazing. There could be a potential loss of cattle due to stress involved in transport (pregnant cows may abort calves, young calves may sustain injuries from larger animals, and/or older cows may perish). In conclusion there is a potential for slight impacts associated with implementation of the DWMA terms and conditions. There is a potential for slight to moderate impacts to occur associated with the removal of cattle from the allotment due to drought.

B. Impacts of No Action (Current Management).

Same as proposed action

C. Impacts of No Grazing.

See impacts in Social and Economic section.

Maps:

Appendix 1, Map 3.

NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment:

There are four Native American Tribes that historically occupied the grazing allotment. The Tribes include the Colorado River Indian Tribes, the Chemehuevi Indian Tribe, the Fort Mojave Indian Tribe and the Twenty-nine Palms Band of Mission Indians. None of the Tribes are living on the allotment. There are no treaty rights (hunting, fishing, etc.) associated with any of the communities on the allotment. Some tribal members hunt and conduct subsistence and available resource collection of materials from the public lands (such as gathering mesquite beans, basket weaving materials, medicinal plants, clay, etc.) within the allotment. Sacred sites and ceremonial use of small areas within the allotment are also known to occur within the allotment area. A majority of the lands within the allotment has been identified as possessing traditional Native American values. The Old Woman Mountains and the Little Piute Mountains are of particularly high sensitivity (ca. 1991, Draft Old Woman Mountain Coordinated Resource Management Plan prepared by the Old Woman Mountain Technical Review Team and the Needles Resource Area, Bureau of Land Management).

The Needles Field Office conducted Nation to Nation coordination and consultation with the aforementioned Native American Tribes. In the consultation letter the Field Manager requested information about Tribal concerns over issues associated with cattle

gazing, water and range developments, spring rehabilitation projects, and any other issues or concerns that the Tribes may have with the BLM's management of the grazing allotment.

Environmental Consequences:

A. Impacts of Proposed Action.

No specific concerns were identified by the potentially affected tribes.

B. Impacts of No Action (Current Management).

Same as proposed action.

C. Impacts of No Grazing.

No impacts to Native American religious concerns would occur in association with the no grazing alternative.

Consultation:

The Colorado River Indian Tribes, Chemehuevi Indian Tribe, Fort Mojave Indian Tribe and Twenty-Nine Palms Band of Mission Indians of California were contacted by letters in October and December 2004, with additional information provided in April in 2005. Additionally, follow-up telephone calls were made with these Native American Tribes to determine their concerns with the grazing program and their desire to participate in the assessment process. A consultation meeting between the Needles Field Office and the Fort Mojave Tribal Council occurred in June 2005. No specific comments on the proposed action and/or alternatives were received from these Tribes.

PUBLIC HEALTH AND SAFETY

Affected Environment:

The proposed allotments are subject to multiple-use in that the public visits the range lands during grazing periods. Ever increasing public recreation use during grazing activities indicates the potential for greater contact between cattle and man. The potential for public visitation proximal to grazing operations, electrical generation and utilization, and herding present potential hazards to the public.

The specific language addressing the grazing lessee's due diligence in these areas and environmental issues in the proposed action, Section 5. Terms and Conditions, Sections, sufficiently provide for public safety and health.

Environmental Consequences:

A. Impacts of Proposed Action.

The impact of livestock grazing on public health and safety is primarily the risk associated with the human-cattle interface such as vehicular accidents, injuries caused by excessively close contact with each other, and rarely infectious diseases and vectors which may pass from cattle to humans. The facilities required for management, such as water sources, corals, windmills, pumps and generators, may pose a public health and safety risk due to the operational system, environmental contamination (such as hydraulic fluids), and/or the risks involved in the public visiting these facilities. The BLM routinely inspects range improvement facilities to determine the need for maintenance and to assess and remedy any public health and safety hazards. There are no known or recorded incidences of impacts to public health and safety. In conclusion, there is a potential for limited impacts to public health and safety.

B. Impacts of No Action (Current Management)

Same as proposed action.

C. Impacts of No Grazing.

There would be no impacts to public health and safety. Range improvements determined to have safety related hazards would be repaired or removed as required.

References:

Federal Land Policy and Management Act of 1976, Titles I – III. ;
Department of Interior, Part 485, Safety and Occupational Safety & Health Program,
Chapter 23 Public Safety and Health.

RECREATION

Affected Environment:

A number of dispersed recreational activities occur throughout the Lazy Daisy Allotment located in the Eastern Mojave Desert. This wide range of recreational interests include hiking, camping, geo-caching, boulder and rock climbing, off-highway vehicle (OHV) activities, scenic and pleasure driving, recreational vehicle touring (RV), site-seeing, mountain and road bicycling, horseback riding, wildlife watching, photography, target shooting, hunting, and rock collecting.

Recreational activities are more concentrated along and in proximity to the roads and routes system than within the wilderness boundaries. Segments of the East Mojave Heritage Trail are located in the allotment. This trail is a popular OHV route and it is published in the BLM's *Turtle Mountain OHV Trail Guide and Map* brochure. Special

Recreation Permits (SRP) are issued annually for commercial OHV activities, wilderness camping, hiking, and commercial hunting guide services in the Piute Mountains, Turtle Mountains, and Old Woman Mountains Wilderness areas. Recreation use levels in the area are low to moderate receiving the highest recreational visits during the late fall, winter and early spring with most activities occurring on weekends, holidays and during permitted events. Future planning strategies include development of dispersed recreation sites; visitor uses guides and informational brochures and kiosks. Currently, interactions between cattle and visitors are a common occurrence but at infrequent intervals.

Environmental Consequences:

A. Impacts of Proposed Action.

The Lazy Daisy allotment receives low to moderate seasonal recreational use. Increased visitor use depends on population growth in neighboring communities and development of dispersed recreation sites, which attracts motorized and non-motorized recreation activities. Current population growth rates are raising recreation use levels in the area slowly from a low to a moderate level with a growing variety of recreational activities. Cattle congregate near water sources such as springs, wells, tanks, troughs, and land features like washes, roads, and corrals. Since these same facilities serve as points of discovery and interest for recreational visitors there is increased potential for interactions between cattle and visitors at these locations. Comments to the BLM by visitors regarding these interactions have not indicated a need for management prescriptions to address these interactions. Because cattle will avoid human contact if possible, conflicts between individuals seeking recreation and livestock typically revolve around the presence of cattle dung, especially near watering or corral facilities. The restriction of grazing within the DWMA during years with low vegetative production would decrease the amount of cattle dung in these areas reducing any perceived conflict.

Specific locations on the allotment where interactions would occur depends on the grazing rotation. Cattle would graze in the lower elevations during late fall, winter and early spring. The lower elevation grazing will be in proximity to four utility corridors, Water and Sunflower/Essex Roads and other 4 wheel-drive routes which serve as access for recreational activities in Ward Valley. These roads and trails receive moderate use during the same times of the year as grazed. As temperatures rise in late spring the cattle are moved to higher elevations and grazed there through early fall. Potential interactions from grazing in higher pastures will be related to hiking or equestrian activities as vehicle access is prohibited within wilderness boundaries. The potential for these interactions is further limited because recreational use diminishes as the summer months approach.

OHV activities can be classified by three categories, motorcycle (MC), all terrain vehicles (ATV), and 4X4. Each pose a different level of possible interactions related to their use. Motorcycles travel over ruff terrain and roads at higher rates of speed and

maneuverability than ATVs or 4X4 vehicles. The higher rate of speed increases the likelihood of a collision, however, combined agility, noise, and smaller size of motorcycles tend to lessen the chances of a collision. The likelihood is further lessened by the fact that motorcycles make up the smallest segment of OHV use within the allotment.

Permitted recreational visitors are instructed to leave gates as found or as signed. OHV users may be slightly inconvenienced in locations where they would have to open and close a cattle gate to proceed on an open vehicle route or at points of discovery if cattle are present. This could lead to a human-cattle interaction. Although most cattle will try to avoid human contact, the same can not be said for people, impacts from encounters may happen. These encounters can range from slight to severe and depend largely on the actions taken by the recreational visitors. Driving on back roads within grazing allotments could increase the chance for vehicle-cattle interaction. Comments from visitors in discussions with field staff and at the Needles Office have not indicated the need for any management prescription to address these possible interactions.

During round-ups and herding activities, recreational visitors may be delayed as cattle are moved between pastures and/or loaded on stock trailers for transport. Most types of livestock interactions are few and far between; therefore, impacts to recreation would not be appreciable. The proposed action would minimally affect and likely decrease the potential for impacts to recreational use.

B. Impacts of No Action (Current Management).

Same as the proposed action.

C. Impacts of No Grazing.

The cessation of cattle grazing would result in no human-cattle impacts. No livestock to charge at vehicles or for vehicles to hit. Cattle would not be present to congregate in the dips in roads and near wells, tanks, troughs, and corrals, so vehicle-cattle and/or human-cattle interactions would be eliminated.

SOCIOECONOMIC

Affected Environment:

The allotment being analyzed under the proposed action and alternatives is located in rural San Bernardino County. The allotment is primarily operated by the lessee, who may hire local labor on a seasonal basis. This labor typically consists of one to three persons.

Approximately \$15,000 to \$25,000 of the Bureau's grazing fees collected are returned to San Bernardino County annually depending on the price of an AUM for that year and the number of AUMs utilized. The Lazy Daisy Allotment contributes approximately 8 to

10 percent of the total grazing fees for San Bernardino County.

The contribution of the allotment to the goods and services of the local community is nominal. The sale of calves at the stock yard by the lessee benefits the financial needs of the lessee and provides capital to purchase goods and services for continuation of the grazing operation and personal needs. The operation is generally small and the effect on the local economy is negligible.

Environmental Consequences:

A. Impacts of Proposed Action.

The DWMA encompasses approximately 76% of the Lazy Daisy Allotment. When the threshold of 230 lbs per acre of ephemeral forage is not met in the DWMA, and cattle are excluded from all or part of the DWMA from March 15 through June 15, there would be a potential increase in labor and fuel costs to the lessee, increasing the overall operating costs for the lessee. The temporary exclusion of cattle may reduce the ability of the lessee to produce calves and result in a loss of revenue to the lessee.

During periods of drought the lessee may be required to remove cattle from all or part of the allotment which may cause a loss in revenue to the lessee.

Under the proposed action, grazing would continue at current levels. These levels are at their lowest point when compared to historic levels. The grazing operation would continue to have a nominal influence on the local and regional economy of San Bernardino County.

Overall there would be slight or no impact economically to the lessee or the regional economy of San Bernardino County.

B. Impacts of No Action (Current Management).

The environmental consequences associated with the no grazing alternative would be the same as the proposed action with the exception that there would be a nominal negative effect to the economy of rural San Bernardino County.

C. Impacts of No Grazing.

There would be a slight impact to the economy of rural San Bernardino County resulting from the loss of the existing cattle operations. A small amount of tax revenue and revenue to local businesses would be lost.

SOIL

Affected Environment:

Detailed soil surveys have not been conducted for the region encompassing the Lazy Daisy Allotment. In general, soils of the region are predominately aridisols (calcids and durids) and entisols (ordents and psamments). Accurate classification below these subgroups requires more detailed study. However, some generalizations can be made.

The U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (formerly the Soil Conservation Service) classifies soils into four hydrologic groups based on infiltration rates obtained for bare soil after prolonged wetting. Those four soil groups are described as follows:

Group A Soils

Group A soils have a low runoff potential and high infiltration rate. These soils generally consist of deep, well-drained sands and gravels. USDA soil textures normally included in this group are sand, loamy sand and sandy loam. Soils in this group have an infiltration rate of more than 0.3 inch per hour. Most of the areas underlain by undifferentiated alluvium and dune sand are mapped as Group A soils. This group of soils predominates in areas that are grazed.

Group B Soils

Group B soils have a moderate runoff rate and moderate infiltration rate. These soils generally consist of moderately deep to deep, moderately well- to well-drained sandy loams with moderately fine to moderately coarse texture. These soils have an infiltration rate between 0.15 and 0.3 inch per hour. These soils are very limited in the region.

Group C Soils

Group C soils have a moderate runoff rate and slow infiltration rate. These soils generally consist of silty loam with a layer that impedes the downward flow of water or has a moderately fine to fine texture. The soils have an infiltration rate of 0.05 to 0.15 inch per hour. Group C soils in the area occur in the lower part of the alluvial valleys and in the playa deposits.

Group D Soils

Group D soils have a high runoff potential and very slow infiltration. These soils consist of clay with high swell potential, soils with a permanent high water table, soils with a clay pan or clay layer near the surface or shallow soils above nearly impervious material such as bedrock. Soil textures in this group include clay loam, silt loam, sandy clay, silty clay and clay. The soils have a very low infiltration rate, at 0.05 inch per hour.

Group D soils in the region are present in the areas mapped as bedrock.

Erosion and Sensitivity to Disturbance

Due to the sandy or loamy nature of the soil and the sparse vegetation in most of the region, the soil is susceptible to wind erosion. According to mapping by the BLM (1982), the sensitivities of soils in the area to disturbance can be classified as high, medium or low, corresponding generally to mountainous areas with shallow bedrock, alluvium on the flanks of the mountain ranges, and playa/lakebed deposits, respectively. Erosion potential of these soils ranges from slight to moderate.

BLM assessed the allotment in June 1999 to determine if the rangeland health standards were being met. Specific soils standards relate to permeability and infiltration. All sites examined were found to meet the standards for soils. Minor soil compaction and loss of vegetation occurs in the immediate area of some watering locations.

Environmental Consequences:

A. Impacts of Proposed Action.

Impacts to soils occur in the immediate vicinity of watering sources, corrals, and attendant access areas. An estimated 53.1 acres of compacted soils currently exist due to 22 range improvements within the allotment.

The level of grazing and the impact from utilization at existing range improvements in the allotment has decreased from the time when the existing range improvements were installed. There is no documented observations of soil compaction at spring locations. Overall the impacts would be slight because less than 1 percent of the allotment's soils would be affected and there are no new range improvements planned at this time that would increase the amount of compacted soil on the allotment.

B. Impacts of No Action (Current Management).

Same as proposed action.

C. Impacts of No Grazing.

The absence of cattle congregating in large numbers would eliminate the process of soil compaction. Over time rodent and insect activity, in addition to climatic conditions such as precipitation would gradually lessen the effect of compaction.

WASTES, HAZARDOUS OR SOLID

Affected Environment:

Range improvements such as generators and pumps, with associated fuel storage, waste oil generation, and batteries are known to be associated with allotments. These facilities experience releases of fuels, petroleum products, battery acids and lead, dust suppression agents, and on rare occasions, pesticides. Since the proposed use of these sites is consistent with their past range land use, the previous existence of hazardous material contamination exists- although the extent of such contamination has not been quantified. It is unlikely that continued use will exacerbate the current conditions. The mitigating actions defined in the proposed action should be sufficient to ensure responsible management of solid waste and hazardous materials when implemented.

Environmental Consequences:

A. Impacts of Proposed Action.

The facilities required for management, such as water sources, corals, windmills, pumps and generators, may pose a hazardous or solid waste related risk due to the operational system, environmental contamination (such as hydraulic fluids), and/or the risks involved in the public visiting these facilities. The BLM routinely inspects range improvement facilities to determine the need for maintenance and to assess and remedy any hazardous and solid waste problems. There are no known or recorded incidences of impacts of hazardous and solid waste. In conclusion, there is a potential for limited impacts to hazardous and solid waste.

B. Impacts of No Action (Current Management.)

Same as proposed action.

C. Impacts of No Grazing.

There would be no effect on hazardous and solid waste as a result of the no action alternative. Range improvements assessed as having waste related impacts would be sampled and removed as required.

References:

40CFR Part 300, National Oil and Hazardous Substance Pollution Contingency Plan; Federal Land Policy and Management Act of 1976, Titles I – III. ; Department of Interior, Part 485, Safety and Occupational Safety & Health Program, Chapter 23 Public Safety and Health.

SURFACE AND WATER QUALITY

Affected Environment:

The Lazy Daisy Allotment is located in the Route 66, Cadiz, Ward, and Chemehuevi watersheds. Surface water exists primarily as runoff during storm events and no perennial streams exist in the region encompassing this allotment. Groundwater aquifers underlie the basin areas at depths up to several hundred feet. Some water wells exist in the allotment and produce a few acre-feet of water per year, collectively for stock water and domestic drinking water. Only those wells which are used for livestock watering have potential for impacting groundwater under this proposed action.

Water use for grazing is low and draw down of the water table of specific basins has not been observed. Water quality is suitable for domestic use in most areas although elevated Total Dissolved Solids (TDS) levels are common. Evapo-transpiration exceeds percolation in all areas surrounding water wells used for livestock. Some springs exist in the allotment with small accompanying riparian areas. See Critical Element Wetlands and Riparian Zones for additional discussion.

Environmental Consequences:

A. Impacts of Proposed Action.

No impacts to drinking water are anticipated as drinking water sources are limited to groundwater wells.

No impacts to groundwater are anticipated as water well production is minimal within any particular ground water basin.

B. Impacts of No Action (Current Management.

Same as proposed action.

C. Impacts of No Grazing.

Same as proposed action.

WETLANDS/RIPARIAN ZONES

Affected Environment:

There are 21 known spring locations in the Lazy Daisy Allotment. The springs are located in the Old Woman, Little Piute and Piute Mountains. All but two of the springs are located within Wilderness.

Water sources in the Mojave Desert are rare and occur as seeps and springs. Springs

are generally small and are associated with prominent mountain ranges. The "typical" spring, seep, or riparian area consists of trees, cat-tails/reeds, ferns, grasses, *Carex*, or *Juncus spp.* and a few shrub or small tree species, except where Tamarisk has come to dominate exclusively. Spring sites over five acres have plant communities with larger trees/shrubs. The following plants have been found at these spring sites: *Salix* (*S. gooddingii*, *S. exigua*), *Populus*, *Prosopis*, *Celtis*, *Quercus spp.*, and/or tamarisk. Shrubs at these sites are *Baccharis*, *Salix*, *Quercus* and *Chilopsis spp.* Grasses include *Eragrostis*, *Sporobolus*, and *Poa* species. Other plants common to spring sites are *Juncus*, *Carex*, *Phragmites*, *Salix spp.*, tamarisk, and the introduced giant arundo, *Arundo donax*.

Springs provide much needed water to wildlife species that require a perennial water source. Both game and non-game species routinely visit springs in the desert. Endemic micro fauna can also be found inhabiting these rare water sources.

The NFO has an ongoing program to assess wetland and riparian areas located on public lands it administers. Table 4 below lists the riparian areas located in the Lazy Daisy Allotment and includes information about the condition of the riparian area.

The Needles Field Office uses a modification of the proper functioning condition (PFC) for lentic areas. The method uses a standardized, qualitative method called proper functioning condition or PFC (Prichard 1998). The PFC method separates the wetland into three major components: hydrology, soils, and vegetation. Each component is addressed according to its site potential. Together, these three components allow an evaluation team to assess the functionality of the physical processes of a spring. Functionality is described using three specific terms: functional (F), functional at risk (FAR), nonfunctional (NF), and unknown (UK). These terms are defined below:

Functional - A riparian-wetland area has adequate vegetation, landform, or large woody debris to dissipate stream energy, capture bedload, support vegetative growth to support streambanks, to provide diverse habitat, and support greater biodiversity.

Functional at Risk- riparian-wetland areas that are in functional condition, but an existing soil, water, or vegetation attribute makes them susceptible to degradation. The functional at risk term is further defined with an indication of trend either downward or an upward.

Nonfunctional- riparian-wetland areas that clearly are not providing adequate vegetation, landform, or large woody debris to dissipate stream energy associated with high flows, and thus are not reducing erosion, improving water quality, etc.

Unknown-riparian-wetland areas that managers lack sufficient information on to make any form of determination.

Table 5. Springs Information:

Name	Inventory Date	PFC Rating	Weeds	Cattle/Burro Accessible	Developed Improvement
Barrel Spring		UK	Unknown	Yes	Yes
Bert Spring	1997	NF	Yes	No	No
Black Metal Spring	1994	NF	Yes	No	No
Brady Spring	1997	NF	Yes	No (fenced)	Yes
Carbonate	2004	F	No	Yes	Unknown
Craig Spring	1994	UK	No	No	No
Dripping Spring	2003	NF	Yes	Yes	No
Eva Spring	1994	UK	No	Yes	Unknown
Fenner		UK	No	Yes	Yes
Granite		UK	Unknown	Yes	Unknown
Honeymoon Spring	1994	UK	No	Yes	Yes
Kane Spring	2004	NF	Yes	Yes	Yes
Lone Spring	1994	UK	No	Unknown	Unknown
Old Ranch Spring	1994	NF	Yes	Yes	Yes
Old Woman Spring	1994	NF	Yes	Yes	No
Paramount Spring	2004	NF	Yes	Yes	Yes
Sammy's Spring	1994	NF	Yes	No	No
Sheep Camp	1997	NF	Yes	Yes	No
Sunflower Springs	1999	NF	Yes	No (fenced)	Yes
Sweetwater Spring	1994	NF	No	No	Unknown
Wilhelm Spring	2004	NF	Yes	Yes	Yes
Willow Spring	2004	NF	Yes	Yes	Yes

Environmental Consequences:

A. Impacts of Proposed Action.

There would be no impacts from cattle grazing on Bert, Black Metal, Brady, Craig, Eva, Sammy's, and Sweetwater Springs because they are not accessible to cattle due to being located in rugged terrain and steep elevation. Sunflower Spring is protected from impacts from cattle by an enclosure fence.

Carbonate Spring is in functional condition and there is no documentation of impacts from cattle at the spring.

Barrel, Brady, Dripping, Fenner, Honeymoon, Kane, Old Ranch, Paramount, Sunflower, Wilhelm, and Willow Springs have all been developed into range improvement projects. The impacts of these projects on the riparian habitat is slight because the range improvement facilities that supply water for cattle are designed to ensure that there is no excessive water loss from the riparian area. The improvements include spring boxes with water piped to troughs. The troughs have floats installed to ensure there is no excessive water lost from the riparian areas. Escape ramps are installed to ensure wildlife do not get trapped in troughs.

Dripping, Kane, Old Ranch, Old Woman, Wilhelm and Willow Springs are all in non-functional condition due to the presence of non-native invasive species (tamarisk, giant cane, and/or tree of heaven) and monitoring and evaluation have not documented cattle

contributing to current condition.

Barrel, Eva, Fenner, Granite, Honeymoon, and Lone Star Spring's condition are unknown. There is no documentation on file that cattle have been impacting the springs.

In 1999 Rangeland Health Assessments did not show any riparian areas as not meeting standards due to livestock, and the only changes in use on the allotment have been to reduce the size of the allotment and to implement more restrictive grazing management for the purpose of protecting the desert tortoise and its habitat. Monitoring has reported impacts from burros to the riparian area at Fenner Spring. The Needles Field Office has an ongoing program working to remove the burros in the Piute Mountain Herd Area.

Overall impacts to riparian areas in the Lazy Daisy Allotment would be slight. The terms and conditions would require the lessee to maintain range improvements, and mineral supplements would not be authorized within 1/4 mile of any natural water source. The Needles Field Office monitors and evaluates riparian areas and when necessary implements projects such as installing enclosure fences and aggressively works to remove non-native/invasive species such as tamarisk and giant arundo in riparian areas.

B. Impacts of No Action (Current Management).

Same as Proposed Action

C. Impacts of No Grazing.

If the allotment is voluntarily relinquished there would be no potential impacts by cattle grazing to the riparian areas because the allotment would be eliminated and would not allow authorizations to graze cattle.

References:

Prichard, Don. 2003. A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lentic Areas. TR 1737-16. Bureau of Land Management. BLM/RS/ST-03/001+1737, Denver, CO. 109 pp.

WILD HORSES AND BURROS (CRITICAL ELEMENT)

Affected Environment:

The Piute Mountain Herd Area established in the CDCA plan consists of 40,361 acres of public land located within the Lazy Daisy Allotment. The present Animal Management Level (AML) is zero. The current population is estimated to be approximately 20 burros.

Environmental Consequences:

A. Impacts of Proposed Action.

There would be no impacts to burros from livestock grazing, because there are very few burros and there is no documented competition or conflicts between burros and cattle. The BLM Wild Horse and Burro Program will continue to remove burros from the Piute Mountain Herd Area until zero AML is reached.

B. Impacts of No Action (Current Management).

Same as proposed action

C. Impacts of No Grazing.

Same as proposed action

WILDERNESS

Affected Environment:

Livestock grazing in wilderness is in conformance with the Wilderness Act of 1964 and the California Desert Protection Act of 1994 (CDPA). Section 4(D)(4) of the Wilderness Act states, "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture." Section 103(c) of the CDPA has similar language in reference to livestock as that of the Wilderness Act. The grazing of livestock in BLM wilderness areas is regulated under 43 Code of Federal Regulations (CFR) 6304.25, and guided by BLM manual 8560.15 (G). BLM manual 8560.15 (G) states, "Congressional guidelines regarding "Grazing in National Forest Wilderness Areas," published in House Report 96-1126, dated June 24, 1980, must be implemented in all BLM-administered wilderness with pre-existing grazing." These guidelines state, "The maintenance of supporting facilities, existing in an area prior to its classification as wilderness, is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through occasional use of motorized equipment." The grazing of livestock in BLM wilderness areas located in the California Desert is guided by Annex 1 of the management policy *Principles for Wilderness Management in the California Desert*.

Old Woman Mountains Wilderness

Old Woman Mountains Wilderness includes 102,484 acres of the Lazy Daisy Grazing Allotment. The Old Woman Mountains Wilderness was designated in 1994. The grazing use level of the Lazy Daisy Allotment at the time of designation was 3,192 AUMs. The current use level is 3,192 AUMs. Most of the grazing occurs in the north and western portions of the area. Several range facilities are located within the

wilderness area including water developments, corrals, and fencing (Appendix 1, Map 1). Current impacts to wilderness include: The naturalness of the Old Woman Mountains wilderness area was being affected by the presence of a non-native species (cattle) and the existing range improvements. The opportunity to experience an area without evidence of man (naturalness) is also affected by the presence of cattle and range improvements. The wilderness character and the opportunity for solitude are affected by the sights and sounds associated cattle grazing including presence of cattle, physical evidence of the presence of cattle, range improvements, and the maintenance of range improvements including occasional motorized equipment use in wilderness.

Piute Mountains Wilderness

All of the Piute Mountains Wilderness (50,326 acres) falls inside of Lazy Daisy Grazing Allotment. The Piute Mountains Wilderness was designated in 1994. The grazing use level of the Lazy Daisy Allotment at the time of designation was 3,192 AUMs. The current use level is 3,192 AUMs. Most of the grazing occurs in the southern and western edge of the area. Only a few range improvements (water developments) are located within the wilderness (Appendix 1, Map 1). Current impacts to wilderness quality include: The naturalness of the Piute Mountains Wilderness Area was being affected by the presence of a non-native species (cattle) and the existing/maintenance of range improvements. The opportunity to experience an area without evidence of man is also affected by the presence of cattle and range improvements. The wilderness character and the opportunity for solitude are affected by the sights and sounds associated with range improvement maintenance including occasional motorized equipment use in wilderness.

Turtle Mountain Wilderness

Approximately 11,590 acres of northwest corner of the wilderness area are within the Lazy Daisy Grazing Allotment. The Turtle Mountains Wilderness was designated in 1994. The grazing use level of the Lazy Daisy Allotment at the time of designation was 3,192 AUMs. The current use level is 3,192 AUMs. Cattle rarely travel east of Homer Wash due to the lack of range water developments or natural water sources. No range improvements are located within the wilderness area. Current impacts to wilderness quality include: The naturalness of the Turtle Mountains Wilderness was slightly impacted by the occasional presence of a non-native species (cattle) in the northwestern corner of the wilderness. The opportunities to experience an area without evidence of man is also affected in the northwestern corner of the wilderness by the occasional presence of cattle.

Environmental Consequences:

A. Impacts of Proposed Action.

The Impacts to the Old Woman Mountains, Piute Mountains, and Turtle Mountains, Wilderness from grazing would be the same as what occurred prior to the passage of

the CDPA and are described in the affected environment.

The restriction of utilization on perennial forage to 40% would be beneficial to the naturalness of the affected wilderness areas by helping to protect the natural composition of vegetation communities, which would consequently benefit native wildlife such as the desert tortoise.

The stipulation that requires a threshold of 230 lb/acre ephemeral forage production to authorize perennial preference in DWMA's would also be beneficial to the naturalness of the portions of the affected wilderness areas containing DWMA's. The threshold would help protect native vegetation and consequently native wildlife by helping to prevent excessive use in dry years. During years when the threshold is not met, cattle would be substantially removed from the entire Piute Mountains and Turtle Mountains Wilderness areas from March 15th to June 15th because the portions of the wilderness areas covered by the allotment are also covered by a DWMA. Wilderness visitors would have greater opportunity to experience an area without evidence of man during this time period.

The renewal of the proposed grazing lease would not result in any new uses or additional adverse impacts to the affected wilderness areas.

B. Impacts of No Action (Current Management).

Impacts would be the same as the proposed action.

C. Impacts of No Grazing.

If the allotment is voluntarily relinquished, the wilderness areas would benefit substantially. The naturalness of the areas would no longer continue to be impacted by the presence of a non-native species (cattle). The opportunity to experience an area without evidence of man would no longer be impacted by the presence of cattle. The wilderness character and the opportunity for solitude would no longer be affected by the sights and sounds associated with range improvement maintenance including occasional motorized equipment use in wilderness. In addition, there would not be any future potential to graze cattle in the area and range improvements could be removed to improve the areas' naturalness and provide a greater opportunity to experience an area without evidence of man.

The wilderness characteristics of the Old Woman Mountains, Piute Mountains and Turtle Mountains would be enhanced by removing a non-native species (cattle), improve the naturalness of the area by removal of cattle improvements, and improve opportunities for solitude and a primitive type of recreation by eliminating the need for ranchers and BLM employees to operate, maintain and administer cattle grazing in wilderness. Overall, the no grazing alternative would promote a more natural condition as defined by Section 2(c) of The Wilderness Act, 1964 and help ensure the preservation of the wilderness character of each affected wilderness area as mandated

in Section 4(b) of The Wilderness Act, 1964 and Section 101(1) of the California Desert Protection Act, 1994.

Maps:

Maps identifying the locations of range improvements in wilderness are located in Appendix 1. For the wilderness areas within the Lazy Daisy Cattle Allotment refer to Map 1.

WILDLIFE

Affected Environment:

Threatened or endangered species

The Mojave population of the desert tortoise (*Gopherus agassizii*) was listed as threatened on April 2, 1990. Changes in resource conditions and disease have resulted in the range wide decline in desert tortoise populations in the past two decades. Critical habitat for the desert tortoise was designated by the U. S. Fish and Wildlife Service in portions of California, Nevada, Arizona, and Utah on February 8, 1994. The NECO plan amendment (Bureau of Land Management 2002) included the establishment of DWMA as recommended by the Desert Tortoise Recovery Plan (U.S. Fish and Wildlife Service 1994). The Recovery Plan also established Recovery Units, which correspond generally to genetically distinct population segments.

The Lazy Daisy Allotment is located within the Northern Colorado Recovery Unit, the Chemehuevi Critical Habitat Unit, and the Chemehuevi DWMA. Two permanent study plots are located within the Chemehuevi DWMA. At the Chemehuevi Valley and Wash plot, 257 and 235 desert tortoise were observed in 1988 and 1992, respectively (Berry 1999). The spring 1999 survey found only 38 live desert tortoises. Shell and skeletal remains of at least 327 desert tortoise were collected; most, if not all, of these animals died between 1992 and 1999. The Upper Ward Valley permanent study plot was surveyed in 1980, 1987, 1991, and 1995; the densities of desert tortoises of all sizes per square mile were 437, 199, 273, and 447 respectively (Berry 1996). Desert tortoises are most active during the spring and early summer when annual plants are available for forage. Additional activity occurs during fall months and on warm days when it is overcast or raining.

Wildlife (General)

More than half of the Lazy Daisy Allotment contains desert bighorn sheep (*Ovis canadensis*) habitat. Desert bighorn sheep are a BLM sensitive species. Bighorn sheep typically occupy steep, mountainous, open terrain, although migration between mountain ranges through valleys has been documented (Bleich et al. 1990).

Other mammals occurring in the area include cottontail rabbit (*Sylvilagus audubonii*), black-tail jackrabbit (*Lepus californicus*), kit fox (*Vulpes macrotis*), antelope ground squirrel (*Ammospermophilus leucurus*), coyote (*Canis latrans*), kangaroo rats (*Dipodomys* spp.), western pipistrel (*Pipistrellus hesperus*), and woodrats (*Neotoma* spp.). BLM sensitive bat species occurring in the area include fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), and California leaf-nosed bat (*Macrotus californicus*). Surveys using night-vision equipment and echolocation recording devices have detected these species of bats at abandoned mines locations within the allotment.

The entire allotment includes habitat for common reptilian species, such as side-blotched lizard (*Uta stansburiana*), zebra-tailed lizard (*Callisaurus draconoides*), leopard lizards (*Gambelia* spp.), rattlesnakes (*Crotalus* spp.), western whiptail (*Cnemidophorus tigris*), desert horned lizard (*Phrynostoma platyrhinos*), and various other snake and lizard species.

The habitat types found within the allotment can contain a wide range of bird species, such as black-throated sparrow (*Amphispiza bilineata*), common raven (*Corvus corax*), white-crowned sparrow (*Zonotrichia leucophrys*), Brewer's sparrow (*Spizella breweri*), red-tailed hawk (*Buteo jamaicensis*), Western kingbird (*Tyrannus verticalis*), black-tailed gnatcatcher (*Polioptila melanura*), blue-gray gnatcatcher (*Polioptila caerulea*), phainopepla (*Phainopepla nitens*), northern mockingbird (*Mimus polyglottos*), Gambel's quail (*Lophortyx gambelii*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), verdin (*Auriparus flaviceps*), mourning dove (*Zenaida macroura*), lesser nighthawk (*Chordeiles acutipennis*), horned lark (*Ermophila alpestris*), poorwill (*Phalaenoptilus nuttallii*), rock wren (*Salpinctes obsoletus*), canyon wren (*Catherpes mexicanus*), Anna's hummingbird (*Calypte anna*), Costa's hummingbird (*Calypte costae*), and house finch (*Carpodacus mexicanus*). The allotment contains habitat for Le Conte's thrasher (*Toxostoma lecontei*), Bendire's thrasher (*Toxostoma bendirei*), burrowing owl (*Athene cunicularia*), and prairie falcon (*Falco mexicanus*) which are BLM sensitive species.

Environmental Consequences:

A. Impacts of Proposed Action.

Threatened or endangered species

Grazing can have direct and indirect effects on desert tortoises and their associated habitats. A summary of these impacts has been provided in the NECO plan amendment (pages 4-14 to 4-16) and includes trampling of tortoises and burrows, reduction in forage, reduction in cover, soil compaction, damage to soil crusts and introduction of non-native plants.

Authorized grazing in the Lazy Daisy Allotment would likely result in all of these impacts to the desert tortoise and its habitat occurring to varying degree. Areas where cattle concentrate, such as range improvements, are the places where the impacts would be

greatest. Dispersed grazing on this large allotment reduces the forage for tortoises, but the 230 pounds of forage per acre limitation should minimize competition for food between cattle and tortoises. The forage allocation in key plant communities reduces impacts on perennial plants that provide shade and cover for tortoises. Twelve of the 19 water sources within the allotment are outside of critical habitat. Of those seven water sources located within critical habitat, three are located within mountainous areas. The impacts to tortoises of cattle concentration near water are therefore primarily outside of the most suitable habitat.

Impacts of livestock grazing on desert tortoise on the Lazy Daisy Allotment have been analyzed in the CDCA BO for the NECO CDCA Plan amendment. Additional consultation is not necessary (CDCA BO, page 6), when all parameters of the grazing lease are in accordance with the provisions of the NECO plan amendment.

Grazing within critical habitat affects the primary constituent elements, as defined by the U. S. Fish and Wildlife Service (59 *Federal Register* 5820). These constituent elements are:

- 1) sufficient space to support viable populations within each of the six recovery units and to provide for movement, dispersal, and gene flow.

This element is not applicable to the scale of an individual allotment. The size of the critical habitat was designated to allow sufficient space within a recovery unit. Grazing does not impede movement, dispersal or gene flow. The NECO plan amendment eliminated grazing in large areas of the Northern Colorado Recovery Unit, including portions of the Lazy Daisy Allotment in critical habitat, contributing to the maintenance of this primary constituent element.

According to the CDCA BO: "Because of the nature of grazing within allotments designated in the California Desert Conservation Area, we do not anticipate that implementation of the Bureau's program guidance for livestock grazing would remove sufficient habitat or fragment the landscape to the degree that the function of this primary constituent element is likely to be compromised."

- 2) sufficient quality and quantity of forage species and the proper substrate conditions to provide for the growth of these species.

Grazing stipulations in the NECO plan amendment were developed to assure sufficient quality and quantity of forage species for desert tortoises. These stipulations are 1) utilization of perennial plants may not exceed 40 percent in any key area; 2) cattle will be substantially removed from desert wildlife management areas when ephemeral forage production is less than 230 pounds per acre (air dry weight) from March 15 through June 15; and 3) the termination of ephemeral authorizations.

As stated in the CDCA BO: "If all critical habitat was grazed within every

allotment at the highest level of use authorized by the California Desert Conservation Area Plan, the quality and quantity of forage species could be altered. However, grazing does not normally occur throughout entire allotments.”

3) suitable substrates for burrowing, nesting, and over wintering.

The ground surface within the allotment is not substantially altered by cattle grazing except in cattle concentration areas, such as near salt licks, water sources and corrals. The primary water sources are outside the best tortoise habitat. Salt licks will be placed outside critical habitat. Nearly all of the cattle use within the non-mountainous critical habitat is dispersed. Prescription number 6 of the NECO Prescriptions for Cattle Grazing Activities in Desert Tortoise Habitat (Term and Condition 4.a.10) identifies a water development to draw cattle away from the DWMA and includes stipulations for all construction, operation, and maintenance of range improvements involving land disturbance.

According to the CDCA BO: “Livestock tend to congregate near salt licks and tanks and are occasionally restrained in corrals; the substrates in these areas are highly unlikely to be able to support burrowing and nesting by desert tortoises. Because these areas are relatively small in size compared to the area of critical habitat occupied by desert tortoises in the California Desert Conservation Area, we do not anticipate that implementation of the Bureau’s program guidance for livestock grazing would affect suitable substrates for burrowing, nesting, and over wintering to the degree that the function of this primary constituent element would likely be compromised.”

4) burrows, caliche caves, and other shelter sites.

The level of grazing permitted in this allotment is not likely to cause a substantial alteration in the number of shelter sites. Few, if any caliche caves are present within the critical habitat portion of the Lazy Daisy allotment.

As stated in the CDCA BO: “If critical habitat of the desert tortoise was grazed in every location where it coincided with an allotment in a manner where these effects were causing a substantial alteration in the quantity of shelter sites, the function of this primary constituent element could be impaired as a result of the Bureau’s guidance for its livestock program.” However, grazing does not normally occur throughout entire allotments.

5) sufficient vegetation for shelter from temperature extremes and predators.

The 230 lbs/acre forage threshold for livestock turnout in the DWMA and the utilization standards for key plant communities should allow for sufficient vegetation for shelter. Maintenance of rangeland health standards prevents overgrazing to the point where desert tortoise shelter sites would be negatively impacted.

Prescription 2 of the NECO Prescription for Cattle Grazing Activities in Desert Tortoise Habitat (Term and Condition 4.a.7) limits utilization of perennial forage species during severe or prolonged drought by removing cattle or turning off water at troughs where feasible.

According to the CDCA BO: "If all critical habitat was grazed within every allotment at the highest level of use authorized by the California Desert Conservation Area Plan, the quality and quantity of shelter sites provided by perennial plants could be altered. However, grazing does not normally occur throughout entire allotments. Furthermore, the amount of grazing that actually occurs within critical habitat is substantially less than the amount previously described in this section of the CDCA BO."

6) habitat protected from disturbance and human-caused mortality.

The NECO Prescriptions 3 and 6 (A through E) aid in protection of this habitat element by limiting and monitoring surface disturbance from range improvements, carcass removal and off-road travel during grazing operations.

Furthermore, human-caused mortality due to grazing activities must be reported to the Bureau. Should these mortalities exceed the number allowed in the incidental take statement, then the Bureau would re-evaluate this allotment's terms and conditions and the impact on desert tortoise and its habitat due to grazing.

The CDCA BO states: "...implementation of the Bureau's guidance for livestock grazing likely results in few desert tortoises being directly killed or injured. Except for times when cattle are being actively driven, activity levels associated with cattle grazing seems to be relatively minor. ... For these reasons, the level of disturbance associated with livestock is sufficiently low that it is unlikely to compromise the function of this primary constituent element."

The Bureau has also determined that the renewal of this grazing lease is consistent with the NECO Plan amendment to the CDCA Plan. For this reason and the citations from the CDCA BO regarding the effects on critical habitat primary constituent elements presented above, any potentially adverse effects on critical habitat of the desert tortoise have been addressed.

Recovery of the desert tortoise

The NECO plan amendment provided a regional assessment of measures taken to improve recovery of the desert tortoise on public lands. The measures taken within the Northern Colorado Recovery Unit with respect to grazing included:

1. The portion of the Lazy Daisy Allotment that supports the highest density of desert tortoises has been eliminated; the allotment has been reduced from 332,886 to 311,280 acres.
2. Under the fallback guidelines, utilization of perennial plants may not exceed 40 percent in any key area. Following implementation of the regional guidelines, utilization of perennial plants may not exceed 25 percent in any key area.
3. For grazing allotments that are partially within a desert wildlife management area, cattle will be substantially removed from desert wildlife management areas when ephemeral forage production is less than 230 pounds per acre (air dry weight) from March 15 through June 15. This timeframe includes a portion of the known active season for desert tortoise.
4. Ephemeral use in the Lazy Daisy Allotment is eliminated. This allotment is “perennial only” in nature.
5. All existing cattle guards will be modified to prevent entrapment of desert tortoises. New cattle guards will be designed to prevent entrapment.
6. If the Bureau finds that grazing activities within the Lazy Daisy allotment are no longer in conformance with the NECO plan amendment, the Bureau will investigate and establish a corrective management action.
7. Future water tanks, corrals, and other range improvements will be located outside of critical habitat so as to minimize concentrated areas of cattle within critical habitat.
8. Temporary non-renewable grazing use will not be authorized in critical habitat.

Wildlife (General)

Desert bighorn sheep do not typically occupy the same habitat as cattle. Cattle generally inhabit alluvial fans and washes and extend into higher elevations on gentle, less rocky slopes than those preferred by bighorn sheep. Some interactions may occur between bighorn sheep and cattle at water sources (Wehausen and Hansen, 1986). The impacts of cattle grazing on bighorn sheep on the allotment is unlikely because the man-made water sources on this allotment utilized by bighorn sheep occur in high mountainous areas where cattle do not go.

Few studies have been done to document the extent of competition between small mammals and cattle. It is generally assumed that burrowing mammals and the nests of birds can be trampled by cattle on this grazing allotment. However, the adherence to grazing strategies that require proper cattle distribution and periodic rest of individual grazing areas should minimize the impact to burrowing mammals and birds.

Southwestern bat species typically roost in abandoned mines shafts, caves, rock crevices, and on trees. Therefore, roosting locations would not be impacted by cattle grazing. Bats often forage over and within riparian areas. Bat foraging riparian habitat could be impacted by cattle grazing if wholesale removal of riparian trees and shrubs

occurs and flowering parts of these plants no longer draw insects (or plant eating bats) to affected riparian areas. However, the 1999 Rangeland Health Assessments did not show any riparian areas failing to meet standards as a result of livestock activity (see section on Wetlands/Riparian Zones). Periodic Needles Field Office staff visits to Lazy Daisy riparian zones indicate that 1999 conditions remain in effect.

Livestock and other herbivorous browsers (i.e. burros) have the potential to cause damage to nesting sites for birds, particularly where the nests are built on the ground or in grasses, or situated on lower branches of trees.

Overall, grazing could result in a reduction in forage and shelter sites for wildlife through degradation of habitats. Disruption of behavioral patterns could also result from the proposed action. Impacts to wildlife would be greatest around concentrated areas of use such as range improvements (i.e. cattle troughs), riparian areas, salt licks, and roads. Given the small size of the cattle concentration areas in relation to the allotment size, these impacts to wildlife are minor. The most important areas, springs, seeps and riparian sites, will be monitored and restored as they are evaluated for proper functioning condition.

B. Impacts of No Action (Current Management).

Maintaining the fallback guidelines (not to exceed 40%) for utilization of perennial plants in any key area would result in a 15% increase in allowable utilization. This would decrease the availability of vegetation for desert tortoises to use as shelter from temperature extremes and predators. According to the CDCA BO: "If all critical habitat was grazed within every allotment at the highest level of use authorized by the California Desert Conservation Area Plan, the quality and quantity of shelter sites provided by perennial plants could be altered. However, grazing does not normally occur throughout entire allotments. Furthermore, the amount of grazing that actually occurs within critical habitat is substantially less than the amount previously described in this section of the CDCA BO." These statements are supported by utilization data gathered from the Lazy Daisy allotment in 1994 which was in the 0 to 10 percent range characterized as none to slight. Given the dispersed level of grazing over a large area in the Lazy Daisy allotment, a 15% increase in utilization of perennial forage in any key area is not expected to invoke a measurable or detectable change in desert tortoise or its habitat.

Wildlife (General)

An increase in the level of grazing would impact wildlife species, particularly bird species (especially during nesting season), and reptile species. Less thermal cover would be available for burrowing animals, and fewer nesting sites would be available for birds.

C. Impacts of No Grazing.

Threatened or endangered species

The threatened desert tortoise would benefit from a decrease in direct impacts, such as trampling of burrows. However, a greater benefit would come from the indirect impacts now experienced from grazing. These include competition for food plants. Palatable perennial plants favored by livestock would become more available as thermal cover for tortoises. Annual plants rich in nitrogen and water would become more available to tortoises. The spread of non-native weeds would decline, resulting in a more nutritious food source. Fewer water and food sources would be available to common ravens, a major predator of juvenile tortoises.

Wildlife (General)

Desert bighorn sheep would benefit by reducing potential interactions between bighorn sheep and cattle. Disturbance to bighorn sheep by ranchers or domestic canids associated with cattle grazing would also be eliminated. Additional water sources at lower elevations may become available to bighorn sheep.

Riparian species, including foraging bats and nesting neotropical birds, would benefit from increased cover, reduced cowbird nest parasitism, and increased production of insects, their primary food source. Species occupying the ground level, including reptiles, many birds, and some amphibians, would not be subject to disturbance to nest and cover sites.

Uncommon upland species dependent on perennial shrubs, including the Bendire's thrasher, would benefit from the increased cover and lack of disturbance from cattle to their nest sites. More common resident bird species, such as Brewer's sparrow, black-throated sparrow, sage sparrow, and blue-gray gnatcatcher, along with a large number of wintering and migratory birds would also benefit from reduced disturbance.

Soil compaction and erosion within the allotment as a result of cattle grazing has altered plant communities and desert ecosystems. Natural recovery of these ecosystems after disturbances can be very slow due to extreme temperatures, intense sun, high winds, limited moisture and the low fertility of desert soils (Bainbridge and Virginia 1990). The rate of natural recovery is also dependent on the intensity of past grazing and local environmental conditions (Lovich and Bainbridge 1999). The spread of invasive grasses (e.g. *Schismus* spp. and *Bromus* spp.) and the effect of climate change further complicate our ability to predict how the vegetative communities within the allotment will respond to cessation of grazing and how these changes might affect wildlife habitat and fire regimes. However, the cessation of grazing on the allotment would allow for the commencement of passive restoration of these ecosystems. Cessation of grazing could have a short-term negative affect due to increases in fine fuels, thereby increasing the intensity and frequency of wildland fires. The magnitude of this negative impact would depend on the density of invasive plant species and the volume of the seed bank within

the allotment at the time of cessation.

Consultation:

On March 31, 2005, the USFWS issued its new CDCA BO. The terms and conditions and reasonable and prudent measures regarding grazing are incorporated into the proposed action. The Service's BO concluded that implementation of the CDCA Plan, as modified by NECO, is not likely to jeopardize the continued existence of the desert tortoise and is not likely to destroy or adversely modify the critical habitat of the desert tortoise. The incidental take statement from the BO provides an exemption from the prohibitions against take (only for the incidental take of desert tortoises) for ongoing grazing activities within the NECO planning areas, but it does not extend to specific range improvements that the Bureau may authorize on a case-by-case basis.

On October 4, 2006, the Bureau requested the Service concur with its findings that the actions in the fully processed lease for the Lazy Daisy Allotment are the same as those analyzed in the 2005 CDCA BO. The Bureau has determined that the site-specific grazing operations of the Lazy Daisy Allotment are entirely consistent with the NECO Plan amendment to the California Desert Conservation Area (CDCA) Plan.

On October 26, 2006, the Bureau received concurrence from the Service that the grazing decision proposed by the Bureau was consistent with the decision contained in the NECO plan amendment and that the proposed action was considered in the CDCA BO for this bioregional plan. Therefore, the Service concurred that the Bureau was not required to initiate formal consultation, pursuant to Section 7(a)(2) of the Endangered Species Act, at this time.

Maps:

Appendix 1 Map 6: Lazy Daisy Allotment and NECO Open Wash Zones

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VEGETATION

Affected Environment:

The Lazy Daisy Allotment consists primarily of Mojave creosote scrub (207,450 acres), with a smaller portion in the far western part of the allotment dominated by Sonoran creosote scrub (98,520 acres). There are also linear stretches of Desert Wash Dry Woodland (3,383 acres) and small stands of Conifer Woodland (1,928 acres) at the top of the Old Woman Mountains (Appendix 1, Map 4). Shrub and tree species present in the allotment include creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), cheesebush (*Hymenoclea salsola*), saltbushes (*Atriplex* spp.), paperbag bush (*Salazaria mexicana*), smoketree (*Psoralea spinosa*), desert willow (*Chilopsis linearis*), catclaw acacia (*Acacia greggii*), ratany (*Krameria* spp.), ephedras (*Ephedra* spp.), blue palo verde (*Cercidium floridum*), box-thorns (*Lycium* spp.), rabbitbrush (*Chrysothamnus* spp.), and desert fir (*Peucephyllum schottii*). Predominant succulent species in the allotment include chollas and prickly-pears (*Opuntia* spp.), yucca (*Yucca* spp.), and California barrel cactus (*Ferocactus cylindraceus*). Annual and perennial herbaceous species and grasses include big galleta (*Hilaria rigida*), galleta grass (*Hilaria jamesii*), needle grass (*Achnatherum speciosum*) and Indian ricegrass (*Achnatherum* spp.), brome (*Bromus* spp.), Mediterranean grass (*Schismus* spp.), buckwheats (*Eriogonum* spp.), plantain (*Plantago* spp.), wire-lettuce (*Stephanomeria* spp.), globe mallows (*Sphaeralcea* spp.), senna (*Cassia* spp.), chia (*Salvia*

columbariae), Mojave woody aster (*Xylorhiza tortifolia*), gilias (*Gilia* spp.) and spineflowers (*Chorizanthe* spp.).

Key species and other palatable species utilized by cattle in the allotment include needle grass and Indian ricegrass (*Achnatherum* spp.), brome (*Bromus* spp.), Mediterranean grass (*Schismus* spp.), ephedra (*Ephedra* spp.), fluff grass (*Erioneuron pulchellum*), galleta grass (*Hilaria* spp.), alkali sacaton (*Sporobolus airoides*), white bursage (*Ambrosia dumosa*), ratany (*Krameria* spp.), saltbush (*Atriplex* spp.), brittlebush (*Encelia farinosa*), yerba mansa (*Anemopsis californica*) and desert willow (*Chilopsis linearis*).

invasive/non-native

Invasive/non-native species, such as Sahara mustard (*Brassica tournefortii*), filaree (*Erodium cicutarium*), red brome (*Bromus rubens*), and Mediterranean grasses (*Schismus* spp.), have been established on upland sites of the allotment for many years. No comprehensive inventory data of invasive/non-native annual species has been collected. Rangeland Health Assessments conducted in 1999 documented the presence of the invasive/non-native annual species in several locations on the allotment. It would be difficult to accurately inventory the exact location and acreage of invasive/non-native annual species because composition and density of annual plant species vary from year to year depending on climatic conditions. It is not economically feasible to collect the inventory data necessary to get an exact acreage of infestation.

Salt cedar (*Tamarisk ramosissima*), giant cane (*Arundo donax*), and tree of heaven (*Ailanthus altissima*) have invaded many of the riparian springs. Eradication efforts have been on-going since 1992. These riparian invasive/non-native species reduce the amount of water available for native riparian plants and wildlife species.

Table 6: Springs with Tamarisk, Tree of Heaven, and/or Giant Arundo

Spring Name	Acres
Bert	1
Black Metal	1
Brady	1
Crystal Spring	2
Dripping 1	1
Kane	1
Horsethief Springs	10
Old Ranch	1
Old Woman	5
Paramount	1
Sammy's	1
Sheep camp	40
Sunflower	10
Wilhelm	5
Willow	1

Unusual Plant Assemblages

There are approximately 160 acres of known crucifixion thorn located within the allotment boundary.

Biological Soil Crusts

In arid and semi-arid lands throughout the world, vegetation cover is often sparse or absent. Nevertheless in open spaces between plants the soil surface is generally not without life, but covered by a community of highly specialized organisms. These communities are referred to as biological soil crusts (BSCs). BSCs are a complex mosaic of cyanobacteria, green algae, lichens, mosses, microfungi, and other bacteria. They may constitute up to 70% of the living cover in some plant communities. Distribution is influenced by many factors including elevation, soils and topography, disturbance, timing of precipitation, and plant community structure.

In general, cyanobacteria and microfungi filaments weave through the top few millimeters of soil and aid in holding loose soil particles together forming a biological crust which stabilizes and protects soil surfaces. The biological crusts aid moisture retention, “fix” nitrogen, and may discourage the growth of annual weeds. Below the surface, the soil flora grows various rhizomes, hyphae and filaments that further bind the soil together. Most of the biological crust organisms make their growth during cool moist conditions.

In hot deserts such as the Mojave Desert BSCs are more likely to be present at lower elevations due to there being more open space between plants. As you elevation increases and space between plants decreases, there is a corresponding decrease in BSCs. In addition hot deserts are dominated by coarse textured soils. According to Belnap (2003, 2005) “less stable, coarse-textured soils often support only highly mobile, large filamentous cyanobacteria (such as *Microcoleus* spp.).” She also observes that, “Cyanobacteria heavily dominate crusts of hot desert sites (Sonoran, Mojave and Chihuahuan) where Potential Evapo-Transpiration (PET) is high.” She further indicates that some hot desert sites may not support biological crusts (Belnap 2005). The latest data, (Belnap: 2003, 2005, and BLM 2001), indicates that the likelihood is that they would be simple crusts that are highly mobile and quick to recover from disturbance.

Environmental Consequences:

A. Impacts of Proposed Action.

Vegetation utilized for forage is affected in a number of ways. Key forage plant species are palatable species that may be utilized frequently, when available, as forage for livestock. Key forage species that occur in the plant communities within the allotment are listed above in the affected environment.

Vigor and abundance of key species experience the greatest impact around high-use facilities such as corrals, and water developments due to constant soil compaction from trampling and continual cropping of vegetation from cattle. Impacts to resource conditions next to these facilities are expected, and the area impacted will vary in size in relation to the type of plant community, soil type, weather conditions, proximity to other improvements, and lessee's livestock needs. The trend of the adjacent vegetation constantly changes and downward or upward trends are dependent upon past and current use of forage species. In general, trends for vegetative conditions adjacent to facilities tend to be downward with heavy use and grade upward or static as you move farther away from the facility.

The impacts to plants from grazing can effect plant vigor, recruitment, and density. The direct act of grazing by large herbivores represents a loss of organs to individual plants and an alteration of canopy structure to the community (Milchunas, 1993). Proper grazing management would ensure that impacts to plants from grazing are slight and would have no permanent impacts to plant vigor, recruitment, and density. The impacts from cattle grazing under the proposed action would be slight with the Implementation of the proposed terms and conditions, including Standards and Guidelines, forage utilization levels restricted to between 25% and 40%, required maintenance of range improvements, the exclusion of grazing in DWMA's when ephemeral forage does not reach 230 pounds/acre, and CDCA BO stipulations, along with grazing strategies that require proper cattle distribution and periodic rest of individual grazing use areas during the critical growing season.

The allotment was assessed for rangeland health in 1999 and determined to be meeting all standards in 2000. The only changes in use on the allotment have been to reduce the size of the allotment and to implement more restrictive grazing management for the purpose of protecting the desert tortoise and it's habitat. Actual use has not changed. The allotment is due to have a completed rangeland health assessment in 2007.

Invasive/non-native

It is undetermined how much grazing practices contribute to the introduction and/or spread of invasive/non-native species. It is possible that livestock can spread the seeds of invasive/non-native species through seeds sticking to their hide, or deposition of seed through their digestive system. Improper grazing practices reduce the diversity, and reproductive abilities of native, desert plant communities. This in turn promotes the establishment and spread of invasive/ non-native species that now occupy habitat once inhabited by native species. Grazing practices that allow for periodic recruitment opportunities of native plants commonly have lower densities of non-native species and are more compatible with sustaining native plant communities.

Overall, the current densities of invasive/non-native species on the allotment being analyzed in this document are considered moderate. Annual fluctuations in densities are directly influenced by the amounts of late winter, early spring precipitation.

Implementation of the proposed terms and conditions, including Standards and

Guidelines, forage utilization levels at no more than 25 to 40%, and CDCA BO stipulations, along with grazing strategies that require proper cattle distribution and periodic rest of individual grazing use areas during the critical growing season would aid in sustaining native plant communities, and would ensure that cattle grazing would have only a slight risk of introducing and/or spreading invasive/non-native species on the Lazy Daisy Allotment.

Currently, the NFO has an aggressive program to remove invasive/non-native species such as tamarisk and giant arundo in riparian areas. Where the invasive/non-native species have been removed, water levels have increased and native riparian vegetation has begun to recover and return.

Unusual Plant Assemblages

There have been no reports of crucifixion thorn being impacted by cattle and no future impacts would be expected. Crucifixion thorn is not a desirable forage species for cattle. There is a very small amount and it is located in the far eastern portion of the allotment which is seldom utilized by cattle due to lack of water and forage.

Biological Soil Crusts

The lessee utilizes a grazing strategy which affords greater protection to BSCs by grazing the lower elevations where there is a greater abundance of BSCs during late fall, winter and early spring (October through May) corresponding with lower temperatures in association with increased precipitation and longer moisture retention in the soil and grazing in higher elevations where there less abundance of BSCs beginning in late spring, and continuing through early fall (May through September) where moisture is less likely to be retained in the soil.

B. Impacts of No Action (Current Management).

Same as the proposed action.

C. Impacts of No Grazing.

There would be no potential impacts by cattle grazing to vegetation because the allotment would be eliminated and would not allow authorizations to graze cattle.

Invasive/non-native

There would be no potential for cattle grazing to introduce and/or spread invasive/non-native species on the allotment.

Unusual Plant Assemblages

There would be no impacts from cattle grazing to crucifixion thorn.

Biological Soil Crusts

There would be no impacts to BSCs.

Maps:

Appendix 1, Map 4.

References:

Fish and Wildlife Service. 1994. CDCA BO for Cattle Grazing on 25 Allotments in the Mojave Desert, San Bernardino Counties, California (1-8-94-F-17). Memorandum from Field Supervisor, Ecological Services Ventura Field Office to State Director, Bureau of Land Management, Sacramento, California. Dated March 14. Ventura, California.

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Milchunas, D.G.; Lauenroth, W.K., Quantitative Effects of Grazing on Vegetation and Soils Over a Global Range of Environments, *Ecological Monographs*, Vol.63, No. 4. (Nov., 1993, pp 327-366/

Sawyer, J.O., and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society, Sacramento, CA.

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CHAPTER 4 Cumulative Impacts

Cumulative impacts, as defined by Council of Environmental Quality regulations in 40 CFR 1508.7, are “the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or persons undertakes such other actions.” The cumulative impact analysis for the Lazy Daisy Allotment is tiered to the analysis of the NECO plan as described below.

NECO Plan - Other past, present, and reasonably foreseeable future actions

The NECO described the current environment of the planning area as having been broadly influenced by past activities occurring prior the passage of FLPMA in 1976, such as development of major highways, railroads, and communities in the region.

Other important activities related to the baseline condition of the planning area have included mining, military use, recreation, lands actions, wildfire, actions related to Joshua Tree National Park, and livestock grazing. NECO further addressed recent and reasonably foreseeable future changes in land use resulting from FLPMA and other resource management related laws, including State and Federal Endangered Species Acts and the California Desert Protection Act. NECO considered BLM's six CDCA regional plan amendments that were approved or under preparation as key determinants of environmental conditions (Proposed Plan/FEIS, pages 4-2 through 4-5 and pages 4-170 through 4-176).

Table 7 Proposed Range Improvements for the NECO Plan

Range Improvement	Quantity and Unit	Estimated Cost	Desert Tortoise Category
Fence	5.5 miles	22,000	I
Cattle guard	1 each	3,760	I
Water site *	3 each	3,000	I
Water site *	1 each	1,000	III
Water Facility *	4 miles of pipe	21,200	I
Water Facility *	4 each	4,000	I
Water Facility *	2 each	2,000	III
Corrals	2 each	4,000	I
Corral	1 each	2,000	III
Total		62,960	

* Water sites include any water accessible to cattle, e.g. troughs, springs, and reservoirs. Water facilities include facilities associated with water sites such as windmills, water storage tanks, and pipeline.

NECO Plan – Cumulative Impact

The NECO Plan analyzed the impacts to air quality, water quality, soils, biological resources, wilderness, livestock grazing, cultural, and socio-economic conditions. The main conclusion was that the NECO plan, as well as other CDCA plan amendments, provides new conservation strategies for plant and animal species that have an overall beneficial cumulative impact on many resources (NECO Proposed Plan/FEIS, pages 4-176, 177).

NECO specifically recognized the cumulative conservation benefits of other past actions by Congress in setting aside large areas within the CDCA for parkland, military use, and wilderness; benefits derived from designation by U.S. Fish and Wildlife Service of millions of acres of critical habitat in the CDCA; and benefits resulting from the implementation of management actions established under BLM land use planning for six regional plan areas in the CDCA. For example, NECO identified cumulative conservation benefits resulting from the restrictions BLM places on OHV use throughout the CDCA (which reduced by 5 % the routes available for OHV use in the NECO plan area), closure of washes to OHV use in the Chemehuevi DWMA, elimination of most wild burro herds, elimination of 10 grazing allotments and reallocation of forage on remaining allotments including elimination of ephemeral allocations, and substantial restrictions on grazing within DWMA's (Proposed Plan/FEIS, pages 4-176,177).

Lazy Daisy Allotment – Other past, present, and reasonably foreseeable future actions

The BLM's multiple use mission typically results in a variety of activities that are authorized to occur on the same lands. Grazing of cattle in the Mojave Desert has occurred continuously since the mid-1800's (Lovich and Bainbridge 1999). Early grazing in the Mojave Desert occurred on public lands and was unrestricted. Overgrazing resulted in substantially degraded habitat for the desert tortoise. In response to deteriorating conditions of public lands, the Taylor Grazing Act was passed in 1934. Following enactment, open range grazing became restricted to geographical areas allotted to one or more livestock producers based on historical or current grazing. Prior to 1968, the BLM allocated long-term grazing based on perennial forage production. A new grazing rule published on December 7, 1968 authorized BLM field offices in California to modify perennial classified allotments from perennial designation to ephemeral or ephemeral/perennial designation. The listing of the desert tortoise in 1990 and designation of critical habitat in 1994, lead to even greater restrictions on grazing to protect desert tortoises and their habitat. The CDCA land use plan, as amended by NECO, has further increased regulations on grazing that protects riparian areas.

Past activities include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads, prospecting and mining, and wildlife water developments. Between the time the NECO Plan was initiated and its completion in 2002 several hundred thousand acres of land were acquired by the BLM located within the Northern Colorado Recovery Unit for the desert tortoise, which reduces the potential for development of private lands in Critical Desert Tortoise Habitat. Grazing has been reduced and/or eliminated in the Mojave National Preserve and BLM Chemehuevi Valley and Piute Valley Allotments.

Present activities include prospecting and mining, off-highway vehicle use, and grazing. Other activities that may overlap the grazing allotment include utility corridors (e.g., electricity and natural gas transmission lines), general recreation (e.g., hunting, picnicking, camping, and rock hounding), scientific study, and OHV activities. With the passage of the California Desert Protection Act of 1994 and California State Law requiring backfilling of open pit hard rock mines, prospecting and mining interest has dwindled to only the occasional small miner. Mining prospects generally now disturb less than 2 acres with only a handful intermittently active.

Future activities may include development of range improvements, continued grazing, authorized and unauthorized vehicle use, maintenance and construction of utility corridors, and location of additional mining claims. Less than ten plans of operation for small mining operations (less than 2 acres each) are anticipated during the next twenty years in the area.

Cumulative Impact of the Proposed Action

The EA concludes that no impact would result from the proposed grazing lease renewal to the following resources: ACECs (effects to Chemehuevi DWMA/ACEC are discussed under the topic of wildlife), environmental justice, wild horses and burros, and water quality (drinking water, and ground water). Therefore, there will be no cumulative impact and no further discussion of these resources is required.

Impacts described in this EA include impacts to, air quality, cultural resources, livestock grazing, native American religious concerns, public health and safety, recreation, social and economic, soil, waste, hazardous or solid, wetlands/riparian zones, wilderness, wildlife habitat (threatened or endangered species), vegetation (invasive/non-native, special status, UPAS, BSCS).

Impacts are short term (for example, impacts resulting from construction of new range facilities) and long term (impacts resulting from the use of the range facilities). Both the short term and long term impacts are consistent with the analysis of the NECO plan. Incremental impacts of livestock grazing are not increasing cumulative impacts because most of the impacts have occurred in the past. When added to effects identified in the NECO Plan and effects of other actions on the allotment, the cumulative impact of the proposed action would be limited as summarized below:

Air Quality

As discussed in chapter 3 of this EA, the proposed grazing lease renewal would slightly increase fugitive dust emissions in the allotment. BLM concluded that emissions are de minimus and no further conformity determination is required.

The other past, present, or reasonably foreseeable future actions that contribute to fugitive dust emissions on or near this allotment include development of range improvements, continued grazing, authorized and unauthorized vehicle use, maintenance and construction of utility corridors, and location of additional mining claims. The net effect of these actions on air quality is: continued grazing and the management actions such as gathering cattle for branding, weaning, or vacations have caused slight increase in emissions overall; the combined effects are still within de minimus levels based on BLM's estimate that a minor amount of surface disturbance would occur.

The cumulative impact analysis area for air quality is the Mojave Desert PM-10 Planning Area and the South East Desert Ozone non-attainment area. The time frame for the analysis is long term. The vicinity in which the allotment is located is currently classified as a federal non-attainment area for ozone and PM-10 under national standards. However, due to the large cumulative impact analysis area, the existing non-attainment status, and the minimal contribution of dust emissions by grazing from this allotment, the impact of grazing is considered minimal, both incrementally and cumulatively.

Cultural Resources:

As discussed, in chapter 3 of this EA, grazing is known to cause movement and mixing of cultural resources in areas where livestock congregate on the allotment, including riparian areas (springs), corrals, and water facilities. Approximately 7% of the known sites are found in such areas and have been impacted by grazing activities. In much of the allotment where livestock are more dispersed, or in rock areas without sufficient forage, impacts would be restricted to surface displacement and impacts are anticipated to be minimal.

Past, present, and reasonably foreseeable future actions that contribute to cumulative impact to cultural resources on or near this allotment include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity oil and natural gas transmission lines), general recreational activities (e.g., hunting, camping, picnicking, and rock hounding), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads, mining, and wildlife water developments. The net effect of these actions on cultural resources is the incremental loss of archaeological sites.

The cumulative impact analysis area for cultural resources is the NECO planning area. The time frame for the analysis is long term. Impacts to cultural resources in the planning area (NECO 4.5 Summary of Effects) have been occurring for 30 years or more. However, impacts resulting from the proposed grazing lease renewal are not expected to add any further adverse impact. The combined impact would be minimal, both incrementally and cumulative, because BLM will implement procedures in accordance with the amended 2004 State Protocol Agreement to insure compliance with Section 106 of the national Historic Preservation Act of 1966, as amended.

Livestock Grazing

As discussed in chapter 3 of this EA, In conclusion there is a potential for slight impacts associated with implementation of the DWMA terms and conditions. There is a potential for slight to moderate impacts to occur associated with the removal of cattle from the allotment due to drought

The other past, present, or reasonably foreseeable future actions that contribute to fugitive dust emissions on or near this allotment include authorized and unauthorized vehicle use, maintenance and construction of utility corridors, and location of additional mining claims. The net effect of these actions on livestock grazing is: authorized and unauthorized vehicle use and maintenance and construction of utility corridors can have a slight impact to livestock grazing by removal of vegetation utilized for forage, and there is always a danger of vehicles hitting cattle.

The cumulative impact analysis area for livestock grazing is the Lazy Daisy Allotment

boundaries. The time frame for the analysis is long term. Impacts to livestock grazing in the planning area have been occurring for 100 years or more. However, impacts resulting from the proposed grazing lease renewal are not expected to add any adverse impact. The impact would be minimal, both incrementally and cumulatively, because although the proposed action would implement new terms and conditions it is unlikely that the terms and conditions would be restrictive enough that the lessee would be forced to sell his cattle or not have the revenue to replace them.

Native American Religious Concerns:

As discussed in chapter 3 of this EA the Bureau of Land Management, Needles Field Office, initiated government-to-government consultation for the lease renewal of the grazing lease with four Native American Tribes that historically occupied the grazing allotment. It was requested that the Tribes provide the Needles Field Office with any concerns, comments, or questions that they might have on the lease renewal action, and potential impacts to historic properties or areas of traditional importance within the grazing lease area. No specific concerns associated with cattle grazing were identified by the affected Tribes. However, cumulative impacts to specific cultural resources and properties resulting from livestock grazing activities, as discussed in the Cultural Resources, Environmental Consequences Section above, have the potential to impact Native American religious values and concerns.

The cumulative impact analysis area for Native American religious concerns includes those lands occupied in the prehistoric and historic periods by the Colorado River Indian Tribes, the Chemehuevi Indian Tribe, the Fort Mojave Indian Tribe, and the Twenty-nine Palms Band of Mission Indians of California. These lands, which include the grazing lease area, continue to be used by the affected tribes.

Past, present, and reasonably foreseeable future actions that may potentially contribute to Native American concerns of cumulative impacts to cultural properties on or near this allotment include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity, oil, and natural gas transmission lines), general recreational activities (e.g., hunting, camping, picnicking, rock hounding), scientific study, military training maneuvers, construction and vehicle use of paved and unimproved roads, mining, and wildlife water developments. The net effect of these actions on Native American religious concerns is the incremental loss of integrity of ethnographic landscape values, and Traditional Cultural Properties (e.g., special activity sites, mineral, faunal and floral collection areas) valued by the affected Native American Tribes. However, the renewal of the grazing lease will have a positive effect on cultural resource sites within the boundary of the lease. The site protection measures specified in the EA (i.e., construction of enclosure fences around identified archaeological sites being impacted by cattle grazing activity), and implementation of the Grazing Amendment to the 2004 Protocol between the State Director, California Bureau of Land Management, and the California State Historic Preservation Office (cultural resource surveys of all range improvement projects and spring locations and mitigation of all sites being impacted as a consequence of grazing activity) will address

potential Native American religious concerns.

Public Health and Safety

As discussed in chapter 3 of this EA there is a potential for limited impacts to public health and safety due to human-cattle interface such as vehicular accidents, injuries caused by excessively close contact with each other, and rarely infectious diseases and vectors which may pass from cattle to humans.

The other past, present, or reasonably foreseeable future actions that contribute to impacts to public health and safety on or near this allotment include recreational OHV use, operations and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), construction and vehicular use of paved and unimproved roads, prospecting for minerals, and mining. The greatest risk to public health and safety is from vehicle/cattle collision, but typically the roads in the allotment are rough and require the user to drive at speeds that minimize the potential for collision and damage if a collision occurs.

The cumulative impact analysis area for public health and safety is the Lazy Daisy Allotment. The time frame for the analysis is long term. The impact would be minimal, both incrementally and cumulatively because the terms and conditions in the proposed action would implement requirements to minimize the potential for accidents.

Recreation

As discussed in chapter 3 of this EA, The proposed action would minimally affect recreational use and there are no known or reported impacts on recreation due to livestock grazing within the allotment.

The other past, present, or reasonably foreseeable future actions that contribute to impacts on recreation include development of range improvements, continued grazing, development of utility corridors, development of renewable energy resource, and location of additional mining claims. The recreation resources within the Needles FO are dispersed throughout the over three million acre jurisdiction, in affect diluting the potential affects of these possible actions on recreation. Additionally, because of the restriction of grazing during years of low vegetative production and the limited number of cattle to be authorized, the net effect of this action and foreseeable actions on recreation is a slight potential for impacts to recreation.

The cumulative impact analysis area for recreation is the Lazy Daisy Allotment. The time frame for the analysis is long term. The impact would be minimal, both incrementally and cumulatively because there is a limited amount of grazing and recreational use within the Needles jurisdiction and because the recreational use is dispersed throughout.

Socioeconomic:

As discussed in the social and economic section of chapter 3 of this EA, temporary exclusion of cattle may reduce the lessees ability to produce calves and result in a loss of revenue to the lessee. During periods of drought the lessee may be required to remove cattle from all or part of the allotment which may cause a loss in revenue to the lessee. The grazing operation would continue to have a nominal influence on the local and regional economy of San Bernardino County.

Past, present, and reasonably foreseeable future actions that contribute to social and economic cumulative impact on or near this allotment include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads, mining, and wildlife water developments. Other activities that may overlap the grazing allotment include utility corridors (e.g., electricity and natural gas transmission lines), general recreation (e.g., hunting, picnicking, camping, and rock hounding), scientific study, and OHV activities.). Most of these actions have benefited the people who live in San Bernardino County by generating revenue for the county and providing needed commodities.

The cumulative impact analysis area for social and economic concerns is San Bernardino County. The time frame for the analysis is long term. Impacts to social and economic in the planning area have been occurring for 30 years or more. However, impacts resulting from the proposed grazing lease renewal are not expected to add any adverse impact. The impact would be minimal, both incrementally and cumulatively, because most of the revenue that San Bernardino County collects from cattle ranching is from a few large scale cattle operations. The Lazy Daisy Grazing lessee has a small operation which contributes a very small percentage of revenue to San Bernardino County.

Soil

As discussed in the soil section of chapter 3 of this EA, the proposed grazing lease renewal would slight impact soils.

The other past, present, or reasonably foreseeable future actions that contribute to impacts to soils on this allotment include development of range improvements, continued grazing, authorized and unauthorized vehicle use, maintenance and construction of utility corridors, and location of additional mining claims. The net effect of these actions on soils is: Grazing around range improvements, water developments in particular, and construction and use of utility corridors have compacted soils. Overall the effects are less than one percent of the soils have been impacted.

The cumulative impact analysis area for soils the Lazy Daisy Allotment. The time frame for the analysis is long term. Most of the impacts to soil have been occurring for the past 100 years. The impact would be considered minimal, both incrementally and

cumulatively because less than one percent of the allotment's soils would be affected and there are no new range improvements planned at this time that would increase the amount of compacted soil on the allotment.

Waste (Hazardous or Solid)

As discussed in waste (hazardous or solid) section of chapter 3 of this EA, the proposed grazing lease renewal would have a potential for limited impacts to hazardous and solid waste

The other past, present, or reasonably foreseeable future actions that contribute to the potential for impacts from waste (hazardous and solid) on or near this allotment include construction and maintenance of range improvements, authorized and unauthorized vehicle use, maintenance and construction of utility corridors, past mining activities, and location of existing and additional mining claims. Past mineral processing activities may have released hazardous and solid waste, but a thorough inventory of these sites has not been conducted.

The cumulative impact analysis area for waste (hazardous and solid) is the Lazy Daisy Allotment and surrounding area. The time frame for the analysis is long term. The impact would be considered minimal, both incrementally and cumulatively.

Wetlands/Riparian Zones

As discussed in the wetlands/riparian zones section of chapter 3 in this EA, the proposed grazing lease renewal would slightly impact wetlands/riparian zones.

The other past, present, or reasonably foreseeable future actions that contribute to impacts to wetland/riparian zones on this allotment include construction and maintenance of range improvements, continued grazing, maintenance and construction of utility corridors, and location of additional mining claims. The net effect of these actions on wetlands/riparian zones is: Lack of maintenance of springs developed to supply water to cattle would have the potential to impact riparian areas. The development of previously undeveloped springs to supply water for cattle or for future mining claims use would have the potential to impact riparian area.

The cumulative impact analysis area for wetland/riparian zones is the Lazy Daisy Allotment. The time frame for the analysis is long term. The greatest impacts to wetland/riparian zones have been caused by the establishment of invasive/non-native weed species. The impact would be considered minimal, both incrementally and cumulatively because the BLM has proposed terms and conditions with the purpose of preventing impacts to wetland/riparian zones, including requiring the lessee to maintain range improvements, and requiring that mineral supplements would not be authorized within 1/4 mile of any natural water source.

Wilderness

As discussed in chapter 3 of this EA, the proposed grazing lease renewal would slightly increase fugitive dust emissions in the allotment. BLM concluded that emissions are de minimus and no further conformity determination is required.

Past impacts to wilderness character include pre-designation activities such as mining, vehicle use, grazing, military maneuvers, and wildlife water developments. Present activities include grazing, big game guzzler maintenance, unauthorized vehicle use, and one active mining claim in the North Mesquite Mountains Wilderness. Future activities may include authorized access to private land, big game guzzler maintenance, installation of new big game guzzlers, unauthorized vehicle use, additional active mining claims, and grazing. These actions impact the opportunity to experience solitude and/or an area without evidence of man and the area's naturalness.

The cumulative impact analysis area for wilderness is the Old Woman Mountains, Piute Mountains, and Turtle Mountains Wilderness. The time frame for the analysis is long term. The impact of is considered minimal, both incrementally and cumulatively because most of the impacts occurred prior to wilderness designation and there are no future activities planned that would be a new impact to the wilderness.

Wildlife habitat (Threatened or Endangered Species):

As discussed in the wildlife section of chapter 3 of this EA, impacts to federally threatened desert tortoises and their habitat includes trampling of tortoises and burrows, reduction in forage, reduction in cover, soil compaction, damage to soil crusts and introduction of non-native plants.

The geographic boundary for cumulative impact analysis for wildlife habitat concerns is the Northern Colorado Recovery Unit. The other past, present, or reasonably foreseeable future actions that contribute to wildlife habitat cumulative impacts on or near this allotment include:

Past impacts to the Northern Colorado Recovery Unit include mining, recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads. Large-scale military training exercises from 1942 through 1944, and again in 1964, involved widespread off-highway vehicle use including extensive tank maneuvers. These training activities caused considerable impacts to desert tortoise populations and extensive damage to their habitat (U.S. Fish and Wildlife Service 1994) as evidenced by individual tank tracks and training camps still visible 40 to 60 years after the original disturbance (Webb 2002).

The listing of the desert tortoise in 1990 and designation of critical habitat in 1994 in combination with the CDCA plan as amended by NECO has led to much greater restrictions on grazing and other activities to aid in the recovery of desert tortoises and

their habitat. The NECO plan amendment designated the Chemehuevi DWMA to aid in the recovery of desert tortoises as recommended by the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish and Wildlife Service 1994). It also changed the Lazy Daisy Allotment's "perennial/ephemeral" designation to "perennial only," and ceased authorization of temporary non-renewable use on the Lazy Daisy Allotment within the DWMA. A reduction in grazing resulting from the implementation of the NECO plan amendment, as well as a reduction in mining activities, and a cessation of military maneuvers have allowed for the commencement of natural recovery of wildlife habitat.

Present activities within the Northern Colorado Recovery Unit include grazing, mineral exploration, operation and maintenance of utility facilities and corridors, dispersed and permitted recreation (e.g., hunting, picnicking, camping, dual sport events, and rock hounding), scientific study, and OHV activities.

Reasonably foreseeable future actions within the Northern Colorado Recovery Unit includes development or replacement of range improvements within the Lazy Daisy Allotment, cancellation of the Chemehuevi Allotment grazing lease, granting of new rights-of-way, development of communications facilities, operation and maintenance of utility facilities and corridors, authorized and unauthorized vehicle use, and mineral exploration.

These activities impact the recovery unit to varying degrees through degradation, disturbance and loss of wildlife habitat. However, the CDCA land use plan, as amended by NECO, implemented Standards and Guidelines designed to improve habitat conditions and reduce impacts to the recovery unit from surface disturbing activities such as mining, OHV activities, and maintenance of utility facilities and corridors. In addition, the NECO plan amendment eliminated grazing in large areas of the recovery unit. Additional policies and management guidelines incorporated within the NECO plan amendment further reduce the negative impacts to this recovery unit from present and reasonably foreseeable future actions. Consequently, the impacts to the recovery unit, resulting from present activities would be minimized.

Proposed range improvement projects planned for this allotment are listed in the beginning of the cumulative impacts section (Table 1, above). Should these future range improvement projects be pursued, an environmental analysis and required mitigation measures would be developed. The implementation of new and replacement projects would be limited by available funding. As stated in the CDCA BO, "This exemption [from the prohibitions against take] with regard to livestock grazing does not extend to specific range improvements because the Bureau will need to authorize those on a case-by-case basis, or to mortality that may be caused by degradation of habitat." Separate Section 7 consultations would be pursued as needed for future range improvement projects.

Range improvements (i.e. installation of water sites, water facilities, pipelines, corrals, etc.) could have impacts on the threatened desert tortoise and its habitat depending on

location and project specifics. Impacts to individual tortoises could include trampling of tortoises, injury and/or mortality during construction, and competition between cattle and tortoise for forage. The impacts to desert tortoise habitat that could result from construction of range improvements could include trampling of burrows, reduction in forage and thermal cover, soil compaction, degradation of soils, damage to soil crusts, and introduction of non-native plants.

The NECO plan limits cumulative new surface disturbance within any DWMA on lands administered by federal agencies to one percent. In addition, the NECO plan requires that project proponents compensate for loss or disturbance of public lands within DWMA's at a ratio of five acres of compensation for every acre lost or disturbed. The compensation is directed to the Recovery Unit where the disturbance occurs. Lands acquired through compensation or mitigation are classified as "Closed to disposal and use." Lands within the Northern Colorado Recovery Unit not included within the Chemehuevi DWMA are classified as Category III desert tortoise habitat. Compensation for disturbance on public lands within Category III habitat will be required at a 1:1 ratio. As stated in the 2005 CDCA BO *"Limiting the amount of cumulative surface disturbance to one percent of the public lands in each of the desert wildlife management areas will likely ensure that proposed actions do not cause injury to or mortality of a large number of desert tortoises. And "...will likely ensure that proposed actions do not appreciably compromise the function and conservation role of critical habitat units in the northern and eastern Colorado Desert planning area. In addition, "The Bureau's requirement that project proponents compensate for loss or disturbance of habitat of the desert tortoise within desert wildlife management areas at a ratio of five acres of compensation for every acre lost or disturbed will promote the conservation of the desert tortoise."* Although the Chemehuevi Allotment has not been grazed for 10 years, the cancellation of this lease will have a long-term positive impact on desert tortoises and their habitat.

Past, present and reasonably foreseeable future actions in addition to the grazing lease renewal for Lazy Daisy Allotment would not result in a significant cumulative impact to desert tortoises or their habitat within the Northern Colorado Recovery Unit. The adherence to the provisions of the NECO amendment to the CDCA plan, the CDCA BO and the stipulations of the grazing lease renewal for the Lazy Daisy Allotment would reduce the cumulative impacts to the recovery unit caused by past, present and reasonably foreseeable future activities. As summarized in CDCA BO "...we conclude that the intensity of grazing on the Lazy Daisy Allotment is low and that management of grazing within the northern and eastern Colorado Desert planning area is compatible with the function and conservation role of the Chemehuevi Critical Habitat Unit."

Vegetation (Invasive/non-native, Special Status, UPAs, BSCs).

As discussed in the vegetation section of chapter 3 of this EA, Impacts to vegetation would be around concentrated areas of use, such as range improvements and areas that provide shade due to cattle grazing, bedding, and travel.

Past, present, and reasonably foreseeable future actions that contribute to vegetation cumulative impacts on or near this allotment include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads, mining, and wildlife water developments. Other activities that may overlap the grazing allotment include utility corridors (e.g., electricity and natural gas transmission lines), general recreation (e.g., hunting, picnicking, camping, and rock hounding), scientific study, and OHV activities.). The net effect of these actions on vegetation is: An increased potential for non-native/invasive species to be introduced and/or spread by vehicles. Both utility vehicles maintaining utility corridors and recreational vehicles. The development of future roads will result in a loss of vegetation. Mining can result in a few to many acres of vegetation being removed from the mine site.

The cumulative impact analysis area for vegetation is the Lazy Daisy Allotment. The time frame for the analysis is long term. Impacts to vegetation in the planning area have been occurring for more than 100 years. However, impacts resulting from the proposed grazing lease renewal are not expected to add any adverse impact. The combined impact would be minimal, both incrementally and cumulatively, because the BLM has proposed terms and conditions with the purpose of preventing adverse impacts to vegetation, including restricting utilization of perennial forage to 40%, and eventually as low as 25%, the exclusion of grazing in DWMA's when ephemeral forage does not reach 230 pounds/acre, and CDCA BO stipulations, implementation of fallback and regional standards and guidelines, along with grazing strategies that require proper cattle distribution and periodic rest of individual grazing use areas during the critical growing season.

Cumulative Impact of No Action (Current Management) Alternative:

The following resources, ecosystems, and human communities of concern are not approaching conditions where additional stresses associated with the proposed action will have consequential cumulative effects: ACECs (effects to Chemehuevi DWMA/ACEC are discussed under the topic of wildlife), wild horses and burros, and water quality (drinking water, and ground water). Therefore, there will be no cumulative impact and no further discussion of these resources is required.

Impacts described in this EA include impacts to, air quality, cultural resources, environmental justice, livestock grazing, native American religious concerns, public health and safety, recreation, social and economic, soil, waste, hazardous or solid, wetlands/riparian zones, wilderness, wildlife habitat (threatened or endangered species), vegetation (invasive/non-native, special status, UPAs, and BSCs).

Impacts are short term (for example, impacts resulting from construction of new range facilities) and long term (impacts resulting from the use of the range facilities). Both the short term and long term impacts are consistent with the analysis of the NECO plan. Incremental impacts of livestock grazing are not increasing cumulative impacts because

most of the impacts have occurred in the past. When added to effects identified in the NECO Plan and effects of other actions on the allotment, the cumulative impact of the proposed action would be limited as summarized below:

Air Quality

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Cultural Resources:

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Environmental Justice

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Livestock Grazing

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Native American Religious Concerns:

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Public Health and Safety

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Recreation

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Social and Economic:

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Soil

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Waste (Hazardous or Solid)

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Wetlands/Riparian Zones

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Wilderness

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Wildlife habitat (Threatened or Endangered Species):

As discussed in Chapter 3 of this EA, a 15% increase in utilization of perennial forage in any key area may not invoke a measurable or detectable change in impacts to federally threatened desert tortoises or their habitat relative to the proposed action. Therefore, the cumulative impacts of the No Action Alternative would be the same as the Proposed Action discussed in chapter 3 of this EA.

Vegetation:

If the no action alternative is selected, the cumulative impacts are the same in scope and in kind as the cumulative impacts identified for the proposed action.

Cumulative Impact of No Grazing Alternative:

The following resources, ecosystems, and human communities of concern are not approaching conditions where additional stresses associated with the proposed action will have consequential cumulative effects: ACECs (effects to Chemehuevi DWMA/ACEC are discussed under the topic of wildlife), native American religious concerns, public health and safety, recreation, soil, waste (hazardous or solid), water quality (drinking water, and ground water), wetlands/riparian zones, wild horses and burros, wilderness, and vegetation (invasive/non-native, special status, UPAs, BSCs). Therefore, there will be no cumulative impact and no further discussion of these resources is required.

Impacts described in this EA include impacts to, air quality, cultural resources,

environmental justice, livestock grazing, social and economic, wildlife habitat (threatened or endangered species).

Impacts are short term (for example, impacts resulting from construction of new range facilities) and long term (impacts resulting from the use of the range facilities). Both the short term and long term impacts are consistent with the analysis of the NECO plan. Incremental impacts of livestock grazing are not increasing cumulative impacts because most of the impacts have occurred in the past. When added to effects identified in the NECO Plan and effects of other actions on the allotment, the cumulative impact of the proposed action would be limited as summarized below:

Cultural Resources:

If the No Grazing Alternative is selected, the cumulative impacts are similar to those identified for the Preferred Alternative. However, if grazing “improvements” are removed from the landscape as a consequence of selection of the No Grazing Alternative, additional impacts not previously identified can be anticipated. If grazing “improvements” are left in place they may constitute an “attractive nuisance” that increases recreational activities in those areas. If those “improvements” are collocated or adjacent to cultural resources then additional impacts would occur. The impacts to cultural resources would be mitigated by the implementation of the Grazing Amendment to the 2004 Protocol between the State Director, California Bureau of Land Management, and the California State Historic Preservation Officer

Environmental Justice

Same as proposed action.

Livestock Grazing

The impacts to livestock grazing would be the same as what is addressed in the social and economic section below.

Socioeconomic:

As discussed in chapter 3 of this EA, there would be a slight negative effect to the economy of rural San Bernardino County resulting from the loss of the existing cattle operations. A small amount of tax revenue and revenue to local businesses would be lost.

Past, present, and reasonably foreseeable future actions that contribute to social and economic cumulative impact on or near this allotment include recreational OHV use, development, operation and maintenance of utility and energy facilities and corridors (e.g., electricity and natural gas transmission lines), livestock grazing, military training maneuvers, construction and vehicle use of paved and unimproved roads, mining, and wildlife water developments. Other activities that may overlap the grazing allotment

include utility corridors (e.g., electricity and natural gas transmission lines), general recreation (e.g., hunting, picnicking, camping, and rock hounding), scientific study, and OHV activities.). The net effect of these actions on social and economic is: Most of these actions have benefited the people who live in San Bernardino County by generating revenue for the county, providing needed commodities, providing an outlet for recreation, and training our military.

The cumulative impact analysis area for social and economic concerns is San Bernardino County. The time frame for the analysis is long term. Impacts to social and economic in the planning area have been occurring for 30 years or more. However, impacts resulting from the proposed grazing lease renewal are not expected to add any adverse impact. The combined impact would be insignificant, both incrementally and cumulatively, because most of the revenue that San Bernardino County collects from cattle ranching is from a few large scale cattle operations. The Lazy Daisy Grazing lessee has a small operation which contributes a very small percentage of revenue to San Bernardino County. The loss of that revenue would not result in a significant adverse impact to the county.

Wildlife habitat (Threatened or Endangered Species):

As discussed in chapter 3 of this EA, impacts to federally threatened desert tortoises and their habitat resulting from the No Grazing Alternative would be reduced. Past, present, and reasonably foreseeable future actions in the Northern Colorado Recovery Unit are discussed under the cumulative impacts of the Proposed Action of this EA. The cumulative impact of these actions on desert tortoises and their habitat would be offset to some extent by the cessation of grazing and grazing related activities. The past, present and reasonably foreseeable future actions in addition to the cessation of grazing on the Lazy Daisy Allotment would not result in a significant cumulative impact to desert tortoises or their habitat within the Northern Colorado Recovery Unit.

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APPENDIX I
MAPS

APPENDIX II
REGIONAL AND FALLBACK STANDARDS FOR PUBLIC LAND HEALTH
AND GRAZING GUIDELINES

1. Fallback Standards and Guidelines:

Standards:

1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, and landform.
2. Riparian-wetland area are in properly functioning condition.
3. Stream channel morphology (including but not limited to gradient, width/depth ratio, channel roughness and sinuosity) and functions are appropriate for the climate and landform.
4. Healthy, productive and diverse populations of native species exist and are maintained.

Guidelines:

1. Management practice maintain or promote adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils:
2. Management practices maintain or promote soil conditions that support permeability rates that are appropriate to climate and soils.
3. Management practices maintain or promote sufficient residual vegetation to maintain, improve or restore riparian-wetland, functions of energy dissipation, sediment capture, ground water recharge and stream bank stability.
4. Management practices maintain or promote stream channel morphology (e.g. gradient, width/depth ratio, channel roughness and sinuosity) and functions that are appropriate to climate and landform.
5. Management practice maintain or promote the appropriate kinds and amounts of soil organisms, plants and animals to support the hydrologic cycle, nutrient cycle, and energy flow.
6. Management practices maintain or promote the physical and biological conditions necessary to sustain native populations and communities.
7. Desired species are being allowed to complete seed dissemination in 1 out of every 3 years (management action will promote the opportunity for seedling establishment when climatic conditions and space allow.
8. conservation of Federal threatened or endangered, Proposed, Category 1

and 2 candidate, and other special status species is promoted by the restoration and maintenance of their habitats.

9. Native species are emphasized in the support of ecological function.
10. Non-native plant species are used only in those situations in which native species are not readily available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.
11. Periods of rest from disturbance or livestock use during times of critical plant growth or re-growth are provided when needed to achieve healthy, properly functioning conditions (The timing and duration of use periods shall be determined by the authorized officer.).
12. Continuous, season-long livestock use is allowed to occur only when it has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems.
13. Facilities are located away riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland function.
14. The development of springs and seeps or other projects affecting water and associated resources shall be designed to protect the ecological functions and processes of those sites.
15. Grazing on designated ephemeral (annual and perennial) rangeland is allowed to occur only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established and adverse effects on perennial species are avoided.

2. Regional Standards for Public Land Health and Grazing Guidelines

Standards for Public Land Health

1. Soils

Soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, geology, land form, and past uses. Adequate infiltration and permeability of soils allow accumulation of soil moisture necessary for optimal plant growth and vigor, and provide a stable watershed, as indicated by:

- a. Canopy and ground cover are appropriate for the site.
- b. There is diversity of plant species with a variety of root depths.
- c. Litter and soil organic matter are present at suitable sites.

- d. Microbiotic soil crusts are maintained and in place.
- e. Evidence of wind or water erosion does not exceed natural rates for the site.
- f. Hydrologic and nutrient functions maintained by permeability of soil and water infiltration are appropriate for precipitation.

2. Native Species

Healthy, productive, and diverse habitats for native species, including special status species (Federal T&E, federally proposed, federal candidates, BLM sensitive, or California State T&E, and CDD UPAs), are maintained in places of natural occurrence, as indicated by:

- a. Photosynthetic and ecological processes continue at levels suitable for the site, season, and precipitation regimes.
- b. Plant vigor, nutrient cycle, and energy flow are maintaining desirable plants and ensuring reproduction and recruitment.
- c. Plant communities are producing sufficient litter.
- d. Age class distribution of plants and animals are sufficient to overcome mortality fluctuations.
- e. Distribution and cover of plant species and their habitats allow for reproduction and recovery from localized catastrophic events.
- f. Alien and noxious plants and wildlife do not exceed acceptable levels.
- g. Appropriate natural disturbances are evident.
- h. Populations and their habitats are sufficiently distributed and healthy to prevent the need for new listing as special status species.

3. Riparian/Wetland and Stream Function

Wetland systems associated with subsurface, running, and standing water function properly and have the ability to recover from major disturbances. Hydrologic conditions are maintained, as indicated by:

- a. Vegetative cover would adequately protect banks and dissipate energy during peak water flows.
- b. Dominant vegetation is an appropriate mixture of vigorous riparian species.
- c. Recruitment of preferred species is adequate to sustain the plant community.
- d. Stable soils store and release water slowly.
- e. Plant species present indicate soil moisture characteristics are being maintained.
- f. There is minimal cover of invader/shallow-rooted species, and they are not displacing deep-rooted native species.
- g. Shading of stream courses and water sources for riparian dependent species is maintained.
- h. Stream is in balance with water and sediment being supplied by the watershed.

- i. Stream channel size and meander are appropriate for soils, geology, and landscape.
- j. Adequate organic matter (litter and standing dead plant material) is present to protect the site and to replenish soil nutrients through decomposition.

4. Water Quality

Surface and groundwater complies with objectives of the Clean Water Act and other applicable water quality requirements, including meeting the California state standards, as indicated by:

- a. The following do not exceed the applicable requirements: chemical constituents, water temperature, nutrient loads, fecal coliform, turbidity, suspended sediment, and dissolved oxygen.
- b. Standards are achieved for riparian, wetlands, and water bodies.
- c. Aquatic organisms and plants (e.g., macro-invertebrates, fish, algae, and plants) indicate support for beneficial uses.
- d. Monitoring results or other data that show water quality is meeting the standard. For surface waters, the primary objectives are to (1) maintain the existing quality and beneficial uses of water, (2) protect waters where they are threatened (and livestock grazing activities are a contributing factor), and (3) restore waters where they are currently degraded (and livestock grazing activities are a contributing factor). Of particular importance are areas:
 - e. where beneficial uses of water bodies have been listed as threatened or impaired pursuant to Section 303(d) of the Federal Clean Water Act
 - f. where aquatic habitat is present or has been present for federal threatened or endangered, candidate, and other special status species dependent on water resources.
 - g. in designated water resource sensitive areas such as riparian and wetland areas.

2. Regional Grazing Guidelines

- 1. Facilities would be located away from riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland functions.
- 2. The development of springs and seeps or other projects affecting water and associated resources would be designed to protect the ecological functions and processes of those sites.
- 3. Grazing activities at an existing range improvement that conflict with achieving proper functioning conditions (PFC) and resource objectives for wetland systems (lentic, lotic, springs, addits, and seeps) would be modified so PFC and resource objectives can be met, and incompatible projects would be modified to bring them into compliance. The BLM would consult, cooperate, and coordinate with affected interests and livestock producers

prior to authorizing modification of existing projects and initiation of new projects. New range improvement facilities would be located away from wetland systems if they conflict with achieving or maintaining PFC and resource objectives.

4. Supplements would be located a sufficient distance away from wetland systems so they do not conflict with maintaining riparian wetland functions.
5. Management practices would maintain or promote perennial stream channel morphology (e.g., gradient, width/depth ratio, channel roughness, and sinuosity) and functions that are appropriate to climate and land form.
6. Grazing management practices would meet state and federal water quality standards. Impoundments (stock ponds) having a sustained discharge yield of less than 200 gallons per day to surface or groundwater are excepted from meeting California drinking water standards per California State Water Resources Control Board Resolution Number 88-63.
7. In the California Desert Conservation Area all wildfires in grazing allotments would be suppressed. However, to restore degraded habitats infested with invasive weeds (e.g., tamarisk), prescribed burning may be used as a tool for restoration. Prescribed burns may be used as a management tool where fire is a natural part of the regime.
8. In years when weather results in extraordinary conditions, seed germination, seedling establishment, and native plant species growth would be allowed by modifying grazing use.
9. Grazing on designated ephemeral rangeland would be allowed only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and adverse effects on perennial species are avoided.
10. During prolonged drought, range stocking would be reduced to achieve resource objectives and/or prescribed perennial forage utilization. Livestock utilization of key perennial species on year-long allotments would be checked about March 1 when the Palmer Severity Drought Index/Standardized Precipitation Index indicate dry conditions are expected to continue.
11. Through the assessment process or monitoring efforts, the extent of invasive and/or exotic plants and animals would be recorded and evaluated for future control measures. Methods and prescriptions would be implemented, and an evaluation would be completed to ascertain future control measures.

12. Habitats would be restored, maintained, or enhanced to assist in the recovery of federally listed threatened and endangered species. Habitats of special status species including federally proposed, federal candidates, BLM sensitive, or California threatened or endangered species, would be restored, maintained or enhanced to promote their conservation.
13. Grazing activities would support biological diversity across the landscape, and native species and microbiotic crusts are to be maintained.
14. Experimental research efforts would be encouraged to provide answers to grazing management and related resource concerns through cooperative and collaborative efforts with outside agencies, groups, and entities.
15. Livestock utilization limits of key perennial species would be as shown in Table 2-2 for the various range types.

Table 1. Proposed Plan Grazing Guidelines for Range Types

Range Type	Percent Use of Key Perennial Species	
	Poor - Fair Range Condition or Growing Season*	Good - Excellent Range Condition or Dormant Season*
Mojave/Sonoran Desert Scrub	25	40
Salt Desert Shrubland	25	35
Semi-desert Grass and Shrubland	30	40
Sagebrush Grassland	30	40
Mountain Shrub land	30	40
Pinyon-Juniper Woodland	30	40

* Rangeland in good condition or grazed during the dormant season can withstand the higher utilization level. Rangelands in poor condition or grazed during the active growth season would receive lower utilization levels.

Monitoring of grazing allotments resource conditions would be routinely assessed to determine if Public Land Health Standards are being met. In those areas not meeting one of more standards, monitoring processes would be established (where none exist) to monitor indicators of health until the standard or resource objective has been attained. Livestock trail networks, grazed plants, livestock facilities, and animal waste are expected impacts in all grazing allotments and would be considered during analysis of the assessment and monitoring process. Activity plans for other uses or resources that overlap an allotment could have prescribed resource

objectives that may further constrain grazing activities (e.g., ACEC). In an area where a standard has not been met, the results from monitoring changes to grazing management required to meet standards would be reviewed annually. During the final phase of the assessment process, the Range Determination includes the schedule for the next assessment of resource conditions. To attain standards and resource objectives, the best science would be used to determine appropriate grazing management actions. Cooperative funding and assistance from other agencies, individuals, and groups would be sought to collect prescribed monitoring data for indicators of each standard.

APPENDIX III
A CULTURAL RESOURCES AMENDMENT
TO
THE STATE PROTOCOL AGREEMENT

SUPPLEMENTAL PROCEDURES FOR
LIVESTOCK GRAZING PERMIT/LEASE RENEWALS

A CULTURAL RESOURCES AMENDMENT
TO
THE STATE PROTOCOL AGREEMENT

BETWEEN

CALIFORNIA BUREAU OF LAND MANAGEMENT
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

The purpose of this amendment is to address the National Historic Preservation Act (NHPA) Section 106 compliance procedures for processing approximately 400 grazing permit/lease (hereafter "permit") renewals scheduled for 2004 through 2008. This amendment shall cover grazing permit renewals for livestock as defined in 43 CFR 4100.0-5 as "...domestic livestock – cattle, sheep, horses, burros, and goats." The following procedures will allow for renewal of the permits while maintaining compliance with the NHPA. Alternative approaches to this amendment may be developed by individual Field Offices, but such approaches shall fall under the Section 106 regulations of the NHPA (36 CFR Part 800) and shall require individual Field Office consultation with the SHPO.

These supplemental procedures are an amendment to the State Protocol dated April 6, 1998, which is scheduled for termination on October 25, 2004. These supplemental procedures will remain in effect when that Protocol is terminated and will become an amendment to a successor Protocol document.

This amendment deviates from the Protocol in *Section VI. Thresholds for SHPO Review*, which states, "*BLM shall complete the inventory, evaluation and assessment of effects and document all findings, including negative inventories and no effect determinations, in BLM files before proceeding with project implementation.*" This amendment would allow for renewal of an existing grazing permit prior to completing all NHPA compliance needs as long as Protocol direction, the BLM 8100 Series Manual guidelines (Protocol Amendment F), and the following specific stipulations are followed:

I. Planning

Grazing permit renewals of any acreage size shall be scheduled for cultural resource compliance coverage over the next ten years. Such long term management includes scheduling for inventory, evaluation, treatment, and monitoring, as appropriate. Schedules for inventories of all renewals to be covered by this amendment shall be delineated by each participating Field Office and submitted to the SHPO and the State

Office at the first annual reporting cycle for FY 2004.

This amendment shall only apply to the re-issuance of grazing permit authorizations and existing range improvements. All new proposed undertakings for range improvements shall follow the established procedures within the Protocol or 36 CFR 800, the implementing regulations for Section 106 of NHPA.

II. Inventory Methodology

To address the impacts of grazing on cultural resources, a Class II sampling or reconnaissance survey strategy shall be devised by the cultural resource specialist in consultation with range staff which focuses inventory efforts on areas where livestock are likely to concentrate within areas of high sensitivity for cultural resource site locations. Congregation areas where it has been shown that the greatest levels of impact are likely to occur are generally around springs, water courses, meadows, and range improvement areas such as troughs and salting areas.

All existing range improvements within areas of high sensitivity for the location of cultural resource sites shall be inventoried. However, due to the fact that cattle trailing occurs along fence lines and the area of impact is limited to a one meter wide swath and impacts to cultural resources are generally restricted to this corridor, existing linear improvements will not be inventoried except in areas of high sensitivity for the location of cultural resource sites.

Salting areas may change from season to season making locating these areas problematic. Salting locations will be assessed by the cultural resource specialist in consultation with range staff and the permittee. The permittee will be asked to provide a map designating salting areas and these locations will be inventoried if they occur in areas where the probability for the occurrence of cultural resources is high. All livestock loading and unloading areas and corral areas will also be inventoried within areas of high sensitivity for the location of cultural resources.

A Class I records search will also be conducted for each allotment to ascertain previously recorded site locations and areas of prior survey coverage which can be accepted as meeting current standards. Sites located within livestock congregation areas will be visited to evaluate grazing impacts.

All areas identified for inventory in the survey strategy shall be covered intensely. All unrecorded site locations will be recorded and a report of findings for each allotment will be completed. These investigations shall only address public lands administered by BLM. Private, state and county in-holdings will not be evaluated.

III. Tribal and Interested Party Consultation

Field Offices will be responsible for contacting and consulting with Tribes and interested parties as outlined in 36 CFR 800 and the 8120 manual guidelines. This will also meet BLM government-to-government responsibilities for consultation.

IV. Evaluation

Determinations of eligibility to the National Register of Historic Places shall only be undertaken on sites or properties where it can be reasonably ascertained or it is ambiguous that range activities will continue to impact sites and further consultation with SHPO could be required.

V. Effect

A. Range undertakings where historic properties are not affected may be implemented under the Protocol without prior consultation with SHPO. These undertakings shall be documented in the Protocol Annual Report.

B. Range undertakings where historic properties are identified within APEs, and where historic values are likely to be affected or diminished by project activities, require consultation with SHPO, and ACHP if necessary, on a case-by-case basis, pursuant to 36 CFR 800.5-6.

VI. Treatment

Standard Protective Measures can include but are not limited to:

A. Fencing or enclosure of livestock from the cultural resource sufficient to ensure long-term protection, according to the following specifications:

1. the area within the enclosure must be inventoried to locate and record all cultural resources; and
2. the enclosure (i.e.) fence must not divide a cultural resource so that a portion is outside of the fence; and
3. the cultural resource specialist will determine the appropriate buffer to be provided between the cultural resource and its enclosure fence.

B. Relocation of livestock management facilities / improvements at a distance from cultural resources sufficient to ensure their protection from concentrated grazing use.

C. Removal of natural attractants of livestock to a cultural resource when such removal, in the judgment of the cultural resource specialist, will create no disturbance to the cultural resource (e.g. removing vegetation that is providing shade).

D. Removal of the area(s) containing cultural resources from the allotment.

E. Livestock herding away from cultural resource sites.

- F. Use salting and/or dust bags or dippers placement as a tool to move concentrations of cattle away from cultural sites.
- G. Locating sheep bedding grounds away from known cultural resource sites.
- H. Other protective measures established in consultation with and accepted by SHPO.

The Standard Protective Measures defined above may be used to halt or minimize on-going damage to cultural resources. If the standard protection measures can be effectively applied, then no evaluation or further consultation with SHPO on effects will be necessary. The adopted Standard Protective Measures shall be added to grazing permit "Terms and Conditions" as appropriate for each grazing permit issued or reissued as fully processed permits (completed NEPA analysis, consultation, and decision). The "Terms and Conditions" for each permit may be modified by the addition, deletion, or revision of Standard Protective Measures as described in Section VII of these Supplemental Procedures.

VII. Monitoring

A. Field Offices shall adopt the following monitoring guidelines:

1. monitoring shall be conducted yearly and documented to ensure that prescribed treatment measures are effective; and
2. when damaging effects to cultural resources from grazing activities are ambiguous or indeterminate, Field Offices shall conduct monitoring, as necessary, to determine if degrading effects are resulting from grazing activities and if they are continuing to affect the characteristics that may make properties eligible to the NRHP or if they are otherwise adversely affecting the values of cultural resources.

B. When monitoring has yielded sufficient data to make effect determinations, the following apply:

1. When no additional degrading damage will likely occur because standard treatment measures are adequate to prevent further damage from rangeland management activities, SHPO consultation on a case-by-case basis is unnecessary.
2. When no additional degrading damage will likely occur, even without implementation of standard treatment measures, then no further treatment consideration of those resources is necessary, even if past grazing impacts to the ground surface are evident.
3. When additional degrading damage will likely occur, mitigation of

adverse effects shall be addressed on a case-by-case basis, pursuant to 36 CFR 800.5-6.

When monitoring results or case-by-case consultation result in a determination concerning addition or deletion of Special Treatment Measure(s) for a specific allotment, then that Measure(s) will be added to, or deleted from, the Terms and Conditions of the fully processed permit for that allotment.

VIII. Disagreements

When a Field Office Cultural Heritage staff and Field Office Manager fail to agree on inventory, evaluation, monitoring, and application of Special Treatment Measures, then the Field Office Manager shall initiate consultation with the SHPO.

IX. Reporting and Amending

A. Each participating Field Office shall report annually to the SHPO and the State Office, a summary of activities carried out under this amendment to the Protocol during the previous fiscal year. The reporting shall be included in the Protocol Annual Report.

B. Annual reports shall summarize activities carried out under this amendment. These reports are not meant to be compilations of the individual project reports prepared for the range projects; they are meant to be programmatic summaries of data and significant findings.

C. Annual reporting shall include at least three major sections:

1. schedules and status of accomplishments in meeting schedules for cultural resource activities in relation to the range management program as identified in Stipulation I; and
2. results, as annual summaries of accomplishment and significant findings resulting from rangeland management cultural resource activities; and
3. appendices to the report that would include project, coverage and cultural resource location maps and tabular summaries of total number of cultural resources located, new cultural resources located, cultural resources evaluated, types of treatment measures employed at each location, and cultural resources monitored.

D. Annual reports may contain recommendations for new or revised treatment measures.

E. Either party to this agreement may initiate a process to negotiate new or revised treatment measures or to revise the schedule of inventories. When such a process is initiated, the parties to this agreement shall negotiate new or revised treatment measures or schedule of inventories and such revisions or additions shall be issued as Attachments to these Supplemental Procedures.