



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Ely Field Office  
HC 33 Box 33500 (702 No. Industrial Way)  
Ely, Nevada 89301-9408  
<http://www.nv.blm.gov>



In Reply Refer to:

4160 (NV-045)

SEP 20 2007

Mr. Henry C. Vogler  
HCR 33 Box 33920  
Ely Nevada 89301

CERTIFIED MAIL 7006 0810 0005 7141 5175  
RETURN RECEIPT REQUESTED

## PROPOSED DECISION

### Background Information

On September 19, 2007 the Finding of No Significant Impact (FONSI) for the Hank Vogler (Second Creek Allotment) term permit renewal (EA No. NV-040-06-021) was signed. The Environmental Assessment (EA) and the FONSI is attached. This proposed decision is issued in accordance with 43 CFR 4160.1.

This decision complies with BLM Nevada Instruction Memorandum (IM) No. NV-2006-034 which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126.

The term grazing permit under consideration is for Second Creek Allotment (#00417). The Second Creek Allotment is a sheep allotment with a total permitted use of 652 AUMs with 294 AUMs historic suspended 358 AUMs active permitted use. The current season of use is from May 1<sup>st</sup> to February 28<sup>th</sup>. The allotment is ranked as an "M" (Maintain Condition) category in the Egan Rangeland Program Summary (May 1988). The current term permit for the Second Creek Allotment has been issued for the period 03/01/2005 to 02/28/2015. The allotment encompasses 8,373 acres of BLM managed lands. The new grazing permit will reflect terms and conditions in accordance with the EA.

Fully processing and renewing the term permit for Hank Vogler for the Second Creek Allotment provides for a legitimate multiple use of the public lands and includes terms and conditions for grazing use that conform to Guidelines and will achieve significant progress toward the Standards for the Northeastern Great Basin Area in accordance with all applicable laws, regulations, and policies and in accordance with Title 43 CFR 4130.2(a) which states "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land management that are

designated as available for livestock grazing through land use plans”. This decision specifically identifies management actions and terms and conditions to be appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that would ensure that Standards for Rangeland Health and multiple use objectives continue to be met and that significant progress is made towards those that are currently not met.

The standards were assessed for the Second Creek Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the Soil Survey of Western White Pine County Nevada, Ecological Site Descriptions for Major Land Resource Area 28B, Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996) and the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Ely BLM Field Office. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The assessment of rangeland health for the Second Creek Allotment was conducted in March, 2007. It was determined that the Standards were not being achieved nor was grazing management in complete conformance with the Guidelines. A review and analysis of the monitoring data was conducted. As a result of this review, no additional terms and conditions are needed for management practices to conform with guidelines and achieve standards. The complete standards determination is located in Appendix I of the EA (EA-NV-040-06-021). A summary of the findings for the allotment are as follows:

1. Upland Sites Standard (Not Meeting the Standard, but making significant progress towards).
2. Riparian and Wetland Sites Standard (Not Meeting the Standard, but making significant progress towards).
3. Habitat Standard (Not Meeting the Standard, but making significant progress towards).

Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. There are areas of concern are not meeting the standard and should be monitored once livestock use resumes. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush and Wyoming big sagebrush communities and the resulting loss of the soil resources. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impacts.

Existing grazing management and levels of grazing use within the Second Creek Allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought and fire suppression. The current livestock grazing management system conforms to the guidelines.

Standard 2 (Riparian and Wetland Sites Standard) not achieved. The riparian areas within the allotment are making progress towards achieving the standard. Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the spring have probably decreased the spring flow and decreased riparian habitat.

Standard 3 (Habitat Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. Existing grazing management and levels of grazing use on native range within the Second Creek Allotment are not causal factors in failing to achieve the habitat standard. The allotment has not been used by livestock for numerous years. The current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to fire suppression or the lack of wildfire, and drought.(see Standards Assessment and Evaluation Report for the Bennett Creek Allotment Appendix 1). Rangeland monitoring data is located in Appendix I of the Standards Assessment and Evaluation Report.

The project proposal was posted on the Ely Field Office web site, February 8, 2007, at [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

The preliminary EA was posted on the Ely external webpage on May 14, 2007 for a thirty day comment period. A hard copy of the preliminary EA was mailed to the permittee and those publics who have specifically requested one and who have expressed an interest in range management actions on the Bennett Creek Allotment June 15, 2007. Comments were received from Western Watersheds Project. They were reviewed and considered associated with completing the final EA.

### **LIVESTOCK MANAGEMENT DECISION**

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1 permitted use for Hank Vogler on the Second Creek Allotment, effective October 15, 2007, will be as follows:

**Table 1. Current Term Permit for Hank Vogler (#2702952)**

Allotment Name and Number	Livestock Number/Kind	Grazing Period		% Public Land*	Type Use	AUMs**
		Begin	End			
Second Creek 00417	175 Sheep	05/01	02/28	100	Active	350
*% Public Land is the percent of public land for billing purposes. **AUMs may differ from Active Use due to a rounding difference with the number of livestock and the period of use.						

<b>Allotment AUMs Summary</b>		
<b>ACTIVE AUMS</b>	<b>SUSPENDED AUMS</b>	<b>PERMITTED USE</b>
358	294	652

The renewal of the term grazing permit will be for a period of ten years. This decision will be effective upon the decision becoming final or pending final determination on appeal. There are no proposed changes to the terms and conditions. Utilization objectives for the allotment were further quantified in the Terms and Conditions.

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Mr. Hank Vogler.

1. Allowable use levels within the allotment will be as follows;  
Utilization on grasses and forbs will not exceed 55% utilization of shrubs will not exceed 45% of current year growth. Utilization levels in riparian areas will not exceed 50%.  
If utilization levels are reached, sheep will be moved to areas where utilization levels have not reached the above levels.

Stipulations Common to All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
4. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, Mastercard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.
5. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CRF 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

6. Grazing use will be in accordance with the Northeastern Great Basin Standards and Guidelines for grazing administration as developed by the respective resource advisory council and were approved by the Secretary of the Interior on February 12, 1997 with subsequent revisions. Grazing use will also be in accordance with 43 CFR Subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

7. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.

### **Rationale For No Changes in Grazing Use**

Existing grazing management and levels of grazing use within the Second Creek allotment are not causal factors in failing to achieve the upland site, riparian or habitat Standards. There are no additional terms and conditions needed for management practices to conform with guidelines and achieve standards. The current terms and conditions of the term grazing permit will continue unchanged.

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

4100.0-8: “The authorized officer shall manage livestock grazing on public lands under the principle of multiple-use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at CFR 601.0-5(b).”

4110.3: “The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.”

4130.3: “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the

Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part.”

4130.3-1(a): “The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

4130.3-1 (c) “Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.”

4130.3-2: “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.”

4160.1 (a) “Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.”

4160.1 (b) “Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§ 4130.8 and 4150.3 and the action to be taken under § 4170.1.”

4180.1: “The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.
- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

## **Protest and Appeal**

### **Protest**

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to William E. Dunn, Assistant Field Manager for Renewable Resources, Ely Field Office Box 33500, 702 North Industrial Way HC33 Ely, Nevada 89301 within 15 days after receipt of such decision. The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

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

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

### **Appeal**

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

The appeal and any petition for stay must be filed at the office of the authorized officer William E. Dunn, Assistant Field Manager for Renewable Resources, Ely Field Office Box 33500 702 North Industrial Way HC33 Ely, Nevada 89301. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

Sincerely,

/s/ Kyle Hansen for

William E. Dunn  
Assistant Field Manager  
Renewable Resources

Enclosures:

1. Finding of No Significant Impact (FONSI )
2. EA NV-040-05-027 (including the standards determination document)

cc:

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Steven Carter 7006 0810 0005 7141 5151  
P. O. Box 27  
Lund, Nevada 89317

Steve Foree, Nevada Division of Wildlife 7006 0810 0005 7141 5144  
60 Youth Center Road  
Elko, Nevada 89801

Thelora Kemp 7006 0810 0005 7141 5137  
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Lincoln County Commissioners 7006 0810 0005 7141 5120  
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Patricia N. Irwin, U.S. F. S. 7006 0810 0005 7141 5113  
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Jerry Reynoldson P. O. Box 995 Logandale, Nevada 89021	7006 0810 0005 7141 4390

**FINDING OF NO SIGNIFICANT IMPACT  
FOR  
Hank Vogler Term Permit Renewal (Second Creek Allotment)  
EA # NV-040-06-021**

I have reviewed Environmental Assessment (EA) NV-040-06-021, dated September 19, 2007. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared. Environmental Assessment (EA) NV-040-06-021 has been reviewed through the interdisciplinary team process

I have determined the proposed action is in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated September 21, 1984 and Egan Resource Area Record of Decision (ROD) signed February 3, 1987. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: The Second Creek Allotment is located 24 miles north northeast of Ely, Nevada in Steptoe Valley. It is situated on the northern end of the Schell Creek Range. The allotment encompasses 8,373 acres of BLM managed lands, all in White Pine County, Nevada. White Pine County is sparsely populated, with approximately one person per square mile. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

**Intensity:**

**1) *Impacts that may be both beneficial and adverse.***

The Environmental Assessment considered both beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc. Thresholds are established on pages 93 through 95 in the Egan Draft Resource Management Plan and Environmental Impact Statement.

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

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

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

There are no parks, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs) within the area of analysis. Cultural and historic resources typical of the general area may occur on the allotment. The primary prehistoric site type consists of lithic scatters. Historic values include a historic dugout cabin and a small portion of the Historic Lincoln Highway which runs north and south through the allotment. The permit renewal would not diminish the characteristic of the lithic scatters, dug out cabin or the Lincoln Highway.

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

The effects of livestock grazing on public lands have become more controversial in the past several years. However, most effects were disclosed in the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS). Although public input has been sought for the proposed action, there has been little public interest and only a few comments on effects analyzed in the attached EA.

**5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives. The effects analysis demonstrates the effects are not uncertain, and do not involve unique or unknown risk (EA Chapters IV & V).

**6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Renewing the grazing permit does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future projects within the area or in surrounding areas will be analyzed on their own merits and implemented or not, independent of the actions currently selected.

**7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in cumulatively significant impacts (EA Chapter V). For any actions that may be propose in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

**8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

The north eastern corner of the allotment is within the Aurum district (subdistrict of the Schell Creek district) and may contain camps, adits, and other mining associated features. A historic dugout cabin located within the allotment has not been evaluated for National Register of Historic Place at the present time. The historic Lincoln Highway runs from the north end of the allotment to the south end in the west half of the allotment. Evaluations of any known eligible sites within the allotment determined that the proposed action will not cause their loss or destruction, nor of any of significant scientific, cultural or historical resources.

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

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

**10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

/s/ Kyle Hansen for  
William E Dunn  
Assistant Field Manager Renewable Resources  
Ely Field Office

9/19/07  
Date

FINAL ENVIRONMENTAL ASSESSMENT

NV-040-06-021

GRAZING PERMIT RENEWAL FOR HANK VOGLER  
ON THE SECOND CREEK ALLOTMENT

United States Department of the Interior  
Bureau of Land Management  
Ely Field Office

Prepared By: Brett Covlin  
September 19, 2007

## I. INTRODUCTION

### Background Information

This environmental assessment (EA) addresses the impacts to public land resources from a proposal to renew a term grazing permit for Hank Vogler on the Second Creek Allotment. It is tiered to and incorporates by reference the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), which disclosed the cumulative impacts of grazing actions in the Egan Resource Area. This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis of resource impacts. Both the proposed action and alternatives to the proposed action are considered.

The term grazing permit under consideration is for Second Creek Allotment (00417) (see figure 1, general location map). Second Creek Allotment is a sheep allotment with a total grazing permitted use of 652 AUMs with 294 AUMs historic suspended and 358 AUMs active permitted use. The current season of use is from May 1<sup>st</sup> to February 28<sup>th</sup>. Second Creek Allotment has been in nonuse by livestock since 1996 and monitoring data has not been collected since that time. Second Creek was ranked as an “M” (maintain) category allotment in the Egan Rangeland Program Summary (May 1988). The current term permit for the Second Creek Allotment has been issued for the period 03/01/2005 to 02/28/2015.

An allotment evaluation and Grazing Final Multiple Use Decision (FMUD) has not been done for the Second Creek Allotment.

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997.

An assessment of the rangeland health was conducted during the permit renewal process. A review of the monitoring data was conducted and an assessment of rangeland health has been completed. As a result of this assessment, no changes in the livestock management practices have been identified as necessary to meet or maintain rangeland health standards. The assessment was based on rangeland monitoring data that is summarized within appendix 1. As a result of the assessment and monitoring data review, it has been determined that the Standards and Guidelines for Rangeland Health are not meeting the standard but making significant progress toward being met on the Second Creek Allotment. A summary of this finding for the allotment follows:

- |  |  |
|--|--|
| 1. Upland Sites Standard               | (Not Meeting the Standard, but making significant progress towards). |
| 2. Riparian and Wetland Sites Standard | (Not Meeting the Standard, but making significant progress towards). |
| 3. Habitat Standard                    | (Not Meeting the Standard, but making significant progress towards). |

## Conclusions of the Standard Determination Document:

Standard 1 (Upland Sites Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. There are areas of concern are not meeting the standard and should be monitored once livestock use resumes. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush and Wyoming big sagebrush communities and the resulting loss of the soil resources. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impacts.

Existing grazing management and levels of grazing use within the Second Creek allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought, fire suppression, and historical grazing prior to the Taylor Grazing Act. The current livestock grazing management system conforms to the guidelines.

Standard 2 (Riparian and Wetland Sites Standard) not achieved. The riparian areas within the allotment are making progress towards achieving the standard. Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the spring have probably decreased the spring flow and decreased riparian habitat.

Standard 3 (Habitat Standard) not achieved. The majority of the allotment is making progress towards achieving the standard. Existing grazing management and levels of grazing use on native range within the Second Creek Allotment are not causal factors in failing to achieve the habitat standard. The allotment has not been used by livestock for numerous years. The current grazing management system conforms to the guidelines. The failure to achieve the habitat standard on native range is more attributable to historical grazing prior to the Taylor Grazing Act, fire suppression or the lack of wildfire, and drought.(see Standards Assessment and Evaluation Report for the Bennett Creek Allotment Appendix 1). Rangeland monitoring data is located in Appendix I of the Standards Assessment and Evaluation Report.

### **Need for the Proposal**

The need for the proposal is to provide for a legitimate multiple use of the public lands by renewal of the term grazing permit for Hank Vogler on Second Creek Allotment in accordance with all applicable laws, regulations, and policies. In accordance with Title 43 CFR 4130.2(a), “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans.”

### **Relationship to Planning**

The proposed action is in conformance with the Management Decisions Summary approved by the Egan Resource Area Record of Decision (ROD) signed February 3, 1987. The proposed action would implement the livestock management decisions from this approved land use plan. The proposed action is also in conformance with the White Pine County Elk Management Plan approved March 1999. The project is also consistent with the White Pine County Land Use Plan of May, 1998 which states in part “The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives.” The proposed action is consistent with Federal, State, and local laws, regulations and plans to the maximum extent possible.

**Relationship to Bureau Guidance**

This document was prepared in compliance with BLM Nevada Instruction Memorandum (IM) No. NV-2006-0034, which provide guidance to facilitate the preparation of grazing permit renewals Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126. This document complies with IM guidance.

**Identification of Issues**

There were no issues identified during public scoping for this proposed term grazing permit renewal. This permit renewal proposal was scoped by resource specialists during a meeting held July 24, 2006 at the Ely BLM Field Office. The public was invited to provide input. The public will be afforded the opportunity to provide comments on this analysis.

**II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

**Proposed Action**

The Bureau of Land Management would issue and fully process a new term grazing permit for the Second Creek Allotment and authorize livestock grazing on the Second Creek Allotment. The current term permit and allotment information follows:

Allotment Number Name	Livestock Number/ Kind	Grazing Period		% PL*	Type Use	AUMs**	Permitted Use		
		Begin	End				Active	Suspended	Total
00417 Second Creek	175 Sheep	05/01	02/28	100	Active	350	358	294	652

\* % PL is the percent of public land for billing purposes.

\*\* AUMs may differ from Active Permitted use due to a rounding difference with the number of livestock and the period of use.

The renewal of the term grazing permit would be for a period of ten years from 9/30/2007 to 09/29/2017. There are no proposed changes to the terms and conditions (see Terms and Conditions, Appendix 2). Utilization objectives for the allotment were further quantified in the Terms and Conditions.

The new term permit would include terms and conditions for grazing use that achieve, or make significant progress towards achieving the Standards and Guideline for Grazing Administration and the other pertinent land use objectives for livestock use.

### Monitoring

Rangeland monitoring data would be collected by the BLM when grazing use resumes for the Second Creek Allotment to determine if the livestock management practices are continuing to meet or making progress towards meeting the Standards for Rangeland Health and other vegetative objectives for the allotments.

Monitoring studies may include use pattern mapping, key forage plant method utilization transects (KFPM), cover studies, ecological condition studies, frequency trend studies, observed apparent trend studies, weed detection, professional observations, and photographs. Rapid riparian assessment (proper functioning condition studies) would be conducted on an as needed basis. Baseline monitoring (ecological condition, cover, utilization and trend) may be conducted in association with watershed assessment.

Prior to authorizing annual grazing use, monitoring should be conducted to determine forage availability, grazing use areas and grazing management practices. Following the grazing period, monitoring may be conducted to determine overall utilization levels and grazing use patterns.

Monitoring data would continue to be collected by the BLM for the allotment including utilization (use pattern mapping and key area), ecological condition, trend and cover. If a future assessment results in a determination that changes are necessary for compliance with the Standards and Guidelines, the permit would be revised subject to revised terms and conditions. The term permit renewal area would also be monitored on a regular basis for noxious weeds and non-native invasive species. Control treatments would be initiated on noxious weed populations that become established in the project area. Further mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix 3.

### **No Action Alternative**

The no action alternative is the same as the proposed action alternative and will not be further addressed in accordance with IM NV-2006-0034.

### **Other Alternatives**

The Egan RMP/EIS addressed several alternatives including No Grazing alternative. Not issuing term grazing permits was considered in the FEIS. The Code of Federal regulations at

CFR 4130.2 requires the issuance of grazing permits to qualified applicants. No additional site specific alternatives are necessary for analysis since there are no unresolved conflicts concerning alternative uses of available resources.

### III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The Second Creek Allotment (00417) encompasses approximately 8,373 acres of public land acres. Approximately 538 private land acres occur within the allotment and an additional 131 private land acres are associated with the allotment along Fitzhugh Creek, adjacent to the forest service administered lands (see figure 1, general location map). The allotment is situated in Steptoe Valley. The allotment is located entirely within White Pine County, in the north central portion of the Ely BLM District approximately 24 miles north northeast of Ely, Nevada. The allotment is situated on the west aspect of the Schell Creek Mountain Range. The western portion of the allotment borders U. S. Highway 93 and the eastern portion borders the Humboldt National Forest and lower bench of the Schell Creek Mountain Range. Elevations range from approximately 6,100 feet above sea level in Steptoe Valley to approximately 7,400 feet above sea level on the lower hills of the Schell Creek Mountain Range. Average annual precipitation is 8 – 10 inches on the lower bench to 10 – 12 inches in the foothills. The majority of the allotment consists of sagebrush/perennial grass communities and pinyon/juniper woodlands on the benches and higher elevation sites. The Second Creek Allotment occurs within the Steptoe C (#8C) watershed. The allotment also occurs within the Central Nevada Basin and Range (028B) Major Land Resource Area (MLRA).

#### Critical Elements of the Human Environment

The Critical Elements of the Human Environment, which must be considered because of requirements specified in statute, regulation, or executive order, are listed in Table 1. Elements that may be affected are further described in this EA. Those elements that are not present or would not be affected are also listed in Table 1, but will not be considered further in this document.

**Table 1. Critical Elements of the Human Environment**

Critical Element	No Effect	May Affect	Not Present	Rationale
Air Quality	X			The proposed term permit renewal may increase dust levels during trailing to and from water sources. Any increase in dust would be transitory and quickly dissipate. Dust is not expected to exceed Nevada and National Ambient Air Quality Standards. In addition, any emissions would not affect any Class I air quality areas.
Areas of Critical				No areas of critical environmental

Environmental Concern (ACEC)			X	concern have been proposed or designated within the allotment.
Cultural Resources	X			No rock art or other prehistoric type features have been recorded or are known to exist. The primary prehistoric site type consists of lithic scatters. Historic values include a historic dugout cabin and the Lincoln Highway which runs north and south through the allotment. Impacts to such resources are mostly from such natural occurrences as erosion; livestock grazing has a negligible contribution, when it is conducted in a manner to achieve Standards and Guidelines.
Environmental Justice	X			No minority or low-income groups would be affected by disproportionately high and adverse health or environmental effects identified in the Proposed Action Area.
Farmlands (Prime or Unique)			X	Resource is not present.
Floodplains			X	There are no known floodplains within the project area; however the proposed action would have no affect on floodplains. .
Migratory Birds		X		Several species of migratory birds have a distribution that overlaps with the Proposed Action Area.
Native American Religious Concerns	X			A Native American Coordination Meeting was held in the BLM Ely Field Office on July 20, 2006. No concerns were identified.
Noxious weeds and non-native, invasive species		X		Surface disturbance through livestock movement may increase the risk of non-native, invasive species establishment.
Special Status Species (animals)		X		Bald eagles are transient through the area. There are no other known species afforded protections under the Endangered Species Act (ESA). Nevada Sensitive Species identified under BLM policy may occur in the Proposed Action Area.

Special Status Species (plants)	X			No special status plants are located in the proposed action area, thus special status plants would not be affected by the proposal.
Wastes (hazardous or solid)	X			No hazardous or solid wastes would be introduced by the proposed action.
Water Quality (drinking/ground)	X			Ground water located in a deep aquifer would not be impacted. No surface water within the area is used for domestic drinking water.
Wetlands/Riparian		X		There are no wetlands in the environment. There is one spring on the Second Creek Allotment located in the pinyon/juniper community and some riparian along the three ephemeral streams discussed in the document. Evaluation of Riparian and Wetland Sites, indicates that Standard 2 is not achieved but progress is being made toward meeting the standard.
Wild Horses and Burros	X			The Proposed Action Area is not within a Herd Management Area. Horses have been noted on the allotment from the adjacent Antelope Herd Management Area.
Wild and Scenic Rivers			X	There are no wild and scenic rivers within the allotment.
Wilderness Values			X	Second Creek Allotment is not located within a wilderness or a wilderness study area (WSA).

In addition to the critical elements of the human environment, the BLM considers other resources and uses that occur on public lands and the issues that may result from the implementation of the Proposed Action. The potential resources and uses, or non-critical elements that may be affected are listed in Table 2. A brief rationale for either considering or not considering the non-critical element further is provided. The non-critical elements that are considered in the EA are described in the Affected Environment (Section 3) and are analyzed in the Environmental Consequences (Section 4).

**Table 2. Other Resources and Uses**

<b>Resource or Issue</b>	<b>No Effect</b>	<b>May Affect</b>	<b>Not Present</b>	<b>Rationale</b>
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Soils		X		Soils are stable, primarily consisting of loams, minimal disturbance could occur due to hoof action within the Proposed Action Area.
Socioeconomics		X		The Proposed Action would provide stability to livestock operator
Vegetation		X		The Proposed Action could improve vegetation.
Wildlife		X		There is yearlong habitat and a home range corridor with daily movements in the North Schell Creek Range for Rocky Mountain elk within the allotment and no crucial habitat. The allotment has mule deer winter range and no migration corridors or crucial habitat. There is yearlong pronghorn antelope habitat and a home range corridor with daily movements in Steptoe Valley and there is no crucial habitat.
Range/Livestock Grazing/Standards and Guidelines		X		Standards and Guidelines have not been met however progress toward achievement of the standard would continue.
Recreation	X			Dispersed recreation in this area includes large and small game hunting, wildlife observation and photography, hiking and general off highway vehicle use.
Visual Resources	X			The area is currently unclassified. The proposed term permit renewal is consistent with the Visual Resource Management (VRM) Class III or IV objectives.

**Potentially Affected Elements of the Human Environment**

Based on the review of existing baseline data and surveys conducted in preparation of this EA, BLM specialists have identified the following as potentially affected elements of the human environment:

- Migratory Birds
- Noxious Weeds and Non-native Invasive Species
- Special Status Species (Federally listed threatened or endangered, proposed, and candidate species; state protected species; and BLM sensitive species.)

- Riparian
- Range/Livestock Grazing/Standards and Guidelines
- Soils
- Socioeconomic
- Vegetation
- Wildlife

***Migratory Birds***

Migratory bird nesting and foraging habitat is located through out the allotment. Although no formal breeding bird surveys have been conducted, based on known habitat associations species composition could be somewhat anticipated. Species likely to breed within the allotment include loggerheaded shrike, Brewer’s sparrow, black-throated sparrow, horned lark, burrowing owl, and sage thrasher. Outside the breeding season, any number of species have the potential to pass through the area during migration.

Species that may be found on the allotment are listed in Table 3:

**Table 3** The Nevada Partners in Flight Bird Conservation list of bird species and their associated Ecotypes.

Montane Riparian	Montane Shrub	Sage brush
<u>Obligates:</u> Wilson’s Warbler MacGillivray’s Warbler  <u>Other:</u> Cooper’s Hawk Northern Goshawk Calliope Hummingbird Lewis’s Woodpecker Red-Naped Sapsucker Orange-crowned Warbler Virginia’s Warbler Yellow-breasted Chat	<u>Obligates:</u> None  <u>Other:</u> Black Rosy Finch Black-throated Gray Warbler Calliope Hummingbird Cooper’s Hawk Loggerhead Shrike Blue Grosbeak Vesper Sparrow MacGillivray’s Warbler Orange-crowned Warbler Swainson’s Hawk Western Bluebird	<u>Obligates:</u> Sage Grouse  <u>Other:</u> Black Rosy Finch Ferruginous Hawk Gray Flycatcher Loggerhead Shrike Vesper Sparrow Prairie Falcon Sage Sparrow Sage Thrasher Swainson’s Hawk Burrowing Owl Calliope Hummingbird  <u>Other associated species:</u> Brewer’s Sparrow Western Meadowlark Black-throated Sparrow Lark Sparrow Green-tailed Towhee

		Brewer's Blackbird Horned Lark Lark Sparrow
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***Invasive, Non-Native Species (including Noxious Weeds)***

Invasive annuals include cheatgrass (*Bromus tectorum*) and occur sporadically throughout the allotment. There are noxious weed populations of musk thistle (*Carduus nutans*) and white top (*Cardaria drapa*) throughout the allotment, mainly along washes (First, Second, Third and Fitzhugh Creeks) and roads that cross the allotment. The following noxious weed species occur within five miles of the allotment: bull thistle (*Cirsium vulgare*), Canada thistle (*Cirsium arvense*), musk thistle (*Carduus nutans*), Russian knapweed (*Acrotilon repens*), salt cedar (*Tamarix ramosissima*), spotted knapweed (*Centaurea stoebe*) and whitetop/hoary cress (*Cardaria drapa*). A Noxious Weed Risk Assessment was completed for the proposed action. This risk assessment indicated a moderate potential (16) for the spread of known noxious weeds with continued livestock grazing (see Appendix 3).

***Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)***

Nevada BLM Sensitive Species list are species designated by the State Director, in cooperation with the State of Nevada Department of Conservation and Natural Resources, that are not already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. Species which were eliminated from the U. S. Fish and Wildlife Service's Category II candidate list in 1995 were maintained by BLM as per Instruction Memorandum No. NV-98-013. Nevada BLM policy is to provide these species with the same level of protection as is provided for candidate species in BLM Manual 6840.06 C. The Policy ( BLM Manual section 6840.06 C) states in pertinent part "BLM shall carry out management, consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened or endangered."

BLM sensitive species

Ferruginous hawk habitat occurs within the allotment. Second Creek Allotment is within the "Antelope" Sage Grouse Population Management Unit (PMU). Sage grouse nesting and early brood habitat, late summer habitat and winter habitat occur within this allotment.

Table 3 identifies additional BLM sensitive species which may be found on the allotment. These include northern goshawk, Lewis's woodpecker, red-naped sapsucker, loggerhead shrike, Vesper sparrow, Swanson's hawk, black rosy fench, prairie falcon, western burrowing owl.

Federally listed, proposed or candidate Threatened or Endangered Species

Bald eagles, federally listed as threatened and proposed for delisting, may be observed in the allotment at varying times of the year.

### ***Riparian***

There is one spring on the Second Creek Allotment located in the pinyon/juniper community. There are four stream drainages within the allotment, however, one stream is ditched on BLM administered lands and diverted to private lands. The other three streams are ephemeral flowing onto public lands during high water years otherwise the stream channels are dry.

### ***Range/Livestock Grazing/Standards and Guidelines***

The Second Creek Allotment is currently permitted for sheep grazing. Historically sheep grazing occurred on this allotment. The current permit for sheep use is described above under the Proposed Action. Nonuse has occurred on the allotment since grazing year 1996.

### ***Vegetation***

The project area is primarily dominated by Wyoming big sagebrush (*Artemisia tridentate wyomingensis*) communities encompassing approximately 4,200 acres. Black sagebrush (*Artemisia nova*) communities encompass approximately 3,451 acres. Pinyon/juniper communities encompass approximately 426 acres. Other components include greasewood, shadscale, basin big sagebrush, pygmy sagebrush, low sagebrush, rock, mountain big sagebrush and winterfat. The soils and ecological sites (range sites) within the allotment have been described and classified by the Natural Resource Conservation Service (NRCS).

### ***Soils***

Soils located in the Second Creek Allotment are primarily gravelly sandy loams, gravelly silt loams, very gravelly loams, very gravelly silt loam, extremely stony loams. These soils are from alluvium derived from andesite, loess, mixed silty alluvium, some volcanic ash, mixed alluvium derived from volcanic rock, residuum and colluvium derived from andesite and conglomerate. Precipitation zones range from approximately 9 inches on the lower benches to 14 inches in the upper benches. The average annual air temperature ranges from 42 to 48 degrees Fahrenheit. Frost free days average from 85 to 110 days.

### ***Socioeconomic***

The local economy of White Pine County has been dependent on the areas farming and ranching community this includes the county tax base. The farming and ranching life style has been and continues to be important in the county and State of Nevada.

### ***Wildlife***

There is yearlong habitat and a home range corridor with daily movements in the North Schell Creek Range for Rocky Mountain elk within the allotment and no crucial habitat. The allotment has mule deer winter range and no migration corridors or crucial habitat. There is yearlong pronghorn antelope habitat and a home range corridor with daily movements in Steptoe Valley and there is no crucial habitat.

The allotment provides habitat for a natural biological diversity including numbers and species of microbes, invertebrates, reptiles, birds and mammals.

#### **IV. ENVIRONMENTAL CONSEQUENCES**

The environmental consequences of grazing were analyzed in the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS), dated September 21, 1984. The proposed action is within the array of options identified for the alternatives and proposed action as analyzed in the EIS. There have been no major changes made with the proposed term permit renewal that differ from the rangeland management actions presented in the EIS. The proposed action is not substantially different than the actions analyzed in the EIS. The following site specific analysis is in addition to that in the EIS.

##### ***Migratory Birds.***

Impacts to migratory birds could include nest disruption by animal movement and grazing and collisions with permit-associated traffic, however these and other permit-related effects should be negligible and not have a lasting detrimental effect on migratory bird populations.

Degradation of habitat would likely have the greatest impact on migratory bird species through the loss of nesting substrate, reduction in predator avoidance or thermal cover, and suppression of forage base (both seeds and insects). However, the condition of terrestrial habitat within the allotment appears to be stable as reflected in the Standards Determination. Thus indirect impacts to migratory birds through habitat loss does not appear to be an outstanding concern. Direct impacts may negatively influence individual birds. Although adult birds are highly unlikely of being killed by livestock or operation activity, animal may trample or dislodge nests containing eggs or nestlings, and, indeed, nest survival is often an important parameter influencing population growth in land bird species. Although nest loss can not be ruled out, it is reasonable to assume the number of nests which will be impacted will be small and ultimately the influence on populations negligible. Finally, the brown-headed cowbird (*Molothrus ater*) is an obligate brood parasite – a bird that never builds its own nest and always lays its eggs in the nests of other bird species. The host parents then incubate the cowbird eggs and feed the cowbird nestlings, often to the detriment of their own young. Cowbirds forage in shortgrass and edge habitats, usually following herds of grazing mammals that flush their insect foods. Brown-headed cowbirds originally followed bison herds and apparently were restricted to areas where bison were common. Cowbirds switched from bison to livestock when that option became available, greatly expanding cowbird numbers and range. They have since negatively impacted a wide variety of birds in places where avian nest parasites once were scarce or absent. The

density of cowbirds in the area is not known nor is the degree to which they may negatively impact local bird populations. However, due to the proximity of this allotment to towns and ranches and the prior use of this allotment by livestock the effects of cowbirds are likely already influencing local bird populations. Any additional impacts from this species of nest parasite would likely be limited.

### ***Invasive, Non-Native Species (including Noxious Weeds)***

Because of mitigation added to the proposed action, the grazing permit renewal would not likely result in an increase in noxious weeds to the area. The Risk Factor for spread of noxious weeds is moderate at the present time (See Appendix 3 for the Noxious Weed Risk Assessment). Localized areas of livestock concentration or disturbance may increase the distribution of noxious weeds. Grazing use may or may not cause an increase in invasive plants, depending on climate, stocking level, timing of grazing, presence or absence of fire, and other factors

### ***Special Status Species (Federally listed, proposed or candidate Threatened or Endangered Species, and State sensitive species)***

Bald eagles are transitory migrants and effects to special status species are generally transitory in nature and have no known use areas. These species would not generally be affected by the proposed action. Ferruginous hawk habitat occurs within the allotment, but no impacts to the species or its habitat are anticipated. Because there are no changes for the term permit there should be no net change for sage grouse resulting in impacts to the population.

### ***Range/Livestock Grazing***

Implementation of the proposed alternative would lead toward achieving the Standards and Guidelines for Grazing Administration. Improvement in cattle distribution and utilization would continue to make progress towards enhanced forage production, ground cover, vigor, species composition, diversity, range condition and trend, and watershed conditions.

### ***Riparian***

Existing grazing management and levels of grazing are not a causal factor for the riparian area not meeting Standard 2. The proposed term permit renewal would not change the present condition of the riparian areas. The proposed action should not impact the spring riparian since the area surrounding the spring is wooded and not used by sheep

### ***Soils***

Most of the soils are gravelly loams and generally stable and not highly susceptible to erosion throughout the allotment and should not be affected by the term permit renewal. Hoof action is expected to disturb soils minimally and temporarily while sheep are trailing. Soil compaction may occur where livestock congregate for water.

### ***Socioeconomic***

Lifestyles of local residents would not be impacted. The proposed term permit renewal would provide economic benefits for the livestock permittee in this area by improving the efficiency of their overall operation. The proposed permit renewal would facilitate livestock management and could provide stability to the livestock operation.

### ***Vegetation***

The term permit renewal would continue to improve composition and cover, increased production and forage availability, and result in an improved rangeland condition and trend.

### ***Wildlife***

Wildlife habitat would be continue to be enhanced and expanded by improved native vegetation ground cover and a better quantity and availability of forage resulting from better livestock distribution.

### ***Cumulative Impacts***

According to the 1994 BLM Handbook "Guidelines for Assessing and Documenting Cumulative Impacts," the analysis can be focused on those issues and resource values identified during scoping that are of major importance. No issues or resource values of major importance were identified during the EA scoping period. A general discussion of past, present, and reasonably foreseeable future actions follows:

#### **Past Actions**

Woodcutting and pinyon nut gathering have been minimal on Second Creek. Commercial pinyon nut harvesting has occurred approximately one mile north of the allotment along Indian Creek. Hunting, trapping, wildlife viewing, and other recreational activities including (OHV) use have been minimal. Small two track roads associated with these activities are not extensive and have not altered the landscape. Wildfires have not been frequent or catastrophic. Wildlife use has not been intensive in the area and has not fundamentally altered the plant communities. There has been a relative lack of range improvements to distribute sheep use and improve forage utilization and rangeland health. Rangeland monitoring has been a common activity in the area.

#### **Present Actions**

Current activities or projects occurring in the project area are very limited. There is no current mineral mining or oil and gas exploration. There is limited mining activity in the Cherry Creek area. Woodcutting and pinyon nut gathering are minimal. Recreational activities including OHV use are currently minimal. There is only occasional use of the small two track roads in the area. There have been no recent wildfires. The road to Second Creek was mowed in 2005

as a fuels reduction project. Current livestock grazing and wildlife use is minimal in the area. Second Creek has not had livestock use since 1995.

#### Reasonably Foreseeable Future Actions

Hank Vogler would be the permittee on Second Creek Allotment, It is reasonable to expect that the permit would be active and that sheep would be permitted to graze on the allotment. Rangeland monitoring would be expected to increase if sheep begin utilizing the allotment. Second Creek in combination with existing permitted allotments would increase flexibility with the overall operation in conjunction with other allotments. Including this allotment in the overall rotation of livestock would be beneficial for vegetation and soils and add flexibility to the operation. Dozens of range permit renewals are expected to occur each year through 2009 and subsequent years. No other public lands actions are currently planned for the project area in the near future. Currently two coal fire power plants are proposed within twenty miles of the project area. Associated with the power plants would be water wells necessary for the production of electricity. Additional power lines are proposed for the Steptoe Valley including the Southwest Intertie Project (SWIP). A wind generating farm is being studied for the area in the Egan Mountain Range, southwest of the allotment. Visitor use and general population would be expected to increase in this area if these proposed projects are implemented. With the increased awareness of the area, woodcutting, pinyon pine nut gathering and OHV use in the area would increase in the reasonably foreseeable future.

A new resource management plan and environmental impact statement (RMP/EIS) is currently being developed for the Ely Field Office BLM area. The draft RMP/EIS was out for 120 day public comment closing in November 2005. According to the proposed RMP/EIS, resource management would occur on a watershed basis. The area of the proposed action occurs within the Steptoe "C" watershed.

#### Cumulative Impacts Conclusion

The proposed action in conjunction with the past actions, present actions and reasonably foreseeable future actions would result in no noticeable overall changes to the affected environment. Implementation of the proposed permit renewal would continue to meet or make progress toward meeting the rangeland health standards. No cumulative impacts of major or minor concern are anticipated as a result of the proposed project, other than those disclosed in the Egan Resource Area EIS.

## **V. PROPOSED MITIGATION MEASURES**

Appropriate mitigation has been included as part of the proposed action (mitigation measures for weeds are identified in the Noxious Weed Risk Assessment in Appendix 3) and no additional mitigation is proposed based on this environmental analysis.

## **VI. SUGGESTED MONITORING**

Appropriate monitoring has been included in the proposed action. No monitoring is suggested in response to anticipated impacts.

## **VII. CONSULTATION AND COORDINATION**

### **Public Interest and Record of Contacts**

There is a general public interest in the proper grazing management of public lands. Hank Vogler has a strong interest in this term permit issuance.

On July 20, 2006 the Second Creek Term Grazing Permit Issuance proposal was presented to a Tribal coordination meeting at the Ely BLM Field Office. No concerns were identified during this meeting. There were no questions or comments regarding the proposal from the Tribal participants.

On July 24, 2006 the project was presented to the Ely BLM internal scoping team and no issues were identified. The project proposal was posted on the Ely Field Office web site, February 8, 2007, [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

On September 11, 2006 a letter was sent to the interested public informing the public of the process.

On January 30, 2007 a letter by the Ely Field Office for the purpose of establishing an interested public mailing list for livestock grazing actions for 2007.

On January 31, 2007 the project was proposal was presented to the Ely BLM term permit renewal team for comment and no issues were identified.

The project proposal was posted on the Ely Field Office web site, February 8, 2007, [http://www.nv.blm.gov/ely/nepa/ea\\_list.htm](http://www.nv.blm.gov/ely/nepa/ea_list.htm) and no comments were received.

A draft EA was posted for a thirty day public review and comment period on the Ely BLM external website May 14, 2007. A letter of information pertaining to the posting of the EA or a hard copy of the EA was also mailed to those interested publics who have requested it June 15, 2007 to those who have expressed an interest in range management actions on the Second Creek Allotment. Public comment was received from Western Watershed Project on July 5, 2007 and July 6, 2007 by e-mail. No other public comment was received. Changes in the EA based upon public input.

Interested publics will again be notified by mail when the final EA is completed and the Decision Record/Finding of No Significant Impact (DR/FONSI) is signed. These documents will also be mailed to interested publics. The signed DR/FONSI initiates a 15 day protest

period and a 30 day appeal period.

The Ely Field Office mails an annual Consultation, Cooperation, and Coordination (CCC) Letter to individuals and organizations that have expressed an interest in rangeland management related actions. Those receiving the annual CCC Letter have the opportunity to request from the Field Office more information regarding specific actions. Those requesting notification of range actions are requested to respond if they want to receive a copy of the final EA and signed Decision Record/Finding of No Significant Impact. The following individuals and organizations, who were sent the annual CCC letter in January, 2006, have requested additional information regarding rangeland related actions or programs within the Second Creek grazing allotment:

Before including addresses, phone numbers, e-mail addresses, or other personal identifying information in comments, you should be aware that the entire comment – including personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Curtis Baughman, Nevada Division of Wildlife  
Steven Carter  
Steve Foree, Nevada Division of Wildlife  
Thelora Kemp  
Lincoln County Commissioners  
Patricia N. Irwin, U.S. F. S.  
Curt Leet  
Betsy MacFarlan, ENLC  
Laurel Marshall  
Cindy MacDonald  
John McLain, Resource Concepts, Inc.  
Nevada State Clearinghouse  
Joe Pescio  
Pete Pescio  
Katie Fite, Western Watersheds Project  
Meghan Wereley, Nevada Cattlemen's Association  
Jerry Reynoldson

Record of Personal Consultation and Coordination

Hank Vogler

B. Internal District Review

Steve Abele

Wildlife/T & E Species/Riparian

Brett Covlin	Rangeland Resources
Kyle Hansen	Deputy Assistant Field Manager Renewable Resources
Kari Harrision	Soil/Water/Air
Sue Howle	Environmental Coordination
Dave Jeppesen	Visual Resources/Wilderness/Recreation
Lorie Leshner	Cultural Resources
Chris Mayer	Rangeland Resources
Gary Medlyn	Soil/Water/Air
Ben Noyes	Wild Horses
Melanie Peterson	Wastes, Hazardous & Solid
Jake Rajala	Environmental Coordination
Carolyn Sherve-Bybee	Environmental Coordination
Bonnie Waggoner	Noxious Weeds
Sheri Wysong	Environmental Coordination

## **STANDARDS DETERMINATION DOCUMENT**

### **FUNDAMENTALS OF RANGELAND HEALTH**

#### **Standards and Guidelines Assessment**

#### **Second Creek Allotment**

Standards and Guidelines for Grazing Administration were developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Standards and guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards are expressions of physical and biological conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the standards.

This Standards Determination Document evaluates and assesses livestock grazing management achievement of the Standards and conformance with the Guidelines for the Second Creek Allotment in the Ely BLM District. This document does not evaluate or assess achievement of the wild horse and burro or Off Highway Vehicle Standards or conformance to the respective Guidelines.

The standards were assessed for the Second Creek Allotment by a BLM interdisciplinary team consisting of rangeland management specialists, wildlife biologist, weeds specialist, and watershed specialist. Documents and publications used in the assessment process include the 1) Soil Survey of Western White Pine County, Nevada 2) Ecological Site Descriptions Major Land Resource Area 28B, Central Nevada Basin and Range Nevada\_ 3) Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), 4) Sampling Vegetation Attributes (USDI-BLM et al. 1996) and 5) the National Range and Pasture Handbook (USDA-NRCS 1997). A complete list of references is included at the end of this document. All are available for public review in the Ely BLM Field Office. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

The Second Creek Allotment (00417) encompasses approximately 8,373 acres of public land acres. Approximately 538 private land acres occur within the allotment and an additional 131 private land acres are associated with the allotment along Fitzhugh Creek, adjacent to the forest service administered lands (see figure 1, general location map). The allotment is situated in Steptoe Valley. The allotment is located entirely within White Pine County, in the north central portion of the Ely BLM District approximately 24 miles north northeast of Ely, Nevada.

The allotment is characterized by valley bottom, benchland and low lying pinyon juniper/sagebrush communities. Elevation ranges from 6,100 feet above sea level in Steptoe Valley to approximately 7400 feet above sea level along the foothills of the Schell Creek Mountain Range. Generally the precipitation level is between 8-10 inches on the lower

benchland 10-12 inches in the foothills. Precipitation occurs primarily as winter snow or spring/fall thunderstorms and rains.

Since 1996 livestock have not been authorized on the allotment therefore there has been no use pattern mapping studies and key forage plant method utilization studies (KFPM). Other studies have not been established. Cover data has not been gathered however it is reasonable to assume that cover by grasses and forbs has increased on the allotment due to the nonuse by sheep and near or above normal precipitation in 2005 and 2006.

The following Rangeland Heath Standards information has been incorporated into the Environmental Assessment number NV-040-06-21.

## **PART 1. STANDARD CONFORMANCE REVIEW**

**STANDARD 1. UPLAND SITES:** *“Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.”*

As indicated by:

- Indicators are canopy and ground cover, including litter, live vegetation and rock, appropriate to the potential of the site.

### ***Determination:***

- Meeting the Standard
- Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

### ***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard**
- Failure to meet the standard is related to other issues or conditions**

### ***Guidelines Conformance:***

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

Findings and Conclusion: *Standard Not Achieved.*

The majority of the allotment is meeting or making progress towards achieving the standard. The areas of concern not meeting the standard should be monitored once livestock use resumes. Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites. This would help restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees or shrub dominated black sagebrush and Wyoming big sagebrush communities and the resulting loss to the soil

resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative impacts.

Personal observation and photographs show an increased cover of pinyon and juniper in upper elevation benchland within black sagebrush and Wyoming big sagebrush sites of Soil Mapping Units 752, 800, 801, 802, 1330. Increased cover of juniper along drainages and the upper benchland has been noted through personal observation. Both Wyoming big sagebrush and black sagebrush sites exhibited stable soils.

**STANDARD 2. RIPARIAN AND WETLAND SITES:** *“Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.”*

As indicated by:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows. Elements indicating proper functioning condition such as avoiding accelerating erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:
- Width/Depth ratio; Channel roughness; Sinuosity of stream channel; Bank stability; Vegetative cover (amount, spacing, life form); and other cover (large woody debris, rock).
- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.
- Chemical, physical and biological water constituents are not exceeding the state water quality standards.

***Determination:***

- Meeting the Standard
- Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- Livestock are not a contributing factor to not meeting the standard**
- Failure to meet the standard is related to other issues or conditions**

***Guidelines Conformance:***

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

Findings and Conclusion: *Standard Not Achieved.*

Within the allotment natural water sources are limited. There are four identified creeks located within the allotment Fitzhugh Creek (1 mile), First Creek (.75 miles), Second Creek (3 miles)

and Third Creek (.5 miles). Second Creek has been diverted on private land. These streams are intermittent and may flow onto the allotment during good water years.

There is one spring, Unnamed spring T. 20 N., R. 64 E., Sec. 25 NWSE located in the southeastern portion of the allotment in the pinyon/juniper community.

There are four stream beds and one spring located within the allotment. The streams are ephemeral, flowing onto the allotment during high water yield years. The one spring is located in the pinyon and juniper community. The spring was flowing in 1996 and is associated with a trough. The spring has not been functionally rated. Users appeared to be primarily wildlife. Wild horse use was identified as possibly occurring at the spring source. Pinyon and juniper trees are encroaching around the spring riparian area. Thinning the trees from around the source may improve water flow.

First Creek was surveyed in 1980, 1984 and 1985 for stream habitat condition survey. Private lands are upstream from the location. Stream banks exhibited moderate stability with the vegetation consisting of rose, brush trees, grasses and forbs provided adequate cover to limit the erosion susceptibility. There was no evidence of livestock use at the time of the survey.

Fitzhugh Creek was surveyed in 1976, 1980, 1984 and 1989 for a stream habitat condition survey. Bank stability was evaluated as fair. A heavy cover of rose, willow, cottonwood, grasses and forbs was noted. There was no evidence of livestock use at the time of the survey.

Second Creek was surveyed in 1980, 1984 and 1985 for stream habitat condition survey. Stream bank cover was primarily grasses, forbs and some rose. Bank stability was rated as good. Up to 60 percent of the stream was shaded with overhanging vegetation. Stream is diverted. There was no evidence of livestock use at the time of the survey.

Third Creek was surveyed in 1984 and 1985 for stream habitat condition survey. Bank stability was rated as excellent due to bank rock content and good root mass. Cover was moderate with aspen, rose, grasses and forbs providing approximately 70 percent stream shading. Third Creek is diverted on private lands.

**STANDARD 3. HABITAT:** *“Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.”*

As indicated by:

- Vegetation composition (relative abundance of species);
- Vegetation structure (life forms, cover, height, or age class);
- Vegetation distribution (patchiness, corridors);
- Vegetation productivity; and

- Vegetation nutritional value.

***Determination:***

- Meeting the Standard
- X Not Meeting the Standard, but making significant progress towards**
- Not Meeting the Standard, not making significant progress toward standard

***Causal Factors:***

- Livestock are a contributing factor to not meeting the standard.
- X Livestock are not a contributing factor to not meeting the standard**
- X Failure to meet the standard is related to other issues or conditions**

***Guidelines Conformance:***

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

Findings and Conclusion: *Standard Not Achieved.*

The dominant present vegetation within the allotment and professional observation (including photographs) all indicate a diverse habitat that is distributed in a mosaic across the landscape appropriate for the size and location of the allotment. The variety of plant communities present shows the vegetation distribution indicator to be appropriate for the size and location of the allotment. Vegetation distribution is also enhanced by the mid and high elevation rolling, broken topography of the land area. The drainage bottoms provide cover and escape cover corridors.

Professional observation indicates that soil condition is currently being maintained for the majority of native range within Second Creek Allotment. No areas have been identified as areas of immediate concern for erosion. No areas have been identified with excessive soil rills, gullies, or surface water flow patterns. There are no significant areas where plant species are pedestalled due to wind or water erosion. No areas have been identified that have been compacted heavily enough by grazing or other impacts that could restrict water infiltration and permeability rates. Soils are generally stable and productive with topsoil in place.

The lower elevations of the allotment lack desirable plant species and ecological processes are not being maintained. Plant species composition, structure, and production appear not appropriate to the range site potential in these areas. These areas appear to be losing resiliency as the favorable understory of grasses, forbs, shrubs declines as Wyoming big sagebrush and black sagebrush ecological sites transition to a monoculture of woody species dominance. In the higher elevations of the allotment desirable plant species also decline as small trees increase in cover and begin to transition toward pinyon and juniper dominated communities. A discussion of these problems by dominant vegetation areas follows:

Approximately 20 percent of the area of soil map unit number 801 has a higher percentage of pinyon and juniper than is described in the ecological site descriptions.

Approximately 75 percent of soil map unit number 752 appears to have a higher percent cover of pinyon and juniper in the area than is described in the ecological site descriptions.

Soil map unit number 800 appears to have a light cover of pinyon and juniper across the entire soil map unit particularly in the drainages where there would be increased available moisture due to position on the landscape.

The invasive annual grass cheatgrass is present within the allotment; however, there are no large or significant infestations of cheatgrass. Cheatgrass is present in small quantities throughout the allotment.

#### *Wyoming big sagebrush ecological sites*

The four types of Wyoming big sagebrush ecological sites on the allotment should consist of anywhere from 40 to 55% perennial grass composition by weight according to the ecological site descriptions. The Wyoming big sagebrush ecological sites have been affected by historic livestock use, drought and lack of wildfire. The value of these areas for watershed and as habitat for wildlife and livestock is declining at lower elevations. Vegetation treatments that restore range resiliency and health should be considered for these areas.

#### *Black sagebrush ecological sites*

Professional observation indicates inappropriate cover, composition, and production in significant portions of the black sagebrush ecological sites. Shrubs, grasses, and forbs are declining in the understory of juniper and pinyon trees in the higher elevations. Understory decadence and mortality occur at the higher elevations. At the lower elevations the shrub component is greater and the grass and forb component is less than indicated by the ecological site guides. The potential native perennial grass component for the shallow calcareous loam site is 40% to 60%, sites exhibit less than the potential for grass and forb composition (see Appendix I for a summary of range studies that are relevant to the habitat standard).

#### *Pinyon/juniper woodland community*

The pinyon/juniper woodland ecological sites within the south eastern portion of the allotment exhibit a spreading, dense overstory tree canopy and sparse to absent understory of small trees, shrubs, grasses and forbs as indicated by ecological site potential information and professional observation. These woodland plant communities are considered to be over-mature due to the lack of natural wildfire disturbance. Competition, shading, and spreading root systems are all factors leading to a declining understory. These areas revealed common understory decadence and mortality of shrubs and herbaceous species. Black sagebrush, Wyoming big sagebrush and other species are lacking or absent in portions of the woodland sites. Thus there is an inappropriate cover, composition, and production in these areas. Understory vegetative composition should be about 35% grasses, 15% forbs, and 50% shrubs and young trees when the average overstory canopy is medium (20 to 35%).

If the pinyon and juniper canopy continues to close over black sagebrush areas, or in woodlands, especially where the trees are already thick, and understory trees, shrubs, grasses and forbs are lost, these sites would further lose appropriate canopy cover, ground cover, and litter, lose resiliency and stability, and topsoil could erode, soil structure could be lost, and productivity could be lost, in particular on the steeper slopes.

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

### Standard #1: UPLAND SITES

No. Livestock are not a contributing factor to not meeting the upland site standard.

Existing grazing management and levels of grazing use within the Second Creek Allotment are not causal factors in failing to achieve the standard in those black sagebrush, Wyoming big sagebrush, and woodland sites that are areas of concern. Causal factors in these areas are considered to be drought, fire suppression, and historical grazing especially prior to the Taylor Grazing Act.

### Standard #2: RIPARIAN AND WETLAND SITES

No. Livestock are not a contributing factor to not meeting the upland site standard.

Existing grazing management and levels of grazing are not a causal factor. Pinyon and juniper trees surrounding the spring have influenced the spring flow and riparian vegetation composition and structure.

### Standard #3: HABITAT

No. Livestock are not a contributing factor to not meeting the upland site standard.

Vegetation treatments should be considered to maintain the resiliency of the Wyoming big sagebrush, black sagebrush and woodland sites, restore the appropriate cover and composition of understory grasses, forbs, shrubs, and small trees, and prevent crossing the advanced threshold leading to a closed canopy of pinyon and juniper trees and the resulting loss to the soil resource. The closed canopy of trees could lead to catastrophic fire events which have been shown to result in invasive plant species spread and other negative range impacts.

## **PART 3. GUIDELINE CONFORMANCE REVIEW**

The assessment found current management to be in conformance with Guideline 1.1. The assessment found current management not in conformance with Guidelines 1.2 and 1.3

The assessment found current management not in conformance with Guidelines 2.2 and 2.3. Guideline 2.1 and 2.4 is not applicable to the assessment area.

The assessment found current management to be in conformance with Guidelines 3.1, 3.2 and 3.3. The assessment found current management not in conformance with Guidelines 3.4, and 3.6. Guideline 3.5 was not applicable to the assessment area.

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

(5)

(6) No changes will be made to the current terms and conditions until grazing use resumes and the effects of grazing use can be monitored.

**Prepared by:**

/s/ J. Brett Covlin  
Brett Covlin, Rangeland Management Specialist

Sept 19, 2007  
Date

**Prepared by:**

/s/ Chris Mayer  
Chris Mayer, Lead Rangeland Management Specialist

09/19/2007  
Date

**I concur:**

/s/ Kyle Hansen  
Authorized Officer

9/19/07  
Date

## REFERENCES

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

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USDA – NRCS. 1998. Nevada Plant List.

USDI – BLM. 2000. Interpreting Indicators of Rangeland Health. Version 3. Technical Reference 1734-6. BLM/WO/ST-00/001+1734. National Science and Technology Center Information and Communications Group, Denver, Colorado.

USDA – NRCS. 2003. Major Land Resource Area 28B, Central Nevada Basin and Range Nevada Ecological Site Descriptions.

USDA- NRCS. 1997. Soil Survey of Western White Pine County, Nevada. US government printing office 1997-417-266/60006. 650 pp.

## Appendix 1

### Monitoring Data Analysis - Second Creek Allotment

#### Licensed Livestock Use

Livestock have not been authorized on the allotment since February 1995. The permittee has taken nonuse since that time.

Need More Sheep Company is currently in the process of acquiring the permit. The grazing permit for Second Creek Allotment is for 175 sheep from 05/01 to 02/28. Total grazing permitted use is 652 AUMs of which 294 AUMs are historic suspended and 358 AUMs are active permitted use. AUMs have not been activated since the end of the 1995 grazing year. No changes to the present terms and conditions have been identified.

#### Utilization

Utilization has not been read in recent times due to the nonuse by livestock that has occurred since 1995.

Generally, allowable use levels are moderate. Allowable use levels have not been formally established for the Second Creek Allotment. The general utilization objective for all allotments in the former Egan Resource Area of the Ely Field Office Area according to the Egan Resources Management Plan and Final Environmental Impact Statement (RMP/FEIS – September, 1984) and Record of Decision (ROD – February, 1987) is to “Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing systems and aesthetic values.” (Egan ROD, p. 44). Proper use levels for all allotments are also implied by the Standards and Guidelines for Rangeland Health and Grazing Administration (February, 1997).

#### Precipitation Data

Data from the National Oceanic and Atmospheric Administration (NOAA) recording Station at Yelland Air Field in Ely, Nevada is being used for this assessment. The average annual precipitation from 1971 to 2000 is 9.87 inches. Precipitation data can be used to calculate a yield index for each year (Sneva et al. 1983). In calculating the yield index, the first step is to calculate the crop yield (effective precipitation). For the Intermountain Big Sagebrush Region this includes precipitation from September through June.

Precipitation data was used in the formulation of a yield index in the calculation of a long term stocking rate. The first step was to calculate the crop yield, the effective annual precipitation for plant growth occurring between September and June of each year. The crop yield for each year was arrayed to determine the averaged median long term crop yield. The average crop yield for the Yelland Air Field reporting station was 8.46 inches. The individual yearly crop yields during the evaluation period were then divided by the long term average crop yield to determine a precipitation index for each year. The yield index was then determined from the

precipitation index by using the linear regression equation  $\hat{Y} = -23 + 1.23X$ , where  $\hat{Y}$  represents the yield index and  $x$  represents the precipitation index. 1/ Table 1 shows the precipitation and yield indices for the Yelland Air Field data.

1/ Sneva, Forest, C. M. Britton. August 1983. Adjusting and forecasting herbage yields in the Intermountain Big Sagebrush Region of the Steppe Province. Agricultural Experimental Station, Oregon State University, Corvallis. Station Bulletin 659, Page 61.

YEAR	CROP YIELD	PRECIPITATION INDEX	YIELD INDEX
1995	12.77	151	163
1996	5.59	66	58
1997	7.84	93	91
1998	10.37	123	128
1999	7.07	84	80
2000	6.70	79	74
2001	5.15	61	52
2002	4.41	52	41
2003	6.89	81	77
2004	5.43	64	56
2005	12.2	144	154
2006	8.32	98	98

### Other Monitoring Data

Monitoring data was last collected on the allotment in 1987. Utilization data was collected at that time. Since livestock have not been on the allotment since the end of the 1995 grazing year collecting monitoring data for livestock has not been a priority. When use resumes on the allotment baseline monitoring data would be gathered and evaluated against the standards. Compliance checks of the allotment have not detected noxious weed concerns.

Frequency trend data, apparent trend, line intercept cover data, ecological site inventory and ecological condition has not been collected on .

### Wild Horses

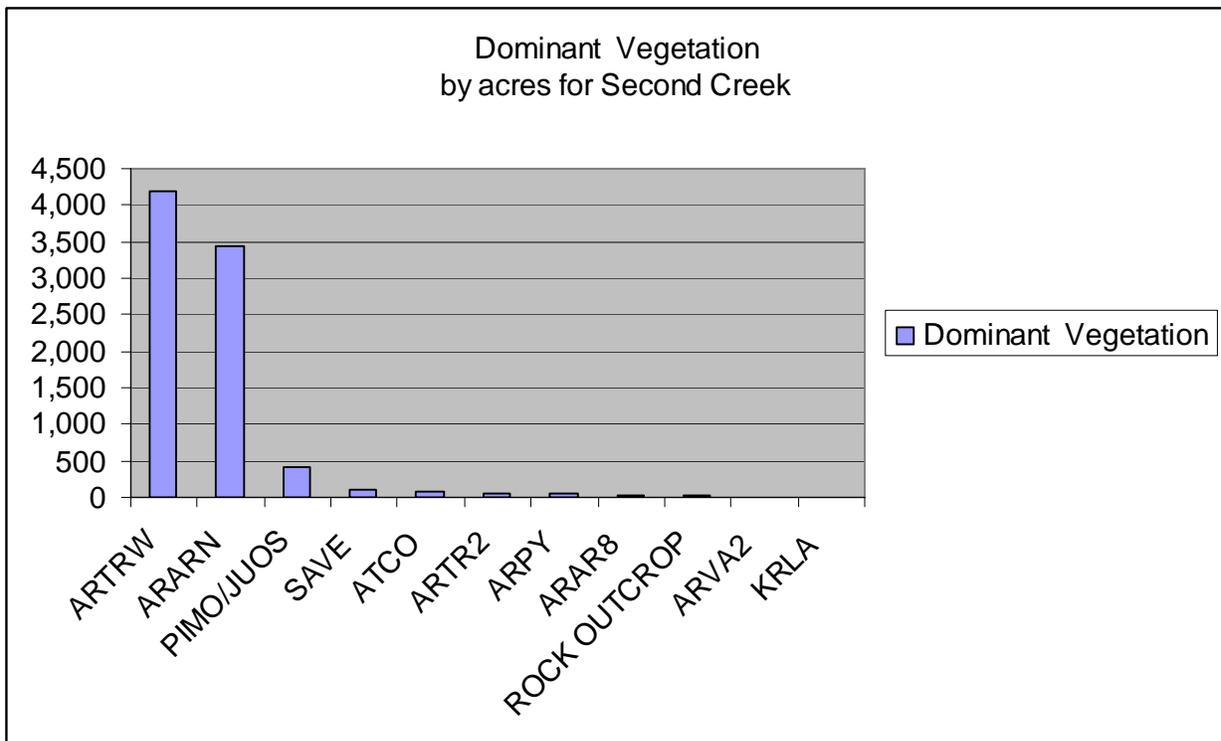
The allotment is not located within a Herd Management Area, however wild horses have been observed within the allotment.

### Dominant Vegetation (Soil Map Units)

The dominant vegetation by acres within the allotment have been described. This is based on soil mapping units from the Soil Survey of Western White Pine County.

The dominant present vegetation includes Wyoming big sagebrush, black sagebrush and pinyon/juniper communities. Other dominant vegetation that occurs over smaller areas includes greasewood, shadscale, big sagebrush, pigmy sagebrush, low sagebrush, rock outcrop, mountain sagebrush and winterfat. The acres and percentage of the allotment for each vegetation type are summarized below:

<b>Dominant Vegetation</b>	<b>Total Acres</b>	<b>Percent of Area</b>
Wyoming big sagebrush	4,200	50%
black sagebrush	3,451	41%
pinyon/juniper	426	5%
greasewood	115	1%
shadscale	82	1%
big sagebrush	53	1%
pigmy sagebrush	47	1%
low sagebrush	32	T%
rock outcrop	24	T%
mountain sagebrush	5	T%
winterfat	Trace	T%
Total	8,435	100%



#### Upland Vegetation Communities

The vegetative plant communities within Second Creek Allotment have developed on many different soil types with several kinds of parent materials. Soils located in the are primarily gravelly sandy loams, gravelly silt loams, very gravelly loams, very gravelly silt loam, extremely stony loams. These soils are from alluvium derived from andesite, loess, mixed silty alluvium, some volcanic ash, mixed alluvium derived from volcanic rock, residuum and colluvium derived from andesite and conglomerate. Precipitation zones range from approximately 9” on the lower benches to 14” in the upper benches. The average annual air temperature ranges from 42 to 48 degrees Fahrenheit. Frost free days average from 85 to 110 days.

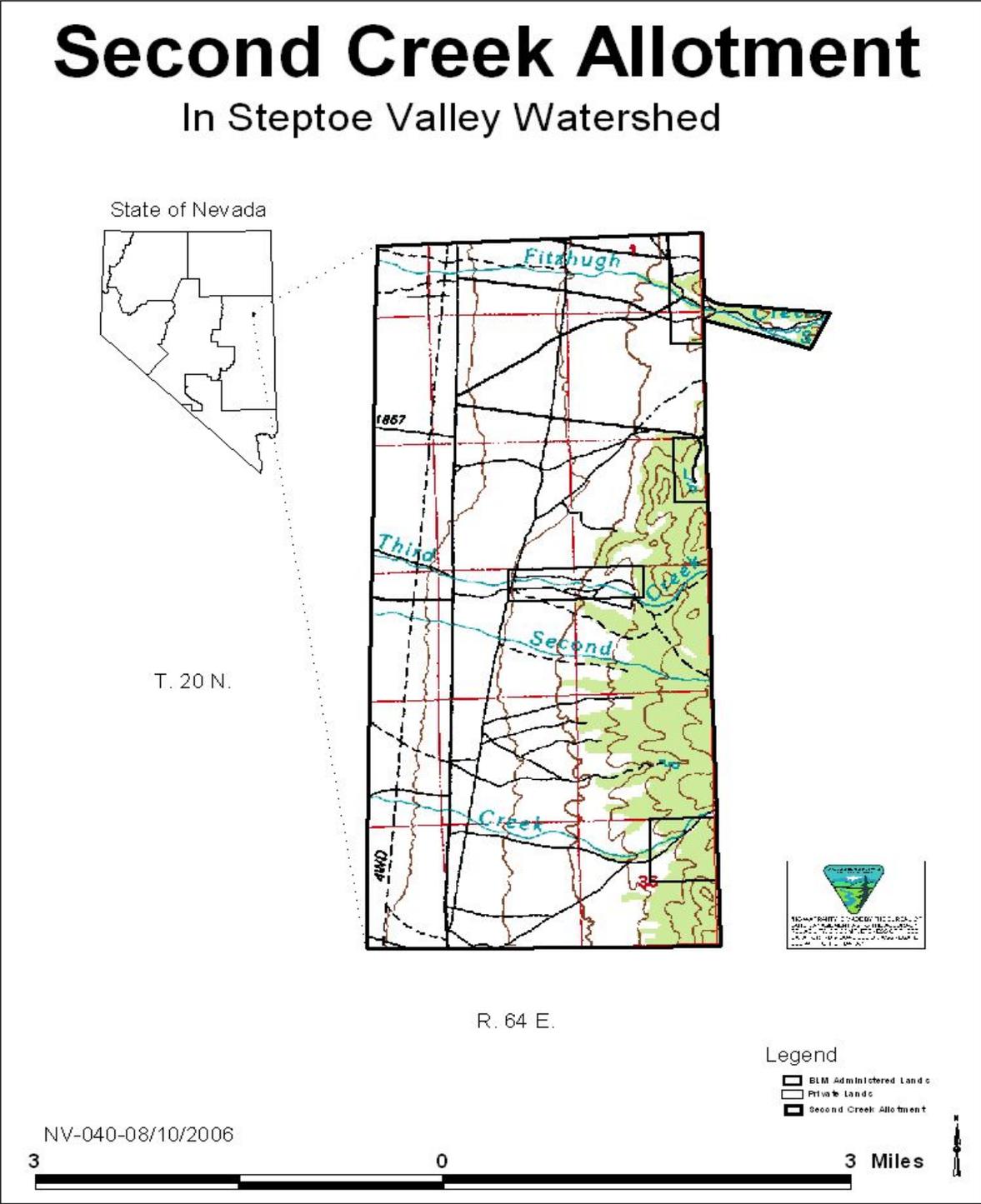
The vegetation within the watershed is diverse, scenic, and includes many different ecological sites. The primary ecological sites within the watershed include Wyoming big sagebrush, black sagebrush, (over 90% of the allotment). Other ecological sites include pinyon/juniper communities, greasewood, shadscale, big sagebrush, pigmy sagebrush, low sagebrush, rock outcrop, mountain sagebrush and winterfat communities.

Invasive annuals include cheatgrass (*Bromus tectorum*) and occur sporadically throughout the allotment. Noxious weed species little white top (*Cardaria draba*) occurs immediately adjacent along the western boarder of the allotment. Noxious weed species occurring within a five mile radius include saltcedar (*Tamarix ramosissima*), spotted knapweed (*Centaurea maculosa*) and musk thistle (*Carduus nutans*)

The Wyoming big sagebrush ecological sites occur on low rolling hills, fan piedmonts, and upper fan piedmont slopes; on rock pediments; and on inset fans and adjacent fan skirts. Slopes range from 2 to 50%, but gradients of 2 to 15% are most common.

The black sagebrush ecological sites occur on the summits and sideslopes of lower piedmont slopes and low hills on all exposures; on the sideslopes of upper fan piedmonts and mountain valley fans; on summits and sideslopes of rock pediments, hills and mountains on all exposures; and on high mountain ridges, shoulders, and upper backslopes. A few sites are restricted to cooler, northerly aspects. Slopes range from 2 to 75%, but gradients of 4 to 30% are most common.

Figure 1 General Location Map



## Appendix 2

### TERMS AND CONDITIONS

<b>Allotment</b>	<b>Livestock Number &amp; Kind</b>	<b>Period of Use</b>	<b>Permitted Use (AUMs)</b>	<b>Historical Suspende d Use</b>	<b>Non use</b>	<b>Total Use (AUMs)</b>
Second Creek	175 Sheep	05/01-02/28	350	294	0	652

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Mr. Hank Vogler.

1. Grazing will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.
2. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the multiple-use objectives for the allotment.
3. Deviations from specified grazing use dates will be allowed when consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
4. The authorized officer is requiring that an actual use report (form 4130-5) be submitted within 15 days after completing your annual grazing use.
5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with visa, mastercard or American express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CRF 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

7. Allowable use levels within the allotment will be as follows;  
Utilization on grasses and forbs will not exceed 55% utilization of shrubs will not exceed 45% of current year growth. Utilization levels in riparian areas will not exceed 50%.  
If utilization levels are reached, sheep will be moved to areas where utilization levels have not reached the above levels.

### Appendix 3

#### Noxious Weed Risk Assessment Second Creek Term Permit Issuance

On March 9, 2007 a Noxious Weed Risk Assessment was completed for a proposed grazing term permit issuance, located on public lands in White Pine County, within the Ely Field Office Area of the Ely District Bureau of Land Management. The proposed term permit issuance occurs in Steptoe Valley “C” within the Second Creek Allotment. The permit issuance covers approximately 8,373 acres of public land. The legal location of the term permit issuance area is as follows:

T. 20 N., R. 64 E., all or portions of section 1 through 3, 10 through 15, 22 through 27 and 34 through 36 MDBM.

The three dominate vegetation types within the Second Creek Allotment are Wyoming sagebrush, black sagebrush, and pinyon-juniper woodlands. The invasive species cheatgrass and halogeton are found within in the project area and along access roads.

Factor 1 assesses the likelihood of noxious weed species spreading to the project area.

None (0)	Noxious weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious weed species in the project area.
Low (1-3)	Noxious weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious weeds into the project area.
Moderate (4-7)	Noxious weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious weeds within the project area.
High (7-10)	Heavy infestations of noxious weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as moderate (4) at the present time. No noxious weed species are located within the project area, as verified by the Ely Field Office Weeds Inventory. Noxious weed species include little white top (*Lepidium draba*) occurring immediately adjacent to the allotment along the western boarder. Noxious weed species occurring within a five mile radius include saltcedar (*Tamarix ramosissima*), spotted knapweed (*Centaurea maculosa*) and

musk thistle (*Carduus nutans*). The invasive non-native grass cheatgrass is present in sagebrush range within the allotment. The invasive species halogeton is common along roadways in the allotment.

The term permit issuance is not likely to result in the establishment of noxious weeds in the allotment area. However, the proposed term permit issuance could result in the spread and further establishment of halogeton and cheatgrass.

Factor 2 assesses the consequences of noxious weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (7-10)	Obvious adverse effects within the project area and probable expansion of noxious weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

For this term permit issuance, the factor rates as moderate (4) at the present time. This means that there are possible adverse effects of noxious weeds becoming established in the native plant community in the term permit issuance area. Cumulative effects on the native plant communities are likely but limited. The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring.

	Projects must also provide for control of newly established populations of noxious weeds and follow-up treatment for previously treated infestations.
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For this term permit issuance, the Risk Rating is moderate (16) at the present time. Preventive management measures for noxious weeds need to be developed to reduce the risk of introduction or spread of noxious weeds into the permit issuance area. These measures (mitigation) are as follows:

1. BLM would watch for and report or eradicate any small noxious weed patches in the project area.
2. The range specialist for the Second Creek Allotment would include weed detection into normal rangeland monitoring activities.

The term permit issuance can proceed as planned. Control treatments would be initiated on noxious weed populations that establish in the area.

Reviewed by: /s/ Bonnie Waggoner  
Bonnie Waggoner  
Ely District Weed Coordinator

5/17/2007  
Date