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

Proposed Decision

(DOI-BLM-NV-L030-2013-0002-EA)

September 4, 2014

Term Grazing Permit Authorization
For
J. Lavar & Kaye Wade (#275108) and
Trevor L. Wade & Michael J. Wade (#2703753)
on
Gourd Spring Allotment

Lincoln County, Nevada

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
P.O. Box 237
Caliente, Nevada 89008

Phone: (775) 726-8100
Fax: (775) 726-8111

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Caliente Field Office
P.O. Box 237 (1400 South Front St.)
Caliente, Nevada 89008-0237
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer to:
4160 (NVL0300)

J. Lavar & Kaye Wade
1183 East 1580 South
St. George, Utah 84790

CERTIFIED MAIL 7013 1090 0002 0895 6652

Trevor L Wade & Michael J. Wade
600 North Richardville Road
P.O. Box 647
Alamo, Nevada 89001

CERTIFIED MAIL 7010 3090 0002 6403 9488

PROPOSED DECISION

J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753),
Gourd Spring Allotment (#01071)

Background

BLM (Bureau of Land Management), Caliente Field Office signed a Finding of No Significant Impact (FONSI) for J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753) regarding Term Grazing Permit Renewal on the Gourd Spring Allotment (#01071) on September 4, 2014. The Final Environmental Assessment (EA) DOI-BLM-NV-L030-2013-0003-EA, Finding of No Significant Impact (FONSI) and Standards Determination Documents (SDD) are contained herein. This Proposed Decision is issued in accordance with 43 CFR §4160.1.

The Proposed Action, associated with DOI-BLM-NV-L030-2013-0003-EA is to fully process and issue new Term Grazing Permits to the aforementioned permittees on the Gourd Spring Allotment. (Approximately 97,700 acres)

The grazing permit was previously issued as a one-year Term Grazing Permit, valid from 12/27/2013 – 9/30/2014, under Appropriation Act (citation) authority. The new Term Grazing Permit will reflect previous, as well as new Terms and Conditions, in accordance with the Final EA.

One of the 2008 Ely District Record of Decision and Approved Resource Management Plan (RMP) stated goals states: “Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health.” (pp.85) The RMP further provides the objective: “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health.” (pp.86) Additional Management Action LG-8 states, “Implement

management actions for desert tortoise habitat contained in the 2008 Biological Opinion." (pp. 87)

More than 90% of the Gourd Spring allotment is designated as habitat for federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). The U.S. Fish and Wildlife Service's (USFWS) Programmatic Biological Opinion (PBO), found in Appendix D of the Ely District Record of Decision and the Ely RMP identified Gourd Spring Allotment as habitat open and available for livestock grazing, even though it falls into three categories of desert tortoise habitat: general habitat, critical habitat, and Area of Critical Environmental Concern (ACEC). The BO states: "Allotments or portions of allotments in desert tortoise habitat outside of ACECs will be managed according to seasonal utilization limits of 40% of annual growth on key forbs, perennial grasses and shrubs (March 1 to October 31)". As the USFWS identified, grazing will not be allowed in the ACEC.

On June 18, 2014, CFO requested re-initiation of formal Section 7 USFWS consultation originally dated July 10, 2008, regarding this EA's proposed action on Agassiz's desert tortoise (*Gopherus agassizii*). On July 16, 2014 the USFWS concluded: "After reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the Proposed Action, it is the Service's biological opinion that the Proposed Action is within the scope of the PBO issued to BLM and is therefore, not likely to jeopardize the continued existence of the threatened Mojave desert tortoise."

Six wildfires have occurred in the allotment since 1998. All six were started by lightning. (Appendix A, Map "Gourd Spring Fire" in SDD, Appendix II of EA) This fire activity occurred throughout the allotment, and have burned approximately 40,000 acres, or about 41% of the allotment's acreage. The 2005 halfway fire (38,258 acres using Landsat), the largest and most catastrophic fire known to have occurred within the allotment, was not seeded. To-date, no seeding or fire rehabilitation measures have occurred.

Fully processing and renewing Term Grazing Permits for J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753) on the Gourd Spring Allotment provides legitimate multiple-use of public lands. The permits will include new and existing Terms and Conditions, that conform to BLM Guidelines, Nevada's Mojave-Southern Great Basin Area Resource Advisory Council(RAC) Standards , and all applicable laws, regulations, and policies; including those 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 Proposed Action and this Decision specifically identify management actions and updated Term Grazing Permit Terms and Conditions appropriate to make progress toward, or to achieve management and resource condition objectives and BLM Rangeland Health Standards.

Standards Determination Document Conclusion

BLM reviewed, updated and evaluated monitoring data for Rangeland Health during the permit renewal process, and prepared a Standards Determination Document (SDD) found in Appendix

II of this EA. Summary of achievement or non-achievement of the Mojave-Southern Great Basin Area SDD for the Gourd Springs allotment is provided below. (Table 1.)

Table 1. Gourd Spring Allotment

Mojave-Southern Great Basin Standard	Summary of Status
	Burned Portions of Allotment
1. Soils	Not Achieved
2. Riparian and Wetland Sites Standard	Upland portion – Not Achieved Riparian Portion – Not Applicable
3. Habitat and Biota Standard	Not Achieved

Data indicate that grazing is in conformance with all applicable Guidelines, however, the allotment is indicating a Not Achieved status due to wildfire and changes resulting from annual bromegrass invasion. The shrub component, however, does appear to be slowly re-establishing in the burned portions of the allotment. Shrub understory is lacking in density of perennial grasses and forbs, and consists primarily of red brome (*Bromus rubens*), an invasive annual grass. Red brome grows during a late winter-early spring period, prior to the green-up of native perennial vegetation. With sufficient precipitation, this grass can reproduce in copious quantities; and yield vegetative cover capable of wildfires at increased temperatures with greater scope and environmental damage. Without intervention (e.g., seeding), these invasive annual grasses will continue to dominate the cover class and biomass of the burned portions of the allotment. In an effort to reduce the accumulation of fine fuels, livestock grazing is one of the most readily available tools that can assist in reduced fuel loading.

Best Management Practices (BMPs) will be included, as Terms and Conditions, as identified below. Utilization objectives, quantified as Land Use Plan objectives are also included as BMPs.

Consultation and Coordination

On October 11, 2012, both permittees on the Gourd Spring Allotment (#2703753 and #275108) were sent letters from BLM informing them of the proposed Term Grazing Permit renewal process, scheduled for analysis during the 2012-13 grazing year. Both permittees indicated that they would like to be involved in the Term Grazing Permit renewal process.

On April 2, 2013, a BLM internal meeting provided coordination between the Caliente Field Office and the Ely BLM District Office regarding Term Grazing Permit renewal proposal for these authorizations. The proposal was presented to BLM resource specialists for the identification of relevant issues. BLM wildlife biologists and archaeologists identified issues, as addressed and analyzed in the enclosed EA

On June 15, 2012, a letter was sent to local Native American Tribes requesting comment for the proposed Term Grazing Permit renewals on the Gourd Spring Allotment. No comments were received.

On August 19, 2013, the SDD was mailed to Interested Public members, as described in EA section 6.2, to solicit early public input prior to the completion of a Draft EA. In reply, both the Nevada Division of Wildlife (NDOW) and Resource Concepts, Inc. provided comments.

> NDOW was supportive of livestock management actions intended to improve overall ecosystem function, although they were "…unsure of the degree to which this tool can be effective in and of itself."
>
> Resource Concepts, Inc. expressed comments that they were aware of the difficulty of establishing native perennial vegetation in the Mojave Desert following wildfires. They also noted the opportunity and value of test plots to evaluate desert adapted species (native and non-native); to install green strips as a to restrict the movement of wildfire; and provided that "grazing is "…the only practical tool currently in use to address unprecedented fuel loading before fire occurs in the Mojave Desert ecosystem." They further stated: "grazing is a sound and proven tool to reduce biomass, thereby lessening the potential for major wildfire." However, they also questioned whether "voluntary non-use" (temporary suspended use) and Allowable Use Levels, were actually necessary.

On January 3, 2013, the annual Ely BLM Consultation, Cooperation and Coordination letter was mailed to individuals and organizations who had previously expressed an interest in federal actions on the Ely District. The letter solicited public requests regarding various program areas, and provided information on how to become a 2014 Interested Public.

In January 2014, a Notice of Proposed Actions in Wilderness (NOPA) describing grazing permit renewals scheduled during 2014 was posted on the Ely BLM webpage. Subsequently, a postcard was mailed to all interested persons and organizations with an interest in Proposed Actions affecting BLM Wilderness in the Caliente Field Office.

On July 22, 2014, a Preliminary EA was posted on the NEPA Register webpage (https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) in preparation for a 15 day public review and comment period. The webpage had a direct link to this EA's information, also posted on the Ely BLM Homepage.

On July 21, 2014, a postcard was mailed to all Interested Public that contained the aforementioned NEPA Register webpage link and instructions on how to navigate to the Preliminary EA. The due date for all comments ended at the close of business on August 5, 2014. Comments were received on August 6, 2014 from Nevada Division of Wildlife.

On July 21, 2014, a hard copy of the Preliminary EA was mailed to the permittees and requested comments by August 5, 2014. No comments were received from grazing permittees.

On July 21, 2014, the Preliminary EA was posted on the Nevada State Clearinghouse website for 15 day public review and comment. General statements regarding State Of Nevada water law and existing water rights were provided to BLM by Nevada's Division of Water Resources. The Nevada Department of Wildlife made comments regarding the implementation of new water locations, test plots and the allotment's grazing strategy.

Relevant changes to the EA were made in response to comments and were incorporated in this EA, as appropriate.

LIVESTOCK MANAGEMENT DECISION

Part 1. Mandatory Terms and Conditions

The Gourd Spring allotment's stocking rate, season-of-use and class of livestock will remain unchanged. In accordance with 43 CFR §4130.2, §4130.3, §4130.3-1 and §4130.3-2, the grazing permit for J. Lavar & Kaye Wade #275108 and Trevor L Wade & Michael J. Wade (#2703753) on the Gourd Spring Allotment (#01071) will be issued as follows.

Term Grazing Permits

ALLOTMENT		Authorization Num.	LIVESTOCK		GRAZING PERIOD		** % Public Land	AUMs		
Name	Number		* Number	Kind	Begin	End		Active Use	Hist. Susp. Use	Total Use
Gourd Spring	01071	275108	207	cattle	10/1	5/31	100%	1661	0	1661
			9	horses	10/1	5/31	100%	72	0	72
	01071	2703753	207	cattle	10/1	5/31	100%	1661	0	1661
			9	horses	10/1	5/31	100%	72	0	72

* These numbers are approximate and are based on total AUM's Active Use
** This is for billing purposes only.

The renewal of the Term Grazing Permit will be for a period of up to 10 years. If grazing preference is transferred during this 10-year period, with no changes to the Terms and Conditions, a new Term Grazing Permit will be issued for the remainder of the 10-year period.

Part 2. Temporary Nonrenewable (TNR) Grazing

The following Terms and Conditions will be added to the new Term Grazing Permits for J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753) on the Gourd Spring Allotment for use of TNR. TNR will be issued at the discretion of a BLM authorized officer, under Code of Federal Regulation (CFR)§4110.3-1 (a)). Forage must exceed 3466 AUM's currently authorized in the allotment prior to permittee application for TNR.

The following terms and conditions will be added to the term grazing permits for J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753), regarding the application of Temporary Nonrenewable grazing (TNR) (§4110.3-1 (a)). Stocking levels will be determined based on a forage requirement of 800 pounds of air-dried forage for one animal unit month (National Range and Pasture Handbook and Society for Range Management glossary). The BLM will conduct additional monitoring throughout the time during which TNR is authorized.

1. At the discretion of the BLM, Temporary Nonrenewable (TNR) grazing will only be authorized on the Gourd Spring Allotment when additional forage is available in excess of 3,466 AUMs) permitted to both permittees.

2. The BLM will determine the applicability of any requested Temporary Nonrenewable (§4110.3-1(a)) grazing on an annual basis. A team of BLM specialists will evaluate grazing management practices and determine stocking levels, consistent with the principles of multiple use and sustained yield of the forage base and surrounding habitat, prior to any anticipated livestock use. If authorization is granted via TNR permit, grazing will not commence until a permit is received. All CFR 4110.3-1 (a) regulations will apply.

The permittee must submit an application for Temporary Nonrenewable grazing use (§4110.3-1(a)). An appropriate BLM team of specialists must evaluate, and the authorized officer must approve all submitted applications.

Part 3. New Watering Locations

To allow for increased livestock spreading in the allotment, six new watering locations will be established in the Gourd Spring Allotment. The following Terms and Conditions will be added to the Term Grazing Permit to assist in maintaining Rangeland Health Standards and for new water haul locations.

3. Allowable-Use levels on current year's growth of perennial upland vegetation (grasses, forbs and shrubs) within the Gourd Spring Allotment will not exceed 40%.

4. Watering locations will be used in a manner which will yield maximum livestock distribution within the allotment. Herding will be used, as needed, along with salt/mineral placement, to achieve this objective. Permittees must coordinate with BLM prior to utilizing new water haul locations.

5. Water hauling will be limited to existing roads. No roads will be bladed or improved with mechanized equipment, without consent of the authorized officer.

Part 4. Allotment Fencing Additions

Three new fences will be constructed, as outlined and presented in the Gourd Spring EA. Approximately 0.5 miles fence will be constructed, using BLM fence specifications for bighorn sheep and deer habitat, to prevent livestock access to the desert tortoise Mormon Mesa Area of Critical Environmental Concern (ACEC). Approximately 0.5 miles of Gap fence will be constructed/maintained along the southwest allotment boundary to prevent livestock movement between the Mormon Peak and the Gourd Spring Allotments. In an effort to foster compliance with Management Action LG-2 in the Ely RMP (2008) (p. 86), an approximate 5.5 mile fence will be constructed, in accordance with the appropriate BLM fence specifications for Bighorn sheep and deer habitat, to prevent livestock access to the desert tortoise Mormon Mesa Area of Critical Environmental Concern (ACEC). In addition, maintenance responsibility for approximately 4.6 miles of fence along the Carp/Elgin road will be transferred to the permittees. Fence construction will not occur from March 1 – October 31, to comply with the Ely RMP (2008), Management Action SS-32 (Special Status Species).
Prior to any new fence construction on the allotment, site-specific feasibility, staking and interdisciplinary team specialist review will occur and will include NEPA adequacy review based on specialist findings and results of archeology, wildlife, recreation and other resources.

Fence construction may require additional NEPA, or tiered site-specific follow-up NEPA process documentation, including notification of Interested Publics.

The following Term and Conditions regarding fence construction will be added to the new Term Grazing Permit:

6. Fence construction will be authorized under BLM technical specifications for bighorn sheep and deer habitat. The project will be constructed as a Cooperative Range Improvement Agreement between the permittee and BLM, and permittees will be responsible for all fence maintenance, including maintenance, following construction.

7. All fence construction will occur between November 1 and February 28 to avoid the desert tortoise active period. All fencing will be constructed using BLM technical specifications for bighorn sheep and deer habitats.

To address Mormon Mountains Wilderness Area, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following Term and Condition will be added to the Term Grazing Permit, to comply with the Wilderness Act of 1964 (P.L. 88-577) and BLM Handbook 6340:

8. Except in the case of emergency, as defined in BLM Handbook 6340 (Management of Designated Wilderness Areas (Public) (2012), permittee(s) must obtain written authorization from the District Manager prior to using any motorized vehicles, mechanical transport or motorized equipment within the Mormon Mountains Wilderness Area. The use of motor vehicles, mechanical transport, or motorized equipment is not allowed for herding animals or routine inspection of the condition of developments or the condition of the range.

To emphasize Management Action LG-2, in the Ely RMP (2008) (p. 86).,which specifically notes that the Mormon Mesa ACEC is unavailable for livestock grazing, the following Term and Condition will be included in the new Term Grazing Permit grazing permit:

9. No livestock grazing is permitted in the desert tortoise ACECs.

The following Reasonable and Prudent Measures, provided by the USFWS during Section 7 consultation, will be included as Terms and Conditions in the Term Grazing Permit, to minimize incidental take of desert tortoise that may result from the implementation of the Proposed Action:

10. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the Terms and Conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.

11. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way. Although the need to handle or move tortoises is unlikely, desert tortoises shall be handled in accordance with Service-approved protocol. The current protocols can be found in the Desert Tortoise Field Manual (Service 2009).

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

13. Prior to vehicle and equipment travel on a right-of-way or project area, authorized biologists shall survey for desert tortoises and their burrows using Service-approved protocols unless determined to be unnecessary by the Service at the project-level consultation. Timing of the survey will be determined at the project-level consultation. All potential desert tortoise burrows will be examined to determine occupancy of each burrow by desert tortoises in accordance with Service-approved protocol.

14. Prior to starting operations each day on any project that is not totally enclosed by tortoise-proof fencing and cattleguards; the project proponent shall be responsible for conducting a desert tortoise inspection by authorized desert tortoise biologists using techniques approved by the Service and BLM. The inspection will determine if any desert tortoises are present in the following locations:

    - Around and under all equipment;
    - In and around all disturbed areas to include stockpiles and reject materials areas;
    - In and around all routes of ingress and egress; and
    - In and around all other areas where the operation might expand to during that day.

    If a tortoise is discovered during this inspection or later in the day, the operator will immediately cease all operations in the immediate vicinity of the tortoise and will immediately notify BLM authorized officer.

15. All construction will occur outside of designated ACEC habitat. Desert tortoise surveys of ground-disturbing activities will occur prior to construction.

16. A representative from the BLM will make site visits, as deemed necessary, to monitor progress during project construction. Upon completion of the project, a final inspection will be made to ensure compliance with specifications and to correct any existing deficiencies.
17. Livestock use may occur during the seasons of use described in the June 18, 2014, memorandum and attachment as long as forage utilization management levels are monitored.

18. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat and discourage use in desert tortoise critical habitat which may include use of water, salt/mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.

19. The permittee shall be required to take immediate action to remove any livestock that move into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the Service, will take measures to ensure straying is prevented.

20. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.

21. In some cases, mineral/salt blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without authorization is prohibited. Where mineral and salt blocks are deemed necessary for livestock grazing management they will be placed in previously-disturbed areas.

22. Water haul sites will be placed at least 0.5 mile from riparian areas. Water hauling will be limited to existing roads. Permittees will be required to install wildlife escape ramps in all watering troughs.

23. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including Service biologists, to ensure compliance with the Terms and Conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the Service.

24. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

25. If data indicate grazing in burned areas is hindering recovery of the native plant community in desert tortoise habitat, re-initiation of consultation for the Gourd Spring allotment will be required.

26. Any proposed use of non-native plants in desert tortoise habitat to reduce fire risks will require separate consultation with the Service.

Standard Term Grazing Permit Terms and Conditions:

The new Term Grazing Permits will also include standard Terms and Conditions which will further assist in achieving and/or maintaining Standards and Guidelines for Grazing Administration, in addition to other pertinent land use objectives under this EA:

1. Livestock numbers identified in the Term Grazing Permit are a function of season-of-use and permitted use. Deviations from those livestock numbers and season-of-use may be authorized on an annual basis where such deviations are consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

2. The authorized officer requires an actual use report (Form 4130-5) to be submitted within 15 days after completing annual grazing use.

3. Grazing use will be in accordance with the Standards and Guidelines for Grazing Administration. The Standards and Guidelines were been developed by the respective Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Subpart 4180, Fundamentals of Rangeland Health, and Standards and Guidelines for Grazing Administration.

4. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be re-issued subject to revised Terms and Conditions.

5. The permittee must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of any hazardous or solid wastes as defined in 40 CFR Part 261.

6. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.

7. When necessary, permittees must control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.

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

9. The placement of mineral or salt supplements will be a minimum distance of 0.5 miles from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements will also be one mile from active sage-grouse leks. Placing supplemental feed (i.e., hay, grain, pellets, etc.) on public lands without prior authorization is prohibited.

Rationale

1. **Stocking and Season of Use**

Maintaining the current season of use allows permittees to continue adjusting livestock numbers based on resource conditions. Historical use data shows that the pemittees on the Gourd Spring allotment regularly adjust numbers throughout the season, as conditions change. Average use over the past 10 years has been less than 39% of permitted use. This is due in part to drought conditions in 2002 and catastrophic fires in 2005.

Allowing flexibility in grazing and the ability to respond to changing resource conditions will be beneficial in allowing operators to target invasive annuals when they are most palatable. The annuals are often most palatable in spring and fall, or during early winter growth periods. Grazing could ultimately reduce fuel loading and reduce fire intensity and severity. A reduction in fire size and effects could benefit all resources, including those in desert tortoise habitat.

1. **Temporary Nonrenewable (TNR) Grazing Permits**

Authorization of Temporary Nonrenewable (TNR) Grazing Permits will be issued in accordance with CFR §4110.3-1 (a), when forage is available in excess of the 3466 AUMs permitted to both permittees.

Authorizing TNR grazing provides the option for increased grazing use during years of high annual weedy grass production, while targeting these weed species when such plants are most palatable and vulnerable to grazing. Grazing could also help reduce fuel loading, and lend itself to reduced fire frequency, intensity and severity, while facilitating burn area recovery.

TNR permitting could allow for better management of rangeland resources, because grazing would be tied to forage availability rather than to pre-determined, static AUM levels especially during years of prolific growth. TNR would also allow flexibility to accommodate annual range conditions while deterring overgrazing and safeguarding residual forage for wildlife habitat, plant recovery and productivity, and watershed function.

2. **New Watering Locations**

The introduction of four new water-haul locations, one water catchment and one new pipeline extension with a trough within the allotment, in combination with existing watering locations, would provide an important additional means of controlling livestock. This would also aid in relieving grazing pressure in areas serviced by existing water sites. In addition, permittes could rotate grazing areas during the year, in a manner which would allow periodic rest for grazed plants which is especially critical during the spring growing period.

Strategic use of multiple watering locations during the grazing season within the allotment, along with herding when needed, should help maintain livestock distribution to achieve

more uniform utilization levels. When coupled with the introduction of allowable use levels, it should aid in preventing overall negative impacts to soil and plant resources. . Creating a more uniform utilization level within allotment should result in the promotion of overall forage production, ground cover, plant vigor and range condition. In addition, the potential for unacceptable utilization levels would he reduced while providing benefits to wildlife, regarding not only forage and cover, but additional water availability during the livestock grazing season.

According to the Nevada Wildlife Action Plan, range improvements resulting in better distribution of livestock can reduce impacts. The plan notes: "Livestock facilities such as springs developments, water pipelines, and fencing have distributed livestock use over areas that were sporadically or lightly used prior to agricultural development. Distribution of livestock over a greater area can also reduce impacts associated with concentrated livestock trampling, soil compaction, eroding trails, etc."

3. Allotment Fencing Additions

This analysis outlines construction of approximately .5 miles of gap fences (a short fence between rocky outcrops in rough terrain) along the Gourd Spring/Mormon Peak allotment boundary and assigning 4.6 miles of fence built for range protection due to fire to a permanent range improvement.

The construction/maintenance of this allotment boundary gap fences will assist in the management of livestock and help in the integrity of allotment boundary designation. There are passes in the low portions of the Mormon Mountains that are accessible to livestock egress and the fencing will help in curtailing the unmanaged drift of livestock between the two allotments.

This analysis also outlines construction of an approximate .5 miles fence to prevent livestock access into the desert tortoise Mormon Mesa Area of Critical Environmental Concern (ACEC).

Management Action LG-2, in the Ely RMP (2008) (p. 86) specifically notes that the Mormon Mesa ACEC is unavailable for livestock grazing. Furthermore, according to Appendix D (ACECs) of the Ely PRMP/FEIS, the ACEC offers several relevant and important features and encompass important desert tortoise and hot desert wildlife habitats in Lincoln County. The current condition and trend of the relevant and important values of the ACEC is a byproduct of historic human uses, present human uses, and unnatural and reoccurring fire regimes.

Fencing the desert tortoise Mormon Mesa ACEC, in the southwest portion of the allotment, will prevent access by any livestock that are grazing on the allotment, thereby, offering a measure of protection to the desert tortoise population within the ACEC; help preserve relevant and important values of the ACEC; and, provide a management tool to aid in complying with the Ely RMP which designates the ACEC as unavailable for livestock grazing. The 2,981 acres of desert tortious critical habitat which is east of Toquop wash will be used as a winter pasture only, with grazing allowed from 11-1 to 2-28 each grazing year.

Finally, a 4.6 mile long fence along the Carp/Elgin road will be converted to a permanent range improvement and assigned to the permittees for maintenance responsibility. This fence will provide for an additional pasture and aid in livestock management during the grazing period.

Prior to any new fence construction on the allotment, site-specific feasibility, staking and interdisciplinary team specialist review will occur and will include NEPA adequacy review based on specialist findings and results of archeology, wildlife, recreation and other resources. Fence construction may require additional NEPA, or tiered site-specific follow-up NEPA process documentation, including notification of Interested Publics.

4. Conducting Seeding Trials

Several five-acre experimental plots would also be established, some fenced to exclude grazing and others unfenced, and seeded to determine if rehabilitation of the Mojave ecosystem can be accomplished post fire. This would include native and non-native species with potential to restore ecological function to the areas which have been burned, an appropriate seed mix would be chosen by an Inter-Disciplinary Team (IDT). The objectives of the experimental seedings would be to help restore thermal cover for desert tortoise, habitat enhancement for small wildlife and nutrient cycling for the desert soils. These seedings would provide valuable information which could be used in other areas of the Mojave Desert that have burned and help move the ecosystem in the direction of meeting/achieving the BLM's Resource Advisory Council (RAC) standards.

Consequently, it is anticipated and reasonable to expect that Rangeland Health Standards 1, 3, and the upland portion of Standard 2 would move toward achievement within the burned portions of the allotment, the reduction of fine fuels, using grazing as a tool, would help to reduce fire intensity and severity of future wildfires.

Land Use Plan Conformance

The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) dated August 20, 2008. The Proposed Action is specifically provided for in the following Management Decisions:

LG-1: "Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis."

LG-2: "The following public lands are unavailable for livestock grazing:

- Mormon Mesa, Kane Springs, and Beaver Dam Slope ACECs (203,670 acres)"

LG-5: "Maintain the current preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock, and grazing management practices to achieve the standards for rangeland health. Changes, such as

improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health."

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

§4110.3-1 Increasing permitted use.

(a) "Additional forage temporarily available for livestock grazing use may be apportioned on a nonrenewable basis."

§4130.2 Grazing Permits and Leases

(a) States in part: "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands administered by the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

§4130.3: "Livestock grazing permits and leases shall contain Terms and Conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part."

§4130.3-1 Mandatory Terms and Conditions.

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

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

(c) Permits and leases shall incorporate Terms and Conditions that ensure conformance with subpart 4180 of this part."

§4130.3-2 Other Terms and Conditions

"The authorized officer may specify in grazing permits or leases other Terms and Conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands."

§4160.1 Proposed Decisions

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

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

(c) The authorized officer may elect not to issue a Proposed Decision prior to a final decision where the authorized officer has made a determination in accordance with §4110.3-3(b) or §4150.2(d)."

§4180.1 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

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

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

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

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

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

PROTEST AND APPEAL

Protest

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

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

The protest, if filed, must clearly and conciselystate the reason(s) why the protestant thinks the Proposed Decision is in error.

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

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

Appeal

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

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

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

Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

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

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

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

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

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

It is my decision to approve the Caliente Field Office actions, for the J. Lavar & Kaye Wade grazing permit under authorization number 275108, and for the Trevor L. Wade & Michael J. Wade grazing permit under authorization number 2703753, for the Gourd Spring grazing Allotment.

Victoria Barr
Field Manager
Caliente Field Office

It is my decision to approve the wilderness actions proposed in the renewal of the J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753) grazing permits under 43 CFR Part 6300.

Rosemary Thomas
District Manager
Ely District Office

Enclosures

cc:

Alvin S. Marques Chairman 16 Shoshone Circle Ely, Nevada 89301	CERTIFIED MAIL 7010 3090 0002 6403 9495
Connie Simkins P.O. Box 461 Panaca, Nevada 89042	CERTIFIED MAIL 7010 3090 0002 6403 9501
Craig Hoover P.O. Box 150822 Ely, NV 89315	CERTIFIED MAIL 7010 3090 0002 6403 9518
Curt Leet HC 32 Box 32120 Ely Nevada 89301	CERTIFIED MAIL 7010 3090 0002 6403 9525
Clay McClauley 2165 Green Viola #205 Sparks, Nevada 89431	CERTIFIED MAIL 7010 3090 0002 6403 9532
Bradford D. Hardenbrook NDOW - Southern Region 4747 Vegas Drive Las Vegas, Nevada 89108	CERTIFIED MAIL 7010 3090 0002 6403 9549
Elise McAllister P.O. Box 387 Moapa, Nevada 89025	CERTIFIED MAIL 7010 3090 0002 6403 9556
Gracian Uhalde P.O. Box 151088 Ely, Nevada 89315	CERTIFIED MAIL 7010 3090 0002 6403 9563

Halstead Forsgren Inc. D&A Duckwater Cattle Company Duckwater Rd. #1 Duckwater, Nevada 89314	CERTIFIED MAIL 7010 3090 0002 6403 9570
John L. McLain, RCI 340 North Minnesota Street Carson City, Nevada 89703	CERTIFIED MAIL 7010 3090 0002 6403 9587
John M. G. Mitchell P.O. Box 5968 Reno, Nevada 89513-596	CERTIFIED MAIL 7010 3090 0002 6403 9594
Kathy Gregg 6145 Galena Drive El Dorado, California 95623-4540	CERTIFIED MAIL 7010 3090 0002 6403 9600
Lincoln County Planning & Building Attn: Cory Lytle PO Box 329 Pioche, Nevada 89043	CERTIFIED MAIL 7010 3090 0002 6403 9617
Maurice Frank Churchill/Annette Harris 511 Duckwater Falls Road PO Box 140036 Duckwater, Nevada 89317	CERTIFIED MAIL 7010 3090 0002 6403 9624
Nevada Cattlemen's Association P.O. Box 310 Elko, Nevada 89803	CERTIFIED MAIL 7010 3090 0002 6403 9631
SharedVISION Inc. 6199 N Bellecreek Avenue Boise, Idaho 83713	CERTIFIED MAIL 7013 1090 0002 0895 6522

Steven Carter P.O. Box 27 Lund, Nevada 89317	CERTIFIED MAIL 7013 1090 0002 0895 6539
Sustainable Grazing Coalition C/O: Richard A. Orr P.O. Box 145 Caliente, Nevada 89008-0145	CERTIFIED MAIL 7013 1090 0002 0895 6546
V&ST Enterprises C/O: Stuart Twitchell PO Box 1114 McGill, Nevada 89318	CERTIFIED MAIL 7013 1090 0002 0895 6553
Virginia Sanchez, Chairperson P.O. Box 140063 Duckwater, Nevada 89314	CERTIFIED MAIL 7013 1090 0002 0895 6560
Western Watersheds Project Katie Fite, Biodiversity Director P.O. Box 2863 Boise, Idaho 83701	CERTIFIED MAIL 7013 1090 0002 0895 6577
Brett Spahan and Lee Pearson C/O: Brett Spahan P.O. Box 625 Panaca, Nevada 89042	CERTIFIED MAIL 7013 1090 0002 0895 6584
Nevada State Clearinghouse	Clearinghouse@budget.state.nv.us (Electronic Copy)
Don D. Gates Revocable Trust C/O: Jon Gates 2765 Santa Clara Drive Santa Clara, Utah 84765	CERTIFIED MAIL 7013 1090 0002 0895 6591

Hilton & Mary Ann Covington
86 Pioneer Circle
Brookside, Utah 84782

CERTIFIED MAIL 7013 1090 0002 0895 6607

Lemuel Leavitt
1300 Bigelow Ranch Road
Veyo, Utah 84782

CERTIFIED MAIL 7013 1090 0002 0895 6638

Dwight E. & Shauna J. Dannelly
P.O. Box 215
Enterprise, Utah 84725

CERTIFIED MAIL 7013 1090 0002 0895 6614

Fenton Bowler
825 West Veyo-Gunlock
Veyo, Utah 84782

CERTIFIED MAIL 7013 1090 0002 0895 6621

Staheli Farms
270 S. Leavitt Lane
Veyo UT. 84782

CERTIFIED MAIL 7013 1090 0002 0895 6645

FINDING OF NO SIGNIFICANT IMPACT

J. Lavar & Kaye Wade (#275108) and Trevor L Wade & Michael J. Wade (#2703753) on the Gourd Spring Allotment (#01071)

DOI-BLM-NV-L030-2013-0003-EA

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-L030-2013-0003-EA. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the Proposed Action associated with fully processing Term Grazing Permit renewals identified in the EA, will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Environmental Assessment DOI-BLM-NV-L030-2013-0003-EA has been reviewed through an interdisciplinary team process.

Rationale:

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

This proposed Term Grazing Permit renewal should be effective in maintaining Rangeland Health Standards and watershed condition on public lands within the Gourd Spring Allotment. Through the introduction and implementation of the Proposed Action, progression should be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

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

Context:

The Gourd Spring Allotment, a land-based allotment having two permittees, is located in southern Lincoln County, Nevada. It is approximately 50 miles south of Caliente, Nevada and approximately 10 miles northwest of Mesquite, Nevada (Appendix A, Map #1). It is located within the Toquop Wash Watershed, and is approximately 97,700 acres in size. Cattle and horses are the types of livestock grazed on the allotment. Elevations range from approximately 2,400 feet along the eastern boundary to approximately 5,300 feet in the East Mormon Mountains in the central portion of the allotment.

There are three known developed springs (Abe Spring, Gourd Spring and Peach Spring) that service livestock watering locations on the allotment. There are no riparian areas associated with these springs. The Sam's Camp pipeline provides water to the northern portion of the allotment. In addition, reservoirs are used to collect runoff in favorable years and water hauling is used to service the rest of the allotment.

The allotment also contains habitat for the federally threatened desert tortoise (*Gopherus agassizii*) (Appendix A(SDD), Map #2). The Mormon Mesa Area of Critical Environmental Concern (ACEC) includes 39,852 acres of desert tortoise critical habitat within the allotment. Another 2,981 acres of desert tortoise critical habitat is located within the allotment but outside of the ACEC boundary. The ACEC acreage was closed to grazing in 2000 with the signing of the Record of Decision for the Caliente Management Framework Plan Amendment.

The allotment also contains mule deer (*Odocoileus hemionus*) habitat and occupied desert bighorn sheep (*Ovis canadensis nelsoni*) habitat.

The western portion of the allotment (about 13,000 acres) lies in Mormon Mountains Wilderness.

Since 1998, six widlfires have affected the allotment. All were started by lightning (Appendix A, Map "Gourd Spring Fires" of SDD in Appendix II of EA). The fires occurred throughout the allotment, and burned approximately 40,000 acres or about 41% of the total acreage. The 2005 Halfway fire, the largest and most catastrophic fire, was not seeded subsequent to the fire as a fire rehabilitation measure.

Neither the allotment or any of its portions are located within a Wild Horse Herd Management Area (HMA).

Lincoln County is sparsely populated, with approximately 5,345 (2010 census) people living mostly within five small towns. Although the acreage involved in this EA 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.***

This EA 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 federally listed species, etc.). None of the resource impacts are intensely adverse or beneficial.

2) ***The degree to which the proposed action affects Public Health or Safety.***

The Proposed Action will not result in potentially substantial or adverse impacts to Public Health and Safety.

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

Impacts from livestock grazing on Cultural Resources are analyzed on page 4.9-5 of the Ely RMP/ROD.(November ; Decisions were made in that document to eliminate grazing in areas where the impacts could cause unacceptable degradation to natural resources and

unique geographic characteristics. The Gourd Spring allotment was not affected by this determination.

A cultural review, in accordance with the State Protocol Agreement, was completed on July 23, 2014 where all documented sites in the allotment analyzed for potential effects to historic properties and eligibility for listing in the National Register of Historic Properties. The cultural reports and correspondence for this EA are on file at Caliente Field Office and available upon request. There are no historic properties noted that have a high potential for impacts from current grazing practices. There were no conflicts between grazing practices and cultural resources identified.

A cultural resources inventory, for the range improvement actions being analyzed in this document, will be completed prior to the authorization of the construction of any range improvements. All potential impacts to cultural resources will be avoided through project redesign in accordance with the BLM 8100 Manual Series.

There are no parks, wetlands, prime farmland or wild and scenic rivers found within the allotment.

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

Whereas, it may be controversial to continue to permit livestock grazing on public lands,in terms of short and long term effects, there is little controversy as to what those effects are. The Ely RMP/ROD analyzed and disclosed several alternatives with various livestock effects and areas of conflicting multiple uses. Decisions were made to continue livestock grazing in allotments where deemed appropriate.

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

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives and maintain or achieve Rangeland Health. The Ely RMP/FEIA analyzed the effects of livestock grazing throughout the district and has eliminated grazing in areas where unique environmental risks could occur.

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

The Proposed Action will not establish a precedent for future actions with significant effects or represent a Decision about a future consideration. Renewing Term Grazing Permits does not establish precedent for other Rangeland Health Assessments and Decisions. Any future actions or projects,within either the Proposed Action area or surrounding areas, will be analyzed and evaluated as separate actions independent of the current Proposed Action.

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

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions in the Cumulative Impact Assessment Area(CIAA) would not result in cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, that includes 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.***

Reference number 3), above, regarding cultural resources.

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

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

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

See the discussion under "Context", above, regarding the federally threatened Agassiz's desert tortoise.

On June 18, 2014, the BLM sent a memorandum to the U.S. Fish and Wildlife Service requesting Section 7 consultation, regarding the Proposed Action, for the federally threatened Agassiz's desert tortoise (Gopherus agassizii). The FWS provided concurrence on July 16, 2014stating:
"After reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the Proposed Action, it is the Service's biological opinion that the Proposed Action is within the scope of the PBO issued to BLM and is therefore, not likely to jeopardize the continued existence of the threatened Mojave desert tortoise."

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.

9/4/14

Victoria Barr
Field Manager
Caliente Field Office

Date