



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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<http://www.blm.gov/nv>

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July 5, 2017

GRAZING PERMIT RENEWAL DECISION CURTIS SPRING ALLOTMENT

Mike Morrison
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Dear Reader,

INTRODUCTION

This Permit Renewal Decision would result in the issuance of one 10-year grazing permit on the Curtis Spring Allotment. This grazing permit would incorporate terms and conditions to ensure authorized grazing use is in compliance with the Standards and Guidelines for Rangeland Health and applicable Land Use Plans.

BACKGROUND

On 21 May 2015 the BLM issued a scoping letter, indicating the BLMs intent to renew the Curtis Spring Allotment grazing permit. This letter asked the interested public to submit any comments, data or information to be considered in developing the S&G Assessment. No comments were received. On 14 August 2015, the Wells Field Office released a Draft Standards and Guidelines for Rangeland Health (S&G) Assessment for the Curtis Spring Allotment. This assessment synthesized all available data on the allotment, developed draft determinations as to the attainment of the Standards and Guidelines for Rangeland Health, and provided general management recommendations. The S&G Assessment determined that Standard 1 - Upland Sites and Standard 4 - Cultural Resources were being met and management was in conformance with applicable guidelines, and that Standard 3 - Habitat was not being met, but that management was in conformance with applicable guidelines¹. This S&G Assessment also determined that Standard 2 – Riparian and Wetland Sites and Standard 5 – Healthy Wild Horse and Burro Populations did not apply in this Allotment. The BLM received no comments during the comment period for this draft S&G Assessment.

On 23 May 2017, the Wells Field Office released the Curtis Spring Allotment Grazing Permit Renewal EA (EA # DOI-BLM-NV-E030-2015-0026-EA), which analyzed a Proposed Action Alternative, a Reduced Permitted Use Alternative, a No Action Alternative, and a No Grazing

¹ i.e. failure to meet this standard was not attributed to current livestock grazing.

Alternative. The Proposed Action Alternative closely resembled the No Action (i.e. Current Management) Alternative, but included several additional thresholds and responses designed to enable the timely modification of the permit in the face of future climatic fluctuations and/or sage-grouse habitat threats. The EA remained available for public review through 22 June 2017. One comment was received during the review period. This comment is addressed in Appendix E of the EA. In connection with this comment and further review of the document, the BLM made a limited number of minor changes to the EA. These changes did not meaningfully modify the alternatives or the analysis.

The EA and the Final Determinations of the S&G Assessment for the Curtis Spring Allotment are posted for review on the Land Use Planning and NEPA Register website at: <https://tinyurl.com/ldevsz2>.

Through the EA process, the BLM determined there will be no significant impact as a result of implementing the proposed action, as documented in the enclosed Finding of No Significant Impact.

DECISION

1. Livestock Grazing

- 1.1. Total active preference on the Curtis Spring Allotment will be maintained at 556 AUMs². The following grazing permit will be issued for a 10-year period to authorization number 2700063. The grazing system will remain unchanged.

Allotment	Number	Kind	Begin Date	End Date	Percent Public Land	AUMs
Curtis Spring	112	Cattle	1-Nov	31-Mar	100	556

- 1.2. The following mandatory terms and conditions will appear on the grazing permit for authorization number 2700063.
- a) For administrative purposes, cattle numbers are set at 112; however, livestock numbers may vary depending on the period of use authorized, provided that the active permitted AUMs for the Allotment are not exceeded.
 - b) Livestock grazing may be authorized any time between the start and end dates outlined in the mandatory terms and conditions.
 - c) In Wyoming big sagebrush, black sagebrush, and salt desert shrubland habitats, the allowable utilization of key shrub and herbaceous species – winterfat (*Krascheninnikova lanata*) and Indian ricegrass (*Achnatherum hymenoides*), respectively – is 50%. Utilization will be measured at established key areas or other sites that represent typical livestock utilization patterns in the Allotment.
 1. If the allowable utilization objectives are reached during the grazing season, then livestock will be removed within 7 days for the remainder of the season.

² Authorization and Allotment AUM calculations do not sum perfectly due to the mathematical realities of calculating AUMs, i.e. fractional quantities do not apply to either livestock numbers or the season of use.

2. If allowable utilization objectives are exceeded and livestock are identified as a causal factor, then AUMs authorized the following year will be adjusted accordingly. Annual fluctuations in climate and key species vigor will be taken into account in making these adjustments.
 3. If monitoring, as defined in Appendix D, determines authorized livestock use is 1) a significant causal factor in not meeting the habitat objectives for sage-grouse or 2) contributing to a downward trend in plant community health, then maximum allowable utilization would be reduced to 35%; 169 AUMs would be temporarily suspended to balance this reduction (total active preference would be 387 AUMs). No changes to the grazing schedule would be made. Terms c) 1-2 above would apply to the new maximum allowable utilization objective. If further monitoring finds that habitat standards have been met or authorized livestock use is no longer a significant factor in not meeting the habitat objectives, temporarily suspended AUMs and maximum allowable utilization would be restored in whole or in part based on the results of the collected data and the conclusions reached by the BLM.
- d) The permittee will be responsible for equipping Heguy Well and North South Well and both wells will be in operations during the period of time 11/1 to 2/28. After 2/28, the North South Well will be turned off to minimize conflicts with sage grouse breeding in the area.
 - e) Planned use will be outlined in a grazing application that is submitted to the BLM for final approval prior to turn out. An actual use report will be submitted within 15 days of the last day of livestock use.
 - f) Supplemental feeding is limited to salt, mineral and/or protein supplements in block, granular or liquid form. Supplements must be placed at least ¼ mile from livestock watering troughs.
 - g) Pursuant to 43 CFR 10.4(G), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. 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.
 - h) The terms and conditions of this permit may be modified if additional information indicates that revision is necessary to conform to 43 CFR 4180.

RATIONALE

All available data indicate that the past grazing system maintained rangeland health on the Curtis Spring Allotment. Ecological trends appear to be static. The grazing system outlined in this decision will continue to maintain the stability of vegetation communities across the Curtis Spring Allotment. Dormant season grazing is optimal for the salt desert and sagebrush shrublands grazed by livestock in the Allotment, and 50% utilization during this season is appropriate for Indian ricegrass and winterfat, the primary forage species. Furthermore, this decision includes thresholds and responses in the terms and conditions of the permit that

strengthen the responsiveness of this permit to climatic changes and future threats to rangeland health or wildlife habitat.

It is not likely that the Standard 3 – Habitat will be met with the implementation of this decision. Many ecological sites in the Allotment have transitioned to states of shrub dominance. As such, little change is expected in the absence of active restoration treatments, even with proper livestock management. Passive restoration (e.g. the removal of livestock grazing) has been shown to be largely ineffective in restoring the current potential of systems that have crossed ecological thresholds, system such as those found in the Curtis Spring Allotment. Although active restoration treatments were discussed in the course of the scoping process, it was determined that these treatments would negatively impact pygmy rabbits and these treatments were dropped from the analysis.

AUTHORITY

Authority for the actions contained in this proposed decision is found in 43 CFR §4100.0-8, 4110.2-2, 4120.2, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.8-1(e), 4160.1, 4160.2, 4160.3, 4160.4, 4180.1, and 4180.2.

RIGHTS FOR PROTEST AND/OR 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 the Bureau of Land Management, Marc Jackson, Wells Field Office Manager (authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error. Emailed protests will not be accepted.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), at the conclusion of the 15 day protest period and in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

Appeal

In accordance with 43 CFR §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR §4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

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

- (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.

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 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)).

/s/ Marc Jackson

Marc Jackson
Manager, Wells Field Office

July 5, 2017

Date

cc:

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