

# Temporary Change in Livestock Kind on the Gray Hills Allotment

## Proposed Decision Record

**DOI-BLM-NV-C000-2013-0001-EA**

U.S. Department of the Interior

Bureau of Land Management  
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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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**PROPOSED DECISION RECORD  
TEMPORARY CHANGE OF LIVESTOCK KIND  
GRAY HILLS ALLOTMENT  
LYON AND MINERAL COUNTYS, NEVADA**

**Environmental Assessment  
DOI-BLM-NV-C000-2013-0001-EA**

**INTRODUCTION**

The Bureau of Land Management (BLM) Carson City District (CCD) prepared an Environmental Assessment (EA) to address potential environmental consequences associated with different management actions carried out during drought. Monitoring data conducted by field office staff and national data available from the US Drought Monitor and the Vegetation Drought Response Index have shown that the area of land within the CCD has been experiencing drought conditions for approximately three years and this is expected to persist through the foreseeable future.

Drought has been defined by the Society of Range Management as: “(1) a prolonged chronic shortage of water, as compared to the norm, often associated with high temperatures and winds during spring, summer, and fall; and (2) a period without precipitation during which the soil water content is reduced to such an extent that plants suffer from lack of water” (Bedell 1998).

The effects of drought are often times far reaching, impacting the environment and economy of an area. The EA focused primarily on the environmental impacts of drought and potential responses that could be implemented to alleviate impacts to sensitive resources. Specific impacts depend on drought severity but often include:

- Increased number and severity of fires;
- Lack of forage and drinking water;
- Decreased vigor and production of plants;
- Damage to plant species;
- Increased wind and water erosion of soils;
- Reduction and degradation of fish and wildlife habitat; and
- Increased mortality of wildlife, wild horses and burros, and livestock.

The CCD manages approximately 4.8 million acres of public land within Washoe, Carson City, Storey, Lyon, Douglas, Mineral, Churchill, and Nye Counties in Nevada, and Plumas, Lassen and Alpine Counties in California. The CCD has two Field Offices that administer these public lands; the Sierra Front Field Office (SFFO) and the Stillwater Field Office (SWFO). The CCD also administers six grazing allotments for the Winnemucca and Battle Mountain BLM Districts.

The EA analyzed a range of management alternatives that may be implemented to mitigate the effects of drought and to address emergency situations. Emergency situations include, but are not limited to: wild horse, burro, wildlife and livestock starvation; water deprivation and death; major soil erosion events; and rangeland degradation.

Based on site-specific conditions, monitoring data collected within the Gray Hills Allotment and discussions with the Permittee it has been determined that there is a need for a temporary change in livestock kind to protect sensitive resources and provide for management and/or improved distribution of livestock, wildlife and wild horses within this allotment.

## **BACKGROUND**

The BLM SWFO conducted drought monitoring during the 2012, 2013 and 2014 field seasons to look at conditions on the ground within allotments and compared the results to the US Drought Monitor and Vegetation Drought Response Index to determine how drought is affecting on the ground resources, especially water and forage availability.

The EA identifies different Drought Response Actions (DRAs) that can be implemented based on the data gathered during drought monitoring. DRAs are designed to reduce the impacts of authorized uses and activities on natural resources that are at risk of being adversely affected by drought conditions. The early detection and prompt response to drought is intended to prevent further degradation to affected resources within the CCD. The Drought Detection and Monitoring Plan (DDMP) (Appendix 1 of the EA) was also used to facilitate the early detection and monitoring of drought conditions on public lands administered by the CCD.

DRAs would be implemented through the issuance of full force and effect decisions which are supported by site-specific monitoring data collected (as outlined in the DDMP) pursuant to 43 Code of Federal Regulations (CFR) §4110.3-3(b), 43 CFR §4770.3(c), or 43 CFR §8364.1 (as appropriate), after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the state having lands or responsibility for managing resources within the area. This EA serves as the basis for issuing these site-specific decisions to respond to drought conditions on public lands when the drought indicators (as described in the EA) are met. Decisions would be implemented within all appropriate laws, regulations and policies.

The implementation of DRAs would be activated by the drought indicators and drought response triggers identified and described in Chapter 2 of the EA and Appendix 2.

During the field monitoring of the Gray Hills Allotment with the permittee, the SWFO Interdisciplinary Team determined that a temporary change in livestock, from sheep to cattle, is appropriate on the Gray Hills Allotment to help alleviate the risk of spreading potentially fatal disease between domestic sheep and wild sheep. One of the drought response triggers identified in the EA relates to changing livestock kind and livestock distribution.

Some of the range improvements were not maintained by the previous operator. With the return of cattle to the allotment, the existing water haul locations will be used again. The original 1982 Allotment Management Plan (AMP) will be used to direct cattle movement on the Gray Hills Allotment.

The DRA chosen to alleviate the issue of forage competition between bighorn sheep and domestic sheep is to change the authorized livestock from domestic sheep to cattle. In September of 1982, the AMP was updated. The AMP would be updated again to address current ownership. The grazing treatments would remain the same with actual use levels reduced by either reducing livestock numbers and/or reduced season of uses. The AMP is attached as appendix A.

## **PUBLIC INVOLVEMENT**

On December 17, 2012 a letter was sent out to the CCDs Interested Parties mailing list which included numerous individuals, organizations, state, federal and Tribal agencies and permittees inviting them to provide comments on any issues they felt should be addressed in the Drought Management EA. The BLM initiated a 30-day scoping period from December 17, 2012 through January 16, 2013. A press release was distributed to all local media outlets. Scoping comments were received from 23 State agencies, Organizations, Permittees and individuals. The BLM Interdisciplinary Team has considered all comments received during the scoping period in the preparation of this EA. The EA is available on the District webpage at: [http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html).

## **DECISION**

Based on the analysis in the *Carson City District Drought Management* EA# DOI-BLM-NV-C000-2013-0001-EA, it is my decision to implement the Proposed DRAs for temporary change in livestock kind as described in Chapter 2 of the EA document. This decision is based on site-specific conditions within the Gray Hills Allotment meeting the drought triggers that necessitate implementation of DRAs.

## **RATIONALE**

Upon analyzing the impacts of the Proposed DRAs and following issuance of the EA for public review, I have determined that implementing the Proposed DRAs for a temporary change in livestock kind, as described in Chapter 2 of the EA and described above in this document, will not have a significant impact to the human environment and that an EIS is not required. Refer to the FONSI for the Carson City District Drought Management EA.

## **AUTHORITY**

The Proposed DRA is in conformance with the FLPMA of 1976, the Carson City Consolidated Resource Management Plan of 2001, the regulations at 43 CFR §4110.3-3, and with current BLM policies, plans and programs. The Proposed DRA is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The EA, discussion of temporary change in livestock kind, above and in the FONSI show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the proposed temporary change in livestock kind.

## **APPROVAL**

The temporary change in livestock kind, as a Drought Response Action described in the Carson City District Drought Management Environmental Assessment DOI-BLM-NV-C000-2013-0001-EA is approved for implementation. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations at 4110.3-3.

This Decision is in conformance with the National Environmental Policy Act of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); the Carson City Consolidated Resource Management

Plan of 2001, the regulations at 43 Code of Federal Regulations §4110, and with current BLM policies, plans and programs.

## **RIGHT OF 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 authorized officer, Teresa J. Knutson, Field Manager, Stillwater Field Office, Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701 within 15 days after receipt of such decision. At this time, the Bureau of Land Management will not accept protests or appeals sent by electronic mail. 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.

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, 4160.3 (c) and 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. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Teresa J. Knutson, Field Manager, Stillwater Field Office, Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701 within 15 days after receipt of such decision. At this time, the Bureau of Land Management will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and 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), 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)).

Carla Janner, Acting  
Teresa J. Knutson, Manager  
Stillwater Field Office  
Carson City District Office

9-9-15  
Date