

# Exchange of Grazing Preference between Julian Tomera Ranches, Inc and ELLC Grazing Membership, LLC

## A. Background

**NEPA Document Number:** DOI-BLM-NV-B010-2016-0005-CX

**BLM Office:** NV - Mount Lewis Field Office; LLNVB01000

**Location of Proposed Action:** Argenta and Carico Lake Allotments

**Applicants:** Julian Tomera Ranches, Inc and ELLC Grazing Membership

**Description of Proposed Action:** This Grazing Preference Transfer will exchange grazing preferences between Julian Tomera Ranches, Inc and ELLC Grazing Membership, LLC. Both Permittees currently have sheep permits in both Argenta and Carico Lake Allotments. Once authorized Julian Tomera Ranches, Inc will assume all the sheep grazing preference from ELLC Grazing Membership for the Argenta Allotment. Additionally, ELLC Grazing Membership will assume all the sheep grazing preference from Julian Tomera Ranches, Inc for the Carico Lake Allotment.

**Table 1. Current Sheep Grazing Permit for Tomera Ranches, Inc**

Allotment	Pasture/ Use Area	Livestock		Season of Use		AUMs
		Number	Kind	Begin	End	
Carico Lake	Julian Tomera	1,511	Sheep	3/1	5/31	914
Argenta		2,106	Sheep	2/16	2/28	180

**Table 2. Current Sheep Grazing Permit for ELLC Grazing Membership, LLC**

Allotment	Pasture/ Use Area	Livestock		Season of Use		AUMs
		Number	Kind	Begin	End	
Carico Lake	Dolby George	493	Sheep	4/1	6/30	295
Argenta		1,490	Sheep	4/1	9/30	1,793

**Table 3. Proposed Grazing Permit for Tomera Ranches, Inc**

Allotment	Pasture/ Use Area	Livestock		Season of Use		AUMs
		Number	Kind	Begin	End	
Argenta		2,106	Sheep	2/16	2/28	180
Argenta		1,490	Sheep	4/1	9/30	1,793

**Table 4. Proposed Sheep Grazing Permit for ELLC Grazing Membership, LLC**

Allotment	Pasture/ Use Area	Livestock		Season of Use		AUMs
		Number	Kind	Begin	End	
Carico Lake	Julian Tomera	1511	Sheep	3/1	5/31	914
Carico Lake	Dolby George	493	Sheep	4/1	6/30	295

## B. Land Use Plan Conformance

Land Use Plan Name	Date Approved/Amended
NV - Shoshone-Eureka RMP	February 26, 1986, as amended
Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment	September 15, 2015

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

### Shoshone-Eureka Resource Management Plan Amendment Record of Decision page 9:

1. Manage livestock use at 239,717 animal unit months (AUMs) (5-year average use) in the short term and determine if such use can be maintained. In the long term, manage livestock use at 262,500 AUMs.
2. To establish a grazing management program designed to provide key forage plants with adequate rest from grazing during critical growth periods.
3. To achieve, through management of livestock and wild horses, utilization levels consistent with those recommended by the Nevada Rangeland Monitoring Handbook to allow more plants to complete growth cycles and to increase storage of reserves for future growth.
4. In the short term, improve ecological condition of 585,191 acres to good condition and 25,990 acres to excellent condition.
5. In the long term, stop downward trends in ecological condition on 464,873 acres and manage for upward trends on 634,868 acres.
6. In the long term, improve and maintain 133,075 acres of big game habitat in good condition and 6,104 acres in excellent condition.
7. In the long term, stop downward trends on 65,702 acres of big game habitat and manage for upward trends on 144,186 acres.
8. In the short term, improve and maintain in good or better condition, 64 miles of aquatic habitat and 768 acres of riparian habitat associated with the streams and an additional 1,067 acres of other meadows, springs and aspen groves.
9. In the long term, improve and maintain in good or better condition, a total of 84.8 miles of aquatic habitat and 1,018 acres of riparian habitat associated with the streams and an additional 1,414 acres of other meadows, springs and aspen groves.

### Argenta Allotment Objectives — Shoshone-Eureka Rangeland Program Summary page 64:

#### Vegetation Ecological Condition & Trend Objectives:

1. In the long term, improve 19,866 acres to good and 1,040 acres to excellent condition.
2. In the long term, stop downward trends on 18,354 acres, and manage for upward trends on 21,844 acres.

#### Livestock Existing Use/Mgmt. Objectives:

1. In the short term, manage use at 12,107 AUMs.
2. In the long term, manage use at 13,197 AUMs in conformance with other objectives of the RMP.

### Carico Lake Allotment Objectives — Shoshone-Eureka Rangeland Program Summary page 66:

#### Vegetation Ecological Condition & Trend Objectives:

1. In the long term, improve 99,038 acres to good and 3,158 acres to excellent condition.
2. In the long term, stop downward trends on 114,826 acres, and manage for upward trends on 110,808 acres.

#### Livestock Existing Use/Mgmt. Objectives:

1. In the short term, manage use at 27,171 AUMs.
2. In the long term, manage use at 30,892 AUMs in conformance with other objectives of the RMP.

Northeastern Great Basin Resource Advisory Council Standards and Guidelines:

1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form; as indicated by canopy and ground cover, including litter, live vegetation and rock, appropriate to the potential of the site.
2. 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 wood 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.
3. 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:
  - a. Vegetation composition (relative abundance of species).
  - b. Vegetation structure (life forms, cover, heights or age classes).
  - c. Vegetation distribution (Patchiness, corridors).
  - d. Vegetation productivity.
  - e. Vegetation nutritional value.

Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment:

**MD LG 9:** When a transfer application is received for preference on an allotment within GRSG habitat:

- **Transfer of Preference:** A transfer of preference will be approved unless that applicant does not meet qualifications (43 CFR, Part 4110.1 and 4110.2). A transfer will be approved to an unqualified applicant if 4110.2–3(e) applies.
- **Issuing the permit:** In accordance with Section 402(c)(2) of FLPMA, a new permit will be issued to the new preference holder with the same terms and conditions as the terminated permit unless a NEPA analysis of alternative terms and conditions has been completed. If changes in terms and conditions are needed to meet sage-grouse habitat needs or otherwise make progress toward meeting land health standards, issue a decision offering a permit with the new terms and conditions.
- If a new permit is issued as required by Section 402(c)(2) of FLPMA, then determine priority for completing land health evaluations, habitat assessments and NEPA analysis as described in MD LG 1.

**C. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 D (1) Approval of Transfers of grazing preference,

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.210 apply.

I considered that this action only changes the grazing preference holder and that a separate action is required to modify a grazing permit.

**D. Approval and Contact Information**

*Andrea S Dalton* *11/9/2015*  
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Planning & Environmental Coordinator  
Mount Lewis Field Office

*Jon D. Sherve for:* *11/10/15*  
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