

*Appendix A*

# RECLAMATION

*Managing Water in the West*

## **Draft Grazing Management Plan Lahontan Basin Area Office**

**Newlands Project, Nevada  
Mid Pacific Region**



## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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## Acronyms

AUM	Animal Unit Month
BLM	Bureau of Land Management
CEC	Categorical Exclusion Checklist
CFR	Code of Federal Regulations
CLP	Carson Lake and Pasture
DM	Departmental Manual
EA	Environmental Assessment
EIS	Environmental Impact Statement
FWMA	Fernley Wildlife Management Area
GSA	General Services Administration
IPM	Integrated Pest Management
ITA	Indian Trust Assets
LBAO	Lahontan Basin Area Office
MOA	Memorandum of Agreement
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OMB	Office of Management and Budget
PA	Programmatic Agreement
PCWCD	Pershing County Water Conservation District
PUP	Pesticide Use Proposal
RMP	Resource Management Plan
RM D&S	Reclamation Manual Directives and Standards
SHPO	State Historic Preservation Officer
SWMA	Stillwater Wildlife Management Area
TCID/District	Truckee-Carson Irrigation District
TEAMS	Talent Expertise Agility Mobility Simplicity

## Objectives

This Grazing Management Plan (Plan) will:

- Manage livestock grazing in accordance with Reclamation Directives and Standards to ensure a healthy, sustainable rangeland system.
- Provide broad-scale guidance and direction on implementing a restructured grazing program;
- Document the process on how decisions related to grazing administration and range management will be made;
- Include decision criteria concerning grazing area, length of permits/lease and renewals, permit/lease terms and conditions, fees, management during extreme conditions (e.g., droughts and fires), and the needs for maintaining sustainable rangeland health and protecting sensitive habitats;
- Provide a basis for analysis for impacts of future grazing in the Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Newlands Project; and
- Range improvements and maintenance responsibilities would be inventoried and managed, and new improvement authorizations would be carried out in accordance with this Plan.
- Document existing grazing administrative procedures and develop administrative management strategies related to Newlands Projects lands identified to be relinquished until that process is complete; and Carson Lake and Pasture and Humboldt title transfer lands until the transfers are complete.

This Plan will develop a long-term management strategy for grazing administration on retained Newlands Project lands that:

- Employs the principles of good range management
- Is in compliance with applicable laws and Reclamation rules and regulations
- Protects Newlands Project lands, facilities, and waterbodies
- Minimizes financial and social impacts to the agricultural community

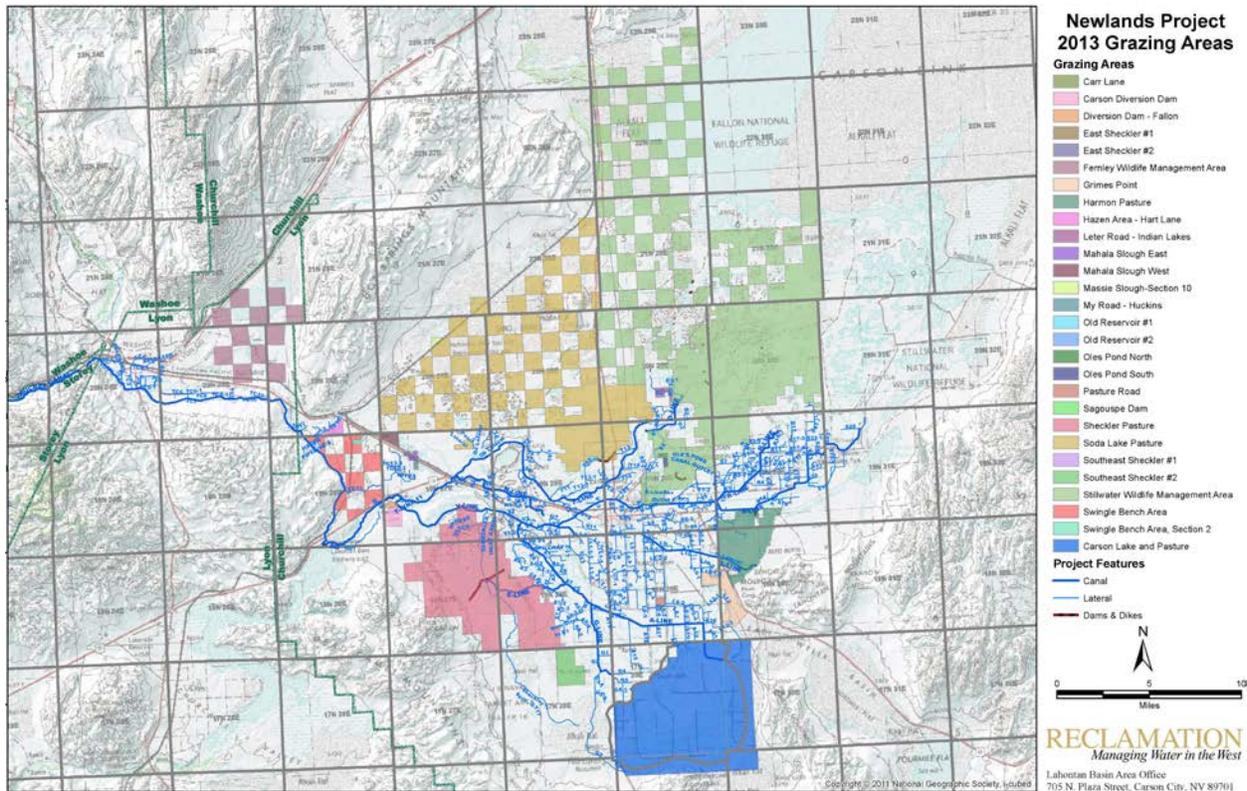
## Relationship to Other Initiatives

This Plan relates to the initiative pertaining to lands and resources necessary to be retained for project purposes by ensuring effective administration to protect Reclamation-managed lands, facilities, and waterbodies, as well as to improve resource management. Newlands Project (Project) lands were evaluated to determine whether they are still required for Project purposes. Those parcels no longer necessary have been identified for disposal or relinquishment to the Bureau of Land Management (BLM). Most of the pastures currently being grazed are being considered for disposal or relinquishment.

# Background

The Lahontan Basin Area Office (LBAO) assumed management of grazing on numerous parcels of lands on both the Newlands and Humboldt Projects. The grazing management for the Humboldt Project is not being analyzed in this Plan. There are currently 38 pastures within the Newlands Project and are described in Table 1. Figure 1 shown below depicts the pastures currently authorized for grazing.

**Figure 1. Newlands Project – Current Grazing Areas**



Truckee-Carson Irrigation District (District) managed the grazing program on all Newlands Project lands beginning in the 1920s, with the exception of the Stillwater Wildlife Management Area (SWMA) and the Fernley Wildlife Management Area (FWMA). Reclamation assumed responsibility for management of all grazing areas from the District in 1997, when the Operations and Maintenance (O&M) contract between the District and Reclamation was renegotiated. All the permittees were Newlands Project water rights holders at that time. Grazing fees were calculated in a variety of ways: on a per acre basis, as a flat fee, and on an animal unit month (AUM) basis. An AUM is the amount of forage required to feed a 1000 lb cow and her calf for one month, which is approximately 800 lbs of air dry forage. Generally, the community pastures charged on an AUM basis, whereas the smaller private pastures were assessed on a per acre basis.

The Stillwater Pasture was managed by the U.S. Fish and Wildlife Service (Service) as part of the SWMA under the 1949 Tripartite Agreement which subsequently expired in 1998, with annual extensions from March 1999 to March 2006. In 2006, the Service determined to return the management of the SWMA to Reclamation. The SWMA lands are under review for a partial relinquishment in the future.

Grazing on the FWMA is managed by the Nevada Department of Wildlife (NDOW) under the FWMA Agreement between the United States acting through the Bureau of Reclamation and NDOW. NDOW has provided management of the FWMA since 1952. The FWMA Agreement authorized grazing and pasture lands suitable to be developed, improved, and maintained by NDOW within the limits of the available drain water and commensurate with the program for conservation, maintenance, and management of wildlife, its resources and habitat. In return, Reclamation agreed to administer annual grazing leases on all the lands described in the Agreement, subject to grazing limitations of 400 AUM's per year.

Carson Lake and Pasture (CLP) was set aside to provide additional grazing land for Newlands Project water rights holders. Pursuant to Public Law (P.L.) 101-618, CLP lands are to be transferred to the State of Nevada to be managed by NDOW. Daily operations of the CLP were transferred back to the District upon the execution of a management agreement between the District and Reclamation. Daily operations of the grazing program are currently managed by the District under one-year grazing agreements. The District provides a pasture manager to manage the livestock on the CLP lands. The CLP lands are within the Newlands Project and are analyzed in this Plan. They will continue to be grazed under existing agreements with Reclamation until such time the CLP is transferred to the State of Nevada. Reclamation has determined that due to the uncertainty of the time remaining in transferring the lands to the State of Nevada, the current permitting procedures for the CLP will not be revised at this time.

Only one pasture, the Battle Mountain Pasture, is grazed on the Humboldt Project. This pasture is approximately 30,000 acres. Pershing County Water Conservation District (PCWCD) manages the grazing on this pasture through an annual negotiated lease. Reclamation negotiated with PCWCD to assess a flat fee of \$500 for the use. The Battle Mountain Pasture will not be analyzed within this Plan, as it is not located within the Newlands Project. It is mentioned here to document that grazing does currently occur and that grazing will continue under the current terms and conditions until the transfer to PCWCD occurs.

Permits are currently issued annually. However, it is more cost effective to complete environmental compliance and processing time for a multi-year license rather than annually. The licensee would then be able to develop long term management plans and provide better stewardship of the lands. An evaluation of current procedures indicated that the existing grazing management program is not in compliance with Reclamation Manual Directives and Standards (RM D&S) LND 08-01, nor with federal laws, including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), and consequently must be modified in many aspects.

The four main areas where the grazing program is not in compliance are:

1. Existing fee structure: Reclamation has not changed how fees were assessed or grazing was administered since assuming the responsibility for management. Grazing fees are not returned to LBAO to help recover costs; fees go to offset costs of the project as a front end credit. The Fact Finders Act of 1924, subsection I, applies to the Newlands Project. Currently no charges are assessed for administrative costs, such as NEPA, nor are administrative charges processed; permittees are not charged fair market value under a competitive bid system, and fees are currently charged in a variety of methods.
2. Land Health: LND 08-01 requires that grazing be managed in a sustainable fashion. Land health standards were analyzed by an interdisciplinary team from the Forest Service TEAMS Enterprise Unit in 2009. For additional details on the TEAMS reports, see the Monitoring section. TEAMS determined whether the pastures were meeting land health standards and estimated current range production and initial carrying capacity. The majority of pastures were not meeting land health standards, and estimates of forage production were less than what is currently authorized. No monitoring studies have been established.
3. NEPA: Grazing permits were renewed under a Categorical Exclusion Checklist (CEC). No full analysis of grazing impacts has been completed. The RMP will provide a broad overview as part of its EIS, but grazing on specific pastures should be analyzed at the environmental assessment (EA) level.
4. NHPA: The cultural resources staff has not accepted the CEC, indicating no concurrence with NHPA, since current administrative practice has not provided sufficient time nor resources to take into account the effects of the grazing program on historic properties. As part of the restructuring of the grazing program, a Programmatic Agreement (PA) with the State Historic Preservation Officer (SHPO) and other interested parties is being developed pursuant to 36 CFR Part 800.14 concurrently but separately from this Plan, and should be completed by the end of the 2013. This PA will ensure that Reclamation's administration of grazing leases on Reclamation lands complies with Section 106 of the NHPA. Stipulations in the PA will relate to providing upfront analysis and consultation, as appropriate, for individual lease applications. This PA process will replace the normal Section 106 process and will also support the EA analysis. Stipulations in the PA will also cover procedures for confirming that the PA is being successfully implemented and that ongoing grazing activity is not causing unanticipated effects to historic properties.

## **Components of Long-Term Strategy**

1. Determine what lands will be retained for Newlands Project Purposes by completing a thorough internal review of the Reclamation-managed lands within the Newlands Project;
2. Identify and document changes in the Leasing Procedures by establishing a process in which the grazing program will be maintained;
3. Identify and document changes in Fee Schedule for Forage Charges by researching current market values and similar programs throughout northern Nevada;

3. Identify and document changes in the Charges of Administrative Costs by complying with 43 CFR § 429;
4. Development and implementation of an Area Office Monitoring Plan consistent with agency directives and standards; and
5. Identify and document Environmental Compliance (including, but not limited to NEPA, NHPA, and the Endangered Species Act) that would be required for continuation of a grazing program, including eliminating pastures from that program

### ***Timeframes for Implementation***

2013 - A new fee structure will be phased in within one year of the implementation of this Plan. Grazing authorizations will be renewed through 2013 under the current terms and conditions.

2014 – The new fee structure and other conditions will be fully implemented on lands that have been identified as necessary for Newlands Project purposes and that are meeting land health standards.

### ***Determining Lands that will Remain in the Grazing Program***

All lands within the Newlands Project were evaluated to determine if those lands are necessary to meet project purposes, and were classified as to whether they would be retained by LBAO, relinquished, or otherwise disposed.

Lands that are currently not permitted for grazing will not be considered for grazing leases in the future, regardless of whether they will be retained or not.

Table 1 below depicts the pastures currently within the Newlands Project.

**Table 1. Pastures within the Newlands Project**

Pasture No.	Pasture Area	Disposition	Currently Authorized for Grazing	Acres
1	Fernley Wildlife Management Area	Retain	Yes	7,001
2	FWMA, Section 16	Relinquish	No	643
3	Hazen Area - Hart Lane	Relinquish	Yes	323
4	Swingle Bench Area	Relinquish	Yes	3,732
5	Swingle Bench Area, Section 2	Relinquish	Yes	80
6	Diversion Dam - Fallon	Retain	Yes	165
7	Soda Lake Pasture	Relinquish	Yes	34,559
7	Soda Lake Pasture	Retain	Yes	1,199
8	Mahala Slough West	Relinquish	Yes	305
9	Mahala Slough East	Land Sale Candidate	Yes	144
10	Carr Lane	Land Sale Candidate	Yes	7
11	My Road - Huckins	Relinquish	Yes	80
12	Massie Slough	Relinquish	No	272
13	Massie Slough-Section 10	Relinquish	Yes	108
14	Leeteville Junction	Relinquish	No	425
15	Sheckler Pasture	Relinquish	Yes	2,611
15	Sheckler Pasture	Retain	Yes	19,599
16	North Soda Lake	Land Sale Candidate	No	71
17	East Sheckler #1	Retain	Yes	32
18	East Sheckler #2	Retain	Yes	9
19	Hillsboro Blvd	Relinquish	No	182
20	Sheckler School	Relinquish	No	5
21	Southeast Sheckler #1	Relinquish	Yes	40
22	Southeast Sheckler #2	Relinquish	Yes	1,611
23	Old Reservoir #1	Retain	Yes	81
24	Old Reservoir #2	Land Sale Candidate	Yes	40
25	West Carson Lake	Relinquish	No	157
26	Leter Road - Indian Lakes	Land Sale Candidate	Yes	260
27	Shaffner Drain	Land Sale Candidate	No	26
28	Sagouspe Dam	Retain	Yes	56
29	Oles Pond North	Retain	Yes	80
30	Oles Pond South	Retain	Yes	80
31	East S-Line	Retain	No	73
32	Pasture Road	Retain	Yes	163
33	Harmon Pasture	Retain	Yes	5,601
34	Wildes Road	Relinquish	No	207
35	Grimes Point	Relinquish	Yes	1,839
36	Carson Lake and Pasture	Relinquish/CLP Transfer	Yes	32,401
37	Stillwater Pasture	Relinquish	Yes	71,489
37	Stillwater Pasture	Retain	Yes	3,294
38	Carson Diversion Dam	Relinquish	Yes	586
			<b>Total Acres:</b>	<b>189,636</b>

## ***Strategies for Lands to be Relinquished***

To avoid any encumbrances on land to be relinquished, no long term grazing leases will be issued on lands to be relinquished.

Grazing will not continue beyond 2013 on lands to be relinquished, as they would remain out of compliance with Federal laws and RM D&S. Pasture plans and NEPA compliance will not be completed on lands to be relinquished due to financial constraints.

If lands described under this Plan are relinquished to BLM for administration, the disposition of interests is governed by 43 CFR § 2370 (LND 08-01 11(O)). In such cases, Reclamation will coordinate with BLM to comply with 43 CFR § 2370.

Reclamation will coordinate with BLM on lands to be relinquished. If BLM agrees to incorporate lands determined to be relinquished into their allotments, LBAO will develop and execute a supplemental local management agreement to the 1983 National Interagency Agreement between Reclamation and BLM to coordinate land use planning, land resource management, land conveyance and exchange, and cooperative services.

Pastures that have been determined no longer needed for Newlands Project purposes that have been used as a buffer to private lands in the past, are not adjacent to a BLM allotment, and are smaller than 160 acres will be disposed of by Reclamation under legal authority.

**Table 2. Pastures to be Relinquished**

Pasture No.	Pasture Area	Disposition	Currently Authorized for Grazing	Acres
2	FWMA, Section 16	Relinquish	No	643
3	Hazen Area - Hart Lane	Relinquish	Yes	323
4	Swingle Bench Area	Relinquish	Yes	3,732
5	Swingle Bench Area, Section 2	Relinquish	Yes	80
7	Soda Lake Pasture*	Relinquish	Yes	34,559
8	Mahala Slough West	Relinquish	Yes	305
9	Mahala Slough East	Land Sale Candidate	Yes	144
10	Carr Lane	Land Sale Candidate	Yes	7
11	My Road - Huckins	Relinquish	Yes	80
12	Massie Slough	Relinquish	No	272
13	Massie Slough-Section 10	Relinquish	Yes	108
14	Leeteville Junction	Relinquish	No	425
15	Sheckler Pasture*	Relinquish	Yes	2,611
16	North Soda Lake	Land Sale Candidate	No	71
19	Hillsboro Blvd	Relinquish	No	182
20	Sheckler School	Relinquish	No	5
21	Southeast Sheckler #1	Relinquish	Yes	40
22	Southeast Sheckler #2	Relinquish	Yes	1,611
24	Old Reservoir #2	Land Sale Candidate	Yes	40
25	West Carson Lake	Relinquish	No	157
26	Leter Road - Indian Lakes	Land Sale Candidate	Yes	260
27	Shaffner Drain	Land Sale Candidate	No	26
34	Wildes Road	Relinquish	No	207
35	Grimes Point	Relinquish	Yes	1,839
36	Carson Lake and Pasture	Relinquish/CLP Transfer	Yes	32,401
37	Stillwater Pasture*	Relinquish	Yes	71,489
38	Carson Diversion Dam	Relinquish	Yes	586
<b>Total Acres to be Relinquished:</b>				<b>152,202</b>

\* Only portions of this pasture have been determined to be relinquished

### ***Strategies for Lands to be Retained***

Reclamation will determine the management objectives for a pasture, taking into consideration current grazing use, other uses on the land (e.g. wildlife, threatened and endangered species, recreation), and current range conditions. Reclamation will also consider what range improvements are present on the pasture, including fences and availability of water.

Reclamation will establish an initial carrying capacity and determine the appropriate season-of-use. A pasture plan will be established for each pasture. (See Monitoring Plan section)

The existing pasture configuration may change as a result of the relinquishment process. In the process of implementing changes to the grazing program, some pastures may be determined to be unsuitable for grazing, due to such factors as the lack of forage, current conditions, size of parcel, access, or conflicts with other uses. Some pastures may be combined, or split, to aid in more effective range management.

- Land health conditions will be evaluated on all pastures where grazing is currently permitted. When possible, the conditions will be discussed and evaluated with the current lessee, identifying any special conditions and any initial thoughts on changes in management.
- If the lands are determined to be meeting land health standards, or are “not meeting but making significant progress toward meeting standards, continuation of the current grazing use may be authorized and a pasture plan would be developed (see the “Monitoring Plan” section for details).

If the lands are determined not to be meeting land health standards, grazing will not be authorized until such time that Reclamation can develop a pasture plan that identifies modified grazing management strategies to improve conditions; or the pasture can be determined to be meeting land health standards, or making significant progress toward meeting. These pastures will be reviewed periodically (e.g. every five years) to assess conditions.

**Table 3. Pastures to be Retained**

Pasture No.	Pasture Area	Disposition	Currently Authorized for Grazing	Acres
1	Fernley Wildlife Management Area	Retain	Yes	7,001
6	Diversion Dam - Fallon	Retain	Yes	165
7	Soda Lake Pasture*	Retain	Yes	1,199
15	Sheckler Pasture*	Retain	Yes	19,599
17	East Sheckler #1	Retain	Yes	32
18	East Sheckler #2	Retain	Yes	9
23	Old Reservoir #1	Retain	Yes	81
28	Sagouspe Dam	Retain	Yes	56
29	Oles Pond North	Retain	Yes	80
30	Oles Pond South	Retain	Yes	80
31	East S-Line**	Retain	No	73
32	Pasture Road*	Retain	Yes	163
33	Harmon Pasture	Retain	Yes	5,601
37	Stillwater Pasture	Retain	Yes	3,294
<b>Total Acres Retaining:</b>				<b>37,434</b>

\* Only portions of this pasture have been determined to be relinquished

\*\* East S-Line pasture has been determined to combine with Stillwater Pasture due to fencing concerns

East Sheckler #1 and East Sheckler #2 pastures are authorized for grazing and are not currently being grazed. It has been determined due to their size and lack of vegetative growth, they will not be authorized for grazing. However, they will be authorized for other Reclamation authorized uses.

Old Reservoir #1 and Pasture Road pastures will no longer be authorized to be grazed, due to current range conditions.

East S-Line Pasture was at one time a separate pasture due to surface water between that pasture and the Stillwater Pasture; however cattle from Stillwater are now able to freely access this

pasture. Therefore East S-Line Pasture will be assimilated as part of the Stillwater Pasture and authorized for grazing as part of Stillwater.

Oles Pond North and South are currently authorized for grazing and are not being grazed at this time. These two pastures have been determined to continue to be grazed under the competitive bid process and will be open for bid to graze during the 2014 grazing season.

In completing a review of all pastures grazed during 2012, below are the pastures that have been determined to continue to graze. Reclamation will develop an appropriate pasture plan(s) for each pasture listed below for the 2014 grazing season.

**Table 4. Pastures Continued to be Grazed**

Pasture No.	Grazing Area	Disposition	Will Continue to be Grazed	GIS Acres
1	Fernley Wildlife Management Area	Retain	Yes	7,001
6	Diversion Dam - Fallon	Retain	Yes	165
7	Soda Lake Pasture*	Retain	Yes	1,199
15	Sheckler Pasture*	Retain	Yes	19,599
28	Sagouspe Dam	Retain	Yes	56
29	Oles Pond North	Retain	Yes	80
30	Oles Pond South	Retain	Yes	80
33	Harmon Pasture	Retain	Yes	5,601
37	Stillwater Pasture**	Retain	Yes	3,367
36	Carson lake and Pasture	CLP Transfer (continued to be grazed until transferred)	Yes	29,485
<b>Total Acres Continued to be Grazed:</b>				<b>66,633</b>

\* Only portions of this pasture have been determined to be retained

\*\* East S-Line pasture has been combined with Stillwater Pasture due to fencing concerns

## Leasing Procedures

This section will address changes needed to bring the grazing program into compliance with RM D&S and ensure consistency in how grazing authorizations are administered. The following topics will be addressed:

- New applicants and current permittees – requirements
- Terms and conditions to be included in all authorizations
- Term of grazing authorizations
- Procedures to change an authorization, either by Reclamation or the lessee
- Procedures for authorizing new range improvements
- Procedures for processing unauthorized uses

## ***Application Process to Graze on Reclamation Lands***

The application process will be completed through a competitive use process as stipulated in RM D&S LND 08-01. This process is being utilized because Reclamation desires to authorize land uses for the purpose of fully utilizing or managing the resources. It is the general policy of Reclamation to enter into leases only by competitive means. This will be completed through an adequate advertisement for bids and award being made to the highest bidder. However, leases may be negotiated when, in the opinion of Reclamation's authorized official, such action will be in the best interest of the United States or competitive interest does not appear to be present. Reasons for such actions shall be adequately documented.

Competitive procedures will be used to determine the value of the lease when there is likely to be a demand from more than one party, which will result in a greater return to Reclamation unless such competition would be adverse to the public interest. Competitive leases are awarded to the highest acceptable bidder at an amount that reflects the market value of the use granted. Separate administrative costs will not be added to the awarded bid price, but will be included in the minimum acceptable bid price. If the minimum acceptable bid price is not received, a determination can be made to re-advertise.

1. Determination of Market Value. The market value for competitive use authorizations will be determined by competitive bidding, but awards will not be made for less than the minimum acceptable bid price which includes Reclamation's determination of market value plus an estimate of the administrative costs.
2. Bidding Procedures.
  - (a) **Minimum Bids.** Minimum acceptable bids, which represent market value plus administrative costs, will be established and documented under procedures outlined for determining market value in the RM, *Real Estate Appraisal*, LND 05-01.
  - (b) **Bidding.** Competition will be accomplished by sealed bid. The award will be made to the highest acceptable bidder, but the award will not be made for less than the minimum acceptable bid price. A determination can be made to re-advertise.
  - (c) **Advertisements.** Competitive leases will be advertised. Copies of advertisements will be furnished to the local information media (radio, newspaper, etc.) as a press release and may be posted in the local post office. Distribution of advertisements to the fullest extent possible is encouraged. Copies will be furnished to current permittees, interested parties, adjacent landowners if applicable, and other sources of advertising.
  - (d) **Award of Bids.** When sealed bids are used, they will be received at the LBAO office in accordance with instructions in the advertisement and will be opened as stated in the advertisement. An abstract of the bids received at the date of opening will be prepared in the office where received and opened. Awards will be made to the highest bidder unless there is sufficient reason, in the judgment of the Area Manager, for rejecting the highest bidder's proposal. Unsuccessful

bidders will be notified promptly with return of their remittance. No bidder will be permitted to meet a high bid when sealed bids are used. In the event of a tie for high bid by two or more bidders, those bidders will be allowed a specified period of time to submit one additional sealed bid at the discretion of the Area Manager.

3. Preference will be given to Newlands Project users, however, there will be no set requirement for lessees to be a water rights holder or user in order to lease land.

### ***Fee Schedule for Forage Charges***

***Land Use Fees.*** *A land use fee is compensation due to Reclamation for the value of the use of land or land resources under Reclamation jurisdiction. The land use fee is generally the fair market value as determined by appraisal or some other appropriate method. Land use fees are considered “incidental revenues” and are distinct and separate from application and administrative fees.*

- Requirement for competitive bids, and when will that be waived
- Private land lease rates, determination of market value

There are situations where Reclamation has the discretion to not competitively bid leases as described below and pursuant to RM D&S LND 08-01 9.D.2.

- (a) When advertising will not result in competition;
- (b) When advertising costs will be disproportionate to the revenues received;
- (c) When a right was advertised for competitive bidding, but no acceptable bids were received;
- (d) When a potential competitor is a public agency providing service to the general public, or for whatever reason competitive bidding would result in an unfair business situation or in the judgment of Reclamation would otherwise not be in the public interest; or
- (e) When other special conditions exist.

All use authorizations that would normally be issued competitively but are proposed for execution without competition will require appropriate documentation regarding why competition was not used. Such documentation shall be retained in the file. These use authorizations will not be issued for less than market value plus administrative costs unless appropriately waived or reduced pursuant to regulations and OMB Circular A-25, as revised.

### ***Charges for Administrative Costs***

***Administrative Fees.*** *An administrative fee is compensation due to Reclamation as funding for administrative costs of processing, analyzing, issuing, monitoring, and terminating use*

*authorizations on Reclamation lands. Administrative fees are not considered incidental revenues and are distinct and separate from land use fees.*

*Additional costs incurred by Reclamation including all direct and indirect costs incurred for appraising (if required), advertising, reviewing, bid opening, issuing, processing, inspecting, environmental and cultural resources compliance, and administering the use authorizations are to be paid by the applicant as required by OMB Circular A-25 and as outlined in Departmental Manual (DM) 346 (chapters 1, 2, 3, and 4).*

*Use authorizations should contain provisions to allow Reclamation to recover the future costs of compliance and monitoring and related administrative costs through the term of the use authorization.*

If a noncompetitive use authorization is determined to be used, administrative costs will be recovered in accordance with 43 CFR § 429 and will represent those costs actually expended in granting and administering the use right, both direct and indirect.

- Establishment of fee structures, being able to recover administrative costs
- One time fees (NEPA) vs. recurring administrative fees (processing, compliance and monitoring and NHPA)

#### *Terms and Conditions to be Included in all Leases*

Pursuant to RM D&S LND 08-01, the following terms and conditions are required to be included in an authorization:

1. A specific and set number of available animal unit months (AUMs) of available forage upon which the lease is based and the user fee is determined;
2. A prescribed season of use, avoiding situations where year-long use occurs;
3. Strict prohibitions against any supplemental feeding on native ranges and that all salting be a minimum distance of 500 feet away from shorelines, streams, wetlands, riparian areas, etc.
4. A pasture rotation schedule where applicable;
5. A requirement that the lessee submits an “actual use report” detailing the on/off dates and numbers of livestock at the conclusion of each use period or grazing season.

The following will also be included in all authorizations:

1. Pasture name/ description of area to be grazed;
2. Utilization limits on forage use;
3. Requirements that livestock comply with vaccinations and with other federal or state livestock laws;
4. All animals will be branded with the permittee’s brand unless otherwise approved by Reclamation;

5. Any activity deemed to be illegal on Federal lands will be cause for immediate termination of lease (LND 08-01 11.F.);
6. A statement requiring that any range improvements will be operating and structurally sound before livestock are turned out;
7. A statement identifying that the permittee is responsible for all construction costs and environmental compliance costs of new range improvements.
8. Severability clause
9. Protection of the United States interest clause
10. Hold harmless clause
11. Termination clause
12. Officials not to benefit clause
13. Illegal use clause
14. Hazardous materials clause
15. Unrestricted access clause
16. Pest control clause. This is only required where a potential exists for pesticide use.
17. Discovery of cultural resources clause
18. Periodic rental rate review provision
19. Reclamation land use stipulation
20. Removal of structures clause
21. Civil rights clauses

### *Term of Leases*

In general a grazing lease may be a multi-year issued lease.

Cases where authorization lease may be issued for less (e.g. annually)

- Range conditions are unsatisfactory and a plan is developed to improve conditions
- Inadequate monitoring data to set long term numbers and establish initial stocking rates
- Permittee/Lessee is on “probation”, not in compliance with the terms of the lease
- Pasture is identified to be disposed of or relinquished
- Potential conflicts with other authorized land uses

Cases where leases may be a multi-year issued lease

- Satisfactory range conditions
- Satisfactory compliance with the terms and conditions of the lease

### ***Renewals of Leases***

Pursuant to RM D&S LND 08-01 6. F.: *“An existing lease may be renewed or extended when Reclamation determines it is appropriate to do so and where provided for by the terms of the existing lease. If payment is not made on or before the date it becomes due, the lease will terminate and the right of the lessee to occupy the land will cease without further notice or action. The lease extension or renewal document will be retained with the original use authorization. Copies of the extension will be distributed in the same manner as the original lease. Reclamation is responsible for ensuring the use of the land ceases and that the land is restored in accordance with the terms of the lease.”*

### ***Transfers of Leases***

Pursuant to RM D&S LND 08-01 6.C Assignments: *“Assignments of leases may be made for the unexpired period of a lease if approved and signed by Reclamation’s authorized official and upon payment of a fee to cover the administrative costs of approving the transfer.”*

Otherwise when the period expires, the transferee must competitively bid.

### ***Subleasing of Leases***

Often a lessee has a need or desire to run another individual’s livestock on a pasture.

Pursuant to RM D&S LND 08-016.G Subleases: *“Subleases may be allowed only with the written approval of Reclamation’s authorized officials and consistent with the terms and provisions of the existing lease. Cattle or other livestock not owned directly by the lessee are not permitted on Reclamation land without prior subleasing approval. (See paragraph 11L.)”*

### ***Requesting Changes to Leases***

Reclamation may have a need to change a lease, such as in the case of emergency conditions due to drought, insects, fire, or a reduction in available forage due to other land uses. Changes could also be requested by the lessee.

1. Procedures for Reclamation to revise a lease:
  - a. When Reclamation has a need to make a change to a lease, Reclamation will contact the lessee with the requested change and revised lease. The lessee will have thirty (30) days to respond. If no response is received, Reclamation will assume that the lessee agrees with the change.
  - b. When the lessee has a need to make a change to his lease, he will submit the request in writing to the LBAO. Once Reclamation receives the request, then both Reclamation and the lessee will work together to determine whether the change is warranted. If the change is not approved by Reclamation, then no revision will be made to the lease.
2. Limits of flexibility (e.g. +/- 5 days; no increase in AUMs without a field inspection)

3. Restrictions on use during drought, post-fire, insects, etc (i.e. emergency closures), or following restoration efforts (e.g. Reclamation may require livestock to be removed within forty-eight (48) hours of notification)

### ***Range Improvements***

In order to facilitate good range management it may be necessary to develop new improvements or replace existing improvements, such as fences or water developments.

If the lessee is interested in making improvements on the lands that are being leased, then the lessee will need to submit an application (application can be obtained from Reclamation upon request) to the LBAO staff with sufficient information about the proposed structure, including a location map and associated plans and specifications.

RM D&S LND 08-01 6.I.3 states: *“Grazing lessees should be advised that, at their sole expense and with the approval of Reclamation’s authorized official, they may place range improvements upon Reclamation lands. However, such improvements must be constructed and maintained by the lessee and arrangements must be made for their removal at the end of the grazing term. Grazing lessees should be advised that any improvements not removed may become the property of the United States, or they may be removed by the United States at the expense of the lessee. Reclamation should ensure it does not guarantee range improvements will be made for the benefit of the lessee nor will Reclamation provide or guarantee a source of water or supplemental forage for livestock.”*

The lessee should be aware that any range improvements, structural or otherwise, will require NEPA and NHPA compliance as part of the approval by Reclamation at the lessee’s own expense. If the improvements are not removed at the end of the term of the lease, then they could become property of the United States. However, if the structure is built for the lessee’s convenience, then pursuant to RM D&S LND 08-01 6.J, the lessee may be required to remove the structure and restore the site upon termination of the lease at their own expense. If the lessee fails to remove the improvements within sixty (60) days of expiration, termination, or revocation, of the lease any remaining improvements shall, at the option of the United States, be removed or become the property of the United States.

### ***Cultural Resource Protection***

Reclamation will implement a variety of proactive management procedures pursuant to Reclamation Directives and Standards (RM D&S) LND 08-01, LND 02-01 and federal laws, including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Reclamation will also implement directives and standards for healthy rangeland, to maintain carrying capacity, to avoid overgrazing, to authorize and maintain range improvements, and to allow for competitive longer-term leases. In general, these actions would reduce the potential for effects on cultural resources from trampling, ground disturbance, and erosion and would help maintain a protective vegetative cover for archaeological sites. Fencing and water developments can impact archaeological sites from direct construction disturbance and by concentrating animal use. Damage or collection of archaeological resources on Federal land is subject to criminal and/or civil penalties under the Archaeological Resource Protection Act.

Historic properties may be excluded from the grazing lease area. If it has been determined that there is the potential for adverse effect to any historic property within any area defined as having a high potential for impact, those areas may be excluded from use. High impact areas include, but are not limited to, corrals/handling structures (permanent or temporary), watering stations, salting areas, feed troughs, loading chutes, or stock ponds. Reclamation shall consider avoidance measures including avoidance by exclusion of use or treatment to reduce the nature of the effect to no adverse effect.

Unless improvements within the lease area have been treated prior to issuance of the lease, any subsequent proposal for construction shall be treated as a separate Undertaking under Section 106. Rangeland and livestock management improvements including but not limited to water developments, livestock handling facilities, and fence construction (excluding installation of temporary electric fences, replacement of existing fence lines and corner posts where no new ground disturbance occurs, or driving fence posts), shall be considered Undertakings in accordance with Section 106 of the NHPA.

### ***Seedings and Other Vegetative Restoration Work***

Should a lessee or other entity desire to invest funds in a restoration/reseeding project, the same requirements apply for submitting an application to Reclamation for other improvements, including maps, plans and specifications, including seed mixtures to be used. Prior to commencement of work, the request must be authorized by Reclamation.

Reclamation may require the area to be closed to livestock grazing for a minimum of two growing seasons to allow desired plants to become established. At the end of the minimum time, success will be measured against potential plant communities for that range site. Additional rest may be required if the vegetation has not become established.

### ***Pest Management***

Pursuant to RM D&S ENV 01-01 (& LND 08-01 11.T), an Integrated Pest Management (IPM) Program will be implemented for any programs that require the control of undesirable plants on Federal lands. If the lessee requests to apply a pesticide, then they must submit an IPM Plan thirty (30) days in advance of pesticide application. The lessee must submit a pesticide use proposal (PUP) along with the IPM Plan and will be responsible for all costs associated with the processing of the PUP. This includes, but is not limited to, the costs of all environmental, cultural resources, and hazardous materials compliance. At the Lessee's request, Reclamation will provide an IPM template to ensure the request satisfies Reclamation's rules and regulations.

The use of any pesticides on Federal lands without the prior written approval by Reclamation will not be permitted on lands described in this Plan. All pesticides will be in accordance with the current registration, label direction, or other directives regulating their use. Applicators will meet applicable Federal and State training or licensing requirements. Spills will be reported to Reclamation within twenty-four (24) hours with full details of the actions taken. Aerial application of pesticides is prohibited without the prior written consent by Reclamation.

## ***Dealing with Unauthorized Uses***

Activities related to this Plan include the use of Reclamation land, facilities or waterbodies. Prior to using any lands, facilities, or waterbodies under Reclamation's jurisdiction not authorized under the lease, all appropriate licenses and/or permits must be obtained. Pursuant to 43 CFR § 429.1, any possession or occupancy of any portion of, and the extraction or disturbance of any natural resources from Reclamation land, facilities, or waterbodies are prohibited without written authorization from Reclamation.

In the event that an unauthorized use (i.e. trespass or encroachment) of lands, facilities, or waterbodies has been determined (i.e. unauthorized installation of temporary pumps, irrigation structures, pipes, transportation of groundwater, access, etc.), under 43 CFR § 429.33, Reclamation will issue a written notice that outlines the steps required in order to remedy the unauthorized use within a specified time period. Failure for the lessee to comply within the specified time period will result in further disciplinary action from Reclamation.

Any activity deemed to be illegal on Federal lands will be cause for immediate termination of the lease pursuant to LND 08-01 HH.F.

## **Monitoring Plan**

For the overall grazing program at LBAO, the monitoring plan will:

- Define and identify the purpose of monitoring studies
- Set overall objectives for LBAO
- Establish the standards for monitoring (follow Nevada's Rangeland Monitoring Handbook [Handbook])

<http://www.ag.unr.edu/nsrm/publications/Nevada%20Rangeland%20Monitoring%20Handbook%20complete.pdf>

- Identify any existing known monitoring data
- Identify elements of individual pasture plans
- Set overall priorities
- Describe how monitoring costs are incorporated into annual costs

## ***Definition and Purpose***

Monitoring is defined as *“The orderly collection, analysis, and interpretation of resource data to evaluate progress toward meeting management objectives. This process must be conducted over time in order to determine whether or not management objectives are being met”* (Bedell 1998).

Monitoring helps to:

1. Determine whether management actions are meeting objectives;

2. Provide a record of environmental and resource conditions, events, and management actions that may influence objective achievement;
3. Determine if management actions are maintaining or improving the rangeland value, productivity, and condition (assuming those are reflected in the objectives);
4. Identify vegetation trends toward ecological thresholds that are unacceptable because they may be irreversible;
5. Evaluate when management changes are needed to meet objectives;
6. Determine whether management objectives are realistic and achievable;
7. Evaluate whether present uses of money and time produce an acceptable benefit; and
8. Assist rangeland managers with livestock management or management of other uses. (Handbook)

## **Objectives**

The first step in management and monitoring is setting objectives. Objectives describe a vision of desired future conditions based on the potentials and the limitations of the soils, ecological sites, and their response to management. Objectives determine what to monitor. (Handbook)

LBAO's overall objective for the grazing program could be derived from RM D&S LND 08-01 6.I.(2): *“Agricultural and Livestock Practices. Agricultural and livestock uses allowed on Reclamation lands will be balanced with other uses including recreation, wildlife, water, and protection of natural resources. All use authorizations will incorporate the principles of soil and watershed conservation into the authorizing document. Reclamation will provide oversight on all its lands to ensure that natural resources are properly managed and protected from harm, injury, extinction, or abuse, and that uses are consistent with applicable statutes, regulations, agreements, or contracts.”*

LND 08-01 requires that grazing be managed in a sustainable fashion. In order to determine if current grazing practices are resulting in acceptable range conditions, LBAO decided to use methods used by BLM, measuring the achievement of land health standards. These standards measure the achievement of the fundamentals of rangeland health as indicated by soil and site stability, hydrologic function and biotic integrity. The concept of determining land health standards have been established with credibility and support of the academic and livestock communities, and this assessment would be consistent with the neighboring agency's management strategies. This is desirable because many of these parcels may be relinquished to BLM in the future.

The Standards and Guidelines for Nevada's Sierra Front-Northwestern Great Basin Area were developed by the Sierra Front-Northwestern Great Basin Resource Advisory Council (RAC) and approved in 1997. These are attached and may also be found at

[http://www.blm.gov/nv/st/en/res/resource\\_advisory/sierra\\_front-northwestern/standards\\_and\\_guideline.html](http://www.blm.gov/nv/st/en/res/resource_advisory/sierra_front-northwestern/standards_and_guideline.html)

Standards and guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards are expressions of physical and biological

conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the standards.

## ***Existing Data***

### **Current Monitoring Studies**

No data are currently being collected.

### **2003 Grazing Capacities Report**

LBAO contracted with a consultant in 2003 to complete a study and report “Estimated Livestock Grazing Capacities of Bureau of Reclamation/U.S. Fish and Wildlife Service Permitted Grazing Areas on the Newlands Project” (<<INSERT LINK HERE>>). This report had four tasks:

1. Determining representative carrying capacities for the grazing areas
2. Suggested stocking rates of the areas to achieve 50 percent utilization of the total available forage
3. Recommendations for season of use restrictions to promote rangeland health
4. Outline a monitoring plan to assess rangeland conditions over an initial five-year period

This report states:

*“Total available forage was estimated by considering information obtained from field assessments and from published information regarding soil characteristics, potential plant community types, and annual production averages. Existing soil survey information was used to delineate different soil mapping units within each of the grazing areas. ...Soil mapping units were correlated with Ecological /Range Sites to estimate the potential plant communities which may exist within a grazing area. ... Estimates of total air-dry production during a normal year were obtained from published Ecological Site descriptions for the Fallon-Lovelock area.”*

*“The proportion of total production which provided suitable forage for cattle and horses was determined by subtracting the contribution of non-palatable or toxic plant species from the total estimated annual production.... Annual forage production estimates were multiplied by a proper use factor of 50% to establish total available forage for each grazing area. This total was divided by 800 pounds to determine the number of animal unit months (AUMS) available for each permit area.”*

This report provided good soils maps and corresponding ecological site descriptions with potential vegetation types. Their estimated carrying capacities are based on potential production in “average” years and were not field checked to verify actual production or current range conditions. These numbers should, therefore, be used only as a starting point for discussions. Current conditions and actual use (versus permitted use) should be considered in implementing changes to stocking rates.

In nearly all cases, the report recommended changing to winter use. This is a valid recommendation for vegetation on rangeland with high desert precipitation levels and patterns. Most of the Newlands Project grazing areas are dominated by salt desert shrub habitat types. Spring grazing is most detrimental during the active growth period for woody forage plants and key grass species. Grazing use should occur during the dormant season, or should be severely limited during the growing season.

This report also provided a Rangeland Monitoring Strategy. This portion provides good descriptions of setting objectives, establishing key areas for monitoring, and short- versus long-term monitoring. This report, along with the Nevada's Rangeland Monitoring Handbook, should be used as a guide to establish monitoring studies.

### **2009 TEAMS Report on Land Health Standards**

In 2009, LBAO contracted with the Forest Service TEAMS to visit/perform land health standards on most of the grazing areas in the Newlands Project. CLP was excluded due to its impending transfer to the State of Nevada. Several pastures were not included in the assessment due to their small size (10 acres or less) and the likelihood they would be relinquished. The grazing lessees were invited to participate in the pasture visits and assessments. In total 28 pastures were evaluated. These pastures were evaluated for soil cover, plant composition, and forage production, and to determine if they are achieving land health standards. Measurements were taken at one or more "key areas" in each pasture. A key area is selected for its consistency with average livestock use within the pasture, and similarities in soil type and vegetative composition.

Existing conditions are compared to site-specific reference conditions (representing relatively undisturbed states) for a given soil--plant community type in order to determine the level of departure from the potential natural community.

TEAMS completed a Standards Determination Document for each of the 28 pastures. This document evaluates and assesses livestock grazing management achievement of the Standards and conformance with the Guidelines.

There are three possible outcomes of standards assessments: Meeting the standard; Not meeting the standard but making significant progress toward meeting it; and Not meeting the standard, nor making significant progress toward meeting it. There are also determinations of causal factors, in this case, livestock or other factors.

In addition, any pasture that had a riparian area was also assessed for "proper functioning condition". There are a series of technical manuals available from the BLM describing more details on this process, which can be found at <http://www.blm.gov/nstc/library/techref.htm>. The assessments evaluate such indicators as adequate bank stability, proper sinuosity of channels, and water quality. Their staff was aware that all of Reclamation's water bodies, including storage ponds and river channels, are altered for project purposes and will not necessarily function as a "natural feature" would.

## Results of Assessments

The complete assessments are available at <<INSERT LINK HERE>>. In summary:

1. Standard 1 Soils – None of the pastures are meeting the standard for soils, nor are they making progress towards meeting it. Livestock were the causal factor for all pastures.
2. Standard 2 Riparian and Wetlands –
  - #1 – FWMA meeting the standard
  - #5 Swingle Sec 2 – Not meeting, nor making progress toward meeting; livestock are a contributing factor
  - #6 Fallon Diversion Dam – Meeting the standard
  - #12 – Massie Slough – Meeting the standard
  - #13 – Massie Slough Sec 10 – Not meeting, nor making progress toward; livestock are a contributing factor
  - #29 Oles Pond North – Meeting the standard
  - #30 Oles Pond south – Not meeting but making significant progress toward; livestock are not a causal factor (rated functional at risk due to whitetop)
  - #37 Stillwater – Meeting the standard
  - #38 Carson Diversion Dam – Not meeting the standard nor making progress toward; livestock are a contributing factor
3. Standard #3 - Water quality – this standard was not assessed
4. Standard #4 Plant and Animal Habitat – On all but one pasture the standard was NOT met, and livestock were the contributing factor. Fernley Wildlife Management Area was the only pasture meeting this standard. Several pastures were making significant progress toward meeting the standard.
5. Standard #5 Special Status Species Habitat: This factor was rated as “Not applicable”: “All Special Status species were reviewed for possible occurrence within the Newlands Grazing Leases. Although there are species that are considered special status species in the state of Nevada (state listed as imperiled), none of these species occur within the Newlands Grazing Leases”. There are no plant species listed by the USFWS for Churchill County. The United States Fish and Wildlife Service (USFWS) lists the Lahontan cutthroat trout as occurring in Churchill County. Livestock grazing is not listed as a threat.

## Explanation of Standards

The Soils Standard is not met generally due to insufficient live plant cover and plant litter. This leads to increased erosion and general soil loss and instability on the site. Part of the loss of plant cover is due to the vegetative community shifting from more of a grass-dominated community to one dominated by undesirable shrubs. This would be caused by not only excessive levels of use by livestock, but also by excessive use during the spring and early summer when cool season grasses are most susceptible to grazing. These desirable grass species that have died out would be predominantly Indian ricegrass, bottlebrush squirreltail, needle-and-thread and sand dropseed. The forb component is also missing in most of these communities.

Saltgrass is an increaser under grazing pressure and was found in significant quantities in moister communities.

In most of the plant communities in the Newlands Project pastures, this leaves undesirable shrubs, such as black greasewood (spiny and poisonous in large quantities), as well as other less cattle-friendly shrubs such as shadscale, dalea, horsebrush, and some of the saltbushes. This also leaves space for undesirable non-natives, such as cheatgrass and Russian thistle, to move into the community.

In those pastures where the Riparian Standard was not met due to livestock, this is because livestock tend to congregate along water sources, eating the vegetation and trampling the banks. This makes for less bank stability, poor water quality, and often contributes to noxious weeds, such as whitetop, becoming established. On the pasture where livestock was NOT the causal factor, the riparian plant community was in good condition, banks were stable, but the system was considered at risk due to an early infestation of whitetop.

The reasons for the Plant and Animal Habitat Standard not being met is essentially the same as the Soils standard – loss of desirable vegetation due to livestock use.

## **Forage Production**

Forage is calculated in AUMs (animal unit months), which is the amount of forage necessary to feed a cow/calf pair for one month. Forage production is measured in pounds/acre of edible forage. This figure, times the number of acres in a pasture, gives total forage produced. It takes 800 lbs of forage to make an AUM, and then that number is divided by 50 percent for a proper use factor. The number shown is the number of AUMs available for livestock use on that pasture. (For example, 30 AUMs could be 30 cows for 1 month, 15 cows for 2 months, 60 cows for 2 weeks.)

*(NOTE: Forage production studies are a one-time snapshot, as this number will vary considerably from year to year, based on amount and timing of precipitation. It will only be used in this case as a starting point for comparisons to current authorized use and for initial discussions on stocking rates.)*

The TEAMS staff provided an estimated “Current Grazing Capacity”. In many of the pastures there was NO herbaceous production, and on several there were not enough grass plants to measure. On these pastures it is possible that livestock are using adjacent private lands to actually graze and Reclamation lands in this case are a “storage area”. They may be subsisting on low quality shrubs, which is not good for calf production or weight gain. Conversations with the livestock owners indicate that greasewood can be a major part of their cattle’s diet. Field checks by LBAO staff found that in some cases there is little forage production in the upland communities, and the livestock are subsisting on vegetation growing in and along the Project drains and canals. This has the potential to damage the embankments by livestock trampling. However, in some pastures this vegetation is providing a substantial amount of forage, and in some cases is the only source of forage.

Some pastures show a figure for AUMs with a notation that it is production from saltgrass and/or bluegrass, both “increaser” species and not species that would be considered to be key species in that community.

The estimated current production was compared to what is currently being authorized and/ or what the lessees provided as their active use in 2008 via a questionnaire they were asked to complete and return. In most cases the estimates are well below what is currently authorized.

## **Recommendations**

TEAMs also provided recommendations on how grazing might be managed in the future to achieve meeting land health standards. In nearly all situations, the recommendation was to close or rest the pasture to allow herbaceous plants to re-establish. If a seed source is still available on site, these areas will eventually revegetate on their own, provided they receive adequate rest and precipitation. In areas where no seed source remains, the fastest way to restore native plants is to reseed. This can be problematic in a desert environment, as it requires certain spring moisture conditions; it is also expensive.

Generally it is recommended to close reseeded pastures a minimum of two growing seasons to allow young seedlings to establish before being grazed. Many parts of the Newlands Project receive as little as four inches of rain annually, and this comes as winter snow or periodic summer storms.

If and when the pastures are reopened to grazing, the recommendation is to change season of use. Nearly all of these pastures are grazed during the early spring and warm summer months; some receive livestock use yearlong. This is probably because water is available in the canals and drains during the summer, and historically some of these areas were flooded during the delivery season. Spring and early summer are the critical growing season for cool season grasses, which are also the ones most desired by livestock. Repeated and heavy grazing during this time will eventually lead to individual plant mortality, and then to changes in overall plant composition in the larger community as desirable species die out. Fall and winter use would be the best time to graze these communities. This may require developing alternative water sources, such as stock tanks and pipelines.

Where pastures are large enough, recommendations included developing rotation systems, so areas receive periodic growing season rest. Smaller pastures should be rested on a schedule to allow several years of rest (e.g. graze only one year in five).

If grazing is to continue on any of these pastures, utilization limits should be implemented. These would be 50% of current year’s growth on grasses, and 45% on shrubs.

Other recommendations include placing salt and mineral blocks at least one half mile from water; this would aid in distributing livestock to lesser used areas in larger pastures.

## ***Pasture Plans***

One of the ultimate goals of restructuring the LBAO grazing management program is to develop pasture plans for each grazing area on lands that will be retained for Project purposes. The levels of detail may vary between pastures, depending on need and the situation. As per RM D&S LND 08-01, they will include at a minimum the terms and conditions listed for all permits (included in Permitting Procedures Section), as well as the objectives for grazing management on that pasture, but may also include:

1. Rotation schedule or other requirements
2. Necessary range improvements to facilitate good management
3. Monitoring plan
4. Coordination with other permitting agency or adjacent landowner, where appropriate

In order to identify land use objectives for an individual pasture, Reclamation staff will:

1. Identify other resources on those parcels, such as wildlife habitat, or other uses that will be authorized
2. Protect riparian areas, soils, and special status species
3. Identify and protect Newlands Project facilities
4. Consider current range conditions

Current range conditions will be evaluated alongside the assessments from the TEAMS reports, and any special circumstances identified. The current lessee will be invited to participate in the process, but final decision-making rests with Reclamation.

On those pastures where it has been determined that grazing will continue:

- A. If current conditions are acceptable, then no change to existing management is required; document existing management. Identify monitoring needs.
- B. If current conditions are not acceptable:
  1. Identify changes in management needed to obtain desired conditions (e.g. fewer animals and/or shorter period of time, different season of use, rotation grazing, etc)
  2. Identify any structures necessary to implement these changes (e.g. fences, water developments)
  3. Timeframes for action
  4. Consider the possibility of long term rest to improve conditions, including the possibility of permanent closure

Individual pastures will have their own monitoring plan, as necessary, that will identify:

- Purpose of studies
- What studies will be done and when

- Where studies will be done
- When results will be evaluated
- How necessary changes to management will be implemented and when
- Identify who will do the monitoring, e.g. Reclamation, contractor, self-monitoring (Monitoring costs will be considered part of administration costs and will be paid for by the lessees, if conducted by Reclamation or a contractor.)

### ***Priorities for establishing monitoring***

1. Lands that Reclamation will be retaining where current conditions are NOT satisfactory but grazing will still be authorized
2. Lands that Reclamation will be retaining where current conditions are NOT satisfactory and the pasture will be temporarily closed to grazing
3. Lands that Reclamation will be retaining where current conditions ARE satisfactory
4. Lands that Reclamation will be retaining where current conditions are NOT satisfactory and the pasture will be permanently closed

## **Compliance with NEPA and NHPA**

### ***Compliance with NEPA***

The overall grazing program will be analyzed as part of Resource Management Plan's EIS. This will include analysis of the changes necessary to bring the program into compliance with Reclamation policy and federal laws.

As each pasture/lease is reauthorized in 2014, an Environmental Assessment (EA) will be completed on each pasture plan, which will include analysis of the impacts from the proposed grazing schedule (even if there are no changes from current use) and any range improvements that might be required.

Ideally future renewals can be handled under a Categorical Exclusion Checklist (CEC), if no changes are proposed, or proposed changes have been adequately analyzed under previous NEPA documents.

The NEPA analysis conducted on the action of closing pastures to grazing is included in the RMP's EIS.

## ***Cultural Resources Laws and Regulations***

### **National Historic Preservation Act of 1966**

The National Historic Preservation Act (NHPA) (16 USC, Sections 470-470x-6) requires federal agencies to consider historic preservation values when planning their activities. Each federal agency must establish a preservation program for identifying, evaluating, and protecting properties under its ownership or control that are eligible for listing on the National Register of Historic Places (NRHP). In the NHPA Section 106 process, in order for a federal agency to take into consideration potential effects on historic properties, the agency must identify historic properties that may be affected by its actions, must evaluate the proposed action's effects, and then must explore ways to avoid or mitigate those effects, through consultation with the State Historic Preservation Officer and other interested parties. A Programmatic Agreement is currently in development, in consultation with the SHPO and other parties, pursuant to 36 CFR §800.14, to address a phased approach to cultural compliance for the grazing program, which would ensure that the effects of grazing leases and this land use are taken into account and that Reclamation meets NHPA Section 106 compliance requirements.

### **Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act (NAGPRA) (1 of 1990 (PL 101-601; 25 USC, Sections 3000-3013; 104 Stat. 3048-3058) applies to the discovery of Native American human remains on Federal lands. In the event that Native American human remains are discovered, an appropriate Reclamation official (e.g., Contracting Officer, Area Manager, Regional Archaeologist, or Regional Director) must be notified immediately upon the discovery. Upon notification, Reclamation shall follow internal procedures and the requirements of 43 CFR §10.3 for consultation; notification; development of excavation, treatment, and disposition plans as needed; and the requirements of 43 CFR §10.6 for NAGPRA item disposition.

### **Executive Order 13007, Indian Sacred Sites**

Executive Order (EO) 13007 applies to sacred sites on Federal lands that are identified by Federally-recognized tribes to the Federal agency. The EO directs that access to Indian sacred sites for ceremonial use by Indian religious practitioners be accommodated on federal lands. It also directs that the physical integrity of sacred sites be protected and that the confidentiality of these sites be maintained. It further directs that procedures be implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders. Information regarding the nature and specific locations of sacred sites are considered confidential.

### **Archaeological Resources Protection**

The Archaeological Resources Protection Act (ARPA) (1979 (PL 96-95; 93 Stat. 721; 16 USC, Sections 470[aa]-470[mm], as amended; PL 100-555; PL 100-588) establishes requirements for permits to excavate archaeological resources, also addressed in RM D&S LND 02-04 and LND 08-01 (item 13). ARPA also prescribes civil and criminal penalties for violations of the law for theft or damage to archaeological resources.

## **Paleontological Resources Preservation Act**

The Paleontological Resources Preservation Act (PRPA) (Title VI, Subtitle D of Public Law 111-011, [March 30, 2009]) requires the Secretaries of the Interior and Agriculture to manage and protect paleontological resources on Federal land using scientific principles and expertise. Permits are required for collecting certain types of paleontological resources. The law includes criminal and civil penalties for fossil theft and vandalism. Reclamation may exclude known areas and areas of discovery of paleontological resources from grazing for assessment and avoidance pursuant to the Paleontological Resources Preservation Act. Information concerning the nature and specific location of a paleontological resource is confidential.

## Public Involvement

1. Newlands lessees:  
LBAO staff has been communicating with the Newlands Project lessees since the inception of the RMP. LBAO staff has held several meetings with the lessees in Fallon, including a scoping meeting for the RMP in fall of 2007 and grazing alternative meetings in the spring of 2010. They were also invited to participate in the range condition assessments. Additional field visits were conducted in the summer and fall of 2012 to assess range conditions. At this time all lessees were informed that the current terms and conditions would continue through 2013, with changes to be implemented in 2014.
2. Other agencies:  
Coordination w/ BLM on joint lessees  
Coordination with Navy on adjacent land uses  
Coordination with counties  
Coordination with NDOW on FWMA and wildlife issues
3. Interested public
4. Local Native American Tribes
5. Irrigation districts, including the District and Pershing County Water Conservation District (PCWCD)
6. Congressional representatives

### Public meetings

- Public meetings concerning this Plan will be held as part of the public meetings for the Final RMP.
- Publications (notices) (will this be included in the Federal Register notices with the RMP?)
- All lessees will receive a notification of this Plan in addition to the Federal Register notification process to ensure the current lessees are notified.
- All lessees who have a grazing lease are included on the mailing list for notices concerning the availability of the Final RMP for public comment.

## Legal Authorities

Reclamation's authority to issue and collect revenues for use authorizations include, but are not limited to, the following Reclamation and other Federal statutes and Public Laws, as amended or modified:

1. The Reclamation Act, June 17, 1902, as amended and supplemented, 32 Stat. 388; 43 U.S.C. § 391, et seq.
2. Section 4, Subsection I of the Second Deficiency Appropriation Act for 1924 (Fact Finders' Act), December 5, 1924 (43 Stat 703; 43 U.S.C. § 501).
3. Sections 10 and 14 of the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1196; 43 U.S.C. § 387).
4. Federal Water Project Recreation Act, July 9, 1965, Public Law 89-72, as amended (79 Stat. 218; 16 U.S.C. § 460l-12 to 460l-21).
5. Reclamation Recreation Management Act of 1992, Public Law 102-575, Title XXVIII, Sections 2801 to 2806, October 30, 1992 (106 Stat. 4692; 16 U.S.C. § 460l-33).
6. Mineral Materials Act of 1947, Public Law 80-291 (61 Stat. 681; 30 U.S.C. § 603).

In addition to the aforementioned authorities, the following Public Laws, Executive Orders, Federal Regulations, the Departmental Manual, and the Reclamation Manuals influence the application of Reclamation's use authorizations:

1. E.O. 11200, February 25, 1965, 30 FR 2645, Establishment of Recreation User Fees
2. E.O. 13007, May 24, 1996, 61 FR26771, on American Indian Sacred Sites.
3. The National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982)
4. National Historic Preservation Act of 1966 (16 U.S.C. § 470).
5. Native American Graves Protection and Repatriation Act, November 16, 1990, Public Law 101-601 (25 U.S.C. § 3001).
6. OMB Circular A-25, as amended July 8, 1993, User Charges.
7. Procedure to Process and Recover the Value of Rights-of-use and Administrative Costs Incurred in Permitting Such Use (43 CFR § 429.1 to 429.11).
8. Department of the Interior, 346 DM, Cost Recovery, provides basic Departmental cost recovery policy governing charges for services provided the non-Federal sector under specific legislative authority.
9. RM, Charges for Use of Federal Assets, PEC 01-01, provides instructions on assessing fees for Government services and for the sale or use of Federal property or resources not covered by repayment contracts, water service contracts, or the sale of surplus power.

10. RM, Crediting of Incidental Revenues, PEC 03-01, provides the statutory requirements for the disposition of revenues generated by the incidental uses (such as use authorizations) of Reclamation lands and facilities.
11. RM, Use of the Collection Information Form for Incidental Revenues, PEC 03-02, requires the use of a Collection Information Form for each grant, license, permit, lease, etc., to properly identify the source and disposition of the revenues from land use activities.
12. Telecommunications Act of 1996, Public Law 104-194 (47 U.S.C. Section § 332 note).
13. GSA Bulletin FPMR D-242.

## **Citations**

Bedell, T. E. (Chairman, Glossary Update Task Group). 1998. Glossary of Terms Used in Range Management. Society for Range Management, Denver, CO. 32pp.

## **Attachments**

# Attachment 1

## RAC Standards & Guidelines for Rangeland Health SIERRA FRONT-NORTHWESTERN GREAT BASIN AREA

### PREAMBLE STANDARDS FOR RANGELAND HEALTH

The Standards and Guidelines for livestock grazing on Bureau of Land Management lands are written to accomplish the four fundamentals of rangeland health, insofar as they are affected by livestock grazing practices. Those fundamentals are:

- Watersheds are properly functioning;
- Ecological processes are in order;
- Water quality complies with State Standards; and
- Habitats of protected species are in order.

Other uses can affect the health of the land, and Guidelines for these currently exist or will be developed as needed. In addition, implementation of livestock grazing guidelines must be coordinated with other uses of the land, and collectively these uses should not detract from the goal of achieving public land health.

Standards, Indicators and Guidelines will be implemented through Standard public land management practices as defined in the Nevada Rangeland Monitoring Handbook and the other documents listed in Appendix A [of this appendix].

**Standards:** The goal to be achieved.

**Indicators:** Indicators are observations or measurements of physical, chemical or biological factors that should be used to evaluate site conditions or trends, appropriate to the potential of the site. Indicators assist in determining whether Standards are met or Guidelines followed.

**Guidelines:** Guidelines are livestock management practices (e.g., tools, methods, strategies and techniques) designed to achieve healthy public lands as defined by Standards and portrayed by Indicators. Guidelines are designed to provide direction, yet offer flexibility for local implementation through activity plans and grazing permits. Activity plans may add specificity to the Guidelines based on local goals and objectives as provided for in adopted manuals, handbooks and policy. Not all Guidelines fit all circumstances. Monitoring and site specific evaluation will determine if the Standards are being met or the trend on a particular site is toward desired objectives, and if the correct Guidelines are being applied. The BLM Authorized Officer, in consultation with public land users, will identify and document acceptable or unavoidable exceptions on a case-by-case basis.

### STANDARD 1. SOILS:

Soil processes will be appropriate to soil types, climate and land form.

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As indicated by:

- Surface litter is appropriate to the potential of the site;
- Soil crusting formations in shrub interspaces, and soil compaction are minimal or not in evidence, allowing for appropriate infiltration of water;
- Hydrologic cycle, nutrient cycle and energy flow are adequate for the vegetative communities;
- Plant communities are diverse and vigorous, and there is evidence of recruitment; and
- Basal and canopy cover (vegetative) is appropriate for site potential.

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**STANDARD 2. RIPARIAN/WETLANDS:**

Riparian/Wetland systems are in properly functioning condition.

As indicated by:

- Sinuosity, width/depth ratio and gradient are adequate to dissipate streamflow without excessive erosion or deposition;
- Riparian vegetation is adequate to dissipate high flow energy and protect banks from excessive erosion; and
- Plant species diversity is appropriate to riparian-wetland systems.

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STANDARD 3. WATER QUALITY:

Water quality criteria in Nevada or California State Law shall be achieved or maintained.

As indicated by:

- Chemical constituents do not exceed the water quality Standards;
- Physical constituents do not exceed the water quality Standards;
- Biological constituents do not exceed the water quality Standards; and
- The water quality of all water bodies, including ground water located on or influenced by BLM lands will meet or exceed the applicable Nevada or California water quality Standards. Water quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and antidegradation requirements set forth under State law, and as found in Section 303(c) of the Clean Water Act.

STANDARD 4. PLANT AND ANIMAL HABITAT:

Populations and communities of native plant species and habitats for native animal species are healthy, productive and diverse.

As indicated by:

- Good representation of life forms and numbers of species;
- Good diversity of height, size, and distribution of plants;
- Number of wood stalks, seed stalks, and seed production adequate for stand maintenance; and
- Vegetative mosaic, vegetative corridors for wildlife, and minimal habitat fragmentation.

STANDARD 5. SPECIAL STATUS SPECIES HABITAT:

Habitat conditions meet the life cycle requirements of special status species.

As indicated by:

- Habitat areas are large enough to support viable populations of special status species;
- Special status plant and animal numbers and ages appear to ensure stable populations;
- Good diversity of height, size, and distribution of plants;
- Number of wood stalks, seed stalks, and seed production adequate for stand maintenance; and

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- Vegetative mosaic, vegetative corridors for wildlife, and minimal habitat fragmentation.

**GUIDELINES FOR GRAZING MANAGEMENT:**

1. Waters must be free from high temperature, biocides, organisms pathogenic to human beings, toxic, corrosive or other deleterious substances attributable to domestic or industrial waste or other controllable sources at levels or combinations to interfere with any beneficial use of the water. Compliance with the provisions of this subsection may be determined in accordance with methods of testing prescribed by the State. If used as an Indicator, survival of test organisms must not be significantly less in test water than in control water.

2. Grazing management practices should be planned and implemented to meet water quality provisions in either California State water law or Nevada Administrative Code Section 445A.120-121 as applicable.

3. Management practices within allotments will maintain or promote stream channel morphology, appropriate soil organisms; adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils; and the hydrologic cycle, nutrient cycle and energy flow.

4. After a range fire or other natural catastrophic event, vegetation should be returned to the native species as rapidly as possible, to afford forage and habitat for native animals. If a nurse crop is needed to protect the land from erosion, all native nurse crops should be used first.

5. Treated areas will be rested from livestock grazing for two growing seasons or until seedlings are established or the vegetative response has achieved objective levels. Wild horse and burros removed from Herd Management Areas will be restored after rehabilitation objectives have been met.

6. Alternative solutions (e.g., reseeding, funding, labor, equipment use or rental) to facilitate fire rehabilitation may be included in cooperative agreements involving qualified groups and individuals who want to participate.

7. Appropriate livestock grazing treatments will be implemented to control the frequency, duration, and level of grazing use. Where livestock grazing is authorized, grazing systems will provide within any one grazing year one or more of the following treatments:

a. Rest or deferment from livestock grazing on a specified area as appropriate to meet Standards.

b. Systematic rotation of deferred use and/or rest from livestock grazing among two or more units.

c. Continuous, season-long use where it has been demonstrated to be consistent with achieving identified Standards. Once season long use is determined to be unacceptable, an alternative system will be developed and implemented before termination of season long use, prior to the next grazing season.

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- d. Excluding further livestock grazing within the affected use area through appropriate techniques when utilization objectives are reached.
8. Conservation of Federal threatened or endangered, proposed, species of concern (formally Category One and Two) and other special status species is promoted by the restoration and maintenance of their habitats.
9. Salt and/or supplements will be placed at least ¼ mile from live waters (springs/streams) and outside of associated riparian areas, permanent livestock watering facilities, wet or dry meadows, and aspen stands. Also salt should not be placed in known historic properties.
10. Night bedding of sheep will be located at least ¼ mile from live waters, streams, springs, seeps, associated riparian areas, wet or dry meadows, and aspen stands.
11. Encourage the use of prescribed and natural fires, meeting prescription objectives, for the restoration and maintenance of healthy rangelands.
12. Departure from traditional grazing management practices may be authorized by BLM to achieve Standards on a case by case experimental basis for rangeland restoration and rehabilitation.
13. The best available science and technology will be utilized in monitoring and assessing the condition of rangelands from the pasture to the BLM District level.
14. Recognizing State Water Law requirements, wildlife and wild horses/burros within their Herd Management Areas will have access to surface water they customarily use.
15. Design of water facilities will incorporate features to ensure safe access and escape for small animals and birds.
16. The development of springs and seeps or other projects affecting water and associated resources shall be designed to maintain the associated riparian area and assure the attainment of Standards.
17. Grazing management practices shall be planned and implemented to allow for habitat requirements of wildlife and wild horses and burros within Herd Management Areas.
18. Implement aggressive action to reduce the invasion of exotic plant species into native plant communities. Control the spread of noxious weeds through various methods such as, grazing management, fire management and other vegetative management practices.
19. Riparian structural developments (i.e., gabions, dams, etc.) designed to achieve improvement in riparian and wetland conditions shall only be implemented in conjunction with changes in existing grazing management practices, where grazing is a significant factor contributing to a riparian condition needing such attention. Where grazing is not a significant factor causing a riparian condition needing attention, structural developments designed to achieve improvement in riparian and wetland conditions may be implemented independent of changes in existing grazing management practices.

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20. The utilization, monitoring and evaluation process will be used as a tool to promote healthy rangelands and achieve Standards.

21. Implement grazing management practices that sustain biological diversity across the landscape.

22. To prevent transmission of disease between domestic and bighorn sheep, adopt and implement the "Guidelines for Domestic Sheep Management in Bighorn Sheep Habitats" contained in Mountain Sheep Ecosystem Management Strategy in the 11 Western States and Alaska.

23. Rangeland management plans will consider listings of known historic properties and new eligible properties as they become known.

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