

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
P.O. Box 12000
Reno, Nevada 89520-0006

IN REPLY REFER TO:

4100/4130
(NV-930)

EMS TRANSMISSION 4/04/02
Instruction Memorandum No. NV-2002-040
Expires: 9/30/2003

To: Field Managers, Nevada

From: State Director, Nevada

Subject: Nonrenewable Grazing Permits, Processing, Consultation Requirements, and Time Frames

By previous Nevada Instruction Memorandum No. NV-97-035, the specific Nevada procedural processes were identified to implement the level of Consultation, Cooperation, and Coordination (CCC) with the interested public in relation to implementation of the grazing regulations.

Specifically that memorandum stated the following in regard to Temporary Non-Renewable permits:

“Temporary Non-Renewable (TNR) permits (i.e., issuance of grazing authorization for forage temporarily available when such use would be in excess of the total number of animal unit months of specified livestock grazing.

Action:-CCC with interested public prior to TNR authorization.

- Issue decision if application is denied or partially rejected.”

and regarding time frames of CCC that policy stated:

"When the authorized officer elects to CCC via written correspondence, the time frame for solicited responses will normally be fifteen days from the date of the letter."

Recently, several issues have developed regarding nonrenewable permits. They are: (1) the timeliness of the applications received for nonrenewable permits and BLM's ability to timely and adequately process the application, and (2) BLM's notification to the interested public and the need to allow for reasonable time periods for interested public's input following notification of a BLM proposal to grant or process a non-renewable permit.

To address both these issues, effective immediately, only grazing applications for nonrenewable permits that have been submitted to the BLM at least 30 days in advance of the applied for nonrenewable use will be processed. Applications received, requesting use to start in less than 30 days from the receipt of the application, will be rejected due to BLM inability to timely process the application and complete the CCC process and associated NEPA.

The minimum time frame for solicited responses from affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public will be fifteen days from the date of the letter initiating consultation or fifteen days from the date that BLM sought CCC from a contacted individual or group noted above.

Prior to the issuance of nonrenewable permitted use (see 43 CFR 4130.6-2), the authorized officer must (1) make a determination that the forage is temporarily available; (2) ensure that this use is consistent with multiple-use objectives and standards for rangeland health; (3) make a determination that the use does not interfere with existing livestock operations on the public lands; (4) consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public; and (5) ensure that adequate NEPA analysis or documentation has been completed.

The documentation of steps 1, 2, 3 and 5 above should be in writing (see attached example).

Field Managers are encouraged to advise grazing permittees or lessees of the application time requirements for nonrenewable permits so that they are aware of this requirement.

Questions regarding this policy should be referred to Brad Hines or Duane Wilson at 775-861-6475 or 775-861-6587.

Signed By:
Robert V. Abbey
State Director, Nevada

Authenticated By:
Debbie Spitale
Staff Assistant

1 Attachment

1. Format for Notification of Nonrenewable Use (4 pp)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT (APPROPRIATE FIELD OFFICE)

IN REPLY REFER TO:

Memorandum

To: Associate Field Manager, Renewable Resources

From: Rangeland Management Specialist, Renewable Resources

Subject: Temporary Nonrenewable Use Request by XYZ Company of Nevada within the ABC Mountain Allotment.

On September 25, 2001, Clark Griswold (authorized representative for XYZ Company of Nevada) applied for temporary nonrenewable (TNR) use in the North Pasture of the ABC Allotment. He applied to run 150 head of yearlings from 11/01/01 through 11/30/01, totaling 150 AUMs.

Permitted use in the North Pasture is 300 C from 9/1 to 10/31.

The North Pasture of the ABC allotment consists 3000 acres, all public lands. The allotment is all native rangeland consisting of mixed mountain shrub and sagebrush grass vegetation types, two upland meadows sites, and .25 miles of Little Fish Creek and associated riparian habitat. Multiple use objectives for the allotment/pasture include (a) maintain good to excellent mule deer habitat on 150 acres of PUTR stands, (b) maintain good to excellent fishery habitat on all public land portions of Little Fish Creek, (c) the allotment contains sage grouse nesting habitat which also is the breeding habitat in the spring. In suitable sage grouse habitat, grazing should not exceed use levels identified in the Western Association of Fish and Wildlife Agencies (WAFWA) guidelines identified in Table 2, attached, for suitable sage grouse nesting habitat (see attached).

This same amount of TNR use was applied for last year and authorized. Last year's use was authorized because monitoring showed that use has been below the objective utilization levels for the key species set for the North Pasture. Table 1, attached, shows a summary of the utilization results for past 2 years.

On September 30, 2001, I completed a field inspection on the North Pasture. Currently livestock have been in the North Pasture since 9/1. I read the utilization at range and wildlife key areas and not only took photos at the key areas, but also took photos at the riparian photo point. Use levels were recorded as slight at the key areas. Use at the riparian plot was also slight. Photos are attached, but will be placed in the range and wildlife monitoring files along with a copy of this memo. Most of the pasture received very little use and the use in the remainder of the allotment are below the objective utilization levels. The meadows showed slight use. There was good water flow in the drainage along the northern fence of the allotment.

Based on the above information, I recommend that following CCC (assuming there are no comments that would indicate otherwise) and the completion of DNA for this year's action, that this action be approved with the same stipulations as it was authorized last year. Field inspections indicate that forage is temporarily available and approval of this action will not interfere with existing livestock operations on public lands and is consistent with the multiple use objectives for

the North Pasture, the ABC Allotment and, in conformance with the Standards and Guidelines for the ___ RAC area, as indicated by the ID teams signatures below. The proposed terms and conditions to be included on the temporary nonrenewable permit would be as follows:

1. 300 head of Cattle in the North Pasture of the ABC Allotment from November 1, 2001 to November 30, 2001 totaling 150 AUMs. The 150 AUMs of use authorized from 11/1/01 through 11/30/01 will be included as part of the permitted use for the 2001 grazing season.
2. Grazing use from 11/1/01 through 11/30/01 in the ABC Allotment will be confined to the North Pasture.
3. Utilization of the key forage grass species will not exceed 50 percent and utilization of bitterbrush will not exceed 25 percent. If it appears that utilization objectives are going to be achieved before 11/30, the cattle will be removed within one day following notification by BLM to ensure that utilization objectives are not exceeded.
4. Utilization levels must result in exceeding or meeting the minimum height requirements for productive sage grouse habitat in sagebrush types for grasses/forbs in breeding and winter habitats on the allotment/pasture (e.g. grasses and forbs minimum requirement of 18 cm for breeding habitat will be maintained).
5. A utilization check of the ABC Allotment will be made midway through the proposed TNR use to see if actual use is consistent with the objective utilization levels for the key species in this Pasture.
6. The temporary authorization of additional AUMs above the annual permitted use will not result in a permanent change to XYZ Company of Nevada's term grazing permit.

Recommended by:

----(Name)----- , Rangeland Management Specialist Date

Concurred by:

-----Name-----, Wildlife Biologist Date

-----Name-----, Fishery Biologist Date

Approved by:

-----Name-----, Assistant Field Manager, Renewable Resources Date

Table 1. Utilization Results on the ABC Allotment (2000-2001).

KA-01 (Range)			CDW-WM-01-91 (Wildlife)		
Year	Before TNR	After TNR	Year	Before TNR	After TNR
2001	AGSP 5% FEID 10%	----	2001	PUTR2 9% AMAL 0	----
2000	AGSP 3% FEID 9%	AGSP 25% FEID 30%	2000	PUTR2 7% AMAL 7%	PUTR2 15% AMAL 10%

Table 2. Characteristics of sagebrush rangeland needed for productive sage grouse habitat.

	Breeding		Brood-rearing			Winter ^c		
	Height (cm)	Canopy (%)	Height (cm)	Canopy (%)	Height (cm)	Canopy (%)	Canopy (%)	
Mesic Sites ^a								
Sagebrush	40-80	15-25	40-80	10-25	25-35	10-30		
Grass/forb	>18 ^c	>25 ^d	variable	>15	N/A	N/A		
Arid Sites ^a								
Sagebrush	30-80	15-25	40-80	10-25	25-35	10-30		
Grass/forb	>18	>15	variable	>15	N/A	N/A		
Area ^b		>80		>40		>80		

^a Mesic and arid sites should be defined on a local basis; annual precipitation, herbaceous understory, and soils should be considered (Tisdale and Hironaka 1981, Hironaka et al. 1983)

^b Percent of seasonal habitat needed with indicated conditions.

^c Measured as “droop height”; the highest naturally growing portion of the plant.

^d Cover should exceed 15% for perennial grasses and 10% for forbs; values should be substantially greater if most sagebrush has a growth form that provides little lateral cover (Schroeder 1995)

^e Values for height and canopy cover are for shrubs exposed above snow. (Connelly et al. 2000)