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FLANIGAN
ALLOTMENT MANAGEMENT PLAN

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I. Introduction

1. General Information/Affected Environment

A Location and History

The Flanigan Allotment is located approximately 50 miles north of Reno, Nevada and runs along the northern side of the Virginia Mountains. Portions of the allotment boundaries are formed by Vinegar Peak, Sugarloaf Mountain and Ft. Sage Mountains.

The tabulation of the current acreages and land status is as follows:

<u>Status</u>	<u>Acres</u>	<u>% of Total Acres</u>
BLM	56639	59
Permittee Private	6479	7
Other Private	<u>33744</u>	<u>34</u>
TOTAL	96592	100

A majority of the private lands are located in the northern and north western portion of the allotment. These are lands owned by individuals other than the permittee. The permittee owned private lands are blocked in two general areas; Fish Springs Ranch and Cottonwood Canyon.

Topography in the allotment varies from mountainous terrain to a flat low lying valley known as Honey Lake Valley. Elevations range from 3900 feet to 8000 feet above sea level.

The current Fish Springs Ranch consist of three primary ranches; the Fish Springs Ranch, Cottonwood Ranch and Lower Cottonwood Ranch. The grazing priority was established by Arthur V. Heller.

The Fish Springs Ranch and attached privileges were controlled by Arthur Heller or his estate until October of 1972 at which time they were sold to a group of three men; Joseph and Andrew Giambroni, and Earl Batteate dba Fish Springs Ranch, Incorporated.

In September of 1983, Fish Springs Ranch, Inc., sold their base property and all of the attached grazing privileges in the Flanigan Allotment to Tri State Livestock Credit Corporation.

Tri State Livestock Credit Corp. immediately sold the base property and all attached grazing privileges in the Flanigan Allotment to Fish Springs Ranch, Ltd., on 12-30-83.

The Flanigan Allotments' close proximity to Reno makes it a popular location for both ORV use and and hunting of all kinds.

The Cottonwood Stock Trail is the major route used by most hunters to gain access to the Virginia Mountains during all of the various hunting seasons, particularly deer and chukar.

2. Existing Information

A. Historical Grazing Preference and Management

Grazing preference for the Flanigan Allotment is 7368 AUMs of which 5015 AUMs are active use and the remaining 2306 are held in Suspended-Non-Use. An additional 47 AUMs were lost based on loss of acreage for Desert Land Entries. Fish Springs Ranch Ltd., is the current permittee controlling all of the preference in the Flanigan Allotment.

The allotment is presently divided by an east-west fence which splits the spring and summer use areas. The Juniper Basin and Sand Pass areas are used during the spring and winter. In addition Fish Springs Ranch Ltd., has a winter permit in the Susanville District, adjacent to this allotment and also leases the Bonham Ranch which is also used in the winter. Fish Springs Ranch Ltd. will also gain control of the North Fort Sage Allotment which is presently administered by the Susanville District. This will add 184 AUMs to their present permit and will be used in conjunction with their summer use area.

The licensed season of use is 11 months with the livestock numbers peaking in April and declining for the remainder of the grazing season. All livestock are removed from the allotment for the month of November.

Historically Fish Springs Ranch Ltd., licensed use on the allotment is as follows:

<u>Livestock</u>	<u>Period of use</u>	<u>% Fed Range</u>	<u>AUM</u>
500 C	3/01 - 3/31	90	450
666 C	4/01 - 7/31	90	2398
626 C	8/01 - 9/30	90	1127
309 C	10/01 - 10/31	90	278
300 C	12/01 - 2/28	90	<u>810</u>
		TOTAL	5063

Actual Use submitted by the permittee shows that the peak number of animals on the allotment is roughly 100 less than what is licensed. However, this is based on only 1 years actual use.

B. Wildlife

Wildlife Habitat

The Flanigan Allotment includes habitat for mule deer, antelope, chukar partridge, valley quail, morning dove and many nongame species.

The Flanigan Allotment has both a resident and wintering migratory mule deer herd (Doyle Deer Herd, a part of the Lassen Washoe Interstate Deer Herd) utilizing the area. Mountainous portions of the allotment, specifically Fort Sage and Virginia Mountains, are considered to be critical deer winter range. The habitat condition in the higher elevations of these mountainous areas is generally good due to the rugged terrain and lack of water which restricts livestock use. Competition for forage between cattle and deer exists in the allotment on the summit area (saddle) east Fort Sage Mountain and the west slope of Vinegar Mountain where the habitat condition is poor.

The California Department of Fish and Game has completed the Doyle Deer Herd Plan (1984). An identified problem in this plan included: 1) Winter ranges appear to be undergoing long-term deterioration; preferred browse species are old and failing to reproduce.

The Honey Lake and northern Virginia Mountains of the allotment are yearlong range for pronghorn antelope. Severe utilization (BLM utilization records) by antelope, wild horses, and livestock is occurring in this area.

Habitat for valley quail populations in the allotment are limited due to the typically low amount of riparian vegetation in comparison to the upland habitat types. Chukar partridge populations are moderate (16 to 29 birds/sq. mi.) especially in the vicinity on Cottonwood Creek where water and rocky canyon escape cover is available.

C. Riparian

Riparian areas in this allotment have historically received severe (80% to 100%) use from livestock, wild horses and wildlife, this in turn is affecting sage grouse chick survival. Erosion and loss of riparian species is taking place on many meadows and was the reason for the following springs being protected:

Juniper Spring	#6017	15.0 acres	
Lower Mud Spring	#5006	.2 acres	
Lower Adobe Spring	#5019	.2 acres	Includes check dams

Cottonwood Creek, 4 miles in length, is the only stream (no fishery) in the allotment.

Riparian areas identified for protection in the Reno MFP are shown under proposed range improvements.

D. Wild horses

A gather conducted in September of 1985 brought the wild horse numbers to 359 head which is the estimated number identified in the Reno EIS. Of the 359 head, 35 are located in the Ft. Sage Herd Management Area.

Currently the University of Minnesota is conducting a fertility study on horses which will continue until the summer of 1989.

E. Threatened and Endangered Species

There are no known threatened or endangered plants or animals present in the allotment.

F. Soils

The soils in the Flanigan Allotment exhibit wide ranges in depth, drainage class, % Surficial and sub-surface rock fragments, pH, and other diagnostic soil properties. For more detailed, site specific descriptions, see Progress Field Review, Washoe County, NV. Central Part, Sept. 1985.

Accelerated erosion is occurring in the Upper Juniper Basin area. This is due primarily to a lack of basal cover, such as grass and litter.

Cottonwood, Anderson and Rock Springs Canyons also have relatively low percentages of basal cover, however, these areas are not at present experiencing accelerated erosion on a large scale. See Watershed Analysis, Flanigan Allotment (1984.)

G. Hydrology

Springs

The total number of springs located on public land within the Flanigan Allotment is 26, 9 of which are developed (spring locations on allotment map). All but 3 of these sources are perennial in average precipitation years with flows ranging from 20 gpm to less than 1 gpm. The springs are all located in either the Virginia Mountain Range or on State Line Peak.

Springs located on State Line Peak exist in extremely steep terrain and show moderate utilization primarily by wildlife and horses. These springs are in stable condition with no anticipated decline in water quality or quantity. Springs located in the Virginia Mountain Range show heavy utilization by livestock, horses and wildlife.

Streams

Cottonwood and East Cottonwood Creeks are the only perennial streams within the allotment having a combined perennial length of 4.7 miles. These creeks are located in adjacent watersheds and during spring runoff converge on private land near their mouths. Both streams are in a moderately stable condition having only slight amounts of bank erosion and down cutting.

All other drainages within the allotment are intermittent or ephemeral (intermittent drainages are indicated on the allotment map). Fish Springs Creek is the only intermittent drainage in an unstable condition with excessive downcutting and bank erosion.

Ground Water

A majority of the allotment is located in Honey Lake Valley which is a State of Nevada designated hydrologic basin. Development of ground water sources within this basin requires a permit from the State of Nevada prior to development. The designation of this basin indicates that the quantity of ground water currently appropriated is equal to the recharge. Those watersheds on the eastern boundary of the allotment which drain toward Pyramid Lake are located in the Pyramid Basin which has not yet been designated.

There are 7 livestock watering wells on public land within the allotment, 3 of which were developed in cooperation with the BLM. These wells include Fred True Well, Bonham Well and Double Check Well. The other 4 wells within the allotment were privately drilled and developed.

H. Vegetation

The two major range sites found in the Flanigan Allotment are:

Loamy 10-12 pz. (023 x 020N)

1. Associated species: Bluebunch wheatgrass, Thurbers needlegrass, bottlebrush squirreltail, Wyoming big sagebrush, antelope bitterbrush and Douglas rabbitbrush.
2. Occurs on rolling uplands and alluvial fans at elevations of 5500 ft. to 6500 ft.
3. Soils are loamy, are moderately deep and are well drained with 10-12" pz.
4. Annual production in normal years is 800 lb/acre.

Loamy 12-14 pz. (026 x 007N)

1. Associated species: Western needlegrass, bottlebrush squirreltail, bluebunch wheatgrass, Sandberg bluegrass, mountain big sagebrush, antelope bitterbrush, Douglas rabbitbrush.
2. Occurs on upland and mountain shoulders, backslopes and toe slopes at elevations of 6000 ft. to 9000 ft.
3. Soils are moderately deep and well drained with 12-14" pz.
4. Annual production in normal years is 1100 lbs./acre.

New range site correlations currently being developed by the Soil Conservation Service may alter these sites somewhat.

I. Existing Range Improvements

The existing range improvements are summarized in Attachment #1.

3. Public Participation and Interdisciplinary Approach

Bureau of Land Management

Harry Brown	-	Fish Springs Ranch
Franklin Jeans	-	Fish Springs Ranch Ltd.
Charlie Phillips	-	Fish Springs Ranch Ltd.
Dawn Lappin	-	Wild Horse Organized Assistance
Terry Jay	-	Commission for the Preservation of Wild Horses.

This plan conforms to and is consistent with BLM's Management Framework Plan and Final Reno EIS dated 9-30-82.

II. ISSUES AND CONSTRAINTS/PURPOSE AND NEED

General Issues and Resource Conflicts include the following:

1. Forage utilization is in excess of desired 55% over 75% of the allotment including riparian areas and deer and antelope habitat.
2. No present management of riparian areas.
3. Periods-of-use are not proper to meet the physiological requirements of key vegetation species.
4. Poor deer habitat condition in the summit east of Ft. Sage Mountain and the west slope of Vinegar Mountain.

III. MANAGEMENT OBJECTIVES

- A. General allotment long term objectives to be accomplished within 15 years of AMP implementation include:
 1. Improve 2307 acres from low-mid seral to high-mid seral condition.
 2. Maintain condition where it is late seral or better.
 3. Provide forage (305 AUM's) and improve habitat for reasonable deer numbers.
 4. Provide forage and habitat for an appropriate level of wild horses within the Herd Management Area.
 5. Provide 5015 AUMs of forage for domestic livestock.
 6. Reduce utilization on bitterbrush to 45% to improve reproduction and condition.
 7. Improve condition on 25 acres of riparian habitat.

B. Short term goals to be achieved within 5 years are as follows:

1. Establish proper stocking levels of livestock and appropriate management levels of wild horses.
2. Obtain proper turn out date for livestock (boot stage of key species) and proper utilization levels (55%) at each of the designated study areas.
(refer to Section C Key Species).
3. Maintain static or show upward trend on each of the key areas.
4. Obtain proper utilization levels (55%) on key species on all three pastures. (Refer to Section C Key Species).
5. Improve condition of 25 acres of riparian habitat by fencing or management.
6. Reduce use on bitterbrush by livestock to 45% (see Nevada Rangeland Monitoring).

C. Specific Objectives for key management areas are summarized in Trend Portion of Monitoring Section.

C. Key Species

Honey Lake Pasture (1)

Key species for Pasture 1 are: Indian ricegrass (Oryzopsis hymenoides), white sage (Eurotia lanata), and 4 wing salt brush (Atriplex canescens).

Cold Springs Pasture (2)

Key Species for Pasture 2 are: bluebunch wheatgrass (Agropyron spicatum) Thurbers needlegrass (Stipa thurberiana), Idaho fescue (Festuca idahoensis) and antelope bitterbrush, (Purshia tridentata).

Juniper Basin Pasture (3)

Key species at the higher elevations will be bluebunch wheatgrass (Agropyron spicatum) with white sage (Eurotia lanata) and Indian ricegrass (Oryzopsis hymenoides) the key at the lower elevations.

1. Phenology

*SPECIES

<u>Grasses</u>	<u>Start Growth</u>	<u>Boot Stage</u>	<u>Peak Flower</u>	<u>Seed Ripe</u>	<u>Seed Dissemination</u>	<u>Dormant</u>
Agsp	3-15	5-1	5-25	7-1	8-1	8-10
Stth	3-15	5-1	6-1	6-25	7-10	8-20
Orhy	3-10	5-10	5-15	6-25	7-10	8-20
Feid	3-15	5-1	5-25	7-1	8-1	8-10
<u>Shrubs</u>						
Atca	3-10	(flower) 6-5	6-20	7-4	8-10	8-25
Putr	4-20	(flower) 5-10	6-10	7-15	8-15	8-25
Eula	3-15	(flower) 4-20	6-7	7-1	7-21	9-1

*All phenology dates are based on data collected at approximately 5200 ft. Phenology dates for key species will vary annually depending on elevation, ppt., etc.

IV. PROPOSED ACTIONS

1. Grazing Practices and Actions

A. Normal Operation During Interim Period

<u>Livestock#</u>	<u>Use Period</u>	<u>AUMs @ 90% FR</u>	<u>Type Use</u>
256 C	3/1 thru 9/30	1614	Suspended Non-Use.
256 C	12/1 thru 2/28	692	Suspended Non-Use.
133 C	3/1 thru 9/30	838	Voluntary Non-Use.
134 C	12/1 thru 2/28	362	Voluntary Non-Use.
548 C	4/1 thru 9/30	2959	Active
238 C	12/1 thru 3/31	856	Active
*351 H	3/1 thru 2/28	5265	
		TOTAL	Active
			2306
			1200
			Suspended Non-Use.
			Voluntary Non-Use.

* Horses figured at 1.25/1.

B. Grazing Management, and Use Level Adjustments

Utilization studies completed in the spring of 1987 show that a total of 75% of the acreage in the Flanigan Allotment is currently receiving heavy to severe forage utilization by wild horses, wildlife and domestic livestock. The average utilization for this area is 78% use of the key species, bluebunch wheatgrass, white sage, and bitterbrush. All utilization studies were done using the key Forage Plant Method with proper use being 55% on perennial grasses and 45% on shrubs as recommended in the Nevada Rangeland Monitoring Handbook. Of the acreage in heavy and severe utilization classes, 30% can be attributed to wild horses, *16% to cattle and the remaining 54% to both cattle and wild horses. (See Map # 2) Percentages stated are based on field observations of where the grazing use by individual species occur and reflect that portion of the use area used by each species. The Flanigan Wild Horse Herd Management Area lies almost totally within this heavy to severe use zone (see Map #2).

A census conducted in September of 1985 shows that 70% of all horses counted in the Flanigan Allotment were outside of the Herd Management Area.

* Includes areas both inside & outside of Herd Management Area.

** Capture plans also use more current censuses.

There is a current demand of 8385 AUMs by all grazing animals over the 38615 acres (area in heavy and severe use class). This converts to a present actual stocking rate of 4.7 acres/AUM. The average utilization for these areas is 78%. Proper use is considered to be 55% or less.

The utilization studies are broken down into two use areas; inside and outside the Herd Management Area and three separate types of use: horse, cattle and dual use.

From available monitoring information the existing stocking level of both livestock and wild horses needs to be adjusted.

The accepted formula for making the adjustments is as follows:

$$\begin{array}{l} \text{ACTUAL USE (AUMs)} \\ \text{Average/Weighted Average Utilization} \end{array} = \begin{array}{l} \text{Potential Actual} \\ \text{Use (AUM's)} \\ \text{Desired Average} \\ \text{Utilization} \end{array}$$

Based on available information and using the above formula a 29% reduction in total AUM's is estimated to be needed to achieve the goal of proper use (55%).

Thru consultation with the permittee initially 1200 AUMs will be placed in Voluntary Non-Use. This will remain in Non-Use until such time that the wild horse numbers are adjusted to the identified levels (75-125 head) at this time these AUM's will be placed in Suspended-Non-Use.

In order to meet the allotment objectives adjustments of wild horses both inside and outside of the Herd Management Area are needed. Current vegetation monitoring information shows that the Herd Management Area will support approximately 1440 AUMs of horse use taken year long. Therefore, to properly manage the vegetative resource the wild horses will be maintained at a range of approximately 75 to 125 animals.

Any further adjustments in both livestock and wild horses will be based on rangeland monitoring.

1. Interim Management

Interim management will include a delayed turnout in the Spring pasture (1) until April 1st and placement of 1200 AUM's in Voluntary Non Use.

In addition to the 1200 AUM's reduction in livestock use, forage for wildhorses will be allocated only within the boundary of the Herd Management Area. However, due to a study conducted by the University of Minnesota the horses can not be gathered until the summer of 1989.

* Removal plans also use more recent info.

The Interim management will continue, until a determination as to the final carrying capacity and season of use of the seedings in the Susanville District is made. At this time they will be incorporated into the grazing system. Removal of the wild horses to the level indicated by vegetation monitoring will also be completed prior to initiation of the Final Management. This should take place in 2-3 years.

1. Honey Lake Pasture (1)

Turnout date will be delayed to April 1 until the seedings in the Susanville District are evaluated and a season of use established. This should take place by 1989. Use after 6/15 will be based on forage utilization.

2. Cold Springs Pasture (2)

Turnout date of June 15 or boot stage of bluebunch wheatgrass. Graze until approximately 9/30, at which time all cattle will return to the base ranch, at least for the months of October and November.

3. Juniper Pasture (3)

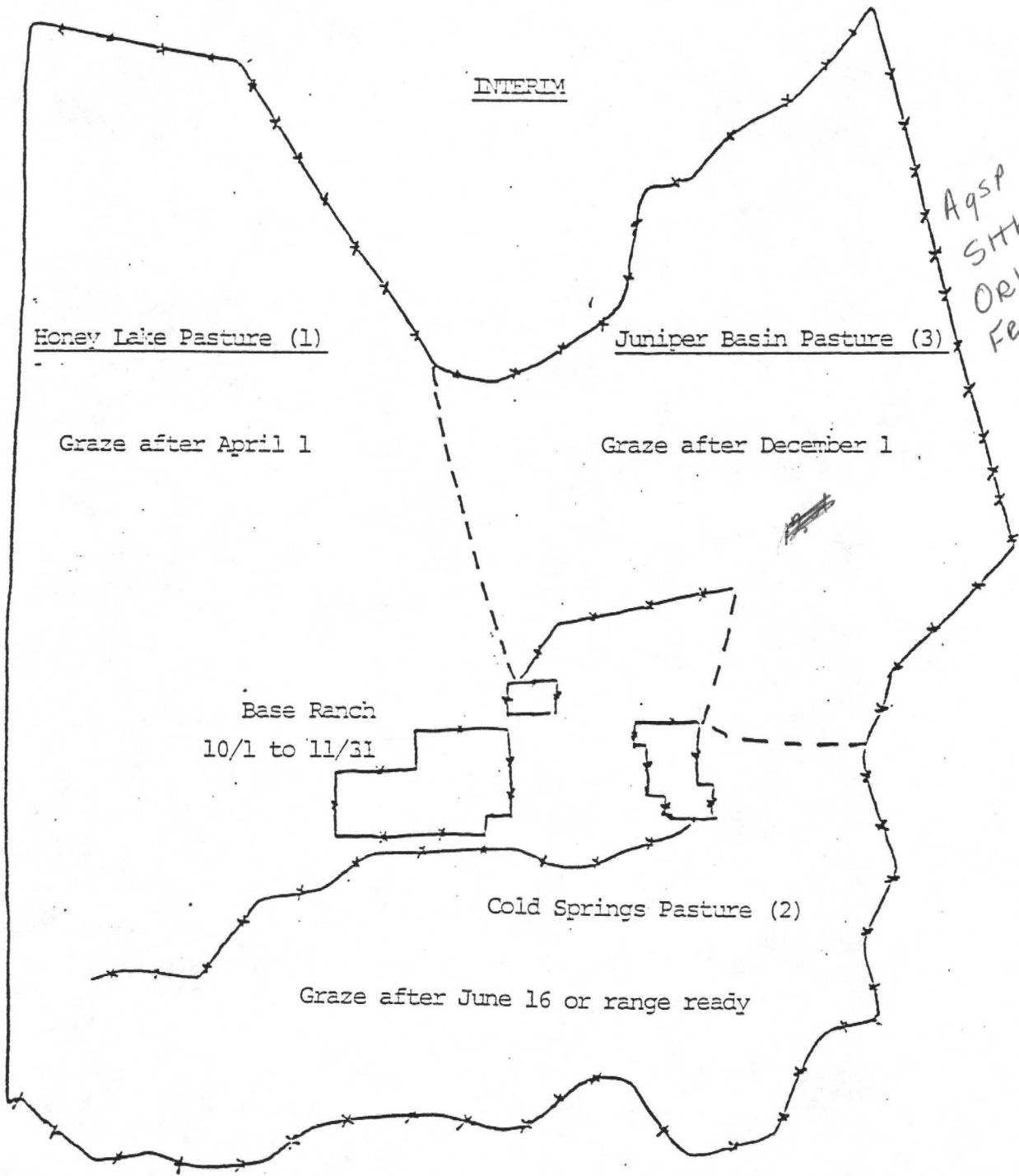
* Approximately 250 head of cattle will graze this pasture from 12/1 thru 3/31. *Wally*

TREATMENTS

	4/1	6/1	6/15	10/1	11/1	12/1	1/1	2/1	3/31
Honey Lake Pasture	///// GRAZE //		-----					REST -----	
Cold Springs Pasture (cattle)	----- REST -----		GRAZE	-----					REST -----
Cold Springs Pasture (horse)	///// GRAZE //////////////////////////////////////								
Juniper Basin Pasture (cattle)	----- REST -----						/// GRAZE WITH 240 COWS /// TILL 3/31		
Juniper Basin Pasture (horse)	///// GRAZE //////////////////////////////////////								

Pras pref. statement 3/1 - 3/31 = 238c

condition of cows?



2. Final

After evaluation and re-adjustment of the seedings in Susanville.

1. Honey Lake Pasture (1)

Turnout date of April 15th or boot stage of Indian ricegrass. Use of this pasture after 6/15 will be based on proper forage utilization, 55%.

2. Cold Springs Pasture (2)

Turnout date of June 15 or boot stage of key species; bluebunch wheatgrass. Graze until approximately 9/30 at which time all cattle will return to the base ranch for the months of October and November. Cattle will be turned out at different locations based on the prior years use levels ie. if the west end was used heavily then next years turnout will occur on the east side of the pasture.

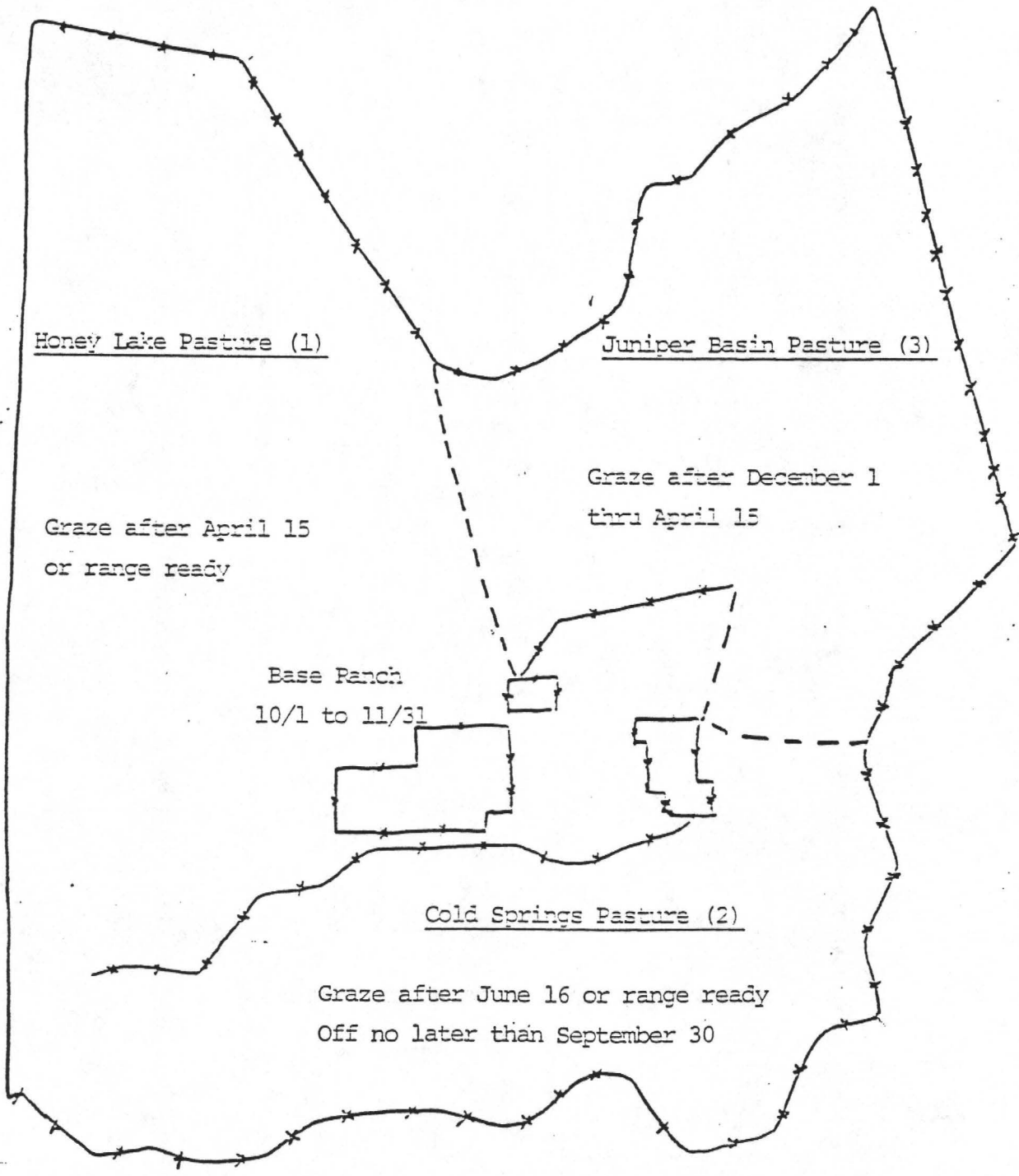
3. Juniper Basin Pasture (3)

Approximately 250 head of cattle will graze this pasture from 12/1 thru 4/15.

TREATMENTS

	4/15	6/15	10/1	12/1	4/15
Honey Lake Pasture	/// GRAZE ///	----- REST -----			
Cold Spring Pasture (cattle)	--- REST ---	/// GRAZE //	----- REST -----		
Cold Spring Pasture (horse)	//////////////////// GRAZE //////////////////////////////////////				
Juniper Basin Pasture	----- REST -----			GRAZE WITH // 250 HEAD / UNTIL 4/15	
Juniper Basin Pasture (horse)	//////////////////// GRAZE //////////////////////////////////////				

FINAL



Actual turnout dates will be based on phenology of the key species in that particular pasture. Use of each area will be deferred until the key species has reached the boot stage of phenological development. BLM personnel along with the permittee will determine when the grasses have reached boot stage.

Gather dates between pastures will also depend on actual utilization with gathering occurring when the use level reaches 55% on key grass species and 45% on bitterbrush. Livestock use of bitterbrush in the Cold Spring Pasture should not exceed 45% because bitterbrush is not a preferred species for deer or livestock during the season-of-use established for this pasture.

C. Livestock Management Practices

The livestock operator will be responsible for moving the livestock in order to meet the objectives of this plan. The use of salt is encouraged to help obtain uniform utilization objectives, therefore, it should be placed at least 1/2 mile or more from water and in areas currently receiving little or no use.

D. Billing Procedures

All billing for livestock grazing must be paid in advance of cattle turnout. The operator must also submit actual use data which will be used in support of the monitoring program (see Actual Use, Section 3., D.)

E. Flexibility

Grazing use is authorized in accordance with the normal operation, as outlined on p.10. No cattle will be allowed on the allotment other than the winter use area prior to April 1st. Ten days flexibility will be allowed in cattle movements between pastures, however, gathering operations must commence on or before period-of-use termination dates. Total AUMs used will not exceed licensed active preference without prior written approval. Any use authorized in excess of established preference will be considered temporary nonrenewable and will not establish additional preference. Any other use modifications, including exceeding maximum numbers, must be approved in advance by the area manager.

2. Proposed Range Improvements

The following improvements will be built to help meet the management objectives outlined in Section III.

Project Name	Units BLM	Permittee Units	Estimated Cost BLM	Estimated Cost Permittee	Water Right Status
Freds True Well		1		7,000.00	Cert. 5534
Turn of the Road Well	1				No Water Right
Jeans Well	1		7,000.00		
*Anderson Canyon Spring	1		1,200.00		No Water Right
Coyote Spring		1		1,200.00	No Water Right
*Sheep Spring(JDR 4325)	1		1,200.00		A.P. 02557
*Telephone Pole Spring	1		1,200.00		No Water Right
*Salt Cabin Spring		1		1,200.00	No Water Right
*Rock Spring	1		1,200.00		No Water Right
*Fish Spring	1		1,200.00		No Water Right
*Cottonwood Creek Riparian Enclosure	1		2,000.00		No Water Right Determination Needed
*Cottonwood Meadow Ex (JDR 6010)	1		8,000.00		No Surface Water
*Vinegar Mtn. Ex. (Aspen Protection Fence)	1		2,000.00		No Surface Water
*So. Salt Cabin Sp.	1		1,200.00		No Water Right
*Upper Adobe Source Protection	1		1,200.00		No Water Right Determination Needed.
TOTAL	12	3	\$27,400.00	\$9,400.00	

*Riparian areas identified in the RPS for protection (11 units).

Presently the state engineer is under Elko District Court's ruling of February 5, 1986 which prohibits him from issuing water rights to BLM for livestock and wildlife uses. Until this case is resolved no action can be taken by BLM on any water project.

3. Monitoring Studies

The studies described below are designed to monitor the attainment of the specific management objectives developed for this allotment. The selection of studies methodology and key area/key species to which these studies are correlated was accomplished in accordance with procedures established in Nevada Rangeland Monitoring Handbook (NRMH) and the District's Monitoring Plan. The current key areas (monitoring the effects of the livestock grazing) were selected because of their distance from water, typically receive heavy use, exhibit moderate potential and fair ecological condition, provide a significant amount of the available forage and are likely indicators of any change in vegetation quality or quantity. The allotment monitoring plan has been incorporated into the AMP.

A. Utilization

Utilization studies will be done prior to cattle turnout in both pastures 2 and 3 (Virtually no horses in Pasture 1). In addition to this the entire allotment will be done at the end of each grazing season with transects run as a minimum at each of the key areas. All utilization studies will be done following the Key Forage Plant Method. Each point where a utilization transect is run will be considered a study area and the location will be shown on the appropriate topographic map. (Outlined in BLM Handbook TR 400-3 p. 11).

B. Trend

Two key areas were established in August of 1982 and 1984 in Pasture 2. Frequency transects will be read again in 1990 and read every 5 years thereafter.

Two additional transects will be established in the summer of 1988, one in the Juniper Basin area and the other near Sand Pass in the extreme NE portion of the allotment. Determination of key areas and establishment of frequency transects was done following the format suggested in the Nevada Range and Monitoring Procedures and BLM Handbook TR 440-4 p. 29.

FLANIGAN ALLOTMENT

Key areas summarized as follows:

Key Area No. 1

Location

T. 25 N., R. 18 E., S 13 NENW
West Slope Vinegar Peak

Access

Via U.S. 395 North and Honey Lake Valley Road. Portion of the road is 4 wheel drive.

Site Description

NV D23-20
Loamy 10-12" pz
Rolling upland and alluvial fans
Soils - see monitoring file
Fair condition
Moderate potential
Annual production 600-1100 lbs/acre
Represents 2200 acres

Vegetation

Dominant shrubs - Wyoming big sagebrush
Antelope bitterbrush
Dominant grasses - Bluebunch wheatgrass
Thurbers needlegrass

Key Species

Agropyron spicatum - bluebunch wheatgrass
Purshia tridentata - antelope bitterbrush

Use Periods and Types of Animal

Cattle - 6/15 - 9/30
Horse - Year long
Deer - Winter Use

Management Objectives

1. Decrease use on bluebunch wheatgrass from heavy (over 60%) to proper 55% within 5 years.
2. Decrease livestock use on antelope bitterbrush from heavy (over 60%) to proper 45% within 5 years.
3. Maintain or improve trend on 2200 acres by 1993.
4. Improve condition class rating on 2200 acres from 41 to 51 in 15 years.

Key Area No. 2

Location

T. 25 N., R. 19 E., Section 10, SE1/4
West Side Cottonwood Canyon

Access

Via U.S. 395 North, Honey Lake Valley Road and the Cottonwood Stock Trail

Site Description

NV-D26-7

Steep north Slope 14-20" pz

Occurs on steep mountainous north slopes

Soils - see monitoring file

*Condition

*Potential

Annual production 600-1000 lbs./acre

Represents 500 acres with adjoining similar SWA representing 1807 acres.

Vegetation

Dominant shrubs - Mountain big sagebrush
Snowberry
Rabbitbrush
Dominant grasses - Idaho fescue
Bottlebrush squirreltail
Bluebunch wheatgrass

Key Species

Festuca idahoensis - Idaho fescue
Agropyron spictrum - bluebunch wheatgrass
Purshia tridentata - antelope bitterbrush

Use Periods and Types of Animals

Cattle - 6/15 to 9/30
Horse - Year long
Deer - Year long

Management Objectives

1. Decrease use on Idaho fescue and bluebunch wheatgrass from heavy (more that 60%) to proper (55%) by 1993.
2. Maintain or improve trend on 2307 acres by 1993
- *3. Improve condition class of ___ from ___ to ___ in 15 years, being overutilized by both domestic livestock and wild horses.
- x 4. Decrease use on antelope bitterbrush from heavy (60%) to proper 45% in 15 years.

*Waiting for new range site descriptions.

All adjustments in livestock and wild horse use on the Flanigan Allotment will be based on rangeland monitoring regardless of the status of range improvement projects. Monitoring information will be collected and evaluated on a yearly basis in accordance with the Nevada Rangeland and Monitoring Task Force Recommendations.

C. Condition

Ecological range condition will be determined for each key area to establish a baseline from which progress towards the desired seral stages will be measured. Range condition will be measured by the weight estimate double sampling technique. Key area condition transects will be re-evaluated upon measurement of a statistically significant change in frequency data. These results will be evaluated to determine if the appropriate objectives have been realized. (Refer to Nevada Rangeland Monitoring Handbook p. 13).

In addition 4 condition and trend plots will be photographed every 3 years. Locations of the plots are listed below.

- 1 T. 26 N., R. 18 E., Sec. 26 SW
- 3 T. 25 N., R. 18 E., Sec. 11 S
- 5 T. 26 N., R. 19 E., Sec. 27 SE
- 6 T. 25 N., R. 19 E., Sec. 2 SE

D. Actual Use

Within 15 days after the end of each grazing season the operator must submit actual use showing area of pasture grazed, numbers of livestock and duration of grazing for each area or pasture. (Refer to BLM Handbook TR 4400-2.)

E. Climate

Climatological data will be collected from representative weather stations summarized by the National Weather Service, and new weather station located at the Fish Springs Ranch headquarters.

F. Riparian

A riparian utilization study was established on the Cottonwood Creek in the spring of 1987 with chokecherry (Prunus virginiana) as the key wildlife species (See Cottonwood Creek Riparian Monitoring Plan).

The area wildlife biologist, range conservationist and district soils scientist will conduct all riparian studies each year.

A riparian exclosure will also be constructed along Cottonwood Creek.

V. Analysis and Evaluation

All adjustments will be based on monitoring information collected after all domestic livestock and wild horse reductions are initiated. This should take place after 1989. Monitoring data gathered prior to these reductions will serve as additional information when evaluating the allotment for grazing adjustments.

All adjustments in livestock use on the Flanigan Allotment will be based on rangeland monitoring regardless of the status of range improvement projects. Monitoring information will be collected and evaluated on a yearly basis in accordance with the Nevada Rangeland and Monitoring Task Force Recommendations.

Collection and analysis of all monitoring data will be a cooperative effort involving as a minimum the permittee and the BLM, and a representative of the wild horse groups.

Utilization levels backed by condition, trend, and climate data will be the primary the primary source of information used to evaluate the need for any livestock adjustments.

Computation of overall utilization will be calculated by pasture using the weighted average method, excluding areas livestock would be unable to use even after construction of the range improvements. (Refer to Uniform Production Levels of BLM Handbook TR 4400-7).

Based on the utilization figure the Stocking Level will be computed using the following formula:

$$\frac{\text{ACTUAL USE (AUMs)}}{\text{AVERAGE/WEIGHTED AVERAGE UTILIZATION(\%)}} = \frac{\text{POTENPOTENTIAL ACTUAL USE (AUMs)}}{\text{DESIRED AVERAGE UTILIZATION (\%)}}$$

ACTUAL USE is the actual use for the management unit (pasture), AVERAGE/WEIGHTED AVERAGE UTILIZATION is the average or weighted average utilization for the pasture, DESIRED AVERAGE UTILIZATION is the degree of utilization desired for the pasture assuming uniform utilization, and POTENTIAL ACTUAL USE is the level of use required to achieve the desired average utilization uniformly over the pasture. (Refer to page 55, Potential Stocking Level of BLM Handbook 4400-7).

Monitoring information will be collected in 1990 and 1991 with an analysis of the data completed in 1991. Based on this evaluation if adjustments in livestock use are needed to meet allotment objectives, including utilization levels, they will be implemented by March of 1992.

VI. ENVIRONMENTAL CONSEQUENCES

A. Proposed Action

The proposed action would provide for both a reduction in grazing animals (cattle and wild horses) and initiation of a deferred grazing system. Upon implementation of the system and livestock reduction, vegetation utilization is expected to drop from the present heavy and severe to moderate. No grazing by domestic livestock until the boot stage of the key species will result in increased vigor and reproduction of the key species. In the long term this will equate to improved range condition over a large portion of the allotment. More forage and better habitat would be available for the present sage grouse, antelope and deer herd. Less utilization and proper season-of-use would help to stem the accelerated erosion now taking place in the Juniper Basin Area of the allotment.

Development of the existing springs and drilling of new wells will result in better cattle and wild horses distribution thus taking grazing pressure off areas that now are subject to heavy concentrations of both cattle and wild horses. By developing the springs better quality and quantity of water for all species would be provided. The spring and riparian area would be protected from damage by livestock and wild horses.

Severe vegetation use by livestock and wild horses would occur on about five acres around the spring source. This would cause a long term reduction in vegetative cover and a possible increase in soil erosion.

B. No Action Alternative

No changes in the present grazing use would occur. Utilization would remain at levels and time periods considered to be detrimental to the vegetative resource. Range condition would deteriorate with a corresponding loss of available forage for domestic livestock, wild horses and wildlife. A study completed in 1985 shows that accelerated erosion in the Juniper Basin Area is occurring at the present. Without a change in management this condition as a minimum would remain the same but by all indications would worsen.

Based on present monitoring information a reduction of a total 25% of grazing animals may be justified. This type of reduction with no corresponding management would result, at best, in maintenance of present vegetative condition.

C. Mitigating Measures

No mitigating measures are recommended.

VII. Finding of No Significant Impact/Decision Record

The proposed action as presented in the AMP will have no significant impacts, therefore an EIS is not necessary. It is in conformance with the Reno RMP the proposed actions positive aspects far outweigh any negative impacts associated with implementating the AMP. The AMP will help meet the Reno RMPs objective of improved rangeland condition. Therefore the proposed action is approved.

VIII. Agreement

The licensee (s), recognizing the Bureau of Land Management's responsibilities to manage the public lands and cooperating with them to fulfill these responsibilities, do enter into this agreement.

This plan may be modified if data from range studies or experience gained in plan operation indicates that a change is necessary to meet resource objectives. Modifications will be discussed with all affected interests.

It is understood that the grazing privileges authorized herein are subject to all provisions of the grazing regulations (43 CFR 4000).

The licensee (s) accept this plan and will follow the outlined grazing system.

Prepared by:

James M. Gianola

James M. Gianola
Range Conservationist

12-29-87

Date

Agreed to:

Harry Gray Browne

Fish Springs Ranch Ltd.

Dec 29, 1987.

Date

James M. Phillips

James M. Phillips
Area Manager
Lahontan Resource Area

1-11-88

Date

ATTACHMENT # 1

<u>Job #</u>	<u>Job Name</u>	<u>Units</u>	<u>Location</u>	<u>Type</u>	<u>Maintain. Resp.</u>	<u>Remarks</u>
0136	Sands Pass Flanigan Fence		T. 27 and 28 N. R. 18 and 19 E.	Co-op	op	
0210	Red Light Drift Fence		T. 26 N., R.19 E. S. 13,14,25	Co-op	op	
4263	Ft. Sage Cotton Wood Drift Fence		T. 25 N, R. 18 E. T. 26 N, R. 19 E.	Co-op	op	
4325	Sheep Trough Spr. Dev.	1	T. 25 N., R. 18 E. S2 NESW.	S-4	op	
4326	Rock Spg. Dev	1	T. 25 N., R. 19 E. S.S. SEW.	S-4	op	
5005	Ft. Sage-Hud Spring Fence		T. 25 N., R. 18,19,20 E T. 26 N., R. 20E.	Co-op	op	
5006	Lower Mud Spring Dev.	1	T. 25 N., R 19 E, S10, NESE.		Co-op	
5019	Lower Dob Spring	1	T. 26 N, R. 20 E, S 7 NESE.	Co-op	op	
5032	Lower Salt Cabin Spring Dev.	1	T. 25 N, R. 19 E, S., 1 NESE.	Co-op	op	
6123	Upper Doby PipeLine		T. 26 N, R. 20 E, S 7, 8, 16.	Co-op	op	
6165 op	Flanigan OG		T. 25 N., R. 18 E,S14.		Co-op	
6289	Red Light OG		T. 26 N., R.20 E. Sec. 8, NESW.23	Co-op	op	

File Name _____ Disk _____
- Type/spell check _____ Code _____
- Approval _____
- Correct/(format), Proof & Print _____
- Sign & Mail _____
Corrections: _____

File Name Flannigan Disk 89-90 Roundups
nee Type/spell check Code Z BLM Card
- Approval _____
- Correct/(format), Proof & Print _____
- Sign & Mail _____
Corrections: _____

October 26, 1989

Office of Hearings and Appeals
Interior Board of Land Appeals
4015 Wilson Boulevard
Arlington, VA 20203

APPEAL: FLANNIGAN WILD HORSE REMOVAL - NEVADA

Dear Sirs:

The Animal Protection Institute (API) as an affected and interested party to the wild horse protection program on the public lands, appeals to you to reverse the decision to round up certain wild horses from the above named Herd Management Area in the Carson City BLM District of Nevada.

In this particular case the removal plan includes a correction of the boundary which makes the removal somewhat confusing and complicated. We accept the boundary correction because we have no documentation to refute it. When the 1985 removal used the "erroneous" boundary lines, 359 wild, free roaming horses were left. These were both inside and outside what is now claimed to be the Herd Management Area. (See Attachment A).

The current removal plan is, therefore, to remove those horses that are outside the corrected HMA boundary plus reducing the number within the HMA by removing what are declared to be "excess" horses. It is this declaration of "excess" that we appeal. Our argument for this is expressed in the exchange of correspondence with the Carson City District--these are Attachments B-F. In this exchange, API contended that the action replaces wild horses with livestock inside the HMA. We stated that the removal from outside the HMA would make forage available for livestock outside the HMA. Therefore, there was no reason to replace these protected wild, free-roaming horses with privately-owned domestic cattle inside the HMA. We believe this is a case where BLM needed to assess \$4710.5 Closure to Livestock as an alternative action to protect the wild horse habitat area and thus comply with the intent of the Act.

In reviewing the No-Action alternative that they did assess, in the revised and final plan, the conditions described are nebulous. The impact of No-Action on habitat and horses is projected to a dim and undisclosed "someday when" things get so out of hand all resources and values will be devastated. It is not a definitive consequence of a No-Action alternative but speculation without a realistic basis. It is not a viable alternative to the proposed action. It does not meet the intent of Congress clearly expressed in the "other options" language of the law at the time the Wild, Free Roaming Horse and Burro Protection Act was amended by PRIA to authorize removals in order to control overpopulation in a given area. In the statute, Congress instructs BLM to consider "other options" before removing horses. It lists an order in which removals are to be conducted when it is determined that an excess exists and when it is determined that removal is an appropriate action. While "other options" was not stated in SHALL or MUST language in statute, we believe it is an expression of the intent of Congress that wild horses must not become the scapegoat for overgrazing by livestock or removed without justification based on range monitoring data from their public land habitat areas. We believe the inclusion in the law of "other options" stresses the fact that these animals are to be recognized as having a special, protected status and to be given special management considerations. We believe the 10th Circuit Ruling (Attachment G) emphasizes this fact and that BLM chooses to ignore it, get around it, sweep it under the table, undermine it, and in every possible way pretend it is a second class law.

We sense in our dealings with BLM that there is a pervading but non-tangible atmosphere inside BLM which makes their actual objective one of getting around, rather than fully implementing, the Wild Horse Protection Act. Our first experience, which bears this out, was in seeking a federal court ruling to end the mass adoption scheme as a clear violation of the act. It required a contempt of court charge to bring that program to an end after the court ruling. Another instance resulted from the IBLA ruling issued last Spring. Rather than make changes to implement that ruling, API learned that both the Nevada and Wyoming State Directors had orders and instructions to go right on with their roundups. It required a series of telephone calls from API to both State Directors as well to the Washington Office of BLM stating that we would not go into federal court for an injunction based on the ruling; instead we would seek a contempt of Dahl v Clark and use the ruling to support our position before they reluctantly called off their roundups in order to bring them into compliance with the IBLA ruling. API's 150,000 members across the country are increasingly shocked and outraged at a government agency having to be threatened with contempt of court actions in order to force them to comply with court orders.

Currently, most removals are being based on a sudden increase of horses outside of HMAs or in need of "emergency" removals. We have seen no policy changes resulting from those rulings. There appear to be 100 arguments and schemes for not implement-

ing the law in a straight forward, sound management program. For instances, those horses, for which Nevada BLM argued in its Motion for Full Force and Effect a year ago as in danger of winter die off, are currently being removed in roundups scheduled this fall. There was no die off. I observed the horses brought in from the New Pass Ravenswood HMA. They are in normal shape: which includes several thin wet mares that are still recovering from foaling. The remainder are well rounded, fleshed studs and dry mares with no unusual incidence of health problems.

We bring the above to your attention because we ask that you rule on

1. the need to environmentally assess §4710.5 Closure to Livestock as a viable alternative to the proposed action meeting the intent of Congress in their "other option" statutory reference. Because the HMA contains both wildlife and wild horses and is open to hikers, campers, hunters, and other nature lovers, we believe it meets multiple-use objectives without having to also contain livestock when livestock have access to the entire allotment outside the HMA while horses do not;

2. the fact that BLM's data supports only the removal of 4 percent based on their utilization data. That data states that "horses throughout the area utilize 44 percent of the forage." That means they leave 56 percent of the vegetation on the plants as they graze. Using BLM's own logic and their own formulas, API contends that reducing the population by the percent over their preferred utilization level (40 percent) will achieve the preferred utilization level. We believe this is the measure of actual use that indicates whether there is over utilization or whether there is proper utilization leaving a thriving plant community with the current forage usage. Except for the fact they have used the wrong utilization percent in the calculation of the formula for the northern pasture (they use 75 percent, rather than 44 percent) and the fact they have not taken into account the AUMs that will become available when 427 horses are removed from outside the area, we believe the Carson City District's attempt to pinpoint the percentage of the number of animals causing over-usage and making percentage reductions from actual numbers in the area is on the right track in general but not in this specific case where we argue for imposing §4710.5. But we also ask IBLA to confirm that reductions be based directly on actual usage as measured and recorded in BLM's own actual utilization measurements, plus use pattern mapping, and for wild horses: the monitoring of location, spatial overlap, grazing and migration patterns that will show where and when horses are in the area and where and when cattle are in the area in relation to those areas that are severely overgrazed.

We believe the law requires BLM to differentiate use by species. We believe the law requires that reductions of both horses (when properly determined) and livestock be from actual use--not, in the case of livestock, from full preference. We feel this needs to be confirmed and re-inforced by IBLA. In the case at hand, BLM assures us that the reduction is from actual use and the reduction is an actual suspension of usage and not simply a "voluntary non use" to be restored as soon as horses are removed and monitoring indicates an increase is allowable (e.g., the first monitoring of the area from which horses are removed outside the HMA will indicate 3,900 AUMs are suddenly available). We would like some guarantee that this does not occur; we believe that guarantee is by taking that into consideration now. Had \$4710.5 been assessed it would have been taken into consideration now.

The attachments follow the sequence of events related to this appeal: First, a removal plan with the new boundary was submitted for public comment in July 1989 (Attachment B). API responded with several questions. (Attachment C). The exchange between API and Carson City also included telephone conversations and an on-site inspection of the area with the BLM Carson City staff--there are no documented records of these. At the time of our August 8 response, we were not aware that livestock were to be reintroduced into the northern portion of the HMA--which is referred to as the area of the Juniper Basin or that area north of Telephone Pole Canyon. BLM's response to our letter is Attachment D which arrived separately from the revised removal plan (Attachment E). Our final plea to the District to try to resolve our differences at the local level is Attachment F.

We are not appealing the removal of horses from outside the HMA. However, before such a removal is conducted we need to be assured that the current number of wild horses as reported is left inside the HMA pending the final ruling on this decision and that no livestock be turned out into the northern portion of the HMA (Juniper Basin area) in this interim.

Sincerely,

Nancy Whitaker
Program Assistant

PROOF OF SERVICE

I do hereby certify that a copy of API's Appeal of the decision to round up wild free roaming horses from the Flannigan HMA within the Carson City, Nevada BLM District was sent by certified mail to the following parties:

Ed Spang
State Director
Nevada State BLM Office
850 Harvard Way
Reno NV 89520

Burton Stanley
Regional Solicitor
Department of Interior
2800 Cottage Way
Sacramento CA 95825

Mike Phillips
Lahontan Resource Area Manager
1015 Hot Springs Road, #300
Carson City NV 89701

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

Flanigan AMP

add horse & cow
& divide total into
each one —
Calculate # AUMs
that need to be reduced.

Issue

1. Excess utilization - 76% of allotment is in the Heavy to Severe use class 60-86%
2. Season of Use - Presently in areas prior to time considered to be proper
3. Horse Expansion - horse are currently expanding beyond the established HUA.

Objectives

1. Reduce use from the Heavy & Severe down to the 55% which is considered proper. actual use?
2. Allow no livestock in use areas until "range ready" - boot stage of key species.
3. Remove horses to existing HUA boundaries.

Feb. 85 gather
paint / line Peterson
12% rate of increase

~~Denny~~ Benny Romero

Call Morris

re: get permit

Flanagan Allotment

Horse mtn.
well permit

Money Lake Valley

Fish Springs Ranch

7368 AUMS

5062 in 65

Dr & lawyer out of Oakland

Reno EIS
lawsuit

131400 acres alfalfa
80% fenced

5015 AUMS
32% reduction

actual 4977 84

off now only.

500-525
cow-calf

May-Sept

85

" "

3433

3285 86

72- 96 head

U of Minn - vasc. 20 studs

75- 130

76- 59 removed

78- intro 17 head.

79- 243 intro 3 w/collars

82- 41 got into Winn ranch

84- 724 horses direct count

85- 351 gathered
sept. count 297

320 total

17 H. Sage 600.

Vol. 24% red. by
Permittee

Knock pref. down to 3815

probably 100
head.

2 yrs. till
reduction.

Cattle reduced
immediately AMP

profit for @
cattle + fees

LUP 357 includes 7# Sage
exist #'s