



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Carson City District Office  
1535 Hot Springs Road  
Carson City, Nevada 89706-0638  
PH: (702) 885-6100

*pmud*

IN REPLY REFER TO:  
4400  
(NV-03580)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG - 9 1996

Dear Interested Public:

Enclosed is a copy of the Proposed Multiple Use Decision for the Garfield Flat Allotment. Accompanying the decision are Sections VII (Consultations) and VIII (Management Action Selected) of the allotment evaluation. Please add these to your copy of the evaluation and place them immediately after the Technical Recommendations (page 33).

In accordance with 43 CFR §4160.2, if you wish to protest this proposed decision, you are allowed 15 days from the receipt of this decision to file such protest with the Assistant District Manager, Renewable Resources, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706-0638. The protest should state the reasons, clearly and concisely, why you think the decision is in error (§4160.2).

Although 43 CFR §4770.3 and 43 CFR §6000 do not mention a protest, for the purpose of consistency, the wild horse and wildlife elements of the Proposed Multiple Use Decision are being treated as protestable.

Note that after the 15-day protest period, a Final Multiple Use Decision will be issued.

John Matthiessen  
Assistant District Manager  
Renewable Resources

2 Enclosures:

1. Sections VII and VIII, Garfield Flat Evaluation
2. Garfield Flat Proposed Multiple Use Decision

GARFIELD FLAT ALLOTMENT EVALUATION ATTACHMENTS

Insert the attached Sections VII and VIII after page 33. In the Table of Contents, insert the following under Section VI:

|       |                                  |    |
|-------|----------------------------------|----|
| VII.  | CONSULTATIONS.....               | 34 |
| VIII. | MANAGEMENT ACTIONS SELECTED..... | 36 |

## VII. Consultation

Sections I (Introduction) through VI (Technical Recommendations) of this evaluation were sent out for public review on June 20 and 21, 1996. Ten copies were delivered to the Nevada State Clearinghouse for distribution among state agencies. In addition, copies of this evaluation were to sent to the following:

|  |  |
|--|--|
| Sweetwater Ranch   | Nevada Division of Wildlife                  |
| Nevada Wildlife Federation                               | The Wildlife Society                         |
| Natural Resources Defense Council                        | Sierra Club, Toiyabe Chapter                 |
| The Nature Conservancy                                   | Nevada Cattlemen's Association               |
| Animal Protection Institute                              | ISPMB  |
| Resource Concepts Inc.                                   | U.S. Forest Service, Bridgeport Ranger Dist. |
| Animal Rights Clinic, Rutgers<br>School of Law           | Ms. Ann Earl                                 |
| Wild Horse Organized Assistance                          | U.S. Humane Society                          |
| The Honorable Barbara Vucanovich                         | U.S. Fish and Wildlife Service               |
| The Honorable Richard Bryan                              | The Honorable Harry M. Reid                  |
| Mace Bergman   | American Horse Protection Association        |
| Roberta Royle  | Craig C. Downer                              |
| Mineral Cty. Pub. Lands Comm.                            | Steven Fulstone                              |
| National Mustang Association, Inc.                       | Fund for Animals                             |
| Nevada Commission for the<br>Preservation of Wild Horses | Nevada Heritage Program                      |
| American Mustang and Burro Assn.                         | Kathey McCovey-Mantor                        |
| Julie Ann Bolt   | Nevada Humane Society                        |
| Michael Kirk   | Dan Keisserman                               |
| Vanessa Kelling  | The Mule Deer Foundation                     |
| Nevada State Dept. of Agriculture                        | Joanne Hardesty                              |
|  | American Bashkir Curley Register             |

Comments concerning the Garfield Flat Allotment Evaluation were received from Mr. Craig C. Downer. Following are the responses to the allotment specific comments.

### **Comment:**

*I would be interested in the results of the population dynamics study of the wild horses that has taken place there in recent years.*

### **Response:**

The results of the population dynamics study involving the Garfield Flat HMA have not yet been published.

**Comment:**

*I am concerned that the Appropriate Management Level has been recommended as only 125 wild horses and would like to know if something can be done to bring this to a more viable population level. I understand that BLM balances forage usage and water availability among all the public lands grazers. However, would it be possible to secure more of the forage and water available to supply the year round needs of a larger herd?*

**Response:**

More forage and water to supply the needs of a larger herd is not available within the Herd Management Area. As stated in the evaluation, all sources of substantial and reliable water are located on private land. The amount of water available and the limited number of sources of water definitely restrict the population of wild horses.

**Comment:**

*Recently there has come to my attention evidence for inbreeding in some of the greatly reduced wild horse herds on public land -- a direct consequence of the isolation of tiny populations. This I had predicted based upon my knowledge of population biology and urged the BLM to prevent years ago. Still so many of the herds were reduced to levels where inbreeding and chance dieout are a serious risk. Does the Garfield herd intermingle with any other nearby herds? Or do fences and highways and other obstructions prevent there doing so?*

**Response:**

There are no physical barriers between the Garfield Flat Herd Management Area (BLM) and the Montgomery Pass Wild Horse Herd Territory (Forest Service). The opportunity exists for intermingling of these wild horses but no studies are available to either confirm or refute this possibility.

**Comment:**

*Would it be possible to provide for a level of at least 250 wild horses in this area by securing a more adequate resource base for the wild horses? This is what I would recommend for the sake of the horses as well as the public interest in them and the original intent of the Wild, Free-Roaming Horse and Burro Act.*

**Response:**

The Herd Management Area cannot be expanded beyond the boundary established pursuant to the Wild Horse and Burro Act of 1971.

### VIII. Management Actions Selected

Management actions listed under Section VI. (Technical Recommendations, pages 29-33) of the evaluation that should be incorporated into the Proposed Multiple Use Decision for the Garfield Flat Allotment are A., B., C., D., E., F., and G.

The portion of Technical Recommendation A. that mentions fallback standards and guidelines should not be implemented as a part of the Proposed Multiple Use Decision as stated in the evaluation. Standards and guidelines will be used in conjunction with, rather than in lieu of, the key area objectives. The key area objectives further refine management actions that will carry on towards meeting the standards and guidelines as defined under §4180.2 of the Grazing Regulations. The existing key area objectives aid in meeting these requirements.

The Sierra Front Northwest Great Basin Resource Advisory Council standards and guidelines are nearly finished. Once approved by the Secretary of the Interior, they will be used in place of the fallback standards and guidelines. Technical Recommendation H. should not be implemented as part of the Proposed Multiple Use Decision. The Term Permit for this allotment does not expire until the year 2000 and the terms and conditions of the permit are consistent with the Technical Recommendations.

**PROPOSED MULTIPLE USE DECISION**  
**GARFIELD FLAT ALLOTMENT**

The Record of Decision for the Walker Environmental Impact Statement and the Resource Management Plan (RMP) was issued on June 6, 1986. These documents established the multiple use goals and objectives which guide management of public land in the Garfield Flat Allotment. The Walker Rangeland Program Summary (RPS), issued in November 1989, identified allotment objectives specific to the Garfield Flat Allotment.

As identified in the Walker RMP and Walker RPS, monitoring has been conducted on the Garfield Flat Allotment to determine if existing multiple uses for the allotment were consistent with the attainment of the objectives established by the RMP. An allotment evaluation was sent out for public review on July 22, 1992. Subsequent to the issuance of the evaluation, the University of Nevada-Reno proposed the initiation of a study of the wild horses within the allotment. In June of 1993 all of the horses in the Herd Management Area (HMA) were gathered, aged, sexed, and freeze branded. In light of this action, issuance of a Proposed Multiple Use Decision was halted. Since 1992, additional monitoring data has been collected. During the past year, this data along with the original data has been analyzed through the allotment evaluation process to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

Through consultation, coordination and cooperation (CCC), input from the permittee, State agencies responsible for managing resources within the area, and the interested public has been considered. Based on the evaluation of the monitoring data, technical recommendations contained within the allotment evaluation, and input through the CCC process, my proposed decision is:

**GARFIELD FLAT ALLOTMENT**  
**LIVESTOCK GRAZING MANAGEMENT**

Decisions relating to the grazing of livestock on public lands in the Garfield Flat Allotment are:

- A. In accordance with 43 CFR §4130.3-1 (a), maintain the current active preference for cattle (3,516 AUMs).
- B. In accordance with 43 CFR §4130.4(b), a flexibility period of two weeks (4/16 to 4/30) will be incorporated into the Allotment Management Plan (AMP). The AMP currently provides only for flexibility at the beginning of the grazing period (10/15 versus 11/1).
- C. In accordance with 43 CFR §4130.3-1, continue the grazing treatments and schedules outlined in the AMP through the 2001/2002 grazing season.

The grazing treatments and schedules are as follows:

### WHISKEY PASTURE

| TREATMENTS | 11/01                | 12/01 | 01/01 | 02/01          | 03/01 | 04/15 |
|------------|----------------------|-------|-------|----------------|-------|-------|
| A          | xxxxxxxGRAZExxxxxxxx |       |       |                |       |       |
| B          | xxxxxxxGRAZExxxxxxxx |       |       |                | REST  |       |
| C          | REST                 |       |       | xxxxxGRAZExxxx |       |       |
| D          | REST                 |       |       | xxxxxGRAZExxxx |       |       |

### GARFIELD PASTURE

| TREATMENTS | 11/01  | 12/01 | 01/01                        | 02/01 | 03/01 | 04/15 |
|------------|--|-------|------------------------------|-------|-------|-------|
| A          | REST   |       | xxxxxxxxxxxGRAZExxxxxxxxxxxx |       |       |       |
| B          | REST   |       | xxxxxxxxxxxGRAZExxxxxxxxxxxx |       |       |       |
| C          | xxxxxxxxxxxxxxxxxxxGRAZExxxxxxxxxxxxxxxxxxxx |       |                              |       |       | REST  |
| D          | xxxxxxxxxxxxxxxxxxxGRAZExxxxxxxxxxxxxxxxxxxx |       |                              |       |       | REST  |

The grazing schedule through one cycle is as follows:

|      | Garfield       | Whiskey        |
|------|----------------|----------------|
| 1990 | 01/01 to 04/15 | 11/01 to 12/31 |
| 1991 | 01/01 to 04/15 | 11/01 to 12/31 |
| 1992 | 11/01 to 02/15 | 02/16 to 04/15 |
| 1993 | 11/01 to 02/15 | 02/16 to 04/15 |

- D. In accordance with 43 CFR §4130.3-2, the use level for grasses at each key area is adjusted from 70% to 60%. The AMP will be modified accordingly.
- E. In accordance with 43 CFR § 4130.3, intensive grazing management will be applied when it is determined that this type of action will move towards meeting Land Use Plan (LUP) objectives.
- F. In accordance with 43 CFR §4110.2-4 and §4110.4-1, the lands gained by the Bureau as a result of Public Law 100-550 are made a part of the Rattlesnake Pasture located within the Garfield Flat Allotment. In accordance with 43 CFR § 4110.3-1, beginning with the 1996/97 grazing year and ending in the 2001/2002 grazing year, grazing use will be monitored. Upon completion of monitoring, an adjustment will be made to the active preference for the allotment. All applicable grazing records will be modified to reflect these changes.
- G. In accordance with 43 CFR §4120.3, coordinate with the Nevada Department of Transportation in evaluating public safety along U.S. Highway 95 to determine if a Right-of-Way fence is warranted.

Pursue the potential extension of Pepper Springs Pipeline in the Garfield pasture and development of additional waters (haul sites or impoundments) throughout the allotment.

## RATIONALE

A relatively large portion of the allotment has not received any measurable grazing use during the evaluation period. Many of the forage species are becoming decadent due to non-use or extremely low use levels. Grazing can promote increased growth, vigor, and seedling establishment. Animal impact (i.e., grazing/trampling) on the lower producing sites may also result in increased forage production and diversity. The entire western and extreme northern portions of the allotment remain unfenced. In these areas, water is a limiting factor. Rustling has and continues to be a problem. As evidenced by use pattern mapping, the amount of area being used is increasing. Correspondingly, use levels have been lowering. With the development of additional waters, hauling of water, and the herding of cattle (particularly when snow is present), distribution can be improved even more.

Variations occur on a yearly basis in precipitation amounts, when precipitation occurs, fluctuations in forage production levels, and the time frame when growth occurs. Flexibility is an integral part of any basic operation that is needed in order to link management more closely with these ever changing conditions.

The Allotment Management Plan has been in place for six years. The grazing treatments and schedules are making progress towards achieving key area objectives and land use plan objectives, but due to the slow changing nature of desert environments, extending these treatments and schedules through the 2001/2002 grazing year is necessary to determine the direction and degree of change relative to established objectives.

A use level of 70% was identified in the AMP rather than the standard 60% level. There is no rational basis to exceed the standard of 60% in this allotment.

Intensive management is being applied in the Belleville allotment. In 1994, after the first year of grazing, there was a noticeable increase in ricegrass seedlings. After the second year of grazing, monitoring results indicated that the bare space between perennial plants decreased from approximately 16 inches before grazing to 5 inches. Most of this was due to an increase in Indian ricegrass.

§4180.2 (c) states in part that "Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water. The Allotment Management Plan is by definition an "*activity plan*". The treatments and schedules for livestock grazing are providing the opportunity to meet standards and guidelines.

The acreage gained as a result of Public Law 100-550 is logically placed within the Garfield Flat Allotment. This land is adjacent to and usable as a portion of the Rattlesnake Pasture. Summit Spring, located on these lands, can be used as an additional watering source for the pasture.

No range survey was completed by the U.S. Forest Service on this land. The area provides additional forage to wildlife and livestock. Accurate actual use records of the amount of use made in this area in conjunction with use pattern mapping data provides a means to estimate the carrying capacity of the area. Five years will be adequate time to determine the carrying capacity.



The Highway 95 fence would provide safety for motorists. This would not have any effect on the Herd Management Area.

Additional waters will improve livestock distribution and provide a mechanism to avoid as much as possible, harmful grazing.

### AUTHORITY

Authority for this decision is found in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

§4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).:"

§4110.2-4 "After consultation with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."

§4110.3 "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.

§4110.3-1 States in part that " Additional forage may be apportioned to qualified applicants for livestock grazing use consistent with multiple-use management objectives."

§4110.3-1 (c) "After consultation, cooperation, and coordination, with the affected permittees or lessees, the State having lands or managing resources within the area, and the interested public, additional forage on a sustained yield basis available for livestock grazing use in an allotment may be apportioned to permittees or lessees or other applicants, provided the permittee, lessee, or other applicant is found to be qualified under subpart 4110 of this Part."

- §4120.3-1(a) "Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management."
- §4120.3-1(f) "Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part."
- §4130.2 (a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to §§ 4130.3, 4130.3-1, and 4130.3-2."
- §4130.2 (b) "The authorized officer shall 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 prior to the issuance or renewal of grazing permits and leases."
- §4130.2 (d) States in part that "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless....."
- §4130.2 (f) "The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees or lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease."
- §4130.2 (i) "Permits or leases may incorporate the percentage of public land livestock use (see Sec. 4130.6-2) or may include private land offered under exchange-of-use grazing agreements (see Sec. 4130. 4-1)."
- §4130.3 "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."
- §4130.3-1(a) "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."
- §4130.3-1(c) "Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part."

§4130.3-2 States in part that "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

§4130.3-3 "Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease."

§4130.4 (b) States in part that "Changes in grazing use within the terms and conditions of the permit or lease may be granted by the authorized officer. Permittees and lessees may apply to activate forage in temporary nonuse or conservation use or to place forage in temporary nonuse or conservation use, and may apply for the use of forage that is temporarily available on designated ephemeral or annual ranges."

§4130.6-2 "Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall 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 prior to the issuance of nonrenewable grazing permits and leases."

§4180.2 (b) "The Bureau of Land Management State Director, in consultation with affected Bureau of Land Management resource advisory councils, shall develop and amend State or regional standards and guidelines. The Bureau of Land Management State Director will also coordinate with Indian tribes, other State and Federal land management agencies responsible for the management of lands and resources within the region or area under consideration, and the public in the development of State or regional standards and guidelines. Standards and guidelines developed by the Bureau of Land Management State Director must provide for conformance with the fundamentals of § 4180.1. State or regional standards or guidelines developed by the Bureau of Land Management State Director may not be implemented prior to their approval by the Secretary. Standards and guidelines made effective under paragraph (f) of this section may be modified by the Bureau of Land Management State Director, with approval of the Secretary, to address local ecosystems and management practices."

- §4180.2 (f) States in part that "In the event that State or regional standards and guidelines are not completed and in effect by February, 1997, and until such time as State or regional standards and guidelines are developed and in effect, the following standards provided in paragraph (f)(1) of this section and guidelines provided in paragraph (f)(2) of this section shall apply and will be implemented in accordance with paragraph (c) of this section...."

**GARFIELD FLAT ALLOTMENT**  
**WILD HORSE MANAGEMENT**

Decisions relating to wild horses managed within the Garfield Flat Allotment are:

- A. In accordance with 43 CFR §4700.0-6(a), the potential stocking level for wild horses in the Garfield Flat, which comprises approximately 85% of the Garfield Flat Herd Management Area (HMA), is 1495 AUMs. This is also the potential stocking level for the Garfield Flat HMA since the remaining 15% of this herd management area, located within the former Candelaria Allotment (now part of the Belleville Allotment), has a potential stocking level for wild horses of 0 AUMs.
- B. The Appropriate Management Level (AML) for the Garfield Flat HMA is 125 wild horses. In order to maintain this AML, the wild horse population will be managed within a range of 83 and 125.
- C. The management of wild horses within the HMA will be in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands (June 1992).

**RATIONALE**

The analysis of available monitoring data presented in the Garfield Flat Allotment Evaluation indicates that the welfare of wild horses is dependent upon access to waters located on private land. The horses in this allotment have developed distinctive patterns of use. One major area of use is the Garfield Hills, whose primary water source is Whiskey Spring. This area overlaps into Garfield Flat, in the vicinity of Key Area G-003. The second major area is located south of the test range and the primary water source is Pepper Spring. Both waters are located on private land. An Agreement between Sweetwater Ranch and the Bureau of Land Management is being negotiated that will ensure that access to these waters will remain unimpeded.

Aerial census and field observations reveal that wild horses do not use that portion of the HMA in the Belleville allotment, therefore all AUMs identified for wild horses are located in the Garfield Flat allotment.

**AUTHORITY**

The authority for these decisions is contained in Sec. 3 (a) and (b) of the Wild-Free Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 Code of Federal Regulations (CFR), which states in pertinent parts.

§4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

§4710.3-1 States in part that "Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationship with other uses of the public and adjacent private lands, and the constraints contained in §4710.4...."

§4720.1 States in part that "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exist, the authorized officer shall remove the excess animals immediately..."

**GARFIELD FLAT ALLOTMENT**  
**WILDLIFE MANAGEMENT**

Decisions relating to wildlife on public lands in the Garfield Flat Allotment are:

- A. The portion of the pinyon-juniper woodland in the Excelsior Mountains which is the Rattlesnake public woodcutting area will remain open. If demand for firewood continues, the cutting area will be expanded. The cutting area will be designed to increase "edge effect" and promote increased production of palatable understory plant species.
- B. The AUMs for reasonable numbers of mule deer in the Garfield Flat Allotment are 552.
- C. Bureau personnel will continue to monitor the population of Sodaville milkvetch.

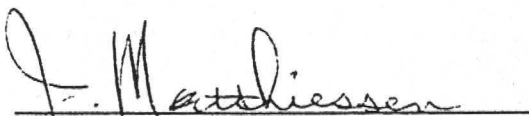
**RATIONALE**

Removal of pinyon-juniper trees will continue to provide increased edge effect for mule deer and also expand the forage base. The amount of moisture intercepted and the amount of groundwater used on an annual basis would be available to re-charge underground aquifers. This could potentially rehabilitate springs that are currently dry or have reduced water flows.

**GUIDANCE**

Mina Habitat Management Plan, 1988

Walker Resource Management Plan, Record of Decision, 1986

  
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John Matthiessen  
Assistant District Manager  
Renewable Resources

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