

10/18/93



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Rd., Ste. 300
Carson City, NV 89706-0638



IN REPLY REFER TO:

4130 CF
(NV-03480)

OCT 18 1993
OCT 18 1993

Dear Interested Party:

Enclosed for your information is the Final Multiple-Use Decision for the Desert Mountain Allotment. Thank you for your interest.

Sincerely yours,

James M. Phillips
Area Manager
Lahontan Resource Area

1 Enclosure:

- 1. Desert Mountain FMUD



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1535 Hot Springs Rd., Ste. 300
Carson City, NV 89706-0638



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NV03480

OCT 18 1993

Certified Mail
Return Receipt Requested

John and Marlyse Stanley
94 Julian Lane
Yerington, NV 89447

Final Multiple Use Decision Desert Mountain Allotment

The Record of Decision for the Lahontan Environmental Impact Statement and the Lahontan Resource Management Plan was completed September 3, 1985. These documents established the multiple use goals and objectives which guide management of the public land on the Desert Mountain Allotment. The Rangeland Program Summary (RPS) was issued in October of 1985 and updated in 1989, which identified the allotment specific objectives for the Desert Mountain Allotment.

As identified in the RPS, monitoring was established on the Desert Mountain Allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established by the RPS. The specific multiple use objectives for the Desert Mountain Allotment are found in Appendix 1.

Since 1976, trend data has been collected. The data was analyzed in 1993 through the allotment evaluation process to: 1) determine progress in meeting multiple use objectives for the Desert Mountain Allotment and 2) determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

Through the consultation, coordination and cooperation process (CCC), input from affected interests was considered in the allotment evaluation process, as well as the grazing agreement. As a result of evaluation conclusions, and in order to meet multiple use objectives established by the RPS, the following decisions are necessary.

LIVESTOCK GRAZING MANAGEMENT DECISION

Continue existing livestock management:

168 cattle from November 1 to March 31; 840 AUMs

RATIONALE: Based on the trend information which has been collected since 1976, the allotment appears to be in good condition and does not warrant any immediate change at this time. However, there is insufficient livestock actual use data and use pattern mapping to determine conclusively whether or not the resource objectives have been met. The lack of livestock use information has resulted from total nonuse being taken by the permittee for several years due to annual livestock fluctuations and a change in the livestock permittee.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4130.6-1(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 as determined through monitoring and adjusted as necessary under Sections 4110.3, 4110.3-1 and 4110.3-2."

APPEAL:

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge in accordance with Title 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice to file such an appeal with the Area Manager, Carson City District. The appeal shall state clearly why you believe the decision to be in error.

WILD HORSE MANAGEMENT DECISION

Horse Mountain Herd Management Area:

It has been determined through actual wild horse use and utilization information and the allotment evaluation process that a thriving natural ecological balance can be obtained through an

Appropriate Management Level (AML) of a maximum of 23 wild horses for that portion of the Horse Mountain Herd Management Area (HMA) which is located within the Desert Mountain Allotment.

RATIONALE: Approximately 25% of the Horse Mountain HMA is located within the Desert Mountain Allotment, the remainder of the HMA lies within the Horse Mountain Allotment.

Due to the distance from water the Desert Mountain portion of the HMA usually receives only light use from wild horses. Except for the 1990 grazing year horse use has been in the light category or less with the majority of the area in the no use category. During the 1990 grazing year some areas in heavy and moderate use were observed.

The RPS Update of 1989 identified enough forage to support 16 head of wild horses for the Desert Mountain portion of the HMA.

The Horse Mountain Allotment provides the majority of the forage for the wild horses in the Horse Mountain HMA (of which Desert Mountain is a part) and as such was the limiting factor for the establishment of 95 as the AML. However, since a portion of the Desert Mountain Allotment is within the HMA, and there is unrestricted access between both allotments, some of the wild horses spend a portion of their time in the Desert Mountain Allotment. Historical censuses have been conducted with the number of horses counted being 23. Therefore, an AML of 276 AUM's or 23 head will be set for the Desert Mountain portion of the Horse Mountain HMA.

AUTHORITY: The authority for this decision 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 of the Code of Federal Regulations, which states in pertinent parts:

4700.0-(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."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

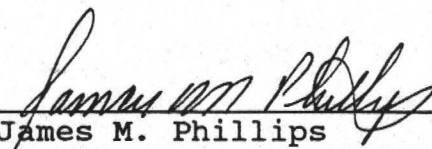
4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

APPEAL: In accordance with 43 CFR 4770.3 which states in part:

"...Any person adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal in accordance with 43 CFR 4.4 within 30 days of receipt of the written decision."

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations, at CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form. Please provide this office with a copy of your Statement of Reason. Copies of your appeal and the Statement of reason must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.



James M. Phillips
Area Manager
Lahontan Resource Area

Appendix 1. Allotment Specific Objectives

I. Land Use Plan (LUP) Objectives - Lahontan RMP (1985)

- A. Improve the condition of the public rangelands so as to ensure productivity for all rangeland values.
- B. Initially, manage livestock use at existing levels.
- C. Initially, manage for wild horses and their habitat in current herd use areas at present population levels.
- D. Initially, manage habitat for existing numbers of big game, while recognizing reasonable numbers as a management goal.
- E. Maintain and improve wildlife habitat, including riparian/stream habitat, and reduce habitat conflicts while providing for other appropriate resource uses.

II. Rangeland Program Summary (RPS) Update (1989) Objectives

A. Short Term

1. Maintain utilization not to exceed 55 percent on identified key species on upland key areas.
2. Initially allow 840 AUMs of livestock use.

B. Long Term

1. Maintain existing ecological condition and trend.
2. Improve and maintain chukar and mourning dove habitat through water development.
3. Maintain or improve wild horse habitat consistent with wildlife and livestock objectives. Maintain or improve free roaming behavior of wild horses by protecting or enhancing wild horse home ranges. Maintain or improve wild horse habitat by assuring that all waters remain open to use by wild horses. Initially provide approximately 504 AUMs of forage for approximately 42 head.

Sent 11/17 11/17/93

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

50 Freeport Boulevard, No. 2
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November 17, 1993

Mr. Mike Phillips
Lahontan Resource Manager
BLM-Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638

RE: Desert Mountain Final Multiple Use Decision

Dear Mr. Phillips,

The Desert Mountain Allotment is a unique situation to fully assess the impacts of wild horses on winter rangelands. It is apparent that use pattern mapping data was not collected and that trend data indicates that existing numbers of horses are not degrading the range.

It is difficult to assess the impacts of both livestock and wild horses when, or if the permittee chooses to license active preference of 840 AUM's. Your recent decision for the Paiute Allotment set specific utilization limits of key species for livestock and wild horses. It would appear appropriate that the Desert Mountain MUD could have implemented similar utilization limits or constraints. For example, if wild horses utilize 40 percent of indian ricegrass on a key area by November, will livestock be authorized according to the Desert Mountain MUD?

Sincerely,

CATHERINE BARCOMB
Executive Director