



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:

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(NV-03580)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 13 1993

Dear Interested Party:

Enclosed are copies of three Proposed Multiple Use Decisions. The decisions are for the Pilot-Table Mountain Allotment, Cedar Mountain Allotment, and Gillis Mountain Allotment. Portions of all three allotments are included within the Pilot Mountain Herd Management Area (HMA), which is addressed in all three decisions.

Accompanying each decision are Sections VII (Consultations) and VIII (Management Action Selected) of the allotment evaluations. All comments received during the review period of the allotment evaluation are discussed in Section VII. Note that after the 15 day protest period, a Final Multiple Use Decision will be issued for each of the three allotments.

Sincerely,

John Matthiessen
Area Manager
Walker Resource Area

6 Enclosures:

1. Gillis Mountain Allotment Evaluation, Sections VII and VIII
2. Proposed Multiple Use Decision for the Gillis Mountain Allotment
3. Cedar Mountain Allotment Evaluation, Sections VII and VIII
4. Proposed Multiple Use Decision for the Cedar Mountain Allotment
5. Pilot-Table Mountain Allotment Evaluation
6. Proposed Multiple Use Decision for the Pilot-Table Mountain Allotment

ATTACHMENTS AND ERRATA TO PILOT-TABLE MOUNTAIN ALLOTMENT EVALUATION

Please add the attached Sections VII and VIII to your copy of the Pilot-Table Mountain Allotment Evaluation. Place these sections immediately after Technical Recommendations (page 38). The following corrections are made to the Allotment Evaluation:

1. On page 4 of the evaluation, Snow Spring should be added as a key riparian area under section 3 (b), Key and Crucial Areas. In addition under 4 (b), Riparian Habitat, Snow Spring should be added with the location identified as T 10 N, R 33 E, Section 20.
2. On page 26 of the evaluation, the following should be added after Little Spring;

Snow Spring - The spring was fenced in 1989. The site was revisited in March of 1990. The fence was in good condition. The site has not been revisited since this time, however based upon the last visit, no problems were noted. Use by wild horses and wildlife was evident outside of the enclosure, but no negative impacts were occurring within the enclosure.

The objective has been met.

3. On page 37 of the Allotment Evaluation, the following was shown in error:

E. APPROPRIATE MANAGEMENT LEVEL - WILD HORSES

The Appropriate Management Level for wild horses within that portion of the Pilot Herd Management Area that occurs within the allotment should be 303 head (3630 AUMs). This will provide a healthy herd, maintain/improve the condition of the habitat, and the area will be in a thriving natural ecological balance. (Refer to Appendix C for calculations)

This section is to be replaced with the following:

E. POTENTIAL STOCKING LEVEL - WILD HORSES

The Potential Stocking Level for wild horses within that portion of the Pilot Herd Management Area that occurs within the allotment should be 3630 AUMs. This will provide a healthy herd, maintain/improve the condition of the habitat, and the area will be in a thriving natural ecological balance. (Refer to Appendix C for calculations)

In addition, other references in the evaluation made to Appropriate Management Level in relation to the allotment are replaced with **Potential Stocking Level**.

4. Appendix C is replaced with the following two pages.

APPENDIX C
 PILOT-TABLE MOUNTAIN ALLOTMENT
 POTENTIAL STOCKING LEVEL CALCULATIONS
 WILD HORSES

Shown below are the series of calculations used to derive the potential stocking level (AUMs) for wild horses in the Pilot Mountain HMA portion of the Pilot-Table Mountain Allotment.

1) **DUAL USE AREA:** The Pilot Pasture summer use (Map 17) was dual use by cattle and horses. Field observation was that 2/3 of the use was made by cattle, 1/3 by horses. Use of this area of 36,942 acres averaged moderate (our desired utilization level). Actual use by cattle was 810 AUMs, with wild horse use approximately 405 AUMs.

2) **UNSUITABLE AREAS:** Some 95,637 acres within the HMA are used only incidentally by horses. These areas, shown as "Unsuitable" on Map 17, are generally steeper, rockier, more heavily tree covered and/or farther from water than the more favored areas. Although recorded as "No Use" in the utilization study, utilization actually varies from 0 to 5% over this area (which gives a midpoint for calculation purposes of 2.5%). The area averages 67 acres per AUM, for a total production on this "Unsuitable" area of 1427 AUMs. 1427 AUMs * 2.5% use is 36 AUMs. The wild horses, through incidental use of this unfavored area, are consuming about 36 AUMs on it. It should be noted that although neither the horses nor the cattle make appreciable use of this portion of the allotment, both bighorn sheep and deer readily use portions of this area.

3) **PRIMARY USE AREAS:**

A. Wild Horse Actual Use: The 1992 census of 602 wild horses require $12 * 602 = 7224$ AUMs of forage.

B. Average Utilization Calculation: Acreages in the Pilot Mountain HMA portion of the Pilot-Table Mountain Allotment are taken from the 1992 use pattern mapping. This use pattern mapping (Map 17) done prior to winter livestock turn-out produced the following data on the balance of the HMA not addressed in sections 1) and 2) above:

Utilization Class	(x) Acres in HMA by Class	(y) Class Midpoint	(x * y)
Slight	12,890	10	128,900
Light	8,469	30	254,070
Moderate	5,664	50	283,200
Heavy	65,599	70	4,591,930
Severe	8,054	90	724,860
Subtotals	100,676		5,982,960

The source for the weighted average formula used below is BLM Technical Reference TR 4400-7¹.

¹ Rangeland Monitoring Analysis, Interpretation, and Evaluation (November 1985) Appendix 1, pages 52 & 53.

$$\text{Average Utilization} = \frac{(\text{Acres per Util. Class} * \text{Class Midpoint})}{\text{Acres}}$$

$$\text{Average Utilization} = \frac{(x * y)}{(x)} = \frac{5,982,960}{100,676} = 59.427\%$$

Desired Average Utilization: The Walker RPS showed 60% as acceptable use level on key areas, which is consistent with the fall and winter allowable use level (AUL) suggested for perennial grasses in the Nevada Rangeland Monitoring Handbook (September, 1984), page 23. This figure was used in the RPS in relation to cattle, which graze primarily in the fall and winter. However, since the calculations contained in this appendix are based on yearlong use of the allotment (i.e. 12 months), it is appropriate to use the yearlong AUL for perennial grasses (55%). The division of forage would be an equal split between wild horses and cattle, calculated as follows:

$$\frac{55\% \text{ Yearlong Allowable Use}}{2} = 27.5\% \text{ allowable for cattle or wild horses}$$

- D. Potential Stocking Level (AUMs) Calculation: The stocking level (potential actual use) of wild horses necessary to bring the average utilization down to 27.5% is calculated below. The source of this formula is TR 4400-7, Appendix 2, pages 54 - 56.

$$\frac{\text{Actual Use (AUMs)}}{\text{Percent Avg. Util.}} = \frac{\text{Potential Actual Use (AUMs)}}{\text{Percent Desired Avg. Util.}}$$

7224 AUMs Total Actual Use
 -405 AUMs (From the "DUAL USE" (Dunlap/Cinnabar) areas)
 - 36 AUMs (From the "UNSUITABLE" areas)
 6783 AUMs (consumed in the "PRIMARY USE" areas)

$$\frac{6783 \text{ AUMs}}{59.427\%} = \frac{\text{Potential AUMs}}{27.5\%}$$

Potential AUMs for Wild Horses = 3189 AUMs in this primary use area.

3189 AUMs (In the primary use area)
 +405 AUMs (From the "DUAL USE" (Dunlap/Cinnabar) areas)
 + 36 AUMs (From the "Unsuitable" area)
 3630 AUMs (Total AUMs potentially available for horses)

- E. Potential Desired Number of Head (AML): The potential stocking level for wild horses as calculated above for the Pilot Mountain HMA portion of the Pilot-Table Mountain allotment is 3630 AUMs.

VII. Consultations

The Pilot-Table Mountain Allotment Evaluation was sent out for public review on July 1, 1993. Fifteen copies were sent to the Nevada State Clearinghouse for distribution to state agencies. In addition, the following were sent copies of the evaluation:

Jack Estill, Permittee	Natural Resources Defense Council
Sierra Club-Toiyabe Chapter	The Nature Conservancy
Nevada Cattlemen's Assoc.	Nevada Woolgrowers Assoc.
Resource Concepts Inc.	Carson City District Grazing Adv. Bd.
The Wildlife Society, Nev. Chapter	Nevada Wildlife Federation
Wild Horse Organized Assistance	Animal Protection Institute
Claudia J. Richards	U.S. Fish and Wildlife Service
Susan Alden	Anne Earle
The Mule Deer Foundation	Vanessa Kelling
Nevada Wilderness Association	Senator Richard Bryan
Senator Harry M. Reid	Congresswoman Barbara Vucanovich
Nevada Outdoor Recreation Assoc.	BO-K Explorations
The Wilderness Society (Joan Reiss)	The Wilderness Society (Nancy Green)
Joe McGloin	Paul Clifford
EHNI Enterprises	Ann Kersten
Brock Evans	Sierra Club (Debbie Sease)
Homestake Mining Company	

International Society for the Protection of Mustangs and Burros
The Wilderness Society (Barbara Spolter)
Sierra Club-Toiyabe Chap.(Marjorie Sill)
Natl. Wildlife Federation (Sharon Newsome)

Comments were received from Jack Estill (Permittee), Jim Linebaugh (Consultant), The Nevada Department of Wildlife (NDOW), the Commission for the Preservation of Wild Horses (Commission) and the U.S. Fish and Wildlife Service (USFWS). Mr. Estill and Mr. Linebaugh were complimentary towards the evaluation. It was noted as being a generally accurate evaluation of the situation and realistic technical recommendations for the future. The USFWS noted that no formal consultation is necessary.

NDOW and Commission comments are addressed below.

COMMENTS FROM NEVADA DEPARTMENT OF WILDLIFE:

Introduction, Page 1

Comment

"Land use planning was initiated by the Walker Resource Area Record of Decision in 1986. The Department entered into a cooperative agreement, Mina Habitat Management Plan, in 1988 that set specific management objectives, key management areas and specific monitoring studies consistent with the land use plan. The purpose of this allotment evaluation is to assess management objectives with monitoring data for multiple use decisions for livestock, wild horses and wildlife. We disagree that this evaluation should analyze how reasonable or attainable land

use plan objectives are for this allotment. Changing existing objectives may be subject to a land use plan amendment.

The Pilot-Table Mountain Allotment Evaluation does not determine the adequacy of the land use plan."

Response

In addition to examining how well we are meeting management objectives, the allotment evaluation process is the place to examine the usefulness of the objectives themselves and recommend changes or additions if needed. Major objective changes could indeed lead to Land Use Plan maintenance or amendment as the reviewer notes.

Comment

Key and Crucial Areas, Page 3

"We assume these five riparian zones are among the 12 key riparian sites with specific management objectives found on Table 9 of the Mina Habitat Management Plan."

Response

Yes, these five springs were identified in the objectives section of the Mina Habitat Management Plan, page 27 (Cornelius, Big, Warner Corral, Sheep (Bank), and McGregor) specific to mule deer. But in the listing of 12 key riparian sites (p. 32 of the HMP) Cornelius was overlooked.

Comment

Key and Crucial Areas (Antelope), Page 3

"Antelope dependence on forbs and winterfat for forage at Sunrise Flat was an issue of stipulation in the Pilot-Table Mountain AMP. Sunrise Flat is a key management area for winterfat with a stipulation that implements a management action to meet 50 percent overall utilization of key forage species."

Response

That is correct. And the difficulty in limiting the use on this small area of winterfat to a moderate level while also obtaining at least light use on the large grassy area surrounding Sunrise Flat has lead to the evaluation recommendation to fence Sunrise Flat.

Comment

Riparian Habitat, Page 4

"The Mina Habitat Management Plan identifies Snow Spring as key management area."

Response

That's correct, and will be so noted. Paragraph 3.b. on page 4 of the evaluation is now amended to include Snow Spring, and its location identified as T10N, R33E, Section 20 in Paragraph 4.b. of page 4.

Comment

Riparian, Page 7

"Key management areas, key plant species and monitoring studies are established in the Mina Habitat Management Plan."

Response

There is an unfortunate semantic difference between "key area" as used in allotment planning and in the evaluation, and "key management area" as used in the Mina Habitat Management Plan. The Mina HMP uses "key management area" to mean a riparian area/spring source which is particularly important to wildlife. The Pilot Mountain Allotment Management Plan, and the Evaluation, use "key area" to mean a location which is used to represent a large area and which is consequently intensively studied for condition, trend, and utilization. Paragraph 5.b. on page 7 in the evaluation is merely stating that none of these intensive "key area" studies are located in riparian zones in this allotment. The "key management areas" of the Mina HMP are monitored, however, to see how they are doing. The results of this monitoring are detailed starting with page 24 for each of the "key management areas" listed in the Mina HMP.

Comments

Allotment Specific Objectives, Page 11

"Management objectives of the Mina Habitat Management Plan were not evaluated in this document. Failure to recognize allotment specific objectives, agreed to in the a cooperative agreement with the Department, is contrary to the District land use planning."

Short Term Objectives, Page 24

"Key riparian management areas, key species and management objectives are found in the Mina Habitat Management Plan. The conclusions are not based upon these specific allotment objectives with established monitoring studies."

Implementation of the Mina Habitat Management Plan, Page 31

"Objectives of this approved activity plan were not assessed in the evaluation. Key forage species on key management areas were not monitored by established studies of the MHMP. Failure to monitor the 12 key riparian areas, lends any conclusion or decision arbitrary in regards to wildlife."

Response

Management objectives listed on pages 27, 28 and 29 of the Mina Habitat Management Plan (MHMP) are brought directly into the Allotment Specific Objectives of the evaluation, pages 11 and 12, with some combination for brevity. Wording may not be exactly as presented in the Mina HMP, but they are referenced and evaluated. A complete listing is as follows:

MHMP 1.A "Maintain a good habitat condition class rating, as outlined in Manual 6630, in key use areas to support a reasonable population level of 483 mule deer by June 1996. This includes 453 head within Pilot-Table Mountain Allotment and 30 head within the Cedar Mountain Allotment."

Evaluation, page 12, b.7 - "Maintain habitat condition to support a population of 453 mule deer yearlong (1,359 AUMs)."

MHMP 1.B "Improve key mule deer habitat by limiting utilization to 55 percent on Cornelius, Big, Warner Corral, Sheep, and McGregor Springs to meet demand for existing numbers of mule deer."

Evaluation, page 11, a.3 - "To support mule deer, limit utilization of riparian forage to 55% on five (5) sites. (Cornelius, Big, Warner Corral, Sheep and McGregor springs as identified in the Mina Habitat Management Plan)."

MHMP 2.A "Reestablish pronghorn antelope in the Sunrise Flat/Calvada Flat area and maintain a fair habitat condition class rating, as outlined in Manual 6630, within Sunrise Flat to support a herd of 150 animals by 1995."

MHMP 2.B "Improve water distribution and limit utilization of winterfat to 50 percent in Sunrise Flat."

Evaluation, page 11, a.5 - "Support the reintroduction of pronghorn into the Sunrise Flat/Calvada Flat area by limiting utilization of winterfat to 55% at Sunrise Flat. Support a population of 150 animals in the sunrise Flat/Calvada Flat area by 1995."

MHMP 3.A "Within the northern Gabbs Valley Range release site area, maintain a habitat condition rating of 70, based on a modified Hansen Rating System, necessary to support a herd of 75 animals yearlong by 1995."

MHMP 3.B "Improve the habitat rating from 64 to 70 within the northern Gabbs Valley Range release site area to prepare it for reestablishment of bighorns."

Evaluation, page 12, b.9 - "To support planned bighorn sheep reintroduction, improve the Volcano Peak habitat rating from 38 to 89 and Northern Gabbs Valley habitat rating from 64 to 70 and maintain these improved ratings over the long-term. Support a herd of 100 sheep yearlong by 1998 in the Volcano Peak area and 75 animals for the Northern Gabbs Valley (year-round use)."

MHMP 4.A "Within the Pilot Mountain bighorn herd area, improve the habitat condition rating from 92 to 100, based on a modified Hansen Rating System, necessary to support a herd of 120 animals yearlong by 1995."

Evaluation, page 12, b.8 - "To support the existing bighorn sheep population, improve the Pilot Mountain release rating from 92 to 100 and maintain the improved rating over the long-term. Support a herd of 120 animals yearlong by 1995."

MHMP 4.B "To support existing numbers of bighorn sheep, limit utilization to 55 percent of current year's plant growth on the following riparian sites: Soloman Spring, Upper Soloman Spring, Pine Tree Spring, Telephone Canyon Springs, and Little Spring. See Table 9 of Appendix III for key plant species and monitoring schedule for each site."

Evaluation, page 11, a.4 - "To support bighorn sheep, limit utilization of riparian forage to 55% on five (5) sites. (Soloman, Upper Solomon, Pine Tree, Telephone Canyon, and Little springs as identified in the Mina Habitat Management Plan)."

MHMP 5.A "Within the Volcano Peak release site area, maintain a habitat condition rating of 89, based on Modified Hansen Rating System, necessary to support a herd of 100 animals yearlong by 1998."

MHMP 5.B "Improve the habitat condition rating from 38 to 89 within the Volcano Peak release site area to prepare it for reestablishment of bighorns."

Evaluation, page 12, b.9 - "To support planned bighorns sheep reintroduction improve the Volcano Peak habitat rating from 38 to 89 and Northern Gabbs Valley habitat rating from 64 to 70 and maintain these improved ratings over the long-term. Support a herd of 100 sheep yearlong by 1998 in the Volcano Peak area and 75 animals for the Northern Gabbs Valley (year-round use)."

MHMP 6 "Make wildlife drinking water available at important watering areas."

Evaluation, page 11, b.1 - "Develop and implement Allotment Management Plans (AMPs) on "I" allotments to improve and/or maintain condition; provide for proper utilization within key areas; achieve better livestock distribution to obtain more uniform utilization; **and provide an increase in available forage and water for livestock, wild horses and burros, and wildlife.**"

MHMP 7 "Maintain the existing water quality at Blue Link Spring."

Evaluation, page 12, b.10 - "Maintain existing water quality at Blue Link Spring."

MHMP 8 "Increase water distribution to increase chukar habitat."

Evaluation, page 11, b.1 - "Develop and implement Allotment Management Plans (AMPs) on "I" allotments to improve and/or maintain condition; provide for proper utilization within key areas; achieve better livestock distribution to obtain more uniform utilization; **and provide an increase in available forage and water for livestock, wild horses and burros, and wildlife.**"

Beginning on page 23 and ending on page 34 of the evaluation, each of these objectives is then evaluated based upon the best available information.

Comment

Range Survey Data, Page 21

"Livestock grazing suitability studies were commonly conducted in 1978. Were these studies completed for this allotment?"

Response

The "Rangeland Suitability Determination" technique of the late 1970's was not viewed as providing valuable information by many range professionals: very few of these studies were done in the Carson City District with none in the Walker Resource Area. Instead of a separate "grazing suitability study," utilization pattern mapping and professional observations are used to refine livestock grazing management.

Comment

Wildlife Habitat, Page 22

"Current wildlife populations may be indicators of habitat condition, but cannot assess the condition of wildlife habitat. Big game survival and recruitment data are indices of wildlife habitat. Wildlife objectives of the Mina Habitat Management Plan focus upon big game recruitment rates. These data are collected annually by the Department and were provided to the District. Data are available to assess the allotment specific objectives."

Response

As can be seen from the listing of Mina HMP objectives (pp. 41-43) it is quite incorrect to state that the wildlife objectives of the Mina HMP focus upon big game recruitment rates. Mina HMP objectives relate primarily to improving or maintaining the condition of the habitat and achieving population levels (number of animals) by specified year. Relative to the data provided by the Department in the subject area, this consists of census data for bighorn sheep and pronghorn, but not for mule deer. The data provided includes general locations and the number of males, females and young observed. This information is useful for determining use areas and possible trends in the populations, and in conjunction with all other available data, is used to assess the degree of success in meeting allotment specific objectives.

Comment

Conclusions, Page 23

"Authorization of livestock is dependent upon the issuance of a 10-year license. The terms and conditions of grazing permits are dependent upon the allotment management plan. We assume when forage was depleted, or wild horses utilized available forage prior to livestock, that the District issue annual preference statements that enforced the AMP terms and conditions. Please provide us with an example of how the 55 percent utilization rate on key forage was enforced by the District."

Response

The reviewer seems to be confusing the specific management considerations related to the 200 acres of winterfat in Sunrise Flat with the overall management of the half-million acre allotment. Sunrise Flat has a utilization level which, when reached, triggers a livestock move, and this is stipulated in the annual grazing authorization by referencing the allotment management plan. A study of Evaluation maps No. 9 through No. 17 will show the complexity of utilization in a large allotment. Some areas, at the end of the grazing season, will be heavily used while other areas will be moderately, lightly, or only slightly used. And these areas change somewhat, year to year. There has not been a point when forage in the allotment was "depleted", although forage in a given area may have been used at a heavy or severe use level. Much of the yearly variation is due to the efforts of the Range Conservationist and the permittee looking at areas used in the previous year and adjusting livestock management for the coming year. This is the management prescribed in the Allotment Management Plan: a general plan of grazing is outlined for the coming year, with short-term alterations in the plan to respond to observations of changing conditions.

Comment

Long Term Objectives, Page 30

"Declining frequency of key species may be a result of improper season of use for grazing in key areas. Phenological data of the Draft Walker Resource Area Environmental Impact Statement indicates Indian ricegrass is growing during March when livestock are grazing this allotment. Range conservationists of the Carson City District are better defining phenologic requirements of key species to better prescribe proper season of use for livestock. Early grazing of key species on the winter range could be conflicting with forb and winterfat objectives for antelope."

Response

Phenology data presented in the Walker RMP was collected in the valleys near the Pinenut Range, with a somewhat earlier warm-up in the springtime. Tonopah Resource Area phenology data, which is more closely aligned with Pilot Mountain vicinity, shows Indian ricegrass (and consequently many of the primary forbs) not starting growth until April. In fact, the "Sunrise Flat Antelope Reestablishment Release Plan", which is part of Appendix II of the Mina HMP, looked at this antelope/livestock interaction and noted that "competition for forage of cattle is not a foreseeable problem". And the current Allotment Management Plan recognizes the phenological needs of key species including ricegrass in arranging the use of different areas during the growing season.

Comment

Blue Link Spring, Page 32

"Blue Link Spring is a refuge for spring fish. Water quality is a key issue and requires monitoring. It would seem reasonable that livestock and wild horse use of this site proposes a pollution problem. Please provide the water quality data and criteria to support your conclusion."

Response

As identified on page 32 of the Mina Habitat Management Plan, NDOW accepted responsibility for monitoring water quality and quantity at Blue Link Spring in conjunction with censusing and agreed to provide the Bureau with seasonal census reports.

NDOW has provided census reports. The last report was July 10, 1991. It pointed out that as a refugium population, Blue Link is excellent. In the past several years no data has been forwarded to the Bureau, but our observations are that the population remains high.

Water quality/quantity reports have been provided. The last report that contained any information besides water temperature was dated September 28 and 29, 1989. If NDOW has information that identifies a problem, it should be provided as part of the evaluation process.

Comment

Technical Recommendations, page 34

"Data presented in this evaluation clearly indicate significant problems with livestock grazing on this allotment. Carrying capacities are not computed for livestock, whereas, wild horses are reduced significantly to meet the 55 percent utilization of key species. The adjustment of wild

horses to appropriate management levels is based upon the assumption that the current livestock grazing system and stocking rate is meeting all allotment objectives; the conclusion of this evaluation finds this assumption is incorrect. As stipulated in the AMP and stated in this evaluation, the permittee must remove his cattle within 7 days, when monitoring data finds 55 percent utilization is being approached. The District provides no data that this term and condition was enforced or proposes any intention to enforce it."

Response

On the contrary, the data in the evaluation show relatively minor problems with livestock grazing, which are addressed with relatively minor recommendations for changes (fencing of Sunrise Flat, small alterations of winter/summer pasture boundaries, and additional watering sites). The wild horse population is healthy and growing. Monitoring of wild horse use shows that the herd area will carry more horses than originally projected in the Walker RMP. The needed change in horse numbers is not a reduction from previously estimated levels, but is required only to remove the healthy excess in population which has grown since the last gather of horses. The evaluation shows that the allotment has supplied, and will continue to supply: forage for livestock; forage for a healthy herd of wild horses with the natural increase providing a regular and sustainable supply of adoptable animals; forage and cover for a growing population of both pronghorn and bighorn; and a readily improved habitat for the small mule deer population.

An important point must be clarified. The stipulation concerning removal of cattle within 7 days when monitoring data finds 55% utilization is being approached has been mistakenly extrapolated to the entire allotment by the NDOW reviewers. This stipulation, found on page 9 of the evaluation, is specific to Sunrise Flat, a small area contained within the Pilot winter pasture. (See also, Response, p. 44)

Comment

Technical Recommendations, page 34

"We suggest that the evaluation address all allotment management objectives. Livestock carrying capacity must be determined with existing use pattern mapping data without weight averaging. Completion of all range improvement projects must be scheduled. Prior to all range improvement projects being completed, the interim livestock grazing system must strictly enforce and meet the utilization limits of the land use plan."

Livestock carrying capacity was established with the completion of the range survey as noted in the evaluation and validated through utilization studies. The Strategic Plan and 43 CFR direct the authorized officer to establish an Appropriate Management Level for a Herd Management Area. Technical Reference 4400-7 provides a means to establish this carrying capacity. Technical Reference 4400-7 states in relation to data uniformity in weighted average calculations "where production levels are fairly uniform (or if production levels are unknown) and utilization patterns have been mapped, the weighted average utilization may be calculated on the basis of acreages found in each utilization zone." Since production levels are unknown, the use of weighted average formula is appropriate in accordance with TR 4400-7.

COMMENTS FROM THE COMMISSION FOR THE PRESERVATION OF WILD HORSES:

The Commission combined its comments for the Cedar Mountain, Gillis Mountain, and Pilot-Table Mountain Evaluations. The first three of the following comments were directed as general comments applicable to more than one allotment.

Comment

"We are confused as to the procedure to follow in these allotment evaluations. You request response to these documents by July 26, 1993, however, the Pilot Table Mountain Evaluation was issued as a "draft" evaluation and for Gillis and Cedar Mountain Allotments they are not sent as draft documents. They are issued inconsistent with each other. Please explain how the three evaluations will be further evaluated. Are all these drafts and a final will be issued, or is one a draft and the others are finals? Since it is not explained, please provide the appropriate information."

Response

During the "in-house" review, an evaluation is circulated within the office as a "draft". Once all input has been consolidated into one document, the document becomes *the* evaluation for the specific allotment to which it pertains. The "draft" on the Pilot-Table Mountain Allotment Evaluation should have been deleted prior to being distributed for public review. However, in the event that additional information is received, especially information that may affect the conclusions, the evaluation may be revised to include such data, then resubmitted for public review. Even if a new or revised evaluation is not produced, the authorized officer will review public comments before proceeding with any agency actions. Therefore, the difference between a "draft" or a final evaluation is not particularly significant. The important point is that a reviewer make comments within the allotted time and provide data or information not addressed in the evaluation.

Comment

"In general from all allotments evaluated, we feel that appropriate management levels have been erroneously set. The mandate of the IBLA ruling is that BLM is to do the monitoring, evaluate the data, remove the offending horses if it is determined they are causing resource damage, and set management levels in a multiple use concept that will protect the habitat as well as keep the horses in a thriving natural ecological balance. By determining that according to the percentage of acreage an allotment is to the herd area, you have allocated your AMLs."

This comment doesn't reflect the pertinent information presented in the subject evaluations. Two key parts of an evaluation are Section V, "Conclusions", and Section VI, "Technical Recommendations" since they analyze management in relation to meeting allotment objectives and describe proposed or future actions. Sections V and VI of each of the subject evaluations specifically avoids prorating wild horse numbers based on the "percentage of acreage an allotment is to the herd area". The evaluations reference the "initial" management levels for wild horses under Section III, "Allotment Profile" as a short term objective. These initial management levels were the ratio between the existing (in 1986) horse population and the percent of the allotment in the HMA and were presented in the Walker RPS as such. The evaluations, however, concentrate on monitoring data and analysis of this data in order to determine the potential stocking level for wild horses.

The AML for the Pilot Mountain HMA is derived from the potential stocking level presented in each allotment evaluation. This information is provided in Sections V and VI (and the referenced Appendix) of each evaluation.

Comment

"You must first, evaluate the individual allotment, determining exact carrying capacity for livestock

and wild horses using use pattern mapping, census, and distribution information, and then set your AML. After determining that allotment specific AML, you need to then evaluate other individual allotments within the HMA boundaries. After setting AML on all the individual allotments, the total of all the AMLs will determine the AML for the HMA. Also this will dictate that the total AML for the HMA must be considered whenever a removal is considered taking into consideration movement of horses within the HMA. This would prohibit the removal of animals just because seasonally they have moved from one allotment to another during seasonal movement. You have not allowed for any movement within these allotments. In your final, please evaluate the distribution of animals and state that you will allow for their movement within their HMA without threat of removal. Wild horses cannot be allocated percentages of their HMA to strictly be adhered to as livestock would be issued use on a pasture by pasture basis. As an example, you have provided for 'AUMs of forage for wild horses which is the prorated demand based on an estimate of 90% of the herd management area in the allotment.' How have you determined that 90% of the herd use this area of the HMA specifically and never move?"

Response

The basic premise of this comment appears to be that movement of wild horses within the Pilot Mountain HMA must be recognized and considered as decisions for each of the subject allotments are developed. The comment also suggests that movement of wild horses between these allotments was not given due consideration because an AML has not been established for each of the allotments that comprise the HMA. This is an interesting comment because it focuses on a key question that Walker Resource Area staff asked during preparation of the subject evaluations; namely, how to meet the requirements of the allotment evaluation process while still recognizing the mandate to manage wild horses within the HMA, not within each allotment. To avoid "mini-management" of three separate AMLs within an unfenced HMA, it was decided that the three evaluations should not set an "AML" for each allotment but should, instead, set forth a potential stocking level for each segment of the HMA based on monitoring data and then define an AML for the combined potential stocking levels of the allotments.

By defining a potential stocking level for each portion of the HMA in lieu of an "AML" for each allotment, provision is made for movement of horses within the HMA since utilization by wild horses is based on the availability of forage, not on a predetermined number of horses for an allotment. For example, a potential stocking level of 283 AUMs in the Cedar Mountain Allotment will provide for 24 horses for 12 months or 48 horses for 6 months or a number of combinations. Setting an "AML" for an unfenced portion of the HMA, as this comment suggests, would create the very situation that everyone agrees should be avoided because any "AML" (whether 24 or 48 or "x") established for the allotment could be exceeded seasonally as wild horses move within the HMA even though the AML for the HMA itself would not be exceeded.

This comment includes an excerpted quote relative to having prorated wild horse demand based on an estimate of the percent of the HMA in the allotment. This partial quote apparently comes from Section III of the Pilot-Table Mountain Allotment evaluation. The complete statement is found under the heading "Allotment Specific Objectives - Short Term" (Section II B.1.a.) as follows:

Initially provide for approximately 3,408 AUMs of forage for wild horses which is prorated demand based on an estimate of 90% of the herd management area in the allotment.

This is not, however, what is recommended as continued management for the allotment. Section VI (Technical Recommendations) of the Pilot-Table Mountain Allotment evaluation presents the potential stocking level for the portion of the HMA within the allotment as 3,630 AUMs. The analysis and calculations for this is presented in Appendix C of the evaluation. (The Pilot-Table Mountain Allotment evaluation did refer to this potential stocking level as an "AML" but this was not intended and has been

corrected as shown on the Pilot-Table Mountain Allotment Evaluation "Attachments and Errata" page.) The evaluations for the other two allotments that encompass the Pilot Mountain HMA provide potential stocking levels for wild horses in the same manner.

Comment

"The data presented in this evaluation clearly indicates significant problems with livestock grazing. Carrying capacities are not computed for livestock, however, wild horses are reduced significantly to meet the 55% utilization of key species. The adjustment of wild horses to appropriate management levels is based upon the assumption that the current livestock grazing system and stocking rate is meeting all allotment objectives, the conclusion of this evaluation finds this assumption is incorrect. As stipulated in the AMP and stated in this evaluation, the permittee must remove his cattle within 7 days, when monitoring data finds 55% utilization is being approached. You provide no data that this term and condition was enforced or proposes any intention to enforce it."

Response

This is the same comment made by NDOW; consequently the same response applies (See Response, page 46).

Comment

"Why is it that your document has identified that in order to meet Land Use Plan Objectives, changes in existing management were and are necessary. You have identified that livestock stocking and management is not working, however, livestock is not changing and horse are to be reduced."

Response

The evaluation does not state that the stocking level is not working. A distribution problem was identified that can be corrected if more intensive management is applied. Controlling the amount of time that livestock, which can be controlled, spend in any one area during the grazing season is the key.

The Walker ROD, states that wild horses and burros would initially be managed in herd areas at the estimated population levels at the time of the ROD. This estimated, or initial allocation, was further clarified in the Rangeland Program Summary. It provided for approximately 3408 AUMs of forage which is prorated demand based on an estimate of 90% of herd area in this allotment.

Wild horses are not confined to the same stringent rules, regulations, and management as livestock. They are wild and free-roaming in nature. Once they establish in an area, they usually remain. The herd will expand out farther as numbers increase, forage and water become scarce. In the meantime, the resource can be adversely impacted.

The technical recommendation has determined that 3630 AUMs will provide for a thriving ecological balance and ensure the health and safety of the herd. This is an increase over the initial allocation.

Comment

"You have identified that water is a limiting factor and that you recommended in your RMP (1984), Management Decisions Summary (1986), Mina HMP (1988), RPS (1989), and revised AMP (1990),

that long term objectives were to "develop seven (7) water sources for wild horses and burros." Even in the Technical recommendations of this document we see that water developments are recommended. This goes back to initially 1984, when and where do you propose to do these development and will they ever be done or will they stay as permanent recommendations and never be accomplished."

Response

The point of this comment seems to be that the Walker RMP and all subsequent activity plans have identified an objective of developing seven water sources in the Pilot-Table Mountain Allotment or the Pilot Mountain Herd Management Area. The record does not support such a point.

Management Decision 4 of the Management Decision Summary stated the following, "Develop seven water sources for wild horses and burros. First priority will be a spring development in the Pilot Mountain Herd Area. Other water developments will be determined through activity plans (W/M)." The "W/M" refers to the Walker and Mina Planning Units. The Record of Decision also noted that in the development and implementation of four HMAPs, that "This will include the development of seven water sources. No other prior or subsequent documents mention seven water developments. They do however mention that water is a limiting factor.

Only one water source was identified to be developed in the Pilot Mountain HMA. As shown on page 31 of the evaluation, this spring was developed and 3 others rehabilitated.

Comment

"You have also recommended completing an HMAP. Has that been initiated and when can we expect completion? You have an HMAP but are not following those terms."

Response

The evaluations for the allotments (Pilot-Table Mountain, Cedar Mountain and Gillis Mountain) that comprise the Pilot Mountain Herd Management Area are prerequisites for Multiple Use Decisions. The Herd Management Area Plan (HMAP) for the Pilot Mountain HMA will be completed once the Multiple Use Decisions become final. This is the process described in the Commission's comment relative to establishing AMLs for each allotment. As stated in the evaluation, there is no existing HMAP for the Pilot Mountain HMA; consequently, the admonition that "you have an HMAP but are not following those terms" is not valid.

Comment

"You are also proposing a 44 mile fence project and a 12 mile fence project bisecting the HMA at least three times. How can you maintain the free roaming behavior of these horses with all of this fencing?"

Response

The evaluation identifies the possibility of 44 miles of right-of-way fence along State Highway 361¹. If constructed, this would be a Nevada Department of Transportation project justified by public safety

¹The proposal is to fence 22 miles of the highway on both sides of the right-of-way, which will result in 44 miles of fence being constructed.

concerns. The evaluation recognizes that such an action would separate the Pilot Mountain HMA but without significant impact on the free-roaming behavior of the wild horses in the HMA since State Highway 361 represents a historic delineation between traditional use areas within the HMA.

The comment is quite valid concerning the 12 mile fence project: this 12 miles of boundary fence originally planned as a BLM project will no longer be considered since it would adversely affect the movement of a significant portion of the herd.

Comment

"In conclusion, we recommend that the final evaluation, (since this was issued as a draft evaluation), evaluate all allotment management objectives. Livestock carrying capacity must be determined with existing use patten mapping data without weight averaging. Completion of all range improvement projects must be scheduled. Prior to all range improvement projects being completed, the interim livestock grazing system must be strictly enforced and meet the utilization limits established in the land use plan."

This comment has two elements. One deals with "draft" versus "final" evaluations; the other addresses carrying capacity and range improvements which reiterates a comment made by NDOW. Both these elements have been addressed in previous responses (See Response, pages 46 and 47).

Comments

"We are not arguing that wild horses have caused damage in some areas, and that management of wild horse and burro populations require removal at times to achieve AML. However, these documents seem to have been completed with the main intent of removing horses to meet allotment specific objectives without any reductions to livestock. The math has been worked to accomplish those goals."

Response

This comment suggests that the analysis of monitoring data has been intentionally manipulated in order to justify removal of wild horses. This suggestion is certainly unwarranted; it is also presented without supporting rationale or analysis. Consequently, there is no basis on which to respond to this comment.

VIII. Management Action Selected

All management actions listed under Section VI. Technical Recommendations (pages 34-38) of the evaluation are incorporated into the Proposed Multiple Use Decision for the Pilot-Table Mountain Allotment with the exception of the following:

1. No fence shall be constructed at the southern end of the allotment (VI. B.)
2. Riparian Monitoring - recommendations as set forth in VI. H. are not brought forward in the Decision.

The following recommendations will be management objectives for the Pilot-Table Mountain Allotment. There are no applicable CFR citations that would cover these issues within the Proposed Multiple Use Decision.

1. The utilization level for Indian ricegrass will be established at 60% for the winter use period at the appropriate key areas.
2. Key Area PM-04 will be used in conjunction with the Pilot Summer Pasture. The use level for Indian ricegrass shall be maintained at 50%.
3. Winterfat will be eliminated as a key species at Key Area PM-01.
4. The utilization level for winterfat at Key Area PM-05 (Sunrise Flat) will be adjusted from 55% to 50%.

The following management action will be applied within the allotment:

Additional waters will be developed within the allotment. These will be spring developments, pipelines, construction or reconstruction of reservoirs, and the installation of tank/trough watering sites. Areas of consideration will be as described in the allotment evaluation, page 36.

PROPOSED MULTIPLE USE DECISION
PILOT- TABLE MOUNTAIN 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 Pilot-Table Mountain Allotment. The Walker Rangeland Program Summary (RPS), issued in November 1989, identified allotment objectives specific to the Pilot-Table Mountain Allotment.

As identified in the Walker RMP and Walker RPS, monitoring has been conducted on the Pilot-Table Mountain Allotment to determine if existing multiple uses for the allotment were consistent with the attainment of the objectives established by the RMP. Since 1985, monitoring data has been collected and during the past year, this 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 the consultation, coordination and cooperation process (CCC), input from the permittee and other interested parties 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 presented below.

PILOT-TABLE MOUNTAIN ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of livestock on public lands in the Pilot-Table Mountain Allotment are as follows:

- A. In accordance with 43 CFR §4130.6-1(a), maintain the current active preference for cattle (7,900 AUMs) and the current season of use for livestock.
- B. In accordance with 43 CFR §4120.2 (a) and (c), continue with the grazing treatments/schedules and stipulations as set forth in the 1990 Allotment Management Plan and as identified in the allotment evaluation and incorporate the terms and conditions in the permit.

The grazing treatments and schedules for the winter pastures are as follows:

WINTER USE SEASON

Treatments	11/01	02/01	03/31
A	<---Graze at least 50% of herd--->	<---Graze all of herd--->	
B	<---Graze 50% of herd or less--->	XXXXXXXX REST XXXXXXXX	

Year	Pasture	Treatment
1993	Gabbs Pilot	A B
1994	Gabbs Pilot	A B
1995	Gabbs Pilot	B A
1996	Gabbs Pilot	B A
1997	CYCLE REPEATS ITSELF	

The grazing treatments and schedules for the summer pastures are as follows:

SUMMER USE SEASON

Treatments	04/01	07/16	10/31
A	XXXXXXXXXXXXXXXXXXXX GRAZE SEASON LONG XXXXXXXXXXXXXXXXXXXX		
B	██████████████████ REST SEASON LONG ████████████████████		

Year	Pasture	Treatment
1993	Gabbs Pilot	B A
1994	Gabbs Pilot	B A
1995	Gabbs Pilot	A B
1996	Gabbs Pilot	A B
1997	CYCLE REPEATS ITSELF	

Fence the pocket of winterfat in Sunrise Flat. Livestock grazing authorization within the fenced area will be reviewed annually. The utilization level on winterfat measured at Key Area PM-05 will not exceed 50%.

In the interim, Sunrise Flat, which is contained within the Pilot pasture, will continue to have special management applied. Use is authorized on a yearly basis. A maximum of 100

cattle can be grazed for a period not to exceed two (2) months. When the use level on winterfat is approaching 50% at the key area, regardless of whether the two month time period has elapsed, livestock must be removed within 7 days. The 50% use level includes use by livestock, wild horses, and wildlife. Livestock must be removed from the area no later than 2/1 with the following exception: If utilization at the key area has not reached the 50% use level, the permittee may request, in writing to the authorized officer, an extension of time for grazing.

WINTER

Up until 2/1, a maximum of 50% of the herd is allowed to graze in the pasture scheduled for treatment B. After 2/1, all livestock must be placed in the pasture scheduled for treatment A.

While grazing in the Gabbs Pasture during the winter season of use under treatments A and B, Stinson Well, located in the Pilot pasture, must be turned off on 2/1. Black Cabin Well, Cedar Mountain Well, Bettles Well, and Stewart Springs will also be controlled after this date. Water should be left available at these sites for wildlife.

Domestic horse use is confined to the vicinity of Rawhide ranch. Water may be made available at this site. This is outside the Pilot Mountain Herd Management Area.

While grazing in the Pilot pasture during the winter use period under treatment A, waters in the Gabbs pasture that must be turned off after 2/1 are the Finger Rock #1 Well, Finger Rock #2 Well, and the Luning Pipeline.

Two primary shipping points are established. Stinson Ranch (T 10 N, R 35 E, Section 11, SE 1/4) is used for the east side of the allotment. The Luning corral (T 8 N, R 34 E, Section 27, SE 1/4) is used for the west side of the allotment.

SUMMER

Grazing within the summer use areas will be based upon a rest rotation combined with deferred rotation system. A combination of these two systems is needed to provide flexibility in years when forage is limited.

The maximum number of livestock allowed to graze during the summer period initially is 150 head. The minimum number identified by the permittee is 100 head. At no time is use authorized in Sunrise Flat.

In the event that utilization levels are approaching 55% in the area where use is authorized during the current grazing year, upon written approval from the authorized officer, the permittee may move his livestock after 7/16 to the area currently scheduled for rest. Water remains available in both summer pastures for wildlife.

No water will remain available at either Black Cabin Well or at Simon Well which is north of this area during the spring/summer months. Closer monitoring of the area by the permittee will be required to ensure that cattle drift, when it does occur, is minimal and taken care of immediately.

C. In accordance with 43 CFR §4120.3-1 (a):

Approximately four miles of fence will be constructed in Sunrise Flat to adequately protect the winterfat and meet the 50% use level objective.

Allow construction of the Highway 361 Fence if it is determined by the Nevada Department of Transportation that public safety is at risk.

D. In accordance with 43 CFR §4130.6, the following adjustments are made in pasture boundaries.

The Pilot summer use area is modified to exclude that portion of Finger Rock Wash (southern end that is watered by Black Cabin Well) which contains winterfat. Winterfat is primarily found in the bottom of the wash and small fingers that radiate from the wash. The area removed from summer use will be from the eastern slopes of Table Mountain southward to Tim Holt Summit, eastward across the main road, and then in a northerly direction along the western foothills to include that portion of the Cedar Mountains contained within the allotment.

Interspersed within Win Wan Flat are pockets (stands) of winterfat. This area is contained within the Gabbs summer pasture. The boundary between the summer and winter pastures is modified to include this area in the Gabbs winter pasture.

RATIONALE

The revised Allotment Management Plan has been in place for two years. The grazing treatments and schedules are making progress towards achieving key area objectives and land use plan objectives, but due to the slowly changing nature of desert environments, a ten year time frame is necessary to determine the direction and degree of change relative to established objectives.

A significant portion of the allotment is not receiving any measurable grazing use. The majority of the acreage being grazed is receiving light to moderate use; nonetheless there are areas of heavy and severe use in the allotment which indicates that livestock distribution is a problem. The majority of existing developed waters are contained within the Finger Rock Wash area. This is the most productive portion of the allotment. Field observations and use pattern mapping have shown that this area receives a substantial amount of the use made during the winter season of use. Although a large portion of the allotment has basically low production potential, forage is available. Through development of water, water hauling, or a combination of both, grazing pressure in the Finger Rock Wash area can be reduced and overall livestock distribution will improve. Animal impact (i.e., grazing/trampling) on the lower producing sites may also result in increased production. 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.

Sunrise Flat (winter use) and adjacent areas contain a large quantity of forage that is not adequately being utilized while a pocket of winterfat is being over-utilized. Livestock tend to concentrate in the low lying area of the flat where the winterfat occurs. The 50% use level goal for winterfat is consistently being exceeded. This results in the permittee having to remove all livestock from the area prior to making any appreciable use on the majority of land. Fencing is a viable means to meet the winterfat use level goal.

The Highway 361 fence would provide safety for motorists during the winter season of use by eliminating livestock and wild horses on the highway. Approximately 44 miles of fencing would be required to enclose both sides of the highway. Although it would essentially split the HMA in half, this would not have a significant impact on the free-roaming nature of the wild horses. There has been very minimal movement

across the highway by a few bands which comprise a small portion of the herd. Prior to 1986, this HMA was considered to be two separate herd areas, one north of the highway and one south of the highway.

The change in the Pilot summer and winter use pasture boundaries is needed to protect winterfat. Although the area is small, being confined primarily to the bottomland, it is important to manage it more closely. It appears that enough use has occurred over time from livestock and wild horses that it is leading to the loss of plants. The plants are small and appear to be heavily stressed. It also appears that rabbitbrush is invading the site. The lack of winter moisture has also contributed to the declining vigor.

The change in the boundary between the Gabbs summer and winter pastures is needed to protect winterfat. When water is available late in the spring to mid-summer, a number of horses can occupy the area. If livestock were to graze in the area at the same time wild horses are present, the potential for damaging the resource is significant.

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 the 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)."
- §4120.2 (a): States in part that "The allotment management plan shall include terms and conditions under §§ 4130.6, 4130.6-1, 4130.6-2 and 4130.6-3 of this title, and shall prescribe the livestock grazing practices necessary to meet specific multiple-use management objectives."
- §4120.2 (c): "Completed allotment management plans shall be incorporated into the terms and conditions of the affected grazing permits and leases."
- §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."
- §4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."
- §4130.6-2: "The authorized officer may specify in grazing permits and 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..."

GUIDANCE

Direction is given for the placement of range improvements within areas occupied by wild horses and burros in BLM MANUAL 4730, Section .21, A. Management Facilities and B. Management Practices. They state in part that:

Facilities such as these (fences, waters) will not be developed in wild horse or burro herd management areas if their impact results in an alteration of the normal distribution and movement for a large majority of animals.

Intensive livestock grazing management practices which involve fenced allotment and/or pasture boundaries must be designed to preserve the home ranges for a large majority of the animals.

Protest

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 Walker Resource Area Manager, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638. The protest should state the reasons, clearly and concisely, why you think the decision is in error (4160.2).

PILOT-TABLE MOUNTAIN ALLOTMENT
WILD HORSE MANAGEMENT DECISION

Decisions relating to wild horses managed within the Pilot-Table Mountain Allotment are as follows:

- A. In accordance with 43 CFR §4700.0-6(a), the potential stocking level for wild horses in the portion of the Pilot Mountain Herd Management Area (HMA) located within the Pilot-Table Mountain Allotment is 3,630 AUMs.
- B. The Appropriate Management Level (AML) for the entire Pilot Mountain HMA is 346 head of wild horses.

Rationale

The analysis of available monitoring data presented in the Pilot-Table Mountain Allotment Evaluation indicates that a thriving natural ecological balance will be achieved by allowing no more than 3,630 AUMs of use by wild horses in this portion of the HMA (Appendix C). Therefore, the potential stocking level for wild horses is 3,630 AUMs.

Portions of this allotment and two other allotments constitute the Pilot Mountain HMA. The total of the potential stocking levels for the three allotments is as follows:

Cedar Mountain Allotment	283 AUMs
Gillis Mountain Allotment	240 AUMs
<u>Pilot Table Mountain Allotment</u>	<u>3,630 AUMs</u>
TOTAL	4,153 AUMs

Based on yearlong (i.e. 12 months) use of the HMA by wild horses, 346 head of wild horses will use 4,153 AUMs. Therefore the AML for the entire HMA is 346 head.

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 part.

- §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 "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 "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....."
- §8560.0-6 "Wilderness areas shall be managed to promote, perpetuate and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, primitive recreation, watersheds and plant communities, and similar natural and recreation values."
- §8560.0-6 (c) "In resolving conflicts in resource use, wilderness values shall be primary to the extent provided by the Wilderness Act or subsequent establishing legislation."

PROTEST

Although 43 CFR §4770.3 allows for an appeal with no mention of a protest, for the purpose of consistency the multiple use decision will be initially sent as a "Proposed" decision.

If you wish to protest this proposed decision, you are allowed 15 days from receipt of this decision to file such protest with the Walker Resource Area Manager, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638. The protest should state the reasons, clearly and concisely, why you think the decision is in error.

PILOT-TABLE MOUNTAIN ALLOTMENT
WILDLIFE MANAGEMENT DECISION

In order to improve habitat for wildlife within the allotment, the following actions will be taken:

- A. Pinyon-Juniper woodlands in the mountainous areas of the allotment will be identified for treatment (primarily woodcutting) to improve conditions for wildlife. Treatment areas will be designed to increase "edge effect" and promote increased production of palatable understory plant species.
- B. When monitoring of key riparian areas shows that the 55% use level objective is consistently being exceeded, fencing will be initiated. Fences will be constructed to wildlife standards. Water will be provided outside the source for livestock and wild horses.
- C. Continue to manage Blue Link Spring habitat to protect and benefit the Hiko White River Springfish pending issuance of the Hiko White River Springfish Recovery Plan.
- D. Continue to support Nevada Department of Wildlife's efforts to establish pronghorn antelope in the Calvada/Sunrise Flat area.
- E. Continue to support Nevada Department of Wildlife's efforts to establish bighorn sheep in the Gabbs Valley Range.
- F. Fence the pocket of winterfat in Sunrise Flat.

RATIONALE

Removal of pinyon-juniper trees will provide increased edge effect for mule deer and also expand the forage base. The amount of moisture that is 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.

Key riparian areas potentially can be used year-round by a combination of wild horses and livestock. If this were to continue, damage to the source can occur resulting in diminished or total loss of flow.

Blue Link Spring continues to provide suitable habitat for the Hiko White River Springfish under existing management. Long term objectives for this habitat will be defined in a Recovery Plan.

Pronghorn antelope and bighorn sheep are important big-game species that have become established in the allotment. Population goals as set forth in the Mina Habitat Management have not yet been achieved.

Existing management within Sunrise Flat has resulted in consistently exceeding the 50% use level objective for winterfat. In order to ensure this objective can be met, it is necessary to construct a fence. Livestock grazing authorization within the fenced area will reviewed annually. The utilization level on winterfat measured at Key Area PM-05 will not exceed 50%.

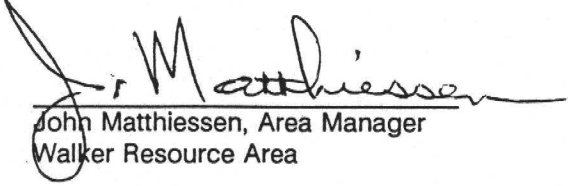
GUIDANCE

Mina Habitat Management Plan, 1988.

Walker Resource Management Plan, Record of Decision, 1986.

PROTEST

If you wish to protest this decision, you are allowed fifteen (15) days from receipt of this decision to file your reasons with the authorized officer at the Walker Resource Area, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638. The protest should state the reasons, clearly and concisely, why you think the decision is in error.


John Matthiessen, Area Manager
Walker Resource Area



BOB MILLER
Governor

Wild horse Com.
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Sparks 89431

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WILDLIFE

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10/18/93
PETER G. MORROS
Director
Department of Conservation
and Natural Resources

WILLIAM A. MOLINI
Administrator

October 18, 1993

Mr. John Matthiessen
Walker Resource Area Manager
Bureau of Land Management
1535 Hot Springs Road, Suite 300
Carson City, Nevada 89701

RE: Pilot-Table MUD

Dear John:

We have received the Proposed Multiple Use Decision - Pilot-Table Allotment. Specific concerns of the Division were addressed in the amendment of the allotment evaluation. It is obvious from your responses that the Division has a different view concerning the allotment evaluation processes, land use plans and decision making processes. Our differences stem from the Region's involvement and review of over 100 allotment evaluations prepared by six resource areas of three BLM Districts over the past five years. It is important that the Division summarize the issues and concerns of your decisions to lessen any further confusion between our agencies.

LAND USE PLANNING

Any activity plan, allotment evaluation or manager's decision should increase specificity of objectives with meaningful management actions to achieve sustained yield and multiple use mandates. The Pilot-Table Allotment has been under a land use plan for seven years, has had rangeland monitoring for seven years, has had a habitat management plan for five years, and has had an allotment management plan for five years. As a result of this intensive planning, a multiple use decision should be comprehensive, specific and resolve resource conflicts.

The Pilot-Table Mountain Allotment Wildlife Management Decision does not provide further planning or actions to meet the land use plan decisions. This decision restates allotment specific objectives, unfunded livestock mitigation projects and monitoring studies that have not been accomplished for the past five years.

Mr. John Matthiessen
October 18, 1993
Page 2

CARRYING CAPACITIES

Federal regulation defines livestock carrying capacity as the maximum stocking level that will not damage vegetation or related resources. Land use planning has defined critical wildlife habitats and key forage species for the Pilot-Table Allotment. Bureau policy and manuals define prescribe management alternatives to resolve conflicts and protect natural resources.

In summary of your responses, it is apparent your decisions are not designed to adjust stocking levels to meet all allotment objectives. Protection of critical wildlife habitat must depend upon future funding of range improvement projects and wild- life must depend upon areas not suitable for livestock grazing.

We have prepared a carrying capacity computation based upon our interpretation of the land use plan and TR 4400-7.

Example D - Desired Stocking Level (Key Management Area) -
Utilization - Not Uniform

Actual Use (livestock and wild horse use) = 12,950 AUMs

Actual Utilization (riparian habitat) = 80 percent (heavy/
severe)

Desired Utilization (Walker RPS) = 55 percent

$$\frac{12,950 \text{ AUMs}}{80 \text{ percent Actual Ut.}} = \frac{\text{Desired Stocking Level}}{55 \text{ percent Desired Utilization}}$$

Desired Stocking or Carrying Capacity = 8,903 AUMs

Allocation of forage would be proportional to existing numbers and would be 56 percent to horses (4,966 AUMs) and 44 percent to livestock (3,937 AUMs)

Wild horse appropriate management level = 413 horses

It is obvious that this application of TR 4400-7 does not agree with the Multiple Use Decisions that allocate 7,900 AUMs to livestock and sets AML at 303 horses. In fact, our computation suggests just the opposite.

Mr. John Matthiessen
October 18, 1993
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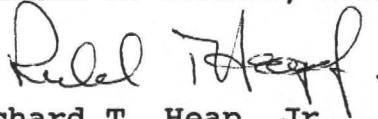
RANGELAND REFORM '94

The recent proposed rule making for grazing reform has strong correlation to the land use plans, allotment evaluation and manager decision processes in Nevada. We are encouraged that new emphasis of existing federal regulations can be applied to Nevada multiple use decisions. Full force and effect decisions that list terms and conditions of livestock grazing permits, consistent with Standards and Guidelines or existing utilization limits for riparian habitat, would be applicable to your recent decisions. Pilot-Table Allotments persistent livestock distribution problems could be resolved either by a stocking level reduction or monitoring/enforcement action of the existing utilization limits.

John, I hope our letter better explains the concerns of our agency. If there are differences that cannot immediately be resolved, we will continue to work with the Bureau to better understand its direction and application of regulations in future decisions.

Sincerely,

WILLIAM A. MOLINI, ADMINISTRATOR



Richard T. Heap, Jr.
Regional Manager
Region I

REL:ph

CC: Habitat, Reno
Craig Mortimore