

Sent to Paul 10/20

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10/13/93



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:

4400
(NV-03580)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT 12 1993

Dear Interested Party:

Enclosed are copies of three Final 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 is Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. This form deals specifically with the wild horse portion of these decisions.

No protests were received regarding the Proposed Multiple Use Decisions issued for these allotments.

Sincerely,

John Matthiessen
Area Manager,
Walker Resource Area

4 Enclosures:

1. Final Multiple Use Decision for the Gillis Mountain Allotment
2. Final Multiple Use Decision for the Cedar Mountain Allotment
3. Final Multiple Use Decision for the Pilot-Table Mountain Allotment
4. Form 1842-1, Information on Taking Appeals to the Board of Land Appeals

deal use
h: use
c use

346
12
6924152
346

July 92 census
697

721 July 93
included feeds
638
83
721

13% increase

**FINAL 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 final 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

721
12
1442
721
18652
10749
19401

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.

APPEAL

Should you wish to appeal this decision for the purpose of a hearing before and Administrative Law Judge, in accordance with 43 CFR §4160.4, you are allowed thirty (30) days from receipt of this notice within which to file such an appeal with the District Manager, Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706-0638. An appeal should specify the reasons, clearly and concisely, why you think the decision is in error.

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."

APPEAL

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 43 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 Reasons. Copies of your appeal and the Statement of Reasons 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.

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.

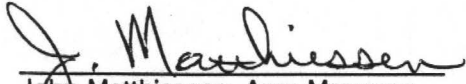
Existing management within Sunrise Flat has resulted in consistently exceeding the 50% use level objective for winterfat. In order to ensure this objective can be met, it is necessary to construct a fence. Livestock grazing authorization within the fenced area will be reviewed annually. The utilization 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.

APPEAL

Should you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR §4160.4, you are allowed thirty (30) days from receipt of this notice within which to file such an appeal with the District Manager, Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Carson City, Nevada 89706-0638. Should you wish to appeal this decision (as it pertains to wild horses or wildlife) to the Interior Board of Land Appeals, you are required to appeal in accordance with 43 CFR §4.4. An appeal should specify the reasons, clearly and concisely, why you think the decision is in error, and a statement of standing if necessary per 43 CFR §4.4.


John Matthiessen, Area Manager
Walker Resource Area