



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:
4700 (NV-03580)

August 18, 1995

Dear Interested Party:

Enclosed is the Final Multiple Use Decision for the Pine Nut Herd Management Area (HMA). It was determined that the proposed changes in kind of livestock in Mill Canyon, Buckeye, and Rawe Peak Allotments included in the Proposed Multiple Use Decision needed further analysis. Therefore these proposed changes in livestock management are addressed in the enclosed EA rather than in the Final Multiple Use Decision. Also enclosed is the Draft Pine Nut HMA Capture Plan with the related Environmental Assessment (EA).

Protests to the Proposed Multiple Use Decision were received from Craig Downer, Roberta Royle, Animal Protection Institute, Nevada Division of Wildlife, Wild Horse Organized Assistance, and the Commission for the Preservation of Wild Horses. All protestors were invited to discuss their concerns at a meeting held at Carson City District on August 4, 1995. Only Craig Downer attended this meeting. A meeting was also held on August 17, 1995 for representatives of the Nevada Division of Wildlife.

An analysis of the points presented by the protestors is enclosed. Only comments that relate to the Pine Nut Herd Management Area, the allotment evaluations, or the Multiple Use Decision are addressed.

Sincerely,

John O. Singlaub
District Manager,
Carson City District

4 Enclosures:

1. Responses to Protests
2. Final Multiple Use Decision
3. Environmental Assessment No. NV-035-95-048
4. Draft Capture Plan
5. Environmental Accessment No. NV-035-95-047

How did you calculate the impact of what data? Not specific objectives

some -> no allotment specific objectives for 65% to protect riparian weight averaging is acceptable (masses heavy effects) regulations we have no choice to ignore current regs

Eastern 1/2 = Walker
never on SA

Section 1/2

Chumilil camp is not in
Pine on Walker planning

McCullack Peak

if you take us to
13LA

& delay losses incurred
by delays

responsible to Pomeroy

PINE NUT FINAL MULTIPLE USE DECISION

The Record of Decision for the Reno Grazing Environmental Impact Statement (GEIS) was issued on December 21, 1982. This document established the multiple use goals and objectives which guide management of public land in the allotments contained within the Pine Nut Herd Management Area (HMA). The Reno Rangeland Program Summary (RPS), issued on May 30, 1984, identified allotment specific objectives.

As identified in the Reno GEIS and Reno RPS, monitoring has been conducted on these allotments to determine if existing multiple uses for the allotments were consistent with the attainment of the objectives. Monitoring data has been collected and analyzed through the allotment evaluation process to determine what changes in existing management are required in order to meet specific multiple use objectives for these allotments.

Through the consultation, coordination, and cooperation process (CCC), input from the interested parties has been considered. Based on the evaluation of the monitoring data, technical recommendations contained within the allotment evaluations, and input through the CCC process, my final decision is presented below.

BUCKEYE ALLOTMENT LIVESTOCK GRAZING MANAGEMENT DECISION

The decision relating to the grazing of sheep on public lands in the Buckeye Allotment is as follows:

In accordance with §4130.6-1(a) the stocking level for sheep will be 4973 AUMs. In accordance with §4130.4-2, if sheep grazing is authorized it will be done on a temporary non-renewable basis to aid in meeting multiple use objectives. Grazing within the HMA will not be authorized for sheep during the growing season (April 1 through July 15).

RATIONALE

Utilization studies detailed in the evaluation showed the allotment provided the full stocking level for sheep (4973 AUMs) at light or moderate use levels. This can continue with application of good forage management techniques.

Authorizing sheep to graze on a temporary non-renewable basis is at the discretion of the authorized officer. It is important to note that this temporary non-renewable use by sheep is not in addition to permitted use, but in exchange for it. If the authorized officer determines that sheep grazing, as applied for, would not meet land use plan objectives, the application would not be authorized. If the authorized officer determines that sheep grazing as applied for, or a modification to the application would meet these objectives, use would be authorized accordingly.

CHURCHILL CANYON ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

The decision relating to the grazing of cattle on public lands in the Churchill Canyon Allotment is as follows:

In accordance with §4130.6-1(a), the active preference for cattle will be maintained at 1074 AUMs. In accordance with §4410.3, continue to use standard Actual Use/Utilization study techniques over a three year period to refine this estimate and establish a preference for cattle which is sustainable and meets the forage needs of wild horses and mule deer.

RATIONALE

The 1074 AUMs of active preference for cattle is a reasonable level based upon the figures shown in the utilization study contained in Appendix IV of the evaluation. The Bureau will obtain further data to refine the estimate and establish an active preference which is sustainable.

CLIFTON ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of cattle on public lands in the Clifton Allotment are as follow:

A. In accordance with §4110.3-2(b) and §4130.6-1(a), the active preference for cattle will be adjusted from 772 AUMs to 613 AUMs. In accordance with §4110.3-3(a) &(b), this reduction in active preference will be phased in over a five year period, beginning with the effective date of the Final Multiple Use Decision (1995). The reduction will be implemented as follows:

1995 From 772 AUMs to 719 AUMs
1997 From 719 AUMs to 666 AUMs
1999 From 666 AUMs to 613 AUMs

In accordance with §4110.3-2(c), 159 AUMs will be suspended.

B. In accordance with §4130.6-1(a), the authorized season of use will be changed from 4/1 - 5/31 to 1/1 - 5/31.

RATIONALE

Insufficient forage is available to provide 772 AUMs of active preference for cattle. The existing authorized period of use occurs during a portion of the active growing season. Wild horse use occurs throughout the active growing season. This amount and concentration of use is resulting in the loss of grass plants at the mid and lower elevations of the allotment. Adjusting cattle numbers will, in part, begin to allow these areas an opportunity to recover. By eliminating the compressed season of use for cattle and allowing more flexibility, use can be made during plant dormancy when they are least vulnerable. Snow, when available, will further help by providing the opportunity to distribute cattle over a larger portion of the allotment. These actions should provide adequate forage on a sustainable basis.

ELDORADO ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of sheep on public lands in the Eldorado Allotment are as follow:

- A. In accordance with §4130.4-2, use will be authorized on a temporary non-renewable basis to take pressure off of or use in combination with other allotments to aid in meeting multiple use objectives.
- B. In accordance with §4130.6-1 (a), the authorized season of use will be from 11/1 to 2/28. The authorization will be limited to sheep. A total of 270 AUMs will be available for sheep use.

RATIONALE

Authorizing sheep use on a temporary non-renewable basis is at the discretion of the authorized officer. If the authorized officer determines that sheep use, as applied for, would not meet land use plan objectives, the application would not be authorized. If the authorized officer determines that sheep use as applied for, or a modification to the application would meet these objectives, use would be authorized accordingly.

Authorizing use during the winter is advantageous. Grass plants are in a dormant state, so are not as susceptible to damage from grazing. Harvesting the old growth from the grass plants will allow better access to sunlight for the spring growth and the plants can better remain vigorous. Closed herding by sheep and intensively using low sagebrush plants will favor the growth of the grasses which make up the bulk of the diet for wild horses. Conversely, open herding can be applied that will use the shrub component less intensively and favor the shrubs which make up a large portion of the diet for mule deer.

Whatever grazing strategy is applied, it will be used to aid in meeting multiple use objectives.

HACKETT CANYON ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of sheep and cattle on public lands in the Hackett Canyon Allotment are as follow:

- A. In accordance with §4110.3-2(b) and §4130.6-1(a), the active preference will be adjusted from 515 AUMs to 187 AUMs. No more than 146 AUMs of sheep use will be authorized in the North Pasture. No more than 41 AUMs of cattle and/or sheep use will be allowed in the South Pasture. In accordance with §4110.3-3(a) &(b), this reduction in active preference will be phased in over a five year period, beginning with the effective date of the Final Multiple Use Decision (1995). The reduction will be implemented as follows:

1995 From 515 AUMs to 406 AUMs
1997 From 406 AUMs to 297 AUMs
1999 From 297 AUMs to 187AUMs

In accordance with §4110.3-2(c), 328 AUMs will be suspended.

B. In accordance with §4130.6, the following terms and conditions will apply to the North and South Pastures.

1. Specific areas within the allotment will be grazed for two weeks or less each year.
2. During most years, these two week grazing authorizations will occur between 3/15 and 6/30.
3. In order to provide forage for over-wintering mule deer, allow no more than 25% use on bitterbrush by sheep and/or cattle and wild horses before October. Yearlong use by all herbivores will not exceed 45%.

RATIONALE

Insufficient forage is available to provide 515 AUMs of active preference for sheep and cattle. The influence of pinyon-juniper woodlands severely restricts the areas that produce forage and are usable by sheep and cattle. The ability of these woodlands to out-compete other vegetation and intercept/utilize precipitation has resulted in declines of desirable forage for sheep, cattle, wild horses, and wildlife. In order to balance grazing with forage production, adjusting the active preference was necessary.

Without construction of more fencing in the north pasture, cattle will probably drift off the public lands to the developing private lands north of the allotment. The allotment is historically a sheep allotment, which provides a situation where animals can be controlled through herding in the North pasture. Use in the South pasture can be made by either sheep and/or cattle since access to the developing private lands is blocked by the Eldorado Canyon Fence.

MILL CANYON ALLOTMENT LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of sheep on public lands in the Mill Canyon Allotment are as follow:

- A. In accordance with §4130.6-1(a), the active preference for sheep will be maintained at 2049 AUMs.
- B. In accordance with §4130.6-1(a), the authorized season of use will be changed from 11/1 -1/31 and 4/1 -5/31 to 11/1 - 3/31.
- C. In accordance with §4130.6-2, sheep use within the HMA portion of the allotment will be made between 11/1 and 2/28. After 2/28, all use will be shifted outside of the HMA.

RATIONALE

Adequate forage is available to meet the active preference for sheep. Sheep and horses have a limited dietary overlap. Sheep prefer browse species while horses prefer grasses. The exception to this is during spring green-up, when sheep will also use the grasses. A large portion of the allotment is comprised of low sagebrush. By changing the grazing season of use for sheep from spring to fall/winter, the competition for grasses is reduced. Grazing occurs during plant dormancy when they are least vulnerable. Closed herding by sheep and intensively using low sagebrush plants will favor the growth of the grasses

which make up the bulk of the diet for wild horses. Conversely, open herding will use the shrub component less intensively and favor the shrubs which make up a large portion of the diet for mule deer. Whatever grazing strategy is applied, it will be used to aid in meeting multiple use objectives.

A sage grouse use area is located within the HMA. By removing livestock prior to the initiation of growth (i.e., green shoots of grass, forb production), the competition for this forage between livestock and wild horses will be eliminated. The vegetation along with the associated insect population are important to the sage grouse.

RAWE PEAK ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of cattle on public lands in the Rawe Peak Allotment are as follow:

A. In accordance with §4110.3-2(b) and §4130.6-1(a), the active preference for cattle will be adjusted from 552 AUMs to 54 AUMs. In accordance with §4110.3-3(a) &(b), this reduction in active preference will be phased in over a five year period, beginning with the effective date of the Final Multiple Use Decision (1995). The reduction will be implemented as follows:

1995 From 552 AUMs to 386 AUMs
1997 From 386 AUMs to 220 AUMs
1999 From 220 AUMs to 54 AUMs

In accordance with §4110.3-2(c), 498 AUMs will be suspended.

B. In accordance with §4130.6-1(a), the authorized season of use will be changed from 5/16 - 7/31 to 11/1 -3/31.

RATIONALE

Insufficient forage is available to provide 552 AUMs of active preference for cattle. The influence of pinyon-juniper woodlands severely restricts the areas that produce forage and are usable by cattle. The ability of these woodlands to out-compete other vegetation and intercept/utilize precipitation has resulted in declines of desirable forage for cattle, wild horses, and wildlife. In order to balance grazing with forage production, adjusting the cattle active preference was necessary.

The existing authorized period of use occurs during the active growing season. Wild horse use also occurs throughout the active growing season. This concentration of use, coupled with the problems associated with the influence of the pinyon-juniper woodlands, has resulted in the loss of desirable forage.

Adjusting the active preference for cattle will, in part, begin to allow those areas that are usable an opportunity to recover. Use can be made during plant dormancy when they are least vulnerable. Snow, when available, will further help by providing the opportunity to distribute use.

SAND CANYON ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of livestock on public lands in the Sand Canyon Allotment are as follows:

- A. In accordance with §4110.3, the active livestock preference is cancelled.
- B. In accordance with §4130.4-2, livestock grazing may be authorized on a temporary non-renewable basis to aid in meeting multiple use objectives.
- C. In accordance with §4130.6-2, utilization shall not exceed the Allowable Use Level of 55%. This applies to livestock and wild horses.

RATIONALE

The area adjoining the allotment is a developing urban area. As Carson City continues to expand, the public lands will become valuable as open space for residents. It has become impractical as a cattle allotment.

However, it may be in the best interest of the public to use intensively managed livestock grazing as a tool in accomplishing specific environmental goals (e.g., noxious weed control, trampling seed into the soil on barren areas, stimulating decadent vegetation, etc.). Authorizing grazing use on a temporary non-renewable basis is at the discretion of the authorized officer. If the authorized officer determines that livestock grazing, as applied for, would not meet the objective(s), the application would not be authorized. If the authorized officer determines that this use as applied for, or a modification to the application would meet objective(s), use would be authorized accordingly.

SUNRISE ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Decisions relating to the grazing of cattle on public lands in the Sunrise Allotment are as follows:

- A. In accordance with §4110.3-2(b) and §4130.6-1(a), the active preference for cattle will be adjusted from 1092 AUMs to 159 AUMs. In accordance with §4110.3-3(a) &(b), this reduction in active preference will be phased in over a five year period, beginning with the effective date of the Final Multiple Use Decision (1995). The reduction will be implemented as follows:

1995 From 1092 AUMs to 781 AUMs
1997 From 781 AUMs to 470 AUMs
1999 From 470 AUMs to 159 AUMs

In accordance with §4110.3-2(c), 933 AUMs will be suspended.

- B. In accordance with §4130.6, the following terms and conditions will apply:

1. Specific areas within the allotment will be grazed for two weeks or less each year.
2. During most years, these two week grazing authorizations will occur between 3/15 - 6/15.
3. The allowable use level of 27.5% is established for use on perennial grasses and 22.5% on bitterbrush by livestock.
4. No livestock grazing will be authorized until utilization levels by wild horses are below the allowable use level for grasses and/or bitterbrush.

RATIONALE

Insufficient forage is available to provide 1092 AUMs of active preference for cattle. This is a result of use by wild horses and the influence of pinyon-juniper woodlands. The terms and conditions set forth will provide plants the opportunity to regrow during their active growing season (spring and summer).

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)."

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

§4110.3-2(a): "Active use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements."

§4110.3-2 (b): "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce the active use if necessary to maintain or improve rangeland productivity, unless the authorized officer determines a change in management practices would achieve the management objectives."

§4110.3-2(c): "Where active use is reduced it shall be held in suspension or in nonuse for conservation/protection purposes, until the authorized officer determines that active use may resume."

§4110.3-3(a): "Changes in active use in excess of 10 percent shall be implemented over a 5-year period, unless after consultation with the affected permittees or lessees and other affected interests, an agreement is reached to implement the increase or decrease in less than 5 years."

§4110.3-3(b): States in part that "After consultation, coordination and cooperation, suspensions of preference shall be implemented through a documented agreement or by decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years following that effective date, except as provided in paragraph (a) of this section."

§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."

§4130.4-2: "Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on public lands."

§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."

§4130.6-1 (a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted under §§4110.3, 4110.3-1 and 4110.3-2."

§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."

§4130.6-3 "Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the permit or lease if monitoring data show that present grazing use is not meeting the land use plan or management objectives."

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, Suite 300, Carson City, Nevada 89706-0638. An appeal should specify the reasons, clearly and concisely, why you think the decision is in error.

PINE NUT HERD MANAGEMENT AREA WILD HORSE MANAGEMENT DECISION

Decisions relating to wild horses managed within the Pine Nut HMA are as follows:

A. In accordance with § 4700.0-6(a), the potential stocking level for wild horses in the portions of the HMA located within each allotment is as follows:

Buckeye	493 AUMs
Churchill Canyon	154 AUMs
Clifton	444 AUMs
Eldorado	270 AUMs
Hackett Canyon	187 AUMs
Mill Canyon	296 AUMs
Rawe Peak	54 AUMs
Sand Canyon	95 AUMs
Sunrise	159 AUMs
Total	2152 AUMs

B. The management of wild horses within the HMA will be in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands (June 1992).

C. In accordance with §4710.3-1 and §4710.4, the Appropriate Management Level for the HMA will be 179 head of wild horses. The population will be adjusted to 34% below this maximum level and allowed to increase to the AML of 179.

D. In accordance with §4710.3-1, the following allotment specific objectives will apply:

Hackett Canyon Allotment: In order to provide forage for over-wintering mule deer, allow no more than 25% use on bitterbrush by livestock and wild horses before October. Yearlong use by all herbivores will not exceed 45%.

Sand Canyon Allotment: Wild horses should be allowed to graze in the allotment under the following constraints:

1. Utilization shall not exceed the Allowable Use Level of 55%. This applies to livestock and wild horses.

2. No damage attributable to wild horses shall occur on riparian habitat along the Carson River.

3. Wild horses will be removed upon request in writing from private land owners in accordance to Title 43, Code of Federal Regulations, §4720.2-1.

Sunrise Allotment: An allowable use level of 27.5% for yearlong use on perennial grasses and 22.5% on bitterbrush shall be managed for by wild horses.

RATIONALE

Generally, in observing these horses over the last three years, the Range Conservationists and Wild Horse and Burro Specialist considered many of the bands to be showing signs of stress from inadequate forage supplies. Many areas show evidence of a constant search for forage. Utilization is occurring several miles outside of the historic HMA. In certain portions of the HMA, ecological sites are declining. In other areas the ecological sites appear to be stable but they have stabilized at the low end of their productive potential.

The analysis of available monitoring data presented in the allotment evaluations for those allotments in the Pine Nut HMA indicate that a thriving natural ecological balance will be achieved at a level of 2152 AUMs of wild horse use.

In order to minimize the disruption of band structure and the stress to individual animals, the population of wild horses would be reduced 34% below the AML. This would allow the population to increase at a projected recruitment rate of 15% per year for three years. This would further allow a three or four year interval between removals. Managing the population to maximize the intervals between removals would minimize the stress associated with removals. Reducing the wild horse numbers to a point below the maximum and then allowing them to increase to AML would have several benefits. First, allowable use levels will not be exceeded therefore allowing the forage base to remain healthy. This, in turn, results in a healthier, more viable, population of wild horses that will have less competition for forage, water and space.

AUTHORITY

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

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

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

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

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

§4720.2-1 States in part that, "Upon written request from the private landowner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable.

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§4.400. 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.

GUIDANCE

Strategic Plan for Management of Wild Horses and Burros on Public Lands, 1992
Technical Reference 4400-7, Rangeland Monitoring Analysis, Interpretation, and Evaluation, 1985

WILDLIFE MANAGEMENT DECISION

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

A. Pinyon-Juniper woodlands will be identified for treatments that will improve conditions for wildlife. Treatment areas will be designed to increase "edge effect" and promote increased production of palatable understory plant species. The long term management will be directed toward achieving an ecosystem containing a natural balance of pinyon-juniper woodlands, and other ecological sites. It will be necessary to develop a Pine Nut Mountain "desired landscape" description which uses the Potential Natural Community information as a general guide for meeting Land Use Plan objectives. This will be developed through the consultation, cooperation, and coordination with interested parties.

B. If monitoring shows that a critical riparian area is not making satisfactory progress toward proper functioning condition, after changes/modifications in management have been in

effect, fencing will be initiated. Fences will be constructed to wildlife standards. Water will be provided outside the source for livestock and wild horses.

C. In order to provide forage for over-wintering mule deer, allow no more than 25% use on bitterbrush by livestock and wild horses in the deer winter range before October. Yearlong use by all herbivores should not exceed 45%.

D. Following a reduction of the wild horse population to a level which allows the horses to live within their HMA at moderate forage utilization levels, work with the Nevada Division of Wildlife to introduce pronghorn antelope into Churchill Canyon and Mill Canyon allotments.

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.

Riparian areas are used year-round by a combination of wild horses and wildlife. Livestock use occurs during varying portions of the year. The cumulative effect can be detrimental and can result in diminished or total loss of flow.

Cattle and sheep browse more than horses and so should be monitored to insure that forage is available for mule deer. Limiting use on bitterbrush by livestock and wild horses to 25% will allow for adequate forage (unbrowsed leaders) to remain for mule deer after completion of the grazing season and the plants need a good number of leaders remaining unbrowsed at the end of the season, as these new leaders will be the primary seed producers for the next year.

Pronghorn antelope are an important big-game species. The introduction of a population has not been possible prior to management changes made primarily in the Churchill Canyon Allotment. With a light/moderate level of cattle grazing instead of heavy sheep grazing, and the wild horses not forced to constantly search the entire area for forage, the forbs and palatable grasses needed by pronghorn should achieve adequate abundance.

GUIDANCE

Reno Grazing Environmental Impact Statement, 1982

Pine Nut Habitat Management Plan, Revised 1987

Management Framework Plan, 1975

Bureau of Land Management, Riparian-Wetland Initiative for the 1990's

Technical Reference 1737-9, Riparian Area Management, Process for Assessing Proper Functioning Condition, 1993

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, Suite 300, 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 § 4.400. 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 § 4.400.



John O. Singlaub
District Manager
Carson City District

Aug. 18, 1995

Date

Pinenuts

7-25-95

July 25, 1995

TO: Wild Horse Advocates
FROM: N. Whitaker (API)

Attached for your information is a copy of the API's response to the MUDs for the upper Pine Nuts. I did not have time to do as thorough a job as it usually takes to review decisions and put together a protest. The issues raised by WHOA, NDOW, and the Commission in the first round on the Pinenuts were significant and not adequately answered.

We are forced to go one by one, decision by decision, site specifically on our protests and there is no opportunity to look at a cumulative overview of all these separate roundups on the populations bureauwide, statewide, even district wide. The minute we let down BLM is off on their usual and historical agenda to bring wild horses down to token numbers in token areas by getting around the law. The Strategic Plan was never assessed under NEPA. There is no statutory authority for it. It falls into the category of an instructional memo. It isn't even in Regulations. I feel we need to press for a full EIS on the program using the Strategic Plan as the thing that needs to be evaluated. The law leaves no room for assessing alternative management prescriptions, it spells out the management prescription. Yet we need to see the consequence of a fixed number, fixed forage allocation program. We need to see solid background information such as that developed by BLM in 1976 as their "technical notes" and to include factual archeological information on the origins of the horses, the military usage of wild horses, and other FACTs that do not come from the ranchers. We need a document as good as the NAS field study with good maps, good comparative information with regard to the number of horses and their actual impact. If not an EIS then an update of the NAS field study lead by Fred Wagner underwritten by Congress.

I would like to see us get together, in Reno or Carson City, before September, with the purpose of considering battling for a programmatic EIS as a common objective calling for a moratorium on roundups in the interim and actually assigning elements of a campaign to participants. The purpose would be to wage an integrated and coordinated all-out effort to bring wild horses into the headlines as part of our effort to stop the Livestock Grazing Bill as well as get that EIS or NAS update.

It should be a joint effort. We need to develop a laundry list of wrongs--this is what happened in the Pinenuts, here is what happened in the Little Owyhee, this is going on in Colorado, this happened in 7-troughs, this happened in Antelope, New Pass, Austin...etc. We need to use solid information (preferably BLM's own) with regard to band-life and population defense mechanisms. We need to put together a case for an EIS (or NAS update) and why a moratorium is needed then present it to Sen Reid during his summer recess (which begins Aug 7) and follow up with letters to Congress and the White House and what ever press coverage we can get out of it.

I'd like to say that API will make arrangements for a conference room and pay for the amenities--but it should be a joint effort. We will contribute to the cost.



ANIMAL PROTECTION INSTITUTE

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**COPY FOR YOUR
INFORMATION**

July 21, 1995

John Matthiessen, Area Manager
BLM-Walker Resource Area
2535 Hot Springs Road
Carson City, NV 89706

NINE ALLOTMENTS IN THE PINENUTS HMA

API appreciates the opportunity to respond to the multiple use decisions for the nine allotments that are in the upper Pinenut Herd Use Area. We've reviewed our records, including the 1984 Removal decision to implement the Reno Planning MFP-III decision that called for total removal of wild horses that had jumped the river into the Jumbo area and horses that had allegedly expanded into the Buckskin Range and Lincoln Flat areas after the 1971 law. What this apparent reversal of the original designations is based on is not explained. We question it? We want to see the URA maps.

In addition, that MFP-III decision accommodated private landowners in Fish Springs, Johnson Lane, Mound House and Dayton as well as the Washoe Indian tribe all requesting that wild horses be removed from their private lands. Aside from the Indian lands, where these private lands are located and the amount of acreage involved are never depicted on a map. The MFP-III decision for the Reno Planning Area was to eliminate horses from the Buckskin Range to the east, Jumbo in the north, and the "southern portion" of the Pinenut HUA. No boundary decision was made that delineated exactly what was meant by the "southern portion" other than that in the Reno EIS. It does not include Spring gulch and Red-Burbank. I can't locate the decision to eliminate horses from the Spring Gulch and Red-Burbank allotments which were NOT part of the Reno Planning Area decision. We question that that decision was ever made.

The total number removed to accomplish the Reno Planning decision was 350. This was based on estimates that Jumbo contained 25-50 horses, Carson Plains 25-50, Southern PINENUTS 250-500, and the buckskin Lincoln Flat area 25-50 or a total of 325 to 650 horses. The November 1984 capture notice listed 425 removed and 575 to remain. The capture plan included a map depicting the capture area as including Spring gulch and Red-Burbank allotments which were beyond the jurisdiction of the Reno planning unit decision. Is this the boundary of the Pinenut Herd Area shown in the URAs?

Next we turn to the 1984 EIS for the Walker Resource Management Plan (RMP). It depicts the eastern half of the Pinenuts (split in the N/S vertical direction encompassing the Spring

gulch and Red-Burbank allotments). The Record of Decision (ROD) explains that the Pinenut HUA fell into three planning units which were assessed under two separate grazing EISs. The areas of the Walker and Mina Planning units were in the Walker EIS/RMP. Decision 5 says the Reno MFP-III decision was to eliminate all horses from the "southern Pine Nut Herd Area" as if it included the portion analyzed by the Walker EIS. Decision 5 of the Walker ROD also refers to wild horses and burros being initially managed in current herd areas at present population levels except in the Southern Pine Nut Herd Area as if they concurred in the Reno decision, with no basis for their concurrence. The draft EIS for the Reno Planning Area refers to their portion of the Pinenuts as having two sub-units (one is called the Pine Nuts, the second the Buckskins). The 1981 population is 790 and 35 respectively or an AUM demand of 8,004). A footnote in the Reno Planning states that horses in the Buckskins have use outside the EIS area (e.g., they are using that vertical portion of the eastern Pinenuts depicted in the Walker EIS as the Spring Gulch and Red-Burbank) thus the population estimate and AUM demand in the Reno Planning EIS is not complete; which is to say it does not include this eastern portion.

This implies that this portion of the HUA will be analyzed by the Walker RA.

The Lahonton ROD lists the Pinenut population as "trace." "Trace" is repeated in the Lahonton 1987 update. It says Herd Management Plans are to be developed for five HUAs in the Lahontan Resource Area (Horse Mt, Clan Alpines, Augusta Mt., Lahontan, and South Stillwaters). It states that the North Stillwaters will be managed by Winnemucca and Desatoya by Battle Mountain. There is no mention of who will manage the Pinenuts.

Decision 7 in the Walker ROD refers to the development of plans for wild horses and burros in Wassuk, Garfield Flat, Marietta, Pilot Mt. There is no mention of who will manage the Pinenuts here either. But on Page 29-30 there are more decisions. Here it lists both the Pine Nut-north (387 horses) and Pine Nut south (0 horses). The map depicts both and calls them the Pinenut Herd Area (Northern and Southern). It does not refer to the area as a Herd Management Area. Evidently THAT decision was not made. **I do not have a copy of a PINE NUT HERD MANAGEMENT AREA PLAN. I have no record of a boundary change or land status change or why horses were removed from the Spring Gulch and Red-Burbank in that 1984 roundup.** There is only the MFP-III decision from the Reno Planning to remove horses from the "southern portion" of those areas analyzed in the Reno EIS. Spring Gulch was not analyzed by the Reno Planning EIS. The 1989 Rangeland Program Summary is the first reference to the Pinenuts as a "Herd Management Area."

Lincoln Flat is added to the list of allotments in the 1986 Walker ROD but was analyzed as part of Spring Gulch in the EIS-planning phase. The 1989 update says wild horses were removed from Spring Gulch "based on **impracticality of management.**" It does not say because the Reno MFP-III decision required it and the Walker RA concurs. This is an arbitrary elimination of habitat, hidden behind a blanket of confusion.

API is alarmed at and dismayed by the fact the number of herd areas and amount of habitat acreage bureauwide has been reduced from 303 areas on 47 million acres of land in 1984 to 195 areas on less than 35 million acres. Like the confusing decision-making on habitat

reduction in the Pinenuts, most of these habitat elimination decisions were made in a way that left wild horse advocates no way in which to appeal a habitat elimination decision.

Why the Pinenuts were split up in the planning phase is confusing. It appears to us that the only reason was to accommodate livestock grazing and get rid of horses from the Pinenuts. And to do it by tricky maneuvering and manipulation of administrative procedures for the sole purpose of being so confusing the public, Congress, and the courts will never be able to figure out what is going on.

We come to this conclusion as a result of first attempting to follow the land tenure and ownership patterns in the Churchill Canyon allotment during this same time period as the 1984 and 1986 roundups from the Pinenuts. According to the Churchill Canyon Allotment Evaluation (p. 2) the public land was grazed first by the Mono Land and Livestock Co. (1936-47) then changed its name to the Sario Livestock. It does not mention the size of the original base property if in fact there was any. Not until Sario donated 2400 acres to the Big Horn Sheep Association is land ownership mentioned. Even after the donation, Sario (supposedly no longer the owner) continued to sublease to a California sheep outfit. Evidently a 1955 analysis of their operation showed "a priority," not a preference, of 4646 AUMs (3,826 of which were in the Como Unit). In 1960, the grazing board recommended increasing the Como Unit to 5215 AUMs. BLM's 1962 decision decreased this portion to 5,194 AUMs. This was changed in 1983 to 5394 AUMs for livestock no mention of wild horses. During all of this, BLM did nothing to assure habitat for wild horses. On the contrary, wild horse advocates are left trying to weed our way through the morass of administrative juggling back and forth of who manages what in the Pinenuts. In fact, BLM allowed Sario to switch from sheep to cows in order to make the allotment more marketable for someone to graze livestock there. Finally the current permittee bought 40 acres as base property on which to control the allotment. There is no listing of the Churchill Canyon Allotment in either the Lahontan RMP and ROD or the Walker EIS or ROD. There is no decision to eliminate wild horses from the Spring gulch and Red Burbank allotments.

The second thing that alarms us is the fact that the law clearly says BLM is to manage wild horses for a thriving natural ecological balance using monitoring and inventorying as the basis of those decisions. It does not allow managing for a fixed number. We note that NDOW and WHOA both questioned the stocking rate formula using the weighted average utilization. API agrees with their criticism that this doesn't lead to a correction of overgrazing where overgrazing occurs. We also disagree with the way in which that average was factored into a stocking rate equation in order to provide for livestock. It's one thing to divide by the average when that average is meaningless, but to divide averaged utilization in half makes no sense at all. The original formula says if x number of animals produce this utilization, how many animals will produce 55 percent. Your formula says if x number of wild horses produce 54 percent (the averaged weighted take off) how many will produce 27 percent forage take off (not weighted average but actual). The object is to correct damage not achieve stocking levels. This, in our opinion, is where the Strategic Plan and the law part ways.

Time precludes our making further statements in this response. We urge you to review your decisions and reconsider the Pinenuts in terms of their recreational, wildlife, and wild horse

value. We also challenge the Strategic Plan's requirement that BLM set fixed numbers for wild horses. That document is not in compliance with the law.

FOR THE ANIMAL PROTECTION INSTITUTE

Nancy Whitaker

Nancy Whitaker

Director, Public Land Wildlife Division



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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(702) 688-2626
September 19, 1995

John O. Singlaub, District Manager
Carson City District
1535 Hot Springs Road, Ste 300
Carson City, Nevada 89706-0638

RE: Final Multiple Use Decision for the Pine Nut Herd
Management Area

Dear Mr. Singlaub,

Thank you for the opportunity to review and respond to the final multiple use decision for the Pine Nut Herd Management Area.

The Commission filed a protest to the proposed decision on these allotments. A meeting had been scheduled by your office to respond to our concerns, however, we notified Earl McKinney that due to a prior commitment we would be unable to attend on that date. To my knowledge, only one person was able to attend on that date. Your District met with a NDOW representative, Roy Leach to discuss their concerns. Mr. Leach also presented our concerns at that meeting.

With the discussions at that meeting as well as the written responses received enclosed with the Final, our concerns have not been adequately addressed that guarantees you will protect the resource from further damage and insure a thriving natural ecological balance for multiple use.

We are filing our "Notice of Intent to Appeal" with you within the 30 day comment period on the Final Decision. We would like to schedule a meeting with appropriate District personnel, Wayne Howle, D.A.G., Julie Butler, Nevada State Clearinghouse, and any other pertinent agencies or personnel involved. We would hope to address our concerns to avoid having to file an appeal. Please notify us when would be convenient for your District for all of us to get together. Thank you in advance.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director

cc: Julie Butler, Nevada State Clearinghouse