

11/21/94

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United States Department of the Interior

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AMERICA

BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4130CF
NV03480

NOV 21 1994

Commission for the Preservation of Wild Horses
Catherine Barcombe
255 W. Moana Lane
Suite 207A
Reno, NV 89509

Dear Ms. Barcombe:

Enclosed is a copy of the final Multiple Use Decision (MUD) for the Mountain Well-La Plata Allotment.

The Nevada Department of Wildlife submitted a protest that had points very similar to yours. We held a meeting with Greg Tanner and Roy Leach in order to resolve this protest, and we feel that we have resolved the points in both your protests concerning riparian areas. Please see the enclosed copy of the letter to NDOW for specific items that were addressed.

In response to your protest points concerning carrying capacity, the carrying capacity is identified in the Proposed MUD. This is the existing grazing preference of 8700 AUMs. Until we have monitoring data that shows otherwise, this will remain the carrying capacity of this allotment.

If you have any further questions, please call at (702) 885-6100.

Sincerely yours,

James M. Phillips
Area Manager
Lahontan Resource Area

Enclosure:
1). Letter to NDOW



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:

4120 CF
NV03480
A: FMUDMTWL

Certified Mail
Return Receipt Requested

Ira H. Kent
13333 Stillwater Road
Fallon, NV 89406

NOV 21 1994

Final Multiple Use Decision Mountain Well-La Plata Allotment

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

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

Since 1968, trend data has been collected. The data was analyzed in 1994 through the allotment evaluation process to: 1) determine progress in meeting multiple use objectives for the Mountain Well-La Plata Allotment and 2) determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

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

LIVESTOCK GRAZING MANAGEMENT DECISION

Continue existing livestock management:

725 cattle from March 1 to September 1 and November 10 to February 28; 8700 AUMs

Salt blocks will not be placed closer than one quarter mile from water.

Within the next year, the following springs will be evaluated for functionality, and if necessary, initialize plans to fence within three years:

Elevenmile Springs; Hard Time Spring; Springs in upper East Lee Canyon; Springs in upper West Lee and North Lee Canyons; Quaking Aspen Canyon

RATIONALE: Based on utilization data and trend information which has been collected since 1968, the allotment appears to be in good condition and does not warrant any immediate change at this time.

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

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

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

APPEAL:

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge in accordance with Title 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice to file such an appeal with the Lahontan Resource Area Manager, James M. Phillips, 1535 Hot Springs Rd., Suite 300, Carson City, NV

89706-0638. The appeal shall state clearly why you believe the decision to be in error.

WILD HORSE MANAGEMENT DECISION

South Stillwater Herd Management Area (HMA):

It has been determined through monitoring and the allotment evaluation process that a thriving natural ecological balance can be obtained through an Appropriate Management Level (AML) of a maximum of 16 wild horses for the South Stillwater HMA.

RATIONALE: Monitoring information indicates that the carrying capacity of the South Stillwater HMA is 192 total horse AUM's in combination with current livestock numbers and forage reserved for desert bighorn sheep and deer. Actual counts and utilization records show that approximately 192 AUMs or 16 wild horses is the maximum proper stocking level within the South Stillwater HMA. The entire HMA lies within the Mountain Well-La Plata Grazing Allotment, and covers 7% of the allotment. This AML was based on actual numbers of wild horses and livestock during the evaluation period.

By maintaining the wild horses and livestock AUMs at this level it is anticipated that Land Use Plan objectives will be met including maintaining or improving current ecological condition and maintaining utilization at 55 percent or less on key species on upland areas.

In order to prevent resource damage, horse numbers should be limited to a maximum of 16 animals. To avoid annual removals and to minimize stresses and band disturbances associated with removals, removals will be conducted every three years. To avoid excessive vegetation utilization horses will be managed within a range of 12 to 16 animals. This will allow for an increase in the population between removals.

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

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

4710.4: "Management of wild horses and burros shall be

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

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

PROTEST/APPEAL:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management, Lahontan Resource Area Manager, James M. Phillips, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the appropriate office of the Regional Solicitor (Department of the Interior, 2800 Cottage Way, Sacramento, CA 95825) at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors the stay.

WILDLIFE MANAGEMENT DECISION

Utilization will be maintained at 55% in identified bighorn sheep and mule deer habitat. Utilization will be limited to 55% current year's growth in riparian areas. Mule deer habitat will be managed to provide 47 AUMs of forage for deer.

GUIDANCE: Stillwater Range habitat Management Plan, 1987.
Lahontan Resource Management Plan, Environmental Impact Statement, 1985.

APPEAL:

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge in accordance with Title 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice to file such an appeal with the Lahontan Resource Area Manager, James M. Phillips, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638. The appeal shall state clearly why you believe the decision to be in error.

/s/ R. H. WOLFE

James M. Phillips
Area Manager
Lahontan Resource Area

Appendix 1. Allotment Specific Objectives

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

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

II. Rangeland Program Summary (RPS) Update Objectives (1988)

A. Short Term

- 1). Maintain utilization not to exceed 55 percent on identified key species on upland key areas. Initially allow 8,700 AUMs of livestock use.
- 2). Limit utilization to 55% on identified key species in identified mule deer habitat and identified bighorn sheep habitat.
- 3). Limit utilization to 55% current year's growth in riparian areas.
- 4). Initially provide approximately 300 AUMs of forage for approximately 25 head.

B. Long Term

- 1). Maintain existing ecological condition and trend.
- 2). Manage identified mule deer habitat to maintain fair (26-50 rating) or better to support 18 deer from 5/1 to 10/31 and 20 deer yearlong, 87 AUMs reasonable numbers.
- 3). Maintain or improve identified bighorn sheep habitat at a minimum rating of 73 to help support 100 sheep yearlong, 240 AUMs reasonable numbers.
- 4). Manage riparian areas to achieve and maintain late seral ecological condition. Maintain or improve willow and aspen stands to have at least 20% of all stems produce over five feet in height (six feet for aspen).
- 5). Maintain or improve wild horse habitat consistent with wildlife and livestock objectives. Maintain or improve free roaming behavior of wild horses by protecting or enhancing wild horse home ranges. Maintain or improve wild horse habitat by assuring that all waters remain open to use by wild horses.

III. Activity Plan Objectives: The Mountain Well-La Plata allotment Management Plan (AMP) identifies the following objectives.

A. Livestock forage:

- 1). Produce on a continuing basis a sufficient amount of usable forage to satisfy the qualified demand (8700 AUMs).

B. Watershed stabilization:

- 1). Improve the balance between vegetation, soil and water, by increasing and improving the vegetative cover.
- 2). In the winter range - increase cover from 13% to 20%, and increase the percent grass composition from 20% to 25%.
- 3). In the spring range - increase cover from 15% to 20%, and increase per cent grass composition from 20% to 30%, and provide for reversing the apparent downward trend in this area.
- 4). In the summer and fall ranges - increase cover from 25% to 30%, and increase the per cent grass composition from 35%.

C. Wildlife forage:

- 1). Provide forage and other habitat requirements for a low density resident population of 130 to 200 mule deer on a year-round basis.
- 2). Provide habitat protection for sage grouse in the higher reaches of the Stillwater Mountains.
- 3). Provide and protect adequate watering sources in this prime chukar partridge and mourning dove habitat to prevent possible over-harvest by eliminating concentrations of birds at a few water sources.

D. Recreation opportunities

- 1). Provide hunting opportunities during the normal fall seasons with a minimum amount of livestock disturbances and hunter-caused livestock losses.