



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

4/19/93
TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4130
(NV-03580)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 19 1993

Dear Interested Party:

Enclosed is my proposed multiple use decision (PMUD) for the Basalt Allotment. The PMUD is the end result of our allotment evaluation process. On August 18, 1992 the evaluation was sent to you and other interested parties for review and comment.

All comments were duly considered in reaching this proposed multiple use decision.

The boundary for the Montgomery Pass Wild Horse Territory as displayed in the Steering Committee's Coordinated Resource Plan (1988) and shown in the allotment evaluation was in error. The correct boundary delineated on the enclosed map is from data gathered in 1973 by the Bureau of Land Management.

If you should have any questions concerning the PMUD or the evaluation contact Randy Mead, Earl McKinney or me.

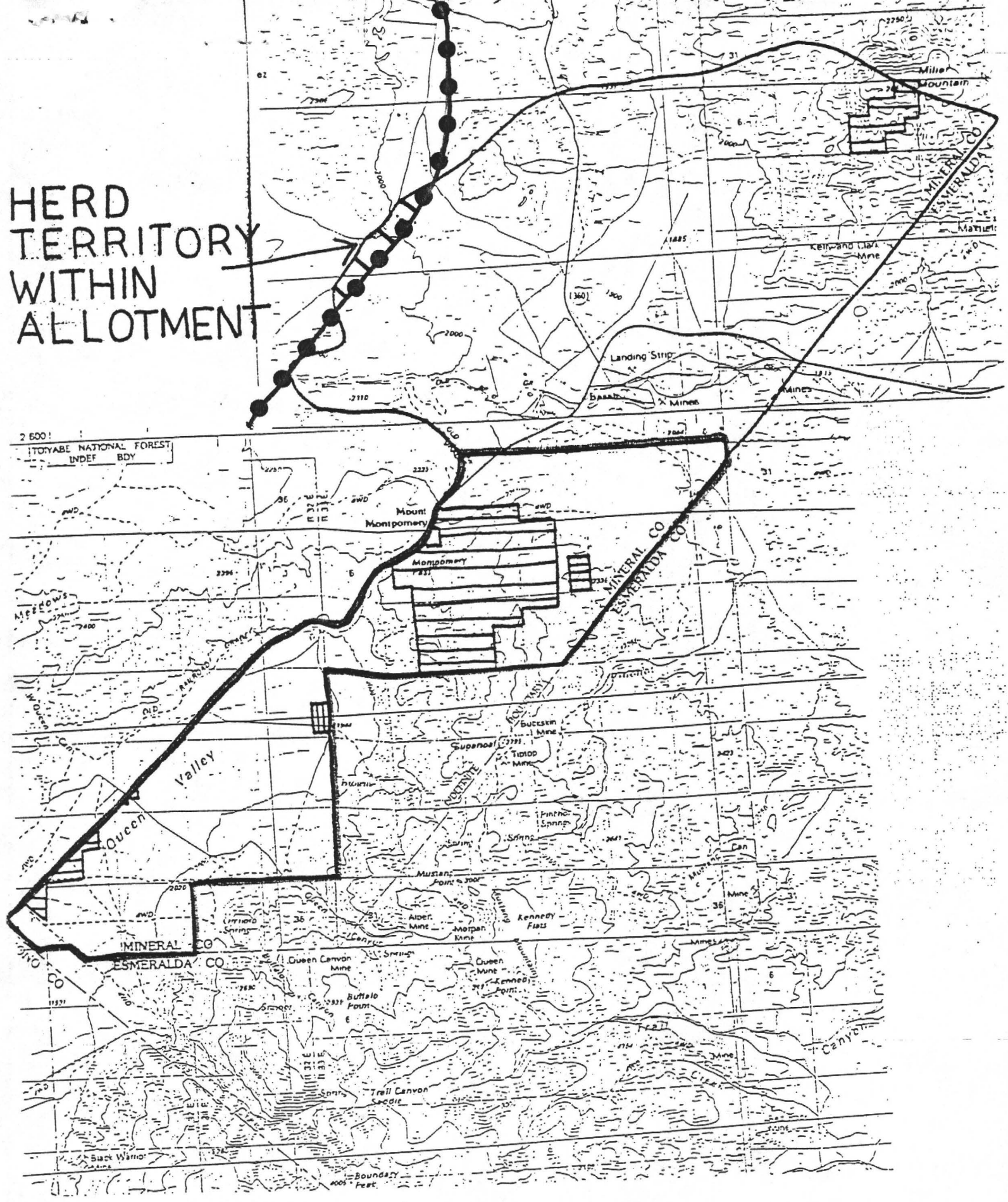
Sincerely,

J. Matthiessen
John Matthiessen
Area Manager
Walker Resource Area

1 Enclosures

1. Proposed Multiple Use Decision
2. Corrected Map of Herd Territory Boundary

HERD
TERRITORY
WITHIN
ALLOTMENT



APR 19 1993

PROPOSED MULTIPLE USE DECISION
BASALT ALLOTMENT

The Record of Decision for the Walker Resource Management Plan (RMP) was issued on June 6, 1986. This document established the multiple-use goals and objectives which guide management of public land in the Basalt Allotment. The Rangeland Program Summary (RPS) issued in November 1989, further identified objectives for the Basalt Allotment.

As identified in the Walker RMP and RPS, monitoring was initiated on the Basalt Allotment to determine if existing uses were consistent with attainment of the objectives established by the Land Use Plan. Monitoring data collected between 1985 and 1990 has been analyzed through the allotment evaluation process to determine progress in meeting multiple-use objectives for the Basalt Allotment, and to determine what changes in existing management might be required. Through the consultation, coordination and cooperation (CCC) process, input from affected interests has been considered.

Based upon the evaluation of the monitoring data, technical recommendations contained within the allotment evaluation, and input received through the CCC process, my proposed decision is as follows:

BASALT ALLOTMENT
LIVESTOCK GRAZING MANAGEMENT DECISION

Continue to authorize 519 AUMs of cattle use from 10/01 to 03/31.

Water and supplement (mineral/protein blocks) will be managed so that impacts to soil and vegetation will be minimized.

Terms and Conditions

In order to more fully utilize the allotment and minimize impacts to vegetation and soil, water hauling, control of water provided by the Hump pipeline, and the placement of supplement (protein/mineral blocks) will be used separately or in conjunction with one another under the following circumstance:

When the allowable use level is approaching 60% on Indian ricegrass and/or 50% on winterfat/fourwing saltbush at the key area.

A second key area will be established with the cooperation of the permittee and other interested parties. This will provide comparative information on ecological condition and frequency of key species. Objectives for this key area will be determined independently of the existing key area.

Objectives to be obtained at the existing key area by the year 2000 are as follows:

1. Maintain and/or increase the frequency of key species.
2. Maintain the ecological condition in the mid-late seral stages.
3. Incorporate fourwing saltbush as a key species.
4. The allowable use level for winterfat and fourwing saltbush will be 50%. The allowable use level for Indian ricegrass will be 60%.

Rationale

The analysis and evaluation of monitoring data indicates the current season of use (10/01 to 03/31), if managed properly, will meet land use plan objectives for the allotment. The majority of use of key species occurs during their dormant period.

While the majority of the allotment is receiving no use to moderate use, use has been consistently heavy/severe in the vicinity of existing waters. Distribution will be improved with water hauling, controlling water in the Hump pipeline, and the placement of supplement.

Authority

Authority for this decision is found in Title 43 of the Code of Federal Regulations which states in part:

- 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 resources 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)."

- 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..."
- 4130.6-2(c) "Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands."

Protest/Appeal

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 notice to file such protest with the Walker Resource Area Manager, 1535 Hot Springs Road, 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).

In the absence of a protest within the time allowed, the above decision shall constitute the final decision without further notice. Should this notice become the final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.3 and 4160.4, you are allowed thirty (30) days within which to file such an appeal with the Walker Resource Area Manager, at the above address.

BASALT ALLOTMENT
WILD HORSE MANAGEMENT DECISION

The boundary for the Montgomery Pass Wild Horse Territory as displayed in the Coordinated Resource Plan and shown in the allotment evaluation was in error. The correct boundary is delineated from data gathered in 1973 by the Bureau of Land Management.

Based upon the insignificant portion of the Montgomery Pass Wild Horse Territory contained within the Basalt allotment, the Appropriate Management Level for wild horses will be zero (0).

Unknown factors have resulted in 24 head of wild horses using the Basalt allotment outside of the Herd Management Area from October 15 to May 15. The Bureau will work through the Montgomery Pass Wild Horse Steering Committee to determine means to shift the wild horse back within the Wild Horse Territory.

Increased monitoring of the wild horses from the White Mountain herd will be implemented to determine the extent to which these wild horses are utilizing the Basalt allotment.

RATIONALE

In 1973, the Carson City District delineated the Herd Management Area (HMA) to show the known territorial limits of the Montgomery Pass herd within the District. This delineation established the legal boundary for the HMA. The Montgomery Pass Wild Horse Territory Coordinated Resource Plan was implemented in 1988. That portion of the Territory within the Basalt Allotment was mistakenly identified using the prevailing "Herd Use Area" as identified in the Walker Resource Management Plan (1984). These "Herd Use Areas" were not the original HMAs but instead were the areas being impacted by the horses following twelve years of population growth after passage of the Wild Horse and Burro Act. These "Use Areas" were generally larger than the Herd Management Areas which had been designated shortly after the passage of the Act to indicate the known territorial limits of the horses. "Herd Use Areas" were to be used for Environmental Impact analysis purposes only.

In actuality, the Basalt allotment contains only about 450 acres of the Montgomery Pass Wild Horse Territory based on the legal boundary identified in the 1973 HMA delineation. This area is too small to contribute meaningfully to the Appropriate Management Level.

The allotment evaluation identified that Dr. Turner's studies show that 24 wild horses utilize the Basalt allotment from October 15 to May 15. The wild horses then move up into the higher elevations of the Wild Horse Territory for the balance of the year. The existing situation shows that no resource damage is occurring due to the wild horse use. The majority of use is occurring during the dormant period of the key species.

The Carson City District is an active participant in the development and implementation of the Coordinated Resource Plan. The goals of this Plan, which includes ongoing research into population dynamics of the Montgomery Pass herd, creates a situation where the removal of these wild horses merely because they are outside the HMA is inappropriate. However, efforts will be made to re-establish wintertime use by the wild horses within the boundaries of the Territory.

There appears to be some use by wild horses from the White Mountain herd in the allotment. Increased monitoring is needed to substantiate if this is indeed occurring, and to suggest steps that may be needed to resolve this situation if it proves to be more than a temporary response to drought.

AUTHORITY

- 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 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."

PROTEST/APPEAL


In accordance with 43 CFR 4770.3 which states in part:

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

Although these regulations allow 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 no protests are received within fifteen days, the proposed decision shall constitute the final decision, which may then be appealed.

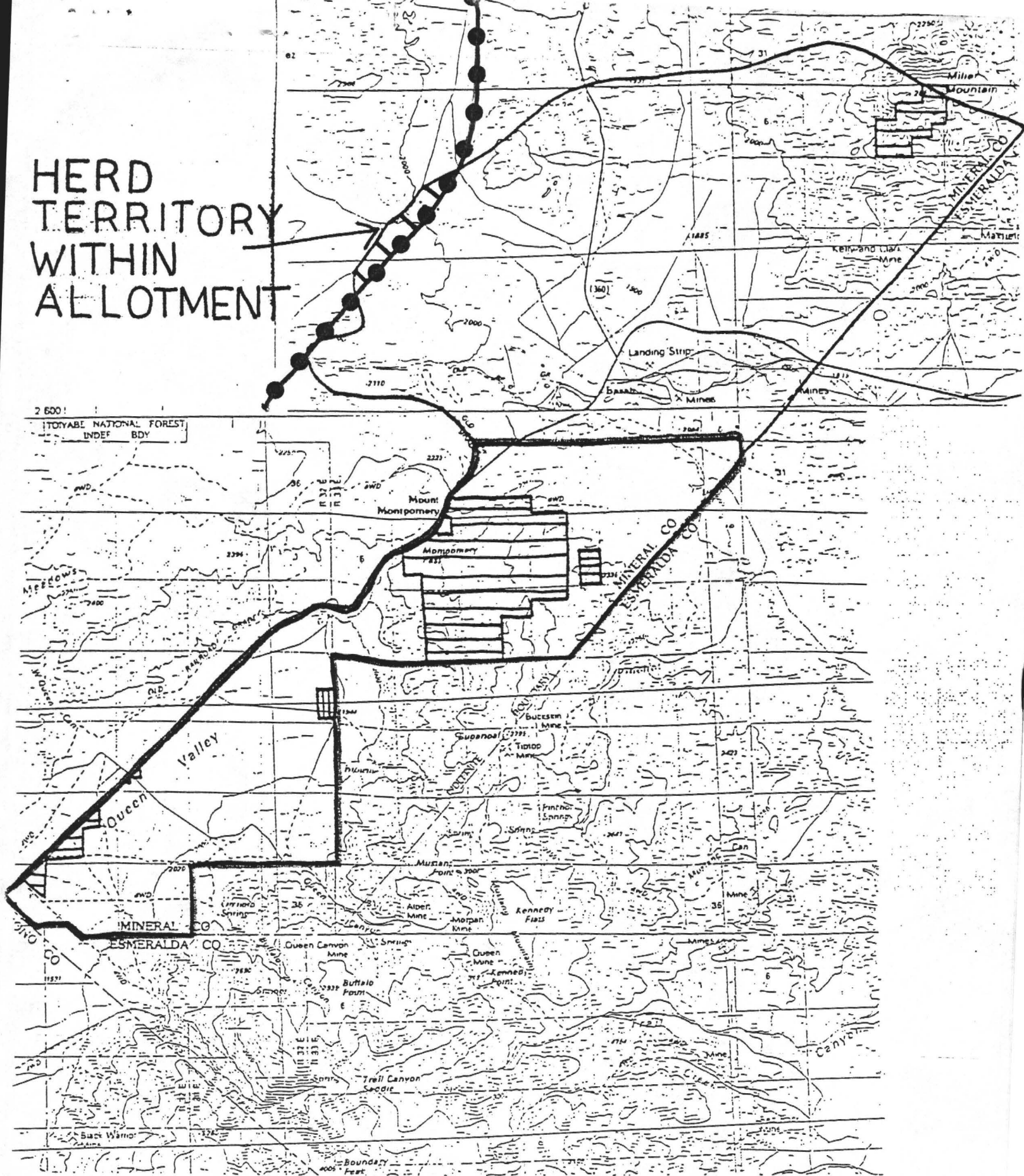
Should you wish to appeal this decision as it pertains to wild horses, within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Talking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form. Please provide this office with a copy of your Statement of Reason. Copies of your appeal and the Statement of 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.



John Matthiessen, Area Manager
Walker Resource Area

HERD TERRITORY WITHIN ALLOTMENT



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TOYABE NATIONAL FOREST
UNDEF BDY

MINERAL CO
ESMERALDA CO

Queen Valley

Mount
Montgomery

Montgomery
Pass

Bucsten
Mine

Superior
Mine

Finch
Springs

Alber
Mine

Moran
Mine

Queen
Mine

Buffalo
Point

Trell Canyon
Saddle

Kennedy
Flats

Queen
Mine

Kennedy
Point

Back Warrior
Mine

Boundary
Feet