

11/29/95



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638
PH: (702) 885-6100



NOV 29 1995

IN REPLY REFER TO:
4700
(NV-03580)

Catherine Barcomb, Executive Director
Commission for the Preservation of Wild Horses
255 W. Moana Lane, Suite 207A
Reno, Nevada 89509

Dear Ms. Barcomb:

Attached is a copy of the correspondence that has been sent to the Interior Board of Land Appeals. Please place this information in the front of the appeal file (NV-030-95-06) that was sent to you on October 3, 1995.

This action should officially close the appeal (IBLA 96-5) of the Final Pine Nut Multiple Use Decision. I look forward to working with you concerning the management of the public rangelands.

Sincerely,

David Lewis
for John O. Singlaub
District Manager

- 1 Attachment
- 1. Supplemental Correspondence

BOB MILLER
Governor

STATE OF NEVADA



BUR OF LAND MANAGEMENT
CARSON CITY
DISTRICT OFFICE
CATHERINE BARCOMB
Executive Director

Nov 3 12 35 PM '95

COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

R11/3
DM
CES
WPA JAA

November 2, 1995

Mr. John Singlaub, District Manager
BLM - Carson City District Office
1535 Hot Springs Road
Carson city, Nevada 89706

RE: Notice of Intent to Appeal - Pine Nut MUD

Dear John,

Thank you for meeting with us to resolve the issues of concern with the Multiple Use Decision for the Pine Nut HMA and associated allotment decisions.

After the meetings with yourself and your District personnel, the attached settlement letter, and response from yourself, we are willing to monitor the changes in these allotments to determine if the proposed changes will benefit the habitat and the wild horses.

With the attached letters and associated commitments the Nevada Wild Horse Commission withdraws our Notice of Intent to Appeal and any intent to appeal this Multiple Use Decision.

We look forward to working with you on these new techniques proposed for better habitat management.

Sincerely,

Catherine Barcomb

CATHERINE BARCOMB
Executive Director

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director



1 04 PM '95

COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

October 17, 1995

INITIAL/DATE

| | | |
|------------|---|-----------|
| DM | ✓ | |
| ASSOC | | (R) 10/20 |
| HAZ MAT | | |
| PAO | | |
| LE | | |
| RES | ✓ | |
| ADMIN | | |
| OPS | | |
| LRA | | |
| WRA | ✓ | JAM 10/20 |

Mr. John Singlaub, District Manager
BLM - Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706

RE: Protests/Notice of Intent to Appeal - Pine Nut MUD

Dear John,

Thank you for meeting with the Nevada Division of Wildlife, (NDOW), Deputy Attorney General Wayne Howle, Dawn Lappin, and the Nevada Commission for the Preservation of Wild Horses concerning the multiple use decisions for the Pine Nut Range. These decisions were protested by the State agencies and held for possible appeal. As a result of our meeting, e better understand the intentions of the Carson City District; however, disagree on the procedures you used to arrive at the decisions.

The actual use data and use pattern mapping data collected on the Pine Nut Herd Management Area best explains the differences between our agencies. In simple terms, the 302 wild horses exceeded the allowable use level of 55% on upland vegetation within the Churchill Canyon and Clifton Allotments during 1993. Applying a desired stocking rate computation, we find the following:

$$\frac{\text{----}3,624\text{----}}{.70 \text{ util.}} = \frac{\text{-----}2,847 \text{ AUMs---}}{.55 \text{ util.}}$$

Accepting 50 percent allocation of available forage to livestock and wild horses, the appropriate management level for the Pine Nut Herd would be 119 horses with 1,424 AUMs for livestock. Obviously, the forage available to livestock is far short of the multiple use decisions for Churchill Canyon, Mill Canyon, Clifton, and Hackett Canyon that allocated 4,962 AUMs to cattle and sheep for 1996.

In addition, following the Strategic Plan for the Management of Wild Horses, mandates that you exceed carrying capacity for the allotment by not removing wild horses down to the established AML. With your proposed gather of approximately 735 horses it is

John Singlaub, District Manager
October 17, 1995
Page 2

conceivable that you will be releasing approximately 400 wild horses back on the allotments. They will naturally reestablish themselves in already overgrazed habitats. We realize that the removal of half of the population will have a future impact but will take 6 to 9 years to meet carrying capacity and continue to degrade the habitat during those years. Our main concern is for the safety and protection of the herds and their habitat.

As expressed in protests, the use of weight averaging inflated the stocking rates or carrying capacities to accommodate the conversion of domestic sheep allotments to cattle or maintenance of existing permits on the Pine Nut Range. From the documents it would appear that the reducing the present horse herd from 735 to 179 and sustaining present livestock permits could increase the actual use on the allotments and further deteriorate present range conditions.

In our discussions with your staff it appears that the practical aspects of the livestock decisions are uncertain. Also, the multiple use decisions for livestock are not common practices and are not based on known theories. While difficult to understand and to accept, we believe that with adequate monitoring and evaluation the concerns of our protests can be relieved. Pending acceptance of the following proposed actions we would be willing to withdraw our "Notice of Intent to Appeal" and rely on the Bureau's monitoring to provide for future changes in the management of these allotments. We propose the following:

MONITORING

Actual Use Data - Accurate wild horse and livestock actual use data per pasture are collected each year.

Use Pattern Mapping - Accurate data will be collected that distinguishes livestock, wild horse, and wildlife use of the allotments each year.

Utilization Data - Utilization data collected prior to livestock winter use will be used to determine temporary use or turn out dates to assure that 55% utilization will not be exceeded.

Wild Horse Population - Age, sex, and recruitment data will be collected in all gathers. Specifically age (ie: yearlings and foals), as well as other data, will be collected during census surveys to determine population estimates, recruitment rates, and status.

John Singlaub, District Manager
October 17, 1995
Page 3

EVALUATIONS

Data will be considered prior to each livestock authorization on the allotments annually.

An evaluation of the data will be completed and supplied to the Commission, NDOW, and WHOA prior to the next gather of wild horses.

John, our agencies proposed these actions which should be consistent with the Bureau's land use plans, procedures and policies. We realize that some policies practically prohibit the attainment of a thriving natural ecological balance, while current federal grazing regulations require immediate action to achieve it. We would like your concurrence as soon as possible to resolve our differences. Thanks for your personal attention to this matter.

Sincerely,



CATHERINE BARCOMB
Executive Director

cc: Julie Butler, Nevada State Clearinghouse
Willie Molini, NDOW
Wayne Howle, DAG
Dawn Lappin, WHOA



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:

4170

(NV-03580)

OCT 25 1995

Catherine Barcomb, Executive Director
Commission for the Preservation of Wild Horses
255 W. Moana Lane, Suite 207A
Reno, Nevada 89509

Dear Ms. ~~Barcomb~~ ^{Cathy}:

This is in response to your October 17, 1995, letter. We appreciate your efforts in meeting with us on October 10, 1995, and allowing us to clarify our intentions in the Pine Nut decisions. As stressed at the meeting, we share your concerns for the health of the wild horses and feel that the decisions will result in a thriving ecological balance for wildlife, wild horses and domestic livestock.

For clarification, I have included a summary table showing the changes in stocking levels as a result of the Pine Nut Multiple Use Decision. While we recognize that you still disagree with our methodology to arrive at stocking rates, our goal is to improve the health of the rangeland by proper distribution, timing and duration of grazing by livestock and wild horses.

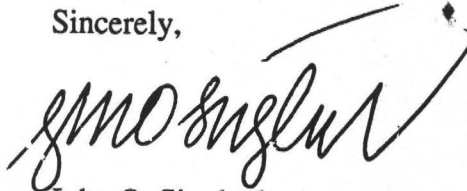
I can appreciate your concerns about the continued collection of monitoring data as the Multiple Use Decision is being implemented. Monitoring schedules are maintained to ensure that adequate data is collected to evaluate management *throughout* the Walker Resource Area, including the Pine Nut allotments. Listed below is the *minimum* monitoring and evaluation that will occur on the allotments addressed in the Pine Nut decision.

- Actual Use Data - Livestock actual use reports will be collected from permittees for every year that they turn livestock out on the public rangelands. Wild horse aerial censuses will be conducted annually if funding permits.
- Use Pattern Mapping - Allotment-wide use pattern mapping will occur on a three year cycle.
- Utilization - Utilization will be recorded every year on established key management areas. Although not specifically designated in our monitoring schedule, utilization data is collected on key browse species in key mule deer range twice per year.
- Wild Horse Population - Population numbers and adult/foal ratios will be determined during aerial censuses. Other population statistics such as sex and age data cannot be determined during aerial censuses and therefore will be determined during wild horse gathers.

- Evaluations - As a standard operating procedure, the Rangeland Management staff considers all resource information prior to the turnout of livestock or prior to any wild horse removal in order to assure that resource objectives can be achieved.

We will provide you with new data analysis prior to the next horse gather. Additional data will be collected as determined necessary and staffing permits. As always, I appreciate your concern with the management of the public rangelands. If you have any more questions regarding the Pine Nut Multiple Use Decision, please contact any of the Walker Resource Area Rangeland Management Specialists.

Sincerely,



John O. Singlaub
District Manager

Enclosure:

1. "Changes in Stocking Levels Due to Pine Nut Decision"

CHANGES IN STOCKING LEVELS DUE TO PINE NUT DECISION

| Allotment Name | % of HMA In Allotment | % of Allotment in HMA *1 | Livestock Preference / Allowable Use Before Decision | | Livestock AUM's After Decision | | | Wild Horse use Before Decision (AUMs) *6 | Wild Horse Potential Stocking Level (AUMs After Decision) | % Change In Wild Horse AUM's |
|------------------|-----------------------|--------------------------|--|------------------------------------|--------------------------------|------------------------|----------------------------------|--|---|------------------------------|
| | | | Kind of Livestock | Competitive Livestock AUM's In HMA | Kind of Livestock | Livestock AUM's In HMA | % Change In Livestock AUMs (HMA) | | | |
| Band Canyon | 4% | 100% | Cattle | 250 | None | 0 | -100% | 95 | 95 | 0% |
| Buckeye | 15% | 21% | Sheep | 493 | Cattle | 493 | 0% | 493 | 493 | 0% |
| Mill Canyon | 10% | 48% | Sheep *2 | 0 | Sheep *2 | 0 | 0% | 1140 | 296 | -74% |
| Sunrise | 18% | 100% | Cattle | 1092 | Cattle | 159 | -85% | 420 | 159 | -62% |
| Hackett Canyon | 6% | 100% | Cattle / Sheep *3 | 515 | Cattle / Sheep *3 | 187 | -64% | 144 | 187 | +30% |
| Eldorado | 10% | 100% | Sheep *4 | 600 | None | 0 | -100% | 444 | 270 | -39% |
| Churchill Canyon | 8% | 20% | Cattle *5 | 215 | Cattle *5 | 154 | -28% | 372 | 154 | -59% |
| Rawe Peak | 10% | 100% | Cattle | 552 | Cattle | 54 | -90% | *7 | 54 | *7 |
| Clifton | 15% | 82% | Cattle | 603 | Cattle | 484 | -20% | 816 | 414 | -49% |
| TOTALS | | | | 4320 | | 1531 | -65% | 3924 | 2122 | -46% |

*1 Based on public land acreage rounded to the nearest 1%..

*2 Sheep (browsers) will be feeding on different forage plants than wild horses (grazers) during the period of use recommended for the allotment.

*3 Sheep will be grazing during a time of year when they will be feeding on the same forage species as wild horses.

*4 Management objective as per Walker RPS, although the allotment never had an adjudicated preference.

*5 When this allotment was converted from sheep to cattle in 1993, cattle were initially authorized at 1074 AUMs (20% of the original sheep preference), which was intended to be a starting point for monitoring. After five years of monitoring, this figure would be redefined. The Final Multiple Use Decision only established a stocking level in the portion of the Churchill Canyon Allotment inside the Pine Nut Herd Management Area. Preference in the remaining 80% will be refined in another 3 years (the end of the original five year monitoring period). Please note that the reduction shown for Churchill Canyon is not related to the MUD but resulted from the conversion of sheep to cattle. The 215 AUMs shown before the MUD is a rough estimated based on a simple proration of acres.

*6 Wild horse actual use data from 1993.

*7 Horses had moved outside the allotment during the aerial census. Therefore, the potential stocking level was calculated for Mill Canyon, Rawe Peak, and Churchill Canyon Allotments (i.e., the three allotments where a single group of wild horses seem to move). The potential stocking level was then divided between the three allotments based on the amount of use within the individual allotments.

NOTE: Seven of the nine allotments contained within the Pine Nut Herd Management Area have taken reductions in livestock preference within the last three years.