



# 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



9/2/94

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Don & Martha Sims  
P.O. Box 36  
Deeth, NV 89823

### Proposed Multiple Use Decision Copper Kettle 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 Copper Kettle Allotment. The Rangeland Program Summary (RPS) Update was issued in 1989, which identified the allotment specific objectives for the Copper Kettle Allotment.

As identified in the RPS, monitoring was established on the Copper Kettle 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 Copper Kettle Allotment are found in Appendix 1.

Since 1977, trend data has been collected. The data was analyzed in 1993 through the allotment evaluation process to: 1) determine progress in meeting multiple use objectives for the Copper Kettle 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:

219 cattle from March 1 to February 28;  
2339 AUMs (89% Public Land)

**RATIONALE:** Based on the trend information which has been collected since 1977, 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."

**PROTEST:** If you wish to protest this proposed decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Lahontan Resource Area Manager, James M. Phillips, 1535 Hot Springs Rd., Suite 300, Carson City, NV 89706-0638. The protest should state the reasons, clearly and concisely, why you think the proposed decision is in error. This is in accordance with 43 CFR 4160.2.

If no protest is received within 15 days, a final decision will be issued specifying appeal procedures.

## WILD HORSE MANAGEMENT DECISION

North Stillwater Herd Management Area: It has been determined through monitoring and the allotment evaluation process that a thriving natural balance can be obtained through an Appropriate Management Level (AML) of a maximum of 49 wild horses for the Copper Kettle Allotment portion of the North Stillwater HMA. The Copper Kettle Allotment portion comprises 17 percent of the North Stillwater HMA.

**RATIONALE:** Monitoring information indicates that the carrying capacity of the Copper Kettle Allotment portion of the North Stillwater HMA is 588 total horse AUMs, in combination with current livestock numbers and forage reserved for bighorn sheep and deer. Actual counts and utilization records show that approximately 588 AUMs or 49 wild horses are the maximum proper stocking level within the Copper Kettle portion of the North Stillwater HMA. 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% or less on key species on upland areas.

In order to prevent resource damage, horse numbers should be limited to a maximum of 49 animals (Copper Kettle portion). To avoid annual removals and to minimize stresses and band disturbances associated with removals, removals will be conducted every three years. To avoid excess vegetation utilization, horses will be managed for a range of 37 to 49 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.

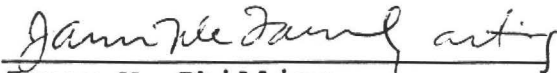
WILDLIFE MANAGEMENT DECISION

Wildlife habitat in the Copper Kettle Allotment will be managed to provide 21 AUMs for deer and 240 AUMs for bighorn sheep in the Stillwater HMP area. Utilization will be limited to 55% of key species. Riparian areas will be managed to achieve and maintain late seral ecological condition. Utilization in riparian areas will be limited to 55% by fencing of springs.

RATIONALE: Habitats on the allotment are suitable to maintain a low population of mule deer and a portion of the bighorn sheep herd, which inhabits the Stillwater Mountain Range. Limiting utilization to 55% should allow sufficient forage and cover for wildlife. Riparian habitats in the allotment are limited to seeps and springs. Small islands of riparian habitat can be extremely valuable to wildlife. Limiting utilization in these areas will allow sufficient vegetation to remain so as to provide wildlife forage and cover.

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

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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, 1989

#### A. Short term

1. Maintain utilization not to exceed 55% on identified key species on upland key areas.
2. Initially allow 2333 AUMs.
3. Limit utilization to 55% on identified key species in mule deer and bighorn habitat.
4. Maintain or improve willow stands to have at least 20% of all stems produce young over 5 feet in height.
5. Limit utilization not to exceed 55% current year's growth in riparian areas.
6. Initially provide 180 AUMs of forage for approximately 15 head of wild horses.

#### B. Long term

1. Improve ecological condition in ten years by one class from: early seral to mid-seral 950 acres; mid-seral to late seral 7,724 acres; late seral to potential natural community (PNC) 748 acres.
2. Manage identified mule deer habitat to maintain a fair (26-50) rating or better to support 7 deer yearlong, 21 AUMs reasonable numbers.
3. Maintain or improve identified bighorn sheep habitat at a minimum rating of 50 to help support 100 sheep yearlong, 240 AUMs reasonable numbers, Stillwater HMP area.
4. Manage riparian areas to achieve and maintain late seral ecological condition.
5. Maintain or improve wild horse habitat consistent with wildlife and livestock objectives.
6. Maintain or improve free-roaming behavior of wild horses by protecting or enhancing wild horse home ranges.
7. Maintain or improve wild horse habitat by assuring that all waters remain open to use by wild horses.



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

255 W. Moana Lane

September 2014, 1994

Reno, Nevada 89509

(702) 688-2626

Mr. James Phillips  
Lahontan Resource Area  
Bureau of Land Management  
1535 Hot Springs Road  
Carson City, Nevada 89706-0638

Subject: PMUD Copper Kettle Allotment

Dear Mr. Phillips:

The Nevada Commission for the Preservation of Wild Horses has reviewed the PMUD for Copper Kettle Allotment. It is obvious that this allotment is low in priority within your Resource Area; however, proper monitoring, evaluations and decisions are necessary to protect key habitats that wild horses, livestock and wildlife depend upon.

In your efforts to establish appropriate management levels for wild horses in the Stillwater Mountains, allotment evaluations are not addressing the protection of riparian habitats. This PMUD simply states that the land use plan objective of 55 percent utilization of riparian habitat will be accomplished by fencing. The decision does not quantify or schedule these projects. We find it difficult to accept the District's avoidance of this issue when numerous allotment evaluations and decisions across Nevada are establishing carrying capacities based upon actual use and utilization of riparian habitats.

While range conservationists may feel that allotments should not be managed based upon the condition of less than two percent of the land, BLM policy and regulations require you to do so. In light of the amount of range improvement projects to implement livestock production of public lands, it is not unreasonable to expect funds to mitigate the adverse impacts of livestock grazing.

Mr. James Phillips  
September 21, 1994  
Page 2

We would encourage you to find interim measures to protect riparian habitat, while seeking the funds and planning necessary to meet the obligations of this decision.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb". The signature is fluid and elegant, with a large initial 'C' and a long, sweeping tail on the 'b'.

Catherine Barcomb  
Executive Director