

m 6/4/92



# 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:  
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JUN 04 1992

Commission for the Preservation of Wild Horses  
Stewart Facility  
Attn. Cathy Barcomb  
Capitol Complex  
Carson City, NV 89710

*(MUD)*

Dear Interested Party:

Enclosed for information is a copy of the Horse Mountain Allotment Multiple Use Decision (MUD). Thank you for your interest in Multiple Use Management.

Sincerely yours,

James M. Phillips  
Area Manager  
Lahontan Resource Area

Enclosure:

1. Horse Mountain Allotment Multiple Use Decision.



# 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:

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(NV-03480)  
273000

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JUN 04 1992

Rolling "A" Ranch  
Virgil Stephens  
P.O. Box 140  
Dayton, NV 89403

### Proposed Multiple Use Decision Horse Mountain 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 Horse Mountain Allotment. The Rangeland Program Summary (RPS) was issued in October of 1985 and updated in 1989, which further specifically identified the allotment specific objectives for Horse Mountain Allotment.

As identified in the RPS, monitoring was established on Horse Mountain Allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established by the RPS. Since 1980, monitoring data has been collected. The data was analyzed in 1990 through the allotment evaluation process, to; 1) determine progress in meeting multiple use objectives for Horse Mountain Allotment and 2) determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

The specific multiple use objectives for Horse Mountain Allotment are found in Appendix I.

Through the allotment evaluation process it was determined that a change in existing management is required, in order to meet multiple use objectives for this allotment.

Through the consultation, coordination and cooperation process (CCC), your input as well as input from other affected interests has been considered in the allotment evaluation process. As a result of evaluation conclusions and after consideration of input received through CCC, and in order to meet

multiple use objectives established by the RPS, the following decisions are necessary.

HORSE MOUNTAIN ALLOTMENT  
LIVESTOCK GRAZING MANAGEMENT DECISION

At this time no change will be made in livestock preference. Licensing will be as below:

<u>Number</u>	<u>Kind</u>	<u>Grazing Period</u>	<u>%Public Land</u>	<u>AUMs</u>
604	Cattle	11/01-03/31	100%	3000

A reduction in livestock AUMs may occur when the U.S. Navy fences portions of the allotment adjacent to Bravo 16 and Bravo 19 bombing ranges. The fencing is necessary due to off-range ordnance contamination and potential hazards to the public. Reduction in AUMs will be based on the loss of forage and will be implemented at the time of the fence is completed.

Terms and Conditions

Grazing will be based on a system determined by the BLM and permittee on an annual basis. The system will be determined from previous utilization mapping, actual use and current forage conditions. Water hauls will be used to manage the location and number of livestock during the grazing season.

Utilization for uplands will be limited to 55% use of current years growth of key plants.

RATIONALE: The analysis and evaluation of available monitoring data indicates livestock use does not need to be modified at this time to meet the multiple use management objectives for the Horse Mountain Allotment.

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

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 as necessary under Sections 4110.3, 4110.3-1 and 4110.3-2."

4130.6-2: "The authorized officer may specify in grazing permits and

AUTHORITY: Authority for the this decision is contained in Section 3, Wild 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:

4700.0-6(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."

4710.4: Management of wild horses and burros shall be undertaken with the objective of limiting the animals's 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..."

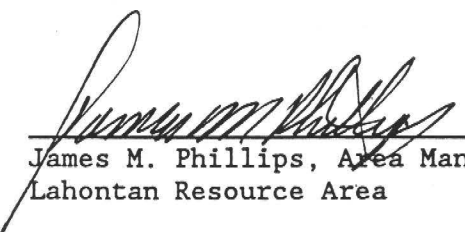
PROTEST/APPEAL:

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 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, as to why you think the decision is in error and a statement of standing, if necessary as per 43 CFR 4.400.

  
James M. Phillips, Area Manager  
Lahontan Resource Area

Special Interest(Certified Mail No.)

cc: U.S. Fish & Wildlife Service (P 019 012 393)  
American Horse Protection Association (P 019 012 394)  
National Mustang Association (P 019 012 395)  
Fund for Animals (P 019 012 396)  
International Society for the (P 019 012 397)  
Protection of Mustangs and Burros  
U.S. Humane Society (P 019 012 398)  
National Wild Horse Association (P 019 012 399)  
Animal Protection Institute (P 019 012 400)  
L.I.F.E. Foundation (P 019 012 401)  
C. Jean Richards (P 019 012 402)  
American Bashkir Curley Register (P 019 012 403)  
Humane Society of Southern Nevada (P 019 012 404)  
Nevada Humane Society (P 019 012 405)  
Wild Horse Organized Assistance (P 019 012 406)  
Dan Keiserman (P 019 012 407)  
Commission for the Preservation of (P 019 012 408)  
Wild Horses/Stewart Facility  
Craig Downer (P 019 012 409)  
Nevada Department of Wildlife (P 019 012 410)  
Sierra Club - Toiyabe Chapter (P 019 012 411)  
Natural Resources Defense Council Inc. (P 019 012 412)  
Clearing House for the State of Nevada (P 019 012 413)  
The Nature Conservancy (P 019 012 414)  
Nevada Cattlemen's Association (P 019 012 415)  
Resource Concepts Inc. (P 019 012 416)  
The Wildlife Society - Nevada Chapter (P 019 012 417)  
Nevada Land Action Association (P 019 012 418)  
N-3 Grazing Board (P 019 012 419)  
Carson City District Grazing Advisory Board (P 019 012 420)  
U.S.D.A. Soil Conservation Service (P 019 012 421)  
U.S.D.A. Soil Conservation Service (P 019 012 422)  
Nevada Woolgrowers Association (P 019 012 423)  
Buhel R. Heckathorn (P 019 012 424)  
Steven Fulstone (P 019 012 425)  
The Wilderness Society (Cal-NeV Reg. (P 019 012 426)  
Coordinator)  
Nevada Wilderness Association (P 019 012 427)  
American Wilderness Alliance (P 019 012 428)  
Nevada Wildlife Federation (P 019 012 429)

Special Interest(Certified Mail No.)

cc: Honorable James H. Bilbray (P 019 012 430)  
Honorable Barbara Vucanovich (P 019 012 431)  
Honorable Richard Bryan (P 019 012 432)  
Honorable Harry M. Reid (P 019 012 433)  
Nevada Wildlife Federation (P 019 012 434)  
Board of County Commissioners (Nye County) (P 019 012 435)  
Michael Kirk, D.V.M. (P 019 012 436)

Ms. Deborah Allard	(P 019 012 437)
Ms. Kathy McCovey	(P 019 012 438)
Ms. Nan Sherwood	(P 019 012 439)
Ms. Rebecca Kunow	(P 019 012 000)
Nevada State Department of Agriculture	(P 019 012 001)
Paula S. Askew	(P 019 012 002)
U.S. Wild Horse & Burro Foundation	(P 019 012 003)
Bobbi Royle	(P 019 012 004)

## APPENDIX I.

### Rangeland Program Summary Update Objectives - December 1989

#### a. Short Term

1. Maintain existing ecological condition and trend. Maintain utilization not to exceed 55 percent on identified key species on upland key areas. Initially allow 3,000 AUMs.
2. Improve chukker and mourning dove habitat through water development. Manage riparian areas to achieve and maintain late-seral ecological condition. Limit utilization to 55% of current year's growth.
3. Maintain or improve wild horse habitat consistent with wildfire 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 water remain open to use by wild horses. Initially provide approximate 564 AUMs for forage for approximately 47 head of horses. 59% percent of the allotment is in the HMA.
4. Continue existing grazing management and monitoring.

#### b. Long Term

The long range objectives of the grazing management program are to manage, maintain, and improve the rangeland condition on the public lands, specifically:

- a. Maintain a sufficient quantity, quality and diversity of habitat and forage for livestock, wildlife and wild horses through natural regeneration and/or artificial methods.
- b. Improve the vegetation resources and range conditions by providing for the physiological needs of key management plant species.
- c. Reduce soil erosion and enhance watershed values by increasing ground cover and litter.
- d. Maintain or improve habitat conditions. Habitat condition for any wildlife species can be defined as the ability of a specific area to supply the forage, cover, water and space

requirement of an animal. Habitat condition, therefore, is a measure of habitat quality, and is determined by assessments, surveys and studies.

e. Continue existing grazing management and monitoring.

3. Activity Plan Objectives:

a. Long Term

Key Area #1 - Maintain late seral ecological condition on 5484 acres.

Improve 3,053 acres from mid-seral to late seral ecological condition in twenty years.

Maintain a static to upward trend.

Increase frequency of Indian ricegrass by 5%.

Key Area #2 - Maintain 963 acres in late-seral ecological condition.

Improve 4716 acres from mid-seral to late-seral condition in 20 years.

Maintain a static or upward trend.

Increase frequency of Indian ricegrass by 5%.



# WHOA

WILD HORSE ORGANIZED ASSISTANCE  
P.O. BOX 555  
RENO, NEVADA 89504  
(702) 851-4817

## BOARD OF TRUSTEES

DAVID R. BELDING  
JACK C. McELWEE  
GORDON W. HARRIS

### In Memoriam

LOUISE C. HARRISON  
VELMA B. JOHNSTON, "Wild Horse Annie"  
GERTRUDE BRONN

June 23, 1992

James M. Phillips, Area Manager  
Lahontan Resource Area  
1535 Hot Springs Rd. Suite 130  
Carson City, Nevada 89706-0638

Dear Mr. Phillips,

Thank you very much for the opportunity to review the Multiple Use Decision for the Edwards Creek, Dixie Valley, and Horse Mountain Allotments. Apparently, I have misunderstood the concurrent protest/appeal procedures. My failure to read the second paragraph of explanations of protests vs appeals led me to believe I had 30 days to respond. However, if BLM declines to recognize my protest; I would require a 48 hour notification so that I may file an appeal within the 30 day time period.

In the 1987 Lahontan Decision Summary Update, BLM initially authorized at the current livestock use "there would be no initial decision to adjust livestock active preference (pg 13)." That decision to maintain the status quo in 1987 was based on 1) development of AMP's for I Categories; 2) proper utilization within Key areas; 3) better livestock distribution; and 4) water improvements. Five years later, there is no signed AMP, the AE showed none of the objectives for proper utilization, better distribution or water developments has been achieved. The stocking levels, changes in season of use, planning were to correct the overgrazing identified in the EIS. The MUD, based on the monitoring, was to correct miscalculated stocking levels and season of use, but instead maintains the status quo for active use for livestock and reduces wild horses.

We do agree that wild horses would have to be reduced and kept at "minimum" levels if the active preference for livestock is to be maintained.

The LUP shows 135 wild horses for the entire Desatoya HMA, the initial monitoring level in the AE was set at 82, approximately 60% of the 135 Desatoya horses were residing in the Edwards Creek portion of the HMA during the evaluation period. The AE assumed all 82 stayed in Edwards Creek. The AE also showed an actual use table (pg 9), that showed season of use as summer only when the accompanying period of use showed winter and summer. If in 1982,

James M. Phillips, Area Manager  
June 23, 1992  
Page 2

there were 53 wild horses and 57 head in 1988 in the Edwards Creek portion, an increase of less than 1%, then how do you compute a 10% rate of increase annually.

You state in the AE, "the utilization which occurs in summer and winter areas is a result of a combination of users" (pg 21-AE); "these horses cause part of the heavy to severe use..." (pg 22-AE).

You state the HMA is approximately 23,110 acres (pg 1-AE), yet the acreage in the formula on page 21 is 21,384 acres. What District manages the other portions of the Desatoya HMA, and how can you possibly set an AML without calculating their seasonal needs within the entire HMA!

We are aware that wild horses have some impact on riparian but it is common knowledge that most bands get water and leave; they usually do not hang out in drainages where they cannot flee easily. WHOA sees absolutely nothing in the AE that protects key winter areas for wild horses or key spring use for lactating mares. Your final grazing system will rotate 299 head of livestock from the "spring pasture" (no map provided identifying this), to the summer use area which is the Edwards Creek portion of the Desatoya HMA, from July through October.

If the permittee did not move his livestock after the EIS, what makes BLM believe he will be more attentive now?

WHOA must protest the Edwards Creek Allotment MUD. Our evaluation of the history, the LUP, the AE, and the MUD shows the issues can be corrected with proportionate reductions of use. Wild horses and wildlife must be allowed their free roaming status, recognizing their habitat requirements and seasonal movements. As it stands now the only real consideration is maintaining livestock at current levels and wild horses must be removed to sustain that need.

The MUD does not adequately address wild horse seasonal requirements, or key winter and spring use areas.

#### Horse Mountain

Five years ago, in your 1987 Management Decision Summary, page 36, you mention development of waters for wild horses. Have any waters been developed in the Horse Mountain Allotment for wild horses and are there any projected dates for starting or completion of those water projects?

Again, if there is a problem with accepting this document as a protest please notify us within 48 hours so we may take appropriate action. I would be happy to meet with you to discuss my concerns

James M. Phillips, Area Manager  
June 23, 1992  
Page 2

and possible solutions to these issues. If you have any questions,  
please feel free to call.

Sincerely,

DAWN Y. LAPPIN  
Director