



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4403.3 (NV-036)

APR 25 1995

Dear Participant:

Enclosed for your information is the Management Action Selection Report (MASR) for the Duckwater Allotment. This report is included with the Proposed Full Force and Effect Multiple Use Decision.

The Management Action Selection Report is the final section of the allotment evaluation and completes the monitoring evaluation process. It addresses the primary concerns received from involved interests, lists the options considered during the evaluation, and identifies the management actions selected. The report also describes the rationale as to why those actions were selected.

The MASR identifies selected changes in management by use area or pasture required to meet or make progress towards allotment specific objectives. The MASR also addresses changes to wild horse management to be included in the Proposed Full Force and Effect Multiple Use Decision for the allotment.

The MASR is provided for your information only. The Proposed Full Force and Effect Multiple Use Decision initiates the chosen actions on-the-ground and specifies the procedures for protest and appeal.

Sincerely,

Gene L. Drais, Manager
Egan Resource Area

3 Enclosures

1. Management Action Selection Report w/appendices (40 pp) (1 map)
2. Proposed Full Force and Effect Multiple Use Decision w/appendice (30 pp) (1 map)
3. Address List



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NOTICE OF PROPOSED FULL FORCE AND EFFECT MULTIPLE USE DECISION FOR THE DUCKWATER ALLOTMENT

BACKGROUND INFORMATION:

The Resource Management Plan/Environmental Impact Statement and Record of Decision for the Egan Resource Area were issued in September, 1984 and February, 1987, respectively. The Egan Rangeland Program Summary was issued in May of 1988. These documents guide the management of public lands within the Duckwater Allotment. The Egan Resource Area Record of Decision, dated February 1987, states in pertinent part:

"Monitoring studies will be used to determine if adjustments in livestock numbers are necessary...All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan..." (short term objectives) "Future adjustments in livestock use will be based on data provided through the rangeland monitoring program." (long term objective)

"Implementation [of the range management program] will take place through coordination, consultation, and cooperation. Coordinated resource management and planning is an advisory process that brings together all interests concerned with the management of resources in a given local area (landowners, land management agencies, wildlife groups, wild horse groups, and conservation organizations) and is the recommended public process through which consultation and coordination will take place. Grazing adjustments, if required, will be based upon a combination of reliable vegetation monitoring studies, consultation and coordination, and inventory.

Range management actions for livestock use and wild horse numbers will be based upon data obtained through the monitoring program and will consider recommendations made through the coordinated resource management and planning process. Actions could include, but will not be limited to, change in seasons-of-use, change in livestock numbers, correction of livestock distribution problems, alteration of the number of wild horses, development of range improvements, and taking site-specific measures to achieve improvements in wildlife habitat."

Monitoring data has been collected for this allotment periodically since 1985. In accordance with Bureau policy and regulations, this data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Duckwater Allotment.

Input was received from the permittees, Nevada Division of Wildlife - Region II, Dawn Lappin of Wild Horse Organized Assistance, Rose Strickland of the Sierra Club, Cathy Barcomb of the Commission for the Preservation of Wild Horses, and Wayne King (Shoshone-Eureka Resource Area Manager, Battle Mountain District BLM).

See Appendix I for the land use plan objectives covering livestock, wild horses, and wildlife. These objectives are in conformance with and formulated to accomplish the Egan Resource Management Plan multiple use objectives as they relate to all grazing use on the Duckwater Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE DUCKWATER ALLOTMENT, TECHNICAL RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE PROPOSED DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that the multiple use objectives for the Duckwater Allotment are not being met, and in fact, significant resource deterioration is taking place throughout portions of the allotment, exemplified by irreparable damage to the ecological status of major plant communities. Data analysis shows that combined use by livestock and wild horses is the main cause of resource deterioration. This analysis also shows that the existing management of wildlife does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in livestock and wild horse use, but not to wildlife use. This decision also establishes the Appropriate Management Level for those portions of three Wild Horse Herd Management Areas within the Duckwater Allotment; The Sand Springs East, Monte Cristo, and White River Herd Management Areas.

It has been determined that the resource deterioration constitutes an emergency situation. Due to the severity of the resource deterioration, to the point of irreparable damage to portions of the area's natural ecological balance, it is my intent to place the Final Decision in Full Force and Effect in accordance with 43 CFR 4160.3(c).

LIVESTOCK GRAZING MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), 4110.3-3(c), 4130.6-1(a), and 4160.3(c), the current authorized livestock active use shall be reduced by 10,426 Animal Unit Months (AUMs) for a new current active preference of 23,381 (AUMs). The 10,426 AUMs will be placed in suspended non-use. Cattle AUMs will be 16,607 active with 7,677 held in suspended non-use and sheep AUMs will be 6,774 active with 2,749 held in suspended non-use.

The authorized active preference will become effective during the 1995 grazing year immediately following issuance of the Final Multiple Use Decision for the Duckwater Allotment. Livestock active preference will be authorized by use area and will be in accordance with the season of use and terms and conditions for each of the 12 use areas (Refer to Appendix II, Livestock Use Areas in the Duckwater Allotment).

LIVESTOCK PREFERENCE

The new livestock preference on the Duckwater Allotment is as follows:

	<u>Total Preference</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>
From:	56,223 AUMs	22,416 AUMs	33,807 AUMs
To:	56,223 AUMs	32,842 AUMs	23,381 AUMs

The active preference of 23,381 AUMs will be adjusted by permittee and use area as follows:

Former Permittee: Duckwater Stockmen's Association*

	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
From:	18,536	7,414	11,122	03/01 - 11/30
To:	18,536	11,121	7,415	(variable)

* In 1989 the Duckwater Stockmen's Association grazing permit expired and has not been renewed. Since October of 1980 the Duckwater Stockmen's Association has refused to pay grazing fees to the Bureau of Land Management. On August 18, 1987, the Duckwater Stockmen's Association was issued a "Notice of Final Decision" demanding payment of past grazing fees due, plus interest. This decision was appealed and subsequently dismissed by Counsel for the Appellants. In 1987 via Notice of Trespass NV-040-87-318, the Duckwater Stockmen's Association was informed of their "unauthorized livestock grazing" on public lands. This unauthorized livestock grazing has continued to present.

Therefore, the grazing preference identified above will not be allocated, via the grazing permit to the Duckwater Stockmen's Association.

These portions of the "livestock grazing capacity" on the Duckwater Allotment, will be held in abeyance (and not adjudicated at this time to any permittee) pending final resolution of the "unauthorized use" currently occurring on the Duckwater Allotment by members of the Duckwater Stockmen's Association.

It is the position of the Bureau of Land Management that the Duckwater Stockmen's Association has no authorization via permit or annual authorization to graze livestock on public lands within the Duckwater Allotment.

Revised seasons of use are summarized below by use area.

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	44 Cattle	05/01 - 11/30	310	215
Duckwater Hills	46 Cattle	03/01 - 11/30	416	87
Pogues Station	175 Cattle	05/01 - 11/30	1,236	497
North Sand Springs Valley	312 Cattle	03/01 - 04/30	626	311
	210 Cattle	09/01 - 11/30	628	309
Pancake East Bench/ Duckwater Valley	293 Cattle	05/01 - 11/30	2,064	725
South Sand Springs Valley	353 Cattle	05/01 - 07/31	1,068	781
	215 Cattle	10/01 - 02/28	1,067	782

Permittee: Duckwater Cattle Company

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	10,565 (C)	4,186	6,379	03/01 - 02/28
	66 (S)	0	66	03/16 - 09/30

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	10,565 (C)	6,711	3,854	(variable)
	66 (S)	0	66	06/01 - 08/31

Revised seasons of use are summarized below by use area.

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Creek/ North Railroad Valley				
	414 Cattle	03/01 - 06/15	1,459	508
	103 Cattle	09/01 - 02/28	613	507
Bull Corner/ Poison Patch				
	146 Cattle	11/01 - 02/28	576	403
Duckwater Hills				
	53 Cattle	03/01 - 06/15	186	43
	32 Cattle	09/01 - 02/28	191	38
Green Springs				
	119 Cattle	06/01 - 11/30	718	985
Pancake East Bench/ Duckwater Valley				
	16 Cattle	03/01 - 06/15	56	20
	9 Cattle	09/01 - 02/28	55	21
	54 Sheep*	06/01 - 11/30	66	0

* There is no change to the active preference for sheep in this use area.

Permittee: Dan Russell

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,874 (C)	2,348	3,526	10/01 - 04/15
	7,184 (S)	2,874	4,310	11/01 - 04/15
	1,693 (S)	676	1,017	01/01 - 03/31

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,874 (C)	3,393	2,481	10/01 - 03/31
	7,184 (S)	4,370	2,446	11/01 - 04/15
			368	01/01 - 03/31
	1,693 (S)	1,029	664	01/01 - 03/31

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	945 Sheep	11/01 - 04/15	1,032	886
Pogues Station	509 Sheep	11/01 - 04/15	556	190
Little Smoky Valley	414 Cattle	10/01 - 03/31	2,481	1,045
	1,744 Sheep	01/01 - 03/31	1,032	566
Pancake East Bench/ Duckwater Valley	786 Sheep	11/01 - 04/15	858	207

Permittee: Triple E Livestock

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,040 (S)	2,016	3,024	11/01 - 04/15
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,040 (S)	2,916	2,124	11/01 - 04/15

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	1,180 Sheep	11/01 - 04/15	1,289	776
Duckwater Hills	475 Sheep	11/01 - 04/15	519	124
Ike Springs/ Ike Bench	289 Sheep	11/01 - 04/15	316	0

Permittee: John & Gailin Manzonie

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	2,522 (C)	1,008	1,514	03/01 - 06/15 11/01 - 02/28
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	2,522 (C)	1,201	1,321	03/01 - 06/15 11/01 - 02/28

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Broom Canyon/ South Railroad Valley	78 Cattle	03/01 - 06/15	274	105
	69 Cattle	11/01 - 02/28	274	104
Red Mountain/ Callaway Well	110 Cattle*	03/01 - 06/15	387	0
	98 Cattle*	11/01 - 02/28	386	0

* Active preference has been increased approximately 2% in this use area.

Permittee: Manzonie Irrevocable Trust

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,540 (C)	614	926	03/01 - 06/15 11/01 - 02/28
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,540 (C)	731	809	03/01 - 06/15 11/01 - 02/28

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Broom Canyon/ South Railroad Valley	47 Cattle	03/01 - 06/15	165	67
	43 Cattle	11/01 - 02/28	171	60

Red Mountain/
Callaway Well

67	Cattle*	03/01 - 06/15	236	0
60	Cattle*	11/01 - 02/28	237	0

* Active preference has been increased approximately 2% in this use area.

Permittee: Paris Livestock - There is no reduction to Paris Livestock active preference.

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,845 (S)	739	1,106	12/15 - 03/31
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,845 (S)	739	1,106	12/15 - 03/31

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	490 Sheep	12/15 - 03/31	345	0
Sand Springs North	189 Sheep	12/15 - 03/31	133	0
Pancake East Bench/ Duckwater Valley	574 Sheep	12/15 - 03/31	404	0
South Sand Springs Valley	318 Sheep	12/15 - 03/31	224	0

Permittee: Barry & Norma Bradshaw

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	934 (C)	372	562	03/01 - 06/15 11/01 - 02/28
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	934 (C)	463	471	03/01 - 06/15 11/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Creek/ North Railroad Valley	47 Cattle	03/01 - 06/15	165	91
Ike Springs/ Ike Bench	43 Cattle*	03/01 - 06/15	151	0
	39 Cattle*	11/01 - 02/28	155	0

* There is no reduction to active preference in this use area in either spring or fall.

Permittee: Denny Manzonie - There is no reduction to Denny Manzonie active preference.

From:	Total AUMs	Suspended Non-Use	Active Preference	Season of Use
	347 (C)	138	209	03/01 - 04/30 12/01 - 02/28

To:	Total AUMs	Suspended Non-Use	Active Preference	Season of Use
	347 (C)	138	209	03/01 - 04/30 12/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Red Mountain/ Callaway Well	39 Cattle	03/15 - 05/31	100	0
	54 Cattle	10/01 - 11/30	109	0

Permittee: Dick McKay - There is no reduction to Dick McKay active preference.

From:	Total AUMs	Suspended Non-Use	Active Preference	Season of Use
	49 (C)	20	29	12/01 - 03/31

To:	Total AUMs	Suspended Non-Use	Active Preference	Season of Use
	49 (C)	20	29	12/01 - 03/31

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Little Smoky Valley	7 Cattle	12/01 - 03/31	29	0

Permittee: Carter Cattle Company - There is no reduction to Carter Cattle Company active preference.

<u>From:</u>	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	28 (C)	11	17	11/01 - 11/30

<u>To:</u>	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	28 (C)	11	17	11/01 - 11/30

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Red Mountain/Callaway Well	17 Cattle	11/01 - 11/30	17	0

LIVESTOCK PREFERENCE BY USE AREA

The new active preference of 23,381 AUMs will be licensed separately for each of the twelve use areas as follows:

Cattle preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u>
Broom Canyon	
Permittee:	
John & Gailin Manzonie	548
Manzonie Irrevocable Trust	337
Bull Creek	
Permittee:	
Duckwater Cattle Co.	2,072
Barry & Norma Bradshaw	165
Bull Corner/Poison Patch	
Permittee:	
Duckwater Cattle Co.	576
Duckwater Stockmen's Assoc.*	310
Duckwater Hills	
Permittee:	
Duckwater Cattle Co.	377
Duckwater Stockmen's Assoc.*	416
Green Springs	
Permittee:	
Duckwater Cattle Co.	718
Pogues Station	
Permittee:	
Duckwater Stockmen's Assoc.*	1,236
Ike Springs/Ike Bench	
Permittee:	
Barry & Norma Bradshaw	306
Little Smoky Valley	
Permittee:	
Russell Ranches	2,481
Dick Mckay (retain pref.)	29
North Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.*	1,254

* Refer to page 3

Pancake East Bench	
Permittee:	
Duckwater Stockmen's Assoc.*	2,064
Duckwater Cattle Co.	111
Red Mountain/Callaway Well	
Permittee:	
John & Gailin Manzonie	773
Manzonie Irrevocable Trust	473
Denny Manzonie	209
Carter Cattle Co.	17
South Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.*	<u>2,135</u>
Total.....	16,607

Sheep Preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u>
Bull Creek Corner/Poison Patch	
Permittee:	
Russell Ranches	1,032
Triple E Livestock	1,289
Paris Livestock (retain pref.)	345
Duckwater Hills	
Permittee:	
Triple E Livestock	519
Pogues Station	
Permittee:	
Russell Ranches	556
Ike Springs/Ike Bench	
Permittee:	
Triple E Livestock (retain pref.)	316
Little Smoky Valley	
Permittee:	
Russell Ranches	1,032
North Sand Springs	
Permittee:	
Paris Livestock (retain pref.)	133

* Refer to page 3.

Use Area

Active Preference

Pancake East Bench

Permittee:

Russell Ranches	858
Paris Livestock (retain pref.)	404
Duckwater Cattle Co. (retain pref.)	66

South Sand Springs

Permittee:

Paris Livestock (retain pref.)	<u>224</u>
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Total..... 6,774

In accordance with 43 CFR 4130.6-2, certain terms and conditions will be included in the grazing permits for the Duckwater Allotment. The terms and conditions will be listed by use area and are as follows:

Broom Canyon/South Railroad Valley Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.
2. Triple E Livestock will trail sheep north in fall and south in spring to the west of County Highway 20. Any changes to the established sheep trailing route and/or changes to trailing stipulations will be determined annually by the authorized officer.
3. Sheep will not be bedded in the prominent winterfat flat located on the west side of highway 20 between the gravel pit and the old Bull Creek Well. This winterfat flat is located in T. 11N., R. 57E., Sections 16, 21, and 22. Sheep bedding grounds will be located a minimum of 1/4 mile from this winterfat flat. Sheep will be moved a minimum of five miles per day through this use area.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Bull Creek/North Railroad Valley Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period. Cattle grazing will be controlled by herding cattle to different locations in the use area each year on the turnout date.
2. Triple E Livestock will trail sheep north in fall and south in spring to the west of County Highway 20. Any changes to the established sheep trailing route and/or changes to trailing stipulations will be determined annually by the authorized officer.
3. Sheep will not be trailed in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Bull Creek Corner/Poison Patch Use Area

1. In this use area, Russell Ranches will graze sheep in lands along the main Poison Wash (Road 4106) and west of the wash, while Triple E Livestock will graze lands east of the main Poison Wash and south of the Easy Junior Mine (Road 4108 and Road 4109).
2. Paris Livestock will be allowed three alternate routes while herding sheep south in winter or north in early spring through this use area. These are along roads 4105, 4106, or 4109 (Refer to Map I in the Duckwater Evaluation). Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
3. Sheep herding by Russell Ranches or Paris Livestock will not be concentrated in the main Poison Wash (Road 4006) but will be distributed throughout the use area.
4. Sheep will not be trailed in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.
5. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Duckwater Hills Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.

2. In this use area, the Duckwater Stockmen's Association* will graze cattle west of the prominent north - south ridgeline while Duckwater Cattle Company will graze cattle east of the ridgeline.

3. The Duckwater Stockmen's Association* will be required to haul water to the north Duckwater Hills area in T. 14N., R. 56E., Section 29.

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

6. North of the intersection of State Route 379 and Bull Creek Road, sheep are to be herded in the Duckwater Hills west of Bull Creek Road and Bull Creek, and are not to water in Bull Creek. Water hauling will be required for sheep use in this area in the absence of snow.

7. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Green Springs Use Area

1. If water is available to pump, the stock well located in T. 15N., R. 57E., Section 17, SE 1/4 will be utilized by Duckwater Cattle Company to improve cattle distribution.

2. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 3

Pogues Station Use Area

1. The Duckwater Stockmen's Association* will haul water to different locations within the use area to be determined on an annual basis. Three different locations for hauling water in this use area are identified as follows:

1. Pogues Station - T. 15N., R. 54 E., Section 11.
2. West of Pogues Station - T. 15N., R. 54E., Section 10.
3. North of Duckwater Road - T. 16N., R. 54E., Section 15.

2. Sheep camp locations in this use area will be determined by the authorized officer on an annual basis.

3. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Ike Springs/Ike Bench Use Area

1. Spring cattle turnout will be deferred the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growth period.

2. Water hauling will be required for sheep grazing in this use area in the absence of snow.

3. Sheep camps and bedding grounds will be located at least 1/4 mile away from springs on the east slopes of the Pancake Mountains. If sheep must water at springs, they must move to and from the area in a timely manner.

4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 3

Little Smoky Valley Use Area

1. Sheep camp locations in this use area will be determined by the authorized officer on an annual basis. Sheep herding will not be concentrated in the winterfat flats or benches to the northwest of the Moody Mountains nor in Big Fault Wash, Snowball Creek Wash, Willow Creek Wash, Cockalorum Wash, or other major washes running west to east, in order to allow proper rest for severely degraded winterfat areas.
2. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
3. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

North Sand Springs Valley Use Area

1. This pasture will be rested from cattle grazing the first spring following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.
2. The Duckwater Stockmen's Association* will continue to haul water to their main stock tank in T. 13N., R. 55E., Section 31. The Florio spring development will be maintained in good working condition with adequate water in the stock tank.
3. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 3

Pancake East Bench/Duckwater Valley Use Area

1. The Duckwater Stockmen's Association* will control cattle grazing by herding cattle to different watering locations each year on the turnout date. Watering locations will be determined by the authorized officer on an annual basis.
2. The existing water developments at Big Louie, Florio, and McClure Springs will be maintained. The Duckwater Stockmen's Association* will continue water hauling to the bench just west of the intersection of State Route 379 and Big Louie Road in T. 14N., Range 55 E., Section 22. Water will also be hauled to the small valley northwest of Bull Fork in T. 14N., R. 55E., Section 16.
3. Sheep herding by Russell Ranches and Paris Livestock will not be concentrated east of the Big Louie Road so as not to conflict with cattle grazing. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.
5. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Red Mountain/Callaway Well Use Area

1. Spring cattle turnout will be deferred the second year following issuance of the grazing season and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growth period.
2. Cattle grazing in this use area will be dependent on continued water hauling and rotating seasons of use between spring and fall. Cattle grazing will not be concentrated in the bottoms around Callaway Well, to allow proper rest for severely degraded rangelands.
3. The sheep trailing route and stipulations will be determined annually by the authorized officer.

* Refer to page 3

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Sheep will be moved a minimum of five miles per day through this use area.

6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Sand Springs South Use Area

1. This pasture will be rested one full year following the first horse gather of the Sand Springs East Herd Management Area.

2. Sheep use will not be concentrated in the winterfat flats or stringer meadows on the valley bottom and lower benches but will be distributed to the west slopes of the Pancake Mountains on the east side of the valley or the Dry Lake Hills on the west side of the valley. This will allow rest for severely degraded rangelands in the valley bottom.

3. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

RATIONALE: The analysis and evaluation of available monitoring data indicates that the current management practices are not meeting the multiple use management objectives for the Duckwater Allotment as identified in Appendix I. The data indicates that 23,381 AUMs are available for livestock, with 10,426 AUMs to be placed in suspended non-use.

Because of the severity of the resource damage throughout the allotment, the (full) final reduction will be implemented. The decrease in livestock active preference, the reductions to the wild horse populations, the changes in seasons of use, and increased intensity of management will improve rangeland productivity, provide needed rest for key species during the critical growth period, and allow multiple use objectives to be met. These actions are required to prevent further deterioration of the rangeland and to prevent further irreparable damage to the natural ecological balance of the area's vegetative resource.

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

4100.0-8: "The authorized officer shall manage livestock grazing on 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 resource 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)."

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."

4110.3-2(b): "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity..."

4110.3-2(c): "Where active use is reduced it shall be held in suspension..."

4110.3-3(c): "When the authorized officer determines that the soil, vegetation, or other resources on the public lands requires temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation with affected permittees or lessees and other affected interests, action shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under 4160.3(c) of this title."

4120.3-1(c): "The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under 4130.6-2 of this title."

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 4110.3, 4110.3-1 and 4110.3-2."

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..."

4160.3(c): "The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal."

PROTEST:

If you wish to protest this 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 Egan Area Manager, HC 33 Box 150, Ely, Nevada 89301-9408.

Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be achieved by maintaining wild horse numbers at the following appropriate management levels:

<u>Wild Horse Use Area*</u>	<u>Herd Mngmt. Area</u>	<u>Appropriate Management Level AUMs (# Animals)</u>	
Broom Cbyn.	Monte Cristo	372	(31)
Bull Creek	Monte Cristo	745	(62)
Bull Corner/ Poison Patch	Monte Cristo	127	(11)
Duckwater Hills	Monte Cristo	0	(0)
Green Springs	Monte Cristo	86	(7)
Pogues Sta.	Monte Cristo	554	(46)
Total HMA		<hr/> 1884	(157)
Ike Springs/ Ike Bench	Sand Springs East	638	(53)
Little Smoky V.	Sand Springs East	1427	(119)
North Sand S.	Sand Springs East	266	(22)
Pancake East B./ Duckwater Vly.	Sand Springs East	758	(63)
South Sand S.	Sand Springs East	0	(0)
Total HMA		<hr/> 3089	(257)
Red Mountain	White River	92	(10*)
Total HMA		<hr/> 92	(10)
Total Duckwater		5065	424

* 10 horses for 9 months

The setting of wild horse numbers by allotment is part of a process that provides for an overall Herd Management Area wild horse Appropriate Management Level. Wild horse removals will occur on an Herd Management Area basis and numbers will be maintained at or near the total Appropriate Management Level. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total Appropriate Management Level for the Herd Management Area will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Duckwater Allotment will be managed at 5065 AUMs.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 424 animals will be removed.

RATIONALE: The analysis and interpretation of available monitoring data indicates that the multiple use objectives for wild horses on the Duckwater Allotment are not being met. Therefore a reduction in wild horses is necessary to establish and maintain a thriving natural ecological balance, to prevent further deterioration of the rangeland resource, and to meet the multiple use objectives for the allotment.

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:

4700.0-6(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."

4700.0-6(d): "In administering the regulations, the authorized officer shall consult with the Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands."

4710.1: "Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to Part 1600 of this title."

4710.3-1: "Herd management areas shall be established for the maintenance 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 relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas."

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: Although the 4700 regulations allow for an appeal with no mention of a protest, for the purpose of consistency with the livestock management portion of this decision, the entire multiple use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or in part, you are allowed (15) days from receipt of this notice within which to file a protest with the Egan Resource Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.

Note, it is my intention to issue the Final Multiple Use Decision in Full Force and Effect.

Gene L. Draais April 25, 1995
Gene L. Draais, Manager
Egan Resource Area

CERTIFIED MAIL #

cc: Thomas E. Luebben, Attorney	P 313 265 331
Nevada Division of Wildlife, Reg. II	P 313 265 332
Nevada Division of Wildlife, Reg. III	P 313 265 333
Curtis A. Bauughman (NDOW)	P 313 265 334
Jim Lusk (NDOW)	P 313 265 335
N-4 Grazing Board	P 313 265 336
Resource Concepts, Inc.	P 313 265 337
U.S. Fish & Wildlife Service	P 313 265 338
Sierra Club, Rose Strickland	P 313 265 339
Natural Resources Defense Council	P 313 265 340
The Wilderness Society	P 313 265 341
Bureau of Indian Affairs, Supt.	P 313 265 342
Nevada Farm Bureau	P 313 265 343
Intl'l Soc. for the Protection of Wild Horses & Burros	P 313 265 344
Animal Protection Institute of America	P 313 265 345
Commission for the Protection of Wild Horses & Burros	P 313 265 346
Dawn Lappin	P 313 265 347
County of Nye	P 313 265 348
Metropolitan Life Ins. Co., John A. Stratman	P 313 265 349
Doane Western	P 313 265 350
Production Credit Association	P 313 265 351
Rutgers School of Law	P 313 265 352
Wayne King, Shoshone Eureka R.A.	P 313 265 353
Tonopah Resource Area	P 313 265 354
Wayne Swenson, Ely Ranger District	P 313 265 355
Mike Podborny (NDOW)	P 313 265 356
Wayne Stephens	P 313 265 357
Metropolitan Life, Daniel A. O'Neil	P 313 265 358

APPENDIX I: Land Use Plan/Rangeland Program Summary/Habitat
Management Plan Objectives

1. Land Use Plan (Resource Management Plan) Objectives

(a) Rangeland Management - "All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan." (Egan Resource Area Record of Decision (ROD), p. 3).

(b) Wild Horses and Burros - Wild horses will be managed at a total of 494 animals within the Sand Springs East Herd Management Area (HMA), 96 animals within the Monte Cristo HMA, and 20 animals within the White River HMA. (Egan ROD, p. 6) *

"Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program." (Egan ROD, p. 6).

* The 494 wild horses yearlong in the Sand Springs East HMA, 96 wild horses in the Monte Cristo HMA, and 20 wild horses in the White River HMA are no longer valid Appropriate Management Levels (AMLs). The Interior Board of Land Appeals June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "An AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute." The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

(c) Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Division of Wildlife " (Egan ROD, p. 6).

"Reintroductions of big game species will be accomplished in cooperation with the Nevada Division of Wildlife, where such reintroductions would not conflict with existing uses and if sufficient forage is available." (Egan ROD, p. 6)

"Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Division of Wildlife." (Egan ROD, p. 8).

(d) Riparian - "Where management objectives are not being obtained through application of management practices, fencing will be considered." (Egan ROD, p. 13).

(e) Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing systems and aesthetic values." (Egan ROD, p. 44).

2. Rangeland Program Summary Objectives

Range

(a) "Provide forage for up to 16,274 AUMs of livestock use.

(b) Maintain or improve the ecological condition of Sand Springs Valley. Maintain or improve the current ecological condition of the remainder of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) levels on key species. Allowable use levels for winterfat and perennial grass species are 50%.

Wild Horses

(c) "Initially manage rangeland habitat to support an Appropriate Management Level (AML) of 575 wild horses in the Duckwater Allotment as part of the Sand Springs East HMA (494 wild horses), White River HMA (8 wild horses), and Monte Cristo HMA (73 wild horses). Provide forage for up to 6,895 AUMs of wild horse use (5,928 AUMs - Sand Springs East HMA; 91 AUMs - White River HMA; 876 AUMs - Monte Cristo HMA)." Actual wild horse numbers will be determined by evaluation in accordance with monitoring data to maintain a thriving natural ecological balance and prevent deterioration of the range. (The AML of 575 wild horses identified in the Rangeland Program Summary is no longer a valid AML).

Wildlife/Riparian

(d) "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: Mule deer 2,313 AUMs, Pronghorn antelope 510 AUMs."

(e) "Maintain or improve Mule deer and Pronghorn antelope yearlong habitats to good or better condition."

(f) "Improve and maintain habitat condition of meadows and riparian areas in poor/fair condition to good or better for pronghorn antelope, mule deer, and upland game."

(g) "Protect Sage Grouse breeding complexes by maintaining the big sagebrush sites within 2 miles of active strutting grounds for mid to late seral stage with a minimum of 30% shrub composition by weight.

(h) Protect Ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within 2 miles of nest sites.

(i) "Improve 5.0 miles of stream riparian in poor condition to good or better."

3. Little Smoky and Big Sand Springs Valley Habitat Management Plan (HMP) - Specific objectives which apply to the Duckwater Allotment.

(a) Limit utilization of bitterbrush and other browse species to 35% of current year's growth by September 30 to insure adequate forage availability for wintering mule deer at the following key locations:

Moody Mountain	T 13 N., R 54 E.	
Portuguese Mountain	T 10 N., R 55 E.,	Section 30
Park Mountain	T 13 N., R 52 E.,	Section 28

(b) Limit utilization levels to 55% of current annual growth on perennial grasses and grasslike species along riparian areas and mesic meadows by May 1 on the following key locations:

Cottonwood Spring	T 13 N., R 51 E.,	Section 36
Cottonwood Spring	T 12 N., R 52 E.,	Section 5
Tank Spring	T 13 N., R 52 E.,	Section 33
Unnamed Spring	T 12 N., R 52 E.,	Section 33
Bassit Spring	T 12 N., R 52 E.,	Section 21

(c) Limit utilization to 45% of current year's growth on riparian shrub species (willows, chokecherry, etc...) and 25% of current growth on riparian associated tree species (cottonwood, aspen) by November 1, at the following key locations:

Park Mountain	T 12 N., R 52 E.,	Section 5
Park Mountain	T 12 N., R 52 E.,	Section 7

(d) Limit utilization on streamside riparian vegetation to 55% by May 1 on the following key areas:

Willow - Snowball Creek	T 14 N., R 52 E.,	Section 20
Cottonwood Creek	T 12 N., R 52 E.,	Section 7

The utilization goal for riparian areas in fair to poor condition will be less than 40% use. This will improve the areas to good or better.

(e) Limit utilization to 50% of current annual growth on winterfat and associated perennial grass species by April 15 at the following winterfat key areas, to provide adequate forage for ferruginous hawk prey species:

Big Sand Springs Valley	T 11 N., R 54 E., Section	15
Big Sand Springs Valley	T 12 N., R 54 E., Section	10
Little Smoky Valley	T 15 N., R 53 E., Section	21
Little Smoky Valley	T 14 N., R 53 E., Section	20

(f) Manage the following key sage grouse areas for big sagebrush in mid to late seral stages with at least 25% sagebrush cover:

Willow Creek	T 14 N., R 53 E., Sections	25, 30
Willow Creek	T 14 N., R 52 E., Section	10
N. Park Range	T 13 N., R 52 E., Section	8

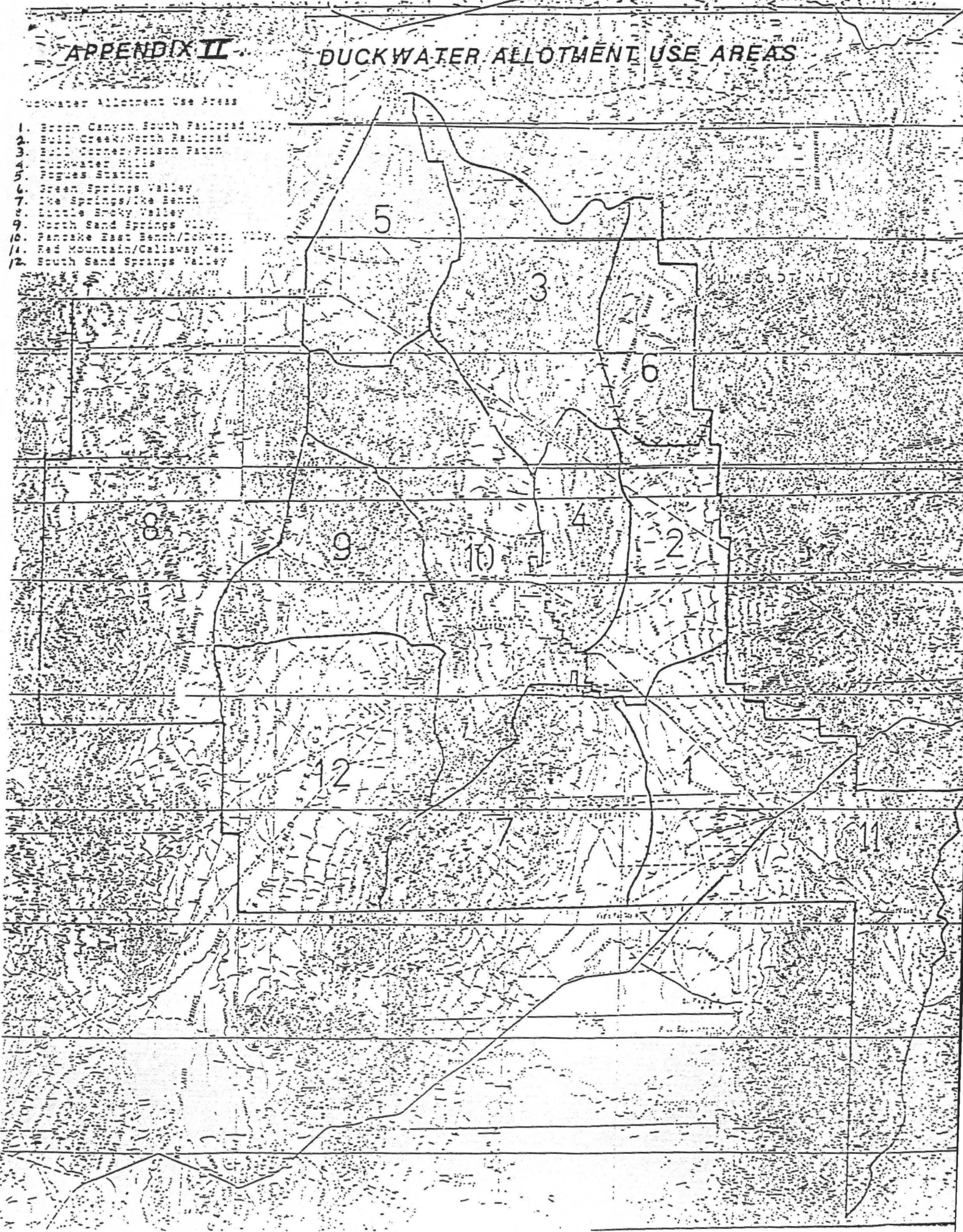
(g) Plans are underway to augment pronghorn antelope into Little Smoky Valley and Big Sand Springs Valley. Releases of 50 to 100 animals by NDOW will take place at predetermined locations, but not until planned guzzlers are in place. The long-term pronghorn population goal in the HMP area is 200 - 250 animals. The first release will not likely occur until calendar year 1995. Once release occurs, utilization of antelope key forage species (black sage, budsage, and shadscale) will not be allowed to exceed 45% of current year's growth, to increase antelope forage availability. If determined through monitoring, that additional forage is available for pronghorns once the population goal of 250 animals is obtained, the animals will be allowed to increase until monitoring determines that pronghorns are exceeding established utilization goals.

APPENDIX II

DUCKWATER ALLOTMENT USE AREAS

Duckwater Allotment Use Areas

1. Green Canyon South Pastoral Valley
2. Miller Creek/North Pastoral Valley
3. Miller Creek/South Pastoral Valley
4. Miller Creek/Valley
5. Miller Creek/Valley
6. Miller Creek/Valley
7. Miller Creek/Valley
8. Miller Creek/Valley
9. Miller Creek/Valley
10. Miller Creek/Valley
11. Miller Creek/Valley
12. Miller Creek/Valley



Management Action Selection Report
DUCKWATER ALLOTMENT
Egan Resource Area
February, 1995

A. INTRODUCTION

The Duckwater Allotment evaluation contains information collected for the period 1988 through 1992 in accordance with the direction set forth in Washington Office Instruction Memorandum No. 86-706. The public involvement process was conducted in accordance with instruction set forth in Nevada Instruction Memorandum No. 94-073.

A public meeting concerning the draft Duckwater Allotment evaluation was held June 21, 1994. A copy of the proceedings of the public meeting can be found in the Duckwater Allotment evaluation file located in the Egan Resource Area. Copies of the comment letters pertaining to both the draft and final Duckwater Allotment evaluation can also be found in that file. All allotment-specific comments were considered for incorporation into the final evaluation. Errors and inconsistencies in the text of the evaluation were corrected. These corrections are included in APPENDIX II of this selection report. A copy of the corrected and amended final evaluation will also be placed in the allotment evaluation file. Some of the primary concerns expressed by written or oral comment are addressed as follows:

The Nevada Division of Wildlife agrees with dividing the allotment into use areas and reducing cattle, sheep, and wild horse numbers to improve range conditions. The Nevada Division of Wildlife believes more needs to be done to improve the poor range conditions, specifically, complete spring rest from grazing should be provided for in several use areas for five years or until Land Use Plan objectives are met. BLM contends that Land Use Plan objectives will be met by adjusting stocking levels, improving management practices, and by resting several use areas in spring (3/1 - 4/30) every third year. The Nevada Division of Wildlife also stated that sheep should not be permitted to forage in any one area for too long as this has caused many areas of the allotment to be overutilized in the past. The allotment evaluation proposes specific management practices and areas of use for each sheep permittee authorized in the allotment.

The Sierra Club's main concerns are that riparian areas within the allotment need to be properly managed and that the allotment should be divided into separate allotments to reduce the future possibility of trespass. As stated in the Conclusions section of the evaluation, a majority of spring riparian areas meet condition and utilization objectives.

The grazing management and stocking levels prescribed by the selected management action include both management actions and grazing treatments for uplands and riparian areas. Regarding dividing the allotment into separate allotments, separate allotments are not a good idea in an area encompassing one entire Wild Horse Herd Management Area and portions of two other Wild Horse Herd Management Areas. Sheep also need to move freely from use area to use area. BLM maintains that allotment specific objectives are best achieved by prescribing grazing management on a customary and historical use area basis.

Wild Horse Organized Assistance and The Commission for the Protection of Wild Horses and Burros sent identical comment letters to the draft evaluation. Both groups are concerned about the following:

1. Allowable use levels for riparian areas.
2. Are riparian objectives set for after the growing season?
3. How wild horse actual use was determined for this allotment evaluation.
4. Are areas of the allotment use mapped slight to light not used and therefore unsuitable for livestock or wild horses and what is the relationship to SVIN?
5. The ecological range condition should be compared with that of the original land use plan.
6. The use of "corrected utilization" and "yield Index" is a method that does not address the overgrazing problems on the allotment.
7. The allocation of available forage is biased against wild horses and wildlife.

In response to these concerns:

1. The allowable use levels for riparian areas presented in the Nevada Rangeland Monitoring Handbook are meant to be used as a guide and should be tempered with judgement on a case-by-case basis. The Rangeland Program Summary objectives have further quantified the Land Use Plan objectives by setting allowable use levels at specific locations as indicated on pages 14 and 15 of the allotment evaluation.
2. Yes. Riparian objectives are set for after the growing season. Riparian areas were generally monitored in May or June for the current years utilization and condition.
3. Wild horse actual use for this evaluation was determined by aerial census, ground observations, and the professional opinions of two wild horse specialists in the Ely District. The final evaluation was modified from the draft to clarify wild horse actual use in certain use areas.
4. The slight to lightly grazed areas of the allotment could be unsuitable or areas receiving little use. More importantly, the utilization pattern mapping data is used to determine if management practices and stocking levels need adjustment to improve distribution and utilization based on the heavily used areas. A SVIN (SVIM - Soils and Vegetation Inventory Method) analysis was not conducted in the Ely District.
5. At the time of the original land use plan, no ecological range condition existed for the Duckwater Allotment.

6. The Sneva Crop Yield Index is used to account for the affect of yearly climatic variations on annual forage yield and therefore the calculation of appropriate stocking levels. The corrected utilization figure in combination with actual use and allowable use does in fact address the overgrazing problems by adjusting stocking levels. 7. In areas where combined or overlapping use occurs and the use cannot be separated, the stocking rate adjustments are proportioned based on the actual animals using the area. As per 43 CFR 4110.3-2(b) " When monitoring shows that the active use is causing an unacceptable level or pattern of utilization...the authorized officer shall reduce active use..." Since the active preference is what this is referring to, that is what we are making reduction from.

The Duckwater Shoshone Tribe has four main concerns regarding the Duckwater Allotment evaluation. These are as follows: 1. The Bureau of Land Management's evaluation of the Duckwater Allotment cannot be implemented until the Western Shoshone land issues have been fully resolved. 2. The wild horse situation in the allotment is an emergency situation. The Duckwater Shoshone Tribe has decreased actual livestock use while the actual wild horse use has increased in the allotment. The evaluation of the Duckwater Allotment cannot therefore be implemented until the wild horse problem is fully resolved. 3. There should be better management of sheep use before implementation of the evaluation. 4. Any reductions in Animal Unit Months (AUMs) in the Duckwater Allotment must be accomplished in an equitable manner. Certain operators should not absorb a larger reduction than others.

In response to these concerns: 1. This concern is addressed on page 1 of the final evaluation. The treaty issues and broad land issues are beyond the scope of this evaluation. 2. The Technical Recommendations section of the evaluation establishes an Appropriate Management Level for wild horses and adjusts grazing preference. Because of BLM's mandate by law to manage the public lands within the concept of multiple use (Federal Lands Policy and Management Act, et. al.), allocation of forage is made to livestock and wild horses concurrently. The BLM will reduce wild horses in the allotment down to the Appropriate Management Levels indicated on pages 93 and 94 of the final Duckwater evaluation. 3. Improved sheep management practices are indicated throughout the Short Term Solutions by Use Area section of the final evaluation beginning on page 79. 4. Adjustments in stocking levels have been made on a proportionate share basis by use area in accordance with BLM - Nevada policy and procedure.

The livestock permittees brought out many concerns over both the draft and final evaluation. The main concerns are addressed as follows:

One of the main concerns of the livestock permittees authorized to graze on the allotment is that BLM has allowed wild horses to increase in the allotment during the evaluation years while the permittees have taken voluntary non-use of their permits.

The permittees state that this is in violation of the Wild and Free Roaming Horse and Burro Act. Several permittees stated that wild horses should be removed from the allotment and then the allotment should be reevaluated to determine a proper stocking rate for cattle and sheep. As stated above, it is current policy to allocate forage to both livestock and wild horses and set the Appropriate Management Level for wild horses based on the current evaluation. Reductions are needed to wild horses, cattle, and sheep immediately if there is to be improvement in the resource conditions and halt further range degradation in this allotment.

Another major concern of the permittees was that this evaluation was conducted during drought years, which biases the results and conclusions. As previously stated, yearly variations in precipitation are accounted for by using the Sneva crop yield index.

One permittee voiced the concern that BLM should have chosen either the Duckwater Weather Station or the Blue Eagle Weather Station to base precipitation data for this evaluation rather than the Snowball Station, because less precipitation fell at Duckwater and Blue Eagle. However, the Duckwater Station had many months of incomplete precipitation data. The Blue Eagle Station had only 15 years of data. The Snowball Ranch Station was chosen because it had 21 years of complete data, with only one weather observer. It should be pointed out that precipitation data used in the evaluation compares crop year precipitation for any particular year against the normal crop year precipitation at the same weather station.

Two different permittees commented that since Duckwater was a common use allotment, all permittees should be given an equal reduction, as was done in 1967 when all permittees of the allotment received a 40% reduction. BLM contends that each use area presents a unique grazing situation that requires a unique grazing prescription for improved management of that use area. Current procedures for evaluating the proportioning of grazing use have changed from 1967 procedures. As previously stated, adjustments in stocking levels have been made on a proportionate share basis by use area as per BLM - Nevada policy and procedures.

One permittee raised the concern that the Duckwater Allotment evaluation should address the long standing Duckwater Stockmen's Association cattle trespass problem.

However, the Duckwater Shoshone trespass problem and treaty lands issues are beyond the scope of the allotment evaluation. The evaluation can only make technical recommendations for improved grazing management of the area.

There was general agreement from those permittees attending the public meeting June 21, 1994 concerning the use area boundaries. Duckwater Cattle Co. later made written comment that traditional use areas do not conform to those proposed by the evaluation. A map was submitted with the written comment outlining what the company feels to be their traditional use area, however no request was made for changing any of the 12 use area boundaries in a specific way. BLM did make a small change to the Little Smoky Valley Use Area boundary from the draft to final evaluation at the request of Pete Paris Jr. of Paris Livestock, who informed BLM of his historical and customary use of both sides of the Dry Lake Hills area in Little Smoky Valley. BLM will also move The Broom Canyon/Bull Creek use area boundary south and initiate a cooperative project to construct a fence separating the use areas.

Duckwater Cattle Co. objected to the allocation of grazing preference by use areas based upon four years of actual use. BLM allocated the beginning preference for each permittee for each use area based upon current active preference, the range forage survey of 1962, and the four year average actual use of the permittees in each use area. That is indicated throughout the TECHNICAL RECOMMENDATIONS section of the final evaluation.

Several permittees brought out that BLM should immediately remove all wild horses within the non-herd management area in the approximate center of the allotment.

One permittee raised the concern that if 1992 data is included in the evaluation, all such data should be included, not selected bits and pieces. BLM used utilization data collected during spring of 1992 for the 1991 grazing year, riparian data collected during the spring and summer of 1992, frequency trend data collected during the summer of 1992, and ecological condition data collected during the summer of 1992. 1992 riparian data was used because there was only one other year of data from which to draw conclusions. The same reasoning applies to the ecological condition data, in that there was only one other year from which to draw conclusions. Frequency trend data was used for 1992 because that gave BLM a three year determination for trend which is considered a minimum threshold for a conclusion. Complete stocking rate calculations were not finalized for 1992 because the data necessary was not collected until the spring of 1993, and would have caused unnecessary delays in the evaluation process. Complete stocking rate calculations for 1992 will be included in the third year reevaluation of the allotment.

One permittee expressed concern over the Wildlife/Riparian objectives listed under the Rangeland Program Summary Objectives on page 13 of the final evaluation. Specifically, the permittee felt that the Pronghorn antelope objective 2.(e) on page 13 should be concluded as "met" because pronghorn have increased in the allotment and are in good shape. The objective states that Pronghorn yearlong habitat will be maintained or improved to good or better condition, and this equates to good or better ecological condition. This objective is not being met in the allotment.

One permittee expressed the concern that cattle utilization during the dormant period of the year is irrelevant to the health of the range because use is made of essentially dead vegetative material. The permittee suggests that because of this, the 50% yearlong allowable use level for key forage species in the allotment is not pertinent to dormant season grazing. It must be pointed out that the 50% (moderate) yearlong allowable use level on perennial grasses and shrubs is widely supported by range literature, including the Nevada Rangeland Monitoring Handbook. It could be argued that dormant season allowable use could reasonably be increased above 50% for those allotments managed by formal grazing systems where there is not yearlong grazing use. This is not the case for the Duckwater Allotment, characterized by historical in common use, yearlong grazing, and overused rangelands.

One permittee raised a concern over perceived incorrectness in the raw utilization data collected for the allotment for each year of the evaluation. The permittee thought that the raw utilization data used in the Utilization and Stocking Rate Calculations by Use Area section of the evaluation was an average of the Use Pattern Mapping data by use class beginning on page 27 of the evaluation. The raw utilization data was based on an average of **key area transects** for each use area.

Conclusions of the evaluation were based upon monitoring data collected during the years 1989, 1990, 1991, and 1992 from the following sources:

1. Range, wild horse, and wildlife monitoring files compiled and maintained by the Egan Resource Area Office.
2. Input from permittees and the Nevada Division of Wildlife at a public meeting held June 21, 1994 addressing the draft Duckwater Allotment evaluation and the technical recommendations provided by the Egan Resource Area Staff.

3. Others providing written and verbal (personal conference or telephone) input include the following:

Mike Podborny - Nevada Division of Wildlife
Dawn Lappin - Wild Horse Organized Assistance
Rose Strickland - Sierra Club (Toiyabe Chapter)
Barry Bradshaw - Duckwater permittee
Wayne King - Shoshone Eureka Resource Area Manager
Cathy Barcomb - Commission for the Preservation of Wild
Horses

ANALYSIS OF MONITORING DATA

Based on analysis of monitoring studies and identified issues of the evaluation, eight of the fourteen land use plan objectives are not being achieved with current management practices. Two of the fourteen objectives are no longer appropriate, as explained in the final evaluation. One of the objectives is partially met. Therefore, additional management actions and/or adjustments in use are necessary. The primary resource problem in the Duckwater Allotment is over utilization of key native perennial grasses and winterfat by cattle, wild horses, and sheep, even though cattle and sheep have been run at less than active preference in recent years. The cause can be attributed to excessive numbers, poor distribution, and yearlong grazing. This has led to a decline in the carrying capacity, undesirable ecological range condition, and a general deterioration of the rangeland resource.

C. SUMMARY OF MANAGEMENT OPTIONS

The selected management actions are a combination of the management options listed by use area under Section VI of the Duckwater Allotment Evaluation and input from affected interests. The selected management action will maintain the 12 customary and historical use areas and will establish 12 formal use areas within the allotment. Stocking levels for livestock will be set, appropriate management levels for wild horses will be established, seasons of use will be changed or established and management practices for cattle and sheep will be changed or adjusted by use area. Formalizing use areas will serve to make users accountable for the condition of the range and will control and restrict use to specific areas within the allotment.

The short-term management actions for livestock and wild horses will be implemented upon issuance of the final multiple use decision. The long term solutions are necessary to make progress toward attainment of multiple use management objectives. The implementation of long term solutions such as range improvement projects are dependent upon staffing, funding availability, project priorities, and land use plan constraints.

D. SELECTED MANAGEMENT ACTION

The selected (short term) management actions by use area are as follows:

1. Broom Canyon/South Railroad Valley Use Area

- > Set the stocking rate at 885 Animal Unit Months (AUMs) for cattle, as indicated by monitoring studies.
- > Establish a wild horse Appropriate Management Level of 372 AUMs (31 wild horses yearlong), as indicated by monitoring studies.
- > Maintain cattle season of use for all permittees in this use area as spring/winter (from 3/1 to 6/15 and 11/1 to 2/28) to make use of winterfat, budsage, shadscale, and extremely limited perennial bunchgrass during spring and winterfat, galleta grass, and cured bunchgrass during winter.
- > Defer spring cattle turnout for all permittees the first year of the grazing decision and every third year thereafter from 3/1 to 4/30 to allow proper rest for forage plants during the critical growing period.
- > Triple E Livestock will be allowed to license a sheep trailing permit on an annual basis north in fall and south in early spring through this use area. Sheep will be trailed to the west of County Highway 20. The sheep trailing route and stipulations will be determined annually by the authorized officer.
- > Sheep will not be bedded in the prominent winterfat flat located on the west side of Highway 20 between the gravel pit and the old Bull Creek Well. This winterfat flat is located in T. 11N., R. 57E., sections 16, 21, and 22. Sheep bedding grounds will be located a minimum of 1/4 mile from this prominent winterfat flat. Sheep will be moved a minimum of five miles per day through this use area.
- > Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

2. Bull Creek/North Railroad Valley Use Area

- > Set the stocking rate at 2,237 AUMs for cattle, as indicated by monitoring studies.
- > Establish a wild horse Appropriate Management Level of 745 AUMs (62 wild horses yearlong) as indicated by monitoring studies.

> Establish a cattle season of use for Duckwater Cattle Co. in this use area as spring/fall/winter (from 3/1 to 6/15 and 9/1 to 2/28). Establish a cattle season of use for Barry Bradshaw as spring (from 3/1 to 6/15). Control cattle grazing by herding cattle to different locations in the use area each year on the turnout date. These locations will be determined on an annual basis by the authorized officer and included in the Terms and Conditions of the permit.

> Defer spring cattle turnout for both permittees the first year of the grazing decision and every third year thereafter from 3/1 to 4/30 to allow proper rest for forage plants during the critical growing period.

> Triple E Livestock will be allowed to license a sheep trailing permit on an annual basis north in fall and south in spring through this use area. Sheep will be trailed to the west of County Highway 20. The sheep trailing route and stipulations will be determined annually by the authorized officer.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

3. Bull Creek Corner/Poison Patch Use Area

> Set the stocking rate at 886 AUMs for cattle and 2,666 AUMs for sheep, as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 127 AUMs (12 wild horses yearlong) as indicated by monitoring studies.

> Establish a cattle season of use as summer/fall/winter (from 5/1 to 2/28). The Duckwater Stockmen's Association will graze this area during summer and fall (5/1 to 11/30) while Duckwater Cattle Company will graze this area during fall and winter (11/1 to 2/28). This grazing system provides for spring rest of forage plants during the critical growing period.

> Maintain the sheep season of use for Russell Ranches and Triple E Livestock as 11/1 - 4/15. In this use area, Russell Ranches will graze lands along the main Poison Wash (Road 4106) and west of the wash, while Triple E Livestock will graze lands east of the main Poison Wash and south of the Easy Junior Mine (Road 4108 and Road 4109). Maintain the sheep season of use for Paris Livestock as winter (12/15 - 3/31).

Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31. Paris Livestock will be allowed three alternate routes while herding sheep south in winter or north in early spring through this use area. These are along roads 4105, 4106, or 4109 (Map I).

> Ensure no concentrated sheep grazing in the main Poison Wash (road 4006). Ensure that the main pasture in this use area (T 14N., R56E., Sec. 10,14,15,16) receives adequate rest during the critical growth period, allowing for seed ripe of native perennial species.

> Sheep herding will not be concentrated in the main Poison Wash (road 4006) but will be distributed in other small valleys and drainages. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

4. Duckwater Hills Use Area

> Set the stocking rate at 793 AUMs for cattle and 519 AUMs for sheep, as indicated by monitoring studies.

> A wild horse Appropriate Management Level of 0 will be established for this use area.

> Establish a cattle season of use for Duckwater Cattle Co. east of the Duckwater Hills north/south prominent ridgeline as spring/fall/winter (3/1 to 6/15 and 9/1 to 2/28) corresponding to the season of use in the Bull Creek Use Area. Defer cattle grazing from 3/1 to 4/30 the first year of the grazing decision and every third year thereafter to rest forage plants during the critical growing period. Establish a cattle season of use for the Duckwater Stockmen's Association west of the prominent north-south Duckwater Hills ridgeline as spring/summer/fall (3/1 to 11/30). Cattle grazing will also be deferred west of the prominent north-south Duckwater Hills ridgeline from 3/1 to 4/30 the first year of the grazing decision and every third year thereafter to rest forage plants. The Duckwater Stockmen's Association will be required to haul water to the north Duckwater Hills area in T. 14N., R. 56E., sec. 29.

> Maintain season of use for sheep for Triple E Livestock as 11/1 to 4/15. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. No sheep camps or bedding grounds are to be located within 1/4 mile of springs. If sheep must water at springs, they should move to and from the area in a timely manner. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

> North of the intersection of State Route 379 and Bull Creek Road, sheep are to be herded in the Duckwater Hills west of Bull Creek Road and Bull Creek, and are not to water in Bull Creek. Water hauling will be required for sheep use in this area in the absence of snow.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

5. Green Springs Use Area

> Set the stocking rate at 718 AUMs for cattle, as indicated by monitoring studies (there is no sheep grazing in this use area).

> Establish a wild horse Appropriate Management Level of 86 AUMs (7 wild horses yearlong) as indicated by monitoring studies.

> Maintain the cattle season of use for Duckwater Cattle Co. as summer (6/1 to 11/30).

> If water is available to pump, the stock well located in T. 15N., R. 57E., Section 17, SE 1/4 is to be repaired to good working condition by Duckwater Cattle Co., to improve cattle distribution.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

6. Pogues Station Use Area

> Set the stocking rate at 1,236 AUMs for cattle and 556 AUMs for sheep, as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 554 AUMs (46 wild horses yearlong) as indicated by monitoring studies.

> Establish a cattle season of use for the Duckwater Stockmen's Association as summer/fall (5/1 to 11/30). Maintain sheep season of use for Russell Ranches as late fall/winter/early spring (11/1 to 4/15).

> To accomplish better control and distribution of cattle, the Duckwater Stockmen's Association will haul water to different locations within the use area to be determined on an annual basis.

Three different locations for hauling water in this use area are identified as follows:

1. Pogues Station - T. 15N., R. 54E., sec. 11.
2. West of Pogues Station - T. 15N., R. 54E., sec. 10.
3. North of Duckwater Road - T. 16N., R. 54E., sec. 15.

> Sheep camp locations in this use area will be determined by the authorized officer on an annual basis.

> Ensure sheep grazing is not concentrated in the former winterfat stringer meadows to the southwest of Pogues Station or anywhere else in this pasture. This will allow rest for severely degraded rangelands.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. No sheep camps or bedding grounds are to be located within 1/4 mile of springs; If sheep must water at springs they should move to and from the area in a timely manner. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

7. Ike Springs/Ike Bench Use Area

> Set the stocking rate at 306 AUMs for cattle and 316 AUMs for sheep as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 638 AUMs (53 wild horses yearlong) as indicated by monitoring studies.

> Maintain cattle season of use for Barry & Norma Bradshaw in a spring/winter rotation system (3/1 to 6/15 and 11/1 to 2/28). Defer spring cattle turnout the first year of the grazing decision and every third year thereafter from 3/1 to 4/30 to allow proper rest for forage plants during the critical growth period.

> Maintain a winter season of use for Triple E Livestock for sheep grazing (11/1 to 4/15). Water hauling will be required for sheep grazing in this use area in the absence of snow.

> Sheep camps and bedding grounds will be located at least 1/4 mile away from springs on the east slopes of the Pancake Mountains. If sheep must water at springs, they should move to and from the area in a timely manner. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season. No salt or supplement will be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

8. Little Smoky Valley Use Area

> Set the stocking rate at 2,510 AUMs for cattle and 1,032 AUMs for sheep as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 1,427 AUMs (119 wild horses yearlong) as indicated by monitoring studies.

> Establish a cattle season of use for Russell Ranches as winter (10/1 to 3/31). Dick McKay's cattle season of use will remain the same (12/1 to 3/31).

> Maintain the sheep season of use for Russell Ranches as winter (1/1 to 3/31). Sheep camp locations in this use area will be determined by the authorized officer on an annual basis.

> Sheep herding will not be concentrated in the winterfat flats or benches to the northwest of the Moody Mountains nor in Big Fault Wash, Snowball Creek Wash, Willow Creek Wash, Cockalorum Wash, or other major washes running west to east, in order to allow proper rest for severely degraded winterfat areas.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. No sheep camps or bedding grounds are to be located within 1/4 mile of springs. If sheep must water at springs they must move to and from the area in a timely manner. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

> During the first year of the grazing decision, one band of sheep should be herded in Little Smoky Valley (where black sagebrush is dominant over much of the rangeland) to lessen range impacts by sheep and allow for range recovery in the Bull Creek Corner/Poison Patch and Pogues Station Use Areas (where winterfat requires rest from grazing). The band should be herded on the west benches of the Moody Mountains away from the overgrazed winterfat stringer meadows in the bottoms and on the lower benches.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

9. North Sand Springs Valley Use Area

> Set the stocking rate at 1,254 AUMs for cattle and maintain the stocking rate at 133 AUMs for sheep as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 266 AUMs (22 wild horses yearlong) as indicated by monitoring studies.

> Maintain cattle season of use for the Duckwater Stockmen's association as spring/fall (3/1 to 4/30 and 9/1 to 11/30). This pasture will be rested the first spring of the grazing decision and every third year thereafter from 3/1 to 4/30 to allow proper rest for forage plants during the critical growing period.

> The Duckwater Stockmen's Association will continue to haul water to their main stock tank in Township 13 North, Range 55 East, Section 31. The Duckwater Stockmen's Association is also to insure that the Florio spring development is in good working condition with adequate water in the stock tank.

> Maintain sheep season of use for Paris Livestock as winter (12/15 to 3/31). Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. No sheep camps or bedding grounds are to be located within 1/4 mile of springs. If sheep must water at springs they must move to and from the area in a timely manner.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

10. Pancake East Bench/Duckwater Valley Use Area

> Set the stocking rate at 2,175 AUMs for cattle and 1,328 AUMs for sheep, as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 758 AUMs (65 wild horses yearlong) as indicated by monitoring studies.

> Maintain season of use for cattle for the Duckwater Stockmen's Association as summer/fall (5/1 to 11/30).

The Duckwater Stockmen's Association will control cattle grazing by herding cattle to different watering locations each year on the turnout date. Watering locations will be determined on an annual basis. Establish a season of use for cattle for Duckwater Cattle Co. as spring/fall/winter (3/1 to 6/15 and 9/1 to 2/28).

> Insure maintenance of existing water developments at Big Louie, Florio, and McClure Springs. The Duckwater Stockmen's Association will continue water hauling to the bench just west of the intersection of State Route 379 and Big Louie Road in Township 14 North, Range 55 East, Section 22. They will also continue water hauling to the small valley northwest of Bull Fork in Township 14 North, Range 55 East, Section 16.

> Maintain the sheep season of use for Russell Ranches as late fall/winter/early spring (11/1 - 4/15). Maintain the sheep season of use for Paris Livestock as winter (12/15 - 3/31). Sheep herding by Russell Ranches and Paris Livestock will not be concentrated east of the Big Louie Road so as not to conflict with cattle grazing. Sheep will be herded primarily in the Pancake Mountains to the west of Big Louie Road. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31. Establish a sheep season of use for Duckwater Cattle Co. as summer/fall (6/1 to 11/30). No sheep camps or bedding grounds are to be located within 1/4 mile of springs. If sheep must water at springs they should move to and from the area in a timely manner. Sheep camps will be moved every seven days. No two sheep camps will camp in the same area in a grazing season.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

11. Red Mountain/Callaway Well Use Area

> Set the stocking rate at 1,472 AUMs for cattle as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 92 AUMs (10 wild horses for 9 months) as indicated by monitoring studies.

> Establish a cattle grazing season of use for John & Gailin Manzonie and Manzonie Irrevocable Trust as spring/winter (3/1 to 6/15 and 11/1 to 2/28). Establish a cattle grazing season of use for Denny Manzonie as spring/fall (3/15 to 5/31 and 10/1 to 11/30).

Carter Cattle Company's season of use will remain the same (11/1 to 11/30). Defer spring cattle turnout from 3/1 to 4/30 the second year of the grazing decision and every third year thereafter to allow proper rest for forage plants during the critical growing period.

> Cattle grazing in this use area will be dependent on continued water hauling and rotating seasons of use between spring and fall. Cattle grazing will not be concentrated in the bottoms around Callaway Well, to allow rest for severely degraded rangelands.

> Triple E Livestock will be allowed to license a sheep trailing permit on an annual basis north in fall and south in early spring through this use area. The sheep trailing route and stipulations will be determined annually by the authorized officer.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. No sheep camps or bedding grounds are to be located within 1/4 mile of springs. If sheep must water at springs, they must move to and from springs in a timely manner. Sheep will be moved a minimum of five miles per day through this use area.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

12. Sand Springs South Use Area

> Set the stocking rate at 2,135 AUMs for cattle and maintain the stocking rate at 224 AUMs for sheep, as indicated by monitoring studies.

> Establish a wild horse Appropriate Management Level of 0 AUMs (0 wild horses yearlong) as indicated by monitoring studies.

> Establish a summer/winter season of use for the Duckwater Stockmen's association cattle grazing (5/1 to 7/30 and 10/1 to 2/28). This pasture will be rested from cattle grazing one full year following the first horse gather of the Sand Springs HMA.

> Maintain sheep season of use for Paris Livestock as winter (12/15 - 3/31). Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.

Sheep use will not be concentrated in the winterfat flats or stringer meadows on the valley bottom and lower benches but will be distributed to the west slopes of the Pancakes on the east side of the valley or the Dry Lake Hills on the west side of the valley. This will allow some rest for severely degraded rangelands in the valley bottom.

> Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.

No sheep camps or bedding grounds are to be located within 1/4 mile of springs; If sheep must water at springs they must move to and from the area in a timely manner.

> Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Rationale

The primary resource problem in the Duckwater Allotment is the overutilization of key forage species by cattle, sheep and wild horses. The cause of resource deterioration can be tied to excessive animal numbers, yearlong grazing and poor distribution. Cattle and sheep have run at less than active preference in recent years partly due to the wild horse population. Wildlife populations have not been identified as a contributor to the problem.

Grazing use adjustments and the establishment of the Appropriate Management Level for wild horses are being made to establish proper carrying capacities based on sustained yield, to improve the vigor and production of deteriorated range conditions and key forage plants, to improve the biodiversity of ecosystems, to allow for attainment of allotment objectives and to reverse deterioration occurring on the allotment.

E. LONG TERM SOLUTIONS

The following long term solutions should be implemented. These solutions will improve the rangeland resources. Any projects recommended will be initiated when time, funding, and manpower allows.

(1) Accomplish a vegetative conversion in the northeast portion of Green Springs Valley (Green Springs Use Area) to improve the vegetative composition for cattle, wild horses, wintering mule deer, yearlong antelope, and other wildlife. A chaining, chaining and seeding, prescribed burn, or prescribed burn and seeding will have multiple benefits in range that currently supports a fair to good shrub/bunchgrass component beneath an encroaching Pinyon/Juniper overstory.

(2) Accomplish a vegetative conversion in the Red Mountain/Callaway Well Use Area by conducting two small prescribed burns of approximately 500 and 700 acres. One Burn would be in the big sagebrush/perennial grass draw northeast of Manzonie Well (T. 10N., R. 59E., Sections 3,9,10,15,16). The other burn would be in a big sagebrush/perennial grass draw southwest of Wells Station Summit towards Albert Spring (T. 8N., R. 59E., Sections 4,5,6 and T. 9N., R. 59E., Section 33).

These burns would be undertaken for several reasons including improving forage conditions for cattle, wild horses, and wintering mule deer and improving the watershed conditions, biodiversity, and ecological condition of the site. Because a variety of native perennial grasses and shrubs are characteristic of each site, these prescribed burns could be accomplished with minimal reseeding.

(3) Construct an east/west fence dividing the Broom Canyon Use Area from the Bull Creek Use Area to the north. This will facilitate better control of cattle grazing.

(4) Construct a north-south fence through the Duckwater Hills Use Area which would divide the Duckwater Stockmen's Association cattle use from the Duckwater Cattle Company's cattle use.

(5) Construct an east/west fence in cooperation with Duckwater Cattle Company dividing the Green Springs Valley Use Area from the Monte Cristo Allotment to the north. This will facilitate better control of livestock grazing.

(6) The Shoshone-Eureka Resource Area, Battle Mountain District BLM has proposed two separate fences totaling 15 miles in the Little Smoky Valley use area, for better management of cattle, wild horses, and wildlife and for improvement of the range plant communities, especially riparian areas. The two fences are covered under the Fish Creek Ranch-Duckwater, Snowball-Duckwater Boundary Fences Environmental Assessment (EA # N64-EA3-024).

(7) Repair and strengthen the enclosure fence around Portuguese Spring to exclude cattle and wild horses. The portuguese Spring water development should be maintained in good working order.

(8) Develop water from Indian Spring and/or Ike Spring in the Ike Spring/Ike Bench Use Area to improve cattle distribution and lessen impacts to the adjacent Broom Canyon/South Railroad Valley Use Area.

(9) Construct a reservoir near the southern end of the water ditch that runs south of the Bradshaw Ranch.

This will better distribute cattle grazing until such time as the rangeland on the east benches of the Pancake Range recovers from heavy horse impacts. As wild horses are removed and the vegetation recovers, water can be developed from Indian Spring and/or Ike Spring.

Rationale

The long term solutions are necessary to make progress towards attainment of multiple use management objectives. The fencing and water projects will improve livestock distribution, protect riparian areas, and facilitate better administrative control of grazing.

F. THREATENED AND ENDANGERED SPECIES ACTION

The habitat of the Railroad Valley Springfish - Big and Little Warm Springs - is within the Duckwater Hills Use Area of the allotment. This evaluation proposes to reduce the cattle grazing preference in this use area for the Duckwater Stockmen's Association from 503 to 416 AUMs. In addition, the Duckwater Stockmen's Association will be required to haul water to the north Duckwater Hills, where there is available forage, away from the springs. There should be no increased grazing near either warm spring. The Duckwater Stockman's Association will be encouraged to limit cattle use in the vicinity of the critical habitat on public lands near Big and Little Warm Springs.

G. GENERAL (ALL PASTURES)

Total active preference for livestock on the Duckwater Allotment for all permittees shall be reduced by 10,426 AUMs for a total active preference of 23,381 AUMs. The 10,426 AUMs shall be held in suspended non-use for a total of 32,842 AUMs held in suspended non-use.

Cattle AUMs would be 16,607 active, with 7,677 held in suspended non-use; While sheep AUMs would be 6,774 active, with 2,749 held in suspended non-use. Overall this is a 32% reduction from active preference for cattle and a 29% reduction from active preference for sheep.

The Battle Mountain District BLM will continue to license the cattle use for Dick McKay and Russell Ranches in the Little Smoky Valley Use Area of the Duckwater Allotment. There is no change to Dick McKay's 29 AUM cattle permit, however Russell Ranch's cattle permit will be reduced from 3,526 AUMs active preference with 2,348 AUMs held in suspended non-use to 2,481 AUMs active preference, with a total of 3,393 AUMs held in suspended non-use. In addition, the winter cattle grazing season of use for Russell Ranches will be shortened by a half month from 10/01 - 04/15 to 10/01 - 03/31.

The total grazing preference will be adjusted as follows (in AUMs) - Both Ely And Battle Mountain District BLM:

From:	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
	56,223	22,416	33,807

To:	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
	56,223	32,842	23,381

The grazing preference licensed by the Battle Mountain District BLM will be adjusted as follows (in AUMs):

From:	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
	5,923	2,368	3,555

To:	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
	5,923	3,413	2,510

The new active preference of 23,381 AUMs for the allotment would be licensed separately for each of the 12 use areas as outlined in previous sections. Active preference for each of the use areas is summarized as follows:

<u>Use Area</u>	<u>Cattle AUMs</u>	<u>Sheep AUMs</u>
Broom Cbyn.	885	<0>
Bull Creek	2,237	<0>
Bull Corner/ Poison Patch	886	2,666
Duckwater Hills	793	519
Green Springs Vlly.	718	<0>
Pogues Station	1,236	556
Ike Springs/ Ike Bench	306	316
Little Smoky Vlly.	2,510	1,032
North Sand Springs	1,254	133
Pancake East Bench/ Duckwater Vlly.	2,175	1,328
Red Mountain	1,472	<0>
South Sand Springs	<u>2,135</u>	<u>224</u>
Total	16,607	6,774

A summary of the new total active preference on the Duckwater Allotment broken down by permittee and use area follows:

<u>Permittee</u>	<u>Use Area and AUMs</u>						
	<u>Bull Corner/ Poison Patch</u>	<u>Duckwtr. Hills</u>	<u>Pogues Sta.</u>	<u>Pancake East Bench</u>	<u>Sand Springs North</u>	<u>Sand Springs South</u>	<u>Total</u>
Duckwater Stockmen's Assoc. (C)	310	416	1236	2064	1254	2135	7415
Duckwater Cattle Co.	<u>Bull Creek</u>	<u>Bull Corner/ Poison Patch</u>	<u>Duckwtr. Hills</u>	<u>Green Springs</u>	<u>Pancake East Bench</u>	<u>Total</u>	
	2072	576	377	718	(111 C) (66 S)	3920	
Dan Russell (S) (C)	<u>Bull Corner/ Poison Patch</u>	<u>Pogues Sta.</u>	<u>Little Smoky Valley</u>	<u>Pancake East Bench</u>	<u>Total</u>		
	1032	556	1032 2481	858	5959		
Triple E Livestock (S)	<u>Bull Corner/ Poison Patch</u>	<u>Duckwater Hills</u>	<u>Ike Springs/ Ike Bench</u>	<u>Total</u>			
	1289	519	316	2124			
John & Gailin Manzonie (C)	<u>Broom Canyon</u>	<u>Red Mountain</u>	<u>Total</u>				
	548	773	1321				
Manzonie Irrevocable Trust (C)	<u>Broom Canyon</u>	<u>Red Mountain</u>	<u>Total</u>				
	337	473	810				
Paris Livestock (S)	<u>Bull Corner/ Poison Patch</u>	<u>Sand Springs North</u>	<u>Pancake East Bench</u>	<u>Sand Springs South</u>	<u>Total</u>		
	345	133	404	224	1106		
Barry & Norma Bradshaw (C)	<u>Bull Creek</u>	<u>Ike Springs/ Ike Bench</u>	<u>Total</u>				
	165	306	471				

	<u>Red Mountain</u>	<u>Total</u>
Denny Manzonie (C)	209	209
	<u>Little Smoky Valley</u>	<u>Total</u>
Dick McKay (C)	29	29
	<u>Red Mountain</u>	<u>Total</u>
Carter Cattle Co. (C)	17	17

Wild Horse Use

New wild horse AMLs for the Duckwater Allotment by use area and herd management area (HMA) are summarized as follows:

<u>Wild Horse Use Area</u>	<u>HMA</u>	<u>AUMs (# Animals)</u>	
Broom Cnyn.	Monte Cristo	372	(31)
Bull Creek	Monte Cristo	745	(62)
Bull Corner/ Poison Patch	Monte Cristo	127	(11)
Duckwater Hills	Monte Cristo	0	(0)
Green Springs	Monte Cristo	86	(7)
Pogues Sta.	Monte Cristo	<u>554</u>	<u>(46)</u>
Total HMA		1884	(157)
Ike Springs/ Ike Bench	Sand Springs East	638	(53)
Little Smoky V.	Sand Springs East	1427	(119)
North Sand S.	Sand Springs East	266	(22)
Pancake East B./ Duckwater Vlly.	Sand Springs East	758	(63)
South Sand S.*	Sand Springs East	<u>0</u>	<u>(0)</u>
Total HMA		3089	(257)

* Because wild horses may continue foraging in this use area, future evaluations may establish a revised AML in this use area.

Red Mountain	White River	<u>92</u>	<u>(10*)</u>
Total HMA		92	(10)
Total Duckwater		5065	424

* 10 horses for 9 months

H. GRAZING ADJUSTMENTS

The new active preference of 23,381 AUMs will be licensed separately for each of the 12 use areas as follows. Battle Mountain will license the cattle use in Little Smoky Valley.

Cattle preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u> <u>AUMs</u>
Broom Canyon	
Permittee:	
John & Gailin Manzonie	548
Manzonie Irrevocable Trust	337
Bull Creek	
Permittee:	
Duckwater Cattle Co.	2,072
Barry & Norma Bradshaw	165
Bull Corner/Poison Patch	
Permittee:	
Duckwater Cattle Co.	576
Duckwater Stockmen's Assoc.	310
Duckwater Hills	
Permittee:	
Duckwater Cattle Co.	377
Duckwater Stockmen's Assoc.	416
Green Springs	
Permittee:	
Duckwater Cattle Co.	718
Pogues Station	
Permittee:	
Duckwater Stockmen's Assoc.	1,236
Ike Springs/Ike Bench - No change to preference	
Permittee:	
Barry & Norma Bradshaw	306
Little Smoky Valley	
Permittee:	
Russell Ranches	2,481
Dick Mckay (retain pref.)	29

<u>Use Area</u>	<u>Active Preference</u> <u>AUMs</u>
North Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.	1,254
Pancake East Bench	
Permittee:	
Duckwater Stockmen's Assoc.	2,064
Duckwater Cattle Co.	111
Red Mountain/Callaway Well	
Permittee:	
John & Gailin Manzonie	773
Manzonie Irrevocable Trust	473
Denny Manzonie	209
Carter Cattle Co.	17
South Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.	<u>2,135</u>
Totals.....	16,607

Sheep Preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u>
Bull Creek Corner/Poison Patch	
Permittee:	
Russell Ranches	1,032
Triple E Livestock	1,289
Paris Livestock (retain pref.)	345
Duckwater Hills	
Permittee:	
Triple E Livestock	519
Pogues Station	
Permittee:	
Russell Ranches	556
Ike Springs/Ike Bench	
Permittee:	
Triple E Livestock (retain pr.)	316
Little Smoky Valley	
Permittee:	
Russell Ranches	1,032

Use Area

Active Preference

North Sand Springs

Permittee:

Paris Livestock (retain pref.) 133

Pancake East Bench

Permittee:

Russell Ranches 858

Paris Livestock (retain pref.) 404

Duckwater Cattle Co. (retain p.) 66

South Sand Springs

Permittee:

Paris Livestock (retain pref.) 224

Totals..... 6,774

A summary of sheep grazing and trailing areas, periods of use, and new active preference by permittee follows:

<u>Permittee & Use Area</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>Active</u>
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Russell Ranches

Bull Creek Corner	945	Sheep	11/01 to 04/15	1,032
Pogues Station	509	Sheep	11/01 to 04/15	556
Little Smoky Valley	1,744	Sheep	01/01 to 03/31	1,032
Pancake East Bench	786	Sheep	11/01 to 04/15	<u>858</u>

Total active preference 3,478

Triple E Livestock *

Bull Creek Corner	1,181	Sheep	11/01 to 04/15	1,289
Duckwater Hills	475	Sheep	11/01 to 04/15	519
Ike Springs/Ike Bench	289	Sheep	11/01 to 04/15	<u>316</u>

Total active preference 2,124

* Triple E Livestock will be allowed to license a sheep trailing permit on an annual basis north in fall and south in spring through the Red Mountain, Broom Canyon, and Bull Creek Use Areas. The sheep trailing route and stipulations will be determined annually by the authorized officer.

Paris Livestock *

Bull Creek Corner	490	Sheep	12/15 to 03/31	345
North Sand Springs	189	Sheep	12/15 to 03/31	133
Pancake East Bench	574	Sheep	12/15 to 03/31	404
South Sand Springs	318	Sheep	12/15 to 03/31	<u>224</u>

Total active preference 1,106

* Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31. The sheep trailing window of 20 days can be extended under special circumstances. For example, if Paris Livestock trails fewer numbers of sheep through the allotment or if additional days of trailing are required because of weather conditions.

An application for a trail permit may be approved by the authorized officer to Paris Livestock in use areas other than those listed above. Such a trailing permit will only be issued for those use areas where Paris Livestock has made historical and customary grazing use (Ike Springs, Little Smoky Valley, Pogues Station).

Duckwater Cattle Company

Pancake East Bench	54	Sheep	06/01 - 11/30	66
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Total active preference 66

A summary of cattle grazing periods of use and new active preference (AUMs) by permittee follows:

Permittee & Use Area No. Kind Period of Use Active

Duckwater Stockmen's Association

Bull Corner/Poison Patch	44	Cattle	05/01 - 11/30	310
Duckwater Hills	46	Cattle	03/01 - 11/30	416
Pogues Station	175	Cattle	05/01 - 11/30	1,236
North Sand Springs Vlly.	312	Cattle	03/01 - 04/30	626
	210	Cattle	09/01 - 11/30	628
Pancake East Bench	293	Cattle	05/01 - 11/30	2,064
South Sand Springs Vlly.	353	Cattle	05/01 - 07/31	1,068
	215	Cattle	10/01 - 02/28	<u>1,067</u>

Total active preference..... 7,415

<u>Permittee & Use Area</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>Active</u>
Duckwater Cattle Co.				
Bull Creek/North Railroad Valley	414	Cattle	03/01 - 06/15	1,459
	103	Cattle	09/01 - 02/28	613
Bull Corner/Poison Patch	146	Cattle	11/01 - 02/28	576
Duckwater Hills	53	Cattle	03/01 - 06/15	186
	32	Cattle	09/01 - 02/28	191
Green Springs	119	Cattle	06/01 - 11/30	718
Pancake East Bench	16	Cattle	03/01 - 06/15	56
	9	Cattle	09/01 - 02/28	<u>55</u>
Total active preference.....				3,854
Dan Russell				
Little Smoky Valley	414	Cattle	10/01 - 03/31	2,481
Total active preference.....				2,481
John & Gailin Manzonie				
Broom Canyon/South Railroad Valley	78	Cattle	03/01 - 06/15	274
	69	Cattle	11/01 - 02/28	274
Red Mountain/ Callaway Well	110	Cattle	03/01 - 06/15	387
	98	Cattle	11/01 - 02/28	<u>386</u>
Total active preference.....				1,321
Manzonie Irrevocable Trust				
Broom Canyon/South Railroad Valley	47	Cattle	03/01 - 06/15	165
	43	Cattle	11/01 - 02/28	171
Red Mountain/ Callaway Well	67	Cattle	03/01 - 06/15	236
	60	Cattle	11/01 - 02/28	<u>237</u>
Total active preference.....				809

<u>Permittee & Use Area</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>Active</u>
Barry & Norma Bradshaw				
Bull Creek/North				
Railroad Valley	47	Cattle	03/01 - 06/15	165
Ike Springs/Ike Bench	43	Cattle	03/01 - 06/15	151
	39	Cattle	11/01 - 02/28	<u>155</u>
Total active preference.....				471
Denny Manzonie				
Red Mountain/ Callaway Well	39	Cattle	03/15 - 05/31	100
	54	Cattle	10/01 - 11/30	<u>109</u>
Total active preference.....				209
Dick McKay				
Little Smoky Valley	7	Cattle	12/01 - 03/31	29
Total active preference.....				29
Carter Cattle Company				
Red Mountain/ Callaway Well	17	Cattle	11/01 - 11/30	17
Total active preference.....				17

I. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Egan Resource Area will continue to monitor all existing studies and establish additional studies as identified in Section VI of the final evaluation. The monitoring data will be collected and interpreted to provide necessary information for subsequent re-evaluations in the third and fifth years following the multiple use decision. The reevaluations are necessary to determine if the allotment objectives are being met under the new grazing management strategies. In addition, the subsequent reevaluations will determine if continued or additional adjustments to livestock or wild horse use are needed to meet allotment objectives.

The Egan Resource Area will continue to monitor the critical habitat of the Railroad Valley Springfish.

The Egan Resource Area will continue trying to work with the permittees in the allotment to rest the range during the critical growing period of spring, allowing for seed ripe of native perennial plant species.

APPENDIX 1: Land Use Plan/Rangeland Program Summary/Habitat Management Plan Objectives

1. Land Use Plan (RMP) Objectives

(a) Rangeland Management - "All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan." (Egan Resource Area Record of Decision (ROD), p. 3).

(b) Wild Horses and Burros - Wild horses will be managed at a total of 494 animals within the Sand Springs East HMA, 96 animals within the Monte Cristo HMA, and 20 animals within the White River HMA. (Egan ROD, p. 6) *

"Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program." (Egan ROD, p. 6). Actual wild horse numbers will be determined by this evaluation based upon monitoring data in order to maintain a thriving natural ecological balance and prevent deterioration of the range.

* The 494 wild horses yearlong in the Sand Springs East HMA, 96 wild horses in the Monte Cristo HMA, and 20 wild horses in the White River HMA are no longer valid AMLs. The Interior Board of Land Appeals June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "An AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute." The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

c) Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Division of Wildlife " (Egan ROD, p. 6).

"Reintroductions of big game species will be accomplished in cooperation with the Nevada Division of Wildlife, where such reintroductions would not conflict with existing uses and if sufficient forage is available." (Egan ROD, p. 6)

"Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Division of Wildlife." (Egan ROD, p. 8).

(d) Riparian - "Where management objectives are not being obtained through application of management practices, fencing will be considered." (Egan ROD, p. 13).

(e) Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing systems and aesthetic values." (Egan ROD, p. 44).

2. Rangeland Program Summary Objectives

Range

(a) "Provide forage for up to 16,274 AUMs of livestock use.

(b) Maintain or improve the ecological condition of Sand Springs Valley. Maintain or improve the current ecological condition of the remainder of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) levels on key species. Allowable use levels for winterfat and perennial grass species are 50%.

Wild Horses

(c) "Initially manage rangeland habitat to support an Appropriate Management Level (AML) of 575 wild horses in the Duckwater Allotment as part of the Sand Springs East HMA (494 wild horses), White River HMA (8 wild horses), and Monte Cristo HMA (73 wild horses). Provide forage for up to 6,895 AUMs of wild horse use (5,928 AUMs - Sand Springs East HMA; 91 AUMs - White River HMA; 876 AUMs - Monte Cristo HMA)." Actual wild horse numbers will be determined by this evaluation in accordance with monitoring data to maintain a thriving natural ecological balance and prevent deterioration of the range. (The AML of 575 wild horses identified in the RPS is no longer a valid AML - See asterisk note on page 12 for reasons why).

Wildlife/Riparian

(d) "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: Mule deer 2,313 AUMs, Pronghorn antelope 510 AUMs."

(e) "Maintain or improve Mule deer and Pronghorn antelope yearlong habitats to good or better condition."

(f) "Improve and maintain habitat condition of meadows and riparian areas in poor/fair condition to good or better for pronghorn antelope, mule deer, and upland game."

(g) "Protect Sage Grouse breeding complexes by maintaining the big sagebrush sites within 2 miles of active strutting grounds for mid to late seral stage with a minimum of 30% shrub composition by weight.

(h) Protect Ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within 2 miles of nest sites.

(i) "Improve 5.0 miles of stream riparian in poor condition to good or better."

3. Little Smoky and Big Sand Springs Valley Habitat Management Plan (HMP) - Specific objectives which apply to the Duckwater Allotment.

(a) Limit utilization of bitterbrush and other browse species to 35% of current year's growth by September 30 to insure adequate forage availability for wintering mule deer at the following key locations:

Moody Mountain	T 13 N., R 54 E.
Portuguese Mountain	T 10 N., R 55 E., Section 30
Park Mountain	T 13 N., R 52 E., Section 28

(b) Limit utilization levels to 55% of current annual growth on perennial grasses and grasslike species along riparian areas and mesic meadows by May 1 on the following key locations:

Cottonwood Spring	T 13 N., R 51 E., Section 36
Cottonwood Spring	T 12 N., R 52 E., Section 5
Tank Spring	T 13 N., R 52 E., Section 33
Unnamed Spring	T 12 N., R 52 E., Section 33
Bassit Spring	T 12 N., R 52 E., Section 21

(c) Limit utilization to 45% of current year's growth on riparian shrub species (willows, chokecherry, etc...) and 25% of current growth on riparian associated tree species (cottonwood, aspen) by November 1, at the following key locations:

Park Mountain	T 12 N., R 52 E., Section 5
Park Mountain	T 12 N., R 52 E., Section 7

(d) Limit utilization on streamside riparian vegetation to 55% by May 1 on the following key areas:

Willow - Snowball Creek	T 14 N., R 52 E., Section 20
Cottonwood Creek	T 12 N., R 52 E., Section 7

The utilization goal for riparian areas in fair to poor condition will be less than 40% use. This will improve the areas to good or better.

(e) Limit utilization to 50% of current annual growth on winterfat and associated perennial grass species by April 15 at the following winterfat key areas, to provide adequate forage for ferruginous hawk prey species:

Big Sand Springs Valley	T 11 N., R 54 E., Section	15
Big Sand Springs Valley	T 12 N., R 54 E., Section	10
Little Smoky Valley	T 15 N., R 53 E., Section	21
Little Smoky Valley	T 14 N., R 53 E., Section	20

(f) Manage the following key sage grouse areas for big sagebrush in mid to late seral stages with at least 25% sagebrush cover:

Willow Creek	T 14 N., R 53 E., Sections	25, 30
Willow Creek	T 14 N., R 52 E., Section	10
N. Park Range	T 13 N., R 52 E., Section	8

(g) Plans are underway to augment pronghorn antelope into Little Smoky Valley and Big Sand Springs Valley. Releases of 50 to 100 animals by NDOW will take place at predetermined locations, but not until planned guzzlers are in place. The long-term pronghorn population goal in the HMP area is 200 - 250 animals. The first release will not likely occur until calendar year 1995. Once release occurs, utilization of antelope key forage species (black sage, budsage, and shadscale) will not be allowed to exceed 45% of current year's growth, to increase antelope forage availability. If determined through monitoring, that additional forage is available for pronghorns once the population goal of 250 animals is obtained, the animals will be allowed to increase until monitoring determines that pronghorns are exceeding established utilization goals.

APPENDIX II. Corrections and Amendments to Final Duckwater Allotment Evaluation

A. On page 60 of the final evaluation, an error was discovered by BLM in the raw utilization data for the Green Springs Use Area. The raw utilization for the years 1989 and 1990 were mistakenly switched. The year 1989 should read 58% raw utilization and the year 1990 should read 60% utilization, not vice versa. This change results in a 3 AUM increase to the proper stocking level for cattle in the area but no change to the wild horse AML. With the change, calculations for the Green Springs Use Area are revised as follows:

Green Springs Use Area

Utilization/Stocking Rate Calculations

<u>Year</u>	<u>Raw Utiliz.</u>	<u>Yield Index</u>	<u>Corrected Utilization</u>	<u>Actual Use AUMs</u>	<u>Proper Stocking Level</u>
1988	42%	1.63	68.5%	681	497
1989	58%	.89	51.6%	1095	1061
1990	60%	.81	48.6%	644	663
1991	66%	.73	48.2%	959	995

The average proper stocking level is 804 AUMs. Since this is combined use, the stocking level will be proportioned to cattle and wild horses based on preference demand for cattle and the most recent census during the evaluation period for wild horses.

1. **FORAGE DEMAND (AUMs)**

Cattle Preference	1,701	(89.3%)
Sheep Preference	0	(0)
Wild Horses (7/91 census)*	204	(10.7%)
Total	1,905	(100.0%)

* Three wild horses were censused in the Green Springs Use Area and 21 wild horses were censused in the Humboldt National Forest immediately to the east of the Green Springs Use Area. The 204 AUMs are 70% of the total 24 wild horses censused (17 wild horses yearlong). See pages 5 and 24 for clarification.

Since a reduction in current demand based on the four year average actual use of wild horses would result in an AML of only four AUMs for wild horses, and since no documentation exists of wild horses making heavy or severe use in Green Springs Valley as a whole, the stocking level will be proportioned to cattle and horses based on preference demand for cattle and existing use by wild horses.

2. STOCKING RATE ADJUSTMENTS

a.	Demand				1,905 AUMs
	Stocking level				<u>804 AUMs</u>
	Reduction				1,101 AUMs
b.	Reduction by user - Based on percentage of demand.				
	Cattle	1,104 AUMs	X	.893	= 983 AUMs
	Sheep	0 AUMs			
	Wild Horses	1,104 AUMs	X	.107	= <u>118 AUMs</u>
					1101 AUMs

4. NEW LIVESTOCK PREFERENCE BY PERMITTEE

One permittee grazes Green Springs Valley, Duckwater Cattle Co.

a. Cattle reduction by permittee

<u>Permittee</u>		<u>% Prefer.</u>	<u>X</u>	<u>Reduct.</u>	<u>=</u>	<u>Individual Reduct.</u>
Duckwater Cattle Co.	<u>100.0</u>		X	983	=	<u>983 AUMs</u>
	100.0					986 AUMs

b. New preference by permittee

<u>Permittee</u>		<u>Prefer.</u>	<u>-</u>	<u>Individ. Reduct.</u>	<u>=</u>	<u>New Prefer.</u>
Duckwater Cattle Co.	1701 AUMs		-	983 AUMs	=	718 AUMs

5. TOTAL USE AUTHORIZATIONS (AUMs) AND WILD HORSE AML

a. demand less reduction = authorization

Cattle	1,701	-	983	=	718 AUMs
Sheep	(0)				
Wild Horses	204	-	118	=	86 AUMs AML
					(7 wild horses yearlong)
	<u>1,905</u>	-	<u>1,104</u>	=	804 Total Use

This change will result in changes to the Short Term Solutions by Use Area section of the evaluation beginning on page 79. Other summary information beginning on page 88 of the evaluation has been corrected with the corrected data shown in this MASR.

A second error was discovered by BLM in the raw utilization data for the Bull Creek Use Area on page 52 of the final evaluation. The data for 1988 and 1989 should be switched, so that raw utilization for 1988 reads 82% and that for 1989 reads 69%, not vice versa. This change results in a 69 AUM increase to the cattle grazing preference in the use area and a 73 AUM increase to the wild horse AML (6 additional wild horses yearlong). With the change, calculations for the Bull Creek/North Railroad Valley Use Area are revised as follows:

Bull Creek/North Railroad Valley Use Area

Utilization/Stocking Rate Calculations

<u>Year</u>	<u>Raw Utiliz.</u>	<u>Yield Index</u>	<u>Corrected Utilization</u>	<u>Actual Use AUMs</u>	<u>Proper Stocking Level AUMs</u>
1988	82%	1.63	100.0% *	2492	1246
1989	69%	.89	61.4%	4396	3580
1990	73%	.81	59.1%	3456	2924
1991	74%	.73	54.0%	3052	2826

* Corrected utilization can not exceed 100%.

The average proper stocking level is 2644 AUMs. Since this is combined use, the stocking level will be proportioned to cattle, sheep, and wild horses based on preference demand for livestock and the most recent census during the evaluation period for wild horses.

1. FORAGE DEMAND (AUMs)

1991 Cattle Preference	2,854 (61.8%)
Sheep Preference	0 (0)
Wild Horses (7/91 census)*	1,764 (38.2%)
Total	4,618 (100.0%)

* 170 wild horses were censused in the Bull Creek Use Area and 40 wild horses were censused in the Humboldt National Forest immediately east of the Bull Creek Use Area. The 1,764 AUMs are 70% of the total 210 wild horses censused (147 wild horses yearlong). See pages 5 and 24 for clarification.

2. AVERAGE ACTUAL USE AND WILD HORSE CENSUS (AUMs)

Cattle	1,657 (47.2%)
Sheep *	90 (2.6%)
Wild Horses (7/91 census)	1,764 (50.2%)
Total	3,511 (100.0%)

* Trail use

3. STOCKING RATE ADJUSTMENTS

a.	Demand	4,618 AUMs
	Stocking level	- 2,644 AUMs
	Reduction	1,974 AUMs

Sheep will not be reduced in the Bull Creek Use Area because Triple E Livestock has made trail use of the area, moving north in fall and south in spring in a timely manner. Monitoring data from spring of 1992, 1993, and 1994 shows that Triple E Livestock generally moves sheep through this use area north in fall or south in spring in one day or less. Sheep are not contributing to the non-attainment of resource objectives in this use area. Triple E Livestock will be allowed a trailing permit through this use area with the annual trail determined by the authorized officer.

b. Revised actual use - Based on reduction to cattle and wild horses.

Cattle	1,657 (48.4%)
Wild horses	<u>1,764 (51.6%)</u>
Total	3,421 (100.0%)

Reduction by user - Based on percentage of average actual use & most recent wild horse census.

Cattle	1,974 AUMs X .484	=	955 AUMs
Sheep	0 AUMs		
Wild Horses	1,974 AUMs X .516	=	<u>1,019 AUMs</u>
			1,974 AUMs

4. NEW LIVESTOCK PREFERENCE BY PERMITTEE

The new livestock preference will be proportioned among the cattle permittees in the Bull Creek/North Railroad Valley Use Area as follows, based on current active preference which is based upon the 1962 Range Survey and subsequent August, 1967 Grazing Decision and the 1988 - 1991 four year average actual use of the permittee in the use area.

a. Cattle reduction by permittee

<u>Permittee</u>	<u>% Prefer. X Reduct. = Individual Reduct.</u>			
Duckwater Cattle Co.	95.5	X	955	= 912 AUMs
Barry & Norma Bradshaw	<u>4.5</u>	X	955	= <u>43 AUMs</u>
	100.0			955 AUMs

b. New preference by permittee
Permittee \ Prefer. - Individ. Reduct. = New Prefer. ✓

Duckwater Cattle Co.	2,725 AUMs	-	912 AUMs	=	1,813 AUMs
Barry & Norma Bradshaw	129 AUMs	-	43 AUMs	=	86 AUMs

5. TOTAL USE AUTHORIZATIONS (AUMs) AND WILD HORSE AML

a. demand less reduction = authorization

Cattle	2,854	-	955	=	1,899 AUMs
Sheep	(0)				
Wild Horses	1,764	-	1,019	=	745 AUMs AML (62 wild horses yearlong)
<hr/>					
	4,618	-	1,974	=	2,644 Total Use

This change will result in changes to the Short Term Solutions by Use Area section of the evaluation beginning on page 79. Other summary information beginning on page 88 of the evaluation has been corrected with the corrected data shown in this MASR.

B. Certain seasons of use need to be corrected in the final evaluation and will be set as follows:

Bull Creek Corner/Poison Patch Use Area

Permittee - Duckwater Stockmen's Association

On page 90 of the final evaluation, the second line under this use area should read:

Duckwater Stockmen's Assoc. 31 Cattle 05/01 to 11/30 100 310

Green Springs Use Area

Permittee - Duckwater Cattle Company

On page 82 of the final evaluation, the third paragraph under this use area should read:

> Maintain the cattle season of use for Duckwater Cattle Co. as summer/fall (6/1 to 11/30).

On page 91 of the final evaluation, the only line under this use area should read:

Duckwater Cattle Co. 119 Cattle 06/01 to 11/30 100 716

North Sand Springs Valley Use Area

Permittee - Duckwater Cattle Company

On page 85 of the final evaluation, the third paragraph under this use area should read:

> Maintain cattle season of use for the Duckwater Stockmen's association as spring/fall (3/1 to 4/30 and 9/1 to 11/30).

Pancake East Bench Use Area

Permittee - Duckwater Cattle Company

On page 86 of the final evaluation, the third paragraph, last sentence under this use area should read:

> Establish a season of use for cattle for Duckwater Cattle Co. as spring/fall/winter (3/1 to 6/15 and 9/1 to 2/28).

Also, on page 68 of the final evaluation under the TOTAL USE AUTHORIZATIONS (AUMs) AND WILD HORSE AML section an asterisk note will be added to the Wild Horses line stating that the Dick McKay fenced area of use within the Little Smoky Valley Use Area will be managed for zero wild horses. The same note will be added to the wild horse AMLs summary information for the allotment on page 93 of the final evaluation.

C. The final evaluation will also be corrected to reflect the new cattle grazing preferences for Duckwater Cattle Company and Barry & Norma Bradshaw in the Bull Creek Use Area and Barry & Norma Bradshaw in the Ike Springs/Ike Bench Use Area as a result of moving the Bull Creek/North Railroad Valley - Broom Canyon/South Railroad Valley Use Area boundary south. This use area boundary was moved south as a result of public comment from Gailin Manzonie, Alan Forsgren, and Barry Bradshaw (Duckwater livestock permittees) concerning cattle grazing in the area. The legal descriptions of these two use areas, which were an appendix to the final evaluation, will also be changed. The cattle grazing active preferences are changed as follows:

Bull Creek Use Area

Duckwater Cattle Company

From: 1,813 AUMs To: 2,072 AUMs

Barry & Norma Bradshaw

From: 86 AUMs To: 165 AUMs

Ike Springs/Ike Bench Use Area

Barry & Norma Bradshaw
From: 226 AUMs To: 306 AUMs

Broom Canyon Use Area

Duckwater Cattle Company
From: 259 AUMs To: 0 AUMs

Barry & Norma Bradshaw
From: 159 AUMs To: 0 AUMs

The summaries in the final evaluation both by use area and by permittee will also be updated to reflect the above changes.

APPENDIX III

DUCKWATER ALLOTMENT USE AREAS

Duckwater Allotment Use Areas

- 1. Green Canyon South Pastoral Valley
- 2. Bull Creek/North Pastoral Valley
- 3. Bull Creek/Polson Pastoral
- 4. Duckwater Mills
- 5. Wiggins Station
- 6. Green Springs Valley
- 7. Lake Springs/Lake Bench
- 8. Little Spooky Valley
- 9. North Sand Springs Valley
- 10. Snake East Bench/Downer Valley
- 11. Red Mountain/Callaway Well
- 12. South Sand Springs Valley



WHAT IS YOUR RESPONSE TO OUR CONCERNS?

ADULT/FOAL - INSTRUCTION MEMO?
COW/CALF

provide copy of nego/policy that dictates "paper cows"
- weight averaging

WHAT ARE YOU GOING TO MAKE ANY CHANGES
IN FINAL BASED ON OUR COMMENTS.

May 19, 1995

Mr. Gene L. Drais
Egan Resource Area Manager
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Notice of Proposed Full Force and Effect Multiple Use
Decision for the Duckwater Allotment

Dear Mr. Drais,

The Commission for the Preservation of Wild Horses has received and reviewed the proposed decision and management action selection report. Issues and concerns of the Commission the Draft Duckwater Allotment Evaluation have not been adequately addressed by the present documents.

We protest/appeal the proposed decision based upon the following issues and errors:

Carrying Capacity Computations area Flawed

The land use plan established 40% as an allowable use level for riparian vegetation. Use pattern mapping data documented heavy and severe utilization of riparian vegetation. Stocking rate or carrying capacity computations did not use the established allowable use level to address the overgrazing problem on this allotment.

Use pattern mapping data was weight averaged in a manner that compromised or eliminated the effect of heavy and severe utilization of riparian and other key areas.

An adult horse and foal are equivalent to a cow and a calf animal unit month. The decision determined a foal as an animal unit month.

JOE STRATTON
CHRIS MAYER, SUPER CON

BOB BROWN

MARK LOWRY - WROTE DUCKWATER

Gene L. Drais, Area Manager

May 19, 1995

Page 2

Allocation of available forage was determined by use of active livestock preference and not actual use. In one case, the active preference was over twice the average livestock actual use. The result of the use of this data inflated necessary reduction. Wild horses were proportionately reduced by this inflated number. Preference livestock animal unit months or "paper cows" were taken from real or active wild horse allocations in the decision.

Summary

Carrying capacity is the "maximum stocking rate possible without inducing damage to vegetation or related resources." 43 CFR 4100-5. The Commission recognizes riparian and other key areas as the limiting factor for carrying capacity determination and the establishment of appropriate management levels for wild horse herds. In order for the Bureau to achieve a natural thriving ecological balance, a carrying capacity must be determined and allocated. Adjustments in wild horse numbers must be based upon real rangeland monitoring data and actual use data. As stated in regulation, "Authorized livestock grazing use shall not exceed the livestock carrying capacity." 43 CFR 4130.6-1(a).

The Proposed Decision established a carrying capacity that will cause damage to riparian and other key vegetation on the Duckwater Allotment. Allocation of the forage is biased against wild horses by the fact that "paper cows" substituted the actual use data of the rangeland monitoring data.

I am submitting my comments as a protest/appeal as this is a proposed decision. If you will be accepting my comments, reviewing them, considering the comments, analyzing and reflecting that consideration in your final decision then accept these comments as a protest. We would be available to discuss these issues with you prior to you issuing the final decision.

If not and since we are past the 15 day comment period you state for a protest, resultingly, we would request that you consider this an appeal of the proposed decision an subsequent final decision. Please advise us within 10 working days how you will be treating this document so that we may file the further required documents if necessary.

Sincerely,

CATHERINE BARCOMB
Executive Director

YIELD INDEX COMPROMISED HEAVY/SEVERE USE