



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

W 8/18/97  
TAKE  
PRIDE IN  
AMERICA

IN REPLY REFER TO:

4130 (NV-042)

AUG 18 1997

Dear Interested Publics:

Enclosed you will find a copy of the Proposed Multiple Use Decision (PMUD) for the Moorman Ranch Allotment. We appreciate your continued interest in the evaluation process. This PMUD is the next step in the evaluation process. Please provide any additional comments within fifteen days of receiving this letter. After the fifteen day period you will be receiving a Final Multiple Use Decision.

If you have any questions or concerns please contact Wendy Fuell of my staff at (702) 289-1889.

Sincerely,

Chris Mayer, ADM  
Renewable Resources

1 Enclosure

1. Moorman Ranch Allotment Proposed Multiple Use Decision



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BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4130 - (NV-042)

AUG 18 1997

Bob Dickenson  
P.O. Box 150303  
East Ely, 89318

CERTIFIED MAIL NO. P 216 079 827  
Return Receipt Requested

## NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE MOORMAN RANCH 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 Moorman Ranch 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 studies were initially established in 1977 and have been conducted periodically since that time. 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 Moorman Ranch Allotment. Input was received from the permittee, the state wildlife agency, the N-4 grazing board, via a range consulting firm, Wild Horse Organized Assistance, and the Commission for the Preservation of Wild Horses. See Appendix 1 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 Moorman Ranch Allotment.

**BASED ON THE EVALUATION OF MONITORING DATA FOR THE MOORMAN RANCH ALLOTMENT, 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 Moorman Ranch Allotment are not being met due to the existing grazing use by livestock and wild horses. 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 and not to wildlife use. This decision also establishes the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area (HMA) and the Monte Cristo HMA within the Moorman Ranch Allotment.

**LIVESTOCK MANAGEMENT DECISION**

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), the existing authorized livestock active use shall be changed, in three increments over 5 years. The total number of animal unit months of specified livestock grazing for livestock on the Moorman Ranch Allotment for Bob Dickenson would be a total of 4488 AUMs for cattle use, licensed separately for the eleven use areas.

Changes in the total number of animal unit months of specified livestock grazing will be phased in over 5 years, in roughly equal increments as follows:

From (Existing permits):

Bob Dickenson: Moorman Ranch Allotment (00802)

AUMs

<u>Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Active</u>	<u>Susp</u>
841	Cattle	03/01 - 02/28	100	10,099	0

To:  
Bob Dickenson: Moorman Ranch Allotment (00802)

<u>AUMs</u>				
<u>Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Active</u>
374	Cattle	03/01 - 2/28	100	4488

The number of livestock will be in accordance with the authorized AUMs by pasture as presented below:

Authorized Use (AUMs)

<u>Use Area</u>	<u>Year 1</u>	<u>Year 3</u>	<u>Year 5</u>
Long Valley	2701	2033	1366
West Jake	958	801	644
Antelope/Divide	1594	1043	492
Trench	394	289	183
Burned Basin	525	337	148
Townsend Seeding	477	477	477
M. Ranch Seeding	125	125	125
East Jake	396	271	147
East Jake Seeding	169	169	169
Buster Mountain	<u>885</u>	<u>640</u>	<u>394</u>
	8567	6528	4488

Season of Use

<u>Use Area</u>	<u>Period of Use</u>
Long Valley	10/15 - 4/15
West Jake	9/1 - 4/15
Antelope/Divide	5/16 - 10/15
Trench	5/16 - 10/15
Burned Basin	9/1 - 4/15
Townsend Seeding*	
M. Ranch Seeding*	
Illipah Seeding**	
East Jake	5/16 - 10/15
East Jake Seeding*	
Buster Mountain**	

\* Livestock use will be limited to (5/1 - 6/15) and (9/1 - 10/31) or (3/1 - 6/15). See Appendix II Map I.

\*\* A four year rotation system will be established in conjunction with the permittee's Forest Service allotments as outlined below:

### **Buster Mountain**

<u>Year</u>	<u>Season of Use</u>
1	6/16 - 7/24
2	7/01 - 8/08
3	7/26 - 9/02
4	9/06 - 10/14

If monitoring shows that objectives are not being met by the fourth year, the permittee will reduce the number of AUMs based on available monitoring data as the authorized officer directs, to reduce impacts of late use.

### **Illipah Seeding**

<u>Year</u>	<u>Season of Use</u>
1	9/30 - 10/14
2	6/16 - 6/30
3	7/11 - 7/25
4	8/22 - 9/05

In accordance with 43 CFR 4130.6-2, the following terms and conditions will be included in the Dickenson grazing permit for the Moorman Ranch Allotment:

1. No salt or supplements will be allowed within  $\frac{1}{2}$  mile of water sources or in winterfat vegetation.
2. The stocking rate for the East Jakes Use Area will be set at 300 AUMs for cattle based on water hauling or 147 AUMs if water hauling is not utilized. Full use of the 300 AUMs will be based on the establishment of two water haul sites. One will be located at Townsend Well (Dry), T 18N, R 60E, Sec. 10 and the other will be located south of Highway 50 in the vicinity of T 18N, R 60E, Sec. 14. The specific locations will be agreed upon by the Rangeland Management Specialist and permittee. Livestock use will either start in the West portion of the East Jakes Use Area and proceed east, shutting off waters as livestock are moved, or start in the East and proceed west shutting off waters as livestock are moved.

3. The stocking rate in the Antelope/Divide Use Area will be set at 600 AUMs for cattle based on water hauling or 492 AUMs if water hauling is not utilized. Full use of the 600 AUMs will be based on the following stipulations:

- a) Water will either be available in the stock pond Located at T 18N, R 58E, Sec. 11 NWNW or will be hauled to a suitable location to be decided by the Rangeland Management Specialist and permittee in the Northern portion of the Divide Use Area.
- b) Water will either be hauled to T 19N, R58E, Sec. 33 NESW or pumped from the existing well(at the same location) by the mine as in the past.

Livestock will be distributed between waters in the northern and southern portions of the Divide Use Area and then herded into the northern portion of the Antelope Use Area and then south. Gates will be closed to exclude livestock from the Divide Use Area once they have been moved into the Antelope Use Area.

RATIONALE:

The desired stocking level on the seedings is based on 60% desired utilization, with spring/summer/fall use in a deferred-rotation system. The seedings have been drastically overused, with subsequent invasion by sagebrush and reduced grass vigor. In order to improve crested wheatgrass plant vigor, some rest must be provided. Stocking rates for native pastures is based on 50% allowable us on perennial grasses and winterfat. Adjustments in stocking levels and grazing treatments in the native use areas are being made to establish proper carrying capacity, based on sustained yield and to improve the vigor and production of the key forage plants. These calculations result from actual use and measured utilization data as well as trend data, and indicate that reductions on the Long Valley, West Jake, Antelope/Divide, Trench, Burned Basin and Buster Mountain Use Areas are necessary to meet management objectives. The East Jake Seeding, Moorman Ranch Seeding, Townsend Seeding and East Jake Seeding were adjudicated during the evaluation period.

Future re-evaluations in the third and fifth years will consider existing and future monitoring data to determine if adjustments or additional modifications in management will be necessary.

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 permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

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."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management..."

4130.3-2 "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

4130.3-1(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 of the allotment."

PROTEST:

Any applicant, permittee, lessee or other affected interest may protest the proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Chris Mayer, Assistant District Manager, Renewable Resources, BLM, HC 33 Box 33500, Ely, Nevada 89301-9408 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a final multiple-use decision will be issued specifying the appeal procedures.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse use at the following levels:

<u>Use Area</u>	<u>Herd Mgt Area</u>	<u># Animals</u>	<u>AUMs</u>
Long Valley	Buck & Bald	35/5 mos.	174
Antelope/Divide	Buck & Bald	4/7 mos.	31
Trench	Buck & Bald	3/7 mos.	20
Burned Basin	Buck & Bald	2/7 mos.	<u>11</u>
			236
Buster Mountain	Monte Cristo	0 yearlong	0

The setting of wild horse numbers by allotment will eventually provide for an overall Herd Management Area (HMA) wild horse Appropriate Management Level (AML). Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML for the HMA will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Moorman Ranch Allotment shall be managed at 236 AUMs.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management levels of 44 + or - 15% of animals will be removed.

Adjustments in wild horse numbers will be made by future Buck and Bald HMA and Monte Cristo HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.



RATIONALE: The analysis and evaluation of available monitoring data indicates that reduction in wild horse numbers in Buck and Bald and Monte Cristo HMA's, is necessary to establish and maintain a thriving natural ecological balance and to limit the animals' distribution to existing herd areas.

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:

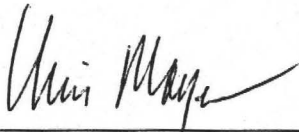
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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 fifteen (15) days from receipt of this notice within which to file a protest with Chris Mayer, Assistant District Manager, Renewable Resources, BLM, 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.



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Chris Mayer, ADM  
Renewable Resources

(Certified Mail #)

cc: Nevada Department of Wildlife, Reg. II	(# P 216 079 828 )
U.S. Fish and Wildlife Service	(# P 216 079 829 )
N-4 Grazing Board	(# P 216 079 830 )
Resource Concepts Inc.	(# P 216 079 831 )
International Society for the Protection of Mustangs and Burros	(# P 216 079 832 )
Commission for the Preservation of Wild Horses	(# P 216 079 833 )
Animal Protection Institute	(# P 216 079 834 )
Natural Resources Defense Council	(# P 216 079 835 )
Wilderness Society	(# P 216 079 836 )
Farm Bureau	(# P 216 079 837 )
Sierra Club	(# P 216 079 838 )
Wild Horse Organized Assistance	(# P 216 079 839 )
Nye County	(# P 216 079 840 )

## APPENDIX 1: Land Use Plan/Rangeland Program Summary 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, p. 3)
- (b) Wild Horses - Wild horses will be managed at a total of 700 animals within the Buck and Bald HMA (Egan ROD, p. 6)
  - Wild horses will be managed at a total of 96 animals within the Monte Cristo 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. 8)
- (c) Wildlife - Habitat will be managed for "reasonable numbers" of wildlife species as determined by NDOW. (Egan ROD, p. 6)
  - Forage will be provided for "reasonable numbers" of big game as determined by NDOW (Egan ROD, p. 8)
- (d) 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 system and aesthetic values. (Egan ROD, p. 44)

### 2. Rangeland Program Summary Objectives

- (a) "Provide forage for up to 5404 AUM's of livestock use."
- (b) "Improve vegetative cover and reduce erosion on the watershed upstream from Illipah Reservoir."
- (c) "Maintain the seedings (4) in good or better condition and provide for periodic rest."
- (d) "Maintain or improve ecological condition of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels. Allowable use levels for winterfat and perennial grass species is 50%."
- (e) Improve mule deer yearlong habitat to good or better condition by not exceeding utilization levels on native species as recommended in the NRMH. Manage rangeland habitat and forage condition to support 874 AUMs for mule deer.

- (f) Manage rangeland habitat and forage condition to support 20 AUMs for antelope.
- (g) Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid to low 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 two miles of nest sites.
- (i) "Improve 5.2 miles of stream riparian habitat condition from poor/fair to good or better."
- (j) Manage rangeland to support wild horses at an Appropriate Management Level (AML) as part of the Buck and Bald and Monte Cristo HMAs by not exceeding allowable use levels on native species as recommended in the NRMH. Initially provide for 42 wild horses in the Buck and Bald HMA (503 AUMs) and for one wild horse in the Monte Cristo HMA (11 AUMs).\*
- (k) "Improve and maintain habitat condition of meadows and riparian areas in fair/poor condition to good or better for mule deer and upland game."

\* - The 42 and 1 horse yearlong identified in the RPS is no longer a valid AML. 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" (Dahl vs. Clark, Supra at 595). 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."

### 3. Buck, Bald, Maverick, and Diamond Mountains Habitat Management Plan (HMP) - specific objectives which apply to the Moorman Ranch Allotment.

- (a) Limit utilization of bitterbrush and other browse species to 25% of current year's growth by September 30, to ensure adequate forage availability for wintering mule deer, at the following key location: Rock Springs - T21N, R56E

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

Robinson Springs	T20N, R55E, sec. 5
Mau Creek	T21N, R55E, sec. 31
Rock Spring	T21N, R56E, sec. 36
Pinto Creek	T19N, R55E, sec. 35,36
Sadler Canyon	T20N, R55E, sec. 33
Water Canyon	T19N, R55E, sec. 5

- (c) Limit utilization to 45% of current years growth on riparian shrub species, and 25% on riparian tree species by November 1 at the following location:

Robinson Springs T20N, R55E, sec. 5

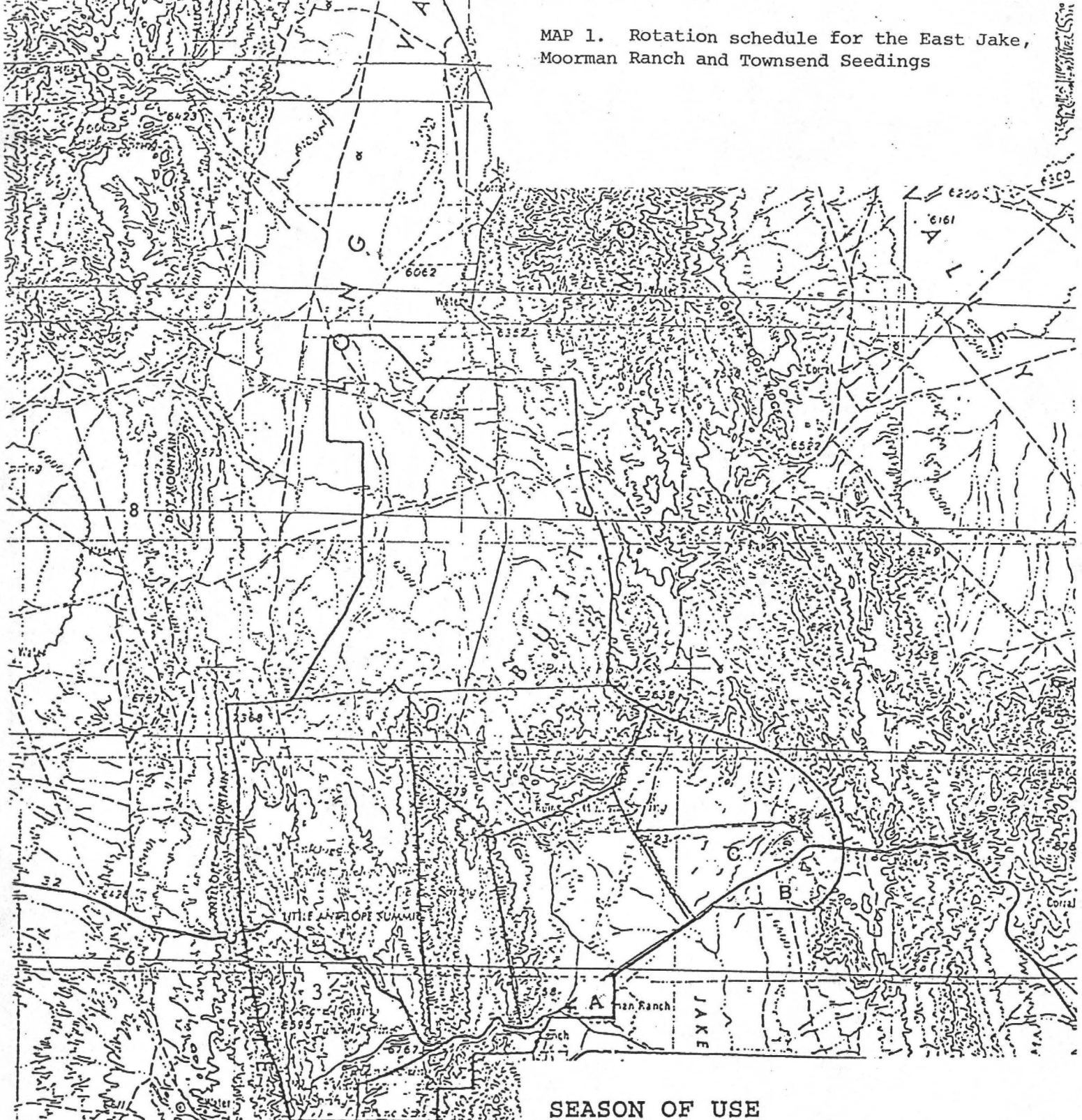
- (d) On Water Canyon and Sadler Canyon, (listed in good and excellent condition respectively) limit utilization on streamside vegetation to allowable use levels as listed in the Nevada Rangeland Monitoring Handbook (NRMH).

#### 4. Monte Cristo Wild and Free Roaming Horses Management Plan Objectives

Objectives of this plan deal primarily with AMLs for specific areas, which are no longer valid (see footnote under 2. above). General objectives of this plan are covered under the Land Use Plan objectives for the Newark Allotment.

APPENDIX II

MAP 1. Rotation schedule for the East Jake, Moorman Ranch and Townsend Seedings



SEASON OF USE

YEAR	5/1 - 6/15	5/1 - 6/15	3/1 - 6/15
	9/1 - 10/31	9/1 - 10/31	
1997	A	B	C
1998	B	C	A
1999	C	A	B