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United States Department of the Interior



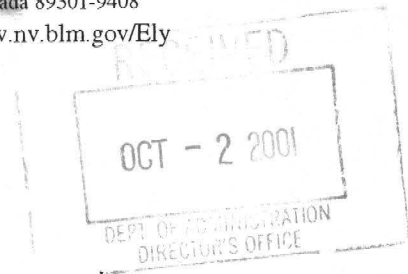
BUREAU OF LAND MANAGEMENT

Ely Field Office

HC 33 Box 33500 (702 No. Industrial Way)

Ely, Nevada 89301-9408

<http://www.nv.blm.gov/Ely>



In Reply Refer To:
4700 (NV-042)

SEP 28 2001

Dear Interested Public:

The Ely Field Office is continuing to establish the remainder of its wild horse herd management area (HMA) appropriate management levels (AMLs). Enclosed is the Notice of Proposed Multiple-Use Decision for the Deep Creek Allotment portion of the Antelope HMA.

Monitoring data indicates adjustments to livestock grazing use are not needed. Current grazing use conforms to the standards for grazing administration. Forage for wild horses will be apportioned at the current level of wild horse use within the Deep Creek Allotment.

Sincerely,

James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosures (1):

1. Notice of Proposed Multiple-Use Decision for the Deep Creek Allotment portion of the Antelope HMA.

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(NV-040)

SEP 28 2001

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE DEEP CREEK ALLOTMENT PORTION OF THE ANTELOPE WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Deep Creek Allotment portion of the Antelope Wild Horse Herd Management Area (HMA). The Deep Creek Allotment includes public lands in both Nevada and Utah. The Antelope HMA is only included in the Nevada part of the allotment; it is not a part of the Utah portion, which is not managed for wild horses by Utah BLM.

The majority of the Antelope HMA already has an established AML. Only three of the twelve allotments within the HMA do not yet have an AML established (Deep Creek, Becky Springs, and Tippet Pass). Establishing the wild horse AML for the Deep Creek Allotment will proceed toward completion of the overall AML for the Antelope HMA. With the addition of the Deep Creek AML, the total established wild horse AML for the Antelope HMA will then be 273 wild horses yearlong (3,276 AUMs). A thriving natural ecological balance would be obtained by establishing and maintaining wild horse use at the AML of 30 wild horses yearlong (360 AUMs) for the Deep Creek Allotment portion of the Antelope HMA. Only the Tippet Pass and Becky Springs Allotment portions of the Antelope HMA will remain to completely establish the total AML for the Antelope HMA (Table 1).

The Deep Creek Allotment Proposed Multiple Use Decision (PMUD) was issued September 16, 1994, upon completion of the Deep Creek Allotment Evaluation. A Final Multiple Use Decision (FMUD) was never issued. Monitoring data and other information obtained since 1994 indicate that there is sufficient habitat (forage and water) to support 25-30 wild horses yearlong. Water is the limiting factor. There are no perennial water sources within the Deep Creek Allotment. Wild horses depend on water seasonally from three small reservoirs and winter snow. Wild horses will utilize a dependable spring complex on private land to the southeast and outside of the HMA near the Nevada-Utah state line during the dry periods for their watering needs. This spring complex is not managed for wild horses by the Utah BLM; it is not within a herd area. Also, since the springs are on private land, they could be fenced by the landowner to exclude wild horse use in the future. Therefore, this decision will vacate the 1994 PMUD and will establish the AML of 360 AUMs (30 wild horses yearlong).

Table 1
Antelope Wild Horse Herd Management Area
Established Appropriate Management Level (AML)

Allotment	Appropriate Management Level	Date AML Established
Chin Creek	152 wild horses (1,824 AUMs)	July 16, 1990
Tippett	34 wild horses (408 AUMs)	July 17, 1990
Sampson Creek	25 wild horses (300 AUMs)	July 18, 1990
Becky Creek	8 wild horses (96 AUMs)	April 19, 1991
North Steptoe	6 wild horses (77 AUMs)	December 24, 1992
Lovell Peak	8 wild horses (93 AUMs)	October 7, 1994
Goshute Mountain	0 wild horses (0 AUMs)	June 18, 1998
Schellbourne	6 wild horses (72 AUMs)	March 28, 2001
Cherry Creek	4 wild horses (46 AUMs)	July 20, 2001
Deep Creek	30 wild horses (360 AUMs)	FMUD* pending
Becky Springs	not yet established	pending
Tippett Pass	not yet established	pending
Total Established AML - 273 wild horses yearlong 3,276 AUMs		

*FMUD = final multiple-use decision

Census and field observations conducted since issuance of the PMUD in 1994 indicate that the AML of 30 wild horses yearlong (360 AUMs) is reasonable for the allotment. Forage will be apportioned for wild horses within the Deep Creek Allotment portion of the Antelope HMA. The majority of the Antelope HMA already has an established AML. An Antelope HMA census has been conducted four times since issuance of the 1994 PMUD. Census information for the Deep Creek Allotment portion of the Antelope HMA since September 1994 includes 5 animals counted in December 1994, 50 animals counted in June 1997, 50 animals counted in July 1998, and 28 animals counted in August 2000.

Changes in grazing management, to meet land use plan objectives and allotment specific objectives, were identified through the 1994 PMUD. The recommendation at that time was no change in stocking levels for the Nevada portion of the allotment, because short and long term objectives were being met under current management in Nevada. The season of use was adjusted from yearlong to October 1 through April 30. These changes were never implemented since the FMUD was not issued. Term permits were renewed and

issued September 30, 1999. These term permits were issued until February 29, 2000 and reflected past authorized use. The grazing permits were issued only until the start of the next grazing year (March 2000) because, based on the 1994 PMUD, existing management practices were not achieving the standards in the Utah portion of the allotment. In addition, changes had not been made to management practices since that time.

Grazing management practices for the entire Deep Creek Allotment (Nevada and Utah) have been adjusted through a livestock agreement. The livestock agreement was prepared in consultation with the permittees, Kyle Bateman (Bates Permit), Kyle Bateman, and Gail Parker. The livestock agreement was signed by the permittees during February and March 2000. The agreement modified the areas of use and addresses the uneven distribution of livestock grazing in the Deep Creek Allotment. The agreement includes the grazing management practices presented in the 1994 PMUD. The agreement will run concurrently with the term grazing permit. The term of the livestock agreement and the term grazing permit are for a three year period beginning March 1, 2000 and ending February 28, 2003. The agreed upon changes in livestock use were made in order to achieve the multiple-use objectives and Northeastern Great Basin Area Standards and Guidelines for Grazing Administration specifically related to the authorized use on the Deep Creek Allotment.

This decision proposes to establish the wild horse AML for the Deep Creek Allotment portion of the Antelope HMA, but does not propose to make changes to livestock permitted use.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the appropriate management level of 30 wild horses yearlong for the Deep Creek Allotment portion of the Antelope HMA. For the Antelope HMA, the AMLs for the Becky Springs Allotment and the Tippet Pass Allotment portions of the HMA remain to be established. The current established AML for the Antelope HMA, including the Deep Creek Allotment portion, is now 273 wild horses yearlong. The setting of wild horse numbers by allotment will eventually provide for an overall herd management area wild horse appropriate management level.

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 Antelope HMA will be maintained. Monitoring and census of the Antelope HMA will continue to be conducted. Appropriate management levels can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6 (a), wild horse use on the Deep Creek Allotment portion of the Antelope HMA shall be managed at 30 wild horses yearlong (360 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level for the entire Antelope HMA will be removed.

Monitoring will continue to ensure that the AML is maintaining a thriving natural ecological balance. Adjustments in wild horse numbers will be made by future Antelope HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

RATIONALE:

The analysis and evaluation of available monitoring data indicate that no change in management actions for wild horses are needed to meet multiple-use management objectives on the Deep Creek Allotment. The data indicate that there are 360 AUMs available for wild horse grazing use.

The AML of 30 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance. Additional wild horses found using the allotment are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AML for the HMA is exceeded.

The AML may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the Deep Creek Allotment, wild horses will receive a proportional increase/decrease along with the other users.

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:

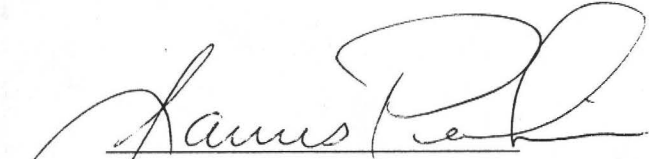
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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, 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 James M. Perkins, Assistant Field Manager, Renewable Resources, BLM Ely Field Office, 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 are received. The final decision may be modified in light of pertinent information brought forth during the protest period.

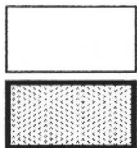
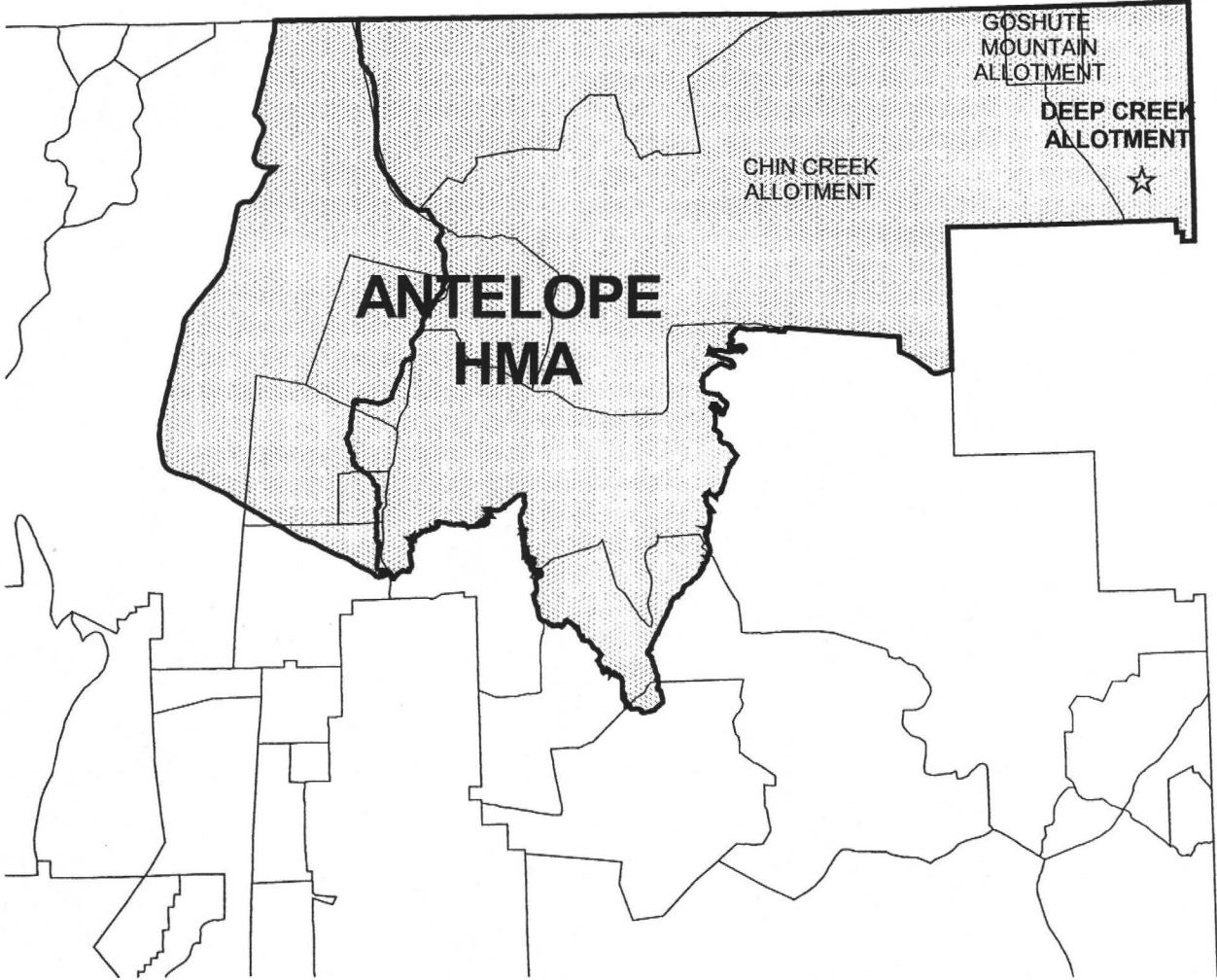


James M. Perkins
Assistant Field Manager
Renewable Resources

	<u>Certified Mail No./Return Receipt</u>
cc: Mr. Kyle Bateman, Permittee	7001 1140 0000 8578 3067
Ms. Mable Bates, Permittee	7001 1140 0000 8578 3074
Mr. Gail Parker, Permittee	7001 1140 0000 8578 3081
American Bashkir Curly Register	7001 1140 0000 8578 3098
American Horse Protection Association	7001 1140 0000 8578 3104
American Mustang and Burro Association	7001 1140 0000 8578 3111
Ms. Joneille Anderson	7001 1140 0000 8578 3128
Animal Protection Institute of America	7001 1140 0000 8578 3135
Mr. Paul C. Clifford, Jr.	7001 1140 0000 8578 3142
Ms. Catherine Barcomb, Commission for the Preservation of Wild Horses	7001 1140 0000 8578 3159
Ms. Sharon Crook	7001 1140 0000 8578 3166
Mr. Craig C. Downer	7001 1140 0000 8578 3173
Ms. Barbara Flores, Colorado Wild Horse and Burro Coalition	7001 1140 0000 8578 3180
Mr. Steven Fulstone	7001 1140 0000 8578 3197
Ms. Karen Sussman, International Society for the Protection of Mustangs and Burros	7001 1140 0000 8578 3203
Ms. Diane Nelson, Wild Horse Sanctuary	7001 1140 0000 8578 3210
Ms. Andrea Lococo, The Fund for Animals, Inc.	7001 1140 0000 8578 3227
Mr. Donald A. Molde, M.D.	7001 1140 0000 8578 3234
Ms. Tina Nappe	7001 1140 0000 8578 3241
Mrs. June Sewing, National Mustang Association, Inc.	7001 1140 0000 8578 3258
National Wild Horse Association	7001 1140 0000 8578 3265

Nevada Cattlemen's Association	7001 1140 0000 8578 3272
Nevada Division of Wildlife, Elko NV	7001 1140 0000 8578 3289
Nevada Division of Wildlife, Ely NV	7001 1140 0000 8578 3296
Nevada Farm Bureau Federation	7001 1140 0000 8578 3302
Mr. Mark McGuire, Nevada Humane Society	7001 1140 0000 8578 3319
Nevada Outdoor Recreation Association	7001 1140 0000 8578 3326
Nevada State Department of Agriculture	7001 1140 0000 8578 3333
Ms. Laurel Etchegaray, Nevada Wool Growers Association	7001 1140 0000 8578 3340
Ms. Claudia J. Richards	7001 1140 0000 8578 3357
Ms. Betty Kelly, Wild Horse Spirit	7001 1140 0000 8578 3364
Ms. Anna Charlton, Rutgers School of Law - Animal Rights Law Center	7001 1140 0000 8578 3371
Mr. Randall Spoerlein, Save the Mustangs	7001 1140 0000 8578 3388
Ms. Nan Sherwood	7001 1140 0000 8578 3395
Ms. Rose Strickland, Toiyabe Chapter of the Sierra Club	7001 1140 0000 8578 3401
Mr. Bob Hallock, U.S. Fish and Wildlife Service	7001 1140 0000 8578 3418
The Humane Society of the United States	7001 1140 0000 8578 3425
Nevada State Clearinghouse, Wild Horse Commission	7001 1140 0000 8578 3432
White Pine County Commissioners	7001 1140 0000 8578 3449
White Pine Sportsmen	7001 1140 0000 8578 5078
Mrs. Dawn Lappin, Wild Horse Organized Assistance	7001 1140 0000 8578 5085
Mr. David Pete, Goshute Tribal Council	7001 1140 0000 8578 5092
Mr. Bill Wilson, WP County Public Land Users Advisory Committee	7000 1670 0001 0121 3353
Mr. David Provost, White Pine County Commissioner	7099 3220 0005 6102 5197
Mr. Lee Tilman	7000 1530 0005 2975 4752
Mr. Jerry Millett, Duckwater Shoshone Tribe	7000 1670 0001 0121 3308
Mr. Paul Clifford	7001 1140 0000 8575 5108
Mr. John McLain, Resource Concepts, Inc.	7000 1530 0005 2975 4707
Dr. Tom Sanders, DVM, WP Conservation District	7000 1530 0005 2975 4691
Committee for Idaho's High Desert	7001 1140 0000 8578 5054
Western Watersheds Project	7001 1140 0000 8578 5047

ANTELOPE HMA



Allotments

Antelope HMA

