



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely District Office
HC33 Box 150
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4130 (NV-047)

JAN 23 1992

Lincoln Land and Livestock
7H Ranch
Ruby Valley, NV 89833

CERTIFIED MAIL NO. P 776 533 390
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Raymond and Sandy Rosenlund
Blue Jay Ranch
Ruby Valley, NV 89833

CERTIFIED MAIL NO. P 776 533 391
Return Receipt Requested

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE HORSE HAVEN 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 Horse Haven 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 Final 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."

In accordance with Bureau policy and regulations, monitoring data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Horse Haven Allotment. Input was received from the Nevada Department of Wildlife, the Nevada Commission for the Preservation of Wild Horses, the International Society for the Protection of Mustangs and Burros, and the N-4 state grazing board, via a range consulting firm (Resources Concepts Inc.). 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 for the Horse Haven Allotment.

A Proposed Multiple Use Decision for the Horse Haven Allotment was issued on October 15, 1991. This Proposed Decision was protested by the Nevada Commission for the Preservation of Wild Horses and the Wild Horse Organized Assistance, on October 29, 1991. These protests were identical and objected primarily to the setting of Appropriate Management Levels (AMLs) for horses on an allotment basis rather than for the entire Herd Management Area (HMA). Evaluation of stocking rates (including both livestock and wild horses) by allotment is current BLM policy, and the setting of wild horse numbers by allotment will eventually provide for an overall herd management area (HMA) wild horse AML. Gathers within allotments will not allow total wild horse numbers to fall below HMA levels.

BASED ON THE EVALUATION OF MONITORING DATA FOR THE HORSE HAVEN ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE FINAL DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that the multiple use objectives for the Horse Haven Allotment are being met. Existing livestock, wild horse, and wildlife use is compatible with multiple use objectives. Therefore, this decision proposes no changes in livestock, wild horse, and wildlife use. This decision will establish the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area within the Horse Haven Allotment.

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 current levels (36 animals, 432 AUMs) for that portion of the Buck and Bald Herd Management Area (HMA) within the Horse Haven Allotment. This AML does not include that portion of Long Valley Wash within the allotment boundaries.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Horse Haven Allotment, exclusive of Long Valley Wash, shall be managed at 36 animals yearlong (432 AUMs).

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 36 animals will be removed.

Adjustments in wild horse numbers will be made by future Buck and Bald Herd Management Area gathers based on continued monitoring, in order to achieve and maintain the established AML. The setting of wild horse numbers by allotment will eventually provide for an overall herd area AML, and gathers within allotments will not allow total wild horse numbers to fall below the total HMA appropriate management level.

RATIONALE: Based on Buck and Bald HMA census and field observations, existing horse use on the Horse Haven Allotment (exclusive of Long Valley Wash) is approximately 36 animals yearlong (432 AUMs). Evaluation of monitoring data indicates that multiple use objectives for the allotment are being met at this level. Establishing an appropriate management level of 36 animals yearlong for the allotment will prevent range deterioration and maintain the thriving natural ecological balance of the range.

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..."

APPEAL:

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's office listed in Item 3 on the form. In addition, please provide this office with a copy of your Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

Gene L. Drais

Gene L. Drais, Manager
Egan Resource Area

	(Certified Mail #)
cc: Nevada Department of Wildlife, Reg. II	(#P 776 533 392)
U.S. Fish and Wildlife Service	(#P 776 533 393)
N-4 Grazing Board	(#P 776 533 394)
Resource Concepts Inc.	(#P 776 533 395)
International Society for the Protection of Mustangs and Burros	(#P 776 533 396)
Commission for the Preservation of Wild Horses	(#P 776 533 397)
Animal Protection Institute	(#P 776 533 398)
Natural Resources Defense Council	(#P 776 533 400)
Wilderness Society	(#P 776 533 403)
Farmers Home Admin., Ely Office	(#P 776 533 402)
Wild Horse Organized Assistance	(#P 776 533 401)

APPENDIX I: 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)
- 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) 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 level for perennial grasses and shrubs is 50%.
- (b) Manage rangeland habitat and forage condition to support 12 AUM's for pronghorn antelope.
- (c) Maintain mule deer habitat in good or better condition. Provide for 540 AUM's deer use.
- (d) Protect sage grouse breeding complexes and maintain habitat condition of meadows and riparian areas in good or better condition for mule deer, antelope, and upland game. Utilization levels not to exceed 55% on perennial grasses and 45% on shrubs along stream riparian areas and mesic meadows.
- (e) Manage rangeland habitat to support wild horses as part of the Buck and Bald HMA by not exceeding allowable use levels on native species as recommended in the NRMH. Provide forage for up to 335 AUM's (28 horses) within the allotment.

Note: The 28 horses 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."

2/20/92 CB

W H O A

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

BOARD OF TRUSTEES

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

In Memoriam

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

COPY

February 20, 1992

Mr. Gene Drais, Area Manager
Bureau of Land Management, Egan Resource
Ely District Office
HC33 Box 150
Ely, NV 89301-9408

Dear Mr. Drais:

Thank you for the Notice of Final Multiple Use Decision on the Horse Haven Allotment.

We have been assured by the Nevada State Office as well as field personnel that the setting of AML by allotments, while not the best system, appears to be the only one when the allotment evaluations are geared to the specific allotment. We fully support the monitoring and evaluation system that eventually will establish the true carrying capacity of the range.

We request notification, if for any reason, the season of use, or intitial stocking levels for livestock change within the portion of the Buck and Bald HMA. We are concerned about wild horse winter forage and spring green-up for lactating mares. Do you have a time schedule that will give us some idea of when the total HMA population will be known?

In speaking with the Commission I have noted that I did not receive Medicine Butte, Newark, or North Cove.

Most sincerely,

Dawn Y. Lappin (Mrs.)

cc: files
State of Nevada/Commission