



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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NOTICE OF FINAL MULTIPLE USE DECISION  
FOR THE SOUTH PANCAKE 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 South Pancake 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 1982 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 South Pancake Allotment. Input was received from the permittee, two wildlife agencies, and the grazing board, via a range consulting firm. 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 South Pancake Allotment.

A Proposed Multiple Use Decision for the South Pancake Allotment was issued on January 3, 1991. This Proposed Decision was protested by the Nevada Department of Wildlife (NDOW), Resource Concepts Inc. for the N-4 Grazing Board, and the International Society for the Protection of Mustangs and Burros. Subsequent discussions with these protesting parties have cleared up possible misunderstandings on the evaluation process and the Land Use Plan objectives and how they are to be applied. Many of the protesting parties still do not agree with the decision, but the protest points do not present any new information that would alter the decision as proposed. Based on the protest and subsequent discussion with NDOW, one of the proposed water haul sites will be stipulated as winter use only, in order to avoid possible conflicts with sage grouse in the spring.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE SOUTH PANCAKE 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 South Pancake 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 institutes changes in

livestock and wild horse use and not to wildlife use. This decision also establishes the appropriate management level for wild horses in that portion of the Monte Cristo Herd Management Area within the South Pancake Allotment.

#### LIVESTOCK MANAGEMENT DECISION

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

1. 438 sheep AUM's will be used east of Barrel Springs road, by one band at a time, to be licensed separately.
2. The remainder of preference (716 sheep AUM's) will be used and licensed west of Barrel Springs road.
3. Use on each half includes a 1/2 mile buffer strip on either side of the road, which may be used by both bands. South Pancake Well and the Railroad Car Tank can be used to water animals on either side of the road, and as shearing sites for both bands.
4. Four water haul sites will be located at T 18 N, R 56 E, sec. 34, SW; T 17 N, R 56 E, sec. 22, NE; T 16 N, R 56 E, sec. 10, NE; and T 16 N, R 56 E, sec. 8, SW (see attached map). The haul site at T 16 N, R 56 E, sec. 10 will be for winter use only. Full use of the 716 AUM's west of Barrel Springs road will be dependant on use of these sites or available snow.
5. Sheep will not be trailed or bedded in winterfat bottoms.
6. Sheep camps will be placed a minimum of 1/4 mile from winterfat bottoms.

A map of the allotment is attached as Appendix II, showing the locations of the legal descriptions in #4 above.

In accordance with 43 CFR 4130.6-2, herding of sheep is required when they are authorized on the allotment.

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.

RATIONALE: Utilization pattern mapping indicates a distribution problem (local overutilization) on winterfat bottoms used by both wild horses and sheep. These problems should be mitigated by a reduction in wild horse use and a redistribution of sheep use by allocation of AUMs to use areas and permit stipulations including water hauling and herding conditions.

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)."

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..."

**APPEAL:**

If you wish to appeal the livestock portion of this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file an appeal with the Egan Resource Area Manager, HC 33 Box 150, Ely, Nevada 89301-9408. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error.

## WILD HORSE AND BURRO MANAGEMENT DECISION

The appropriate management level for that portion of the Monte Cristo Herd Management Area (HMA) which occurs in the South Pancake Allotment will be set at 40 animals yearlong (474 AUMs).

In accordance with 43 CFR 4700.0-6(a), wild horse use on the South Pancake Allotment shall be managed at 40 animals yearlong.

In accordance with 43 CFR 4720.1, all wild horses on that portion of the Monte Cristo HMA which occurs in the South Pancake Allotment, in excess of the appropriate management level of 40 animals will be removed.

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

RATIONALE: The analysis and evaluation of available monitoring data indicates that management actions for wild horses must be modified to meet multiple use management objectives on the South Pancake Allotment as identified in Appendix I. The data indicate that there are 474 AUMs available for wild horse use. The removal of excess wild horses is necessary to establish and maintain a thriving natural ecological balance and prevent a deterioration of the rangeland resources.

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:

43 CFR 4770.3 states in part:

"Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal in accordance with 43 CFR 4.4 within 30 days of receipt of the written decision."

If you wish to appeal this final decision as it pertains to wild horses for the purpose of an administrative review by the Interior Board of Land Appeals, you are allowed thirty (30) days from receipt of this notice within which to file an appeal with the Egan Resource Area Manager, HC 33 Box 150, Ely, Nevada 89301-9408. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error, in accordance with 43 CFR 4.411 and 43 CFR 4.412.

*Gene L. Drais*

Gene L. Drais, Manager  
Egan Resource Area

cc: Nevada Department of Wildlife	(Certified Mail #)
U.S. Fish and Wildlife Service	(#P 694 072 387)
N-4 Grazing Board	(#P 694 072 388)
Resource Concepts Inc.	(#P 694 072 389)
International Society for the Protection of Mustangs and Burros	(#P 694 072 390)
Commission for the Preservation of Wild Horses	(#P 694 072 391)
	(#P 694 072 392)

## APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

### 1. Land Use Plan (RMP) Objectives-Egan RA Record of Decision

- (a) Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan.
- (b) Wild Horses - Wild horses will be managed at a total of 96 animals within the Monte Cristo HMA (Egan ROD, p. 6)
  - Monitoring studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives. (Egan ROD, p. 6)
  - Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program.
- (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.
- (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.

### 2. Rangeland Program Summary Objectives

- (a) Provide forage for 492 AUMs of livestock use (3 year avg.).
- (b) 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 fall/winter sheep use on shrubs and half shrubs, including black sage and winterfat, is 50%. Allowable use level for perennial grass species is 55%.
- (c) Maintain or improve mule deer winter 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 60 AUM's for mule deer.
- (d) Manage rangeland habitat and forage condition to support 20 AUM's for pronghorn antelope.




- (e) 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. Also, utilization levels will not exceed 55% on perennial grasses and 45% on shrubs along stream riparian areas and mesic meadows.
- (f) Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within 2 miles of nest sites.
- (g) Manage rangeland habitat to support wild horses as part of the Monte Cristo HMA by not exceeding allowable use levels on native species as recommended in the NRMH.







KEY USE AREAS

-  SUMMER
-  WINTER
-  YEARLONG

HERD USE AREAS (HORSE NUMBERS)

- 1 Diamond Hill (36)
- 2 Buck and Bald (700)
- 3 Butte (60)
- 4 Cherry Creek (11)
- 5 Antelope (14)
- 6 Jakes Wash (20)
- 7 Monte Cristo (96)
- 8 Sand Springs (494)
- 9 White River (20)



South Pancake Allotment