



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE
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ELY, NEVADA 89301-9408



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Pete Paris
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Elko, NV. 89801

NOTICE OF PROPOSED 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.

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 PROPOSED 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 proposes 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 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 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). 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..."

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 obtained by maintaining wild horse use at 474 AUMs of yearlong horse use or an appropriate management level of 40 animals for that portion of the Monte Cristo Herd Management Area which occurs in the South Pancake Allotment.

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 in excess of the appropriate management level of 40 animals will be removed.

Adjustments in wild horse numbers will be made by future Monte Cristo Herd Area gathers based on continued monitoring.

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..."

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 the Egan Resource 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.

Gene L. Drais

Gene L. Drais, Manager
Egan Resource Area

cc: Nevada Department of Wildlife	(Certified Mail #)
U.S. Fish and Wildlife Service	(#P 468 935 153)
N-4 Grazing Board	(#P 468 935 154)
Resource Concepts Inc.	(#P 468 935 155)
International Society for the Protection of Mustangs and Burros	(#P 468 935 156)
Commission for the Preservation of Wild Horses	(#P 468 935 157)
	(#P 468 935 158)

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)
 - 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.

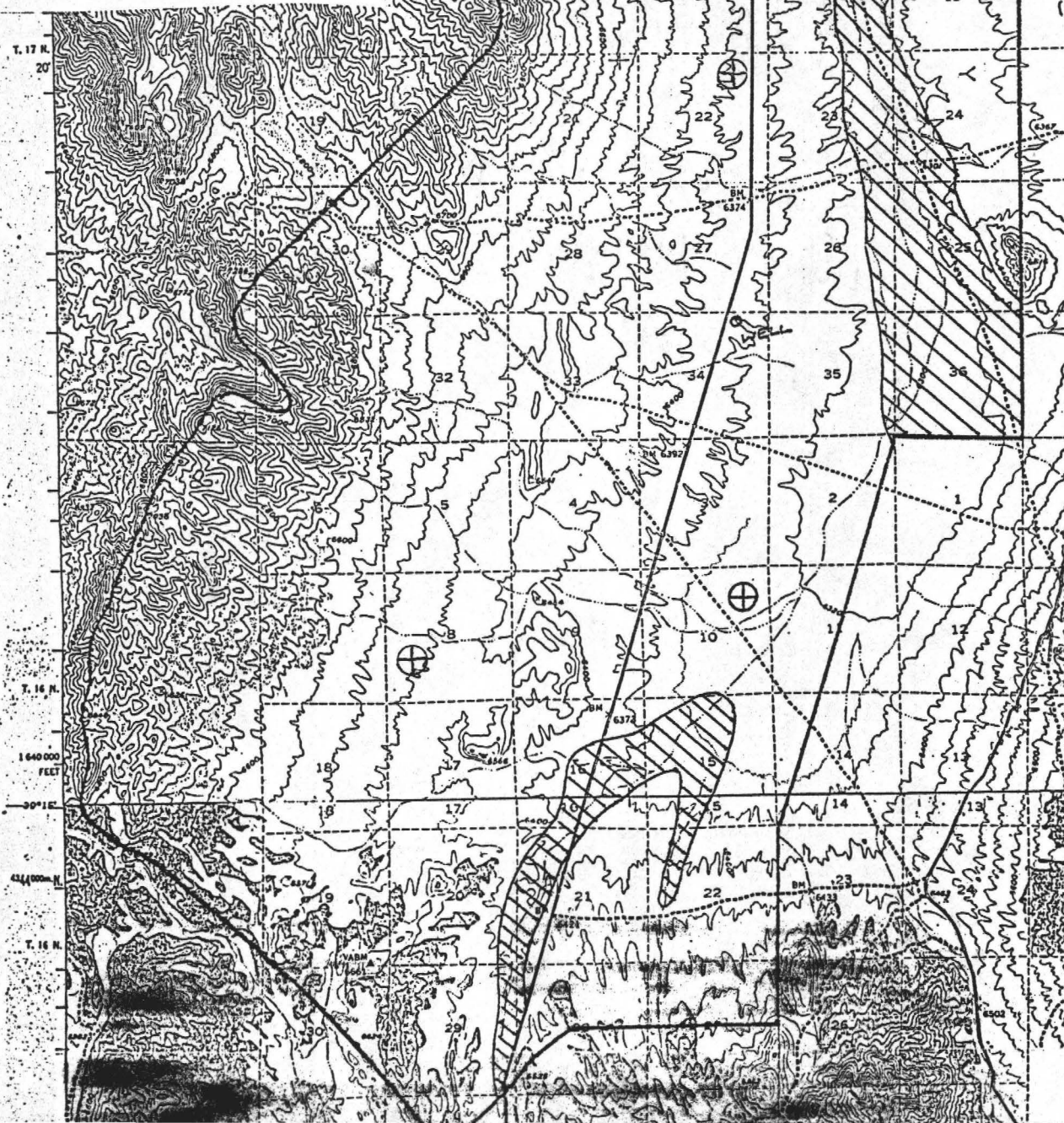
2. Rangeland Program Summary Objectives

- (a) 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%.
- (b) 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.
- (c) Manage rangeland habitat and forage condition to support 20 AUM's for pronghorn antelope.
- (d) 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.

- (e) Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within 2 miles of nest sites.
- (f) 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.

APPENDIX 2.
SOUTH PANCAKE ALLOTMENT (0615)

-  Heavy use winterfat bottoms
-  Proposed water haul sites
-  Allotment boundary (unfenced)





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COMMISSION FOR THE PRESERVATION OF WILD HORSES

Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

January 18, 1991

Gene L. Draais, Manager
Egan Resource Area
BLM Ely District Office
HC33 Box 150
Ely, Nevada 89301-9408

Dear Mr. Draais,

Thank you for the opportunity to comment on the Proposed Multiple Use Decisions for the Six Mile, Becky Creek, South Pancake, and Fort Ruby Allotments.

We are not protesting three of these decisions but are expressing our concerns and would urge you to re-examine your proposed decisions before making them final. We are protesting the Six Mile Allotment.

SIX MILE ALLOTMENT

The Commission for the Preservation of Wild Horses is protesting the "Notice of Proposed Multiple Use Decision for the Six Mile Allotment."

You state in your document that "the analysis of monitoring data has revealed that the multiple use objectives for the Six Mile Allotment are not being met due the the existing grazing use by livestock and wild horses."

In both cattle and sheep numbers you are giving the permittee flexibility to allow these animals to be increased up to "maximum preference," and adjusting period of use.

We realize cattle AUM's will be placed in suspended use but none for sheep. If you are not meeting objectives now, how can you allow varying uses up to maximum preference? By reducing cattle numbers over the first 5 years but by doubling the period of use you have not effected the range at all. With the flexibility to increase up to 300 head you would be more than doubling the cattle on that allotment. How can you measure if your projected range objectives will be met with an unknown number of mouths to be placed on the range? Will you be using actual use reports supplied by the permittee or will you be monitoring assuming maximum preference? The only number you are restricting are your wild horse numbers.

With sheep you are stating use of 2607 sheep, but allowing the flexibility of up to 3000. Thats an increase of 393 mouths. How would that enable you to meet your range objectives when you are not able to meet them currently!

The minimum number of horses is being established as the AML but the permittee is being allowed to use up to maximum preference.

Also included is 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."

We submit, "A limit on wild horse populations must be set which will not only insure year-to-year survival of the herd, but which will also promote the maintenance of healthy, vigorous animals. In this determination, considerable weight must be given to the potential for and the effect of inbreeding in small populations (Berg, 1986)." We urge you to establish population objectives that contain habitat condition along with a healthy gene pool.

Are the wild horses free to move throughout their HMA from this allotment for interaction with the other wild horses in the HMA or are they restricted to their band of 11?

Will the water that will be hauled in by the permittee be available for use by wild horses also?

Our protest is that the numbers for sheep and cattle have the flexibility of staying at preference when the range conditions (determined by your own monitoring), show that your objectives are not being met. The new AML is being established for horses while at the same time there is a paper reduction of livestock and sheep with the caveat of going up to maximum preference under your terminology of flexibility.

It is the caveat that we are protesting.

FORT RUBY ALLOTMENT

It concerns us that portions of an HMA are made unavailable to wild horses even though fences are on private lands. You stated that relatively small parcels (730 acres) are isolated and should not be managed for wild horses because of location. 730 acres is quite a bit of land especially when Nevada is approaching another serious drought year. Limited forage and water will be of great concern for all users of the public lands this year.

Over the years how was this land allowed to be isolated, was it by the sale of surrounding public land into private ownership? You stated that previously the allotment was managed for 1 horse (12 AUM). How can you have a healthy population with one horse?

BECKY CREEK ALLOTMENT

I am confused, on page 2 you refer to the Antelope Herd Management Area but in the LUP/RPS objectives you refer to the Antelope Herd Use Area.

Which areas are you monitoring for your determinations of the wild horse numbers?

Gene L. Drais, Manager
January 18, 1991
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SOUTH PANCAKE ALLOTMENT

We would be concerned that the water hauled by the permittee will be available for wild horse use also. Going into another drought year forage and water are of great concern to the Commission to avert "emergency" situations.

Again, we thank you for the opportunity to comment on these proposed multiple use decisions. If you have any questions, please feel free to call.

Sincerely,

CATHY BARCOMB
Executive Director