



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE
HC33 BOX 150
ELY, NEVADA 89301-9408



4130 (NV-047) ^{IN REPLY REFER TO:}

JAN 3 1991

CERTIFIED MAIL NO. P 468 935 204
Return Receipt Requested

Alfred Anderson
Fort Ruby Ranch
Ruby Valley, NV 89833

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE FORT RUBY 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 Fort Ruby Allotment. The Egan Resource Area Record of Decision, dated February 1987, states in pertinent part:

"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 Fort Ruby Allotment. Input was received from 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 Fort Ruby Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE FORT RUBY 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 Fort Ruby 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 Fort Ruby Allotment.

WILD HORSE AND BURRO MANAGEMENT DECISION

The Egan Resource Area Rangeland Program Summary set a minimal level of 1 horse (12 AUM) as the appropriate management level for this allotment. However, since this allotment is fenced from wild horses and does not receive wild horse 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 Fort Ruby Allotment at zero.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Fort Ruby Allotment shall be managed at zero animals.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of zero 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.

RATIONALE: This allotment is fenced from the remainder of the Buck and Bald Herd Management Area by the allotment boundary fence, which is a private fence on private land. Based on Buck and Bald HMA census and field observations, the Fort Ruby Allotment has not received wild horse use, past or present. The relatively small parcels of public land (730 acres) contained in this allotment are not practical to manage for the minimal number of wild horses they might be able to support, since they are isolated from the remainder of the HMA and do not provide for yearlong habitat requirements. It is also the Bureau's responsibility to keep wild horses off private lands, which make up the majority of this allotment.

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:

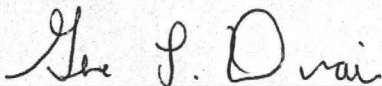
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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, 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. Draais, Manager
Egan Resource Area

	(Certified Mail #)
cc: Nevada Department of Wildlife	(#P 468 935 205)
U.S. Fish and Wildlife Service	(#P 468 935 206)
N-4 Grazing Board	(#P 468 935 207)
Resource Concepts Inc.	(#P 468 935 208)
International Society for the Protection of Mustangs and Burros	(#P 468 935 209)
Commission for the Preservation of Wild Horses	(#P 468 935 210)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

1. Land use plan 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.6)
- (c) Wildlife- Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife. Forage will be provided for "reasonable numbers" of big game as determined by NDOW. (Egan ROD, pgs. 6, 8)
- (d) 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 levels. For yearlong grazing on perennial grasses and grass-like plants, this level is 55%.
- (b) Wild Horses - Manage rangeland habitat to support an AML of 1 horse (12 AUM).
- (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 80 AUMs for mule deer.
- (d) Manage rangeland habitat and forage condition to provide for possible pronghorn antelope augmentation.
- (e) Protect sage grouse breeding complexes by maintaining the big sagebrush within 2 miles of active strutting grounds at mid to late seral stages with a minimum of 30% shrub composition by weight. Also, utilization levels will not exceed 55% on perennial grasses and grass-like species, and 45% on shrubs along riparian areas and mesic meadows.



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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Reno, Nevada

January 18, 1991

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

Dear Mr. Drais,

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 to 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. That's 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.

Gene L. Drais, Manager
January 18, 1991
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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