



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408



IN REPLY REFER TO:

JUN 9 1995 4160 (NV-047)

NOTICE OF FINAL FULL FORCE AND EFFECT MULTIPLE USE DECISION FOR THE DUCKWATER 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 Duckwater 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 data has been collected for this allotment periodically since 1985. 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 Duckwater Allotment.

Input was received from the permittees, Nevada Division of Wildlife - Region II, Dawn Lappin of Wild Horse Organized Assistance, Rose Strickland of the Sierra Club, Cathy Barcomb of the Commission for the Preservation of Wild Horses, and Wayne King (Shoshone-Eureka Resource Area Manager, Battle Mountain District BLM).

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 Duckwater Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE DUCKWATER ALLOTMENT, TECHNICAL 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 Duckwater Allotment are not being met, and in fact, significant resource deterioration is taking place throughout portions of the allotment, exemplified by irreparable damage to the ecological status of major plant communities. Data analysis shows that combined use by livestock and wild horses is the main cause of resource deterioration. 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, but not to wildlife use. This decision also establishes the Appropriate Management Level for those portions of three Wild Horse Herd Management Areas within the Duckwater Allotment; The Sand Springs East, Monte Cristo, and White River Herd Management Areas.

It has been determined that the resource deterioration constitutes an emergency situation. Due to the severity of the resource deterioration, to the point of irreparable damage to portions of the area's natural ecological balance, the Final Decision will be placed in Full Force and Effect in accordance with 43 CFR 4160.3(c).

LIVESTOCK GRAZING MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), 4110.3-3(c), 4130.6-1(a), and 4160.3(c), the current authorized livestock active use shall be reduced by 10,426 Animal Unit Months (AUMs) for a new current active preference of 23,381 (AUMs). The 10,426 AUMs will be placed in suspended non-use. Cattle AUMs will be 16,607 active with 7,677 held in suspended non-use and sheep AUMs will be 6,774 active with 2,749 held in suspended non-use.

Livestock active preference will be authorized by use area and will be in accordance with the season of use and terms and conditions for each of the 12 use areas (Refer to Appendix II, Livestock Use Areas in the Duckwater Allotment). The authorized active preference will become effective during the 1995 grazing year immediately following issuance of the Final Multiple Use Decision (FMUD) for the Duckwater Allotment by permittee and use area as follows:

Former Permittee: Duckwater Stockmen's Association*

<u>Use Area</u>	<u>Effective Date of FMUD</u>
North Sand Springs Valley	09/01/95
Duckwater Hills	03/01/96
Bull Corner/Poison Patch	05/01/96
Pogues Station	05/01/96
Pancake East Bench/ Duckwater Valley	05/01/96
South Sand Springs Valley	10/01/96

* Refer to page 6

Duckwater Cattle Company

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Bull Creek/ North Railroad Valley	09/01/95
Duckwater Hills	09/01/95
Pancake East Bench/ Duckwater Valley	09/01/95 (Cattle 06/01/96 (Sheep)
Bull Corner/Poison Patch	11/01/95
Green Springs	06/01/96

Dan Russell*

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Little Smoky Valley	10/01/95
Bull Corner/Poison Patch	11/01/95
Pogues Station	11/01/95
Pancake East Bench/ Duckwater Valley	11/01/95

* Dan Russell's base property for the Duckwater Allotment has reverted back to Metropolitan Life Insurance Company

Triple E Livestock

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Bull Corner/Poison Patch	11/01/95
Duckwater Hills	11/01/95
Ike Springs/Ike Bench	11/01/95

John & Gailin Manzonie

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Broom Canyon/ South Railroad Valley	11/01/95
Red Mountain/Callaway	11/01/95

Manzonie Irrevocable Trust

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Broom Canyon/ South Railroad Valley	11/01/95
Red Mountain/Callaway Well	11/01/95

Paris Livestock

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Bull Corner/Poison Patch	12/15/95
Sand Springs North	12/15/95
Pancake East Bench/ Duckwater Valley	12/15/95
South Sand Springs Valley	12/15/95

Barry & Norma Bradshaw

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Ike Springs/Ike Bench	11/01/95
Bull Creek/ North Railroad Valley	03/01/96

Denny Manzonie

<u>Use Area</u>	<u>Effective Date of FMUD</u>
Red Mountain/Callaway Well	12/01/95

Dick McKay

Use Area

Effective Date Of FMUD

Little Smoky Valley

12/01/95

Carter Cattle Company

Use Area

Effective Date of FMUD

Red Mountain/Callaway Well

11/01/95

LIVESTOCK PREFERENCE

The new livestock preference on the Duckwater Allotment is as follows:

	<u>Total Preference</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>
From:	56,223 AUMs	22,416 AUMs	33,807 AUMs
To:	56,223 AUMs	32,842 AUMs	23,381 AUMs

The active preference of 23,381 AUMs will be adjusted by permittee and use area as follows:

Former Permittee: Duckwater Stockmen's Association*

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	18,536	7,414	11,122	03/01 - 11/30
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	18,536	11,121	7,415	(variable)

* In 1989 the Duckwater Stockmen's Association grazing permit expired and has not been renewed. Since October of 1980 the Duckwater Stockmen's Association has refused to pay grazing fees to the Bureau of Land Management. On August 18, 1987, the Duckwater Stockmen's Association was issued a "Notice of Final Decision" demanding payment of past grazing fees due, plus interest. This decision was appealed and subsequently dismissed by Counsel for the Appellants. In 1987 via Notice of Trespass NV-040-87-318, the Duckwater Stockmen's Association was informed of their "unauthorized livestock grazing" on public lands. This unauthorized livestock grazing has continued to present.

Therefore, the grazing preference identified above will not be allocated, via the grazing permit to the Duckwater Stockmen's Association.

These portions of the "livestock grazing capacity" on the Duckwater Allotment, will be held in abeyance (and not adjudicated at this time to any permittee) pending final resolution of the "unauthorized use" currently occurring on the Duckwater Allotment by members of the Duckwater Stockmen's Association.

It is the position of the Bureau of Land Management that the Duckwater Stockmen's Association has no authorization via permit or annual authorization to graze livestock on public lands within the Duckwater Allotment.

Revised seasons of use are summarized below by use area.

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	44 Cattle	05/01 - 11/30	310	215
Duckwater Hills	46 Cattle	03/01 - 11/30	416	87
Pogues Station	175 Cattle	05/01 - 11/30	1,236	497
North Sand Springs Valley	312 Cattle	03/01 - 04/30	626	311
	210 Cattle	09/01 - 11/30	628	309
Pancake East Bench/ Duckwater Valley	293 Cattle	05/01 - 11/30	2,064	725
South Sand Springs Valley	353 Cattle	05/01 - 07/31	1,068	781
	215 Cattle	10/01 - 02/28	1,067	782

Permittee: Duckwater Cattle Company

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	10,565 (C)	4,186	6,379	03/01 - 02/28
	66 (S)	0	66	03/16 - 09/30

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	10,565 (C)	6,711	3,854	(variable)
	66 (S)	0	66	06/01 - 08/31

Revised seasons of use are summarized below by use area.

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Creek/ North Railroad Valley	414 Cattle	03/01 - 06/15	1,459	508
	103 Cattle	09/01 - 02/28	613	507
Bull Corner/ Poison Patch	146 Cattle	11/01 - 02/28	576	403
Duckwater Hills	53 Cattle	03/01 - 06/15	186	43
	32 Cattle	09/01 - 02/28	191	38
Green Springs	119 Cattle	06/01 - 11/30	718	985
Pancake East Bench/ Duckwater Valley	16 Cattle	03/01 - 06/15	56	20
	9 Cattle	09/01 - 02/28	55	21
	54 Sheep*	06/01 - 11/30	66	0

* There is no change to the active preference for sheep in this use area.

Permittee: Dan Russell

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,874 (C)	2,348	3,526	10/01 - 04/15
	7,184 (S)	2,874	4,310	11/01 - 04/15
	1,693 (S)	676	1,017	01/01 - 03/31

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,874 (C)	3,393	2,481	10/01 - 03/31
	7,184 (S)	4,370	2,446	11/01 - 04/15
			368	01/01 - 03/31
	1,693 (S)	1,029	664	01/01 - 03/31

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	945 Sheep	11/01 - 04/15	1,032	886
Pogues Station	509 Sheep	11/01 - 04/15	556	190
Little Smoky Valley	414 Cattle	10/01 - 03/31	2,481	1,045
	1,744 Sheep	01/01 - 03/31	1,032	566
Pancake East Bench/ Duckwater Valley	786 Sheep	11/01 - 04/15	858	207

Permittee: Triple E Livestock

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,040 (S)	2,016	3,024	11/01 - 04/15

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	5,040 (S)	2,916	2,124	11/01 - 04/15

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Corner/ Poison Patch	1,180 Sheep	11/01 - 04/15	1,289	776
Duckwater Hills	475 Sheep	11/01 - 04/15	519	124
Ike Springs/ Ike Bench	289 Sheep	11/01 - 04/15	316	0

Permittee: John & Gailin Manzonie

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	2,522(C)	1,008	1,514	03/01 - 06/15 11/01 - 02/28
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	2,522(C)	1,201	1,321	03/01 - 06/15 11/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Broom Canyon/ South Railroad Valley	78 Cattle	03/01 - 06/15	274	105
	69 Cattle	11/01 - 02/28	274	104
Red Mountain/ Callaway Well	110 Cattle*	03/01 - 06/15	387	0
	98 Cattle*	11/01 - 02/28	386	0

* Active preference has been increased approximately 2% in this use area.

Permittee: Manzonie Irrevocable Trust

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,540(C)	614	926	03/01 - 06/15 11/01 - 02/28
To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,540(C)	731	809	03/01 - 06/15 11/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Broom Canyon/ South Railroad Valley	47 Cattle	03/01 - 06/15	165	67
	43 Cattle	11/01 - 02/28	171	60

Red Mountain/
Callaway Well

67	Cattle*	03/01 - 06/15	236	0
60	Cattle*	11/01 - 02/28	237	0

* Active preference has been increased approximately 2% in this use area.

Permittee: Paris Livestock - There is no reduction to Paris Livestock active preference.

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,845(S)	739	1,106	12/15 - 03/31

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	1,845(S)	739	1,106	12/15 - 03/31

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Bull Corner/ Poison Patch	490 Sheep	12/15 - 03/31	345	0
Sand Springs North	189 Sheep	12/15 - 03/31	133	0
Pancake East Bench/ Duckwater Valley	574 Sheep	12/15 - 03/31	404	0
South Sand Springs Valley	318 Sheep	12/15 - 03/31	224	0

Permittee: Barry & Norma Bradshaw

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	934(C)	372	562	03/01 - 06/15 11/01 - 02/28

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	934(C)	463	471	03/01 - 06/15 11/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Bull Creek/ North Railroad Valley	47 Cattle	03/01 - 06/15	165	91
Ike Springs/ Ike Bench	43 Cattle*	03/01 - 06/15	151	0
	39 Cattle*	11/01 - 02/28	155	0

* There is no reduction to active preference in this use area in either spring or fall.

Permittee: Denny Manzonie - There is no reduction to Denny Manzonie active preference.

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	347(C)	138	209	03/01 - 04/30 12/01 - 02/28

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	347(C)	138	209	03/01 - 04/30 12/01 - 02/28

Use Area	No. & Kind	Season of Use	AUMs	
			Active	Suspended
Red Mountain/ Callaway Well	50 Cattle	03/01 - 04/30	100	0
	37 Cattle	12/01 - 02/28	109	0

Permittee: Dick McKay - There is no reduction to Dick McKay active preference.

From:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	49(C)	20	29	12/01 - 03/31

To:	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	49(C)	20	29	12/01 - 03/31

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Little Smoky Valley	7 Cattle	12/01 - 03/31	29	0

Permittee: Carter Cattle Company - There is no reduction to Carter Cattle Company active preference.

<u>From:</u>	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	28(C)	11	17	11/01 - 11/30

<u>To:</u>	<u>Total AUMs</u>	<u>Suspended Non-Use</u>	<u>Active Preference</u>	<u>Season of Use</u>
	28(C)	11	17	11/01 - 11/30

<u>Use Area</u>	<u>No. & Kind</u>	<u>Season of Use</u>	<u>AUMs</u>	
			<u>Active</u>	<u>Suspended</u>
Red Mountain/ Callaway Well	17 Cattle	11/01 - 11/30	17	0

LIVESTOCK PREFERENCE BY USE AREA

The new active preference of 23,381 AUMs will be licensed separately for each of the twelve use areas as follows:

Cattle preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u>
Broom Canyon	
Permittee:	
John & Gailin Manzonie	548
Manzonie Irrevocable Trust	337
Bull Creek	
Permittee:	
Duckwater Cattle Co.	2,072
Barry & Norma Bradshaw	165
Bull Corner/Poison Patch	
Permittee:	
Duckwater Cattle Co.	576
Duckwater Stockmen's Assoc.*	310
Duckwater Hills	
Permittee:	
Duckwater Cattle Co.	377
Duckwater Stockmen's Assoc.*	416
Green Springs	
Permittee:	
Duckwater Cattle Co.	718
Pogues Station	
Permittee:	
Duckwater Stockmen's Assoc.*	1,236
Ike Springs/Ike Bench	
Permittee:	
Barry & Norma Bradshaw	306
Little Smoky Valley	
Permittee:	
Russell Ranches	2,481
Dick Mckay (retain pref.)	29
North Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.*	1,254

* Refer to page 6

Pancake East Bench	
Permittee:	
Duckwater Stockmen's Assoc.*	2,064
Duckwater Cattle Co.	111
Red Mountain/Callaway Well	
Permittee:	
John & Gailin Manzonie	773
Manzonie Irrevocable Trust	473
Denny Manzonie	209
Carter Cattle Co.	17
South Sand Springs	
Permittee:	
Duckwater Stockmen's Assoc.*	<u>2,135</u>
Total.....	16,607

Sheep Preference in AUMs:

<u>Use Area</u>	<u>Active Preference</u>
Bull Creek Corner/Poison Patch	
Permittee:	
Russell Ranches	1,032
Triple E Livestock	1,289
Paris Livestock (retain pref.)	345
Duckwater Hills	
Permittee:	
Triple E Livestock	519
Pogues Station	
Permittee:	
Russell Ranches	556
Ike Springs/Ike Bench	
Permittee:	
Triple E Livestock (retain pref.)	316
Little Smoky Valley	
Permittee:	
Russell Ranches	1,032
North Sand Springs	
Permittee:	
Paris Livestock (retain pref.)	133

* Refer to page 6

Use Area

Active Preference

Pancake East Bench

Permittee:

Russell Ranches	858
Paris Livestock (retain pref.)	404
Duckwater Cattle Co. (retain pref.)	66

South Sand Springs

Permittee:

Paris Livestock (retain pref.)	<u>224</u>
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Total..... 6,774

In accordance with 43 CFR 4130.6-2, certain terms and conditions will be included in the grazing permits for the Duckwater Allotment. The terms and conditions will be listed by use area and are as follows:

Broom Canyon/South Railroad Valley Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.
2. Triple E Livestock will trail sheep north in fall and south in spring to the west of County Highway 20. Any changes to the established sheep trailing route and/or changes to trailing stipulations will be determined annually by the authorized officer.
3. Sheep will not be bedded in the prominent winterfat flat located on the west side of highway 20 between the gravel pit and the old Bull Creek Well. This winterfat flat is located in T. 11N., R. 57E., Sections 16, 21, and 22. Sheep bedding grounds will be located a minimum of 1/4 mile from this winterfat flat. Sheep will be moved a minimum of five miles per day through this use area.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Bull Creek/North Railroad Valley Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period. Cattle grazing will be controlled by herding cattle to different locations in the use area each year on the turnout date.
2. Triple E Livestock will trail sheep north in fall and south in spring to the west of County Highway 20. Any changes to the established sheep trailing route and/or changes to trailing stipulations will be determined annually by the authorized officer.
3. Sheep will not be trailed in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Bull Creek Corner/Poison Patch Use Area

1. In this use area, Russell Ranches will graze sheep in lands along the main Poison Wash (Road 4106) and west of the wash, while Triple E Livestock will graze lands east of the main Poison Wash and south of the Easy Junior Mine (Road 4108 and Road 4109).
2. Paris Livestock will be allowed three alternate routes while herding sheep south in winter or north in early spring through this use area. These are along roads 4105, 4106, or 4109 (Refer to Map I in the Duckwater Evaluation). Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
3. Sheep herding by Russell Ranches or Paris Livestock will not be concentrated in the main Poison Wash (Road 4006) but will be distributed throughout the use area.
4. Sheep will not be trailed in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms.
5. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Duckwater Hills Use Area

1. Spring cattle turnout will be deferred for both permittees in this use area the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.

2. In this use area, the Duckwater Stockmen's Association* will graze cattle west of the prominent north - south ridgeline while Duckwater Cattle Company will graze cattle east of the ridgeline.

3. The Duckwater Stockmen's Association* will be required to haul water to the north Duckwater Hills area in T. 14N., R. 56E., Section 29.

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

6. North of the intersection of State Route 379 and Bull Creek Road, sheep are to be herded in the Duckwater Hills west of Bull Creek Road and Bull Creek, and are not to water in Bull Creek. Water hauling will be required for sheep use in this area in the absence of snow.

7. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Green Springs Use Area

1. If water is available to pump, the stock well located in T. 15N., R. 57E., Section 17, SE 1/4 will be utilized by Duckwater Cattle Company to improve cattle distribution.

2. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 6

Pogues Station Use Area

1. The Duckwater Stockmen's Association* will haul water to different locations within the use area to be determined on an annual basis. Three different locations for hauling water in this use area are identified as follows:

1. Pogues Station - T. 15N., R. 54 E., Section 11.
2. West of Pogues Station - T. 15N., R. 54E., Section 10.
3. North of Duckwater Road - T. 16N., R. 54E., Section 15.

2. Sheep camp locations in this use area will be determined by the authorized officer on an annual basis.

3. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Ike Springs/Ike Bench Use Area

1. Spring cattle turnout will be deferred the first year following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growth period.

2. Water hauling will be required for sheep grazing in this use area in the absence of snow.

3. Sheep camps and bedding grounds will be located at least 1/4 mile away from springs on the east slopes of the Pancake Mountains. If sheep must water at springs, they must move to and from the area in a timely manner.

4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 6

Little Smoky Valley Use Area

1. Sheep camp locations in this use area will be determined by the authorized officer on an annual basis. Sheep herding will not be concentrated in the winterfat flats or benches to the northwest of the Moody Mountains nor in Big Fault Wash, Snowball Creek Wash, Willow Creek Wash, Cockalorum Wash, or other major washes running west to east, in order to allow proper rest for severely degraded winterfat areas.
2. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
3. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.
4. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

North Sand Springs Valley Use Area

1. This pasture will be rested from cattle grazing the first spring following issuance of the grazing decision and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growing period.
2. The Duckwater Stockmen's Association* will continue to haul water to their main stock tank in T. 13N., R. 55E., Section 31. The Florio spring development will be maintained in good working condition with adequate water in the stock tank.
3. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

* Refer to page 6

Pancake East Bench/Duckwater Valley Use Area

1. The Duckwater Stockmen's Association* will control cattle grazing by herding cattle to different watering locations each year on the turnout date. Watering locations will be determined by the authorized officer on an annual basis.
2. The existing water developments at Big Louie, Florio, and McClure Springs will be maintained. The Duckwater Stockmen's Association* will continue water hauling to the bench just west of the intersection of State Route 379 and Big Louie Road in T. 14N., Range 55 E., Section 22. Water will also be hauled to the small valley northwest of Bull Fork in T. 14N., R. 55E., Section 16.
3. Sheep herding by Russell Ranches and Paris Livestock will not be concentrated east of the Big Louie Road so as not to conflict with cattle grazing. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.
4. Sheep camps will be moved at least every seven days. No two sheep camps will camp in the same area in a grazing season.
5. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.
6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Red Mountain/Callaway Well Use Area

1. Spring cattle turnout will be deferred the second year following issuance of the grazing season and every third year thereafter from 03/01 to 04/30 to allow proper rest for forage plants during the critical growth period.
2. Cattle grazing in this use area will be dependent on continued water hauling and rotating seasons of use between spring and fall. Cattle grazing will not be concentrated in the bottoms around Callaway Well, to allow proper rest for severely degraded rangelands.
3. The sheep trailing route and stipulations will be determined annually by the authorized officer.

* Refer to page 6

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Sheep will be moved a minimum of five miles per day through this use area.

6. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

Sand Springs South Use Area

1. This pasture will be rested one full year following the first horse gather of the Sand Springs East Herd Management Area.

2. Sheep use will not be concentrated in the winterfat flats or stringer meadows on the valley bottom and lower benches but will be distributed to the west slopes of the Pancake Mountains on the east side of the valley or the Dry Lake Hills on the west side of the valley. This will allow rest for severely degraded rangelands in the valley bottom.

3. Paris Livestock will be allowed a sheep trailing window of approximately 20 days south through the allotment from 12/15 to 02/15 and 20 days north through the allotment from 03/01 to 03/31.

4. Sheep will not be trailed or bedded in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

5. Salt and supplements will not be allowed within 1/2 mile of stock waters, nor in winterfat vegetation.

RATIONALE: The analysis and evaluation of available monitoring data indicates that the current management practices are not meeting the multiple use management objectives for the Duckwater Allotment as identified in Appendix I. The data indicates that 23,381 AUMs are available for livestock, with 10,426 AUMs to be placed in suspended non-use.

Because of the severity of the resource damage throughout the allotment, the (full) final reduction will be implemented. The decrease in livestock active preference, the reductions to the wild horse populations, the changes in seasons of use, and increased intensity of management will improve rangeland productivity, provide needed rest for key species during the critical growth period, and allow multiple use objectives to be met. These actions are required to prevent further deterioration of the rangeland and to prevent further irreparable damage to the natural ecological balance of the area's vegetative resource.

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)."

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.3-2(b): "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity..."

4110.3-2(c): "Where active use is reduced it shall be held in suspension..."

4110.3-3(c): "When the authorized officer determines that the soil, vegetation, or other resources on the public lands requires temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation with affected permittees or lessees and other affected interests, action shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under 4160.3(c) of this title."

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..."

4160.3(c): "The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal."

APPEAL:

If you wish to appeal this final decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file an appeal with the Egan Area Manager, BLM, Ely District Office, HC 33 Box 33500, 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

It has been determined through monitoring that a thriving natural ecological balance will be achieved by maintaining wild horse numbers at the following appropriate management levels:

<u>Wild Horse Use Area*</u>	<u>Herd Mngmt. Area</u>	<u>Appropriate Management Level AUMs (# Animals)</u>	
Broom Cyn.	Monte Cristo	372	(31)
Bull Creek	Monte Cristo	745	(62)
Bull Corner/ Poison Patch	Monte Cristo	127	(11)
Duckwater Hills	Monte Cristo	0	(0)
Green Springs	Monte Cristo	86	(7)
Pogues Sta.	Monte Cristo	554	(46)
Total HMA		<hr/> 1884	(157)
Ike Springs/ Ike Bench	Sand Springs East	638	(53)
Little Smoky V.	Sand Springs East	1427	(119)
North Sand S.	Sand Springs East	266	(22)
Pancake East B./ Duckwater Vlly.	Sand Springs East	758	(63)
South Sand S.	Sand Springs East	0	(0)
Total HMA		<hr/> 3089	(257)
Red Mountain	White River	92	(10*)
Total HMA		<hr/> 92	(10)
Total Duckwater		5065	424

* 10 horses for 9 months

The setting of wild horse numbers by allotment is part of a process that provides for an overall Herd Management Area wild horse Appropriate Management Level. Wild horse removals will occur on a Herd Management Area basis and numbers will be maintained at or within plus or minus 15% of the total Appropriate Management Level. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total Appropriate Management Level for the Herd Management Area will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Duckwater Allotment will be managed at 5,065 AUMs plus or minus 15% or from 4,305 to 5,825 AUMs.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level range of 360 to 488 animals will be removed.

RATIONALE: The analysis and interpretation of available monitoring data indicates that the multiple use objectives for wild horses on the Duckwater Allotment are not being met. Therefore a reduction in wild horses is necessary to establish and maintain a thriving natural ecological balance, to prevent further deterioration of the rangeland resource, and to meet the multiple use objectives for the 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."

4700.0-6(d): "In administering the regulations, the authorized officer shall consult with the Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands."

4710.1: "Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to Part 1600 of this title."

4710.3-1: "Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas."

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 of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. 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. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.

 6-9-95

Gene L. Drais, Manager
Egan Resource Area

CERTIFIED MAIL #

cc: Honorable Senator Harry M. Reid	P 313 265 420
Honorable Richard Bryan	P 313 265 421
Honorable Barbara Vucanovich	P 313 265 422
Thomas E. Luebben, Attorney	P 313 265 423
Nevada Division of Wildlife, Reg. II	P 313 265 424
Nevada Division of Wildlife, Reg. III	P 313 265 425
Curtis A. Baughman (NDOW)	P 313 265 426
Jim Lusk (NDOW)	P 313 265 427
N-4 Grazing Board	P 313 265 428
Resource Concepts, Inc.	P 313 265 429
U.S. Fish & Wildlife Service	P 313 265 430
Sierra Club, Rose Strickland	P 313 265 431
Natural Resources Defense Council	P 313 265 432
The Wilderness Society	P 313 265 433
Bureau of Indian Affairs, Supt.	P 313 265 434
Nevada Farm Bureau	P 313 265 435
Intl'l Soc. for the Protection of Wild Horses & Burros	P 313 265 436
Animal Protection Institute of America	P 313 265 437
Commission for the Protection of Wild Horses & Burros	P 313 265 438
Dawn Lappin	P 313 265 439
County of Nye	P 313 265 440
Doane Western	P 313 265 441
Production Credit Association	P 313 265 442
Rutgers School of Law	P 313 265 443
Wayne King, Shoshone Eureka R.A.	P 313 265 444
Tonopah Resource Area	P 313 265 445
Wayne Swenson, Ely Ranger District	P 313 265 446
Mike Podborny (NDOW)	P 313 265 447
Wayne Stephens	P 313 265 448
Metropolitan Life, Daniel A. O'Neil	P 313 265 449
Gary Sprouse	P 313 265 450

APPENDIX I: Land Use Plan/Rangeland Program Summary/Habitat
Management Plan Objectives

1. Land Use Plan (Resource Management 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 (ROD), p. 3).

(b) Wild Horses and Burros - Wild horses will be managed at a total of 494 animals within the Sand Springs East Herd Management Area (HMA), 96 animals within the Monte Cristo HMA, and 20 animals within the White River 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).

* The 494 wild horses yearlong in the Sand Springs East HMA, 96 wild horses in the Monte Cristo HMA, and 20 wild horses in the White River HMA are no longer valid Appropriate Management Levels (AMLs). 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." 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."

c) Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Division of Wildlife " (Egan ROD, p. 6).

"Reintroductions of big game species will be accomplished in cooperation with the Nevada Division of Wildlife, where such reintroductions would not conflict with existing uses and if sufficient forage is available." (Egan ROD, p. 6)

"Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Division of Wildlife." (Egan ROD, p. 8).

(d) Riparian - "Where management objectives are not being obtained through application of management practices, fencing will be considered." (Egan ROD, p. 13).

(e) 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 systems and aesthetic values." (Egan ROD, p. 44).

2. Rangeland Program Summary Objectives

Range

(a) "Provide forage for up to 16,274 AUMs of livestock use.

(b) Maintain or improve the ecological condition of Sand Springs Valley. Maintain or improve the current ecological condition of the remainder of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) levels on key species. Allowable use levels for winterfat and perennial grass species are 50%.

Wild Horses

(c) "Initially manage rangeland habitat to support an Appropriate Management Level (AML) of 575 wild horses in the Duckwater Allotment as part of the Sand Springs East HMA (494 wild horses), White River HMA (8 wild horses), and Monte Cristo HMA (73 wild horses). Provide forage for up to 6,895 AUMs of wild horse use (5,928 AUMs - Sand Springs East HMA; 91 AUMs - White River HMA; 876 AUMs - Monte Cristo HMA)." Actual wild horse numbers will be determined by evaluation in accordance with monitoring data to maintain a thriving natural ecological balance and prevent deterioration of the range. (The AML of 575 wild horses identified in the Rangeland Program Summary is no longer a valid AML).

Wildlife/Riparian

(d) "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: Mule deer 2,313 AUMs, Pronghorn antelope 510 AUMs."

(e) "Maintain or improve Mule deer and Pronghorn antelope yearlong habitats to good or better condition."

(f) "Improve and maintain habitat condition of meadows and riparian areas in poor/fair condition to good or better for pronghorn antelope, mule deer, and upland game."

0(g) "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.

(h) Protect Ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within 2 miles of nest sites.

(i) "Improve 5.0 miles of stream riparian in poor condition to good or better."

3. Little Smoky and Big Sand Springs Valley Habitat Management Plan (HMP) - Specific objectives which apply to the Duckwater Allotment.

(a) Limit utilization of bitterbrush and other browse species to 35% of current year's growth by September 30 to insure adequate forage availability for wintering mule deer at the following key locations:

Moody Mountain	T 13 N., R 54 E.	
Portuguese Mountain	T 10 N., R 55 E.,	Section 30
Park Mountain	T 13 N., R 52 E.,	Section 28

(b) Limit utilization levels to 55% of current annual growth on perennial grasses and grasslike species along riparian areas and mesic meadows by May 1 on the following key locations:

Cottonwood Spring	T 13 N., R 51 E.,	Section 36
Cottonwood Spring	T 12 N., R 52 E.,	Section 5
Tank Spring	T 13 N., R 52 E.,	Section 33
Unnamed Spring	T 12 N., R 52 E.,	Section 33
Bassit Spring	T 12 N., R 52 E.,	Section 21

(c) Limit utilization to 45% of current year's growth on riparian shrub species (willows, chokecherry, etc...) and 25% of current growth on riparian associated tree species (cottonwood, aspen) by November 1, at the following key locations:

Park Mountain	T 12 N., R 52 E.,	Section 5
Park Mountain	T 12 N., R 52 E.,	Section 7

(d) Limit utilization on streamside riparian vegetation to 55% by May 1 on the following key areas:

Willow - Snowball Creek	T 14 N., R 52 E.,	Section 20
Cottonwood Creek	T 12 N., R 52 E.,	Section 7

The utilization goal for riparian areas in fair to poor condition will be less than 40% use. This will improve the areas to good or better.

(e) Limit utilization to 50% of current annual growth on winterfat and associated perennial grass species by April 15 at the following winterfat key areas, to provide adequate forage for ferruginous hawk prey species:

Big Sand Springs Valley	T 11 N., R 54 E., Section	15
Big Sand Springs Valley	T 12 N., R 54 E., Section	10
Little Smoky Valley	T 15 N., R 53 E., Section	21
Little Smoky Valley	T 14 N., R 53 E., Section	20

(f) Manage the following key sage grouse areas for big sagebrush in mid to late seral stages with at least 25% sagebrush cover:

Willow Creek	T 14 N., R 53 E., Sections	25, 30
Willow Creek	T 14 N., R 52 E., Section	10
N. Park Range	T 13 N., R 52 E., Section	8

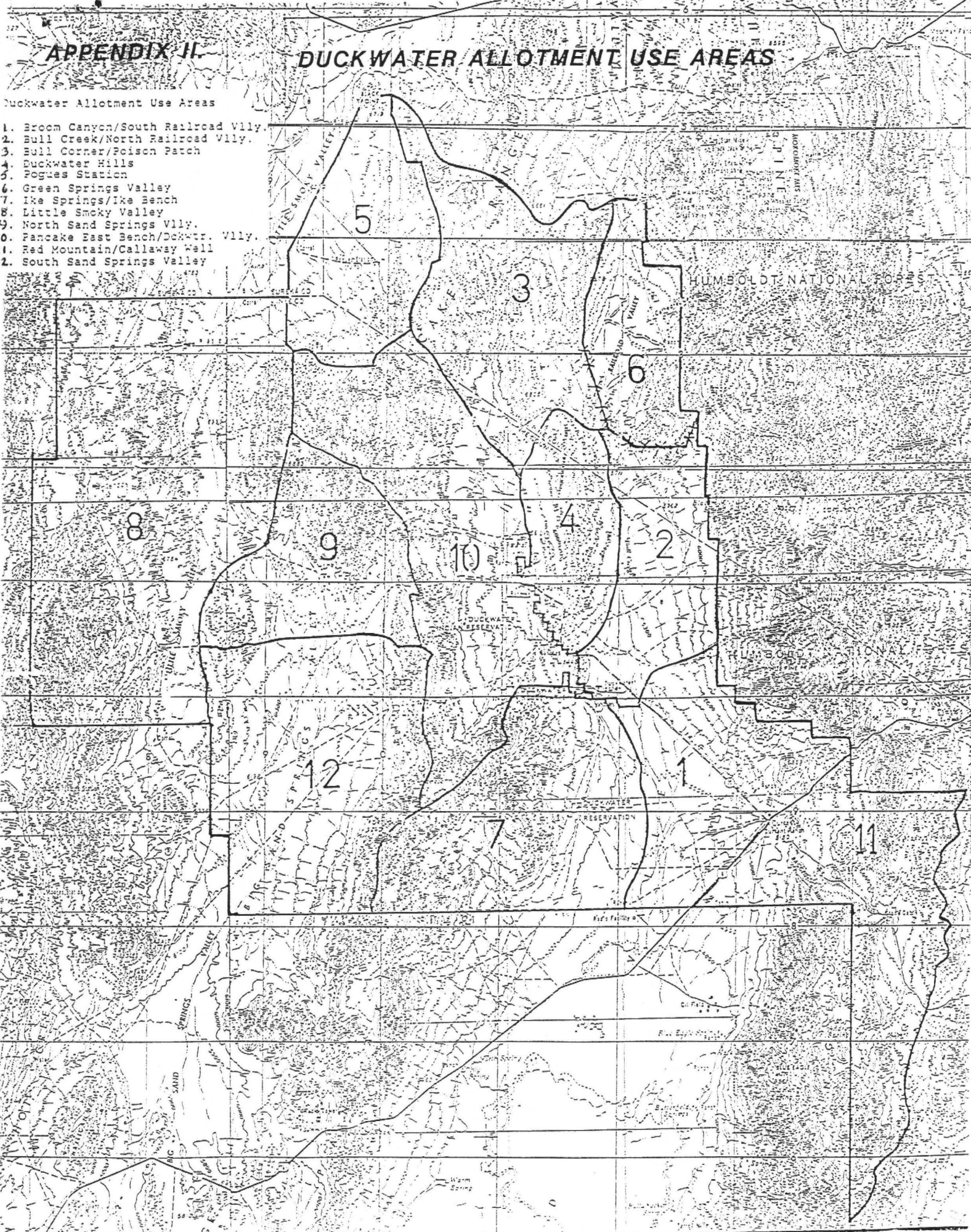
(g) Plans are underway to augment pronghorn antelope into Little Smoky Valley and Big Sand Springs Valley. Releases of 50 to 100 animals by NDOW will take place at predetermined locations, but not until planned guzzlers are in place. The long-term pronghorn population goal in the HMP area is 200 - 250 animals. The first release will not likely occur until calendar year 1995. Once release occurs, utilization of antelope key forage species (black sage, budsage, and shadscale) will not be allowed to exceed 45% of current year's growth, to increase antelope forage availability. If determined through monitoring, that additional forage is available for pronghorns once the population goal of 250 animals is obtained, the animals will be allowed to increase until monitoring determines that pronghorns are exceeding established utilization goals.

APPENDIX II

DUCKWATER ALLOTMENT USE AREAS

Duckwater Allotment Use Areas

1. Broom Canyon/South Railroad Villy.
2. Bull Creek/North Railroad Villy.
3. Bull Corner/Poison Patch
4. Duckwater Hills
5. Pogues Station
6. Green Springs Valley
7. Ike Springs/Ike Bench
8. Little Smoky Valley
9. North Sand Springs Villy.
10. Pancake East Bench/Dckwtr. Villy.
11. Red Mountain/Callaway Well
12. South Sand Springs Valley



5-19-95

① Chris:
40% activity plan -
CHUP.

Not cons. appeal
yes - protest

Calculations
- what page -
pg 48-49 of AE

May 19, 1995

Mr. Gene L. Drais
Egan Resource Area Manager
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Notice of Proposed Full Force and Effect Multiple Use
Decision for the Duckwater Allotment

Dear Mr. Drais,

The Commission for the Preservation of Wild Horses has received and reviewed the proposed decision and management action selection report. Issues and concerns of the Commission the Draft Duckwater Allotment Evaluation have not been adequately addressed by the present documents.

We protest/appeal the proposed decision based upon the following issues and errors:

Carrying Capacity Computations area Flawed

The land use plan established 40% as an allowable use level for riparian vegetation. Use pattern mapping data documented heavy and severe utilization of riparian vegetation. Stocking rate or carrying capacity computations did not use the established allowable use level to address the overgrazing problem on this allotment.

Use pattern mapping data was weight averaged in a manner that compromised or eliminated the effect of heavy and severe utilization of riparian and other key areas.

An adult horse and foal are equivalent to a cow and a calf animal unit month. The decision determined a foal as an animal unit month.

what have you changed

① Riparian
obj.

② paper cows. ↑

Chris Brown
Bob Maloney

Gene L. Drais, Area Manager
May 19, 1995
Page 2

Allocation of available forage was determined by use of active livestock preference and not actual use. In one case, the active preference was over twice the average livestock actual use. The result of the use of this data inflated necessary reduction. Wild horses were proportionately reduced by this inflated number. Preference livestock animal unit months or "paper cows" were taken from real or active wild horse allocations in the decision.

Summary

Carrying capacity is the "maximum stocking rate possible without inducing damage to vegetation or related resources." 43 CFR 4100-5. The Commission recognizes riparian and other key areas as the limiting factor for carrying capacity determination and the establishment of appropriate management levels for wild horse herds. In order for the Bureau to achieve a natural thriving ecological balance, a carrying capacity must be determined and allocated. Adjustments in wild horse numbers must be based upon real rangeland monitoring data and actual use data. As stated in regulation, "Authorized livestock grazing use shall not exceed the livestock carrying capacity." 43 CFR 4130.6-1(a).

The Proposed Decision established a carrying capacity that will cause damage to riparian and other key vegetation on the Duckwater Allotment. Allocation of the forage is biased against wild horses by the fact that "paper cows" substituted the actual use data of the rangeland monitoring data.

I am submitting my comments as a protest/appeal as this is a proposed decision. If you will be accepting my comments, reviewing them, considering the comments, analyzing and reflecting that consideration in your final decision then accept these comments as a protest. We would be available to discuss these issues with you prior to you issuing the final decision.

If not and since we are past the 15 day comment period you state for a protest, resultingly, we would request that you consider this an appeal of the proposed decision an subsequent final decision. Please advise us within 10 working days how you will be treating this document so that we may file the further required documents if necessary.

Sincerely,

CATHERINE BARCOMB
Executive Director

34 ³/₄ wide

38 ¹/₂ HIGH