



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4130 (NV-047)

CERTIFIED MAIL No. P 569 358 236
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JAN 3 1991

Dan Russell
P.O. Box 343
Ely, NV 89816

NOTICE OF PROPOSED MULTIPLE USE DECISION
FOR THE SIX MILE 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 Six Mile 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 1984 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 Six Mile 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 Six Mile Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE SIX MILE 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 Six Mile 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 for that portion of the Monte Cristo Herd Management Area within the Six Mile Allotment.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.6-1(a), the existing authorized livestock active use on the seedings shall be changed, over 5 years, to 287 AUMs cattle use, with 145 AUMs placed in suspended non-use. Year 1 will be the 1991 grazing year. Active preference on the seedings (to be licensed separately) will be as follows:

From:

Number	Kind	Period of Use	%Federal	AUMs	
				Active	Susp
144	Cattle	04/16 - 07/15	100	432	0

To:

Year	Number*	Kind	Period of use*	AUM's	
				Active	Suspended
1	58	Cattle	4/15 - 10/31	383	49
3	51	Cattle	4/15 - 10/31	335	97
5	44	Cattle	4/15 - 10/31	287	145

*Flexibility in cattle numbers will be allowed up to a maximum of 300 head, not to exceed the maximum preference. Flexibility in period of use will be allowed from 4/15 to 10/31.

Sheep preference on native areas will remain at 922 AUMs, scheduled as follows:

Pasture	Year	Number*	Kind	Period of use*	AUM's	
					Active	Suspended
E. native	1	1256	Sheep	3/1 - 4/15	380	0
W. native	1	1351	Sheep	11/1 - 12/31	542	0

*Flexibility in sheep numbers will be allowed up to a maximum of 3000 head, not to exceed the maximum preference. Flexibility in period of use will be allowed from 3/1 to 4/15 and 11/1 to 12/31.

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

1. 380 AUM's to be used east of Belmont road for spring sheep grazing (March 1 - April 15), dependant on availability of water/snow. Water hauling along the Buster Mountain bench will be required for full use of this portion of preference.
2. 542 AUM's to be used west of Belmont road in the Newark Valley portion of the allotment for winter use (11/1 - 12/31).
3. Two water haul sites will be located at T 17 N, R 57 E, sec. 7 NESE, and sec. 19 NESE. Full use of the 542 AUM's in Newark Valley will be dependant on use of these sites.
4. Sheep will not be trailed or bedded in winterfat bottoms.
5. Sheep camps will be placed a minimum of 1/2 mile from winterfat bottoms.

6. Sheep watered at the seedings will only be allowed access to the troughs placed outside the seeding fence at the east seeding. Sheep will not be allowed access to the seedings when licensed for the adjoining native range.

RATIONALE:

The desired stocking level on the seedings is based on 55% desired utilization, with spring/summer/fall use. This calculation results from actual use and measured utilization data, and indicates that a reduction to 287 AUMs is necessary to meet the desired utilization level.

Utilization pattern mapping indicates a distribution problem (local overutilization) on native range for winterfat bottoms in Newark Valley, used by both wild horses and sheep. These problems should be mitigated by a reduction in wild horse use to 135 AUMs, and a redistribution of sheep use by allocation of AUMs to use areas and permit stipulations including water hauling and herding conditions.

A map of the allotment is attached as Appendix II, showing the locations of the legal descriptions in #3 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.

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(a): "Changes in active use in excess of 10 percent shall be implemented over a 5-year period..."

4110.3-3(b): "After consultation, coordination and cooperation, suspensions of preference shall be implemented through a documented agreement or decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years following the effective date..."

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 135 AUMs of yearlong horse use or an appropriate management level of 11 animals for that portion of the Monte Cristo Herd Management Area which occurs in the Six Mile Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Six Mile Allotment shall be managed at 11 animals yearlong.

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 11 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 Six Mile Allotment as identified in Appendix I. The data indicate that there are 135 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

	(Certified Mail #)
cc: Nevada Department of Wildlife	(#P 569 358 237)
U.S. Fish and Wildlife Service	(#P 569 358 238)
N-4 Grazing Board	(#P 569 358 239)
Resource Concepts Inc.	(#P 569 358 240)
International Society for the Protection of Mustangs and Burros	(#P 569 358 241)
Commission for the Preservation of Wild Horses	(#P 569 358 242)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

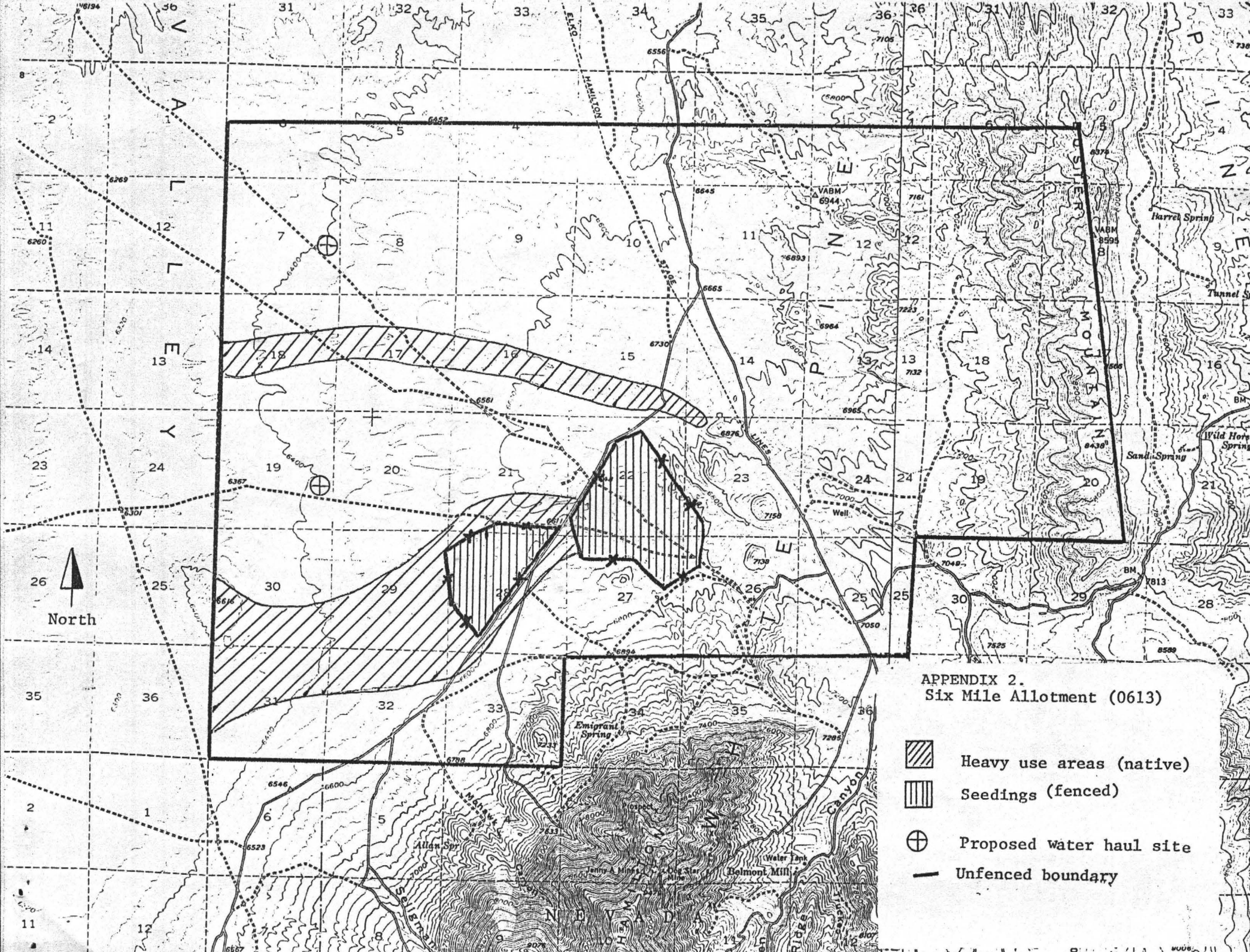
1. Land Use Plan (RMP) Objectives

- (a) Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision, p. 3)
- (b) Wild Horses - Wild horses will be managed at a total of 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. (Egan ROD, p. 8)
- (c) Wildlife - Habitat will be managed for "reasonable numbers" of wildlife species as determined by NDOW. (Egan ROD, p. 6)
- Forage will be provided for "reasonable numbers" of big game as determined by NDOW (Egan ROD, p. 8)
- (d) Watershed - Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing system and aesthetic values. (Egan ROD, p. 44)





2. Rangeland Program Summary Objectives

- (a) Maintain or improve ecological condition of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels. Allowable use levels for fall/winter sheep use on shrubs and half shrubs, including black sage and winterfat, is 50%. Allowable use levels for perennial grass species, including seeded crested wheatgrass, 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 65 AUM's for mule deer.
- (c) Manage rangeland habitat and forage condition to support 21 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.

- (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.
- (g) Maintain habitat condition of meadows and riparian areas in good or better condition for mule deer and upland game by not exceeding utilization levels on perennial grasses (55%) and shrubs (45%) along streams and mesic meadows.



APPENDIX 2.
Six Mile Allotment (0613)

-  Heavy use areas (native)
-  Seedings (fenced)
-  Proposed water haul site
-  Unfenced boundary

we are not pipefitters
but concern of how use of gauge
will be maintained if will allow
for flexibility

how can you meet objective
if you're not meeting now
how can permit to go to margin

how do you measure
actual use reports from plant
monitor assessing max use.

% between running & maximum
how do you know in advance
how many months are going
will they be paying can decrease
up front so you can decrease

minimum # hoses
hoses take the bent of the relation
will the water be
available for hoses



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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. 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 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.

*Bill January
P 432 AUMS
ACT - 287 AUMS
45% cattle
Amx 11 W/H*

Gene L. Drais, Manager
January 18, 1991
Page 2

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

Page 3

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