



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)

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Steve Carter
Lund, NV 89317

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE NORTH COVE 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 North Cove 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 1983 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 North Cove Allotment. Input was received from the permittee, the state wildlife agency, 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 North Cove Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE NORTH COVE 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 North Cove Allotment are being met with the existing grazing use by livestock and wildlife. This analysis also shows that wild horses do not make use of the allotment due to pre-1971 fences. Therefore, this decision proposes an increase in livestock use but no change in wildlife use. This decision also establishes the appropriate management level for wild horses.

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 allotment shall be changed, over 5 years, to 1105 AUMs cattle use, with 655 AUMs placed in suspended non-use. Year 1 will be the 1992 grazing year.

From:

Number	Kind	Period of Use	%Federal	AUMs	
				Active	Susp
134	Cattle	12/01 - 05/15	100	732	1028

To:

Year	Number*	Kind	Period of use*	AUM's	
				Active	Suspended
1	156	Cattle	12/01 - 05/16	856	904
3	182	Cattle	12/01 - 05/13	980	780
5	200	Cattle	12/01 - 05/17	1,105	655

*Flexibility in cattle numbers will be allowed up to a maximum of 650 head, not to exceed the maximum preference, 12/01 to 02/28. Use from 03/01 to 05/17 will not exceed the numbers shown in the table above.

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

- 1) The underutilized western portion of the allotment would be allowed 282 AUMs if water is hauled. Two specific water haul sites would be required:

Haul Site

1. T10N, R60E, Sec. 8
(Current Canyon area)
2. T10N, R60E, Sec. 20

These specific water haul sites would be included in terms and conditions of the permit, but additional locations would be encouraged.

- 2) The northeastern portion of the west pasture and the northwestern portion of the east pasture would be allocated the additional 91 AUMs. However, these AUMs would be activated only if the DLE Well is operating
- 3) The remaining 732 AUMs are allocated in conjunction with the historical use around Carter Well.

RATIONALE:

Monitoring studies and other existing information supports the conclusion that, as currently permitted, livestock do not exceed proper use levels in the allotment. In fact, large areas of accessible, underutilized forage exists. In addition, existing wildlife populations are at levels consistent with attainment of resource objectives.

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."

4110.3-1(b): "Additional forage available on a sustained yield basis for livestock grazing use shall first be apportioned in satisfaction of grazing preferences to the permittee(s) or lessee(s) authorized to graze in the allotment in which the forage is available."

4110.3-3(a): "Changes in active use in excess of 10 percent shall be implemented over a 5-year period..."

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 or 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

The Egan Resource Area Rangeland Program Summary set a minimal level of 2 horses (27 AUM's) as the appropriate management level for this allotment. However, since this allotment is fenced from wild horses (a pre-1971 fence) and does not receive wild horse use, this decision will establish the appropriate management level for wild horses for that portion of the White River Herd Management Area within the North Cove Allotment at zero.

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

In accordance with 43 CFR 4720.1, 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 White River Herd Area gathers based on continued monitoring.

RATIONALE: This allotment is fenced from the remainder of the White River Herd Management Area by the allotment boundary fence. Based on White River HMA census and field observations, the North Cove Allotment has not received wild horse use, past or present.

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. Draais

Gene L. Draais, Manager
Egan Resource Area

	(Certified Mail #)
cc: Nevada Department of Wildlife, Region II	(#P 694 074 877)
Nevada Department of Wildlife, Region III	(#P 694 074 876)
U.S. Fish and Wildlife Service	(#P 694 074 878)
N-4 Grazing Board	(#P 694 074 879)
Resource Concepts Inc.	(#P 694 074 880)
International Society for the Protection of Mustangs and Burros	(#P 694 074 881)
Commission for the Preservation of Wild Horses	(#P 694 074 882)
Animal Protection Institute	(#P 694 074 883)
Natural Resources Defense Council	(#P 694 074 884)
Wilderness Society	(#P 694 074 885)
Farm Bureau	(#P 694 074 886)

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 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. 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) "Provide forage for up to 732 AUMs of livestock forage. Maintain the seeding in good or better condition. Improve livestock distribution on the allotment. Maintain or enhance native vegetation with utilization not to exceed Nevada Rangeland Monitoring Handbook (NRMH) levels on key species. Maintain or improve current ecological condition of native range." Utilization will not exceed 50% on native key species and 60% on crested wheatgrass seedings.
- (b) "Maintain or improve mule deer spring habitat and antelope yearlong habitat in good or better condition. Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: 232 AUMs for mule deer, and 5 AUMs for antelope." This is accomplished by not exceeding utilization levels on native species as recommended in the Nevada Rangeland Monitoring Handbook (NRMH).
- (c) "Initially manage rangeland habitat to support an Appropriate Management Level (AML) of 2 horses in the North Cove Allotment as part of the White River HMA. Provide for up to 27 AUMs of wild horse use."

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

BOARD OF TRUSTEES

DAVID R. BELDING
JACK C. McELWEE
GORDON W. HARRIS

In Memoriam

LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"
GERTRUDE BRONN

October 29, 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 Notice of Proposed Multiple Use Decision for the North Cove Allotment. We are protesting a part of this multiple use decision.

We commend the work of your District on this allotment. Through analysis of the monitoring data you have established that the multiple use objectives for the allotment are being met with the existing grazing use by livestock and wildlife.

It is the policy of Congress "that wild free roaming horses and burros shall be protected...and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural systems of the public lands." Under CFR subpart 1610 - Resource Management planning, guidance is given for the land use planning process wherein the BLM identified HMA's and boundaries. The wild horse portion of this "multiple use decision" sets an AML in the North Cove Allotment portion of the White River HMA at zero. The rationale given is that there have been no horses observed using that portion of the allotment.

This area had been fenced from the the area identified as the White River HMA prior to 1971. Obviously, an error was made when the HMA boundaries were drawn to include an area fenced to keep horses out within the boundary lines. The fact that the area is currently within the boundaries makes it part of the HMA regardless of the fence.

The determination that zero is the AML for the North Cove Allotment is not in compliance with land use plans. If wild horse and burros are to be eliminated from a portion of their legal habitat, the land use plans must be amended and put out for public discussion and comment. You are in fact, by establishing a zero population, defacto elimination of wild horse habitat.

W H O A was involved in numerous meetings at the Nevada State office that set up the multiple use decision process and we perfectly understand the reasons and the decisions for that policy. You are not following that policy. The intent in this instance was for the Districts to monitor the allotments, measure the vegetation, monitor the grazing animal numbers, and

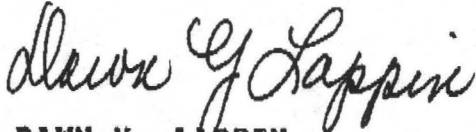
Gene L. Drais, Manager
October 29, 1991
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establish a level of use for all of the grazing animals. The Ely District should have and still needs to establish the number of AUM's available for wild horse use should they need to use it. It doesn't matter whether or not they use it infrequently, only that their portion of the habitat be available should they need to use it.

In conclusion, we are protesting the elimination of AUM's in a portion of the HMA. By setting a zero AML for the North Cove Allotment because of lack of use inconsistent with the land use plans. The BLM can't zero out an area of a HMA without a land use plan amendment, even though it is fenced from their use.

If you have any questions, please feel free to call.

Sincerely,



DAWN Y. LAPPIN
Director