



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1
Ely, Nevada, 89301



IN REPLY REFER TO:

4130 (NV-046)

APR 30 1990

CERTIFIED MAIL No. P 569 361 777
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Gracian Uhalde
Box 88
Ely, Nevada 89301

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE BATTERMAN WASH ALLOTMENT

BACKGROUND INFORMATION:

The Management Framework Plan and the Record of Decision for the Schell Grazing Environmental Impact Statement were issued in June and July of 1983, respectively. These documents guide the management of public lands within the Batterman Wash Allotment. The Schell Resource Area Record of Decision dated July 1983 states in pertinent part:

"When adequate monitoring data becomes available adjustments to the grazing capacity will be made that are compatible with the multiple use objectives...

Implementation of the range management program will take place through monitoring and consultation and coordination with all interests concerned with the management of resources in a given local area; landowners, land management agencies, wildlife groups, wild horse groups, conservation organizations, etc. Grazing adjustments, if required, will be based upon reliable vegetation monitoring studies, consultation and coordination, baseline inventory, or a combination of these...

Prior to initiating grazing adjustments, the Bureau, within the guidance of the Management Framework Plan and consultation and coordination, will consider the specific management objectives for an allotment and other resource values (e.g., riparian habitat, water quality, wildlife, recreation, wild horses and livestock) to be evaluated in determining progress in meeting these objectives. Changes in the resource values may warrant a modification of the scheduled adjustments and thus indicate the intensity and types of monitoring that will be required in each allotment..."

Monitoring studies were initially established in 1983 and have been conducted 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 Batterman Wash Allotment. Input was received from the permittee, three wild horse groups, two wildlife agencies, two livestock interest groups, and two environmental interest groups. See Appendices I and II for the management objectives for livestock, wild horses, wildlife, and riparian areas on the allotment. These objectives are in conformance with and formulated to accomplish the Schell Land Use Plan multiple use objectives as they relate to all grazing use on the Batterman Wash Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE BATTERMAN WASH 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 Batterman Wash Allotment are not being met due to the existing grazing use by livestock. This analysis also shows that the existing management of wildlife and wild horses do not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in livestock use and not to wildlife and wild horse use.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3 and 4110.3-2(b) and 4130.6-1(a), the existing authorized livestock active use shall be changed to 1,294 AUMs cattle and 799 AUMs sheep use.

FROM:

No. & Kind	Period of Use	%PL	AUMs	
			Active	Susp
318 Cattle	11/10 - 01/31	100	868	0
3450 Sheep	11/27 - 01/07	100	953	0
3450 Sheep	03/26 - 04/06	100	272	0

(Note: Dual use has been authorized within the Batterman Wash Allotment with no specified ratio for sheep to cattle AUMs and the period of use has been inadequately defined.)

TO:

No. & Kind	Period of Use	%PL	AUMs	
			Active	Susp
243 Cattle	11/15 - 03/31	100	1094	0
80 Cattle	04/01 - 06/15	100	200	0
1292 Sheep	12/01 - 01/31	100	527	0
1292 Sheep	03/15 - 04/15	100	272	0

Active grazing use shall not exceed the AUMs by kinds of animal and periods of use as authorized above.

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

Livestock use is not authorized in the winterfat bottomland after 03/31. This area is illustrated on the attached map.

Salt will be placed at the following locations during the cattle periods of use (refer to Map 1): T. 3 N., R. 57 E., Sec. 12, NESE and T. 3 N., R. 57 E., Sec. 26, SENW.

Uhalde Well (JDR No. 0373) at T. 3 N., R. 57 E., Sec. 16, will be used when the ditch freezes, and shut off by 03/31, except when gathering livestock, or other times as approved by the authorized officer.

The Batterman Spring and Pipeline (JDR No. 4619) located in T. 3 N., R. 57 E., Sec. 27, SWNE, through Section 34 ending in Section 3 will be maintained and/or reconstructed to provide available water for all grazing users by April 1, 1991. The Batterman Spring will be fenced to exclude livestock to protect the riparian habitat.

The ditch that runs from T. 3 N., R. 57 E., Sec. 13 will be left on rather than shut off when the water begins to freeze.

In accordance with 43 CFR 4130.6-2 herding of sheep is required when they are authorized on the allotment.

In accordance with 43 CFR 4130.6-2(d), actual use information for each pasture and/or use area will be submitted within 15 days of completing grazing use as specified on the grazing permit and grazing licenses.

Prior to November 1, 1992, and November 1, 1994, existing and future monitoring data will be evaluated to determine if the changes in management practices and AUMs by kind of animal continue to be appropriate and/or if future modifications in management practices will be necessary.

RATIONALE: The analysis and evaluation of available monitoring data indicates that the current stocking rate, periods of use, and management practices must be modified to meet the multiple use management objectives for the Batterman Wash Allotment as identified in Appendices I and II. The data indicates that 2,093 AUMs are available for dual livestock use, and that active preference is not in excess of the livestock carrying capacity. Increased intensity of management (changing period of use through deferment of major vegetation types, and other management practices) is needed to maintain and/or improve rangeland productivity, resolve livestock distribution problems, and provide needed rest during critical spring growth in the winterfat area. These management actions when combined will allow multiple use objectives to be met.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

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, unless the authorized officer determines a change in management practices would achieve the management objectives."

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 Sec. 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 Secs. 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/APPEAL:

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 Schell Resource Area Manager, Star Route 5, Box 1, Ely, Nevada 89301.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.3 and 4160.4, you are allowed thirty (30) days within which to file such an appeal with the Schell Resource Area Manager, at the above address. The appeal should state clearly and concisely why you think this decision is in error.



Gerald M. Smith, Manager
Schell Resource Area

	(Certified Mail No.)
cc: Natural Resources Defense Council	(P 569 361 778)
U.S. Fish and Wildlife Service	(P 569 361 779)
Nevada Department of Wildlife, Region II	(P 569 361 780)
Animal Protection Institute of America	(P 569 361 781)
Wild Horse Organized Assistance	(P 569 361 782)
Commission for the Preservation of Wild Horses	(P 569 361 783)
Resource Concepts, Inc.	(P 569 361 784)
Nevada Cattlemen's Association	(P 569 361 785)
Nevada State Grazing Board, N-4	(P 569 361 786)
Nevada Outdoor Recreation Association	(P 569 361 787)
Marvel and Hansen, Attorneys at Law	(P 569 361 788)
Sierra Club, Toiyabe Chapter	(P 569 361 789)
Nevada Department of Wildlife, Region III	(P 569 361 790)

APPENDIX I: Land Use Plan/Activity Plan Objectives

A. Land Use Plan/ Rangeland Program Summary Objectives

1. Livestock

- a. The short term objective will be accomplished through managing the allowable use levels (AUL) by season of use to improve or maintain the desired vegetation community.
- b. The long term objective is to improve those acres in poor or fair livestock forage condition and maintain all acres presently in good livestock forage condition by managing for those seral stages which optimize livestock forage production.

2. Wild Horses

- a. The short term objective is to be accomplished by managing the allowable use levels (AUL) for wild horses by season to improve or maintain the desired vegetation community.
- b. The long term objective is to manage for the most appropriate seral stages to provide the desired quantity, quality, variety, and density of forage in order to meet the requirements of the wild horses to provide a thriving natural ecological balance.

3. Mule Deer

- a. The short term objective is to limit use on key browse species listed for mule deer to 30 percent by livestock prior to November 1, and to 45 percent by all animals yearlong.
- b. The long term objective is to maintain mule deer winter range in at least fair habitat condition by providing diversity of forage species.

4. Pronghorn Antelope

- a. The short term objective is to limit use on key species listed for pronghorn antelope range to 55 percent for perennial grasses, grass-like plants and forbs; and to 45 percent for shrubs yearlong.
- b. The long term objective is to maintain antelope range in at least fair habitat condition by providing appropriate vegetation quantity and quality.

5. Ferruginous Hawk

- a. The short term objective is to limit use on winterfat by livestock and wild horses near the occupied ferruginous hawk nest to 45 percent yearlong.
- b. The long term objectives are to manage winterfat stands (silty range sites) near occupied ferruginous hawk nests in mid to late seral stage, and to maintain the integrity of existing pinyon-juniper "stringers" near these winterfat stands.

6. Riparian Areas

- a. The short term objective is to limit use on wet meadows to 50 percent for grass and grass-like species by all animals yearlong.
- b. The long term objectives for the riparian areas are to manage all wet meadows for late seral stage (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs).

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Batterman Wash (Livestock and Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE		SHORT TERM OBJECTIVE				Rationale
				Key Spp % Comp By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	
12 BWR1	T. 3 N., R. 58 E., sec. 15	029XY020NV Silty 5-8"	Grass & grasslike Forbs Shrubs EULA5 ORHY	4% T 96% 91% 1%	PNC 76%	Maintain	3-6% T-5% >84% >80% 1-5%	PNC 76%-81%	45% 55%	Fall Winter Spring	Not Met	Allowable use levels exceeded on EULA 1985 52%
13 BWR2	T. 3 N., R. 58 E., sec. 5	029X008NV Shallow calcarrous loam 8-12"	Grass & grasslike Forbs Shrubs ARARN ATCA ORHY	39% 1% 61% 26% 28% 1%	Late Seral 56%	Maintain	34-45% 1-5% 55-65% 23-29% 24-31% 1-3%	Late Seral 56%-60%	45% 45% 55%	Fall Winter Spring	Met	Allowable use levels have not been excessive on ATCA

11 Soil Conservation MLRA site descriptions revision 2/90

12 Key area representing livestock use only.

13 Key area representing livestock and wild horse use.

APPENDIX III: Site Specific Allotment Objectives


ALLOTMENT: Batterman Wash (Riparian and Wildlife)

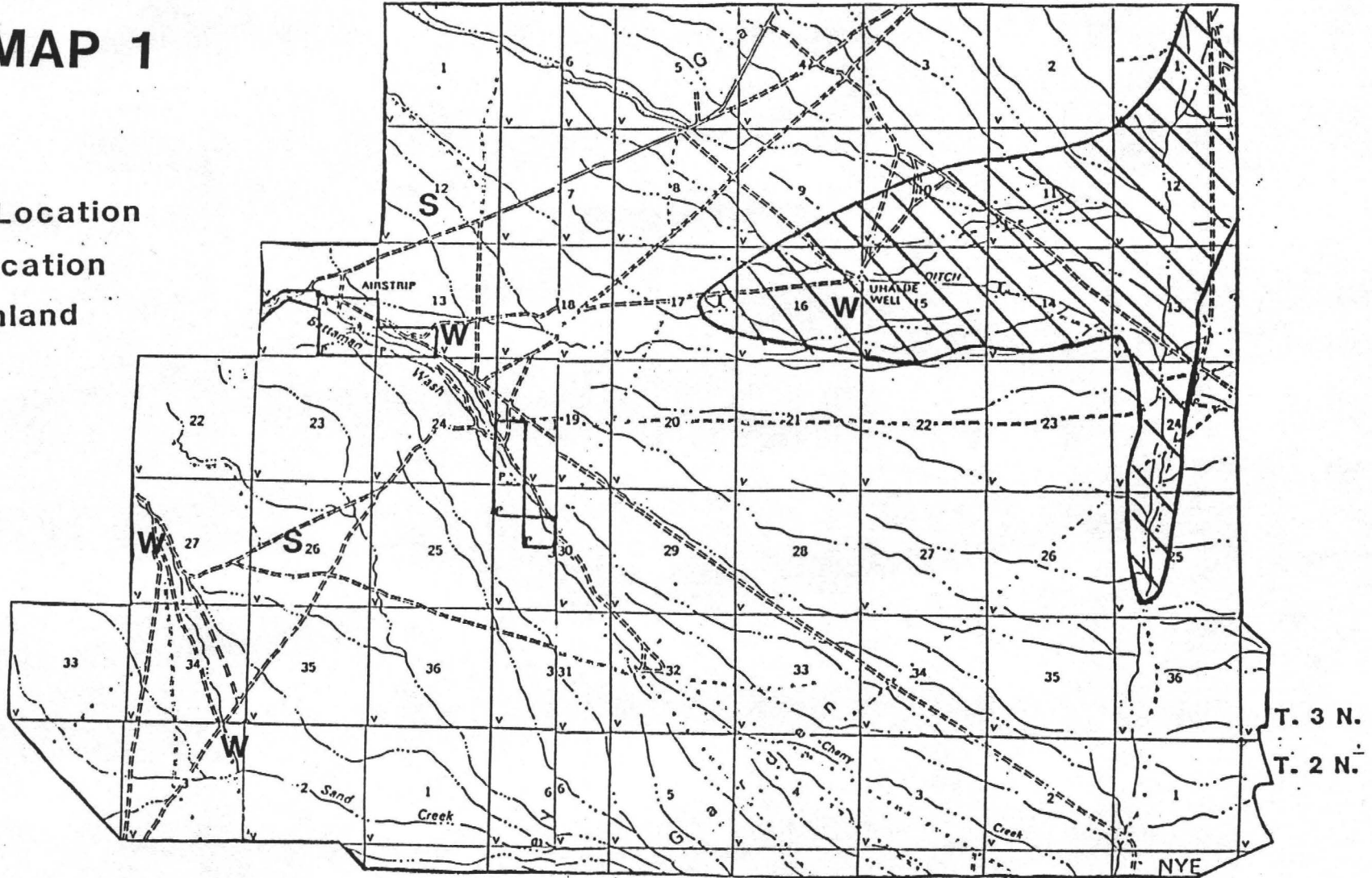
Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE	SHORT TERM OBJECTIVE					Rationale
				Key Spp % Comp By Weight	Seral Stage (% of PNC)		Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	
FH (BWR1)	T. 3 N., R. 58 E., Sec. 15	029XY020NV (near nest)	EULA5 ORHY	91% 1%	76% PNC	Maintain		76% PNC	45%	Year Long	Not Met	Based on use pattern mapping, exceeded allowable use level in 1985 and 1986.
SPRING	T. 3 N., R. 57 E., sec. 27 NW $\frac{1}{4}$ NW $\frac{1}{4}$	Unknown	Grasses and Grass-Like	No Ecological Status		Survey Completed to Date			50%	Year Long	Not Met	Based on use pattern mapping, exceeded allowable use level in 1986.
SPRING	T. 3 N., R. 57 E., sec. 27 SW $\frac{1}{4}$ NW $\frac{1}{4}$	Unknown	Grasses and Grass-Like	No Ecological Status		Survey Completed to Date			50%	Year Long	Not Met	Based on use pattern mapping, exceeded allowable use level in 1986.
SPRING	T. 3 N., R. 57 E., sec. 27 NE $\frac{1}{4}$ SW $\frac{1}{4}$	Unknown	Grasses and Grass-Like	No Ecological Status		Survey Completed to Date			50%	Year Long	Not Met	Based on use pattern mapping, exceeded allowable use level in 1986.

BATTERMAN WASH ALLOTMENT

MAP 1

LEGEND

- W Water Location
- S Salt Location
-  Bottomland



R. 57 E. R. 58 E.