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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:
4700
(NV-040)

JUL 19 2001

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE MAVERICK SPRINGS ALLOTMENT AND THE THIRTY MILE SPRING ALLOTMENT PORTIONS OF THE BUCK AND BALD WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald Wild Horse Herd Management Area (HMA).

The majority of the Buck and Bald HMA has an established AML. Establishing the wild horse AML for the Maverick Springs Allotment and the Thirty Mile Spring Allotment will complete the establishment of the overall AML for the Buck and Bald HMA. The total established wild horse AML for the Buck and Bald HMA will then be 423 wild horses yearlong (5,073 AUMs). A thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 34 wild horses (408 AUMs) for the Maverick Springs Allotment and at the AML of 49 wild horses (588 AUMs) for the Thirty Mile Spring Allotment portions of the Buck and Bald HMA. This will complete establishment of the remaining 20% of the AML for the entire Buck and Bald HMA.

The current total permitted use for livestock (cattle and sheep) within the Buck and Bald HMA is 47,827 AUMs. Based on the total AUMs apportioned to both livestock and wild horses of 52,900 AUMs (47,827 AUMs livestock and 5,073 AUMs wild horses), livestock will be apportioned 90% of the available forage while the established AML for wild horses will be apportioned 10% of the total AUMs. See Attachment I, "History of the Establishment of Wild Horse Appropriate Management Level and Livestock Grazing Management for the Buck and Bald Wild Horse Herd Management Area" for further clarification of wild horse AML and livestock grazing management.

Census and field observations indicate that wild horses regularly utilize the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald HMA. Therefore, forage for wild horses will be apportioned at the current level of wild horse use within the Maverick Springs Allotment and the Thirty Mile Spring Allotment.

This decision does not propose to make changes to livestock permitted use on the Maverick Springs Allotment or the Thirty Mile Spring Allotment at this time. Monitoring data indicates adjustments to livestock use are not needed. Permitted use for cattle grazing will continue in accordance with the current term permits. Management objectives as identified in the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration and the Egan Resource Area Record of Decision are being met under the current stocking levels and grazing management system for the Maverick Springs Allotment. Current livestock use is achieving the standards for grazing administration and is maintaining healthy rangelands.

Even though Thirty Mile Spring Allotment as a whole is in good condition, monitoring data indicates riparian objectives are not being met along Gleason Creek due to livestock grazing. This area is not within a wild horse HMA. An agreement has been reached with Permittee Gracian Uhalde to construct a fence around the portion of the Gleason Creek drainage that has continually been over-grazed. Livestock will be prohibited from using the area within the enclosure. Since livestock are the primary cause for missing riparian objectives on Gleason Creek, this proposed enclosure fence should go a long way in helping to meet riparian objectives in the area.

An "Agreement for Livestock Grazing Management and Establishment of Wild Horse Appropriate Management Level for the Maverick Springs Allotment" was signed by Permittee Raymond and Sandy Rosenlund on June 7, 2001. This agreement established a wild horse AML of 34 wild horses for the Maverick Springs Allotment portion of the Buck and Bald HMA. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement also indicates that adjustments to livestock use are not needed and cattle use will continue in accordance with the current term permit for the period 02/06/1997 to 02/28/2006.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement tiers from the Thirty Mile Spring Allotment Coordinated Management Plan as written by the technical review team established by the White Pine County (Nevada) Coordinated Resource Management Steering Committee. This agreement carries forth actions and recommendations identified through the Thirty Mile Spring Allotment technical review team (TRT) for both livestock grazing management and the wild horse AML within the Thirty Mile Spring Allotment portion of the Buck and Bald HMA and the Butte HMA. This agreement established a wild horse AML of 49 wild horses for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA and a wild horse AML of 12 for the Butte HMA. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. The agreement does not make changes to permitted use or grazing management. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit. The agreement also identifies range improvement projects.

The Notice of Proposed Multiple-Use Decision (PMUD) for the Maverick Springs Allotment and the Thirty Mile Spring Allotment Portions of the Buck and Bald Wild Horse Herd Management

Area was signed and issued to the public on June 14, 2001. The Ely Field Office received one letter of protest to the PMUD from Craig C. Downer, dated June 24, 2001. The Ely Field Office carefully reviewed and considered this protest. As a result of the review, it was determined that no new information was presented to indicate that the PMUD was in error. Therefore, the Wild Horse and Burro Management Decision as identified in the proposed decision will be carried forth into this final decision.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 34 wild horses yearlong for the Maverick Springs Allotment portion of the Buck and Bald HMA and at 49 wild horses for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. Establishing the wild horse AML for the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald HMA will complete the establishment of the overall AML for the Buck and Bald HMA. The total established wild horse AML for the Buck and Bald HMA will then be 423 wild horses yearlong (5,073 AUMs).

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML of 423 wild horses for the Buck and Bald HMA will be maintained. The Buck and Bald HMA will continue to be monitored and censused. The AMLs can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6 (a), wild horse use on the Maverick Springs Allotment portion of the Buck and Bald HMA shall be managed at 34 wild horses yearlong (408 AUMs) and wild horse use for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA shall be managed at 49 wild horses yearlong (588 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total AMLs established for the entire Buck and Bald HMA will be removed.

Monitoring will continue to ensure that the AMLs are maintaining a thriving natural ecological balance. Adjustments in wild horse numbers will be made by future Buck and Bald HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

RATIONALE:

The analysis and evaluation of available monitoring data indicates that no change in management actions for wild horses are needed to meet multiple use management objectives on the Maverick Springs Allotment portion or the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. The data indicates that there are 408 AUMs available for wild horse grazing use on the Maverick Springs Allotment and 588 AUMs available for wild horse grazing on the Thirty Mile Spring Allotment.

The AML of 34 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance on the Maverick Springs Allotment. The AML of 49 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance on the Thirty Mile Spring Allotment.

Additional wild horses found using the allotments are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AMLs for the HMAs are exceeded.

The AMLs may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the Maverick Springs Allotment or the Thirty Mile Spring Allotment, wild horses will receive a proportional increase/decrease along with other users.

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..."

APPEAL:

Within 30 days of receipt, you have the right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR Part 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 your appeal, you are required to provide a copy to the Regional Solicitor's Office listed on item 3 of said form. In addition, please provide this office with a copy of your Statement of Reasons at the following address: James M. Perkins, Assistant Field Manager-Renewable Resources, Ely Field Office, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301-9408. Copies of your Appeal and 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 being appealed is in

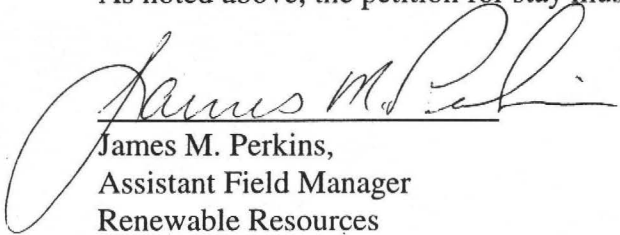
error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for 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 parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.



James M. Perkins,
Assistant Field Manager
Renewable Resources

ATTACHMENT I

History of the Establishment of Wild Horse Appropriate Management Level and Livestock Grazing Management for the Buck and Bald Wild Horse Herd Management Area

The Dry Mountain Allotment Final Multiple-Use Decision (FMUD) was issued July 12, 1990. This decision established the wild horse appropriate management level (AML) at 30 wild horses (355 AUMs) for the Dry Mountain Allotment portion of the Buck and Bald HMA. Permitted use for cattle has been adjusted from 2,827 AUMs to the current level of 1,152 AUMs during and since issuance of the FMUD. Permitted use for sheep has not changed.

The Fort Ruby Allotment FMUD was issued January 31, 1991. This decision established the wild horse AML at "0" wild horses for the Fort Ruby Allotment portion of the Buck and Bald HMA. Permitted use for cattle was not adjusted. The current permitted use for the Fort Ruby Allotment is 90 AUMs.

The Cold Creek Allotment FMUD was issued January 23, 1992. This decision established the wild horse AML at 48 wild horses (576 AUMs) for the Cold Creek Allotment portion of the Buck and Bald HMA. Permitted use for cattle has been adjusted from 9,129 AUMs to the current level of 5,561 AUMs during and since issuance of the FMUD. Permitted use for sheep has not changed.

The Horse Haven Allotment FMUD was issued January 23, 1992. This decision established the wild horse AML at 36 wild horses (432 AUMs) for the Horse Haven Allotment portion of the Buck and Bald HMA. Permitted use for cattle was not adjusted. The current permitted use for the Horse Haven Allotment is 1,056 AUMs.

The Medicine Butte Allotment FMUD was issued February 3, 1992. This decision established the wild horse AML at 11 wild horses (134 AUMs) for the Medicine Butte Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted in the FMUD from 15,174 AUMs to the current level of 7,232 AUMs with 3,557 AUMs for cattle and 3,675 AUMs for sheep.

The Newark Allotment FMUD was issued April 13, 1992. This decision established the wild horse AML at 51 wild horses (612 AUMs) for the Newark Allotment portion of the Buck and Bald HMA. Permitted use was adjusted from 12,404 AUMs (7,620 cattle, 4,784 Sheep) to the current level of 9,687 AUMs (5,777 cattle, 3,910 sheep) during and since issuance of the FMUD. The North Pancake Allotment was disbanded in the above decision and is now part of the Newark Allotment.

The Warm Springs Allotment FMUD was issued March 14, 1994. This decision established the wild horse AML at 144 wild horses (1,732 AUMs) for the Warm Springs Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted from 23,995 AUMs to the current level of 7,744 AUMs in the FMUD.

The Moorman Ranch Allotment FMUD was issued October 21, 1997. This decision established the wild horse AML at 20 wild horses (236 AUMs) for the Moorman Ranch Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted in the FMUD from 10,099 AUMs to 4,749 AUMs for a five year period.

The FMUD for Wild Horse Herd Management Areas was issued March 28, 2001. This decision established the AML at "0" wild horses for the Ruby Valley Allotment portion of the Buck and Bald HMA. An allotment evaluation was completed for the Ruby Valley Allotment in 1996. Livestock numbers were adjusted through a grazing transfer that same year. The current cattle permitted use for two permittees in the Ruby Valley Allotment totals 467AUMs.

The FMUD for the North Butte Allotment Portion of the Butte Wild Horse Herd Management Area and Buck and Bald Wild Horse Herd Management Area was issued March 28, 2001. This decision established the AML at "0" wild horses for the North Butte Allotment portion of the Buck and Bald HMA. Livestock numbers have previously been adjusted through a grazing transfer completed in 1995. Permitted use was adjusted from 698 AUMs to 180 AUMs.

An "Agreement for Livestock Grazing Management and Establishment of Wild Horse Appropriate Management Level for the Maverick Springs Allotment" was signed by Permittee Raymond and Sandy Rosenlund on June 7, 2001. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement established a wild horse AML of 34 wild horses (408 AUMs) for the Maverick Springs Allotment portion of the Buck and Bald HMA. This agreement does not make changes to permitted use for cattle use or grazing management. The current permitted use is 1,504 AUMs.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement established a wild horse AML of 49 wild horses (588 AUMs) for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. The agreement does not make changes to permitted use or grazing management. The current permitted use for cattle and sheep is 8,405 AUMs. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit.

Buck and Bald Wild Horse Herd Management Area Final Appropriate Management Level (AML)	
Allotment	Appropriate Management Level
Dry Mountain	30 wild horses (355 AUMs)
Fort Ruby	"0" wild horses
Cold Creek	48 wild horses (576 AUMs)
Horse Haven	36 wild horses (432 AUMs)
Medicine Butte	11 wild horses (134 AUMs)
Newark	51 wild horses (612 AUMs)
Warm Springs	144 wild horses (1732 AUMs)
Moorman Ranch	20 wild horses (236 AUMs)
Ruby Valley	"0" wild horses
North Butte	"0" wild horses
Maverick Springs	34 wild horses (408 AUMs)
Thirty Mile Spring	49 wild horses (588 AUMs)
Total AML - 423 wild horses yearlong 5,073 AUMs	

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL Bureau of Land Management
Ely Field Office
702 North Industrial Way
HC 33 Box 33500
Ely, NV 89301

SOLICITOR
ALSO COPY TO Office of the Solicitor
Salt Lake City Field Office
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO Office of the Solicitor
Salt Lake City Field Office
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

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