



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE
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ELY, NEVADA 89301-9408



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Alfred Anderson
Fort Ruby Ranch
Ruby Valley, NV 89833

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE FORT RUBY 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 Fort Ruby 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."

In accordance with Bureau policy and regulations, monitoring data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Fort Ruby 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 Fort Ruby Allotment.

A Proposed Multiple Use Decision for the Fort Ruby Allotment was issued on January 3, 1991, and was not protested by any of the affected interests. Therefore, the final decision will be issued as proposed.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE FORT RUBY ALLOTMENT, 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 Fort Ruby Allotment are being met. Existing livestock, wild horse, and wildlife use is compatible with multiple use objectives. Therefore, this decision makes no changes in livestock, wild horse, and wildlife use. This decision will establish the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area within the Fort Ruby Allotment.

WILD HORSE AND BURRO MANAGEMENT DECISION

The Egan Resource Area Rangeland Program Summary set a minimal level of 1 horse (12 AUM) as the appropriate management level for this allotment. However, since this allotment is fenced from wild horses and does not receive wild horse use, this decision will establish the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area (HMA) within the Fort Ruby Allotment at zero.

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

In accordance with 43 CFR 4720.1, all wild horses on that portion of the Buck and Bald HMA within the Fort Ruby Allotment, in excess of the appropriate management level of zero animals will be removed.

Future re-evaluations in the third and fifth year will consider existing and future monitoring data to determine if adjustments or additional modifications in the appropriate management level will be necessary.

RATIONALE: This allotment is fenced from the remainder of the Buck and Bald HMA by the allotment boundary fence, which is a private fence on private land. Based on Buck and Bald HMA census and field observations, the Fort Ruby Allotment has not received wild horse use, past or present. The relatively small parcels of public land (730 acres) contained in this allotment are not practical to manage for the minimal number of wild horses they might be able to support, since they are isolated from the remainder of the HMA and do not provide for yearlong habitat requirements. It is also the Bureau's responsibility to keep wild horses off private lands, which make up the majority of this 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."

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..."

4720.2-1: "Upon written request from the private landowner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable."

APPEAL:

43 CFR 4770.3 states in part:

"Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal in accordance with 43 CFR 4.4 within 30 days of receipt of the written decision."

If you wish to appeal this final decision as it pertains to wild horses for the purpose of an administrative review by the Interior Board of Land Appeals, you are allowed thirty (30) days from receipt of this notice within which to file an appeal with the Egan Resource Area Manager, HC 33 Box 150, Ely, Nevada 89301-9408. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error, in accordance with 43 CFR 4.411 and 43 CFR 4.412.

Gene L. Draais

Gene L. Draais, Manager
Egan Resource Area

cc: Nevada Department of Wildlife	(Certified Mail #)
U.S. Fish and Wildlife Service	(#P 694 072 387)
N-4 Grazing Board	(#P 694 072 388)
Resource Concepts Inc.	(#P 694 072 389)
International Society for the Protection of Mustangs and Burros	(#P 694 072 390)
Commission for the Preservation of Wild Horses	(#P 694 072 391)
	(#P 694 072 392)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

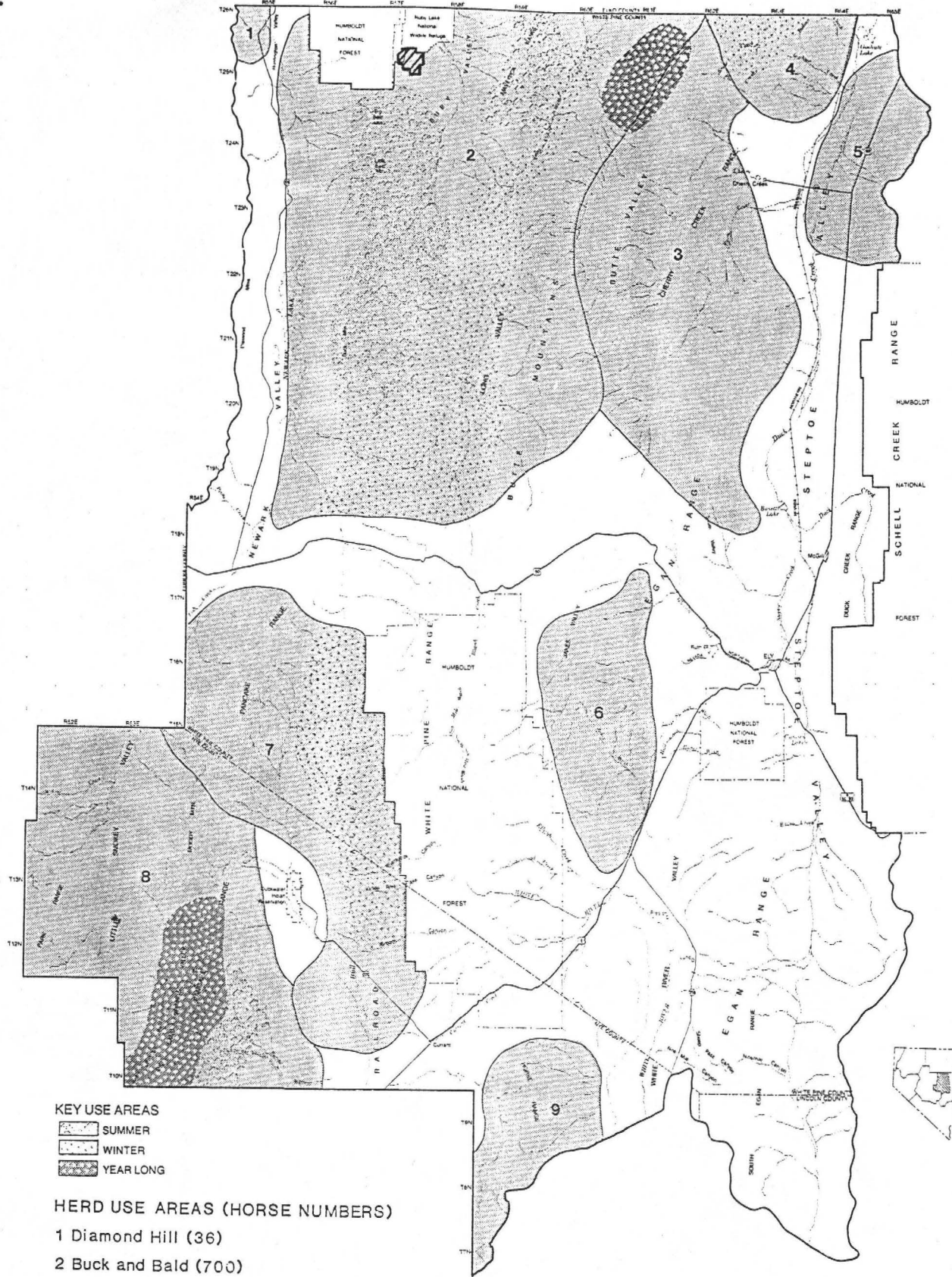
1. Land use plan objectives

- (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, p.3)
- (b) Wild Horses - Wild horses will be managed at a total of 700 animals within the Buck and Bald HMA. (Egan ROD, p.6)
 - Monitoring studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives. (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)
- (c) Wildlife - Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife. Forage will be provided for "reasonable numbers" of big game as determined by NDOW. (Egan ROD, pgs. 6, 8)
- (d) 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 90 AUMs of livestock use (3 year avg.).
- (b) Maintain or improve ecological condition of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended levels. For yearlong grazing on perennial grasses and grass-like plants, this level is 55%.
- (c) Wild Horses - Manage rangeland habitat to support an AML of 1 horse (12 AUM).
- (d) 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 80 AUMs for mule deer.
- (e) Manage rangeland habitat and forage condition to provide for possible pronghorn antelope augmentation.

- (f) Protect sage grouse breeding complexes by maintaining the big sagebrush within 2 miles of active strutting grounds at mid to late seral stages with a minimum of 30% shrub composition by weight; utilization levels not to exceed 55% on grasses and and 45% on shrubs along riparian areas.



KEY USE AREAS

-  SUMMER
-  WINTER
-  YEAR LONG

HERD USE AREAS (HORSE NUMBERS)

- 1 Diamond Hill (36)
- 2 Buck and Bald (700)
- 3 Butte (60)
- 4 Cherry Creek (11)
- 5 Antelope (14)
- 6 Jakes Wash (20)
- 7 Monte Cristo (96)
- 8 Sand Springs (494)
- 9 White River (20)

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Fort Ruby Allotment