



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

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4130 (NV-047)

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Dan Russell
P.O. Box 301
Ely, NV. 89301

(NOTICE OF FINAL MULTIPLE USE DECISION
FOR THE DRY MOUNTAIN 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 Dry Mountain 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 Dry Mountain Allotment. Input was received from the permittee, two wildlife agencies, and a wild horse group. 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 Dry Mountain Allotment.

AFTER REVIEW OF YOUR PROTEST AND IN VIEW OF THE FACT THAT YOUR PROTEST PRESENTS NO NEW INFORMATION PERTAINING TO WHY MY PROPOSED DECISION WAS IN ERROR AND BASED UPON THE EVALUATION OF MONITORING DATA FOR THE DRY MOUNTAIN ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM PUBLIC INTEREST GROUPS AND YOURSELF, MY FINAL DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that the multiple use objectives for the Dry Mountain Allotment (Appendix I) 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, and 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 shall be changed, over 5 years, to 1940 AUMs cattle and 350 AUMs sheep use, with 1142 AUMs placed in suspended non-use.

FROM:

No. &	Kind	Period of Use	%PL	AUMs	
				Active	Suspended
505	Cattle	03/01-04/10	100	681	146
293	Cattle	10/16-10/31	100	154	33
505	Cattle	11/01-02-28	100	1992	426

(Note: the above use reflects the cattle preference put forth in the proposed decision of June 1, 1984, which has been the allowable licensed use since that time.)

TO:

Year	Number*	Kind	Period of Use	%Federal	AUMs	
					Active	Susp
1	421	Cattle	10/01-04/01	100	2531	551
	291	Sheep	10/01-04/01	100	350	0
3	371	Cattle	10/01-04/01	100	2235	847
	291	Sheep	10/01-04/01	100	350	0
5	322	Cattle	10/01-04/01	100	1940	1142
	291	Sheep	10/01-04/01	100	350	0

*Flexibility in cattle and sheep numbers will be allowed up to a maximum of 1000 head of each not to exceed the maximum preference allowable or to extend beyond the period of use.

This adjustment will be implemented in accordance with 43 CFR 4110.3-3(a) and (b), over a five (5) year period beginning October 1, 1990.

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

1. The following wells will all be pumped during the use period, though not necessarily all at the same time, to spread the cattle utilization:

- Long Valley Well #2: T21N, R58E, Sec.32, SWSW
- Moore Well: T20N, R58E, Sec. 8, NESW
- J & J Well: T20N, R58E, Sec.20, SWNE
- Maple Syrup Well: T19N, R58E, Sec. 3, NENE

2. Sheep preference will be utilized on the bench and lower slope on the east side of Dry Mountain, above the winterfat areas, and in the black sagebrush/juniper dominated foothills in the south 1/3 of the allotment in the vicinity of the following water haul site locations:

- Site 1: SE portion of the allotment - T19N, R58E, Sec. 16 (2 miles south of Maple Syrup Well)
- Site 2: South portion of the allotment - T19N, R58E, Sec. 20 (north of Sabala Spring)
- Site 3: Dry Mountain Bench - T19N, R57E, Sec. 1 (east of Cherry Pass)

Water need not be hauled if snow is available and being used to water the sheep.

3. Actual grazing use will submitted within 15 days of completing annual grazing use.

A map of the allotment is attached as Appendix II, showing the locations of the legal descriptions in 1 and 2 above.

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

Prior to implementing adjustments scheduled for the third and fifth years, existing and future monitoring data will be evaluated to determine if the indicated adjustments are necessary and/or if any additional modifications in existing management will be necessary.

RATIONALE: The desired stocking level for the Dry Mountain Allotment is 1940 AUMs for cattle and 350 AUMs for sheep. Because there is a direct spatial and seasonal overlap of wild horse and cattle use on the winterfat bottom, reductions are being made in direct proportion to actual use. These adjustments are being made in order to achieve and maintain a thriving natural ecological balance between grazing animals and the rangeland resources. These figures were calculated from actual use data and utilization mapping. The calculated initial stocking rate for sheep is based on use pattern mapping to determine those areas underutilized by cattle and horses and the 1983 weight estimate survey data for sheep forage preference. At these stocking levels objectives are expected to be met. The season of use ending on April 1st each year will allow the key species (winterfat) to initiate growth in the absence of grazing pressure. Extensive grazing during growth on winterfat has been shown in studies to cause the most damage to the plants, resulting in loss of vigor and eventually replacement of winterfat with less desirable species.

Water hauling and/or use of snow for water for sheep into fringe areas now little, if any, utilized by cattle will allow for a slightly higher preference than with cattle use alone. Even though horses use these fringe areas to some extent now, there should be little competition for forage due to the limited dietary overlap between horses and sheep. The sheep will compete with deer more for forage; however, the sheep preference was set at a level that allows ample forage for wintering deer.

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 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..."

APPEAL:

If you wish to appeal the livestock management portion of this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice to file such an appeal with the Egan Area Manager, Star Route 5, Box 1, Ely, Nevada 89301. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error.

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 355 AUMs of yearlong horse use or an appropriate management level of 30 animals for that portion of the Buck and Bald Herd Management Area (HMA) which occurs in the Dry Mountain Allotment.

(30) In accordance with 43 CFR 4700.0-6(a), wild horse use on the Dry Mountain Allotment shall be managed at 30 animals.

In accordance with 43 CFR 4720.1, all wild horses, on that portion of the Buck and Bald HMA in the Dry Mountain Allotment, in excess of the appropriate management level of 30 animals will be removed.

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 Dry Mountain Allotment as identified in Appendix I. The data indicate that there are 355 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."

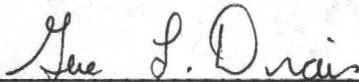
4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

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 decision as it pertains to wild horses for the purpose of an administrative review by the Interior Board of Land Appeals, you are required to file an appeal with the Egan Resource Area Manager, Star Route 5, Box 1, Ely, Nevada 89301, in accordance with 43 CFR 4.411. An appeal should specify the reasons, clearly and concisely, as to why you think the decision is in error in accordance with 43 CFR 4.411 and 43 CFR 4.412.



Gene L. Draais, Manager
Egan Resource Area

	(Certified Mail #)
cc: National Mustang Association	(#P-569-358-956)
Nevada Department of Wildlife	(#P-569-358-957)
Nevada Cattlemen's Association	(#P-569-358-958)
U.S. Fish and Wildlife Service	(#P-569-358-959)
Natural Resource Defense Council	(#P-569-358-960)
Animal Protection Institute of America	(#P-569-358-961)
Wild Horse Organized Assistance	(#P-569-358-962)
Commission for the Preservation of Wild Horses	(#P-569-358-963)
N-4 Grazing Board	(#P-569-358-964)
Resource Concepts Inc. For N-4 Grazing Board	(#P-569-358-965)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

A. Land Use Plan Objectives

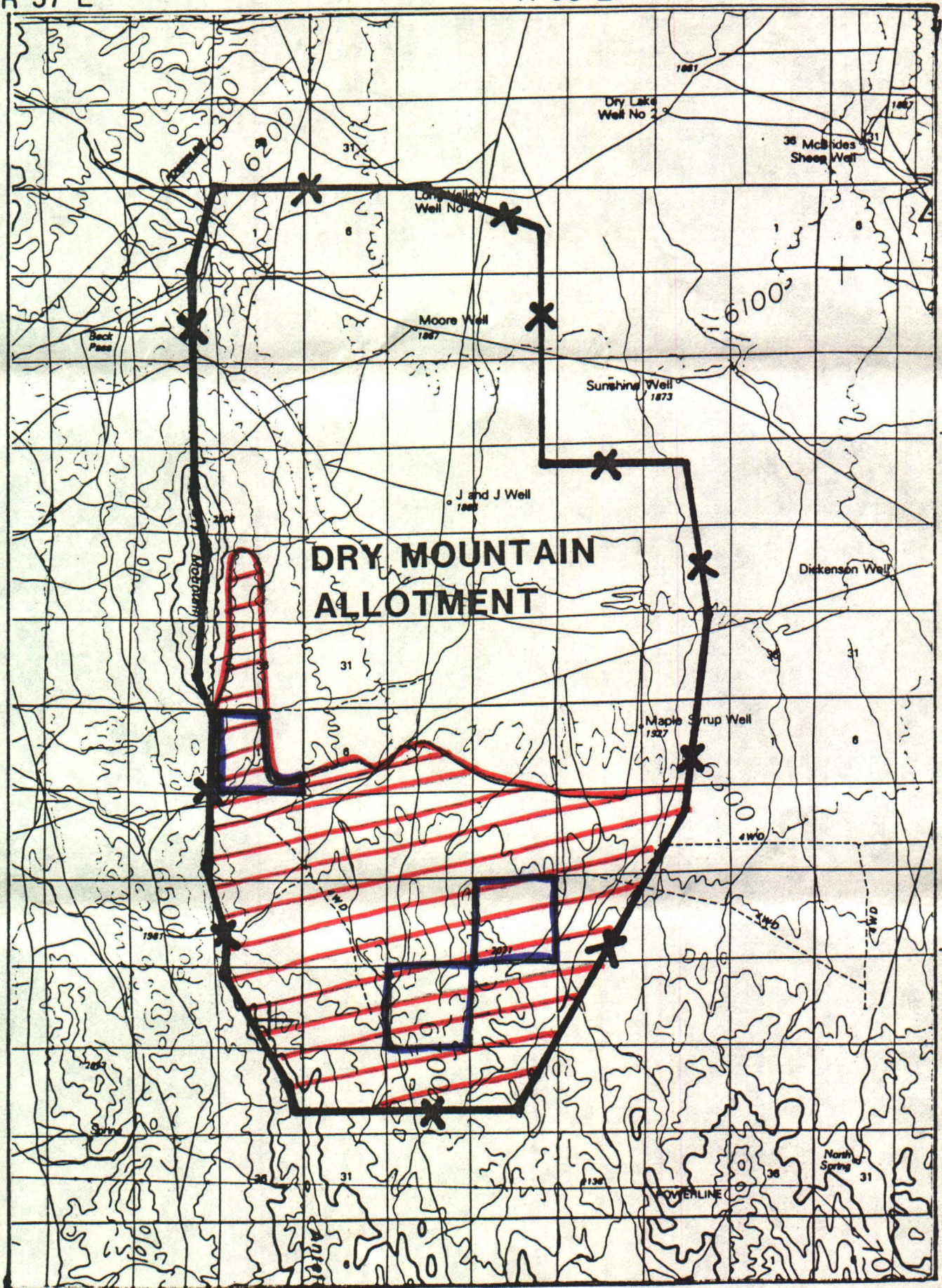
- (a) Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan.
- (b) Wild Horses - Wild horses will be managed at a total of 700 animals within the Buck and Bald herd use area.
-Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program.
- (c) Wildlife - Habitat will be managed for "reasonable numbers" of wild life species as determined by the Nevada Department of Wildlife.
-Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Department of Wildlife.
- (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.

B. Rangeland Program Summary Objectives

- (a) Maintain or improve ecological condition of native range with utilization levels not to exceed 50 percent on winterfat
- (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 Nevada Rangeland Monitoring Handbook (NRMH). Manage rangeland habitat and forage condition to support 275 AUMs for mule deer.
- (c) Manage rangeland habitat and forage condition to support 23 AUMs 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 percent shrub composition by weight.
- (e) Protect ferruginous hawk nest sites by limiting utilization to 50 percent on winterfat flats within 2 miles of the nest sites.
- (f) Manage rangeland habitat to support wild horses as part of the Buck and Bald HMA by not exceeding allowable use levels on native species as recommended in the NRMH.

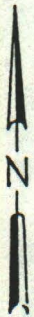
R 57 E

R 58 E




T 20 N

T 19 N



DRY MOUNTAIN ALLOTMENT

 SHEEP USE AREA
  WATER HAUL AREA