



United States Department of the Interior

m 10/24/01
Antelope HMA

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>

OCT 24 2001

In Reply Refer To:
4700 (NV-042)

Dear Interested Public:

The Ely Field Office is continuing to establish the remainder of its wild horse herd management area (HMA) appropriate management levels (AMLs). Enclosed is the Notice of Final Multiple-Use Decision for the Deep Creek Allotment Portion of the Antelope Wild Horse Herd Management Area.

The wild horse AML for the Deep Creek Allotment portion of the Antelope HMA will be established at a level of 30 (360 AUMs) wild horses year round. The total established AML for the Antelope HMA is now 273 (3,276 AUMs) wild horses yearlong.

Prior to preparation of these decisions, agreements were completed in consultation with the livestock permittees on the Deep Creek Allotment. These agreements are the initial step toward establishing a wild horse AML and addressing livestock grazing management.

Monitoring data indicates adjustments to livestock grazing use are not needed. Current grazing use conforms to the standards for grazing administration. Forage for wild horses will be apportioned at the current level of wild horse use within the Deep Creek Allotment.

Sincerely,

James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosures (2):

1. Notice of Final Multiple-Use Decision for the Deep Creek Allotment Portion of the Antelope Wild Horse Herd Management Area
2. Form 1842-1

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In Reply Refer To:
4700(NV-040)

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE DEEP CREEK ALLOTMENT PORTION OF THE ANTELOPE WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Deep Creek Allotment portion of the Antelope Wild Horse Herd Management Area (HMA). The Deep Creek Allotment includes public lands in both Nevada and Utah. The Antelope HMA is only included in the Nevada part of the allotment; it is not a part of the Utah portion, which is not managed for wild horses by Utah BLM.

The majority of the Antelope HMA already has an established AML. Only two of the twelve allotments of the HMA do not yet have an AML established (Becky Springs and Tippett Pass). Establishment of the wild horse AML for the Deep Creek Allotment will proceed toward completion of the overall AML for the Antelope HMA. With the addition of the Deep Creek AML, the total established wild horse AML for the Antelope HMA shall be 273 wild horses yearlong (3,276 AUMs). A thriving natural ecological balance would be obtained by establishing and maintaining wild horse use at the AML of 30 wild horses yearlong (360 AUMs) for the Deep Creek Allotment portion of the Antelope HMA. Only the Tippett Pass and Becky Springs Allotment portions of the Antelope HMA will remain to completely establish the total AML for the Antelope HMA (Table 1).

The Deep Creek Allotment Proposed Multiple Use Decision (PMUD) was issued September 16, 1994, upon completion of the Deep Creek Allotment Evaluation. A Final Multiple Use Decision (FMUD) was never issued. Monitoring data and other information obtained since 1994 indicate that there is sufficient habitat (forage and water) to support 25-30 wild horses yearlong. Water is the limiting factor. There are no perennial water sources within the Deep Creek Allotment. Wild horses depend on water seasonally from three small reservoirs and winter snow. Wild horses will utilize a dependable spring complex on private land to the southeast and outside of the HMA near the Nevada-Utah state line during the dry periods for their watering needs. This spring complex is not managed for wild horses by the Utah BLM; it is not within a herd area. Also, since the springs are on private land, they could be fenced by the landowner to exclude wild horse use in the future. Therefore, this decision will vacate the 1994 PMUD and will establish the AML of 360 AUMs (30 wild horses yearlong).

Table 1 Antelope Wild Horse Herd Management Area Established Appropriate Management Level (AML)		
Allotment	Appropriate Management Level	Date AML Established
Chin Creek	152 wild horses (1,824 AUMs)	July 16, 1990
Tippett	34 wild horses (408 AUMs)	July 17, 1990
Sampson Creek	25 wild horses (300 AUMs)	July 18, 1990
Becky Creek	8 wild horses (96 AUMs)	April 19, 1991
North Steptoe	6 wild horses (77 AUMs)	December 24, 1992
Lovell Peak	8 wild horses (93 AUMs)	October 7, 1994
Goshute Mountain	0 wild horses (0 AUMs)	June 18, 1998
Schellbourne	6 wild horses (72 AUMs)	March 28, 2001
Cherry Creek	4 wild horses (46 AUMs)	July 20, 2001
Deep Creek	30 wild horses (360 AUMs)	October 24, 2001
Becky Springs	not yet established	pending
Tippett Pass	not yet established	pending
Total Established AML - 273 wild horses yearlong 3,276 AUMs		

*FMUD = final multiple use decision

Census and field observations conducted since issuance of the PMUD in 1994 indicate that the AML of 30 wild horses yearlong (360AUMs) is reasonable for the allotment. Forage will be apportioned for wild horses within the Deep Creek Allotment portion of the Antelope HMA. The majority of the Antelope HMA already has an established AML. An Antelope HMA census has been conducted four times since issuance of the 1994 PMUD. Census information for the Deep Creek Allotment portion of the Antelope HMA since September 1994 includes 5 animals counted in December 1994, 50 animals counted in June 1997, 50 animals counted in July 1998, and 28 animals counted in August 2000.

Changes in grazing management, to meet land use plan objectives and allotment specific objectives, were identified through the 1994 PMUD. The recommendation at that time was no change in stocking levels for the Nevada portion of the allotment, because short and long term objectives were being met under current management in Nevada. The season of use was adjusted from yearlong to October 1 through April 30. These changes were never implemented since the FMUD was not issued. Term permits were renewed and issued September 30, 1999. These term permits were issued until February 29, 2000 and reflected past

authorized use. The grazing permits were issued only until the start of the next grazing year (March 2000) because, based on the 1994 PMUD, existing management practices were not achieving the standards in the Utah portion of the allotment. In addition, changes had not been made to management practices since that time.

Grazing management practices for the entire Deep Creek Allotment (Nevada and Utah) have been adjusted through a livestock agreement. The livestock agreement was prepared in consultation with the permittees, Kyle Bateman (Bates Permit), Kyle Bateman, and Gail Parker. The livestock agreement was signed by the permittees during February and March 2000. The agreement modified the areas of use and addresses the uneven distribution of livestock grazing in the Deep Creek Allotment. The agreement includes the grazing management practices presented in the 1994 PMUD. The agreement will run concurrently with the term grazing permit. The term of the livestock agreement and the term grazing permit are for a three year period beginning March 1, 2000 and ending February 28, 2003. The agreed upon changes in livestock use were made in order to achieve the multiple use objectives and Northeastern Great Basin Area Standards and Guidelines for grazing administration specifically related to the authorized use on the Deep Creek Allotment.

This decision establishes the wild horse AML for the Deep Creek Allotment portion of the Antelope HMA, but does not propose to make changes to livestock permitted use.

The Notice of Proposed Multiple-Use Decision for the Deep Creek Allotment Portion of the Antelope Wild Horse Herd Management Area was signed and issued to the public on September 28, 2001. The Ely Field Office received one letter of protest to the PMUD from Katie Fite, COMMITTEE FOR IDAHO'S HIGH DESERT, dated October 3, 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 appropriate management level of 30 wild horses yearlong for the Deep Creek Allotment portion of the Antelope HMA. For the Antelope HMA, the AMLs for the Becky Springs Allotment and the Tippet Pass Allotment portions of the HMA remain to be established. The current established AML for the Antelope HMA, including the Deep Creek Allotment portion, is now 273 wild horses yearlong. The setting of wild horse numbers by allotment will eventually provide for an overall herd management area wild horse appropriate management level.

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 in Table 1 because of seasonal movements, however the total AML for the Antelope HMA will be maintained. Monitoring and census of the Antelope HMA will continue to be conducted. Appropriate management levels 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 Deep Creek Allotment portion of the Antelope HMA shall be managed at 30 wild horses yearlong (360 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level for the entire Antelope HMA will be removed.

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

RATIONALE:

The analysis and evaluation of available monitoring data indicate that no change in management actions for wild horses are needed to meet multiple use management objectives on the Deep Creek Allotment. The data indicate that there are 360 AUMs available for wild horse grazing use.

The AML of 30 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance. Additional wild horses found using the allotment 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 AML for the HMA is exceeded.

The AML 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 Deep Creek Allotment, wild horses will receive a proportional increase/decrease along with the 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:

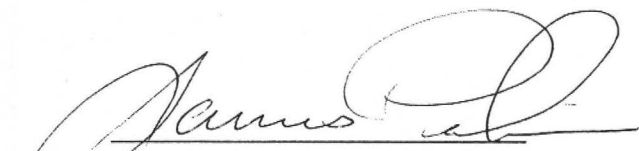
Within 30 days of receipt, you have the right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR Part 4. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, "Information on Taking Appeals 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.



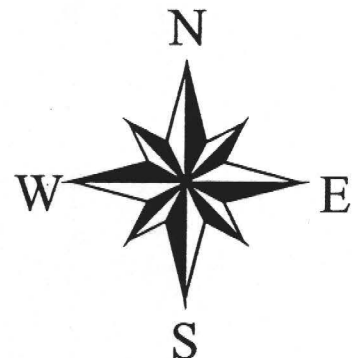
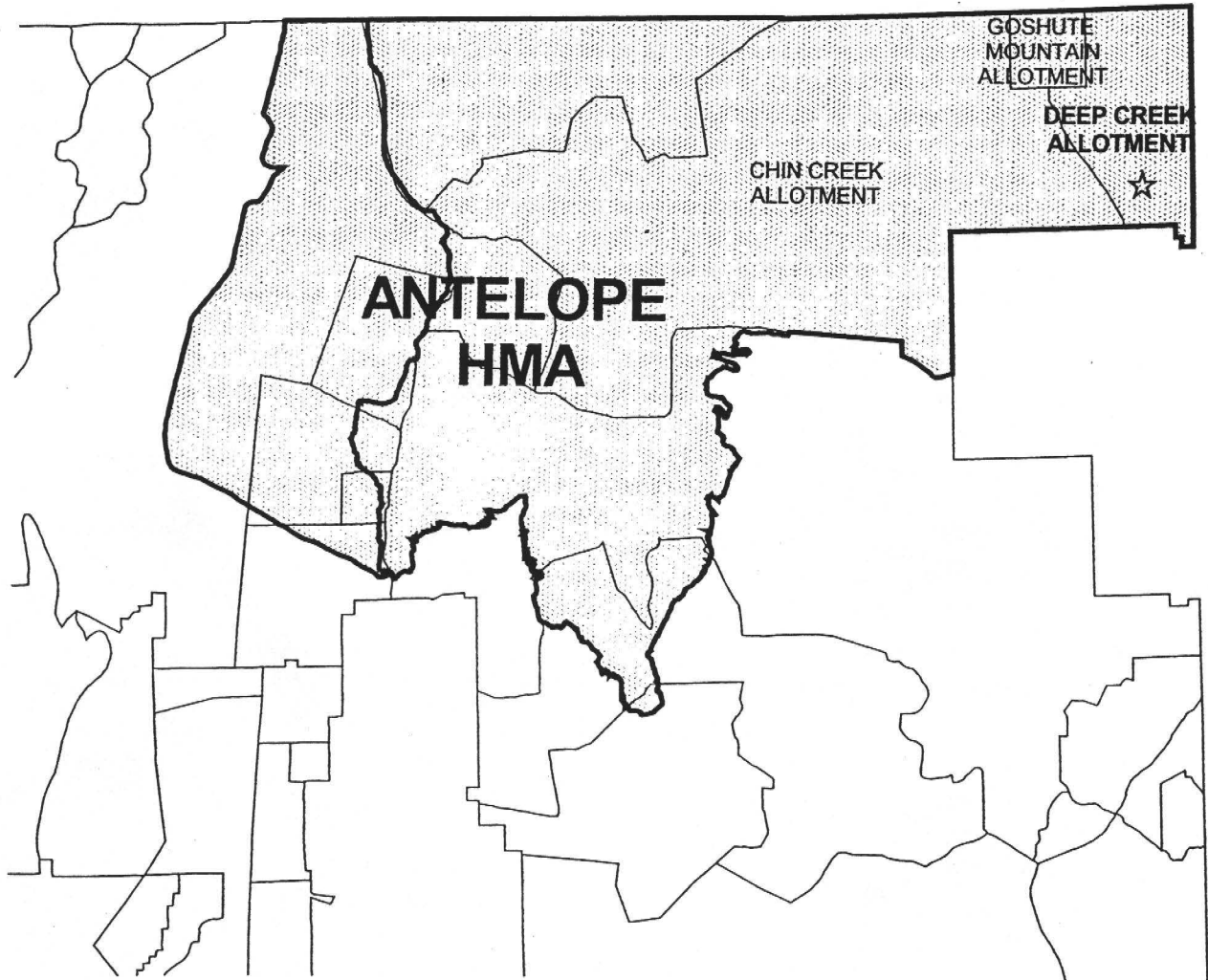
James M. Perkins,
Assistant Field Manager
Renewable Resources

Certified Mail No./Return Receipt

cc: Mr. Kyle Bateman, Permittee	7001 1140 0000 8580 7459
and for Mable Bates, Permittee	
Mr. Gail Parker, Permittee	7001 1140 0000 8580 7466
American Bashkir Curly Register	7001 1140 0000 8580 7442
American Horse Protection Association	7001 1140 0000 8580 7435
American Mustang and Burro Association	7001 1140 0000 8580 7428
Ms. Joneille Anderson	7001 1140 0000 8580 7411
Animal Protection Institute of America	7001 1140 0000 8580 7404
Mr. Paul C. Clifford, Jr.	7001 1140 0000 8580 7398
Ms. Catherine Barcomb, Commission for the Preservation of Wild Horses	7001 1140 0000 8580 7381
Ms. Sharon Crook	7001 1140 0000 8580 7374
Mr. Craig C. Downer	7001 1140 0000 8580 7367
Ms. Barbara Flores, Colorado Wild Horse and Burro Coalition	7001 1140 0000 8580 7343
Mr. Steven Fulstone	7001 1140 0000 8580 7350
Ms. Diane Nelson, Wild Horse Sanctuary	7001 1140 0000 8580 7312
Ms. Andrea Lococo, The Fund for Animals, Inc.	7001 1140 0000 8580 7329
Mr. Donald A. Molde, M.D.	7001 1140 0000 8580 7305
Ms. Tina Nappe	7001 1140 0000 8580 7282
Mrs. June Sewing, National Mustang Association, Inc.	7001 1140 0000 8580 7299
National Wild Horse Association	7001 1140 0000 8580 7275
Nevada Cattlemen's Association	7001 1140 0000 8580 7268
Nevada Division of Wildlife, Elko NV	7001 1140 0000 8580 7251
Nevada Division of Wildlife, Ely NV	7001 1140 0000 8580 7244
Nevada Farm Bureau Federation	7001 1140 0000 8580 7237
Mr. Mark McGuire, Nevada Humane Society	7001 1140 0000 8580 7220
Nevada Outdoor Recreation Association	7001 1140 0000 8580 7213
Nevada State Department of Agriculture	7001 1140 0000 8580 7206
Ms. Laurel Etchegaray, Nevada Wool Growers Association	7001 1140 0000 8580 7190
Ms. Betty Kelly, Wild Horse Spirit	7001 1140 0000 8580 7183
Ms. Anna Charlton, Rutgers School of Law - Animal Rights Law Center	7001 1140 0000 8580 7336
Ms. Nan Sherwood	7001 1140 0000 8580 7176
Ms. Rose Strickland, Toiyabe Chapter of the Sierra Club	7001 1140 0000 8580 7169
Mr. Bob Hallock, U.S. Fish and Wildlife Service	7001 1140 0000 8580 7145
The Humane Society of the United States	7001 1140 0000 8580 7152
Nevada State Clearinghouse, Wild Horse Commission	7001 1140 0000 8580 7138
White Pine County Commissioners	7001 1140 0000 8580 7121
White Pine Sportsmen	7001 1140 0000 8580 7114
Mrs. Dawn Lappin, Wild Horse Organized Assistance	7001 1140 0000 8580 7107
Mr. David Pete, Goshute Tribal Council	7001 1140 0000 8580 7091

Mr. Bill Wilson, WP County Public Land Users Advisory Committee	7001 1140 0000 8580 7084
Mr. David Provost, White Pine County Commissioner	7001 1140 0000 8580 7077
Mr. Lee Tilman	7001 1140 0000 8580 7060
Mr. Jerry Millett, Duckwater Shoshone Tribe	7001 1140 0000 8580 7053
Mr. John McLain, Resource Concepts, Inc.	7001 1140 0000 8580 7046
Dr. Tom Sanders, DVM, WP Conservation District	7001 1140 0000 8580 7039
Committee for Idaho's High Desert	7001 1140 0000 8580 7022
Western Watersheds Project	7001 1140 0000 8580 7015

ANTELOPE HMA



-  Allotments
-  Antelope HMA