



IN REPLY REFER TO:

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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4130 (NV-042)

OCT 21 1997

Bob Dickenson
P.O. Box 150303
East Ely, 89318

CERTIFIED MAIL NO. P 216 079 882

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE MOORMAN RANCH 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 Moorman Ranch 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 1977 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 Moorman Ranch Allotment. Input was received from the permittee, the state wildlife agency, the N-4 grazing board (via a range consulting firm), Wild Horse Organized Assistance, and the Commission for the Preservation of Wild Horses. See

Appendix 1 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 (Appendix I) and the Northeast Resource Advisory Council Standards (Appendix II) as they relate to all grazing use on the Moorman Ranch Allotment.

BASED ON THE EVALUATION OF MONITORING DATA FOR THE MOORMAN RANCH 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:

This decision proposes to establish the level of livestock use at 4,749 AUMs, approximately the level of use currently in place, and place 5,350 AUMs in voluntary non-use for a period of five years as agreed to by the permittee (See attached livestock use agreement). This decision also establishes the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management (HMA) within the Moorman Ranch Allotment.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), the permitted livestock use shall be changed to 4,749 AUMs. The total number of animal unit months of specified livestock grazing for livestock on the Moorman Ranch Allotment for Bob Dickenson would be a total of 4,749 AUMs for cattle use, authorized separately for the eleven use areas.

From (Existing permit):

Number	Kind	Period of Use	%PL	AUMs	
				Active	Susp
841	Cattle	03/01 - 02/28	100	10,099	0

To (Permitted Use):

<u>AUMs</u>					
<u>Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>	<u>Non-Use*</u>
396	cattle	03/01 - 02/28	100	4,749	5,350

*Non-use will be for a period of five years beginning March 1, 1998. At the end of the fifth year the Moorman Ranch Allotment will be reviewed to see if grazing use is meeting or making significant progress towards multiple use objectives. If monitoring data shows that adjustments need to be made in grazing use, either an increase or a decrease it will be proportioned between livestock and wild horses through a multiple use decision at that time. If monitoring data shows that the level of livestock use in this Final Multiple Use Decision are appropriate to meet the multiple use objectives for the allotment, this level of use will become the permitted use.

Authorized Use (AUMs)

<u>Use Area</u>	<u>AUMs</u>
Long Valley	1366
West Jake	644
Antelope/Divide	600
Trench	183
Burned Basin	148
Townsend Seeding	477
M. Ranch Seeding	343
East Jake	300
East Jake Seeding	169
Buster Mountain	394
Illipah Seeding	<u>125</u>
	4749

Season of Use

<u>Use Area</u>	<u>Period of Use</u>
Long Valley	10/15 - 04/15
West Jake	09/01 - 04/15
Antelope/Divide	05/16 - 10/15
Trench	05/16 - 10/15
Burned Basin	09/01 - 04/15
Townsend Seeding*	
M. Ranch Seeding*	

Illipah Seeding**

East Jake

05/16 - 10/15

East Jake Seeding*

Buster Mountain**

* Period of use will be limited to (5/1 - 6/15) and (9/1 - 10/31) or (3/1 - 6/15). See Appendix III Map I.

Livestock use on the Moorman Ranch Allotment will be in accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the Dickenson grazing permit for the Moorman Ranch Allotment:

1. ** A four year rotation system will be established in conjunction with the permittee's Forest Service allotments as outlined below:

Buster Mountain

<u>Year</u>	<u>Season of Use</u>
1	06/16 - 07/24
2	07/01 - 08/08
3	07/26 - 09/02
4	09/06 - 10/14

If monitoring shows that objectives are not being met by the fifth year, the permittee will reduce the number of AUMs based on available monitoring data as the authorized officer directs, to reduce impacts of late use.

Illipah Seeding

<u>Year</u>	<u>Season of Use</u>
1	09/30 - 10/14
2	06/16 - 06/30
3	07/11 - 07/25
4	08/22 - 09/05

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the Dickenson grazing permit for the Moorman Ranch Allotment:

2. No salt or supplements will be allowed within 1/2 mile of water sources or in winterfat vegetation.

3. The stocking rate for the East Jakes Use Area will be set at 300 AUMs for cattle based on water hauling or 147 AUMs if water hauling is not utilized. Full use of the 300 AUMs will be based on the establishment of two water haul sites. One will be located at Townsend Well (Dry), T 18N, R 60E, Sec.10 and the other will be located south of Highway 50 in the vicinity of T 18N, R 60E, Sec. 14. The specific location will be agreed upon by the Rangeland Management Specialist and permittee. Livestock use will either start in the West portion of the East Jakes Use Area and proceed east, shutting off waters as livestock are moved, or start in the East and proceed west shutting off waters as livestock are moved.

4. The stocking rate for the Antelope/Divide Use Area will be set at 600 AUMs for cattle based on water hauling, or 492 AUMs if water hauling is not utilized. Full use of the 600 AUMs will be based on the following stipulations:

- a) Water will either be available in the stock pond Located at T 18N, R 58E, Sec. 11 NWNW or will be hauled to a suitable location to be decided by the Rangeland Management Specialist and permittee in the Northern portion of the Divide Use Area.
- b) Water will either be hauled to T 19N, R58E, Sec. 33 NESW or pumped from the existing well (at the same location) by the mine as in the past.

Livestock will be distributed between waters in the northern and southern portions of the Divide Use Area and then herded into the northern portion of the Antelope Use Area and then south. Gates will be closed to exclude livestock from the Divide Use Area once they have been moved into the Antelope Use Area.

5. The permittee will follow the rotation system outlined above for the East Jake, Moorman Ranch and Townsend Seeding.

6. The permittee will follow the rotation system outlined above, which was established in conjunction with his Forest Service permit, for the Illipah Seeding and Buster Mountain Use Area.

RATIONALE:

The analysis of monitoring data for the years 1994, 1995, 1996, and 1997 following the evaluation of the Moorman Ranch Allotment show that the permittee is making significant progress towards meeting the Standards and Multiple Use Objectives. This progress is attributed to running actual use numbers consistent with the proper stocking level (PSL) identified in the Final Multiple Use Decision, implementing grazing systems and seasons identified through the allotment evaluation process and hauling water to obtain proper distribution patterns.

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 uses 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 permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

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."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management..."

4130.3-2 "The authorized officer may specify in grazing permits or 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..."

4130.3-1(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 of the allotment."

APPEAL:

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final livestock grazing portion of this decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as noted above, within 30 days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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.

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 the following levels:

<u>Use Area</u>	<u>Herd Management Area</u>	<u># Animals</u>	<u>AUMs</u>
Long Valley	Buck & Bald	35/5 mos.	174
Antelope/Divide	Buck & Bald	4/7 mos.	31
Trench	Buck & Bald	3/7 mos.	20
Burned Basin	Buck & Bald	2/7 mos.	<u>11</u>
			236
Buster Mountain	Monte Cristo	0 yearlong	0

The setting of wild horse numbers by allotment will eventually provide for an overall Herd Management Area (HMA) wild horse Appropriate Management Level (AML). 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 for the HMA will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Moorman Ranch Allotment shall be managed at 236 AUMs.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management levels of 44 + or - 15% of animals will be removed.

Adjustments in wild horse numbers will be made by future Buck and Bald HMA and Monte Cristo 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 a reduction in wild horse numbers in Buck and Bald and Monte Cristo's HMA's, is necessary to establish and maintain a thriving natural ecological balance and to limit the animals' distribution to existing herd areas.

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:

4700-6(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."

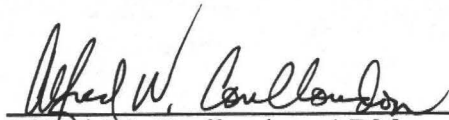
4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

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 Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. 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 you appeal, you are required to provide a copy to the Regional Solicitor's Office listed on Item 3 on this form. In addition, please provide this office with a copy of your Statement of Reasons. 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 appealed from is in error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for a stay (suspension) of the decision together with your appeal, in accordance with the regulations of 43 CFR 4.21. The petition must be served upon the parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.



Alfred W. Coulloudon, ADM
Renewable Resources

APPENDIX 1: Land Use Plan/Rangeland Program Summary Objectives

1. Land Use Plan (RMP) 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) Addresses standard 3 (Appendix II)
- (b) Wild Horses - Wild horses will be managed at a total of 700 animals within the Buck and Bald HMA (Egan ROD, p. 6) Addresses standard 3 (Appendix II)
 - Wild horses will be managed at a total of 96 animals within the Monte Cristo HMA (Egan ROD, p.6) Addresses standard 3 (Appendix II)
 - Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program. (Egan ROD, p. 8) Addresses standard 3 (Appendix II)
- (c) Wildlife- Habitat will be managed for "reasonable numbers" of wildlife species as determined by NDOW. (Egan ROD, p. 6) Addresses standard 3 (Appendix II)
 - Forage will be provided for "reasonable numbers" of big game as determined by NDOW (Egan ROD, p. 8) Addresses standard 3 (Appendix II)
- (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. (Egan ROD, p. 44) Addresses standard 2 (Appendix II)

2. Rangeland Program Summary Objectives

- (a) "Provide forage for up to 5404 AUM's of livestock use." Addresses standard 3 (Appendix II)
- (b) "Improve vegetative cover and reduce erosion on the watershed upstream from Illipah Reservoir." Addresses standard 2 (Appendix II)
- (c) "Maintain the seedings (4) in good or better condition and provide for periodic rest." Addresses standard 1 (Appendix II)
- (d) "Maintain or improve ecological condition of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels for winterfat and perennial grass species is 50%." Addresses standard I (Appendix II)

- (e) Improve mule deer yearlong 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 874 AUMs for mule deer. Addresses standard I (Appendix II)
- (f) Manage rangeland habitat and forage condition to support 20 AUMs for antelope. Addresses standard 3 (Appendix II)
- (g) Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid to low late seral stage with a minimum of 30% shrub composition by weight. Addresses standard 3 (Appendix II)
- (h) Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within two miles of nest sites. Addresses standard 3 (Appendix II)
- (i) "Improve 5.3 miles of stream riparian habitat condition from poor/fair to good or better." Addresses standard 2 (Appendix II)
- (j) Manage rangeland to support wild horses at an Appropriate Management Level (AML) as part of the Buck and Bald and Monte Cristo HMAs by not exceeding allowable use levels on native species as recommended in the MRMH. Initially provide for 42 wild horses in the Buck and Bald HMA (503 AUMs) and for one wild horse in the Monte Cristo HMA (11 AUMs).^{*} Addresses standard 3 (Appendix II)
- (k) "Improve and maintain habitat condition of meadows and riparian areas in fair/poor condition to good or better for mule deer and upland game." Addresses standard 2 (Appendix II)

*- The 42 and 1 horse yearlong identified in the RPS is no longer a valid AML. The Interior Board of Land Appeals June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "an AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute" (Dahl vs Clark, Supra at 595). The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

(Certified Mail #)

cc: Nevada Division of Wildlife, Reg. II (# P 216 079 883)
U.S. Fish and Wildlife Service (# P 216 079 884)
N-4 Grazing Board (# P 216 079 885)
Resource Concepts Inc. (# P 216 079 886)
International Society for the Protection of Mustangs and Burros (# P 216 079 887)
Commission for the Preservation of Wild Horses (# P 216 079 888)
Animal Protection Institute (# P 216 079 889)
Natural Resources Defense Council (# P 216 079 890)
Wilderness Society (# P 216 079 891)
Farm Bureau (# P 216 079 892)
Sierra Club (# P 216 079 893)
Wild Horse Organized Assistance (# P 216 079 894)
Nye County (# P 216 079 895)

APPENDIX II: NORTHEASTERN GREAT BASIN AREA RESOURCE ADVISORY COUNCIL (RAC)

STANDARDS:

STANDARD 1. UPLAND SITES:

Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

As indicated by:

- Indicators are canopy and ground cover, including litter, live vegetation and rock, appropriate to the potential of the site.

STANDARD 2. RIPARIAN AND WETLAND SITES:

Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

As indicated by:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows. Elements indicating proper functioning condition such as avoiding accelerating erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:

Width/Depth ratio; Channel roughness; Sinuosity of stream channel; Bank stability; Vegetative cover (amount, spacing, life form); and Other cover (large woody debris, rock).

- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.
- Chemical, physical and biological water constituents are not exceeding the state water quality standards.

STANDARD 3. HABITAT:

Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet

the life cycle requirements of threatened and endangered species.
As indicated by:

- Vegetation composition (relative abundance of species);
- Vegetation structure (life forms, cover, height, or age class);
- Vegetation distribution (patchiness, corridors);
- Vegetation productivity; and Vegetation nutritional value.

STANDARD 4. CULTURAL RESOURCES:

Land use plans will recognize cultural resources within the context of multiple use.

Northeastern RAC Guidelines:

Guidelines:

- 1.1 Management practices will maintain or promote upland vegetation and other organisms and provide for infiltration and permeability rates, soil moisture storage, and soil stability appropriate to the ecological site within management units.
- 1.2 When grazing practices alone are not likely to restore areas of low infiltration or permeability, land management treatments should be designed and implemented where appropriate.
- 1.3 Management practices are adequate when significant progress is being made toward this Standard.

Guidelines:

- 2.1 Management practices will maintain or promote sufficient vegetation cover, large woody debris, or rock to achieve proper functioning condition in riparian and wetland areas. Supporting the processes of energy dissipation, sediment capture, groundwater recharge, and stream bank stability will thus promote stream channel morphology (e.g., width/depth ratio, channel roughness, and sinuosity) appropriate to climate, landform, gradient, and erosional history.
- 2.2 Where grazing management practices are not likely to restore riparian and wetland sites, land management treatments should be designed and implemented where appropriate to the site.
- 2.3 Management practices are adequate when significant progress is being made toward this Standard.

- 2.4 Grazing management practices will maintain, restore or enhance water quality and ensure the attainment of water quality that meets or exceeds state standards.

Guidelines:

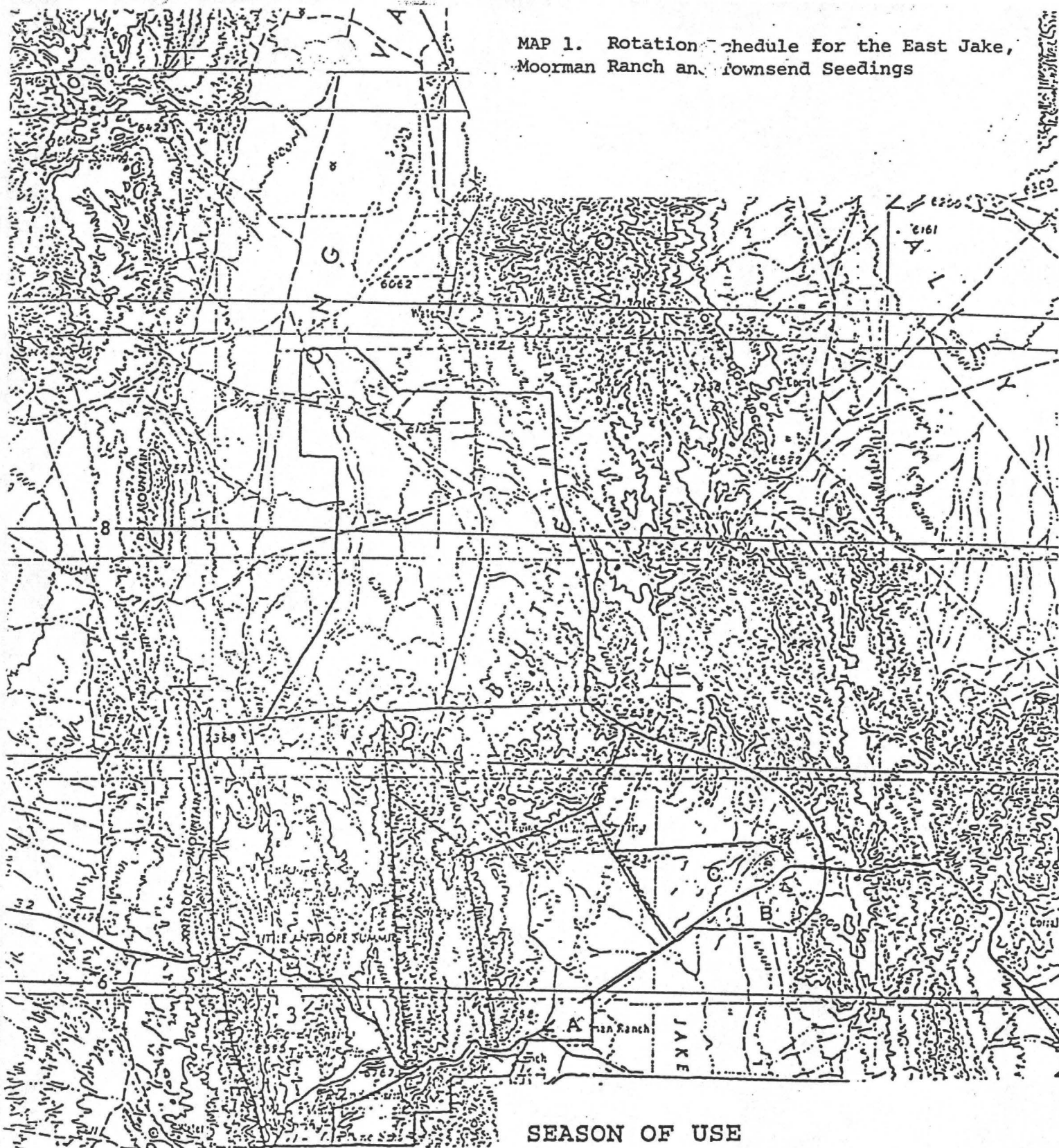
- 3.1 Management practices will promote the conservation, restoration and maintenance of habitat for threatened and endangered species, and other special status species as may be appropriate.
- 3.2 Intensity, frequency, season of use and distribution of grazing should provide for growth and reproduction of those plant species needed to reach long-term land use plan objectives. Measurements of ecological condition and trend/utilization will be in accordance with techniques identified in the *Nevada Rangeland Monitoring Handbook*.
- 3.3 Grazing management practices should be planned and implemented to allow for integrated use by domestic livestock, wildlife, and wild horses consistent with land use plan objectives.
- 3.4 Where grazing practices alone are not likely to achieve habitat objectives, land treatments may be designed and implemented as appropriate.
- 3.5 When native plant species adapted to the site are available in sufficient quantities, and it is economically and biologically feasible to establish or increase them to meet management objectives, they will be emphasized over non-native species.
- 3.6 Management practices are adequate when significant progress is being made toward this Standard.

Guidelines:

- 4.1 Rangeland management plans will consider listings of known sites that are National Historic Register eligible or considered to be of cultural significance and new eligible sites as they become known.

APPENDIX III

MAP 1. Rotation Schedule for the East Jake, Moorman Ranch and Townsend Seedings



SEASON OF USE

YEAR	5/1 - 6/15	5/1 - 6/15	3/1 - 6/15
	9/1 - 10/31	9/1 - 10/31	
1997	A	B	C
1998	B	C	A
1999	C	A	B

LIVESTOCK USE AGREEMENT
FOR THE
MOORMAN RANCH ALLOTMENT

I. INTRODUCTION

This agreement is based on the Moorman Ranch Allotment Evaluation dated Feb. 11, 1994, and developed through consultation, cooperation and coordination.

The agreed upon livestock use, as documented below is consistent with the achievement of the management objectives for the public lands administered by the Bureau of Land Management in the Moorman Ranch Allotment.

II. MOORMAN RANCH OBJECTIVES

The Bureau will monitor the attainment of the multiple use management objectives as identified in the Final Multiple Use Decision for the Moorman Ranch Allotment.

III. AGREED UPON CHANGES IN LIVESTOCK USE

A. Background

The Moorman Ranch Allotment Evaluation was sent to the interested public on 2/11/94. This document analyzed monitoring data collected between the years 1988 and 1992, and set proper stocking levels by use area, established seasons of use based on phenology of key species and historical use by the permittee, and outlined a rotation system for three seedings within the Moorman Ranch Allotment. During the preparation of this document the Bureau of Land Management had numerous opportunities to discuss various resource problems with the permittee. Prior to the issuance of the allotment evaluation the permittee took a proactive stance and began to reduce numbers of livestock by use area to help alleviate concerns with resource problems which had been identified. The permittee also began to haul water to correct distribution problems which had been identified. As a result of the issuance of the evaluation, the Nevada Division of Wildlife submitted comments expressing concern of overuse of key browse species within the Buster Mountain Use Area. In response to these comments a meeting was held between the U.S. Forest Service, the permittee, the Bureau of Land Management, and the Nevada Division of Wildlife. As a result of this meeting, the permittee agreed to establish a rotation system between two BLM grazing use areas

within the Moorman Ranch Allotment, and his Forest Service allotment which would minimize the impacts of late use by livestock on key browse species within the Buster Mountain Use Area. This system also rotated early and late use within the Illipah Use Area so that riparian areas would be deferred two out of four years. As a result of these management actions monitoring data for the years 1994 through 1997 shows progress being made towards meeting management objectives for the Moorman Ranch Allotment.

B. Description of Agreed Upon Changes

1. Authorized Grazing Use

- a. Active Use: 4,749 AUMS
- b. Non Use: 5,350 AUMs*

* 5,350 AUMs will remain in voluntary non use for a period of five years beginning March 1, 1998. At the end of the fifth year the Moorman Ranch Allotment will be reviewed to see if grazing use is meeting or making significant progress towards multiple use objectives. If monitoring data shows that adjustments need to be made in grazing use, either an increase or a decrease, it will be proportioned between livestock and wild horses through a multiple use decision at that time. If monitoring data shows that the level of livestock use in the Final Multiple Use Decision are appropriate to meet the multiple use objectives for the allotment, this level of use will become the permitted use.

2. Seasons of Use and Number of AUMs by Use Area

<u>Use Area</u>	<u>Period of Use</u>	<u>AUMs</u>
Long Valley	10/15 - 04/15	1366
West Jake	09/01 - 04/15	644
Antelope/Divide	05/16 - 10/15	600
Trench	05/16 - 10/15	183
Burned Basin	09/01 - 04/15	148
Townsend Seeding*		477
M. Ranch Seeding*		343
Illipah Seeding**		125
East Jake	05/16 - 10/15	300
East Jake Seeding*		169
Buster Mountain**		<u>394</u>
		4749

* Livestock season of use will be limited to (5/1 -6/15) and (9/1 - 10/31) or (3/1 - 6/15) as identified in the Final Multiple Use Decision for the Moorman Ranch Allotment.

** A four year rotation system will be established in conjunction with the permittees' U.S. Forest Service Allotments as outlined below:

Flexibility in grazing seasons will be allowed if it is consistent with meeting the Multiple Use Objectives for the allotment and agreed upon by the authorized officer and the permittee.

Buster Mountain

<u>Year</u>	<u>Season of Use</u>
1	06/16 - 07/24
2	07/01 - 08/08
3	07/26 - 09/02
4	09/06 - 10/14

If monitoring shows that objectives are not being met by the fifth year, the permittee will reduce the number of AUMs based on available monitoring data as the authorized officer directs, to reduce impacts of late use.

Illipah Seeding

<u>Year</u>	<u>Season of Use</u>
1	09/30 - 10/14
2	06/16 - 06/30
3	07/11 - 07/25
4	08/22 - 09/05

3. In accordance with 43 CFR 4130.3-2, the permittee agrees to the following terms and conditions which will be included in the Dickenson grazing permit for the Moorman Ranch Allotment:

a. No salt or supplements will be allowed within 1/2 mile of water sources or in winterfat vegetation sites.

b. The stocking rate for the East Jakes Use Area will be set at 300 AUMs for cattle based on water hauling or 147 AUMs if water hauling is not utilized. Full use of the 300 AUMs will be based on the establishment of two water haul sites. One will be located at Townsend Well (Dry), T. 18 N., R. 60E., Sec. 10 and

the other will be located south of U.S. Highway 50 in the vicinity of T. 18 N., R. 60E., Sec. 14. The specific location will be agreed upon by the Rangeland Management Specialist and permittee. Livestock use will either start in the West portion of the East Jakes Use Area and proceed east, shutting off waters as livestock are moved, or start in the East and proceed west shutting off waters as livestock are moved.

c. The stocking rate for the Antelope/Divide Use Area will be set at 600 AUMs for cattle based on water hauling, or 492 AUMs if water hauling is not utilized. Full use of the 600 AUMs will be based on the following stipulations:

1) Water will either be available in the stock pond located at T. 18 N., R. 58 E., Sec. 11 NWNW or will be hauled to a suitable location to be decided by the Rangeland Management Specialist and permittee in the northern portion of the Divide Use Area

2) Water will either be hauled to T. 19 N., R. 58 E., Sec. 33 NESW or pumped from the existing well (at the same location) by the mine as in the past.

Livestock will be distributed between waters in the northern and southern portions of the Divide Use Area and then herded into the northern portion of the Antelope Use Area and then south. Gates will be closed to exclude livestock from the Divide Use Area once they have been moved into the Antelope Use Area.

IV. MONITORING PROGRAM

a. Collect monitoring data as identified in the Moorman Ranch Evaluation for livestock, wild horses and wildlife as funding and workloads permit. This data includes the following studies:

- a. Actual Use/Census
- b. Key Area Utilization/Ecological Status
- c. Frequency
- b. Use Pattern Mapping

Additional types of monitoring data may be collected if the need arises.

As time and funding permits future monitoring will entail the establishment of additional key areas. This will be done in consultation, coordination and cooperation with the livestock operator and interested publics.

V. FUTURE ADJUSTMENTS

This agreement documents and establishes the grazing practices to be used on the Moorman Ranch Allotment.

Any future adjustments will be based on the results of additional monitoring data collected and evaluated towards the achievement of the Multiple Use Objectives identified in the Final Multiple Use Decision for the Moorman Ranch Allotment. This process will be done in coordination, consultation and cooperation with the livestock operator and interested publics.

VII. Authority for this agreement is contained in Title 43 of the Code of Federal Regulations, including 4100.0-8, 4110.3, 4110.3-2(b), 4120.3-1(c), 4130.3, 4130.3-2, and 4130.3-1(a)

VIII. The agreed upon changes in livestock use identified above is agreed to by the undersigned signatories and goes into effect once the wild horse gather is completed.



Robert Dickenson

10-16-97

Date



Alfred W. Coulloudon, ADM
Renewable Resources

10/17/97

Date

11/20/97

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way
Suite 209

Reno, Nevada 89502
(702) 688-2626

November 20, 1997

Mr. Alfred W. Coulloudon
Renewable Resources
Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: FMUD - Moorman Ranch - Buck/Bald HMA

Dear Mr. Coulloudon:

The Commission for the Preservation of Wild Horses wishes to provide further comments to the decision making processes affecting the Buck and Bald Wild Horse Herd.

Previous input to the allotment evaluation provided the District an alternative to be considered in the selective management action report. We were disappointed that the alternative was not presented in the report. It was the desire of the committee, overseeing the Ely District allotment evaluation process, that affected interests have this opportunity.

Mathematical errors in the summation of AUMs for wild horses exist in the final decision.

Sincerely,

A handwritten signature in cursive script that reads "Cathi Barcomb".

CATHERINE BARCOMB
Administrator