

4/18/90

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IN REPLY REFER TO:

4130 (NV-046)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1
Ely, Nevada, 89301

Certified Mail No. P 569 361 746
Return Receipt Requested

APR 18 1990

Warren P. Robison
Box 732
East Ely, Nevada 89315

82-36AUMS
87-1104 AUMS
AML-149

proposed
25 horses
300 AUMS

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE SAMPSON CREEK ALLOTMENT

BACKGROUND INFORMATION:

The Management Framework Plan and the Record of Decision for the Schell Grazing Environmental Impact Statement were issued in June and July of 1983, respectively. These documents guide the management of public lands within the Sampson Creek Allotment. The Schell Resource Area Record of Decision dated July 1983 states in pertinent part:

"When adequate monitoring data becomes available adjustments to the grazing capacity will be made that are compatible with the multiple use objectives...

Implementation of the range management program will take place through monitoring and consultation and coordination with all interests concerned with the management of resources in a given local area; landowners, land management agencies, wildlife groups, wild horse groups, conservation organizations, etc. Grazing adjustments, if required, will be based upon reliable vegetation monitoring studies, consultation and coordination, baseline inventory, or a combination of these...

Prior to initiating grazing adjustments, the Bureau, within the guidance of the Management Framework Plan and consultation and coordination, will consider the specific management objectives for an allotment and other resource values (e.g., riparian habitat, water quality, wildlife, recreation, wild horses and livestock) to be evaluated in determining progress in meeting these objectives. Changes in the resource values may warrant a modification of the scheduled adjustments and thus indicate the intensity and types of monitoring that will be required in each allotment..."

Monitoring studies were initially established in 1981 and have been conducted 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 Sampson Creek Allotment. Input was received from the permittee, a permittee on an adjacent allotment, two livestock interest groups, two wildlife agencies, three environmental interest groups, and a wild horse group. See Appendices I, II, and III for the management objectives for livestock, wild horses, wildlife, and riparian areas on the allotment. These objectives are in conformance with and formulated to accomplish the Schell Land Use Plan multiple use objectives as they relate to all grazing use on the Sampson Creek Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE SAMPSON CREEK ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE PROPOSED DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that the multiple use objectives for the Sampson Creek Allotment 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.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3 and 4110.3-2(b) and (c) and 4130.6-1(a), the current authorized livestock active use shall be reduced by 265 AUMs.

FROM:

Kind	Period of Use	%PL	AUMs	
			Active	Susp.
Sheep	05/01 to 07/31	100	1,592	0

TO:

Effective	Kind	Period of Use	%PL	AUMs	
				Active	Susp.
Year 1 (June 1, 1990)	Sheep	05/01 to 09/30	100	1,503	89
Year 3 (March 1, 1993)	Sheep	05/01 to 09/30	100	1,415	177
Year 5 (March 1, 1995)	Sheep	05/01 to 09/30	100	1,327	265

(Note: From 07/16 to 07/31, the sheep will be on private land for separating and working prior to being moved up to the summer range.)

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

Livestock use will be authorized by established use areas (Refer to Map 1) not to exceed carrying capacity as determined through the continued monitoring procedures.

Authorized livestock use effective June 1, 1990 is as follows:

Use Area	No.	Kind	Period of Use	%PL	AUMs		
					Active	Susp.	
Benchland Area	2,522	Sheep	05/01 to 07/15	100	1,071	76	
Upper Mtn Area	563	Sheep	08/01 to 09/30	100	226	13	
					Total =	1,503	89

Authorized livestock use effective March 1, 1993 is as follows:

Use Area	No.	Kind	Period of Use	%PL	AUMs		
					Active	Susp.	
Benchland Area	2,372	Sheep	05/01 to 07/15	100	1,201	151	
Upper Mtn Area	533	Sheep	08/01 to 09/30	100	214	26	
					Total =	1,415	177

Authorized livestock use effective March 1, 1995 is as follows:

Use Area	No.	Kind	Period of Use	%PL	AUMs		
					Active	Susp.	
Benchland Area	2,223	Sheep	05/01 to 07/15	100	1,126	226	
Upper Mtn Area	501	Sheep	08/01 to 09/30	100	201	39	
					Total =	1,327	265

In accordance with 43 CFR 4130.6-2, the following terms and conditions are hereby made a part of the grazing permit on the Sampson Creek Allotment:

No livestock grazing will be allowed on the Bottomland Area unless the season of use is changed to provide for winter grazing.

A deferred grazing system is in effect for the Benchland Area. Sheep use will be grazed starting from the north end of the area and ending at the south end in even calendar years. And in odd years the order will be reversed.

Designated water haul sites in the Benchland Area are as follows:

T. 24 N., R. 66 E., sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$
T. 24 N., R. 66 E., sec. 16, SE $\frac{1}{4}$ NW $\frac{1}{4}$
T. 24 N., R. 66 E., sec. 30, NW $\frac{1}{2}$ NW $\frac{1}{4}$

A deferred grazing system is in effect for the Upper Mountain Area. Sheep use will be grazed starting from the north end of the area and ending at the south end in even calendar years. And in odd years the order would be reversed.

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

In accordance with 43 CFR 4130.6-2(d), actual use information for each use area will be submitted within 15 days of completing grazing use as specified on the grazing permit and grazing licenses.

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 analysis and evaluation of available monitoring data indicates that the current stocking rate and management practices must be modified to meet the multiple use management objectives for the Sampson Creek Allotment as identified in Appendices I, II, and III. The data indicates that 1,327 AUMs are available for livestock, and that active preference is 265 AUMs in excess of the livestock carrying capacity. This reduction in active preference is necessary to maintain and/or improve rangeland productivity. Increased intensity of management (changing season of use, grazing systems, and other management practices) will provide needed rest during critical spring growth and allow multiple use objectives to be met.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

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 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 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 by 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..."

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..."

PROTEST/APPEAL:

If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Schell Resource Area Manager, Star Route 5 Box 1, Ely, Nevada 89301.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.3 and 4160.4, you are allowed thirty (30) days within which to file such an appeal with the Schell Resource Area Manager, at the above address. The appeal should state clearly and concisely why you think the 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 numbers at an appropriate management level of 25 animals for that portion of the Antelope Herd Management Area which occurs in the Sampson Creek Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Sampson Creek Allotment shall be managed at 25 animals.

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 25 will be removed.

The Antelope Wild Horse Herd Management Area Plan is hereby revised to reflect the appropriate management level for wild horses in the Sampson Creek Allotment.

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 Sampson Creek Allotment as identified in Appendices I, II, and III. The data indicate that there are 300 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..."

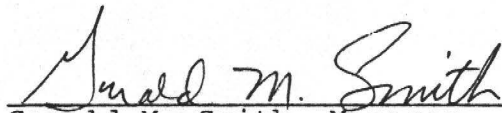
PROTEST/APPEAL:

In accordance with 43 CFR 4770.3 which 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."

Although these regulations allow for an appeal with no mention of a protest, for the purpose of consistency the multiple use decision will be initially sent as a "Proposed" decision. If no protests are received within fifteen days, the proposed decision shall constitute the final decision, which may then be appealed.

Should you wish to appeal this decision as it pertains to wild horses to the Interior Board of Land Appeals, you are required to appeal in accordance with 43 CFR 4.400. An appeal should specify the reasons, clearly and concisely, as to why you think the decision is in error and a statement of standing, if necessary as per 43 CFR 4.400.



Gerald M. Smith, Manager
Schell Resource Area

	Certified Mail No.
cc: Natural Resources Defense Council	(P 569 361 747)
U.S. Fish and Wildlife Service	(P 569 361 748)
Nevada Department of Wildlife, Region II	(P 569 361 749)
Animal Protection Institute of America	(P 569 361 750)
Wild Horse Organized Assistance	(P 569 361 751)
Commission for the Preservation of Wild Horses	(P 569 361 752)
Resource Concepts, Inc.	(P 569 361 753)
Nevada Cattlemen's Association	(P 569 361 754)
Nevada State Grazing Board, N-4	(P 569 361 755)
Nevada Outdoor Recreation Association	(P 569 361 756)
Sierra Club, Toiyabe Chapter	(P 569 361 757)
Marvel & Hansen, Attorneys at Law	(P 569 361 758)

APPENDIX I: Land Use Plan/Activity Plan Objectives

A. Land Use Plan/ Rangeland Program Summary Objectives

1. Livestock

a. The short term objective will be accomplished through managing the allowable use level (AUL) by season of use to improve or maintain the desired vegetative community.

b. The long term objective is to improve those acres in poor or fair livestock forage condition and maintain all acres presently in good livestock forage condition by managing for those seral stages which optimize livestock forage production.

2. Wild Horses

a. The short term objective will be accomplished through managing the allowable use level (AUL) by season to improve or maintain the desired vegetative community.

b. The long term objective is to manage for the most appropriate seral stage to provide the desired quantity, quality, variety, and density of forage in order to meet the requirements of the wild horses.

3. Mule Deer

a. The short term objective is to limit yearlong use on key species to 40 percent for perennial grasses, grass-like plants, and forbs and to 35 percent of shrubs if the mule deer range is in poor habitat condition. If the range is in fair condition or better, the objective is to limit yearlong use on key species to 55 percent for perennial grasses, grass-like plants, and forbs and to 45 percent for shrubs.

b. The long term objective is to maintain mule deer range in at least fair habitat condition by providing diversity of forage species.

4. Pronghorn Antelope

a. The short term objective is to limit use on key species listed for pronghorn antelope to 55 percent for perennial grasses, grass-like plants, and forbs; and to 45 percent for shrubs yearlong.

b. The long term objective is to maintain antelope range in at least fair habitat condition by providing appropriate vegetation quantity and quality.

5. Sage Grouse

a. The short term objective is to manage the AUL by season of use to improve or maintain the desired vegetative community.

b. The long term objective is to manage big sagebrush sites within two miles of active strutting grounds for late mid seral stage to the potential natural community (PNC) with at least 30 percent shrubs.

6. Ferruginous Hawk

a. The short term objective is to limit use on winterfat near occupied ferruginous hawk nests to 45 percent yearlong.

b. The long term objectives are to manage winterfat stands (Silty Range Sites) near occupied ferruginous hawk nests in mid to late seral stage and to maintain integrity of existing pinyon-juniper "stringers near winterfat stands".

7. Riparian Areas

a. The short term objective is to limit use on wet meadows and stream riparian areas in less than good condition to 30 percent for grass and grass-like species by all animals yearlong and to limit use on all other wet meadows and stream riparian areas to 50 percent for grass and grass-like species by all animals yearlong.

b. The long term objectives are to manage all wet meadows for late seral stage (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs).

B. Activity Plan Objectives

1. Antelope Wild Horse Herd Management Area Plan

a. The short term objective will be accomplished through managing the AUL by season of use to improve or maintain the desired vegetative community.

b. The long term objectives are to manage for the most appropriate seral stage to provide desired quantity, quality, variety, and density of forage in order to meet the requirements of the wild horses and other foraging animals and to improve distribution and provide water yearlong for wild horses throughout the herd management area.

2. Antelope Range Habitat Management Plan

a. The short term objective will be accomplished through managing the AUL by season of use to improve or maintain the desired vegetative community.

b. The long term objectives are:

Manage for the most appropriate seral stages to provide desired quantity, quality, variety and density of forage in order to meet the requirements of the key foraging animals.

Provide nesting, brooding and wintering habitat for upland game species. Minimize the impacts of livestock grazing on sage grouse strutting/nesting grounds.

Protect raptor nesting habitat and provide and protect habitat for raptor prey species.

Manage riparian areas for late seral stage or appropriate stage for a specific use.

Specific resource objectives for key management areas identify key forage species, the existing density and production, and the levels of density and production to manage for.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Sampson Creek (Livestock & Wild Horses)

STUDY #	KEY AREA LOCATION	ECOLOGICAL SITE #	KEY SPECIES	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			RATIONALE
				KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)	MAINTAIN OR IMPROVE	KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)	ALLOWABLE USE LEVEL	SEASON OF USE	MET OR NOT MET	
SCR1 1)	Becky Peak Bench Sec. 2, T24N,R65E	028BY037NV	AGSP	2	66	Maintain	2	66-68	50%	Summer	Not met	AUL Exceeded 1984=75%
SCR2 1)	W.Spring Valley Bench Sec. 30, T24N,R66E	028BY011NV	ARARN	76	51	Maintain	76	51-52	45%	Year-long	Met	AUL Not Exceeded
SCR3 2)	Spring Valley Bottom Sec. 32, T24N,R65E	028BY013NV	EULA	58	68	Maintain	58	68-72	45%	Year-long	Not met	AUL Exceeded 1982=78% 1983=59% 1984=62% 1985=90% 1986=80% 1987=72%

- 1) Study area representing livestock and wild horse use.
2) Study area representing wild horse use.

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Sampson Creek (Riparian Areas)

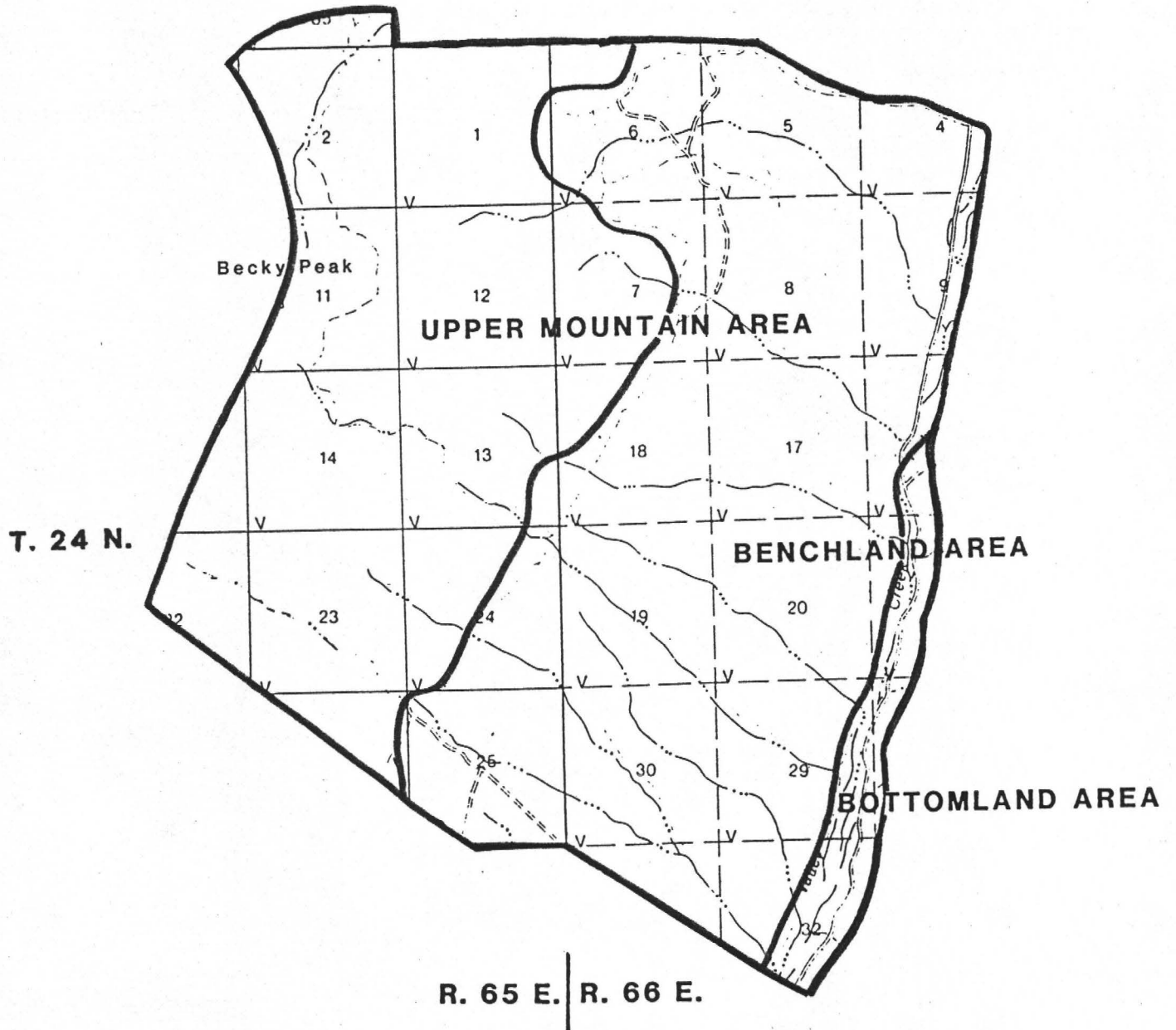
STUDY #	KEY AREA LOCATION	ECOLOGICAL SITE #	KEY SPECIES	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			RATIONALE	
				KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)	MAINTAIN OR IMPROVE	KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)	ALLOWABLE USE LEVEL	SEASON OF USE	MET OR NOT MET		
Horse Spring	NWNE,sec14 T24N,R65E	unknown	Grasses and grass-like							50%	Year-long	Met	Good Condition. Based on use pattern mapping AUL not exceeded.
Gravel Spring	NESE,sec14 T24N,R65E	unknown	Grasses and grass-like							50%	Year-long	Met	Good Condition. Based on use pattern mapping AUL not exceeded.
Mus-tang Spring	NESE,sec14 T24N,R65E	unknown	Grasses and grass-like							50%	Year-long	Met	Based on use pattern mapping AUL not exceeded.
Skull Spring	NENW,sec23 T24N,R65E	unknown	Grasses and grass-like							40%	Year-long	Not Met	Grazed and Trampled
Grouse Spring	NWNW,sec23 T24N,R65E	unknown	Grasses and grass-like							40%	Year-long	Not Met	Grazed and Trampled

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Sampson Creek (Riparian Areas)

STUDY #	KEY AREA LOCATION	ECOLOGICAL SITE #	KEY SPECIES	PRESENT SITUATION			LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			RATIONALE			
				KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)		MAINTAIN OR IMPROVE	KEY SPP % COMP BY WEIGHT	SERAL STAGE (% OF PNC)		ALLOWABLE USE LEVEL	SEASON OF USE		MET OR NOT MET		
Spring and Res.	NWNE, sec 2 T24N, R65E	unknown	Grasses and grass-like										50%	Year-long	Met	Good Condition. Based on use pattern mapping AUL not exceeded.
Spring	SWNE, sec 2 T24N, R65E	unknown	Grasses and grass-like										50%	Year-long	Met	Good Condition. Based on use pattern mapping AUL not exceeded.
Spring	SENW, sec 2 T24N, R65E	unknown	Grasses and grass-like										50%	Year-long	Met	Good Condition. Based on use pattern mapping AUL not exceeded.
Spring	SENW, sec 2 T24N, R65E	unknown	Grasses and grass-like										50%	Year-long	Met	Based on use pattern mapping AUL not exceeded.
Seep	SESW, sec 2 T24N, R65E	unknown	Grasses and grass-like										50%	Year-long	Met	Based on use pattern mapping AUL not exceeded.
Camp Spring	NWNE, sec 11 T24N, R65E	unknown	Grasses and grass-like										30%	Year-long	Not met	Based on use pattern mapping exceeded allowable use levels in 1986.

SAMPSON CREEK ALLOTMENT USE AREAS.





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1
Ely, Nevada, 89301



IN REPLY REFER TO:

4400.6
(NV-046)

FEB 5 1990

Dear Participant:

Enclosed for your information are the Management Action Selection Reports for the Tippet, Sampson Creek, Geyser Ranch, Dry Farm, and Batterman Wash Allotments. The report is the final section of the allotment evaluation, and completes the monitoring evaluation process.

The Management Action Selection Report addresses the primary concerns received from involved interests, lists the options considered during the evaluation, and identifies the management actions selected. The report also describes the rationale as to why those actions were selected.

This report is provided for your information only, and will be followed at a later date by a proposed multiple-use decision. This decision will be issued to actually initiate the chosen actions on the ground, and will specify the procedures for protest and appeal. A copy of the decision will be provided to those individuals and/or organizations that have participated in the monitoring evaluation process.

Sincerely,

Gerald M. Smith, Manager
Schell Resource Area