



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
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Steptoe Ranch Company
c/o Bill Davidson
P.O. Box 1077
McGill, NV. 89318

NOTICE OF FINAL MULTIPLE USE DECISION
FOR THE STEPTOE 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 Steptoe 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 1968 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 Steptoe Allotment. Input was received from the permittee and the state wildlife agency. 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 Steptoe Allotment.

A Proposed Multiple Use Decision for the Steptoe Allotment was issued on October 15, 1991. This Proposed Decision was protested by the Nevada Commission for the Preservation of Wild Horses on October 27, 1991. Subsequent discussions between the Commission and the Nevada State Office and Ely District, in addition to the BLM's agreement to changes from the proposed decision to this final decision dealing with wild horse forage allocation, appear to have met their concerns. In addition, a letter from Resource Concepts Inc. on behalf of the N-4 Grazing Board, dated December 11, 1991, was received well after the 15 day protest period. It presented no new pertinent information to require alteration of the final decision.

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

The analysis of monitoring data has revealed that the multiple use objectives for the Steptoe Allotment are not being met due to the existing grazing use by livestock. This analysis also shows that the existing management of wildlife and wild horses does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in livestock use and not to wildlife use. This decision also establishes the appropriate management level for wild horses in that portion of the Butte Herd Management Area within the Steptoe Allotment.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.6-1(a), the existing permitted livestock active use shall be changed to 2,836 AUMs, with 1,689 AUMs in suspended non-use. The preference is allocated by pasture as follows:

FROM: (existing permit)

Pasture	Livestock Number	Period	%PL	AUMs
Egan Bench	200C	3/1 - 4/30	50	201
N.Steptoec Seeding	134C	4/1 - 6/30	100	401
Dry Canyon	300C	4/16- 5/13	100	454
Shep Field	470C	6/16-10/15	5	94
Duckcreek Flat	75C	10/16-2/28	100	335
Duckcreek Flat	150C	11/16-2/28	100	518
Duckcreek Flat	25C	12/14-2/28	100	63
Duckcreek Flat	75C	1/16- 2/28	100	108
North Slough	400C	6/16- 9/30	43	605

TO:

Pasture	Livestock Number	Period	%PL	AUMs
Egan Bench	189C	3/1 - 4/30	50	189
N.Steptoec Seeding	83C	4/1 - 6/30	100	247
Dry Canyon	300C	4/16- 5/13	100	454
Shep Field	470C	6/16-10/15	5	94
Duckcreek Flat	73C	10/16-2/28	100	326
Duckcreek Flat	148C	11/16-2/28	100	511
Duckcreek Flat	24C	12/14-2/28	100	61
Duckcreek Flat	75C	1/16- 2/28	100	108
North Slough	361C	6/16- 9/30	43	546
S.Steptoec Seeding	100C	4/16- 6/30	100	300

In accordance with 43 CFR 4110.3-3(a) and (b), the total permitted grazing use will be adjusted from 2,779 AUMs to 2,836 AUMs in one increment, since the change is less than 10%. The adjustment will become effective during the 1992 grazing year (3/1/92). The Steptoec Allotment Management Plan (AMP) will be revised to incorporate the changes in the normal operation as indicated in this "Livestock Management Decision". The existing terms and conditions will remain in the grazing permit and are subject to change in accordance with 43 CFR 4130.6-2.

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

RATIONALE:

Monitoring studies, particularly use pattern mapping, show that some pastures in some years have cattle distribution and/or overstocking problems. The limited adjustments in pasture stocking levels listed above will alleviate these problems. Substantial reductions made in the late 1960's as well as establishment of the seedings have corrected many of the past resource problems and thus the recommendations are limited in scope. In general, most of the pastures will receive small reductions, which are more than offset by the establishment of the South Steptoe Seeding; thus, the allotment as a whole will receive an increase in overall grazing use of 57 AUMs. In addition, although the current ecological condition and plant communities are adequate for the allotment, continuance of cattle overutilization in those pastures where it occurs may jeopardize continuance of the appropriate seral stages.

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 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."

4110.3-1(b): "Additional forage available on a sustained yield basis for livestock grazing use shall first be apportioned in satisfaction of grazing preferences to the permittee(s) or lessee(s) authorized to graze in the allotment in which the forage is available."

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..."

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 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..."

APPEAL:

If you wish to appeal the livestock 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 within which to file an appeal with the Egan Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error.

WILD HORSE AND BURRO MANAGEMENT DECISION

The Egan Resource Area Rangeland Program Summary set no objectives for an appropriate management level for wild horses on the Steptoe Allotment, although the Butte HMA touches the mountainous western portion of the allotment. Since this allotment has historically received no wild horse use, this decision will establish the

appropriate management level (AML) for wild horses for that portion of the Butte Herd Management Area within the Steptoe Allotment at zero.

This decision does not alter present HMA boundaries and allows for future reevaluations should wild horse use occur in the allotment. The setting of wild horse numbers by allotment will eventually provide for an overall herd management area (HMA) wild horse AML, and gathers within allotments will not allow wild horse numbers to fall below the total HMA wild horse levels.

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

Adjustments in wild horse numbers will be made by future Butte Herd Area gathers based on continued monitoring in order to achieve and maintain the established AML.

RATIONALE: There is no evidence of wild horse use on this allotment with the exception of 4 horses observed from the ground, within the northern portion of the allotment, during the winter of 1987. Lack of consistent observations of wild horses on the allotment, indicates that what horse use has been made was a temporary displacement due to weather, forage, or water conditions. In addition, the small portion of the Steptoe Allotment that falls within the boundaries of the Butte HMA is mountainous and substantially isolated from the rest of the HMA.

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."

APPEAL:

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. 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 Statement of Reasons to the Board of Land Appeals and copy to the Regional Solicitor's office listed in Item 3 on the form. In addition, please provide this office with a copy of your Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

Gene L. Drais

Gene L. Drais, Manager
Egan Resource Area

	(Certified Mail #)
cc: Nevada Department of Wildlife	(#P 776 533 326)
U.S. Fish and Wildlife Service	(#P 776 533 327)
N-4 Grazing Board	(#P 776 533 328)
Resource Concepts Inc.	(#P 776 533 329)
International Society for the Protection of Mustangs and Burros	(#P 776 533 330)
Commission for the Preservation of Wild Horses	(#P 776 533 331)
Wilderness Society	(#P 776 533 332)
Natural Resources Defense Council	(#P 776 533 333)
Farm Bureau	(#P 776 533 334)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

1. Land Use Plan Objectives

- (a) Rangeland Management - "All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan." (Egan Resource Area Record of Decision (ROD), p. 3)
- (b) Wild Horses - "Wild horses will be managed at a total of 60 animals within the Butte HMA." (Egan ROD, p 6)
 - "Monitoring Studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives." (Egan ROD, p. 6)
- (c) Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by NDOW." (Egan ROD, p. 6)
 - "Forage will be provided for "reasonable numbers" of big game as determined by NDOW." (Egan ROD, p. 8)
- (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)

2. Rangeland Program Summary Objectives

- (a) "Provide forage for up to 1820 AUMs of livestock use. Maintain or enhance native vegetation with utilization not to exceed Nevada Rangeland Monitoring Handbook (NRMH) levels on key species. Maintain or improve current ecological condition of native range. Maintain seeding in good or better condition. Improve distribution on winter range." Utilization will not exceed 50% on native key species or 65% on crested wheatgrass (from AMP). Utilization will not exceed 60% on dormant season use of winterfat.
- (b) "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: deer - 493 AUMs, antelope - 15 AUMs. Maintain or improve mule deer yearlong and antelope summer habitats in good or better condition." Utilization of key species will not exceed the levels listed in a. above.
- (c) "Maintain habitat condition of meadows and riparian areas in good or better condition of pronghorn antelope, mule deer, and sage grouse. Utilization levels will not exceed 55% on perennial grasses and grass-like species and 45% on shrubs along stream riparian areas and mesic meadows."

- (d) "Protect sage grouse breeding complexes." This is accomplished by maintaining the big sagebrush sites within 2 miles of active strutting grounds for mid to late seral stage with a minimum of 30% shrub composition by weight.