



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

7-11-90
JUL 11 1990
TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:
4130 (NV-046)

JUL 11 1990

CERTIFIED MAIL NO. P 569 358 173
RETURN RECEIPT REQUESTED

Mr. Roy Shurtz
Box 1434
Elko, Nevada 89801

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE GEYSER RANCH 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 Geysers Ranch 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 1971 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 Geyser Ranch Allotment. Input was received from the landowner, the lessee, two wild horse groups, two wildlife agencies, two livestock interest groups, and three environmental interest groups.

See Appendices I, II, III, and IV 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 Geyser Ranch Allotment.

I have reconsidered the proposed multiple-use decision in response to the protests received and based upon this review of the reasons for protest and in light of other information pertinent to the case, the following modifications were made to the proposed decision:

Modify the wildlife objectives and allowable use levels to add greater clarification.

Modify the terms and conditions of the grazing permit.

THEREFORE, BASED UPON THE EVALUATION OF MONITORING DATA FOR THE GEYSER RANCH ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COOPERATION, AND COORDINATION, WITH THE PERMITTEE AND PUBLIC INTEREST GROUPS, AND CONSIDERATION OF PROTESTS TO THE PROPOSED DECISION, THE FINAL MULTIPLE-USE DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that the multiple use objectives for the Geyser Ranch 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 4130.6-1 (a), the current authorized livestock active use shall be changed:

FROM:

<u>Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>% PL</u>	<u>Active AUMs</u>
1,026	Cattle	03/01 to 02/28	100	12,308

[Note: The Geyser Ranch AMP, written in 1968 and revised in 1973 and 1978, established the management of livestock on this allotment. This revised AMP allowed the operator to run a maximum of 4,500 AUMs temporary non-renewable (TNR) without prior authorization from the BLM.]

TO:

Number	Kind	Period of Use	% PL	Active AUMs
1,209	Cattle	04/01 to 01/31	100	12,093
43	Cattle	11/01 to 03/31	100	215

(Note: The 4,500 AUMs TNR will no longer be allowed without prior authorization from the BLM. Any temporary use above preference will be based on availability of additional forage within the crested wheatgrass seedings, consistent with multiple-use objectives.)

Livestock use will be authorized by established units (refer to attached Map 1) not to exceed the carrying capacity as determined through the continued monitoring.

Authorized livestock use effective October 16, 1990 is as follows:

Area	No. & Kind	Period of Use	Active Aums
Unit I (North)	549 Cattle	4-01 thru 1-31	5,490
Unit II (Middle)	366 Cattle	4-01 thru 1-31	3,663
Unit III (South)	294 Cattle	4-01 thru 1-31	2,940
Bull (Winter) Pastures	43 Cattle	11-01 thru 3-31	215

In accordance with 43 CFR 4120.2(a), 4130.6-2, the following terms and conditions are hereby made a part of the grazing permit on the Geyser Ranch Allotment:

Management of livestock on the Geyser Ranch Allotment will be in accordance with the second revision of the Geyser Ranch AMP, dated 1978, as modified by the following management actions:

Livestock will be moved as prescribed in the four-pasture rest-rotation grazing system identified for each unit. Treatments will will be as follows:

- Treatment A, commence grazing on April 1, utilization not to exceed 60% on key species.
- Treatment B, grazing is deferred until grass phenology is in late boot stage, utilization not to exceed 60% on key species.
- Treatment C, grazing is deferred until grass phenology is in seed ripe stage, utilization not to exceed 60% on key species.
- Treatment D, rest from grazing yearlong. Treatments for the other pastures will be as follows:

- West and East Bull (Winter) Pastures, commence grazing on/or after November 1 thru March 31, utilization not to exceed 45% on key shrubs and 55% on key grasses.
- Riparian Pasture, after pasture fence is constructed in 1991, grazing will be allowed from April 1 thru June 30, with 175 AUMs available for livestock use, utilization not to exceed 30% on aspen and willow and 50% on grass and grass-like species along North Creek and Geyser Creek.

When livestock are moved out of a pasture, gates will be closed; however, gates will be left open between pastures 3 and 6, pastures 6 and 7, and pastures 9 and 10, when cattle are in neither of the two pastures to allow free movement of wild horses within the HMAs. Water will be turned on in pasture 6 seven days before cattle are scheduled to be moved into the pasture. This will facilitate free movement of wild horses between pastures 6 and 7.

Salt will be placed at least 1/4 mile from water, and livestock will be herded to improve distribution.

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

When yearling cattle are used, animal unit computations will be based on one (1) yearling month being equivalent to one (1) cow month.

Future monitoring data will be evaluated in the third and fifth year following this decision to determine if any 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 management practices must be modified to meet the multiple use management objectives for the Geyser Ranch Allotment as identified in Appendix I, II, III, and IV. Increased intensity of management (construction of a riparian pasture, and other management practices) will provide needed control of grazing use to maintain the riparian and aquatic condition on North and Geyser Creeks, to improve the condition of rocky mountain bighorn sheep range, and to allow other 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."

4120.2(a): "The allotment management plan shall include terms and conditions under sections 4130.6, 4130.6-1, 4130.6-2 and 4130.6-3 of this title, and shall prescribe the livestock grazing practices necessary to meet specific multiple-use management objectives."

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 sections 4110.3, 4110.3-1 and 4110.3-2."

4130.6-2: "The authorized officer may specify in grazing permits and leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

APPEAL:

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

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse numbers at an appropriate management level of 16 on that portion of the Dry Lake Herd Management Area and 48 on that portion of Wilson Creek Herd Management Area within the Geyser Ranch Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Geyser Ranch Allotment shall be managed at 16 animals on the Dry Lake Herd Management Area and 48 animals on the Wilson Creek Herd Management Area.

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 16 animals on that portion of the Dry Lake Herd Management Area and 48 animals on that portion of the Wilson Creek Herd Management Area within the Geyser Ranch Allotment will be removed.

RATIONALE: The analysis and evaluation of available monitoring data indicates that management actions for wild horses must be modified to meet multiple use management objectives on the Geyser Ranch Allotment as identified in Appendix I, II, III and IV. The data indicates that only wild horse use contributed to documented resource damage on the Grassy Mountain area of the Dry Lake Herd Management Area. There was no spatial overlap since the Grassy Mountain area was in livestock nonuse at the time of resource damage. Monitoring data indicates that there are 768 AUMs available for wild horse use in the Geyser Ranch Allotment (192 AUMs in the Dry Lake Herd Management Area, and 576 AUMs in the Wilson Creek Herd Management Area). The removal of excess wild horses is necessary to establish and maintain a thriving natural ecological balance and prevent a deterioration of the rangeland resources.

AUTHORITY: The authority for this decision is contained in Sec. 3(a) and (b) of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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

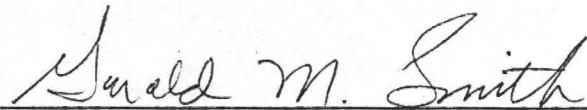
4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

APPEAL:

43 CFR 4770.3 states in part:

"Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal in accordance with 43 CFR 4.4 within 30 days of receipt of the written decision."

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



Gerald M. Smith, Manager
Schell Resource Area

	(Certified Mail #)
cc: Natural Resources Defense Council	(#569 358 174)
U.S. Fish and Wildlife Service	(#569 358 175)
Nevada Department of Wildlife, Region II	(#569 358 176)
Animal Protection Institute of America	(#569 358 177)
Wild Horse Organized Assistance	(#569 358 178)
Commission for the Preservation of Wild Horses	(#569 358 179)
Rangeland Data Source	(#569 358 180)
Nevada Cattlemen's Association	(#569 358 181)
Nevada State Grazing Board, N-4	(#569 358 182)
Nevada Outdoor Recreation Association	(#569 358 183)
Sierra Club, Toiyabe Chapter	(#569 358 184)
Nevada Department of Wildlife, Region III	(#569 358 185)
Resource Concepts, Inc.	(#569 358 186)
Marvel & Hansen, Attorneys at Law	(#569 358 187)
Western Range Service	(#569 358 188)
William F. Schroeder P.C.	(#569 358 189)
Geysers Ranch LTD	(#569 358 190)

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 levels (AUL) by season of use to improve or maintain the desired vegetation 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 is to be accomplished by managing the allowable use levels (AUL) for wild horses by season to improve or maintain the desired vegetation community.
- b. The long term objective is to manage for the most appropriate seral stages 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 use on key species listed for mule deer range to 55 percent for native perennial grasses, grass-like plants and forbs; and to 45 percent for shrubs yearlong.
- b. The long term objective is to improve or maintain the habitat condition of key/crucial areas in good or excellent condition.

4. Pronghorn Antelope

- a. The short term objective is to limit use on key species listed for pronghorn antelope range to 60 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 the appropriate vegetation quantity and quality.

5. Elk
 - a. The short term objective is to limit use on key species listed for elk to 55 percent for native perennial grasses and 60 percent for seeded perennial grasses yearlong.
 - b. The long term objective is to manage the native range for late mid seral stage to the Potential Natural Community (PNC) with high diversity of forage species.
6. Rocky Mountain Bighorn Sheep
 - a. The short term objective is to limit use on key species listed for rocky mountain bighorn sheep to 55 percent for native perennial grasses yearlong.
 - b. The long term objective is to manage the native range for late mid seral stage to the Potential Natural Community (PNC) with high diversity of forage species.
7. 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.
8. Stream Habitat
 - a. The short term objective is to limit use to 30 percent on aspen and willow and to 50 percent on grass and grass-like species along North Creek and Geysir Creek.
 - b. The long Term objective is to maintain bank cover and bank stability at over 60 percent of optimum on North Creek and Geysir Creek.
9. 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 objective is to manage all wet meadows for late seral stages (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs); and to manage all stream riparian areas for good to excellent condition (based on greater than 50 percent cover of riparian plant species and rock).

APPENDIX II: Site Specific Allotment Objective

ALLOTMENT: Geysers Range - Native Range (Livestock & Wildlife)

Study No.	Key Area Location	Ecological Site No.	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	
GRR1 1)	North Creek	028BY038NV Mt. Ridge 12-16"	POSE-4%	Grasses- 9% Forbs -13% Shrubs -78%	Mid. (44%)	Improve	POSE-6-10% Grasses-20% Forbs -12% Shrubs -68%	early late	55%	Y/L	Met	Allowable use level not exceeded

1) Study area representing livestock and wildlife use.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Geyser Ranch - Seeding (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				Key Spp % Comp By Cover	Livestock Forage Condition)	Maintain or Improve	Key Spp % Comp By Cover (not Less than)	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	Rationale
4-10 1)	Pasture 1 West	N/A	AGCR	55	Good	Maintain	55	N/A	60	Y/L	Not Met	70% Use 1985
4-9 1)	Pasture 1 East	N/A	AGCR	99	Good	Maintain	95	N/A	60	Y/L	Not Met	70% Use 1985
4-13 1)	Pasture 2 North	N/A	AGCR	100	Good	Maintain	95	N/A	60	Y/L	Not Met	70% 1983 70% 1984
4-15 1)	Pasture 3 North	N/A	AGCR	100	Good	Maintain	95	N/A	60	Y/L	Not Met	61% use in 1983, 1984

1) Study area representing livestock use.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Geysers Ranch - Seeding (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				Key Spp % Comp By Cover	Livestock Forage Condition	Maintain or Improve	Key Spp % Comp By Cover (not Less than)	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	Rationale
4-20 1)	Pasture 4 North	N/A	AGCR	50%	Good	Maintain	50%	N/A	60	Y/L	Not Met	AGCR 70% 1985
4-21 1)	Pasture 4 East	N/A	AGCR	100%	Good	Maintain	95%	N/A	60	Y/L	Not Met	AGCR 70% 1985
4-23 1)	Pasture 4 West	N/A	ORHY PUTR	24% 73%	Good	Maintain	24% 73%	N/A	60	Y/L	Met	Allowable use levels not exceeded
4-22 1)	Pasture 5 West	N/A	AGCR	100%	Good	Maintain	95%	N/A	60	Y/L	Met	Allowable use levels not exceeded
4-24 1)	Pasture 5 East	N/A	AGCR	89%	Good	Maintain	89%	N/A	60	Y/L	Not Met	AGCR 61% Use 1985
4-41 1)	Pasture 6 West	N/A	ELJU	100%	Good	Maintain	95%	N/A	60	Y/L	Met	Allowable use levels not exceeded

1) Study area representing livestock use.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Geysers Ranch - Seeding (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				Key Spp % Comp By Cover	Livestock Forage Condition	Maintain or Improve	Key Spp % Comp By Cover (not Less than)	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	Rationale
4-42 1)	Pasture 6 East	N/A	ELJU	75%	Good	Maintain	75%	N/A	60	Y/L	Met	Allowable use not exceeded
4-40 1)	Pasture 7 West	N/A	ELJU	53%	Good	Maintain	53%	N/A	60	Y/L	Met	Allowable use not exceeded
4-39 1)	Pasture 7 East	N/A	AGCR	100%	Good	Maintain	95%	N/A	60	Y/L	Met	Allowable use not exceeded
4-35 1)	Pasture 8 South	N/A	AGCR	20%	Fair	Improve	20%	N/A	60	Y/L	Met	Allowable use not exceeded
4-25 1)	Pasture 8 West	N/A	AGCR	46%	Good	Maintain	46%	N/A	60	Y/L	Met	Allowable use not exceeded
4-30 1)	Pasture 8 Central	N/A	AGCR	51%	Good	Maintain	51%	N/A	60	Y/L	Met	Allowable use not exceeded

1) Study Area representing livestock use.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Geyser Ranch - Seeding (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				Key Spp % Comp By Cover	Livestock Forage Condition	Maintain or Improve	Key Spp % Comp By Cover (not Less than)	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	Rationale
4-31 1)	Pasture 8 North	N/A	AGCR	41%	Fair	Improve	41%	N/A	60	Y/L	Met	Allowable use not exceeded
4-34 1)	Pasture 9 West	N/A	AGCR	83%	Good	Maintain	83%	N/A	60	Y/L	Met	Allowable use not exceeded
4-36 2)	Pasture 10 North	N/A	AGCR	6%	Poor	Improve	6%	N/A	60	Y/L	Not Met	AGCR 81% 1981 70% 1985
4-19 1)	Pasture 10 South	N/A	AGCR	100%	Good	Maintain	95%	N/A	60	Y/L	Met	Allowable use not exceeded
4-17 1)	Pasture 11	N/A	AGCR	100%	Good	Maintain	95%	N/A	60	Y/L	Met	Allowable use not exceeded

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

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Geysers Ranch - Seeding (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				Key Spp % Comp By Cover	Livestock Forage Condition	Maintain or Improve	Key Spp % Comp By Cover (not Less than)	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	Rationale
4-18 1)	Pasture 12 North	N/A	AGCR EULA	20% 50%	Good	Maintain	20% 50%	N/A	60	Y/L	Not Met	Use on AGCR 61 1984
4-38 1)	Pasture 12 West	N/A	AGCR	56%	Good	Maintain	56%	N/A	60	Y/L	Met	Allowable use not exceeded
4-37 1)	Pasture 12 South	N/A	AGCR	60%	Good	Maintain	60%	N/A	60	Y/L	Met	Allowable use not exceeded
4-11 1)	West Winter Bull Pasture	N/A	EULA ORHY	37% 15%	Good	Maintain	37% 15%	N/A	50/30 55/50	Winter/ Spring	Not Met	Use exceeded in 1983/ 1984
4-12 1)	East Winter Bull Pasture	N/A	EULA ORHY	42% 13%	Good	Maintain	42% 13%	N/A	50/30 55/50	Winter/ Spring	Not Met	Use on SIHY 65% 83, 70% 84 EULA-65%-83

1) Study Area representing livestock use.

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Geysers Ranch (Riparian)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				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	Rationale
Grassy Spring (Complex)	T. 6 N., R. 65 E., Sec. 22 NE1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Not Met	Utilization exceeded allowable use level.
Jasper Spring	T. 7 N., R. 64 E., Sec. 34 SW1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition
Spring Complex	T. 7 N., R. 64 E., Sec. 34	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Allowable use level not exceeded
Roadside Spring	T. 8 N., R. 65 E., Sec. 5 NE1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Allowable use level not exceeded (exclosure around spring)
Milk Ranch Spring	T. 8 N., R. 65 E., Sec. 19 SW1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition
Spring Complex	T. 8 N., R. 65 E., Sec. 19	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Geyser Ranch (Riparian)

Study No.	Key Area Location	Ecological Site No.	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	
Graham Spring	T. 9 N., R. 65 E., Sec. 7 SE1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Lush
Dupont Spring	T. 9 N., R. 65 E., Sec. 8 SE1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition
Schwartz Spring	T. 9 N., R. 65 E., Sec. 19 SW1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Lush
Spring Complex	T. 9 N., R. 65 E., Sec. 31	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition, very lush
Campbell Spring	T. 10 N., R. 65 E., Sec. 18 NE1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Not Met	Utilization exceeded allowable use levels at time of water resources inventory in 1982.
North Creek Spring Complex	T. 10 N., R. 65 E., Sec. 19	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Geyser Range (Riparian)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE			
				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	Rationale
Geyser Spring	T. 10 N., R. 65 E., Sec. 34 SW1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition
Deer Track Spring	T. 10 N., R. 64 E., Sec. 12 SW1/4	Unknown	Grasses and grass-like	No ecological status survey completed to date					50%	Yearlong	Met	Good condition

APPENDIX IV: Site Specific Allotment Objectives

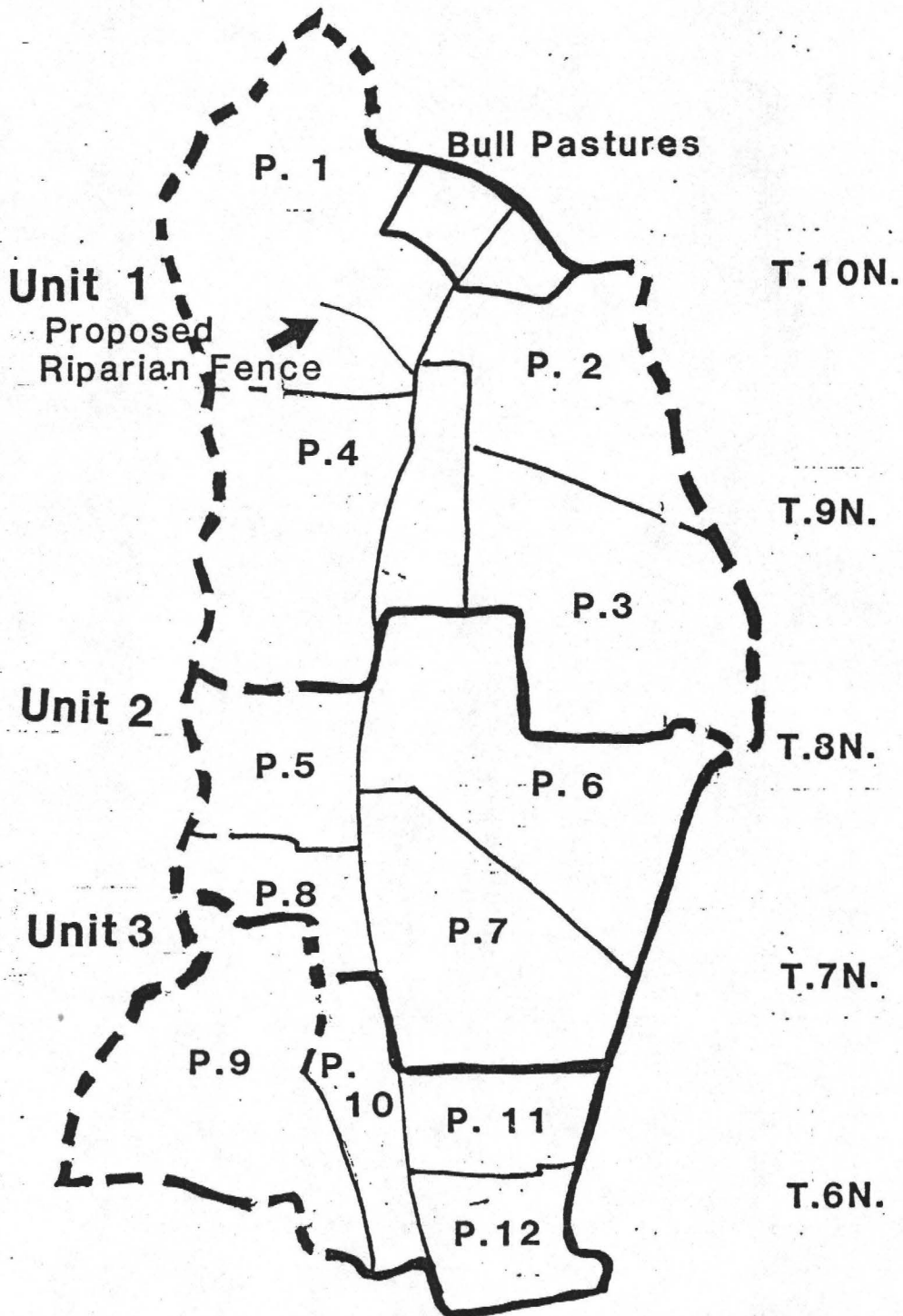
ALLOTMENT: Geyser Ranch (Wildlife & Stream Habitat)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE		SHORT TERM OBJECTIVE				
				Habitat Condition Rating 1/		Maintain or Improve	Habitat Condition Rating 1/	Allowable Use Level	Season of Use	Met or Not Met	Rationale	
KDW-22A	Dutch John sec. 14, T. 7 N., R. 65 E.,	Unknown	COME	51% Fair		Improve	61% Good	20%	By 11/1	Not Met	Utilization exceeded AUL	
								35%	Yearlong		82-83 = 67% 83-84 = 47%	
KDW-22B	Grassy Spring T. 6 N. R. 65 E.	No Studies established to date										
KDS-22B	Robbers Roost sec. 12, T. 10 N., R. 64 E.,	South Slope 12-16"	CREPI AMELA SYMPH	63% Good		Maintain	63% Good	55% 45% 45%		Met	Allowable use levels not exceeded	
KDS-22C	Patterson Pass sec. 19, T. 9 N., R. 65 E.,	Mt. Ridge 16-22"	CREPI LUPIN SYMPH	75% Good		Maintain	75% Good	55% 55% 45%		Met	Allowable use levels not exceeded	

1/ For Mule Deer, habitat condition is based on browse vigor rating and forage quality rating; for pronghorn antelope, habitat condition is based on vegetation quality rating, diversity index, and vegetation quantity rating; and for perennial streams, habitat condition is based on bank cover and bank stability.

MAP 1

GEYSER RANCH ALLOTMENT (01101)



R.64E.

R.65E.

R.66E.

FENCED BOUNDARY
UNFENCED BOUNDARY

API

7-25-90

p.15 allotment

File Name Cypre Disk Eval 90
 Type/spell check Code 2
 Approval
 Correct/(format), Proof & Print
 Sign & Mail
 Corrections: /

July 25, 1990

Interior Board of Land Appeals
 Office of Hearings and Appeals
 4015 Wilson Blvd
 Arlington, VA 20003

A P P E A L No. 04-90-1
 IBLA 89-206

[WILSON CREEK REMOVAL PLAN
 ELY BLM DISTRICT, NEVADA]

Multiple use

word

Geyser Allotment Evaluation
 Final Decision Appeal

Dear Sir:

The Ely BLM District proposed to remove horses from the Wilson Creek HMA and Dry Lake HMA, first in 1989, again January 5, 1990. The justification for the removal decision refers to monitoring data that are part of the allotment evaluation monitoring program. Both the Wilson Creek HMA and the Dry Lake HMA extend into the Geyser Allotment. When the Geyser Allotment evaluation summary was made public, API appealed it to go with the Removal Plan to show that it does not contain the needed monitoring to justify the proposed removal. Ely BLM informed API that our proper action was simply to protest to them since they had not yet made a final decision on the allotment evaluation. Our protest letter was included with our appeal to IBLA (both dated May 10, 1990).

Now, BLM has issued their final decision for the Geyser Allotment. NOW, WE DO APPEAL THE FINAL DECISION. Our complaint is that this reduction is

from wild horse actual use unsupported by monitoring; while, for livestock, the decision simply cancels the unauthorized usage of 4,500 AUMs.

The final decision eliminates the permittee's use of 4,500 AUMs that were used without prior authorization from BLM. These 4,500 AUMs were referred to in the 1981 Management Framework Plan as surplus (e.g., above the need of both the horses, present at the time, and livestock preference licensed to the permittee.) The MFP recommendation was to grant these surplus AUMs to wild horses. If a proper decision on the use of the 4,500 surplus AUMs had been made, we feel certain that the Ely-BLM decision would have been to split the surplus AUMs between the three major users in keeping with the Resource Area's commitment to multiple use. The 1981 MFP reiterates that commitment time and again.

Now, the final decision simply goes back to the adjudicated preference of the permittee: from 12,308 AUMs to 12,093 AUMs plus 215. (The additional 215 AUMs cover 43 bulls.) The monitoring data show 5656 AUMs authorized in Unit I (the final decision allows 5,490 in Unit I); 2739 authorized in Unit II (the final allows 3,663 in Unit II); 2027 AUMs authorized in Unit III (the final allows 2,940 in Unit III). These numbers add up to 10,422 AUMs authorized usage being changed in the final decision to 12,093 plus 215 authorized usage. This is an increase in authorized usage. There is nothing in the monitoring data to show where the unauthorized usage (that was covered by the 4,500 TNRs) occurred, or what kind of usage was occurring in what pasture on what kind of schedule. BLM stopped monitoring the Geyser Allotment in 1985.

The final decision for wild horses is to immediately reduce their numbers because, BLM says, their monitoring indicates that only wild horse use contributed to documented resource damage on the Grassy Mountain area since livestock were in nonuse at the time of resource damage. But, if unauthorized use, covered by TNRs, and not regular, scheduled, authorized use was occurring and BLM did not monitor this unauthorized use, we question that there has been no livestock use in areas where trampling, overutilization and other damage is reported in the HMA portion of the allotment. BLM's current final decision says that their monitoring indicates there are 768 AUMs available for wild horses, which amounts to 192 AUMs for the Dry Lake Herd and 576 AUMs in the Wilson Creek HMA.

But no data that could be related to wild horse use have been collected since 1984. And since 1984, BLM has removed horses from this area. There are no data to show the impact of the remaining horses between 1984 and 1989. In their statement to the State Director (page 5) they say that monitoring data from 1982 to the present time is the basis for determining proper

grazing preference for livestock and optimum numbers for wild horses. On page 7, (Para. 1, line 8) they say:

"As stated earlier, optimum numbers of wild horses were established through monitoring studies, as was the carrying capacity of the range see Attachment No. 8 and 9."

When BLM refers to "monitoring" wild horses up to the present time, the only data they present are the census counts as actual use and not utilization data. We are attaching No 8 and 9 herewith to show that, in fact, they contain no utilization data after 1985 in those areas identified as used by horses (Pastures 3, 9 and 10) and they do not include the 4,500 AUMS above the authorized number.

Appendix 1 of their evaluation states that the Grassy Springs Complex utilization exceeded the 50% allowable use but they give no date for that statement. The actual data sheets show no information later than 1985.

According to the URA narrative and BLM's own recommendations in the MFP, dated 1981:

Domestic livestock graze portions of the Dry Herd Unit on a yearlong basis creating competition for forage with wild horses. Utilization of vegetation by livestock in seasonal use areas grazed by horses causes a conflict between the two classes of animals. Movement of horses is blocked or impeded by several fences in the Dry Herd Management Area. Horses utilize water sources and forage in the vicinity of Grassy Mountain and Steward Allotment frequently. The Grassy and Steward Allotment fences prevent movement of horses through this region. Muleshoe Drift Fence also creates a conflict with the migratory patterns of wild horses as do the Lake Valley Unit Fence and the Dutch John Fence.

[The MFP decision was to remove or open-up these fences to allow free movement of wild horses. There is no indication that this was done.]

On Page 32, it says: "Forage should be secured for wild horses in the Dry Lake Herd Unit. Reservations of forage for existing numbers total an approximate 760 AUMs. An additional 4503 AUMs are available to support another 375 horses. This surplus will maintain future increases and/or horses redistributed into the Dry Lake HMA. Wild horses are an integral part of these rangelands and adequate amounts of forage are required..."

[BLM did not allocate forage for horse and the 760 AUMs would have provided for the number used as a starting point to begin monitoring to determine the appropriate management level. Today they are reducing to 760 as if they had that monitoring data to determine the appropriate management level.]

The MFP also says: "Another improvement has been requested in the Grassy Mountain Allotment where trampling is occurring at the source. A pipeline from Steward Spring (T 6 N, R 65 E, Sec. 21) to Muleshoe Valley Reservoir, an estimated three and a half miles southwest, would relieve trampling at the source. A trough or tank could be placed away from the spring to redirect animals to the available water and a fence erected around the source."

The MFP Decision WH 1.3 says: Reservations of forage for wild horses are required to support the existing population within each herd unit; however, when all available AUMs have been allocated in the Antelope Herd Unit, those horses unable to be maintained on available forage will have to be redistributed into an area which will provide adequate vegetation until forage production increases. A surplus of AUMs in the Wilson Creek, Seaman, and Dry Lake Herd Units will accommodate the transfer of these horses from Antelope HMA.

"Dry Herd, Seasonal Use Areas. Horses in this herd area occupy lands west of US Highway 93 to State Route 138 on the west. The area extends from the Las Vegas District north to the southern end of Cave Valley and the southern end of Dutch John Mountain. The two main concentration areas are the southern end of the Fairview Range on the east side of Dry Lake Valley, and the Red Mountain area south of Coyote Springs on the west side of Dry Lake Valley. Lesser concentration areas occur on the Bristol Range, Grassy Mountain, and the Sidehill Pass area...Horses in the northern half[this would include the Geyser Ranch Allotment portion of the HMA] of the herd area appear to retreat to the upper Pinyon-juniper covered benches during the winter because more moisture is generally received in the higher, timbered areas where climatic conditions are more harsh. Horses in the Dry Herd appear to be more stationary in nature and their movements can generally be described as moving closer to permanent water sources during the summer and further away from these sources as moisture conditions allow them to."

In the MFP Decision WH-2.7, Ely-BLM says: Insure that wild horse needs and habitat requirements are met in determining all management actions such as: livestock grazing, permits, licenses, allocations of forage, and wildlife habitat.

"Close coordination with any management action should be required for full consideration of wild horse needs. Unless the necessary requirements for wild horses are provided i.e. forage, water, cover and living space, their survival may be endangered...This recommendation reiterates BLM multiple use management policy and is the essence of the planning system."

[There is nothing in the current decision that reflects Ely-BLM's original decision or this statement of commitment to the long-term planning and management process under the multiple use principles of FLPMA, which, we understand, to be Nevada State Policy.]

In reading BLM's own account of this area, they state very clearly that trampling was occurring around the Grassy Spring (T 6 N., R 65 E., Sec. 21) area back in 1981 when livestock were in the area. Appendix 2 attached to the final decision shows 41 study areas; of which, objectives are not met in 11 areas.

BLM's own summary of their monitoring data for the Geyser allotment, says:

"Seven of the nine land use plan objectives for the allotment are not being achieved under the current management practices. Therefore additional actions and/or adjustments in management actions are necessary...The primary problems are identified as overutilization and poor distribution of cattle on crested wheatgrass seedings, overutilization on native ranges; trampling of spring riparian areas by wild horses....North Creek and Geyser Creek are in good condition but the trend is down due to improper use."

[The data show horses in only one spring area where trampling was reported in 1981. At that time the recommendation was to pipe water and fence the spring to correct this resource damage. It was not done. Not only did this known damage go uncorrected but, by the term: "improper use," we assume BLM is alluding to the unauthorized use of 4,500 AUMs by the permittee. Their own recommendation nearly ten years ago for the Grassy Springs was to pipe waters and fence the springs for the benefit of wild horses. No such mitigating consideration is made for wild horse today.]

Both Muleshoe and Dutch John water sites were monitored for wildlife and both show actual utilization as less than 55% allowable use in 1985 and 1986. [The key species--ORHY:Indian ricegrass--would typically be a wild horse key species also; which is to say, if horses were in the area they would be eating Indian ricegrass. If horses are in these areas they are

not overutilizing the key species. If they are not in these areas it is because fences prevent their use of these areas.]

In their explanation to the State Director, BLM repeatedly refers to the "fact" that their monitoring substantiates their claims, their monitoring supports their decisions, and it is through their monitoring that horses are shown to contribute to deterioration of the range. The data, which are included with our information, show no monitoring after 1985.

The data they supply includes only the following pre-1985 information:

In Unit 1 (Pastures 1-4) they show total utilization at 70 percent;

Unit 11 (Pastures 5-8) utilization is at 70 percent;

Unit 111 (Pastures 9-11) utilization is 70 percent.

But in those pastures where horses are shown to graze, there is no data for Unit 1, Pasture 3; in Unit 11, only 36 AUMs are granted to wild horse; in Unit 111, horses are in Pastures 9 and 10, there are no data for pasture 9, and 70 percent utilization for pasture 10 in 1985.

Because movement is such a critical factor in wild horse behavior, and BLM's own Management Framework Plan mentions this and recommends removing fences to encourage free movement where it is impeded, the number of AUMs ascribed has very little to do with the reality of how many horses are there, how long they are there, when they are there or whether they cause the 70 percent overutilization that is occurring where it is occurring. If BLM were to grant 670 AUMs, they do not specify the number of horses it is to support. Lack of movement information precludes their making such a determination because they don't know how long horses are in a given area inside or outside the allotment or what numbers merely trail through nor do they estimate grazing capacities where horses are found or where they will be found if impeding fences were opened or removed. They have proposed allowing 769 AUMs as if horses were stationary objects in one place for 12 months. The proposed 760 AUMs cannot be a determination of the number of horses that would be in excess in a given area unless movement is known. For instance, 760 horses might trail through the area or 250 horses might spend three months in the area. Both numbers would amount to a 760 AUM demand of the area. Furthermore, nothing substantiates the claim that it is wild horses that caused the trampling in riparian areas and/or around the Grassy Springs where trampling was reported as long ago as 1981.

The data do not support a wild horse reduction and cannot justify a removal. But they do support a reduction in grazing usage since the multiple use objectives are not being met.

We feel that there is special meaning in the sentence: "This revised AMP allowed the operator to run a maximum of 4,500 AUMs temporary non-renewable (TNR) without prior authorization from the BLM." We believe it is in need of further explanation and perhaps a serious investigation. If there was unauthorized usage, that is, trespass cattle, which BLM covered by granting TNRs from the surplus this is unusual. We are aware that BLM does often grant TNRs as an expedience to cover unauthorized usage when the permittee cannot locate every cow at take off time. We have no criticism of this because it allows the permittee to take care of his herd then return to search for the missing. Our experience is that most permittees make the search effort. But 10-12 TNRs is a far cry from 4,500 and evidently occurring year after year. Because such a practice is incongruous with the Nevada State policies on multiple use as well as the Resource Area staff's own MFP recommendations, comments, reports, and multiple use decisions, we would want to know if Ely BLM was ordered by "higher-ups" to issue TNRs when the permittee was actually in violation of his authorized, licensed use or if some other extenuating circumstance is behind it.

If we were asked how BLM should make a fair decision today, we would say forage for the existing number of horses should be provided and to this one-third of the 4,500 surplus AUMs should be added as a proper stocking level to begin monitoring to determine the appropriate management level for the entire HMA. We would also prioritize the piping of water from the Grassy Spring to allow for recovery from trampling and take down the fences in keeping with the MFP decision.

For livestock, we would subtract the 4,500 AUMs from preference, then make the proper reductions based on the current grazing capacity estimates.

Because the monitoring does not support a reduction in wild horse numbers, we ask IBLA to order (1) an allowance of forage for the existing number of wild horses (plus one-third of the 4,500 previous surplus) in the Geyser Ranch portion of both the Dry Lake HMA and the Wilson Creek HMA as a starting point to begin monitoring; (2) immediately reduce livestock preference by the 4,500 AUMs then adjust down to grazing capacity; and (3) to begin immediately the piping of waters and fencing the spring as well as opening up the fences to allow full movement to horses throughout the area as described in the narrative portion of the Unit Resource Analysis documents and agreed to

401
in accord =
"MFP" URA

in the MFP decisions for both HMAs. With regard to the authorization of 4,500 TNRs, we believe the Nevada State Office should investigate and report their finding to the IBLA with recommendations of whether or not the grazing permit should be cancelled. We ask IBLA to order this be done.

Sincerely,

Nancy Whitaker
Animal Protection Institute

WH&B MANAGEMENT INITIATIVE

In an effort to obtain a better understanding of the total WH&B program, prevent the reoccurrence of negative events, and most importantly emphasize positive accomplishments, the Nevada BLM must implement a viable program of habitat and population management practices. These practices must be positive in nature, designed to facilitate the attainment of established LUP objectives, technically sound, and reflect actual accomplishment that is measurable to the public.

Attainment of WH&B management will be through developing knowledge and understanding of the habitat and the animals in order to determine and maintain an optimal management level consistent with a thriving natural ecological balance and multiple use relationship in the area within the framework and guidance of the LUP.

In order to obtain this knowledge under existing funding and personnel capability, Herd Management Areas must be prioritized, so that monitoring studies can be established which will sufficiently evaluate HMA objectives. This means that in some instances, selected HMAs will have limited monitoring and management. Prioritization should be closely associated with the allotment categorization identified in the LUP. Priorities may deviate from allotment categorization as new resource conflicts are discovered. If HMA priorities need to be changed, such changes should be accomplished with the knowledge that in some areas where monitoring studies have been established, a lack of consistency will occur due to an interruption in the collection of data.

Once this knowledge and understanding is obtained, alternative management options/practices can be identified. Habitat management/improvement practices involve a variety of activities including but not limited to: water development to allow improved use of habitat, vegetation manipulation to increase forage production, fence modification, and in limited instances, fence construction. These options should be presented in allotment evaluations and brought forth into the alternatives analyzed in Environmental Assessments associated with Herd Management Area Plans and removal actions.

To the level necessary to develop these management options, a minimum level of monitoring studies must be established. The minimum recommended studies necessary to evaluate HMAs and other areas where wild horses and burros exist and required to make subsequent technical recommendations are:

1. Utilization/Use Pattern Mapping
2. Actual Use/Seasonal Animal Distribution - Census, on-the-ground observation, young-adult actual use transects
3. Climate
4. Water location, type, quantity, time, availability (land status and water rights)
5. Space (fences, natural barriers, human encroachment)
6. Horse Condition

Other studies to be considered for the long term analysis of animals and their habitat should be initiated as capability allows but are of lower priority. These studies include:

1. Ecological Status Inventory
2. Soil Survey
3. Trend Studies - Frequency, Apparent Trend, etc.
4. Water quality and accessibility
5. Water Development Status and Potential
6. Population Dynamics - Reproduction Rates, Mortality Rates, Sex Ratios, Young/Adult Ratios, Age Structure, etc.
7. Animal Characteristics
8. Genetic Diversity