

12/17/97



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408

In Reply Refer To:
#274561

DEC 17 1997

Dear Mr. Stathes:
HC 33 Box 33910
Ely, NV. 89301

Your application to transfer grazing privileges from Marvin Jessen to you on the Schellbourne Allotment (0407) was received on November 13, 1997. The signed "Acceptance of Terms and Conditions" form was also received on December 16, 1997. Based on your application, we propose to offer you a ten year term grazing permit for the period 1998 to 2008.

The new grazing regulations require the authorized officer to consult, cooperate, and coordinate (CCC) with affected permittees, the State agencies responsible for managing resources within the area, and the interested public prior to the issuance of grazing permits (43 CFR 4130.2(b)). Therefore, a copy of this letter and a copy of the acceptance form will be sent to individuals, groups or organizations that have expressed an interest in the management of livestock grazing on the Schellbourne Allotment. **The interested public(s) is being asked to provide comments by January 9, 1998.**

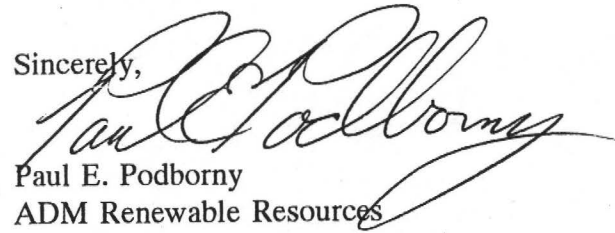
The terms and conditions outlined in the enclosed acceptance form are those which have historically appeared on previous annual licenses and permits authorizing grazing use in these allotments. The Schellbourne Allotment is within the Antelope Wild Horse Herd Management Area (HMA).

The terms and conditions outlined are also consistent with the Egan Resource Area Record of Decision and the Egan Rangeland Program Summary. The impacts of livestock grazing under these terms and conditions have been analyzed in the Egan Resource Management Plan Environmental Impact Statement.

If we propose to change the terms and conditions of your grazing permit, following the comment period, we will keep you and other interested parties informed. If we determine that it is necessary to offer you this permit via proposed decision, it will be sent to the interested public(s) and will include a 15-day period for protest and a 30-day period for appeal.

If you have any questions please contact John Longinetti, your assigned Range Management Specialist for the Schellbounre Allotment, at 702-289-1887.

Sincerely,



Paul E. Podborny
ADM Renewable Resources

Enclosures: Acceptance of Terms and Condition

**ACCEPTANCE OF TERMS AND CONDITIONS
REQUEST FOR GRAZING PERMIT**

I, Herbert Stathes, agree to accept the Terms and Conditions listed below and request that I be offered a Grazing Permit to graze the allotment in which I have a grazing preference.

TERMS AND CONDITIONS:

Schellbourne Allotment (0407):

1. The total number of animal unit months of specified livestock use (cattle) on the Schellbourne Allotment is 685 AUMs. Season-of-use is from March 1 to May 15 and October 15 to February 28.

General

2. Signed actual use statements for the period 3/1 to 2/28 are due yearly by 3/31.
3. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer."


Signed: _____

Herbert Stathes

12/12/97

Date

5:05

Cathy -
Call from John Longinetti - Ely BLM -
"Schelbarne Allotment is
category m."




United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:
4700 (NV-042)

JUN 14 2001

Dear Interested Public:

The Ely Field Office is continuing to establish the remainder of its wild horse herd management area (HMA) appropriate management levels (AMLs). Enclosed are the Notice of Proposed Multiple-Use Decision for the Thirty Mile Spring Allotment Portion of the Butte Wild Horse Herd Management Area and the Notice of Proposed Multiple-Use Decision for the Maverick Springs Allotment and the Thirty Mile Spring Allotment Portions of the Buck and Bald Wild Horse Herd Management Area.

Establishing the wild horse AML for the Thirty Mile Spring Allotment portion of the Butte and Buck and Bald HMAs and the Maverick Springs Allotment portion of the Buck and Bald HMA will complete the establishment of the overall AML for the Butte HMA and the Buck and Bald HMA. The total established AML for the Buck and Bald HMA is 423 wild horses yearlong. The total established AML for the Butte HMA is 95 wild horses yearlong.

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

Monitoring data indicates adjustments to livestock grazing use are not needed. Current grazing use conforms to the standards for grazing administration. Forage for wild horses will be apportioned at the current level of wild horse use within the Maverick Springs Allotment and the Thirty Mile Spring Allotment.

Sincerely,

James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosures (2):

1. Notice of Proposed Multiple-Use Decision for the Thirty Mile Spring Allotment Portion of the Butte Wild Horse Herd Management Area
2. Notice of Proposed Multiple-Use Decision for the Maverick Springs Allotment and the Thirty Mile Spring Allotment Portions of the Buck and Bald Wild Horse Herd Management Area

United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:

4700

(NV-040)

JUN 14 2001

NOTICE OF PROPOSED MULTIPLE USE DECISION
FOR THE
MAVERICK SPRINGS ALLOTMENT AND THE THIRTY MILE SPRING ALLOTMENT
PORTIONS OF THE
BUCK AND BALD WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald Wild Horse Herd Management Area (HMA).

The majority of the Buck and Bald HMA has an established AML. Establishing the wild horse AML for the Maverick Springs Allotment and the Thirty Mile Spring Allotment will complete the establishment of the overall AML for the Buck and Bald HMA. The total established wild horse AML for the Buck and Bald HMA will then be 423 wild horses yearlong (5,073 AUMs). A thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 34 wild horses (408 AUMs) for the Maverick Springs Allotment and at the AML of 49 wild horses (588 AUMs) for the Thirty Mile Spring Allotment portions of the Buck and Bald HMA. This will complete establishment of the remaining 20% of the AML for the entire Buck and Bald HMA.

The current total permitted use for livestock (cattle and sheep) within the Buck and Bald HMA is 47,827 AUMs. Based on the total AUMs apportioned to both livestock and wild horses of 52,900 AUMs (47,827 AUMs livestock and 5,073 AUMs wild horses), livestock will be apportioned 90% of the available forage while the established AML for wild horses will be apportioned 10% of the total AUMs. See Attachment I, "History of the Establishment of Wild Horse Appropriate Management Level and Livestock Grazing Management for the Buck and Bald Wild Horse Herd Management Area" for further clarification of wild horse AML and livestock grazing management.

Census and field observations indicate that wild horses regularly utilize the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald HMA. Therefore, forage for wild horses will be apportioned at the current level of wild horse use within the Maverick Springs Allotment and the Thirty Mile Spring Allotment.

This decision does not propose to make changes to livestock permitted use on the Maverick Springs Allotment or the Thirty Mile Spring Allotment at this time. Monitoring data indicates adjustments to livestock use are not needed. Permitted use for cattle grazing will continue in accordance with the current term permits. Management objectives as identified in the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration and the Egan Resource Area Record of Decision are being met under the current stocking levels and grazing management system for the Maverick Springs Allotment. Current livestock use is achieving the standards for grazing administration and is maintaining healthy rangelands.

Even though Thirty Mile Spring Allotment as a whole is in good condition, monitoring data indicates riparian objectives are not being met along Gleason Creek due to livestock grazing. This area is not within a wild horse HMA. An agreement has been reached with Permittee Gracian Uhalde to construct a fence around the portion of the Gleason Creek drainage that has continually been over-grazed. Livestock will be prohibited from using the area within the enclosure. Since livestock are the primary cause for missing riparian objectives on Gleason Creek, this proposed enclosure fence should go a long way in helping to meet riparian objectives in the area.

An "Agreement for Livestock Grazing Management and Establishment of Wild Horse Appropriate Management Level for the Maverick Springs Allotment" was signed by Permittee Raymond and Sandy Rosenlund on June 7, 2001. This agreement established a wild horse AML of 34 wild horses for the Maverick Springs Allotment portion of the Buck and Bald HMA. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement also indicates that adjustments to livestock use are not needed and cattle use will continue in accordance with the current term permit for the period 02/06/1997 to 02/28/2006.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement tiers from the Thirty Mile Spring Allotment Coordinated Management Plan as written by the technical review team established by the White Pine County (Nevada) Coordinated Resource Management Steering Committee. This agreement carries forth actions and recommendations identified through the Thirty Mile Spring Allotment technical review team (TRT) for both livestock grazing management and the wild horse AML within the Thirty Mile Spring Allotment portion of the Buck and Bald HMA and the Butte HMA. This agreement established a wild horse AML of 49 wild horses for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA and a wild horse AML of 12 for the Butte HMA. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. The agreement does not make changes to permitted use or grazing management. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit. The agreement also identifies range improvement projects.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 34 wild horses yearlong for the Maverick Springs Allotment portion of the Buck and Bald HMA and at 49 wild horses for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. Establishing the wild horse AML for the Maverick Springs Allotment and the Thirty Mile Spring Allotment portions of the Buck and Bald HMA will complete the establishment of the overall AML for the Buck and Bald HMA. The total established wild horse AML for the Buck and Bald HMA will then be 423 wild horses yearlong (5,073 AUMs).

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML of 423 wild horses for the Buck and Bald HMA will be maintained. The Buck and Bald HMA will continue to be monitored and censused. The AMLs can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6 (a), wild horse use on the Maverick Springs Allotment portion of the Buck and Bald HMA shall be managed at 34 wild horses yearlong (408 AUMs) and wild horse use for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA shall be managed at 49 wild horses yearlong (588 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total AMLs established for the entire Buck and Bald HMA will be removed.

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

RATIONALE:

The analysis and evaluation of available monitoring data indicates that no change in management actions for wild horses are needed to meet multiple use management objectives on the Maverick Springs Allotment portion or the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. The data indicates that there are 408 AUMs available for wild horse grazing use on the Maverick Springs Allotment and 588 AUMs available for wild horse grazing on the Thirty Mile Spring Allotment.

The AML of 34 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance on the Maverick Springs Allotment. The AML of 49 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance on the Thirty Mile Spring Allotment.

Additional wild horses found using the allotments are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AMLs for the HMAs are exceeded.

The AMLs may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the Maverick Springs Allotment or the Thirty Mile Spring Allotment, wild horses will receive a proportional increase/decrease along with other users.

AUTHORITY:

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

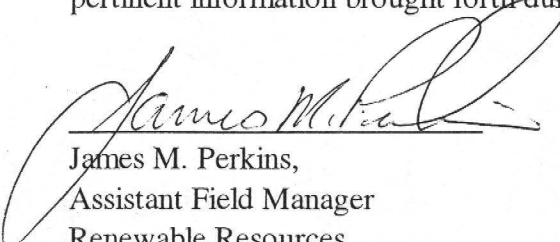
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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

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

PROTEST:

Although the 4700 regulations allow for an appeal with no mention of a protest, the entire multiple-use decision is initially being sent as a "Proposed" decision. 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 James M. Perkins, Assistant Field Manager, Renewable Resources, BLM Ely Field Office, HC 33 Box 33500, Ely, Nevada 89301-9408. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.


James M. Perkins,
Assistant Field Manager
Renewable Resources

ATTACHMENT I

History of the Establishment of Wild Horse Appropriate Management Level and Livestock Grazing Management for the Buck and Bald Wild Horse Herd Management Area

The Dry Mountain Allotment Final Multiple-Use Decision (FMUD) was issued July 12, 1990. This decision established the wild horse appropriate management level (AML) at 30 wild horses (355 AUMs) for the Dry Mountain Allotment portion of the Buck and Bald HMA. Permitted use for cattle has been adjusted from 2,827 AUMs to the current level of 1,152 AUMs during and since issuance of the FMUD. Permitted use for sheep has not changed.

The Fort Ruby Allotment FMUD was issued January 31, 1991. This decision established the wild horse AML at "0" wild horses for the Fort Ruby Allotment portion of the Buck and Bald HMA. Permitted use for cattle was not adjusted. The current permitted use for the Fort Ruby Allotment is 90 AUMs.

The Cold Creek Allotment FMUD was issued January 23, 1992. This decision established the wild horse AML at 48 wild horses (576 AUMs) for the Cold Creek Allotment portion of the Buck and Bald HMA. Permitted use for cattle has been adjusted from 9,129 AUMs to the current level of 5,561 AUMs during and since issuance of the FMUD. Permitted use for sheep has not changed.

The Horse Haven Allotment FMUD was issued January 23, 1992. This decision established the wild horse AML at 36 wild horses (432 AUMs) for the Horse Haven Allotment portion of the Buck and Bald HMA. Permitted use for cattle was not adjusted. The current permitted use for the Horse Haven Allotment is 1,056 AUMs.

The Medicine Butte Allotment FMUD was issued February 3, 1992. This decision established the wild horse AML at 11 wild horses (134 AUMs) for the Medicine Butte Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted in the FMUD from 15,174 AUMs to the current level of 7,232 AUMs with 3,557 AUMs for cattle and 3,675 AUMs for sheep.

The Newark Allotment FMUD was issued April 13, 1992. This decision established the wild horse AML at 51 wild horses (612 AUMs) for the Newark Allotment portion of the Buck and Bald HMA. Permitted use was adjusted from 12,404 AUMs (7,620 cattle, 4,784 Sheep) to the current level of 9,687 AUMs (5,777 cattle, 3,910 sheep) during and since issuance of the FMUD. The North Pancake Allotment was disbanded in the above decision and is now part of the Newark Allotment.

The Warm Springs Allotment FMUD was issued March 14, 1994. This decision established the wild horse AML at 144 wild horses (1,732 AUMs) for the Warm Springs Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted from 23,995 AUMs to the current level of 7,744 AUMs in the FMUD.

The Moorman Ranch Allotment FMUD was issued October 21, 1997. This decision established the wild horse AML at 20 wild horses (236 AUMs) for the Moorman Ranch Allotment portion of the Buck and Bald HMA. Permitted use for cattle was adjusted in the FMUD from 10,099 AUMs to 4,749 AUMs for a five year period.

The FMUD for Wild Horse Herd Management Areas was issued March 28, 2001. This decision established the AML at "0" wild horses for the Ruby Valley Allotment portion of the Buck and Bald HMA. An allotment evaluation was completed for the Ruby Valley Allotment in 1996. Livestock numbers were adjusted through a grazing transfer that same year. The current cattle permitted use for two permittees in the Ruby Valley Allotment totals 467AUMs.

The FMUD for the North Butte Allotment Portion of the Butte Wild Horse Herd Management Area and Buck and Bald Wild Horse Herd Management Area was issued March 28, 2001. This decision established the AML at "0" wild horses for the North Butte Allotment portion of the Buck and Bald HMA. Livestock numbers have previously been adjusted through a grazing transfer completed in 1995. Permitted use was adjusted from 698 AUMs to 180 AUMs.

An "Agreement for Livestock Grazing Management and Establishment of Wild Horse Appropriate Management Level for the Maverick Springs Allotment" was signed by Permittee Raymond and Sandy Rosenlund on June 7, 2001. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement established a wild horse AML of 34 wild horses (408 AUMs) for the Maverick Springs Allotment portion of the Buck and Bald HMA. This agreement does not make changes to permitted use for cattle use or grazing management. The current permitted use is 1,504 AUMs.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement established a wild horse AML of 49 wild horses (588 AUMs) for the Thirty Mile Spring Allotment portion of the Buck and Bald HMA. The agreement does not make changes to permitted use or grazing management. The current permitted use for cattle and sheep is 8,405 AUMs. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit.

Buck and Bald Wild Horse Herd Management Area Final Appropriate Management Level (AML)	
Allotment	Appropriate Management Level
Dry Mountain	30 wild horses (355 AUMs)
Fort Ruby	"0" wild horses
Cold Creek	48 wild horses (576 AUMs)
Horse Haven	36 wild horses (432 AUMs)
Medicine Butte	11 wild horses (134 AUMs)
Newark	51 wild horses (612 AUMs)
Warm Springs	144 wild horses (1732 AUMs)
Moorman Ranch	20 wild horses (236 AUMs)
Ruby Valley	"0" wild horses
North Butte	"0" wild horses
Maverick Springs	34 wild horses (408 AUMs)
Thirty Mile Spring	49 wild horses (588 AUMs)
Total AML - 423 wild horses yearlong 5,073 AUMs	

United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:

4700

(NV-040)

JUN 14 2001

NOTICE OF PROPOSED MULTIPLE-USE DECISION FOR THE THIRTY MILE SPRING ALLOTMENT PORTION OF THE BUTTE WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Thirty Mile Spring Allotment portion of the Butte Wild Horse Herd Management Area (HMA).

The majority of the Butte HMA has an established AML. Establishing the wild horse AML for the Thirty Mile Spring Allotment will complete the establishment of the overall AML for the Butte HMA. The total established wild horse AML for the Butte HMA will then be 95 wild horses yearlong (1,134 AUMs). A thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 12 wild horses (144 AUMs) for the Thirty Mile Spring Allotment portion of the Butte HMA. This will complete establishment of the remaining 13% of the AML for the entire Butte HMA.

The current total permitted use for livestock (cattle and sheep) within the Butte HMA is 24,342 AUMs. Based on the total AUMs apportioned to both livestock and wild horses of 25,476 AUMs (24,342 AUMs livestock and 1,134 AUMs wild horses), livestock will be apportioned 95% of the available forage while the established AML for wild horses will be apportioned 5% of the total AUMs. See Attachment I, "History of the Establishment of Wild Horse Appropriate Management Level and Livestock Grazing Management for the Butte Wild Horse Herd Management Area" for further clarification of wild horse AML and livestock grazing management.

Census and field observations indicate that wild horses regularly utilize the Thirty Mile Spring Allotment portion of the Butte HMA. Therefore, forage for wild horses will be apportioned at the current level of wild horse use within the Thirty Mile Spring Allotment portion of the Butte HMA.

This decision does not propose to make changes to livestock permitted use on the Thirty Mile Spring Allotment at this time. Monitoring data indicates adjustments to livestock use are not needed.

Permitted use for cattle grazing will continue in accordance with the current term permit. Management objectives as identified in the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration and the Egan Resource Area Record of Decision are being met over all the uplands and the majority of the riparian areas under the current stocking levels and grazing management system for the Thirty Mile Spring Allotment. Riparian objectives are not being met along Gleason Creek due to livestock grazing. This area is not within a wild horse HMA. An agreement has been reached with Permittee Gracian Uhalde to construct a fence around the portion of the Gleason Creek drainage that has continually been over-grazed. Livestock will be prohibited from using the area within the enclosure. Since livestock are the primary cause for missing riparian objectives on Gleason Creek, this proposed enclosure fence should go a long way in helping to meet riparian objectives in the area.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement tiers from the Thirty Mile Spring Allotment Coordinated Management Plan as written by the technical review team established by the White Pine County (Nevada) Coordinated Resource Management Steering Committee. This agreement carries forth actions and recommendations identified through the Thirty Mile Spring Allotment technical review team (TRT) for both livestock grazing management and the wild horse AML within the Thirty Mile Spring Allotment portion of the Butte HMA. This agreement established a wild horse AML of 12 wild horses for the Thirty Mile Spring Allotment portion of the Butte HMA. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. The agreement does not make changes to permitted use or grazing management. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit. The agreement also identifies range improvement projects.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the AML of 12 wild horses yearlong for the Thirty Mile Spring Allotment portion of the Butte HMA. Establishing the wild horse AML for the Thirty Mile Spring Allotment portion of the Butte HMA will complete the establishment of the overall AML for the Butte HMA. The total established wild horse AML for the Butte HMA will then be 95 wild horses yearlong (1,134 AUMs).

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML of 95 wild horses for the Butte HMA will be maintained. The Butte HMA will continue to be monitored and censused. The AMLs can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6 (a), wild horse use on the Thirty Mile Spring Allotment portion of the Butte HMA shall be managed at 12 wild horses yearlong (144 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total AMLs established for the entire Butte HMA will be removed.

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

RATIONALE:

The analysis and evaluation of available monitoring data indicates that no change in management actions for wild horses are needed to meet multiple-use management objectives on the Thirty Mile Spring Allotment portion of the Butte HMA. The data indicate that there are 144 AUMs available for wild horse grazing use on the Thirty Mile Spring Allotment.

The AML of 12 wild horses yearlong has been determined to be the optimum level to maintain the thriving natural ecological balance on the Thirty Mile Spring Allotment.

Additional wild horses found using the allotment are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AML for the HMA is exceeded.

The AML may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the Thirty Mile Spring Allotment, wild horses will receive a proportional increase/decrease along with other users.

AUTHORITY:

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

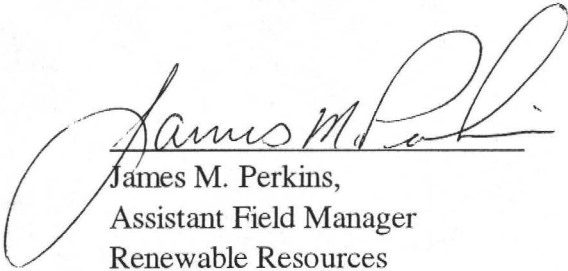
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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

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

PROTEST:

Although the 4700 regulations allow for an appeal with no mention of a protest, the entire multiple-use decision is initially being sent as a "Proposed" decision. 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 James M. Perkins, Assistant Field Manager, Renewable Resources, BLM Ely Field Office, HC 33 Box 33500, Ely, Nevada 89301-9408. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.



James M. Perkins,
Assistant Field Manager
Renewable Resources

ATTACHMENT I

History of the Establishment of the Wild Horse Appropriate Management Level and Livestock Grazing Management for the Butte Wild Horse Herd Management Area

The Notice of Final Multiple-Use Decision (FMUD) for the Steptoe Allotment was issued January 10, 1992. Since the allotment has historically received no wild horse use, this decision established the wild horse appropriate management level (AML) at "0" wild horses (0 AUMs) on that portion of the Butte HMA within the Steptoe Allotment. Permitted use for cattle was adjusted from 2,779 AUMs to the current level of 2,836 AUMs.

The Medicine Butte Allotment FMUD was issued February 3, 1992. This decision established the wild horse AML at 69 wild horses (822 AUMs) for the Medicine Butte Allotment portion of the Butte HMA. Permitted use for cattle was adjusted in the FMUD from 15,174 AUMs to the current level of 7,232 AUMs with 3,557 AUMs for cattle and 3,675 AUMs for sheep.

The South Butte Allotment FMUD was issued December 24, 1992. This decision established the wild horse AML at 5 wild horses (60 AUMs) on that portion of the Butte HMA within the South Butte Allotment. Permitted use for cattle was adjusted from 508 AUMs to the current level of 396 AUMs.

The FMUD for the North Butte Allotment Portion of the Butte Wild Horse Herd Management Area and Buck and Bald Wild Horse Herd Management Area was issued March 28, 2001. This decision established the AML at 3 wild horses (36 AUMs) for the North Butte Allotment portion of the Butte HMA. Livestock numbers have previously been adjusted through a grazing transfer completed in 1995. Permitted use was adjusted from 698 AUMs to 180 AUMs.

The "Proposed Multiple-Use Decision for the Cherry Creek, Goshute Basin and Indian Creek Allotments, the Cherry Creek Wild Horse Herd Management Area, and the Cherry Creek Allotment Portion of the Butte and Antelope Wild Horse Herd Management Areas" was issued April 18, 2001. This decision established a wild horse AML for the Cherry Creek Allotment portion of the Butte HMA at six (6) animals yearlong, or 72 AUMs. A Final Multiple-Use Decision will be issued in July 2001. The stocking level on the native range portion of the allotment has been adjusted from 5,369 AUMs to 3,800 AUMs. The total stocking level on the Cherry Creek Allotment, including native range and the seedings, has been established at 5,293 AUMs.

An "Agreement for Changes in Livestock Grazing Use and Establishment of Wild Horse Appropriate Management Level for the Thirty Mile Spring Allotment" was signed by Permittee Gracian Uhalde on June 12, 2001. This agreement was prepared in consultation with the permittee and is an initial step toward establishing a wild horse AML. This agreement established a wild horse AML of 12 wild horses (144 AUMs) for the Thirty Mile Spring Allotment portion of the Butte HMA. The agreement does not make changes to permitted use or grazing management. The current permitted use for cattle and sheep is 8,405 AUMs. The agreement does specify permitted use for the summer range and the winter range which was not specifically identified on the term permit.

Butte Wild Horse Herd Management Area
Final Appropriate Management Level (AML)

Allotment	Appropriate Management Level
Medicine Butte	69 wild horses (822 AUMs)
North Butte	3 wild horses (36 AUMs)
South Butte	5 wild horses (60 AUMs)
Steptoe	"0" wild horses
Thirty Mile Spring	12 wild horses (144 AUMs)
Cherry Creek	6 wild horses (72 AUMs)
Total AML - 95 wild horses yearlong 1,134 AUMs	