



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



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Steve Carter  
Lund, NV 89317

**NOTICE OF PROPOSED MULTIPLE USE DECISION  
FOR THE WELLS STATION 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 Wells Station 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 cattle 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 cattle numbers, correction of cattle distribution problems, alteration of

*AML of 14 shall be considered with total amount of HMA before any removals are done.*

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 1984 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 Wells Station Allotment. Input was received from Carter Griffin Inc./Carter Cattle Company, the Nevada Department of Wildlife (NDOW), the U. S. Fish and Wildlife Service, and the State N-4 Grazing Board, via a range consulting firm. 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 Wells Station Allotment.

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

The analysis of monitoring data has revealed that the multiple use objectives for the Wells Station Allotment are not being met due to the existing grazing use by cattle 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 cattle and wild horse use, and not to wildlife use. This decision also establishes the appropriate management level (AML) for wild horses for that portion of the White River HMA within the Wells Station Allotment.

#### LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.6-1(a), the existing authorized cattle active preference on the allotment shall be reduced, over 5 years, to 258 AUMs cattle use, with 728 AUMs placed in suspended non-use. This suspended non-use includes 674 AUMs previously suspended and 54 AUMs currently proposed for suspension. Year 1 for this reduction is considered to be 1993 starting 11/1.

From:

<u>Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>Total</u>	<u>AUMs</u>	
				<u>Active</u>	<u>Suspended</u>
52	Cattle	11/1 - 5/1	986	312	674

To:

<u>Year</u>	<u>Number*</u>	<u>Kind</u>	<u>Period of use*</u>	<u>AUMs</u>		
				<u>Total</u>	<u>Active</u>	<u>Suspended</u>
1	49	Cattle	11/1 - 5/1	986	294	692
3	46	Cattle	11/1 - 5/1	986	276	710
5	43	Cattle	11/1 - 5/1	986	258	728

\*Flexibility in cattle numbers will not exceed the maximum preference.

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. Permit stipulations will include water hauling and herding conditions.

Adjustments in wild horse numbers to the established AML of 14 horses, a 17% reduction from existing numbers, will be made by future White River Herd Area gathers based on continued monitoring.

RATIONALE:

Monitoring studies and other existing information support the conclusion that, as currently permitted, cattle use exceeds proper use levels in the allotment. The desired stocking level on this allotment is based on 50% desired utilization, with winter/spring use. This calculation results from actual use and measured utilization data, and indicates that a reduction of cattle AUMs from 312 AUMs to 258 AUMs and a reduction of wild horse AUMs from 204 AUMs to 168 AUMs is necessary to meet the desired utilization level.

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."

4110.3-2(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 decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years followings the effective date..."

4120.3-1(c): "The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under 4130.6-2 of this title."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the

livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 4110.3-1 and 4110.3-2."

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

PROTEST:

If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Egan Area Manager, 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.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse use at 168 AUMs of yearlong horse use or an appropriate management level of 14 animals for that portion of the White River HMA within the Wells Station Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Wells Station Allotment shall be managed at 14 animals yearlong.

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 14 animals will be removed.

Adjustments in wild horse numbers will be made by future White River Herd Area gathers based on continued monitoring.

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 Wells Station Allotment as identified in Appendix I. The data indicate that there are 168 AUMs available for wild horse use. The removal of excess wild horses is necessary to establish and maintain a thriving natural ecological balance and prevent a deterioration of the rangeland resources.

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

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

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objective 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: 43 CFR 1610.5(b)

If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Egan Resource Area Manager, 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.

*Gene L. Drais*

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Gene L. Drais, Manager  
Egan Resource Area

	(Certified Mail #)
cc: Nevada Department of Wildlife, Region II	(#P 910 149 177)
Nevada Department of Wildlife, Region III	(#P 910 149 178)
U.S. Fish and Wildlife Service	(#P 910 149 179)
N-4 Grazing Board	(#P 910 149 180)
Resource Concepts Inc.	(#P 910 149 181)
Natural Resources Defense Council	(#P 910 149 182)
Wilderness Society	(#P 910 149 183)
Farm Bureau	(#P 910 149 184)
Nye County	(#P 910 149 185)
Commission for the Preservation of Wild Horses	(#P 910 149 186)
Animal Protection Institute	(#P 910 149 187)
Wild Horse Organized Assistance	(#P 910 149 188)
Claudia J. Richards	(#P 910 149 189)
International Society for the Protection of Mustangs and Burros	(#P 910 149 190)

## APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

### 1. Land Use Plan (RMP) Objectives

- (a) Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision, p. 3)
- (b) Wild Horses - Wild horses will be managed at a total of 14 animals within the White River HMA (Egan ROD, p. 6)  
- Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program.  
(Egan ROD, p. 8)
- (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) 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.
- (b) Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: 39 AUMs for mule deer, and 6 AUMs for antelope. Maintain mule deer yearlong habitat in a good or better condition.
- (c) Manage rangeland habitat to support wild horses as part of the White River HMA by not exceeding allowable use levels on native species as recommended in the NRMH.

BOB MILLER  
Governor

STATE OF NEVADA

12-29-92  
CATHERINE BARCOMB  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

**Stewart Facility  
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Reno, Nevada

December 29, 1992

Gene L. Drais, Manager  
Egan Resource Area  
BLM-Ely District Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408

Dear Mr. Drais,

Thank you for the opportunity to review and comment on the Proposed Multiple Use Decision for the Wells Station Allotment.

Our concern is that when setting the AML for the Wells Station Allotment portion of the White River HMA that no reduction in horse populations are considered without considering the seasonal movement and distribution of the entire HMA. We are concerned that you mention managing 14 horses yearlong and that you have not mentioned considering movement of horses before proposing any reductions. AML's can be set by allotment but a total AML should be established for the HMA and gathers only proposed when the AML exceeds the total for the HMA, not just that animal movement has placed more than 14 animals in the Wells Station portion of the HMA seasonally. We would appreciate you adding that consideration to your final decision.

If you have any questions or would care to discuss this, please feel free to call.

Sincerely,

CATHERINE BARCOMB  
Executive Director