



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

File Code (NV-040-4700)

OCT 13 1995

Wild Horse Organized Assistance
c/o Mrs. Dawn Lappin
P.O. Box 555
Reno, NV 89504

Dear Mrs. Lappin:


Enclosed is a copy of the Proposed Multiple Use Decision (PMUD) for the Railroad Pass Grazing Allotment. This allotment totally encompasses the 10,500 acre Diamond Hills South Herd Management Area.

The Proposed Decision contains some special provisions that will ensure quick improvements of the health of the land. On October 4, 1995, a field trip was conducted with the Egan Resource Area Manager, range staff, wild horse specialist, and permittees. The results of this field trip yielded an agreement by the permittees 1) to take voluntary non-use of livestock numbers at the levels called for in the evaluation for five years and 2) revise the season of use to eliminate livestock grazing in the early spring and late fall.

As per our phone call on October 11, 1995, your input and concurrence is encouraged throughout the Multiple Use Decision Process.

Please provide any additional comments within fifteen days of receipt of this letter. If you have any questions or comments, please contact Joe Stratton, Egan Resource Area Wild Horse Specialist or Wendy Fuell, Egan Resource Area Rangeland Management Specialist at (702)289-1800.

Sincerely,


Gene L. Draais, Manager
Egan Resource Area

1 Enclosure

1. Proposed Multiple Use Decision Railroad Pass Allotment



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4400.5 (NV-047)

OCT 13 1995

Rother Farms Inc.
Cheyenne Wells, CO 80810

CERTIFIED MAIL NO. P 313 269 480
RETURN RECEIPT REQUESTED

Pete Paris Jr.
HCR 30 Box 320
Elko, NV 89316

CERTIFIED MAIL NO. P 313 269 481
RETURN RECEIPT REQUESTED

Peter and Julian Goicoechea
P.O. Box 97
Eureka, NV 89316

CERTIFIED MAIL NO. P 313 269 482
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE RAILROAD PASS 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 Railroad Pass 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 objectives 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. Actions could include, but will not be limited to, change in seasons-of-use, change in livestock numbers, correction of livestock distribution problems, alteration of the number of wild horses, development of range improvements, and taking site-specific measures to achieve improvements in wildlife habitat."

Monitoring studies were initially established in 1977 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 Railroad Pass Allotment. Input was received from the Commission for the Preservation of Wild Horses, Nevada Division of Wildlife, and Pete Goicoechea. See Appendix 1 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 Railroad Pass Allotment.

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

The analysis of the monitoring data has revealed that the multiple use objectives for the Railroad Pass Allotment are not being met due to the existing grazing use by cattle and wild horses. This analysis also shows that the existing use 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 for wild horses for that portion of the Diamond Hills South Herd Management Area (HMA) .

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), the permitted cattle use shall be changed to 1,364 AUMs.

From (Existing permits):*

Peter & Julian Goicoechea: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
102	Cattle	5/1 - 9/30	100	513	0

Harold Rother Farms Inc: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
300	Cattle	4/15 - 10/15	100	1815	0

* Permit schedules were not exact. Total active preference (existing permit) for Peter & Julian Goicoechea is 511 AUMs and for Harold Rother Farms Inc. is 1800 AUMs.

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>	<u>Voluntary* Non-Use</u>
Peter & Julian Goicoechea	75	Cattle	6/1 - 9/30	100	300	211
Harold Rother Inc.	265	Cattle	6/1 - 9/30	100	1064	736

*Voluntary non-use would be for a period of five years pending a new evaluation.

Sheep Use

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), permitted use for sheep will be set at 691 AUMs on the native portion of the Railroad Pass Allotment with an additional 540 AUMs adjudicated exclusively for the Corta Seeding.

From (Existing Permits):

Paris Livestock: Railroad Pass (00601)

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Active</u>
Paris Livestock	1645	Sheep	4/5 - 5/15	100	444
	2500	Sheep	11/1 - 11/15	100	247

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>
Paris Livestock	1645	Sheep	4/5 - 5/15	100	444
	2500	Sheep	11/1 - 11/15	100	247
	365	Sheep	4/5 - 11/15	100	540

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the respective grazing permits for the Railroad Pass Allotment:

1. A rest rotation system will be established for cattle grazing on the Railroad Pass Allotment as outlined below:

<u>Pasture</u>	<u>Year 1 Schedule</u>	<u>Year 2</u>
North of Drift Fence	6/1 - 9/30	No Use
South of Drift Fence	No Use	6/1 - 9/30

2. Livestock grazing capacity for the Corta Seeding is established at 540 AUMs, to be used exclusively within the seeding.

3. There will be no fall sheep use in the burn areas. (Map 1)

4. Salt will be placed a minimum of 1/2 mile from water sources.

5. Voluntary non-use will be for five years pending a new evaluation.

RATIONALE:

The analysis and evaluation of available monitoring data indicates that current stocking rates and management practices must be modified to meet the multiple use management objectives for the Railroad Pass Allotment. The data for the allotment as a whole indicates that the livestock carrying capacity for the native portion of the allotment is 2,055 AUMs with 1,364 cattle AUMs and 691 sheep AUMs. An additional 540 sheep AUMs will be permitted within the Corta Seeding.

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 permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer..."

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 Sec. 4130.6-2 of this title."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(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 of the allotment."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

PROTEST:

Any applicant, permittee, lessee or other affected interest may protest the livestock grazing portion of this proposed multiple-use decision under Sec. 43 CFR 4160.1, in person or in writing to Gene Drais, Egan Resource Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408 within 15 days after receipt of such decision. The protest if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a final multiple-use decision will be issued specifying the appeal procedures.

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 260 AUMs or 22 wild horses yearlong \pm 15%. Therefore, in accordance with 43 CFR 4700.0-6(a), wild horse use on the Railroad Pass Allotment shall be managed at 22 animals yearlong \pm 15%, which establishes a wild horse management range of 19 to 25 wild horses yearlong.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 22 animals \pm 15% will be removed.

Adjustments in wild horse numbers will be made by future Diamond Hills South 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 reduction in wild horse numbers in the Diamond Hills South HMA is necessary to establish and maintain a thriving natural ecological balance and to limit the animals' distribution to existing herd areas.

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:

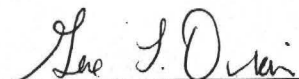
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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 the 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, for the purpose of consistency with the livestock management portion of this decision, the entire multiple use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or 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, Manager
Egan Resource Area

cc:	(Certified Mail #)
Mr. John McLain Resource Concepts, Inc. 340 North Minnesota St. Carson City, NV. 89710	P 313 269 483
Rose Strickland Sierra Club, Toiyabe Chapter P.O. Box 456 Reno, NV 89507	P 313 269 484
The Wilderness Society 116 New Montgomery, Suite 526 San Francisco, CA. 94105	P 313 269 485
Kurt Baughman Nevada Department of Wildlife Ely Field Office Box 1109 Ely, NV 89801	P 313 269 486
Nevada Department of Wildlife Region II 1375 Mountain City Highway Elko, NV. 89801	P 313 269 487
Commission for the Preservation of Wild Horses and Burros 255 Moana Lane Suite 207A Reno, NV 89509	P 313 269 488
International Society for the Preservation of Wild Horses and Burros 6212 E. Sweetwater Ave. Scottsdale, AZ. 85254	P 313 269 489
N-4 Grazing Board Region II c/o Bill Davidson P.O. Box 1077 McGill, NV. 89318	P 313 269 490

U.S. Fish and Wildlife Service HC 60 Box 860 Ruby Valley, NV. 89833-9802	P 313 269 491
U.S. Fish and Wildlife Service Reno Field Station 4600 Kietzke Lane, Bldg. C-125 Reno, NV. 89502	P 313 269 492
Nevada Farm Bureau 1300 Marietta Way Sparks, NV. 89431	P 313 269 493
Animal Protection Institute Nancy Whittaker, Program Assistant P.O. Box 22505 Sacramento, CA. 95822	P 313 269 494
Wild Horse Organized Assistance c/o Dawn Lappin P.O. Box 555 Reno, NV 89504	P 313 269 495

APPENDIX: Land Use Plan/ Rangeland Program Summary Objectives

1. Land Use Plan Objectives

a. Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision (ROD) p. 3)

b. Wild Horses - Wild horses will be managed at a total of 36 animals within the Diamond Hills 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. 6)*

* The 36 horses yearlong identified in the ROD is no longer a valid Appropriate Management Level (AML). The Interior Board of Land Appeals (IBLA) June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "an AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute. The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

c. Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife." (Egan ROD, p. 6)

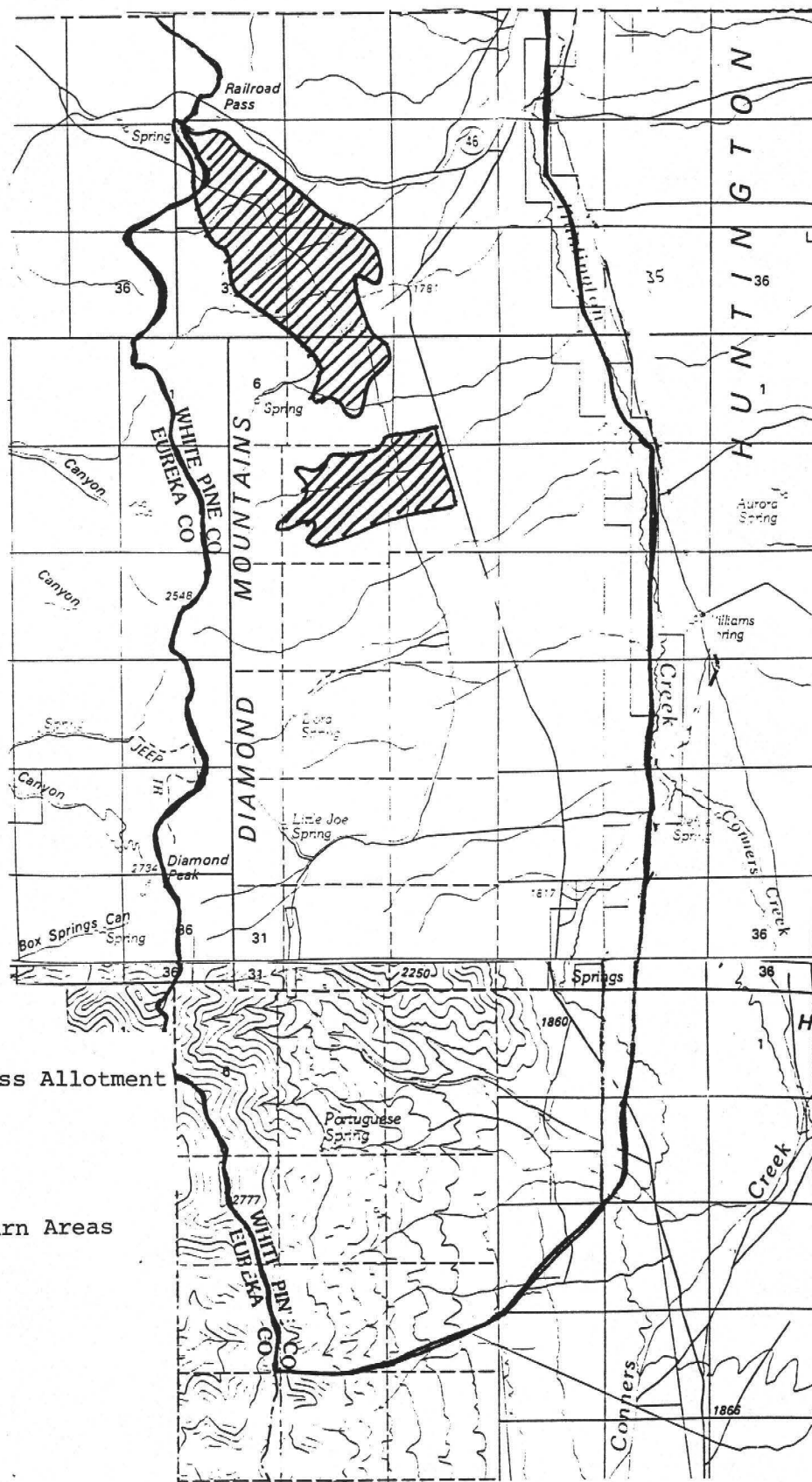
- "Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Department of Wildlife." (Egan ROD, p. 8)

d. Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing system and aesthetic values." (Egan ROD p.44)


2. Rangeland Program Summary Objectives

- a. "Provide for up to 943 AUMs of livestock use."
- b. "Maintain the Corta and Burn Seedings in good or better condition".
- c. "Improve ecological condition of low productivity/high potential big sagebrush dominated vegetation types on approximately 1/3 of the allotment."
- d. Maintain or improve current ecological condition on the remainder of the native range, with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels which for perennial grass species is 50%
- e. "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: deer 682 AUMs."
- f. "Maintain habitat condition of meadows and riparian areas in good or better condition for mule deer and upland game."
- g. Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid-late seral stage with a minimum of 30% shrub component by weight.
- h. Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within two miles of nest sites.
1. "Maintain .25 miles of stream riparian in good or better condition."
- j. "Provide habitat and forage for approximately 38 horses (453 AUMs) within the Diamond Hills South HMA. (See note on page 3, B.b(1))"

RAILROAD PASS BURN AREAS.



Map 1. Railroad Pass Allotment Burn Areas

 Rehabilitated Burn Areas

10-12-95

From: GENE DRAIS
To: gkolkman, treuwsaa, cmayer, rbrown, ffisher, kfuel...
Date: Thu, ~~Oct 12, 1995~~ 4:50 pm
Subject: Railroad Pass Allotment

On October 12, 1995 I spoke with Cathy Barcomb, Nevada Commission for the Preservation of Wild Horses, about the Railroad Pass Allotment. I explained to her that I have a tentative horse removal for the Diamond Hills South HMA set for January 1996 and I need to issue a decision that sets AML in the Railroad Pass Allotment.

I explained that when we visited the allotment in June the two burned and seed areas were in tremendous condition. When we visited the areas October 4 there was evidence of severe use. Since livestock had not used the areas since June, this use was from the approximate 134 wild horses counted in the HMA September 27.

I explained that the two livestock permittees have agreed to: 1) take voluntary non-use for five years to the AUM levels called for in the evaluation; 2) revise their season of use to eliminate livestock grazing during the early spring and late fall seasons; 3) set the AML for the HMA at 22 wild horses. I further explained that BLM would evaluate the allotment again after the five years. Another decision would be issued at that time. As it stands today, the AML could change along with livestock grazing AUMs. I also informed her that I had spoken with Dawn Lappin on October 11 and that she generally supported the PMUD.

We discussed the number of livestock AUMs used during the evaluation years and afterward. We also discussed the impact the 134+ wild horses are having on the allotment.

I asked her if she felt the Proposed Decision was reasonable. Cathy said she felt it was. She had concern, however, about whether 22 wild horses constituted a viable herd. She asked me so include in the cover letter information that we have that leads us to conclude that wild horses in this HMA move back and forth from surrounding HMAs so that the 22 animals would not be in jeopardy.

10-11-95

From: GENE DRAIS
To: gkolkman, treuwsaa, rbrown, ffisher, jstratto, kfu...
Date: Wed, ~~Oct 11,~~ 1995 10:40 am
Subject: Railroad Pass Allotment

On October 11, 1995 I spoke with Dawn Lappin, Wild Horse Organized Assistance, about the Railroad Pass Allotment. I refreshed her memory of where the allotment is, how big it is, and how big the Diamond Hills South HMA is. We talked honestly about the need for a reduction in both wild horses and cattle numbers, but that, frankly, most of my concern (from the evaluation) was with wild horses.

I explained to her that there is a tentative scheduled wild horse removal in January 1996 and I need to issue a PMUD and FMUD soon on this allotment. I told her that both livestock permittees have agreed to: 1) take voluntary non-use on the allotment at the level called for in the evaluation (about a 42% reduction from preference) for five years; and 2) revise their season of use to eliminate livestock grazing in the early spring and late fall. Then another evaluation would be done and adjustments made, if needed.

She said the agreement sounded reasonable and that she could support it. She urged me to "go ahead" with the PMUD.

10-17-95

From: GENE DRAIS
To: ffisher, kfuell, jstratto, rbrown, cmayer
Date: Tue, Oct 17, 1995 3:49 pm
Subject: Railroad Pass PMUD

I spoke with Rose Strickland (Sierra Club) on the phone October 17. She said she had received the PMUD today. She had not had time to look at it but she will. Since I was not able to talk with her about the PMUD before it was mailed, I merely asked her to phone and talk if she had any questions or concerns. She was very cordial and said she would if need be.

10-11-95

CONVERSATION RECORD

Subject: Discussion with Harold Rother concerning Railroad Pass

Summary: On Oct. 11, 1995 I called Harold Rother to discuss the Proposed Decision for the Railroad Pass Allotment. I told him about the meeting we had with Pete Goicoechea and Pete Paris Jr. on the Railroad Pass Allotment and that Pete G. had agreed to take voluntary non-use up to 50% for five years in order to expedite the horse gathers. I asked Harold if he would be willing to also take voluntary non-use for five years up to 50% of his preference. He said he would be willing to, however, he would rather take the 42% reduction identified in the evaluation and the 50% reduction only if it was necessary to negotiate with the horse groups. I also told him that Pete G. had suggested a rest rotation system (6/- 9/30) rather than the deferred rotation system outlined in the evaluation. He said that it would be fine with him.

he also mentioned the fact that he was planning on stocking up more numbers and that he was fencing private along Huntington Creek. I told him that Rob Willis (manager for Warm Springs and Cold Creek) had some concerns with that because they had several parcels along the creek. I gave him Robs' number to contact him.

Kathryn W. Fuell

Kathryn W. Fuell

Rangeland Management Specialist
Egan Resource Area

10-4-95

Memorandum

To: Monitoring Files, Railroad Pass Allotment

From: Wendy Fuell, Egan Resource Area, Rangeland Management Specialist

Subject: Horse Use on Railroad Pass Allotment

On Oct. 4, 1995 Gene Drais, Fred Fisher, Chris Mayer, Bob Brown and myself met with Pete Goicoechea and Pete Paris to look at horse use on the Railroad Pass Allotment and to discuss the upcoming Proposed Decision.

We met in the big burn in the northern portion of the allotment. Pete had kept his cows south of the drift fence all year so there had been virtually no cattle use in this area. I had monitored sheep use after they had been removed from this area on June 13, 1995 and use was slight. The burn had uniform heavy/severe use on perennial grasses, horse sign was prevalent throughout the area.

Our next stop was the small burn to the south. Conditions were similar with use being predominantly wild horse, with heavy/severe use throughout.

Pete Goicoechea discussed the fact that he would appeal a decision as it was stated in the Management Action Selection report; however, he agreed to take up to a 50% voluntary non-use cut from his original preference for a period of five years. This would be around 10% more AUMs than were targeted in the evaluation. Pete also had some concerns with the seasons of use outlined in the evaluation. He felt that the 11/15 off date was too late to work with his operation and that he would like to rest one use area completely with a season of use from around 5/20 - 6/1 until 9/30.

Gene discussed the fact that any alteration from the Management Action Selection report would have to be discussed with the other affected interests involved and agreed to follow up on Petes' proposal.

Kathryn W. Fuell

Kathryn W. Fuell

Rangeland Management Specialist

9-28-95

CONVERSATION RECORD

TIME
14:58

DATE
9/28/95

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO:

Nancy Barcomb

702-688-2626

SUBJECT

Invite to the RR Pass field trip

SUMMARY

Left a message on her machine about field trip on RR Pass allotment concerning the proposed MUD for next Wednesday Oct. 4.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Joe Stratton

Joseph A. Stratton

9/28/95

ACTION TAKEN

SIGNATURE

TITLE

DATE

9-28-95

CONVERSATION RECORD

TIME
14.58

DATE
9/28/95

TITLE VISIT CONFERENCE TELEPHONE

INCOMING
 OUTGOING

ROUTING	
NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO:

Dawn Lappin

702-851-4817

SUBJECT *Invite to Oct. 4 meeting on RR Pass Allotment*

w/ Pete Goichea,

SUMMARY *Left a message on Dawn Lappin's machine to talk to Bob ^{or} Wendy Fuell about meeting on RR Pass Proposed Decision*

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Joe Strath

Joe Strath

9/28/95

ACTION TAKEN

SIGNATURE

TITLE

DATE



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

BUREAU OF LAND MGMT ELY, NEVADA RECEIVED		
OCT 30 1995		
RT	OFFICE	INIT. DATE
	C. M.	
	RES	
	OPS	
	ADM	
	EGM	W. H. Paul ✓
	SCH	Joe
	C. F.	
Comments:		

October 26, 1995

Mr. Gene L. Drais
Egan Resource Area
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Railroad Pass Allotment - PMUD - Protest

Dear Mr. Drais:

The Nevada Commission for the Preservation of Wild Horses protests the proposed multiple use decision for the Railroad Pass Allotment. Our previous comments to the draft allotment evaluation presented flaws in the determination of the allotment carrying capacity. The Management Action Selection Report did not adequately address the errors raised by the Commission. We request a final allotment evaluation and decision disclosing all the data, policies and regulations supporting it.

It is our assessment that the proposed livestock decision makes minor changes from the observed "actual use" by livestock during the period of the allotment evaluation. The proposed decision permits grazing use above levels the District has identified as known not to meet allotment specific objectives.

The wild horse appropriate management level for the Diamond Hills South Herd is uncertain. Establishing wild horse numbers per allotment is a difficult approach for the management of a wild horse herd. Studies indicate a need to sustain 50 head per herd to maintain genetic viability. Compliance with the Strategic Policy Plan will re-structure the herd to older age class animals with little regard to longevity or productivity. We request that the gather plan present a herd criteria for the animals released back to the herd management area. If the Diamond South Hills Herd is within a metapopulation comprised of the Diamond North Hills and Diamond herds, then the gather plan should include comprehensive data supporting your conclusion.

Carrying Capacity
Railroad Pass Allotment Data

Year	AUMs Cattle	AUMs Horses	AUMs Total	Measure %	Desired %	Capacity
1988	967	1620	2587	.70	.50	1848
1989	432	2112	2544	.90	.50	1817
1990	584	2304	2888	.70	.50	2063
1992	311	1594	1905	.70	.50	1361
Average	574	1908	2481			1772
Percent	.23	.77				

Adjustment to Average Actual Use

Average Use = 2481 AUMs
 Capacity = 1772 AUMs
 Reduce = 709 AUMs

Proportion of Reduction to Offending User

Cattle 709 AUMs X .23 = 163 AUMs
 Horses 709 AUMs X .77 = 546 AUMs

Reduction to Average Actual Use

Cattle 574 AUMs - 163 AUMs = 411 AUMs
 Horses 1905 AUMs - 546 AUMs = 1359 AUMs

Appropriate Management Level = 113 Horses

Mr. Gene Drais
October 26, 1995
Page 2

Again, we would like to request better explanation or rationale for issues raised in the allotment evaluation for the Railroad Allotment. To avoid any further misunderstandings or administrative appeals the final allotment evaluation and gather plan can provide the Commission the needed assurances to sustain the Diamond Hills South Herd.

Sincerely,



Catherine Barcomb
Executive Director

enclosures

11-9-95

File Code (NV040-4700)

NOV 9 1995

Commission for the Preservation
of Wild Horses
Executive Director, Catherine Barcomb
255 W. Moana Lane, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

We appreciate your comments that you have submitted regarding the Railroad Pass Proposed Multiple Use Decision (PMUD). Enclosed you will find a copy of the Railroad Pass Final Multiple Use Decision (FMUD).

We considered your comments as to the determination of the allotments carrying capacity dealing with reductions from actual use and we must remind you that these issues have been discussed before and the following reasons explain why the FMUD is unchanged from the PMUD.

First the changes in permitted use on the Railroad Pass Allotment are in accordance with authority contained in Title 43 of the Code of Federal Regulations which include in pertinent part:

4110.2-2(a) "Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or grazing leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands, or annual rangelands where livestock use is occasionally authorized based upon forage availability. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under 4110.3-3...."

4110.3 "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b) "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

Second, as to the viability of the Diamond Hills South HMA, it is a long established fact that movement exists between the Diamond HMA and the Diamond Hills North HMA. Even though each HMA is managed individually, there exists sufficient genetic material to ensure genetic viability.

We appreciate your continued interest in the allotment evaluation process. If you have any further questions, please contact Joe Stratton of my staff at (702) 289-1889.

Sincerely,

Gene L. Drais, Manger
Egan Resource Area

Enclosure

1. Railroad Pass Final Multiple Use Decision