



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



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JUL 12 1990

Charles and Clayton Wadsworth
Box 271
Alamo, Nevada 89001

NOTICE OF FINAL MULTIPLE USE DECISION
FOR THE DRY FARM 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 Dry Farm 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 1984 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 Dry Farm Allotment. Input was received from the permittee, three wild horse groups, two wildlife agencies, and two environmental interest groups. See Appendices I and II for the management objectives for livestock, wild horses, and wildlife on the allotment. There are no riparian areas within 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 Dry Farm Allotment.

I have reconsidered the proposed multiple use decision in response to the protest received and based upon this review of the reasons for protest the following modification was made to the proposed decision:

Modify the rationale to clarify the actions being taken to correct the identified unauthorized use problem.

THEREFORE, BASED UPON THE EVALUATION OF MONITORING DATA FOR THE DRY FARM ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COOPERATION, AND COORDINATION WITH THE PERMITTEE AND PUBLIC INTEREST GROUPS, AND CONSIDERATION OF THE PROTEST 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 Dry Farm Allotment are not being met due to the existing grazing use by livestock. This analysis also shows that the existing management of wildlife and wild horses does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in livestock use, and establishes the appropriate management level for wild horses. No changes are proposed for wildlife use.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3 and 4110.3-2(b) and (c) and 4130.6-1(a), the current authorized livestock active use shall be changed:

FROM:

No.	Kind	Period of Use	%PL	AUMs	
				Active	Susp
242	Cattle	06/01 - 08/31	100	733	0

TO:

Effective	No.	Kind	Period of Use	%PL	AUMs	
					Active	Susp
Aug. 1, 1990	342	Cattle	06/01 - 07/31	100	687	46
June 1, 1993	319	Cattle	06/01 - 07/31	100	641	92
June 1, 1995	295	Cattle	06/01 - 07/31	100	592	141

This adjustment will be implemented in accordance with 43 CFR 4110.3-3(a) and (b), over a five (5) year period.

In accordance with 43 CFR 4130.6-2 and 4140.1(b)(2), the following terms and conditions are hereby made a part of all grazing permits in the Dry Farm Allotment:

Water will be made available for livestock within T. 4 N., R. 58 E., Sec. 26, (Refer to Map 1) while the cattle are authorized on the allotment. This may be done by hauling water to designated areas and/or initiating an agreement with the recognized Section 4 Permit holder for Dry Farm Well. This will be completed by April 1, 1991.

Livestock will be herded to improve distribution and prevent drift from the allotment.

Salt locations will be at T. 4 N., R. 58 E., Sec. 12, NWNW and T. 4 N., R. 58 E., Sec. 22, NESW.

Those unauthorized water wells located in T. 4 N., R. 59 E., Sec. 6, SESE and/or Sec. 8, SWNW for which you alleged you have a valid water right will be applied for under a Cooperative Agreement or Section 4 Permit. Upon approval of these agreements/permits you will complete the required maintenance and/or reconstruction on at least one of these wells by the June 1, 1991 turn out, to provide available water for your authorized livestock.

In accordance with 43 CFR 4130.6-2(d), actual use information for each pasture and/or use area will be submitted within 15 days of completing grazing use as specified on the grazing permit and grazing licenses.

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 stocking rate and management practices must be modified to meet the multiple use management objectives for the Dry Farm Allotment as identified in Appendices I and II. The data indicates that 592 AUMs are available for livestock, and that active preference is 141 AUMs in excess of the livestock carrying capacity. This reduction in active preference and period-of-use is necessary to maintain and/or improve rangeland productivity, which will accomplish the allotment specific and Land Use Plan objectives. Implementing the identified herding, changing the period of use, salting, and increasing available waters will improve livestock distribution and decrease drift from the allotment.

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."

4110.3-2(b): "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity..."

4110.3-2(c): "Where active use is reduced it shall be held in suspension ..."

4110.3-3(a): "Changes in active use in excess of 10 percent shall be implemented over a 5-year period..."

4110.3-3(b): "After consultation, coordination and cooperation, suspensions of preference shall be implemented through a documented agreement or by decision. 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 following 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 Sec. 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 Secs. 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..."

4140.1(b)(2): "The following acts are prohibited... Installing, using, maintaining, modifying, and/or removing range improvements without authorization..."

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 the appropriate management level for wild horses for that portion of the Seaman Herd Management Area which occurs in the Dry Farm Allotment is zero (0) animals.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Dry Farm Allotment shall be managed at zero (0) animals.

Future monitoring data will be evaluated in the third and fifth year following this decision to determine if wild horse use naturally increases within the Dry Farm Allotment. At that time the appropriate management level may be changed to reflect this additional use as long as it maintains the thriving natural ecological balance on this portion of the Seaman Herd Management Area.

RATIONALE: The analysis and evaluation of available monitoring data indicates that wild horse use within that portion of the Seaman Herd Management Area which occurs in the Dry Farm Allotment is intermittent. The Dry Farm Allotment is on the fringe of the Seaman Herd Management Area and comprises less than three percent of the total area. No horses have ever been counted within the allotment during wild horse censuses and allotment inspections. Horse sign (i.e., feces) found on the allotment indicates only sporadic use by wild horses. The horse sign was old and scattered in the very southeast corner of the allotment. This indicates that wild horses occasionally move through the Dry Farm Allotment, and the home range of the horses does not include this allotment. If wild horse use begins to occur on the Dry Farm Allotment, monitoring studies will detect this occurrence and the issue will be reconsidered during the third and fifth year reevaluations.

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

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

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

APPEAL:

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

Gerald M. Smith, Manager
Schell Resource Area

	(Certified Mail No.)
cc: Natural Resources Defense Council	(P 569 358 206)
U.S. Fish and Wildlife Service	(P 569 358 207)
Nevada Department of Wildlife, Region II	(P 569 358 208)
Nevada Department of Wildlife, Region III	(P 569 358 209)
Animal Protection Institute of America	(P 569 358 210)
Wild Horse Organized Assistance	(P 569 358 211)
Commission for the Preservation of Wild Horses	(P 569 358 212)
Resource Concepts, Inc.	(P 569 358 213)
Nevada Cattlemen's Association	(P 569 358 214)
Nevada State Grazing Board, N-4	(P 569 358 215)
Nevada Outdoor Recreation Association	(P 569 358 216)
Sierra Club, Toiyabe Chapter	(P 569 358 217)
Utah Farm Production Credit Association	(P 569 358 218)
Marvel and Hansen, Attorneys at Law	(P 569 358 219)

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. The short term objective is to manage Basin Wildrye (ELCI2) at key area DFRL, at an AUL of 40%.
- 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. The long-term objective is to improve the seral stage of range site 029XY003NV from an early seral stage at 21% of Potential Natural Community (PNC) by air dry weight to 70 - 85% of PNC.

<u>General Composition</u>	<u>Current % Composition by Dry Weight</u>	<u>Objective % Composition by Weight</u>
Grasses & grass-like	8	70-85%
Forbs	2	5-15%
Shrubs	90	10-20%
<u>Species Specific Composition.</u>		
ELCI2	8	15-30%
ARTRT	48	1-5%
CHVI8	25	2-5%
SAVE4	17	2-5%

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 to provide a thriving natural ecological balance of the wild horses.

3. Mule Deer

- a. The short term objective is to limit use on key browse species listed for mule deer to 30 percent by livestock prior to November 1, and to 45 percent by all animals yearlong.
- b. The long term objective is to maintain mule deer winter range in at least fair habitat condition by providing diversity of forage species.

4. Pronghorn Antelope

- a. The short term objective is to limit use on key species listed for pronghorn antelope range to 55 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 appropriate vegetation quantity and quality.

5. Ferruginous Hawk

- a. The short term objective is to limit use on winterfat near the occupied ferruginous hawk nest 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.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Dry Farm (Livestock, Wild Horse, and Wildlife)

Study No.	Key Area Location	[1] 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		
DFR1	T. 4 N. R. 58 E. sec. 25	029X003NV	ELCI2 ARTRT Grass Grass-like Forbs Shrubs	8% 48% 8% 2% 90%	Early 22%	Improve	15-30% 1-5% 70-85% 5-15% 10-20%	Late 70-85%	40%	Summer 06/01 to 08/31	Not Met	Allowable Use Level was exceeded four of six years. 1981 - 86% 1984 - 68% 1986 - 64% 1987 - 50%	
FH	SW1/2, sec. 11 T. 4 N. R. 58 E.	028BY013NV or 029XY020NV (near nest)	EULA5	No ecological status survey completed to date					45%	Yearlong	Met	Based on use pattern mapping in 1985 and 1986 allowable use level not exceeded.	

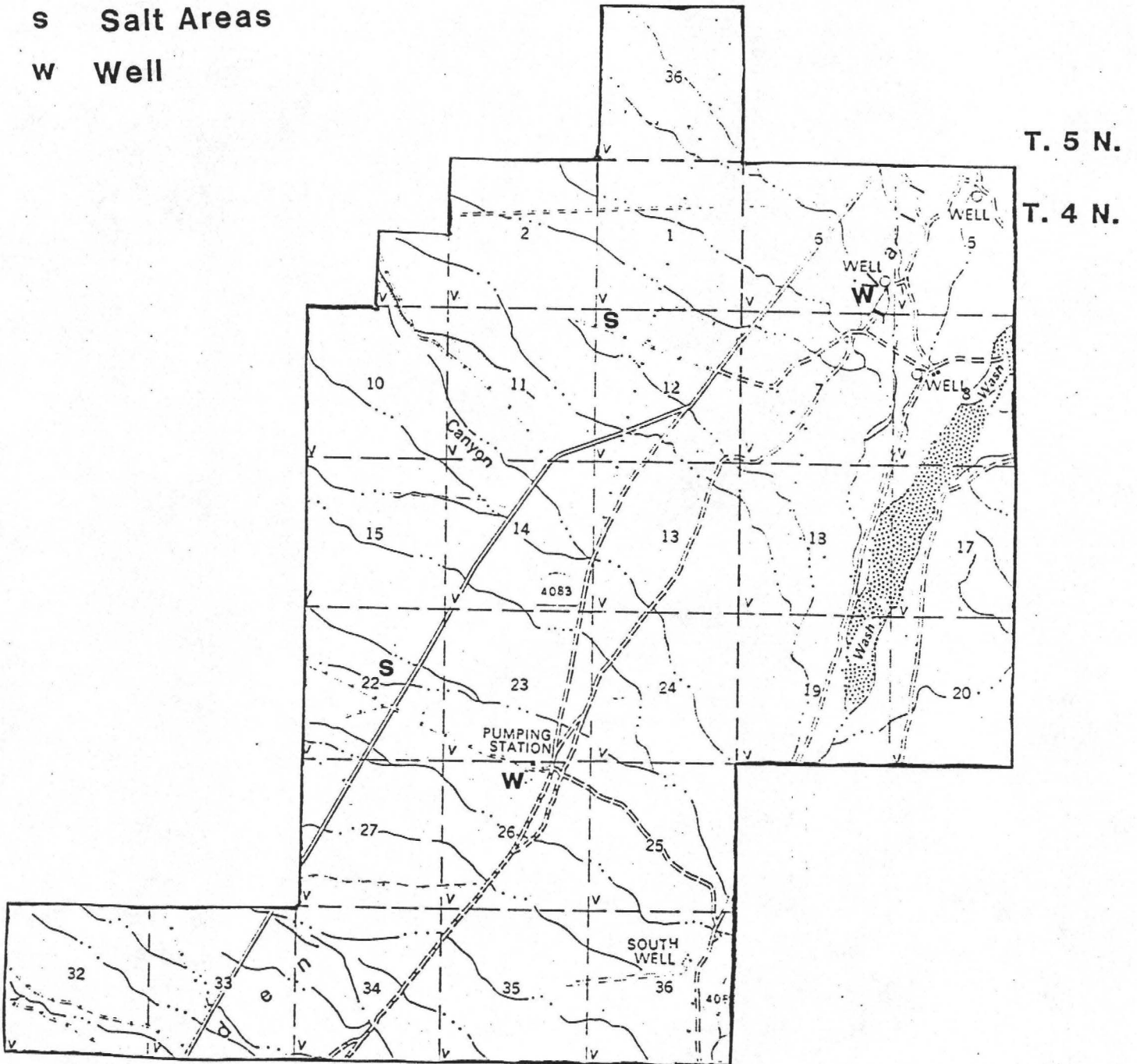
[1]. Soil Conservation Service MLRA 29 Site Description Revision 2/90

DRY FARM ALLOTMENT

LEGEND

s Salt Areas

w Well



R. 58 E. R. 59 E.