

4/17/90



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1
Ely, Nevada, 89301



IN REPLY REFER TO:

4130
(NV-046)

Certified Mail No. P 569 361 731
Return Receipt Requested

APR 17 1990

Reed B. Robison
Spring Valley
Ely, Nevada 89801

*Post
AML-1698AUMS
141.5 head*

*AML proposed 152
1824 AUMS*

NOTICE OF PROPOSED MULTIPLE USE DECISION
FOR THE CHIN CREEK 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 Chin Creek 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 1980 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 Chin Creek Allotment. Input was received from the one permittee, three wild horse groups, two wildlife agencies, five livestock interest groups, and two environmental interest groups.

See Appendices I, II, III, and IV for the management objectives for livestock, wild horses, wildlife, and riparian areas on the allotment. These objectives are in conformance with and formulated to accomplish the Schell Land Use Plan multiple use objectives as they relate to all grazing use on the Chin Creek Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE CHIN CREEK 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 monitoring data has revealed that the multiple use objectives for the Chin Creek Allotment are not being met due to the existing grazing use by livestock and wild horses. This analysis also shows that the existing management of wildlife does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in livestock and wild horse use and not to wildlife.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3 and 4110.3-2(b) and (c) and 4130.6-1(a), the current authorized livestock active use shall be reduced by 4,689 AUMs.

FROM:

Kind	Period of Use	%PL	AUMs	
			Active	Susp
Cattle & Sheep	03/01 - 02/28	100	13,115	130

TO:

Effective	Period of Use	%PL	AUMs	
			Active	Susp
Year 1 (June 1, 1990)	03/01 - 02/28	100	10,955	2,290
Year 3 (March 1, 1993)	03/01 - 02/28	100	9,691	3,554
Year 5 (March 1, 1995)	03/01 - 02/28	100	8,426	4,919

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

Livestock use will be authorized by established use areas (Refer to Map 1) not to exceed the carrying capacity as determined through the continued monitoring procedures.

Authorized livestock use effective June 1, 1990 is as follows:

Use Area	No.	Kind	Period of Use	%PL	AUMs	
					Active	Susp
Spring Valley	174	Cattle	04/16-10/31	100	1,138	399
	2,005	Sheep	05/01-06/30	100	804	282
Antelope Range	1,738	Sheep	07/01-10/31	100	1,406	1,479
Antelope Valley	1,033	Cattle	11/01-04/15	100	5,640	0
Black Hills	1,653	Sheep	11/01-04/30	100	1,967	0
			Sub-total	=	10,955	2,160
			Previously suspended	=		130
			Total	=	10,955	2,290

Authorized livestock use effective March 1, 1993 is as follows:

Use Area	No.	Kind	Period of Use	%PL	AUMs	
					Active	Susp
Spring Valley	170	Cattle	04/16-10/31	100	1,109	428
	1,955	Sheep	05/01-06/30	100	784	302
Antelope Range	1,141	Sheep	07/01-10/31	100	923	1,962
Antelope Valley	940	Cattle	11/01-04/15	100	5,129	511
Black Hills	1,467	Sheep	11/01-04/30	100	1,746	221
			Sub-total	=	9,691	3,424
			Previously suspended	=		130
			Total	=	9,691	3,554

Authorized livestock use effective March 1, 1995 is as follows:

Use Area	No.	Kind	Period of use	%PL	AUMs	
					Active	Susp
Spring Valley	165	Cattle	04/16-10/31	100	1,080	456
	1,905	Sheep	05/01-06/30	100	764	323
Antelope Range	543	Sheep	07/01-10/31	100	439	2,446
Antelope Valley	846	Cattle	11/01-04/15	100	4,618	1,022
Black Hills	1,281	Sheep	11/01-04/30	100	1,525	442
			Sub-total	=	8,426	4,689
			Previously suspended	=		130
			Total	=	8,426	4,919

(Note: During the winter, three to four months of sheep use from the Black Hills Use Area and cattle use from the Antelope Valley Use Area has historically been made in the Elko BLM District. Use in the Elko District is dependent on the presence of snow cover

because of the lack of an adequate permanent winter water supply. To accommodate this Elko District use in the overall livestock operation, the livestock use identified in the Black Hills and Antelope Valley may vary, but not exceed the period of use or total AUMs as identified above in the scheduled phased-in period.

In accordance with 43 CFR 4130.6-2, the following terms and conditions are hereby made a part of the grazing permit for the Chin Creek Allotment:

A rest-rotation grazing system is in effect for cattle on the Spring Valley use area. It will utilize the three existing seedings (i.e., Flat Spring, North Creek, and Robison) and the surrounding native range. Until such time as an allotment management plan is developed and implemented, and management facilities are installed, cattle must be herded to achieve proper control of animals. When the Robison Seeding is used, water will be hauled to the following locations:

T. 24 N., R. 66 E.,
sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

A deferred grazing system is in effect on the Spring Valley use area for sheep. Herding of the sheep is required at all times. In even calendar years use will be rotated starting from the north end of the area and ending at the south end. In odd years the order is reversed.

A deferred grazing system is in effect for the Antelope Range use area. The only livestock authorized to use this area will be sheep. Herding of the sheep is required at all times. In even calendar years use will be rotated starting from the north end of the area and ending at the south end. In odd years the order will be reversed.

A deferred grazing system is in effect for the Antelope Valley use area. The only livestock authorized to use this area will be cattle. Cattle use will be rotated between the existing North and South Pastures. In even calendar years use will be made starting in the North Pasture for the period 11/01 thru 01/09 followed by use in the South Pasture for the period 01/10 thru 04/15. In odd years use will be made starting in the South Pasture for the period 11/01 thru 02/05 followed by use in the North Pasture for the period 02/06 thru 04/15.

A deferred-rotation grazing system is in effect for the Black Hills use area. The only livestock authorized to use this area will be sheep. Herding of the sheep is required at all times. In even calendar years use will be rotated starting from the north end of the area and ending at the south end. In odd years the order will be reversed.

In accordance with 43 CFR 4130.6-2 herding of sheep is required when they are authorized on the allotment, and herding of cattle is required when they are authorized on the Spring Valley use area of the allotment.

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.

Prior to implementing adjustments scheduled for the third and fifth years existing and future monitoring data will be evaluated to determine if the indicated 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 Chin Creek Allotment as identified in Appendices I, II, III, and IV. The data indicates that 8,426 AUMs are available for livestock, and that active preference is 4,689 AUMs in excess of the livestock carrying capacity. This reduction in active preference is necessary to maintain and/or improve rangeland productivity.

The reduction for livestock in Year 1 (June 1, 1990) is equal to 2,160 AUMs from the previous adjudication that are no longer available due to the encroachment of pinyon and juniper trees on the Spring Valley and Antelope Range use areas. Increased intensity of management (changing season of use, grazing systems, herding, water hauling, and other management practices) will provide needed rest during critical spring growth and allow multiple use objectives to be met.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

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..."

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

4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under Sections 4110.3, 4110.3-1 and 4110.3-2."

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

PROTEST/APPEAL:

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 Schell Resource Area Manager, Star Route 5 Box 1, Ely, Nevada 89301.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.3 and 4160.4, you are allowed thirty (30) days within which to file such an appeal with the Schell Resource Area Manager, at the above address.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse numbers at an appropriate management level of 152 animals for that portion of the Antelope Herd Management Area which occurs in the Chin Creek Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Chin Creek Allotment shall be managed at 152 animals (8 on the Spring Valley use area and 144 on the Antelope Range, Antelope Valley, and Black Hills use areas).

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 152 will be removed.

The Antelope Wild Horse Herd Management Area Plan is hereby revised to reflect the appropriate management level for wild horses in the Chin Creek Allotment.

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 Chin Creek Allotment as identified in Appendices I, II, III, and IV. The data indicate that there are 1,824 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 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..."

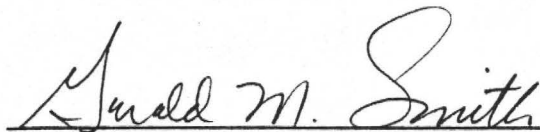
PROTEST/APPEAL:

In accordance with 43 CFR 4770.3 which 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."

Although these regulations allow for an appeal with no mention of a protest, for the purpose of consistency the multiple use decision will be initially sent as a "Proposed" decision. If no protests are received within fifteen days, the proposed decision shall constitute the final decision, which may then be appealed.

Should you wish to appeal this decision as it pertains to wild horses to the Interior Board of Land Appeals, you are required to appeal in accordance with 43 CFR 4.400. An appeal should specify the reasons, clearly and concisely, as to why you think the decision is in error and a statement of standing, if necessary as per 43 CFR 4.400.



Gerald M. Smith, Manager
Schell Resource Area

	(Certified Mail No.)
cc: Natural Resources Defense Council	(P 569 361 732)
U.S. Fish and Wildlife Service	(P 569 351 733)
Nevada Department of Wildlife, Region II	(P 569 351 734)
Animal Protection Institute of America	(P 569 351 735)
Wild Horse Organized Assistance	(P 569 351 736)
Comm. for the Preservation of Wild Horses	(P 569 351 737)
Resource Concepts, Inc.	(P 569 351 738)
Nevada Cattlemen's Association	(P 569 351 739)
Nevada State Grazing Board, N-4	(P 569 351 740)
Nevada Outdoor Recreation Association	(P 569 351 741)
Marvel and Hansen, Attorneys at Law	(P 569 351 742)
Nevada Department of Agriculture	(P 569 351 743)
University of Nevada Reno	(P 569 351 744)
Sierra Club, Toiyabe Chapter	(P 569 351 745)

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 level (AUL) by season of use to improve or maintain the desired vegetative community.
- b. The long term objective is to improve those acres in poor or fair livestock forage condition and maintain all acres presently in good livestock forage condition by managing for those seral stages which optimize livestock forage production.

2. Wild Horses

- a. The short term objective will be accomplished through managing the allowable use level (AUL) by season to improve or maintain the desired vegetative community.
- b. The long term objective is to manage for the most appropriate seral stage to provide the desired quantity, quality, variety, and density of forage in order to meet the requirements of the wild horses.

3. Mule Deer

- a. The short term objective is to limit yearlong use on key species to 40 percent for perennial grasses, grass-like plants, and forbs and to 35 percent of shrubs if the mule deer range is in poor habitat condition. If the range is in fair condition or better, the objective is to limit yearlong use on key species to 55 percent for perennial grasses, grass-like plants, and forbs and to 45 percent for shrubs.
- b. The long term objective is to maintain mule deer range in at least fair habitat condition by providing diversity of forage species.

4. Pronghorn Antelope

- a. The short term objectives are:

Limit use on key browse species listed for pronghorn antelope winter range (PAW) to 35 percent yearlong.

Limit use on key species listed for kidding grounds to 30 percent for perennial grasses, grass-like plants, and forbs until June 30, and to 40 percent yearlong, also 35 percent for shrubs yearlong.

Limit use on grass and grass-like species on wet meadows and stream riparian areas within kidding grounds to 30 percent yearlong.

- b. The long term objective is to improve habitat condition on key/crucial areas to good condition.

5. Sage Grouse

- a. The short term objective is to manage the AUL by season of use to improve or maintain the desired vegetative community.
- b. The long term objective is to manage big sagebrush sites within two miles of active strutting grounds for late mid seral stage to the potential natural community (PNC) with at least 30 percent shrubs.

6. Ferruginous Hawk

- a. The short term objective is to limit use on winterfat near occupied ferruginous hawk nests to 45 percent yearlong.
- b. The long term objectives are to manage winterfat stands (Silty Range Sites) near occupied ferruginous hawk nests in mid to late seral stage and to maintain integrity of existing pinyon-juniper "stringers near winterfat stands".

7. Riparian Areas

- a. The short term objective is to limit use on wet meadows and stream riparian areas in less than good condition to 30 percent for grass and grass-like species by all animals yearlong and to limit use on all other wet meadows and stream riparian areas to 50 percent for grass and grass-like species by all animals yearlong.
- b. The long term objectives are to manage all wet meadows for late seral stage (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs).

B. Activity Plan Objectives

1. Antelope Wild Horse Herd Management Area Plan

- a. The short term objective will be accomplished through managing the AUL by season of use to improve or maintain the desired vegetative community.
- b. The long term objectives are to manage for the most appropriate seral stage to provide desired quantity, quality, variety, and density of forage in order to meet the requirements of the wild horses and other foraging animals and to improve distribution and provide water yearlong for wild horses throughout the herd management area.

2. Antelope Range Habitat Management Plan

- a. The short term objective will be accomplished through managing the AUL by season of use to improve or maintain the desired vegetative community.
- b. The long term objectives are:

Manage for the most appropriate seral stages to provide desired quantity, quality, variety and density of forage in order to meet the requirements of the key foraging animals.

Provide nesting, brooding and wintering habitat for upland game species. Minimize the impacts of livestock grazing on sage grouse strutting/nesting grounds.

Protect raptor nesting habitat and provide and protect habitat for raptor prey species.

Manage riparian areas for late seral stage or appropriate stage for a specific use.

Specific resource objectives for key management areas identify key forage species, the existing density and production, and the levels of density and production to manage for.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Chin Creek (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE		SHORT TERM OBJECTIVE				Rationale
				Key Spp % Comp By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	
CCR1 1)	S. Antelope Well Sec. 27 T. 25 N., R. 68 E.,	028BY047NV	EULA	85	30	Maintain	77	30-33	45	Yearlong	Not Met	AUL Exceeded 1984=58% 85=64% 86=46% 87=60%
CCR2 2)	N.E. Antelope Valley Sec 26 T. 26 N., R. 68 E.	028BY075NV	EULA ORHY	25 38	60	Maintain	26 35	60-67	45 55	Yearlong	Not Met	AUL exceeded 1984=49% 84=69% 85=70%
CCR3 2)	Baldy Peak Sec 9 T. 24 N., R. 67 E.	028BY034NV	AGSP	27	77	Maintain	25	77-80	50	Summer	Met	AUL not exceeded
CCR4 2)	E. Ayarbe Drift Fence Sec 28 T. 25 N., R. 69 E.	028BY11NV	ORHY	16	64	Maintain	15	67-75	55	Yearlong	Not Met	AUL exceeded 1985=70%
CCR8 1)	S.W. Ante- lope Valley Sec 8 T. 24 N., R. 68 E.	028BY075NV	EULA ORHY	7 7	30	Improve	33	30-37	35 40	Yearlong	Not Met	AUL exceeded 1982=66% 85=68% 87=65% 1982=66% 84=58% 85=75% 86=74%

1) Study area representing livestock and wild horse use.

2) Study area representing wild horse use.

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Chin Creek (Livestock & Wild Horses)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE		SHORT TERM OBJECTIVE				Rationale
				Key Spp % Comp By Weight	Livestock Forage Condition	Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level	Season of Use	Met or Not Met	
CCR5 1)	N. Creek Seeding T. 24 N.R. 66 E., S.3	NA (seeding) 3)	AGCR	28	Fair	Improve	32	NA	40% 50%	Summer Fall	Not Met	AUL Exceeded 1982=66% 87=62%
CCR6 2)	Flat Sp. Seeding T. 25 N., R. 66 E., S. 12	NA (seeding) 3)	AGCR	26	Fair	Improve	28	NA	40% 50%	Summer Fall	Not Met	AUL Exceeded 1982=76% 85=36%
CCR7 1)	Robison Seeding T. 24 N., R. 66 E., S. 34	NA (seeding) 3)	AGCR	18	Fair	Improve	20	NA	40% 50%	Summer Fall	Not Met	AUL Exceeded 1982=78% 84=58%

- 1) Study area representing livestock and wild horse use.
- 2) Study area representing wild horse use.
- 3) Ecological Status does not apply to seedings.

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Chin Creek (Riparian Areas)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE		SHORT TERM OBJECTIVE				Rationale 1/	
				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		
Creek and Reservoir	T. 24 N., R. 67 E., Sec. 6, SE¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						30%	Yearlong	Not met	Fair Condition Moderately grazed
Spring (Tunnel Canyon)	T. 24 N., R. 67 E., Sec. 23, SE¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						50%	Yearlong	Met	Good Condition
Spring (Com. of 3)	T. 24 N., R. 67 E., Sec. 18, NW¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						50%	Yearlong	Not Met	Grazed and trampled (Good condition over all)
Spring	T. 24 N., R. 68 E., Sec. 6, SE¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						30%	Yearlong	Not met	Fair Condition
Willow Spring	T. 25 N., R. 65 E., Sec. 24, SW¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						50%	Yearlong	Met	Good Condition
Long Cedar Spring	T. 25 N., R. 65 E., Sec. 25, NE¼	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date						50%	Yearlong	Met	Good Condition

1/ Condition of springs/wet meadows based on water resources inventory in 1983.

APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Chin Creek (Riparian Areas)

Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION		LONG TERM OBJECTIVE			SHORT TERM OBJECTIVE				Rationale 1/
				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		
Reservoir	T. 25 N., R. 67 E., Sec. 21, SW $\frac{1}{4}$	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date					50%	Yearlong	Met	Very Good Condition	
Spring/Creek	T. 25 N., R. 67 E., Sec. 29, SE $\frac{1}{4}$	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date					50%	Yearlong	Met	Excellent condition	
North Cr. Sp. (Complex of 3)	T. 25 N., R. 67 E., Sec. 31, NE $\frac{1}{4}$	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date					50%	Yearlong	Met	Excellent Condition Exclosure constructed in 1986.	
Spring and Reservoir	T. 25 N., R. 67 E., Sec. 32, SE $\frac{1}{4}$	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date					30%	Yearlong	Not Met	Trampled Broken reservoir needs repair-only riparian in reservoir Poor condition	
Spring	T. 25 N., R. 67 E., Sec. 36, SE $\frac{1}{4}$	Unknown	Grasses and Grass-like	No Ecological Status Survey Completed to Date					30%	Yearlong	Not Met	Heavily used Trampled Fair condition Water table dropped.	

1/ Condition of springs/wet meadows based on water resources inventory in 1983.

APPENDIX IV: Site Specific Allotment Objectives

ALLOTMENT: Chin Creek (Wildlife)

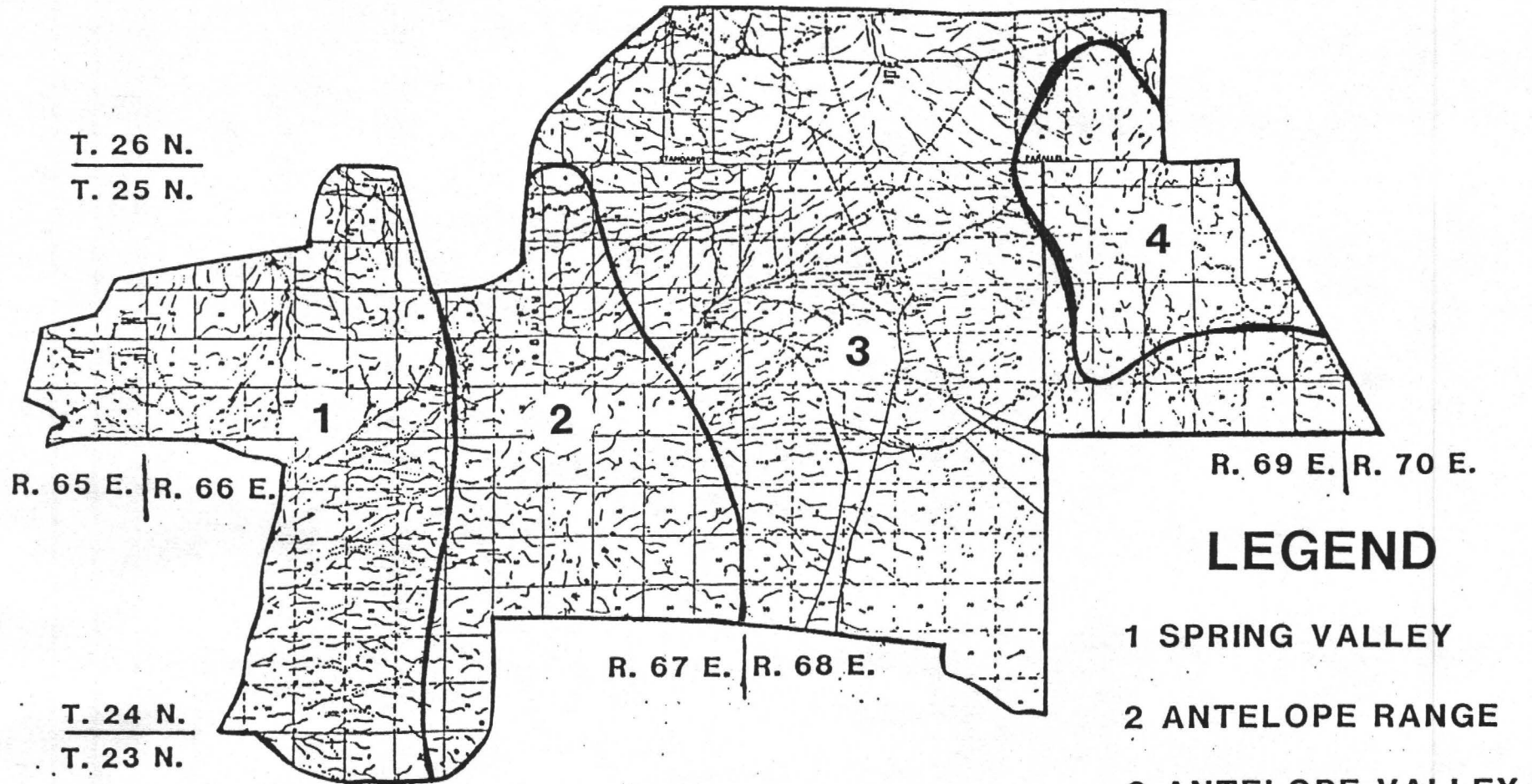
Study No.	Key Area Location	Ecological Site No.	Key Species	PRESENT SITUATION	LONG TERM OBJECTIVE	SHORT TERM OBJECTIVE				
				Habitat Condition Rating 1/	Maintain or Improve	Habitat Condition Rating	Allowable Use Level	Season of Use	Met or Not Met	Rationale
PAW-1 AKG (Chin Creek)	T. 24 N., R. 68 E., Sec. 8, NW¼	D28A026N	Forbs CHV1 ATCO ARARN	Fair	Improve	Good	30% 35% 35%	Yearlong	Not met	Utilization exceeded Allowable Use Levels in: 1985 - 50% CHV1 48% ATCO 1984 - 40% CHV1 59% ATCO 1983 - 45% CHV1 46% ATCO 1982 - 77% CHV1 50% ATCO 40% ARARN
PAW-2 (Ayarbe Spring)	T. 25 N., R. 69 E., Sec. 31, NE¼	D28A024N	ATCO ARARN ARSP	Fair	Improve	Good	35% 35% 35%	Yearlong	Not Met	Utilization exceeded Allowable Use Levels in: 1986 - 48% ATCO 55% ARSP 1985 - 58% ATCO 53% ARSP

1/ For pronghorn antelope, habitat condition is based on vegetation quality rating, diversity index, and vegetation quantity rating.

CHIN CREEK ALLOTMENT

USE AREAS

MAP 1



API

Antelope HMA

5/25/90

Damn this is a rough, rough & will get changed probably I wanted you to know what maybe doing over there in case you can make something of these simple protest, lifted out

May 25, 1990

Ken Walker
District Manager
BLM
Star Route 5, Box 1
Ely, NV

ANTELOPE HMA
CHIN CREEK ALLOTMENT EVALUATION
PROPOSED DECISION
PROTEST

PS- the award ceremony was really good I wish you were there to see anyone you to see I mistook for your daughter!

Dear Mr. Walker:

Speaking for our national membership on behalf of the Antelope HMA wild horses, API is protesting the proposed decision by the Schell Resource Area that results from their recent evaluation of the Chin Allotment.

Chin Creek is one of the five allotments in the Ely portion of the Antelope HMA. There are currently 508 horses in the four major areas of this allotment. The decision will provide forage for a total of 152 animals in this portion of the HMA. The proposed reduction (listed as number of animals not AUMs) is as follows:

Spring Valley (CCR6)	122 to 8
Antelope Range (CCR3)	125 to 11
Antelope Valley (CCR8)	199 to 12
Black Hills (CCR4)	134 to 56

Total 580 to 152

According to the HMAP, the area of the entire HMA with the greatest concentration of horses during the winter and early spring is the Spring Valley. The description of movement and grazing patterns for the Spring Valley area of the HMA says that horses stay in the pinyon-juniper (6,000 to 8,000 feet) during the day and graze in the valley in the evening. When there is little snow on the ridges they do not go down into the valley at all but move to higher elevations. It refers

to the sagebrush zone, 5,000-7,000, as the area of conflict where both livestock and horses graze yearlong and where sage grouse are also found. However, it states that horses move up into the coniferous zone (9,000 and higher) during the summer and that there is ample water at these elevations.

We do not have information that shows census maps for the entire Antelope HMA. So far, we have received allotment evaluation information related to wild horses on Tippett, Sampson Creek and Chin allotments. The information that we have requested in the past from the Nevada State Office includes their print out sheets tabulating populations from 1987 through 1989 in conjunction with roundups. These show populations in the Ely portion of the Antelope HMA as totalling 451 horses in 1987 and 782 horses in 1988. A February 1988 roundup removed 361 horses.

The allotment information shows 1987 population figures for Chin Creek as 256 horses and for Sampson Creek there are 92. Tippett used 1985 population figures which amounted to 150 horses. We have not yet received information for the number of horses in the other two areas, but these figures would require that no horses be in the other two areas.

By applying BLM's 16 percent average increase rate to the Tippett numbers in order to bring them to an ~~estimated~~ 1987 level for comparison purposes, there would have ~~202~~ horses in Tippett in 1987. And no horses in Becky Springs or Dry Creek. The total for the three allotments would be 550 in 1987.

If the 550 horses in these three allotments are split 50:50 male:female, in order for 275 mares to produce the needed 237 foals to bring the population up to the reported 1988 level of 782 horses, all but 42 mares ~~are presumed to have foaled in the~~ 1987 foaling season, all 237 foals survived and were counted in the 1988 census. The 1988 removal of 361 horses should have disclosed this unique 43 percent birth rate of the previous year.

Even without the population adjustment for Tippett, there is a discrepancy between the numbers reported to the State Office ~~with~~ those that remain on the data sheets in the Resource Area office. We view it as a serious discrepancy because there is a national controversy related to the total number of horses BLM reports to the public. If 50 horses are added to every one of the 250 HMAs throughout the Bureau, it would be a 12,500 horse error. This is just about the size of the discrepancy between BLM's official count of 42,000 total and the protection groups' calculations of no more than 30,000 and probably closer to 25,000.

In addition to this confusion of numbers, the data submitted with the evaluation summary were both contradictory and confusing with regard to where damage occurs and whether or not this severe reduction of horses remedies damage in accordance

from the 451 of the previous season

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with the statutory requirements for making such reductions. The summary of problems submitted with the data refers to horses as causing all the damage. It also states that the presence of horses conflicts with the possibility of creating an effective livestock grazing system. Both rest rotation and the deferred pasture system require fencing and control of all animals. Cattle usage requires hauling water, both sheep and cattle require continual herding.

The final decision appears to us to get rid of wild, free-roaming horses to initiate an intensive livestock grazing system. Our contention is that unless the reduction meets statutory requirements for a removal of horses, the decision cannot be implemented.

While BLM argues the multiple use nature of the public lands and API does not disagree at all with that view, Congress expressly limited when BLM can remove horses from the public lands. BLM is directed by statute to keep inventories--presumably accurate ones. The limited authority to remove horses from the public lands is spelled out in statute and reiterated in the two recent IBLA rulings which ORDER the Resource Areas to meet the statutory requirements. We question whether that order is being followed or is it being swept aside and ignored by the Districts. That order is also reflected in *Dahl v Clark*, *API v Hodel* at both the District and the Appeals level, as well as the 10th Circuit ruling. It is reinforced and supported by the Congressional Committee report explaining the intent of the Act. There is a consistency among several federal judges in their interpretation of the statute. API's own 150,000 members, who are but a portion of the protection groups organized around the nation on behalf of wild horses, are outraged that a government agency whose mandate is to implement laws can so consistently violate the law by refusing to apply removal restrictions.

BLM's continued refusal to implement the sound wild horse protection program that your own programmatic guidance outlines, your policies spell out, your Instructional Memos clarify, and your field manuals itemize has increased public attention, support, and sympathy for wild horses 100-fold. It focuses a spotlight of attention on your actions and neither your arithmetic or your justification and rationale for wild horse reductions such as these being proposed for Chin Creek and the other allotments of the ANTELOPE HMA hold up under this increasing public scrutiny and the increasing demand on API, WHOA, and the Commission for the Protection of Wild Horses to scrutinize.

WHERE ARE THE HORSES IN RELATION TO THE DAMAGE?

Appendix VI lists wild horse use areas within the Chin Allotment as CCR6 in the Spring Valley area; CCR3 in the Antelope Range area; CCR8 in the Antelope Valley; and CCR4 in the Black Hills.

CCR6 is one of three seedings found in the Spring Valley. It is located as "A" on Map No. 3. The Use Pattern Map of 1985 shows severe and heavy use--even though the Resource Area HAS data for 1985, 1986, 1987, and 1988 they have chosen to use 1985 because the utilization level is 86 percent for that year. The data in Appendix VI confirms severe and heavy use in 1985 even though there were less horses present and no livestock than current use when utilization is only 20 percent.

Current data does not support the reduction. The 1985 data look more supportive to a reduction of 199 horses down to 8. This particular area is shown on the maps as containing springs and riparian habitat. The proposed decision includes fencing it. API supports fencing the springs and riparian areas in CCR6 as a mitigating measure to save the riparian habitat as well as the 199 horses in this area. While horses are being reduced by 191 animals, the proposed decision includes this Flat Spring seeding as one of the pastures in a three pasture grazing system allowing 174 cattle (April through October) and 2,005 sheep (May 1 through June 30).

This is a total of 1942 livestock AUMs in CCR6 where only 360 AUMs existed in 1987, 264 livestock AUMs in 1986, 0 AUMs in 1982-1985. It is an increase of livestock and a reduction of 1464 wild horse AUMs down to 96 AUMs.

Appendix 1 refers to the Chin Creek riparian Areas, Flat Spring has no ecological site condition status but under rationale it describes the area as "GOOD CONDITION, ENCLOSURE COMPLETED IN 1986. Other springs in this general vicinity are listed simply as "Springs complex T .25 N., R 67 E., Sec. 4 SE 1/4) These are described as "GOOD CONDITION BUT MODERATELY TRAMPLED." The Stockade Spring is described as "GOOD CONDITION EXCLOSURE COMPLETED IN 1987." Another spring located in Sec. 19 of the T .25 N, R. 67 E area is described as MODERATELY TRAMPLED, FAIR CONDITION. Another complex of springs in Sec. 21 of this area is described as EXCELLENT CONDITION. For the cost of fencing off the entire CCR6 area, BLM could improved the conditions at the springs that show moderate trampling and impose 4710.5 Closure to Livestock in this area rather than replace horses with livestock.

THERE IS NO JUSTIFICATION FOR A REDUCTION OF HORSES IN THE CCR6 AREA.

CCR3 is the Antelope Range. The data indicate there are no livestock waters available. The data only list 1985 and 1986 wild horse use which shows utilization levels of 49 and 50 percent, respectively. Despite this maximum utilization by horses with no livestock present in 1985 and 1986, 1470 livestock AUMs were allowed during 1987 and 1988 (see the table on page 3 of the proposed decision which refers to suspending 1470 livestock AUMs in this area). Again the data submitted are a discriminate choice to paint a specific kind of picture

and not simply the latest available information or CURRENT USAGE as required by the IBLA order. We believe Closure to Livestock rather than introduction of livestock would have been the appropriate decision in 1987 based on the monitoring data in order to protect the forage resource and the natural system. In fact, to purposely overstock this area by allowing livestock usage in 1987 when the data clearly showed the forage could not withstand this kind of usage, is not sound land management but a destructive action. This too is a case of replacing wild horses with livestock.

THERE IS NO JUSTIFICATION FOR A REDUCTION OF HORSES FROM THE CCR3 AREA.

Similar information occurs with regard to CCR8 Antelope Valley and the Black Hills FOR WHICH THERE IS NO JUSTIFICATION FOR A REDUCTION OF HORSES.

Our contention is that based on the above, the Resource Area cannot justify a removal of horses upon which this grazing decision is absolutely contingent.

Sincerely,

Nancy Whitaker
Program Assistant