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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely District Office
HC33 Box 150
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4400.3 (NV-047)

OCT 15 1991

Commission for the Preservation
of Wild Horses
Stewart Facility
Capitol Complex
Carson City, NV 89710

Dear Participant:

Enclosed for your information is the Management Action Selection Report for the Newark Allotment. This report is the final section of the allotment evaluation, and complete the monitoring evaluation process.

The Management Action Selection Report addresses the primary concerns received from involved interests, lists the options considered during the evaluation, and identifies the management actions selected. The report also describes the rationale as to why those actions were selected.

This report is provided for your information only, and will be followed at a later date by a proposed multiple-use decision if indicated in the report. This decision will be issued to actually initiate the chosen action on the ground, and will specify the procedures for protest and appeal. A copy of the decision will be provided to those individuals and/or organizations that have participated in the monitoring evaluation process. If no decision is required, the Management Action Selection Report will serve as documentation to the grazing file that current management is appropriate.

Sincerely,

Gene L. Drais, Manager
Egan Resource Area

1 Enclosure
1. Newark MASR

MANAGEMENT ACTION SELECTION REPORT
NEWARK ALLOTMENT (0603), EGAN RESOURCE AREA
Dan Russell, Permittee

A. INTRODUCTION

The Newark Allotment evaluation was conducted in accordance with the direction set forth in Washington Office Instruction Memorandum No. 86-706, and is based on monitoring data collected between 1977 and 1990.

A limited amount of public comment was received pertaining to this allotment evaluation. Copies of the comment letters are located in the Newark allotment evaluation files in the Ely District office. All allotment-specific comments were considered for incorporation into the final evaluation. Some of the primary concerns expressed for Newark are addressed as follows:

Resource Concepts Inc. (RCI) commented that Nevada Rangeland Monitoring Handbook (NRMH) allowable use levels are intended to be "used as a guideline only and should be tempered with local judgement on a case-by-case basis." RCI failed to include that they were also developed as a set of "definitive criteria to assist in managing rangeland vegetation", and that the example given for exception is under intensive management. In the absence of such intensive management, it is felt that these utilization criteria are applicable. Also, as stated in the NRMH, "generally, utilization should not exceed the moderate range" (generally considered 40-60%). Allowable use levels of 50% or less on native grasses, as used in this evaluation, are widely supported in the literature (Heady 1975, Vallentine 1971, Holechek 1989), as is 60-65% for crested wheatgrass (Frischknecht & Harriss 1968, Laycock 1987, Vallentine 1971). Nowhere in the literature can we find support for 80% utilization levels on any sustained basis. The deleterious effects of grazing in excess of these allowable use levels is also widely documented in these and other sources.

An additional comment concerned the use of the Sneva Crop Yield Index. This index is not used to "correct" or "normalize" utilization data. The index is used to account for the affect of yearly climatic variations on annual forage yield, and therefore calculation of appropriate stocking levels. Since it is not feasible to adjust the numbers of all grazing animals (livestock, wildlife, and wild horses) on a yearly basis to respond to annual fluctuations in forage yield, an average carrying capacity is determined based on a "normal" year. The effects of precipitation on carrying capacity must be considered. After review of existing research on this subject, the Ely District chose the Sneva et al model as the most appropriate for this region. Authority to use the yield index is provided in BLM Technical Reference #4400-7 and Instruction Memorandum No. NV-89-468 and has been supported by a recent court ruling by an Administrative Law Judge in Oregon.

Also, the use of the "stocking rate formula" is an approved method to establish carrying capacity based on utilization, and is consistent with Bureau policy and BLM Technical Reference #4400-7.

In regards to specific questions by RCI, several points need clarification. As indicated in the evaluation summary, RPS objectives for wild horse numbers are no longer valid. The Interior Board of Land Appeals 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" (Dahl vs. Clark, Supra at 595).

RCI also expressed concern that the data presented was not sufficiently interpreted, both biologically and statistically. Large areas of excessive use and downward trend warrant reductions in stocking level of the herbivores involved, in this case, both livestock and wild horses. Statistical evaluation is limited to trend measurements, and as stated in the evaluation, differences in plant frequency were compared at the 90% confidence level. Statistical comparison of measured utilization and allowable use levels is not valid.

In regards to the riparian objectives, the 3.5 miles of stream riparian identified in the RPS were correctly identified, and have been evaluated for condition. Utilization objectives were evaluated for 7 key riparian sites, consisting of important stream/spring/meadow complexes, not every acre of riparian vegetation identified in the 1982 survey.

The Nevada Department of Wildlife (NDOW) correctly noted that Stream Habitat Survey ratings should have been included along with off-bank riparian condition for those streams with fishery values (Pinto Creek, Water Canyon). Since the RPS objective was written with the habitat survey in mind, this objective (III B 2 j) should be changed to "not met", contrary to the evaluation summary. However, the fair rating for Water Canyon (1989) is due to 0% pool/riffle ratio and pool quality, both conditions largely independent of the grazing in the area. It is our belief that alternate years' use in this area will improve conditions, as stated by NDOW fisheries biologist Rich Haskins, in a letter dated 8/28/87. Pinto Creek does show poor bank cover values, and may be considered for protection fencing in the future.

NDOW also indicated that they did not feel that the recommended management actions would adequately correct the problems indicated in the evaluation, and stated that there should be significant reductions to livestock actual use, rather than preference. By comparing the allowable stocking rates calculated for livestock with past years actual use, also presented in the evaluation, it is readily apparent that significant reductions to actual use are being proposed to 18-mile House and Newark Winter Use Areas.

Comments from the permittee, Mr. Dan Russell, contend that the data and interpretation, particularly for wild horses, was inadequate for the conclusions drawn. The use of utilization pattern mapping, horse census, the stocking rate formula, and apportioning of stocking rates to horses and livestock, are all valid techniques, consistent with BLM policy, and have been upheld in numerous grazing appeals.

Mr. Van Horne (Dan Russell's attorney) also disagreed with our conclusion that cattle use on the South Newark Use Area is impractical. He stated that Russell's request for a sheep to cattle conversion on the adjacent 6-mile allotment had been denied on the basis that cattle would drift onto Newark allotment. Now that Russell has both permits, drift would not be a problem. We disagree. Both these allotments also abutt the unfenced South Pancake allotment, a sheep allotment run by Pete Paris Jr. In fact, the only water source on the South Newark Use Area is less than 1/2 mile from this boundary, and trespass by cattle has occurred in the past and will undoubtedly continue if cattle are stocked in this use area. In addition, this area is primarily black sage vegetation with very limited winterfat bottoms. This vegetation is much more suitable for sheep grazing, and if converted to cattle, would result in a drastically reduced stocking level.

In regards to adjudication of the Pinto Creek Seeding, the native vegetation was included in the adjudication based on the 1945 survey. The area was seeded in 1966, and never adjudicated separately. With the separate stocking rate calculated in the evaluation, the original native AUMs for this area must be subtracted from the use area total.

Conclusions of the evaluation were based on data collection and comments from the following sources:

1. Range, wildlife, wild horse, and riparian monitoring studies files compiled by the Egan Resource Area and Division of Resources.
2. Input from the Nevada Department of Wildlife, Region II, in a letter dated 8/28/91.
3. Input from the N-4 Grazing Board, via a letter from Resource Concepts Inc., dated 8/28/91.
4. Input the permittee, Mr. Dan Russell, via a letter dated 9/9/91 from attorney Thomas S. Van Horne.

B. ANALYSIS OF MONITORING DATA

Based on analysis of monitoring studies, and including the above mentioned change, thirteen of the seventeen land use plan objectives identified for this allotment are not being met with current management practices. Therefore, additional management actions and/or adjustments in use are necessary. Current problems on this allotment include overutilization of native perennial grasses and winterfat by wild horses, cattle, and sheep; overutilization of crested wheatgrass seedings by cattle; and excessive season-long use of riparian areas. Although current ecological condition is largely acceptable, continued overuse will result in a decline in vegetative vigor and ultimately lowered condition.

C. SUMMARY OF MANAGEMENT OPTIONS

Only one management option can reasonably be considered. It is outlined in the following section. No comments from the public, including the permittee, presented alternatives that were consistent with the data and BLM policy.

D. SELECTED MANAGEMENT ACTION

The selected management action is outlined as follows:

a. 18 Mile House Use Area

The stocking rate will be set at 750 AUMs for cattle, 471 AUMs for sheep, and 180 AUMs for wild horses (15 animals yearlong). Livestock use will be limited to the winter use period, with a season of use extending from 11/1 to 4/30. Adherence to the spring removal of livestock from this area should be strictly enforced. If cattle are to be run in this area in a given year, sheep use will be limited to black sage vegetation in the Pancake Range and bench areas. In order to reduce animal concentration in the Black Shale Well area, this well should not be pumped, except as an emergency measure or to provide water for sheep being trailed south to Duckwater, and only on a very short term basis.

b. Newark Winter Use Area

The stocking rate will be set at 3152 AUMs for cattle, 1981 AUMs for sheep, and 609 AUMs for wild horses (51 animals yearlong). Livestock use will be limited to the winter use period, with a season of use extending from 11/1 to 4/30. In order to alleviate animal concentrations, Beck Pass (Yellow Tank) Well and Silverado Point Well should not be pumped, except as an emergency measure or to provide water for sheep being trailed south, and only on a very short term basis.

c. South Newark Use Area

Cattle use on this unit is impractical, since the only water available is an intermittent spring, the south boundary is unfenced, and the vegetation is primarily black sage types. The initial stocking level will be 849 AUMs winter sheep use (11/1 - 4/30), to be evaluated after use is made and area specific actual use obtained. The Appropriate Management Level (AML) for wild horses on that portion of the Monte Cristo Herd Management Area (HMA) within the South Newark Use Area will be set at 6 head yearlong (72 AUMs).

d. North Diamonds Use Area

The initial stocking level would be 782 AUMs for cattle and 545 AUMs for sheep. The majority of the cattle AUMs (597) would be attached to the Diamond Bench and Newark Burn with a spring (4/15-6/15) season of use. Summer use by cattle in the Diamonds would be provided at 185 AUMs (41 Cattle 6/16-10/31). Sheep use in this area would be spring/summer/fall, to be used in the higher country in the Diamond Range, and full use of these AUMs would be dependant on water hauling.

In order to maintain riparian condition and meet riparian objectives, while still allowing use of the cheatgrass in the burn, this area should be used only in the spring (4/1-6/1). Actual use dates will vary from year to year, due to weather and cheatgrass phenology. In order to alleviate riparian problems on Water Canyon and Mining Canyon/Tollhouse, these two areas will be used in alternate years.

e. South Diamonds Use Area

The initial stocking level for the South Diamonds Use Area will be 245 AUMs for cattle (407-162) and 255 AUMs for sheep (unchanged). These cattle AUMs will be licensed for trailing in Tollhouse Canyon, and spring/summer use in the vicinity of Pinto Creek Ranch. Sheep AUMs will be limited to those areas not utilized by cattle, primarily the steeper portions of the Diamonds, and would depend on water hauling for full use.

f. Pinto Creek Seedings

The stocking rate will be 241 AUMs, with a season of use from 4/16-10/31. This would provide for 37 cattle for the full use period, to be run in a deferred rotation schedule. The north and middle pastures will be rested for two growing seasons before grazing use is allowed. After two growing seasons of rest, the deferred rotation system will be implemented as follows:

<u>Pasture</u>	<u>AUMs</u>	<u>Year 1</u> <u>Schedule</u>	<u>Year 2</u> <u>Schedule</u>	<u>Year 3</u> <u>Schedule</u>
North	64	9/10-10/31	6/21-8/13	4/16-6/7
Middle	80	7/5-9/9	4/16-6/20	8/26-10/31
South	97	4/16-7/4	8/14-10/31	6/8-8/25

i. North Pancake Allotment

The North Pancake Allotment will be disbanded, adding 648 sheep AUM's for Paris Livestock, 11/1-4/30, to the existing Newark Allotment. The Paris use area would include the eastern portion of the Newark Winter use area, roughly south from Beck Pass to Highway 50, east of the Pancake Range. The decision on this management action, along with specific stipulations for this use, will be issued as part of the Newark Allotment Evaluation Multiple Use Decision.

h. General (all pastures)

Total active preference for livestock on the Newark Allotment for Dan Russell would be a total to 9271 AUMs, with 5170 AUMs for cattle and 4101 AUMs for sheep, licensed separately for the six use areas as outlined in previous sections. To avoid local overuse by sheep bands, the following stipulations would be added to the permit:

1. Sheep will not be trailed or bedded in winterfat bottoms.
2. Sheep camps will be placed a minimum of 1/2 mile from winterfat bottoms.
3. Full use of these AUMs will be dependant on water hauling and/or availability of snow.

E. GRAZING ADJUSTMENTS

Changes in preference will be phased in over 5 years, in roughly equal increments as follows, with AUMs removed from active use to be held in suspension:

Cattle preference:

<u>Use Area</u>	<u>Year 1</u>	<u>Year 3</u>	<u>Year 5</u>
18 Mile House	1248	999	750
Newark Winter	3904	3528	3152
South Newark	0	0	0
North Diamonds	782	782	782
South Diamonds	245	245	245
Pinto Creek Seeding	241	241	241
Total	6420	5795	5170

Sheep preference:

<u>Use Area</u>	<u>Year 1</u>	<u>Year 3</u>	<u>Year 5</u>
18 Mile House	783	627	471
Newark Winter	2453	2217	1981
South Newark	849	849	849
North Diamonds	545	545	545
South Diamonds	255	255	255
Total	4885	4493	4101

Overall, this is a 32% reduction in cattle preference, and a 14% reduction in sheep preference. 648 AUMs sheep use would be added for Paris Livestock, with stipulations as outlined in the Management Action Selection Report for North Pancake Allotment. Year 1 is the 1992 grazing year.

Wild horse AMLs for the Newark Allotment are summarized as follows:

<u>Use Area</u>	<u>Herd Mgt Area</u>	<u># Animals</u>	<u>AUMs</u>
18 Mile House	Monte Cristo	15	180
Newark Winter	Buck and Bald	51	609
South Newark	Monte Cristo	6	72

Rationale:

The desired stocking level on the seeding is based on 65% desired utilization, with spring/summer/fall use in a deferred-rotation system. Stocking rates for native pastures use 50% utilization on perennial grasses and winterfat as allowable use. These calculations result from actual use and measured utilization data, and indicate that reductions on the Newark Winter, 18-Mile House, and Pinto Creek Seeding use areas are necessary to meet the desired utilization level.

F. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Egan Resource Area will continue to monitor all existing studies and establish additional studies as identified in Section VI of the Allotment Evaluation. This monitoring data will continue to be collected in the future to provide necessary information for subsequent re-evaluations in the third and fifth years following the decision. These re-evaluations are necessary to determine if the allotment objectives are being met under the new grazing management strategies. In addition, these subsequent evaluations will determine if continued or additional adjustments are needed to meet allotment objectives.