10/15/91

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

4130 (NV-047)
OCT 15 1991

Lincoln Land and Livestock
7H Ranch
Ruby Valley, NV 89833

CERTIFIED MAIL NO. P 776 533 932
Return Receipt Requested

Raymond and Sandy Rosenlund
Blue Jay Ranch
Ruby Valley, NV 89833

CERTIFIED MAIL NO. P 776 533 933
Return Receipt Requested

NOTICE OF PROPOSED MULTIPLE USE DECISION
FOR THE HORSE HAVEN 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 Horse Haven Allotment. The Egan Resource Area Record of Decision, dated February 1987, states in pertinent part:

"Monitoring studies will be used to determine if adjustments in livestock numbers are necessary...All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan..."(short term objectives) "Future adjustments in livestock use will be based on data provided through the rangeland monitoring program."(long term objective)

"Implementation [of the range management program] will take place through coordination, consultation, and cooperation. Coordinated resource management and planning is an advisory process that brings together all interests concerned with the management of resources in a given local area (landowners, land management agencies, wildlife groups, wild horse groups, and conservation organizations) and is the recommended public process through which consultation and coordination will take place. Grazing adjustments, if required, will be based upon a combination of reliable vegetation monitoring studies, consultation and coordination, and inventory.

Range management actions for livestock use and wild horse numbers will be based upon data obtained through the monitoring program and will consider recommendations made through the coordinated resource management and planning process. Actions could include, but will not be limited to, change in seasons-of-use, change in 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."

In accordance with Bureau policy and regulations, monitoring data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Horse Haven Allotment. Input was received from two wild horse groups, the state wildlife agency, and the grazing board, via a range consulting firm. See Appendix I for the land use plan objectives covering livestock, wild horses, and wildlife. These objectives are in conformance with and formulated to accomplish the Egan Resource Management Plan multiple use objectives for the Horse Haven Allotment.

BASED UPON THE EVALUATION OF MONITORING DATA FOR THE HORSE HAVEN 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 Horse Haven Allotment are being met. Existing livestock, wild horse, and wildlife use is compatible with multiple use objectives. Therefore, this decision proposes no changes in livestock, wild horse, and wildlife use. This decision will establish the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area within the Horse Haven Allotment.

WILD HORSE AND BURRO MANAGEMENT DECISION

This decision will establish the appropriate management level for wild horses for that portion of the Buck and Bald Herd Management Area (HMA) within the Horse Haven Allotment at current levels. This AML does not include that portion of Long Valley Wash within the allotment boundaries.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Horse Haven Allotment, exclusive of Long Valley Wash, shall be managed at 36 animals yearlong.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 36 animals will be removed.

Adjustments in wild horse numbers will be made by future Buck and Bald Herd Management Area gathers based on continued monitoring.

RATIONALE: Based on Buck and Bald HMA census and field observations, existing horse use on the Horse Haven Allotment (exclusive of Long Valley Wash) is approximately 36 animals yearlong (432 AUM). Evaluation of monitoring data indicates that multiple use objectives for the allotment are being met at this level. Establishing an appropriate management level of 36 animals yearlong for the allotment will prevent range deterioration and maintain the thriving natural ecological balance of the range.

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:

Although the 4700 regulations allow for an appeal with no mention of a protest, for the purpose of consistency, the entire multiple use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Egan Resource Area Manager, HC 33 Box 150, 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

(Certified Mail #)

cc:
Nevada Department of Wildlife, Reg. II	(#P 776 533 922)
U.S. Fish and Wildlife Service	(#P 776 533 923)
N-4 Grazing Board	(#P 776 533 924)
Resource Concepts Inc.	(#P 776 533 925)
International Society for the Protection of Mustangs and Burros	(#P 776 533 926)
Commission for the Preservation of Wild Horses	(#P 776 533 927)
Animal Protection Institute	(#P 776 533 928)
Natural Resources Defense Council	(#P 776 533 929)
Wilderness Society	(#P 776 533 930)
Farmers Home Admin., Ely Office	(#P 776 533 931)

APPENDIX I: Land Use Plan/Rangeland Program Summary Objectives

1. Land Use Plan (RMP) Objectives

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

   (b) Wild Horses - Wild horses will be managed at a total of 700 animals within the Buck and Bald HMA (Egan ROD, p. 6)
   - Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program. (Egan ROD, p. 8)

   (c) Wildlife - Habitat will be managed for "reasonable numbers" of wildlife species as determined by NDOW. (Egan ROD, p. 6)
   - Forage will be provided for "reasonable numbers" of big game as determined by NDOW (Egan ROD, p. 8)

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

2. Maintain or improve ecological condition of native range with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels. Allowable use level for perennial grasses and shrubs is 50%.

   (b) Manage rangeland habitat and forage condition to support 12 AUM's for pronghorn antelope.

   (c) Maintain mule deer habitat in good or better condition. Provide for 540 AUM's deer use.

   (d) Protect sage grouse breeding complexes and maintain habitat condition of meadows and riparian areas in good or better condition for mule deer, antelope, and upland game. Utilization levels not to exceed 55% on perennial grasses and 45% on shrubs along stream riparian areas and mesic meadows.

   (e) Manage rangeland habitat to support wild horses as part of the Buck and Bald HMA by not exceeding allowable use levels on native species as recommended in the NRMH. Provide forage for up to 335 AUM's (28 horses) within the allotment.

WHOA
WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

October 29, 1991

Gene L. Drais, Manager
Egan Resource Area
BLM - Ely District Office
HC33 Box 150
Ely, Nevada 89301-9408

Dear Mr. Drais,

Thank you for the opportunity to comment on the Notice of Proposed Multiple Use Decision for the Horse Haven Allotment. We are protesting a part of this multiple use decision.

It is the policy of Congress "that wild free roaming horses and burros shall be protected...and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural systems of the public lands."

Under CFR subpart 1610 - Resource Management planning, guidance is given for the land use planning process wherein the BLM identified HMA's and boundaries. The wild horse portion of this "multiple use decision" sets an AML in the Horse Haven Allotment.

Under CFR 4730.2 "Management practices shall be...consistent to the extent possible and practical with the maintenance of their free-roaming behavior."

Also under CFR 4730.5 (b) "Consider only those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns."

Wild horses and burros were given the Congressional right for maintenance of a thriving ecological balance and freedom of movement. Consideration must be given that wild horses move frequently within herd areas. It must be understood that these are free roaming animals and that they might move within their HMA to other allotments.

In the land use planning process the Bureau identified specific area's where wild horses would be protected and managed, those area's were the herd management areas. The allotment evaluation process was to determine the numbers of grazing

animals an area would support and set those levels. By not determining how many AUM's are available in a particular allotment, whether or not consistent sightings of wild horses have been noted, you are by defacto eliminating their use of their entire legal range.

In conclusion, we are protesting the setting of the appropriate management level by allotment rather than by herd area. The counts for the entire HMA haven't been considered, seasonal use hasn't been considered, along with not addressing the cumulative impacts of this type of management action. By not considering their natural movement you are attempting to create small herd areas within their entire HMA and would be removing animals that happened to migrate into another allotment.

We would suggest that if you propose to set AML's by allotment that the totals are compiled into one AML for the entire herd area. No horses shall be removed unless they exceed the <u>total</u> number of AUM's for the HMA until seasonal movement data is available to support that wild horses are exceeding their proper use within the HMA.

If you have any questions, please feel free to call.

Sincerely,

Dawn Y. Lappin

DAWN Y. LAPPIN
Director

10/29/91

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director

COMMISSION FOR THE PRESERVATION OF WILD HORSES
Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

October 29, 1991

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Egan Resource Area
BLM - Ely District Office
HC33 Box 150
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Sincerely,

Catherine Barcomb

CATHERINE BARCOMB
Executive Director