



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1
Ely, Nevada, 89301



4/11/90

4130 (NV-046) IN REPLY REFER TO:

APR 11 1990

Need More Sheep Co.
C/O Mr. Hank Vogler
Star Route 1, Box 38
Ely, Nevada 89801

CERTIFIED MAIL NO. P 569 361 446
Return Receipt Requested

Intermountain Ranches, Inc.
C/O George Swallow
Box 660
Ely, Nevada 89301

CERTIFIED MAIL NO. P 569 361 447
Return Receipt Requested

Mr. Lyman J. Rosenlund
Star Route 1, Box 18
Ely, Nevada 89301

CERTIFIED MAIL NO. P 569 361 448
Return Receipt Requested

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE TIPPETT 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 Tippett 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 1981 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 Tippet Allotment. Input was received from three permittees, three wild horse groups, two wildlife agencies, two livestock interest groups, and three environmental interest groups. See Appendices I, II, and III 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 Tippet Allotment.

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

The analysis of monitoring data has revealed that the multiple use objectives for the Tippet 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 8,222 AUMs.

FROM:

Hank Vogler

Cattle	03/01 to 02/28 =	5,950 AUMs
Sheep	03/01 to 11/30 =	4,421 AUMs
Sheep	02/01 to 02/28 =	379 AUMs
		<u>10,750 AUMs</u>

Intermountain Ranches, Inc.

Sheep	03/01 to 11/30 =	1,625 AUMs
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Lyman Rosenlund

Sheep	03/01 to 10/31 =	1,240 AUMs
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TO:

<u>Effective</u>	<u>Period of Use</u>	<u>Active</u>	<u>AUMs</u> <u>Susp</u>
Year 1 (6/1/90)	03/01 - 02/28	10,875	2,740
Year 3 (3/1/93)	03/01 - 02/28	8,134	5,481
Year 5 (3/1/95)	03/01 - 02/28	5,393	8,222

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 carrying capacity as determined through the continued monitoring procedures.

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

<u>Use Area</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use (%Fed)</u>	<u>Active</u>	<u>AUMs</u> <u>Susp.</u>
<u>Hank Vogler</u>					
Antelope Valley	450	Cattle	11/01-04/15 (100%)	2,475	623
Spring Valley	100	Cattle	04/16-10/31 (100%)	650	164
Kern Mountains	350	Cattle	04/16-10/31 (76%)	1,756	67
Antelope Range	464	Sheep	04/16-10/31 (100%)	537	190
Spring Valley	770	Sheep	04/16-10/31 (100%)	891	315
Antelope Valley	1,968	Sheep	11/01-04/15 (100%)	<u>2,278</u>	<u>804</u>
				Total =	8,587 2,163
<u>Intermountain Ranches, Inc.</u>					
Spring Valley	925	Sheep	04/16-06/30 (100%)	463	118
	925	Sheep	09/01-11/15 (100%)	462	118
Antelope Range	925	Sheep	07/01-08/31 (100%)	<u>370</u>	<u>94</u>
				Total =	1,295 330
<u>Lyman Rosenlund</u>					
Schell Creek Range	993	Sheep	05/01-09/30 (100%)	<u>993</u>	<u>247</u>
				Total =	993 247

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

Hank Vogler

Antelope Valley	399 Cattle	11/01-04/15 (100%)	1,851	1,247
Spring Valley	75 Cattle	04/16-10/31 (100%)	495	319
Kern Mountains	264 Cattle	04/16-10/31 (69%)	1,202	621
Antelope Range	319 Sheep	04/16-10/31 (100%)	417	310
Spring Valley	529 Sheep	04/16-10/31 (100%)	692	513
Antelope Valley	1,529 Sheep	11/01-04/15 (100%)	<u>1,769</u>	<u>1,314</u>
			Total =	6,426 4,324

Intermountain Ranches, Inc.

Spring Valley	692 Sheep	04/16-06/30 (100%)	346	235
	692 Sheep	09/01-11/15 (100%)	346	234
Antelope Range	679 Sheep	07/01-08/31 (100%)	<u>277</u>	<u>187</u>
			Total =	969 656

Lyman Rosenlund

Schell Creek Range	739 Sheep	05/01-09/30 (100%)	<u>739</u>	<u>501</u>
			Total =	739 501

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

Hank Vogler

Antelope Valley	225 Cattle	11/01-04/15 (100%)	1,227	1,871
Spring Valley	47 Cattle	04/16-10/31 (100%)	310	504
Kern Mountains	178 Cattle	04/16-10/31 (62%)	728	1,095
Antelope Range	218 Sheep	04/16-10/31 (100%)	288	439
Antelope Valley	1,110 Sheep	11/01-04/15 (100%)	1,222	1,861
Spring Valley	362 Sheep	04/16-10/31 (100%)	<u>478</u>	<u>727</u>
			Total =	4,253 6,497

Intermountain Ranches, Inc.

Spring Valley	458 Sheep	04/16-06/30 (100%)	229	353
	458 Sheep	09/01-11/15 (100%)	229	351
Antelope Range	451 Sheep	07/01-08/31 (100%)	<u>184</u>	<u>280</u>
			Total =	642 984

Lyman Rosenlund

Schell Creek Range	498 Sheep	05/01-09/30 (100%)	<u>498</u>	<u>742</u>
			Total =	498 742

In accordance with 43 CFR 4130.6-2, the following terms and conditions are hereby made a part of all grazing permits on the Tippet Allotment:

A deferred-rotation grazing system is in effect for the Schell Creek Range use area. Herding of sheep is required at all times. In even calendar years use is rotated starting from the north end of the area and ending at the south end. In odd years the order is reversed.

A rest-rotation grazing system will be developed and implemented in the Spring Valley use area on or before March 1, 1993 or the phased-in adjustment scheduled for that date will include the elimination of one and a half months of spring livestock grazing use from April 16 through May 31.

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

No grazing use will be allowed in the north end of the Antelope Range until the required maintenance or reconstruction of South Spring (JDR No. 4122) has been completed. This spring is located in T.24 N., R.67 E., Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

A deferred-rotation grazing system is in effect for the Antelope Valley use area. Use made on this area is rotated between the existing north and south pastures. In even calendar years use is made starting in the north pasture followed by use in the south pasture. In odd years the order of use is reversed.

A rest-rotation grazing system will be developed and implemented in the Kern Mountain use area on or before March 1, 1993 or the phased-in adjustment scheduled for that date will include the elimination of one and a half months of spring livestock grazing use from April 16 through May 31.

In accordance with 43 CFR 4130.6-2 herding of sheep is required when they are authorized on 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 Tippet Allotment as identified in Appendix II. The data indicates that 5,393 AUMs are available for livestock, and that active preference is 8,222 AUMs in excess of the livestock carrying capacity. This reduction in active preference is necessary to maintain and/or improve rangeland productivity. Increased intensity of management (changing season of use, grazing systems, and other management practices) will provide needed rest during critical spring growth and allow multiple use objectives to be met.

South Spring is the only water source on the northern half of the Antelope Range use area. It needs to be maintained or reconstructed before that portion of the use area will be authorized for livestock grazing. The operation of this water source or hauling water is required in order to make use of the available forage in this area in a proper manner.

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 Section 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 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 34 animals for that portion of the Antelope Herd Management Area which occurs in the Tippett Allotment.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Tippett Allotment shall be managed at 34 animals (14 on the Schell Creek Range and 20 on the Antelope Range).

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 34 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 Tippett 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 Tippett Allotment as identified in Appendix II. The data indicate that there are 408 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..."

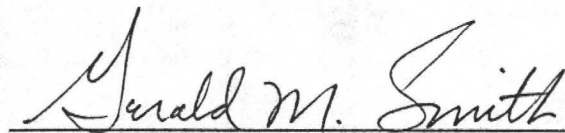
PROTEST/APPEAL:

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 569 361 449)
U.S. Fish and Wildlife Service	(P 569 361 450)
Nevada Department of Wildlife Region II	(P 569 361 451)
Animal Protection Institute of America	(P 569 361 452)
Wild Horse Organized Assistance	(P 569 361 453)
Comm. for the Preservation of Wild Horses	(P 569 361 454)
Resource Concepts, Inc.	(P 569 361 455)
Nevada Cattlemen's Association	(P 569 361 456)
Nevada State Grazing Board, N-4	(P 569 361 457)
Nevada Outdoor Recreation Association	(P 569 361 458)
Marvel & Hansen (Attorneys-at-Law)	(P 569 361 459)
Sierra Club (Toiyabe Chapter)	(P 569 361 462)

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: Tippet (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	
TAR1**	Calcuta Burn T23N,R65E Sec 8 SW	N/A*** Seeding	AGCR	Grass-36% Forbs- 2% Shrubs-62%	N/A***	Maintain	Grass 36-45% Forbs 2-10% Shrubs 50-65%	N/A***	50%	Summer	Not Met	AUL Exceeded 1986 - 90% 1988 - 90%
TAR2**	Dolan Trap Spring T24N,R65E Sec 27 SW	D28B037N	AGCR ARARN	Grass-20% Forbs-27% Shrubs-63%	Late 57%	Maintain	Grass 20-35% Forbs 17-20% Shrubs 63-65%	Late 57-65%	50% 50%	Summer	Not Met	AUL Exceeded 1986 - 70%
TAR3*	W. Sellas Well T23N,R68E Sec 2 NW	D28B071N	AGSM EULA	Grass-65% Forbs-25% Shrubs-10%	Early Late 53%	Maintain	Grass 55-65% Forbs 15-25% Shrubs 15-30%	Late 53-70%	55% 45%	Fall Winter Spring	Met	AUL Not Exceeded
TAR4*	E. Sellas Well T23N,R68E Sec 1 NW	D28B109N	ORHY EULA	Grass- 8% Forbs- 0% Shrubs-92%	Early PNC 78%	Maintain	Grass 8-15% Forbs 0- 5% Shrubs 80-90%	PNC 78-100%	55% 45%	Fall Winter Spring	Not Met	AUL Exceeded 1985 - 65% 1987 - 56%

* Study Area Representing livestock use

** Study Area Representing livestock and wild horse use

*** Ecological Status does not apply to seedings

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Tippett (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	
TAR5*	Tunnel Canyon Rd T24N,R68E Sec 30	D28A012N	ORHY ATCO	Grass-74% Forbs - Shrubs-26%	Early 21%	Improve	Grass 50-65% Forbs 0- 5% Shrubs 30-45%	Mid 26-50%	40% 35%	Fall Winter Spring	Not Met	AUL Exceeded 1985 - 56% 1986 - 50% 1987 - 48%
TAR6*	SW Antelope Valley T22N,R67E Sec 11 SE	D28A012N	ORHY ATCO	Grass-33% Forbs - Shrubs-67%	Early 23%	Improve	Grass 50-65% Forbs 0- 5% Shrubs 30-45%	Mid 26-50%	40% 35%	Fall Winter Spring	Not Met	AUL Exceeded 1985 - 60% 1988 - 54%
TAR7*	SE Antelope Valley T22N,R68E Sec 21 SW	D28B109N	ORHY EULA	Grass- - Forbs - Shrubs-100%	Late 70%	Improve/ Maintain	Grass 0-10% Forbs 0- 5% Shrubs 85-100%	Late 70-100%	40% 45%	Fall Winter Spring	Not Met	AUL Exceeded 1985 - 70% 1986 - 70% 1987 - 75%
TAR8*	NE Antelope Valley S. T23N,R68E Sec 34	D28A021N	ORHY EULA ARSP	Grass-26% Forbs - Shrubs-74%	Late 61%	Maintain	Grass 25-30% Forbs 0- 5% Shrubs 70-75%	Late 61-75%	55% 45% 45%	Fall Winter Spring	Not Met	AUL Exceeded 1988 - 70%

* Study Area Representing livestock use

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Tippet (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	
TAR9*	Moffatt Chaining T22N,R68E Sec 25 NE	N/A*** Seeding	AGCR	Grass-65% Forbs - Shrubs-35%	N/A***	Maintain	Grass 60-70% Forbs 0- 5% Shrubs 30-40%	N/A***	50%	Spring Fall	Met	AUL Not Exceeded
TAR10*	Blind Spring Chaining T22N,R69E Sec 27 SE	N/A Seeding	AGCR PUTR	Grass-98% Forbs - Shrubs- 2%	N/A	Maintain	Grass 80-90% Forbs 0- 5% Shrubs 5-15%	N/A	50% 50%	Summer Fall	Not Met	AUL Exceeded 1982 - 74% 1983 - 72% 1985 - 88% 1987 - 90% 1988 - 66%
TAR11*	Rock Spring Chaining T21N,R69E Sec 15	N/A Seeding	AGCR	Grass-60% Forbs 5% Shrubs-35%	N/A	Maintain	Grass 55-65% Forbs 5-10% Shrubs 30-40%	N/A	50%	Summer Fall	Not Met	AUL Exceeded 1982 - 70% 1985 - 90% 1986 - 90% 1987 - 80%

* Study Area Representing livestock use

*** Ecological Status dose not apply to seedings

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Tippet (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	
TAR12**	Henroid Seeding T23N,R66E Sec 6	N/A*** Seeding	AGCR	Grass-54% Forbs - Shrubs-41%	N/A***	Maintain	Grass 50-75% Forbs - Shrubs 25-50%	N/A***	50%	Spring	Met	AUL Not Exceeded
TAR13*	Tungstonia Seeding T20N,R69E Sec 33	N/A Seeding	AGCR PUTR	Grass-82% Forbs 5% Shrubs-13%	N/A	Maintain	Grass 75-85% Forbs 5-10% Shrubs 10-20%	N/A	50% 50%	Summer	Not Met	AUL Exceeded 1982 - 70% 1985 - 70%
TAR14**	Sand Spring T23N,R67E Sec 17	D28B022N	AGSM ARTRV	Grass-45% Forbs-31% Shrubs-24%	Mid 42%	Maintain	Grass 45-50% Forbs 15-25% Shrubs 20-30%	Mid 42-65%	50% 50%	Summer	Not Met	AUL Exceeded 1985 - 70%
TAR15**	E. Central Antelope Range T24N,R67E Sec 33	D28B030N	AGSM ARTRV	Grass-17% Forbs- 6% Shrubs-17%	Mid 33%	Improve	Grass 20-50% Forbs 5-10% Shrubs 45-70%	Mid 34-50%	40% 35%	Summer	Not Met	AUL Exceeded 1985 - 50% 1987 - 60%

* Study Area Representing livestock use

** Study Area Representing livestock and wild horse use

*** Ecological Status does not apply to seedings

APPENDIX II: Site Specific Allotment Objectives

ALLOTMENT: Tippett (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	
TAR16	SE Antelope Valley N. T23N,R68E Sec 34 NENW	D28A021N	ORHY EULA ARSP	(No Ecological Data)		Maintain	----	-----	55% 45% 45%	Fall Winter Spring	Not Met	AUL Exceeded 1985 - 70%
TAR17	Pleasant Valley Rd T22N,R69E Sec 8 NWNW	No Data	ORHY EULA	(No Ecological Data)		Maintain	-----	-----	50% 30%	Spring Fall	Met	AUL Not Exceeded
TAR18	Rye Grass Canyon T22N,R69E Sec 23 SENE	No Data	ELCI AGSM	(No Ecological Data)		Maintain	----	-----	50% 50%	Summer Fall	Not Met	AUL Exceeded 1985 - 90%
TAR19	Lunch Canyon T21N,R69E Sec 29 NENE	No Data	AGSP AGSM	(No Ecological Data)		Maintain	----	-----	50% 50%	Summer Fall	Not Met	AUL Exceeded 1985 - 90% 1986 - 70%

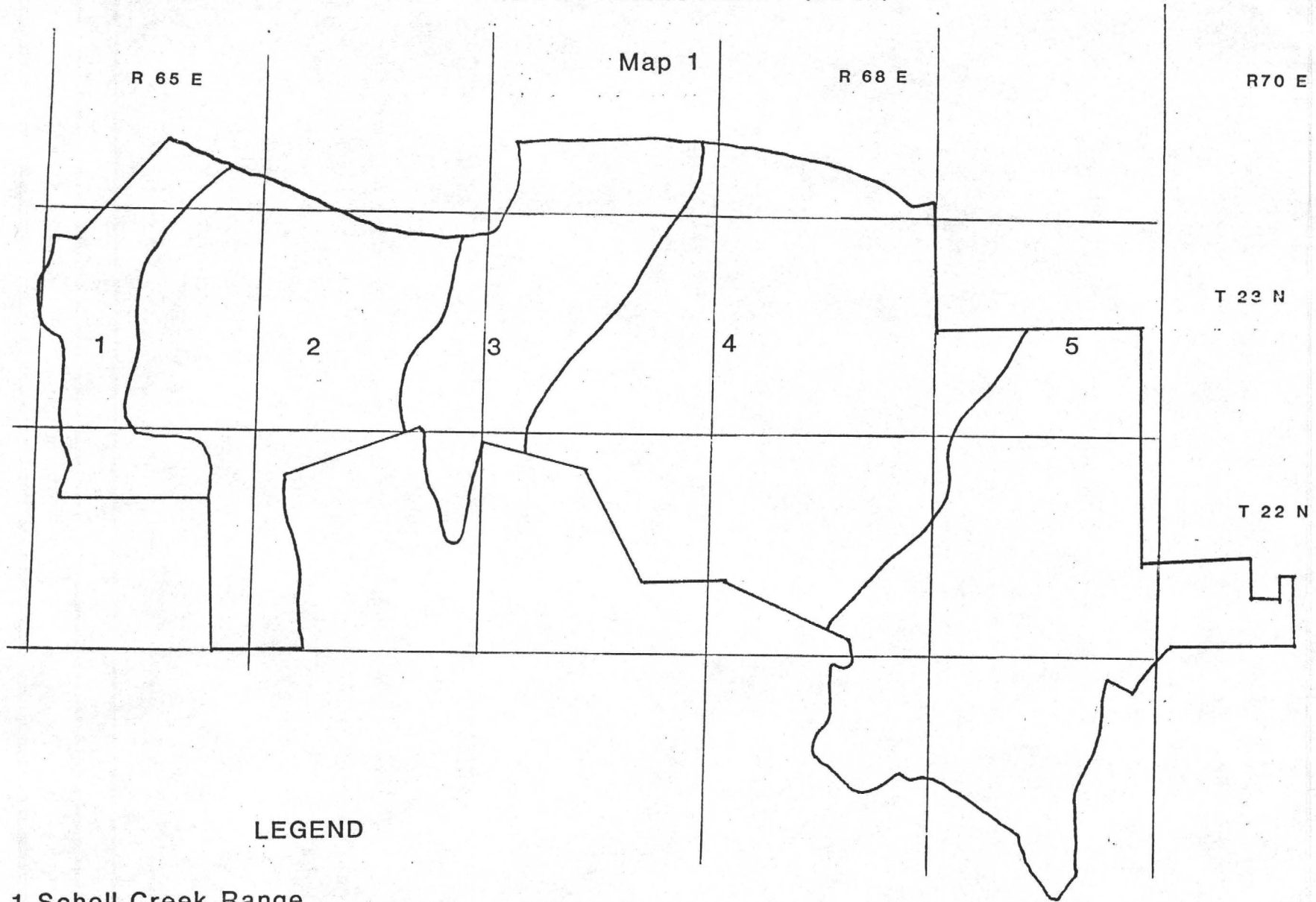
APPENDIX III: Site Specific Allotment Objectives

ALLOTMENT: Tippett (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
TAW-1 PAW Cedar	T22N,R68E Sec. 13 NW1/4	D28A013N	Forbs ARARN EPNE CHVI	Fair		Improve	Good	30% 35% 35% 35%	Yearlong	Not met	Utilization exceeded Allowable Use Levels in: 1983 - 77% EPNE 59% ARARN 1984 - 90% EPNE 40% ARARN 1985 - 70% EPNE 45% ARARN 1986 - 70% EPNE 50% Forbs
TAW-2 PAW Pony Express	T22N,R67E Sec.2, NW1/4	D28A012N	ARARN ATCO CHVI	Fair		Improve	Good	35% 35% 35%	Yearlong	Not Met	Utilization exceeded Allowable Use Levels in: 1983 - 63% CHVI 53% ATCO 1985 - 49% CHVI 37% ARARN 1986 - 36% CHVI 1987 - 65% ATCO 54% CHVI

1/ Habitat Condition Rating takes into account forage quality, quantity, water distribution, and other items essential for a particular big game wildlife species.

TIPPETT ALLOTMENT (0106)



LEGEND

1 Schell Creek Range

2 Spring Valley

3 Antelope Range

4 Antelope Valley

5 Kern Mountains

Prepared by Jenson/Taylor

BOB MILLER
Acting Governor

STATE OF NEVADA

4/27/90
TERRI JAY
Executive Director



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

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Reno, Nevada 89513

April 27, 1990

Gerald M. Smith, Area Manager
Schell Resource Area
Ely District - BLM
Star Route 5, Box 1
Ely, Nevada 89301

Dear Mr. Smith,

This letter is response to your Notice of Proposed Multiple Use Decision for the Tippet Allotment.

The Commission is an affected interest in this matter since we have been participating in the allotment evaluation process for all allotments that are in wild horse herd areas and we are concerned for the welfare of wild horses in Nevada.

The Commission is protesting the decision for several reasons.

First, your documentation states that, "Unauthorized use was probably quite significant during the 1981-85 period and although several trespass actions resulted in settlements, they appear to have fallen considerably short of reflecting the true picture."

This indicates a lack of livestock management in the allotment which, since it occurred over several years, was not immediately corrected by the Bureau once it became known.

If the livestock HAD been managed properly, and the trespass stopped immediately, a reduction in wild horses may not be necessary.

Since the trespass grazing of livestock over a five year period is the overriding cause of the current conditions, livestock should be forced to take the blame and the area should be closed to livestock grazing as specified in CFR 4710.5.

Secondly, the establishment of the AML is based on monitoring that occurred during and after the time when illegal trespass grazing occurred. Therefore, it is unfair to make a hard decision which adversely affects the horses since, had the trespass not occurred, the monitoring data would have reflected a totally different picture.

We also protest the revision of the Antelope HMAP to reflect a new AML for the aforementioned reasons.

If our protest is ignored and horses are to be reduced, then horses should also be reduced proportionately over five years, the same as livestock.

Gerald M. Smith
April 27, 1990
Page 2

Otherwise, ALL of the horses above AML will be reduced while only a small portion of the livestock is reduced the first year and then monitoring data will show an increase in available forage, and livestock will not be further reduced. And of course, the AML for horses would not proportionately increase.

The situation must be fair and equitable.

Your proposed decision did not address a concern that I raised in my comments (dated 7/28/89), on the Allotment Evaluation regarding the ROD. The ROD states that if additional forage is made available, the split will be 70% livestock, 30% for big game. I asked, "What are horses, livestock or big game?" This is another reason why I protest this decision due to the fact that horses will not receive any increase in available forage should it become available.

I thank you for the opportunity to participate in the Allotment Evaluation Process.

Sincerely,

A handwritten signature in cursive script that reads "Terri Jay". The signature is written in dark ink and is positioned above the typed name and title.

TERRI JAY
Executive Director



ANIMAL PROTECTION INSTITUTE OF AMERICA

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mailed 5/25/90
5/24

May 25, 1990

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In Memoriam
VELMA JOHNSTON
"Wild Horse Annie"

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

A N T E L O P E H M A
Tippett Allotment Evaluation
Schell Resource Area Decision
PROTEST

Dear Manager Walker:

The Animal Protection Institute speaks as an interested and affected party for its 150,000 members on behalf of wild horse protections in the allotment evaluations being conducted by BLM. We are protesting the Schell Resource Area decision for the Tippett Allotment.

The Tippett Allotment is located at the southern end of the HMA. Part of the allotment is in the HMA and part of it is not.

There are a total of six allotments that comprise the Ely District's portion of this HMA. The HMA itself extends into the Elko District to the north of Ely so that half of the herd area is in the Ely District and half is in Elko District. This makes our response on behalf of the horses in the Antelope HMA a fragmented and splintered, allotment-by-allotment, action. We hope to not have to respond individually to each of the six Ely allotments plus the several Elko allotments in order to require that BLM fully implement the Wild, Free Roaming Horse and Burro Protection Act and the objectives for horses as listed in the Antelope HMAP.

In the case of this decision for the Tippett Allotment, API contends that objectives for horses have not been taken into consideration in the forage allowance being made for horses and that a reduction based on the allocation will not meet the statutory requirements for a removal needed to implement this decision.

FAILURE TO CONSIDER HMAP OBJECTIVES FOR HORSES

First we wish to bring to your attention the statement in the EIS for the Schell Resource Area that refers to the fact there is considerable movement of horses in the Antelope HMA between Elko and Ely and even over into Utah. It states: "So the number of horses in the Schell Resource Area varies depending on when surveys are taken."

The HMAP lists five Resource Area objectives plus specific wild horse objectives. These objectives include identifying key forage species for wild horses and the level at which density and production is to be managed. In addition to this, the HMAP specifies that BLM will conduct habitat and population evaluations in order to see if management objectives are being met.

Under habitat evaluations the HMAP lists utilization, precipitation, censusing and citing of location of animals on maps. For population evaluations, it lists home range information, seasonal movements, age/sex ratios, reproduction rates and survival information. There is no indication that these biotic needs and habitat requirements for wild horses were considered as part of this allotment evaluation decision. There is no indication that these evaluations have been done. We contend that the wild horse allocation is a spin off of the livestock grazing decision since key species in key areas for wild horse usage measurements have not been done. We further contend that a reduction of wild horses does not remedy overutilization, it does not correct resource damage and therefore a removal will not achieve a thriving ecological balance of the natural system. The decision does not take wild horse objectives listed in the HMAP into account and so undermines and contradicts rather than implements the management plans for wild horses.

WHERE HORSES EXIST IN RELATION TO DAMAGE

The data show that horses are found in two general areas in the Allotment. These are the Antelope Range and the Schell Creek Range. (The key area summary shows more specifically that horses are in five key areas; the data accompanying the original evaluation summary show horses in five key areas plus a TAW area--this stands for "Tippett Allotment Range" to denote a wildlife area.)

In reviewing the ecological status data where the objective is listed as increasing the production and density of the vegetative resource, horses are shown to be located in six of fifteen key areas. Of the six, the proposed decision lists four as not meeting this objective. Therefore, of the 15 key areas, horses might conceivably contribute to damage in these four areas. Thus, a reduction of numbers based on usage in these four areas would possibly be justified if actual use by horses is monitored and their impact is shown.

The test is whether or not the decision affecting wild horses meets statutory requirements for the management and protection of wild horses. Dahl v Clark says the goal of the management program is to protect the range from the deterioration associated with overpopulation of wild horses and burros. IBLA states that even where the EA's indicate that the range is being adversely affected by wild horses, there is no indication that these statements, to the extent they suggest that removal of wild horses is necessary to restore the range to a thriving natural ecological balance and prevent a deterioration of the range, were based on an in-depth analysis of the condition of the range and the impact of wild horses on that condition. (My emphasis.) IBLA continues by saying that determining the number of horses to be permitted on the public range, consistent with the Act, requires relying on "an intensive monitoring program involving studies of grazing utilization, trend in range condition, actual use, and climatic factors." (Emphasis added.)

The four areas where horses are found and where objectives are not being met are Key Area 1, Key Area 2, and TAR 14 and 15. For Key Area 1, the evaluation reports that the 1986 reading was postponed because sheep were camped on the transect line. Key Area 1 (Calcutta Burn) is reported as having a 90 percent utilization level. The species monitored are AGCR (crested wheatgrass) as the key grass and SYCR (or SYOR [it's listed both ways]) as the key shrub species. Utilization is listed as 90 % on the grass, and 60% on the shrub for an overall of 75% utilization. In view of the fact the key area is in the midst of a sheep camp, a reduction of horses as a remedial action based on monitoring would be highly questionable as a remedial action to achieve a thriving ecological balance or show an overpopulation of horses. We're not able to discern how many horses use the Calcutta Burn or how many livestock are here.

Key Area 2 is listed as the North Schell Bench. Here the key species are AGSP (bluebunch wheatgrass) and APAR as the shrub. Utilization is 20% on the bunchgrass, 1% on the shrub. Both are far below the accepted utilization level. This utilization would not support a reduction of horses from this area as a remedy to overutilization or damage in this area, as no overutilization is shown.

Key Area 14 is listed as receiving heavy horse usage. This is an area where we might expect to see the data support a reduction if this is where horses are known to graze in terms of "heavy horse use." Key Area 14, is is an area referred to as "Sand Spring." Here the two key species being monitored are western wheatgrass and Mountain Big Sage.

According to the wild horse specialist for Nevada (Milt Frei) horses will not normally eat Mountain Big Sage and are not likely to eat brush except in adverse conditions. They prefer grasses and forbs. But both sheep and deer do eat brush and

are likely to be eating the Mountain Big Sage here. Key Area 14, is a sheep area. API questions the use of sage as a key species to monitor for wild horses in this area of "heavy horse use." If they don't eat it, it does not measure their actual usage of forage. It does, however, measure livestock usage in this area. By a reverse inference and deduction measuring a key species that horses do not eat would show overutilization for which horses ARE NOT contributors. From that perspective the monitoring data are applicable to exempting wild horses from cause of damage. Other data included with the evaluation summary show a 1985 measurement in Area 14 that monitored utilization on western wheatgrass and Douglas rabbitbrush (which could be considered wild horse key species). But the measurements showed 50 percent on the grass, 20 percent on the brush. The data do not show the number of horses and the number of livestock in this area. We disagree that there is a justification for a removal of horses from this area. We base that on the IBLA ruling which reiterates over and over that removing horses must be to remedy a situation, based on actual usage. They quote the Conference Committee: "Any reduction should be carefully weighed before being undertaken. The committee does not intend that the provision for a reduction in numbers * * * be considered a license for indiscriminate * * * removal of the wild free-roaming horses or burros. Id." In their second ruling (IBLA 336-p.111) they state "...the Act does not authorize the removal of wild horses in order to achieve an AML established for administrative reasons rather than in terms of the optimum number which results in a thriving natural ecological balance AND AVOIDS A DETERIORATION OF THE RANGE." [my emphasis.]

The evaluation data show that currently livestock usage in the Schell Creek Range is 680 AUMS and 969 AUMs are being used by livestock in the Antelope Range. The decision, which will phase the livestock reduction over a five year period, will allow a grazing level of 993 livestock AUMS in the Schell Creek area and 1420 livestock AUMS in the Antelope range in 1990. (This is an increase from 680 to 993 and from 969 to 1420.) In 1992, these levels will begin to decrease to 998 AUMS for livestock in the Antelope Range and 739 in Schell Creek Range. (This is still several AUMS above current usage in both areas.) In 1995, there will be 633 AUMS of livestock use in the Antelope Range and 498 in Schell Creek Range. (This will be an overall reduction of 192 AUMS in the Schell Creek Range and 336 in the Antelope Range accomplished five years from now.)

The decision does not constitute a decrease of grazing impact in the areas where damage is occurring. We would challenge a removal plan based on this decision and require that BLM specify exactly where horses are causing damage and from which areas they are being removed. Where there is an overlap with horses, the decision appears to be a replacement of horses by livestock. If the reduction of horses is to be accompanied by the increase of livestock into the same area, then the removal of horses cannot be to achieve a thriving ecological balance or

a remedy of the damage. A removal based on this decision would violate the 1971 Act.

We intend to appeal the wild horse decision to IBLA for a ruling on the current policy of BLM to set "AML" as a spinoff of livestock monitoring data, and to declare "excess" in terms of these forage allocations rather than actually determining optimum numbers based on the very information contained in your own HMAP.

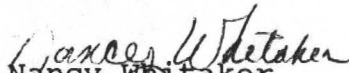
We will ask that BLM be required to provide forage AUMS for the numbers that are currently in allotments unless there is actual, current wild horse use monitoring data to support a reduction. In this case it would include actual utilization on a key species that horses eat as well as use pattern mapping and census data to show spatial overlap between livestock and horses plus the relation to areas of damage.

A testimonial, narrative statement of movement, grazing patterns, and locations from your wild horse specialist based on his field observations of the horses in his jurisdiction would suffice to meet some of the HMAP requirements and establish spatial overlap. But the justification for using livestock key species in livestock key areas needs some documentation to show that in fact horses do eat what is being used to measure their eating.

We will ask IBLA to prohibit replacing wild horses with livestock in an HMA and insist on Closure to Livestock rather than allowing such a replacement action.

The regulations and the law require that BLM periodically review livestock preference and make adjustments to preference when information and data show preference exceeds carrying capacity. We believe BLM's data clearly show that the current preference exceeds carrying capacity and we agree with the decision to reduce preference. But it makes no sense to us that a "sound range program" would allow BLM to pinpoint overgrazing and then take five years to correct it. So we will also ask IBLA to consider whether that provision to allow the five year phase-in is out of alignment with FLPMA.

Sincerely,


Nancy Whitaker
Program Assistant