



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Ely Field Office  
HC 33 Box 33500 (702 No. Industrial Way)  
Ely, Nevada 89301-9408  
<http://www.nv.blm.gov/Ely>

3/28/01

In Reply Refer To:  
4700 (NV-042)

MAR 28 2001

CERTIFIED NO. 7000 1670 0001 0121 3520  
RETURN RECEIPT REQUESTED

Dear Interested Public:

The Ely Field Office issued letters dated September 20, 2000 and November 15, 2000, along with three (3) proposed multiple-use decisions (PMUDs). You received one of these mailings.

The Ely Field Office is proposing to establish the remainder of its wild horse herd management area (HMA) appropriate management levels (AMLs) by the end of this fiscal year (FY2001), through a shortened allotment evaluation process. The current process, which has been used for several years, is quite lengthy. The new AML process for the Ely District is to bypass the lengthy allotment evaluations, and to establish AMLs where they have not been previously determined.

Since there were no comments or protests received regarding the three (3) PMUDs, they are being issued at this time as final multiple-use decisions. The enclosed decisions establish AMLs on those allotments within HMAs that do not need changes in livestock grazing management practices to conform to the resource advisory council's standards and guidelines, and where present wild horse use is not an issue. These decisions include those HMAs where the AMLs have been established for the majority of the HMA, but no AML is yet established on the smaller allotments or fringe areas.

Sincerely,

James M. Perkins  
Assistant Field Manager  
Renewable Resources

3 Enclosures:

1. Notice of Final Multiple Use Decision for Wild Horse Herd Management Areas
2. Notice of Final Multiple Use Decision for the Schellbourne Allotment Portion of the Antelope Wild Horse Herd Management Area
3. Notice of Final Multiple Use Decision for the North Butte Allotment Portion of the Butte Wild Horse Herd Management Area and Buck and Bald Wild Horse Herd Management Area



BUREAU OF LAND MANAGEMENT  
Ely Field Office  
702 North Industrial Way, HC 33 Box 33500  
Ely, Nevada 89301-9408

In Reply Refer To:

4700  
(NV-040)

MAR 28 2001

NOTICE OF FINAL MULTIPLE USE DECISION  
FOR  
WILD HORSE HERD MANAGEMENT AREAS

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the following wild horse herd management areas (HMAs) and grazing allotments:

Herd Management Area	Allotment
Dry Lake	Sunnyside
Dry Lake	Fox Mountain
Buck and Bald	Ruby Valley
Wilson Creek	Hamblin Valley
Meadow Valley Mountains	Schlarman

This decision is associated with those HMAs where the AML has been established over the majority of the HMA, but an AML has yet to be set on the smaller fringe areas or smaller allotments. Several years of census and field observations indicate few or no wild horses inhabiting these areas; therefore, forage will not be apportioned to wild horses at this time. This action is based principally on population numbers, and, to a lesser degree, on the wild horse habitat. This will complete the establishment of the overall AML for the Dry Lake, Wilson Creek and Meadow Valley Mountains HMAs. For the Buck and Bald HMA, the AML for the Thirty Mile Allotment, Maverick Springs Allotment, and North Butte Allotment portions of the HMA will remain to be established.

Not apportioning forage for wild horses on these allotments at this time does not exclude wild horses from using those portions of the HMAs. These areas will continue to be monitored and censused. Appropriate management levels can be adjusted if wild horses expand into these areas in the future.

Adjustments have previously been made to livestock for the Sunnyside, Fox Mountain and Ruby Valley Allotments. Adjustments have not been made to livestock use for the Hamblin Valley Allotment portion of the Wilson Creek HMA or for the Schlarman Allotment portion of the Meadow Valley Mountains HMA. Monitoring data indicate adjustments to livestock use are not needed on either allotment.

The "Notice of Final Multiple Use Decision for the Sunnyside and Hardy Springs Allotments" was issued March 6, 1996. The final multiple use decision (FMUD) set the AML within the Seaman HMA west of state highway 318, but failed to include the Dry Lake HMA east of the highway. The management action selection report (MASR) set a zero AML for the east side of the highway in the Dry Lake HMA, but it was not carried forward into the FMUD.

The Fox Mountain Allotment was included in the "Notice of Final Multiple Use Decision for Those Allotments Located Within the Seaman Herd Management Evaluation Area" issued October 18, 1996. AML was not set for the Fox Mountain Allotment portion of the Dry Lake HMA at that time. Very little of the allotment is within the Dry Lake HMA and wild horses have not been observed or censused in this area, nor has there been any sign of wild horse use observed there.

An allotment evaluation, which included a MASR, was completed for the Ruby Valley Allotment in 1996. Livestock numbers were adjusted through a grazing transfer that same year. Because adjustments were made to livestock during the transfer process, a multiple use decision was not issued, and an appropriate management level for wild horses was not established. The transfer carried forward the stocking levels identified in the MASR. The MASR set a zero AML for wild horses. A wild horse census completed since the transfer, in May 1997, again showed no wild horse use. There are two livestock permittees on the Ruby Valley Allotment. The 1996 transfer adjusted livestock numbers for the Rosenlund term permit. Adjustments have not been made to permitted use (51 AUMS) associated with the Bowers permit.

The Wilson Creek HMA includes a small fenced portion of the Hamblin Valley Allotment. The fence effectively restricts wild horses from using the allotment. Wild horses could utilize the allotment by going around the end of the fence, but several years of census data show no wild horses on the allotment. Monitoring data indicate no need for changes to stocking levels, but only changes in grazing management are needed to improve livestock distribution. An evaluation has not been completed for the Hamblin Valley Allotment.

The Schlarman Allotment, although part of the Meadow Valley Mountains HMA, is essentially separated from the rest of the HMA by a deep canyon. Census and field observations show that wild horses rarely use the allotment, since access is restricted by the deep canyon. No adjustments are needed to livestock grazing since the allotment has not been grazed for several years. Monitoring shows no need for changes in grazing use. An evaluation has not been completed for the Schlarman Allotment.

This decision proposes to establish wild horse AMLs, and does not propose to make changes to livestock permitted use on any of the five allotments at this time.

## WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the appropriate management levels within the following herd management areas and allotments:

Herd Management Area	Allotment	Appropriate Management Level
Dry Lake	Sunnyside	0
Dry Lake	Fox Mountain	0
Buck and Bald	Ruby Valley	0
Wilson Creek	Hamblin Valley	0
Meadow Valley Mountains	Schlarman	0

This will complete the establishment of the overall AMLs for the Dry Lake, Wilson Creek and Meadow Valley Mountains HMAs. The total AML for the Dry Lake HMA will be 94 wild horses year-long. The total AML for the Wilson Creek HMA will be 160 wild horses year-long. The total AML for the Meadow Valley Mountains HMA will be zero wild horses. For the Buck and Bald HMA, the AML for the Thirty Mile Allotment, Maverick Springs Allotment and North Butte Allotment portions of the HMA remain to be established. The current established AML for the Buck and Bald HMA is 340 wild horses yearlong. The setting of wild horse numbers by allotment will eventually provide for an overall herd management area wild horse appropriate management level.

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML for the HMA will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Sunnyside and Fox Mountain Allotment portions of the Dry Lake HMA, the Ruby Valley Allotment portion of the Buck and Bald HMA, the Hamblin Valley Allotment portion of the Wilson Creek HMA, and the Schlarman Allotment portion of the Meadow Valley Mountains HMA shall be managed at zero AUMs for wild horses.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total appropriate management levels established for the entire Dry Lake, Buck and Bald, Wilson Creek, and Meadow Valley Mountains HMAs will be removed.

Monitoring will continue to ensure that AMLs are maintaining a thriving natural ecological balance. Adjustments in wild horse numbers will be made by future Dry Lake HMA, Buck and Bald HMA, Wilson Creek HMA, and Meadow Valley Mountains HMA gathers based on continued monitoring, in order to achieve and maintain the established AMLs.

## RATIONALE:

The analysis and evaluation of available monitoring data indicate that no change in management actions for wild horses are needed to meet multiple use management objectives on the Sunnyside, Fox Mountain, Ruby Valley, Hamblin Valley, and Schlarman Allotments. The data indicate that very little, if any, wild horse use is made on the allotments, and that zero AUMs are available or needed for wild horse grazing use.

A thriving natural ecological balance will be maintained on the Dry Lake, Buck and Bald, Wilson Creek, and Meadow Valley Mountains HMAs by establishing and maintaining the zero AML within the Sunnyside, Fox Mountain, Ruby Valley, Hamblin Valley, and Schlarman Allotments. Wild horses found using these allotments are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AML for the HMA is exceeded. Since the total established AML for the Meadow Valley Mountains HMA is zero wild horses, any animals found using the HMA, including the Schlarman Allotment, will be considered excess and shall be removed.

The AMLs may be modified based on future monitoring data. If future monitoring data show that wild horses are using the allotment on a regular basis, and additional AUMs are available, wild horses will receive a proportional increase along with other users.

## 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..."



APPEAL:

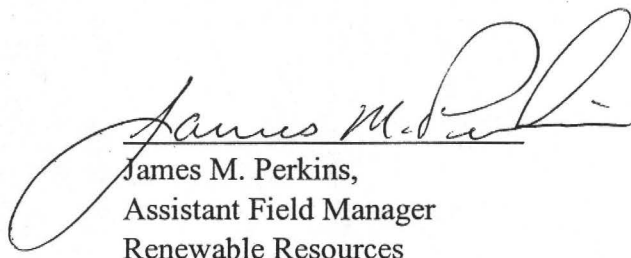
Within 30 days of receipt, you have the right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations in 43 CFR Part 4. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, "Information on Taking Appeals to the Board of Land Appeals". Within 30 days after your appeal, you are required to provide a copy to the Regional Solicitors Office listed on Item 3 of said form. In addition, please provide this office with a copy of your Statement of Reasons at the following address: James M. Perkins, Assistant Field Manager - Renewable Resources, Ely Field Office, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301-9408. Copies of your Appeal and Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision being appealed is in error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for stay (suspension) of the decision together with your appeal, in accordance with the regulations of 43 CFR 4.21. The petition must be served upon parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

  
James M. Perkins,  
Assistant Field Manager  
Renewable Resources



BUREAU OF LAND MANAGEMENT  
Ely Field Office  
702 North Industrial Way, HC 33 Box 33500  
Ely, Nevada 89301-9408

*Schellbourne  
Allot.*

*Antelope HMA*

3/28/01

In Reply Refer To:

4700  
(NV-040)

MAR 28 2001

NOTICE OF FINAL MULTIPLE USE DECISION  
FOR THE  
SCHELLBOURNE ALLOTMENT PORTION OF THE  
ANTELOPE WILD HORSE HERD MANAGEMENT AREA

BACKGROUND INFORMATION:

This decision addresses the establishment of an appropriate management level (AML) for wild horses within the Schellbourne Allotment portion of the Antelope Wild Horse Herd Management Area (HMA).

Census and field observations indicate a small number of wild horses inhabiting that portion of the Schellbourne Allotment within the Antelope HMA. Forage will be apportioned for wild horses within the Schellbourne Allotment. Census data for the Antelope HMA indicate that wild horses reside there on a year-long basis. Census has been conducted within the Antelope HMA 21 times since 1985, including a couple of years of census to show seasonal distribution. Although a few of the wild horse counts have resulted in no wild horses on the allotment, an average of five to six wild horses have been noted during any season of the year on the allotment (average of all census conducted since 1985). Even though few wild horses have been observed in the area, these wild horses are considered resident due to the availability of permanent water sources within the allotment. Other census information indicates wild horses to be residing near the allotment.

Livestock use on the Schellbourne Allotment has not been recently adjusted. An allotment evaluation has not been completed. The allotment has been stocked at approximately 50 percent of permitted use, authorizing about 350 AUMs active use out of the 685 AUMs total permitted use. The most recent monitoring data was collected in 1998. The monitoring data collected was forage utilization which indicated slight use over the entire allotment. Based on the existing monitoring data, there is no need to adjust either livestock or wild horse numbers from existing use at this time.

This decision proposes to establish a wild horse AML for the Schellbourne Allotment portion of the Antelope HMA based on the average wild horse use, but does not propose to make changes to livestock permitted use at this time.

## WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by establishing and maintaining wild horse use at the appropriate management level for the Schellbourne Allotment portion of the Antelope HMA at six wild horses year-long. For the Antelope HMA, the AML for the Cherry Creek Allotment, Deep Creek Allotment, Becky Springs Allotment, and Tippet Pass Allotment portions of the HMA remain to be established.

The current established AML for the Antelope HMA, including the Schellbourne Allotment portion, is now 239 wild horses year-long. The setting of wild horse numbers by allotment will eventually provide for an overall AML for the HMA.

Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements, but the total AML for the HMA will be maintained. The Antelope HMA will continue to be monitored and censused. Appropriate management levels can be adjusted in the future if continued monitoring indicates that an increase or decrease in forage utilization is warranted.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Schellbourne Allotment portion of the Antelope HMA shall be managed at six wild horses year-long (72 AUMs).

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the total appropriate management level for the entire Antelope HMA will be removed.

Monitoring will continue to ensure that the AML is maintaining a thriving natural ecological balance. Adjustments in wild horse numbers will be made by future Antelope HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

### RATIONALE:

The analysis and evaluation of available monitoring data indicate that no change in management actions for wild horses are needed to meet multiple use management objectives on the Schellbourne Allotment. The data indicate that there are 72 AUMs available for wild horse grazing use.

The AML of six wild horses year-long has been determined to be the optimum level to maintain the thriving natural ecological balance. Additional wild horses found using the allotment are not necessarily considered excess animals for removal, since wild horses are managed on an HMA basis and not by allotment. Numbers within use areas, or allotments, may vary with seasonal movements. Wild horses will only be considered excess and be removed if the total AML for the HMA is exceeded.

The AML may be modified based on future monitoring data. If future monitoring data show that an adjustment in grazing use (increase or decrease) is needed to meet the management objectives for the Schellbourne Allotment, wild horses will receive a proportional increase/decrease along with the other users.



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..."

APPEAL:

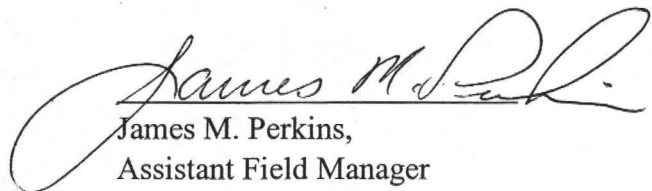
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Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

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- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

A handwritten signature in cursive script, reading "James M. Perkins". The signature is written in black ink and is positioned above the typed name.

James M. Perkins,  
Assistant Field Manager  
Renewable Resources