

Paiute se. BLM

✓ 1-16-96
✓

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

In Reply Refer To:

NV-023.8
January 16, 1996

Dear Interested Party:

A proposal to re-construct the Paiute seeding fence has been made by livestock operators Irvin and Sandy Brown. The Paiute Seeding Fence is situated in the Paiute Meadows Allotment which comprises the east portion of the Blackrock Herd Management Area (HMA), within the Paradise-Denio Resource Area.

In April of 1995 BLM entered into an agreement with Irvin and Sandy Brown to settle an appeal concerning the Final Multiple Use Decision on the Paiute Meadows Allotment. A copy of that agreement is enclosed. The agreement in part states, " 2) BLM agrees to consult with all affected interests regarding the desirability and feasibility of maintenance and/or re-construction of the Paiute Seeding Fence." This letter will provide you with some background on the seeding and some options available.

Background

The original seeding fence was constructed in 1955 and the area was seeded with Crested Wheatgrass in 1954 and 1956. The purpose for the seeding was Halogeton control and forage for domestic livestock. The fence enclosed approximately 2275 acres and is 8.25 miles in length. A cross fence was constructed in 1957 creating two pastures. At the present time the cross fence is down and the exterior fence is in a state of disrepair.

The seeding has been used by both wild horses and domestic livestock for an undetermined period of time. Historical distribution data is not available on wild horses to indicate when horses first started using the seeding. Prior to the 1992 wild horse gather and removal, the seeding was heavily used by both wild horses and livestock. In April 1993 the area south of Paiute Creek, which includes the seeding, was closed to livestock grazing. This action, coupled with horse removals in 1992 and 1994, has resulted in the seeding improving. In 1993 utilization



of the seeding by wild horses was light, while in 1994 it was moderate. A reservoir located in the seeding provides water the majority of the time. At one time a pipeline from Trough Springs delivered water to a stocktank within the seeding. This project is not functioning at this time. Other perennial water is available at springs and streams outside the seeding.

Options

1. No Action-under this alternative we would do nothing. This action would result in loose barbed wire remaining scattered through the brush. The wire poses a hazard to wild horses, wildlife and domestic livestock. The area south of Paiute Creek has met the criteria for being open to livestock grazing. When livestock use is authorized both livestock and wild horses would use the seeding "free choice".

2. Remove existing fence segments and pick up loose wire-This alternative would result in removal of the hazard identified above. The seeding would be used by both wild horses and livestock on a "free choice" basis. The potential for over utilization of the seeding exists. It is a preferred use area by both species. The seeding is almost 40 years old. Under this alternative protection and controlled use would not be possible and the area would be allowed to reseed naturally to native species.

3. Re-Build Fence-leave gates closed and use the area for livestock grazing. Under this alternative the per-cent utilization could be controlled by removal of domestic livestock when the utilization level reaches a predetermined level. Adequate forage and water are available for wild horses outside the seeded area. Fencing the seeding would deny wild horses access to the forage and water within the fenced area. It will take the wild horses awhile to adjust to the fence and potential injury to individual horses by wire cuts is a reality. If this alternative is selected, the permittee will provide all materials and labor to construct the fence and will assume maintenance responsibility for the fence. All loose wire will be removed from the site and disposed of as directed by the Bureau of Land Management. in an acceptable manner.

4. Build Fence/Gates Open-the gates would be left open when livestock are not grazing the seeding to provide access to wild horses. When combined use by wild horses and livestock reach a predetermined utilization level then gates would be closed. An adjustment period will be necessary for the wild horses as indicated above.

We would appreciate your ideas and comments on the proposed fence. If you have questions or comments please contact Ron Hall at 623-1522. Thanking you in advance for your participation.

Sincerely yours,

Colin P. Christensen
Area Manager
Paradise-Denio Resource Area



IN REPLY REFER TO:

United States Department of the Interior

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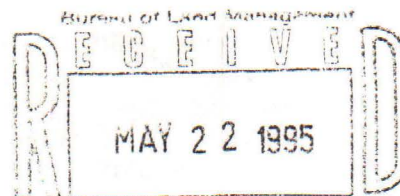
Pacific Southwest Region

2800 Cottage Way

Room E-2753

Sacramento, California 95825-1890

MAY 19 1994



DISTRICT OFFICE
WINNEMUCCA, NEVADA

Judge Harvey C. Sweitzer
United States Department of the Interior
Office of Hearings and Appeals
Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138

Re: Russell, et al. v. Bureau of Land Management, N2-93-8,
IBLA 93-481

Dear Judge Sweitzer:

As you are aware, Irvin and Sandy Brown have moved to substitute themselves in the above-captioned appeals. Respondent Bureau of Land Management (BLM) has opposed their motion, and you have taken the motion to substitute under advisement (Order dated April 7, 1995, p 2). BLM, the Browns, and Alan Cain, an investor in the Brown's ranch, have since discussed the issues which are important to the Browns and have reached the following agreement. The Browns agree to withdraw their motion to substitute in the above captioned appeals. The BLM agrees to the following:

- 1) BLM agrees to consult with all affected interests regarding the desirability and feasibility of maintenance and/or reconstruction of the Paiute Seeding fence.
- 2) If criteria for specific key areas for the south use area (South of Paiute Creek) are met, grazing will be authorized in areas representing the key area. The use areas are depicted on the attached map. The BLM will determine the area and amount of use that will be authorized. The season of use for 1995 and 1996, if utilization objectives are met, is as follows:

Low Elevation-- 03/15 to 05/31

High Elevation-- 06/01 to 08/17

If utilization objectives are not met in 1995 then the season of use would be as follows for 1996:

Low Elevation-- 03/15 to 05/15

High Elevation-- 05/16 to 07/17


In any event, the off date will remain 07/17 in 1997 and subsequent years, until the next evaluation period (see paragraph 4).

3) BLM agrees to examine range improvements with the Browns on a case-by-case basis, and to offer assistance in repairing improvements if BLM deems the assistance to be appropriate and in accordance with BLM policy and regulations. BLM also agrees to solicit funding for repairing improvements from other affected interests.

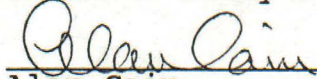
4) Until the next evaluation period, the season of use will remain as set out in the BLM's agreement with the Nevada Division of Wildlife and other parties. BLM will determine changes in stocking rates and season of use based on monitoring data in the next evaluation.

The above provisions will be included in the final Decision regarding the transfer of the grazing permit to the Browns.


Signed this 14th day of April, 1995:



Irvin or Sandy Brown



Alan Cain



John R. Payne
Assistant Regional Solicitor

Distribution by Mail:



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A

Reno, Nevada 89509
(702) 688-2626

January 29, 1996

Mr. Pete Christensen
Paradise-Denio Resource Area
Bureau of Land Management
705 East 4th Street
Winnemucca, Nevada 89406

Subject: Paiute Seeding Fence

Dear Mr. Christensen:

Thank you for consulting the Commission for the Preservation of Wild Horses concerning the Paiute Seeding. This seeding was severely impacted during years of high livestock and wild horse use on the southern and upper elevations of the Black Rock Range. During mild winters, wild horses will remain on the seeding throughout the entire year.

Replacing the fence will exclude the wild horses from key summer range. Displacement of wild horses may force immigration into the northern portions of the Black Rock Range. If monitoring data are accurate, the light use observed in 1993 may indicate that there is adequate forage outside of the seeding. We request that these issues be addressed in the pending environmental assessment.

We are confident that the stipulated agreement with the state wildlife agency will guide the proposed action.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director