

M 317-95

AG - WAYNE Houle

687-5798

FAX MEMO

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TO _____

FROM LEACH

CO. _____

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Notes for Painted Meadows

cc 851-4817

MODIFIES ALLOTMENT SPECIFIC OBJECTIVES

The issue is after the fact monitoring will prohibit stopping grazing mid-season. Stopping grazing to prevent damage is an alternative to achieving utilization objectives. This decision used the 50% utilization limit to determine a carrying capacity to achieve the objective.

+ The objectives are binding in view of its use in the carrying capacity computation. BLM used stocking rate and season of use adjustments to achieve its objectives.

- The objective of 30% could have been used in the carrying capacity computations.

- A term and condition of the license could have required removal of livestock when approaching utilization limit during mid-season grazing.

- Wild horse AML on Soldier Meadows Allotment was established with 60% utilization limit.

CARRYING CAPACITY COMPUTATIONS IMPROPER

The use of weight averaging heavy and severe utilization resulted in utilization rates between 70 to 85 percent. These utilization rates are within an acceptable range to represent impacts to riparian systems.

+ Using only riparian data in weight averaging utilization data is a better approach than mixing upland and wetland data. When moderate upland use is weight averaged with riparian habitat the utilization rate rarely exceeds 60%.

- Not weight averaging utilization data and strict use of severe would result in the use of 80% or 90% in computations.

- Wild horse AML on Solider Meadows Allotment was established with weight averaging moderate use data.

Alternatives

Propose an agreement to dismiss appeal.

Carrying capacity was determined upon riparian habitat, even though weight averaging was done on heavy and severe utilization data. BLM would agree not to weight average upland data with riparian data. The objectives are binding due to their use in the computations for Paiute Meadows Allotment.

Season of use adjustment is favorable to riparian habitat. The five year phase in schedule is a conflict of federal regulations. It is not found in the new regulations (double check). The 1995 Proposed Decision implements this schedule.

The wild horse appropriate management level for Paiute Meadows Allotment was determined in the later Soldier Meadows Final Multiple Use Decision. This decision is under appeal with NDOW and NCFPWH.

Agreement with Paradise-Denio RA, that is consistent with the recent Little Owhyee FMUD, will win most arguments with Buffalo Hills, Leadville and Soldier Meadows appeals with Sonoma-Gerlach RA. Wild horse appeal points cannot be addressed in the Paiute Meadows documents, since the AML was determined in Soldier Meadows AE. BLM error in issuing the Paiute Meadows FD on April 12, 1993 and waiting eight months later to issue Soldier Meadows FD on December 10, 1993. Soldier Meadows AE offers no computations or justifications for its numbers.

Prepare case for appeal.

Carrying capacity would be determined by using "severe utilization" or 90% to achieve stream bank riparian habitat objective or 30%. This would greatly reduce the stocking rates and may appear to be unreasonable or a matter of professional judgement with the BLM. Also, the BLM implemented a season of use adjustment to achieve riparian objectives.

Allocation of forage would be by offending animal. Since the numbers of the FMUD do not agree with the proportions of the land use plan, it would be impossible to argue without consolidating the Soldier Meadows Appeal.

Arguments for not having a five year phase in would have to rely on conflicting regulations. AG advises that this issue is for federal court. New regulations may make this moot.

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FORAGE ALLOCATION

Proportions of the land use plan are arbitrary. Approximately 440 horses were gathered from the Black Rock Range prior to the land use plan decisions. The land use plan initial stocking rates only include 50 horses and active preference of 7,827 AUMs for livestock. The proportions are 7 percent wild horses and 93 percent livestock.

- Wild horse AML for the combined East and West HMA were presented in the Soldier Meadows FMUD. No computations were provided in the Soldier Meadows AE or Administrative File for our appeal. (same problems found in Buffalo Hills)

+ The Decision allocates 23 percent of the forage to wild horses and 77 percent to livestock.

- No forage allocated to wildlife.

FULL FORCE AND EFFECT

The District implemented both livestock and wild horse decisions by full force and effect. However, the decision upheld a five year phase in for livestock season of use and numbers. Our argument was to stop resource damage immediately.

+ Full force and effect were to both livestock and wild horses.

+ The 1995 Proposed Decision implements the third year of this phase in schedule.