



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

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IN REPLY REFER TO:  
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### NOTICE OF FULL FORCE AND EFFECT MULTIPLE USE DECISION SOLDIER MEADOWS ALLOTMENT

R.C. Roberts  
801 A Street  
San Rafael, CA 94901

Dear Mr. Roberts:

On December 10, 1993, the Soldier Meadows Re-evaluation and Proposed Full Force and Effect Multiple Use Decision was mailed to all affected interests. We received protests from the Commission for the Preservation of Wild Horses, Wild Horse Organized Assistance, and the Nevada Division of Wildlife. Protest points are briefly summarized below along with my response to each point.

#### Commission/WHOA

1. The Proposed Decision extends the land use plan short term objectives in excess of 14 years. Range Management-Management Framework III Decision RM-1 set a five year schedule to accomplish wild horse herd management area plans, and other approved activity plans, to establish appropriate management levels to assure viable herds in balance with their habitat by 1987. Short term objectives of the Proposed Decision adjusts the land use plan short term objectives to the year 2001.

Response:

Based on the above protest point we have re-reviewed the Management Framework Plan (MFP) for the Sonoma-Gerlach Resource Area, signed in 1982. Considering that document and the Bureau's procedures in writing MFP's, our response is that these documents only state goals for the management of the area they cover and do not establish specific short term or long term objectives. Objectives are developed in site specific documents that implement the goals of the MFP. The short term objectives you refer to were established in 1988 in the Livestock Agreement with the permittee. We look at the short term objectives in our re-evaluations and if our monitoring indicates we are not achieving these then we conclude that we will not be able to achieve our long term objectives, so adjustments must be made. A new decision is issued with the necessary changes and we continued to monitor to see if those changes allow us to meet our short term objectives. If we still are not meeting those short term objectives then further adjustments will be made. This is the process we are following and the reason we are issuing this decision to make adjustments to meet the short term objectives.

Soldier Meadows Final MUD  
January 24, 1994

In regards to the statement that the MFP set a five year time frame to develop activity plans, the MFP did not set any time frames for the development of these plans. The MFP states that subsequent to issuing a decision and establishing monitoring we would then "develop and implement (as time and funding permit) allotment management plans and activity plans for other uses". To date this resource area has not had the time nor the funding to complete the needed activity plans.

2. The Proposed Decision adjusts the wild horse herd boundaries for the Black Rock West, Warm Springs and Black Rock East Wild Horse Management Areas. These herd areas are delineated in the Sonoma-Gerlach Unit Resource Analysis and Final Grazing Environmental Impact Statement. Any modification or adjustment to these boundaries must be supported by herd delineation data in an environmental analysis to amend the current land use plan.

Response:

The proposed decision does not adjust the boundary between Black Rock East and West HMA's. The Soldier Meadows and Paiute Meadows Allotment Re-evaluations documented, from observations over the last ten years, wild horses moving between the two HMA's. The re-evaluations recommended that all the wild horses in the HMA's be managed as one herd, and that is what was carried forward in the proposed decision. For administrative purposes we will still track the mountain as two HMA's. Because this action does not officially change the HMA boundaries it is not considered a Land Use Plan adjustment so the current Land Use Plan does not need to be amended.

After reviewing the proposed boundary adjustment for the Black Rock West and Warm Springs HMA's it was decided to delete that from the Multiple Use Decision. It is more appropriate to deal with it as an adjustment to the Land Use Plan.

3. The Proposed Decision did not consider the allotment short term objective for upland wetland riparian habitat. Rangeland monitoring data found in Appendix 4 of the Final Soldier Meadows Allotment Re-evaluation consistently states "severe" utilization of this key habitat. Carrying capacity computations found in Appendix 6 presents no data to indicate the use of "severe" or 90 percent as the actual utilization or the allotment specific objective of 50 percent as the desire utilization level. Weight averaging of the use pattern mapping data further distracts from the allotment specific objective for wetland meadow habitats.

Response:

What Appendix 4 was stating was the range of levels of utilization that were recorded while conducting utilization transects. In conducting utilization transects we sample at least 10 points and record the levels of use on the key vegetation species. The points are then summarized and the average utilization for that area is recorded. That average is then used in our carrying capacity calculations. The purpose of us mentioning the range of utilization levels recorded on our transects was to give a complete picture of what was happening on the ground and not hide behind averages that may not show the full picture. None of the utilization transects showed an average utilization of 90% or "severe" which is why that use level did not show up in the carrying capacity calculations.

4. The Proposed Decision arbitrarily allocates available forage to wild horse and livestock. The land use plan ratio of initial stocking rates for livestock and wild horses were not at a thriving natural ecological balance in 1982. Data and analysis of the Final Environmental Impact Statement did not suggest or conclude that the existing conditions were protecting or restoring natural resources. Therefore, the allocation of available forage must be based upon monitoring data, wild horse herd population dynamics and forage preference of competing ungulates.

Response:

It was recognized in the MFP that the forage allocation made for livestock and wild horses/burros was only a starting point and that numbers would be adjusted to appropriate levels based on monitoring. The 1988 evaluation for this allotment documented that livestock numbers were too high so they were adjusted downward, but wild horses/burros numbers were not addressed. The re-evaluation for this allotment established the total carrying capacity for livestock and wild horses/burros based on monitoring data. The AUMs were then divided between livestock and wild horses/burros on a proportional basis (based on the ratio established in the MFP) in accordance with MFP decision Range 1.1 and Wild Horse/Burro 1.1. I felt this was the appropriate and most equitable way to divide the total carrying capacity between livestock and wild horses/burros. We will continue to monitor to determine if these new stocking rates are appropriate, and if not make future adjustments.

5. The Proposed Decision established an appropriate management level for the East Black Rock Wild Horse Herd of 31 horses. The Soldier Meadows Final Allotment Re-evaluation presents no data or analysis to support this appropriate management level.

Response:

This Proposed MUD did not establish an AML for the Black Rock Range - East or West HMA. The Soldier Meadows Proposed MUD and the Paiute Meadows Final MUD established an AML for the Black Rock Range HMA. The Black Rock Range HMA was established based on monitoring which documented wild horses move freely from one side of the mountain to the other. Each MUD established a carrying capacity for wild horses and livestock (see Commission/WHOA #4). These figures were combined to determine available forage for wild horses in the Black Rock Range HMA, an AML of 186 adult horse was the result. (refer to page 32 of the FMUD)

6. The Proposed Decision is to set a carrying capacity that will meet all allotment objectives and protect natural resources. The capture and release of unadoptable horses to levels above the carrying capacity will cause over utilization to key habitats. Delaying wild horse and livestock adjustments for a minimum of six years is contrary to existing federal regulations that prohibits management actions causing significant resource damage.

Response:

Wild horse numbers should be at or very near AML in the Calico Mountain and Warm Springs Canyon HMAs after the 1994 winter gather based on previous captures and the estimated herd age structure. The Black Rock Range HMA will not get to AML after the first gather. Livestock will not use the Summit Lake Pasture portion of the Black Rock Range HMA until range projects are constructed and riparian condition classes improve to 70%, therefore, for the short term there will only be wild

horses. Also, BLM will implement utilization and stubble height criteria that will insure important habitat is not over utilized by livestock.

7. The Proposed Decision endorses the broad policy to leave unadoptable horses within the herd area. The sex and age composition of the surviving horses is critical to the longevity and genetic viability of the herd. Data collected in 1993 indicates the Warm Springs herd suffered over 50 percent mortality last winter. The recruitment rate for 1993 was only six percent. Depending upon the surviving herd's age composition, the Proposed Decision's re-structuring of this herd could jeopardize this herd within two or three years. Implementation of broad policy that effects the sex ratio and age structure of this herd requires an environmental assessment.

Response:

The Sonoma-Gerlach Resource Area as part of the BLM is required to follow current BLM policies, such as the "Strategic Plan for the Management of Wild Horses and Burros on Public Lands". Returning unadoptable animals due to age requirements (6 years and older) does not equate to undesirable animals remaining.

An EA (FY94 NV-020-4-09) completed on 1/19/94 states: "The social structure may be affected which could lead to a decreased foaling and recruitment rate for the first year following removal as bands reorganized. However, the recruitment rate may increase after this due to a stabilization of social structure, and improved body condition of mares through reduced competition for forage. By releasing horses six years of age and older, the base genetic makeup of the herds should remain intact within the HMAs". The Strategic Plan for the Management of Wild Horses and Burros on Public Lands documented that the basic gene pool of each herd will remain intact. Until wild horse numbers are stabilized for the long term, BLM can not accurately ascertain the effects on herd viability, genetics, sex ratios, and age structures in this EA.

8. The Proposed Decision restructures the Calico Wild Horse Herd. This action was not assessed by any NEPA document that assesses genetic data, age structure data, or herd longevity to assure its viability.

Response:

See the response to Commission/WHOA #7.

Division of Wildlife

1. The Proposed Decision eliminates the riparian Short Term Objective #2:

The Proposed Decision eliminates the Fox Mountain Habitat Management Plan objective #8:

The Proposed Decision eliminates the Black Mountain Bighorn Sheep Reestablishment Operations Plan objective:

Response:

Utilization objectives which are referred to were described on pages 2, 20, and 24 in the Proposed MUD. These utilization objectives were carried forward from the Final Re-evaluation. The format of the Final MUD is modified to make more clear the utilization objectives to the readers of this document.

To avoid misunderstanding, the Fox Mtn HMP covers portions of the Calico, Soldier Meadows, and a small part of the Hot Springs Pastures; not the entire Soldier Meadows Allotment. The Proposed Decision used a 4 inch stubble height instead of utilization levels as a management action for Donnelly Creek. The interdisciplinary team felt using stubble height in this instance would be more effective to improve riparian vegetation and stream bank conditions along Donnelly Creek.

2. The Proposed Decisions's stream bank riparian short term and long term objectives extend the land use plan achievement schedule to the years 2001 and 2017, respectively.

Based on the above protest point we have re-reviewed the Management Framework Plan (MFP) for the Sonoma-Gerlach Resource Area, signed in 1982. There is not a decision in the MFP establishing an "achievement schedule" with specific dates for accomplishment. The MFP establishes goals for us to work towards but does not set any specific time frames for accomplishment. The only document that does discuss time frames is the Sonoma-Gerlach Grazing Environmental Impact Statement which states that the "time necessary for changes in vegetation condition and production" is approximately 2024. Our goal of achievement of 2017 is well within that time frame.

3. Though projects may be dependent upon funding, Selective Management Actions of the Solider Meadows Allotment Re-evaluation should have considered carrying capacity computations to meet all allotment specific objectives. The Proposed Decision should have implemented actions to meet our agreements.

Response:

The Final Re-evaluation identified pasture specific projects that are required to implement management for the allotment which includes projects identified in the various activity plans (pages 53 - 75). The evaluation of monitoring identified livestock distribution as the primary management action to improve resource conditions; not a carrying capacity problem. The Final MUD changed season of use in all the pastures, reduced the stocking levels in the Warm Springs, Calico, and Black Rock pastures, and implemented utilization criteria so that livestock will be moved when it is reached. Based on the changes in numbers, season of use, and utilization criteria we should be able to move towards accomplishing long term objectives without the completion of the range improvement projects proposed. Those projects proposed will only make achievement easier.

4. Desired Plant Community objectives must be consistent with land use plan and approved activity plans. The Proposed Decision's "Allotment Objectives for Uplands and Meadows" implement the concept of Desired Plant Community without considering wildlife management action for achievement. Achievement of these new objectives cannot assure that forage and cover will be provided for wildlife.

For example, Warm Springs Pasture Short Term Objective #6 maintains a percentage of species composition by weight. This objective can be met by severe utilization resulting in no residual cover for nesting birds or wintering mammals. The objective ignores a detailed list of key plant species and their allowable use levels found in the Fox Mountain Habitat Management Plan.

Response:

The DPC objectives in this decision describe the vegetative community that will best meet the goals and objectives from the MFP and activity Plans. The DPC objectives were developed considering all of the goals and objectives identified. An example is on pages 34 and 35 of the Final Re-evaluation. Wildlife habitat was analyzed and the limiting factors identified for mule deer were forage vigor, quality, and cover. The DPC objectives were then tailored to meet those mule deer needs. On the other hand ensuring adequate residual cover is a function of utilization objectives, not a DPC objective. We feel that the utilization objectives established in this decision will meet the needs identified in the protest point.

The plant species lists referred to are for the entire area of the HMP (802,870 acres). As key areas are selected for monitoring purposes the key plant species that occur in those areas will be identified and we will manage for those in accordance with this decision and all affected activity plans (including the Fox Mountain HMP).

5. The Proposed Decision establishes a carrying capacity by flawed assumptions without consideration of critical wildlife habitat. Appendix 6, Stocking Level Calculating and Procedures, of the Soldier Meadow Allotment Re-evaluation did not consider wetland riparian habitat objectives. Appendix 4, Utilization, of the Soldier Meadow Allotment Re-evaluation, repetitively documents severe utilization of riparian vegetation within wetland meadow habitats during all years of monitoring.

The Proposed Decision carrying capacity computation is based upon Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)". Example C assumes rangeland production is not uniform and utilization is uniform. Utilization data confirms the conclusions of the Re-evaluation that livestock distribution problems are causing heavy and severe utilization of critical wildlife habitat; thus the Proposed Decision's use and rationale for Example C is flawed for a carrying capacity computation.

Response:

Appendix 4 was stating the range of levels of utilization that were recorded while conducting utilization transects. In conducting utilization transects we sample at least 10 points and record the levels of use on the key vegetation species. The points are then summarized and the average utilization for that area is recorded. That average is then used in our carrying capacity calculations. The purpose of us mentioning the range of utilization levels recorded on our transects was to give a complete picture of what was happening on the ground and not hide behind averages that may not show the full picture. None of the utilization transects showed an average utilization of 90% or "severe" which is why that use level did not show up in the carrying capacity calculations.

We agree with the conclusions that livestock distribution is a problem and that the technique described for calculating carrying capacity would not be the appropriate method for dealing with problems created by poor distribution. That is why we chose to modify the technique back in 1992 when we established the standard procedure for the resource area for calculating capacity in these allotment re-evaluations. The technique was modified by dropping out the slight and light utilization categories and only considering the moderate, heavy, and severe utilization categories. We felt this would cause the calculations to better emphasize the problems of poor distribution and over stocking. Using this modified technique for calculating carrying capacity and requiring the movement of livestock based on acceptable utilization limits we feel we will solve the problems identified in this re-evaluation.

6. Livestock management is required to meet short term utilization objectives for stream bank, wetland riparian and upland habitats. The Proposed Decision eliminated the wetland riparian short term utilization limitation of the land use plan. The Proposed Decision did not set utilization limits for mountain browse species essential to the welfare of big game species. Terms and conditions of any grazing authorization or permit under this decision, cannot quantify the annual utilization of key vegetational species critical to wildlife.

The Proposed Decision suggests continued management of wildlife habitat consistent with the land use plan and habitat management plans. Contrary to the Wildlife Management Decision, Livestock and Wild Horse Decisions do not recognize short term objectives for wildlife habitat. Wildlife habitats require significant protection to resolve resource conflicts and restore depleted wildlife populations.

Response:

Utilization objectives were stated for mountain browse species in the final re-evaluation. That objective was stated in the wild horse portion of the proposed MUD (see page 24) but was inadvertently omitted for the livestock section. We appreciate this being brought to our attention and it will be added in the final MUD.

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I have considered the proposed decision in light of these protest points and on the basis of monitoring data, the CCC process, interdisciplinary team recommendations, and consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act my final decision is:

#### ALLOTMENT WIDE MULTIPLE USE OBJECTIVES

##### UTILIZATION OBJECTIVES

Riparian/Wet Meadows:

1. Do not exceed 30% utilization of current years growth on the key riparian trees and shrubs, which includes: Aspen (Populus tremuloides) and Willows (Salix spp.). For Mahogany, Summer Camp, Snow Creeks, and the hot springs associated with the Desert Dace grasses and grass-like plants will have a minimum stubble height of 6 inches. A 4 inch stubble height will apply for Coleman, Slumgullion, and Donnelly Creeks when the cows leave the pasture

for the following: Nevada Bluegrass (Poa nevadensis), Sedges (Carex spp.), Rushes (Juncus spp.), Intermediate Wheatgrass (Agropyron intermedium), and Tufted Hairgrass (Deschampsia cespitosa).

2. The utilization levels for wet meadows (not identified above), grass and grass-like species is 50%. If the utilization level is exceeding the 50% level by February 28 the carrying capacity will be evaluated to determine if a downward adjustment is required. The evaluation will include livestock and wild horse actual use, along with wildlife and climatic factors.

Upland Grass/Dry Meadows:

1. Livestock and wild horse utilization levels is 50% at the end of the livestock use period (except for the Black Rock Pasture).
2. For the Black Rock Pasture, combined utilization shall not exceed 60% by February 28 or the start of the new growing season.
3. By February 28, or the start of the new grazing season, utilization shall not exceed 60% (utilization on these species from 50 to 60% will occur during the dormant season and should not have a detrimental impact to plant health and vigor).
4. The utilization level by wild horses, once the AML is reached, shall not exceed 20% by July 15 (seed dissemination) in livestock rested pastures.
5. For the Black Rock Pasture, once AML is reached, utilization level by wild horses shall not exceed 30% by December 31.

Upland Browse:

1. Livestock utilization levels for shall not exceed 50% by the end of the livestock grazing use period.

WATER QUALITY OBJECTIVES

1. Improve or maintain Mahogany Creek to Class A water standards.
2. Improve or maintain the water quality of the following streams to the State criteria set for livestock drinking water, cold water aquatic life, water contact recreation (wading), and wildlife propagation:

Summer Camp Creek  
Snow Creek  
Donnelly Creek  
Slumgullion Creek  
Soldiers Creek

3. Maintain water quality standards for Desert Dace habitat in the springs where they occur to the following:

temperature - 32-38°C/90-100°F  
nitrates - 90 mg/L  
turbidity - 50 NTU  
pH - 6.5-9.0  
D.O. - 5.0 mg/L



## VEGETATION OBJECTIVES

### A. Riparian Objectives:

1. Improve the riparian condition class on six (6) miles of Mahogany Creek to 70% (from 1992 baseline data of 68%) within the short term (2001) and maintain excellent riparian stream condition (70% of optimum or better) to the year 2017.
2. Improve the riparian condition class on 2 miles of Summer Camp Creek to 70% (from 1990 baseline data of 60%) within the short term (by 2001) and maintain excellent riparian stream condition (70% of optimum or better) to the year 2017.
3. Improve the riparian condition class on 3 miles of Snow Creek to 70% (from 1990 baseline data of 60%) within the short term (by 2001) and maintain excellent riparian stream condition (70% of optimum or better) to the year 2017.
4. Improve the riparian condition class on 8 miles of Donnelly Creek to 62% (from baseline 1989 data of 52%) within the short term (by 2001) and achieve excellent riparian stream condition (70% of optimum or better) to the year 2017.
5. Improve the riparian condition class on 8 miles of Coleman Creek to 66% (from baseline 1991 data of 44%) within the short term (by 2001) and achieve excellent riparian stream habitat condition (70% of optimum or better) to the year 2017.
6. Improve the riparian condition class on 8 miles of Slumgullion Creek to 63% (from baseline 1990 data of 48%) within the short term (by 2001) and achieve excellent riparian stream habitat condition (70% of optimum or better) to the year 2017.

### B. Sage Grouse:

Protect known sage grouse strutting and nesting habitat and improve brooding habitat by: (WL-1.11)

1. Following NDOW's guidelines for Vegetal Control Programs in Sage Grouse Habitat in Nevada.
2. Maintain sagebrush canopy at 30% in sage grouse nesting areas where sagebrush does not exceed three (3) feet in height.

### C. Desired Plant Community Objectives for Uplands and Meadows:

**RATIONALE:** The limiting factor for wildlife is forage vigor, quality, and cover, therefore, the objectives need to be vegetative ones. Livestock and wild horse objectives are for a sustainable yield of forage, which desired plant communities would account for.

Objectives for this allotment were based on ecological status inventory data. The seral stage of each vegetative community and its potential was considered in conjunction with the wildlife, wild horse, and livestock use to develop desired plant community objectives. Short term objectives will be used to determine the progress each community is making toward its desired stage. Key areas for all pastures will be established by an interdisciplinary team in key Ecological Sites.

## Summit Lake Pasture

### Objective 1

#### Short Term

Increase the composition by weight the overall percentage of the following perennial grasses: AGSP, FEID, STH2, ELCI2, POA++, STCO4, and SIHY from 28% to 35% on Ecological Site 023XY007 (Loamy 14-16") in Site Write-up Area (SWA) U044 by the year 2001. The aggregate of ELCI2, POA++, SIHY, and STCO4 can only make up 10% of the total composition.

#### Long Term

Within Ecological Site 023XY007 (Loamy 14-16") manage for the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	28%	45%	60%
Forbs	7%	10%	10%
Shrubs	65%	45%	30%

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

### Objective 2

#### Short Term

Maintain or increase perennial grasses at 45% composition by weight on Ecological Site 023XY017 (Claypan 14-16") in SWA U044 by the year 2001. These perennial grasses are FEID, AGSP, STH2, POA++, SIHY, and ELCI2 with the aggregate of the latter three making up no more than 10% of the total composition.

#### Long Term

Within Ecological Site 023XY017 (Claypan 14-16") manage for a desired plant community with the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	45%	55%	65%
Forbs	11%	10%	10%
Shrubs	44%	35%	25%

This objective should be accomplished by the year 2017.

### Objective 3

#### Short Term

Increase FEID and AGSP each from 2% to 6% composition by weight on Ecological Site 023XY026 (Mahogany Savanna) in SWA U044 by the year 2001. Maintain PUTR2 above 10% and CELE3 at 22% composition by weight.

Long Term

Within Ecological Site 023XY026 (Mahogany Savanna) manage for a desired plant community with the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	23%	30%	40%
Forbs	Trace	8%	10%
Shrubs	77%	62% *	50%

\* At least 25% must be CELE3 and 10% PUTR2.

This objective should be accomplished by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

Objective 4

Short Term

Maintain the existing plant community with 61% perennial grasses, 22% forbs, and 17% shrubs in Ecological Site 023XY013 (dry meadows) in SWA U044 by the year 2001.

Long Term

Within Ecological Site 023XY013 (dry meadows) in SWA U044 manage for the desired plant community with the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	61	65	80
Forbs	22	22	20
Shrubs	17	13	0

Decrease the percent composition by weight of JUBA by increasing the percent composition by weight of PONE3 and HOBR.

This objective should be achieved by 2017.

Objective 5

Short Term

Maintain the existing plant community with 89% perennial grasses, 11% forbs, and 0% shrubs in Ecological Site 023XY025 (wet meadows) in SWA U202 by the year 2001.

Long Term

Within Ecological Site 023X025 (wet meadows) in SWA U202 manage for the desired plant community with the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	89	85	80
Forbs	11	15	20
Shrubs	0	0	0

Decrease the percent composition by weight of Carex by increasing the percent composition by weight of DECE.

This objective should be achieved by 2017.

**Rationale:** The Summit Lake Pasture has been identified as yearlong bighorn sheep range (BRBY-2, BRBY-4), mule deer summer range (BRDS-8), as well as a sage grouse strutting ground and brood use area. It is also used yearlong by wild horses and by cattle for 3 months. By achieving these objectives the vegetative communities would be meeting the needs of the mentioned wildlife, wild horses, and livestock.

Warm Springs Pasture

Objective 1

Short Term

Increase perennial grasses from 34% to 41% composition by weight on Ecological Site 023XY017 (Claypan 14-16") in SWA U125 by the year 2001. These perennial grasses are: AGSP, STH2, POA++, SIHY, and FEID.

Long Term

Increase FEID from a trace to 7% composition by weight while managing for a desired plant community with the following percent composition by weight.

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial grasses	34%	50%	65%
Forbs	8%	10%	10%
Shrubs	56%	40%	25%

This objective should be completed by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

Objective 2

Short Term

Maintain the following perennial grasses: STH2, SIHY, and POA++ at 46% composition by weight through the year 2001 on Ecological Site 023XY031 (Claypan 10-14") in SWA U174. Also try to get AGSP established on the site.

Long Term

Increase AGSP to 5% composition by weight, as it's potential on the site is 20 to 50% composition by weight. Establish a desired plant community consisting of the following vegetation:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	46%	55%	65%
Forbs	12%	12%	10%
Shrubs	42%	33%	25%

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

Objective 3

Short Term

Increase AGSP from 9% to 13% and STH2 from 8% to 12% composition by weight on Ecological Site 023XY039 (Loamy Slope 10-14") in SWA U125 by the year 2001.

Long Term

Manage for a desired plant community consisting of the following percent composition by weight within Ecological Site 023XY039 (Loamy Slope 10-14"):

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	35%	50%	65%
Forbs	6%	10%	10%
Shrubs	52%	40%	25%

This objective should be reached by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

Objective 4

Short Term

Increase AGSP, FEID, and STH2 collectively, from 27% to 36% composition by weight on Ecological Site 023XY066 (Ashy Loam 12-14") in SWA U162 by the year 2001 while maintaining PUTR2 above 20% composition by weight.

Long Term

Within Ecological Site 023XY066 (Ashy Loam 12-14") manage for the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	33%	43% *	60%
Forbs	2%	8%	10%
Shrubs	65%	49% **	30%

\* Must be at least 20 % FEID.

\*\* Must be at least 20% PUTR2.

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

**Objective 5**

**Short Term**

Maintain or increase FEID at 12% and increase AGSP from 2% to 5% composition by weight. Maintain PUTR2 at 9% composition; increase CELE3 from 3% to 6% composition by weight on Ecological Site 023XY026 (Mahogany Savanna) in SWA U161 by the year 2001.

**Long Term**

Manage for the following percent composition by weight on Ecological Site 023XY026 (Mahogany Savanna):

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	35%	40% *	40%
Forbs	3%	10%	10%
Shrubs	54%	50% **	50%

\* Must be at least 15% FEID, 10% AGSP.

\*\* Must be at least 9% CELE3, and 9% PUTR2.

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer habitat as described in BLM's 6630 Manual.

**Objective 6**

**Short Term**

Maintain PONE3 at 12% and increase composition by weight for forbs from 8% to 11% with LUPINE making up no more than 5% composition by weight of the forbs in SWA U199 on Ecological Site 023XY013 (dry meadows) by the year 2001.

**Long Term**

Within Ecological Site 023xy013 (dry meadows) in SWA U199 manage for the desired plant community with the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	92	85	80
Forbs	8	15	20
Shrubs	0	0	0

Increase composition by weight PONE3 from 12% to 15% in SWA U199 on Ecological Site 023XY013 (dry meadows) by the year 2017.

**Rationale:** This Warm Springs Pasture has been identified as pronghorn yearlong (BRPY-7) and summer range (BRPS-1, BRPS-8); mule deer yearlong (BRDY-3) and winter range (BRDW-4); and as a sage grouse brood use area. It is also used yearlong by wild horses/burros and by cows for three months a year.

Calico Pasture

Objective 1

Short Term

Increase STH2 from 9% to 12% composition by weight on Ecological Site 027XY079 (Gravelly Claypan 8-10") in SWA U063 by the year 2001.

Long Term

Within Ecological Site 027XY079 (Gravelly Claypan 8-10") manage for the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	25%	32%	45%
Forbs	8%	8%	5%
Shrubs	67%	60%	50%

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality antelope habitat as described in BLM's 6630 Manual.

Objective 2

Short Term

Increase AGSP from 2% to 5% composition by weight on Ecological Site 023XY037 (Clay Slope 8-12") in SWA U109 by the year 2001.

Long Term

Manage for a desired plant community with the following percent composition by weight on Ecological Site 023XY037 (Clay Slope 8-12"):

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	26%	36%	70%
Forbs	25%	22%	10%
Shrubs	42%	42%	20%

Perennial grasses may include: AGSP- must be at least 8%, STH2, POA++, SIHY, FEID. This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality antelope habitat as described in BLM's 6630 Manual.

Objective 3

Short Term

Increase FEID from 2% to 6% composition by weight while trying to establish AGSP on Ecological Site 023XY017 (Claypan 14-16") in SWA U042 by the year 2001.

### Long Term

Manage for a desired plant community with the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	34%	46%	65%
Forbs	28%	20%	10%
Shrubs	38%	34%	25%

Perennial grasses include FEID, AGSP, POA++, STH2, SIHY and other perennial grasses. This objective should be accomplished by 2017. The shrub component still maximizes the potential of the site to provide quality antelope habitat as described in BLM's 6630 Manual.

**Rationale:** The Calico Pasture has been identified as pronghorn antelope winter range (BRPW-1). Wild horses use this pasture yearlong and cows use it for one month (April 1 - April 30) for two years and then rest it for two years.

### Soldier Meadows Pasture

#### Objective 1

##### Short Term

Increase composition by weight of AGSP from 31% to 36% on Ecological Site 023XY039 (loamy slope 10-14") in SWA U159 by the year 2001.

##### Long Term

Within Ecological Site 023XY039 (loamy slope 10-14") manage for the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	35	44	65
Forbs	7	10	10
Shrubs	58	46	25

This objective should be achieved by the year 2017. The shrub component still maximizes the potential of the site to provide quality mule deer and antelope habitat as described in BLM's 6630 Manual.

#### Objective 2

##### Short Term

Increase FEID and STH2 collectively from 12% to 18% composition by weight on Ecological Site 023XY017 (claypan 14-16") in SWA U229 by the year 2001.



Long Term

Within Ecological Site 023XY017 (claypan 14-16") in SWA U229 manage for the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	23	35	65
Forbs	8	10	10
Shrubs	69	55	25

This objective should be achieved by the year 2017.

Objective 3

Short Term

Increase the composition by weight STTH2 from 1% to 6% on Ecological Site 024XY005 (loamy 8-10") in SWA U181 by the year 2001.

Long Term

Within Ecological Site 024XY005 (loamy 8-10") in SWA 181 manage for the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing*	Desired	Potential
Perennial Grasses	7	17	55
Forbs	3	5	5
Shrubs	87	78	40

This objective should be achieved by 2017.

\* The remaining 3% is comprised of BRTE.

Objective 4

Short Term

Maintain or increase by weight the perennial grasses at 40% or higher on Ecological Site 023XY039 (loamy slope 10-14") in SWA U117 by 2001. The perennial grasses include AGSP and SIHY.

Long Term

Within Ecological Site 023XY039 (loamy slope 10-14") in SWA U117 manage for the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing*	Desired	Potential
Perennial Grasses	40	45	65
Forbs	7	10	10
Shrubs	48	45	25

This objective should be achieved by 2017.

\* The remaining 5% is comprised of BRTE.

Objective 5

Short Term

Increase by weight the following perennial grasses: SIHY, STH2, and POA++ collectively from 12% to 18% on Ecological Site 023XY037 (clay slope 8-12") in SWA U187 by 2001. Also try to establish AGSP on the site from the adjacent range sites.

Long Term

Within Ecological Site 023XY037 (clay slope 8-12") manage for the following Desired Plant Community while trying to establish AGSP on the site:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	12	25	70
Forbs	2	7	10
Shrubs	86	68	20

This objective should be achieved by 2017.

Objective 6

Short Term

Increase by weight the perennial grasses from 5% to 8% and increase ARSPS5 from 4% to 10% on Ecological Site 024XY025 (loamy slope 5-8") in SWA U114 manage for the following Desired Plant Community:

Percent Composition by Weight			
Lifeform	Existing*	Desired	Potential
Perennial Grasses	5	10	20
Forbs	Trace	5	5
Shrubs	92	85	75

This objective should be achieved by 2017.

\* The remaining 3% is comprised of BRTE.

Objective 7

Short Term

Maintain the existing plant community with 61% perennial grasses, 22% forbs, and 17% shrubs in Ecological Site 023XY013 (dry meadows) in SWA U201 by the year 2001.

Long Term

Within Ecological Site 023XY013 (dry meadows) in SWA U201 manage for the desired plant community with the following percent composition by weight:

Percent Composition by Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	61	65	80
Forbs	22	22	20
Shrubs	17	13	0

Increase the percent by weight of the perennial grasses by 4%, while maintaining or decreasing the percent JUBA at 24%.

**Rationale:** The Soldier Meadows Pasture has been identified as pronghorn yearlong (BRPY-5) and winter (BRPW-6, BRPW-7); mule deer summer (BRDS-7, BRDS-5) and winter (BRDW-4); and bighorn sheep yearlong (BRBY-1, BRBY-2). It is also used yearlong by wild horses and burros and cows for one month a year (April 1- April 30).

### Black Rock Pasture

#### Objective 1

##### Short Term

Increase ORHY, SIHY, and STSP3 from a trace to 3% composition by weight on Ecological Site 027XY018 (Gravelly Loam 4-8") in SWA U005 by the year 2001.

##### Long Term

Manage for a desired plant community with the following percent composition by weight on Ecological Site 027XY018 (Gravelly Loam 4-8").

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	Trace	9%	25%
Forbs	Trace	3%	5%
Shrubs	100%	88%	70%

The perennial grasses may include ORHY, POSE, SIHY, and STSP3. This objective should be achieved by 2017.

#### Objective 2

##### Short Term

Increase ORHY from 6% to 9% composition by weight on Ecological Site 027XY016 (Sodic Dunes) in SWA U004.

##### Long Term

Within Ecological Site 023XY016 (Sodic Dunes) manage for a plant community with the following percent composition by weight:

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	16%	20%	35%
Forbs	Trace	3%	5%
Shrubs	84%	77%	65%

Perennial grasses may include : ORHY- must be at least 12% composition, DISP3, ELCI2, and SIHY. This objective should be accomplished by the year 2017.

**Rationale:** The Black Rock Pasture has been identified as yearlong pronghorn antelope range (BRPY-5). It is used as a winter pasture by cattle (Jan. 1 - March 30) and it has wild horse use.

Hot Springs Pasture

Resource objectives, including livestock will be established in the Desert Dace Habitat Management Plan. These objectives will be incorporated into the re-evaluation/AMP.

Conduct a re-evaluation in 2001 analyzing resource objectives. If BLM identifies significant resource problems sooner, then a re-evaluation will be completed at that time.

Conduct a re-evaluation in 2017 to determine if long term desired plant community objectives have been achieved.

CARRYING CAPACITY

The combined carrying capacity for livestock and wild horses/burros to achieve these objectives are:

Livestock	12,168 AUMs
Wild Horse and Burros	5,034 AUMs
	<u>17,202 AUMs</u>

The carrying capacity between livestock and wild horses/burros is based on the LUP ratios in accordance with MFP Decisions - Range 1.1 and Wild Horse and Burro 1.1. An exception was made on the Soldier Meadows Allotment southern end of the Black Rock Range Herd Management Area (HMA) where winter habitat is the limiting factor for the wild horses.

LIVESTOCK MANAGEMENT DECISION

Based upon the evaluation of monitoring data for the Soldier Meadow Allotment, consultation with the permittee, and other affected interests it is my decision to change the livestock management:

From:

1. Grazing Preference (AUMs)
  - a. Total Preference 16,070
  - b. Suspended Preference 4,017
  - c. Active Preference 12,053
  - d. Not Scheduled 2,913
  - e. Exchange of Use 0
  - f. Scheduled Use 9,140
2. Season of Use 01/10 - 05/20 (winter)  
05/21 - 10/30 (summer)
3. Number and Class of Livestock 1500, cow/calf (winter)  
500, cow/calf (summer)
4. Percent Federal Range 100%

To:

1. Grazing Preference (AUMs)

a.	Total Preference	16,070
b.	Suspended Preference	3,902
c.	Active Preference	12,168
d.	Not Scheduled	4,481
e.	Exchange of Use	0
f.	Scheduled Use	7,687

2. Number of Livestock and Season of Use by pasture

Pasture	Lvt Num	Season	AUMs
Black Rk	500	1/01 - 3/31	1480
Calico	1117	4/01 - 4/30	1102
Soldier M	1117	4/01 - 4/30	1102
Summit LK	1117	7/15 - 10/14	3379
Warm Spr.	1117	7/15 - 10/14	3379
Hot Spr.	1117	11/16- 12/31	1726

The carrying capacity was determined on a pasture basis. The livestock AUMs associated with the rest pasture will not be allocated to any user (livestock, wild horse/burros, or wildlife) during the rest year in order to maintain a thriving natural ecological balance in the allotment. Therefore, on any given year approximately 7,687 AUMs will be used by livestock. The livestock stocking rate per pasture will not exceed the pastures' livestock carrying capacity.

3. Class of Livestock                      cow/calf
4. Percent Federal Range                      100%

GRAZING SYSTEM

From:

	Black Rock	Calico	Soldier M.	Warm Spring	Summit Lake
yr 1	11/16-4/15	4/16-6/15	rested	6/16-11/15	rested
yr 2	11/16-4/15	4/16-6/15	rested	6/16-11/15	rested
yr 3	11/16-4/15	rested	4/16-6/15	rested	6/16-11/15
yr 4	11/16-4/15	rested	4/16-6/15	rested	6/16-11/15

To:

	Black Rock	Calico	Soldier M.	Warm Spring	Summit Lake	Hot Springs
yr 1	1/1-3/31	4/1-4/30	rested	7/15-10/14	rested	11/16-12/31
yr 2	1/1-3/31	rested	4/1-4/30	rested	7/15-10/14	11/16-12/31
yr 3	1/1-3/31	rested	4/1-4/30	rested	7/15-10/14	11/16-12/31
yr 4	1/1-3/31	4/1-4/30	rested	7/15-10/14	rested	11/16-12/31
yr 5	1/1-3/31	4/1-4/30	rested	7/15-10/14	rested	11/16-12/31
yr 6	1/1-3/31	rested	4/1-4/3	rested	7/15-10/14	11/16-12/31

The grazing system was changed from a two year deferred/rest rotation system under a four year cycle with five pastures (refer to existing system map overlay) to a two year deferred/rest rotation system with six pastures under a four year cycle (refer to proposed system map overlay). By restricting livestock grazing, the grazing system allows for the key species to meet physiological requirements and assures that spawning of LCT will not be impacted by livestock grazing. Riding and herding is required for all pastures and in particular the Summit Lake Pasture.

Late Winter-January 1 to March 31: Livestock will graze the Black Rock Pasture.

Spring-April 1 to April 30: The two spring pastures are the Calico and Soldier Meadows Pastures. The Calico Pasture will be used for two consecutive years and then rested for two years while the Soldier Meadows Pasture is grazed.

Summer-July 15 to October 14: The two summer pastures are Summit Lake and Warm Springs. Livestock will graze each of the pastures on a two year alternate cycle. When the Summit Lake Pasture is grazed for two consecutive years the Warm Springs Pasture is rested for two consecutive years.

The Summit Lake Pasture will be divided into three separate use areas by the proposed riparian pasture fences; Idaho Canyon-north, Stanley Camp-middle (riparian), and Coleman Creek-south.

Livestock grazing in the Stanley Camp use area will not be allowed until riparian vegetation and stream bank conditions meet the objectives set in this re-evaluation. When the LCT Recovery Plan is approved, BLM will adopt those objectives. In the interim cattle will be allowed to trail through the pasture for three (3) days or less. The proposed trailing route runs along the ridge above the various creeks headwaters. The intent is to move groups of cows, 300 to 400 head at a time, over the three day period and not take three entire days to move the herd from one sub-pasture to the other. At times the entire herd may be moved instead of the smaller groups.

Based on the above, when cattle graze in Summit Lake Pasture, they will start in the Coleman Creek use area and graze for four (4) weeks, move north into the Stanley Camp use area for two (2) weeks, then move into the Idaho Canyon use area to graze for six (6) to eight (8) weeks. When the proposed AMP is completed the Stanley Camp use area will be grazed late (between 7/15-10/14) until the next re-evaluation. The re-evaluation will analyze if the season of use should be modified. The time frames for livestock movements are estimated. The livestock will be moved from one sub-pasture to the next as the utilization levels on key riparian plants approaches use criteria (see pg. 8).

The Stanley Camp use area fence will provide controlled livestock grazing for Summer Camp and Snow Creeks for two (2) out of four (4) years. Under the proposed system the Summit Lake Pasture will be grazed for three (3) months for two (2) years then rested for two (2) years for a total use period of six (6) months out of forty-eight (48) months. The riparian pasture will be grazed a total of one (1) month out of forty-eight (48) months. There will be no authorized grazing within the Mahogany Creek Exclosure.

Late Fall/Early Winter-November 16 to December 31: Cattle will graze the Hot Springs Pasture.

An interim plan will not be developed to cover the next six years -- which is two gather cycles, except for the Warm Springs Pasture. Livestock use periods will be coordinated with the Wall Canyon Allotment (Surprise Resource Area). This will be done on an annual basis until an AMP is written combining the two allotments (see page 45 of the Final Re-evaluation).

Rationale: Closely regulated livestock management will allow achievement of allotment multiple use objectives. Proposed range projects and changing the grazing dates in the Summit Lake and Hot Springs Pastures are designed to enhance riparian vegetation and LCT/Desert Dace habitat. This grazing system also meets the upland and meadow complexes vegetation requirements in the other pastures.

#### LIVESTOCK DECISION ACTIONS

##### 1) Livestock Management

Require permittee to herd livestock so the short term utilization objectives for stream bank riparian, wetland riparian, and upland habitats are achieved.

For adjacent pastures, where utilization or residual vegetation heights have not been exceeded, the gates could be opened a week before the move dates. This would allow cattle to drift into the new pasture. Within a week after the move date the remaining cows would be moved and the gate shut.

If livestock have to be moved due to utilization or residual height requirements, all livestock shall be removed from that area within a week or less and kept out of that area for the remaining grazing period.

Trailing will be allowed for no longer than three days across any pasture that is not scheduled to be used during that time period-- for example: crossing the Hot Spring Pasture when moving from the Calico Pasture to the Summit Lake Pasture.

Livestock will not graze the Summit Lake Pastures until range projects are completed. In addition, livestock will not graze the Stanley Camp sub-pasture until vegetation and stream bank conditions meet the criteria described in the Re-evaluation or those adopted by BLM from the approved LCT Recovery Plan.

Actual use billing will be considered once an AMP is written. the operator will have to submit accurate livestock numbers and dates along with submitting the information within specified time frames.

If monitoring indicates that utilization levels cannot be kept at the recommended stubble heights and browse utilization along the creeks during the combined use periods (livestock and wild horses), after the AML is reached, then the streams, or geographic area, will be excluded from livestock and wild horses.

- 2) Write an AMP by FY 95 incorporating the Wall Canyon Allotment into the Soldier Meadows Allotment.

#### TERMS AND CONDITIONS

The below mentioned terms and conditions will be incorporated into the term permit (which will expire in 2001 to correspond with the next re-evaluation) and their annual authorization via the grazing bill:

Grazing use will be in accordance with this grazing decision.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian zones, or aspen stands. The area immediate to the Desert Dace habitat blocks shall not be placed within 1/2 mile of those springs.

The permittee is required to perform normal maintenance on the range projects which have been assigned maintenance responsibility.

Livestock will be moved as the key riparian species approach the 6 inch stubble height level and 30% utilization levels for Summer Camp, Mahogany, and Snow Creeks; and the Desert Dace spring complexes and 4 inches for Coleman, Slumgullian, and Donnelly Creeks.

Livestock and wild horse utilization levels for wet meadows grass and grass-like species will not exceed 50% by the end of the livestock use period. If use exceeds 50% before the end of the livestock use period then the livestock will be moved within the pasture or removed from the pasture.

Livestock and wild horse utilization levels for grass, grass-like and upland browse species is 50% at the end of the livestock use period (except for the Black Rock Pasture). If use exceeds 50% before the end of the livestock use period then the livestock will be moved within the pasture or removed from the pasture.

For the Black Rock Pasture, combined utilization shall not exceed 60% by February 28 or the start of the new growing season. If use exceeds 60% before the end of the livestock use period then the livestock will be moved within the pasture or removed from the pasture.

When livestock use the Stanley Camp use area a herder and BLM resource specialist shall be present. If a herder is not present or a BLM resource specialist is not available, the livestock can not be turned out; or if during the grazing period neither are no longer available then the livestock shall be removed.



#### AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations; pertinent citations are cited:

- 4100.0-8 **Land use plans** - 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 resources 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 CRF 1601.0-5(b).
- 4110.3 **Changes in grazing preference status** - 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.
- 4120.3-1(a) **Conditions for range improvements** - Range improvements shall be installed, use, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.
- 4130.6-1(a) **Mandatory terms and conditions** - 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 shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.
- 4130.6-2 **Other terms and conditions** - The authorized officer may specify in grazing permits or 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 ....
- 4130.6-3 **Modification** - Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the lease or permit if monitoring data show that present grazing use is not meeting the land use plan or management objectives.

### WILD HORSE/BURRO MANAGEMENT DECISION

Based on the evaluation of the monitoring data for the Soldier Meadows Allotment, consultations with the permittee, and affected interests my decision for wild horses and burros is:

#### WILD HORSE/BURRO APPROPRIATE MANAGEMENT LEVELS

The following wild horse and burro AMLs are based on monitoring and should result in a thriving natural ecological balance for the three herd management areas:

<u>Herd Management Area</u>	<u>Wild Horse/Burro Number-AML</u>	<u>AUMs</u>
Black Rock Range*	186	2232
Warm Springs Canyon	199**	2389
Calico Mountains***	<u>65</u>	<u>780</u>
Grand Totals	450	5401

\* The number of horses to be managed north and south of Slumgullion will be based on the ratio shown on page 49 of the Soldier Meadows Allotment Final Re-evaluation. Due to combining the calculated carrying capacities for wild horses from the Soldier Meadows and Paiute Meadow Allotments, there are 749 AUMs for wild horses in the Soldier Meadows Allotment that were not obligated. These AUMs will not be obligated to any other users to insure continued resource improvement. Due to a error in the Paiute Meadows FMUD, this HMA was incorrectly identified as the Black Rock Mountain HMA - it is the "Black Rock Range HMA".

\*\* The breakdown between wild horses and burros is: 175 wild horses  
24 burros

\*\*\* Only 30% of the Calico Mountains HMA is contained within the Soldier Meadows Allotment. The number of horses is for the Soldier Meadows Allotment portion of the HMA.

Once AML is reached - which should take two gather cycles - in about six years, the wild horse and burro population will be maintained within the following ranges in order to ensure that the carrying capacity is not exceeded. These ranges are based on gathering horses every three years. If gathering schedules change, these ranges may change.

		Wild Horse/Burro	
<u>Herd Management Area</u>		<u>75% of AML to AML</u>	<u>AUMS</u>
Warm Springs Canyon		149 to 199	1788 to 2389
Calico Mountains		49 to 65	588 to 780
Grand Totals		198 to 264	2376 to 3169
		<u>65% of AML to AML</u>	<u>AUMS</u>
Black Rock Range*		121 to 186	1452 to 2232

\* The 35% rate is the customary range used in wild horse and burros planning documents and activity plans for the Paradise-Denio Resource Area.

Rationale: During the evaluation period wild horse and burro numbers have exceeded the initial stocking level of 10,140 AUMs (in 1991 by almost 7,000 AUMs). Wild horses and burros have made disproportionate use of the forage resource during the evaluation period, especially in the west side of the Black Rock Range and Calico Mountains HMAs. Wild horses have adversely impacted the headwaters of Coleman, Snow, and Summer Camp Creeks by overgrazing the vegetation and trampling the spring areas. Wild horses have damaged water projects in the Warm Springs Pasture by flattening stock water tanks and pipelines.

#### WILD HORSE DECISION ACTIONS

- 1) The utilization level on upland grass/dry meadows vegetation key species by wild horses and burros, once AML is reached, shall not exceed 20% by July 15 on livestock rest pastures. If the utilization levels are not being met after the second year of rest, then the AML will be adjusted.
- 2) By February 28, or the start of the new grazing season, utilization on upland grass/dry meadows vegetation key species shall not exceed 60% (utilization on grass species from 50 to 60% by wild horses and burros will occur during the dormant season and should not have a detrimental impact to plant health and vigor). For upland browse and wet meadows, utilization shall not exceed 50%.
- 3) Maintain the wild horse and burro population within the recommended range to prevent numbers from exceeding AML. This should keep utilization levels on key species at acceptable levels, thereby, achieving a Thriving Natural Ecological Balance and provide for a healthy and thriving wild horse/burro population. If livestock or wild horses/burros exceed the calculated carrying capacity it would not be possible to meet utilization goals and to maintain a functioning vegetation community.

## AUTHORITY

The authority for this decision is contained in Sec. 3(a), 3(b)(1), and 3(b)(2) 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:

- 4700.0-6(a) **Policy** - Wild horses and burros shall be managed as self-sustaining populations of health animals in balance with other uses and the productive capacity of their habitat.
- 4710.3-1 **Herd Management Areas** - ...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.
- 4710.4 **Constraints on Management** - 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 areas plans.
- 4720.1 **Removal of Excess Animals from Public Lands** - 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...

## WILDLIFE MANAGEMENT

Based on the interpretation and analysis of monitoring data and consultation with affected interest I will implement the following:

- 1) Continue with the management of wildlife as outlined in the Land Use Plan, Soldier Meadows Desert Dace, Fox Mountain, and Mahogany Creek Habitat Management Plans.
- 2) Manage Mahogany, Summer Camp, and Snow Creeks for Lahontan cutthroat trout.
- 3) Manage the hot spring complex in the Hot Springs Pasture for Desert Dace and Soldier Meadows cinquefoil.

**Rationale:** The analysis of monitoring data indicates the multiple use objectives for the allotment are not being met. Use pattern mapping and field observations have documented that livestock and wild horses are the primary factor in not meeting objectives. Wildlife are impacting their associated habitat, but not to the extent that warrants changes in the existing management.

## FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Sonoma-Gerlach Resource Area will continue to monitor the Soldier Meadows Allotment. Monitoring data will continue to be collected in the future to provide the necessary information to determine if the allotment specific objectives are being met under the new grazing management strategy. Subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives. The allotment is scheduled for re-evaluation in 2001.

## DECISION STATEMENT

This Final Full Force and Effect Decision shall take effect January 24, 1994 and is issued in accordance with:

43 CFR 4160.3(c) - "...The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal (emphasis added)"

The rationale to implement the decision Full Force and Effect are:

- Allotment wide riparian habitat, including those containing T&E species, is being adversely impacted by livestock and wild horse grazing.
- Immediately start implementing livestock management actions that will improve riparian and upland vegetation (utilization limits on riparian woody/herbaceous, meadow grass/grass-like, upland grasses, and browse species). These management actions will enhance identified Lahontan Cutthroat Trout habitat within the Summit Lake Pasture and Desert Dace habitat in the Hot Springs Pasture.
- Implement the Reasonable and Prudent Measures along with the Terms and Conditions outlined in the Fish and Wildlife Service's Biological Opinion on the proposed Soldier Meadows Allotment Livestock Grazing and Wild Horse and Burro Management Decision dated 12/2/93. This Biological Opinion is a response from formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended. At issue are the potential adverse effects to Lahontan Cutthroat Trout and Desert Dace habitats within the Soldier Meadows Allotment.
- The combined carrying capacity for the allotment is almost exceeded by the existing population of wild horses. Monitoring data used in the preparation of the allotment re-evaluation documented there was not substantial difference in grazing use patterns between post-livestock and the years a pasture was rested from livestock. Regardless of when data was collected, use pattern mapping substantiated that the water sources, meadows, and certain upland areas are consistently receiving heavy use.

### **Livestock Appeal Rights**

If you wish to appeal this livestock management decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with:

Sonoma-Gerlach Resource Area Manager  
Bureau of Land Management, Winnemucca District  
705 East 4th Street  
Winnemucca, NV 89445

The appeal shall state the reasons, clearly and concisely, as to why you think the Full Force and Effect Decision is in error.

### **Wild Horse Appeal Rights**

If you wish to appeal this wild horse management decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management,

Sonoma-Gerlach Resource Area Manager  
Bureau of Land Management, Winnemucca District  
705 East 4th Street  
Winnemucca, NV 89445

within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

and to the appropriate Office of the Solicitor:

Office of the Regional Solicitor  
Department of Interior  
2800 Cottage Way, Room 2753  
Sacramento, CA 95825

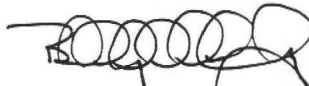
at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted 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.

If you have any questions, please contact Rich Adams, at (702) 623-1500.

Sincerely Yours,



Bud Cribley, Area Manager  
Sonoma-Gerlach Resource Area

cc (The Final Decision was mailed certified to the following individuals and groups):

NV Dept. of Wildlife P877068507  
Mrs. Dawn Lappin, WHOA P877068508  
Ms. Rose Strickland, Sierra Club P877068509  
Ms. Cathy Barcomb Commission for the Preservation of Wild Horses P877068510  
Mr. Craig Downer P877068511  
Dr. Gary Vinyard, UNR P877068512  
Ms. Deborah Allard P877068513  
Trout Unlimited, Sagebrush Chapter P877068514  
Mr. Demar Dahl, NV Land Action Assn. P877068515  
Ms. Johanna H. Wald, NRDC P877068516  
Mr. Mike Hornbarger P877068517  
Ms. Barbara Spolter, Wilderness Society P877068518  
Mr. Martin Larraneta P877068519  
Paiute Meadow Ranch P877068520  
NV Woolgrowers Assn. P877068521  
NV Cattlemans Assn. P877068522  
Mr. Thomas Van Horne P877068523  
Intermtn Fed. Landbank Assoc. P877068524  
WH&B Comm, Nat'l Academy of Science P877068525  
Ms. Paula Jewell, Humane Soc. of U.S. P877068526  
Mr. Jack Piccolo, Summit Lake Paiute Tribe P877068527  
The Nature Conservancy P877068528  
William Brigham NV Bighorns Unlimited, Reno Chapter P877068529  
Mr. Scott Tomsen P877068530  
Mr. Julian Smith P877068531  
Mr. Dick Stump P877068532  
Mr. Jack Horning P877068533  
Mr. Andy Johas P877068534  
Mr. William C. Cummings P877068535  
Ms. Karen Sussman, ISPM&B P877068536  
Messrs. Paul Holcher/Dave Stix P877068537  
Mr. Donald Molde, Humane Soc. of South NV P877068538  
Mr. Derrel Fulwider P877068539  
American Horse Protection Assn. P877068540  
Ms. Nancy Whitaker, API P877068541  
Mr. Robert Sam, Summit Lake Paiute Tribe P877068542

The Proposed Decision was mailed to the following individuals and groups:

USDI, Sheldon Wildlife Refuge  
Honorable Richard Bryan  
USDI, BLM Susanville/Carson City  
Mr. John Marvel  
Div. of State Lands  
Mr. Jerry Townsend, BIA-Western NV Agency  
Div. of Conservation Districts, NV  
Mr. Tom Ballow, NV Dept. of Ag.  
Mr. Hillary Winebarger  
USDI, BLM Portland/Sacramento

Mr. Craig Plummer  
Mr. Scott Bell, USFS  
USDI, FWS Reno/Portland  
Honorable Harry Reid  
State Multiple Use Advis

Desert Research Inst, UNR  
Chairman NV Conservation Dist  
Honorable James H. Bilbray  
Honorable Barbara Vucanovich



March 31, 1993

Mr. Bud Cribley  
Sonoma-Gerlach Resource Area  
Bureau of Land Management  
705 East 4th Street  
Winnemucca, Nevada 89445

RE: Appeal - Notice of Full Force and Effect Multiple Use Decision  
Soldier Meadows Allotment - January 24, 199

Dear Bud:

The Nevada Commission for the Preservation of Wild Horses has failed to reach agreement with the Nevada Bureau of Land Management concerning issues of our appeal of the Notice of Full Force and Effect Multiple Use Decision - Soldier Meadows Allotment - January 24, 1994. Therefore, we re-state previous errors of this decision in this formal appeal:

**Use of Full Force and Effect violates Federal Regulations and prevents affected interests the right for a petition for stay of action.**

Consistent with the Sonoma-Gerlach Management Framework Plan, the Resource Manager issued "Agreement for Implementation and Changes in Available Livestock Forage and Livestock Grazing Use Adjustments for Soldier Meadows Allotment" on March 13, 1989. This document set the objectives and schedule for adjustments to livestock and wild horses. According to this livestock agreement, an allotment evaluation and manager's decision were scheduled for 1991. Failure to meet its schedule, BLM by agreement with the Commission, the District Manager verbally assured that the State Director policy to allow adequate time for administrative appeal would be adhere to in this Final Decision.

The Final Decision was issued January 24, 1994 at the time when the Winnemucca District was actively gathering wild horses from the Soldier Meadows Allotment. The Final Decision violates the Commission's agreement pertinent to 43 CFR 4.21 (58 FR 4939, January 19, 1993) allowing appeals/petition for stay (suspension) of this decision.

**The Final Decision extends the current land use plan without amendment and violates Bureau of Land Management Policy.**

The Final Decision short and long term objectives for riparian habitat were extended beyond the five year schedule of the land use plan to the years 2001 and 2017, respectively.

The Sonoma-Gerlach Resource Area Management Framework Plan III was completed in 1982. Range Management Decision Objective RM - 1 clearly states:

"5. At the end of the third and fifth year of grazing following the grazing decision make necessary use adjustments based upon monitoring results and other data then available..."

Bureau of Land Management national Instruction Memorandum No. 86-706 states:

"BLM policy is to issue decisions or enter into agreements within 5 years of publication of a Range Program Summary following completion of a grazing environmental impact statement (EIS)."

The allotment evaluations and manager decisions affecting livestock and wild horse management are necessary to implement the land use plan in absence of proper activity plans. It is apparent that the Humboldt County Coordinated Resource Management Planning processes and BLM activity planning processes did not meet the land use plan schedule. Therefore, it is reasonable expect management actions of the second Soldier Meadows allotment evaluation and manager's decision to achieve short term land use plan objectives.

Extending the land use plan objectives beyond 10 years of the current Management Framework Plan will require amending the land use plan.

**Carrying Capacity of the Soldier Meadows Allotment must be established and available forage allocated fairly to wild horses.**

The Final Decision establishes the allotments carrying capacity and appropriate management levels for the Calico Mountains, Warm Springs, East Black Rock Range and West Black Rock Range Wild Horse Herd Management Areas. These appropriate management levels are to be in a thriving natural ecological balance with livestock to achieve the allotment specific objectives of the Soldier Meadows Allotment.

The Final Decision uses different procedures and criteria to determine appropriate management levels from the Notice of Final Full Force and Effect Multiple Use Decision - Buffalo Hills Allotment-February 9, 1993, Final Full Force and Effect Multiple Use Decision - Paiute Meadows Allotment-April 12, 1993 and Notice of Final Full Force and Effect Multiple Use Decision - Leadville Allotment- January 19, 1994. These decisions are for allotments that are adjacent to each other and common to one ecosystem.

The appropriate management levels for the East Black Rock Range and West Black Rock Range Wild Horse Herds were established in the Final Full Force and Effect Multiple Use Decision - Paiute Meadows Allotment - April 12, 1993 and this Final Decision, respectively. Procedures to establish the appropriate management level for the combined wild horse herds - Black Rock Range Wild Horse Herd - were not consistent.

The East Black Rock Range Wild Horse Herd appropriate management level was established upon the criteria of meeting 50 percent utilization of key forage species on wetland riparian habitat. The West Black Rock Range Wild Horse Herd appropriate management level was established upon the criteria of meeting 60 percent utilization of key forage species on wetland riparian habitat. These herds inhabit the Black Rock Range which have identical climate and habitat conditions. Establishing carrying capacities should have been consistent to properly manage an ecosystem and maintain equality between livestock and wild horses.

The allocation of the available forage was proportional to the ratio found in the land use plan. This allocation of forage between users is arbitrary.

The appropriate management level for the Calico Mountain Wild Horse Herd was established in the Final Decisions for Buffalo Hills Allotment, Leadville Allotment and Soldier Meadows Allotment. Soldier Meadows and Buffalo Hills Final Decisions used 60 percent utilization of key species of riparian habitat as the criteria. Leadville Allotment Final Decision use 50 percent utilization of key species of riparian habitat as a criteria. These criteria were not consistent.

Allocation of available forage was proportional to the land use plan in the Leadville and Soldier Meadows Final Decision. Allocation of forage to wild horses in Buffalo Hills Final Decision is unknown. Allocation of forage to horses was arbitrary.

Carrying capacity computations and appropriate management levels were established by procedures that weight averaged use pattern mapping data. Calculations, based upon formula Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)", did not fully consider riparian habitat. Example C assumes rangeland production is not uniform and utilization is uniform. The Soldier Meadows Allotment

Reevaluation's use pattern mapping data supports its conclusion that livestock distribution problems are causing heavy and severe utilization of riparian habitats. The Final Decision's carrying capacity computations will not meet riparian short term objectives for this allotment.

**The Final Decision require compliance to the National Environmental Protection Act.**

The Final Decision acknowledges the existing 10-year or long term grazing permit. This grazing permit was issued without environmental assessment.

Implementation of the "Strategic Plan for the management of Wild Horses and Burros on Public Lands" required the restructuring of the herds based solely upon adoptability of captured horses. Age, production, sex and genetic trait data will be available during the capture of each horse herd. Herd composition criteria for the remaining herd should be part of the Final Decision. Restructuring wild horse herds were not assessed in an environmental impact statement or specific environmental assessment. Bureau of Land Management Policy must be consistent with applicable laws and regulations that protect wild horse herds.

Allocation of available forage of the allotment's carrying capacity require environmental analysis and consultation of affected interests. The Sonoma-Gerlach Final Grazing Environmental Impact Statement did not set the initial stocking levels for wild horses and livestock based upon composition and compatibility with multiple use. Monitoring data must be the basis for adjustment in ungulate populations to meet land use plan objectives.



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

50 Freeport Boulevard, No. 2  
Sparks, Nevada 89431  
(702) 359-8768

**COMMISSIONERS**

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Carson City, Nevada  
Steven Fulstone, *Vice Chairman*  
Smith Valley, Nevada  
Michael Jackson  
Las Vegas, Nevada  
Dan Keiserman  
Las Vegas, Nevada  
Dawn Lappin  
Reno, Nevada

December 20, 1993

Mr. Bud Cribley  
Sonoma-Gerlach Resource Area  
Bureau of Land Management  
705 East Street  
Winnemucca, Nevada 89406

Subject: Protest - Notice of Proposed Full Force and Effect  
Multiple Use Decision for the Soldier Meadows Allotment

Dear Mr. Cribley:

The Nevada Commission for the Preservation of Wild Horses has a great concern and interest in the implementation of the Sonoma-Gerlach Resource Area land use plan and its effects on wild horse herds and/or their habitats. We view multiple use decisions as the primary vehicle to set a carrying capacity for public rangelands and allocate available forage to wild horses, livestock and wildlife to achieve a thriving natural ecological balance. These decisions must be based upon sound rangeland monitoring data to support management actions necessary to protect natural resources.

It is our finding that the Notice of Proposed Full Force and Effect Multiple Use Decision for Soldier Meadows Allotment does not have supportive data and rationales in the Final Soldier Meadows Re-evaluation. We wish to convey the following issues to be addressed in the Final Decision:

**The Proposed Decision will require a land use plan amendment.**

The Proposed Decision extends the land use plan short term objectives in excess of 14 years. Range Management-Management Framework III Decision RM-1 set a five year schedule to accomplish wild horse herd management area plans, and other approved activity plans, to establish appropriate management levels to assure viable herds in balance with their habitat by 1987. Short term objectives

Bud Cribley  
December 20, 1993  
Page 2

of the Proposed Decision adjusts the land use plan short term objectives to the year 2001.

The Proposed Decision adjusts the wild horse herd boundaries for the Black Rock West, Warm Springs and Black Rock East Wild Horse Management Areas. These herd areas are delineated in the Sonoma-Gerlach Unit Resource Analysis and Final Grazing Environmental Impact Statement. Any modification or adjustment to these boundaries must be supported by herd delineation data in an environmental analysis to amend the current land use plan.

**The Proposed Decision establishes carrying capacities that are arbitrary and contrary to the land use plan.**

The Proposed Decision did not consider the allotment short term objective for upland wetland riparian habitat. Rangeland monitoring data found in Appendix 4 of the Final Soldier Meadows Allotment Re-evaluation consistently states "severe" utilization of this key habitat. Carrying capacity computations found in Appendix 6 presents no data to indicate the use of "severe" or 90 percent as the actual utilization or the allotment specific objective of 50 percent as the desire utilization level. Weight averaging of the use pattern mapping data further distracts from the allotment specific objective for wetland meadow habitats.

The Proposed Decision arbitrarily allocates available forage to wild horse and livestock. The land use plan ratio of initial stocking rates for livestock and wild horses were not at a thriving natural ecological balance in 1982. Data and analysis of the Final Environmental Impact Statement did not suggest or conclude that the existing conditions were protecting or restoring natural resources. Therefore, the allocation of available forage must be based upon monitoring data, wild horse herd population dynamics and forage preference of competing ungulates.

The Proposed Decision established an appropriate management level for the East Black Rock Wild Horse Herd of 31 horses. The Soldier Meadows Final Allotment Re-evaluation presents no data or analysis to support this appropriate management level.

**Implementation of the policies of the Strategic Plan for the Management of Wild Horse and Burros on Public Lands can exceed the carrying capacity, adversely effect the genetic pool, impact the social behavior and jeopardize the viability of this wild horse herd.**

The Proposed Decision is to set a carrying capacity that will meet all allotment objectives and protect natural resources. The

Bud Cribley  
December 20, 1993  
Page 2

capture and release of unadoptable horses to levels above the carrying capacity will cause over utilization to key habitats. Delaying wild horse and livestock adjustments for a minimum of six years is contrary to existing federal regulations that prohibits management actions causing significant resource damage.

The Proposed Decision endorses the broad policy to leave unadoptable horses within the herd area. The sex and age composition of the surviving horses is critical to the longevity and genetic viability of the herd. Wild horse inventory data collected in 1993 indicates the Warm Spring herd suffered over 50 percent mortality last winter. The recruitment rate for 1993 was only six percent. Depending upon the surviving herd's age composition, the Proposed Decision's re-structuring of this herd could jeopardize this herd within two or three years. Implementation of broad policy that effects the sex ratio and age structure of this herd requires an environmental assessment.

**The Proposed Decision requires compliance to the National Environmental Protection Act.**

The Proposed Decision adjust herd boundaries, restructures the age/sex composition of the herd and alters the genetic pool of the herd without assessing the welfare of this herd. These issues were not presented in the allotment re-evaluation or the land use plan environmental impact statement. Therefore, the Proposed Decision is not programmatic to the current land use plan.

Sincerely,



CATHERINE BARCOMB  
Executive Director

cc. Wayne Howle, Deputy Attorney General

# W H O A

WILD HORSE ORGANIZED ASSISTANCE  
P.O. BOX 555  
RENO, NEVADA 89504



... a note from

Dawn Y. Lappin

February 16, 1994

Ron Wenker, District Manager  
BLM-Winnemucca District Office  
705 East 4th Street  
Winnemucca, Nevada 89445

Subject: Appeal of the Soldier Meadows Allotment Full Force and  
Effect Multiple Use Decision.

Dear Mr. Wenker,

We have reviewed the above mentioned final multiple use decision. WHOA is formally notifying you of our intent to appeal this decision.

According to 43 CFR Secs. 4.411 and 4.413, we are filing with you our "Notice of Appeal", our appeal points will be filed with IBLA, the Solicitor, and your District within 30 days of this notice.

Sincerely,

DAWN Y. LAPPIN  
Director



# W H O A

WILD HORSE ORGANIZED ASSISTANCE  
P.O. BOX 555  
RENO, NEVADA 89504



a note from

Dawn Y. Lappin

April 11, 1994

Mr. Bud Cribley  
Sonoma-Gerlach Resource Area  
Bureau of Land Management  
705 East 4th Street  
Winnemucca, Nevada 89445

RE: Appeal - Notice of Full Force and Effect Multiple Use Decision  
Soldier Meadows Allotment - January 24, 199

Dear Bud:

W H O A has failed to reach agreement with the Nevada Bureau of Land Management concerning issues of our appeal of the Notice of Full Force and Effect Multiple Use Decision - Soldier Meadows Allotment - January 24, 1994. Therefore, we re-state previous errors of this decision in this formal appeal:

**Use of Full Force and Effect violates Federal Regulations and prevents affected interests the right for a petition for stay of action.**

Consistent with the Sonoma-Gerlach Management Framework Plan, the Resource Manager issued "Agreement for Implementation and Changes in Available Livestock Forage and Livestock Grazing Use Adjustments for Soldier Meadows Allotment" on March 13, 1989. This document set the objectives and schedule for adjustments to livestock and wild horses. According to this livestock agreement, an allotment evaluation and manager's decision were scheduled for 1991.

The Final Decision was issued January 24, 1994 at the time when the Winnemucca District was actively gathering wild horses from the Soldier Meadows Allotment. The Nevada State Director issued an instruction memorandum, November 1993, stating that full force and effect decisions must allow affected interests the 30 day comment period allowed by law to comment on documents prior to an

Bud Cribley, Area Manager  
April 11, 1994  
Page 2

action taking place unless an emergency situation is established. This would allow for a request for a stay of the action or if necessary an injunction to be filed. The actions taken by the District is a violation of the Directors instructions as well as 43 CFR 4.21 (58 FR 4939, January 19, 1993) allowing appeals/petition for stay (suspension) of this decision.

**The Final Decision extends the current land use plan without amendment and violates Bureau of Land Management Policy.**

The Final Decision short and long term objectives for riparian habitat were extended beyond the five year schedule of the land use plan to the years 2001 and 2017, respectively.

The Sonoma-Gerlach Resource Area Management Framework Plan III was completed in 1982. Range Management Decision Objective RM - 1 clearly states:

"5. At the end of the third and fifth year of grazing following the grazing decision make necessary use adjustments based upon monitoring results and other data then available..."

Bureau of Land Management national Instruction Memorandum No. 86-706 states:

"BLM policy is to issue decisions or enter into agreements within 5 years of publication of a Range Program Summary following completion of a grazing environmental impact statement (EIS)."

The allotment evaluations and manager decisions affecting livestock and wild horse management are necessary to implement the land use plan in absence of proper activity plans. It is apparent that the Humboldt County Coordinated Resource Management Planning processes and BLM activity planning processes did not meet the land use plan schedule. Therefore, it is reasonable expect management actions of the second Soldier Meadows allotment evaluation and manager's decision to achieve short term land use plan objectives.

Extending the land use plan objectives beyond 10 years of the current Management Framework Plan will require amending the land use plan.

**Carrying Capacity of the Soldier Meadows Allotment must be established and available forage allocated fairly to wild horses.**

The Final Decision establishes the allotments carrying capacity and appropriate management levels for the Calico Mountains, Warm Springs, East Black Rock Range and West Black Rock

Bud Cribley, Area Manager  
April 11, 1994  
Page 3

Range Wild Horse Herd Management Areas. These appropriate management levels are to be in a thriving natural ecological balance with livestock to achieve the allotment specific objectives of the Soldier Meadows Allotment.

The Final Decision uses different procedures and criteria to determine appropriate management levels from the Notice of Final Full Force and Effect Multiple Use Decision - Buffalo Hills Allotment-February 9, 1993, Final Full Force and Effect Multiple Use Decision - Paiute Meadows Allotment-April 12, 1993 and Notice of Final Full Force and Effect Multiple Use Decision - Leadville Allotment- January 19, 1994. These decisions are for allotments that are adjacent to each other and common to one ecosystem.

The appropriate management levels for the East Black Rock Range and West Black Rock Range Wild Horse Herds were established in the Final Full Force and Effect Multiple Use Decision - Paiute Meadows Allotment - April 12, 1993 and this Final Decision, respectively. Procedures to establish the appropriate management level for the combined wild horse herds - Black Rock Range Wild Horse Herd - were not consistent.

The East Black Rock Range Wild Horse Herd appropriate management level was established upon the criteria of meeting 50 percent utilization of key forage species on wetland riparian habitat. The West Black Rock Range Wild Horse Herd appropriate management level was established upon the criteria of meeting 60 percent utilization of key forage species on wetland riparian habitat. These herds inhabit the Black Rock Range which have identical climate and habitat conditions. Establishing carrying capacities should have been consistent to properly manage an ecosystem and maintain equality between livestock and wild horses.

The allocation of the available forage was proportional to the ratio found in the land use plan. This allocation of forage between users is arbitrary.

The appropriate management level for the Calico Mountain Wild Horse Herd was established in the Final Decisions for Buffalo Hills Allotment, Leadville Allotment and Soldier Meadows Allotment. Soldier Meadows and Buffalo Hills Final Decisions used 60 percent utilization of key species of riparian habitat as the criteria. Leadville Allotment Final Decision use 50 percent utilization of key species of riparian habitat as a criteria. These criteria were not consistent.

Bud Cribley, Area Manager  
April 11, 1994  
Page 4

Allocation of available forage was proportional to the land use plan in the Leadville and Soldier Meadows Final Decision. Allocation of forage to wild horses in Buffalo Hills Final Decision is unknown. Allocation of forage to horses was arbitrary.

Carrying capacity computations and appropriate management levels were established by procedures that weight averaged use pattern mapping data. Calculations, based upon formula Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)", did not fully consider riparian habitat. Example C assumes rangeland production is not uniform and utilization is uniform. The Soldier Meadows Allotment Reevaluation's use pattern mapping data supports its conclusion that livestock distribution problems are causing heavy and severe utilization of riparian habitats. The Final Decision's carrying capacity computations will not meet riparian short term objectives for this allotment.

**The Final Decision require compliance to the National Environmental Protection Act.**

The Final Decision acknowledges the existing 10-year or long term grazing permit. This grazing permit was issued without environmental assessment.

Implementation of the "Strategic Plan for the management of Wild Horses and Burros on Public Lands" required the restructuring of the herds based solely upon adoptability of captured horses. Age, production, sex and genetic trait data will be available during the capture of each horse herd. Herd composition criteria for the remaining herd should be part of the Final Decision. Restructuring wild horse herds were not assessed in an environmental impact statement or specific environmental assessment. Bureau of Land Management Policy must be consistent with applicable laws and regulations that protect wild horse herds.

Allocation of available forage of the allotment's carrying capacity require environmental analysis and consultation of affected interests. The Sonoma-Gerlach Final Grazing Environmental Impact Statement did not set the initial stocking levels for wild horses and livestock based upon composition and compatibility with multiple use. Monitoring data must be the basis for adjustment in ungulate populations to meet land use plan objectives.

WFOA has worked long and hard with the Winnemucca District to promote good, sound, range management with appropriate stocking levels. We feel we have made every effort possible to

Bud Cribley, Area Manager  
April 11, 1994  
Page 5

avoid an appeal including the most recent meeting with Mr. Bert Stanley, from the Regional Solicitors Office, as well as the Nevada State Director Billy Templeton. Failure to reach an agreement has forced us to finally appeal these documents.

If you would like to discuss these issues or if you have any questions, please feel free to call.

Sincerely,

DAWN Y. LAPPIN  
Director

# W H O A

WILD HORSE ORGANIZED ASSISTANCE  
P.O. BOX 555  
RENO, NEVADA 89504

1/13/94



... a note from

Dawn Y. Lappin

January 13, 1994

Mr. Bud Cribley  
Sonoma-Gerlach Resource Area  
Bureau of Land Management  
705 East Street  
Winnemucca, Nevada 89406

Subject:

Dear Mr. Cribley:

Wild Horse Organized Assistance (W H O A), has a great concern and interest in the implementation of the Sonoma-Gerlach Resource Area land use plan and its effects on wild horse herds and/or their habitats. We view multiple use decisions as the primary vehicle to set a carrying capacity for public rangelands and allocate available forage to wild horses, livestock and wildlife to achieve a thriving natural ecological balance. These decisions must be based upon sound rangeland monitoring data to support management actions necessary to protect natural resources.

It is our finding that the Notice of Proposed Full Force and Effect Multiple Use Decision for Soldier Meadows Allotment did not have supportive data and rationales for the Black Rock, Calico's, and Warm Springs HMA's. Since the draft gather plan and EA is implementing the draft Multiple Use Decision which we protested we therefore must protest the gather plan for the same reasons which are:

**The Proposed Decision will require a land use plan amendment.**

The Proposed Decision extends the land use plan short term objectives in excess of 14 years. Range Management-Management Framework III Decision RM-1 set a five year schedule to accomplish wild horse herd management area plans, and other approved activity plans, to establish appropriate management levels to assure viable

herds in balance with their habitat by 1987. Short term objectives of the Proposed Decision adjusts the land use plan short term objectives to the year 2001.

The Proposed Decision adjusts the wild horse herd boundaries for the Black Rock West, Warm Springs and Black Rock East Wild Horse Management Areas. These herd areas are delineated in the Sonoma-Gerlach Unit Resource Analysis and Final Grazing Environmental Impact Statement. Any modification or adjustment to these boundaries must be supported by herd delineation data in an environmental analysis to amend the current land use plan.

**The Proposed Decision establishes carrying capacities that are arbitrary and contrary to the land use plan.**

The Proposed Decision did not consider the allotment short term objective for upland wetland riparian habitat. Rangeland monitoring data found in Appendix 4 of the Final Soldier Meadows Allotment Re-evaluation consistently states "severe" utilization of this key habitat. Carrying capacity computations found in Appendix 6 presents no data to indicate the use of "severe" or 90 percent as the actual utilization or the allotment specific objective of 50 percent as the desired utilization level. Weight averaging of the use pattern mapping data further distracts from the allotment specific objective for wetland meadow habitats.

The Proposed Decision arbitrarily allocates available forage to wild horses and livestock. The land use plan ratio of initial stocking rates for livestock and wild horses was not at a thriving natural ecological balance in 1982. Data and analysis of the Final Environmental Impact Statement did not suggest or conclude that the existing conditions were protecting or restoring natural resources. Therefore, the allocation of available forage must be based upon monitoring data, wild horse herd population dynamics and forage preference of competing ungulates.

The Proposed Decision established an appropriate management level for the East Black Rock Wild Horse Herd of 31 horses. The Soldier Meadows Final Allotment Re-evaluation present no data or analysis to support this appropriate management level.

**Implementation of the policies of the Strategic Plan for the Management of Wild Horse and Burros on Public Lands can exceed the carrying capacity, adversely effect the genetic pool, impact the social behavior and jeopardize the viability of this wild horse herd.**

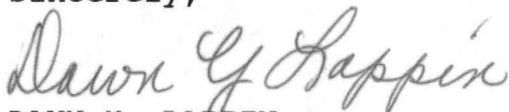
The Proposed Decision is to set a carrying capacity that will meet all allotment objectives and protect natural resources. The capture and release of unadoptable horses to levels above the carrying capacity will cause over utilization to key habitats. Delaying wild horse and livestock adjustments for a minimum of six years is contrary to existing federal regulations that prohibits management actions causing significant resource damage.

and genetic viability of the herd. Wild horse inventory data collected in 1993 indicates the Warm Spring herd suffered over 50 percent mortality last winter. The recruitment rate for 1993 was only six percent. Depending upon the surviving herd's age composition, the Proposed Decision's re-structuring of this herd could jeopardize this herd within two or three years. Implementation of broad policy that effects the sex ratio and age structure of this herd requires an environmental assessment.

**The Proposed Decision requires compliance to the National Environmental Protection Act.**

The Proposed Decision adjust herd boundaries, restructures the age/sex composition of the herd and alters the genetic pool of the herd without assessing the welfare of this herd. These issues were not presented in the allotment re-evaluation or the land use plan environmental impact statement. Therefore, the Proposed Decision is not programmatic to the current land use plan.

Sincerely,



DAWN Y. LAPPIN  
Director





**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

50 Freeport Boulevard, No. 2  
Sparks, Nevada 89431  
(702) 359-8768

**COMMISSIONERS**

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Carson City, Nevada

Steven Fulstone, *Vice Chairman*  
Smith Valley, Nevada

Michael Jackson  
Las Vegas, Nevada

Dan Keiserman  
Las Vegas, Nevada

Dawn Lappin  
Reno, Nevada

December 20, 1993

Bud Cribley, Area Manager  
Sonoma-Gerlach Resource Area  
Bureau of Land Management  
705 East 4th Street  
Winnemucca, Nevada 89406

Dear Mr. Cribley,

We are in receipt of the Notice of Proposed Full Force and Effect Multiple Use Decision for the Soldier Meadows Allotment and have protested that document. Under the Freedom of Information Act (FOIA), we need to request the following information to aptly reply when the Final Decision is issued.

Please provide the following information:

- 1) Wild horse distribution data and maps, including history, winter/summer use areas and numbers.
- 2) Current population information including adult/foal ratios for the past 10 years up to 1993.
- 3) Composition data for the herds.
- 4) Granite capture; age/sex/color data.
- 5) Actual carrying capacity computations.
- 6) Paiute data; carrying capacity computations, previous herd information - composition/age/sex/color - documented birth/death ratios.
- 7) The EA's that were prepared for the Black Rock East/Black Rock West and Warm Springs Herd Areas that analyzes the effect of adjusting age and sex for those herds.

If there is a problem with responding to this request within the ten day time frame for FOIA's, please contact us. Thank you in

Bud Cribley  
December 20, 1993  
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advance for this information, it will be necessary for our response to your final as well as to the Gather Plan for this area which we be also providing our comments prior to the time frame allowed us by law.

Sincerely,

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

CATHERINE BARCOMB  
Executive Director

cc: Wayne Howle, Deputy Attorney General