



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

March 26, 1993



IN REPLY REFER TO:

4110
(NV-241.3)

Dear Interested Party:

Please find enclosed the Final Multiple Use Decision for the Little Owyhee Allotment.

The Bureau of Land Management received and considered protests from the permittee, Commission For The Preservation of Wild Horses, Wild Horse Organized Assistance, and the Nevada Department of Wildlife prior to issuing the Final Multiple Use Decision. This multiple use decision will be effective April 1, 1993.

If you have any questions, please feel free to contact Bob Hopper at (702) 623-1500.

Sincerely yours,

Area Manager
Paradise-Deno Resource Area

Enclosure: Final Multiple Use Decision

*4 miles vs 5 miles
to maintain status quo
on livestock*

Dy own reg's

MISUSE of FFS

*"Emergency"
FF+E on wh's
not on livestock*

done



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:
4130, 4160
(NV-241.3)

March 26, 1993

CERTIFIED MAIL NO. P111845512
RETURN RECEIPT REQUESTED

Nevada First Corporation
P.O. Box 490
Winnemucca, NV 89445

FINAL MULTIPLE USE DECISION LITTLE OWYHEE ALLOTMENT

Dear Mr. Bengochea:

The Record of Decision of the Paradise-Denio Environmental Impact Statement was issued on 09/18/81. The Paradise-Denio Management Framework Plan was issued on 07/09/82. These documents guide the management of public lands within the Paradise-Denio Resource Area and more specifically within the Little Owyhee Allotment. Monitoring data has been collected on this allotment and in accordance with Bureau policy and regulations, this data has been evaluated in order to determine progress in meeting management objectives for the Little Owyhee Allotment and to determine if management adjustments may be necessary to meet the management objectives.

The following are the multiple use management objectives under which grazing on the Little Owyhee Allotment will be monitored and evaluated.

1. Short Term
 - a. The objective for utilization of key plant species (CAREX, JUNCUS, POA) in wetland riparian habitats is 50%. Utilization data will be collected at the end of the grazing period.
 - b. The objective is for utilization of key streambank riparian plant species (CAREX, JUNCUS, POA, SALIX, ROWO) on the East Little Owyhee River is 30%. Utilization data will be collected at the end of the grazing period.
 - c. The objective for utilization of key streambank riparian plant species (CAREX, JUNCUS, POA, SALIX, ROWO) on the North Fork of the Little Humboldt River is 30%. Utilization data will be collected at the end of the grazing period.
 - d. The objective for utilization of key upland plant species will be 50% for STH2, SIHY, and FEID and it will be 40% for CREPIS, ELCI, POSE, AGSP, EULA5, ORHY and LUPIN. Utilization data will be collected at the end of the grazing period.

2. Long Term

- a. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with an initial stocking level of 27,800 AUMs.
- b. Improve to and maintain the ecological status per key management area as determined in the Little Owyhee Monitoring Plan.
- c. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 288 AUMs for mule deer, 1,233 AUMs for pronghorn and 72 AUMs for bighorn sheep.
 - 1) Improve to and maintain 2,756 acres in Paradise Valley DY-1, 29,612 acres in Santa Rosa DY-10, 31,678 acres in Santa Rosa DW-2, and 44,210 acres in Santa Rosa DS-1 in good or excellent mule deer habitat condition.
 - 2) Improve to and maintain 2,490 acres in Mahogany Ridge PS-8, 25,837 acres in Santa Rosa PS-7 and 21,608 acres in Little Owyhee PS-10 to good condition. Improve to and maintain 457,963 acres in Owyhee Desert PY-9, 17,847 acres in Maiden Butte PW-9, 2,306 acres in Evans Lake PW-10, 7,762 acres in Button Lake PW-11, 4,939 acres in Button Lake PS-9, 8,322 acres in Evans Lake PS-11, and 7,469 acres in Bullhead PW-13 in fair or good pronghorn habitat condition.
- d. Maintain and improve the free roaming behavior of wild horses by protecting and enhancing their home ranges.
 - 1) Manage, maintain and improve public rangeland conditions to provide an initial level of 3578 AUMs of forage on a sustained yield basis.
 - 2) Maintain and improve wild horse habitat by assuring free access to water and development of new permanent water sources.
- e. Improve to and maintain 594 acres of riparian and meadow habitat types in good condition.
- f. Improve to and maintain 21 acres of aspen habitat types in good condition.
- g. Improve to and maintain 60 acres of mahogany habitat types in good condition.
- h. Improve to or maintain the following stream habitat conditions on the North Fork of the Little Humboldt and the East Little Owyhee from 26% on the North Fork, unknown on the East Little Owyhee to an overall optimum of 60% or above.
 - 1) Streambank cover to 60% or above.
 - 2) Streambank stability to 60% or above.
 - 3) Maximum summer water temperature below 70°F.

- 4) Sedimentation below 10%.
 - i. Protect sage grouse strutting grounds and brooding areas. Maintain a minimum of 30% canopy cover of sagebrush for nesting and winter use.
 - j. Improve to or maintain the water quality of the North Fork Humboldt River and the East Little Owyhee River to the State criteria set for the following beneficial uses: livestock drinking water, cold water aquatic life, wading and wildlife propagation and sport fishery.

On August 26, 1991, an allotment evaluation was sent to you and other interested parties for review and comment. On December 16, 1991, a second revised allotment evaluation was sent to you and other interested parties for review and comment.

On February 16, 1993, a Proposed Multiple Use Decision was issued. I have received a protest to the Proposed Multiple Use Decision from you, the Commission for the Protection of Wild Horses, Wild Horse Organized Assistance and the Nevada Department of Wildlife.

In addition to the letters of protest, I have received a grazing application dated March 16, 1993, from you to activate the remainder of your active preference for the 1993 grazing season.

I have considered the points of protest to the Proposed Multiple Use Decision and your grazing application and based upon the Little Owyhee Allotment Evaluation dated December 2, 1992, consultation with you and other interested parties, and recommendations from my staff, it is my final decision to deny your grazing application dated March 16, 1993 and to implement the following actions effective on April 1, 1993.

CARRYING CAPACITY

The carrying capacity for livestock, wild horses, and wildlife is 32,971 AUMs during periods of maximum water availability. Of this total, 27,800 AUMs are designated for livestock, 3,578 AUMs are designated for wild horses and 1593 AUMs are designated for wildlife.

Rationale: Analysis of the monitoring data indicates there are areas of light, moderate and heavy use throughout the allotment and that dependable, available water sources are the limiting factor on the allotment. Therefore, the carrying capacity for the Little Owyhee Allotment is based on the forage available within a 5 mile radius of permanent available water. This may not always equal 32,971 AUMs.

The livestock operation will be licensed according to available forage left after wild horse and wildlife allocations. The difference in AUMs between the permittee's active preference and his licensed authorization will not be scheduled and will be held in non-use. When temporary water becomes available, the Bureau of Land Management will calculate the available forage within a five mile radius and the permittee will be licensed accordingly from AUMs held in non-use.

WILDLIFE MANAGEMENT DECISION

Based upon the evaluation of monitoring data for the Little Owyhee Allotment, consultation with the permittee and other affected interests and recommendations from my staff, it is my final decision, effective April 1, 1993, for wildlife to continue with the reasonable numbers as outlined in the Land Use Plan.

RATIONALE:

The analysis of monitoring data indicates that the multiple-use objectives for the Little Owyhee Allotment are not being met. The analysis of utilization and use pattern mapping determined that livestock were the primary factor in the non-achievement of the multiple-use objectives in the summer pastures and that livestock and wild horses were the primary factors inhibiting achievement of the multiple-use objectives in the winter/spring pastures. Analysis of the existing management of wildlife indicates that wildlife populations in the Little Owyhee Allotment are not contributing to the failure in meeting the multiple-use objectives. Therefore, a change in the existing wildlife populations or the existing wildlife management within the Little Owyhee Allotment is not warranted. Reasonable numbers for wildlife will remain as follows:

Mule Deer
288 AUMs

Pronghorn Antelope
1233 AUMs

Bighorn Sheep
72 AUMs

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form. Please provide a copy of your appeal and Statement of Reasons to the Area Manager, Paradise-Denio Resource Area at 705 East Fourth Street, Winnemucca, Nevada 89445. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

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

FULL FORCE AND EFFECT
WILD HORSE MANAGEMENT DECISION

Based on the evaluation of the monitoring data for the Little Owyhee Allotment, consultation with the permittee and affected interests and recommendations of my staff, my final decision, effective April 1, 1993, for wild horses is:

To establish an Appropriate Management Level (AML) for the Little Owyhee Herd Management Area (HMA) of 298 adult wild horses. The AML will be managed within the range of 194 to 298 adult wild horses.

To schedule a gather for the fall of 1993 to reduce the population of horses to the Appropriate Management Level if funding is available for such gather.

RATIONALE:

It has been determined through monitoring that water is the limiting factor in the HMA and not the vegetative resource. 17,975 AUMs has been established as the carrying capacity within the spring/winter pastures (HMA) of this allotment for wild horse and livestock use. This carrying capacity was derived from an analysis of available monitoring data and using the 1978 range survey within a five mile radius of perennial and dependable artificial (private wells) water sources.

Using the Land Use Plan and CRMP plan proportion for forage, 15,800 AUMs were available for livestock use, and 3578 AUMs were available for wild horse use in the spring/winter (HMA) pastures. This relates to 81.5% for livestock and 18.5% for wild horses. Applying these percentages to the current carrying capacity of 17,975 for the spring/winter (HMA) pastures, there are 3,325 AUMs available for wild horses around perennial water sources and 14,650 AUMs available for livestock. The 3,325 AUMs for wild horses would relate to 277 adults which is within the management range that we have specified for our Appropriate Management Level.

The current estimated population of adult wild horses on the Little Owyhee Allotment is 700 animals. Of this population, we know that 124 of the animals are over 10 years of age. These animals were released back onto the range after a gather in August of 1992. This leaves approximately 576 animals that have a "normal" age structure. Using age structure data collected during the 1992 gather, we have determined that 70% of the population is between 0-5 years of age. Applying this figure to the 576 animals, we have determined that 403 animals are between the age of 0 and 5 years. The 576 minus 403 leaves 173 animals 6 years of age and older plus the 124 animals returned to the range in 1992 making a total population of 297 animals. This is within the range for the Appropriate Management Level.

AUTHORITY: The authority for this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4 "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management areas plans."

4720.1 "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

4770.3(c) "The authorized officer may place in full force and effect decisions to remove wild horses or burros from public or private lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decisions shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decisions shall be filed with the Interior Board of Land Appeals as specified in this part."

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form. Please provide a copy of your appeal and Statement of Reasons to the Area Manager, Paradise-Denio Resource Area 705 East Fourth Street, Winnemucca, Nevada 89445. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

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

LIVESTOCK DECISION

Based upon the evaluation of monitoring data for the Little Owyhee Allotment, consultation with the permittee and other affected interests and recommendations from my staff, it is my final decision, effective April 1, 1993, for livestock to change the management:

FROM (Description of existing use)

1. Grazing Preference (AUMs)
 - a. Total preference 47,463
 - b. Suspended preference 2,581
 - c. Active preference 44,882

Initial stocking rate	27,800
Non-use	17,082
2. Season of Use

Spring Use	03/01 to 06/30
Summer Use	07/01 to 09/30
Winter Use	12/01 to 02/28
3. Kind and Class of Livestock - Cattle, Cow/Calf
4. Percent Federal Range - 100%

5. Grazing System

The current grazing system divides the allotment into three use areas; Spring, Summer and Winter. The Spring and Summer Use Areas are under a three pasture rest-rotation grazing system. The Spring Use Area consists of three large pastures and three treatments.

Treatment "A" Early Spring use 03/01-06/30
 Treatment "B" Late Spring use 04/01-06/30
 Treatment "C" Rest

The pastures in the Spring use area and an example of the grazing system are as follows:

	First Year	Second Year	Third Year
Fairbanks Field	Rest	Early Use	Late Use
Twin Valley Field	Early Use	Late Use	Rest
Lake Creek Field	Late Use	Rest	Early Use

The current grazing system on the Summer Use Area consists of four pastures, the fourth pasture, Capitol Peak, was designed to be used every year after seedripeness. The Summer use area also called for three treatments; they are as follows:

Treatment "A" - 07/01 to 08/15 (Early)
 Treatment "B" - 08/15 to 09/30 (Late)
 Treatment "C" - Rest
 Treatment "D" - 08/15 to 09/30 (Capitol Peak)

	First Year	Second Year	Third Year
Calico Field	Early use	Late use	Rest
Rock Springs Field	Late use	Rest	Early use
Antelope Field	Rest	Early use	Late use
Capitol Peak Field	Late use	Late use	Late use

A Winter Use Area had been designated in Fairbanks and Lake Creek Pastures. The Winter Use Area treatment is 12/01 to 02/28. Specific use areas within the pastures were based on monitoring data and areas which had been rested during the years scheduled use.

TO: GRAZING SYSTEM TO BE IMPLEMENTED

1. Grazing Preference Status (AUMs)
 - a. Total preference 47,463
 - b. Suspended preference 19,663
 - c. Active preference 27,800
 - 1) Authorized Use 17,523
 - 2) Non Use Available with intermittent water or riparian fencing 10,277
2. Season of Use

Spring Use	03/01 to 05/14
Summer Use	05/15 to 07/15
Winter Use	11/01 to 02/28
3. Kind and Class of Livestock - Cattle, Cow/Calf
4. Percent Federal Range - 100%
5. Grazing System

The grazing system listed below is for the next evaluation period.

Spring Use (Each Year)

Pasture	Livestock #	Period of use	AUMs
Fairbanks	1540	03/01 to 05/14	3800
Twin Valley	1540	03/01 to 05/14	3800
Lake Creek	1540	03/01 to 05/14	3800

Summer Use

Year	Pasture	Livestock #	Period of use	AUMs
1993	Antelope	1160	05/15 to 06/03	802
	Rock Springs	1160	06/04 to 06/24	802
	Capitol Peak	1160	06/25 to 07/15	802
	Calico		05/15 to 06/30 09/20 to 09/30	717
1994	Rock Springs	1160	05/15 to 06/03	802
	Antelope	1160	06/04 to 06/24	802
	Capitol Peak	1160	06/25 to 07/15	802
	Calico		05/15 to 06/30 09/20 to 09/30	717
1995	Antelope	1160	05/15 to 06/03	802
	Rock Springs	1160	06/04 to 06/24	802
	Capitol Peak	1160	06/25 to 07/15	802
	Calico		05/15 to 06/30 09/20 to 09/30	717

1996	Rock Springs	1160	05/15 to 06/03	802
	Antelope	1160	06/04 to 06/24	802
	Capitol Peak	1160	06/25 to 07/15	802
	Calico		05/15 to 06/30	
			09/20 to 09/30	717

Winter Use

<u>Year</u>	<u>Pasture</u>	<u>Livestock #</u>	<u>Period of use</u>	<u>AUMs</u>
1993	Lake Creek	760	11/01 to 02/28	3000
1994	Fairbanks	760	11/01 to 02/28	3000
1995	Lake Creek	760	11/01 to 02/28	3000
1996	Fairbanks	760	11/01 to 02/28	3000

RATIONALE:

Water and access to the riparian areas are the limiting factors on this allotment not the vegetative resource. This leads to distribution problems.

At the present time the only sources of natural, permanently available water are the South Fork, Milligan Creek, the North Fork and a few springs in the Fairbanks Pasture. There are four wells that are private and a pipeline system that originates from a private spring that are also available for water consumption when livestock are in the area.

Because permanent dependable water has not been available, the present CRMP grazing system has never been followed. Consistent patterns of rest-rotation and periods of use have not been applied to the Little Owyhee Allotment throughout the evaluation period.

The spring pastures have been utilized from March 1 through June 30 in a three pasture rest-rotation. While Fairbanks was rested three consecutive years due to fire, Twin Valley and Lake Creek have been grazed every year during the evaluation period.

The summer pastures, which contain the majority of the riparian areas, have been utilized from July 1 through August 30. Rest has been applied to Antelope and Calico, but on an irregular schedule. Rock Springs has been grazed every year throughout the evaluation period. Under the present system, and with water being the limiting factor on this allotment, utilization and distribution patterns are showing heavy use around wetland/riparian habitats within the summer pastures and in the upland areas of the spring pastures.

Based on the perennial water sources in the spring pastures (HMA), there are 17,975 AUMs for both livestock and wild horses. This carrying capacity was calculated from an analysis of the 1978 range survey within a five mile radius of perennial water sources (including permittee-operated wells and pipelines) and from using monitoring data.

The AUMs in non-use can be activated when new water developments are installed, when climatic conditions allow for run-off to fill the existing reservoirs, and/or when riparian fences are completed. A field tour will be made before livestock are turned out to insure the availability of water.

The selected management action will eliminate the three pasture rest rotation spring grazing system. Use will be based on available water in these pastures with the stipulation that a specific area will not be utilized more than two consecutive years. When this allotment receives substantial moisture to fill the numerous reservoirs and to recharge the existing springs and creeks, use will be made on these water sources and the existing wells and pipelines will be rested.

By implementing this system, spring use will be shortened from 03/01 through 06/30 to 03/01 through 05/14 which will allow for regrowth in the spring pastures and allow the plants to store food reserves in their root system for the next growing season.

Winter use will consist of a two pasture rest rotation between Lake Creek and Fairbanks with the maximum use of 3000 AUMs. The winter use areas in Lake Creek will be at the north end in the Wild Bill Flat area and the area around Corral Lake Well. Winter use in Fairbanks will be the lower elevational area which exists south of the rim in the Mud and Whiskey Springs area. Winter use will be taken from 11/01 to 02/28 as compared to the CRMP dates 12/01 to 02/28. The utilization will be taken when plants are dormant; thus the vegetative resource will not be adversely effected. The possibility exists for conflict between winter use areas and spring use areas. These areas will be monitored, and if excessive use is noted, a decision will be made on whether or not to continue use in these areas.

The management action will also change the grazing system from the current CRMP deferred three pasture rest-rotation system on the summer pastures, to a two pasture flip-flop system between Rock Springs and Antelope. Capitol Peak will continue to have deferred use after seedripeness and Calico will be used to facilitate the livestock operation. Use in Calico will be made in May when the livestock are moved from the spring pastures to the summer pastures. The pasture will be used again in September when the livestock are moved from the Forest Service allotment to their base property. The maximum carrying capacity of Calico, until riparian fencing is completed, is 717 AUMs per year. It is expected that the use will occur in the last half of May and the last half of September.

The earlier summer grazing compared to the CRMP system (07/01 to 08/30) will encourage uniform utilization and distribution patterns by maximizing water availability and thereby reducing impacts to riparian habitats through cooler season of use. The livestock removal on 07/15 in the summer will be beneficial to riparian vegetation because of the regrowth potential, which in turn will improve the water quality and fisheries of the riparian habitats. Using Capitol Peak every year after seedripeness will not have an adverse effect on the vegetative resource because the vegetation has all spring the following year to build its reserves and grow until it is utilized.

INTERIM SYSTEM

The Bureau's strategic plan for wild horses will be implemented with the first capture slated for 1993. This will reduce the estimated population of 700 adults to 297 adults which will be within the selected management range for population of adult wild horses.

During the interim, forage will be allocated for the estimated population of wild horses. This forage will be made available by reducing the number of authorized livestock using the winter and spring pastures. The interim grazing system that will be followed until the population of adult horses is reduced is as follows:

1. Grazing Preference Status (AUMs)
 - a. Total preference 47,463
 - b. Suspended preference 19,663
 - c. Active preference 27,800
 - 1) Authorized Use 12,693

- 2) Non Use
 - a) Available with intermittent water or riparian fencing 10,285
 - b) Unavailable to livestock due to wild horse use 4,822

2. Season of Use

Spring Use 03/01 to 05/14
 Summer Use 05/15 to 07/15
 Winter Use 11/01 to 02/28

3. Kind and Class of Livestock - Cattle, Cow/Calf

4. Percent Federal Range - 100%

5. Grazing System

Spring Use

<u>Pasture</u>	<u>Livestock #</u>	<u>Period of use</u>	<u>AUMs</u>
Fairbanks	888	03/01 to 05/14	2190
Twin Valley	888	03/01 to 05/14	2190
Lake Creek	888	03/01 to 05/14	2190

There is not an interim system for the winter and summer pastures. They will remain as scheduled.

Terms and Conditions:

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

You are required to perform normal maintenance on the range improvements as per your signed cooperative agreements prior to turning out.

Your certified actual use report by pasture is due 15 days after the end of the authorized grazing period.

No livestock shall be allowed in the following fenced enclosures:

- Lone Willow Enclosure T46N R41E and R42E Sec. 1, 12 and 6, 7.
- Mahogany Ridge Enclosure T46N R41E Sec. 14, 15, 22, 23.
- Antelope Springs Enclosure T45N R42E Sec. 28, 29, 33
- Owyhee Res. #3 Enclosure T47N R41E Sec 25, NE1/4 SE1/4 and SE1/4 NE1/4.

Any livestock owned or controlled by you must be eartagged. You must supply the B.L.M. with a list of private ear tags and numbers for the livestock that you own or control. This list must be submitted prior to turnout along with copies of livestock use agreements.

The grazing authorization with the schedule of use outlined in this decision will be the only approved use and all other schedules, flexibilities and terms and conditions addressed in the 1972 Allotment Management Plan and the 1982 Coordinated Resource Management Plan, are suspended until the plans are revised.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8 "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield. and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4100.3 "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity.

4130.6-1(a) "The authorized officer shall specify the kind and number livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3-1 and 4110.3-2."

4130.6-2 "The authorized officer may specify in grazing permits and leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

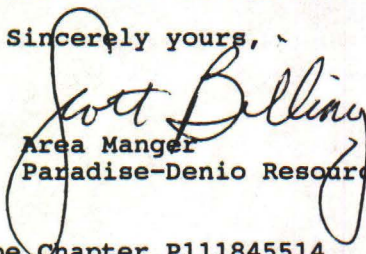
If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4 and 4.470, you are allowed 30 days from receipt of this notice within which to file such appeal with the Paradise-Denio Resource Area Manager, Bureau of Land Management, 705 East Fourth Street, Winnemucca, Nevada 89445. An appeal shall state the reasons, clearly and concisely, as to why you think the decision in error.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Paradise-Denio Resource Area will continue to monitor the Little Owyhee Allotment. The monitoring data will continue to be collected in the future to provide the necessary information for subsequent evaluations. These evaluations are necessary to determine if the allotment specific objectives are being met under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

The Little Owyhee Allotment is scheduled to be reevaluated in 1996.

Sincerely yours, >


Area Manager
Paradise-Denio Resource Area

certified cc:

NRDC P111845513
Sierra Club-Toiyabe Chapter P111845514
Craig Downer P111845531
Wilderness Society P111845532
Desert Bighorn Council P111845533
Nevada Dept. of Wildlife (Fallon) P111845534
John Marvel P111845535
Nevada Land Action Assoc. P111845536
Nevada Farm Bureau Federation P111845537
James Shepherd P111845538
USFWS P111845539
Trout Unlimited P111845540
Claudia J. Richards P111845541
WHOA P111845544
Animal Protection Institute P111845545
Commission for the Preservation of WH&B P111845546
Society for the Protection of Mustangs and Burros P111845547
American Horse Protection Association P111845548
U.S. Humane Society P111845549
Humboldt County Commissioners P111845550
Nevada Dept. of Wildlife (Winnemucca) P111845551
Nevada Dept. of Wildlife (Elko) P111845552
Charley Amos P111845553
James Bonavia P111845554
Area Manager, Elko Resource Area P111845555



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

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(702) 687-5589

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Smith Valley, Nevada
Dawn Lappin
Reno, Nevada

April 26, 1993

Scott Billing, Area Manager
Paradise-Denio Resource Area
BLM-Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

RE: Appeal - **Little Owyhee Final** Multiple Use Decision

Dear Mr. Billing,

Thank you for the opportunity to review and comment on the Final Multiple Use Decision for the Little Owyhee Allotment.

This Final Decision does not have proper procedures and rationale that can be supported by its land use plan or proper activity plans. Management changes and procedures are over five years delinquent and failure to implement the land use plan through proper Bureau policy, procedure and planning now jeopardizes the habitat. Therefore, the Commission is forced to formally appealing this Final Multiple Use Decision for the following reasons:

1) Violation of 43 CFR 4.21

According to 43 CFR 4.21, (a) (1), "A decision will not be effective during the time in which a person adversely affected may file a notice of appeal." This MUD is dated March 26, we received in on March 29, and it became effective two days later on April 1. This is a violation of federal regulations in that you did not give us time to appeal the MUD before the decision became effective.

2) Misuse of Full Force and Effect

The decision to place the wild horse portion of this decision in full force and effect and leave the livestock decision as a final decision, not full force and effect to protect the habitat is arbitrary and capricious. If a full force and effect decision is necessary to protect the habitat then why are horses the only ones to be removed immediately. We do not disagree with the removal of "excess" wild horses to achieve and maintain a thriving natural ecological balance. The Decision to remove horses under full force and effect for habitat protection does not leave any avenue for

Scott Billing, Area Manager
April 26, 1993
Page 2

appeal however the livestock decision is left as a final decision and thus subject to administrative appeal. The District's application of full force and effect is not equitable, it is arbitrary and capricious, and will maintain status quo livestock management if appealed. This decision is inconsistent with the land use plan.

3) This Decision altered allotment specific objectives to allow for resource damage.

The Little Owyhee Allotment received its first allotment evaluation in 1988 and the District proposed a "livestock agreement" to the permittee. These actions were not consistent with BLM policy or the Little Owyhee Allotment Monitoring Plan.

Since 1988, allotment evaluations have moved to more specific objectives for management actions to resolve conflicts to improve the range conditions. Short Term Objectives to limit livestock utilization to key species are essential elements in the Bureau's responsibility to monitor habitat and make necessary adjustments to improve range conditions. The Little Owyhee Allotment Final Decision altered the objective from "shall not exceed" to that use level as a "target". Monitoring data shows that riparian vegetation is being heavily and severely utilized annually. Objectives and actions are necessary to correct this abuse of these key management areas. The Final Decision weakens the objectives and commitment by the Bureau to correct the problem. Changes in objectives by your District are arbitrary and capricious. This deviates from what has been done in the past and you have provided no valid explanation of why these objectives have been changed.

4) Stocking rates as determined in the Decision are arbitrary and capricious.

The data presented in the Paradise-Denio Resource Area Draft Grazing EIS indicates the three year average stocking rate for the Little Owyhee Allotment was 10,458 AUM's Summer and 538 AUM's Spring. This stocking rate was based upon the fact that the permittee only stocked less than half the total preference of 47,463 AUM's prior to 1982. The Bureau was to accept this stocking rate as the initial stocking rate to be monitored and adjusted to meet the land use plan decisions.

CRMP resulted in setting a new "initial stocking rate", implementing intensive management, monitoring studies and scheduling allotment evaluations/manager decision. Stocking rates were significantly increased from the land use plan, monitoring was partially completed, intensive management was never implemented, decisions were circumvented by agreements and allotment evaluations/decisions delayed until 1993. Carrying capacities are the maximum level of livestock that will not cause damage to vegetation and associated resources. The Final Decision has modified the Short Term Objectives, does not use riparian monitoring data and misuses the land use plan suitability

Scott Billing, Area Manager
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monitoring data and misuses the land use plan suitability methodology.

Livestock suitability studies were conducted in 1978. Data was presented in the Paradise-Denio Resource Area Draft EIS. This inventory found a carrying capacity of 12,628 AUM's in total to be divided between livestock and wild horses in 1978. This major reduction in large ungulates was necessary to improve the 72 percent of this 579,808 acre allotment in poor condition to fair or good condition. The current livestock preference of 47,463 AUM's, and recent wild horse use of approximately 9,516 AUM's far exceeds what the resource can provide and keep the habitat in a thriving natural ecological balance for multiple use. As a result monitoring was to replace the 1978 carrying capacity studies, The Final Decision attempts to maintain livestock numbers set in the CRMP by use of the 1978 suitability studies. The District is being arbitrary and capricious by using new assumptions and not disclosing its methodology in the Allotment Evaluation.

The District again, is being arbitrary and capricious, by extending the livestock use criteria from four miles to five miles from the water sources. This will allow the District to "justify" additional livestock use that would not be available if the District adhered to the four mile limit. It also allows for upward adjustment in livestock numbers as waters become available. Wild horses do not have that option.

This appeal does not intend to prevent the implementation of the Final Multiple Use Decision. If you have any questions or would like to discuss our concerns with us, please feel free to contact us.

Sincerely,

CATHERINE BARCOMB
Executive Director

Draft

SOLDIER MEADOWS/SONOMA-GERLACH RESOURCE AREA
VS.
PAIUTE MEADOWS/PARADISE DENIO RESOURCE AREA

Wild Horse and Livestock Decisions

Allotment evaluations and manager decisions for these allotments are pending, proposed and issued. The real decision of all these documents concern carrying capacities and how the available AUMs are allocated to livestock, wild horses and wildlife. These two allotments are found in the Black Rock Range of Humboldt County and are divided by two Resource Areas of the Winnemucca District.

Found within the written mazes of decision making support documents are the data, calculations and assumptions for carrying capacities for these allotments. Resource Areas are bound by common procedures and policies, however the outcomes are very different and both do not protect critical riparian systems or provide forage for wildlife. The following will illustrate the differences and errors made by the Winnemucca District:

Common Procedures

Bureau of Land Management - "Rangeland Monitoring Analysis, Interpretation and Evaluation, TR 4400-7" - Desired Stocking Level calculation:

$$\frac{\text{ACTUAL USE}}{\text{KEY MANAGEMENT AREA UTILIZATION}} = \frac{\text{DESIRED ACTUAL USE}}{\text{DESIRED KEY MANAGEMENT UTILIZATION}}$$

Actual Use - reported livestock use in AUMs by permittee. Wild horse use estimate by BLM.

Key Management Area - area that influences or limits management opportunities of the land surrounding it.

Utilization - the proportion of current year's forage production that is consumed or destroyed by animals.

Desired KMA Utilization - allowable use level or Short Term Objective for allotment.

Desired Actual Use - carrying capacity or maximum level of livestock that will not damage vegetation or related resources.

Key Management Area Utilization - Use pattern mapping data collected by the Bureau as defined in the "Nevada Rangeland Monitoring Handbook".

Common Objectives/Assumptions

Winnemucca District implement riparian objectives throughout all allotment evaluations that are consistent with its land use plan. The Short Term Objectives for Paiute Meadows and Soldier Meadows are the following:

Utilization of (key vegetation) in stream bank riparian areas shall not exceed 30% on the following streams -----.

Utilization of (key vegetation) on wetland riparian habitat shall not exceed 50%.

These Short Term Objectives or utilization rates are to be applied to carrying capacity calculations as defined as Desired KMA Utilization. In absolute use of the Bureau's formula to set numbers for wild horses and livestock to meet these Short Term Objective and protect riparian habitat, the Winnemucca District could have made reductions in no less than 50% of existing livestock and wild horses. The District choose to alter the formula, change objectives and make arbitrary allocation of forage at ungulate levels known to cause damage to riparian habitat.

Sonoma-Gerlach and Paradise-Resource Area made different assumptions, different objectives and different forage allocations affecting the same mountain range and resources.

SONOMA-GERLACH SOLIDER MEADOWS ALLOTMENT

(Draft Allotment Evaluation completed, proposed decision or final decision pending)

Carrying Capacity Formula

$$\frac{\text{Actual Use}}{\text{Weighted Average Utilization}} = \frac{\text{Desired Actual Use}}{\text{Desired Average Utilization}}$$

By changing the formula to include "weight averaging", the Resource Area violated the guidelines of TR4400-7. Averaging can only be applied where forage production and utilization in uniform. Monitoring data shows that riparian vegetation is heavily to severely used, while upland grasses are slight to moderate. Clearly a livestock distribution problem that discounts the Bureau's discretion to use averaging. Averaging heavy and severe utilization and weighting it by acreage mapped will mathematically alter the 90 percent utilization of stream bank riparian to 80 percent or 70 percent. This change in the calculation significantly influences the carrying capacity or desired actual use.

By changing the Short Term Objectives from 30% or 50% to 60%, the Resource Area will mathematically increase the carrying capacity or desired actual use significantly.

Once a carrying capacity or desired actual use is determine by misuse of Bureau procedure and poor assumptions, the forage is allocated to user. Based upon Sonoma-Gerlach Buffalo Hills Final Multiple Use Decision, we assume that active preference or current livestock use will be allocated to the permittee. Wildlife will receive no forage. The remainder will be allocated to wild horses.

PARADISE-DENIO PAIUTE MEADOW DECISION

(Final allotment evaluation completed, Final Full Force and Effect Multiple Use Decision)

Carrying capacity formulas are altered as found in Sonoma-Gerlach. Weight Averaging is applied to the allotment where monitoring data has shown livestock to have a distribution problem.

The desired average utilization is not 30% for stream bank riparian vegetation, but 50% for upland species. This change in utilization rate will make significant differences in the mathematics for determining the carrying capacity.

Allocation of forage to users is different from Sonoma-Gerlach misuse of procedures. Paradise-Denio refers to the ratio of the initial stocking rates for livestock and existing numbers of wild horses prior to its land use plan (1982). The Paiute Meadows Final Multiple Use Decision allocates forage as 92% livestock and 8% to wild horses. No forage for wildlife. These proportions of allocated forage have nothing to do with which ungulate caused damage to riparian habitat or what is an ecological balance.

The Decision goes further to modify the Short Term Objective to omit "shall not exceed.". This action cleary defines their intent that the action will not protect natural resources.

LITTLE OWYHEE APPEAL

Land Use Plan

- 1) Draft Paradise Denio Grazing Environmental Impact Statement
- 2) Management Framework Plan III Decisions
- 3) Paradise Denio Resource Rangeland Program Summary

Activity Plan

- 1) Winnemucca District Coordinated Monitoring Plan
- 2) Little Owyhee Allotment Monitoring Plan
- 3) Coordinated Resource Management Plan - Little Owyhee Allotment
- 4) Draft Little Owyhee Habitat Management Plan
- 5) Aquatic Habitat Management Plan - North Fork - Little Humbolt River
- 6) Little Owyhee/Snowstorm Mountains Wild Horse Herd Management Plan

Evaluations/Decisions

- 1) Little Owyhee Allotment Evaluation Summary - 1988
- 2) Draft Little Owyhee Livestock Agreement - 1988
- 3) Draft Little Owyhee Allotment Evaluation Summary - 1991
- 4) Final Allotment Evaluation Summary - 1993
- 5) Proposed Multiple Use Decision Little Owyhee Allotment 1993
- 6) Protest Proposed Multiple Use Decision Little Owyhee Allotment - Nevada Division of Wildlife - March 2, 1993
- 7) Protest Proposed Multiple Use Decision Little Owyhee Allotment - Nevada Commission for the Preservation of Wild Horses - February 26, 1993
- 8) Final Multiple Use Decision Little Owyhee Allotment March 26, 1993
- 9) Appeal Little Owyhee Multiple Use Decision Nevada Division of Wildlife April 26, 1993
- 10) Appeal Little Owyhee Multiple Use Decision Nevada Commission for the Preservation of Wild Horses

Procedures and Manuals

- 1) Nevada Rangeland Monitoring Handbook 1984
- 2) Technical Reference 4400-7 1985
- 3) Technical Reference 4400-3 1984

LITTLE OWHEE

~~ADA 873 8800~~

HMAP WH

objectives not being met

wh's being reduced to CRMP #'s

if h's
initial staking rate (pg 1) ²⁸ how does
current (pg 50) (#6)

monitoring data to support reduction necessary
(pg 50 # 8)

LUP Amendment needed

811
12
1622
811
9732 Acres

CRMP originally set ~~summer~~ ^{use} at 7.6%
of entire allot. but wh's
only get 7.6% of HMA.

taking cows off of calendar system for summer use.
but not withdrawing summer use in HMA.

pg 20, 23 - Acres for cows, data incorrect
inconsistency on acres for wh's
colors - blue/green.

4/26/93

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

BOARD OF TRUSTEES

DAVID R. BELDING
JACK C. McELWEE
GORDON W. HARRIS

In Memoriam

LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"
GERTRUDE BRONN

April 26, 1993

Scott Billing, Area Manager
Paradise-Denio Resource Area
BLM-Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

RE: Appeal - Little Owyhee Final Multiple Use Decision

Dear Mr. Billing,

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Since 1988, allotment evaluations have moved to more specific objectives for management actions to resolve conflicts to improve the range conditions. Short Term Objectives to limit livestock utilization to key species are essential elements in the Bureau's responsibility to monitor habitat and make necessary adjustments to improve range conditions. The Little Owyhee Allotment Final Decision altered the objective from "shall not exceed" to that use level as a "target". Monitoring data shows that riparian vegetation is being heavily and severely utilized annually. Objectives and actions are necessary to correct this abuse of these key management areas. The Final Decision weakens the objectives and commitment by the Bureau to correct the problem. Changes in objectives by your District are arbitrary and capricious. This deviates from what has been done in the past and you have provided no valid explanation of why these objectives have been changed.

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CRMP resulted in setting a new "initial stocking rate", implementing intensive management, monitoring studies and scheduling allotment evaluations/manager decision. Stocking rates were significantly increased from the land use plan, monitoring was partially completed, intensive management was never implemented, decisions were circumvented by agreements and allotment evaluations/decisions delayed until 1993. Carrying capacities are the maximum level of livestock that will not cause damage to vegetation and associated resources. The Final Decision has modified the Short Term Objectives, does not use riparian monitoring data and misuses the land use plan suitability

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The District again, is being arbitrary and capricious, by extending the livestock use criteria from four miles to five miles from the water sources. This will allow the District to "justify" additional livestock use that would not be available if the District adhered to the four mile limit. It also allows for upward adjustment in livestock numbers as waters become available. Wild horses do not have that option.

This appeal does not intend to prevent the implementation of the Final Multiple Use Decision. If you have any questions or would like to discuss our concerns with us, please feel free to contact us.

Sincerely,

DAWN Y. LAPPIN
Director



BOB MILLER
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE
P.O. Box 10678
1100 Valley Road
Reno, Nevada 89520-0022
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WILLIAM A. MOLINI
Director

April 26, 1993

Mr. Scott Billings
Paradise-Denio Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

RE: Appeal - Little Owhyee Final Multiple Use Decision

Dear Scott:

The Nevada Department of Wildlife appeals portions of the Bureau of Land Management's Final Multiple Use Decision - Little Owhyee Allotment - March 26, 1993. This "I" allotment is the first priority of the Paradise-Denio Resource Area and has received the most intensive land use planning effort of all allotments within the Winnemucca District. Management changes and procedures are over five years delinquent. This Final Decision does not have proper procedures and rationale that can be supported by its land use plan or proper activity plans. Failure to implement the land use plan through proper Bureau policy, procedure and planning now jeopardizes the extensive investment our agency has spent pursuant to our mutual public trust responsibilities.

Full Force and Effect is applied to Wild Horses, but not Livestock.

The Winnemucca District used Full Force and Effect decisions to endorse livestock agreements, maintain active preference and to gather horses for humane reasons. It would appear that Full Force and Effect should be applied to protect natural resources in serious declining condition and in a state of emergency. Full Force and Effect should include a significant action to resolve resource conflicts. In the Little Owhyee Final Decision, wild horses numbers must be reduced for the welfare of the herd and the vegetation resource that livestock, wild horses and wildlife depend upon. However, the Livestock Decision portion of the Multiple Use Decision is left as a Final Decision and is thus subject to administrative appeal.

Because of the position of the Winnemucca District, active preference must be maintained in absence of a Final Decision or during appeal of such a decision. An administrative appeal can stop any action for change in livestock active preference or season of use affecting the Little Owhyee Allotment. Therefore, the District's application of Full Force and Effect is not equitable and will maintain status quo livestock management if appealed.

The Decision altered allotment specific objectives to allow for resource damage.

The Little Owhyee Allotment received its first allotment evaluation in 1988 and the District proposed a "livestock agreement" to the permittee. These actions were not consistent with Bureau of Land Management policy or the Little Owhyee Allotment Monitoring Plan.

Since 1988, allotment evaluations have moved to more specific objectives for management actions necessary to resolve conflicts to improve the range conditions. Short Term Objectives to limit livestock utilization of key species are essential elements in the Bureau's responsibility to monitor habitat and make necessary adjustments to improve range conditions. The Little Owhyee Allotment Final Decision altered the objective from "shall not exceed" to that use level as a "target". Monitoring data shows that riparian vegetation is being heavily and severely utilized by livestock and wild horses annually. Objectives and actions are necessary to correct this overutilization of these key management areas. The Final Decision weakens the objectives and commitment by the Bureau to correct the problem.

Carrying capacities are arbitrary and capricious. Stocking rates are contrary to the land use plan.

Stocking rates are not livestock carrying capacities, and the two may represent different "levels" of livestock. Stocking rates for the Little Owhyee Allotment were determined by the permittee's abilities, Coordinated Resource Management Planning and the Bureau's interpretation of "preference".

The data presented in the Paradise-Denio Resource Area Draft Grazing Environmental Impact Statement indicates the three year average stocking rate for the Little Owhyee Allotment was 10,458 AUMs Summer and 538 AUMs Spring. This stocking rate was based upon the fact that the permittee only stocked less than half the Total Preference of 47,463 AUMs prior to 1982.

The Bureau was to accept this stocking rate as the initial stocking rate to be monitored and adjusted to meet the land use plan decisions.

Coordinated Resource Management Planning resulted in setting a new "initial stocking rate", implementing intensive management, monitoring studies and scheduling allotment evaluations/manager's decisions. Stocking rates were significantly increased from the land use plan, monitoring was partially completed, intensive management was never implemented, decisions were circumvented by agreements and allotment evaluations/decisions delayed until 1993.

Carrying capacities are the maximum level of livestock that will not cause damage to vegetation and associated resources. The Final Decision has modified the Short Term Objectives, does not use riparian monitoring data and inappropriately uses the land use plan suitability methodology.

Livestock suitability studies were conducted in 1978. Data are presented in the Paradise-Denio Resource Area Draft Environmental Impact Statement. This inventory found a carrying capacity of 12,628 AUMS in total to be divided between livestock and wild horses in 1978. This major reduction in large ungulates was necessary to improve the 72 percent of this 579,808 acre allotment in poor condition to fair or good condition. Obviously, the current livestock Total Preference of 47,463 AUMs, and recent wild horse use up to 9,516 AUMs, far exceeds what the resource could provide. As a result of this dilemma, monitoring was to replace the 1978 carrying capacity studies, a step which postponed decisions which would have made major adjustments in livestock and wild horses. The Final Decision attempts to maintain livestock numbers set in the CRMP by use of the 1978 suitability studies. However, the District uses new assumptions and does not disclose its methodology in the Little Owhyee Allotment Evaluation.

Suitability studies in 1978 used three criteria concerning slope, water and soil erosion. The Final Decision extends livestock use criteria from four miles to five miles from the water sources. It also allows for upward adjustment in livestock numbers as waters become available. The flexibility designed into this criterion does not take into account the need to restore degraded range and riparian systems that have suffered overutilization over the past six years of drought.

Riparian habitat is a critical issue and must be the dominating element in setting a livestock carrying capacity for the Little Owhyee Allotment. The Final Decision does not set a carrying capacity based upon meeting utilization limits for wetland meadows or stream bank riparian habitats. As stated before, the Final Decision changes the objective, lessening the protection of these critical areas. Instead of significant adjustments in livestock and wild horse numbers, now the Bureau suggests that future funding will somehow be found to provide necessary enclosure fences.

Season of use for livestock could improve conditions.

Limiting summer use of upper elevation pastures from June 25 to July 15 is a significant action that can be supported by the Department. Though this season of use does include "hot season" grazing, it could allow for some regrowth and protection for woody species. Unfortunately, that assumption has never been confirmed with monitoring data in the Winnemucca District. We are nevertheless encouraged that the District has considered this as a meaningful management action to protect riparian habitat.

SUMMARY

The Little Owhyee Allotment should have set the example for the land use planning processes in the Paradise-Denio Resource Area. According to the land use plan and Bureau of Land Management policies, this allotment should have received the most planning, monitoring and range improvement projects to meet the multiple use and sustained yield mandates of FLPMA. Specifically, one objective of the land use plan was to implement intensive management of the initial livestock stocking rate (10,996 AUMs), complete thorough monitoring studies and issuance of a manager's decision by 1987. Instead, CRMP set a stocking level of 27,850 AUMs, set monitoring studies and postponed a manager's decision to 1990. The Final Decision does not represent the result of all the land use planning in which the Department has participated since the 1970's.

Although we disagree with the processes used in arriving in the Little Owhyee Allotment Multiple Use Decision, your intentions to adjust the season of use to avoid "hot season" livestock use of summer pasture could improve these degraded riparian areas. This appeal is not intended to prevent the implementation of the Final Multiple Use Decision - Little Owhyee Allotment.

Sincerely,

Willie

William A. Molini
Director

WAM/REL/jk

cc: Wayne Howle, Deputy Attorney General
Region I Manager, Fallon