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STATE OF NEVADA
DEPARTMENT OF WILDLIFE

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BOB MILLER
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WILLIAM A. MOLINI
Director

March 8, 1992

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

RE: Protest - Proposed Multiple Use Decision - Paiute Meadows Allotment

Dear Scott:

As an affected interest by definition in 43 CFR 4100.0-5, the Nevada Department of Wildlife hereby protests the Proposed Multiple Use Decision - Paiute Meadows Allotment. Pursuant to 43 CFR Section 4.470 (a), the following represents the required statement as to why this decision is in error:

The Proposed Decision modifies allotment specific objectives essential in determining stocking rates and appropriate management levels for livestock and wild horses, respectively.

The Short Term Objective is amended to read: "Utilization data will be collected at the end of the grazing period.". After-the-fact monitoring has allowed for livestock to exceed the allowable use levels of key species within key management areas. These limitations on vegetation are the basis for the protection or restoration of critical fish and wildlife habitats. It is the position of the Department of Wildlife, Natural Resource Defense Council, Sierra Club and Fish and Wildlife Service that these limitations are not mere "targets", but attainable, measurable and meaningful parameters to manage public lands.

The issue of setting allotment specific objectives and meeting these objectives annually has been debated with the Paradise-Denio Resource Area since 1988. This issue is found in the appeals of the Department and Natural Resource Defense Council pertaining to

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the original 13 livestock agreements issued in 1988. The Department has directly addressed the attempt to modify Short Term Objectives found in the draft Bullhead Allotment Evaluation. The U.S. Fish and Wildlife Service addressed this issue in their comments to the draft Little Owhyee Allotment Evaluation. As explained in the Paiute Meadows Final Allotment Evaluation, the previous year's livestock use will be measured during the following year's growing season. This after-the-fact monitoring has not stopped resource damage or provided reliable data.

Carrying capacities were computed improperly and not in accordance to Bureau of Land Management procedures.

Technical Manual 4400-7 does not allow for average/weighted average utilization data for pastures that do not have uniform production or use. Use pattern mapping data collected in all years on all pastures show production and use to be non-uniform.

Short Term Objective for stream bank riparian vegetation allows only 30% use of key species. Average/weighted averaging used in the Proposed Decision's carrying capacity computations assumed 50% as a desired utilization level. Failure to use the proper desired utilization levels and by applying weight averaging, the Proposed Decision's stocking rates are above the actual carrying capacity.

Carrying capacity computations are different for the Soldier Meadows and Paiute Meadow Allotments. The wild horse appropriate management level was derived from carrying capacity and allocation computations using different assumptions on each allotment.

Available forage was not allocated appropriately to range users or wildlife.

The Final Paiute Meadows Allotment Evaluation makes the improper assumption that the actual numbers for wildlife, active preference for livestock and wild horses, cited in the 1982 land use plan, were at carrying capacity for the allotment. These numbers of ungulates were to be the initial populations or stocking rates to be monitored and adjusted, if necessary, with rangeland monitoring data. These numbers and their proportions were not at a thriving ecological balance and range conditions were not at acceptable levels in 1982. The Proposed Decision allocation of forage is inappropriate.

The Proposed Decision divides the available forage between livestock and wild horses. Wildlife forage was not allocated.

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The Proposed Decision allocates 92 percent of the forage to livestock based upon the proportion of wild horses to cattle during 1982. To achieve an ecological balance, or carrying capacity, adjustments to ungulate numbers must be based upon monitoring data and decisions that will meet allotment specific objectives.

The Final Decision must be Full Force and Effect.

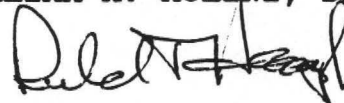
The previous Livestock Agreement was issued by Full Force and Effect in 1991. Since 1991, the Paiute Meadows Allotment has suffered additional resource damage.

Overstocking and high wild horse numbers have exceeded proper utilization limits on key species of critical fish and wildlife habitats. Data presented in the Department's comments to the draft Soldier Meadows Allotment Evaluation indicate that mule deer have not been at or above maintenance levels to sustain the population over the past four years. As a result of the persistent drought and degradation of wildlife habitat on these allotments, Nevada has suffered over a forty percent loss of this deer herd. Data collected in November 1992 indicate a significant summer loss of fawns. Data now being collected indicate an additional winter loss of fawns.

Significant actions must be taken to reverse these downward trends in fish and wildlife habitat. We request Full Force and Effect be taken to protect the resource.

Sincerely,

WILLIAM A. MOLINI, DIRECTOR



Richard T. Heap, Jr.
Region I Manager
Region I

REL:rl/

CC: Habitat, Reno
Jim Jeffress
Jim French