

m 5-27-94



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4160  
(NV-241.2)

MAY 27 1994

CERTIFIED MAIL NO. Z773765520  
RETURN RECEIPT REQUESTED

*due June 27*

Ms. Cathy Barcomb  
Commission for the Preservation  
of Wild Horses  
50 Freeport Blvd. #2  
Sparks, NV 89431

Dear Ms. Barcomb:

On April 15, 1994, the Proposed Multiple Use Decision for Jackson Mountain Allotment was issued. On April 28, 1994, I received separate but identical, written protests of that decision from the State of Nevada Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance. On May 2, 1994, I received written protest of that decision from the Nevada Division of Wildlife. On May 10, 1994, I received comments on that decision from W. Alan Schroeder on behalf of DeLong Ranches, Inc.

I have considered the protest points and comments. My responses to those points and comments follows:

PROTEST BY WILD HORSE ORGANIZED ASSISTANCE AND THE STATE OF NEVADA COMMISSION FOR THE PRESERVATION OF WILD HORSE:

Protest Point 1:

THE FINAL DECISION SHOULD BE FULL FORCE AND EFFECT

Riparian vegetation is critical habitat for wild horses. Overgrazing caused by livestock and wild horses have exceeded the allotment's short term objectives or allowable use levels for key riparian species. Use pattern mapping data collected in 1988 and 1992, found heavy and severe utilization of wetland meadows and stream bank riparian habitat. Therefore, we recommend that emergency criteria be applied for full force and effect decisions adjusting both livestock and wild horses without bias.

As stated in the Proposed Decision, livestock reductions and adjustments in season of use are subject to administrative appeal. These appeals are likely to sustain status quo livestock management practices for the following three years as wild horse gather plans are implemented under full force and effect decisions.

Response to Protest Point 1:

You are correct that grazing by livestock and wild horses has resulted in utilization levels in excess of the short term objective levels for stream bank and wetland riparian vegetation on portions of the allotment. 43 CFR § 4160.3 states in part: "The authorized office may place the final decision in full force and effect in an emergency to stop resource deterioration." While it is the Bureau's position that the short term utilization levels are necessary to maintain and improve riparian conditions, available data does not indicate that emergency conditions exist. For that reason, the decision will not be implemented full force and effect.

It should be noted, that the permittee is voluntarily implementing a portion of the proposed decision related to the Jackson Creek, Mary Sloan Creek and upper Trout Creek which includes removal of cattle from these areas by July 15. This important change is expected to reduce the concentration of use of the streambank vegetation by cattle which normally occurs during the hot season.

We recognize that the regulations governing the appeals process differ in regards to livestock and wild horses and that difference can result in an apparent bias in favor of the livestock operator. An appeal of a livestock decision stays the action of the decision, unless it has been placed in full force and effect. An appeal of a wild horse decision does not stay the action, unless a stay is explicitly granted. This is true even if the wild horse decision has not been placed in full force and effect. Among the changes to the grazing regulations currently being considered, is a proposal to change the appeals process for grazing decisions. This change would provide more consistency among disciplines.

Protest Point 2:

**THE FINAL DECISION IS ARBITRARY AND BIASED AGAINST WILD HORSES**

Use pattern mapping data could not distinguish wild horse use from livestock use. This data established the carrying capacity for this allotment. Allocation of available forage must be proportional to livestock, wild horses, and wildlife stocking rates and wild horse populations found in the 1982 land use plan. The initial numbers were not a carrying capacity nor at a thriving natural ecological balance.

Monitoring data is the basis for all multiple use decisions. Actual use data for livestock and wild horses collected for the allotment evaluation are the best data available to support the multiple use decision. Since livestock contributed 73 percent of the use, it is reasonable that livestock should bear the same percentage of the necessary reduction to meet carrying capacity of the allotment.

Response to Protest Point 2:

We recognize that your protest point refers to the proposed rather than the final decision.

We have considered a variety of methods for apportioning the available forage between wild horses and livestock. These methods are presented in the Final Jackson Mountain Allotment Evaluation. The methods currently supported by the permittee and yourselves both utilize a form of actual use data. The primary difference is the year or years that the actual use occurred. The permittee favors utilizing actual use information near the time the Wild Horse and Burro Act became law. Just prior to that time horse numbers could be kept at a level favoring the livestock operator, without the restraints of the Wild Horse and Burro Act. You favor utilizing actual use for the past few years when horse numbers have been allowed to increase with minimal restraint and the permittee has voluntarily reduced use in response to drought conditions. A primary issue expressed by both yourselves and the permittee is fairness, which is a social rather than technical issue. We can appreciate the reasoning behind your position, as well as the position held by the permittee. No consensus has been reached as to which method can be judged most fair. Therefore, we have selected the proportions derived from the starting point for monitoring established by the land use plan as the basis for apportioning available forage. The land use plan received extensive public review and comment. Please note that the horse numbers identified in the land use plan were also based upon actual use information.

Protest Point 3:

THE FINAL DECISION IMPLEMENTS CONFLICTING FEDERAL REGULATIONS

The final decision is issued under the authority of Title 43 of the Code of Federal Regulations. According to the Final Decision page 13, 43 CFR 4130.6-1(a) states: "The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 4110.3-1 and 4110.3-2." The Final Decision implements 43 CFR 4110.3-3 that requires any change in active use greater than 10 percent shall be implemented over a five year period. The Final Decision admits that stocking rates will over graze key riparian habitat and exceed the carrying capacity of the allotment.

Response to Protest Point 3:

We recognize that your protest point refers to the proposed, rather than final decision.

The regulations specifically provide instruction for implementation of changes in available forage and those instructions will be followed in the Final Decision. Please note that the five year implementation period is not included in the proposed grazing regulations currently being considered.

PROTEST BY THE NEVADA DIVISION OF WILDLIFE:

Protest Point 1:

The Final Decision must be in full force and effect.

Riparian habitat is being degraded by overgrazing of wild horses and livestock. Use pattern mapping data documents heavy and severe use of wetland meadow and stream bank riparian habitats. The declines in these critical habitats should establish an emergency situation to support full force and effect decision that would avoid any delay in meaningful relief.

Response to Protest Point 1:

Please see Response to Protest Point 1 from the Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance above.

Protest Point 2:

The Final Decision should provide immediate relief and meet the allotment carrying capacity.

Carrying capacity cannot be exceeded by annual grazing authorizations. The Final Decision's Authority only recognizes Title 43 CFR 4130.6-1(a) that limits the authority of grazing authorization to the carrying capacity and limiting adjustment to 4110.3 and 4110.3-1 and 4110.3-2. The Final Decision Authority does not recognize 43 CFR 4110.3.3 that implements a 5 year term for adjustments in livestock numbers. The Final Decision will exceed the livestock carrying capacity for the next four years.

Response to Protest Point 2:

Please see Response to Protest Point 3 from the Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance above.

COMMENTS FROM W. ALAN SCHROEDER ON BEHALF OF DELONG RANCHES, INC.:

Comment:

1. The Bureau erroneously and arbitrarily creates utilization objectives through a process not authorized by the applicable land use plan.

Response:

1. The utilization objectives are in conformance with the land use plan. In similar cases, (Fred Buckingham v. BLM, N2-90-23 and NJ Ranches v. BLM N2-91-6, Decision dated 03/17/93) the administrative law judge determined that "The New Allotment Specific Objectives Conform to the Land Use Plan" and each decision was "permitted by and conforms with the land use plan and is therefore valid."

The objectives were developed through the informal CRMP process, including the evaluation process.

Comment:

2. The Bureau erroneously and arbitrarily creates utilization objectives which are not consistent with the science or are not consistent with the monitoring data on the allotment.

Response:

2. The utilization objectives were developed to provide sage grouse cover, maximize plant vigor, minimize erosion, promote successful recruitment of suckers and saplings, and provide adequate stubble height to disperse flood waters, filter sediment, and maximize bank water storage. These objectives were developed to provide progress towards meeting long term objectives.

Comment:

3. The Bureau erroneously and arbitrarily creates utilization objectives as a predicate to change preference. 43 CFR 4110.3 and 4110.3-2(b) control the necessary elements to change active grazing use, not utilization objectives.

Response:

3. As indicated by your comment, utilization levels are a basis for adjustment of active use. Please also see the response to Comment 2.

Comment:

4. The Bureau erroneously and arbitrarily creates long term objectives through a process not authorized by the applicable land use plan.

Response:

4. The long term objectives are in conformance with the land use plan. In similar cases, (Fred Buckingham v. BLM, N2-90-23 and NJ Ranches v. BLM N2-91-6, Decision dated 03/17/93) the administrative law judge determined that "The New Allotment Specific Objectives Conform to the Land Use Plan" and each decision was "permitted by and conforms with the land use plan and is therefore valid."

The objectives were developed through the informal CRMP process, including the evaluation process.

Comment:

5. The Bureau erroneously and arbitrarily creates long term objectives which are not consistent with the science or are not consistent with monitoring data on the allotment.

Response:

5. The establishment of management objectives is required by law. The long term of objectives are allotment specific and are derived from the land use plan.

## LIVESTOCK DECISION, STATEMENT OF REASONS

### Comment:

6. The Bureau erroneously and arbitrarily decreases active use from 8,857 to 6,426 AUMs. The monitoring data does not show that active use is causing unacceptable levels or patterns of utilization by cattle, or that active use exceeds the livestock carrying capacity, or that a decrease in active use is necessary to maintain or improve rangeland productivity, or even if true, that some range management practice is not available to resolve the BLM's concerns.

### Response:

6. Monitoring data does show that active use is causing unacceptable levels or patterns of utilization by cattle. Rangeland management practices to relieve part of those concerns are included in the decision, for example, removal of cattle from the Jackson-Mary Sloan use area by July 15 and exclosures around selected springs and associated meadows. However, those actions will not prevent unacceptable levels of utilization on other portions of the allotment, including both upland and riparian areas. Therefore, reductions in active use by livestock is included in the decision.

### Comment:

7. The Bureau erroneously and arbitrarily changes the season of use, eliminating late fall, winter, and early spring use. The science or the monitoring data does not justify such change.

### Response:

7. We invite Mr. DeLong to continue working with us towards resolution of all issues. However, opportunity for progress on this issue appears particularly high. We have unsuccessfully attempted to establish how the available forage can best meet the needs of the livestock operation. That use must be compatible with other resource needs.

### Comment:

8. The Bureau erroneously and arbitrarily establishes "use areas" which are imaginary lines on a map. Neither the science supports, nor proper livestock management allow the control and management of livestock within an area with no fences and or with no natural barriers. The Bureau unreasonably subjects the permit to trespass traps.

8. Review of the Proposed Decision should clarify that establishment of use areas will not result in "trespass traps".

The Proposed Decision states on page 6:

It is recognized that due to lack of fencing, drift will occur between use areas. The exception is the Jackson-Mary Sloan Use area which is to be grazed 05/25 to 07/15.

The Decision further states on that page:

Scheduling grazing by use area, and subsequently the permittee's report of actual use by use area, will allow more accurate assessment of management practices. Actual use reports will be made based on the best estimate by use area. It is recognized that lack of pasture fences will limit the permittee's knowledge of actual use by use area. As stated above, no drift is expected into or out of the Jackson-Mary Sloan Use Area. Therefore accurate actual use is attainable for that use area.

WILD HORSE DECISION, STATEMENT OF REASONS:

9. The Bureau erroneously and arbitrarily fails to manage wild horses. The Bureau concludes in its decision that the natural thriving ecological balance (i.e. appropriate management level) is 117 wild horses. Even assuming this is true, the current numbers of wild horses are in "excess" of 117. The Bureau admits that approximately 300+ wild horses are present within the Jackson Mt. allotment, and some of such number is outside the herd management area, and some of such number are trespassing on private land, over DeLong's written objection.

Title 43, CFR section 4720.1 demands that the Bureau immediately remove wild horses in "excess", and Title 43, CFR 4720.2-1 requires that the Bureau remove as soon as practicable wild horses from private land. More importantly, Title 43, CFR section 4770.3(c) requires that the Bureau immediately remove, through "full force and effect" decision wild horses from the public land and from private land "to preserve or maintain a thriving ecological balance and multiple use relationship". As note, by the Bureau's own admission, such conditions and circumstances presently exists; the Bureau's final decision should include a "full force and effect" decision to remove wild horses.

Response:

9. You are incorrect. Title 43, CFR section 4770.3(c) does not require removal through "full force and effect" decision. Rather, that section states in part that, "The authorized officer may [italics added] place in full force and effect decisions to remove wild horses or burros from public or private lands if removal is required by law or to preserve or maintain a thriving ecological balance and multiple use relationship."

The Final Decision establishes the appropriate management level for wild horses and is not a decision to remove wild horses. Therefore, the decision can not and will not be issued full force and effect. At this time it is anticipated that the Wild Horse Removal Plan for the Jackson Mountain Herd Management Area will be issued full force and effect.

Comment:

10. Notwithstanding #8, the wild horses are in an area outside their 1971 use area. Wild horses only existed in a small portion of the southern part of the Jackson Mt. Allotment. The other areas of the Jackson Mt. Allotment was wild horse & burro free.

Response:

10. Distribution and census data does show that wild horse use primarily occurs on the southern end of the allotment both within and outside of the herd management area. The Final Jackson Mountain Allotment Evaluation includes a recommendation that the herd management boundary be adjusted to reflect historic use areas as indicated by distribution and census data.

Comment:

11. The Bureau erroneously and arbitrarily fails to manage wildlife. The numbers of mule deer, pronghorn antelope, and bighorn sheep exceed the applicable land use plan levels, and the decisions long term objective (even if valid).

11. With limited exceptions, the Bureau manages wildlife habitat rather than wildlife populations. The Bureau does work with the Nevada Division of Wildlife to determine if adjustments in populations are needed to protect habitat and other resource values. The land use plan does not limit wildlife populations to reasonable numbers, but rather states, "Manage range conditions to allow existing big game populations to reach reasonable numbers where possible."

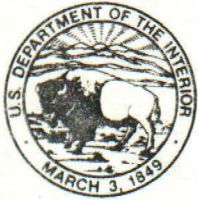
Thank you for your time.

Sincerely yours,

  
Paradise-Denio Resource Area Manager

Enclosure- Final Multiple Use Decision, Jackson Mountain Allotment  
Draft Wild Horse Removal Plan, Jackson Mountains Herd Management Area  
Draft Environmental Assessment, Gather and Selective Removal of Wild Horses from the Jackson Mountains Herd Management Area





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4000, 4700  
(NV-241.2)

May 27, 1994

Dear Interested Party:

Please find enclosed the draft Wild Horse Removal Plan for the Jackson Mountains Herd Management Area and the draft Environmental Assessment for the Gather and Selective Removal of Wild Horses from the Jackson Mountains Herd Management Area. Please provide your comments on these documents by June 30, 1994, so your input can be considered for preparation of the final documents. If you have any questions on these documents, please feel free to contact Dave Stockdale of my staff at (702) 623-1500.

Please also find enclosed the Final Multiple Use Decision for the Jackson Mountain Allotment and the letter responding to the protest points and comments on the Proposed Multiple Use Decision for the Jackson Mountain Allotment. Please feel free to contact Lynnda Jackson of my staff at (702) 623-1500 if you have any questions on these documents.

Thank you for your time.

Sincerely yours,

*Scott Bellin*  
Area Manager  
Paradise-Denio Resource Area

Enclosures



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4160  
(NV-241.2)

May 27, 1994

CERTIFIED MAIL NO. Z776765527  
RETURN MAIL REQUESTED

### FINAL MULTIPLE USE DECISION JACKSON MOUNTAIN ALLOTMENT

DeLong Ranches, Inc.  
John DeLong  
Star Route 335  
Winnemucca, NV 89445

Dear Mr. DeLong:

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 Jackson Mountain 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 Jackson Mountain Allotment and to determine if management adjustments may be necessary to meet those management objectives.

On May 13, 1993, a draft Jackson Mountain Allotment Evaluation was mailed to you. That draft evaluation was dated May 12, 1993, and did not include technical recommendations for the management of Jackson Mountain Allotment.

On December 13, 1993, a second draft Jackson Mountain Allotment Evaluation was mailed to you. That draft evaluation was dated December 13, 1993, and included technical recommendations for the management of Jackson Mountain Allotment.

On January 26, 1994, I received your Grazing Application for Jackson Mountain Allotment for the 1994 grazing season.

On February 14, 1994, I received your revised Grazing Application for the Jackson Mountain Allotment for the 1994 grazing season and your letter withdrawing your previous application.

On February 17, 1994, I received your comments on the second draft Jackson Mountain Allotment Evaluation, including an alternative for management of Jackson Mountain Allotment. On that date I also received comments on the second draft Jackson Mountain Allotment Evaluation submitted on your behalf by Intermountain Range Consultants.

On February 23, 1994, I sent you notification by letter that your application was approved for grazing use through May 31, 1994, and that approval of the remaining portion of your application was withheld pending completion of the Final Jackson Mountain Evaluation and issuance of the Proposed Multiple Use Decision for Jackson Mountain Allotment.

On April 15, 1994, the Proposed Multiple Use Decision for the Jackson Mountain Allotment was mailed to you.

On April 28, 1994, I received protests of the Proposed Decision from the State of Nevada Commission for the Preservation of Wild Horses and from Wild Horse Organized Assistance. On May 2, 1994, I received protest of the Proposed Decision from the State of Nevada Division of Wildlife.

On May 10, 1994, I received a letter written on your behalf by W. Alan Schroeder. Mr. Schroeder stated in that letter that you had elected to appeal my decisions.

On May 23, 1994, a letter was mailed to you stating that I do not consider the letter dated May 9, 1994, prepared by Mr. Schroeder on your behalf, as an appeal nor do I consider it a protest. I have, however, considered your opinions as expressed in that letter in preparation of this Final Decision.

The following are the multiple use management objectives under which management of the Jackson Mountain Allotment will be monitored and evaluated.

#### Short Term Objectives

1. The objective for utilization of key species (POA, JUNCUS, CAREX, POLYP2, POPUL, SALIX) on streambank riparian habitat on Trout Creek, Jackson Creek and Mary Sloan Creek is 30% utilization at the end of the grazing season.
2. The objective for utilization of key species (POA, JUNCUS, CAREX, POLYP2, DISTI) on wetland riparian habitat is 50% utilization at the end of the grazing season.
3. The objective for utilization of key species (SYMPH, AMELA, CEANO, PURSH, FEID, SIHY, POSE, STHH2, AGSP, ORHY, EULA5, EPHED, ATCO) on upland habitat is 50% at the end of the grazing season.

#### Long Term Objectives

1. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 378 AUMs for mule deer, 60 AUMs for pronghorn and 275 AUMs for bighorn sheep.
  - a. Improve to and maintain 102,930 acres in good or excellent mule deer habitat condition.
  - b. Improve to and maintain 186,523 acres in fair to good pronghorn habitat condition.

- c. Improve to and maintain 48,429 acres in good to excellent bighorn sheep habitat condition.
2. Manage, maintain and improve public rangeland conditions to provide forage on a sustained yield basis for livestock (8,857 AUMs).
  3. Improve range condition from poor to fair on 355,225 acres.
  4. Maintain and improve free roaming behavior of wild horses by protecting and enhancing their home ranges.
  5. Provide forage for 117 wild horses.
  6. Improve or maintain 967 acres of riparian and meadow habitat types in good condition with maximum species diversity, reproduction and recruitment for maintenance of herbaceous and woody riparian species.
  7. Improve or maintain 65 acres of aspen stands in good condition by allowing reproduction and recruitment within the stand and maximizing understory diversity.
  8. Improve or maintain 447 acres of mahogany stands in good condition by allowing successful reproduction and recruitment in the stand.
  9. Improve or maintain 1 acre of ceanothus in good condition by allowing for successful reproduction and recruitment in the stand.
  10. Improve or maintain bitterbrush, snowberry and serviceberry by maximizing reproduction in the community.
  11. Protect sage grouse strutting grounds and brooding areas. Maintain a minimum of 30% canopy cover of sagebrush for nesting and winter use.
  12. Improve to or maintain the following stream habitat conditions from 67% on Mary Sloan Creek, 58% on Trout Creek and 58% on Jackson Creek to an overall optimum of 60% or above.
    - a) Streambank cover to 60% or above.
    - b) Streambank stability 60% or above.
  13. Improve to and maintain the water quality of Jackson, Trout, and Mary Sloan Creeks to the state criteria set for the following beneficial uses: stockwater, cold water aquatic life, water contact recreation and wildlife propagation.

## LIVESTOCK DECISION

I have reconsidered my proposed decision in light of comments received from you and protests received from other interested parties. Based upon the evaluation of monitoring data for the Jackson Mountain Allotment, consultation with you and other interested parties, and recommendations from my staff, my final decision for livestock follows:

### 1. Carrying capacity:

The carrying capacity of Jackson Mountain Allotment is 7808 AUMs. See Appendix 1 for calculation of carrying capacity.

The available AUMs are apportioned between cattle and wild horses as follows (see Appendix 2 for calculation for apportioning available forage):

Cattle	6,403 AUMs
Wild horses	<u>1,405 AUMs</u>
Total	7,808 AUMs

### 2. Changes in authorized use:

A. Authorized use on Jackson Mountain Allotment is changed from:

#### 1. Current Preference

Total Preference	Suspended Preference	Active Preference
11,880	3,023	8,857

Active preference includes 23 AUMs fenced federal land.

#### 2. Current Grazing System

Grazing is currently yearlong as follows:

Spring/Summer Use	1525-1650 C	03/15 to 08/15
Fall Use	300-400 C	08/16 to 10/31
Winter Use	12-140 C	11/01 to 03/15

Note- Spring turnout begins 03/15 and is completed by late April. Removal dates and cattle numbers during late summer and fall vary from year to year.

#### 3. Current Terms and Conditions

Exchange of use is accounted for on each line entry as percent public land. Your exchange of use agreement expires 02/29/97.

Line number 8 is for 23 AUMs fenced federal range which may be grazed concurrently with private land as long as grazing use is not detrimental to federal range.

Any cattle owned or controlled by you found on the federal range without BLM issued ear tags will be deemed in excess of your authorized numbers.

This grazing authorization is contingent upon submission of copies of bills and proof of payment for railroad leases as the leases are renewed on 03/01.

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

You are required to perform normal maintenance on the range improvements for which you have maintenance responsibility as per your signed cooperative agreements.

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

B. Authorized use on Jackson Mountain Allotment is changed to:

1. Preference

In addition to forage available based upon the carrying capacity of Jackson Mountain Allotment, active preference includes an additional 23 AUMs from fenced federal land. Fenced federal range is small tracts of public land fenced in with large tracts of private land. Forage from fenced federal range is included as part of active preference to ensure that the public is compensated for forage consumed off those small tracts of public land.

Active preference will be reduced from 8,857 AUMs to 6,426 AUMs (6,403 AUMs + 23 AUMs fenced federal = 6,426 AUMs) over a period of five years as follows:

	<u>Total Preference</u>	<u>Suspended Preference</u>	<u>Active Preference</u>
Year 1	11,880	4,740	7,117 + 23 = 7140
Year 3	11,880	5,090	6,767 + 23 = 6790
Year 5	11,880	5,454	6,403 + 23 = 6426

Prior to Year 3 and Year 5 management will be assessed in light of monitoring data available at that time.

2. Grazing System

Grazing will occur during the following season of use:

Spring            04/01 to 05/31  
Summer/Fall    06/01 to 10/15

Beginning in Year 2 grazing will be scheduled by use area as displayed below. It is recognized that due to lack of fencing, drift will occur between use area. The exception is the Jackson-Mary Sloan Use Area which is to be grazed from 05/25 to 07/15. Drift into this area is prevented in the spring by a drift fence on the lower portion of Jackson Creek. This fence very effectively prevents movement into the area from the west. The other access to this area is at the south end of the use area. No movement is expected into this area from the south unless cattle are actively pushed into the area because cattle will not occupy the area south until late summer/fall and at that time their movement will be towards Trout Creek Ranch. If drift is found to occur, it will be prevented by riding by the permittee.

Scheduling grazing by use area, and subsequently the permittee's report of actual use by use area, will allow more accurate assessment of management practices. Actual use reports will be made based on the best estimate by use area. It is recognized that lack of pasture fences will limit the permittee's knowledge of actual use by use area. As stated above, no drift is expected into or out of the Jackson-Mary Sloan Use Area. Therefore accurate actual use is attainable for that use area.

As actual use data by use area becomes available, it may be determined through analysis of monitoring data and in consultation, coordination and cooperation with the permittee and other interested parties, that allotment objectives can be met by adjusting stocking by use area and within active preference. If, for example, short term objectives are not met in the Jackson-Mary Sloan Use Area and forage is available in another use area, some use may be shifted out of the Jackson-Mary Sloan Use Area and onto another area.

Active preference will be reduced from 8,857 AUMs to 6,426 AUMs (6,403 AUMs + 23 AUMs fenced federal = 6,426 AUMs) over a period of five years. During that five year period grazing will be scheduled as follows:

YEAR 1

On February 23, 1994, I sent you notification by letter that your grazing application on the Jackson Mountain Allotment for the 1994 grazing year was approved through May 31, 1994, as follows:

Livestock No. & Kind	Period		%PL Use	Type Use	AUMs
	Begin	End			
100 C	03/01/94	03/15/94	98	Active	48
363 C	03/16/94	03/31/94	98	Active	187
650 C	04/01/94	04/30/94	98	Active	628
1650 C	05/01/94	05/31/94	98	Active	1648
				Total	2511

In that same letter you were notified that approval of the remaining portion of your application was withheld pending completion of the Final Jackson Mountain Evaluation and issuance of the Proposed Multiple Use Decision for Jackson Mountain Allotment. It is my final decision that the remaining and following portion of you application is denied:

Livestock No. & Kind	Period		%PL Use	Type Use	AUMs
	Begin	End			
1650 C	06/01/94	08/15/94	98	Active	4040
826 C	08/16/94	09/30/94	98	Active	1224
326 C	10/01/94	10/31/94	98	Active	326
276 C	11/01/94	12/31/94	98	Active	542
100 C	01/01/95	02/28/95	98	Active	190
24 C	11/01/94	11/30/94	98	Active	24

It is my final decision that the following grazing use on Jackson Mountain Allotment for the 1994 grazing year is approved:

1650 C	06/01/94	08/15/94	98	Active	4040
288 C	08/16/94	10/15/94	98	Active	566
* 2 C	03/01/94	02/15/95	100	Active	23
				Total	4629

\* This line is for 23 AUMs fenced federal range that can be grazed concurrently with private land as long as grazing use is not detrimental to federal range.

Total authorized use for the 1994 grazing season follows:

Approved by letter dated 02/23/94	2511 AUMs
Approved by this decision	4629 AUMs
Total authorized use for 1994	7140 AUMs



YEAR 2

Grazing use will be scheduled as follows in Year 2:

<u>Use Area</u>	<u>No. Cattle</u>	<u>Period of Use</u>	<u>% Fed Land</u>	<u>AUMs</u>
Southwest	400 C	04/01 to 04/30	98	387
	750 C	05/01 to 05/31	98	725
Jungo Hills	200 C	04/01 to 04/30	98	193
	700 C	05/01 to 05/31	98	699
Northwest	200 C	04/01 to 05/24	98	193
Jackson-Mary Sloan	200 C	05/25 to 07/15	98	490
Rattlesnake Canyon	750 C	06/01 to 08/15	98	1836
	200 C	08/16 to 10/15	98	393
Cedar Creek	700 C	06/01 to 07/15	98	1015
	900 C	07/16 to 08/15	98	899
	146 C	08/16 to 10/15	98	287
Fenced Federal Land	2 C	03/01 to 02/15	100	<u>23</u>
Total				7140

YEAR 3 & Year 4

Prior to Year 3 management will be assessed in light of monitoring data available at that time.

If it is determined through analysis of monitoring data prior to Year 3 or Year 5 that the carrying capacity of the Jackson Mountain Allotment differs from the carrying capacity identified in this decision, the available forage will be apportioned in the same proportions used in this decision (that is, 18% of the available forage to wild horses and 82% of the available forage to livestock).

Grazing use will be scheduled as follows in Year 3 and Year 4:

<u>Use Area</u>	<u>No. Cattle</u>	<u>Period of Use</u>	<u>% Fed Land</u>	<u>AUMs</u>
Southwest	350 C	04/01 to 04/30	98	338
	725 C	05/01 to 05/31	98	701
Jungo Hills	200 C	04/01 to 04/30	98	193
	675 C	05/01 to 05/31	98	674
Northwest	200 C	04/01 to 05/24	98	193
Jackson-Mary Sloan	200 C	05/25 to 07/15	98	490
Rattlesnake Canyon	725 C	06/01 to 08/15	98	1775
	150 C	08/16 to 10/15	98	295
Cedar Creek	675 C	06/01 to 07/15	98	979
	875 C	07/16 to 08/15	98	874
	130 C	08/16 to 10/15	98	255
Fenced Federal Land	2 C	03/01 to 02/15	100	<u>23</u>
Total				6790

#### YEAR 5

Prior to Year 5 management will be assessed in light of monitoring data available at that time.

If it is determined through analysis of monitoring data prior to Year 3 or Year 5 that the carrying capacity of the Jackson Mountain Allotment differs from the carrying capacity identified in this decision, the available forage will be apportioned in the same proportions used in this decision (that is, 18% of the available forage to wild horses and 82% of the available forage to livestock).

Grazing will be scheduled as follows in Year 5 and thereafter:

<u>Use Area</u>	<u>No. Cattle</u>	<u>Period of Use</u>	<u>% Fed Land</u>	<u>AUMs</u>
Southwest	301 C	04/01 to 04/30	98	291
	700 C	05/01 to 05/31	98	677
Jungo Hills	200 C	04/01 to 04/30	98	193
	650 C	05/01 to 05/31	98	649
Northwest	200 C	04/01 to 05/24	98	193
Jackson-Mary Sloan	200 C	05/25 to 07/15	98	490
Rattlesnake Canyon	700 C	06/01 to 08/15	98	1714
	106 C	08/16 to 10/15	98	208
Cedar Creek	650 C	06/01 to 07/15	98	942
	850 C	07/16 to 08/15	98	849
	100 C	08/16 to 10/15	98	197
Fenced Federal Land	2 C	03/01 to 02/15	100	23
Total				6426

3. Terms and Conditions

Upon completion of the drift fence on middle Jackson Creek livestock will be excluded from the middle Jackson Creek area after 06/15 except when being actively trailed.

Upon completion of fencing of private land in the upper Big Cedar Creek area livestock will be excluded from the area west of that private land and east of King Lear Peak after 07/15.

Exchange of use is accounted for on each line entry as percent public land. Your exchange of use agreement expires [enter date].

Your active preference includes 23 AUMs fenced federal range which may be grazed concurrently with private land as long as grazing use is not detrimental to federal range.

Any cattle owned or controlled by you found on the federal range without BLM issued ear tags will be deemed in excess of your authorized numbers.

This grazing authorization is contingent upon submission of copies of bills and proof of payment for railroad leases as the leases are renewed on 03/01.

Salt and/or mineral blocks shall not be placed within one quarter (¼) mile of springs, meadows, streams, riparian habitats or aspen stands.

You are required to perform normal maintenance on the range improvements for which you have maintenance responsibility as per your signed cooperative agreements.

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

C. Structural Projects

The following projects are scheduled to be evaluated through the project planning process. Construction of projects is dependent upon funding and project priorities:

1. Approximately two miles of drift fences are recommended to control livestock use on middle Jackson Creek. The proposed location of the fences follow:

Section 34, T40N, R31E  
Section 26, T40N, R31E

Upon completion of this fence, no use of the middle Jackson Creek area will be scheduled after 06/15 except when cattle are being actively trailed through the area.

2. Exclosures around selected springs and associated meadows are recommended to eliminate use of those areas by livestock and wild horses. The sites to be fenced would be selected in consultation, coordination and cooperation with the Nevada Division of Wildlife, the permittee and other interested parties.

3. Development of springs at the following locations is recommended for consideration:

Section 36, T40N, R31E (two springs)  
Section 34, T40N, R31E  
Section 2, T39N, R31E  
Section 11, T36N, R31E

Construction of a pipeline off Donna Schee Spring (Section 30, T37N, R32N, located on private land) to provide water to Section 15, T37N, R32E; and of a pipeline off Dead Man Spring (Section 3, T37N, R31E, may be located on private land) to provide water to Section 12, T37N, R31E, is recommended for consideration.

## RATIONALE

Analysis of monitoring data indicates that both wild horses and livestock have contributed to failure to meet allotment objectives. Through analysis of monitoring data the carrying capacity of Jackson Mountain Allotment has been determined to be 7808 AUMs. See Appendix 1 for calculation of carrying capacity. The land use plan established the starting point for monitoring within Jackson Mountain for livestock and wild horses. The available forage (7808 AUMs) was apportioned between livestock and wild horses in proportion to those land use plan numbers. See Appendix 2 for calculations to apportion available vegetation. The apportionment of forage between livestock and wild horses follows:

Cattle	6,403 AUMs
Wild horses	<u>1,405 AUMs</u>
Total	<u>7,808 AUMs</u>

The reduction in use by cattle and wild horses is expected to allow utilization objectives to be met on upland habitat. In addition, the utilization objectives for wetland riparian habitat is expected to be met on a larger area than is occurring under present management. However, even with reduced use objective levels are expected to be exceeded on some wetland riparian areas. To insure improvement and maintenance of those areas in good condition exclosures are to be constructed.

Grazing of the Jackson-Mary Sloan Use Area, which includes upper Trout Creek, is scheduled for 05/25 to 07/15. This period of use is expected to result in improved livestock distribution and therefore reduced use of riparian areas. In addition, reduced livestock numbers and the shorter period of use will reduce the amount of AUMs harvested from this area. Improved livestock distribution and reduced use are expected to allow utilization objectives to be met on riparian areas. In addition, the period of use is expected to reduce any impacts livestock have had on browse species. Elimination of livestock use after 07/15 from the area east of King Lear Peak and west of private land is also expected to allow short term objectives to be met.

Construction of water developments would improve livestock distribution and reduce grazing pressure on both upland and riparian areas.

Short term utilization objectives are designed to ensure progress toward meeting long term objectives. Achievement of the short term objectives will:

Provide adequate stubble height by the beginning of the spring runoff period to disperse flood water, filter sediment, maximize bank water storage and dry season flows, and provide for sage grouse cover and maintenance of plant vigor, and promote successful recruitment of suckers and saplings in the community in streambank riparian habitat.

Ensure adequate stubble height during the grazing season for sage grouse cover, and after the grazing season maximize plant vigor and minimize headcutting and erosion on wetland riparian habitat.

Promote successful reproduction and recruitment, promote plant vigor and provide watershed protection on upland habitat.

#### 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)."

4110.3 "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."

4110.3-3(b) "After consultation, coordination and cooperation, suspensions of preference shall be implemented through a documented agreement or by decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years following that effective date, except as provided in paragraph (a) of this section. If data acceptable to the authorized officer to support an initial reduction are not available, additional data will be collected through monitoring. Adjustments based on the additional data shall be implemented by agreement or decision that will initiate the 5-year implementation period."

4130.6 "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(a) "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 livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 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."

4130.6-3 "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 permit or lease if monitoring data show that present grazing use is not meeting the land use plan or management objectives."

#### APPEAL

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 thirty (30) days from receipt of this notice within which to file such appeal with the Paradise-Denio Resource Area Manager, Bureau of Land Management, Winnemucca District, 705 East 4th Street, Winnemucca NV 89445. An appeal shall state the reasons, clearly and concisely, as to why you think the decision is in error.

## WILD HORSE DECISION

I have reconsidered my proposed decision in light of comments received from you and protests received from other interested parties. Based upon the evaluation of monitoring data for the Jackson Mountain Allotment, consultation with you and other interested parties and recommendations from my staff, my final decision for wild horses follows:

The appropriate management level for wild horses within the Jackson Mountain Allotment portion of the Jackson Mountains Herd Management Area is 117 horses.

If it is determined through analysis of monitoring data prior to Year 3 or Year 5 of the five year phase in period for reductions in active preference that the carrying capacity of Jackson Mountain differs from the carrying capacity identified in this document, the available forage will be apportioned in the same proportions used in this decision (that is, 18% of the available forage to wild horses and 82% of the available forage to livestock).

### RATIONALE

Analysis of monitoring data indicates that both wild horses and livestock have contributed to failure to meet allotment objectives. Through analysis of monitoring data the carrying capacity of Jackson Mountain Allotment has been determined to be 7808 AUMs. See Appendix 1 for calculation of carrying capacity). The land use plan established the starting point for monitoring within Jackson Mountain for livestock and wild horses. The available forage (7808 AUMs) was apportioned between livestock and wild horses in proportion to those land use plan numbers as follows (see Appendix 2 for calculations to apportion available vegetation):

Cattle	6,403 AUMs
Wild horses	<u>1,405 AUMs</u>
Total	7,808 AUMs

1,405 AUMs provides forage for 117 horses yearlong calculated as follow:

$\frac{1,405 \text{ AUMs}}{12 \text{ months}} = 117 \text{ horses}$

The reduction in use by cattle and wild horses is expected to allow utilization objectives to be met on upland habitat. In addition, the utilization objectives for wetland riparian habitat is expected to be met on a larger area than is occurring under present management. However, even with reduced use objective levels are expected to be exceeded on some wetland riparian areas. To insure improvement and maintenance of those areas in good condition, exclosures are to be constructed.



Short term utilization objectives are designed to ensure progress toward meeting long term objectives. Achievement of the short term objectives will:

Provide adequate stubble height by the beginning of the spring runoff period to disperse flood water, filter sediment, maximize bank water storage and dry season flows, and provide for sage grouse cover and maintenance of plant vigor, and promote successful recruitment of suckers and saplings in the community in streambank riparian habitat.

Ensure adequate stubble height during the grazing season for sage grouse cover, and after the grazing season maximize plant vigor and minimize headcutting and erosion on wetland riparian habitat.

Promote successful reproduction and recruitment, promote plant vigor and provide watershed protection on upland habitat.

#### 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 a 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 objective identified in approved land use plans and herd management plans."

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

#### APPEAL

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-Deno Resource Area, at 705 East Fourth Street, Winnemucca, NV 89445. Copies of you 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 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.

## WILDLIFE MANAGEMENT DECISION

I have reconsidered my proposed decision in light of comments received from you and protests received from other interested parties. Based upon the evaluation of monitoring data for the Jackson Mountain Allotment, consultation with you and other interested parties and recommendations from my staff, my final decision for wildlife follows:

1. Continue with the management of wildlife as outlined in the Land Use Plan.
2. Manage those creeks identified in the final U.S. Fish and Wildlife Service Lahontan Cutthroat Trout Recovery Plan for the introduction of Lahontan cutthroat trout.

### RATIONALE

Analysis of monitoring data indicates that mule deer use has contributed to failure to meet short term objectives on portions of the Jackson Mountain Allotment. However, data also shows that a decline deer numbers has been occurring and therefore no artificial reduction in mule deer numbers is recommended at this time. There is no indication that pronghorn antelope or bighorn sheep are contributing to failure to meet allotment objectives. Therefore, a change in the existing wildlife populations or the existing wildlife management of the Jackson Mountains Allotment is not warranted. Reasonable numbers for wildlife will remain as follows:

<u>Mule Deer</u>	<u>Pronghorn Antelope</u>	<u>Bighorn Sheep</u>
378 AUMs	60 AUMs	275 AUMs

Mary Sloan Creek, Jackson Creek and Trout Creek have been identified by the Winnemucca District of the Bureau of Land Management as potential Lahontan cutthroat trout habitat. The draft U.S. Fish and Wildlife Service Lahontan Cutthroat Trout Recovery Plan lists Mary Sloan Creek and Jackson Creek as potential LCT recovery stream.

### AUTHORITY

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

§ 1725.3-3(b) "Management of public lands for fish and wildlife development and utilization involves the protection, regulated use, and development of habitat on public lands and waters to obtain a sustained yield of fish and wildlife and provision and maintenance of public access to fish and wildlife resources."

## APPEAL

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, NV 89445. Copies of you 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 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.

Sincerely yours,

  
Area Manager  
Paradise-Deno Resource Area

Certified copies to:

Natural Resources Defense Council Z773765501  
Sierra Club-Toiyabe Chapter Z773765502  
Mr. Craig C. Downer Z773765503  
The Wilderness Society Z773765504  
Nevada Outdoor Recreation Association Z773765505  
Desert Bighorn Council Z773765506  
NDOW - Fallon Z773765507  
Mr. John Marvel Z773765508  
Nevada Cattlemen's Association Z773765509  
Rutgers Law School Z773765510  
Humboldt Cty Extension Z773765511  
Nevada Farm Bureau Federation Z773765512  
Winnemucca Unit, NCA Z773765513  
USFWS Z773765514  
Wild Horse Organ. Assist. Z773765515  
Sagebrush Chapter, Trout Unlimited Z776765516  
SCS Dist. Conservationist Z773765517  
Ms. Claudia J. Richards Z773765518  
Animal Protection Institute of America Z773765519  
Commission for the Preservation  
of Wild Horses Z773765520  
International Society for the Protection  
of Mustangs and Burros Z773765521  
Humboldt County Commissioners Z773765522  
NDOW - Winnemucca Z773765523  
Intermountain Range Consultants Z773765524  
Mr. Stephen A. Moen Z773765525  
National Wildlife Federation Z773765526  
American Horse Protection Assn. Z773765528  
U.S. Humane Society Z773765529  
Susan Alden Z773765530

## Appendix 1- Calculation of Carrying Capacity

Carrying capacity for wild horses plus cattle on the Jackson Mountain Allotment was calculated based upon actual use data and upon utilization data gathered during use pattern mapping in 1988 and 1992. Limited observations of utilization were made in 1991 which did not include use pattern mapping. Because data was limited in 1991, it was not used to calculate carrying capacity.

1988:

Use pattern mapping in 1988 shows that upland utilization objectives were met at a stocking rate of 8624 AUMs. This stocking rate is the amount of forage consumed (actual use) by cattle and wild horses at the time use pattern mapping was conducted. Provided management is implemented to insure riparian utilization objectives are met, 1988 data indicates short term objectives would be met at a stocking rate of 8624 AUMs. Management actions to insure riparian objectives are met include elimination of grazing from the Jackson-Mary Sloan Use Area after 07/15 and reduce numbers of cattle in this area; elimination of grazing in the upper Big Cedar Creek area after 07/15; and fencing to protect selected riparian areas.

1992:

Actual use by cattle and wild horses at the time use pattern mapping was conducted was 7646 AUMs. Use pattern mapping conducted in 1992 shows areas of heavy use of upland species in the southwest and south-central portion of the allotment. Actual use by cattle and wild horses on that portion of the allotment was 2290 AUMs. Actual use by cattle and horses on the remainder of the allotment was 5356 AUMs. Calculation of the stocking level at which utilization objectives are expected to be met (desired stocking level) on the southwest and south-central portion follows:

$$\frac{\text{Actual Use}}{\text{Actual Utilization}} = \frac{\text{Desired Stocking Level}}{\text{Desired Utilization}}$$

Therefore:

$$\frac{2290 \text{ AUMs}}{70\%} = \frac{\text{Desired Stocking Level}}{50\%}$$

$$\text{Desired Stocking Level} = 1636 \text{ AUMs}$$

Provided management as described above is implemented to insure riparian utilization objectives are met, 1992 data indicates short term objectives would be met at the following stocking rate:

1636 AUMs southwest and south-central portion  
+ 5356 AUMs remainder of allotment  
6992 AUMs total allotment

The carrying capacity of the allotment is calculated as an average of those two years data as follows:

8624 AUMs + 6992 AUMs = 7808 AUMs  
2 years

## Appendix 2- Calculations to Apportion Available Forage

The starting point for monitoring within Jackson Mountain Allotment was established by the land use plan as 8,857 AUMs for livestock and 1,920 AUMs (160 head yearlong) for wild horses. The starting point proportions follow:

$$\text{Livestock-} \quad \frac{8,857 \text{ AUMs}}{8,857 \text{ AUMs} + 1,920 \text{ AUMs}} \times 100 = 82\%$$

$$\text{Wild Horses-} \quad \frac{1,920 \text{ AUMs}}{8,857 \text{ AUMs} + 1,920 \text{ AUMs}} \times 100 = 18\%$$

The carrying capacity for Jackson Mountain Allotment has been determined to be 7808 AUMs (see Appendix 1). Apportionment of the 7808 AUMs forage available to wild horses and livestock based upon the above proportions results in the following:

$$\text{Livestock-} \quad 7808 \text{ AUMs} \times 0.82 = 6403 \text{ AUMs}$$

$$\text{Wild Horses-} \quad 7808 \text{ AUMs} \times 0.18 = 1405 \text{ AUMs}$$



WILDER-DUNN ALLOT.

CEEB CREEK

PAW CREEK ALLOT.

JACKSON MTS ALLOT.

WY CREEK ALLOT.

DESERT VALLEY ALLOT.

JACKSON MTS ALLOT.

JACKSON MTS HMA NV208

