

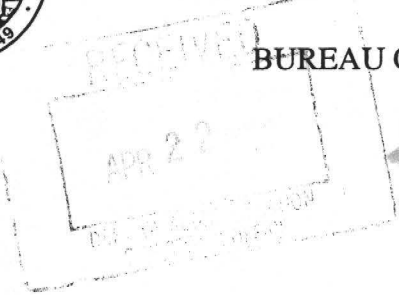
W 4/19/02



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 E. Idaho Street
Elko, Nevada 89801



In Reply Refer To:
4130/4400 (NV-012)

CERTIFIED MAIL: 7000 0520 0020 5846 0193
Return Receipt Requested
Agri Beef Company
c/o Robert Rebholtz
PO Box 6640
Boise, Idaho 83707

APR | 9 2002

FINAL MULTIPLE USE DECISION FOR THE OWYHEE ALLOTMENT

Dear Mr. Rebholtz:

On September 12, 2000, the Owyhee Allotment Evaluation was issued to the public for comment. That evaluation analyzed monitoring information collected between 1977 and 2000 to determine progress in meeting the multiple use objectives for the Owyhee Allotment, and to determine what changes in existing management may be required to meet those objectives.

The following documents established the multiple use objectives which guide management of the public lands within the Owyhee Allotment: the Record of Decision for the Elko Environmental Impact Statement and Resource Management Plan (RMP) issued on September 30, 1986, and the Rangeland Program Summary (RPS) dated July 1987. An Allotment Management Plan (AMP) was developed in 1987 for the allotment. In order to implement the AMP, cross fencing of the allotment was necessary and was completed by 1990. It was during the grazing season in 1990 that the AMP was fully implemented.

In accordance with the grazing regulations, the Secretary of the Interior approved standards and guidelines for rangeland health for the Northeastern Great Basin Area of Nevada on February 12, 1997. These standards and guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry.

Following the 30 day public comment period for the evaluation, the Elko Field Office carefully considered the comments received which prompted changes to the evaluation and proposed management actions. Upon completion of these changes, the management actions to be implemented on the Owyhee Allotment were selected. The actions selected for implementation

were described in the "Owyhee Allotment Management Action Selection Report (MASR)" which were concurrently issued in a Proposed Multiple Use Decision (PMUD). The MASR also provided responses to public comments on the evaluation and describes the changes made to the evaluation and proposed management actions. The MASR and PMUD were sent to the public in September of 2001. The Elko Field Office received two protests to the Owyhee Proposed Multiple Use Decision. Protests were received from Committee for Idaho's High Desert on October 1, 2001, and from Agri Beef Co. on October 5, 2001. The Elko Field Office completed an Environmental Assessment (EA) for the Owyhee FMUD, which is available for review at the Elko Field Office.

Through the consultation, coordination, and cooperation process (CCC), your input, as well as input from the interested public, has been considered in the allotment evaluation process. As a result of the evaluation conclusions and after consideration of input received through the CCC process, it has been determined that: 1) some of the multiple use objectives and Standards for Rangeland Health for the Owyhee Allotment are not being met, 2) changes in current livestock grazing management and wild horse management are required, 3) existing management of wildlife has not contributed to non-attainment of multiple use objectives and standards for rangeland health, and 4) deletions, modifications, and/or requantification of some allotment multiple use objectives are required as follows:

1. **The following RPS/AMP objectives will no longer be evaluated as they have been attained and/or it is unnecessary to continue monitoring achievement of these objectives at this time.**
 - a. In the long-term, provide forage to sustain 37,428 AUMs for livestock grazing.
 - b. Maintain management levels at 58 horses (696 AUMs) within the Owyhee Herd management Area.
 - c. All AMP objectives.

Rationale: Based on monitoring data collected from 1977 to 2000, it has been determined that 37,428 AUMs are not available for livestock grazing. This objective is too limited in scope and does not provide flexibility for environmental fluctuations. It would be more appropriate to continue evaluating the Land Use Plan objective of providing for livestock grazing while maintaining or improving the condition of the public rangelands. This type of objective will provide more flexibility in future numbers of grazing animals.

As stated in the Owyhee Allotment Evaluation, the Interior Board of Land Appeals rendered a decision (88-591, 638, 648, and 679), which clarified that a wild horse herd size is to be established based on the concept of maintaining a thriving ecological balance. This herd size is to be based on monitoring data and not a number set for administrative convenience.

The AMP objectives have been incorporated into this multiple use decision.

- 2. The following objective will be evaluated as crucial mule deer habitat has been identified on the allotment and will be included in the next allotment evaluation.**

Maintain or improve to at least good condition all crucial mule deer habitat.

Rationale: Crucial range is habitat which is present in minimal acreage and is a determining factor for a given big game species population and growth. Crucial mule deer intermediate range and crucial mule deer winter range were not identified in the 1986 Final Elko RMP or 1987 RMP Record of Decision on the Owyhee Allotment. Rather it was considered as yearlong range in both documents with an AUM demand for mule deer numbers on intermediate and winter range.

Mule deer intermediate and winter range areas were identified and delineated on BLM Big Game Seasonal Use Maps in the Fall of 2001. As of the Fall, 2001, through consultation with the Nevada Division of Wildlife, habitat management emphasis is for crucial mule deer intermediate range (10/15 to 12/14 and 3/16 to 5/1) and winter range (12/15 to 3/15) areas as delineated on the BLM Big Game Seasonal Use Maps. Since the Fall of 2001, all winter range areas in the western portion of the BLM Elko Field Office Area are considered "crucial" due, in part, to major negative impacts that have occurred on winter range or because relatively smaller winter range areas exist compared to summer range areas.

Approximately 797,000 acres of BLM-administered public lands have been affected by wildfire on the Elko Field Office area from 1999 to 2001 including several hundred thousand acres of crucial intermediate range and winter range. Although the Owyhee Allotment was not affected during the 1999-2001 period, wildfires have affected crucial winter range on the allotment in the last 20 years.

- 3. Modify and/or requantify the RPS and allotment specific objectives for the Owyhee Allotment. General land use plan objectives and Standards and Guidelines for Rangeland Health for Northeastern Nevada Great Basin Area will remain unchanged. Modification and/or requantification of objectives will allow for consolidation of objectives that are similar. Refer to Appendix 1 of the Owyhee Allotment Evaluation for a complete list of the multiple use objectives to be evaluated at the next scheduled evaluation.**

Rationale: The Owyhee Allotment Evaluation summarized current grazing management, determined whether or not progress was being made toward attainment of the multiple use objectives, and provided recommendations for future management. The allotment specific objectives which were analyzed in the allotment evaluation were formulated based on management issues which existed in 1987 when the RPS was published. Based on monitoring data and conclusions presented in this allotment evaluation, it is necessary to modify and/or requantify the allotment specific objectives to address the following resource issues:

- upland range conditions
- lotic and lentic riparian conditions
- wildlife habitat conditions
- wild horse management

Monitoring studies will continue to be conducted and the effects of grazing will be evaluated periodically to determine if progress is being made in meeting the multiple use objectives and significant progress is being made toward attainment of the standards for rangeland health.

It has been determined that some of the multiple use objectives were not met and that livestock grazing and wild horse use on the public lands are significant factors in failing to achieve the standards and conform with the guidelines as identified in the conclusion section (Section IV) of the Owyhee Allotment Evaluation.

In order to ensure progress towards and achieve the standards for rangeland health and multiple use objectives, changes in current livestock and wild horse use are required. ***Therefore, it is my final decision to implement the management actions identified below for wildlife, livestock, and wild horse management in the Owyhee Allotment.*** These management actions will become effective upon issuance of the Final Multiple Use Decision and subsequent appeal period.

LIVESTOCK GRAZING MANAGEMENT DECISION

1. **Implement all of the following selected management actions for the Owyhee Allotment.**

SELECTED MANAGEMENT ACTIONS FOR THE OWYHEE ALLOTMENT

- a. **Vacate the 1987 Allotment Management Plan (AMP) for the Owyhee Allotment.**

Rationale: Future management of the Owyhee Allotment will be in accordance with the Owyhee Allotment Evaluation and this Final Multiple Use Decision.

- b. **Establish permitted use for livestock within the Owyhee Allotment as follows:**

Allotment	Livestock Number & Kind	Begin Period ¹	End Period ¹	%PL	Type Use	AUMs
Owyhee	3,053 Cattle	2/15	2/28	98	Active	1,377
	3,053 Cattle	3/1	12/15	98	Active	28,526
Total						29,903

¹ Grazing use will be in accordance with the prescribed grazing system which outlines the period of use and AUMs allocated for each pasture.

Rationale: As per analysis of existing data in the Owyhee Allotment Evaluation, the carrying capacity was established by pasture using actual use and key area utilization data. Construction of the proposed projects in conjunction with the season of use outlined for grazing in this section, will ensure progress towards the attainment of objectives.

The average carrying capacities shown in the Owyhee Allotment Evaluation Range Appendices for the Dry Creek, Star Ridge and Chimney Creek Pastures which are within the Owyhee Herd Area were allocated between livestock and wild horses based on their percentage of the total average actual use made for each pasture. The average actual use for both livestock and wild horses was based on actual use submitted by the permittee and from wild horse census data. Due to the fact that the Chimney Creek Pasture was fenced separately from the Dry Creek Pasture in the fall of 1989 the average actual use for livestock and wild horses was for the period between 1990 to the present. The allocation of AUMs between livestock and wild horses is shown in the table below:

Pasture	Average Actual Use ¹		Total Actual Use ²	Percent of Total Actual Use		Carrying Capacity (AUMs)	
	Cattle	Wild Horses		Cattle	Wild Horses	Cattle	Wild Horses
Dry Creek	12,361	1,013	13,374	92%	8%	10,077	876
Chimney Creek	4,933	284	5,217	95%	5%	7,543	397
Star Ridge	8,492	1,072	9,564	89%	11%	12,101	1,496

¹ Average actual use for both livestock and wild horses is from 1990 to present.
² Actual use for livestock and wild horses combined.

This will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, for Rangeland Health to achieve significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- c. **The terms and conditions on the term grazing permit will include the following:**

“Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Owyhee Allotment dated _____.”

“An annual grazing application outlining the annual operation which reflects the terms and conditions in the term grazing permit and multiple use decision must be submitted prior to the start of the grazing season. An actual use report will be submitted as indicated below. A billing notice will be prepared for grazing use within the Owyhee Allotment after the grazing season based on actual grazing use in accordance with 43 CFR 4130.8-1(e).”

“Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular or liquid form. Such supplements will be placed at least ¼ mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands.”

“An actual use report (Form 4130-5) showing use by pasture will be turned in within 15 days after completing annual use.”

“All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing by the Assistant Field Manager for Renewable Resources.”

“Payment of grazing fees is due on or before the due date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified on the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.”

“Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the **immediate** vicinity of the discovery and protect it **from your activities** for 30 days or until notified to proceed by the authorized officer.”

Rationale: An evaluation of current grazing management practices has indicated that some of The Standards for Rangeland Health approved for The Northeastern Great Basin area of Nevada and some of the multiple use objectives have not been achieved and changes are necessary.

The permittee is afforded flexibility in their livestock numbers in order to adjust to range readiness, climatic conditions, and annual fluctuations in their livestock operation.

The collection of actual use data is essential in the monitoring effort.

Supplemental feed and its location is important to proper livestock distribution and range management.

Excluding livestock grazing from riparian areas leads to improved riparian habitat conditions.

These terms and conditions will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, for Rangeland Health to achieve significant progress towards significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- d. **Implement the following rest rotation and deferred grazing system for the Owyhee Allotment outlined in the tables below and with the following special grazing stipulations:**

Year 1

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Owyhee	Star Ridge	2,761 Cattle	2/15	2/28	98	Active	1,245
		2,761 Cattle	3/1	6/30	98	Active	10,856
	Chimney Creek	1,709 Cattle	3/1	5/15	98	Active	4,184
		1,709 Cattle	10/16	12/15	98	Active	3,359
	Lower 4-mile	1,857 Cattle	7/1	10/15	98	Active	6,403
	Upper 4-mile	181 Cattle	7/1	10/15	98	Active	625
48 Horses		3/1	12/15	98	Active	444	
Winters Creek Seeding	518 Cattle	3/1	5/30	98	Active	1,518	
	518 Cattle	10/1	12/15	98	Active	1,269	
Dry Creek						Rest	
Total							29,903

Year 2

Allotment	Pasture	Livestock Number & Kind	Begin Period	End Period	%PL	Type Use	AUMs
Owyhee	Dry Creek	1,872 Cattle	2/15	2/28	98	Active	844
		1,872 Cattle	3/1	7/31	98	Active	9,233
	Chimney Creek	3,838 Cattle	8/1	9/30	98	Active	7,543
	Lower 4-mile	1,307 Cattle	3/1	5/15	98	Active	3,201
		1,307 Cattle	10/1	12/15	98	Active	3,202
	Upper 4-mile	255 Cattle	3/1	5/15	98	Active	625
		48 Horses	3/1	12/15	98	Active	444
Winters Creek Seeding	518 Cattle	3/1	5/30	98	Active	1,518	
	518 Cattle	10/1	12/15	98	Active	1,269	
	Star Ridge					Rest	
Total							27,879

“The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture. Livestock will be moved in accordance with the dates outlined in the grazing system.”

“Pasture moves may be adjusted by 10 days before or after the move dates shown in the tables above based upon the availability of feed and water, with the exception of the Star Ridge Pasture in which grazing use will not extend beyond 6/30.”

“Deviations from the grazing system beyond the flexibility outlined above will be allowed to meet the needs of the resources and the permittee as long as these deviations are consistent with multiple use objectives. Deviations beyond the limits of the flexibility outlined above, including deviations in turnout date, increases in livestock numbers and deviation from the grazing system, will require an application, and written authorization from the Assistant Field manager for Renewable Resources prior to grazing use.”

Rationale: The current existing grazing system which was outlined and implemented through the 1987 AMP will be modified and implemented as outlined above. The overall concept of rest rotation and deferred rotation between specific pastures will remain the same. Seasons of use within specific pastures were slightly altered in order to eliminate hot season grazing use on the South Fork Owyhee River within the Star Ridge Pasture.

The current grazing system has resulted in some improvement in condition of the

uplands. Changes in the period of use for specific pastures is necessary to remove hot season grazing use on the South Fork Owyhee River in order to improve existing riparian habitat conditions. This has already been done voluntarily by the permittee within the Star Ridge Pasture since 1995. Although cattle from the adjoining YP Allotment currently have access to the river, management changes proposed through the YP Multiple Use Decision will eliminate hot season use of the South Fork Owyhee River by YP livestock.

The proposed grazing system will still consist of a two pasture rest-rotation system and a two-pasture deferred rotation system. Under these systems, complete rest from livestock grazing or the deferment of grazing during the critical growth period of key management plant species will allow these species to maintain and/or increase their density, composition, vigor, production, and reproduction. This will result in continued ecological improvement of the allotment. In addition, riparian conditions will improve as a result of removing hot season grazing on the South Fork Owyhee River. Reductions in livestock use of streamside vegetation through fencing (in the Lower Fourmile Pasture) or through a combination of rest and early grazing (in the Star Ridge Pasture) will result in improved ecological condition of the South Fork Owyhee River for the benefit of redband trout and the California floater.

These terms and conditions will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, for Rangeland Health to achieve significant progress towards significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- e. **Construct the following range improvement projects within the Owyhee Allotment as follows:**

Proposed Range Improvements Projects for the Owyhee Allotment			
Proposed Project	Pasture	Legal Description	Units
Star Ridge Well & Pipeline	Star Ridge	T47N R46E Sec. 11 & 12 T47N R47E Sec. 7	1 well 3 miles pipeline
Star Valley Well Pipeline Extension	Star Ridge	T46N R46E Sec. 13 & 14 T46N R47E Sec. 19	3 miles of pipeline from exiting well.
Pipeline Extension	Dry Creek	T43N R47E Sec. 14 & 15	2 miles of pipeline from proposed well located on private land.
Winters Creek Seeding Well Pipeline Extension	Dry Creek	T42N R48E Sec. 4 & 5	2 miles of pipeline from existing well in Winters Creek Seeding.
Pipeline Extension	Dry Creek	T42N R48E Sec. 28, 29, 33, 34 & 35	4 miles of pipeline from existing well on private land.
Exxon Storage Tank Pipeline Extension	Chimney Creek Winters Creek Sdg.	T43N R49E Sec. 30 T43N R48E Sec. 25 & 36	2 miles of pipeline extension from Exxon Storage Tank.
Exxon Well Pipeline Extension	Chimney Creek Lower Fourmile	T43N R49E Sec. 9, 16 & 17	1 mile of pipeline extension from Exxon Well.
South Fork Owyhee River Gap Fence	Lower Fourmile	T44N R50E Sec. 30, 31 & 32 T43N R50E Sec. 5, 6 & 7	2 miles of gap fence.
Fourmile Creek Limited Gap Fencing	Lower Fourmile Chimney Creek	T44N R49E Sec. 29 & 32 T43N R49E Sec. 5, 8, 9 & 16	To be determined.
Bookkeeper Spring Development & Enclosure	Dry Creek	T41N R47E Sec. 5	Located at Bookkeeper Spring.

Rationale: Completion of the proposed water development projects will create additional permanent water sources for both livestock and wild horses within the allotment resulting in improved livestock distribution and a more uniform use pattern within the Star Ridge, Dry Creek, Chimney Creek, Lower Fourmile and Winters Creek Seeding Pastures.

Construction of these range improvement projects is essential in improving livestock distribution and control. **Site specific environmental assessments will be completed prior to construction of each proposed project.** Reductions in livestock use of streamside vegetation through fencing or through a combination of rest and early grazing will result in improved ecological condition of the South Fork Owyhee River for the benefit of

redband trout and the California floater. In addition, this management action will assist in the increase in growth and establishment of riparian vegetation and will allow for the attainment of objectives including the development of stable, well vegetated streambanks and for improved hydrologic function of aquatic systems.

Range improvements costs were not identified as these will fluctuate from the date of the Final Decision when issued.

Required National Environmental Policy Act (NEPA) documentation will be completed prior to construction of the proposed projects.

Priority for construction of range improvements will be completed in close consultation, coordination, and cooperation with the livestock permittee and other interested publics.

These management actions will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, for Rangeland Health to achieve significant progress towards significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- f. The permittee(s) will be assigned maintenance of existing range improvement projects. Maintenance responsibility for other future range improvement projects will be assigned to the party(s) deriving the primary benefit(s).**

Rationale: It is the policy of the BLM to assign maintenance responsibility, to the extent possible, to the primary beneficiaries of improvement projects. The livestock permittees are considered the primary benefitting parties in relation to the existing range improvement projects since alternatives other than fencing would be adverse to the permittee; therefore, the permittees will be assigned maintenance responsibility.

Maintenance responsibility for other new spring developments and enclosures will be assigned to the party(s) deriving the primary benefit(s) in accordance with BLM policy.

Authority for the actions contained in this decision is found in 43 CFR 4100.0-8, 4110.2-2, 4110.3, 4110.3-2, 4110.3-3, 4120.2, 4120.3-1, 4130.2, 4130.3, 4160.3, 4160.4, 4180.1, and 4180.2.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final livestock grazing portion of this decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as noted above, within 30 days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

OTHER MANAGEMENT ACTIONS

- a. **Administer all grazing and any developments or projects within the South Fork Owyhee River and Owyhee Canyon Wilderness Study Areas in full compliance with the Interim Management Policy for Lands Under Wilderness Review.**

Rationale: The BLM is mandated by the Federal Land Policy and Management Act (FLPMA) to manage Wilderness Study Areas until Congressional decisions are made so as not to impair the suitability of each area for preservation as wilderness. This is generally referred to as the "non-impairment criteria." General policies and specific guidance, which need to be followed are detailed in the Interim Management Policy for Lands Under Wilderness Review (IMP), BLM Manual Handbook H-8550-1. As part of the NEPA review process for any new range development project or wildlife water catchment, all groups on the wilderness CCC list will be consulted.

- b. **Continue to conduct necessary monitoring studies and periodically evaluate the effects of grazing to determine if progress is being made in meeting the multiple use objectives. The Owyhee Allotment will be re-evaluated in accordance with priorities established in the Elko Field Office Monitoring and Evaluation schedule. If monitoring studies indicate a need to bring grazing use in line with capacity, necessary adjustments will be made. Studies will be conducted in accordance with BLM policy manual guidance as outlined in the Nevada Rangeland Monitoring Handbook and will include, but are not limited, to the following:**

Uplands:

forage production
ecological condition
trend frequency
utilization
actual use
Upland Proper Functioning Condition Assessment
Ecological Site Inventory

Cover

Riparian:

Proper Function Condition Assessments (BLM TR 1737-16, BLM TR 1737-15)
Stream Surveys (BLM TR 6670 and 6720-1)

Water:

water temperature
water quality samples
air temperature

Wildlife Habitat:

habitat condition studies, Cole browse, utilization, condition studies, (BLM Manual 6630)
wildlife population census/updated maps (NDOW)

Wild Horses:

wild horse population data (census)
wild horse distribution data
wild horse utilization data

Rationale: Additional monitoring and analysis will be required to determine whether progress is being made towards meeting objectives met and to determine any necessary changes in grazing management.

- c. **Within the Owyhee Allotment, treat invasive and noxious weeds in a manner that is most appropriate to the weed species and degree of infestation. Treatment will be in accordance with the Final Environmental Impact Statement for Vegetation Treatment on BLM Lands in Thirteen Western States, the Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands, and Elko Field Office site-specific Invasive-nonnative vegetation treatment environmental assessment. See Appendix 7 of the allotment evaluation for a list of weed species, their potential habitat and proposed treatment.**

Rationale: The BLM is mandated to manage vegetation on public lands. The BLM must control noxious weeds and undesirable plants to maintain or improve the quality of forests and rangeland for all multiple resources. Controlling noxious weeds within the Owyhee Allotment will result in a more diverse plant community and therefore will improve wildlife habitat, soil stability and forage plant diversity.

These management actions will implement Guidelines 1.1, 1.2, 2.1, 2.2, and 3.4 for Rangeland Health to achieve significant progress towards conformance with the Standards for Rangeland

Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

WILD HORSE AND BURRO MANAGEMENT DECISION

1. **Implement all of the following selected management actions needed for the improvement of the Owyhee Allotment and the Owyhee Herd Area.**

SELECTED MANAGEMENT ACTIONS FOR THE OWYHEE ALLOTMENT AND HERD AREA:

- a. **Establish two additional upland monitoring sites within the Star Ridge Pasture, one additional monitoring site within the Chimney Creek Pasture and one additional monitoring site (AY-1-02) on Silver Lake within the Dry Creek Pasture.**

Rationale: There are no upland monitoring sites to measure impacts of wild horses and livestock within the northern portion of the Star Ridge pasture in the vicinity of Star Valley Ridge and Rubber Hill and the northern portion of the Chimney Creek Pasture. In addition, there are currently no monitoring sites to monitor wild horse and livestock use within the Wet Clay Basin Range Sites which is representative of Silver Lake.

Allowable percentages of perennial grasses and perennial forbs will be determined after baseline data are collected for those monitoring sites established in the Star Ridge and Chimney Creek Pastures. Monitoring objectives for proposed key area (AY-1-02) have been proposed and are located in the Owyhee Allotment Evaluation Objectives Appendices.

- b. **Establish appropriate management level for wild horses for the Owyhee Allotment and Owyhee Herd Area as follows:**

Pasture	Season of Use	Wild Horse Numbers	Wild Horse AUMs
Star Ridge	3/1-2/28	75-125	900-1496
Dry Creek	3/1-2/28	44-73	528-876
Chimney Creek	3/1-2/28	20-33	240-397
Total		139-231	1668-2769

Rationale: In accordance with 43 CFR Subpart 4700, it has been determined through the evaluation of monitoring data that a thriving natural ecological balance will be obtained by providing wild horses 2,769 AUM's annually from the Owyhee Allotment. This decision will result in maintaining the population so as not to exceed 231 wild horses. They will be managed within a range of 139-231 wild horses (1,668-2,769 AUM's).

Maintaining wild horses within the appropriate management level (AML) will result in a thriving, natural, and ecological balance between wild horses and other resource values. Continued monitoring within the allotment will show if any adjustment to AML is needed. The establishment of AML as a range is in conformance with BLM's 2001 Wild Horse Strategy where all HMA's will be gathered over a four (4) year cycle plan to manage horses Bureau wide.

- c. **Prepare a population management plan to guide the management of wild horses within the Owyhee Herd Area.**

Rationale: Population management strategies are necessary to ensure that WH&B populations maintain their free-roaming, self-sustaining, genetically viable status. All Population Management Plans will be prepared in accordance with Bureau regulations, policies, and National Program Office Guidance.

Authority for the actions described in this final decision regarding wild horses is found in Section 3(a) and (b) of the Wild Free-Roaming Horse and Burro Act, as amended, and 43 CFR Parts 4700.0-6, 4710.1, 4710.3.1, 4710.4, 4720.1, and 4770.3.

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form NV 1840-2, "Information on Taking Appeals to the Board of Land Appeals". Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a 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 identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellant has the burden of proof to demonstrate that a stay should be granted.

WILDLIFE MANAGEMENT DECISION

1. **Implement all of the following selected management actions needed for the improvement of the wildlife habitat within the Owyhee Allotment.**

SELECTED MANAGEMENT ACTIONS FOR THE WILDLIFE HABITAT WITHIN THE OWYHEE ALLOTMENT

- a. **Develop additional water developments (guzzlers) for use by wildlife. Consider four sites on Star Ridge Pasture and three sites in the southern portion of the Chimney Creek pasture.**

Rationale: Water developments will provide reliable sources of water in suitable habitat with emphasis for pronghorn where present sources are over three to four miles apart. Sage grouse, a BLM Sensitive Species, will likely benefit from the water developments.

- b. Increase forage diversity and herbaceous cover for wildlife and herbaceous forage for livestock by creating a mosaic pattern of vegetational succession stages through vegetative manipulation practices.**

Rationale: Nongame, big game and sage grouse habitat will be enhanced through increased forage diversity and herbaceous cover. Shrub manipulation will release moisture and stimulate herbaceous plant and younger age class shrub growth which will improve sage grouse nesting and summer use habitat, and potentially allow for the creation of lek areas. A sage grouse lek was documented on April 4, 2002 on the west strip of a previous wildfire ("Y-Burn") that burned approximately 350 acres prior to 1991. This burn occurred within a large block of the Wyoming big sagebrush vegetation type that encompasses a large percentage of the 200,000+ acre Dry Creek Pasture. Without the burn, it is highly unlikely that lek activities would have occurred on the area as indicated by adjoining cover and tall stature of unburned sagebrush. Thinning dense stands of sagebrush could also increase the palatability and leader growth of sagebrush for mule deer, pronghorn and sage grouse by inducing plant physiological changes related to competition for moisture, nutrients and lower monoterpene levels. Vegetative manipulation would also help to provide fuelbreaks that will help to reduce or slow down wildfires and prevent large scale block burns that could remove all shrub cover on thousands of acres.

Techniques to be considered would be evaluated in a site specific NEPA document prior to the implementation of the treatment project.

- c. Identify and prioritize any needed fence project modifications that do not meet BLM specifications starting with the pasture division fence between Upper and Lower Fourmile Pastures.**

Rationale: Fence modifications to BLM specifications will help facilitate big game movements and allow for more efficient use of available habitat while retaining the primary goal of restricting livestock movements.

- d. Complete actions to mitigate the effects on wildlife resources due to man-made structures within the allotment. Identify existing BLM range improvements near documented key sage grouse habitat areas and prioritize them for predatory bird-proofing. These actions will include completion of measures on allotment and pasture fence braces and horizontal /vertical corral/guzzler posts, leveling pit reservoir berms (without compromising**

water holding/catching ability), or relocating corrals through consultation with the permittee. Actions to visually outline projects to minimize collisions where needed, will include painting t-post fence tops white or addition of fence stays to make the fence more visible to sage grouse or other wildlife that travel/fly during periods of low or no light. Complete these actions starting with fence projects and structures near Twelvemile Flat, Silver Lake and Corral Lake leks.

Rationale: BLM projects might allow artificial perch or nesting sites for predatory birds such as ravens or raptor species that prey on sage grouse where these structures were previously unavailable or limited. Collisions with fence structures during flight are documented mortality factors for sage grouse, particularly, during periods of low light or no light. These factors are associated with the grazing allotment and could negatively affect sage grouse populations. They could be minimized by completion of measures to mitigate the effects of man-made structures on sage grouse in the vicinity of leks and other key habitat areas as needed.

- e. **Consider relocation of water sources away from Wet Clay Basin 8-10''p.z. Ecological Sites on vegetated playas. Existing pit reservoirs on vegetated playas shall be allowed to naturally fill in, with no further mechanical improvements to be authorized.**

Rationale: This management action will help reduce livestock and wild horse concentrations and overutilization of vegetative resources on playa areas. It will help to improve the ecological condition of vegetated playas and overall habitat conditions for wildlife, including sage grouse, a BLM Sensitive Species. The action will also help towards the attainment of Desired Plant Community objectives. The attainment of these objectives will result in improvement in forage diversity for wildlife including sage grouse and pronghorn antelope. The recommendations to construct water catchments and pipelines (see Livestock Grazing Recommendation 5 in the Owyhee Allotment Evaluation) within two to three miles from man-made playa reservoirs will help to mitigate the loss of these artificial water resources to cattle, wild horses and wildlife. The existence of seven artificial watering devices (guzzlers) in the vicinity of the vegetated playas is currently effective in providing reliable water for wildlife during critical summer periods.

- f. **Manage sage grouse habitat (i.e. leks, nesting, brooding, and summer and winter habitats) consistent with the Western States Sage Grouse Guidelines, as adapted for use in Nevada.**

Rationale: Sage grouse is a BLM sensitive species with a high probability of becoming a nationally threatened or endangered species. Maintaining and improving sage grouse

habitat will assist in maintaining or increasing populations within the Owyhee Allotment and may form a basis for future habitat conservation plans.

These management actions will implement Guidelines 1.1 and 3.4 for Rangeland Health to achieve significant progress towards conformance with the Standard for Rangeland Health for Upland Sites and Habitat.

Authority for the actions described in this final decision is found in 43 CFR Part 24.4 (c) and (d).

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form NV 1840-2, "Information on Taking Appeals to the Board of Land Appeals". Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a 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 identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellants have the burden of proof to demonstrate that a stay should be granted.

Sincerely,



CLINTON R. OKE
Assistant Field Manager
Renewable Resources

enclosure: Form 1840-2 Information on Taking Appeals to the Interior Board of Land Appeals

cc:

Fund for Animals
Holland & Hart, LLP
M. Jeanne Hermann
U.S. Fish & Wildlife Service
Ellison Ranching Company
Varlin Higbee
Commission for the Preservation of Wild Horses
Committee for Idaho's High Desert
Nevada Cattlemen's Assn. & Nevada Land Action Assn.
Nevada Division of Wildlife
Resource Concepts, Inc.
Idaho Watersheds Project
HTT Resource Advisors
Nevada State Division of Agriculture
Nevada State Clearinghouse Department of Admin.
Elko Board of County Commissioners
Toiyabe Chapter of the Sierra Club
Wild Horse Organized Assistance
Agri Beef Company, c/o Jim Andrae, IL Ranch
Colorado Wild Horse & Burro Coalition
Friends of Nevada Wilderness