



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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FINAL MULTIPLE USE DECISION FOR THE SPRUCE ALLOTMENT

The Record of Decision for the Wells Environmental Impact Statement and the Resource Management Plan (RMP) was issued on July 16, 1985. These documents established the multiple use goals and objectives which guide management of 797,142 acres of public lands on the Spruce Allotment. The Rangeland Program Summary (RPS) was issued on September 15, 1986, which further identified the allotment specific objectives for the Spruce Allotment.

As identified in the Wells RMP and the RPS, monitoring was established on the Spruce Allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established by the RMP. Since 1973, monitoring data has been collected and during the years 1993-97 this data was analyzed through the allotment evaluation process to determine progress in meeting multiple use objectives for the Spruce Allotment and to determine what changes in existing management may be required in order to meet management objectives.

The Spruce Allotment Evaluation was issued to the public for a 30-day comment period on May 2, 1995. Following careful consideration of the comments received, a Management Action Selection Report (MASR) was issued on October 16, 1997. The MASR provides feedback to the public on how their comments to the allotment evaluation were addressed and why changes will or will not be made as a result of their comments. The MASR is not intended to be a decision document or solicit comments, but rather, it is a clear declaration of what the decision is going to be, that is, identifies the selected management actions to be included in the proposed multiple use decision, which is the next phase of the allotment evaluation process. At the request of Von Sorensen, a meeting was held to discuss the MASR prior to issuance of the proposed multiple use decision, therefore, all interested parties were invited to a meeting held on October 30, 1997, at the Elko Field Office. Kenneth Jones, Resource Concepts, Inc. on behalf of Von L. and Marian Sorensen, and Nevada Division of Wildlife (NDOW) were the only attendants to the meeting. Additionally, written comments were received from Sierra Club (dated November 19, 1997), the Commission for the Preservation of Wild Horses (dated November 18, 1997), and Wild Horse Organized Assistance (dated November 19, 1997). At their

request, individual meetings were also held with Von Sorensen and Kenneth Jones on November 19, 1997 and November 21, 1997, respectively, to further discuss proposed management changes.

Subsequent to issuance of the MASR on October 16, 1997, work had begun on the Sorensen-Lear Fence modification. Approximately one mile of fence was going to be modified to a let-down fence. Work on this fence has been completed and this management action has been removed from further consideration.

On November 21, 1997, the proposed multiple use decision (PMUD) for the Spruce Allotment was issued. On December 9, 1997, timely protests were received from Von L. and Marian Sorensen and Kenneth Jones. The protest letters from Von Sorensen and Kenneth Jones requested that a meeting be held to discuss the protest points, "as well as other points that may be revealed upon further analysis of the PMUD, prior to the issuance of the final decision." In response to the permittees request, a meeting was proposed by BLM for January 28, 1998. However, the permittees were unable to meet until early March. A letter (dated December 17, 1997) was received from the Commission for the Preservation of Wild Horses after the protest period ended. I feel that ample opportunity has been provided for consultation, cooperation, and coordination with the affected permittees, the State having lands or managing resources within the area, and the interested public and find it unnecessary to delay issuance of the final multiple use decision so that changes can be made on the ground and progress can be made toward attainment of multiple use objectives. Therefore, after careful consideration of the protests received to the PMUD and in light of other information received, I have modified the final multiple use decision to include changes in wording to the utilization objectives on the winter and summer range.

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 for the Spruce 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 4) deletions, modifications, and/or requantification of some of allotment multiple use objectives are required as follows:

1. The following RPS 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. Maintain summer use areas on the upper elevations of Spruce Mountain (north and west sides), Medicine Range, and the Pequop Mountains (between Nine-mile Canyon and Brush Creek).
 - b. Consider formal conversions from sheep to cattle on portions of the allotment.
 - c. Periodically evaluate the monitoring data for the allotment to reinstate suspended non-use when they become permanently available.
 - d. Develop an allotment management plan to be signed in fiscal year 1987.
 - e. Reintroduce bighorn sheep in the Goshute Mountains.

Rationale: Tracking of objectives that have been attained is not necessary. The objective to maintain the summer use areas is vague in that it does not clarify whether it is to maintain the condition or continue to allow use of the summer use areas. In either case, monitoring condition of the summer use areas is addressed in the allotment specific objectives. Further, the grazing system for the Von L. and Marian Sorensen yearlong cattle operation, as proposed in this decision, allows for continued use of the summer use areas.

This final decision outlines the formal conversion from sheep to cattle for the Von L. and Marian Sorensen and Kenneth Jones cattle operations. Suspended AUMs (395 AUMs for Von L. and Marian Sorensen and 125 AUMs for Kenneth Jones) were associated with sheep trailing between Elko and White Pine Counties and will no longer be an issue since the allotment was converted to cattle use.

An AMP is no longer required to be completed since the new grazing regulations implemented on August 1995 consider additional flexibility and after-the-fact billing in activity plans that are intended to be functional equivalents of an AMP. Nevada BLM considers multiple use decisions functional equivalents to an AMP.

Because of existing conflicts with wild horses, cattle, and especially domestic sheep on the east side of the Goshute Mountains, a successful reintroduction of bighorn sheep cannot be successful until these conflicts are resolved, therefore, it is unnecessary to continue monitoring achievement of this objective at this time.

2. Modify and/or requantify the RPS, HMAP, and allotment specific objectives for the Spruce and Valley Mountain Allotments. 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 for a complete list of the multiple use objectives to be evaluated at the next allotment evaluation.

Rationale: 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. The Spruce and Valley Mountain Allotments will be re-evaluated four years following full implementation of the final grazing system to determine progress toward attainment of objectives and to make any necessary adjustments in grazing use, including, but not limited to, specified levels of livestock grazing use.

In addition to the above described changes to management objectives, ***it is my final decision to implement the management actions identified below for livestock and wild horse management in the Spruce Allotment.*** These management actions will be effective upon issuance of the Final Multiple Use Decision and subsequent appeal period.

LIVESTOCK GRAZING MANAGEMENT DECISION

1. **Divide the Spruce Allotment into 2 allotments. Von L. and Marian Sorensen will be authorized grazing use within the east unit or Spruce Allotment. Kenneth Jones will be authorized use within the west unit or Valley Mountain Allotment. Refer to Map 1 for location of proposed allotment division.**

Rationale. There are currently two main livestock operations in the Spruce Allotment. The permittees have attempted to rotate use in Steptoe Valley to prevent mixing of cattle. However, drift in this area has allowed for inaccuracies in actual use reports. Division of the allotment would help achieve the multiple use objectives by improving livestock control and management.

2. **Implement all of the following selected management actions needed for the improvement of the Spruce and Valley Mountain Allotments.**

SELECTED MANAGEMENT ACTIONS FOR THE SPRUCE ALLOTMENT:

- a. **Authorize a change-in-kind of livestock for the Spruce Allotment from sheep to cattle use and establish the total number of animal unit months of specified livestock grazing use for the Spruce Allotment as follows:**

Allotment	Permittee	Kind Of Livestock	Total # of AUMs of Specified Lvsk. Grazing Use
Spruce	Von L. and Marian Sorensen	Cattle	10,965

Rationale. The total number of AUMs of specified livestock grazing use on the Spruce Allotment is the result of conversions from sheep to cattle for Von L. and Marian Sorensen as determined by the most current monitoring data. The total active use was converted from sheep to cattle.

On December 15, 1993, an environmental assessment (EA) for a change-in-kind of livestock on the Spruce Allotment was completed. This EA identified both potentially positive and negative impacts as a result of converting or not converting from sheep to cattle. In summary, the EA concluded that the conversion would be more beneficial overall to not only wild horses but also wildlife, primarily due to the construction of new waters.

If, in the future, a request is made to convert back to sheep AUMs, then the baseline for the conversion would be the existing 22,128 sheep AUMs within the Spruce Allotment or sheep AUMs within that portion or subunit for which a conversion is requested. A summary of the sheep AUMs by subunit can be found in Appendix 12 of the MASR dated October 16, 1997.

b. Implement the following grazing system on the Spruce Allotment:

Use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range. Completion of approximately 3,200 acres of seeding with associated fencing and water developments to improve livestock management.

Use on the spring/summer/fall range from 4/1-10/31 annually. Completion of approximately 400 acres of seeding within Subunit D-1,2,3.

Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives. Priority for development of additional seeding acreage will be given where there is cooperative funding available.

The grazing system showing the subunits, stockwater facilities to be used, and rotation schedules by livestock herd are outlined in Appendix 2. This appendix also outlines an interim schedule to allow for spring use by cattle on the salt-desert shrub communities during that period in which the seedings are being developed.

Rationale. The allotment evaluation for the Spruce Allotment was completed in 1995. In order to address the impacts of spring use by livestock on the salt-desert shrub communities, the following three grazing system options were presented as technical recommendations:

1. A grazing system with no proposed seedings, use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with maximum livestock numbers and maximum use on the winter range, and proposed fencing and water projects to improve livestock management.
2. A grazing system with proposed seedings to provide spring forage (after 4/1), use on the salt-desert shrub communities from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range, and proposed fencing and water projects to improve livestock management.
3. A grazing system with proposed seedings to provide spring forage (after 4/1), use on the salt-desert shrub communities from 11/1-3/31 with maximum livestock numbers and maximum use on the winter range, and proposed fencing and water projects to improve livestock management.

Without the development of seedings in Option 1, livestock would be removed from the allotment 3/31 annually as there would be no seedings to provide spring forage. Winter grazing for the Secret Pass and Spruce Mountain Herds would be from 11/1-3/31 annually. While there is spring, summer, and fall range available for the Spruce Mountain Herd, there is none for the Secret Pass Herd and thus the livestock would need to be removed from the allotment.

The development of the seedings proposed in Option 2 would not only provide spring forage for livestock, but also reduce use on the native winter range (salt-desert shrub communities). In other words, the newly developed seedings would be utilized as a management tool to eliminate livestock grazing during the critical growth period for salt-desert shrub communities and reduce stocking levels on these plant communities. The recommended carrying capacity for the allotment would not be increased as a result of these newly developed seedings until a future evaluation determines that multiple use objectives are achieved.

The development of the seedings proposed in Option 3 would also provide spring forage for livestock. However, under this option maximum use on the native range would be allowed. In other words, use on the seedings would be in addition to the recommended carrying capacity level calculated for the winter range.

All three grazing system options would allow for improved ecological status and trend on winter and summer ranges, improved crucial deer winter range and seasonal antelope habitats, and improved livestock distribution. However, under Option 2, the reduced use on the native range would allow for multiple use objectives to be attained sooner and allow for improved plant vigor. The drought that has affected this area since about 1987 has contributed to poor plant vigor and reduced species diversity (professional judgement).

This final decision identifies that Option 2 will be implemented with some modifications. The evaluation and conclusions of the monitoring data indicates that the range conditions on the winter range is in mid to late seral with trend being static to downward. Only Subunit C-3 indicates that trend is static to upward. With this option, the Bureau expects range conditions on the winter range to improve sooner because winter use would be reduced and livestock would be removed before the active physiological growth allowing for improved plant vigor. A re-evaluation of the livestock carrying capacity four years following full implementation of the final grazing system will determine if increasing the allowable livestock grazing use of the salt-desert shrub communities to "maximum levels" is consistent with attainment of other multiple use objectives.

An interim grazing system is outlined for the Spruce Allotment (Secret Pass Herd) winter grazing operation. This interim grazing system outlines winter grazing use on the allotment while the seedings are being developed and is very similar to how the allotment has been grazed for the past 10 years. It is anticipated that the development of range improvement projects needed to implement the final grazing system and remove spring use from the salt-desert shrub communities (i.e. seedings and associated waters and fencing) could begin in the next 3 to 5 years. The time period for completion of the proposed range improvements will be dependent upon the time necessary to complete normal project planning processes, available funding, any potential litigation subsequent to the issuance of this decision, and any forthcoming administrative decisions.

The acres of seeding proposed in the allotment evaluation and MASR were based on an expected production level of 3 acres/AUM. After considering comments received at

the October 30, 1997 meeting following issuance of the MASR, this management action was modified to recalculate acres of seeding to be completed by the Bureau based on 4 acres/AUM. The additional acres of seeding, i.e. the difference between 3 and 4 acres/AUM, would allow for 1) addressing the uncertainty of range readiness and forage availability for turnout in April resulting from annual use of the same pasture and 2) the potential for increased competing use of these proposed seedings with big game.

It is currently estimated that approximately 3,200 acres of new seeding will be sufficient to provide spring forage for the Secret Pass Herd to eliminate grazing use of the winter range after 4/1 annually. However, if it is determined through pre-development site specific analysis and/or evaluation following development that the initial 3,200 acres are not allowing for making progress toward attainment of multiple use objectives, flexibility is provided to develop additional acres to ensure progress toward meeting objectives. Seeking cooperative funding for additional seeding acreage will allow for various agencies and/or interest groups to participate in seeding development on the Spruce Allotment to meet management objectives and to address current and future multiple use conflicts or issues.

The development of approximately 400 acres of seeding in Subunit D-1,2,3 is to rehabilitate a wildfire which occurred in 1985. The burned area did not respond and is currently comprised of halogeton and cheatgrass.

c. The grazing permit for the Spruce Allotment will read as follows:

Herd	No. - Lvsk.	Kind	Pd. of Use	% PL	Active Use	Voluntary Non-Use	Total # of AUMs of Specified Lvsk Grazing Use
Secret Pass Herd	401	Cattle	11/1 - 2/28	100	1,582	804	3,600
	401	Cattle	3/1 - 5/31	100	1,214		
Spruce Mountain Herd	672	Cattle	5/1-10/31	100	4,064	0	8,169
	827	Cattle	11/1-2/28	100	3,263		
	827	Cattle	3/1-3/31	100	842		
TOTAL					10,965	804	11,769

Rationale. As per analysis of existing data in this allotment evaluation, the carrying capacity was established by subunit. The proposed grazing system is designed to allow for use of the native winter range and summer use areas in such a manner and at such a level that will ensure attainment of the multiple use objectives.

The maximum use on the Secret Pass Herd winter range has been calculated to be 2,796 AUMs (i.e. from 11/1 to 3/31). Because the selected management action provides for reduced use on the winter range, the maximum AUMs of specified livestock grazing use that will be allowed is 2,796 AUMs from 11/1 to 5/31. The additional AUMs that would result due to the development of proposed seedings will be placed into voluntary non-use until monitoring determines that multiple use

objectives on the native winter range have been attained and will be maintained through activation of any additional use. As previously indicated, a re-evaluation of the livestock carrying capacity four years following full implementation of the final grazing system will determine if increasing the allowable livestock grazing use of the salt-desert shrub communities to "maximum levels" is consistent with attainment of other multiple use objectives.

The Spruce Mountain Herd is scheduled to graze on private lands from 4/1 to 4/30 annually.

d. 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 Spruce Allotment dated _____."

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

"All available waters within the scheduled use subunit will be used to ensure proper livestock distribution."

"Ensure that all stockwater troughs at water facilities utilized during the second half of the winter grazing season are left full of water when cattle are removed (after 3/31)."

"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 after the grazing season based on actual grazing use in accordance with 43 CFR 4130.8-1(e)

"An actual use report showing use by subunit and waters sources used within the subunit must be submitted by
-6/15 for both the Spruce Mountain Herd and Secret Pass Herd."

"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 subunit and the grazing treatments. Moving dates between subunits can vary 5 days before and after the scheduled move dates."

"Deviations from the grazing system 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, including turnout date, livestock numbers, and grazing system, will require an application and written

authorization from the Renewable Resources Manager prior to grazing use."

"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."

"All riparian enclosures, including spring development enclosures, are closed to livestock use unless specifically authorized in writing by the Renewable Resources Manager."

"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."

Rationale: An evaluation of current grazing management practices has indicated multiple use objectives have not been achieved and changes are necessary. These changes in livestock management have been determined necessary to ensure significant progress toward attainment of the Standards for Rangeland Health approved for the Northeastern Great Basin Resource Advisory Council Area of Nevada, as per 43 CFR 4180.1.

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

Using all available waters within a pasture will ensure proper livestock distribution. Leaving stockwater troughs full after livestock are removed will provide water for wildlife and wild horses when livestock leave the area to facilitate the transition to other available waters.

Actual use is essential in the monitoring effort.

The permittees are afforded flexibility in their operations in order to adjust to range readiness, climatic conditions, and annual fluctuations in their livestock operation.

- e. **Complete the Basco, Spruce, and Latham Spring Pipelines located in the summer range on the Spruce Allotment as proposed in the environmental assessment completed in 1982.**

Rationale. Completion of these projects is essential in improving livestock distribution in the summer range and providing water for wildlife and wild horses.

- f. **The permittee will evaluate and equip Goshute Valley Well (Project #4970), if feasible.**

Rationale. This well will help improve livestock distribution in Subunit C-3 (East Goshute Valley).

- g. **Improve, enhance, or develop at least 3 springs in the Spruce Allotment from the list below. The following list was compiled from the 1980-81 wildlife habitat and water inventory. Additional springs will be developed as needs are determined and funding becomes available.**

As springs are inventoried to establish priorities for development, an inventory of existing wire hazards will also be conducted. Springs that contain old wire will be cleaned up and wire disposed of, especially where it creates a significant hazard to wild horses.

Location	Site No. from Inventory	Remarks
T. 28 N, R. 66 E., Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$	D044	
T. 28 N., R. 66 E., Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$		Austin Spring, Developed
T. 28 N., R. 66 E., Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$		
T. 28 N., R. 66 E., Sec. 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$		
T. 30 N., R. 63 E., Sec. 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$	D361	Basco Spring, Developed
T. 30 N., R. 65 E., Sec. 6		
T. 31 N., R. 63 E., Sec. 4	C309	
T. 31 N., R. 63 E., Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$		Upper Latham Spring, Developed
T. 31 N., R. 64 E., Sec. 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$		Sidehill Spring, Developed
T. 31 N., R. 63 E., Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$		Developed
T. 31 N., R. 63 E., Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$		Developed
T. 31 N., R. 63 E., Sec. 36, NE $\frac{1}{4}$ NW $\frac{1}{4}$	C329	Lower Spruce Spring, Developed
T. 31 N., R. 64 E., Sec. 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$	B247	Developed
T. 31 N., R. 65 E., Sec. 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$	C367	Lower Boone Spring, Developed
T. 31 N., R. 65 E., Sec. 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$		
T. 31 N., R. 65 E., Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$		
T. 33 N., R. 61 E., Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$	C134	Government Spring, Developed
T. 33 N., R. 64 E., Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$	D438	Dug-out Pond
T. 33 N., R. 64 E., Sec. 29, NW $\frac{1}{4}$ SE $\frac{1}{4}$	D440	Dug-out Pond
T. 33 N., R. 64 E., Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$	D441	Dug-out Pond

Rationale: One of the RPS objectives for the Spruce Allotment was to improve and/or enhance 3 springs. Development of springs on the Spruce Allotment is necessary to meet this multiple use objective. Because this decision is dividing the allotment, the action will remain to develop at least 3 springs and complete additional spring developments as needs are determined and funding is available.

Wild horses have become tangled in old barbed wire especially in old wild horse traps constructed around springs during the early claiming period. Entanglement in barbed wire causes extensive injuries and in some cases the need for the animal to be destroyed.

- h. Construct up to 12 wildlife water catchments within the Spruce Allotment in coordination with the livestock permittee and other interested publics. Priorities for construction will be within district funding as established through the budget process.**

Rationale: The installation of water catchments would reduce any potential conflicts that might develop between livestock and big game for available water. These water catchments would also benefit wildlife (elk, antelope, deer, chukar, and other big game and non-game species), allowing for more efficient use of available habitats. The locations of the catchments will be determined by BLM Wildlife Biologists in cooperation, coordination, and consultation with NDOW Wildlife Biologists. NEPA documentation, as required, will be completed prior to construction of the proposed projects. Coordination with the permittee and other interested publics will ensure that any potential conflicts between livestock and big game are addressed.

- i. In close consultation, coordination, and cooperation with the livestock permittee and other interested publics, prioritize and construct range improvement projects identified in Appendix 2 (Tables 2-8 and 2-9) as funding is available.**

Rationale. It has been determined that construction of these range improvement projects is essential in improving livestock distribution and control and to ensure progress toward attainment of multiple use objectives and Standards for Rangeland Health. NEPA documentation, as required, will be completed prior to construction of each proposed project.

- j. Inventory and identify existing fence projects that do not meet BLM specifications. Modify those fences which create significant barriers to big game.**

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

- k. In consultation with the livestock permittee, establish at least one key area in each of the following subunits:**

**C-2 (West Goshute Valley)
D-1 (West Independence Valley)
D-2 (East Independence Valley)**

**E-3 (Boone Springs)
F-1/F-2 (Dolly Vardens)**

Rationale. Additional livestock and wild horse data is needed within these subunits. A key area in Subunit C-2 would help determine livestock and wild horse use on salt-desert shrub communities during the critical growing period (after 4/1). This key area could also be used to monitor frequency, production, and ecological condition. Monitoring results will determine the need to construct a fence on private land at Flowery Lake to prevent livestock from drifting onto public land when using the private fields. Wild horse use could also be monitored prior to livestock turnout to help determine if any adjustments need to be made to AML.

Key areas in Subunits D-1 and D-2 will monitor utilization and production.

Key area in Subunit E-3 will monitor frequency, production, ecological condition, and utilization. A wildlife key area currently exists in this subunit and its location will be evaluated to determine if it is suitable to monitor livestock and wild horse use.

A wildlife key area currently exists in Subunits F-1/F-2. The location of this key area will be evaluated to determine if it is suitable to monitor wild horse use. This area was determined to not be suitable for conversion from sheep to cattle use.

SELECTED MANAGEMENT ACTIONS FOR THE VALLEY MOUNTAIN ALLOTMENT:

- a. **Authorize a change-in-kind of livestock for the Valley Mountain Allotment from sheep to cattle use and establish the total number of animal unit months of specified livestock grazing use for the Valley Mountain Allotment as follows:**

Allotment	Permittee	Kind Of Livestock	Total # of AUMs of Specified Lvsk. Grazing Use
Valley Mountain	Kenneth Jones	Cattle	4,532

Rationale. The total number of AUMs of specified livestock grazing use on the Valley Mountain Allotment is the result of conversions from sheep to cattle for Kenneth Jones as determined by the most current monitoring data. The total active use was converted from sheep to cattle.

On December 15, 1993, an environmental assessment (EA) for a change-in-kind of livestock on the Spruce Allotment was completed. This EA identified both potentially positive and negative impacts as a result of converting or not converting from sheep to cattle. In summary, the EA concluded that the conversion would be more beneficial overall to not only wild horses but also wildlife, primarily due to the construction of new waters.

If, in the future, a request is made to convert back to sheep AUMs, then the baseline for the conversion would be the existing 13,437 sheep AUMs within the Valley

Mountain Allotment or sheep AUMs within that portion or subunit for which a conversion is requested. A summary of the sheep AUMs by subunit can be found in Appendix 12 of the MASR dated October 16, 1997.

b. Implement the following grazing system on the Valley Mountain Allotment:

Use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range. Completion of approximately 4,200 acres of seeding with associated fencing and water developments to improve livestock management.

Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives. Priority for development of additional seeding acreage will be given where there is cooperative funding available.

The grazing system showing the subunits, stockwater facilities to be used, and rotation schedules by livestock herd are outlined in Appendix 2. This appendix also outlines an interim schedule to allow for spring use by cattle on the salt-desert shrub communities during that period in which seedings are being developed.

Rationale. The allotment evaluation for the Spruce Allotment was completed in 1995. In order to address the impacts of spring use by livestock on the salt-desert shrub communities, the following three grazing system options were presented as technical recommendations:

1. A grazing system with no proposed seedings, use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with maximum livestock numbers and maximum use on the winter range, and proposed fencing and water projects to improve livestock management.
2. A grazing system with proposed seedings to provide spring forage (after 4/1), use on the salt-desert shrub communities from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range, and proposed fencing and water projects to improve livestock management.
3. A grazing system with proposed seedings to provide spring forage (after 4/1), use on the salt-desert shrub communities from 11/1-3/31 with maximum livestock numbers and maximum use on the winter range, and proposed fencing and water projects to improve livestock management.

Without the development of seedings in Option 1, livestock would be removed from the allotment 3/31 annually as there would be no seedings to provide spring forage. Winter grazing would be from 11/1-3/31 annually and livestock would need to be removed from the allotment.

The development of the seedings proposed in Option 2 would not only provide spring forage for livestock, but also reduce use on the native winter range (salt-desert shrub

communities). In other words, the newly developed seedings would be utilized as a management tool to eliminate livestock grazing during the critical growth period for salt-desert shrub communities and reduce stocking levels on these plant communities. The recommended carrying capacity for the allotment would not be increased as a result of these newly developed seedings until a future evaluation determines that multiple use objectives are achieved.

The development of the seedings proposed in Option 3 would also provide spring forage for livestock. However, under this option maximum use on the native range would be allowed. In other words, use on the seedings would be in addition to the recommended carrying capacity level calculated for the winter range.

All three grazing system options would allow for improved ecological status and trend on winter and summer ranges, improved crucial deer winter range and seasonal antelope habitats, and improved livestock distribution. However, under Option 2, the reduced use on the native range would allow for multiple use objectives to be attained sooner and allow for improved plant vigor. The drought that has affected this area since about 1987 has contributed to poor plant vigor and reduced species diversity (professional judgement).

This final decision identifies that Option 2 will be implemented with some modifications. The evaluation and conclusions of the monitoring data indicates that the range conditions on the winter range is in mid to late seral with trend being static to downward. Only Subunit C-3 indicates that trend is static to upward. With this option, the Bureau expects range conditions on the winter range to improve sooner because winter use would be reduced and livestock would be removed before the active physiological growth allowing for improved plant vigor. A re-evaluation of the livestock carrying capacity four years following full implementation of the final grazing system will determine if increasing the allowable livestock grazing use of the salt-desert shrub communities to "maximum levels" is consistent with attainment of other multiple use objectives.

An interim grazing system is outlined for the Kenneth Jones winter grazing operation. This interim grazing system outlines winter grazing use on the allotment while the seedings are being developed and is very similar to how the allotment has been grazed for the past 10 years. It is anticipated that the development of range improvement projects needed to implement the final grazing system and remove spring use from the salt-desert shrub communities (i.e. seedings and associated waters and fencing) could begin in the next 3 to 5 years. The time period for completion of the proposed range improvements will be dependent upon the time necessary to complete normal project planning processes, available funding, any potential litigation subsequent to the issuance of this decision, and any forthcoming administrative decisions.

The acres of seeding proposed in the allotment evaluation and MASR were based on an expected production level of 3 acres/AUM. After considering comments received at the October 30, 1997 meeting following issuance of the MASR, this management action was modified to recalculate acres of seeding to be completed by the Bureau based on 4 acres/AUM. The additional acres of seeding, i.e. the difference between 3

and 4 acres/AUM, would allow for 1) addressing the uncertainty of range readiness and forage availability for turnout in April resulting from annual use of the same pasture and 2) the potential for increased competing use of these proposed seedings with big game.

It is currently estimated that approximately 4,200 acres of new seeding will be sufficient to provide spring forage to eliminate grazing use of the winter range after 4/1 annually. However, if it is determined through pre-development site specific analysis and/or evaluation following development that the initial 4,200 acres are not allowing for making progress toward attainment of multiple use objectives, flexibility is provided to develop additional acres to ensure progress toward meeting objectives. Seeking cooperative funding for additional seeding acreage will allow for various agencies and/or interest groups to participate in seeding development on the Spruce Allotment to meet management objectives and to address current and future multiple use conflicts or issues.

c. **The grazing permit for the Valley Mountain Allotment will read as follows:**

Operator	No. Lvsk.	Kind	Pd. of Use	% PL	Active Use	Voluntary Non-Use	Total # of AUMs of Specified Lvsk Grazing Use
Kenneth Jones	703	Cattle	11/1 - 2/28	100	2,774	1,040	5,572
	703	Cattle	3/1 - 5/15	100	1,758		
TOTAL					4,532	1,040	5,572

Rationale. As per analysis of existing data in this allotment evaluation, the carrying capacity was established by subunit. The proposed grazing system is designed to allow use of the native winter range in such a manner and at such a level that will ensure attainment of the multiple use objectives.

The maximum use on the winter range has been calculated to be 4,532 AUMs (i.e. from 11/1 to 3/31). Because the selected management action provides for reduced use on the winter range, the maximum AUMs of specified livestock grazing use that will be allowed is 4,532 AUMs from 11/1 to 5/15. The additional AUMs that would result due to the development of proposed seedings will be placed into voluntary non-use until monitoring determines that multiple use objectives on the native winter range have been attained and will be maintained through activation of any additional use. As previously stated, a re-evaluation of the livestock carrying capacity four years following full implementation of the final grazing system will determine if increasing the allowable livestock grazing use of the salt-desert shrub communities to "maximum levels" is consistent with attainment of other multiple use objectives.

d. **The terms and conditions on the term grazing permits common to all three permits should include the following:**

"Authorized grazing use will be in accordance with the Final Multiple Use Decision for the Spruce Allotment dated ____."

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

"All available waters within the scheduled use subunit will be used to ensure proper livestock distribution."

"Ensure that all stockwater troughs at water facilities utilized during the second half of the winter grazing season are left full of water when cattle are removed (after 3/31)."

"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 after the grazing season based on actual grazing use in accordance with 43 CFR 4130.8-1(e).

"An actual use report showing use by subunit and water sources used within the subunit must be submitted by 5/30."

"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 subunit and the grazing treatments. Moving dates between subunits can vary 5 days before and after the scheduled move dates."

"Deviations from the grazing system 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, including turnout date, livestock numbers, and grazing system, will require an application and written authorization from the Renewable Resources Manager prior to grazing use."

"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."

"All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing by the Renewable Resources Manager."

"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."

Rationale: An evaluation of current grazing management practices has indicated multiple use objectives have not been achieved and changes are necessary. These proposed changes in livestock management have been determined necessary to ensure significant progress toward attainment of the Standards for Rangeland Health approved for the Northeastern Great Basin Resource Advisory Council Area of Nevada, as per 43 CFR 4180.1.

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

Using all available waters within a pasture will ensure proper livestock distribution. Leaving stockwater troughs full after livestock are removed will provide water for wildlife and wild horses when livestock leave the area to facilitate the transition to other available waters..

Actual use is essential in the monitoring effort.

The permittees are afforded flexibility in their operations in order to adjust to range readiness, climatic conditions, and annual fluctuations in their livestock operation.

- e. **Improve, enhance, or develop at least 3 springs in the Spruce and Valley Mountain Allotments from the list provided below. The following list was compiled from the 1980-81 wildlife habitat and water inventory. Additional springs will be developed as needs are determined and funding becomes available.**

As springs are inventoried to establish priorities for development, an inventory of existing wire hazards will also be conducted. Springs that contain old wire will be cleaned up and wire disposed of, especially where it creates a significant hazard to wild horses.

Location	Site No. from Inventory	Remarks
T. 28 N., R. 61 E., Sec. 2, NW¼SW¼	C069	Quilici Spring, Developed
T. 28 N., R. 66 E., Sec. 6, SW¼SW¼	D040	Developed
T. 28 N., R. 66 E., Sec. 6, NE¼NE¼	D040	
T. 29 N., R. 65 E., Sec. 25, SE¼NW¼	C020	Deer Spring, Developed
T. 29 N., R. 66 E., Sec. 31, SE¼SE¼		Horse Trap Spring, Developed

Rationale: One of the RPS objectives for the Spruce Allotment was to improve and/or enhance 3 springs. Development of springs on the newly defined Valley

Mountain Allotment is necessary to meet this multiple use objective. Because this decision is dividing the allotment, the action will remain to develop at least 3 springs and complete additional spring developments as needs are determined and funding is available.

Quilici Spring is an important spring to the Bureau in that it not only supports a small population of relict dace, a BLM sensitive species, but is also an important water source for livestock, wildlife, and wild horses. This spring is currently fenced but wildlife and wild horses do get in as gates are usually open. Because of drought conditions during the past few years, the pond inside the fenced area has been virtually dry. High emphasis will be placed on improving current conditions on this spring. Quilici Spring is located within subunit A-2 of the Spruce Allotment. This spring is located on public land with private water rights held by the permittee. Therefore, it will be necessary to consult, coordinate, and cooperate with the permittee on this project.

Wild horses have become tangled in old barbed wire especially in old wild horse traps constructed around springs during the early claiming period. Entanglement in barbed wire causes extensive injuries and in some cases the need for the animal to be destroyed.

- f. Construct up to 11 wildlife water catchments within the Valley Mountain Allotment in coordination with the livestock permittee and other interested publics. Priorities for construction will be within district funding as established through the budget process.**

Rationale: The installation of water catchments would reduce any potential conflicts that might develop between livestock and big game for available water. These water catchments would also benefit wildlife (elk, antelope, deer, chukar, and other big game and non-game species), allowing for more efficient use of available habitats. The locations of the catchments have been determined by BLM Wildlife Biologists in cooperation, coordination, and consultation with NDOW Wildlife Biologists. NEPA documentation, as required, will be completed prior to construction of the proposed projects. Coordination with the permittee and other interested publics will ensure that any potential conflicts between livestock and big game are addressed.

- g. In close consultation, coordination, and cooperation with the livestock permittee and other interested publics, prioritize and construct range improvement projects identified in Appendix 2 (Tables 2-7 and 2-9) as funding is available.**

Rationale. It has been determined that construction of these range improvement projects is essential in improving livestock distribution and control and to ensure progress toward attainment of multiple use objectives and Standards for Rangeland Health. NEPA documentation, as required, will be completed prior to construction of each proposed project.

- h. Inventory and identify existing fence projects that do not meet BLM specifications. Modify those fences which create significant barriers to big game.**

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

- i. In consultation with the livestock permittee, establish at least one key area in each of the following subunits:**

**F-1/F-2 (Dolly Vardens)
G (Bald Mountain Sheep Use Area)**

Rationale. Additional livestock and wild horse data is needed within these subunits. A key area in Subunit G will monitor frequency, production, ecological condition, and utilization. A wildlife key areas currently exists in this subunit and its location will be evaluated to determine if it is suitable to monitor livestock and wild horse use. Subunit G occurs within the Bald Mountain Sheep Use Area and while no sheep currently graze this subunit, wild horse use could be monitored.

A wildlife key area currently exists in Subunits F-1/F-2. The location of this key area will be evaluated to determine if it is suitable to monitor wild horse use. This area was determined to not be suitable for conversion from sheep to cattle use.

Authority for the actions described in this final decision is found in 43 CFR Parts 4100.0-8, 4110.2-2, 4110.2-4, 4110.3, 4110.3-2, 4110.3-3, 4120.2, 4120.3-1, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.8-1(e), 4160.1, 4160.2, and 4180.1.

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.

WILD HORSE AND BURRO MANAGEMENT DECISION

1. **Establish and maintain an appropriate management level (AML) for wild horses within the Spruce Allotment as follows:**

Herd Management Area	AML for the Spruce Allotment	AML - Range to be Managed	Adjusted Initial Herd Size by HMA
Antelope Valley	181	110 - 181	299
Goshute	50	29 - 50	178
Maverick-Medicine	104	64 - 104	273
Spruce-Pequop	82	57 - 82	82
Total	417	260 - 417	852

Rationale: Maintaining wild horses at the appropriate management level will result in a thriving, natural, ecological balance between wild horses and other resource values. Continued monitoring within the allotment will show if any adjustment in the AML is needed. Establishing a range will facilitate a three-year gather cycle as outlined in the Strategic Plan for Management of Wild Horses and Burros on Public Lands, which was signed by the BLM Director on June 4, 1992.

2. **Continue to collect seasonal distribution data on the Maverick-Medicine, Antelope Valley, Spruce-Pequop, and Goshute HMAs.**

Rationale: In 1991, intensive seasonal distribution flights were begun within the Elko District. These census flights have provided valuable information on horse movements and should continue until monitoring data indicates that the appropriate management level has been attained in all HMAs.

3. **Identify and develop at least two waters for wild horses within the Spruce and/or Valley Mountain Allotments.**

Rationale: Additional water sources are needed within the Spruce and/or Valley Mountain Allotments to improve the distribution of wild horses. The Wells RMP Wild Horse Amendment identified eight water sources to be developed for wild horses. While locations of these water sources was not identified, at least two need to be developed in the Spruce and/or Valley Mountain Allotments. Additional water sources (either springs or water catchments) may be developed or constructed as needs are determined and funding is available.

Authority for the actions described in this final decision 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(a) and (d), 4710.1, 4710.2, 4710.4, and 4720.1.

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 NV 1840-2, 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 2 on the form. Please provide this office with a copy of your Statement of Reasons. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

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

An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

Sincerely yours,



CLINTON R. OKE, Assistant District Manager
Renewable Resources

Enclosures: Appendix 1 Allotment Management Objectives for Spruce and Valley Mountain Allotments.

 Appendix 2 Grazing System and Proposed Range Improvements for the Spruce and Valley Mountain Allotments.

 Map 1 Spruce and Valley Mountain Allotments

 Form NV 1840-2 Information on Taking Appeals to the Board of Land Appeals

cc: See attached list.

The Humane Society of the U.S.
Animal Protection Institute
Commission for the Preservation of Wild Horses
HTT Resource Advisors
Federal land Bank
Nevada Department of Agriculture
American Horse Protection Association, Inc.
Nevada Wildlife Federation
Natural Resources Defense Council
U.S. Fish and Wildlife Service
People for the West
Sierra Club, Toiyabe Chapter
Wild Horse Organized Assistance
Nevada Cattlemen's Association/Nevada Land Action Association
Resource Concepts, Inc.
American Mustang and Burro Association
Wells Resource Area Grazing Association
Nevada Division of Wildlife - Elko
The Nature Conservancy
Rutgers Law School
Nevada Division of Environmental Protection
Elko Board of County Commissioners
Bottari and Associates Realty
Nevada Woolgrowers Association
Nevada State Clearing House
Bertrand Paris and Sons
Kathryn Cushman
Buster Wines Ranch
Charles M. and John H. Young

APPENDIX 1

APPENDIX 1. Allotment Management Objectives for Spruce and Valley Mountain Allotments

The following allotment management objectives apply to both Spruce and Valley Mountain Allotments:

1. Standards for Rangeland Health developed for Northeast Great Basin Resource Advisory Council Area of Nevada.

Standard 1. Upland Sites:

Upland Soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, and land form.

Standard 2. Riparian and Wetland Sites:

Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

Standard 3. Habitat:

Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.

Standard 4. Cultural Resources:

Land use plans will recognize cultural resources within the context of multiple use.

2. General Land Use Plan (LUP) Objectives

- a. Provide for livestock grazing consistent with other uses.
- b. Manage wild horses outside of checkerboard areas where land ownership patterns are not a problem for management.
- c. Manage wild horses within HMAs and maintain a thriving natural ecological balance consistent with other resource needs.
- d. Conserve and/or enhance wildlife habitat to the maximum extent possible.
- e. Eliminate all of the fencing hazards in crucial big game habitat, most of the fencing hazards in non-crucial big game habitat.
- f. Eliminate all of the high and medium priority terrestrial riparian habitat conflicts in coordination with other resource uses.
- g. Prevent undue degradation of all riparian habitat due to other uses.
- h. Manage public lands in the Wells Resource Area on a sustained yield basis to support elk populations at a level consistent with other resource needs, while minimizing impacts to adjacent private and public land resources.

i. Lands with woodland products will be managed under the principle of the sustained yield, maintaining an allowable harvest to provide a permanent source of wood products for future generations.

3. Antelope Valley Herd Management Area Plan (HMAP) Objectives

a. Habitat Objectives

1. Vegetation

Manage for the most appropriate seral stages to provide for desired quantity, quality, and density of forage in order to meet the requirements of the wild horses and other foraging animals. In general, utilization levels will be maintained at approximately 45% shrubs and 55% on grasses or as identified in the allotment specific utilization objectives, which is in accordance with the recommended utilization levels in the Nevada Rangeland Monitoring Handbook (1984).

2. Distribution and Water Availability

Improve distribution and provide water yearlong for wild horses throughout the HMA where possible.

b. Wild Horse Objectives

1. Multiple Use

The objective in the Antelope Valley HMA is to maintain a healthy, viable population of wild horses in a thriving natural ecological balance with all other resources and users.

2. Appropriate Management Level (AML)

When the allotment evaluations are complete, a total AML for the HMA will be determined. The number of horses will be maintained within a range of \pm 15% of AML. Removals will be scheduled so that each HMA is gathered once every three years.

AML will be maintained using one or more of the following options: periodic removals with no selectivity, selective removals targeting specific age groups, or fertility control.

3. Free-Roaming Characteristics

The wild horses within the Antelope Valley HMA will be managed in a manner that maintains their wild free-roaming characteristics.

Allotment Specific Objectives for Spruce Allotment:

a. Range:

1. Improve livestock distribution in Steptoe and Antelope Valleys (winter range) and Spruce Mountain (summer range).
2. Manage rangelands to achieve or exceed a late seral stage of ecological condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) where appropriate to site potential.
3. Manage grazing on native rangelands so as not to exceed utilization objectives for key species as measured at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) as follows:
 - maximum annual allowable combined use of the key species on the winter range is 55%.
 - maximum annual allowable combined use of the key species on the summer range is 50%.
 - maximum annual allowable use by livestock on bitterbrush is 25% on the crucial deer winter range.
 - maximum annual allowable use by wild horses on the common use areas of the winter range is 10% prior to livestock turnout (11/1).
4. Manage grazing on non-native rangelands (crested wheatgrass seedings) so as not to exceed utilization objectives for crested wheatgrass as measured at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) as follows:
 - maximum annual allowable combined use on crested wheatgrass is 60%.

b. Wildlife:

1. Improve or maintain all seasonal big game habitat in the Spruce Allotment to good or excellent condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) to provide forage and habitat capable of supporting the following reasonable numbers and forage demands¹:

8,838 Mule Deer (6,510 AUMs)
180 Antelope (432 AUMs)
120 Bighorn Sheep (288 AUMs)
560 elk²

¹ The reasonable numbers and forage demands are based on total numbers for the Spruce Allotment before splitting into two allotments.

² The number of elk was derived from the Wells RMP Elk Amendment which lists 340 elk as the target population level for the Spruce-Pequop Management Area and 220 elk as the target population level for the Cherry Creek Management Area of which portions occur within the Spruce Allotment.

2. Improve crucial mule deer winter habitat by:
-cutting (thinning) within 16,000 acres of the pinyon-juniper forest type.
-chaining or burning and seeding 2,500 acres of sagebrush.

Allotment Specific Objectives for Valley Mountain Allotment:

a. Range:

1. Improve livestock distribution in Ruby and Steptoe Valleys (winter range).
2. Manage rangelands to achieve or exceed a late seral stage of ecological condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) where appropriate to site potential.
3. Manage grazing on native rangelands so as not to exceed utilization objectives for key species as measured at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) as follows:

-maximum annual allowable combined use of the key species on the winter range is 55%.

-maximum annual allowable combined use of the key species on the summer range is 50%.

-maximum annual allowable use by livestock on bitterbrush is 25% on the crucial deer winter range.

-maximum annual allowable use by wild horses on the common use areas of the winter range is 10% prior to livestock turnout (11/1).

4. Manage grazing on non-native rangelands (crested wheatgrass seedings) so as not to exceed utilization objectives for crested wheatgrass as measured at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) as follows:

-maximum annual allowable combined use on crested wheatgrass is 60%.

b. Wildlife:

Improve or maintain all seasonal big game habitat in the Valley Mountain Allotment to good or excellent condition at existing key area monitoring locations (or additional key area monitoring locations selected in consultation with interested publics) to provide forage and habitat capable of supporting the following reasonable numbers and forage demands¹:

8,838 Mule Deer (6,510 AUMs); 180 Antelope (432 AUMs); 120 Bighorn Sheep (288 AUMs); 560 elk²

¹ The reasonable numbers and forage demands are based on total numbers for the Spruce Allotment before splitting into two allotments.

² The number of elk was derived from the Wells RMP Elk Amendment which lists 340 elk as the target population level for the Spruce-Pequop Management Area and 220 elk as the target population level for the Cherry Creek Management Area of which a portions occur within the Valley Mountain Allotment.

APPENDIX 2

APPENDIX 2. Grazing System and Proposed Range Improvements for the Spruce and Valley Mountain Allotments

A. Introduction

Through this evaluation process, it was determined that multiple use objectives for the Spruce and Valley Mountain Allotments are not being attained and significant progress toward attainment of approved Standards for Rangeland Health is not being made, therefore, changes in current livestock management practices are needed. This appendix outlines the grazing system by allotment.

Valley Mountain Allotment

Use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range. Completion of approximately 4,200 acres of seeding with associated fencing and water developments to improve livestock management.

Spruce Allotment

Secret Pass Herd:

Use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with reduced livestock numbers and reduced use on the winter range. Completion of approximately 3,200 acres of seeding with associated fencing and water developments to improve livestock management.

Spruce Mountain Herd:

Use on the salt-desert shrub communities (native winter range) from 11/1-3/31 with maximum livestock numbers and maximum use on the winter range. Completion of proposed fencing and water developments to improve livestock management.

Use on the spring/summer/fall range from 4/1-10/31 annually. Completion of approximately 400 acres of seeding within Subunit D-1,2,3.

Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress toward attainment of multiple use objectives. Priority for development of additional seeding acreages will be given where cooperative funding is available.

In all instances, cattle must be removed from the winter range by 3/31. As per the analysis of the available data in this allotment evaluation, it has been determined that changes in the salt-desert shrub communities are mainly caused by variations in climate and selective removal of plant parts by grazing animals.

Long-term studies at the Desert Experimental Range in southwestern Utah have shown that heavy grazing seriously injures or kills desirable forage species, whereas moderate grazing allows substantial increases in desirable species. In addition, desirable species are damaged by grazing in the spring during the critical season of plant growth. Therefore, a wise management policy for grazing salt-desert shrub communities includes moderate grazing during winter dormancy and removal of livestock before the period of active physiological growth (generally 4/1 in this area).

There are several reasons why seedings, as a selected management action, were considered. Development of seedings would provide for:

1. Reduced use on salt-desert shrub communities after the critical part of the growing season.
2. Improved range conditions on the native range.
3. Forage and habitat diversity for wildlife. Currently, the landscape consists of monocultures of sagebrush with little to no understory.
4. An ecosystem management approach between private and public land, i.e. the problem of use during the critical growing season would not be moved from public land to private land.
5. Meeting commitments outlined in the Wells RMP/EIS.

The development of seedings, as an option, are only being proposed for the Secret Pass Herd in the Spruce Allotment and the winter cattle grazing operation in the Valley Mountain Allotment. The existing seeding in Independence Valley has been determined to provide sufficient spring and fall forage for the Spruce Mountain Herd. However, approximately 400 acres of seeding are proposed in Independence Valley to rehabilitate a wildfire which occurred in 1985. The burned area did not respond and seeding this area would reduce the presence of halogeton and cheatgrass.

An interim grazing system is outlined for the Spruce Allotment (Secret Pass Herd) and Valley Mountain winter grazing operations. This interim grazing system outlines winter grazing use on the allotments while the seedings are being developed and is very similar to how the allotments have been grazed for the past 10 years. It is anticipated that the development of range improvement projects needed to implement the final grazing system and remove spring use from the salt-desert shrub communities (i.e. seedings and associated water and fencing) could begin in the next 3-5 years. The time period for completion of the proposed range improvements will be dependent upon the time necessary to complete normal project planning processes, available funding, any potential litigation subsequent to the issuance of this decision, and any forthcoming administrative decisions.

In addition to the development of seedings, there are also associated fencing, and stockwater facilities necessary to ensure proper livestock distribution and control and to ensure progress toward attainment of multiple use objectives and Standards for Rangeland Health. Refer to the section in this appendix on proposed range improvement projects for a summary of proposed acres of seeding, fencing, and stockwater facilities for the Spruce and Valley Mountain Allotments.

This grazing system is designed to:

- a. Improve the ecological status and trend of the salt-desert shrub communities in the winter range by eliminating cattle use during the critical growth period which begins 4/1 and reducing stocking levels in the short term.
- b. Improve or maintain the ecological status and trend on the summer range on Spruce Mountain by increasing spring and fall use on the existing seeding in Independence Valley, allowing for deferment of summer cattle use on Spruce

Mountain until 7/1 annually.

c. Improve crucial deer winter range in the Boone Springs Area by establishing a rest rotation grazing system with cattle to decrease use of and improve age class of bitterbrush.

d. Improve seasonal antelope habitats by eliminating use during the crucial growing season and reducing stocking levels in the short term, therefore allowing for increased forage diversity.

e. Improve cattle utilization patterns on the salt-desert shrub winter range by establishing a deferred rotation grazing system and utilizing stockwater facilities to govern use areas. All the stockwater facilities identified in the grazing systems within each subunit will be operable when livestock are scheduled to be in the subunit to ensure optimum livestock distribution.

f. Establish maximum allowable AUMs by subunit.

B. Grazing Systems

1. Valley Mountain Allotment - Winter Cattle Operation with Proposed Seedings and Reduced Use on Native Winter Range.

The grazing system outlined in Table 2-1 allows for livestock grazing use from 11/1 to 5/15 annually with a maximum of 703 head of cattle and 4,532 AUMs.

Approximately 4,200 acres of seeding would be developed for spring use from 4/1-5/15.

Table 2-1. Grazing system for the Valley Mountain Allotment (winter cattle operation with proposed seedings and reduced use on the native).					
Subunit	Maximum AUMs Allowed	Stockwater Facilities to be used:	1998	1999	2000
A-1	1,851	Butte Valley Road Well	11/1 - 1/19	11/1 - 11/15	R e p e a t C y c l e
A-2		Little Ruby Well		1/26-3/31	
K-2		Murphy Well Christiansen Well Frenchy Well Quilici Spring (private) Basque Well Medicine Spring (private) Ruby Wash Well			
B-1	1,641	South Spruce Well	1/20- 3/31	11/16-1/25	
B-2		Gulf Well East Railroad Well Cordano Well			
Proposed Seeding	1,040	Proposed water development	4/1 - 5/15	4/1 - 5/15	
Total	4,532				

This grazing system allows for rotation of calving on the east and west sides of Highway 93. Spring use would be on the proposed seedings from 4/1 - 5/15 annually.

Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives.

This grazing system provides for reduced livestock numbers and reduced use on the salt-desert shrub winter range. The reduced use on the native range would allow for multiple use objectives to be attained sooner and allow for improved plant vigor. The

drought that has affected this area since about 1987 has contributed to poor plant vigor and reduced species diversity (professional judgement).

Interim Schedule

The grazing system outlined in Table 2-2 allows for livestock grazing use from 11/1 - 5/15 with a maximum of 703 head of cattle and 4,532 AUMs. This grazing system is an interim schedule that would be used while the proposed seedings being developed.

Table 2-2. Grazing system for the Valley Mountain Allotment winter cattle operation (interim schedule).					
Subunit	Maximum AUMs Allowed	Stockwater Facilities to be used:	1998	1999	2000
A-1	2,404	Butte Valley Road Well	11/1-2/6	11/1-11/15	R e p e a t C y c l e
A-2		Little Ruby Well			
K-2		Murphy Well			
	Christiansen Well	5/10-5/15	2/16-5/15		
	Frenchy Well				
	Quilici Spring (private)				
	Basque Well				
	Medicine Spring (private)				
	Ruby Wash Well				
B-1	2,128	South Spruce Well	2/7-5/9	11/16-2/15	
B-2		Gulf Well			
		East Railroad Well			
	Cordano Well				
Total	4,532				

This grazing system would allow for spring use by cattle from 4/1 - 5/15 on the native salt-desert shrub communities until the proposed seedings are developed. Upon developing the seedings there is a two year rest period to allow the seeding to establish. During the interim, spring use on the native salt-desert shrub winter range would be alternated between Ruby Valley (Subunits A-1, A-2, and K-2) and Steptoe Valley (Subunits B-1- and B-2).

2. **Spruce Mountain Allotment**

a. **Secret Pass Herd - Winter Cattle Operation with Proposed Seedings and Reduced Use on Native Winter Range.**

The grazing system outlined in Table 2-3 allows for livestock grazing use from 11/1 to 5/31 annually with a maximum of 401 head of cattle and 2,796 AUMs. Under this option, approximately 3,200 acres of seeding would be developed for spring use from 4/1-5/31.

Table 2-3. Grazing schedule for the Spruce Allotment, Secret Pass Herd (winter cattle operation with proposed seedings and reduced use on the native).					
Subunit	Maximum AUMs Allowed	Stockwater Facilities to be used:	1998	1999	2000
I K-1 H	598	Government Spring Curtis Spring Deep Well Middle Well	11/1-12/15	11/1-11/15 3/2-3/31	R e p e a t C y c l e
C-1 C-1a	1,394	Gravel Pit Well East Highway Well Tom Eagar Well Lower Spruce Well Crane Well Warehouse Well Goshute Well Old Mizpah Well Mizpah Point Well	12/16-3/31	11/16-3/1	
Proposed Seeding	804	Gravel Pits Well East Highway Well Spruce Well South Well	4/1 - 5/31	4/1-5/31	
Total	2,796				

This grazing system option allows for winter use between Clover and Steptoe Valleys with spring use on the proposed seedings from 4/1 - 5/31 annually.

Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives.

This grazing system provides for reduced livestock numbers and reduced use on the salt-desert shrub winter range. The reduced use on the native range would allow for

multiple use objectives to be attained sooner and allow for improved plant vigor. The drought that has affected this area since about 1987 has contributed to poor plant vigor and reduced species diversity (professional judgement).

Interim Schedule

The grazing system outlined in Table 2-4 allows for livestock grazing use from 11/1 - 5/31 with a maximum of 401 head of cattle and 2,796 AUMs. This grazing system is an interim schedule that would be used while the proposed seedings are being developed.

Table 2-4. Grazing schedule for the Spruce Allotment, Secret Pass Herd (interim schedule).					
Subunit	Maximum AUMs Allowed	Stockwater Facilities to be used:	1998	1999	2000
I	838	Government Spring	11/1 - 12/27	11/1 - 11/15	R e p e a t C y c l e
K-1		Curtis Spring	5/25 - 5/31	4/13- 5/31	
H		Deep Well Middle Well South Well Spruce Well			
C-1	1,958	Gravel Pit Well	12/28 - 5/24	11/16 - 4/12	
C-1a		East Highway Well Tom Eagar Well Lower Spruce Well Crane Well Warehouse Well Goshute Well Old Mizpah Well Mizpah Point Well			
Total	2,796				

This grazing system would allow for spring use by cattle from 4/1 - 5/31 on the native salt-desert shrub communities until the proposed seedings are developed. Upon developing the seedings there is a two year rest period to allow the seeding to establish. During the interim, use on the native salt-desert shrub winter range would be alternated between Clover Valley (Subunit H) and North Steptoe Valley (Subunit C-1) and Mizpah Point (Subunit C-1a).

b. Spruce Mountain Herd - Yearlong Cattle Operation

The grazing system is outlined in Table 2-5 below. Because of the differences in capacities between the spring/summer/fall range and the winter range, the maximum number of livestock that can graze from 5/1 to 10/31 can vary annually. In even number years, when Subunit E-3 (Boone Springs) is rested, the maximum number of AUMs allowed on the spring/summer/fall range is 3,351 with a maximum of 554 head of cattle.

In odd number years when Subunit E-4 (Ninemile Canyon) is rested, the maximum number of AUMs allowed on the spring/summer/fall range is 3,661 with a maximum of 605 head of cattle.

This grazing system allows for spring and fall use on the existing seedings in Independence Valley (Subunits D-1 and D-2). Spring and fall use will be rotated annually between the two subunits. Use in Jasper Well (Subunit D-3) is mostly trail use between winter and spring/fall areas.

The Independence Valley seedings are scheduled for use in October. However, cattle may start drifting down from the summer range (Spruce Mountain) as early as 9/1. By the first of October, all livestock should be off of the summer range. After calves are shipped, cattle move into the winter range (11/1). On odd number years, Subunit D-1 is scheduled for fall use while Subunit D-2 is scheduled for spring use. However, because calves are shipped from the corrals at Feedlot Well in Subunit D-2, some fall use will also occur in Subunit D-2 during shipping. Without any cross fencing within the seeded area, livestock use will continue to be controlled by water. Cross fencing is proposed in the section on proposed range improvement projects in this appendix.

The winter use area (Subunits C-2, 3, & 4) in Goshute and Antelope Valleys is from 11/1 to 3/31 annually with a maximum of 827 head of cattle and 4,105 AUMs. On even number years, cattle will rotate in counter clockwise direction (C-2, C-4, C-4). On odd number years, cattle will rotate in a clockwise direction (C-3, C-4, C-2).

Crane Well, Lower Spruce Well, Warehouse Well and Goshute Well will be used for trailing purposes only when cattle are moving from C-4 to C-2 (odd number years). The primary use of these wells is by the Secret Pass Herd.

Table 2-5. Grazing schedule for the Spruce Allotment, Spruce Mountain Herd (yearlong cattle operation).						
Subunit	Max. AUMs Allowed	Stockwater Facilities to be used:	1998	1999	2000	
Spring/Summer/Fall Range (4/1 - 10/31)						
Private Seedings - Flowery Lake			4/1 - 4/30	4/1 - 4/30	R e p e a t C y c l e	
D-1	1,273	East Spruce Well Latham Spring Pipeline	5/1 - 6/30	10/1 - 10/31		
D-2		Ninemile Well Feedlot Well	10/1 - 10/31	5/1 - 6/30		
D-3		Jasper Well	Trail use between spring and fall use. One week allowed in the spring and one week allowed in the fall.			
E-1	824	All	7/1 - 9/30	7/1 - 9/30		
E-2	858	All	7/1 - 9/30	7/1 - 9/30		
E-3	713	All	REST	7/1 - 9/30		
E-4	396	All	7/1 - 9/30	REST		
Total	4,064		3,351	3,661		
Winter Range (11/1 - 3/31)						
C-2	525	Windmill Well (private) Warehouse Well Crane Well Lower Spruce Well Goshute Well	11/1 - 11/19	3/13- 3/31		
C-3	1,571	Shafter Well No. 3 Basque Well Black Point Wells Itcaina Black Point Well	2/2 - 3/31	11/1 - 12/28		
C-4	2,009	Antelope Well Dolly Varden Well Dolly Varden Spring Well	11/20 - 2/1	12/29 - 3/12		
Total	4,105		4,105	4,105		
Total Spruce Mtn. Herd	8,169		7,456	7,766		

B. Proposed Range Improvement Projects

1. Acres of Proposed Seeding

Table 2-6 outlines the amount of seeding required as per the grazing systems described above for Spruce and Valley Mountain Allotments. The development of the seedings would result in short term reduced livestock numbers and reduced use on the native salt-desert shrub communities to help attain multiple use objectives sooner and allow for improved plant vigor (professional judgment).

Table 2-6. Acres of Proposed Seeding on the Spruce and Valley Mountain Allotments (reduced use on the native).				
Allotment/Herd	# Lvsk.	Pd. of Use	Forage Demand (AUMs)	Seeding Required (Acres)¹
Valley Mountain/ Ken Jones Winter Grazing Operation	703 Cattle	4/1 - 5/15	1,040	~4,200 ²
Spruce Allotment/ Secret Pass Herd	401 Cattle	4/1 - 5/31	804	~3,200 ²
Spruce Allotment/ Spruce Mtn. Herd				~400 ³
Total			1,844	~7,800

¹ Estimated acres for seeding is based on an assumed carrying capacity of 4 acres/AUM.

² Addition acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives. Priority for development of additional seeding acreage will be given where there is cooperative funding available.

³ Proposed seeding in Subunit D-1 (West Independence Valley) to rehabilitate a 1985 wildfire.

2. Summary of All Range Improvement Projects Proposed

Tables 2-7 through 2-9 below summarize all of the proposed projects for the Spruce and Valley Mountain Allotments and the estimated cost for development. All proposed projects will be prioritized and constructed in accordance with current Bureau policy and regulations, as funding is available, and in close consultation, cooperation, and coordination with the permittees and interested publics.

Table 2-7. Proposed Range Improvement Projects on the Valley Mountain Allotment.		
Allotment	Type of Improvement	Estimated Cost for Project Development³
Valley Mountain	Seeding (approximately 4,200 acres) ¹	\$180,000
	Seeding Protection Fences (~4 miles) ²	\$16,000
	Seeding Wells/Pipeline (1) ²	\$56,000
	Pipeline on existing well for Sdg (2) ² Liza Jane Butte Valley Road Well	\$28,000
	Currie Canyon Well	\$30,000
	Quilici Well	\$30,000
	South Medicine Well	\$30,000
	Delcer Buttes Well	\$30,000
	Total Cost	\$400,000

¹ Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives. Priority for development of additional seeding acreage will be given where there is cooperative funding available.

² When the seedings are developed, associated fencing and water developments will be constructed simultaneously. A minimum of two years rest will be made on the seedings prior to authorizing grazing use to ensure establishment.

³ Priority for construction of range improvements will be completed in close consultation, coordination, and cooperation with the livestock permittee and other interested publics. Higher priority will be placed on those range improvements where there is cooperative funding available, either from the livestock permittee, other agencies or other interested publics.

Table 2-8. Proposed Range Improvement Projects on the Spruce Allotment.				
Allotment	Type of Improvement	Secret Pass Herd	Spruce Mtn. Herd	Estimated Cost for Project Development ⁴
Spruce Mountain	Seeding (approximately 3,200 acres) ¹	✓		\$132,000
	Wildfire Seeding (approx. 400 acres)		✓	\$17,000
	Seeding Protection Fences (~4 miles) ²	✓		\$16,000
	Pipeline on existing well for Sdg (3) ² East Highway Well South Well Spruce Well	✓		\$87,000
	Sprucemont Pipeline for Seeding ²	✓		\$50,000
	Basco Spring Pipeline Extension ³	✓	✓	\$26,000
	Spruce Spring Pipeline Extension ³		✓	\$35,000
	Latham Spring Pipeline Extension ³		✓	\$26,000
	Independence Valley Seeding Fences (~15 miles)		✓	\$60,000
	Whitesage Well		✓	\$30,000
	Sweet Sage Well		✓	\$30,000
	Total			

¹ Additional acres of seeding may be developed if future analysis determines it is necessary to ensure progress towards attainment of multiple use objectives. Priority for development of additional seeding acreage will be given where there is cooperative funding available.

² When the seedings are developed, associated fencing and water developments will be constructed simultaneously. A minimum of two years rest will be made on the seedings prior to authorizing grazing use to ensure establishment.

³ The three pipeline systems in the Spruce Allotment (Basco, Spruce, and Latham Spring Pipelines), will be completed before the pipeline extensions are authorized.

⁴ Priority for construction of range improvements will be completed in close consultation, coordination, and cooperation with the livestock permittee and other interested publics. Higher priority will be placed on those range improvements where there is cooperative funding available, either from the livestock permittee, other agencies or other interested publics.

Table 2-9. Proposed Range Improvement Projects on the Spruce and Valley Mountain Allotments.		
Allotment	Type of Improvement	Estimated Cost for Project Development ²
Both Allotments	Spruce Division Fence (~17 miles) ¹	\$68,000
<p>¹ The Spruce Division Fence is essential for livestock control in Steptoe Valley and ensure the multiple use objectives are attained.</p> <p>² Priority for construction of range improvements will be completed in close consultation, coordination, and cooperation with the livestock permittee and other interested publics. Higher priority will be placed on those range improvements where there is cooperative funding available, either from the livestock permittee, other agencies or other interested publics.</p>		

Goshute Valley Well will be evaluated and equipped by the permittee for use in Subunit C-3 (East Goshute Valley).

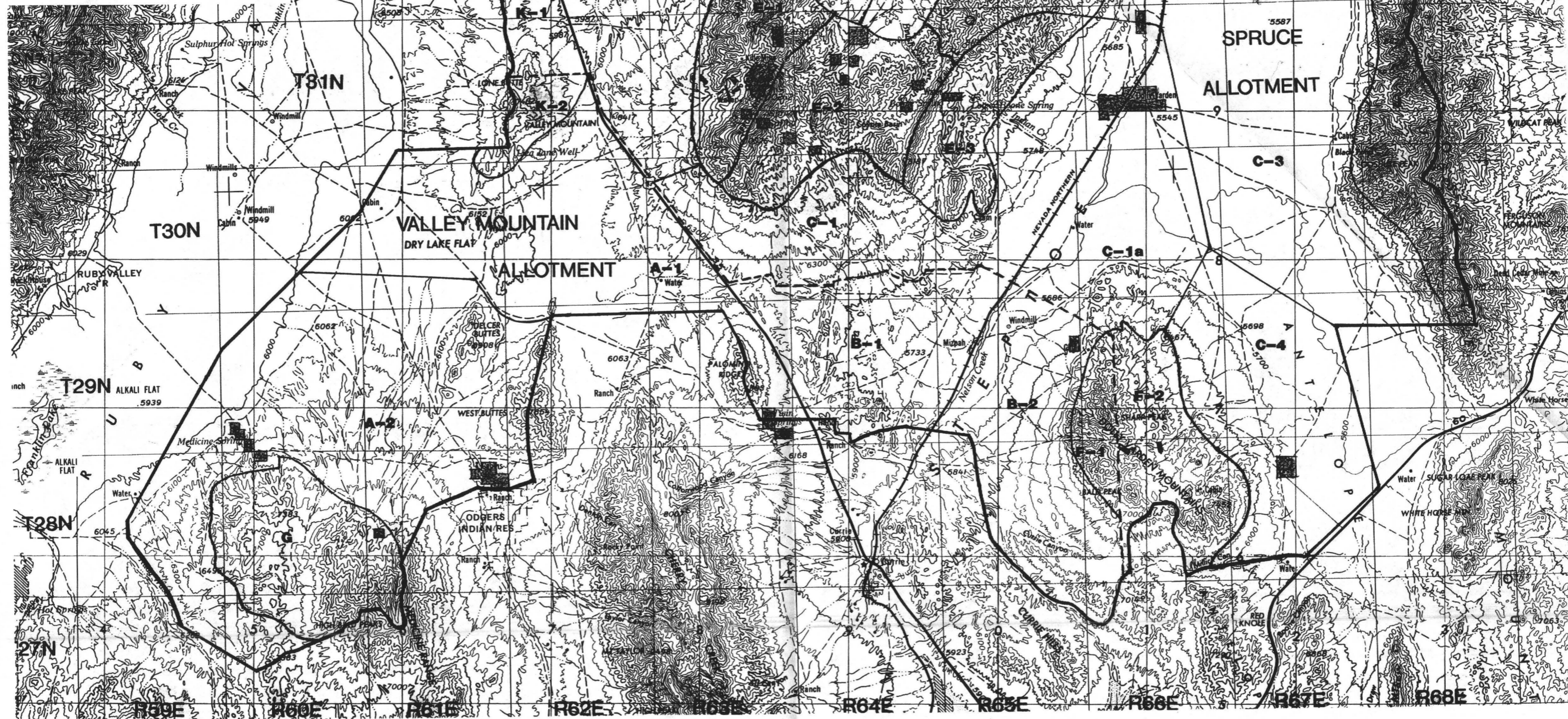
The proposed wells in both allotments will help improve livestock distribution within the allotment. Also, the wells will provide water for wildlife and wild horses.

Refer to Maps 7 and 8 in the allotment evaluation dated April 27, 1995 for location of existing and proposed range improvement projects. These locations are very general and will not be finalized until completion of NEPA documentation, as required, for each proposed range improvement project.

ALLOTMENT BOUNDARIES

- Allotment Division Boundary
- Subunits
- Private Land

Map 1





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE



**INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND
APPEALS**

DO NOT APPEAL UNLESS

1. This decision is adverse to you **AND** 2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES *MUST* BE FOLLOWED:

1. NOTICE OF APPEAL:

Within 30 days file a ***NOTICE OF APPEAL*** in the office which issued this decision (SEE CFR SECS. 4.411 AND 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL:

BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE
3900 E. IDAHO STREET
ELKO, NV 89801

and a copy to

OFFICE OF THE SOLICITOR
SALT LAKE CITY FIELD OFFICE
6201 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UT 84138

3. STATEMENT OF REASONS:

Within 30 days after filing the ***NOTICE OF APPEAL***, file a **COMPLETE** statement of the reasons why you are appealing. This must be filed with the:

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY, BOARD OF LAND APPEALS
4015 WILSON BLVD.,
ARLINGTON, VA 22203

(SEE 43 CFR SEC. 4.412 AND 4.413). If you fully stated your reasons for appealing when filing the ***NOTICE OF APPEAL***, no additional statement is necessary. **ALSO SEND A COPY TO REGIONAL SOLICITOR.**

4. ADVERSE PARTIES:

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor must be served with a copy of:

- A. THE ***NOTICE OF APPEAL***
- B. THE STATEMENT OF REASONS, AND
- C. ANY OTHER DOCUMENT FILED (SEE 43 CFR SEC. 4.413).

5. PROOF OF SERVICE:

Within 15 days after any document is served on an adverse party, file proof of that service with the BOARD OF LAND APPEALS, at the above address. This may consist of a certified or registered mail "return receipt card" signed by the adverse party (SEE 43 CFR SEC. 4.401(C)(2)).

UNLESS THESE PROCEDURES ARE FOLLOWED YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR SEC. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A DOCUMENT IS NOT FILED UNTIL IT IS ACTUALLY RECEIVED IN THE PROPER OFFICE (SEE CFR SEC. 4.401(A))

10/7/98



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611

In Reply Refer To:
4130/4400.4 (NV-012)

Von L. and Marian Sorensen
HC 60 Box 165
Wells, NV 89835

OCT -7 1998

Dear Mr. and Mrs. Sorensen:

The Final Multiple Use Decision (FMUD) for the Spruce Allotment was issued on January 30, 1998. The FMUD identified the management actions necessary to meet the multiple use objectives outlined for the allotment. One of the management actions was to divide the Spruce Allotment into two separate allotments: Spruce and Valley Mountain. An appeal on the new Spruce Allotment was received from you on March 2, 1998. A petition for a stay was not requested, therefore, BLM is going forward with the implementation of the FMUD pending the appeal. The BLM held off implementing the grazing schedule outlined in the FMUD until November 1, 1998 to avoid making any changes during the middle of the 1997 grazing season. The appeal does not affect implementation of the management actions identified for the Valley Mountain Allotment.

The enclosed grazing permit is a statement of your permitted use on the public lands administered by the BLM, and includes the terms and conditions described in the FMUD for the Spruce Allotment. The term of your grazing permit will be from November 1, 1998 to October 31, 2008.

Please review the terms and conditions printed on both sides of the grazing permit. If you accept the terms, conditions, and information stated herein, please sign, date, and return both copies to this office by November 1, 1998. An approved copy will be returned to you for your files.

If you have any questions, please contact Leticia Lister of my staff at (702) 753-0200.

Sincerely yours,

CLINTON R. OKE, Manager
Renewable Resources

Enclosure. As stated above.

cc: See attached list.

Kenneth Jones
Nevada Cattlemen's Association
U.S. Fish and Wildlife Service
Resource Concepts, Inc.
Nevada Division of Wildlife-Elko
Elko Board of County Commissioners
Nevada State Clearinghouse
Nevada State Division of Agriculture
Animal Protection Institute
HTT Resource Advisors
Sierra Club, Toiyabe Chapter
Nevada Wildlife Federation
The Humane Society of the U.S.
Commission for the Preservation of Wild Horses
Federal Land Bank
American Horse Protection Associations, Inc.
Natural Resources Defense Council, Inc.
Rutgers Law School
Nevada Division of Environmental Protection
Bottari and Associates Realty
The Nature Conservancy
Wild Horse Organized Assistance
Wells Resource Area Grazing Association
American Mustang and Burro Association
People for the West
Nevada Woolgrower's Association
Buster Wines Ranch
Charles M. and John H. Young
International Society-Protection of Mustangs/Burros

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE 015
OPERATOR NUMBER 271085
PREFERENCE CODE 03
DATE PRINTED 10/06/98
TERM 11/01/1998 TO 10/31/2008
11/10/98

SORENSEN, VON L. &
MARIAN

HC 60 BOX 165
WELLS, NV 89835

BUREAU OF LAND MANAGEMENT
WELLS RESOURCE AREA
3900 EAST IDAHO ST.
ELKO, NV 89801-4611

THIS GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING PREFERENCE ON THE PUBLIC LANDS AND/OR OTHER LANDS ADMINISTERED BY THE BLM. YOU ARE AUTHORIZED TO MAKE GRAZING USE TO THE EXTENT OF YOUR ACTIVE GRAZING PREFERENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS INCORPORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

ALLOT ----- PASTURE -----	LIVESTOCK		GRAZING PERIOD		TYPE		AUM"S -----
	NUMBER	KIND	BEGIN	END	%PL	USE	
04346 SPRUCE	401	CATTLE	11/01	02/28	100	ACTIVE	1582
	401	CATTLE	03/01	05/31	100	ACTIVE	1213
	672	CATTLE	05/01	10/31	100	ACTIVE	4065
	827	CATTLE	11/01	02/28	100	ACTIVE	3263
	827	CATTLE	03/01	03/31	100	ACTIVE	843

TERMS AND CONDITIONS:

AUTHORIZED GRAZING USE WILL BE IN ACCORDANCE WITH THE FINAL MULTIPLE USE DECISION FOR THE SPRUCE ALLOTMENT DATED JANUARY 30, 1998.

OF THE 11,769 AUMS, 10,965 ARE ACTIVE USE AUMS AND 804 ARE VOLUNTARY NON-USE AUMS.

ALL AVAILABLE WATERS WITHIN THE SCHEDULED USE SUBUNIT WILL BE USED TO ENSURE PROPER LIVESTOCK DISTRIBUTION.

ENSURE THAT ALL STOCKWATER TROUGHS AT WATER FACILITIES UTILIZED DURING THE SECOND HALF OF THE WINTER GRAZING SEASON ARE LEFT FULL OF WATER WHEN CATTLE ARE REMOVED (AFTER 3/31).

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 AFTER THE GRAZING SEASON BASED ON ACTUAL GRAZING USE IN ACCORDANCE WITH 43 CFR 4130.8-1(E).

AN ACTUAL GRAZING USE REPORT SHOWING USE BY SUBUNIT AND WATER SOURCES USED WITHIN THE SUBUNIT MUST BE SUBMITTED BY 6/15 FOR WINTER GRAZING BY BOTH THE SECRET PASS AND SPRUCE MOUNTAIN HERDS AND 11/15 FOR SPRING/SUMMER/FALL GRAZING BY THE SPRUCE MOUNTAIN HERD.

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 SUBUNIT AND THE GRAZING TREATMENTS. MOVING DATES BETWEEN SUBUNITS CAN VARY 5 DAYS BEFORE AND AFTER THE SCHEDULED MOVE DATES.

DEVIATIONS FROM THE GRAZING SYSTEM WILL BE ALLOWED TO MEET THE NEEDS OF THE RESOURCES AND THE PERMITTEE AS LONG AS THESE DEVIATION ARE CONSISTENT WITH MULTIPLE USE OBJECTIVES. DEVIATIONS, INCLUDING TURNOUT DATE, LIVESTOCK NUMBERS, AND GRAZING SYSTEM, WILL REQUIRE AN APPLICATION AND WRITTEN AUTHORIZATION FROM THE RENEWABLE RESOURCES MANAGER PRIOR TO GRAZING USE.

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 STOP ACTIVITIES IN THE IMMEDIATE VICINTIY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED TO PROCEED BY THE AUTHORIZED OFFICER.

LINES 1 AND 2 REFELCT USE BY THE SECRET PASS HERD. LINE 3 REFLECTS SPRING/SUMMER/FALL USE BY THE SPRUCE MOUNTAIN HERD. LINES 4 AND 5 REFLECT WINTER USE BY THE SPRUCE MOUNTAIN HERD.

SUPPLEMENTAL FEEDING IS LIMITED TO SALT, MINERAL AND/OR PROTEIN SUPPLEMENTS IN BLOCK, GRANULAR OR LIQUID FORM. SUCH SUPPLEMENTS MUST BE PLACED AT LEAST 1/4 MILE FROM LIVE WATERS (SPRINGS, STREAMS, AND TROUGHS), WET OR DRY MEADOWS, AND ASPEN STANDS.

ALL RIPARIAN EXCLOSURES, INCLUDING SPRING DEVELOPMENT EXCLOSURES, ARE CLOSED TO LIVESTOCK USE UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE AREA MANAGER.

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.

OPERATOR NUMBER: 271085

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
04346 SPRUCE	11769		11769

THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____