



United States Department of the Interior

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Bertrand Paris and Sons
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Ely, NV 89301-9403

AREA MANAGER'S PROPOSED MULTIPLE USE DECISION
FOR THE WEST CHERRY CREEK 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 the public lands on the West Cherry Creek Allotment. The Rangeland Program Summary (RPS) was issued on September 15, 1986, which further identified the allotment specific objectives for the West Cherry Creek Allotment.

As identified in the Wells RMP and the RPS, monitoring was established on the West Cherry Creek Allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established by the RMP. Since 1980, monitoring data has been collected and during the years 1993/94 this data was analyzed, through the allotment evaluation process, to determine progress in meeting multiple use objectives for the West Cherry Creek Allotment, and to determine what changes in existing management are required in order to meet specific multiple use objectives for the allotment.

Through the consultation, coordination, and cooperation process (CCC), your input as well as input from other affected interests 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 West Cherry Creek 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 allotment specific multiple use objectives are required as follows:

1. The following RPS objectives will no longer be evaluated as they have been attained and it is unnecessary to continue monitoring achievement of these objectives:
 - a. Improve livestock distribution on the west bench of the Cherry Creek Mountains.

- b. Improve water distribution problems for domestic sheep in the Cherry Creek Mountains near Elko-White Pine County Line.
 - c. Develop an allotment management plan (AMP) to be signed in FY86.
 - d. Facilitate big game movements by modifying existing fences to Bureau standards where necessary.
2. The following Cherry Creek Habitat Management Plan (HMP) short-term objectives will no longer be evaluated because final evaluation of these short-term objectives was in 1992, however, the long-term objectives for riparian/aquatic habitat will continue to be evaluated:

- a. Improve 1.5 miles of lower Taylor Creek from 36.9 percent to 48 percent of habitat optimum (30 percent improvement) within the short-term (by 1992).

NOTE: The HMP objective was written for all of lower Taylor Creek. The specific objective for the West Cherry Creek Allotment should read: "Improve the riparian/stream habitat condition of 0.9 mile of lower Taylor Creek by a minimum of 30 percent (from 1980 baseline data) within the short-term (by 1992)."

- b. Complete one comprehensive study of the relict dace by 1992.
- c. Improve 8.5 miles of Odgers Creek from 32.4 percent to 42.1 percent of habitat optimum (30 percent improvement) within the short-term (by 1992).

NOTE: The HMP objective was written for all of Odgers Creek. The specific objective for the West Cherry Creek Allotment should read: "Improve the riparian/stream habitat condition of 4.5 miles of Odgers Creek by a minimum of 30 percent (from 1980 baseline data) within the short-term (by 1992)."

Allotment management plan (AMP) and key area objectives were modified to show achievement by 2005. There is a need to standardize all of our objectives to the land use plan, thus final achievement of the objectives should be consistent with the term of the land use plan.

Key area utilization objectives were modified to allow for some flexibility. The implementation of the proposed grazing system will result in intensive livestock management to allow the native grasses to meet physiological requirements. An average utilization over a period of time will allow for some flexibility as some years may result in less use while others may be slightly higher based on the grazing treatment and variations in forage production. The same concept applies to the seedings. However, utilization figures on crested wheatgrass are slightly higher as studies on similar range sites have shown that 55 percent utilization levels will maintain the seeding production. Annual utilization on bitterbrush remains at 25 percent use by livestock to ensure that enough forage is left for deer during the winter. Maximum combined annual utilization by livestock and deer will remain at 45 percent.

The seeding production objectives were requantified to indicate carrying capacity levels in terms of AUMs versus acres/AUM. The seeding production objectives are largely tied to the carrying capacity for livestock, which is referred to in terms of AUMs. Therefore, requantifying these objectives will equate more directly with the production of AUMs instead of acres/AUM.

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 West Cherry Creek Allotment will be reevaluated in Fiscal Year 1997.

→ NOT
BAD

The reevaluation will specifically address sheep use in Taylor Canyon and Snow Creek Units as it relates to key area objectives established in this multiple use decision. Based on evaluation of new monitoring data collected, necessary adjustments will be made to sheep grazing management through issuance of a new grazing decision. A complete allotment reevaluation will be scheduled in accordance with priorities established in the Wells Resource Area Monitoring and Evaluation Schedule to determine progress in meeting multiple use objectives and to make any necessary adjustments as determined by monitoring studies. Refer to Appendix A for a complete list of multiple use objectives to be evaluated at the next allotment evaluation.

In addition to the above described changes to objectives, it is my proposed decision to implement the management actions identified below for livestock and wild horse management in the West Cherry Creek Allotment. The permittee has voluntarily implemented the livestock management actions for the 1994 grazing season prior to issuance of this Proposed Multiple Use Decision. The management actions identified for livestock and wild horses will be effective upon issuance of the Final Multiple Use Decision and subsequent appeal period. The West Cherry Creek AMP (approved May 19, 1986), combined with the management actions outlined in this proposed decision, and the planned actions identified in the Cherry Creek HMP (approved September 29, 1987) will continue to be implemented.

LIVESTOCK GRAZING MANAGEMENT DECISION

Livestock grazing management actions to be implemented in the West Cherry Creek Allotment are identified below:

1. **Modify the existing AMP grazing system. Refer to Appendix B for an outline of the grazing system.**

The grazing system will allow for:

-deferred use until 5/25 in the Dry Troughs Bench Unit. The development of waters in this unit will also allow for use later in the season. Authorized use in the Dry Troughs Bench will not extend beyond 10/25 for sheep and 9/30 for cattle.

-deferred use until 6/15 in the Snow Creek Unit. The development of waters will allow for use later into the season, avoiding the early part of the growing season. Sheep will remain in the Snow Creek Unit until water from snow is no longer available.

-a rest-rotation system for cattle and a deferred rotation system for sheep in the Taylor Canyon Unit in order to improve forage diversity on seasonal mule deer habitat and riparian areas. Sheep use in Taylor Canyon will not be allowed prior to 7/1.

-deferred use until 8/1 on Odgers Creek.

Rationale. The Dry Troughs Bench Unit is not only used by livestock, but is also crucial deer winter range. Use on Dry Troughs Bench in the early part of the season is basically on the native range adjacent to the seeding that the sheep are lambing in. As the sheep drop their lambs they are sorted and moved to Dry Troughs Bench. This use in the past has resulted in use levels of no more than light use. Because Dry Troughs Bench is lower in elevation than Snow Creek Unit, phenologically, range readiness is earlier on Dry Troughs Bench. During this time of the year, there is abundant green forage and sheep are only grazing for a short period of time (approx. 2 weeks) resulting in light use.

Historic livestock use through mid-October has resulted in utilization of bitterbrush below objective levels. Therefore, the 10/25 maximum off-date should not conflict with management objectives for key browse species.

Use in the Snow Creek Unit will occur as long as snow is available for water, in order to defer use in Taylor Canyon. Therefore, use in the Snow Creek Unit will be largely dependent on weather conditions. The construction of the Cherry Creek Reservoir should allow for longer periods of use provided snow conditions are adequate. When water is no longer available, sheep will move into Taylor Canyon. However, use in Taylor Canyon will not occur prior to 7/1.

The Taylor Canyon area has shown a downward trend in summer mule deer habitat conditions since 1979. This decline can be attributed to heavy livestock use within terrestrial riparian habitat types combined with drought conditions. The same grazing cycle has been used year after year in the past and has partly contributed to the declining conditions. Heavy livestock use within aspen types, for example, has significantly affected desired age class structure and the ability of these habitat features to provide optimum cover and forage. Poor forage diversity is the most common limiting factor on mule deer summer range in the West Cherry Creek Allotment. An improvement of the overall average percent forb composition would significantly improve habitat conditions and meet big game habitat objectives, improve sage grouse and blue grouse nesting and brood rearing habitat, and improve range conditions within this portion of the West Cherry Creek Allotment.

With the trespass livestock problem resolved, deferred use after seed ripe should allow for improved conditions on Odgers Creek. Wild horse monitoring data will continue to be collected to determine wild horse use made prior to livestock turnout and combined wild horse and livestock use, in order to determine if further adjustments are necessary.

2. The total active preference will remain at 2674 AUMs (2661 active AUMs and 13 FFR AUMs). The total AUMs authorized by pasture, as outlined in the grazing system (Appendix B), is outlined below.

AUMs Authorized By Pasture.				
Pasture	1994	1995	1996	1997
Snow Creek	289	289	289	289
Dry Troughs Bench	230	230	230	230
Odgers Creek	385	385	385	385
Taylor Canyon	630	630	585	585
North-South Seeding	196	147	196	205
South-South Seeding	180	196	147	196
North Seeding	308	385	376	385
East Seeding	385	341	385	308
Far East Seeding	58	58	68	78
Fenced Federal Range	13	13	13	13
Total	2674	2674	2674	2674

Rationale. The post-evaluation carrying capacity results indicate that 3108 AUMs are available, 2881 AUMs for livestock and 227 AUMs for wild horses (refer to Table 24 of the West Cherry Creek Allotment Evaluation). However, because not all multiple use objectives have been attained, an increase in livestock active preference cannot be justified. The purpose of the seedings was to defer use on the native range (primarily Odgers Creek because of the presence of relict dace) until 8/1 each year. Increases in carrying capacity of the seedings will not result in increases in active preference, but rather increased use on seedings and reduced use, if not complete rest, on the native range.

3. **Re-define the boundary between Dry Troughs Bench and Snow Creek Units. The new boundary will be at the tree line (see Map 6 in the West Cherry Creek Allotment Evaluation). Although there is not much difference, it is a more realistic boundary.**

Rationale. There are no existing interior fences separating the Dry Troughs Bench and Snow Creek Units. The current existing boundary is a line across the bench, connecting the water troughs. (Refer to Map 6 in the West Cherry Creek Allotment Evaluation.)

The uncertainty of where the permittee defines the boundary and reports his actual use and where BLM defines the boundary and interprets the reported actual use has led to problems in over-estimating and under-estimating use in both units.

Re-defining the boundary and ensuring that actual use reports are as accurate as possible will help in better interpretation of the data. This, along with monitoring data will allow for a more accurate carrying capacity level to be established for the Dry Troughs Bench Unit.

In addition, the boundary change will place KA-01 (Upper Dry Troughs) in the Dry Troughs Bench Unit, which will be deferred until 5/25.

4. **In addition to continued implementation of the West Cherry Creek AMP, the following terms and conditions will be added to the term grazing permit:**

"Authorized grazing use will be in accordance with the West Cherry Creek AMP, as amended by the District Manager's Final Multiple Use Decision for the West Cherry Creek Allotment dated _____."

"An actual grazing use report, showing use by pasture and kind of livestock, must be submitted within 15 days from the last day of scheduled use."

"Supplemental feeding is limited to salt, mineral, and 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 riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing by the Wells Resource Area Manager."

"The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture and the grazing treatments. Livestock numbers and periods of use will be applied for on an annual basis. The entire active grazing preference will be paid in advance. Reconciliation of payment will be made based on submitted actual grazing use report."

"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 beyond the limits of the flexibility outlined in the AMP, including deviations in the turnout date and grazing system, will require an application and written authorization from the Wells Resource Area Manager prior to grazing use.

The request must be applied for in writing, at least five working days prior to the proposed implementation date. The BLM will respond to such an application within five working days of receipt."

"No livestock use (except trailing) will be allowed along lower Taylor Creek. Livestock will be gathered from Taylor Canyon and trailed directly to the next scheduled pasture, rather than be allowed to drift into lower Taylor Creek. If control of livestock use in this manner cannot be accomplished, corridor fences will be constructed as originally proposed in the HMP and AMP."

"No camps or sheep bedding areas will be allowed within $\frac{1}{4}$ mile of lives waters (springs, streams, and troughs), wet or dry meadows, including aspen stands."

"All available waters within a scheduled use pasture will be used to ensure proper distribution by livestock."

Rationale. An evaluation of current grazing management practices has indicated multiple use objectives have not been achieved and changes are necessary.

Actual use is essential to the monitoring effort.

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

The permittee is afforded flexibility in his operation in order to adjust to range readiness, climatic conditions, and annual fluctuations in his livestock operation. The AMP allows for reconciliation of grazing use at the end of the grazing season.

Livestock use along Taylor Creek and Odgers Creek must be limited to achieve riparian/stream habitat objectives. Continued implementation of the AMP will help achieve these objectives.

Corridor fences were proposed along a portion of lower Taylor Creek. With construction of the new allotment boundary fence and proper movement/trailing of livestock, improvement of the riparian/stream habitat for this portion of Taylor Creek can be accomplished without fencing. This would meet the riparian/stream habitat objective for Taylor Creek within the West Cherry Creek Allotment.

Excessive livestock use within terrestrial riparian habitats has led to declining conditions on mule deer fawning areas and summer habitat. Limiting use in these crucial areas, along with deferment as per the selected grazing system, should improve current conditions.

Using all available waters within a pasture will ensure proper livestock distribution.

5. Establish additional key areas to monitor livestock use in the following locations:

- slopes of the Snow Creek Unit,
- aspen type communities in Taylor Canyon,
- and, upland browse communities in Taylor Canyon.

Utilization of the upland browse species and aspen will not exceed 45% combined livestock and wildlife use. The percent allowable use by livestock will be determined in future evaluations. The key species will be determined when key areas are established.

Rationale. Another key area in the Snow Creek Unit is needed to monitor sheep use on the slopes, including use on browse species. One of the existing key areas (KA-01) in the Snow Creek Unit will be within the Dry Troughs Bench Unit upon adjustment of the boundary between the two units.

Establishing a key area in the aspen type communities will monitor these deer crucial areas and ensure that wildlife objectives are being met.

Monitoring utilization of the upland browse communities, in addition to current monitoring efforts, will help to determine the extent of use made on key browse species and allow for identification of problem areas of these species that may lead to potential wildlife conflicts.

Minimal monitoring of the browse species exists in Taylor Canyon and Snow Creek Units. Utilization levels by kind of animal (livestock or wildlife) will be established upon determination of the extent of use being made. A reevaluation in Fiscal Year 1997 will allow for analysis of monitoring data collected.

6. Evaluate the two exclosures in Odgers Creek and one exclosure in Taylor Canyon in 1995 to determine if good or excellent riparian/stream habitat condition has been achieved (Project #5205 - Odgers Creek Exclosures 2 & 4 and Project #5703 - Taylor Creek Exclosure). Upon achievement of good or excellent condition, a determination to allow livestock use in a manner consistent with maintenance of good or excellent riparian/stream habitat condition will be made. Written authorization and adherence to any special terms and conditions will be required before use is made.

Rationale. The exclosures in Odgers Creek were constructed in 1986. Available monitoring data indicates that progress has been made toward attaining the riparian/stream habitat objectives within the exclosures. Upon attainment of these objectives, light use levels by livestock (30 head herd) may be allowed and still maintain good or excellent riparian/stream habitat conditions.

The Taylor Creek Exclosure was constructed in 1989 to expedite the recovery process of the creek after the unauthorized channelization and rehabilitation work. Upon attainment of the riparian/stream habitat objectives within the exclosure, light use levels by livestock (30 head herd) may be allowed and still maintain good or excellent riparian/stream habitat conditions.

7. Complete at least 3 spring enhancement/improvement projects within the aspen type communities around Main Camp Spring and Tent Spring by 1996.

Additional spring enhancement/improvement projects will be completed as needs are determined and funding becomes available.

Rationale. Completion of these projects will help achieve the wildlife habitat improvement objectives identified for the West Cherry Creek Allotment.

Authority for the actions described in this proposed decision is found in 43 CFR Parts 4100.0-8, 4120.2, 4130.6, 4130.6-1(a), 4130.6-2, 4130.6-3, and 4160.1.

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days from receipt of this notice within which to file such a protest with the Wells Resource Area Manager, Elko District, Bureau of Land Management, 3900 East Idaho Street, P.O. Box 831, Elko, Nevada, 89803.

A protest may be made either in person or in writing to the Wells Resource Area Manager and shall specify the reasons why you think the proposed decision is in error.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that in order to maintain a thriving ecological balance for that portion of the Maverick-Medicine Herd Management Area (HMA) which occurs in the West Cherry Creek Allotment, it is necessary to implement the following actions:

1. Reduce to and maintain the Maverick-Medicine HMA to an initial herd size of 332 as per the Wells RMP Wild Horse Amendment. This will allow for an initial AML of 33 wild horses in the West Cherry Creek Allotment (227 AUMs). →

Adjust
Bandages
Restrict

Rationale. As per the Wells RMP Wild Horse Amendment, wild horses will be reduced to initial herd size within the HMAs. As per Bureau policy, upon establishing an AML for each HMA, wild horses will be removed every three years and herds maintained at AML. The most recent recalculations of wild horse monitoring data indicate that the initial herd size of 389 wild horses for the Maverick-Medicine HMA needs to be adjusted to 332 to ensure the initial AML of 33 within the West Cherry Creek Allotment.

Produce

Through seasonal distribution flights, it was determined that an average of 23 percent of the wild horses in the Maverick-Medicine HMA use the West Cherry Creek Allotment. The carrying capacity in the pastures used most by wild horses was proportioned based on their demand for forage. The data indicated that based on this proportion, 227 AUMs (or 33 horses for 7 months at 96 percent PL) were available for wild horses.

2. Continue to gather seasonal distribution data on the Maverick-Medicine HMA.

Rationale. In 1991, intensive seasonal distribution flights were begun within the Wells Resource Area. These census flights have provided valuable information on wild horse movements and should continue until monitoring data indicates that the appropriate management level has been attained. Monitoring will be increased by establishing additional key areas after the Maverick-Medicine HMA is reduced to initial herd size.

3. Establish 2 additional key areas to monitor wild horse use in the following locations:

- Denton Canyon area, and
- on the west side of Odgers Creek.

Rationale. A key area in Denton Canyon would provide strictly wild horse utilization data. The furthest north that sheep use the Taylor Canyon area is around Mustang and Trough Springs. Sheep use in the Mustang and Trough Springs area is usually limited by the amount of water in the springs. From 1989 to 1992, use by sheep was very limited due to drought conditions and dried up springs. Denton Canyon is located north of Mustang and Trough Springs and thus would provide only wild horse use.

Repeat
about

A key area on the west side of Odgers Creek would monitor strictly wild horse utilization data. This area is not readily used by livestock due to the lack of water. However, wild horses do readily use this area as they come off the Medicine Range to water in Odgers Creek.

Authority for the actions described in this proposed 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), 4710.4, and 4720.1.

In accordance with 43 CFR 4770.3(a) which states in part:

"Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals must be filed within 30 days of receipt of the decision in accordance with 43 CFR Part 4, subpart E."

Although these regulations do not provide for a protest, for the purpose of consistency, this Multiple Use Decision is issued as a Proposed Decision. Subsequent to the protest period (15 days from receipt of the proposed decision), a Final Decision will be issued. Therefore, should you wish to protest this decision, you are allowed fifteen (15) days, from receipt, to file your reasons as to why the proposed decision is in error with the Wells Resource Area Manager, Bureau of Land Management, 3900 East Idaho Street, P.O. Box 831, Elko, Nevada, 89803.

Sincerely yours,



BILL BAKER, Manager
Wells Resource Area

Enclosures: Appendix A
Appendix B

cc: NV Division of Wildlife
Farm Credit Services
Cliff Gardner
HTT Resource Advisors
U.S. Fish and Wildlife Service
Nevada Land Action Association
Louise Lear, et. al.
Nevada Department of Agriculture
The Nature Conservancy
Jim Mulcahy
Natural Resources Defense Council
Sierra Club - Toiyabe Chapter
Commission for the Preservation of Wild Horses
Animal Protection Institute
Rutgers Law School
Wells Resource Area Grazing Association
Wild Horse Organized Assistance

APPENDIX A

Allotment Management Objectives

1. General Land Use Plan (LUP) Objectives

- a. Provide for livestock grazing consistent with other resource uses.
- b. Continue management of the existing wild horse herds consistent with other resource uses.
- c. Conserve and/or enhance wildlife habitat to the maximum extent possible.
- d. Eliminate all of the fencing hazards in crucial big game habitat and most of the fencing hazards in non-crucial big game habitat.
- e. Eliminate all of the high and medium priority terrestrial riparian habitat conflicts in coordination with other resource uses.
- f. Improve high and medium priority riparian/stream habitat to at least good condition.
- g. Prevent undue degradation of all riparian/stream habitat due to other uses.

2. Rangeland Program Summary (RPS) Objectives

- a. Improve ecological status in the Dry Troughs Bench Unit and Taylor Canyon Unit (Main Camp Spring Area).
- b. Maintain or improve ecological status in the Snow Creek Unit (including Dry Trough-Upland), Odgers Creek Unit, and Taylor Canyon Unit (Mustang Spring Area).
- c. Manage for a wild horse herd size which will maintain a thriving ecological balance consistent with other multiple uses while remaining within the wild horse herd management area.

NOTE: The original AMP objective read "Ensure that wild horse populations are managed at the 1981 levels as per the Wells RMP/EIS." However, IBLA rendered a decision which clarified that a wild horse herd size is to be established based on the concept of maintaining a thriving ecological balance, thus the objective was reworded.

- d. Improve or maintain all seasonal big game habitat in the West Cherry Creek Allotment to good or excellent condition to provide forage and habitat capable of supporting the following reasonable numbers by 2005:
1,717 mule deer: 2,294 AUMs
- e. Improve, enhance, or develop 2 springs in the West Cherry Creek Allotment to good or excellent condition.
- f. Improve crucial deer winter habitat by:
 - cutting (thinning) 3,000 acres of pinyon and juniper.
 - chaining or burning and seeding 250 acres of pinyon, juniper, and sagebrush.
- g. Improve riparian/stream habitat to good or better condition on Taylor Creek and Odgers Creek by 2005.

3. **Cherry Creek Habitat Management Plan (HMP) Objectives**

- a. Improve to or maintain in at least good condition all deer use areas in the Cherry Creek Resource Conflict Area (RCA) by 2000.
- b. Increase the combined percentage of seedlings and young plants in the Cherry Creek bitterbrush population to 10 percent by 2000.
- c. Achieve annual utilization of the Cherry Creek bitterbrush population which does not exceed 45 percent of twig length by 2000 (maximum of 25 percent for livestock).
- d. Maintain or increase the foliar coverage of the Cherry Creek bitterbrush population by 2000.
- e. Improve 1.5 miles of lower Taylor Creek from 36.9 percent to at least 60 percent of habitat optimum (good condition) within the long-term (by 2000).

NOTE: The HMP objective was written for all of lower Taylor Creek. The specific objective for the West Cherry Creek Allotment should read: "Improve the riparian/stream habitat condition of 0.9 mile of lower Taylor Creek to good or better condition (60 percent or more of habitat optimum) in the long-term (by 2000)."

- f. Improve 8.5 miles of Odgers Creek from 32.4 percent to at least 60 percent of habitat optimum (good condition) within the long-term (by 2000).

NOTE: The HMP objective was written for all of Odgers Creek. The specific objective for the West Cherry Creek Allotment should read: "Improve the riparian/stream habitat condition of 4.5 miles of Odgers Creek to good or better condition (60 percent or more of habitat optimum) in the long-term (by 2000)."

- g. Improve 25 springs and wet meadows, presently in poor or fair condition, to good or excellent condition by 2000.

NOTE: Two springs are to be improved within the West Cherry Creek Allotment.

4. **Allotment Management Plan (AMP) Objectives**

- a. Maintain or improve the ecological status of all key areas to late seral by 2005.
- b. Show a significant increase in percent frequency of occurrence of key species, as defined by Duncan's Multiple Range Test, by 2005.
- c. Manage for a wild horse herd size which will maintain a thriving ecological balance consistent with other multiple uses while remaining within the wild horse herd management area.

NOTE: The original AMP objective read "Ensure that wild horse populations are managed at the 1981 levels as per the Wells RMP/EIS." However, IBLA rendered a decision which clarified that a wild horse herd size is to be established based on the concept of maintaining a thriving ecological balance, thus the objective was reworded.

- d. Maintain good or excellent habitat condition ratings in deer summer ranges in the Cherry Creek Mountains.
- e. Improve the habitat condition rating for the deer winter range from the current rating of fair to good by 2005.

f. Maintain the current good riparian habitat condition ratings along Taylor Creek and improve the aquatic habitat condition rating from poor to good by 2005.

g. Improve current poor aquatic and riparian habitat condition ratings on Odgers Creek to good condition by 2005.

5. Key Area Objectives

a. Maintain or improve current late seral stage by 2005.

Key Area	1984 (baseline data) ¹	1989 ¹
KA-01	53	40
KA-03	58	29
KA-04	52	41
KA-05	56 ²	53

¹ Percent of range site potential.
² Baseline data read in 1985.

b. Improve from current mid to late seral stage by 2005.

Key Area	1984 (baseline data) ¹	1989 ¹
KA-02	47	49
KA-06	49	35

¹ Percent of range site potential.

c. Manage the seedings to provide at least the following AUMs of forage.

Seeding	Key Area	AUMs
East Sdg	KA-07	397
	KA-08	
Far East Sdg	KA-09	70
North Sdg	KA-10	423
	KA-11	
North-South Sdg	KA-12	213
South-South Sdg	KA-13	225

d. Manage grazing to obtain an average utilization of 50 percent on all native grass species, while never exceeding 60 percent in any single year. The seedings will be managed to obtain an average utilization of 55 percent on crested wheatgrass, while never exceeding 65 percent in any single year. The maximum allowable use by livestock on PUTR2 is 25 percent and the maximum allowable combined use by livestock and deer is 45 percent in any single year. The key species to be monitored at each key area are as follows:

Key Area	Key Spp.	Key Area	Key Spp.
KA-01	AGSP	KA-05 ¹	AGSP
	ORHY		POSC
	POSC		STLE4
	PUTR2	KA-06	AGSP
KA-02	AGSP		STCO3
	ORHY		HEKI
	POSC	AGOSE	
KA-03 ¹	SPAI	KA-07	AGCR
	SPGR	KA-08	AGCR
	POA++	KA-09	AGCR
KA-04	STLE4	KA-10	AGCR
	STCO3	KA-11	AGCR
	AGOSE	KA-12	AGCR
	ERIOG	KA-13	AGCR

¹ Odgers Creek (KA-03) and Taylor Canyon, Mustang Spring Subunit (KA-05) will be read prior to livestock turnout (wild horse use only) and when livestock leave the area (combined wild horse and livestock use).

e. Manage grazing to obtain a utilization level of 45% combined use by livestock and wildlife in the upland browse and aspen communities.

NOTE: The key species will be determined upon establishment of the key areas. Percent allowable use by livestock will be determined in future evaluations.

GRAZING SYSTEM FOR THE CATTLE OPERATION ON THE WEST CHERRY CREEK ALLOTMENT.

APPENDIX B

PASTURE	1994	1995	1996	1997	1998
North Seeding	Rest	200 c 5/1-6/30 (385)	50 c 10/1-10/31 (49) 30 c 7/11-9/30 (78)	200 c 6/1-7/31 (385)	Repeat Cycle
East Seeding	200 c 5/1-6/30 (385)	50 c 10/1-10/31 (49) 30 c 5/1-6/15 (43)	200 c 6/1-7/31 (385)	REST	
N-South Seeding	200 c 7/1-7/31 (196)	REST	200 c 5/1-5/31 (196)	50 c 10/1-10/31 (49) 30 c 5/1-7/10 (68)	
S-South Seeding	50 c 10/1-10/31 (49) 30 c 5/1-6/15 (43)	200 c 7/1-7/31 (196)	REST	200 c 5/1-5/31 (196)	
Far East Seeding	30 c 6/16-8/15 (58)	30 c 6/16-8/15 (58)	30 c 5/1-7/10 (68)	30 c 7/11-9/30 (78)	
Taylor Canyon	30 c 8/16-9/30 (45)	30 c 8/16-9/30 (45)	30 c REST	30 c REST	
Dry Troughs Bench	50 c 8/1-9/30 (85)	(Annual Use)			
Odgers Creek	150 c 8/1-9/30 (385)	(Annual Use)			
Total AUMs	(1246)	(1246)	(1246)	(1246)	

Legend: 200 c 8/1-9/30 (385)
 (# lvs& kind) (Period of Use) (AUMs)

Taylor Canyon will receive two consecutive years of rest every four years by the 30 head of cattle. Use will be authorized after 8/15.

The native range (Dry Troughs Bench and Odgers Creek) will be deferred from cattle use until 8/1.

Cattle will come off all the native range by 9/30 annually. Any authorized use after 9/30 will be in the seedings.

All available waters within a scheduled pasture will be used to ensure proper distribution by livestock.

The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture and the grazing treatments. Livestock numbers and periods of use will be applied for on an annual basis.

The grazing cycle will be repeated in 1998.

GRAZING SYSTEM FOR THE SHEEP OPERATION ON THE WEST CHERRY CREEK ALLOTMENT.

APPENDIX B (con't)

Pasture	1994	1995	1996	1997	1998
North Seeding	1800 s 5/1-5/14 (147) 1500 s 5/15-5/31 (161)	REST	1500 s 5/15-5/31 (161) 1000 s 6/1-6/14 (88)	REST	Repeat Cycle
East Seeding	REST	1500 s 5/15-5/31 (161) 1000 s 6/1-6/14 (88)	REST	1800 s 5/1-5/14 (147) 1500 s 5/15-5/31 (161)	
N-South Seeding	REST	1800 s 5/1-5/14 (147)	REST	1000 s 6/1-6/14 (88)	
S-South Seeding	1000 s 6/1-6/14 (88)	REST	1800 s 5/1-5/14 (147)	REST	
Taylor Canyon	1000 s 7/1-9/30 (585) <small>Main Camp deferred until 8/1.</small>	1000 s 7/1-9/30 (585) <small>Main Camp deferred until 8/1.</small>	1000 s 7/1-9/30 (585) <small>Mustang Spring deferred until 8/1.</small>	1000 s 7/1-9/30 (585) <small>Mustang Spring deferred until 8/1.</small>	
Dry Troughs Bench	1000 s 5/25-6/15 (100) 1000 s 10/1-10/25 (45)	(Annual Use)			
Snow Creek	1000 s 6/15-9/30 (289)	(Annual Use)			
Total AUMs	(1415)	(1415)	(1415)	(1415)	

Grazing Treatment for Taylor Canyon:

Taylor Canyon Unit will be divided into 2 subunits; Main Camp Spring and Mustang Spring. In 1994 and 1995, use in Main Camp Spring will be deferred until 8/1. When moving sheep into Taylor Canyon, 2 days use will be allowed in Main Camp Spring for watering, then sheep must be moved into Mustang Spring Subunit. Use after 8/1 will be allowed in both Main Camp Spring and Mustang Spring Subunits.

In 1996 and 1997, use in Mustang Spring will be deferred until 8/1. Use after 8/1 will be allowed in both Main Camp Spring and Mustang Spring Subunits.

There are 275 AUMs available in Main Camp Spring and 355 AUMs available in Mustang Spring, i.e. combined cattle and sheep AUMs.

Dry Troughs Bench will be deferred from sheep use until 5/25, Snow Creek will be deferred until 6/15, and Taylor Canyon will be deferred until 7/1. Sheep use from 5/1-5/25 will be in the seedings.

Sheep use in the Snow Creek Unit will occur as long as snow is available for water.

Sheep use on Taylor Canyon will be limited from 7/1-9/30 annually.

No camps or sheep bedding areas will be allowed within ¼ mile of lives waters (springs, streams, and troughs), wet and dry meadows, including aspen stands.

The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the maximum number of AUMs that may be removed from each pasture and the grazing treatments. Livestock numbers and periods of use will be applied for on an annual basis.

The grazing cycle will be repeated in 1998.

1



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

June 30, 1994

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

Mr. Bill Baker
Well Resource Area
Bureau of Land Management
3900 East Idaho Street
Elko, Nevada 89801

Subject: Protest - PMUD West Cherry Creek Allotment

Dear Mr. Baker:

The Nevada Commission for the Preservation of Wild Horses continues to protest the implementation of the Wild Horse Amendment to the Wells Resource Management Plan. Failure to receive full consideration to our comments concerning the draft amendment and without administrative appeal of the final amendment, the Commission seeks relief by protest or appeal of management decisions implementing the land use plan.

The Propose Decision does not establish an appropriate management level of 33 wild horses on the West Cherry Creek Allotment.

The Wells final amendment established an "initial herd size" based upon the exclusion of wild horses from checkerboard lands. This initial herd use of key forage is to be monitored and evaluated to establish a carrying capacity to be allocated to livestock, wildlife and wild horses.

Carrying Capacity must be established for the West Cherry Creek Allotment.

The Wells final amendment and Nevada Rangeland Monitoring Handbook set allowable use levels for key forage species on the West Cherry Creek Allotment. These limitations are to set carrying capacities for the affected pastures. The allotment evaluation carrying capacity computations did not consider the land use plan limitation of 55 percent utilization on riparian key species.

Mr. Bill Baker
June 30, 1994
Page 2

The Proposed Decision cannot extend the short term objectives of the land use plan.

Range program summaries are not decisions or management actions of the land use plan. Bureau policy requires monitoring data and evaluations to be completed five years after the completion of the land use plan. Short term objectives of the land use plan were based upon ten year time frames. Extending the accountability of the land use plan to 2005 will require a land use plan amendment.

The Proposed Decision does not comply with the National Environmental Policy Act.

The Strategic Plan for Management of Wild Horses and Burros on Public Lands and the Wild Horse Amendment to the Wells Resource Area Plan did not have NEPA documents that consider the impacts of herd re-structuring of the Maverick-Medicine Wild Horse Herd. The recent gather within the Wells Resource Area took all horses from the checkboard lands and released older age class wild horses to the new herd management area. This action increased horse densities on over grazed lands and re-structured the herd with older age class animals. No data were presented or evaluated to determine the composition and viability of the remaining re-structured herd.

The Proposed Decision is bias against Wild Horses.

The Proposed Decision implements a reduction in wild horse numbers and stipulates limitations horse numbers without addressing the impacts of livestock. Riparian and winter key forage limitations are to be applied to determining an appropriate management level for the Maverick-Medicine Wild Horse Herd in 1997. The Livestock Decision retains active preference for livestock during the "hot season" without any terms or conditions to limit 55% overall utilization. All livestock actions are dependent on future range improvement projects and actions will not provide any relief to riparian habitats.

The Proposed Decision did not address the 10% use limitation by wild horses on winter key species set by the Wells land use plan. This arbitrary limitation to lessen competition with livestock is not based upon plant phenology or range science.

Mr. Bill Baker
June 30, 1994
Page 3

Request for Relief

The Wells Resource Area quest to extend and amend the land use plan to seriously deplete the wild horse resources are evident in the multiple use decision making processes. It is our hope that the District make concessions in pending decisions that directly address the concerns of this Commission.

While we heartily support the management of wild horses on public lands to meet a healthy natural ecological balance between all users and resources, we must insist that good resource decisions be based upon monitoring data and fairly applied to all users. If Nevada is to achieve good ecosystem management through grazing reform on public lands, we must mutually agree on the concept, policy and application of regulations that determine these decisions.

Sincerely,

Catherine Barcomb
Executive Director

7/8/94



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801

IN REPLY REFER TO:
4400.4 (NV-015)

Bertrand Paris and Sons
HC 33 Box 33840
Ely, NV 89301-9403

JUL 8 1994

Dear Mr. Paris:

As you know, the Area Manager's Proposed Multiple Use Decision for the West Cherry Creek Allotment was issued on June 15, 1994.

Three protests were received all within the 15 day protest period. Protests were received from Nevada Division of Wildlife (NDOW), Wild Horse Organized Assistance (WFOA), and the Commission for the Preservation of Wild Horses.

The protests will need to be addressed prior to issuance of the Final Multiple Use Decision. We are scheduling a tour of the West Cherry Creek Allotment on August 17, 1994, for all affected interests. The purpose of the tour will be to allow for discussion and resolution/recommendations of the issues and problems on the allotment. All protestants are encouraged to attend.

We plan to leave the Elko BLM Office at 8:00 a.m. Transportation will be provided. Please bring a lunch and plan on a long day.

Please contact Karl Scheetz or Leticia Gallegos of my staff at (702) 753-0200 by August 9, 1994, if you plan on attending or if you have any questions.

Sincerely yours,

BILL BAKER, Manager
Wells Resource Area

- cc: NV Division of Wildlife
- Farm Credit Services
- Cliff Gardner
- HTT Resource Advisors
- U.S. Fish and Wildlife Service
- Nevada Land Action Association
- Louise Lear, et. al.
- Nevada Dept. of Agriculture
- The Nature Conservancy
- Jim Mulcahy
- Natural Resources Defense Council
- Sierra Club - Toiyabe Chapter
- Commission for the Preservation of Wild Horses
- Animal Protection Institute
- Rutgers Law School
- Wells Resource Area Grazing Association
- Wild Horse Organized Assistance

7/1/94

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504



... a note from

Dawn Y. Lappin

Lapped
7/1/94
4:06 pm

July 1, 1994

Mr. Bill Baker, Area Manager
Wells Resource Area
3900 E. Idaho Street
Elko, Nevada 89801

Subject: Protest - PMUD West Cherry Creek Allotment

Dear Mr. Baker,

Wild Horse Organized Assistance (W H O A) continues to protest the implementation of the Wild Horse Amendment to the Well Resource Management Plan. Failure to receive full consideration to our comments concerning the draft amendment, W H O A seeks relief by protest or appeal of management decisions implementing the land use plan.

The Proposed Decision does not establish an appropriate management level of 33 wild horses on West Cherry Creek Allotment.

The Wells final amendment established an "initial herd size" based upon the exclusion of wild horses from checkerboard lands. This initial herd use of key forage is to be monitored and evaluated to establish a carrying capacity to be allocated to livestock, wildlife, and wild horses.

Carrying capacity must be established for the West Cherry Creek Allotment.

The Wells final amendment and Nevada Rangeland Monitoring Handbook set allowable use levels for key forage species on the West Cherry Creek Allotment. These limitations are to set carrying capacities for the affected pastures. The allotment evaluation carrying capacity computations did not consider the land use plan limitation of 55 percent utilization on riparian key species.

The Proposed Decision cannot extend the short term objectives of the land use plan.

Bill Baker, Area Manager
July 1, 1994
Page 2

Range program summaries are not decisions or management actions of the land use plan. Bureau policy requires monitoring data and evaluations to be completed five years after the completion of the land use plan. Short term objectives of the land use plan were based upon ten year time frames. Extending the accountability of the land use plan to 2005 will require a land use plan amendment.

The Proposed Decision does not comply with the National Environmental Policy Act.

The Strategic Plan for the Management of Wild Horses and Burros on Public Lands and the Wild Horse Amendment to the Wells Resource Area Plan did not have NEPA documents that consider the impacts of herd re-structuring of the Maverick-Medicine Wild Horse Herd. The recent gather within the Wells Resource Area took all horses from the checkerboard lands and released older age class wild horses to the new herd management area. This action increased horse densities on overgrazed lands and re-structured the herd with older age class animals. No data was presented or evaluated to determine the composition and viability of the remaining re-structured herd.

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REQUEST FOR RELIEF

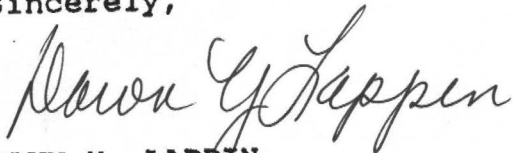
The Wells Resource Area quest to extend and amend the land use plan to seriously deplete the wild horse resources area evident in the multiple use decision making processes. It is our hope that the District make concessions in pending decisions that directly address the concerns of WHOA.

While we heartily support the management of wild horses on public lands to meet a healthy natural ecological balance between

Baker, Area Manager
July 1, 1994
Page 3

all users and resource, we must insist that good resource decisions be based upon monitoring data and fairly applied to all users. If Nevada is to achieve good ecosystem management through grazing reform on public lands, we must mutually agree on the concept, policy and application of regulations that determine these decisions.

Sincerely,



DAWN Y. LAPPIN
Director



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

July 1, 1994

Mr. Bill Baker, Area Manager
Wells Resource Area
3900 E. Idaho Street
Elko, Nevada 89801

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July 1, 1994
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Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director