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BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4130 (NV-012)

Kay and Mary Lear
HC 33 Box 33865
Ely, NV 89301

Indian Creek Ranch
c/o Greg Johnson
P.O. Box 6311
Elko, NV 89802

JUL 12 2000

William and Elizabeth Dickinson
P.O. Box 877
Wells, NV 89835

Jack and Terry Bowers
HC 60, Box 710
Ruby Valley, NV 89833

Dear Permittees:

The Maverick/Medicine Complex Management Action Selection Report (MASR) is enclosed for your review.

This MASR follows the Maverick/Medicine Complex Evaluation issued on March 31, 2000, and describes the management actions to be implemented on the allotments which comprise the Maverick/Medicine Complex. This MASR also responds to significant comments received which pertain to the evaluation and discusses the proposed management actions which have been modified. The management actions selected will ensure significant progress in meeting the standards and guidelines developed by the Nevada Northeastern Great Basin Resource Advisory Council, resolve identified issues and accomplish the resource objectives for the complex.

The Maverick/Medicine Complex evaluation analyzed all monitoring data from 1979 to 1999.

If you have any questions please contact Doug Furtado, Rangeland Management Specialist, at (702) 753-0200.

Sincerely,

CLINTON R. OKE
Assistant Field Manager
Renewable Resources

cc:

Nevada Division of Wildlife
Resource Concepts Inc.
Elko Board of County Commissioners
Nevada State Clearinghouse
Trout Unlimited
Nevada Cattleman's Association
Commission for the Preservation of Wild Horses
Wild Horse Organized Assistance (WHOA)
Nevada State Division of Agriculture
U.S. Fish and Wildlife Service
White Pine Board of County Commissioners
BLM, Ely Field Office
HTT Resource Advisors
Carol Sherman
M. Jeanne Hermann
Toiyabe Chapter, Sierra Club

MAVERICK/MEDICINE COMPLEX
Elko Field Office
MANAGEMENT ACTION SELECTION REPORT - June 2000

A. INTRODUCTION

The Maverick Medicine Complex Evaluation dated March 31, 2000 analyzed monitoring data that had been collected during the evaluation period (1977 to 1999). The evaluation drew conclusions to determine whether existing management practices were meeting or making significant progress towards the standards for rangeland health and on meeting Resource Management Plan (RMP), Rangeland Program Summary (RPS), Habitat Management Plan (HMP) as well as allotment specific objectives. Technical Recommendations were made for establishing the Appropriate Management Level (AML) for wild horses in the Maverick/Medicine, Antelope Valley and Cherry Creek Herd Management Areas (HMAs), and for terms and conditions for livestock grazing on the Currie, North Butte Valley, Odgers, Bald Mountain and Maverick/Ruby #9 Allotments.

This purpose of this Management Action Selection Report (MASR) is to respond to public comment, identify changes (if any) to the evaluation based on comments received, and outline the management actions selected for the allotments which comprise the Maverick/Medicine Complex.

A 30-day comment period was provided for individuals, organizations and agencies to submit written comment, information and concerns regarding the evaluation. Comments were received from the following interested publics:

1. Kay and Mary Lear (April 25, 2000, April 27, 2000, May 3, 2000)
2. Nevada Division of Wildlife (May 1, 2000)
3. Nevada State Clearinghouse (May 4, 2000)

The Toiyabe Chapter of the Sierra Club contacted our office to request a copy of the evaluation following the comment period but offered no comment.

The public involvement process and response procedure for the allotment evaluation and subsequent management actions are pursuant to guidance set forth in Instructional Memorandums NV-94-073 and NV-97-047.

Copies of the comment letters are available for review at the Elko Field Office. Comments pertinent to the issues presented and evaluated in the allotment evaluation are addressed below.

B. RESPONSES TO COMMENTS

1a. Comments submitted by Kay and Mary Lear:

On April 27, 2000, the Elko District received two sets of comments and one phone call from Kay and Mary Lear regarding various aspects of the evaluation. The first comment letter is dated April 20, 2000 and the second letter is dated April 27, 2000. Kay and Mary Lear graze the Currie and Bald Mountain Allotments within the complex. A meeting with Kay and Mary Lear was held at the Elko Field Office on January 6, 2000 to discuss the evaluation and the proposed changes in grazing use in the allotments which they graze.

Comment #1: Regarding the proposed Dry Canyon fence in the Currie Allotment which would divide the Dry Canyon area in the Elko District and the Indian Creek Basin in the Ely District. *"At this time we are concerned with the idea of a drift fence between Dry Canyon and Indian Creek Basin. These mountain fences are notoriously hard to maintain and not always effective. We have talked with Ely district about the idea of using Dry Canyon and Indian Creek Basin as one unit. We would like your input on this idea."*

Response #1: The proposed period of use for the Dry Canyon Pasture is necessary in order to comply with the grazing system outlined in the evaluation. The division fence would ensure that the Elko District would be able to implement changes in management while enforcing compliance with the terms and conditions for grazing in the pasture. The period of use being proposed for this pasture would ensure continued improvement in resource conditions since grazing would occur following seed ripe of key herbaceous species.

Comment #2: Questions carrying capacity and stocking rate in the Mustang Well Pasture of the Currie Allotment. *"Page 80 shows 132 C and we had been running much more than that in the past, and understood that the range was improving. We believe that this must have been a mistake."*

Response #2: Although key area trend and condition objectives and the standards are being met in this pasture, carrying capacity analysis indicated that 638 AUMs are available for livestock grazing in this winter pasture. Pre-evaluation carrying capacity was 913 AUMs. There are no riparian areas in this pasture. The reduction was based on utilization on white sage as a limiting factor for most years.

The Lear's actual use in this pasture has been approximately 225 cattle from December to the end of February. Horses have been grazed year around. The evaluation specifies a season of use for cattle in this pasture from November 1 to March 1. The Lears could continue to graze approximately 225 cattle in this pasture if they waited until December to turn out and chose not to graze horses.

Comment #3: Questions the proposed period of use in the Cottonwood Canyon pasture in the Currie Allotment. *"In the meeting we had earlier, the proposed date for Cottonwood Canyon was June 15 to August 15. We notice that in the evaluation it had been changed to June 15 to July 15. What was the reason for this? We thought that is*

was agreed that going up the mountain for only one month was unreasonable. We understood that the worst case scenario was coming off on July 30. We suggest going up June 15 and coming off on August 1. With approximately 300 head we could use all of the AUMs allotted to us."

Response #3: The period of use in the Cottonwood Pasture specified in the evaluation is from June 15 to July 15 annually. The livestock carrying capacity is determined to be 450 AUMs. During the January meeting with Lears, we informed them that in order to ensure significant progress on Cottonwood Creek and the springs within the pasture, livestock would have to come off no later than July 15. The Lears suggested that they be allowed to graze until July 30. The Elko District Riparian Specialist recommended that in order to ensure the improvement of riparian condition of Cottonwood Creek, cattle should be removed no later than July 15. The Lears were informed of the fact that July 15 was going to be the latest cattle would be authorized to graze the pasture.

Hot season livestock grazing during the evaluation period has contributed to the non-attainment of riparian objectives in the pasture. Grazing 200 head of cattle from June 15 to August 1 would continue to prevent the attainment of riparian objectives since the topography is steep and cattle would begin concentrating on riparian areas during mid June in most years.

The proposed season of use in this pasture would also result in lesser use of important mountain browse species by livestock. Livestock generally utilize a higher percentage of shrubs such as bitterbrush and serviceberry later in the summer as grass cure and become less palatable. The proposed early season of use would ensure the attainment of utilization objectives of the more desirable shrub species thereby improving wildlife habitat.

Since riparian resources are the limiting factor and require modification to existing terms and conditions for grazing, it will be difficult for the permittee to fully utilize all of their AUMs. Since we are also proposing to reduce the duration of use in the pasture from approximately 3 months to 1 month, the number of livestock needed to utilize the available AUMs is increased. The Lears have never grazed 450 head of cattle in that pasture and are not required to do so unless they wished to use all of their AUMs.

In May, Kay Lear called the office to submit additional comments to the evaluation and proposed that a fence be constructed around the Phalen burn in the Cottonwood Pasture. He stated that this fence would create a separate pasture and would provide him with the opportunity to remain on the mountain for a longer period of time during summer (after July 15). There are no riparian areas in the burned area however, bitterbrush seedlings were planted by BLM in 1980 as part of Emergency Fire Rehabilitation efforts.

After carefully considering the comments received, the evaluation will be modified to

include the construction of this fence as a technical recommendation. The proposed season of use as outlined in the evaluation will be maintained as the interim grazing management plan. Upon construction of the Phalen fence, use will be authorized on the Phalen pasture for two weeks annually from July 16 to August 1. This would ensure that livestock use of bitterbrush will not be excessive. The livestock utilization objective for bitterbrush in this pasture would be in 25% since the proposed pasture exists within crucial mule deer habitat.

Excessive utilization of bitterbrush by livestock is not expected since the duration of use will not exceed two weeks. The only livestock watering site (troughs) is located approximately .75 mile from the project area that was planted with bitterbrush seedlings in the 1980s.

Comment #4: Continues with the proposed use in the Cottonwood Pasture in the Currie Allotment. *"We understand that the drastic revision in the dates is because of pressure from NDOW. Since the elk are no more native to this area than cattle are, we can see no reason for them to be given preferential treatment. The elk and wild horses have grazed the top one third off by the time cattle go in on July 1."*

Response #4: In April, Elko Field Office staff spoke with the NDOW big game biologist in Ely, and discussed elk populations in the Currie Allotment in the Cherry Creek Mountains. He was asked if he has witnessed significant increases in elk numbers. He informed us that the population is still relatively low and elk use on the uplands is negligible. He stated that he has recently witnessed elk utilizing riparian vegetation along Calf and McDermid Creeks but use levels did not appear to be excessive since elk move much more than cattle. He stated that the most elk he has ever seen in the area was 7 to 10 animals.

The proposed season of use by livestock will greatly improve riparian conditions on these riparian areas by limiting hot season use and allowing for regrowth of key riparian species during the months of July, August and September. The present use levels by elk combined with the proposed grazing treatment will ensure significant progress toward the riparian and habitat standards (Standard #2 and #3 respectfully) in the Cottonwood Pasture.

Comment #5: Continues with the proposed use in the Cottonwood Pasture in the Currie Allotment. *"We are unsure that we agreed to take 460 head up Cottonwood Canyon. We are not currently running the cattle in herds of that size, so we will not be taking 460 head up Cottonwood. Surely this will impact the dates."*

Response #5: The period of use in the Cottonwood Pasture is the limiting factor and livestock numbers will change to reflect this. See responses 2-4.

Comment #6: *"We will also like to point out that the riparians need attention other than to just fence them. If we let them get too lush, the wild horses and elk will just move in*

and take them. We are concerned about this. We worry that this will not be realized, and that the cattle will be blamed for the deteriorating condition of the riparians."

Response #6: Improvement in the composition and vigor of riparian vegetation is the most important element in establishing upward trends and restoring the condition of Cottonwood Creek. The presence of lush riparian vegetation and acceptable residual cover of desirable species are essential during the next evaluation period if improvements are to be made. Use by elk will not result in these areas being over utilized since elk generally do not concentrate on riparian areas and move much more than cattle. Wild horse use in this area is minimal and use should primarily be confined to the upper elevations during the summer months.

Comment #7: *We are very concerned about the plan to come off the mountain on July 15. Having been in the cattle business for many years, and in this particular area for over 35 years, Kay has learned from experience not to jump to sudden radical change. We propose that we go up the canyon (McDermid/McDermid Creek) on May 1 and come out August 15. After that year an evaluation could be done to check on the efficiency of the plan and if necessary the cattle could be brought out on August 1 the next year.*

Response #7: The grazing system was designed with input and in consultation with the Lears. They were informed of the proposed period of use in the Upper and Lower McDermid Pastures. The period of use in other pastures were adjusted to accommodate their operation. The season of use proposed in the evaluation for the Upper and Lower McDermid pastures will ensure significant progress for improving riparian resources in the pasture. The proposed "phased in" change in use will not ensure significant progress prior to the start of the next grazing season as mandated by federal regulations.

Comment #8: *If we are forced to come off every year on July 15, we are considering all of our options. One will be to fence all of the private land in the bottom of the canyon (so they could stay until mid August).*

Response #8: Fencing private land is one of options available to the permittee, however the proposed period of use in these pastures will remain intact regardless of any fence projects on private land.

Comment #9: *We also wanted it noted that although Lower Calf Canyon got a total rest from cattle use last year, Curt Baughman told us that it sustained heavy utilization from elk. We believe that cattle are taking the blame for damage done by the non-native elk. Since elk are non-native, as are the cattle, we believe they should not be given preferential treatment.*

Response #9: The Elko Field Office consulted NDOW and were informed that on a field trip a couple of years ago, the biologist witnessed heavy utilization by elk along

the diversion ditch in the Currie Gardens Pasture below the Calf Canyon boundary fence. NDOW informed us that overall elk use was not evident over much of the pasture including riparian areas. Furthermore, they stated that they have witnessed a wallow along McDermid Creek but the herbaceous riparian vegetation around it was knee high. Cattle not elk have been determined to be the causal factor in the non-attainment of the riparian standard in this pasture.

1b. Comments submitted by the Nevada Division of Wildlife:

On May 2, 2000, we received comments from NDOW regarding various aspects of the evaluation. A consultation meeting with Steve Foree, NDOW Biologist, was held at the Elko Field Office on March 23, 2000 at which time we discussed the Maverick/Medicine Evaluation.

Comment #1: *It may be appropriate in future evaluations to include allotment categorizations such as I and M in the glossary (pg. 2).*

Response #1: The definitions of allotment categories I, M and C will be included in the glossary of future evaluations.

Comment #2: *The number of deer utilizing the North Butte Valley and Maverick/Ruby#9 allotments at the present time is thought to be much less than identified in the evaluation. A more realistic figure of present deer use for these allotments will be 250 for the North Butte Valley allotment and 400 for the Maverick/Ruby#9 allotment (pg. 8).*

Response #2: The estimated mule deer populations in the North Butte Valley and Maverick/Ruby #9 Allotments in Table 5 shall be modified to 250 and 400 respectively.

Comment #3: *We do have documentation of the existence of small footed myotis, long eared myotis, long legged myotis, northern goshawk, and burrowing owl within the evaluation area (pg. 10).*

Response #3: The likelihood of occurrence of these species shall be changed from "likely" to "documented".

Comment #4: *While an explanation for the disparity between actual use and permitted use in the Maverick/Ruby#9 allotment can be found later in the document, it may be beneficial to identify in this table (on page 18) that TNR was granted to the operator for several years (pg 18).*

Response #4: Temporary non-renewable use (TNR) was not authorized in the Maverick/Ruby #9 allotment during the evaluation period. This comment refers to the North Butte Valley allotment. Table 10 shall be revised to indicate that TNR was approved for this allotment during the evaluation period.

Comment #5: *Antelope populations within the Maverick/Ruby #9 allotment have increased due to releases of antelope in South Ruby Valley during 1988 and 1995. Populations have remained fairly static in the area. The entire area between the refuge boundary to the dense tree cover in the Maverick Springs range is year long habitat. An antelope winter range has been developed along the Maverick Springs alluvials between Blue Jay and the cove east of the Brown Dike. Planned water developments throughout the complex area in the next five years will allow antelope populations to increase and improve current antelope distribution (pg. 33).*

Response #5: Comments shall be included in the description of the antelope habitat within the allotment.

Comment #6: *Concerns proposed management in the Maverick Ruby #9 Allotment. "We are unconvinced that these recommendations (proposed seeding) will foster the anticipated improvements in upland portions of the Maverick/Ruby#9 allotment. In our opinion, the cost to the public for this seeding may be greater than any benefit realized through anticipated improvements in range conditions based on recommended changes in livestock use. The area slated for treatment presently maintains populations of numerous nongame bird species....While there are no documented sage grouse strutting or wintering grounds in the area proposed for treatment, sage grouse use had been documented at the hot springs area on the northeast boundary of the Ruby Lake National Wildlife Refuge"(pg. 76).*

Response #6: As indicated in the evaluation, a seeding is being proposed in the Maverick/Ruby #9 Allotment . The purpose of this seeding is 1.) To eliminate growing season use in white sage areas by livestock, 2.) Allow for a reduced duration of use in the Maverick summer range while providing growing season deferment of key herbaceous species each year, and 3.) Improve wildlife habitat by creating mosaic vegetation patterns and increasing species diversity by seeding desirable grass and forb species.

As a result of grazing the seeding until July 1, the duration of use on the mountain will be reduced. Monitoring data and field observations indicate during the evaluation period, utilization of bitterbrush by livestock in the Maverick summer range has remained within objective levels. Much of the bitterbrush component on the mountain is not available to livestock due to the distance from water. A further reduction in the duration of hot season use will continue to ensure that utilization of bitterbrush and other browse species remain within objective levels. Growing season deferment will improve mule deer spring/summer habitat by eliminating potential livestock use of the forb component prior to July 15.

The seeding and seed mix will be designed in conjunction with the Nevada Division of Wildlife in order to provide desirable habitat conditions for sage grouse, antelope and other non-game species.

Comment #7: Discusses concerns for the Maverick summer use area in the Maverick/Ruby #9 allotment. *“Due to the limited water availability in the Maverick/Ruby #9 allotment, it is our contention that a shorter season of use will not be enough to initiate a reversal in current vegetative trends at spring riparian sites (on the mountain summer use area). While horses have no doubt contributed to the over use at riparian sites, recommended hot season use of the area by livestock will continue to promote excessive use of these riparian areas as well as the use of important shrub species such as bitterbrush and snowberry”*(pg. 76).

Response #7: The removal of wild horses to the established appropriate management level as well as the construction of two spring exclosures are being proposed in order to ensure significant progress on the lentic riparian systems in the Maverick summer use area.

It is well documented that livestock grazing on upper elevation range following August 1 promotes increased use of bitterbrush and other desirable shrub species. However, the implementation of the technical recommendations outlined in the evaluation will ensure that utilization of desirable shrub species will remain within objective levels.

During the interim, the spring sources of Gardener and Tick Springs will be fenced to exclude livestock and wild horse grazing. Livestock grazing in this use area will be authorized only following the construction of these exclosures.

The duration of use in the Maverick summer use area will be reduced from season long to four months following seed dissemination of key herbaceous plants. The long term grazing system will involve reallocating AUMs currently attached to the Maverick summer use area to the proposed seeding. This will reduce the stocking rate from the interim level of 334 cattle to 235 cattle in the final system. Monitoring data and field observations indicate that livestock use of bitterbrush and snowberry in the Maverick summer use area is within objective levels. A reduction in duration of use and the reduction in long term stocking rate will continue to ensure that utilization objectives for browse species continues to be achieved.

Comment #8: *“If water availability is a limiting factor in the use of upland portions of the Maverick/Ruby #9 allotment, it seems as though this factor should provide the greatest influence over stocking rate calculations.”*

Response #8: Stock water distribution in the Maverick summer use area is adequate to ensure proper livestock grazing distribution given the desired carrying capacity. As stated in the evaluation, the available monitoring data is not sufficient to accurately determine livestock carrying capacity for this area. However, during the evaluation period, it has been determined that all but one of the standards for rangeland health have been attained in this use area. Significant progress towards the attainment of Standard #2 will be achieved upon the implementation of the technical

recommendations outlined in the evaluation. Since existing livestock grazing management has been effective in meeting resource objectives and the standards, permitted use in the allotment and the estimated carrying capacity for this use area should remain static until which time additional data can be collected to support any modification in permitted use. The carrying capacity for the Maverick summer use area is in balance with available stock water in the area. Cherry Spring (unfenced spring development), Tick Spring (to be fenced with trough), Gardener Spring (to be fenced with pond), and Willow Spring (well and trough) all provide adequate sources of water for livestock. Maverick Spring and Salas Spring are intermittent spring sources but provide water occasionally.

Comment #9: *"Experience in the Buck/Bald area of the Ely District has shown that livestock use of shrub species increases significantly after August 1. As grasses cure and shrubs become more desirable to livestock, utilization of grasses by livestock lessens. This may be why we perceive yearly excessive use of the uplands by livestock while measured use of key grasses at the one key area near Cherry Springs was only exceeded once during the evaluation period. The (Cherry Springs) area presently maintains a resident deer herd and provides transitional habitat Ruby deer move to and from winter ranges. In less severe winters, the area will likely accommodate winter residents".*

Response #9: The duration of use on the mountain will be reduced from season long to four months with growing season deferment of upland herbaceous species. Monitoring data and field observations indicate during the evaluation period, utilization of bitterbrush by livestock in the Maverick summer range has remained within objective levels. Much of the bitterbrush component on the mountain is not available to livestock due to the distance from water. A further reduction in the duration of hot season use will continue to ensure that utilization of bitterbrush and other browse species remain within objective levels. Growing season deferment will improve mule deer spring/summer habitat by eliminating potential livestock use of the forb component prior to July 1.

Comment #10: *"Protective measures are recommended for Gardner and Tick Springs. Are similar protective measures slated for Cherry Springs and Maverick Springs? Cherry Springs is a significant water source for several species of nongame birds and mammals. Photo documentation suggests that livestock have had a negative impact on this site. This area is also in need of rehabilitation".*

Response #10: Cherry Springs has been developed and a pipeline and trough are present. The area does not support significant riparian vegetation.

Maverick Springs is dry during most years. The plant community at the spring is dominated by non-riparian species due to the absence of permanent water. The lack of permanent water at Maverick Springs is the result of geologic processes and not from impacts related to livestock or wild horse use.

Comment #11: *"The proposal to fence a spring in the north drainage of Odgers Creek. We are unsure if this spring is a relict dace habitat as no legal location for the project is provided. There is a Spring that was found to have relict dace (T.28N., R.62E., Sec. 16). This spring had poor habitat conditions when surveyed in 1994". (pg. 88)*

Response #11: The spring complex located in T28.N., R62., Section 16, is located in the West Cherry Creek Allotment and has already been fenced. The spring referred to in the evaluation is in T28.N., R.62.E., Section 17. Since this spring is a component of the Odger's Creek watershed, it is considered relict dace habitat. A PFC assessment was completed on these springs in 1999. The spring complex was determined to be non-functional. As a result of the present condition of this complex, the presence of relict dace is unlikely.

Comment #12: *"The numbers provided for average actual use appear to be in error (Appendix 2:North Butte Valley Allotment)".*

Response #12: The average actual use has been corrected for the Palomino Seeding, Juniper Seeding, and Spring Pastures.

Comment #13: *"The numbers provided for actual wild horse use (AUMs) and total actual use (livestock and wild horse) is in error. This number should be 412 and 2008 respectively (Appendix 2: Odgers Allotment)".*

Response #13: The actual wild horse use and the total actual use has been corrected to reflect these changes.

Comment #14: Discusses riparian habitats in the Maverick/Ruby #9 Allotment. *"The importance of these riparian habitats to wildlife species cannot be overemphasized. Without a general approach to livestock and wild horse management which seeks to improve all habitats, wildlife resources will continue to suffer. It remains our contention that riparian fencing is only a band aid approach to a bigger problem and that decision which bring about significant changes in season of use and stocking levels are the only way to adequately address such riparian issues....we perceive only a cosmetic approach to (riparian) issues based on the proposed changes in livestock use in the Maverick/Ruby #9 Allotment."*

Response #14: There are few riparian systems present in the entire Maverick Springs Range. The riparian systems that are present are in the form of 6 springs. Only two of these springs exhibit riparian vegetation and have not been developed. These two lentic areas (Gardener and Tick springs) are good candidates for fencing based on the capability of these areas. Since the number of riparian areas on the mountain is low, fencing of the spring sources is a viable management option. Furthermore, season of use, duration of use, additional proposed improvements in the allotment, and stocking levels will be modified through the evaluation process to ensure significant progress

and/or maintenance of desirable resource conditions in the allotment.

Comment #15: Fire Management Plan. *"From a wildlife perspective in the most recent past, wildland fires have proven extremely detrimental to wildlife habitats in northern Nevada. We are concerned that acreage figures provided will become goals or targets which the Bureau will be intent on meeting on a yearly basis. When such figures are translated into yearly program goals, it seems as though resource concerns may become secondary to achieving these goals. We, however, remain willing to work with the Bureau in the prescriptive fire management arena in an effort to benefit wildlife habitats and resources."*

Response #15: The proposed prescribed fire projects within this complex are intended to be completed over a period of 10+ years. A site specific analysis will be completed prior to any project to ensure that wildlife, vegetative, and other concerns are addressed and that the project will not contribute to the degradation of the resource values within the complex. The acres identified for prescription are target goals in order to achieve resource objectives over reasonable period of time. They are not intended to guide land management actions within the complex.

Comment #16 : Refers to ferruginous hawk and burrowing owl habitat and objectives. *"Within the complex there are 50 bird of prey nesting territories....The complex is within one of the largest historic nesting concentrations of ferruginous hawks in Nevada. Many of the historic nesting territories stand empty today. Several of these empty nests show evidence of heavy use and loafing by livestock under nesting trees..... There is no know empirical data that will suggest a cause and effect relationship between ferruginous hawk nesting success and livestock use at this time. However, prudence will suggest that we manage ferruginous hawk nesting and foraging habitat with care. We will recommend adding the objective of maintaining a minimum number of occupied ferruginous hawk nesting territories for the next evaluation process. The minimum number will be based on survey data, habitat availability and recommendations from the NDOW nongame biologist and the Bureau's staff of wildlife biologists."*

"The known burrowing owl resource within the complex appears to be far lower than can be expected for the area. This may be due to a lack of survey work on the species..... There is no know empirical data that will suggest a cause and effect relationship between burrowing owl nesting success and livestock use at this time. We will recommend adding the objective of maintaining a minimum number of occupied burrowing owl nesting territories for the next evaluation. The minimum number will be based on survey data, habitat availability and recommendations from the NDOW nongame biologist and the Bureau's staff of wildlife biologists."

Response #16 : Very little baseline data exists on the effects from grazing/resting on nesting success for the ferruginous hawk and burrowing owl. Moreover, the Wells Resource Management Plan does not specifically address these species. Viable

management decisions can not be made until current surveys ensue.

During the next evaluation period, ferruginous hawk and burrowing owl habitat base line data should be collected. Within the next 5 years, habitat objectives should be developed from this data and monitoring efforts identified. The Elko District Wildlife Biologist will work in conjunction with the NDOW to determine nesting locations, nesting status and habitat integrity for these species.

Currently, population estimates show that approximately 10% of the 50 nesting territories of the Ferruginous hawk are active. Burrowing owl populations seem to be declining.

1c. Comments submitted by the Nevada State Clearinghouse:

Comment #1: *All waters of the state belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapter 533 and 534 of the Nevada Revised Statutes and not otherwise. This office supports the continued efforts of the United States Bureau of Land Management to assess watershed and riparian conditions, and to modify land use practices that tend to improve the condition of the public lands for all uses.*

Response #1: The Bureau of Land Management will continue to comply with state water regulations in ensuring the continued improvement of public watershed and riparian resources in the Elko District.

C. REVISION OF THE MAVERICK/MEDICINE COMPLEX EVALUATION

After carefully considering the comments received, the following changes have been made to the draft complex evaluation dated March 31, 2000:

1. Page 8. (Section II. C. 1) . Wildlife Use. Mule Deer.

Revised to say:

The estimated mule deer populations in the North Butte Valley and Maverick/Ruby #9 Allotments in Table 5 shall be modified to 250 and 400 respectively.

Rationale: This change more accurately reflects the year long mule deer numbers in the Maverick/Ruby #9 Allotment.

2. Page 10. (Section II. Table #6) Special Status Species.

Revised as follows:

The likelihood of occurrence of small footed myotis, long eared myotis, long legged myotis, northern goshawk, and burrowing owl shall be changed from "likely" to "documented" in Table #6.

Rationale: This change more accurately describes the likelihood of occurrence of these species within the Maverick/Medicine Complex.

3. Page 18. (Section II. Table #10) Average actual use by livestock.

Revised as follows:

Table 10 shall be revised to indicate that TNR was approved for the North Butte Valley Allotment during the evaluation period.

Rationale: This change will better reflect the average actual livestock use for the North Butte Valley Allotment.

4. Page 33. (Section IV. B. 4. d) Pronghorn Habitat: Maverick/Ruby #9 Allotment..

Revised to add:

Antelope populations within the Maverick/Ruby #9 allotment have increased due to releases of antelope in South Ruby Valley during 1988 and 1995. Populations have remained fairly static in the area. The entire area between the refuge boundary to the dense tree cover in the Maverick Springs range is year long habitat. An antelope winter range has been developed along the Maverick Springs alluvials between Blue Jay and the cove east of the Brown Dike.

Rationale: This revision will enhance the description of pronghorn habitat in the Maverick/Ruby #9 Allotment.

5. (Appendix 2: North Butte Valley Allotment).

Revised as follows:

The average actual use for the Palomino Seeding will be changed from 322 AUMs to 368 AUMs. The average actual use for the Juniper Seeding will be changed from 281 AUMs to 250 AUMs. The average actual use for the Spring Pasture will be changed from 237 AUMs to 246 AUMs.

Rationale: These changes reflect the average actual use for these pastures.

6. (Appendix 2: Odgers Allotment)

Revised as follows:

The numbers provided for actual wild horse use (AUMs) and total actual use (livestock and wild horses) will be changed from 412 AUMs and 2008 AUMs respectively.

Rationale: These changes reflect the actual wild horse use and total combined actual use in the Odgers Allotment.

7. (Section VI. 1. a : Currie Allotment)

Revised as follows:

The long term grazing system for the Cottonwood Unit of the Currie Allotment will be modified to include the construction of a fence to exclude the Phalen burn area and create a new pasture. Upon completion of the fence, the long term grazing system for the Cottonwood Unit will be as follows:

Long Term Grazing System for the Cottonwood Unit				
Pasture	Year 1	Year 2	Livestock #s	AUMs
Mustang Well	11/1 to 2/28 3/1 to 2/28	11/1 to 2/28 3/1 to 2/28	132 C 12 H*	500 138
Currie Gardens	4/15 to 6/14	8/2 to 9/30	304 C	586
Cottonwood Canyon	6/15 to 7/15	6/15 to 7/15	294 C	294
Phalan Pasture	7/16 to 8/01	7/16 to 8/01	294 C	156
Twin Springs Seeding	8/02 to 9/30	4/15 to 6/14	299 C	726
Total				2,400

Rationale: The proposed Phalan Pasture will prevent hot season use on riparian areas in the Cottonwood Pasture by livestock. In the long term, this pasture will allow the permittee to effectively gather livestock prior to the 7/15 off date to ensure that the Cottonwood Pasture is clean of livestock. This pasture will allow the permittee to move livestock and hold them for up to two weeks prior to coming off of the mountain. There are no perennial riparian areas in the burn. The permittee would be required to provide labor and maintenance while BLM would provide the needed materials.

Since the burn in 1988, the upland vegetation has recovered well and has received little use by livestock. Two weeks of use by livestock in this area will not prevent the attainment of resource objectives. Utilization following the prescribed level of use should fall within objective levels as well. The BLM in conjunction with NDOW, planted bitterbrush seedlings in the burn as part of the Emergency Fire Rehabilitation (EFR) efforts following the fire. To date, little information is available as to the long term success of this planting. The prescribed use in this area by livestock should result in only light use of bitterbrush and other shrubs since the period of use will not exceed two weeks annually.

D. ANALYSIS OF MONITORING DATA

The evaluation of existing monitoring data indicates that of the 40 RMP, RPS, HMP, and allotment specific objectives, six were met, ten were partially met and 30 were not met.

Standards and Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada were approved by the Secretary of the Interior on February 12, 1997. The Standards are expressions of levels of physical and biological condition or degree of

function required for healthy, sustainable rangelands. Guidelines are types of grazing management methods and practices determined to be appropriate to ensure that standards can be met or that significant progress can be made toward meeting the standard.

Based on the conclusions presented in the Maverick/Medicine Complex Evaluation, the attainment of the standards has been determined for each allotment. A summary of this assessment is presented in the following table.

Allotment	Standard #1 (Soils)	Standard #2 (Riparian)	Standard #3 (Habitat)	Standard #4 (Cultural Resources)
Currie	Met	Some Progress	Some Progress	Met
North Butte Valley	Some Progress	Met	Some Progress	Met
Bald Mountain	Met	N/A	Not Met	Met
Odgers	Some Progress	Not Met	Met	Met
Maverick/Ruby #9	Met	Not Met	Some Progress	Met

E. SELECTED MANAGEMENT ACTIONS

It has been determined that the following technical recommendations are appropriate to establish and/or maintain significant progress toward the attainment of multiple use objectives for the Maverick/Medicine Complex and the Standards for Rangeland Health approved for the Northeastern Great Basin Area of Nevada. These selected actions will be implemented through the issuance of a Final Multiple Use Decision.

- 1. Establish the total number of AUMs of permitted use and appropriate management level for wild horses for the Maverick/Medicine Complex as follows:**

Maverick/Medicine Complex - Proposed Livestock AUMs and Wild Horse AML, and Total AUMs					
Allotment	Pre-Evaluation Carrying Capacity		Post-Evaluation Desired Carrying Capacity (CC)		Total Post-Evaluation CC
	Livestock permitted use (AUMs)	Wild Horse Initial Stocking Level (AUMs)¹	Livestock permitted use	Wild Horse AML (AUMs)	Total Post-Eval. Carrying Capacity (AUMs)
Currie	5,369	718	5,504	480 ²	5,984
North Butte Valley	1,645	164	2,424	215	2,639
Odgers	1,596	197	1,596	239	1,835
Bald Mountain	1,176	330	843	330	1,173
Maverick/Ruby #9	2,774	624	2,774	609	3,383
Total	12,560	2,034	13,141	1,873	15,014
<p>¹ Initial herd size for the Antelope Valley and Maverick/Medicine HMA's was established in the Wells RMP Wild Horse Amendment. Initial stocking level by allotment was determined from the proportion of horses using each allotment as determined from aerial census data.</p> <p>² AML for the Currie Allotment was changed from what was presented in Table 7, Appendix 3 of the Maverick Medicine Evaluation. Refer to Technical Recommendation 3, which proposes that the Currie Hills and Currie Flats pastures be designated as horse free.</p>					

Rationale: The desired carrying capacity and rationale for each allotment in the Maverick/Medicine Complex are presented above. The analysis of utilization, actual use, and wild horse census data as well as the attainment or non-attainment of objectives and standards for rangeland health were used to determine the desired carrying capacity for the Maverick/Medicine Complex.

The carrying capacities listed above reflect the proper stocking levels for livestock and the appropriate management levels for wild horses within each allotment. The derived carrying capacity, along with other technical recommendation objectives, will encourage attainment of land use plan objectives and the standards for rangeland health. Maintaining wild horses at the appropriate management level will result in a

thriving, natural, ecological balance between horses and other resource values. Continued monitoring within the allotments will show if any adjustment in the AML or permitted levels of livestock grazing is needed.

This evaluation indicates that an additional 700 AUMs of livestock use is available in the Maverick/Medicine Complex. This increase above pre-evaluation permitted use is attributed to an increase of forage in crested wheatgrass seedings and native pastures.

Furthermore, this evaluation establishes an AML for the Maverick/Medicine Complex which is 154 AUMs above the initial herd size outlined in the Wells RMP Wild Horse Amendment. Wild horses within the complex move freely between administrative and allotment boundaries. Census data was used to derive an average percent of the Antelope Valley and Maverick/Medicine herd that use each allotment. The AUMs of wild horse use which have been established for each allotment is not a future prediction of what the actual wild horse use in each allotment will be.

HMA	Recruitment Rate	AML - Range to be Managed ¹
Antelope Valley	18%	119-231 ²
Maverick-Medicine	17%	149-280

¹To calculate the range of AML, the following mathematical equation was used:
Maximum AML/1+the recruitment rate.

²The Antelope Valley HMA AML is not completely set. With the completion of the Sheep Complex Allotment Evaluation, this AML will be set.

The maximum AML is the upper threshold, in numbers of adult animals, the range can sustain before deterioration of the thriving natural ecological balance begins. The minimum AML is lowest number of adult animals allowed to graze on the range and considers genetics (herd viability), gather/removal cycles, and minimum disturbance to the herd by using as long a gather cycle as possible. Gathers will never remove animals below this level except in extreme emergency.

In the fall of 2000, the Nevada Department of Transportation began constructing a corridor fence along the right of way of highway 93. This fence will prohibit horses from crossing the highway to obtain water. Upon completion of the fence, the Currie Hill and Currie Flats pastures will be without live water. With this in mind, it is necessary that these pastures have an AML set a 0 with an understanding that incidental use may occur from horses in the Spruce HMA.

This technical recommendation will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and

3.3, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

2. Implement management systems and/or establish the season of use for each allotment in the Maverick/Medicine Complex as follows:

2a. Currie Allotment

Management in the Currie Allotment will be in accordance with the Maverick/Medicine Complex Evaluation and the subsequent Assistant Field Manager's Final Multiple Use Decision. The interim and long term grazing systems will be as follows:

Short Term Grazing System for the Cottonwood Unit				
Pasture	Year 1	Year 2	Livestock #'s	AUMs
Mustang Well	11/1 to 2/28 3/1 to 2/28	11/1 to 2/28 3/1 to 2/28	132 C 12 H*	500 138
Currie Gardens	4/15 to 6/14	8/1 to 9/30	304 C	586
Cottonwood Canyon	6/15 to 7/15	6/15 to 7/15	460 C	450
Twin Springs Seeding	7/16 to 9/30	4/15 to 6/14 7/16 to 7/30	299 C	726
Total				2,400
Long Term Grazing System for the Cottonwood Unit				
Pasture	Year 1	Year 2	Livestock #'s	AUMs
Mustang Well	11/1 to 2/28 3/1 to 2/28	11/1 to 2/28 3/1 to 2/28	132 C 12 H*	500 138
Currie Gardens	4/15 to 6/14	8/2 to 9/30	304 C	586
Cottonwood Canyon	6/15 to 7/15	6/15 to 7/15	294 C	294
Phalan Pasture	7/16 to 8/01	7/16 to 8/01	294 C	156
Twin Springs Seeding	8/02 to 9/30	4/15 to 6/14	299 C	726
Total				2,400

McDermid Unit			
Pasture	Period of Use	Livestock #'s	AUMs
FFR	3/1 to 3/31	50 C	51
Currie Hills	11/1 to 2/28	27 C	101
Goshute Lake (Bald Mt. and Dry Cyn. herds)	5/1 to 6/30	145 C	298
Calf/Lower McDermid Cyn. and Upper McDermid Cyn.	5/1 to 7/15	342 C	821
Dry Canyon	7/1 to 9/15	42 C	101
McDermid Seeding	5/1 to 5/15 7/16 to 10/14	275 C 225 C	136 660
Total			2,168
*Horse use will be confined to that portion of the Mustang Well Pasture east of Lear Ranches hay fields and west of highway 93. This portion of the Mustang Well pasture is fenced and is located outside of the Antelope Valley HMA.			

McDermid Unit Indian Creek Ranch			
Pasture	Period of Use	Livestock #'s	AUMs
Currie Flats	1/01 to 2/28	244 C	454
Goshute Lake	12/1 to 12/31	244 C	241
McDermid Seeding	11/1 to 11/30	244 C	241
Total			936

Special grazing stipulations:

1. Livestock will be moved in accordance with the dates outlined in the grazing system. No flexibility will be allowed for ending dates in the Cottonwood or McDermid/Calf Canyon Pastures.
2. The permittee will have 5 days flexibility at the end of the authorized period of use in

each pasture with the exception of Cottonwood and McDermid/Calf Canyon pastures.

Rationale: Implementation of the interim and long term grazing systems outlined above will enhance riparian areas and crucial deer winter habitat in the McDermid, Calf, and Cottonwood Canyons by reducing the duration of hot season grazing in these pastures and changing the period of use to spring/early summer. The seasons of use and/or duration of use outlined for the proposed grazing system will also ensure progress toward proper functioning condition of the riparian resources in these areas. In the long term, the construction of the Phalan Fence would provide a gather pasture that will provide an opportunity for the permittee to gather livestock off of riparian areas and effectively comply with the authorized period of use for the Cottonwood Pasture.

The proposed grazing system limits use of native uplands during the critical growing season by allowing growing season deferment annually or every other year in the Mustang Well, Currie Gardens, Twins Springs Seeding, Currie Hills, and McDermid Seeding pastures. Annual growing season use is being proposed in the Cottonwood, Goshute Lake, Upper and Lower McDermid Creek, and Dry Canyon Pastures in order to improve riparian resources and mule deer winter range. Proper stocking levels and reduced duration of use will ensure that use in these pastures during the critical growing season will not prevent attainment of resource objectives and progress towards the standards for rangeland health.

Seeded pastures will be used more to minimize impacts to riparian areas and wildlife habitat while providing livestock grazing consistent with other uses.

Salt desert shrub and saline meadow complexes will be grazed primarily during the winter dormant period each year. This period of use will minimize grazing impacts to the vegetation, thereby promoting the productivity of these plant communities. Where growing season use is being proposed, limited duration of use as well as proper stocking levels will prevent overuse of these areas.

This grazing system was designed in cooperation with Kay and Mary Lear for the purpose of attaining land use plan objectives and the standards for rangeland health in the Currie Allotment.

2b. North Butte Valley Allotment

Modify the current grazing system as outlined in the North Butte Valley grazing agreement signed in 1990 to be as follows:

North Butte Valley Grazing System					
Pasture	Year 1	Year 2	Year 3	Year 4	AUMs
Lower Seeding	8/11 to 8/22	6/21 to 8/10	4/15 to 6/20	Repeat Cycle	526
Palomino Seeding	4/15 to 6/20	8/11 to 8/22	6/21 to 8/10		444
Juniper Seeding	6/21 to 8/10	4/15 to 6/20	8/11 to 8/22		551
Spring	8/23 to 9/10	11/1 to 12/22	9/16 to 10/31		237
North	11/1 to 12/22	9/16 to 10/31	8/23 to 9/15		243
South	9/11 to 10/31	8/23 to 9/15	11/1 to 12/22		372

Rationale: Through evaluation of the data, it has been determined that the existing grazing system on the North Butte Valley has allowed for the attainment of long term objectives in the seedings and in the South Pasture. Ecological status objectives for the North and Spring native pastures have not been met. Trend at the key areas in the North and Spring Pastures are downward. Utilization objectives for the allotment have been partially met.

It has been determined that livestock grazing is not a causal factor in the non-attainment of the standards for rangeland health. Livestock grazing has occurred after seed ripe and following the critical growing season for grasses in the native pastures. Although utilization objectives have only been partially met, the average utilization of key species in the North and Spring pastures is 43% and 46% respectively. Annual growing season deferment in the North and Spring pastures should encourage the attainment of utilization objectives and proper use of these pastures by livestock. The duration of use specified in the grazing system should prevent excessive and/or repeated utilization by livestock in these pastures.

The proposed grazing system will allow for the continued improvement in the seedings as well as the South Pasture by applying grazing treatments which are similar to pre-evaluation management. Livestock grazing in the North and Spring Pastures will continue to occur after seed ripe and following the critical growing season for key herbaceous species. Carrying capacity analysis resulted in increased carrying capacity in livestock grazing for the North and Spring pastures. Since range conditions

in these pastures fall short of those described by allotment specific and key area objectives, increases in livestock grazing use in conjunction with the proposed grazing system will not be implemented.

2c. Odgers Allotment

Modify the season of use for the Odgers Allotment to read as follows:

Odgers Allotment			
Period of Use	Livestock #'s	PPL	AUMs
10/1 to 12/31	533C	100	1,596

Rationale: Eliminating hot season use along Odgers Creek will provide for sufficient herbaceous growth necessary to improve plant vigor, restore riparian habitat and provide streambank protection. The current grazing system has failed to achieve riparian/stream objectives. Grazing following the critical growing season and during dormancy for upland plants will improve ecological status and wildlife habitat by enhancing species diversity and plant vigor.

2d. Bald Mountain Allotment

Maintain the current season of use for the Bald Mountain Allotment as follows:

Bald Mountain Allotment				
Permittee	Period of Use	Livestock #'s	PPL	AUMs
Kay and Mary Lear	6/15 to 9/15	102C	100	312
TLA vacant permit	6/15 to 9/15	174C	100	531

Rationale: Existing management has allowed for the attainment of multiple use objectives and the standards for rangeland health. Permitted use on the allotment was reduced from 1,176 AUMs to 843 AUMs. This reduction was the result of existing management failing to meet key area utilization objectives. No change in the season of use is being proposed since long term data indicate an upward trend and improvement in ecological status at the key area.

2e. Maverick/Ruby #9 Allotment

Interim Grazing System for the Maverick/Ruby #9 Allotment				
Use Area	Period of Use	Livestock #’s	PPL	AUMs
Ruby #9	11/1 to 3/31	136 C	100	683
Ruby Wash	11/1 to 3/31	147 C	100	741
Maverick	7/01 to 10/31	334 C	100	1,350
Total				2,774

Long Term Grazing System for the Maverick/Ruby #9 Allotment (effective upon completion of the identified range improvement projects).				
Use Area	Period of Use	Livestock #’s	PPL	AUMs
Ruby #9	11/1 to 3/31	136 C	100	683
Ruby Wash	11/1 to 3/31	147 C	100	741
Proposed Seeding	4/1 to 6/30	134 C	100	400
Maverick	7/1 to 10/31	235 C	100	950
Total				2,774

The carrying capacity will remain as outlined above until monitoring data supports an adjustment in AUMs.

Special grazing stipulations:

1. Wells will not be operated in the Ruby Wash or Ruby #9 areas from 3/1 to 10/31.
2. The permittee will be required to ensure that livestock do not graze the Ruby Wash and Ruby #9 use areas outside of the authorized period of use.

Rationale: The Ruby Wash and Ruby #9 use areas will be grazed from 11/1 to 3/31 annually. Grazing during the dormant season will ensure that salt desert shrub communities will continue to be maintained.

The proposed seeding will allow for the deferment of the native upland range in the Maverick use area and most importantly, will prevent use during the growing season on the white sage plant communities.

Summer use in the Maverick use area will be limited to use after 7/15 in the interim grazing system. Upon completion of the proposed seeding, use in the Maverick use area will be authorized from 7/1 to 10/31. This evaluation proposes to construct enclosures around Gardner and Tick/Cone springs in the interim.

Grazing in the Maverick summer use area will not be authorized following the 2000 grazing season until Gardner and Tick Springs have been fenced. These enclosures will be constructed by the permittee prior to the 2001 grazing season.

Use in the seeding will occur from 4/1 to 6/30 annually. This will improve the ecological status and the vigor of upland herbaceous species.

This grazing system was designed in cooperation with Jack Bowers and Craig Kolvet for the purpose of attaining land use plan objectives and the standards for rangeland health on the Maverick/Ruby #9 Allotment.

Wild horse census and utilization studies indicate that use on some of the springs (Cherry Springs) in the Maverick use area has been made primarily by horses. Setting AML and removing excess horses in the Maverick/Medicine Complex will reduce impacts to riparian areas and allow for improved conditions.

The technical recommendation of establishing the season of use and grazing systems outlined above will implement Guidelines 1.1, 2.1, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, and 3.6 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

3. **Establish the AML for the Currie Hills and Currie Flats Pasture as wild horse free pastures. In the interim until horses are removed from these pastures, provide water for horses at Red Tank (Currie Flats) and Red Hill (Currie Hills) wells.**

Rationale: The Nevada Department of Transportation (NDOT) is currently in the process of fencing Highway 93. The purpose of this fence is to prevent motor vehicles from striking wild horses and domestic livestock. The fence is needed to increase public safety when traveling this highway. There have also been several occurrences of wild horses being struck by vehicles and becoming so gravely injured that humane destruction was the only alternative.

Unfortunately, the fence will prevent wild horses which occupy the Currie Hills and Currie Flats pastures access to water in the Goshute Lake vicinity and there is no permanent water within these pastures. The BLM has considered several options as a solution to this problem, however, establishing the pastures as horse free and acknowledging incidental use is perhaps the only long term, viable alternative. Providing water to wild horses on a year-round basis in the remotely located pastures will require constant supervision and maintenance of the pumps, solar panels and troughs. Overpasses and underpasses will most likely be unsuccessful. Leaving a gap in the fence will necessitate that NDOT put two cattleguards on the highway on either side of the gap, which when proposed to the agency was unacceptable.

The fence along both the east and west sides of Highway 93 will establish the Currie Hills and Currie Flats pastures as incidental use areas. During the next scheduled gather in the Antelope Valley HMA, all of the horses inhabiting the Currie Hills and Currie Flats pastures will be gathered and removed. Incidental use is expected in this area since several unfenced gaps exist in the Currie Hills.

4. Award the Odgers and Bald Mountain permit to a qualified applicant.

Rationale: The Te-Moak Livestock Association's grazing preference and permit for the Odgers and Bald Mountain Allotments was canceled in 1999. The BLM will award the permit to a qualified applicant under the terms and conditions outlined in the Maverick/Medicine Complex for the Odgers Allotment.

5. Modify and/or requantify the allotment specific and key area objectives for the Maverick/Medicine Complex to read as described in Appendix 6 of the Maverick/Medicine Complex Evaluation. The objectives includes upland, riparian and wild horse objectives. The general land use plan objectives and Standards for rangeland health developed for the Northeastern Great Basin Area remain unchanged.

Rationale: The Record of Decision for the Wells Environmental Impact Statement (EIS) 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 in the Maverick-Medicine Complex. The Rangeland Program Summary (RPS) was issued on September 15, 1986. This document further identified the allotment specific objectives for these allotments.

Monitoring was established on the allotments within the Maverick-Medicine Complex to determine if existing grazing uses were consistent with attainment of the multiple use objectives established by the Wells RMP and RPS. Monitoring data were analyzed through the allotment evaluation process, to determine progress in meeting multiple use objectives and to determine what changes in existing grazing management, if any,

are required.

The Maverick-Medicine Complex Allotment Evaluation summarized current grazing management, determined whether or not progress was being made toward attainment of the multiple use objectives, and provided recommendation for future management. The allotment specific objectives which were analyzed in the allotment evaluation were formulated based on management issues which existed in 1986 when the RPS was published. Based on monitoring data and conclusions presented in this allotment evaluation, it is necessary to modify and/or requantify the allotment specific objectives to address the following resource issues:

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

This technical recommendation will also implement Guidelines 1.1, 2.1, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, and 3.6 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

6. Construct the following range improvement projects within the Maverick/Medicine Complex:

Proposed Range Improvements for the Maverick/Medicine Complex		
Project	Allotment	Units
Dry Canyon Boundary fence	Currie	2 miles
Dry Canyon Spring exclosure	Currie	1
Augustine Spring exclosure	Currie	1
Twin Springs Pipeline Reconstruction and Extension	Currie	12 miles
Phalen Creek fence	Currie	0.75 miles
Twins Springs Seeding fence extension	Currie	1 mile
McDermid Canyon Pasture fence extension	Currie	0.25 miles
McCee Gap fences	Currie	4.5 miles
Spring Pasture Well storage tank	North Butte Valley	1
Mud Spring exclosure	Odgers	1
Odgers Spring Complex North exclosure	Odgers	1
N. Fork Odgers Creek headwater spring complex exclosure	Odgers	1
Currie Hills Fence Extension	Currie	3 miles
Maverick Seeding and fence	Maverick/Ruby #9	2,500 acres
Maverick Well	Maverick/Ruby #9	3
Maverick/Ruby #9 boundary fence extension and cattleguard	Maverick/Ruby #9	0.5 miles & 1 cg
Gardner Spring exclosure	Maverick/Ruby #9	1
Cone Spring exclosure	Maverick/Ruby #9	1

Rationale: Completion of these projects will help achieve multiple use objectives and standards for rangeland health in the Maverick/Medicine Complex.

Required NEPA documentation will be completed prior to construction of the proposed

projects.

This technical recommendation will implement Guidelines 1.1, 2.1, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, and 3.6 which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

7. Continue to implement the planned actions identified in the Cherry Creek 10-year sale plan.

Rationale: The Cherry Creek 10-year sale plan outlines sustained yield harvests of the various forest products within the Cherry Creek Range and the silvicultural systems designed to maintain/improve the forest sites while providing for other resource uses such as increased forage for big game habitat.

8. The terms and conditions on each term grazing permit within the Maverick/Medicine Complex should read as follows:

(1) Authorized grazing use will be in accordance with the Maverick/Medicine Complex Evaluation and the Assistant Field Manager's Final Multiple Use Decision dated _____.

(2) Payment of grazing fees will be made prior to livestock turnout.

(3) Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular or liquid form. Such supplements will be placed at least 1/4 mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands.

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

(5) All range improvements will be maintained/repared by the permittee prior to livestock turn out and throughout the grazing season in accordance with range improvement authorization permits.

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

(7) The numbers of livestock to be grazed will remain flexible according to the needs of the permittee. The grazing system is based on the number of AUMs that may be removed from each pasture. Livestock numbers and periods of use will be applied for on an annual basis. Deviations beyond the flexibility described above may be allowed

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

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

Rationale: This technical recommendation will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress towards conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

9. Inventory, identify and eliminate existing wire hazards. Clean up and dispose of old wire, especially where it creates a significant hazard to wild horses.

Rationale: Wild horses have become tangled in old barbed wire particularly in old spring enclosures and wild horse traps. Entanglement in barbed wire causes extensive injuries and in some cases the need for the animal to be destroyed.

10. Continue to collect combined use utilization data and collect wild horse use only utilization data.

Rationale: Collection of utilization data is necessary to determine if management practices are meeting objectives and will indicate management changes needed in response to climatological changes, such as drought, etc.

11. Continue to collect seasonal distribution data on the Antelope Valley and Maverick/Medicine 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.

12. Continue to implement the planned actions identified in the Cherry Creek HMP.

Rationale: Completion of these planned actions within the Maverick/Medicine Complex will help achieve the multiple use objectives outlined in the Wells RPS, and the Cherry Creek HMP.

This technical recommendation will implement Guidelines 1.1, 2.1, 2.4, 3.1, 3.2, and 3.3, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

13. Establish new key areas in the Maverick/Medicine Complex in the following locations.

Currie Allotment

The slopes of Lower McDermid Canyon - Livestock
Dry Canyon Pasture - Livestock
McDermid Seeding - Livestock
The Currie Hills area - Livestock and Wild horses

North Butte Valley Allotment

Spring pasture - Livestock and Wild horses (Identify and locate a new key area site).

Odgers Allotment

Northern portion of the allotment - Livestock and Wild horses
Western portion of the allotment - Livestock and Wild horses
Southern portion of the allotment - Livestock and Wild horses

Bald Mountain Allotment

High Bald Peaks area - Wild horses

Maverick/Ruby #9 Allotment

On the west slopes of the Medicine Range - Wild horses
Southeast of the Hot Springs - Livestock and Wild horses

Future locations will be determined on an as needed basis.

Rationale: The proposed key areas in L. McDermid Canyon, Dry Canyon, and the McDermid Seeding will help monitor livestock utilization. The proposed key area in the Currie Hills will be used to gather both short and long-term monitoring data for the Currie Hills area as well as monitor utilization by wild horses.

The proposed key area in the North Butte Valley Allotment will help monitor both short and long-term objectives in the Spring pasture.

The proposed key areas in the Odgers Allotment will help monitor both short and long-term objectives in the southern, northern, and western portions of the allotment.

The proposed key areas in the Bald Mountain Allotment will monitor utilization by wild horses.

The proposed key area on the west slopes of the Medicine range will monitor utilization by wild horses. The key area southeast of the Hot Springs will monitor utilization by livestock and wild horses.

This technical recommendation will implement Guidelines 1.1, 3.2, and 3.3, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- 14. Within the Maverick/Medicine Complex, treat invasive and noxious weeds in a manner that is most appropriate to the weed species and degree of infestation. Treatment will be in accordance with the Final Environmental Impact Statement Vegetation Treatment on BLM Lands in Thirteen Western States and the Elko District Programmatic Environmental Assessment of for the Treatment of Noxious Weeds. See Appendix 7 for a list of weed species, their potential habitat and proposed treatment.**

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

This technical recommendation will implement Guidelines 1.2 and 3.4, which have been developed by the Northeastern Great Basin Resource Advisory Council of Nevada to establish significant progress toward conformance with the Standards for Rangeland Health for Upland Sites, Riparian and Wetland Sites, and Habitat.

- 15. Implement Maverick/Medicine Complex Fire Management Plan.**

Rationale: The 1998 Elko Field Office Fire Management Plan identified fire and fuels management goals and objectives for the Elko Field Office. The Maverick/Medicine Complex Fire Management Plan (Appendix 5) is tiered off the Field Office plan and identifies site specific fire suppression, prescribed fire, and mechanical fuel treatments goals and objectives for the public lands in this complex. The Maverick/Medicine Complex Fire Management Plan is required to effectively achieve the goals and objectives for Elko Field Office Fire Management Plan within the Maverick/Medicine Complex.

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

Rationale: Sage grouse is a BLM sensitive species with a high probability of becoming a nationally listed species. Maintaining and improving sage grouse habitat will assist in maintaining or increasing populations within the Maverick/Medicine Complex and may form a basis for future habitat conservation plans as well as preventing the listing of the species.

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

Uplands:

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

Riparian:

- stream inventory (BLM Manual 6720-1, BLM Manual 6671)

fish population surveys
Proper Function Condition Assessments (BLM TR 1737-16, 1999)

Wildlife Habitat:

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

Wild Horses:

wild horse population census
wild horse utilization data

Rationale: Additional monitoring and analysis will be required to determine whether objectives are being met and determine any necessary changes in grazing management.

G. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW

The selected management action for the Maverick/Medicine Complex conform with the environmental analysis described in the Final Wells Environmental Impact Statement dated July 17, 1985. The Environmental Impact Statement and Determination of NEPA Adequacy (DNA) are on file at the Elko Field Office, 3900 E. Idaho St., Elko, Nevada 89801.

H. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Elko Field Office will continue to conduct necessary monitoring studies and periodically evaluate the effects of grazing to determine if progress is being made in meeting the Standards for Rangeland Health and the multiple use objectives for the Maverick/Medicine Complex. The Complex will be re-evaluated in accordance with the priorities established by the Elko Field Office. The Elko Field Office will evaluate with the use of an interdisciplinary team to determine if significant progress is being made through the implementation of these decisions.

These re-evaluations are necessary to determine if the Standards for Rangeland Health and the allotment specific objectives are being met under management strategies to be implemented through the Maverick/Medicine Complex Final Multiple Use Decision.



CLINTON R. OKE, Assistant Field Manager
Renewable Resources



Date