



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
CARSON CITY DISTRICT OFFICE  
1535 Hot Springs Rd., Ste. 300  
Carson City, Nevada 89701

7/12/89  
IN REPLY REFER TO:

4700  
(NV-03480)

JUL 12 1989

Dear Interested Party:

Enclosed is the Draft Flanigan Wild Horse Removal Plan. Also included is the Finding Of No Significant Impact and Environmental Assessment for your review and comment.

Please submit your comments to this office by August 15, 1989, to be considered in the final plan and EA.

Sincerely yours,

James W. Elliott  
District Manager

2 Enclosures:

1. Flanigan Wild Horse Removal Plan (draft). (7 pp)
2. Environmental Assessment & Finding of no Significant Impact (23 pp)

- ① source of 1973 data
- ② BLM policy ~~707~~ 706
- ③ Memo from SD

FLANIGAN WILD HORSE REMOVAL PLAN  
(DRAFT)

I. Purpose

The proposed action is to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an over population of wild horses in and around the Flanigan Herd Management Area (HMA). The proposed action will bring the population of wild horses to a level in balance with available forage within the Flanigan HMA. The population adjustment is based solely on analysis of monitoring data. Helicopters will be used to capture the wild horses.

II. Area of Concern

The area of concern is the Flanigan HMA. The location of the area is shown on the attached map 1.

III. Numbers of Wild Horses

The most recent complete census conducted in the Flanigan HMA (which lies entirely within the Flanigan Allotment) and surrounding area in 1989, resulted in an actual count of 507 head. The planned removal is 427 head (see analysis in the accompanying Environmental Assessment). The removal of 427 wild horses is based on a 1989 census. The number may be adjusted in order to leave approximately 80 wild horses within the HMA. Because utilization data cannot be collected until the end of livestock scheduled use (September) the 1989 census was not used in utilization calculations at this time.

IV. Methods for Removal and Safety

The methods employed during this capture operation will be herding horses with a helicopter to a trap built with portable panels. The Bureau of Land Management will contract with a private party for this operation. Two or more Bureau employees will be supervising the contractor at all times during the gathering operation. The following stipulations and procedures will be followed during the contract to ensure that wild horses are removed from proper areas and to ensure the welfare, safety and humane treatment of the wild horses.

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A. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) will determine specific roundup areas and numbers of animals within general contract areas as animal concentration, terrain, physical barriers and weather conditions dictate. Upon determination of the specific roundup areas, the COR will select the general location of trap sites in which to herd the animals, animal concentration, terrain, physical barriers and weather conditions will all be considered when selecting trap sites. All wild horses will be removed from areas outside of the HMA.

B. Motorized Equipment

110% is 60 head

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk of injury.

3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to transport animals from temporary holding facilities to final destination. Sides of stockracks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. Each partition shall be a minimum of six feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination shall be equipped with at least one door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.

5. Floors of vehicles and loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping. This will be confirmed by a BLM employee prior to loading (every load).

6. Animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear foot per adult animal and .75 linear foot per foal shall be allowed per standard eight foot wide stocktrailer/truck.

The BLM employee supervising the loading of the wild horses to be

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transported from the trap to the temporary holding corral will require separation of small foals and/or weak horses from the rest should he/she feel that they may be injured during the trip. He/she will consider the distance and condition of the road and animals in making this determination. Horses shipped from the temporary holding corral to the BLM facility will normally be separated by studs, mares and foals (including small yearlings). However, if the numbers of these classes of animals are too few in one compartment and too many in another, animals may be shifted between compartments to properly distribute the animals in the trailer. This may include placing a younger, lighter stud with the mares or a weak mare with the foals. Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise his/her authority to off-load animals should he/she feel there are too many horses on the trailer/truck.

7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, and other factors when planning for the movement of captured animals. The COR shall provide for any brand inspection or other inspection services required for the captured animals.

It is currently planned to ship all horses to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the horses, to receive feedback on the condition of shipped horses. Should problems arise, shipping methods and/or separation of the horses will be changed in an attempt to alleviate the problems.

8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately 30 miles per load.

Periodic checks by BLM employees will be made as the horses are transported along dirt roads. If speed restrictions are placed in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

### C. Trapping and Care

1. All capture attempts of wild horses shall be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Under no circumstances shall animals be tied down for more than one hour.

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Roping will be allowed only to capture an orphaned foal or a suspected wet mare within the Flanigan HMA. However, since all wild horses have to be removed from the Winnemucca, Big Canyon Allotments and other areas outside of the HMA roping will be allowed if certain individual horses continue to elude helicopter herding operations.

2. The helicopter shall be used in such a manner that bands of horses will remain together. Foals shall not be left behind.

The Carson City District will use an observation helicopter as the primary means in which to supervise the use of the project helicopter. In the absence of an observation helicopter, the project helicopter or saddle horses may be used to place a BLM observer on a point overlooking the area of the helicopter herding operations.

3. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals and other factors.

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences. Map 2 shows locations of fences and any other potential hazards.

4. It is estimated that five trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.

If tentative trap sites (Map 2) are not located near enough to the concentrations of horses, then the trap site will not be approved. The COR will move the general location of the trap closer to the horses. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions, or to turn the horses, during herding, toward the trap.

5. All traps, wings and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

- a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high,

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the bottom rail of which shall not be more than 12 inches from the ground level. All traps and holding facilities shall be oval or round in design.

b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level.

d. Wings shall not be constructed out of barbed-wire or other materials injurious to animals and must be approved by the COR.

e. All crowding pens including the gates leading to the runways shall be covered with material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.

6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification which he has made.

If the route the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide at least one-eighth mile of gap. The standing fence on each side of the gap will be well-flagged for a distance of 300 yards from the gap on each side.

7. When dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water.

8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray animals from the other horses. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize (to the extent possible) injury due to fighting and trampling.

As a minimum, studs will be separated from the mares and foals when the animals are held overnight.

9. Animals shall be transported to final destination from temporary

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holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday.

10. The contractor shall provide animals held for 5 hours or more in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

12. The contractor shall restrain sick or injured animals if treatment by the government is necessary. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

13. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

V. Disposition of Removed Animals

The wild horses and burros will be sent to Palomino Valley Wild Horse and Burro Placement Center to be processed for adoption.

Impounded, privately-owned animals will be processed as outlined in the Bureau of Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VII. Responsibility

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and Project Inspectors, (PI) all from the Carson City District, will be on site. However, the Lahontan Area Manager and the Carson City District Manager are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PIs.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract

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stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

Prior to issuance of the "Notice to Proceed" to the contractor, the COR and PIs will inspect the equipment to be used during the contract, to insure the equipment meets or exceeds the standards contained in the contract stipulations.

Prior (less than 20 days) to the start of the contract and constantly during the course of the contract the COR and/or PIs will evaluate the conditions which may cause undue stress to the animals. The factors considered will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, animal distribution, distance animals travel to water, quantity of available water and condition of roads that animals are to be transported over. These factors will be evaluated to determine if additional constraints other than those already discussed above, need be initiated in order to safely capture and transport the animals (i.e. veterinarian present, or delay of capture operations). This is of special concern during this year of possible drought which may intensify the impact of removal operations on the animals and the roads.



ENVIRONMENTAL ASSESSMENT

Flanigan Wild Horse Removal

I. INTRODUCTION AND PURPOSE

The purpose of the proposal is to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetation community threatened by an overpopulation of wild horses in the Flanigan Herd Management Area (HMA), and remove wild horses that have moved to areas outside of the HMA and are also contributing to the over utilization of the key forage species. This proposal is in conformance with the Lahontan Resource Management Plan (RMP). The proposed action involves removals in order to correct resource degradation identified from analysis of rangeland monitoring data from the Flanigan HMA and surrounding area. Wild horses will also be removed from areas outside of the HMA to reduce resource damage and as directed by 43 CFR part 4710.4; Wild, Free Roaming Horse and Burro Regulations.

Relationship to Other Environmental Documents

This EA is tiered to the Reno Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Reno area under a program of monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the EIS focused on the removal of excess wild horses in the Flanigan area. The decisions regarding overall rangeland management analyzed in the Reno EIS will not be changed by the Flanigan Removal Plan. Both documents are available for public review at the Carson City District Office.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

- A. The proposed action is to remove excess wild horses in the above mentioned HMA and surrounding area through the use of a helicopter and other motorized equipment. The wild horses would be herded by a helicopter into traps constructed of portable steel panels. The Bureau of Land Management would contract with a private party for the removal operation. The contractor would be supervised at all times by at least two Bureau employees. A total of 427 excess wild

horses are proposed for removal from the HMA and surrounding area leaving 80 wild horses within the HMA.

- B. Alternative No. 1 is to conduct the removal operations through the use of water traps. Traps consisting of portable panels would be constructed around water sources and the horses caught when coming into water.
- C. Alternative No. 2 is to conduct the removal by herding the wild horses from horseback. Riders would herd horses into traps built of portable steel panels.
- D. The no action alternative is to not conduct the wild horse removals.

### III. AFFECTED ENVIRONMENT

#### A. Wild Horses

The Flanigan HMA is located approximately 50 miles north of Reno, Nevada. Flanigan HMA lies within the Carson City District of the Bureau of Land Management. The most recent complete census conducted in the Flanigan HMA was in July 1989 and resulted in an actual count of 507 wild horses in the Flanigan Allotment, Flanigan HMA and Winnemucca Allotment. Ground observations conducted in May 1989 showed 3 wild horses in the Big Canyon Allotment.

The HMA location is shown on the attached map as well as the capture area boundaries (maps 1 & 2).

#### Population

At the present time, the wild horses have virtually unrestricted movement within the HMA and the majority of the allotment. A majority of the wild horses are using areas outside of the HMA, as all or part of their home range. This is due to a population increase beyond the HMA's capacity to produce sufficient forage (vegetation section) and supply adequate space. The limited area of the HMA results in increased intraspecific interactions which at current population levels lead to many of the wild horses moving to areas outside of the HMA.

A census in February 1989 (not complete; HMA was completely censused, however, fog prevented censusing some areas outside of the HMA) was conducted and documented that at a minimum 89% of the wild horses have moved out of the HMA. In September of 1987 a census documented that 74% of all the wild horses counted were located outside of the HMA. A census conducted in September 1985 documented that 71% of all wild horses counted were located outside of the HMA. Flights conducted in conjunction with the University of Minnesota (UOM) fertility study documented that even during the spring green-up a minimum of 54% of the wild horse population remained outside of the HMA. UOM flights are not complete censuses, and may underestimate the number of wild

horse outside of the HMA. Wild horses have also expanded into areas of the Winnemucca Ranch and Big Canyon Allotments. Wild horses gained entry into the Winnemucca Ranch and Big Canyon Allotments when snows, wild horses or cattle knocked down the fences, or when gates were left open.

*responsible for maintenance*

Many of the horses currently spend all or part of the year outside of the HMA and at times on land which is not be administered by the BLM. In this situation, these wild horses may intermingle with privately owned and Indian horses, thereby, making them difficult or impossible to identify. This contributes to enforcement and protection problems. Once a wild horse crosses into the Indian reservation it can no longer be identified as a wild horse and therefore, may be subject to capture and sale.

During the February 1989 census approximately 80% of the wild horses both within and outside of the HMA were in very poor physical condition, due to lack of forage. Their ribs, pelvic bones and vertebrae were clearly evident. This was particularly evident in breeding age mares. The poor condition of the horses has resulted from lack of adequate forage within the HMA and surrounding area. Just prior to the 1985 removal there were almost twice as many wild horses, however, the habitat has continued to deteriorate from over grazing. Recent utilization data shows a continued increase of heavy and severe use within the HMA caused by both wild horses and cattle.

A total of 30 different adult wild horses were observed during the month of April 1989, however, no foals were observed within the HMA. During the same time period many foals have been observed in all other HMAs within the Resource Area. The cause of this is most likely due to poor condition of the mares which can result in reabsorption and abortion of fetuses and low birth weight of foals which decreases their ability to survive. Of the 30 wild horses observed none possessed radio collars, therefore, lack of foals was most likely caused by poor condition rather than vasectomized stallions. The UOM also analyzed blood samples from 5 HMAs and concluded that wild horses in the Flanigan HMA had the lowest pregnancy rate of the 5 HMAs (Garrott, pers. comm.)

*collars lost?!*

All complete censuses of the wild horse population inside and outside of the HMA indicate a consistent increase in numbers. Since the passage of the WH&B Act the population has increased from 96 wild horses in 1972 to 527 in 1989. During this time period three removals have been conducted from the HMA and surrounding area, which resulted in the removal of 451 wild horses. However, 20 wild horses were introduced into the HMA within the above time span due to a law suit and study.

Data from the 1985 removal indicates a sex ratio of 82 males to 100 females. Demographic data indicates a increasing population. However, a bias exists with data derived from gathers, since gathers are more representative of stable bands within a population and not the population as a whole (BLM W.O. Information Memorandum NV-83-

104). This will bias the results towards females and foals and under estimate the number of stallions. In a growing population, time-specific data underestimates the true survival rate (Information Memorandum NV-83-104). The Flanigan population was increasing at the time of the last removal, as analyzed per Nevada State Office supplement 4730.

*at what rate?*

#### Habitat Evaluation

A formal habitat evaluation was completed in 1988 on the Flanigan HMA following the guidelines in the draft Wild Horse and Burro Habitat Evaluation Procedures Users Guide. It was determined that forage quantity was the factor most limiting the wild horse population within the HMA. Currently water and escape cover are not limiting the population of wild horses.

#### B. Livestock Use

The HMA lies within the Flanigan Allotment. Historical grazing preference for the Flanigan Allotment, (HMA comprising 18% of the total allotment), has been 7368 AUMs of which 5015 AUMs are active use and 2306 AUMs have been held in Suspended-Non-Use since 1965. An additional 47 AUMs were lost when the federal acreage was reduced following approval of several Desert Land Entries (August 1984). Fish Springs Ranch Ltd. is the current livestock operator, and is permitted all of the livestock preference within the Flanigan Allotment.

Prior to 1988 livestock grazing occurred allotment-wide 11 months a year. However, due to a lack of forage in the Juniper Basin area, livestock have not used this portion of the allotment for at least the last 5 years.

Completion of an AMP in January of 1988 has changed livestock use substantially. During development of the AMP, the permittee agreed to an additional 1200 AUM (24%) reduction (voluntary non-use) and changes in season of use allotment-wide. These adjustments were taken as a result of monitoring, showing excess utilization of key forage plants by livestock and wild horses.

Use in the summer area (69% of the HMA) will be deferred until 6/15 with all cattle going to private property on the base ranch by the end of September and remaining there until 12/1. Livestock will graze the Juniper Basin Area, which makes up the remainder of the HMA, during the winter (12/1 through 2/28). Between 2/28 and 6/15, 10/1 and 12/1 no cattle will be within the HMA.

Livestock adjustments may be made in March of 1992 based on continued monitoring data with an objective of achieving 55% utilization on key grass species and 45% utilization on browse species.

#### C. Soils and Vegetation

The soils in the Flanigan HMA exhibit wide ranges in depth, drainage

class, percent Surficial and sub-surface rock fragments, pH, and other diagnostic soil properties. For more detailed, site specific descriptions, see Progress Field Review, Washoe County, NV, Central Part, Sept. 1985.

Accelerated erosion is occurring in the Upper Juniper Basin area. This is due primarily to a lack of cover, such as grass and litter. Decline of condition in this area can be attributed primarily to wild horses which have been the primary herbivore utilizing this area for at least the last 5 years. This is documented through distribution data collected during censuses and field observations.

Cottonwood, Anderson and Rock Springs Canyons also have relatively small percentages of basal cover, however, these areas are not at present experiencing accelerated erosion on a large scale, due to high percentages of surficial rock fragments (Watershed Analysis, Flanigan Allotment 1984).

Two major range sites (023, 026) comprise 89% of the HMA and are described below:

Loamy 10-12" pz. (023 x 020N)

1. Associated species: bluebunch wheatgrass (Agropyron spicatum), Thurber needlegrass (Stipa thurberiana), bottlebrush squirreltail (Sitanion hystrix), Wyoming big sagebrush, antelope bitterbrush and Douglas rabbitbrush (Chrysothamnus viscidiflorus).
2. Occurs on rolling uplands and alluvial fans at elevations of 5500 ft. to 6500 ft.
3. Soils are moderately deep and are well drained with 10-12" pz.
4. Annual production in normal years is 800 lb./acre.

Steep North Slope 14-20 (026 x 007)

1. Associated species: Thurber needlegrass, bottlebrush squirreltail, bluebunch wheatgrass, Sandberg bluegrass (Poa secunda), Idaho fescue (Festuca idahoensis ;dominant), mountain big sagebrush (Artemisia tridentata vaseyana), antelope bitterbrush, Douglas rabbitbrush, snowberry (Symphoricarpos).
2. Occurs on steep and mountain shoulders, north slopes at elevations of 5000 ft. to 8000 ft.
3. Soils are moderately deep and well drained with 14-20" pz.
4. Annual production in normal years is 800 lbs./acre.

{ Manipulation of data to justify desired decision }

The ecological status of the HMA (in acres) is as follows:

<u>Low Seral</u>	<u>Mid Seral</u>	<u>High Seral</u>	<u>Potential Natural Community</u>
4804	9072	1798	0

Utilization studies and use pattern mapping of the vegetation completed over the last 2 years (1986-87 and 1987-88) show that 95% of the HMA is currently receiving heavy and severe use. Of the acreage in heavy and severe utilization classes (within the HMA) 69% can be attributed to wild horses with the remaining 31% to cattle (map 3 & 4). Studies conducted prior to turnout of domestic livestock, June 15, showed that the overall vegetation utilization by wild horses alone (both inside and outside HMA) was 44%. This figure reflects 3-3 1/2 months grazing use. Percentages of wild horse and cattle use as stated are based on actual use data, field observations and distribution analysis of where the grazing use by individual species occurred and reflect that portion of the area used by each species. At current population levels the ecological status of the HMA and surrounding area will continue to deteriorate.

Juniper Basin presents a unique problem. This area has not been grazed by livestock since 1982. However, there are no key forage species outside of exclosures, due to continued severe over-utilization from wild horses.

Excess use by wild horses not only occurs within the HMA but is also occurring outside of the HMA with 17% of the over utilized area being grazed exclusively by wild horses outside of the HMA. During this time period (1986-88) AUMs utilized by domestic livestock have decreased by 285 AUMs while wild horse AUMs have increased by 852 AUMs. The Permittee is taking an additional reduction of 915 AUMs to bring the total reduction to 1200 cattle AUMs Allotment wide.

There is only one key area within in the HMA. It was established in August 1984 (map 5). The frequency transect on this key area will be read again in 1990 and read every 5 years thereafter.

One additional key area (key area #2) will be established in the summer of 1989, in the Juniper Basin area (map 5). Determination of key areas and establishment of frequency transacts was done and will continue, following the format established in the Nevada Range Monitoring Procedures and BLM Handbook TR 4400-4 p. 29.

The key area summarized as follows:

Key Area No. 1

Location

T. 25 N., R. 19 E., Section 10, SE1/4 West side Cottonwood Canyon.

Access

Via U.S. 395 North, Honey Lake Valley Road and the Cottonwood Stock Trail.

Site Description

- Dominant shrubs - Mountain big sagebrush  
Snowberry  
Rabbitbrush
  
- Dominant grasses - Idaho fescue  
Bottlebrush squirreltail  
Bluebunch wheatgrass

Key Species

- Idaho fescue
- Bluebunch wheatgrass
- Antelope bitterbrush

Use Periods and Types of Animals

- Cattle - 6/15 to 9/30
- Wild horse - Year long
- Deer - Year long

All utilization studies were conducted using the Key Forage Plant Method. Proper use is 55% on perennial grasses (key species) and 45% on shrubs as recommended in the Nevada Rangeland Monitoring Handbook.

D. Water and Riparian

Springs located in the Virginia Mountain Range show heavy use by wild horses and cattle. Their associated riparian vegetation has disappeared, the spring sources are experiencing heavy trampling which leads to reduced spring flow and fouled water.

Riparian areas in this HMA (total approximately 25 acres) have historically received severe (80% to 100%) use from wild horses and cattle. This in turn is affecting sage grouse chick survival. Sage grouse chicks, for the first few months of life require green leaves and insects which forbs and grasses provide (Leopold et al, 1981). Erosion and loss of riparian species is taking place on many meadows and was the reason for the following springs being protected:

<u>Name</u>	<u>JDR#</u>	<u>Size</u>
Juniper Spring	#6017	15.0 acres
Lower Adobe Spring	#5019	.2 acres Includes check dams

#### E. Cultural Resources

Cultural resources in the form of arrow heads and fragments exist within the gather area.

#### F. Wildlife Use

The Dogskin-Virginia Mountain Habitat Management Plan (HMP) did incorporate a maximum of 100 wild horses as the maximum number of wild horses for the Flanigan HMA. Therefore, wildlife management plans were based on the anticipated use from 100 wild horses.

The HMA includes habitat for mule deer (winter and yearlong), pronghorn (yearlong), sage grouse, chukar partridge, valley quail (Callipepla californicus), mourning dove (Zenaida macroura) and many nongame species.

The HMA has both a resident and wintering migratory mule deer herd (Doyle Deer Herd, a part of the Lassen Washoe Interstate Deer Herd) utilizing the area. Mountainous portions of the allotment, specifically Fort Sage and Virginia Mountains, are considered to be critical deer winter range. The habitat conditions in the higher elevations of these mountainous areas are generally good due to the rugged terrain and lack of water which restricts livestock use.

The California Department of Fish and Game has completed the Doyle Deer Herd Plan (1984), of which the HMA is a part. An identified problem in this plan is that winter ranges appear to be undergoing long-term deterioration; preferred browse (antelope bitterbrush; Purshia tridentata) is old and failing to reproduce. It is possible that wild horses may also be utilizing bitterbrush and other browse species (Waring 1979). The Doyle Deer Herd plan also documented that grasses and forbs increase in importance for deer as winter progress. Wagner (1978) stated that food habits of feral equids (wild horses) overlap with those of mule deer. It is also possible that the wild horses are utilizing a sufficient amount of forage to cause cattle to utilize browse species to a greater degree than they ordinarily would.

The Honey Lake and northern Virginia Mountains of the allotment are yearlong range for pronghorn. Severe utilization (BLM utilization records) by wild horses and livestock is occurring in this area.

Habitat for valley quail in the HMA is limited due to the typically small amount of riparian vegetation. Chukar partridge populations are moderate (16 to 29 birds/sq. mi.; Nevada Department of Wildlife; NDOW).

Bighorn sheep are not present in the HMA, however, the HMA is historical range for this species. The Dogskin-Virginia Mountain Wildlife Habitat Area, HMP identified the Flanigan Allotment summer range which includes the HMA as part of a bighorn sheep introduction area. The introduction of bighorn sheep is scheduled for FY 89 or 90.

The HMP also stated that sage grouse and pronghorn populations are declining in the HMA due to meadow deterioration caused by livestock



and/or wild horses.

G. Threatened and Endangered Species

Flanigan HMA and surrounding area contain no known threatened and endangered plant or animal species.

IV. ENVIRONMENTAL IMPACTS/MITIGATION MEASURES

A. Proposed Action

Reducing the wild horse population to a level that the vegetation within the HMA can support would benefit both the wild horses and wildlife within the HMA and at the same time meet the management objectives of the Land Use Plans (improve ecological condition). By improving the vegetation all species of wildlife will benefit including pronghorn, mule deer, bighorn sheep (when transplanted) and many non-game species. Under current conditions the habitat within the HMA cannot support a reasonable number of mule deer, pronghorn or bighorn sheep. It is anticipated that after the reduction the utilization will decrease from 75% to 55% on key species and from 75% to 40% on interim species. It is also anticipated that the condition of the wild horses will improve from poor to fair or excellent, that the mares will be able to produce a sufficient number of foals to ensure long term survival of the population and that the wild horses will stay within the HMA.

It is anticipated that by reducing the number of wild horses the rate of soil erosion should decrease and the basal cover should increase.

Riparian area condition within the HMA should improve after wild horse numbers are adjusted. However, to adequately protect critical areas and spring sources, exclosures will still be needed.

Unavoidable impacts in the form of injuries to the horses may occur as a result of the removal process. Death loss is not expected to exceed 2% of the horses captured at the trap site. Potential injuries and fatalities can be limited through strict enforcement of contract specifications for safety and humane treatment of animals. BLM representatives would be monitoring the contractor's activities at all times during removal to ensure compliance with specifications and humane treatment of animals.

Some stress to the horses would be associated with the helicopter herding operations, however, after adoption, the horses would become accustomed to captivity and most would receive proper care.

There are currently a maximum of 19 vasectomized stallions in the Flanigan allotment left over from a University of Minnesota study. However, due to the loss of collars only 10 of them can be identified. If all 19 vasectomized stallions were left within the HMA after a herd reduction, they could adversely impact the population dynamics, and greatly decrease the heterozygosity of the population.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity will be lost from a small population as a result of removals. However, removals may disrupt the band structure of remaining wild horses which would facilitate recombination of adult horses which may lead to an increase in average heterozygosity. If removals are selective in any way, this loss of heterozygosity will be greatly increased (Franklin, 1980).

Unavoidable loss of heterozygosity may occur due to a small population, however, should the loss of heterozygosity threaten the health of the population transplants from other HMA's will be made.

Garrott (pers. comm) looked at rates of increase in wild horse herds and concluded that the lowest rate of increase is between 14 -15% annually, and in areas where sufficient forage is available, rates of increase can approach 23 -24% annually.

From analysis of data it was determined that 104 wild horses is the maximum that that HMA can support (appendix A) while maintaining an ecological balance between vegetation, wild horses, wildlife and livestock. In order to minimize the stresses and disruption of band structures the population of wild horses will be reduced below 104 and allowed to increase above 104. It is anticipated that during years of under utilization the vegetation will recover to a point that will not be compromised by years of over utilization. Therefore, the population will be decreased to 80 wild horses and allowed to build to approximately 128. It is estimated that it will take 4 years for the population to reach 128 head from 80 head.

Small localized areas within the vicinity of trap sites and holding facilities would receive trampling and the subsequent loss of vegetation. However, overall the vegetative resource would improve due to the reduction in grazing pressure. Forage availability should increase and utilization levels decrease.

No impacts would occur to cultural resources, as the trap sites would be cleared prior to construction.

Removal of wild horses will prevent further deterioration of the range due to the wild horse overpopulation. By removing the excess wild horses the remaining population will allow for a thriving ecological balance between wild horses, wildlife, livestock and vegetation.

#### B. Water Trapping

General impacts from a reduction in wild horse numbers would be identical to those outlined for the proposed action. This method of capturing wild horses is probably the least stressful to the animals. However, once captured, the handling and transportation of the animals would be the same as the proposed action. As most injuries to wild horses occur during handling and transportation, the injury and fatality rate would remain approximately the same. Once prepared for adoption, the animals become

accustomed to captivity and most would receive proper care.

Small localized areas within the vicinity of trap sites and holding facilities would receive trampling and subsequent loss of vegetation. Overall, the vegetation resource would improve due to the reduction in grazing pressure. Forage availability should increase and utilization levels decrease. This would occur in both the short and long term.

No impacts would occur to cultural resources, as the trap sites would be cleared prior to construction.

Due to the time necessary for construction of complex water traps and the prolonged period it would take for the animals to become accustomed to using the traps, it would take more manpower to implement this alternative. Therefore, it would be significantly more expensive than the proposed action. In addition, the number of springs and length of streams in the entire removal area would make the water trapping method of capture unfeasible, due to the amount of fencing material required.

#### C. Horseback Trapping

General impacts from a reduction in wild horse numbers would be identical to those outlined for the proposed action. Using riders on horseback to herd horses to traps, results in less stress to the animals during capture than the proposed action. However, once captured, the handling and transportation of the animals would be the same as the proposed action. As most injuries to wild horses occur during handling and transportation, the injury and fatality rate would remain approximately the same. Once prepared for adoption, the animals become accustomed to captivity and most would receive proper care. Except for the method of capture and the removal of vasectomized stallions all other impacts on the HMA and wild horses would remain the same as the proposed action.

Some localized areas within the vicinity of trap sites and holding facilities would receive trampling and subsequent loss of vegetation. Overall, the vegetation resource would improve due to the reduction in grazing pressure. Forage availability should increase and utilization levels decrease. This impact would have both short and long term effects.

No impacts would occur to cultural resources as the trap sites would be cleared prior to construction.

Bands of horses are not controlled effectively with horseback herding, therefore, many bands are spilled or individual horses separated from the band. This results in increased social structure disruption and/or orphaned foals, which requires attempts to capture these separated animals. The number of animals captured per day versus the proposed actions is significantly fewer, therefore, it is very time consuming resulting in very high capture costs.

This method of capture is very tiring for the saddle horses which results in injuries to both the saddle horses and personnel involved.

D. No Action

The no action alternative would result in no wild horses being removed. The animals would not undergo stress, injuries, nor fatalities related to capture, handling and transportation. However, in the long term, the population would increase to a point where excessive utilization would eliminate nearly all the forage plant species. The animals would suffer stress searching for food and may be subject to starvation. Attainment of Land-Use-Planning objectives would not be met.

The population would continue to expand both within and outside of the HMA, further impacting the vegetation and wildlife. This would lead to the loss of many species of wildlife through starvation or dispersal to areas outside of the HMA.. The physical condition of the wild horses would continue to deteriorate.

Habitat improvement would not be realized with this alternative. The frequency of key species would decline further. The animals would continue to search for food and further degrade their habitat, thereby reducing the carrying capacity of the area which would eventually lead to starvation and possible extinction of the population. However, before the wild horses disappear the deer, pronghorn and many other species of wildlife would have died. The HMA would be "home" to just a few wild horses, reducing the chances for the public to observe wild horses. The few wild horses left would be in poor condition, thus, viewing of these wild horses would be a negative experience for most people.

Accelerated erosion would continue and basal cover would continue to increase from excess utilization.

Riparian areas would continue to be over utilized further deteriorating the wildlife habitat.

All vasectomized stallions would remain further decreasing the average heterozygosity of the population.

Further deterioration of the range would occur and the area will not be in a state of thriving natural ecological balance between wild horses, wildlife, vegetation and livestock.

V. Public Involvement

This environmental assessment and capture plan is being sent to the following persons, groups and government agencies for review and comment. This review and comment is considered as the consultation and coordination as required in the Lahontan Resource Management Plan.

American Bashkir Curley Register  
American Horse Protection Association  
American Humane Association  
American Wild Mustang & Burro Foundation  
Animal Protection Institute  
Big Canyon Ranch  
Commission for the Preservation of Wild Horses

Craig C. Downer  
Craig London  
Debra Allard  
Fish Springs Ranch Ltd.  
Fund for Animals  
International Society for the Protection of Wild Horses and  
Burros  
Kathy McCovey  
National Mustang Association  
National Wild Horse Association  
Nevada Cattlemen's Association  
Nevada Department of Wildlife  
Nevada Federation of Animal Protection Organization  
Nevada Humane Society  
Nevada State Clearinghouse  
Nevada State Division of Agriculture  
Rebecca Kunow  
Save the Mustangs  
Sierra Club  
U.S. Fish and Wildlife Service  
U.S. Humane Society  
United States Wild Horse and Burro Foundation  
Washoe County Board of Commissioners  
Wild Horse Organized Assistance  
Winnemucca Ranch

VI. List of Preparers

Prepared by:

John Axtell  
John Axtell  
Wild Horse and Burro Specialist  
Lahontan Resource Area

12 July 89

Reviewed by:

Timothy B. Reuwsaat  
Timothy B. Reuwsaat  
Wild Horse and Burro Specialist  
Carson City District

7/12/89

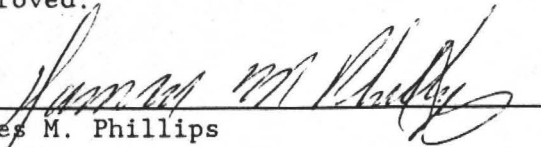
David Loomis  
David Loomis  
Environmental Coordinator  
Carson City District

7/12/89  
Date

FINDING OF NO SIGNIFICANT IMPACT  
Flanigan Wild Horse Removal  
(Draft)

Impacts associated with implementation of the proposed action are not of a significant nature, therefore, an Environmental Impact Statement is not required.

Approved:

  
\_\_\_\_\_  
James M. Phillips  
Area Manager  
Lahontan Resource Area

7-12-89  
Date

## Literature Cited

Franklin, I.R. 1980. Evolutionary Change in Small Population, In Conservation Biology, M.S. Soule and B.A. Wilcox (Eds) pp 135 - 149

Garrott, B. 1989. Univ. of Minn., Personal Communication.

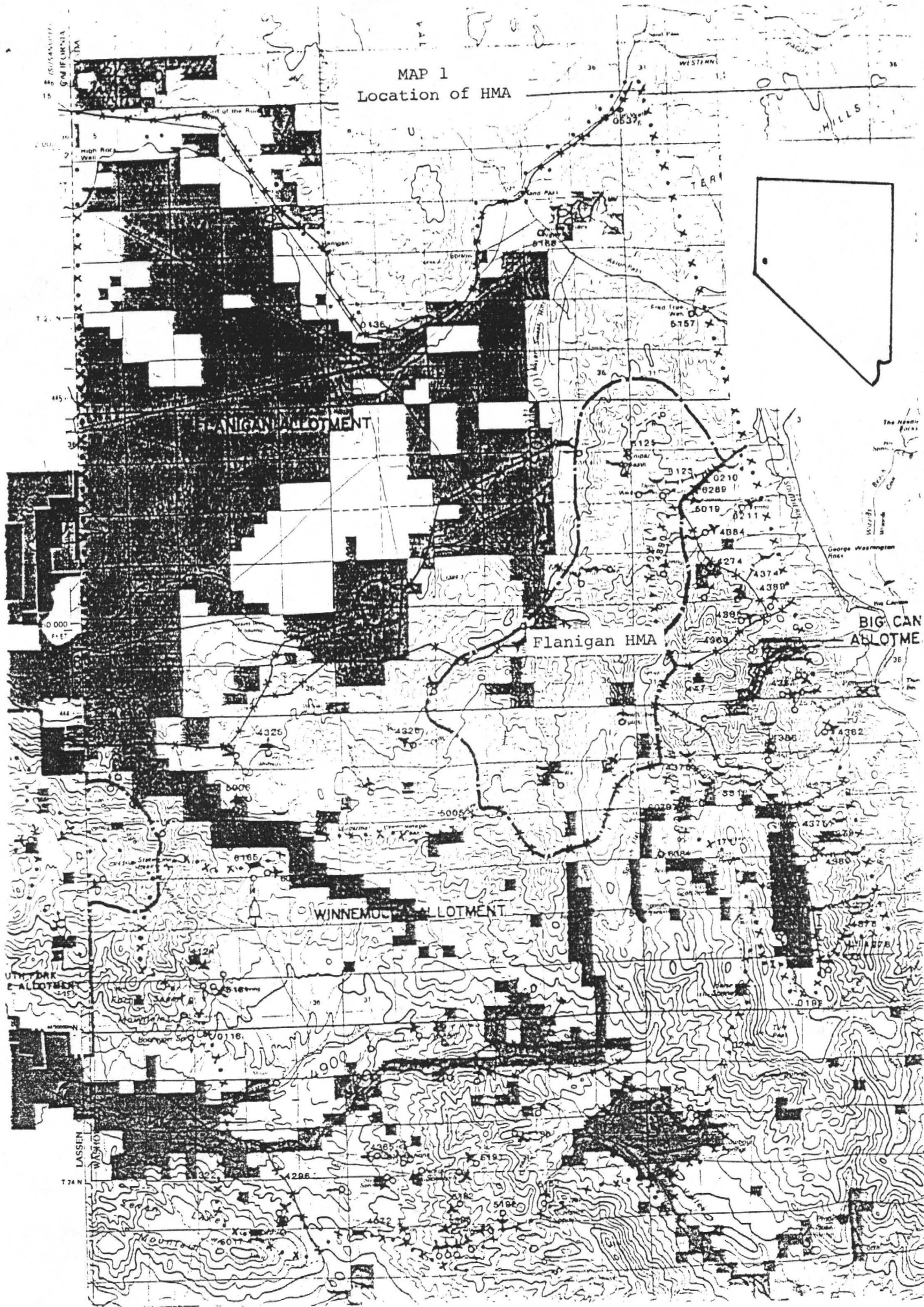
Leopold, A.S., J. Gutierrez, M.T. Bronson. 1981. North American Game Birds and Mammals, Charles Scribner's Sons New York. 198 pp.

Wagner, F.H. 1978. Livestock Grazing and the Livestock Industry. In Wildlife and America. H.P. Brokaw, ed. U.S. Council on Environmental Quality, Washington, D.C. 532 pp.

Waring, G.H. 1979. Behavioral adaptation as a Factor in the Management of Feral Equids in Symposium on the Ecology and Behavior of Wild and Feral Equids, Univ. of Wyoming Laramie pp. 85-92.



MAP 1  
Location of HMA



FLANIGAN HERD BOUNDARY

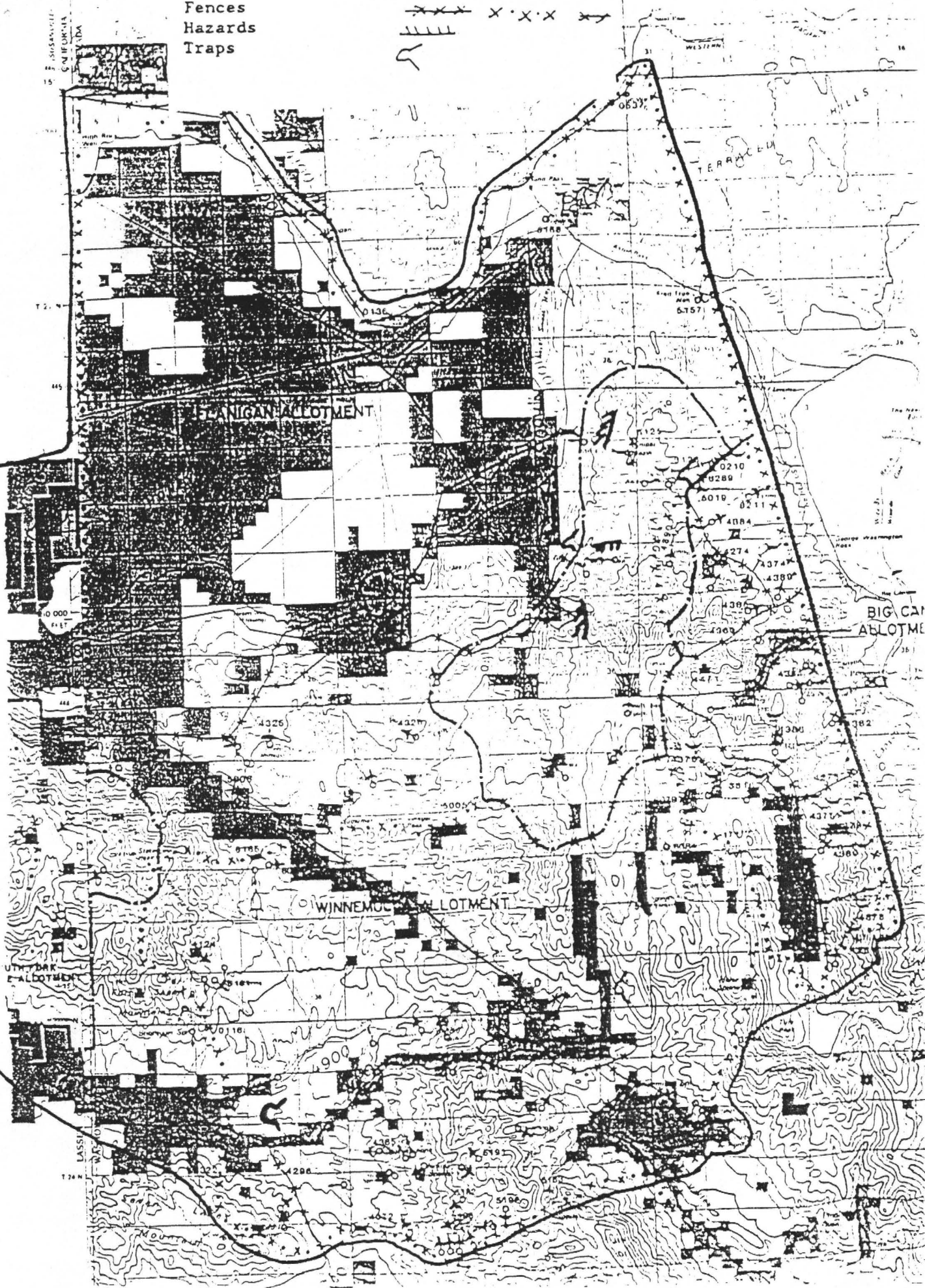
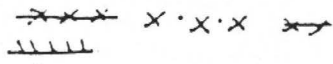
Capture Area Boundary

Fences

Hazards

Traps

Boundary and Hazards



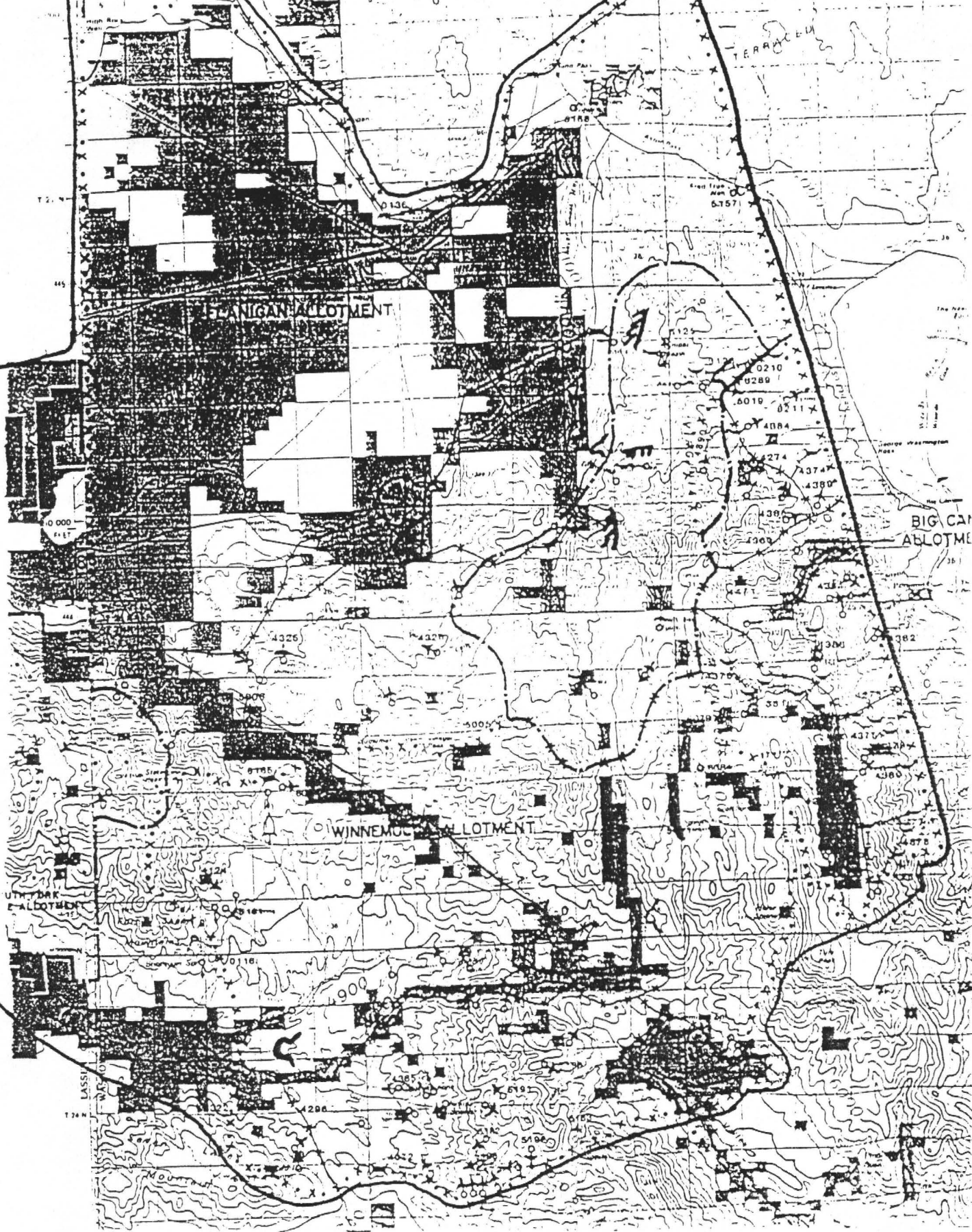
FLANIGAN ALLOTMENT

WINNEMOC ALLOTMENT

BIG CAY ALLOTMENT

Vertical text on the left margin: MISSOURI, CALIFORNIA, IOWA, T22N, 44S, UTAH, DAKOTA, ALLOTMENT, LASSIE, 174N

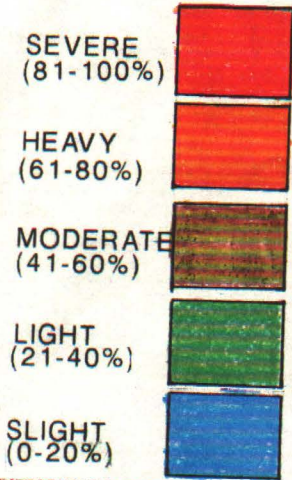
Vertical text on the right margin: WESTERN, TERRACE HILLS, BIG CAY ALLOTMENT



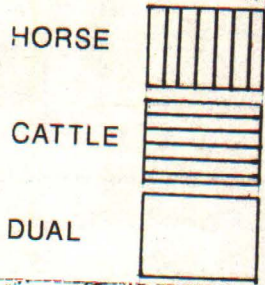
# MAP # 3

1986-87

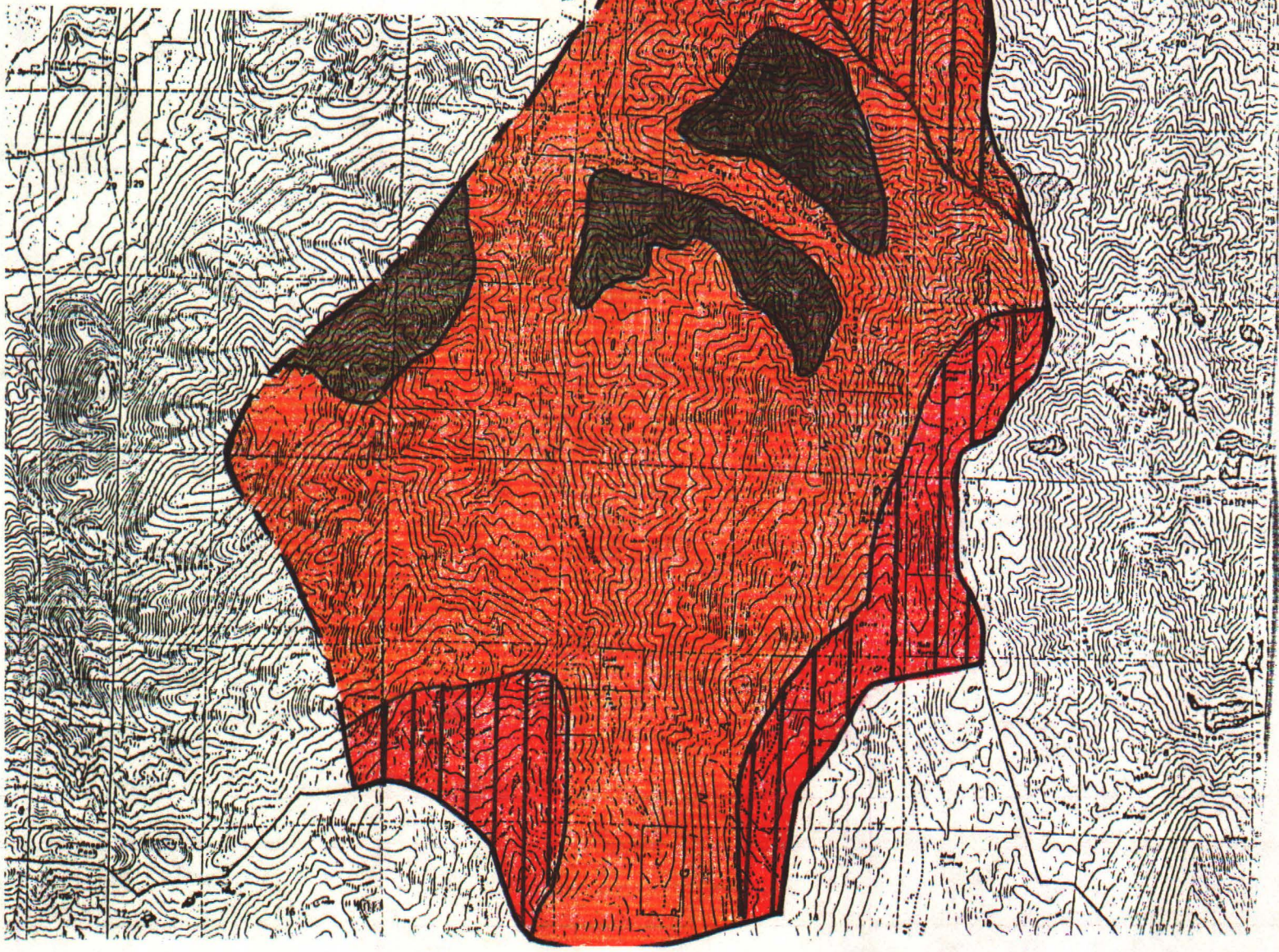
## UTILIZATION CLASS



## TYPE USE



HERD MANAGEMENT AREA ———



# MAP # 4

1987-88

## UTILIZATION CLASS

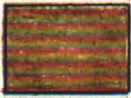
SEVERE  
(81-100%)



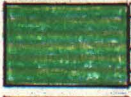
HEAVY  
(61-80%)



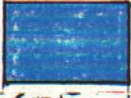
MODERATE  
(41-60%)



LIGHT  
(21-40%)



SLIGHT  
(0-20%)

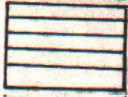


## TYPE USE

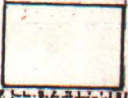
HORSE



CATTLE



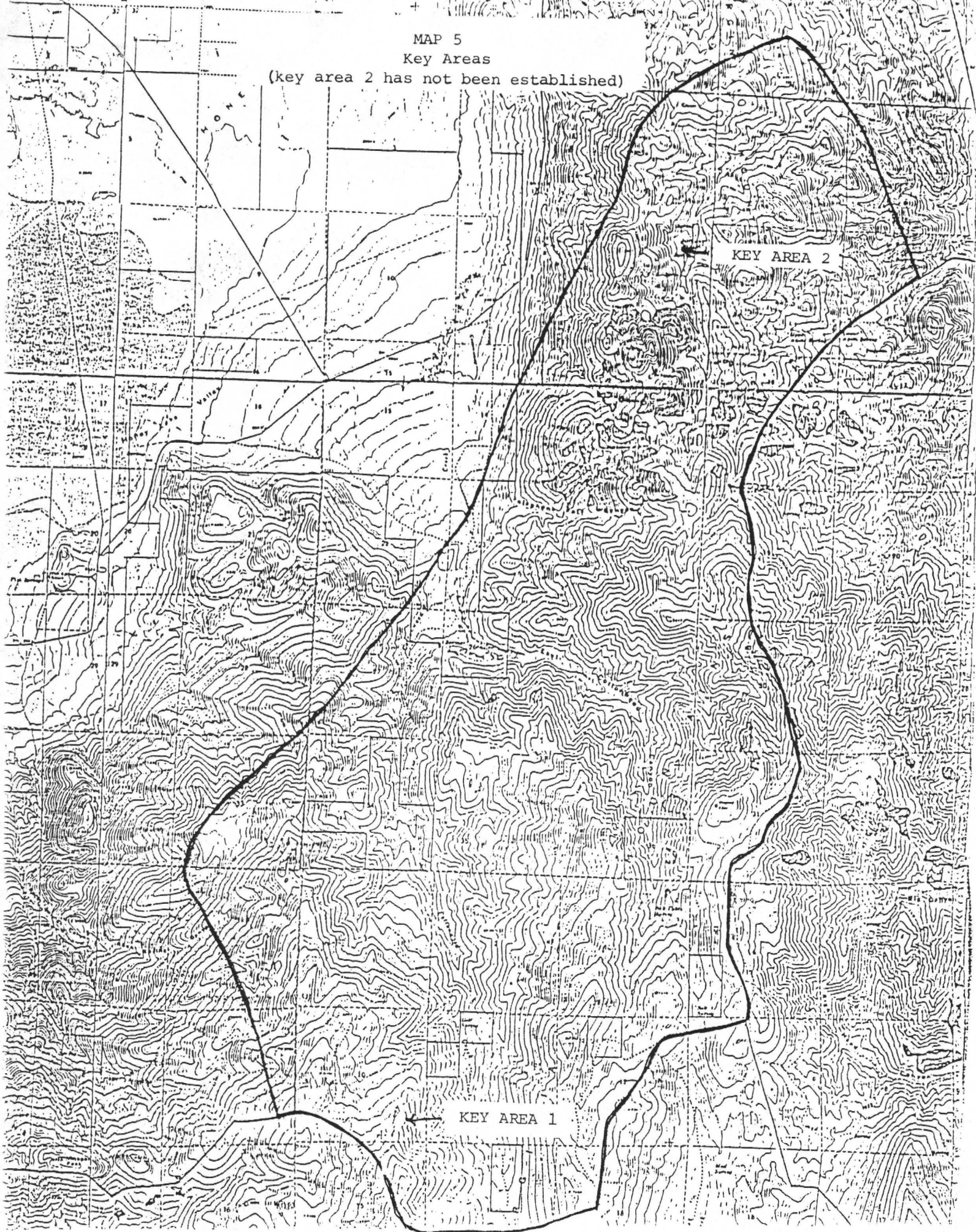
DUAL



HERD MANAGEMENT AREA — — — —



MAP 5  
Key Areas  
(key area 2 has not been established)



KEY AREA 2

KEY AREA 1

## APPENDIX A

In order to meet both the HMA and allotment management plan objectives, adjustments in wild horses and cattle both inside and outside of the HMA area are required. Current vegetation monitoring indicates that the HMA will support approximately 1248 AUMs of wild horse use taken yearlong. Therefore, to properly manage the vegetative resource the wild horses will be adjusted to an average population of 104. Further monitoring data will be collected and analyzed, after the population is adjusted, to determine if this adjusted population level will be established as a new Appropriate Management Level (AML) for the HMA.

Based on the Flanigan AMP, livestock will take a 24% or 1200 AUM reduction (monitoring justifies only a reduction of 991 AUMs) and will defer use in the summer portion of the HMA until boot stage of bluebunch wheatgrass, approximately June 15. Fish Springs Ranch, Inc. agreed to a reduction above which is supported by monitoring information, because they realize that the vegetation will improve faster if additional AUMs are reduced.

Juniper Basin will be utilized by domestic livestock only in the winter thus ensuring non-competitive use of this area by wild horses from spring through the fall.

Determination of wild horse and livestock numbers to be in balance with the habitat limitations:

The Flanigan HMA contains 15,674 acres of both public and private land.

From utilization records the average utilization within the HMA from 1986 - 1988 is 75%.

Within the Flanigan allotment cattle use can be broken down into sections. From actual use data and habitat utilization studies it is estimated that 2692 AUM's of cattle used 34900 acres of land, of which the HMA is incorporated.

Of the 15674 available acres within the HMA 4907 acres are not used by cattle because the permittee did not place his cattle in this area due to severe over utilization by wild horses. This leaves 10767 acres of the HMA which is used by both cattle and wild horses. Thus 10767 acres comprises 31% of the 34900 acres used by cattle. This results in 835 AUMs (average for 86-88) of cattle use within the HMA. Cattle have not used the area north of Telephone Canyon (4907 acres) for at least the past 5 years.

An average of 62% of the wild horses are outside of the HMA. Thus, of the 399 (1987 census) total population 152 wild horses are inside the HMA. From census and population data it has been determined that 25% of these wild horses use the area north of Telephone Pole Canyon. Therefore 38 wild horses are north of Telephone Pole Canyon within the HMA and 114 wild horses are south of Telephone Pole Canyon within the HMA.

Using the accepted formula for making animal adjustments it is determined that 18 wild horses need to be removed from the area north of Telephone Pole Canyon.

Actual use (AUMs)  
Average/Weighted  
Average Utilization

- Potential Actual Use (AUMs)  
Desired Average Utilization

$\frac{456}{75\%} - \frac{x}{40\%*} = 243$  AUMs north of Telephone Pole Canyon. Thus 213 AUMs of horses need to be removed,  $213/12 = 18$  horses removed north of Telephone Pole Canyon.

\* 40% was used here instead of 55% because there are no key species in this area due to severe over utilization by wild horses, 40% is the recommended utilization level for interim species.

The 114 wild horses south of Telephone Pole Canyon (within the HMA) = 1368 AUMs of wild horses. There are also 835 AUMs of cattle use in this area. Thus the total demand for AUMs south of Telephone Pole Canyon (within the HMA) is 2203.

Using the above formula results in a need to reduce 587 AUMs south of Telephone Pole Canyon. Wild horse use comprises 62% of the AUMs south of Telephone Pole Canyon. Therefore 364 AUMs (30 wild horses) of wild horse use need to be removed. Also 223 AUMs of cattle need to be removed.

Allotment wide cattle use has been reduced by 1200 AUMs which results in an estimated 216 AUM reduction of cattle use within the HMA, which very closely coincides with the 223 AUM reduction stated above.

8/14/89

**BOB MILLER**  
Acting Governor

STATE OF NEVADA

**TERRI JAY**  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

Stewart Facility  
Capitol Complex  
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**COMMISSIONERS**

Deloyd Satterthwaite, Chairman  
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Dawn Lappin  
15640 Sylvester Road  
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Michael Kirk, D.V.M.  
P.O. Box 5896  
Reno, Nevada 89513

August 14, 1989

James M. Phillips, Area Manager  
Bureau of Land Management  
Carson City District Office  
1535 Hot Springs Road, Suite 300  
Carson City, Nevada 89701

Dear Jim,

Thank you for the opportunity to comment on the Draft Flanigan Removal Plan and accompanying EA.

I must say that this was one of the most challenging Removal Plans that I have ever commented on.

Even though I was briefed by your staff on this matter a few years ago, something about your data and your intentions still troubles me.

For example, in the "Pyramid-Long Valley Land Use Guides," which I believe was published in the mid seventies, stated THEN that you wanted to: "Maintain in that one area the current population of about 100 horses." I find it more than ironic, that this is planned number now for the herd area.

Since stocking calculations are just algebraic equations, (for which any unknown can be determined), did you decide that you wanted 100 horses and then manufacture the data to back up your decision?

You also state in the aforementioned document that "This area is considered to be particularly suitable for intensive wild horse use because it has few developments that would restrict their movements and receives little wildlife use." Yet the capture plan and EA state that Bighorns will be re-introduced in this area. Are horses being reduced to make way for bighorns?

In the Flanigan AMP objectives, #2 is "allow no livestock in use areas until "range ready" - boot stage of key species."

In the BLM's copy of the January 14th, 1988 Grazing Preference Statement for the Fish Springs Ranch, (the HMA is entirely within the allotment), the season of use is scheduled to begin at 3/1/88.

In the Flanigan AMP, the Boot stage of the key species is 5/15 to 6/1 for grasses and 4/20 to 6/5 for the flower stage of the shrubs.



James M. Phillips, Area Manager  
August 14, 1989  
Page 2

Please explain to me how you plan on meeting the objectives in the AMP when you have not changed the season of use for the livestock in the area.

How can you expect any recovery from past overgrazing when you are allowing turn-out 15 days before the start of the growing season?

The 1989 Grazing Application reflects the same turn-out date as the 1988 Grazing Preference Statement.

I'm sure that you are aware that livestock, (which can use the entire allotment) are impacting the area that horses are restricted to, before the boot stage. I believe that this has greatly contributed to the overutilization. It is my suggestion, the Bureau immediately invoke CFR4730.4 and close the portion of the allotment to livestock grazing that is designated as herd area.

It is apparent by your data, if it is valid, that this area would be well served by closure to livestock grazing since; "it is necessary to allocate all available forage to, or to satisfy other biological requirements of wild free-roaming horses or burros."

In light of the plans of the owner of Fish Creek, to sell his water rights to Washoe County, cattle grazing will probably be discontinued in the near future anyway by his choice.

Since the owner has also applied for a permit to dump sludge from waste treatment plants on his allotment and private lands, it becomes apparent that cattle grazing is no longer a priority.

In going back through all of the maps, all of which are from the BLM, several of the maps, including the one in the Reno Draft EIS, show the Flanigan herd area extending east/west from the California border to the Pyramid Indian Reservation and north/south from the private lands near the Honey Lake Valley to Cove Springs in the Virginia Mountains (copies enclosed).

I also think it is ironic that Tim Reuwsaat has thrown away all maps of Flanigan except the one that is conveniently marked "Oldest map of Flanigan Herd Area - Do not Throw Away." It is also convenient that this map is not dated.

Also, the Flanigan Herd Management Plan (on page 1, paragraph 1) states that PRIOR to 1971, wild horses were found in the Winnemucca Ranch and Big Canyon Allotments. Public Law 92-195 dictates that wild horses will be managed where they are found in 1971.

James M. Phillips, Area Manager  
August 14, 1989  
Page 3

How can you justify the removals from these two areas?  
Aren't these the same areas that were included in the maps and descriptions of the 1971 herd use area?

It is interesting to note that in your Background Information, you also state that if the permittee is restricted from the range during the critical growing season, then it will make the Fish Springs Ranch a marginal livestock operation.

Is this why you have not restricted the turn-out date for livestock? And now, the horses have to be removed because you're not willing to institute the Allotment Management Objectives for the benefit of the resource?!

In the Flanigan HMAP, you state that you will establish "an intensive wild horse management area" and maintain the 1973 population estimate. What is your justification for changing the 1971 area of use and maintaining the 1973 population estimate?

Also, you state that 89% of the wild horses are outside of the herd area. This means that only 11% are within the herd area. 11% = 60 head. You state that 80 horses will be left in the herd area. Please explain how you will get 20 horses to use a new/introduced home range - or will you reduce the number in the HMA to 60 and do nuisance removals on horses outside the HMA?

In your "Trapping and Care" portion #11, you state the contractor will be responsible to prevent the loss, injury or death of captured animals. Will the contractor be fined if horses are injured or killed?

In your EA - III. Affected Environment, you state that horses have expanded into the Winnemucca Ranch and Big Canyon Allotments. You state it as though this just happened, yet your AMP states this occurred prior to 1971.

Who is monitoring the cross-over of horses into the Reservation? If the fences are down, who is monitoring the trespass of Indian cattle on to public land?

Your information also states that out of 30 adult horses, no foals were observed and you draw the conclusion that no foals is due to poor condition. Yet you also state that there are 19 vasectomized stallions - who's collars MAY have come off. Your conclusion that none of the stallions were vasectomized since none had collars on is not valid. Especially in light of your data that 9 collars have been lost.

James M. Phillips, Area Manager  
August 14, 1989  
Page 4

If the Flanigan has the lowest pregnancy rate, what is the rate and what is the mortality rate? What is the projected annual rate of increase?

In discussing the ecological status of the HMA, you state that studies were done "prior to turnout of domestic livestock June 15..." Please explain how the permittee was billed for turnout as of 3/1.

Please provide me with all of your data pertinent to this allotment. Due to the inconsistencies noted, I hereby request the right to modify my comments upon receipt of the requested information.

In discussing wildlife in the document, it states that a bighorn sheep introduction is planned. Where are the AUM's coming from for the bighorns? How many?

#### IV Environmental Impacts/Mitigation Measures

A. Riparian areas should be fenced to protect them, irregardless of grazers using the habitat.

On page 10 - Who is Garrott? What studies has he done on rates of increase for wild horses - Why are you not using the National Academy of Science Studies which state 7 - 15% rate of increase as maximum?

All in all, I feel extremely frustrated by your poor management of a grazing allotment which is causing horses to suffer.

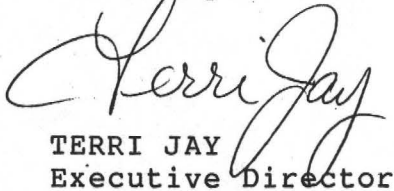
I am also frustrated that you will manage horses conveniently at their 1973 level since supposedly you have the data to back up your determination.

I still personally believe that this allotment should be closed to livestock grazing and horses should be managed where they were in 1971, including the Winnemucca Ranch and Big Canyon Allotments.

I will wait for the requested information before providing my final comments on your Removal Plan and EA.

Thank you for your time.

Sincerely,



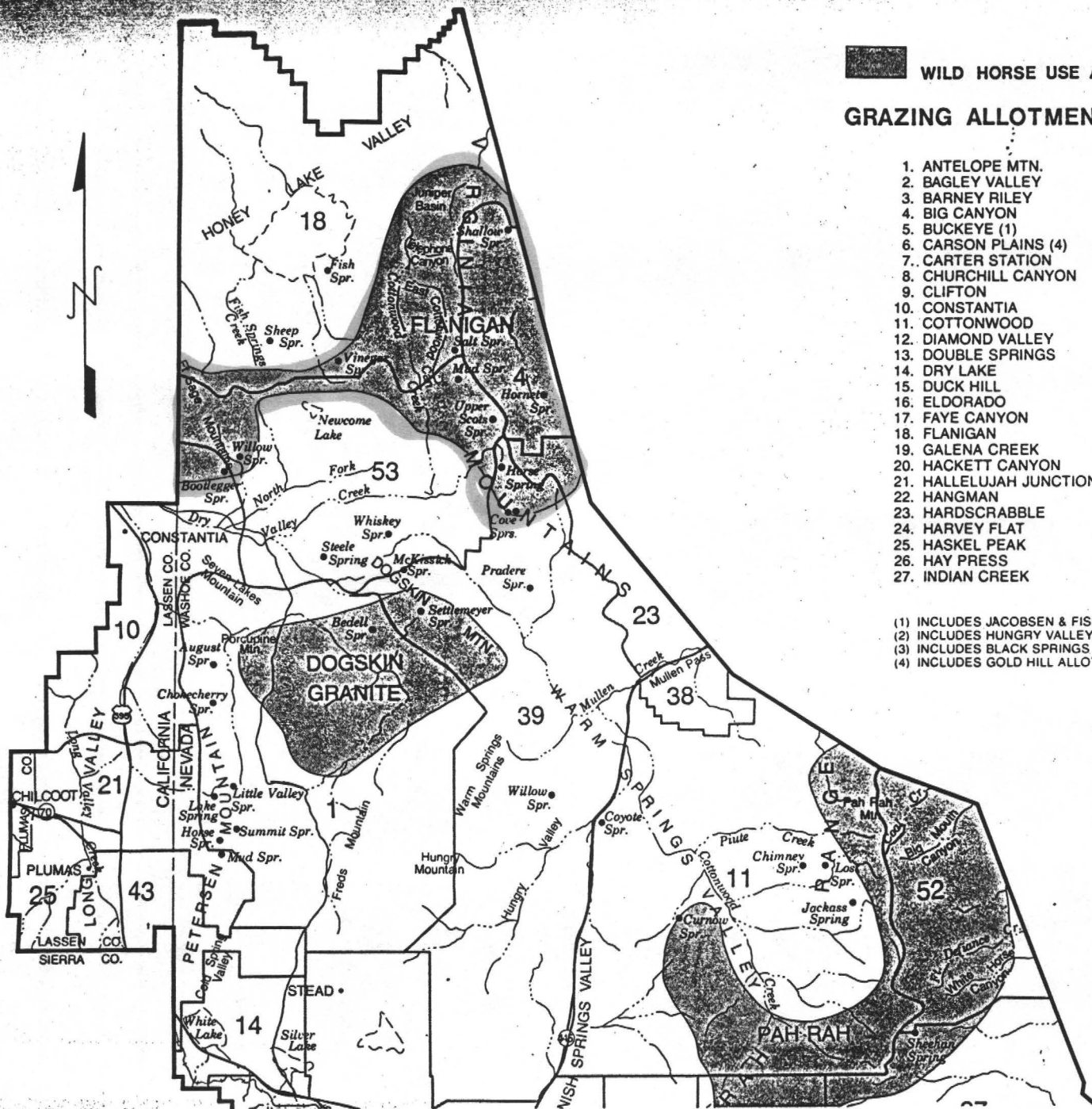
TERRI JAY  
Executive Director

Enc.  
TJ/cb

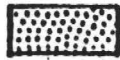
**WILD HORSE USE AREAS**  
**GRAZING ALLOTMENTS**

- |                         |                       |
|-------------------------|-----------------------|
| 1. ANTELOPE MTN.        | 28. INDIAN HILLS      |
| 2. BAGLEY VALLEY        | 29. JUMBO             |
| 3. BARNEY RILEY         | 30. KINGS CANYON      |
| 4. BIG CANYON           | 31. KOCK DITCH        |
| 5. BUCKEYE (1)          | 32. LUTHER CREEK      |
| 6. CARSON PLAINS (4)    | 33. MILLBERRY CANYON  |
| 7. CARTER STATION       | 34. MILL CANYON       |
| 8. CHURCHILL CANYON     | 35. MUD LAKE          |
| 9. CLIFTON              | 36. MUSTANG           |
| 10. CONSTANTIA          | 37. OLINGHOUSE        |
| 11. COTTONWOOD          | 38. PAH RAH           |
| 12. DIAMOND VALLEY      | 39. PAIUTE CANYON (2) |
| 13. DOUBLE SPRINGS      | 40. PEAVINE MTN. (3)  |
| 14. DRY LAKE            | 41. PEAVINE WATERSHED |
| 15. DUCK HILL           | 42. PINE NUT          |
| 16. ELDORADO            | 43. PLUMAS STATION    |
| 17. FAYE CANYON         | 44. PRISON HILL       |
| 18. FLANIGAN            | 45. RAWE PEAK         |
| 19. GALENA CREEK        | 46. SAND CANYON       |
| 20. HACKETT CANYON      | 47. SPANISH SPRINGS   |
| 21. HALLELUJAH JUNCTION | 48. SPRATT CREEK      |
| 22. HANGMAN             | 49. SUNRISE           |
| 23. HARDCRABBLE         | 50. WADE VALLEY       |
| 24. HARVEY FLAT         | 51. WEDEKIND          |
| 25. HASKEL PEAK         | 52. WHITE HILLS       |
| 26. HAY PRESS           | 53. WINNEMUCCA RANCH  |

- (1) INCLUDES JACOBSEN & FISH SPRS. ALLOTMENTS  
 (2) INCLUDES HUNGRY VALLEY & SHOVEL SPRS. ALLOTMENTS  
 (3) INCLUDES BLACK SPRINGS ALLOTMENT  
 (4) INCLUDES GOLD HILL ALLOTMENT



From Draft Reno  
 EIS



WILD HORSE HERD MANAGEMENT AREA

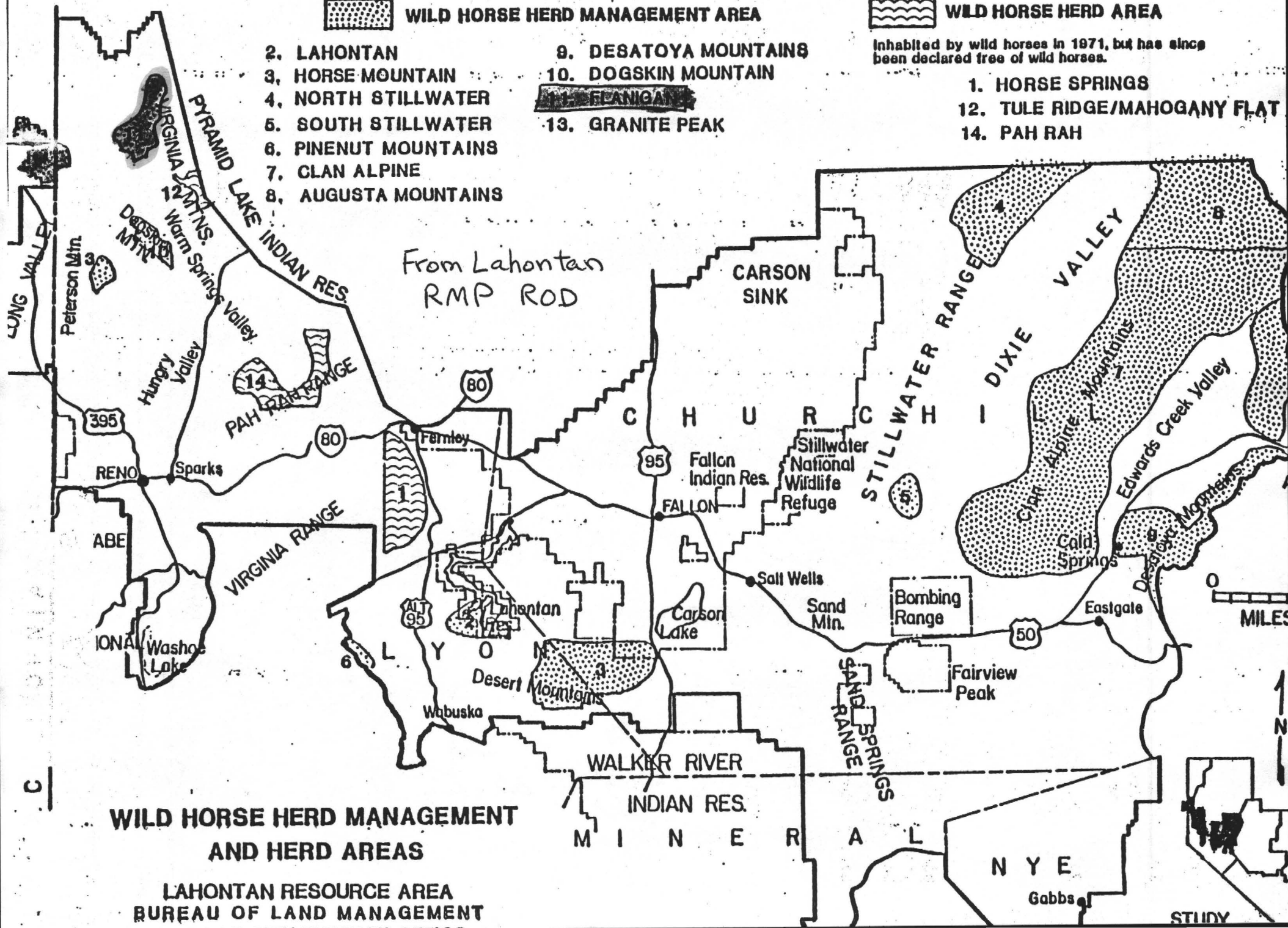


WILD HORSE HERD AREA

Inhabited by wild horses in 1971, but has since been declared free of wild horses.

- 2. LAHONTAN
- 3. HORSE MOUNTAIN
- 4. NORTH STILLWATER
- 5. SOUTH STILLWATER
- 6. PINENUT MOUNTAINS
- 7. CLAN ALPINE
- 8. AUGUSTA MOUNTAINS
- 9. DESATOYA MOUNTAINS
- 10. DOGSKIN MOUNTAIN
- 11. FLANIGA
- 13. GRANITE PEAK

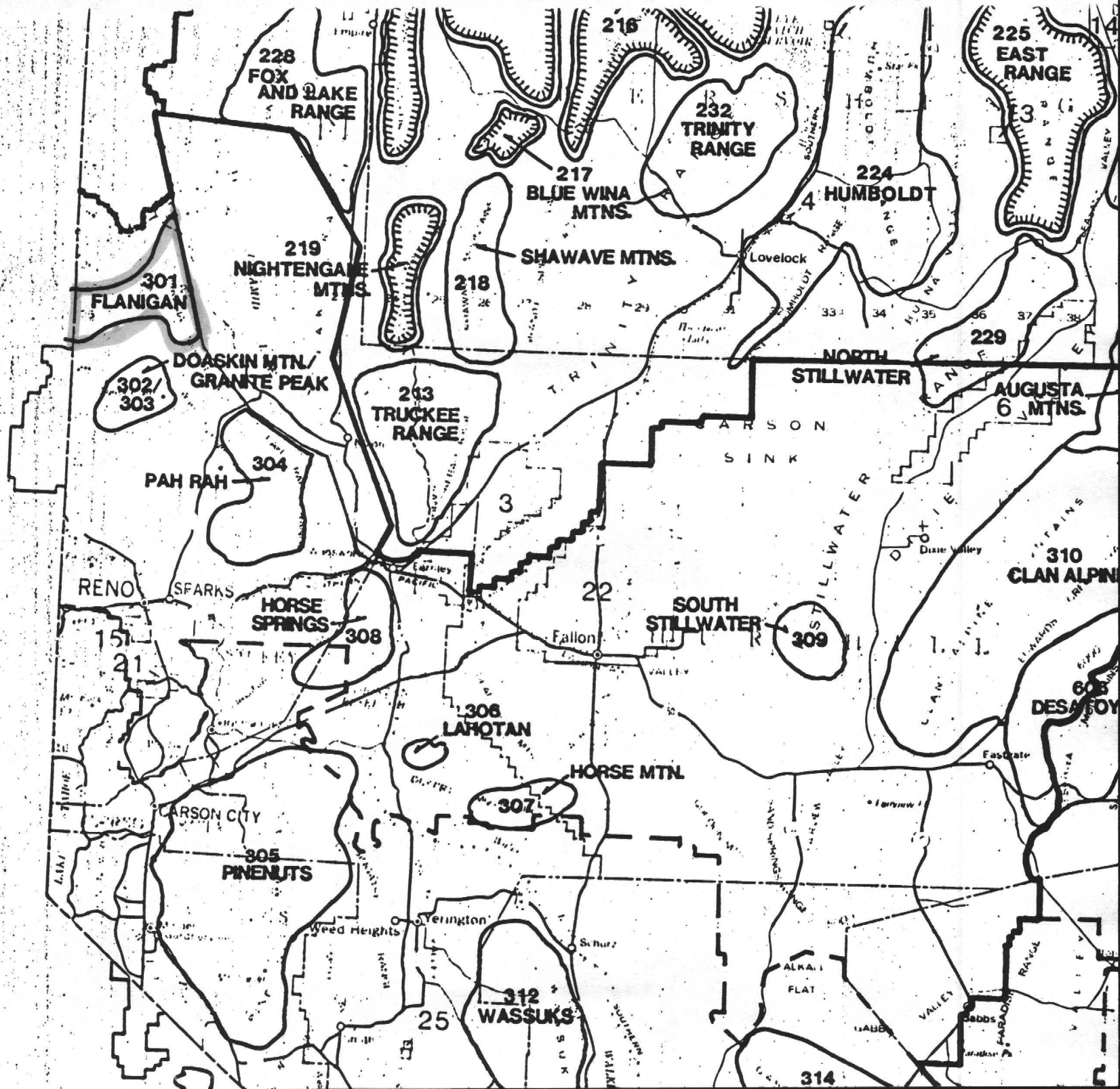
- 1. HORSE SPRINGS
- 12. TULE RIDGE/MAHOGANY FLAT
- 14. PAH RAH



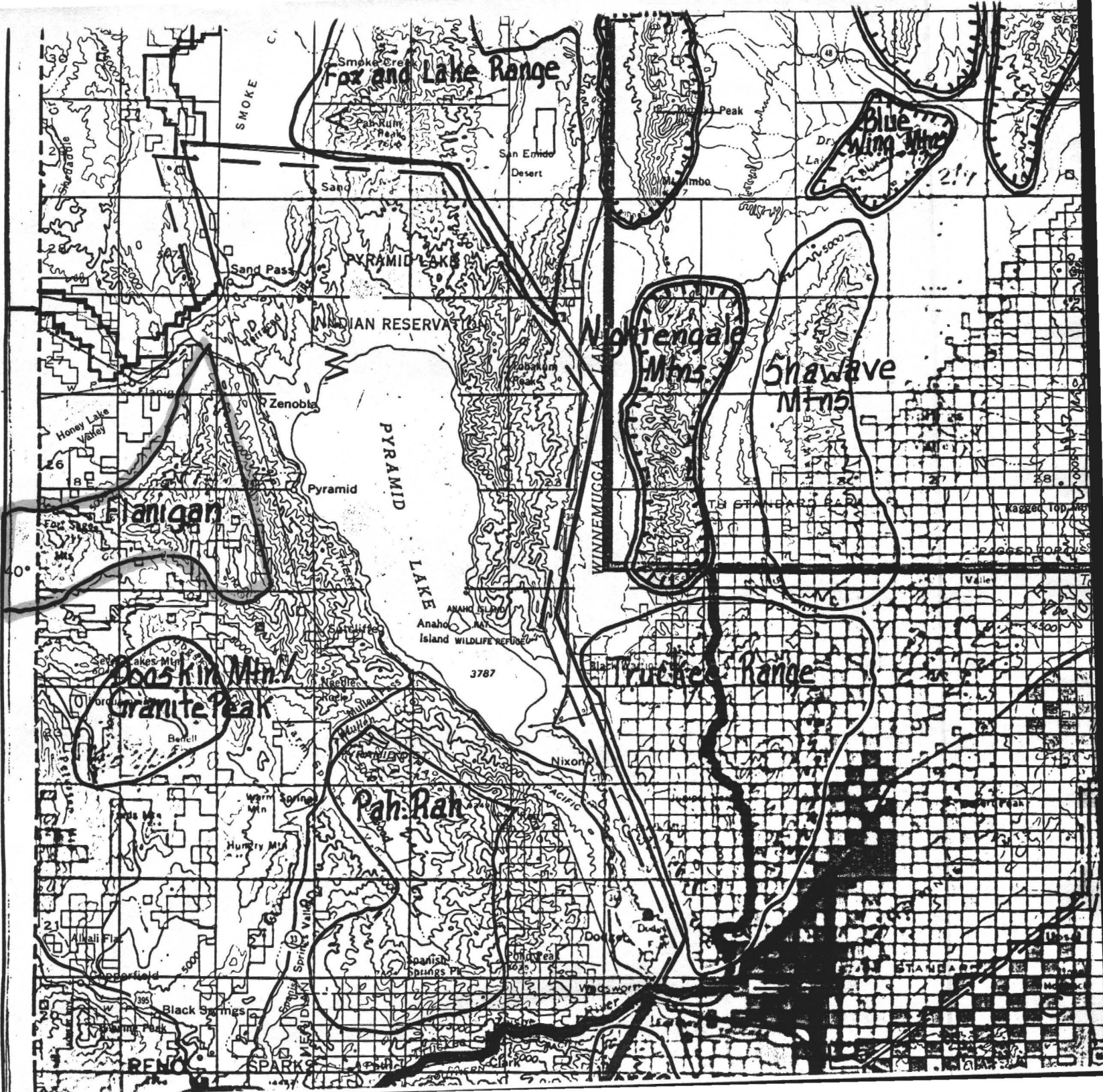
### WILD HORSE HERD MANAGEMENT AND HERD AREAS

LAHONTAN RESOURCE AREA  
BUREAU OF LAND MANAGEMENT

STUDY



C  
A  
L  
I  
F  
O



WILD HORSE ORGANIZED ASSISTANCE, INC.  
POST OFFICE BOX 555  
RENO, NEVADA 89504

8/14/89

August 14, 1989

Mr. James W. Elliott, District Manager  
Carson City District  
Bureau of Land Management  
1535 Hot Springs Road, Suite 300  
Carson City, Nevada 89701

Re: Draft Flanigan Wild Horse  
Removal and Assessment

Dear Mr. Elliott:

Thank you very much for the opportunity to comment on the Draft Flanigan Wild Horse Removal and Environmental Assessment.

The Flanigan Removal Plan and EA, hereafter identified as the Plan, violates your own Bureau policies, as well as the orderly step by step process identified in the Reno EIS. The EIS maintained the status quo until such time as the monitoring data supported changes. The monitoring was to be analyzed in the allotment evaluations and make recommendations based on that data. The Flanigan Plan appears to skip the most important part, that of the allotment evaluation. Preliminary analysis does indicate problems, but the AMP agreement appears to preclude any public analysis of that data prior to a significant wild horse reduction. As an example the Plan shows only the use pattern mapping within the HMA, which you and I both know is not the entire picture; any rush to avoid inclusion of this data does not allow other interested parties to adequately represent their interests. According to the Plan, monitoring data is due to be collected in September, it is now the middle of August. If it is as bad as the District would like us to believe why is the situation not being treated as an emergency?

I argue, after having read the Plan, that the "...decisions regarding overall rangeland management analyzed in the Reno EIS will not be changed by the Flanigan Removal." First, the EIS supposedly analyzed the same data that it represented to the public in the draft Reno EIS, the draft Reno EIS and all subsequent documents pertaining to it; the Final Reno EIS, the MFP Summary & Record of Decision, the Rangeland Program Summary, the Lahontan RMP/ROD, the Lahontan Rangeland Program Summary, and the Lahontan Management Decisions Update do not alter the area of use by wild horses. In fact the 1976 Background info on the Removal and Assessment gives a map with a boundary clearly marked



1973 herd boundary, it is not the same boundary given in the 1989 version of Removal and Assessment. Furthermore many more statements contained in the same document give a fairly clear indication of what could have happened to the other portion of the herd management area. 1)... "establish an intensive wild horse management area in the Flanigan area. Maintain in that area the current population of about 100 horses (1973 estimates)." (pg.4, 1976) "...determine optimum numbers of wild horses that can be maintained in this intensive management area and adjust the numbers accordingly." (pg.5, 1976) A personal visit to the Carson City District to view the URA maps elicited an undated map, smaller than the EIS area, and smaller than the 1976 maps; with the comment that all other maps had been thrown out. Further questioning stated that the argument had been brought about by the arrival at the State Office of Mr. Frei and that he had urged the use of "herd use areas." However, reflecting back on the 1976 Flanigan Capture Plan and Assessment, it predates Mr. Fries' arrival by quite a few years. In addition I remember the argument of which District was to manage the Ft. Sage Wild Horses and the dispute ended with Susanville managing the Ft. Sage horses. Now if the boundary of the Flanigan was where your 1989 documents try to convince us it was, why the argument, it is fairly removed from Ft. Sage; if however, the Flanigan HMA (the 1973 boundary) was closer to the Ft. Sage area, the dispute would have been understandable. See attached map.

Secondly, why is the Carson City District using the 1.25/1 ratio as it applies to this capture plan? It has been my understanding that without written policy, the 1/1 ratio is used. We have consistently argued that until data and policy adjust this ratio that all districts apply the same ratio. Why is it so difficult for the BLM to apply equity?

Third, the arbitrary removal of horses below their optimum numbers is made for "administrative convenience." BLM purports to be concerned about the excessive running of horses, yet thinks nothing of allowing innumerable helicopter observation for research purposes. I have ample examples of Districts capturing wild horses 3-4 years in a row to reach their objectives. Besides monitoring would determine when horses were captured again, not fiscal or physical ease.

Several statements are made in the EA that could be true, but they also could have other explanations other than what was given. In one, a flight in April of one year sited no foals with mares in April. Has the District completed a study to ascertain the foaling period. I was led to believe that some of the vasectomized stallions had lost their collars, so why couldn't that be a factor. Also Table 2, 1976 Herd Composition shows at least four bands without foals in February and no yearlings in eleven bands??? Obviously if the bands were expanding as we are

told from the last capture, then the above isn't true, only what was seen.

If there are approximately 507 wild horses and 89% of them are outside the new delineation of the HMA, how many will be left in their herd management area...56?

According to the AMP and the Plan the permittee will return to using the Juniper Basin despite the fact that BLM states it is in severe category, and will have 100% access to use of the HMA. Yet the AMP does not give a "life" time of the 1200 AUM voluntary non-use. The grazing statement and application both state starting date for livestock will be 3/01/88 (89) and 250 cows will be turned out into Juniper Basin, amazing that, that just about equals what the previous AML was for wild horses (100 new proposal, plus 259 from the old proposal) equaling 359 wild horses. Conveniently the same 1976 Background data shows a statement on page 9 "...with reservation of forage for 100 wild horses (1200 AUMs), 1907 AUMs are available for livestock use." It also states "...the following turn-in date for cattle in the wild horse area will give the proper stocking rate and proper season of use." According to the 1976 data BLM provided 1907 AUMs from June until November for 365 cows within the HMA. According to the 1988 license you provided 1693 AUMs. If the permittee takes the 1200 AUM reduction from active preference (3862 AUMs), then he still has 2662 AUMs in which to build up to if he so chooses.

Pg. 5,

	<u>1976 Table</u>	/	<u>Plan 1989</u>
Historical use	7553		7368
Active Use	3862		5015
Susp.Non/Use	2306		2306
Cal-Neva Active	184	(Ft. Sage)	?
Reservation for WH	1200		1200

What the above table tells me is that the permittee has not used his allocation for one reason or another (not just Juniper Basin) and has generously decided he can afford to give what he hasn't used anyway. 5015 minus 1200 and he comes out with 3815 AUMs, which he usually uses 3862. And since he has an agreement with BLM he now does not have to worry until 1992, but then with all the wild horses gone, he should be okay.

Without the allotment evaluation we have no idea of what use, when or where the permittee utilized his grazing privileges within the allotment which directly affects the use inside the allotment, nor have we determined the categorization of the allotment to the south of Flanigan and what the monitoring data showed for this particular area. I believe I now understand why the permittee agreed to the agreement.

We cannot determine the data nor can we find the stocking

rate formula using the missing data that determines what you based your decision on and whether or not those decisions will attain the objectives in the land use plan. It appears to me that Carson City has designed another way to get around making hard decisions and, in my opinion, the horses will be the brunt of that attack. I don't see any difference between how you applied your logic and how the Ely District uses "yield indexing" to soften the blow to the permittees. The monitoring that BLM has touted so loudly was just another stall, otherwise you would:

- 1) wait for the evaluation
- 2) remove horses outside the 1973 boundary
- 3) use the stocking rate formula 
$$\frac{\text{Actual use}}{\text{Utilization}} : \frac{\text{Desired Use}}{\text{Desired Util}} (\text{AUMs})$$
 for both wild horses and livestock within the HMA
- 4) reduce wild horses and livestock proportionately for the remainder of the percentage of overuse.
- 5) and if you can phase in reductions for livestock due to an unknown use, you most certainly can do it for horses. (Please refer to page 19, 20 of the AMP, wherein you propose to "decrease use on antelope bitterbrush from heavy (60%) to proper 45% in 5 to 15 years!")

Somehow this AMP agreement leaves a bad taste, you propose to reduce wild horse habitat, from those stated in your own literature (see Map attached); to reduce wild horses by 90% of their current population, yet you cannot reduce the use on Idaho fescue and bluebunch wheatgrass from heavy (more than 60%) to proper use of (55%) until 1993.

In conclusion WHOA currently cannot support your conclusions or your recommendations. It is hoped your Final will adequately address our concerns so that we can support the Bureau's monitoring program.

Most sincerely,

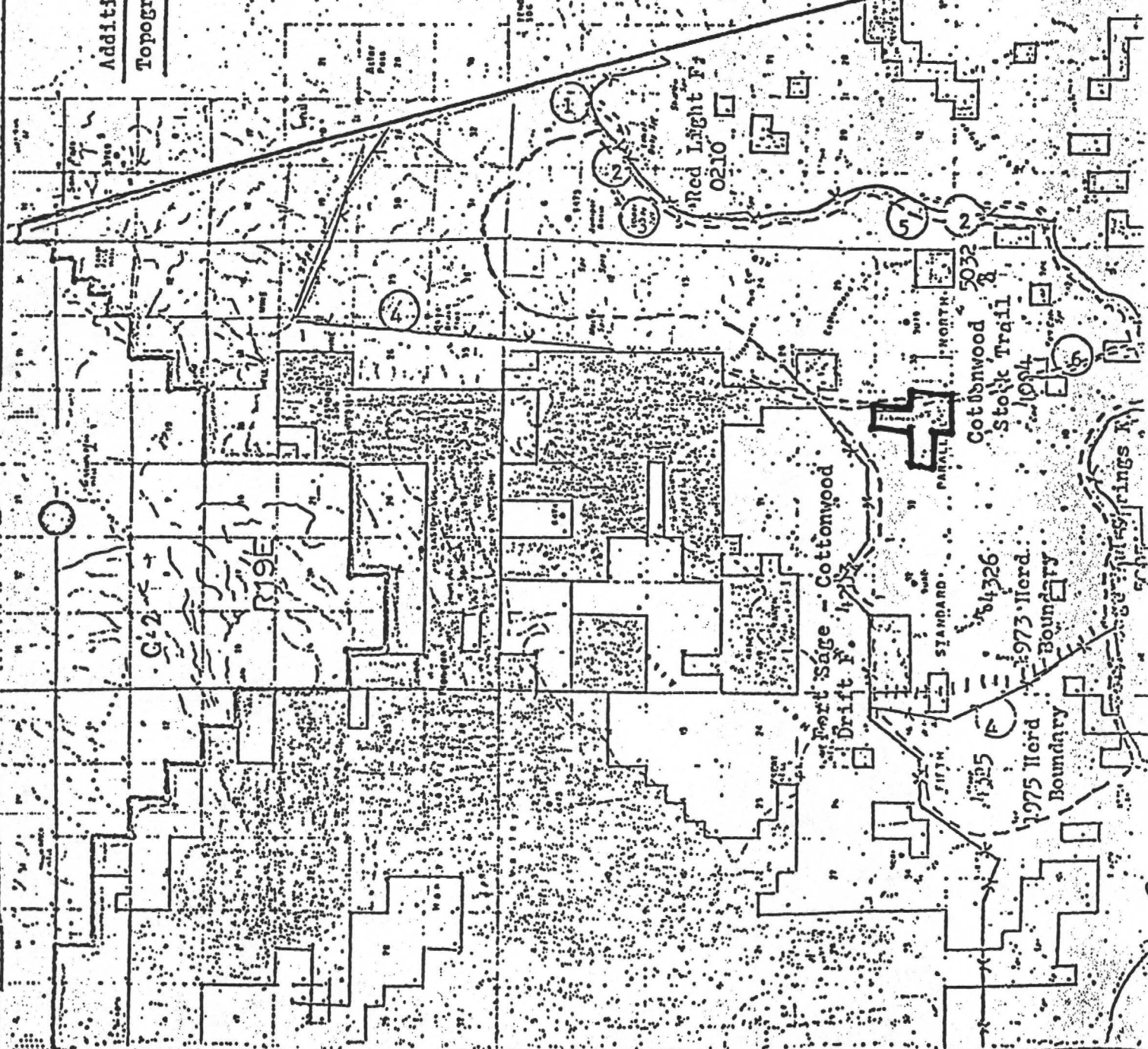
Dawn Y. Lappin (Mrs.)  
Director

cc: Board of Trustees  
David A. Hornbeck, Esq.  
Sierra Club  
NRDC  
API  
Commission

PROPOSED PERMANENT FACILITIES (PURPLE)

- |  |                                 |
|--|---------------------------------|
| 1 - MARL HOLDING & SORTING CORRAL & PIPELINE | 5 - E. VIRGINIA PEAK WING TRAP  |
| 2 - TRAIL CONSTRUCTION                       | 6 - COTTONWOOD CANYON WING TRAP |
| 3 - UPPER ADOBE SP. WATER TRAP               |                                 |
| 4 - FENCE CONSTRUCTION                       |                                 |

Additional  
Topographic Map



FLANIGAN ALLOT.  
BOUNDARY (RED)

PRIVATE LANDS  
(GREEN)

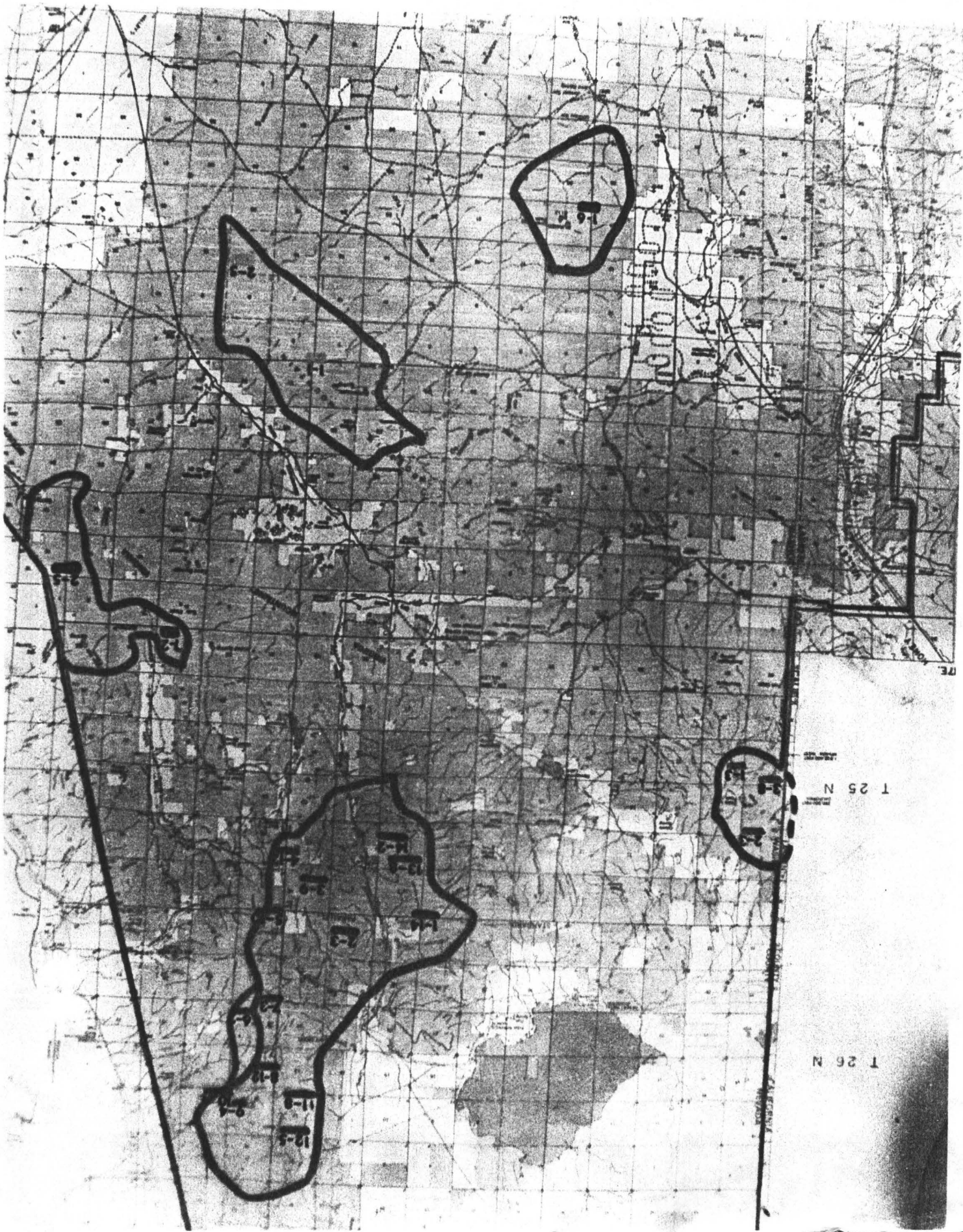
NATIONAL RESOURCE  
LANDS (WHITE)

EXHIBIT

B

1976 & 1984

Jan  
Oct 1980



MAP 5  
Key Areas  
(key area 2 has not been established)

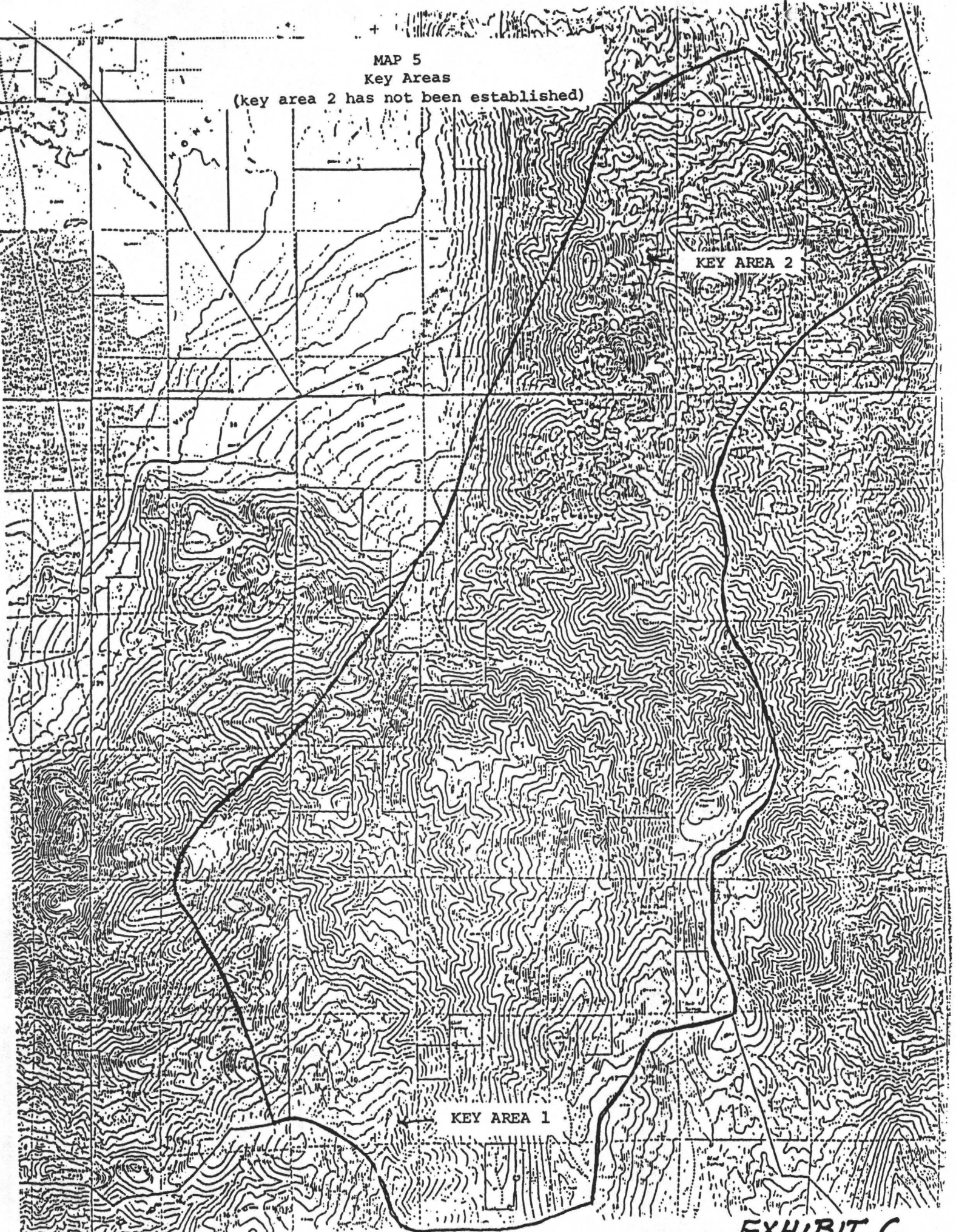


EXHIBIT C

1989



WILD HORSE USE AREAS

### GRAZING ALLOTMENTS

- |                         |                       |
|-------------------------|-----------------------|
| 1. ANTELOPE MTN.        | 28. INDIAN HILLS      |
| 2. BAGLEY VALLEY        | 29. JUMBO             |
| 3. BARNEY RILEY         | 30. KINGS CANYON      |
| 4. BIG CANYON           | 31. KOCK DITCH        |
| 5. BUCKEYE (1)          | 32. LUTHER CREEK      |
| 6. CARSON PLAINS (4)    | 33. MILLBERRY CANYON  |
| 7. CARTER STATION       | 34. MILL CANYON       |
| 8. CHURCHILL CANYON     | 35. MUD LAKE          |
| 9. CLIFTON              | 36. MUSTANG           |
| 10. CONSTANTIA          | 37. OLINGHOUSE        |
| 11. COTTONWOOD          | 38. PAH RAH           |
| 12. DIAMOND VALLEY      | 39. PAIUTE CANYON (2) |
| 13. DOUBLE SPRINGS      | 40. PEAVINE MTN. (3)  |
| 14. DRY LAKE            | 41. PEAVINE WATERSHED |
| 15. DUCK HILL           | 42. PINE NUT          |
| 16. ELDORADO            | 43. PLUMAS STATION    |
| 17. FAYE CANYON         | 44. PRISON HILL       |
| 18. FLANIGAN            | 45. RAWE PEAK         |
| 19. GALENA CREEK        | 46. SAND CANYON       |
| 20. HACKETT CANYON      | 47. SPANISH SPRINGS   |
| 21. HALLELUJAH JUNCTION | 48. SPRATT CREEK      |
| 22. HANGMAN             | 49. SUNRISE           |
| 23. HARDCRABBLE         | 50. WADE VALLEY       |
| 24. HARVEY FLAT         | 51. WEDEKIND          |
| 25. HASKEL PEAK         | 52. WHITE HILLS       |
| 26. HAY PRESS           | 53. WINNEMUCCA RANCH  |

- (1) INCLUDES JACOBSEN & FISH SPRS. ALLOTMENTS  
 (2) INCLUDES HUNGRY VALLEY & SHOVEL SPRS. ALLOTMENTS  
 (3) INCLUDES BLACK SPRINGS ALLOTMENT  
 (4) INCLUDES GOLD HILL ALLOTMENT

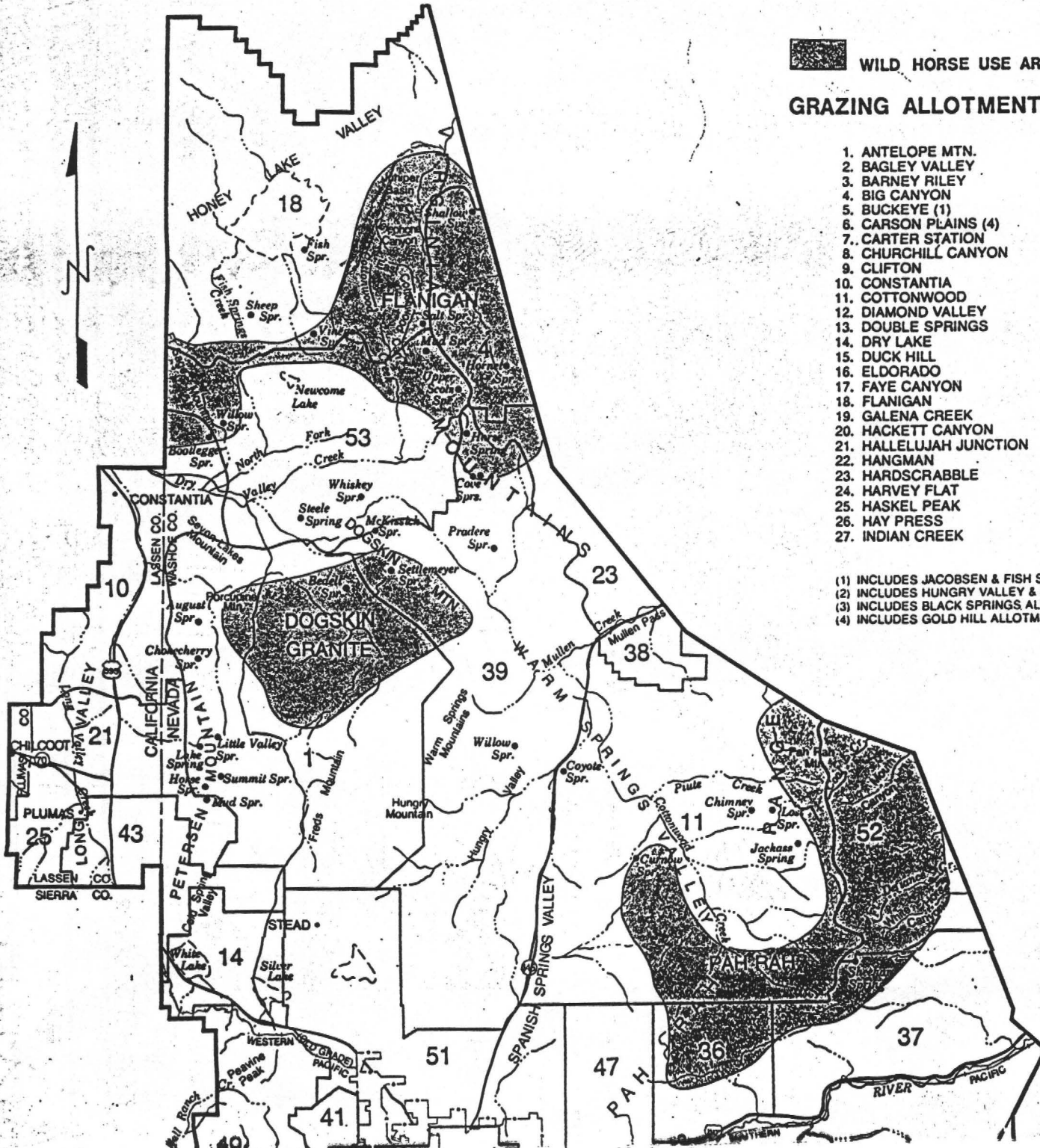
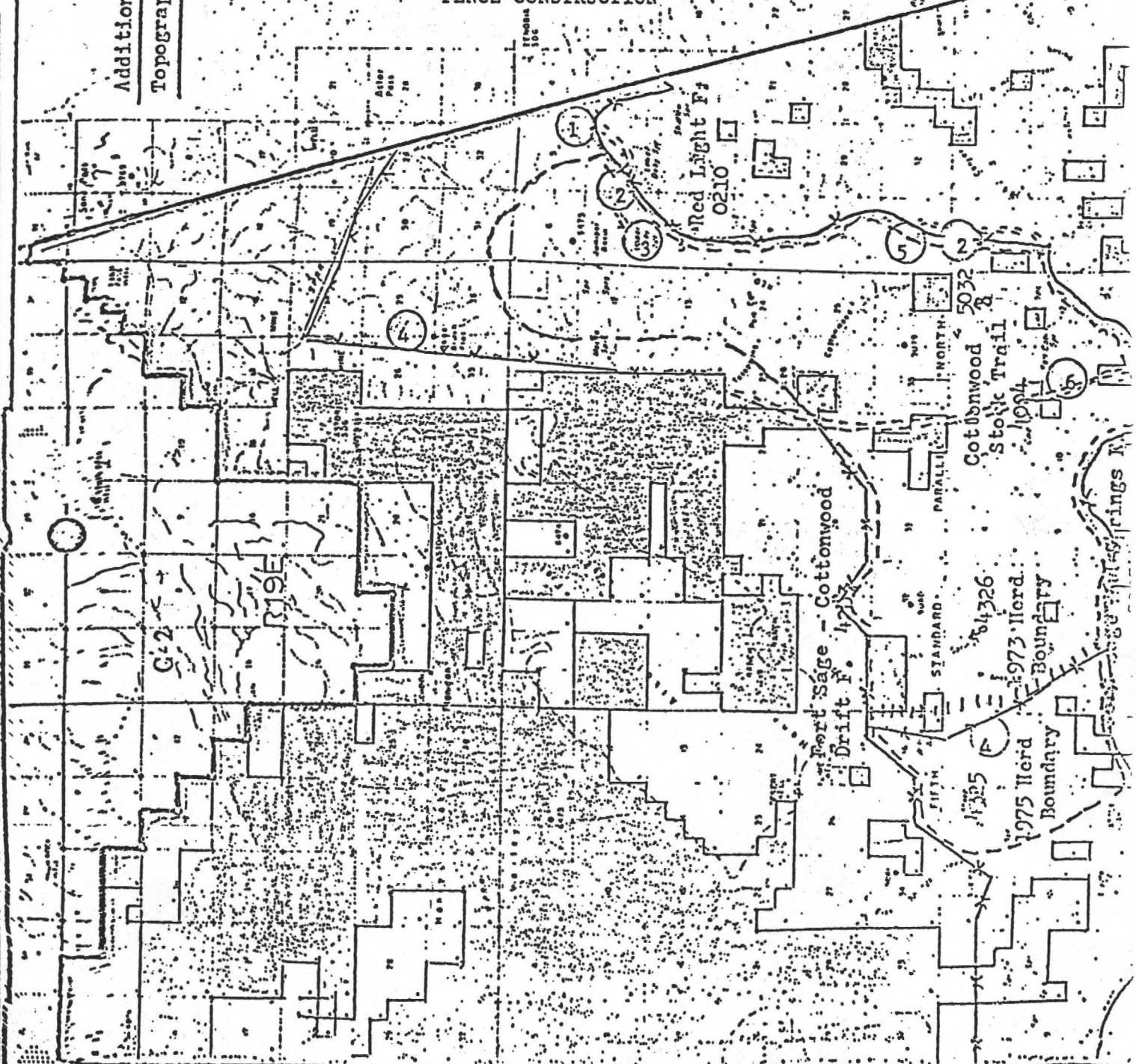


EXHIBIT  
H

PROPOSED PERMANENT FACILITIES (PURPLE)

- |  |                                 |
|--|---------------------------------|
| 1 - MARL HOLDING & SORTING CORRAL & PIPELINE | 5 - E. VIRGINIA PEAK WING TRAP  |
| 2 - TRAIL CONSTRUCTION                       | 6 - COTTONWOOD CANYON WING TRAP |
| 3 - UPPER ADOBE SP. WATER TRAP               |                                 |
| 4 - FENCE CONSTRUCTION                       |                                 |

Additional  
Topographic Map



FLANIGAN ALLOT.  
BOUNDARY (RED)

PRIVATE LANDS  
(GREEN)

NATIONAL RESOURCE  
LANDS (WHITE)

EXHIBIT

1984

G



10/12/89



# ANIMAL PROTECTION INSTITUTE OF AMERICA

2831 Frulfridge Road, P.O. Box 22505, Sacramento, CA 95822 (916) 731-5521 FAX (916) 731-4467

**COPY FOR YOUR  
INFORMATION**

October 12, 1989

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**In Memoriam**  
VELMA JOHNSTON  
*"Wild Horse Annie"*

HARRY DEARINGER

MRS. FRANK V. BRACH

CHARLOTTE L. B. PARKS

CLAUDE,  
*Countess of Kinnoull*

James Elliot  
District Manager  
Mike Phillips  
Resource Area Manager  
BLM  
1015 Hot Springs Road #300  
Carson City, NV 89701

Re: FLANNIGAN

Dear Managers:

This is in response to the revised removal plan for Flannigan HMA which was accompanied by your letter of October 4, 1989. As you know I spoke with John Axtell at some length with regard to the terms of this proposed removal and am writing to reiterate API's position and confirm our understanding of the terms of the removal. We hope all differences can be worked out with you at the District level. I appreciate John's patience and willingness to explain the equations and the numbers.

We also appreciate the clarification of those areas in your District where horses were identified as existing in 1971 from your Unit Resource Analysis and Management Framework Plan-Step 1 documentation records.

The purpose of the removal is stated as being in conformity with your RMP and the removal of horses is TO CORRECT RESOURCE DEGRADATION IDENTIFIED FROM ANALYSIS OF RANGELAND MONITORING DATA.

On page 12, of the Environmental Assessment, it states that livestock were not in the Juniper Basin for five years due to lack of forage in that area. But now an adjustment of livestock usage will allow livestock to "graze the Juniper Basin Area. . .during the winter (12/1 through 2/28)."

The Juniper Basin is in the northern portion of the HMA from which horses are being removed "to correct resource degradation identified from analysis of rangeland monitoring data." If the removal of horses is intended to correct degradation, replacing horses

continued . . .

with cows will not correct damage. We object to reducing horses to provide AUMs for cows in the HMA.

According to the information in the EA, the active allowable usage by livestock for the allotment was 5,015 AUMs. This was adjusted to 3,815 AUMs in 1986-87 when 1200 were suspended as non-use due to lack of forage and season of use adjustments were made. The number of livestock in the HMA was reported, (in the telephone conversation with John 10/9/89) as:

LIVESTOCK INSIDE THE HMA

In the Southern Portion of HMA - Summer Use

1986-87	293 cows	(1,025 AUMs)
1987-88	231 cows	(808 AUMs)
1988-89		

In the Northern Portion of HMA - Winter Use

1986-87	No Cows
1987-88	No Cows
1988-89	

WILD HORSES WITHIN THE HMA

Sept 1985	Roundup left 359 (71% outside)
Sept. 1987	38 in North, 114 in South (152 Inside, 74% outside)
Feb. 1989	89% outside
July 1989	509 total (152 INSIDE 1,824 AUMS North: 456 AUMs South: 1,824 AUMs)

UTILIZATION: 75% (44% horses)

ACTUAL USE INSIDE HMA: 456 AUMs North (horses Only)

	1,368 AUMs South (Horses)	60%
+	920 AUMs South (Cows)	40%
	2,288* " "	

(\*corrected to 2283 to match you

continued . . .

As a result of the desired utilization equation (p. 31 of the Removal Plan), the following reductions are required in the HMA:

<u>AUMs Available</u>	<u>Present</u>	Remove	<u>Leave</u>
North			
213 (horses only)	38	18	20
609 (South)			
365 (60% horses)	114	30	84
244 (40% cows)	231	38	193

Here is where this "proportionate reduction" becomes confusing and begins to look to us like removing horses to provide AUMs for livestock:

Since there are 357 horses, outside what is the designated HMA boundary, consuming 4,284 AUMs of Forage at 44% utilization; by using your desired utilization equation, the departure of the horses results in 3,892 available AUMs or 77 more than the current active preference.

When added to the number now available in the HMA for livestock usage, the total number of AUMs in the allotment available for livestock is 4,136 (based on a 40 percent utilization level for interim species).

The NO ACTION ALTERNATIVE states that (1) "In the long term [emphasis added], the population would increase to a point where excessive utilization would eliminate nearly all the forage plant species. The animals would suffer stress searching for food and may be subject to starvation. . ." (2) The population would continue to expand both within and outside the HMA. . .[leading] to loss of many species of wildlife. . .the physical condition of the wild horses would continue to deteriorate." (3) . . .the animals would continue to search for food, further degrade their habitat . . .wildlife would have died. . ."

There is no mention in this NO-ACTION alternative of winter die off or an immediate threat to the 152 horses within the HMA. This would be of concern to us in considering the situation as one of dire need and consequence to the horses. However, when the ACTION alternative allows for livestock winter usage in the Juniper Basin (North portion of the HMA) where livestock have not grazed for five years, we question that full protections are being granted horses. Horses are being removed to provide AUMs for livestock winter use. This, we believe, is clearly not the intent of Congress in its mandate to BLM to protect wild horses and their habitat areas.

continued . . .

The EA refers to the habitat evaluation as showing that the number of AUMS currently in the North (38 horses or 456 AUMS) exceeds the 243 "available AUMS" by 213 AUMs. It makes no mention of AUMS available for livestock there.

API continues to request that BLM evaluate §4710.5 of regulations that requires BLM to consider closure to livestock

as an alternative action. It says closure should be considered:

"If necessary to

- (1) provide habitat for wild horses or burros,
- (2) to implement herd management actions, or
- (3) to protect wild horses or burros from disease or injury,

the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock."

Had §4710.5 Closure to Livestock been assessed as an alternative action, it would show sufficient AUMs available to livestock at active preference outside the HMA as the result of removing the strays. This would constitute no negative- impact on other resources or uses.

We further believe the protections granted to wild horses as a unique heritage species and public land resource value require this action.

The 10th Circuit ruling of 1986 in the Rocky Mountain Legal Foundation ruling consistently refers to wild horses as a protected species requiring protections equivalent to those granted to other species under other federal protection laws, such as The Migratory Bird Act, Marine Mammal Protection Act, and the Bald and Golden Eagle Act as well as the Threatened and Endangered Species Act. It says specifically:

"With respect to those federal wildlife protection statutes, the degree of governmental control over activities affecting the wildlife in question cannot be said to be different in character from that mandated by the Wild and Free Roaming Horse and Burro Protection Act."

We contend management of wild horses consistently falls far short of the protective management granted to T & E species or other protected wildlife as expressed in this and other court rulings.

continued . . .

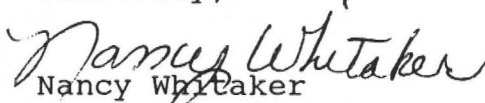
We contend the proposed "proportionate reductions" that allow livestock usage within the deteriorating HMA continue to violate the 1971 law (amended by PRIA). The horses themselves are "in very poor physical condition, due to lack of forage. Their ribs, pelvic bones and vertebrae were clearly evident. This was particularly evident in breeding age mares. The poor condition of the horses has resulted from lack of adequate forage. . . A total of 30 different adult wild horses were observed during the month of April, no foals were observed within the HMA" Yet horses will be removed while livestock continue usage in the south and begin usage in the north even though AUMs are available to meet active preference outside the HMA. This, to us, is clearly a case where the current number of horses (152) in the HMA should be allowed to remain and closure to livestock imposed in order to provide for their habitat needs and protect them from further starvation and deterioration of their physical condition.

This is not a criticism of your range data or the diligence of your range staff. We agree that your monitoring data show over-utilization of the vegetation from overstocking and overgrazing in the wild horse herd area. We also agree that there are not enough available AUMs to sustain an acceptable utilization level of 40 percent with the current numbers of horses and cows. But we don't agree that horses should be removed to make way for livestock within the HMA particularly when the utilization of horses at the current level is 44 percent on the interim species being monitored. Perhaps this is a question that needs an objective, third party ruling.

However, we would not object to a reduction of the 152 based on the 4 percent above utilization. This we believe is supported by your range data. We wonder if this 44 percent is sufficiently above the preferred 40 percent usage on interim species to justify a removal that "corrects resource degradation or "achieve a thriving ecological balance of the natural system."

In conclusion, we are unable to accept your ACTION proposal and believe your NO ACTION description is not of any urgency and not sufficient to warrant this proposed removal. Again, we press for imposing \$4710.5 and managing horses for the 40 percent utilization by continued monitoring. Again we appreciate your willingness to patiently allow us to fully express our objections and our reasons for those objections at the District level.

Sincerely,

  
Nancy Whitaker  
Program Assistant