G 8/12/94

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Carson City District Office
1535 Hot Springs Rd., Ste. 300
Carson City, NV 89706-0638

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

4700
(NV-03580)

AUG 12 1994

Commission for the Preservation of Wild Horses
ATTN: Cathy Barcomb
255 W. Moana Lane, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

Thank you for your comments on the Draft Pilot Mountain Herd Management Area Capture/Removal Plan and Environmental Assessment. I will attempt to address your concerns in this response.

Your first concern is "re-structuring the age and sex composition of the Pilot Herd by the adoptability criteria of Bureau policy could adversely affect the genetic (diversity) and viability of this herd." A majority of the breeding populations is older than the target age group set by Bureau policy for removal. This will leave a population of over 228 wild horses, a majority of which are capable of reproducing, with the same genetic diversity which has existed within this HMA since 1971. Therefore, this gather will not adversely affect the genetic diversity nor the viability of the herd. Since there is no impact to the genetics or viability of the herd, the environmental analysis is in compliance with the National Environmental Protection Act (NEPA) requirements.

Your next concern is "Riparian habitats will be damaged with or without the reduction of wild horses. As previously stated, livestock must be adjusted to meet allotment specific objectives." First, allotment specific objectives were set in the MUDs and were final December 9, 1993. Second, within Gillis Mountain and Cedar Mountain Allotments, livestock use is not permitted in the HMA. In Pilot Mountain Allotment, livestock use is primarily winter and early spring use. As an example, there are presently thirty-five cows grazing on 527,669 acres in the Pilot Mountain Allotment from April through October. Third, the riparian areas that are being damaged have not had any livestock use in over ten years. The following is a list of springs/riparian areas receiving overuse from wild horses only.

Upper Petrified
Earl
Martinez
McGregor

Upper Benton
Canyon
Middle
Whiskey
Taft
Blackjack
Mitchell
Katie
South Scheelite
Troy
Mustang

If you would like to tour this HMA and see first-hand the impacts of large numbers of wild horses on limited water sources, my staff wild horse specialist will be available to show you these areas.

Enclosed is the Finding of No Significant Impact/Decision Record which implements the Pilot Mountain Herd Management Area Capture/Removal Plan. This decision is issued Full Force and Effect to allow for the immediate removal of the excess wild horses from the Pilot Mountain Herd Management Area. Immediate removal of the excess wild horses is necessary to restore the range to a thriving ecological balance and to avert the dehydration and death of wild horses and other wild animals due to drought conditions. The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c). The proposed date to start the gather is on or about September 12, 1994, subject to scheduling of the gather contractor.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, Nevada, 89706-0638, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to Interior Board of Land Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the appropriate Office of the Solicitor, Department of the Interior, 2800 Cottage Way, Sacramento, California 95825, at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

For other questions or comments, please contact Richard Jacobsen of my staff at (702) 885-6100.

Sincerely,

Karl L. Kipping
Acting District Manager

2 Enclosures:
1. Final Pilot Mountain Herd Management Area Capture/Removal Plan, EA and FONSI/Decision Record
2. Form 1842-1

Pilot Mountain Herd Management Area

Capture/Removal Plan

I. Methods for Removal and Safety

The method employed during this capture operation will be herding horses with a helicopter to a trap built with portable panels. The Bureau of Land Management may contract with a private party for part or all of this operation. If a private party is used for this operation Bureau employee(s) 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 the welfare, safety and humane treatment of wild horses and that wild horses are removed from proper areas.

A. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) or Project Inspectors (PI) 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/PI 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.

B. Motorized Equipment

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 stock trailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stock trailers, or single deck trucks shall be used to transport animals from temporary holding facilities to final destination. Sides of stock racks 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 2 partition gates to separate animals. Trailers less than 40 feet shall have at least 1 partition gate to separate the animals. Each partition shall be a minimum of 6 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 1 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/PI 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 8 foot wide stock trailer/truck.

The BLM employee supervising the loading of the wild horses to be transported from the trap to the temporary holding corral will require separation of small foals and weak horses, if they could be injured during the trip. Distance and condition of the road and animals will be considered 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 authority to off-load animals should there be too many horses on the trailer or truck.

7. The COR/PI 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/PI 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 or separation of the horses will be changed in an attempt to alleviate the problems.

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. 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 or time trips to ensure compliance.

C. Trapping and Care

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

All capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddlehorse shall be immediately available at the trap-site to accomplish roping if necessary. Roping shall be done as determined by the COR. Under no circumstances shall animals be tied down for more than 1 hour.

The Carson City District may use an observation helicopter to supervise the use of the project helicopter. In the absence of an observation helicopter, a saddle horse may be used to place a BLM observer on a point overlooking the area of the helicopter herding operations. Mares will be checked soon after capture to determine if they are nursing. If nursing mares are captured without foals intensive monitoring will be conducted to identify the reason(s) foals are being abandoned and a solution will be developed. The health and well being of the captured animals are paramount and foals will not be left behind.

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

3. It is estimated that 4 trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR/PI prior to construction. Proposed trap sites and holding facilities will be inventoried prior to construction in order to avoid those areas where cultural resources exist. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

4. 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, 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. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high.

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

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.

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

6. 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.

7. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray 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 injury due to fighting and trampling.

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

8. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals shall not be held in traps or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI.

9. The contractor shall provide animals held for 5 hours or more in the traps 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 2 pounds of hay per 100 pounds of estimated body weight per day.

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

11. The contractor shall restrain sick or injured animals if treatment by the government is necessary. The COR/PI 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/PI.

12. Mares and foals will be paired up soon after capture and separated from other adult horses. Mares that are within the target age group for removal will be shipped to PVC with their foal. Foals of older mares (mares older than the ones selected for removal) that are old enough to wean, will be weaned and shipped to PVC. While holding animals at temporary corrals every effort will be made to pair up mares with foals. Any foals that do not pair up with an mare will be shipped to PVC.

13. Foals of older mares which are too young to wean will be released back into the HMA with their mare. In order to minimize stress to the foals, older mares and their foals will be released separately from other mares and stallions. Depending upon the situation they may be released prior to the other animals or after the other animals have been released. Also, we may transport the mares with very young foals in a stock trailer to areas close to their core areas when feasible. The objective will be to maximize the period of time between releasing small foals and other animals. Also, mares with foals will be released in small groups to minimize the likelihood of the adult horses running off too quickly for the foals to keep up.

14. Following the release of animals from corrals or trailers, the area surrounding the release site will be monitored to determine the success of the release prior to the contractor moving to another area or the termination of the task order.

II. 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.

III. Responsibility

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. 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 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 years of drought which may intensify the impact of removal operations on the animals and the roads.

IV. This document will serve to analyze the impacts of future removals and management and will remain in effect until monitoring indicates a need for a change in management.

ENVIRONMENTAL ASSESSMENT

E.A. No. NV-030-94-30

for

Pilot Mountain Herd Management Area Capture Plan

A. Introduction & Purpose

The purpose of the Pilot Mountain Herd Management Area Capture Plan is to implement actions that would effectively manage the Pilot Mountain wild horse population to achieve a thriving natural ecological balance with all other resources and users. This proposal is in conformance with the Walker Resource Management Plan (RMP) and the Multiple-Use Decisions (MUDs) for Cedar Mountain, Gillis Mountain and Pilot Mountain Allotments.

Relationship to Other Environmental Documents

This EA is tiered to the Walker RMP Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Walker Resource Area under a program including the monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the RMP/EIS focused on the management of wild horses in the Pilot Mountain HMA. These documents are available for public review at the Carson City District Office.

B. Description of the Proposed Action and Alternatives

1. The proposed action is to implement management that would achieve a thriving natural ecological balance between the vegetative community, wild horses, wildlife and livestock and to maintain the wild horses in a healthy state.

   Specific actions are described below:

   Management Action No. 1

   Adjust the population of wild horses to 228 and maintain within a range of 228 to 346.

Management Action No. 2

Utilize a helicopter to herd horses into corrals constructed of portable steel panels. Other motorized vehicles would be utilized. Where feasible, water trapping would be used. This action may be contracted with a private party. If a contractor is used, he/she would be supervised at all times by Bureau employee(s).

Management Action No. 3

Some horses, including but not limited to, nursing mares or foals which have become separated from nursing mares, may need to be roped.

Management Action No. 4

At this point in time, only animals 9 years of age or younger which have established themselves outside of an HMA and those 5 years or younger occurring within an HMA would be removed and placed in the adoption program. Other excess unadoptable horses captured from within or outside the HMA would either be placed into another HMA or back into the Pilot Mountain HMA.

2. Alternative No. 1

Conduct the removal operations through the use of water traps. Traps consisting of portable panels would be constructed around water sources and the horses captured when coming to water.

3. No Action Alternative

The no action alternative is to not to implement the Removal Plan.

4. Alternatives Considered But Not Analyzed

Capture of wild horses from horseback was not analyzed due to the time and difficulty and low success rate involved in removing a large number of animals using this method.

C. Affected Environment

The affected environment is described in the allotment MUDs.

D. Environmental Impacts

1. Proposed Action

a. Impacts on Vegetation

A reduction of the wild horse population to a level that the vegetation within the HMA can support without adverse effects would place the area in a thriving natural ecological balance thus benefiting not only the vegetative resource, but all users (i.e., wildlife, horses, livestock, etc.). It is anticipated that after the reduction, utilization on key species would be 55% or less, an objective set forth in the various planning documents. Riparian area condition within the HMA would improve after the horse numbers are adjusted. However, to adequately protect critical areas and spring sources, exclosures may still be needed.

Small localized areas (< 1/2 acre) within the vicinity of traps and holding facilities would receive trampling and possible loss of vegetation. Overall, the vegetative resource would improve due to the reduction in grazing pressure. Forage availability would increase and utilization levels decrease.

b. Impacts on Horses

Through analysis of monitoring data, it was determined that 346 horses (see MUDs for Cedar Mountain, Gillis Mountain and Pilot-Table Mountain Allotments issued in 1993) is the maximum number that the HMA can support while maintaining the range in a thriving natural ecological balance between competing uses. In order to minimize the stress and disruption of band structure, the population of wild horses would be reduced to 228 and allowed to increase to the AML of 346, which would accommodate a 3 to 5 year interval between removals. Managing the population to maximize the intervals between removals would minimize the stress associated with removals.

Reducing the wild horse numbers to a point below the maximum and then allowing them to increase to AML would have obvious benefits to the horses themselves, primarily less competition for forage, water and space. This, in turn, results in a healthier, more viable, population.

During scheduled removals, animals captured from areas outside of the HMA would either be placed into the adoption program, released into other HMAs or released back into the HMA as far from the point of capture as practical. Past experience and observations by Tyler 1972 and Waring 1979 documented that most horses eventually return to their home range. Based on this information, placement back into their home HMA would be initiated only as a last resort.

Unavoidable impacts in the form of injuries and stress to the horses may occur as a result of the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. A vast majority of these injuries and/or deaths occur during the handling and processing which takes place after capture has been accomplished. 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.

c. Impacts on Wildlife

Managing horses within the identified range would have only positive impacts on wildlife. The reduction in horse numbers and subsequent management would improve vegetative condition, thus increasing the amount of forage available for wildlife existing within and near the HMA. Fewer horses would also mean more water and space is available for current wildlife populations.

d. Other Impacts

The proposed action would not adversely impact air quality, ACECs, cultural resources, recreation, farmlands, floodplains, Native American religious concerns, T&E species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

No impacts would occur to cultural resources as proposed trap sites, holding facilities, riparian and spring exclosures would be surveyed prior to construction to avoid disturbance of these areas.

Alternative No. 1 - Water Trapping

This method of capture is initially the least injurious and stressful to the wild horses, however, once captured, the level of impact is identical to those discussed in the proposed action (D-1b). Water trapping is most successful when small numbers of horses are to be removed from isolated areas served by 2 or less water sources neither of which is the case in this situation. When the above described scenario occurs, this would be the preferred form of removal.

Alternative No. 2 - 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. In the long-term, the horses would not be maintained at a level compatible with their environment. As the population increased, the degradation of the vegetation would be accelerated and eventually would result in a total loss of all the desirable forage species needed to support the horses and other users of the area. 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 adversely impacting the vegetation and wildlife. This would lead to the loss 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 wild horses disappear, the deer and many other species of wildlife would have died. The HMA would support 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 decline from excess utilization.

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

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

E. Coordination and Consultation

This EA has been sent to the following persons, groups and government agencies in order to solicit comments.

American Bashkir Curley Register, % Mrs. Sunny Martin, P.O. Box 453, Ely, NV 89301
American Horse Protection Assn., 1000 29th St. NW, Suite T100, Washington, D.C. 20007
Animal Protection Institute, P.O. Box 22505, Sacramento, CA 95822
Ann Earle, 167 Perry St., New York, NY 10014
Anna Charlton, Rutgers Law School, 15 Washington Street, Newark, NJ 07102
Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation, 6455 N. Quail, Inyokern, CA 93527
Bobbi Royle, 5900 Foxtail Drive, Reno, NV 89502
Carson City District Grazing Advisory Board, 13333 Stillwater Road, Fallon, NV 89406
Mr. John Walker, Clearinghouse Coordinator, Division of Administration, Capitol Complex, Carson City, NV 89710
Craig C. Downer, P.O. Box 456, Minden, NV 89423
Dan Keiserman, 5160 S. Eastern Avenue, Suite E, Las Vegas, NV 89119
Deborah Allard, RFD #2, Box 2646, Brunswick, Maine 04011

Fund for Animals, 200 West 57th St., New York, NY 10019
ISPMB, % Ms. Karen A. Sussman, 6212 E. Sweetwater Ave., Scottsdale, AZ 85254
Kathy McCovey, 435 Alaska, Reno, NV 89506
Michael Kirk, D.V.M., P.O. Box 5896, Reno, NV 89513
National Mustang Association, Inc., P.O. Box 42, Newcastle, UT 84756
Nevada Cattlemen's Association, 501 Railroad St., Suite 207, Elko, NV 89801
Nevada Commission for the Preservation of Wild Horses, 255 West Moana, Suite 207A, Reno, Nevada 89509
Nevada Humane Society, % Mr. Mark McGuire, P.O. Box KIND, Sparks, NV 89431
Nevada State Department of Agriculture, P.O. Box 11100, Reno, NV 89510
Nevada Land Action Association, 501 Railroad Street, Suite 207, Elko, NV 89801
Paul Clifford, Museum of Natural History, One Wade Oval, Univ. Circle, Cleveland, OH 44106
Paula S. Askew, 2995 White Pine, Carson City, NV 89704
Rebecca Kunow, 3548 Shawnee, Carson City, NV 89701
Resource Concepts, Inc., 340 N. Minnesota Street, Carson City, NV 89703
Steven Fulstone, 30 Rivers Road, Smith, NV 89403
The Mule Deer Foundation, 1005 Terminal Way, Suite 110, Reno, NV 89502
Jan Nachlinger, Nevada Protection Planner, The Nature Conservancy, 1885 S. Arlington Ave. #1, Reno, NV 89509-3370
U.S. Fish and Wildlife Service, ATTN: Bob Hallock, 4600 Kietzke, Bldg. C., Reno, NV 89502
U.S. Humane Society, 2100 "L" Street NW, Washington, D.C. 20037
Vanessa Kelling, P.O. Box 30, Shingletown, CA 96088
Wild Horse Organized Assistance, P.O. Box 555, Reno, NV 89504
Card, William and Ruth, 6000 Wildes Road, Fallon, NV 89406
Estill, Jack; Jewell, John and Vehrs, Roger, P.O. Box 67, Likely, CA 96116
Tipton, Tony and Jerry, Carter Ranch, Box 37, Austin, NV 89310

F. List of Preparers

Prepared by:

Richard Jacobsen — 6-21-94

Richard Jacobsen
Wild Horse and Burro Specialist
Walker Resource Area

Date

Reviewed by:

James M Gianola — 6-24-94

Jim Gianola
Wild Horse and Burro Specialist
District Resources Staff

Date

William F Brigham — 21 June 94

Rick Brigham
Wildlife Biologist
District Resources Staff

Date

David Loomis — 6-21-94

David Loomis
Environmental Planner
District Resources Staff

Date

VI. FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

Decision: Implement the Pilot Mountain Herd Management Area Capture/Removal Plan. The major action in the subject plan is removing excess wild horses from the HMA. The plan will guide the Bureau's actions throughout the course of the gather.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

By maintaining the population of wild horses within a range of 228 to 346, the vegetation utilization levels will be maintained at sustainable levels (< 55% use). This action is not significant because a viable population of wild horses would be maintained within the HMAs and the vegetation, wildlife and livestock would not be adversely impacted.

To avoid adverse impacts to foals, foals would be weaned from their mares prior to the release of older excess mares into other Herd Management Areas. This action is not significant because impacts are avoided.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations, however, after adoption, the horses become accustomed to captivity. Because the loss of animals due to accidents is low, the impacts involved in the capture operation are not significant.

Rationale for Decision: The decision to implement this Capture Plan is in conformance with the Walker RMP and the Multiple Use Decisions for Cedar Mountain, Gillis Mountain and Pilot Mountain Allotments. This action will maintain the range in a thriving ecological balance and prevent a deterioration of the range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 13333(b) (1989). This would result in reduced soil erosion, improved plant vigor and density, and improve the physical condition of wild horses.

This action will not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

Recommend Approval:

Margaret J. Haske — 8/12/94

John Matthiessen
Date

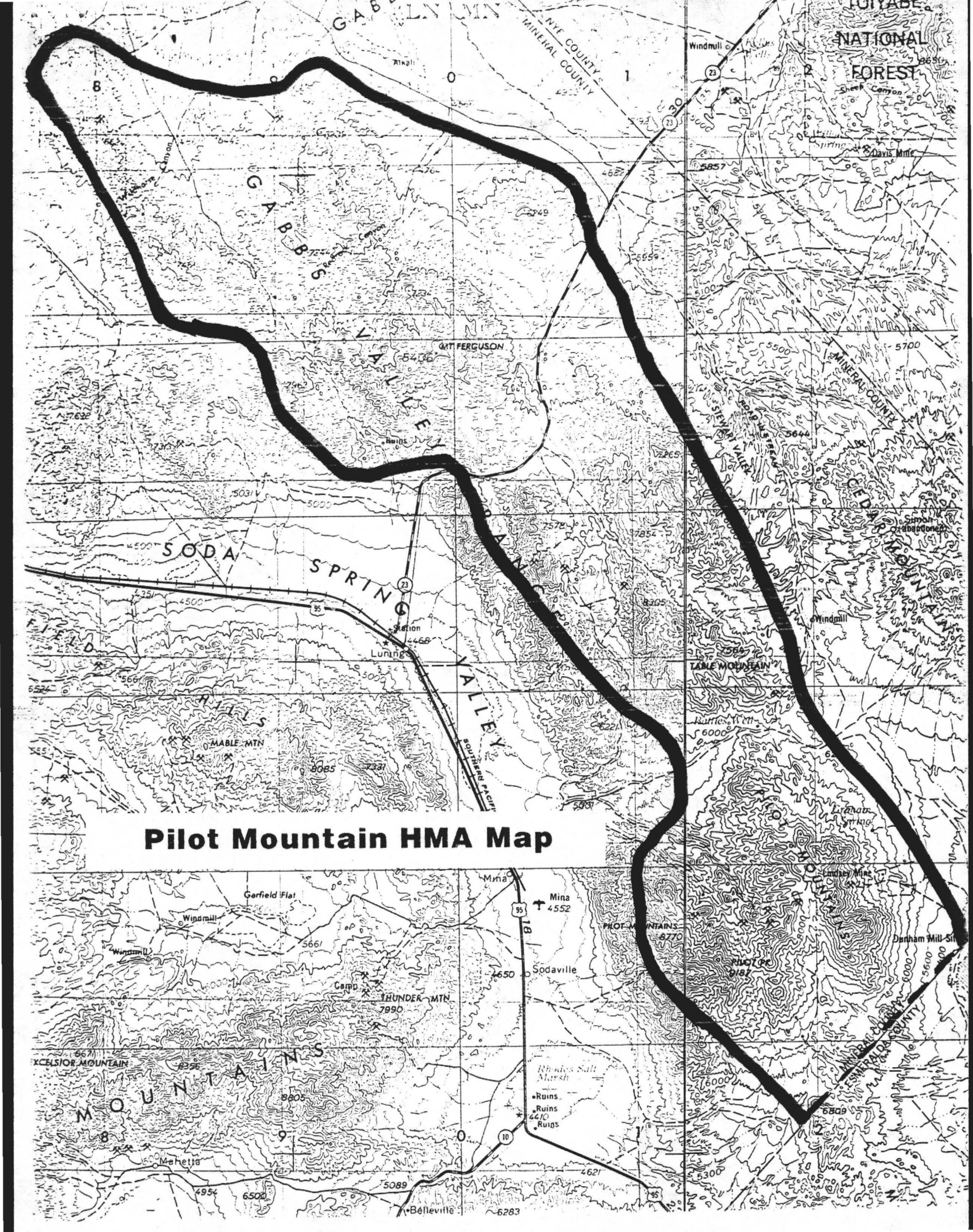
Acting Area Manager
Walker Resource Area

Approved:

Karl L. Kipping

Karl L. Kipping
Acting District Manager

8/12/94
Date



Pilot Mountain HMA Map

Mr. John Matthiessen
Walker Resource Area Manager
Bureau of Land Management
1535 Hot Springs Road
Carson City, Nevada 89701

SUBJECT: Pilot Mountain Herd Capture Plan/EA

Dear John:

The Nevada Commission for the Preservation of Wild Horses appreciates your efforts to address our concerns for the Pilot Mountain Wild Horse Herd. We have the following comments pointing out specific errors in your decision:

In your cover letter of August 12, 1994, your response to our concern that re-structuring the age and sex composition could adversely affect the herd, you stated: "A majority of the breeding populations is older than the target age group..." This statement has no support of fact. Population data and structure is not a part of the Gillis Mountain, Cedar Mountain or Pilot Mountain Allotment Evaluation. Population and composition herd data is not found in the capture plan or environmental assessment. The Bureau's Strategic Plan for Wild Horses and Burros has no environmental impact statement or assessment to address this concern. The environmental assessment is inadequate and policy does not comply with NEPA.

From our review of the allotment evaluations that determined the appropriate management level for the Pilot Mountain Herd, we could not determine the key management areas for riparian that were not impacted by the licensed yearlong use of livestock. For example, the Gillis Mountain Allotment was converted from a winter sheep allotment to a yearlong cattle permit. This action was done without consultation or an appropriate NEPA document. The Cedar Mountain Allotment had an initial stocking rate of zero AUM's and

assumed retired in the land use plan. This allotment was re-allocated forage without consultation or an amendment to the land use plan. The Pilot Mountain Allotment has had various licenses and allows for considerable use yearlong.

We are encouraged that now the District can delineate riparian and waters solely used by wild horses. We also support setting carrying capacities or appropriate management levels that will meet the allowable use level of 55 percent of key forage. The District's use of weight averaging all use pattern mapping data has resulted in a carrying capacity known to exceed 55 percent.

Use of full force and effect on the wild horse decision of the multiple use decision is bais against horses. To declare an emergency status without adequately addressing the adverse impacts of livestock is not in the best interests of natural resources of southern Mineral County.

While we would like to visit and see first-hand the impacts of wild horses, it would be more meaningful for the District to better explain the its actions and how they will making a meaningful difference on the ground. It is our opinion that wild horses would need further reduction than the proposed action to protect natural resources;however, since there is no action taken to resolve the livestock impacts, the end result will be no change either way.

Sincerely,

CATHERINE BARCOMB