

M 8/30/96



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Carson City District Office  
1535 Hot Springs Road  
Carson City, Nevada 89706-0638  
PH: (702) 885-6100

IN REPLY REFER TO:  
4400  
(NV-03580)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

*Fmud*

Dear Interested Public:

About two months ago, you received a copy of the Multiple-Use Decision for the Garfield Flat Grazing Allotment/Garfield Flat Herd Management Area. It was provided as a "Proposed" decision subject to protest as specified in the cover letter dated August 9, 1996. The protest period has ended and no protests were received. Comments received from the Commission for the Preservation of Wild Horses and Joanne Hardesty regarding the Proposed Multiple Use Decision are enclosed for your reference.

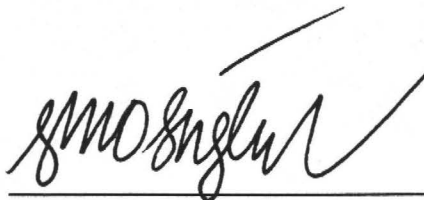
Enclosed is the final Multiple-Use Decision for the Garfield Flat Grazing Allotment/Herd Management Area. In accordance with 43 CFR §4160.4 and 43 CFR Part 4, Subpart E, within 30 days of receipt of this letter any person whose interest is adversely affected by the final Garfield Flat Multiple Use Decision may file an appeal of the decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. The appeal must be filed with the District Manager, Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300 Carson City, Nevada 89706-0638. If an appeal is taken regarding wild horses, only then must you follow the procedures outlined in the enclosed Form 1842-1, "Information on Taking Appeals to the Board of Land Appeals."

In accordance with 43 CFR §4.21, within 30 days of receipt of this decision any person has the right to file a petition for stay (suspension) of the decision together with their appeal. The appellant has the burden of proof to demonstrate that a stay should be granted and 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.

Also enclosed for your reference are responses to comments received after the July 24, 1996 comment period (Nevada Division of Conservation Districts, Natural Heritage Program, and the Commission for the Preservation of Wild Horses) for the Garfield Flat Allotment Evaluation.

Lastly, enclosed is the Draft Garfield Flat Herd Management Area Capture Plan with the related Environmental Assessment. You have 30 days from receipt of this letter in which to submit comments on the Capture Plan. This draft document is not protestable or appealable.



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John O. Singlaub  
District Manager  
Carson City District

5 Enclosures:

1. Responses to Comments on Proposed Multiple Use Decision
2. Responses to Late Comments on Evaluation
3. Final Multiple Use Decision, Garfield Flat Grazing Allotment/Garfield Flat Herd Management Area
4. Form 1842-1, Information on Taking Appeals
5. Draft Garfield Flat Capture Plan/Environmental Assessment

# DRAFT

## GARFIELD FLAT HERD MANAGEMENT AREA CAPTURE PLAN

### I. INTRODUCTION

This Capture Plan/Environmental Assessment (EA) addresses the Garfield Flat Herd Management Area (HMA) and areas outside of the HMA where excess wild horses would be removed in order to implement the Multiple-Use-Decision (MUD) and to be in compliance with existing laws and regulations. This Capture Plan / EA will remain in effect indefinitely for the Garfield Flat HMA until amended or superceded.

### II. PURPOSE AND AUTHORITY

The purpose of the proposed action is to implement removal and safety measures for the management of wild horses in the Garfield Flat HMA. The overriding goal of management is to maintain the range in a thriving natural ecological balance, maintain the horse in a healthy state and to be in compliance with all existing laws and regulations. The proposed action would adjust the population of wild horses to 83 and then maintain the population within a range of 83 to 125 in the HMA.

The Wild Horse and Burro Act of 1971 (Public Law 92-195), and 43 CFR 4700-4740 provide the authority for the proposed action.

### III. AREAS OF CONCERN

The area of concern is depicted on Attachment #1 and #2.

### IV. METHODS FOR REMOVAL AND SAFETY

Three primary capture techniques would be utilized; helicopter herding, bait trapping or horseback herding, all of which can be performed either in house or via an existing contract. The following applies to all methods of capture:

#### A. Helicopter Herding

This method would use a helicopter to herd horses or burros into a trap built with portable panels. If a contract crew is utilized one or more Bureau employees would supervise the contractor at all times during the capture operation to ensure compliance with the contract stipulations. The following stipulations and procedures will be followed during the removal to ensure the safety, welfare and humane treatment of the wild horses or burros, and that the animals are removed from the proper areas.

##### 1. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) or Project Inspectors (PI) will determine specific roundup 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

## 2. Trapping and Care

a. 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.

b. The helicopter shall be used in such a manner that bands of horses will remain together. Foals shall not be left behind. A minimum of one saddle-horse shall be immediately available at the trapsite to accomplish roping if necessary. Roping will only be used as a supplemental gather technique when determined necessary by the COR/PI and District Manager. Under no circumstances shall animals be tied down for more than one hour.

c. 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.

d. 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:

1. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 6 feet high for horses and 5 feet for burros, and the bottom rail of which shall not be more than 1 foot from the ground level. All traps and holding facilities shall be oval or round in design.

2. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

3. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

4. Wings shall not be constructed out of barbed-wire or other materials injurious to animals and must be approved by the COR/PI. Wings may be constructed along existing fencelines, at the discretion of the COR/PI, only if the barbed wire or other wire fencing material is removed from the fence posts and laid on the ground for the length of the wing, or if portable panels are placed along the inside of the fence to protect the animals from injury from fence wire.

5. All crowding pens including the gates leading to the runways shall be covered with material which prevents the animals from seeing out (plywood, burlap, snowfence etc.) and

shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

7. 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 made.

8. 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.

9. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. 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. Under normal conditions, the government would require that animals be restrained for the purpose of determining an animals age or similar practice. In these instances, a portable restraining chute would be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the Contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation would be at the discretion of the COR/PI.

10. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate 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. An animal that is held at a temporary holding facility from no later than 5:00 p.m. and through the night, is defined as a horse feed day. An animal that is held for only a portion of a day does not constitute a feed day.

11. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

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

13. The contractor shall restrain sick or injured animals if treatment 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.

14. 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 to be released back into the HMA following gather operations may be held up to two days or as directed by the COR/PI. Animals shall not be held in traps and or temporary holding facilities on days when no work is being conducted except as specified by the COR/PI. The Contractor shall schedule shipments of animals to arrive at final destinations between 7:00 am. and 4:00 pm. No shipments shall be scheduled to arrive at final destinations on Sunday and Federal holidays, unless prior approval has been obtained by the COR/PI. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination is at the discretion of the COR/PI.

15. 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.

16. If possible all horses to be released will be turned into areas where adequate forage and water are readily available and no damage to the resource will occur as a result of their presence.

### 3. Motorized Equipment

a. 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. The Contractor shall provide the COR/PI with a current safety inspection (less than 1 year old) of all tractor/stocktrailers used to transport animals to the final destination.

b. 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.

c. Only stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers, or single deck trucks shall be used to transport animals from temporary holding facilities to final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate to providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent. 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.

d. All vehicles used to transport animals to final destination shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.

The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held COR/PI.

e. Floors of vehicles, trailers and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.

f. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);  
6 square feet per horse foal (0.75 linear foot in an 8 foot wide trailer);

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

h. 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.

#### B. Bait Trapping

This method would involve the use of either water or feed as an enticement to lure wild horses into a trap consisting of portable panels using a one way gate or trip closure system. Capture and post capture handling of the wild horses is addressed in the helicopter herding section of this document.

#### C. Horse Back Herding

This method would involve herding the wild horses horseback into a trap consisting of portable panels. Capture and post capture handling of the wild horses is addressed in the helicopter herding section of this document.

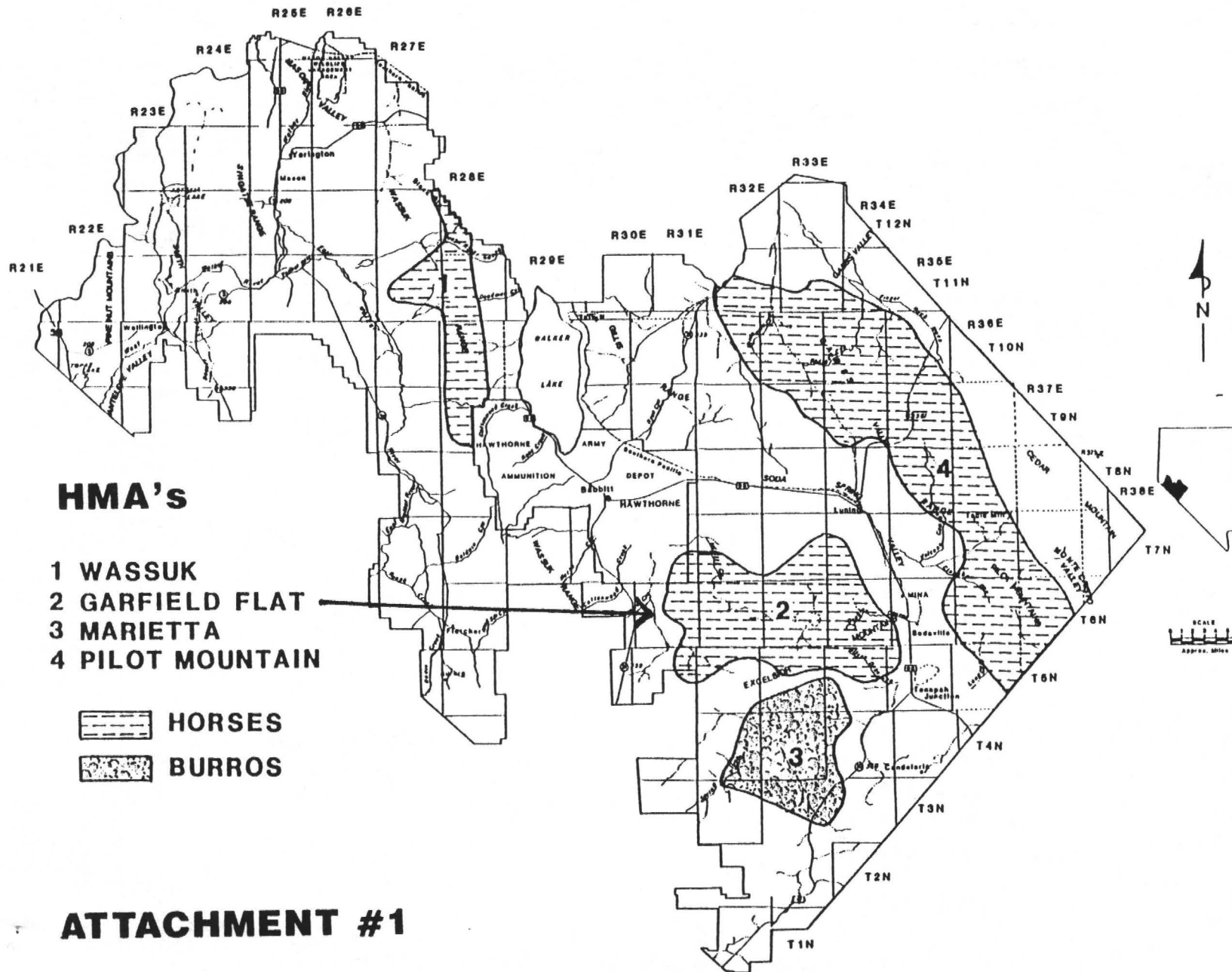
### V. DISPOSITION OF REMOVED ANIMALS

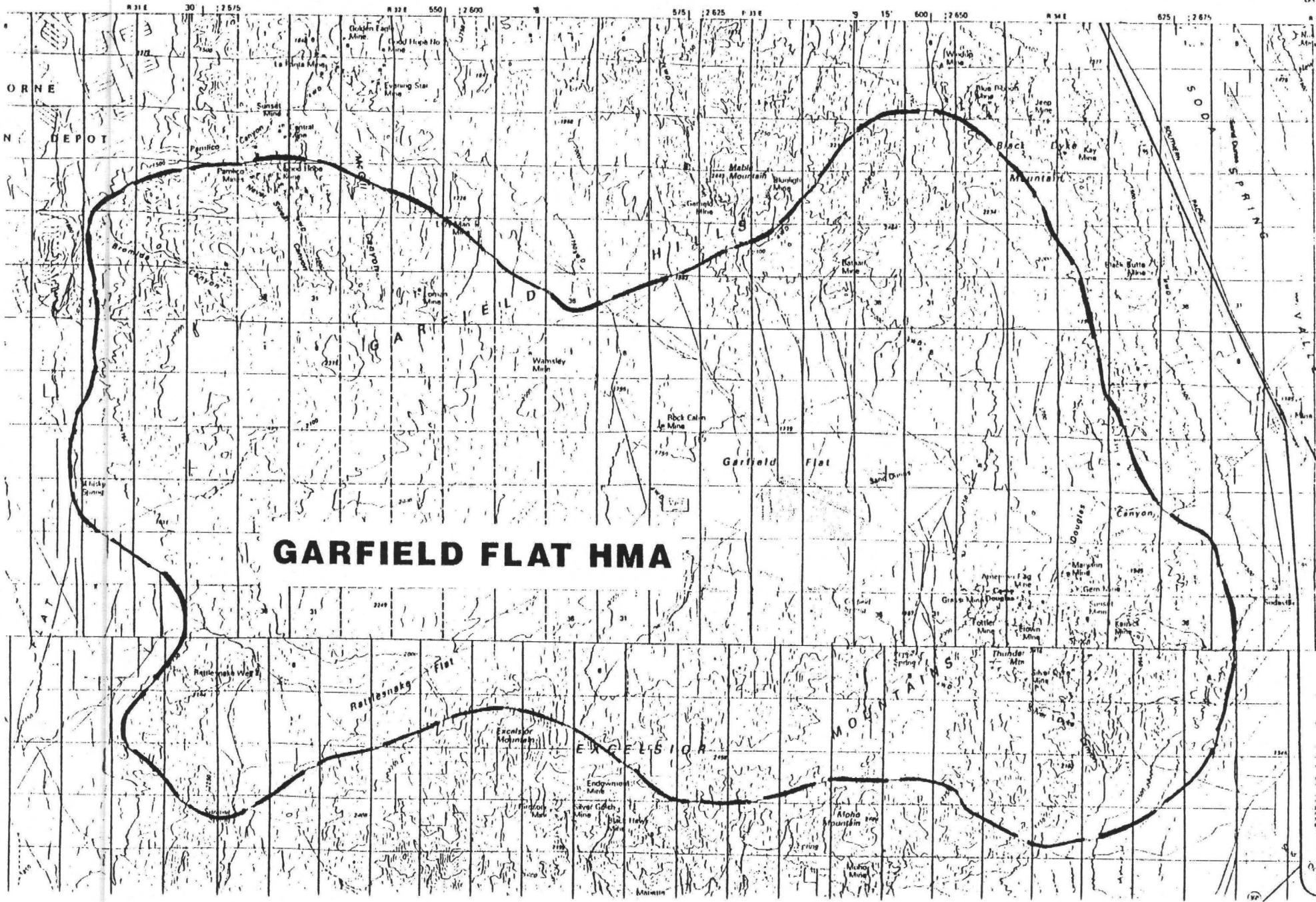
The wild horses would be sent to either Palomino Valley Wild Horse and Burro Placement Center or other facilities, as required, to be processed for adoption. Impounded, privately owned animals will be processed according to State law and Bureau policy.

## VI. RESPONSIBILITY

The District Managers are responsible for maintaining and protecting the health and welfare of the wild horses/burros. To ensure the contractor's compliance with the contract stipulations, the COR/PIs from the District, would be on site. Also, the Assistant District Managers for Renewable Resources in addition to the District Managers are very involved with guidance and input into the removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Assistant District Managers, COR and PIs.







**GARFIELD FLAT HMA**

# ENVIRONMENTAL ASSESSMENT

E.A. No. NV-030-96050

for

## Garfield Flat Herd Management Area Capture Plan

### A. Introduction & Purpose

The purpose of the Garfield Flat Herd Management Area (HMA) Capture Plan is to implement actions that would effectively manage the Garfield Flat 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 Garfield Flat Multiple-Use Decision (MUD).

#### 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 refinement of the RMP/EIS focused on the management of wild horses in the Garfield Flat HMA. All referenced 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 83 and maintain the population within a range of 83 to 125.

#### Management Action No. 2

Utilize a helicopter to herd horses into corrals constructed of portable steel panels. 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 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 Garfield Flat HMA.

#### 2. Alternative No. 1

Conduct the removal operations through the use of bait traps. Traps consisting of portable panels would be constructed around water or food sources utilizing one way gates or a trip closure system.

#### 3. Alternative No. 2

Conduct the removal operation by herding the wild horses from horseback. Riders would herd the wild horses into traps built of portable panels.

4. No Action Alternative

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

C. Affected Environment

The affected environment is described in the allotment evaluation.

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. Maintaining utilization at or below 55% for year long use by wild horses will improve plant vigor and reproduction.

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, as shown in the allotment evaluation, it has been determined that 125 wild horses 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 bandstructure, the population of wild horses would be reduced to 83 and allowed to increase to the AML of 125, 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.

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 Bureau guidance for safety 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 enclosures would be surveyed prior to construction to avoid disturbance of these areas.

### Alternative No. 1 - Bait 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. This method is more time consuming than helicopter herding but is less expensive. Bait trapping is most successful when small numbers of horses are to be removed from isolated areas served by 2 or less water sources which will be the case after the AML has been established.

### Alternative No. 2 - Horseback Herding

The impacts of horseback herding are similar to helicopter herding but without the stress put on the wild horses from the helicopter. Once captured, the impacts would be identical to those of the proposed action. The impact on saddle horses and riders should be a consideration before using this method.

### Alternative No. 3 - 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. Accelerated erosion would continue and basal cover would continue to decline from excess utilization.

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.

Sweetwater Ranch	Nevada Division of Wildlife
Nevada Wildlife Federation	The Wildlife Society
Natural Resources Defense Council	Sierra Club, Toiyabe Chapter
The Nature Conservancy	Nevada Cattlemen's Association
Animal Protection Institute	ISPMB
Resource Concepts Inc.	U.S.F.S., Bridgeport Ranger Dist.
Animal Rights Clinic, Rutgers	Ms. Ann Earl
School of Law	U.S. Humane Society
Wild Horse Organized Assistance	U.S. Fish and Wildlife Service
The Honorable Barbara Vucanovich	The Honorable Harry M. Reid
The Honorable Richard Bryan	American Horse Protection Assn.
Mace Bergman	Craig C. Downer
Roberta Royle	Steven Fulstone
Mineral Cty. Pub. Lands Comm.	Fund for Animals
National Mustang Association, Inc.	Nevada Heritage Program
Nevada Commission for the	Kathey McCovey-Mantor
Preservation of Wild Horses	Nevada Humane Society
American Mustang and Burro Assn.	Dan Keisserman
Julie Ann Bolt	The Mule Deer Foundation
Michael Kirk	Joanne Hardesty
Vanessa Kelling	American Bashkir Curley Regist.
Nevada State Dept. of Agriculture	



F. List of Preparers

Prepared by:

Richard Jacobsen

Richard Jacobsen  
Wild Horse and Burro Specialist  
Renewable Resource Staff

8-30-96

Date

Reviewed by:

David Loomis

David Loomis  
Environmental Planner  
District Resources Staff

8-30-96

Date

***Comments on Proposed Multiple Use Decision***

Comments regarding the Garfield Flat Proposed Multiple Use Decision, issued August 9, 1996 were received from Joanne Hardesty and the Commission for the Preservation of Wild Horses. They have been considered in reaching the final decision.

**Comment**

***What is the treatment for Whiskey Pasture from 02/01 to 04/15? REST is not specified on the graph (Joanne Hardesty).***

**Response**

For Treatment A, from 02/01 to 04/15, REST is prescribed for the Whiskey Pasture. This was inadvertently excluded.

**WHISKEY PASTURE**

<b>TREATMENTS</b>	<b>11/01</b>	<b>12/01</b>	<b>01/01</b>	<b>02/01</b>	<b>03/01</b>	<b>04/15</b>
<b>A</b>	xxxxxxxGRAZExxxxxxx			REST		
<b>B</b>	xxxxxxxGRAZExxxxxxx			REST		
<b>C</b>	REST			xxxxxGRAZExxxx		
<b>D</b>	REST			xxxxxGRAZExxxx		

**Comment**

***I am concerned that the statement "grazing can promote increased growth, vigor, and seedling establishment" is quite misleading since it is also stated that the increase was primarily in Indian ricegrass." The decrease in other native plant species resulting from grazing is not addressed in this report. Therefore the negative impact on the ecosystem as a whole that results from livestock grazing is not addressed in this report (Joanne Hardesty).***

**Response**

To further clarify what has occurred in the Belleville Allotment and how it relates to the Garfield Flat Allotment, there was no decrease in other native plant species. Perennial shrub cover was maintained while Indian ricegrass, the only native grass species in the area, increased. Therefore, an overall gain in the native population occurred. A positive impact was the reduction in bare ground. Interspaces went from approximately 16 inches to 5 inches (increased ground cover/protection/water catchment).

Harmful grazing occurs when the grazing animal returns to a previously grazed plant and consumes most of the new growth before the plant has built adequate carbohydrate reserves to maintain vigor. Harmful grazing, then, is a result of too frequent grazing during the growing season, each time at a heavy level. The initial heavy grazing is normal and natural. The plant is adapted to this and may even require this periodic heavy grazing in order to maintain high vigor throughout the plant. The problems associated with harmful grazing only occur when the plant is revisited by a grazing animal during the

growing season, too soon after the previous grazing experience. "Grazing Management", then, is any technique or strategy which results in avoiding, or at least reducing to a tolerable level, this repeated heavy utilization during the growing season. For this allotment, livestock grazing occurs a majority of the time during the dormant period for perennial plants, not the growing season.

**Comment**

***It is disturbing that such a great effort is being made to develop water supplies for cattle, while nothing is being done to develop similar supplies for wild horses. I would strongly suggest that water sources be developed for the horses on public lands so that an agreement between private land owners and the BLM is not a future problem. If water can be developed for privately owned cattle, I see no reason why the wild horses, who belong to all Americans, should not have access to water on BLM lands that also belong to all Americans. Why isn't the damage done to riparian areas by livestock not addressed in this report? Why isn't the potential decrease in wildlife habitat as a result of cattle trampling of vegetation in riparian zones evaluated in this report? (Joanne Hardesty)***

The opportunity to develop additional reliable water on public land for wild horses or livestock does not exist. The water sources utilized by cattle and wild horses are located on private land.

The development of or additions to pipelines to distribute the water across the allotment increases the area utilized by livestock and results in reduced competition between the wild horse and livestock. This benefits the wild horses.

Riparian areas are minimal and are located on private land. Any damage that is occurring can be attributed primarily to wild horses, which utilize and occupy these areas year-long.

**Comment**

***Thank you for consulting the Nevada Commission for the Preservation of Wild Horses concerning the proposed multiple use decision for the Garfield Flat Allotment. We are disappointed that our specific comments to the allotment evaluation did not receive a response. (Commission)***

**Response**

The Evaluation was sent out for public review on June 20 and 21, 1996. The requested date for comments was no later than July 24, 1996. The Proposed Multiple Use Decision was sent out August 9, 1996. The Nevada State Clearinghouse forwarded the Commission's comments on August 13, 1996.

**Comment**

***We appreciate the proposed decision to limit utilization of key forage species to a moderate level. The desert environment does not often provide normal or constant precipitation levels to support experimental grazing processes designed to stress key species (Commission).***

**Response**

Intensive management is neither experimental nor designed to stress key species. As the results from the Belleville Allotment indicate, the plant community (Indian ricegrass) responded very favorably to

this type of treatment. The increased cover provides an improved opportunity to collect, store, and utilize moisture which in turn, insures that more effective use is made of the precipitation that does occur in the desert environment.

**Comment**

***We appreciate the effort to achieve a cooperative agreement with the private land and water owners to sustain this herd. Since this agreement is essential, we suggest that all gathers be postponed until this matter is settled (Commission).***

**Response**

The agreement is important to the long-term stability of the wild horse herd but is not an issue in the short term.

## ***Comments on the Garfield Flat Allotment Evaluation***

The following comments regarding the Garfield Flat Allotment Evaluation from the Nevada Division of Conservation Districts, the Natural Heritage Program, and the Commission for the Preservation of Wild Horses were submitted by the Nevada State Clearinghouse after the Proposed Multiple Use Decision had been mailed. They are provided here because they have been considered in reaching the final decision.

### **Comment**

***Are there actions in the plan to reduce weed invasions? (Conservation Districts)***

### **Response**

No noxious weed invasions are known to occur on public lands within the allotment. The management proposed for this allotment should preclude such invasions.

### **Comment**

***Have known historic properties and new eligible properties been considered for protection in the plan? (Conservation Districts)***

### **Response**

Actions occurring on the allotment are not impacting known historic properties.

### **Comment (Nevada Natural Heritage Program)**

***The writer of the evaluation makes a point of promoting the current "Holistic Range Management" paradigm of using short-term, intensive grazing and trampling of an area followed by rest in order to increase vegetative cover and diversity in the longer term.***

***The writer does not address the effects this may have on:***

***1. Promoting further invasion and establishment of noxious or exotic plant species. Cover and diversity may indeed increase through such practices, but our observation has been that the new diversity and cover frequently includes an unacceptably high proportion of noxious weeds, particularly in and near previously disturbed areas. Such species are easily carried to previously uninfested areas by roaming livestock.***

### **Response**

There is no evidence of noxious or exotic plant species in the allotment. Such species are also easily carried by wind, water, birds, wild horses, mule deer, antelope, and numerous other animals into uninfested areas; consequently, it is even more important to rely on management practices that will be the most successful in preventing this problem. The intensive management described for this allotment reduces the chance of such invasions.

### Comment

**2. Impacting cryptobiotic soils crust communities. These complex plant communities are part of most healthy desert ecosystems, but have been shown to be highly vulnerable to and slow to recover from intensive soil surface disturbance.**

### Response

The cryptobiotic communities represent a low seral stage (lichen, algae, moss), but the number of species present might be considered complex. In cases where no opportunity exists to advance seral stages, the site would be better off left alone. This allotment, however, has the potential to improve in health and productivity.

### Comment

**3. Promoting earlier seral stages. The stated management goals (p. 10-11) for the allotments four key areas include maintaining the current seral stages or improving to later seral stages. Basic ecological principles suggest that this is incompatible with intense periodic ground disturbance, which tends to promote changes to earlier seral stages.**

### Response

This comment lends itself to the paradigm that intensive ground disturbance leads to earlier seral stages. Timing, within any grazing treatment, is key. Certainly with high intensity, year-round disturbance occurring on the land, you will maintain the site in an earlier seral stage. We have no intention of promoting this type of activity.

### Comment

**Page 10, Levels of Utilization - In all efforts to avoid misunderstanding, we are unaware of any decision to apply "heavy use" prescriptions to key species within any land use planning documents by either the Forest Service or Bureau of Land Management throughout Nevada. (Commission)**

### Response

The Nevada Rangeland Monitoring Handbook allows a variance in the use levels for key species, tempered with local judgement on a case-by-case basis. For example, it is stated that winterfat under an "intensive management plan" may be able to sustain greater than 50 percent utilization in the fall. The prescription of "heavy use" is within the scope and intent of Bureau documents and the Grazing Regulations.

### Comment

**Page 20, Conclusions - It is obvious that the author has been misunderstood in the past. However, prescribed "severe and heavy" use of key species to alter the successional stages of vegetation are not common practices by range conservationists in Nevada. It would be reasonable to expect some data or trend studies to support this approach to range management. (Commission)**

Response

It is correct to state that this is not a common practice. As intensive management is applied to an ever increasing area, data is being collected as pointed out on page 30 of the evaluation. This type of management has and is being applied in the Belleville Allotment and the Cedar Mountain Allotment. This concept is being considered and applied in other Bureau districts within Nevada.

Comment

*We agree that phenological studies find the critical growth period for key perennial grasses may start in March each year. It is difficult to understand the revised treatments allow livestock turnout in May 1995 that is contrary to studies and existing permit. (Commission)*

Response

Livestock grazing ended the 2nd of May, turnout did not occur then.

Comment

*Page 28, Technical Recommendations - We cannot agree to the determination of an appropriate management level for this herd by discretionary application of allotment specific objectives. In the appendix, the District uses 55% and 27.5% utilization limits as desire objectives for horses; whereas, the allotment evaluation establishes a range of 60 to 70 percent range for livestock. (Commission)*

Response

The evaluation proposes to adjust, from 70% to 60%, the allowable use level for grasses by livestock during the fall/winter season. Cattle graze the allotment from 11/1 to 4/15. They are removed with adequate time remaining for the plants to grow.

In establishing the potential stocking level for horses in joint use areas (cattle and livestock), a 55% allowable use level for yearlong use, as recommended by the Nevada Rangeland Monitoring Handbook, has consistently been used. There is no valid comparison between 60% utilization on grasses for 5 months during the dormant period and 55% utilization of all key species year long.

Comment

*We also recognize that the entire Garfield Wild Horse Herd is dependent upon private lands and waters. This herd's fate is dependent upon the present and future owners of these lands. Long term management is uncertain and the herd area is obviously unsuitable for federal management. While we would embrace an agreement or conservation easement to sustain this herd, it may be impractical to expend public funds on a herd that could be legally abolished by any change in land ownership.*

Response

Long term management, in regards to public lands, is tied to the grazing treatments and schedules identified in the evaluation. This not only applies to the current owners but also to any future owner.

The comment could be interpreted as advocating the immediate total removal of wild horses from the Garfield Flat HMA. Because the horses rely on springs located on private land, it is possible that total removal could become necessary, but in the absence of an overt action by the property owner to exclude wild horses from Whiskey Spring and Pepper Spring, such action is premature.



**FINAL MULTIPLE USE DECISION**  
**GARFIELD FLAT ALLOTMENT**

The Record of Decision for the Walker Environmental Impact Statement and the Resource Management Plan (RMP) was issued on June 6, 1986. These documents established the multiple use goals and objectives which guide management of public land in the Garfield Flat Allotment. The Walker Rangeland Program Summary (RPS), issued in November 1989, identified allotment objectives specific to the Garfield Flat Allotment.

As identified in the Walker RMP and Walker RPS, monitoring has been conducted on the Garfield Flat Allotment to determine if existing multiple uses for the allotment were consistent with the attainment of the objectives established by the RMP. An allotment evaluation was sent out for public review on July 22, 1992. Subsequent to the issuance of the evaluation, the University of Nevada-Reno proposed the initiation of a study of the wild horses within the allotment. In June of 1993 all of the horses in the Herd Management Area (HMA) were gathered, aged, sexed, and freeze branded. In light of this action, issuance of a Proposed Multiple Use Decision was halted. Since 1992, additional monitoring data has been collected. During the past year, this data along with the original data has been analyzed through the allotment evaluation process to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

Through consultation, coordination and cooperation (CCC), input from the permittee, State agencies responsible for managing resources within the area, and the interested public has been considered. Based on the evaluation of the monitoring data, technical recommendations contained within the allotment evaluation, and input through the CCC process, my final decision is:

**GARFIELD FLAT ALLOTMENT**  
**LIVESTOCK GRAZING MANAGEMENT**

Decisions relating to the grazing of livestock on public lands in the Garfield Flat Allotment are:

- A. In accordance with 43 CFR §4130.3-1 (a), maintain the current grazing use for cattle (3,516 AUMs).
- B. In accordance with 43 CFR §4130.3-2, a flexibility period of two weeks (4/16 to 4/30) will be incorporated into the Allotment Management Plan (AMP). The AMP currently provides only for flexibility at the beginning of the grazing period (10/15 versus 11/1).
- C. In accordance with 43 CFR §4130.3-1, continue the grazing treatments and schedules outlined in the AMP through the 2001/2002 grazing season.

The grazing treatments and schedules are as follows:

### WHISKEY PASTURE

TREATMENTS	11/01	12/01	01/01	02/01	03/01	04/15
A	xxxxxxxGRAZExxxxxxx				REST	
B	xxxxxxxGRAZExxxxxxx				REST	
C	REST				xxxxxGRAZExxxx	
D	REST				xxxxxGRAZExxxx	

### GARFIELD PASTURE

TREATMENTS	11/01	12/01	01/01	02/01	03/01	04/15
A	REST		xxxxxxxxxxxGRAZExxxxxxxxxxx			
B	REST		xxxxxxxxxxxGRAZExxxxxxxxxxx			
C	xxxxxxxxxxxxxxxxxxxGRAZExxxxxxxxxxxxxxxxxxx				REST	
D	xxxxxxxxxxxxxxxxxxxGRAZExxxxxxxxxxxxxxxxxxx				REST	

The grazing schedule through one cycle is as follows:

	Garfield	Whiskey
1990	01/01 to 04/15	11/01 to 12/31
1991	01/01 to 04/15	11/01 to 12/31
1992	11/01 to 02/15	02/16 to 04/15
1993	11/01 to 02/15	02/16 to 04/15

- D. In accordance with 43 CFR §4130.3-2, the use level for grasses at each key area is adjusted from 70% to 60%. The AMP will be modified accordingly.
- E. In accordance with 43 CFR § 4130.3, intensive grazing management will be applied when it is determined that this type of action will move towards meeting Land Use Plan (LUP) objectives.
- F. In accordance with 43 CFR §4110.2-4 and §4110.4-1, the lands gained by the Bureau as a result of Public Law 100-550 are made a part of the Rattlesnake Pasture located within the Garfield Flat Allotment. In accordance with 43 CFR § 4110.3-1, beginning with the 1996/97 grazing year and ending in the 2001/2002 grazing year, grazing use will be monitored. Upon completion of monitoring, an adjustment will be made in grazing use for the allotment. All applicable grazing records will be modified to reflect these changes.
- G. In accordance with 43 CFR §4120.3, coordinate with the Nevada Department of Transportation in evaluating public safety along U.S. Highway 95 to determine if a Right-of-Way fence is warranted.

Pursue the potential extension of Pepper Springs Pipeline in the Garfield pasture and development of additional waters (haul sites or impoundments) throughout the allotment.

## RATIONALE

A relatively large portion of the allotment has not received any measurable grazing use during the evaluation period. Many of the forage species are becoming decadent due to non-use or extremely low use levels. Grazing can promote increased growth, vigor, and seedling establishment. Animal impact (i.e., grazing/trampling) on the lower producing sites may also result in increased forage production and diversity. The entire western and extreme northern portions of the allotment remain unfenced. In these areas, water is a limiting factor. Rustling has and continues to be a problem. As evidenced by use pattern mapping, the amount of area being used is increasing. Correspondingly, use levels have been lowering. With the development of additional waters, hauling of water, and the herding of cattle (particularly when snow is present), distribution can be improved even more.

Variations occur on a yearly basis in precipitation amounts, when precipitation occurs, fluctuations in forage production levels, and the time frame when growth occurs. Flexibility is an integral part of any basic operation that is needed in order to link management more closely with these ever changing conditions.

The Allotment Management Plan has been in place for six years. The grazing treatments and schedules are making progress towards achieving key area objectives and land use plan objectives, but due to the slow changing nature of desert environments, extending these treatments and schedules through the 2001/2002 grazing year is necessary to determine the direction and degree of change relative to established objectives.

A use level of 70% was identified in the AMP rather than the standard 60% level. There is no rational basis to exceed the standard of 60% in this allotment.

Intensive management is being applied in the Belleville allotment. In 1994, after the first year of grazing, there was a noticeable increase in ricegrass seedlings. After the second year of grazing, monitoring results indicated that the bare space between perennial plants decreased from approximately 16 inches before grazing to 5 inches. Most of this was due to an increase in Indian ricegrass.

§4180.2 (c) states in part that "Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water. The Allotment Management Plan is by definition an "*activity plan*". The treatments and schedules for livestock grazing are providing the opportunity to meet standards and guidelines.

The acreage gained as a result of Public Law 100-550 is logically placed within the Garfield Flat Allotment. This land is adjacent to and usable as a portion of the Rattlesnake Pasture. Summit Spring, located on these lands, can be used as an additional watering source for the pasture.

No range survey was completed by the U.S. Forest Service on this land. The area provides additional forage to wildlife and livestock. Accurate actual use records of the amount of use made in this area in

conjunction with use pattern mapping data provides a means to estimate the carrying capacity of the area. Five years will be adequate time to determine the carrying capacity.

The Highway 95 fence would provide safety for motorists. This would not have any effect on the Herd Management Area.

Additional waters will improve livestock distribution and provide a mechanism to avoid as much as possible, harmful grazing.

### **AUTHORITY**

Authority for this decision is found in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

- §4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."
- §4110.2-4 "After consultation with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."
- §4110.3-1 "Additional forage may be apportioned to qualified applicants for livestock grazing use consistent with multiple-use management objectives."
- §4110.3-1 (c) "After consultation, cooperation, and coordination, with the affected permittees or lessees, the State having lands or managing resources within the area, and the interested public, additional forage on a sustained yield basis available for livestock grazing use in an allotment may be apportioned to permittees or lessees or other applicants, provided the permittee, lessee, or other applicant is found to be qualified under subpart 4110 of this part."
- §4120.3-1(a) "Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management."
- §4120.3-1(f) "Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et

seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part."

- §4130.2 (b) "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.
- §4130.2 (d) States in part that "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless....."
- §4130.2 (f) "The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees or lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease."
- §4130.2 (i) "Permits or leases may incorporate the percentage of public land livestock use (see Sec. 4130.3-2) or may include private land offered under exchange-of-use grazing agreements (see Sec. 4130. 6-1)."
- §4130.3 "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."
- §4130.3-1(a) "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."
- §4130.3-1(c) "Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.
- §4130.3-2 States in part that "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."
- §4130.3-3 "Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review,

comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease."

- §4130.6-2 "Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands. The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance of nonrenewable grazing permits and leases."
- §4180.2 (b) "The Bureau of Land Management State Director, in consultation with affected Bureau of Land Management resource advisory councils, shall develop and amend State or regional standards and guidelines. The Bureau of Land Management State Director will also coordinate with Indian tribes, other State and Federal land management agencies responsible for the management of lands and resources within the region or area under consideration, and the public in the development of State or regional standards and guidelines. Standards and guidelines developed by the Bureau of Land Management State Director must provide for conformance with the fundamentals of § 4180.1. State or regional standards or guidelines developed by the Bureau of Land Management State Director may not be implemented prior to their approval by the Secretary. Standards and guidelines made effective under paragraph (f) of this section may be modified by the Bureau of Land Management State Director, with approval of the Secretary, to address local ecosystems and management practices."
- §4180.2 (f) States in part that "In the event that State or regional standards and guidelines are not completed and in effect by February, 1997, and until such time as State or regional standards and guidelines are developed and in effect, the following standards provided in paragraph (f)(1) of this section and guidelines provided in paragraph (f)(2) of this section shall apply and will be implemented in accordance with paragraph (c) of this section...."

**GARFIELD FLAT ALLOTMENT**  
**WILD HORSE MANAGEMENT**

Decisions relating to wild horses managed within the Garfield Flat Allotment are:

- A. In accordance with 43 CFR §4700.0-6(a), the potential stocking level for wild horses in the Garfield Flat, which comprises approximately 85% of the Garfield Flat Herd Management Area (HMA), is 1495 AUMs. This is also the potential stocking level for the Garfield Flat HMA since the remaining 15% of this herd management area, located within the former Candelaria Allotment (now part of the Belleville Allotment), has a potential stocking level for wild horses of 0 AUMs.

- B. The Appropriate Management Level (AML) for the Garfield Flat HMA is 125 wild horses. In order to maintain this AML, the wild horse population will be managed within a range of 83 and 125.
- C. The management of wild horses within the HMA will be in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands (June 1992).

### **RATIONALE**

The analysis of available monitoring data presented in the Garfield Flat Allotment Evaluation indicates that the welfare of wild horses is dependent upon access to waters located on private land. The horses in this allotment have developed distinctive patterns of use. One major area of use is the Garfield Hills, whose primary water source is Whiskey Spring. This area overlaps into Garfield Flat, in the vicinity of Key Area G-003. The second major area is located south of the test range and the primary water source is Pepper Spring. Both waters are located on private land. An Agreement between Sweetwater Ranch and the Bureau of Land Management is being negotiated that will ensure that access to these waters will remain unimpeded.

Aerial census and field observations reveal that wild horses do not use that portion of the HMA in the Belleville allotment, therefore all AUMs identified for wild horses are located in the Garfield Flat allotment.

### **AUTHORITY**

The authority for these decisions is contained in Sec. 3 (a) and (b) of the Wild-Free Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 Code of Federal Regulations (CFR), which states in pertinent parts.

- §4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."
- §4710.3-1 States in part that "Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationship with other uses of the public and adjacent private lands...."
- §4720.1 States in part that "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exist, the authorized officer shall remove the excess animals immediately..."

**GARFIELD FLAT ALLOTMENT**  
**WILDLIFE MANAGEMENT**

Decisions relating to wildlife on public lands in the Garfield Flat Allotment are:

- A. The portion of the pinyon-juniper woodland in the Excelsior Mountains which is the Rattlesnake public woodcutting area will remain open. If demand for firewood continues, the cutting area will be expanded. The cutting area will be designed to increase "edge effect" and promote increased production of palatable understory plant species.
- B. The AUMs for reasonable numbers of mule deer in the Garfield Flat Allotment are 552.
- C. Bureau personnel will continue to monitor the population of Sodaville milkvetch.

**RATIONALE**

Removal of pinyon-juniper trees will continue to provide increased edge effect for mule deer and also expand the forage base. The amount of moisture intercepted and the amount of groundwater used on an annual basis would be available to re-charge underground aquifers. This could potentially rehabilitate springs that are currently dry or have reduced water flows.

**GUIDANCE**

Mina Habitat Management Plan, 1988  
Walker Resource Management Plan, Record of Decision, 1986