



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:
4700
(NV-03580)

MAR 29 1995

Dawn Y. Lappin, Director
Wild Horse Organized Assistance
P.O. Box 555
Reno, Nevada 89504

Dear Mrs. Lappin

Attached is a copy of the administrative record for Appeal No. N3-95-01 which your organization initiated concerning the **Pinenut Mountain Wild Horse Removal Plan**. If you have any questions concerning this record, please contact Richard Jacobsen or Jim Gianola of my staff at (702) 885-6000.

Sincerely,

John O. Singlaub
Associate District Manager

1 - Attachment

1. Copy of administrative record for Appeal No. N3-95-01

Table of Contents

- Attachment No. 1. Response to Appeal points 4pp.
- Attachments 4pp.
2. Wild Horse Organized Assistance's Notice of Appeal 2pp.
3. Cover letter, FONSI / Decision Record and Final Pinenut Mountain Wild Horse Removal Plan 9pp.
4. Wild Horse Organized Assistance's 2nd protest letter 3pp.
5. Wild Horse Organized Assistance's 1st protest letter 2pp.
6. Cover letter and draft Pinenut Mountain Wild Horse Removal Plan and Environmental Assessment 12pp.



#1

RESPONSE TO APPEAL POINTS
FILED BY
WILD HORSE ORGANIZED ASSISTANCE

1. Page 1, paragraph 2 of the subject appeal: The Appellant asserts the public comment period is 30 days for both the Draft Removal Plan and the Full Force and Effect Decision.

Response:

The Draft Removal Plan was mailed on December 30, 1994, and included the request that responses be received by January 30, 1995. This was intended to provide the appropriate comment period, but it did fail to accommodate mailing time. The Appellant received the draft plan on January 4, 1995, which allowed 27 days to review and respond. Despite the fact that Appellant did not have 30 days for review, Appellant did comment on the Draft Plan and changes were made to the proposed action based, in part, on these comments.

Instruction Memorandum No. NV-94-032 (copy attached for reference) states "Affected interests will be provided a period of time to review all final gather plans issued under full force and effect. The length of time afforded to affected interests will be commensurate on the conditions mandating issuance of the decision under full force and effect". The Decision was issued in Full Force and Effect on February 14, 1995, with a projected implementation date of February 27 or 28, 1995. Implementation in February was deemed critical because of the generally accepted restriction on gathers from March 1 to June 30 to prevent stress to pregnant mares and newborn foals. The Decision included instructions for filing an appeal and petitioning for a stay. A minimum of 12 days were available to appeal with a petition for a stay; 30 days were available to appeal. Appellant's Appeal Notice is dated March 13, 1995, and was received on March 14, 1995.

2. Page 1, paragraph 3 of the subject appeal: Appellant asserts three distinct points regarding the gather plan:

a. A complete map of the capture area was not provided.

Response:

Part II of the Draft Removal Plan states "The area of concern is outside of the Pine Nut Mountain Herd Management Area. The location of the area is shown on the attached Map 1." The map depicts the entire Herd Management Area and the surrounding area where the removal was proposed.

b. The release sites for older animals were not disclosed.

Response:

The Decision Record states "Therefore, approximately 8 older horses will be released back into the Herd Management Area. These wild horses will be released in an area where there are presently few other wild horses resulting in a minimal impact on the vegetative resource." This does not identify a specific geographic location for the release, but it describes the characteristics

of the specific site that would be (and was) selected, based on accessibility, weather conditions and other variables at the time of the release.

c. No plan was provided for follow-up observations of released animals.

Response:

The nine wild horses that were released back into the Herd Management Area were temporarily unloaded into a fenced meadow so as to acclimate them to their new area. The area surrounding the fenced meadow has abundant water sources and adequate forage.

3. Page 1, paragraph 4 of the subject appeal: The Appellant asserts seven distinct points regarding the Environmental Assessment.

a) Nowhere in the document was "emergency" discussed.

Response:

The Decision implementing the modified Pinenut Mountain Wild Horse Removal Plan was issued in full force and effect in accordance with the guidance in Instruction Memorandum NV- 94-011 (copy attached for reference). Time was provided for review of the Draft Removal Plan and for an Appeal/Petition for a Stay to be filed before the Decision was implemented. Part VII of the Removal Plan stated that "It is anticipated that this removal will occur during February 1995."

The basis for selecting February 27-28, 1995, for implementing the Decision, thereby precluding a full 30 day period for filing an Appeal/Petition for a Stay, was the restriction on gathers from March 1 to June 30 as discussed in the Response to Appeal Point #1 combined with the need to remove the wild horses in the vicinity of the Holbrook Fire Rehabilitation Project prior to the expected germination of the grass/forb seeds planted in November/December 1994. This is consistent with Instruction Memorandum NV-94-011 which states:

In evaluating the need to take expeditious action, the authorized officer should consider the following factors in determining whether a removal decision should be placed in full force and effect:

- (2) The potential for damage to rangeland resources.....
- (4) The importance of the removal action in implementing other essential management actions.

b) Nowhere in the document was "seeding or fire rehab" addressed.

Response:

The removal was not based on the "seeding or fire rehab" but on the requirements of Public Law 92-195, Sec. 3 (b) and Sec. 9 and 43 CFR 4710.4 which states "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas". The first sentence of the Environmental Analysis states "The purpose of this action is to remove wild horses that have established home ranges outside of the Pine Nut Mountain Herd Management Area (HMA) which are causing overutilization of the vegetative resources". The Appellant's point must come from statements in the Decision Record and the cover letter

to the Decision Record. The scope of this removal was reduced significantly due to public comment and other considerations. The focus of the removal went from all the wild horses outside the Herd Management Area to just those in the vicinity of the Holbrook Fire Rehabilitation Project. The purpose of the removal did not change; only the scope of the removal was changed.

In an attempt to clarify the reduction in scope of the removal, the Decision Record states "The major action in the subject plan is removing approximately 48 wild horses from outside the Pine Nut Mountain HMA in the vicinity of the Holbrook Fire/Rehabilitation Area". The cover letter further stated "This decision is issued Full Force and Effect to allow for the immediate removal of wild horses in the vicinity of the Holbrook Fire/Rehabilitation Area which are outside the Pine Nut Mountain HMA. Immediate removal of these wild horses is necessary to prevent damage to the fire rehabilitation/seeding project and further over-utilization of the vegetative resource". These statements narrow the focus of the action but still are within the scope of the purpose of the proposed action as identified in the first sentence of the Environmental Analysis.

- c) There was no attachment of the Fire Rehab plan.

Response:

The Appellant provides no rationale for why this makes the Environmental Analysis inadequate. NEPA does not require such an attachment.

- d) No analysis of whether sufficient forage exists at the release sites to accomodate more animals.

Reponse:

The Decision Record states "Therefore, approximately 8 older horses will be released back into the HMA. These wild horses will be released in an area where there are presently few other wild horses resulting in a minimal impact on the vegetative resource". This last statement emphasizes protection of the vegetative resource but definitely implies that adequate forage would be available for the horses at the release site and (as stated in the Response to Appeal Point #2.c) there was adequate forage.

- e) No data, other than the 1993 census, that established that these animals had established permanent residence outside herd area, as required.

Response:

Aerial census information dating back to 1989 confirms the existance of wild horses outside the HMA. The 1993 aerial census was referenced in the removal plan because it was the most current.

- f) Despite the fact that rehab personnel were in the vicinity, no data was included regarding observation of animals at the rehab site.

Response:

The census data provided in the Draft Removal Plan included information that there were wild horses established in the general vicinity of the Holbrook Fire. "Rehab personnel" would not have seen wild horses due to the activity associated with the rehabilitation project which would

temporarily drive wild horses out of the area. Natural Resource Specialists in this office were aware that the wild horses were still in the vicinity and would probably be drawn to new grasses and forbs this spring.

- g) Nowhere in the document is the impact, of duplicate captures, within months of one another, during the highly stressful winter months assessed.

Response:

The reference to "duplicate captures" obviously relates to the the policy of releasing captured horses that are too old for the adoption program into a Herd Management Area. In this instance, the Draft Removal Plan specified that such horses would be released into the Pine Nut Herd Management Area. Based on experience, 15%-20% of the 189 horses proposed for removal would have been too old for adoption. Given the expectation that the Appropriate Management Level for the Pine Nut Herd Management Area was forthcoming and that a gather of wild horses inside the Herd Management Area would take place in late summer/fall of 1995, the impact to the 27-38 horses that would be released into the Herd Management Area in February to be captured again in 6-7 months was considered and the final decision was modified because of this impact. The potential impact of "duplicate captures" was reduced to a minimum (9 horses versus possibly 38 horses) by limiting the removal to the horses that posed a threat to the success of the fire rehabilitation project.

The probability of "duplicate captures,during the highly stressful winter months" is unlikely since the most plausible scenario is that the February gather outside the Herd Management Area would be followed by a gather in September/October 1995, which are not considered to be winter months.

Attachments - 2

- 1 - Instruction Memorandum No. NV-94-011
- 2 - Instruction Memorandum No. NV-94-032

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 Nevada State Office
 P.O. Box 12000
 Reno, Nevada 89520-0006

BUREAU OF LAND MANAGEMENT
 CARSON CITY DISTRICT OFFICE

OCT 25 4 45 PM '93

In Reply Refer To
 4770/1760 (BLM-960)

October 21, 1993

Granola

C 3 0
INITIAL/DATE

DM		JE 10/26/93
ASSOC		AK 10/21/93
HAZ MAT		
PAO Tc		
REG		SS 11/25
OPC		
LRA		
WRA		AM 11/1

Instruction Memorandum No. NV-94- 011
 Expires: 9/30/94

To: District Managers, Nevada
 Deputy State Directors and Staff Chiefs, NSO
 Manager, National Wild Horse and Burro Center at Palomino Valley

From: State Director, Nevada

Subject: Policy for Placing Wild Horse and Burro Removal Decisions in Full Force and Effect

Earlier this year the Department of Interior published regulations changing the effect of final agency decisions and the procedures to be used by the public to appeal final decisions. Under these new regulations (43 CFR 4.21), final decisions become effective at the end of period of time (generally 30 days after receipt of the decision) for filing a Notice of Appeal where no Petition for a Stay is filed, or 45 days after the time for filing a Notice of Appeal where a timely Petition for a Stay is filed.

Until recently, these new regulations were seen as an alternative to 43 CFR 4770.3(c) to rapidly implement removal actions. In August the Interior Board of Land Appeals (IBLA) issued the following ruling on A Notice of Appeal and Petition for a Stay of a final decision to remove wild horses:

"The provision of 43 CFR 4.21(a), 58 Federal Register 4939, 4942-43 (Jan. 19, 1993), govern the effect of a decision pending appeal "[e]xcept as otherwise provided by law or pertinent regulation." Because 43 CFR 4770.3(c) authorizes BLM to place into full force and effect a decision to remove wild horses from public or private land regardless of an appeal, the effect of such removal decisions pending appeal are controlled by that regulation, not 43 CFR 4.21(a), and the BLM's failure to place such a decision into full force and effect effectively stays the removal decision pending appeal."

As a result of this ruling, it appears that all removal decisions issued under 43 CFR 4.21(a), and subsequently appealed, will be suspended pending an IBLA ruling. This policy effectively requires BLM to issue all removal decisions under 43 CFR 4770.3(c), to avoid being delayed for 1 to 2 years pending the outcome of an appeal.

Rules amending 43 CFR 4770.3 which provide for placing removal actions in full force and effect became effective on August 5, 1992. These regulations allow the authorized officer to place a final removal decision in full force and effect. Instruction Memorandum 92-369, established criteria for the use of full force and effect in removal decisions. Removal decisions placed in full force and effect may include release or relocation of selected animals, fertility control, and any other action which is integral to successful completion of the planned removal. Wild horse and burro decisions effecting actions other than removal actions (i.e., setting appropriate management levels, range improvements and herd area management plans) may not be placed in full force and effect. When a decision document is issued which combines action, i.e., a removal action with a herd area management plan, only the gather plan may be implemented full force and effect. The remaining actions are to be issued under 43 CFR 4.21 and are subject to the provisions of this rule.

In evaluating the need to take expeditious action, the authorized officer should consider the following factors in determining whether a removal decision should be placed in full force and effect:

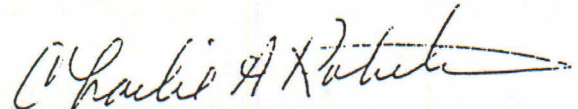
- (1) The potential for loss or damage to the health of animals or unborn foals due to starvation, disease, dehydration, etc.
- (2) The potential for damage to rangeland resources or other ecosystem values.
- (3) An increase in the cost of conducting the proposed action or the time needed to restore a thriving natural ecological balance to the range.
- (4) The importance of the removal action in implementing other essential management actions.
- (5) A requirement to remove wild horses or burros to comply with a court order, from outside of a herd area or from private land.

The list is not intended to be all inclusive and other factors may be appropriate to specific situations. However, it is essential that the authorized officer carefully consider any and all factors influencing the need to place a decision to remove animals in full force and effect.

Prior to issuing a final decision, the authorized officer shall document in writing, all considerations and rationale that were used to support the need for placing the decision in full force and effect. This documentation will be in addition to and separate from the information used to justify removing excess wild horses and burros. The line official at least one level above the authorized officer signing the final decision shall be informed of the decision to place a removal decision in full force and effect and concur with the rationale.

The authorized officer will assure that the need for the planned removal action is discussed with affected interests through the issuance of the draft removal plan for public review. Support documents will be prepared and released for public comment to the extent that time allows. However, when extraordinary conditions require immediate action to prevent severe or long-lasting damage to wild horses and burros or other components of the rangeland ecosystem, the authorized officer may waive issuance of a draft decision and the 30-day public comment period. Final decisions to remove animals under these conditions will be supported, at a minimum, by an environmental assessment.

Please direct any questions or concerns regarding full force and effect removal decisions to Tom Pogacnik or Bruce Dawson at (702) 785-6583.



Charlie A. Robertson
Acting

Distribution

Director (200) - 1 Room 5650, MIB
DSC (210)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEVADA STATE OFFICE
P.O. Box 12000
850 Harvard Way
Reno, Nevada 89520-0006

COPY

In Reply Refer To
4720.1 (NV-960)

December 9, 1993

Instruction Memorandum No. NV-94- 032
Expires 9/30/94

To: District Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO
Manager, National Wild Horse and Burro Center

From: State Director, Nevada

Subject: Issuance of Wild Horse and Burro Decisions under Full Force and Effect

Under 43 CFR 4770.3(c), the authorized officer may place a decision to remove excess wild horses and burros in full force and effect. Nevada Instruction Memorandum NV-94-011, details the conditions under which a full force and effect removal decision may be issued.

In an effort to provide the interested public with notification of impending gathers to be implemented under full force and effect, the following policy will apply to all Nevada wild horse and burro removal decisions issued under those rules.

Affected interests will be provided a period of time to review all final gather plans issued under full force and effect. The length of time afforded to affected interests will be commensurate on the conditions mandating issuance of the decision under full force and effect.

All draft gather plans will be made available to affected interests for a 30-day comment period except when herd or habitat conditions are critical and immediate action is required. The cover letter transmitting the draft capture plan will identify that, after consideration of all comments, the final removal decision will be placed in full force and effect.

The final removal decision/gather plan will provide for a full 30 day delay from the date of issuance when such a delay will not jeopardize the health of the animals or their habitat. When herd or habitat conditions preclude allowing the normal 30 day delay in removing

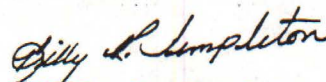
animals, the time allowed between issuance of the final removal decision/gather plan and the effective date of the decision will be based upon the severity of animal or habitat conditions. This waiting period may range from the full 30 days to implementation on the date of issuance. When conditions do not allow the full 30 day delay in taking action, those affected interests which have provided comment on the draft plan will be contacted to inform them of the need to expedite the proposed action.

The public shall be notified that there will be no extension of the delay period and that the proposed action will begin on or about the specified date. The public shall also be notified that any request for stay must comply with 43 CFR 4.21(b) and that it is commensurate upon the appellant to provide factual support for that request. The intent of this policy is to ensure that affected interests are afforded advance notification of our placing a removal decision/gather plan in full force and effect. Specialists in contact with affected interests should emphasize the importance of their participation in the establishment of an appropriate management level (the allotment evaluation and multiple-use decision) and the draft gather plan. Affected interests should be discouraged from waiting to comment until issuance of the final decision because input at this time limits their capability to influence the decision and our ability to incorporate any new data in the decision. In addition, failure to comment on a draft decision may limit an affected interest's ability to prevail on appeal to the Interior Board of Land Appeals (IBLA).

Because this policy is new and provides managers some discretion and flexibility, it is important that the Districts coordinate very closely with the Wild Horse and Burro National Program Office to ensure consistency in its application.

In addition to the normal rationale for placing a removal decision in full force and effect, Nevada Districts will also identify the anticipated amount of time which will be provided between the issuance of a decision and the initiation of the proposed removal action. The policy incorporated in this memorandum does not change the time frame or procedures for filing an appeal of wild horse and burro removal decisions.

If you have any questions concerning this policy please contact Tom Pogacnik at (702) 785-6476.


Billy R. Templeton

Distribution

Director (200) - 1 Room 5650, MIB
DSC (210) - - 1

2

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

BUREAU OF LAND MANAGEMENT
CARSON CITY DIST OFFICE

MAR 14 11 41 AM '95



... a note from

Dawn Y. Lappin

March 13, 1995

Mr. John O. Singlaub, District Manager
Bureau of Land Management
1535 Hot Springs Road
Carson City, NV 89706-0638

Re: APPEAL NOTICE-Pine Nut Mountain Wild Horse Removal Plan
and FONSI

Dear Mr. Singlaub:

Wild Horse Organized Assistance, Inc., (hereafter WHOA) formally appeals the Full Force and Effect Pinenut Mountain Wild Horse Removal Plan. WHOA has participated actively in the land use planning process of the Bureau of Land Management and is an affected interest by definition in 43 CFR 4100.0-5; WHOA hereby states our reasons why this decision is in error. For purposes related to the horses outside the HMA boundary and the fire rehab seeding, we will not request a stay of the action.

It is our understanding of BLM policy that comment period for public participation is 30 days. The Draft Removal Plan provided only 21 days. The Final March 14th Decision provided only 14 days from the scheduled date of capture. shortened that period by nearly a week, with the Final March 14th Decision, only 14 days from the scheduled date of capture. It is also our understanding of Nevada Policy that unless an "emergency" has been declared, which it wasn't even addressed, that we have 30 days from Final in which to seek remedies. It is written Nevada Policy to provide for the full 30days unless specified in either the draft or final plans. No disclosure as to the reasons for an abbreviated review period was provided.

The Capture Plan did not address the following issues as required:

- * Complete map of entire capture area, both inside and outside the herd area
- * Did not disclose release sites of older aged animals to be released
- * Nor were there any plans for follow-up observation of released animals into unfamiliar habitat addressed.

The Environmental Assessment was inadequate and failed to address the following issues:

- * Nowhere in the document was "emergency" discussed
- * Nowhere in the document was "seeding or fire rehab" addressed

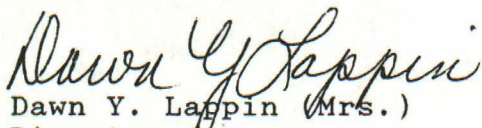
Page Two
Pinenut Appeal
March 13, 1995

- * There was no attachment of the Fire Rehab plan
- * No analysis of whether sufficient forage exists at the release sites to accomodate more animals
- * No data, other than the 1993 census, that established that these animals had established permanent residence outside herd area, as required

- * Despite the fact that rehab personnel were in the vicinity, no data was included regarding observation of animals at the rehab site.
- * Nowhere in the document is the impact, of duplicate captures, within months of one another, during the highly stressful winter months assessed.

In conclusion, we find the Capture Plan and Environmental Assessment to be extremely short-sighted and inadequate. The District has violated written Nevada Policies, as well as NEPA. We argue that Carson District has put wild horses at risk during a particularly stressful time of the year due to a lack of planning and coordination. Attitude regarding these animals is at the very heart of this issue. The Carson District is not an island unto itself, and the following of well established policies permit the BLM not only to address the horses outside the herd area, but the seeding, as well as the release of older animals, without conflict. That the Carson District chose conflict in defiance of law and policies lay at the Resource Area and not the fault of interested parties that monitor whether BLM is endeavoring to protect the health and welfare of the animals.

Most sincerely,


Dawn Y. Lappin (Mrs.)
Director

2



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) 885-6000

IN REPLY REFER TO:
1060
(NV-03580)

FEB 14 1995

Dear Interested Party:

Enclosed is the Finding of No Significant Impact / Decision Record which implements the Pinenut Mountain Wild Horse Removal Plan. This decision is issued Full Force and Effect to allow for the immediate removal of wild horses in the vicinity of the Holbrook Fire / Rehabilitation Area which are outside the Pinenut Mountain HMA. Immediate removal of these wild horses is necessary to prevent damage to the fire rehabilitation / seeding project and further over-utilization of the vegetative resource. The Full Force and Effect determination is in accordance with the regulation, 43 CFR 4770.3(c).

The gather is scheduled for the last week in February and will be complete by February 28, 1995. The number of wild horses to be removed has been reduced from the proposed 189 in the draft removal plan to approximately 48 in the Decision Record. This change, and others in the plan, are in response to public input to the draft removal plan and recent aerial census data. These modifications, which will lessen the impact to wild horses, are explained further in the Decision Record.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulation, 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, 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(b), 58 FR 4939,4942-43 (Jan. 19, 1993) for a stay 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:

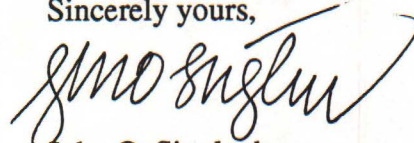
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,

(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 questions or comments, please contact Richard Jacobsen or Jim Gianola of my staff at 885-6000.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John O. Singlaub". The signature is written in a cursive style with a large, sweeping flourish at the end.

John O. Singlaub
District Manager

2 Enclosures:

1. FONSI/Decision Record
2. Form 1842-1

FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

Decision: Implement the Pinenut Mountain Removal Plan. The major action in the subject plan is removing approximately 48 wild horses from outside the Pinenut Mountain HMA in the vicinity of the Holbrook Fire / Rehabilitation Area. 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.

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 Removal Plan is in conformance with the Reno EIS. This action will prevent damage to the vegetative resource of the Holbrook Fire / Rehabilitation area and maintain the range in a thriving natural ecological balance, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989).

The draft removal plan proposed to remove 189 wild horses which would have required the release of approximately 30 wild horses back into the HMA. After analyzing comments from the public, it was determined that this was an unnecessary negative impact on the wild horses to be released. However, based on recent aerial census data and ground observations, there are 48 wild horses on and in the close vicinity of the Holbrook Fire / Rehabilitation area which are threatening the success of the rehabilitation project. The removal of only 48 wild horses will require that fewer horses than originally proposed be relocated back into the HMA. Population information from other HMA's indicate that approximately 16% of the population will be 10 years and older. Therefore, approximately 8 older horses will be released back into the HMA. These wild horses will be released in an area where there are presently few other wild horses resulting in a minimal impact on the vegetative resource. Also, this reduced number of wild horses to be released back into the HMA will preclude the need to capture wild horses inside the HMA at the present time.

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:



John Matthiessen
Area Manager
Walker Resource Area

FEB. 13 1995

Date

Approved:



John O. Sigrlaub
District Manager
Carson City District

2-14-95

Date

PINE NUT MOUNTAIN WILD HORSE REMOVAL PLAN

I. Purpose and Authority

The proposed action is to restore the range to a thriving ecological balance and to be in compliance with existing laws and regulations. The proposed action would prevent further deterioration of the range threatened by an over-population of wild horses which have established home ranges outside of the Pine Nut Mountain Herd Management Area (HMA). The proposed action will remove those wild horses with home ranges outside of the HMA. The Wild Horse and Burro Act of 1971 (Public Law 92-195, Sec. 3(b) and Sec. 9) and 43 CFR 4710.4 provide the authority for the proposed action.

II. Area of Concern

The area of concern is outside of the Pine Nut Mountain HMA. The location of the area is shown on the attached Map 1.

III. Numbers of Wild Horses

Based on the most recent census conducted in July of 1993, there are at least 189 wild horses outside of the HMA.

IV. Methods for Removal and Safety

The methods employed during this capture operation will be herding horses with a helicopter to a trap built with portable panels. The Bureau of Land Management will contract with a private party for this operation. Bureau employees will be supervising the contractor at all times during the gathering operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of wild horses, and that wild horses are removed from proper areas. Minimum specifications are contained within the State Gather Contract (Contract Number 1422-N651-C4-3067).

A. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) or Project Inspectors (PIs) 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. All wild horses will be removed from areas outside of the HMA. It is estimated that a minimum of 189 wild horses will need to be removed.

B. Motorized Equipment

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. Minimum specifications are contained within the State Gather Contract. Should conditions warrant the COR/PI have the authority to further modify the specifications.

All vehicles used for transportation shall be at least 6 feet 6 inches in height. The floors and loading chute shall be covered with non-skid material. 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 eight foot wide stock trailer/truck.

The COR/PI shall consider the condition of the animals, weather conditions, types 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.

C. Trapping and Care

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

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

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.

It is estimated that several 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. 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 lands must have prior written approval of the landowner.

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 State Gather Contracts.

If the route the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide a gap. The standing fence on each side of the gap will be well-flagged.

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.

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.

V. Disposition of Removed Animals

All of the adoptable wild horses will be sent to Palomino Valley Wild Horse and Burro Placement Center (PVC) to be processed for adoption. Unadoptable/older horses will be released back into the HMA.

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.

VI. Responsibility

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

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract 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 ensure 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 need be initiated in order to safely capture and transport the animals (i.e., veterinarian present, or delay of capture operations).

VII. Time Frame

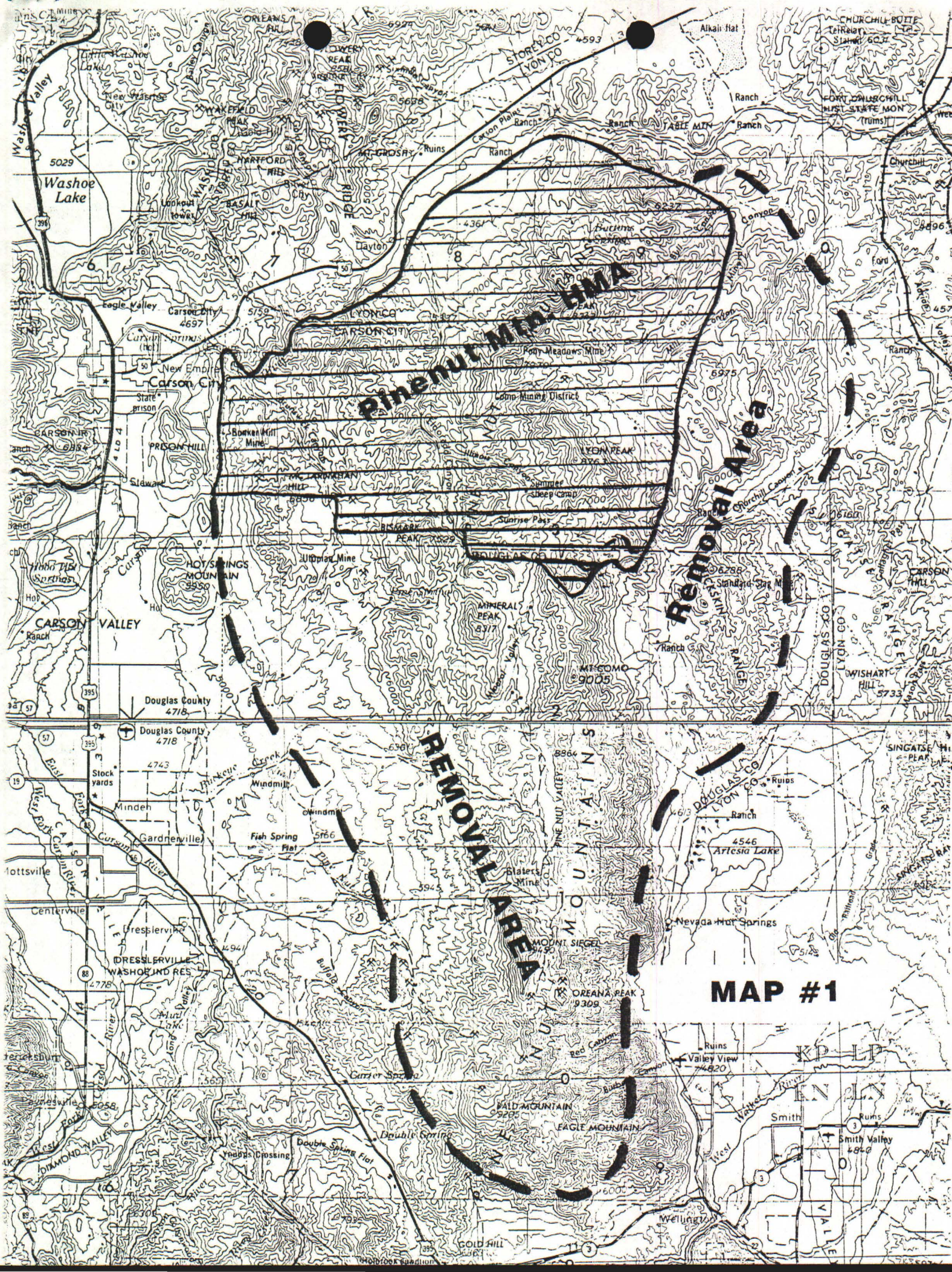
It is anticipated that this removal will occur during February 1995. Due to the dense concentration of pinyon and juniper trees, a complete removal of animals from areas outside of the HMA is unlikely. This combined with the continual movement and establishment of horses outside the HMA will require additional removals in the future. Therefore, this plan will remain in effect until conditions change substantially.

REMOVAL AREA

REMOVAL AREA

REMOVAL AREA

MAP #1





#2

WEOA

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

BUR OF LAND MANAGEMENT
CARSON CITY DIST OFFICE

FEB 15 12 54 PM '95



... a note from

Dawn Y. Lappin

INITIAL/DATE

February 1, 1995

Mr. John O. Singlaub, District Manager
Bureau of Land Management
Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638

Dear Mr. Singlaub:

WEOA provided written comments to the draft capture plan and environmental assessment for those horses outside the Pine Nut Herd Management Area boundary. These comments specifically addressed the only information provided in the documents we received. We debated arguing subsequent information provided by telephone and concluded we could only respond to that which we had been sent by mail. Our conclusion was based on the fact that we have no way of determining whether WEOA may have been only one of many affected interests. We cannot give our concurrence to a verbally altered document which may or may not have been received by those affected parties.

Regulations and policies provide for full disclosure and review of proposals relating to wild horse management on public lands. It is not within the District's authority or ours to ignore compliance because of poor planning. We have received verbal response that the proposed action will be greatly abbreviated. That only 50, may 60 wild horses will be removed from the seeding, that they may be put back in the northern portion of the HMA, or perhaps the Pilot Mountains. Therefore we ask that this letter be made part of the record of our original comments. The following "bulleted" statements emphasize either inadequate disclosure or no disclosure of the real activity contemplated.

* The document was received on January 4th, 1995 and given the thirty day comment period would require our comments by February 4th. Instead our comments were required in letter by January 30th.

* Nowhere in the EA was it identified as an emergency. The BLM has very clear definitions of what constitutes an emergency, and this isn't one of them.

* Nowhere in the EA was a burn discussed.

	INITIAL/DATE
DM	<input checked="" type="checkbox"/>
ACCO	(R) 2/16/95
HAT MAI	
RAC	
LE	
RES	
ADMIN	
OPS	
LRA	
WRA	<input checked="" type="checkbox"/>

Page two
Addendum to January 30th Comments
February 1, 1995

* There is no discussion in the EA regarding the rehab project or that a seeding had taken place. There was no attachment of the Rehab EA.

* There was no capture plan or EA for the helicopter removal of horses within the HMA. No identification of whether sufficient forage and/or water was available within the HMA for the replacement of the older age animals taken from outside the HMA.

* There is no data, other than the 1993 census, that has established these animals as "permanent residents" outside the HMA, as required.

* Despite the rehab project in October and November there is no data about observation of wild horses within the area.

* The map is deceptively absent in representing areas where helicopter captures will take place, a clear violation of law.

BLM has obviously forgotten WHOA's involvement when the southern portion of the Pine Nuts was their herd area and was eliminated. Attitude towards these animals are at the very heart of this argument. BLM appears to have adopted the attitude that wild horses and their advocates hold no political weight and that regulations and policies can be ignored and the end justifies the means. We don't argue removal of wild horses from outside the HMA boundaries; we don't argue the rehab project; we don't argue that grazing animals be kept off the seeding. We do argue that this lack of planning puts animals at risk during a stressful time of year and that lack of planning highlights the "attitude" and lack of compassion for the health and welfare of the animals.

BLM created this nightmare and then has the audacity when we initiate legal discourse, to threaten us with an "emergency" and a "full force and effect" order. Both of which is a clear abuse of both those provisions. It was not compassion or even conscience that will abbreviate that proposal, but the simple

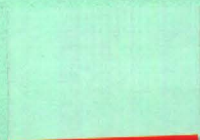
Page three
Addendum to January 30th Comments
February 1, 1985

act of getting caught. The Bureau will do what its always
had the power to do, avoid responsibility and accountability
and the wild horses will pay for it.

Sincerely,

Dawn Y. Lappin
Dawn Y. Lappin (Mrs.)
Director

cc Ms. Ann Morgan
Commission for Wild Horses, State of Nevada
AHPA
HSUS
Nevada Humane Society



#2

W H O A

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



... a note from

Dawn Y. Lappin INITIAL/DATE

DM	<input checked="" type="checkbox"/>	
ASSCO		(K) 1/30/95
HAZ MAT		
PAO		
LE		
RES	<input checked="" type="checkbox"/>	
ADMIN		
OPS		
LRA		
WRA	X	JM 1/30

January 30, 1995

John O. Singlaub, District Manager
Bureau of Land Management
Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638

Dear Mr. Singlaub,

Thank you for the opportunity to review and comment on the draft Pinenut Mountain Wild Horse Removal Plan and Environmental Assessment.

We support the purpose and your authority for the removal of the wild horses that have established home ranges outside of the Pinenut Mountain Wild Horse Herd Management Area. However, in review of the document it is needlessly absent of full explanation for this action at this time. We received the draft plan on January 4, 1995, of which we understand we have thirty days to review and respond with comments. Your request for response by January 30, shortened our comment period by a week. In addition you state in this draft that you intend to gather horses during February 1995.

In the draft you do not identify a "state of emergency" for this gather and the census information you are using is from July 1993, which indicates that you've known the horses have resided outside their herd area since that time. Correct us if we are wrong but there is not the appropriate time frame to issue a final gather under normal circumstances allowing the 30 day comment period on the final document and still gather horses in February. The documents were received by the public on or about January 4. A 30 day review would place that time to February 4, allowing appropriate time for your agency to review and address the comments, then issuing the final gather plan with the thirty day comment period allowed by law would then place your gather time within the foaling period for wild horses. Bureau policy dictates that wild horses aren't gathered from March 1 through June 30. We are confused as to your intent?

John Singlaub, District Manager
January 30, 1995
Page 2

Though we support your position and the gathering of wild horses that have established their home ranges outside of their designated herd management areas we formally protest your proposed actions for the following reasons:

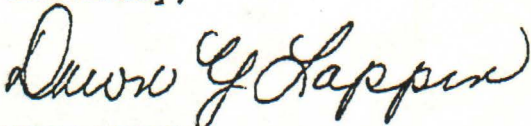
1) In the draft gather plan and EA you identify placing unadoptable/older animals back in the herd area and exchanging them for younger animals. The EA does not address this action as well as re-structuring of the herd.

2) How can your District propose an action within the herd management area without a completed draft gather plan and EA for the areas within the herd management area (HMA). This EA should also include re-structuring of the herd. The draft gather plan and EA you have sent us for review only addresses those horses outside the HMA. The map included in your draft does not identify the HMA as a gather area.

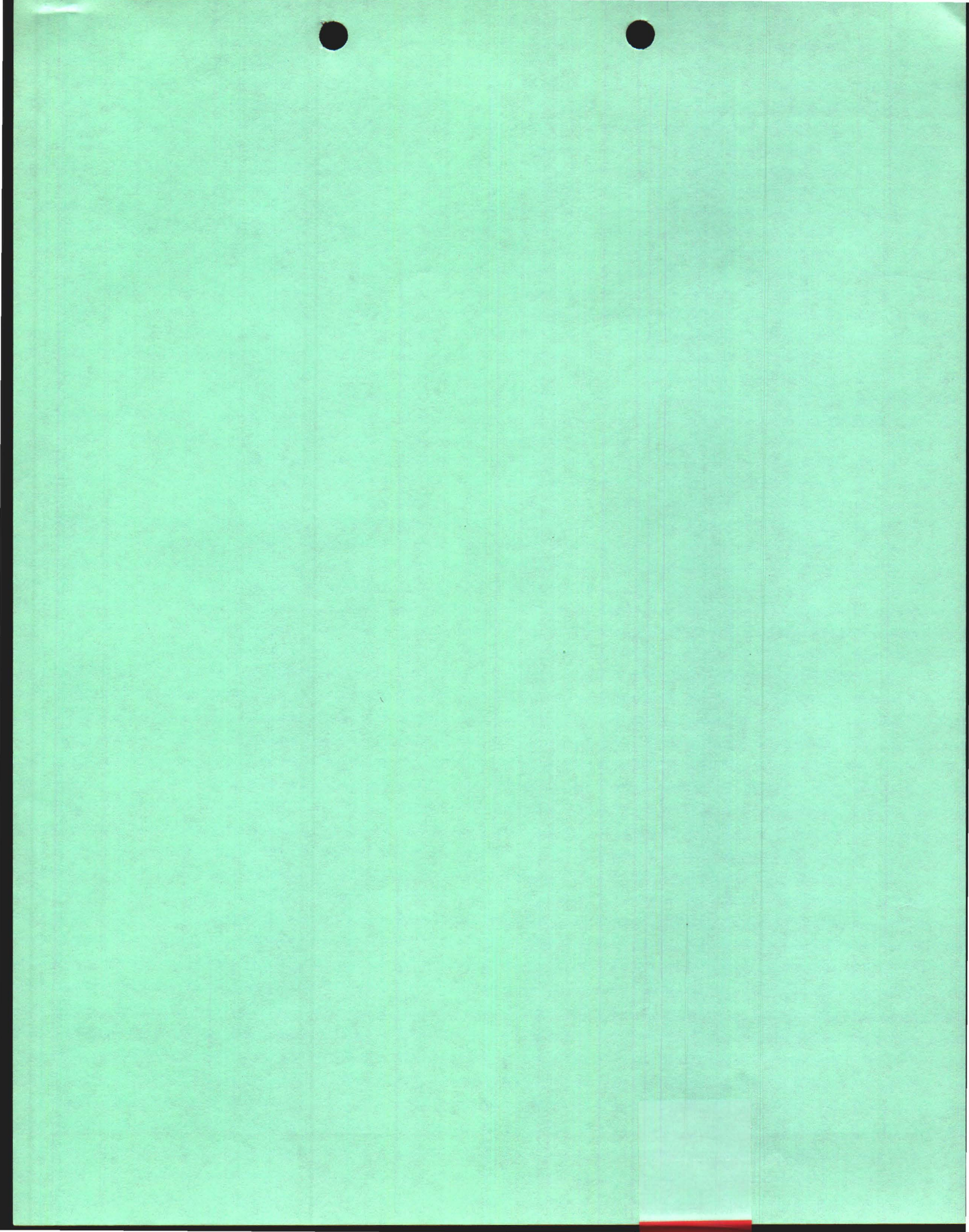
3) Your District has done a terrific job in evaluating all of the allotments within the Pinenut Mountain HMA. We feel that by evaluating all of the allotments contained in the HMA that you are seriously considering the needs and impacts to the wild horse herds. With the completion of the AE's and forthcoming proposed and final multiple use decisions this would establish the appropriate carrying capacities for the allotments and HMA. It would be more cost effective and humane for the two actions to be addressed together which also facilitate population modeling and restructuring of the herd. If your intent is to gather older animals now, place them back in the HMA and then recapture them again shortly, we wonder how much stress these older animals can handle without increasing their chances for death.

In conclusion, in the draft documents you identify no emergency and it is our recommendation that you provide 1) sufficient comment time to the interested and affected parties; 2) that you take into consideration the humane aspects of your actions; and 3) provide the proper gather plans and EA's that fully identify your proposed actions. If you have any questions, please contact me at 851-4817.

Sincerely,



DAWN LAPPIN
Director





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:
1060
(NV-03580)

DEC 30 1994

Dear Interested Party:

Enclosed for your review and comment is the draft Pinenut Mountain Wild Horse Removal Plan and Environmental Assessment. This plan proposes to remove approximately one hundred and eighty-nine wild horses from outside the Pinenut Mountain Herd Management Area.

Please send your comments to this office by January 30, 1995. If you have any questions concerning this document, please contact Richard Jacobsen or Jim Gianola of my staff at (702) 885-6000.

Sincerely yours,

John O. Singlaub
District Manager

ACTING

1 Enclosure:

1. Draft Pinenut Mountain Wild Horse Removal Plan and Environmental Assessment

DRAFT

PINE NUT MOUNTAIN WILD HORSE REMOVAL PLAN

I. Purpose and Authority

The proposed action is to restore the range to a thriving ecological balance and to be in compliance with existing laws and regulations. The proposed action would prevent further deterioration of the range threatened by an over-population of wild horses which have established home ranges outside of the Pine Nut Mountain Herd Management Area (HMA). The proposed action will remove those wild horses with home ranges outside of the HMA. The Wild Horse and Burro Act of 1971 (Public Law 92-195), Sec. 10, and 43 CFR 4710.4 provide the authority for the proposed action.

II. Area of Concern

The area of concern is outside of the Pine Nut Mountain HMA. The location of the area is shown on the attached Map 1.

III. Numbers of Wild Horses

Based on the most recent census conducted in July of 1993, there are at least 189 wild horses outside of the HMA.

IV. Methods for Removal and Safety

The methods employed during this capture operation will be herding horses with a helicopter to a trap built with portable panels. The Bureau of Land Management will contract with a private party for this operation. Bureau employees will be supervising the contractor at all times during the gathering operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of wild horses, and that wild horses are removed from proper areas. Minimum specifications are contained within the State Gather Contract (Contract Number 1422-N651-C4-3067).

A. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) or Project Inspectors (PIs) 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. All wild horses will be removed from areas outside of the HMA. It is estimated that a minimum of 189 wild horses will need to be removed.

B. Motorized Equipment

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. Minimum specifications are contained within the State Gather Contract. Should conditions warrant the COR/PI have the authority to further modify the specifications.

All vehicles used for transportation shall be at least 6 feet 6 inches in height. The floors and loading chute shall be covered with non-skid material. 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 eight foot wide stock trailer/truck.

The COR/PI shall consider the condition of the animals, weather conditions, types 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.

C. Trapping and Care

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

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

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.

It is estimated that several 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. 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 lands must have prior written approval of the landowner.

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 State Gather Contracts.

If the route the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide a gap. The standing fence on each side of the gap will be well-flagged.

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.

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.

V. Disposition of Removed Animals

All of the adoptable wild horses will be sent to Palomino Valley Wild Horse and Burro Placement Center (PVC) to be processed for adoption. Unadoptable/older horses will be released back into the HMA.

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.

VI. Responsibility

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

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract 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 ensure 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 need be initiated in order to safely capture and transport the animals (i.e., veterinarian present, or delay of capture operations).

VII. Time Frame

It is anticipated that this removal will occur during February 1995. Due to the dense concentration of pinyon and juniper trees, a complete removal of animals from areas outside of the HMA is unlikely. This combined with the continual movement and establishment of horses outside the HMA will require additional removals in the future. Therefore, this plan will remain in effect until conditions change substantially.

ENVIRONMENTAL ASSESSMENT

Pine Nut Wild Horse Removal

A. INTRODUCTION

Purpose

The purpose of this action is to remove wild horses that have established home ranges outside of the Pine Nut Mountain Herd Management Area (HMA) which are causing overutilization of the vegetative resource. These horses are also utilizing private lands not administered by the BLM.

Relationship to Other Environmental Documents

This EA is tiered to the Reno 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 EIS focused in the management of wild horses in the Pine Nut Mountain HMA. These documents are available for public review at the Carson City District Office.

Relationship to Statutes, Regulations, or Other Plans

Both the Code of Federal Regulations (4710.4) and the Wild Horse and Burro Act of 1971, state that wild horses shall be maintained within HMA'S.

B. PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove excess wild horses from outside the Pine Nut Mountain HMA with the use of a helicopter and other motorized equipment. The wild horses would be herded by a helicopter into traps constructed of portable steel panels. The Bureau of Land Management will contract with a private party for the removal operation. The contractor would be supervised at all times by at least two Bureau employees. A minimum of 189 excess wild horses are proposed for removal. The adoptable animals would be placed into the Bureau's Adopt-a-Horse Program. The excess unadoptable /older animals would be released back into the HMA, and approximately the same number of adoptable horses would

be removed from within the HMA. This will maintain the population of the HMA at the same level as before the removal.

Alternatives

Alternative No. 1

Conduct the removal operation 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.

No Action Alternative

The no action alternative is to not implement the removal plan.

Alternative Considered But Not Analysed

Capture of wild horses from horseback was not analyzed due to the time, 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 Reno EIS.

D. Environmental Impacts

1. Proposed Action

a. Impacts on Vegetation

The removal of the wild horse population would allow plant species such as Indian Ricegrass (Oryzopsis hymenoides), Needlegrass (Stipa sp.), and Squirreltail (Sitanion sp.) to increase in quantity and improve their vigor. Riparian areas would improve in condition without the impact of wild horse grazing and trampling.

Small localized areas (less than 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.

b. Impacts on Wild Horses

Unavoidable impacts in the form of injuries to the horses may occur as a result of the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Potential injuries and fatalities can be limited through strict enforcement of

contract specifications for safety and humane treatment of animals. BLM representatives would be monitoring the contractor's activities at all times during removal to ensure compliance with specifications and humane treatment of animals.

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

c. Impacts on Wildlife

Removing wild horses would have only a positive impact on wildlife. The removal of wild horses would improve vegetative condition, thus increasing the amount of forage and cover available for wildlife. The absence of wild horses would also mean more water and space would be available for wildlife.

d. Other Impacts

The proposed action would not adversely impact air quality, areas of critical environmental concern, cultural resources, recreation, farmlands, floodplains, Native American religious concerns, threatened and endangered 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 and holding facilities, would be surveyed prior to construction to avoid disturbance of these areas.

2. 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. 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 or which is the case in this situation. When the above described scenario occurs, this would be the preferred form of removal.

3. 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.

The population would continue to expand adversely impacting the vegetation and wildlife. This would lead to the loss of wildlife through starvation or dispersal. The physical condition of the wild horses ultimately would deteriorate.

Habitat improvement would not be realized with this alternative. The frequency of key forage 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. 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. 2007
- American Mustang and Burro Association, P.O. Box 788, Lincoln, CA 95648
- Animal Protection Institute, P.O. Box 22505, Sacramento, CA 95822
- Ann Earle, 167 Perry St., New York, NY 10014
- Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation, 6455 N. Quail, Inyokern, CA 93527
- Bobbi Royle, 5900 Foxtail Drive, Reno, NV 89502
- Borda Brothers Co., 909 W. Musser St., Carson City, NV 89703
- Buckeye Ranch, P.O. Box 127, Minden, NV 89423
- Carson City District Grazing Advisory Board, 13333 Stillwater Road, Fallon, NV 89406
- Nevada State 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
- Donald Shehady, P.O. Box 154, Wellington, NV 89444
- Edie Wilson, 917A Village Drive East, North Brunswick, NJ 08902
- FIM, Inc., P.O. Box 12, Smith, NV 89430
- F.M. Fulstone, Inc., P.O. Box 34, Smith, NV 89703
- Fund for Animals, 200 West 57th St., New York, NY 10019
- ISPMB, 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, 1111 Water St., Elko, NV 89801
- Nevada Commission for the Preservation of Wild Horses, 255 West Moana, Suite 207A, Reno, NV 89509
- Nevada Humane Society, % Mr. Mark McGuire, P.O. box KIND, Sparks, NV 89431
- Nevada Division of Wildlife, Regional Manager, Region I, 380 West B St., Fallon, NV 89406

- 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
- Richard Huntsberger, , 160 Hudson-Aurora Rd., Smith, NV 89430
- Rutgers University, S.I. Newhouse Center for Law and Justice, 15 Washington St., Newark, NJ 07102
- 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, C A 96088
- W.B. Park, 860 Hwy. 395, Gardnerville, NV 89410
- Wild Horse Organized Assistance, P.O. Box 555, Reno, NV 89504

F. Signatures

Prepared by:



 Richard Jacobsen
 Wild Horse & Burro Specialist
 Walker Resource Area

23 DEC 94
 Date

Reviewed by:


 Jim Gianola
 Wild Horse & Burro Specialist
 District Resources Staff

1-27-94
 Date


 Rick Brigham
 Wildlife Biologist
 District Resources Staff

1-27-94
 Date

David Loomis
David Loomis
Environmental Planner
District Resources Staff

1-27-94
Date

Recommend Approval:

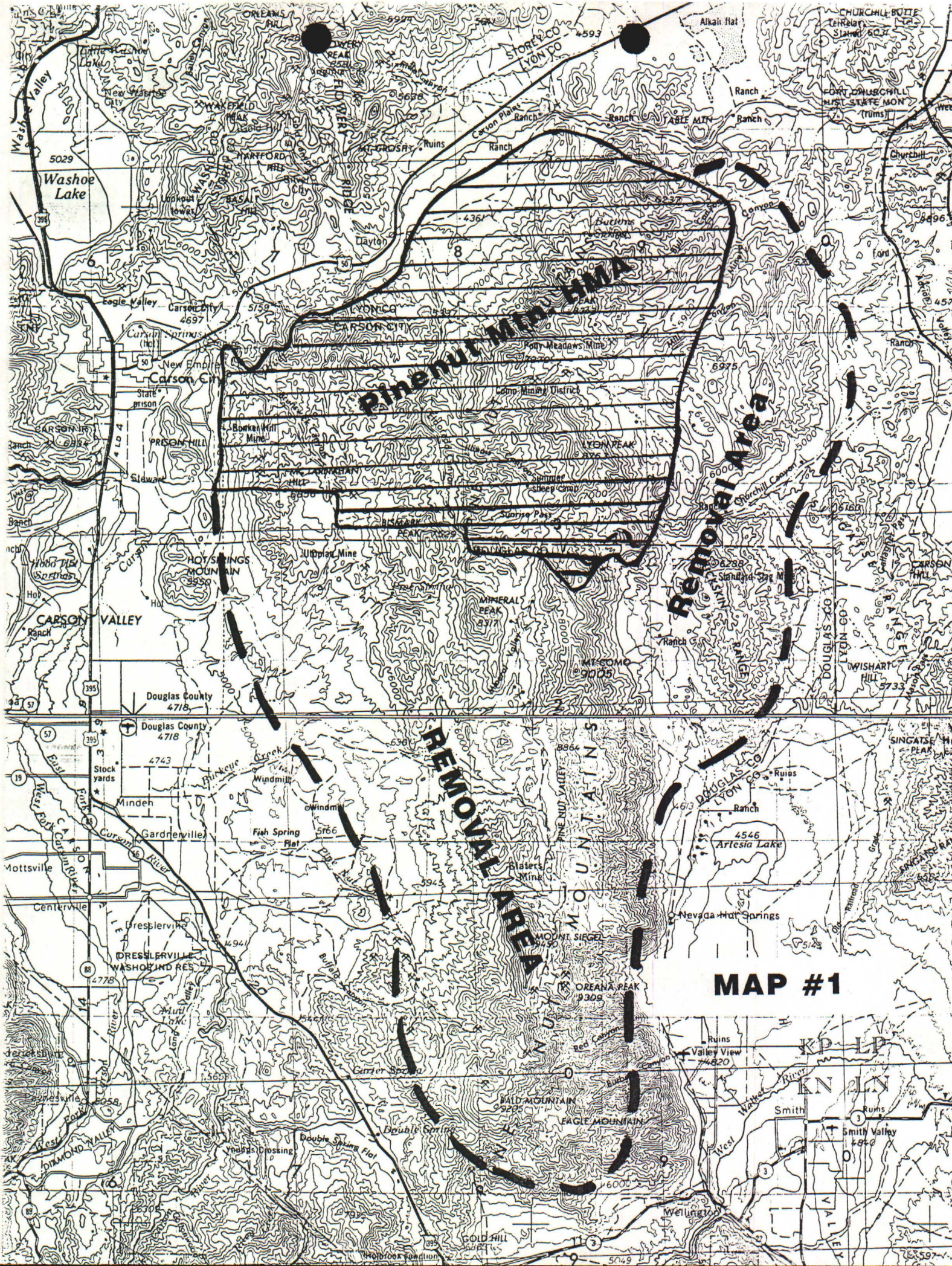
John Matthiessen
John Matthiessen
Area Manager
Walker Resource Area

DEC. 27 1994
Date

Approved:

John O. Signlaub
John O. Signlaub
District Manager
Carson City District

12/27/94
Date



MAP #1

PINE NUT MOUNTAINS HISTORY

1. Grazing History

Buckeye allotment (exclosure stop) is grazed by sheep.

Sunrise allotment (chain/seed stop) the last time it was grazed was summer of 1985 by cattle. This is due to lack of forage and wild horse use.

2. History

The burns along the Sunrise Pass road are around 30 years old or older.

On average the Pine Nuts tree-growing zone soil/range site survey shows about 30% timber sites, 70% range sites.

No real good record of tree progression, but 1960 Range Survey came out with 550 AUMs in Rawe Peak allotment (nearly all tree covered). Our new evaluation is that Rawe Peak now produces 100 AUMs. Sunrise went from 1100 AUMs surveyed to present 320 AUMs.

3. Wild Horses

Presently 20 horses in Lebo spring vicinity, use in tree zone is slight to none. 26 horses in Sunrise chaining area, heavy use in seeding, light to moderate in tree edge, zero farther in. By 1986, gather had removed horses so very few remained in the area. Horses returned by 1992 to present number.

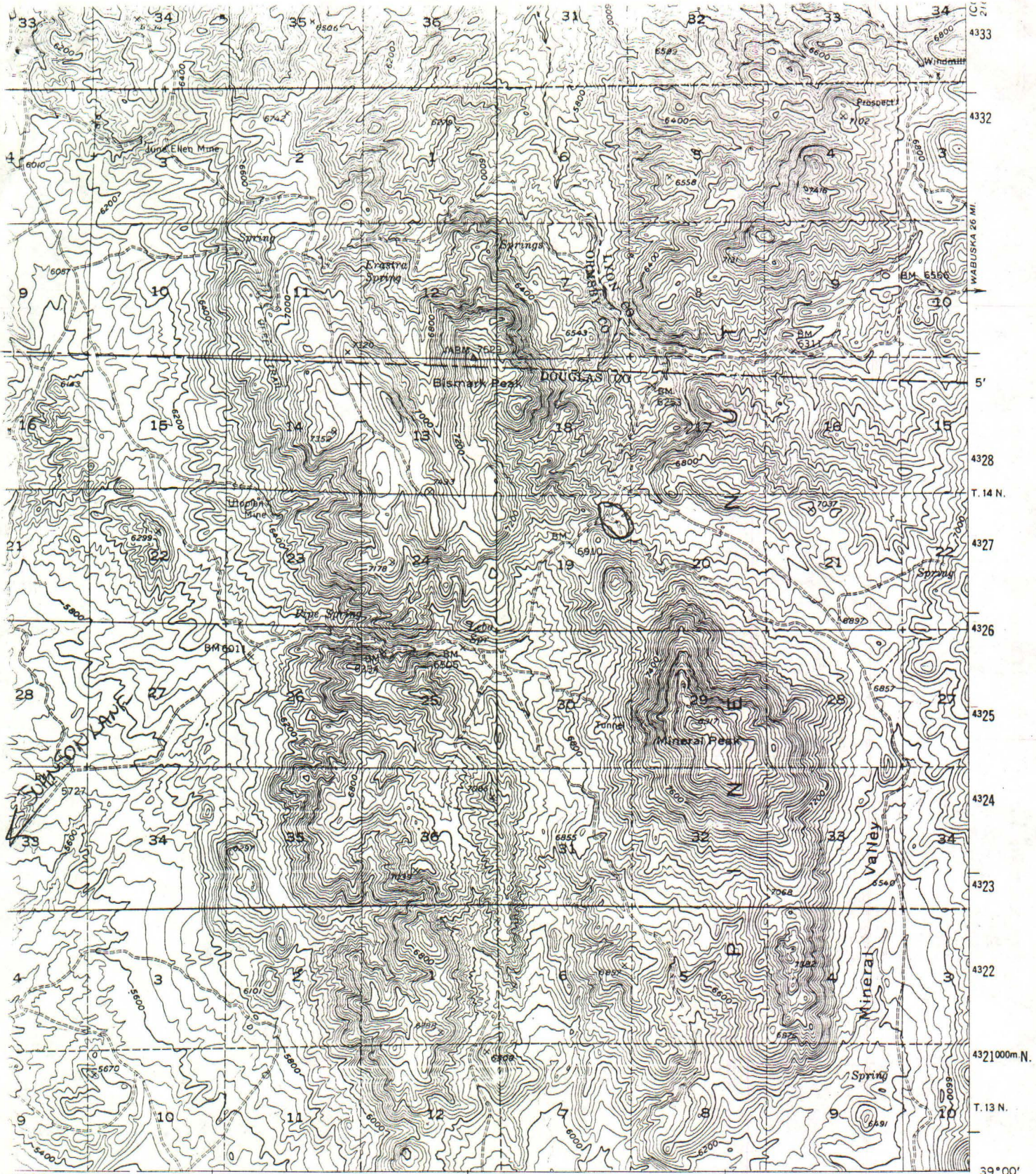
4. Exclosures

Exclosures were built in 1976 for the purpose of aiding phenology study. Grazing must have been heavy enough impact in the 70's that ungrazed plants were scarce.

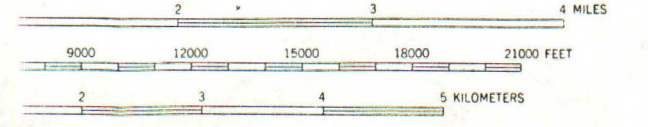
5. Deer

Area is summer range for deer. Deer are found at the higher elevations in the aspen and mountain shrubs zones.

In the 1960's the Pine Nut range was a hot spot for deer in Nevada. The only hot spot remaining is the bitterbrush/sagebrush area at the edge of alfalfa fields near Wellington.



SCALE 1:62500



VERTICAL INTERVAL 40 FEET
ELEVATION IS MEAN SEA LEVEL



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Heavy-duty _____ Light-duty _____
 Medium-duty _____ Unimproved dirt - - - - -

U.S. Route (square symbol) State Route (circle symbol)

DAYTON, NEV.
 N3900—W11930/15

IN ACCORDANCE WITH NATIONAL MAP ACCURACY STANDARDS
 DENVER, COLORADO 80225 OR WASHINGTON, D.C. 20540

WELLINGTON
 21617

Carson City Range Health Evaluation
8/23-24, 1995

<u>Name</u>	<u>Organization</u>	<u>Phone</u>
CHRISTY MASON	WASHOE TRIBE	702 265-4191
Diane Doonan	Washoe Tribe	265-4191
NED HABICH	BLM Service Center	303 236-0166
Bill J. Phillips	Susannahville	916-257-6700
Gary Brackley	NRCS - Reno SD	702-784-5318
Ed Blake	NRCS - Reno F.O.	702-784-5408
BRUCE DORTSCHE	BLM-Susannahville, CA	916-257-5381
Desi Zamudio	FS Sparks NV	702 355 5344
Allen Rasmussen	USU Logan UT	801-797-2469
David Patre	NBS, Corvallis OR	305-750-7334
Pete Strubbe	Swim Club	702 329-6118
Elsie Dupree	NV. WF	702-885-7965
Andrea Minor	BLM - Carson City	885-6000
ROBERT MEAD	BLM - CARSON CITY	885-6000
Randy Trujillo	BLM - Carson City	885-6000
Neil VANZANDT	BLM - Reno	785-6631
STEVE LEONARD	BLM - RENO	785-6630
M. BASHIR SULAKHIA	BLM - Carson City	885-6000
PETE ANDERSON	NOEP - E. Water Quality Program - CC, NV	687-4670. Ext 31
Jim B...
Tony T. ATON	Rancher - BLM/FS 20166	702 964-2227

Rich Benson	BLM - Carson City	702-885-6100
David / LAPPIN	WFOA	702-851-4817
Cathy Barcomb	NEVADA WILD HORSE COMMISSION	702-688-2626
DAVE WEIXELMAN	FOREST SERVICE (TOiyABE)	702-331-6444
John Attell	BLM CCDO	885-6000
Peter Raffetto	BLM - Carson City	885-6000
W. Rick Brigham	BLM - Carson City	885-6000
JIM LINEBAUGH	Carson City	702-246-7930
Chuck Sankberry	Carson City - Consultant	883-0345
MARK GISH	BLM BISHOP R.A.	(619) 872-4881

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

NEVADA
Range Site Description

A. PHYSICAL CHARACTERISTICS

1. PHYSIOGRAPHIC FEATURES

This site occurs on summits and sideslopes of hills and upper fan piedmonts. Slopes range from 2 to 50 percent, but slope gradients of 5 to 30 percent are most typical. Elevations are 5500 to 6500 feet.

2. CLIMATIC FACTORS

Average annual precipitation is 10 to 12 inches. Mean annual air temperature is 48 to 51 degrees F. The average growing season is about 90 to 110 days.

3. SOIL FACTORS

The soils in this site are moderately deep to deep and well drained. The available water holding capacity is moderate.

For a listing of soils correlated to this range site and representative pedon, see Appendix II.

4. VEGETATION FACTORS

a. Potential Native Vegetation

The plant community is dominated by Thurber needlegrass and big sagebrush. Antelope bitterbrush and basin wildrye are other important species associated with this site.

Potential vegetative composition is about 60% grasses, 10% forbs and 30% shrubs.

4. VEGETATION FACTORS (Continued)

b. Major plant species and percentages of the total community by air-dry weight:

PLANT SYMBOL	COMMON NAME	PERCENT BY WEIGHT (AIR-DRY)
Grasses		
STTH2	Thurber needlegrass	15-25
ELCI2	basin wildrye	2-8
POA++	bluegrass species	2-8
PPGG	other perennial grasses	5-10**
ORHY	Indian ricegrass	
SIHY	bottlebrush squirreltail	
STOC2	western needlegrass	
STCO4	needleandthread	

**Allow no more than 3% of each species of this group and no more than 10% in aggregate.

Forbs

PPFF	other perennial forbs.	5-15**
BASA3	arrowleaf balsamroot	
CRAC2	tapertip hawksbeard	
LUPIN	lupine	

**Allow no more than 3% of each species of this group and no more than 15% in aggregate.

Shrubs

ARTR2	big sagebrush	15-25
ARTRW	Wyoming big sagebrush	
ARVA2	mountain big sagebrush	
ARTRT	basin big sagebrush	
PUTR2	antelope bitterbrush	2-8
SSSS	other shrubs	5-15**
CHVI8	Douglas rabbitbrush	
PRAN2	Anderson peachbrush	
EPVI	green ephedra	
RIBES	currant	
TETRA3	horsebrush	
ERIOG	eriogonum	
LEPTO2	pricklygilia	

**Allow no more than 3% of each species of this group and no more than 15% in aggregate.

4. VEGETATION FACTORS (Continued)

- c. Approximate ground cover (basal and crown) is 25 to 35 percent.
- d. Total annual air-dry production:

	LBS/AC -----
Favorable years	1100
Normal years	800
Unfavorable years	600

- e. Plant community dynamics

Where management results in abusive use by livestock and feral horses, big sagebrush, currant and rabbitbrush will increase, while Thurber needlegrass, basin wildrye and antelope bitterbrush will decrease. Species most likely to invade this site are cheatgrass, mustards and other annual forbs. Singleleaf pinyon and Utah juniper will invade this site where it occurs adjacent to these woodlands. When pinyon and juniper occupy this site they compete with other species for available light, moisture and nutrients.

5. ASSOCIATED AND COMPETING SITES

- a. Principal sites that commonly occur in association with the potential plant community include:

(026XY016NV) Loamy 8-10" P.Z.
(026XY023NV) Claypan 10-14" P.Z.
(026XY030NV) Loamy Bottom 10-14" P.Z.

- b. Competing sites (and their differentiae) that are similar to this potential plant community:

(026XY015NV) Shallow Loam 10-12" P.Z.
[Less productive site]
(026XY016NV) Loamy 8-10" P.Z.
[STSP3 dominant grass; ARTRW dominant shrub; less productive site]
(026XY017NV) Loamy Hill 10-12" P.Z.
[JUOS important species on site]
(026XY026NV) Granitic Slope 10-12" P.Z.
[STTH2-STSP3 codominant grasses; soils of granitic origin]

APPENDIX I

Reference Data

1. Site Documentation (number and kind of site inventory records).

_____	SCS-ECS-5	_____	1	NV-ECS-1
_____	SCS-RANGE-417	_____		NV-4400-13 (BLM)
_____	Other	_____		

2. Distribution and extent.

Carson City, Douglas, Lyon, Mineral, Storey and Washoe Counties,
Nevada.

3. Location of typical example of this site.

Approved by:

MBaack
STATE RANGE CONSERVATIONIST
SCS NEVADA

Date approved: June 1992

APPENDIX II

1. Soil taxonomic unit representative of this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Springmeyer gravelly loam, 2 to 15% slopes	NV0530	773 772	fine-loamy, mixed, mesic, Aridic Argixerolls

2. Type location for soil taxonomic unit representative of this site:

3. Listing of soils correlated to this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Arzo very stony loam, 8 to 30% slopes	NV0569	628	fine, montmorillonitic, mesic, Aridic Calcic Argixerolls
Borda very cobbly clay loam, 4 to 15% slopes	NV0628	773	fine, montmorillonitic, mesic, Xerollic Paleargids
Cagle very stony clay loam, 15 to 30% slopes	NV0037	628	fine, montmorillonitic, mesic, Aridic Argixerolls
Cassiro extremely stony loam, 15 to 30% slopes	NV0692	773	clayey-skeletal, montmorillonitic, mesic, Aridic Argixerolls
Cassiro gravelly sandy loam, 2 to 4% slopes	NV0090	628	clayey-skeletal, montmorillonitic, mesic, Aridic Argixerolls

APPENDIX II (continued)

3. Listing of soils correlated to this site:

Soil Taxon	SCS-SOILS-5 Number	SSA	Taxonomic Classification
-----	-----	---	-----
Galeppi sandy loam, 4 to 8% slopes	CA0221	628	fine-loamy, mixed, mesic Durargidic Argixerolls
Holbrook gravelly fine sandy loam, 4 to 15% slopes	NV0047	773 779	loamy-skeletal, mixed, mesic, Aridic Haploxerolls
Holbrook variant very stony fine sandy loam, 30 to 50% slopes	NV5001	625	loamy-skeletal, mixed, mesic, Xerollic Camborthids
Holbrook very stony sandy loam, 4 to 15% slopes	NV0048	625	loamy-skeletal, mixed, mesic, Aridic Haploxerolls
Indian Creek variant very stony loam, 30 to 50% slopes	NV5123	773	loamy-skeletal, mixed, mesic, shallow, Xerollic Durargids
Indiano gravelly loam, 15 to 50% slopes	NV0053	628 772	fine-loamy, mixed, mesic, Aridic Argixerolls
Ister very stony sandy loam, 30 to 50% slopes	NV0711	772	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Lemm very gravelly coarse sandy loam, 4 to 30% slopes	NV0315	628	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Leviathan extremely stony sandy loam, 2 to 8% slopes	NV0381	628	loamy-skeletal, mixed, mesic, Aridic Argixerolls

APPENDIX II (continued)

3. Listing of soils correlated to this site:

Soil Taxon	SCS-SOILS-5 Number	SSA	Taxonomic Classification
Leviathan stony sandy loam, 15 to 30% slopes	NV0391	628	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Nevador variant fine sandy loam, 0 to 4% slopes	NV5100	773	fine-loamy, mixed, mesic, Aridic Durixerolls
Oest very bouldery loam, 2 to 8% slopes	NV0386	628	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Oest very gravelly loam, 8 to 15% slopes	NV0387	628	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Oppio very stony fine sandy loam, 30 to 50% slopes	NV0052	625	fine, montmorillonitic, mesic, Xerollic Haplargids
Orr stony sandy loam, 4 to 8% slopes	NV0303	628	fine-loamy, mixed, mesic, Aridic Argixerolls
Pedee variant sand, 2 to 15% slopes	NV7023	774	clayey-skeletal, mixed, frigid, Mollic Palexeralfs
Prey gravelly loamy sand, 0 to 4% slopes	NV0054	773	coarse-loamy, mixed, mesic, Haploxerollic Durargids
Prey stony sandy loam, 4 to 15% slopes	NV0473	773	coarse-loamy, mixed, mesic, Haploxerollic Durargids

Technical Guide
Section IIE

iv

USDA-SCS
Rev. 6/92

Springmeyer stony loam, 2 to 4% slopes	NV0393	628 772	fine-loamy, mixed, mesic, Aridic Argixerolls
Sutro very stony loam, 30 to 50% slopes	NV0043	773	fine-loamy, mixed, mesic, Aridic Haploxerolls

Technical Guide
Section IIE

v

USDA-SCS
Rev. 6/92

APPENDIX II (continued)

3. Listing of soils correlated to this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Prey variant stony loam, 2 to 15% slopes	NV5081	773	loamy, mixed, mesic, shallow, Aridic Durixerolls
Pula very cobbly loam, 30 to 50% slopes	NV0699	773	clayey-skeletal, montmorillonitic, mesic, Xerollic Haplargids
Pung stony loam, 15 to 30% slopes	NV0721	773	fine, montmorillonitic, mesic, Durargidic Argixerolls
Saralegui coarse sand, 2 to 8% slopes	CA0797	773	coarse-loamy, mixed, mesic, Xerollic Haplargids
Shree very gravelly fine sandy loam, 2 to 8% slopes	NV0726	773	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Springmeyer loam, 0 to 15% slopes	NV0392	772 628	fine-loamy, mixed, mesic, Aridic Argixerolls
Springmeyer silt loam, 0 to 2% slopes	NV0706	773	fine-loamy, mixed, mesic, Aridic Argixerolls
Springmeyer stony loam, 2 to 4% slopes	NV0393	628 772	fine-loamy, mixed, mesic, Aridic Argixerolls
Sutro very stony loam, 30 to 50% slopes	NV0043	773	fine-loamy, mixed, mesic, Aridic Haploxerolls

APPENDIX II (continued)

3. Listing of soils correlated to this site:

Soil Taxon	SCS-SOILS-5 Number	SSA	Taxonomic Classification
-----	-----	---	-----
Tristan very stony loam, 15 to 50% slopes	NV0606	628 772	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Whichman cobble loamy sand, 30 to 50% slopes	NV0872	625	loamy-skeletal, mixed, mesic, Aridic Haploxerolls

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

NEVADA
Range Site Description

A. PHYSICAL CHARACTERISTICS

1. PHYSIOGRAPHIC FEATURES

This site occurs on mountain sideslopes and mountain valley fans. Slopes range from 2 to 50 percent, but slope gradients of 4 to 30 percent are most typical. Elevations are 6,000 to 9,500 feet.

2. CLIMATIC FACTORS

Average annual precipitation is 12 to 14 inches. Mean annual air temperature is 47 to 49 degrees F. The average growing season is about 80 to 100 days.

3. SOIL FACTORS

The soils of this site are moderately deep and well drained. Available water holding capacity is moderate. The inherent fertility is high and the soils are slightly acid to neutral in reaction. The soils are moist from fall until early summer when plant growth depletes soil moisture.

For a listing of soils correlated to this range site and representative pedon, see Appendix II.

4. VEGETATION FACTORS

a. Potential Native Vegetation

The plant community is dominated by western and/or Letterman needlegrasses, mountain brome, basin wildrye, antelope bitterbrush and mountain big sagebrush.

Potential vegetative composition is about 55% grasses, 10% forbs and 35% shrubs.

4. VEGETATION FACTORS (Continued)

b. Major plant species and percentages of the total community by air-dry weight:

PLANT SYMBOL	COMMON NAME	PERCENT BY WEIGHT (AIR-DRY)
Grasses and Grass-like Plants		
STIPA	needlegrass	15-30
STOC2	western needlegrass	
STLE4	Letterman needlegrass	
BRCAS	mountain brome	10-20
ELCI2	basin wildrye	5-15
POA++	bluegrass	2-5
PPGG	other perennial grasses	5-15**
MESP	purple oniongrass	
STCO4	needleandthread	
CAREX	sedge	
SITAN	squirreiltail	
LEKI2	spike-fescue	
STTH2	Thurber needlegrass	

**Allow no more than 5% of each species of this group and no more than 15% in aggregate.

Forbs

PPFF	other perennial forbs	5-15**
CRAC2	tapertip hawksbeard	
LUPIN	lupine	
PHLOX	phlox	
BASA3	arrowleaf balsamroot	
DELPH	larkspur	
CANU3	sego lily	
ALLIU	onion	
ZIGAD	deathcamas	
PENST	penstemon	
LEPTO2	pricklygilia	

**Allow no more than 3% of each species of this group and no more than 15% in aggregate.

4. VEGETATION FACTORS (Continued)

b. Major plant species and percentages of the total community by air-dry weight:

<u>PLANT SYMBOL</u>	<u>COMMON NAME</u>	<u>PERCENT BY WEIGHT (AIR-DRY)</u>
Shrubs		
ARVA2	mountain big sagebrush	15-25
PUTR2	antelope bitterbrush	5-15
SSSS	other shrubs	5-10**
SYMPH	snowberry	
EPVI	green ephedra	
RIBES	currant	
CHRYS9	rabbitbrush	
ERIOG	eriogonum	
AMELA	serviceberry	

**Allow no more than 3% of each species of this group and no more than 10% in aggregate.

c. Approximate ground cover (basal and crown) is 25 to 40 percent.

d. Total annual air-dry production:

	<u>LBS/AC</u>
Favorable years	1300
Normal years	1100
Unfavorable years	800

e. Plant community dynamics

Where management results in abusive livestock use, mountain big sagebrush, rubber rabbitbrush and Douglas rabbitbrush will become more dominant, while antelope bitterbrush and needlegrasses will decrease. Cheatgrass, annual forbs, singleleaf pinyon and Utah juniper are the species most likely to invade this site.

5. ASSOCIATED AND COMPETING SITES

a. Principal sites that commonly occur in association with the potential plant community include:

- (026XY007NV) Steep North Slope 14+" P.Z.
- (026XY010NV) Granitic Loam 14-16" P.Z.
- (026XY030NV) Loamy 10-12" P.Z.
- (026XY039NV) Claypan 14+" P.Z.
- (026XY053NV) Loamy 16+" P.Z.

b. Competing sites (and their differentiae) that are similar to this potential plant community:

- (026XY006NV) Granitic Loam 14-16" P.Z.
[BRCA5 minor species; soils from granitic parent materials]
- (026XY008NV) Granitic Fan 10-12" P.Z.
[STOC4-ORHY codominant grasses; soils from granitic parent materials]
- (026XY010NV) Loamy 10-12" P.Z.
[STTH2 dominant grass]
- (026XY018NV) Granitic South Slope 10-12" P.Z.
[STSP3 dominant grass; ARTRW dominant shrub; soils from granitic parent material]
- (026XY026NV) Granitic Slope 10-12" P.Z.
[STTH2-STSP3 codominant grasses; soils from granitic parent materials]
- (026XY038NV) Loamy Slope 14+" P.Z.
[STOC2 dominant grass; PUTR2 minor plant]
- (026XY040NV) Gravelly Loam 14-18" P.Z.
[PUTR2 typically most prevalent shrub; STNE3 dominant grass]
- (026XY046NV) Granitic Slope 12-14" P.Z.
[Less productive site; soils derived from granitic rock]
- (026XY048NV) South Slope 12-16" P.Z.
[STOC2 and/or STTH2 dominant grasses; less productive site; steep south slopes]
- (026XY053NV) Loamy 16+" P.Z.
[More productive site]

APPENDIX I

Reference Data

1. Site Documentation (number and kind of site inventory records).

_____	SCS-ECS-5	_____	NV-ECS-1
_____	SCS-RANGE-417	_____	NV-4400-13 (BLM)
_____	Other _____		

2. Distribution and extent.

Carson City, Churchill, Douglas, Lyon, Mineral and Pershing
Counties, Nevada.

3. Location of typical example of this site.

NE1/4 Section 22, T5N. R28E. MDBM.
Approximately 1 mile east of Aurora Peak, Mineral County,
Nevada.

Approved by:

Mike Sadleir
STATE RANGE CONSERVATIONIST
SCS NEVADA

Date approved: June 1992

APPENDIX II

1. Soil taxonomic unit representative of this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Softscrabble very stony loam, 15 to 50% slopes	NV0608	628	loamy-skeletal, mixed, frigid Pachic Argixerolls

2. Type location for soil taxonomic unit representative of this site:

3. Listing of soils correlated to this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Booford very stony loam, 30 to 50% slopes	NV0767	628	fine, montmorillonitic, frigid Typic Argixerolls
Burnborough very gravelly loam, 30 to 50% slopes	NV0605	772 773	loamy-skeletal, mixed, frigid Aridic Argixerolls
Clan Alpine family very cobbly very fine sandy loam, 15 to 50% slopes	NV7010	774	loamy-skeletal, mixed, frigid Typic Argixerolls
Devils variant gravelly loam, 4 to 15% slopes	NV5116	625	fine-loamy, mixed, frigid Aridic Argixerolls
Drit coarse sandy loam, 30 to 50% slopes	NV0703	625	loamy-skeletal, mixed, mesic Pachic Haploxerolls
Drit extremely stony sandy loam, 50 to 75% slopes	NV0704	773	loamy-skeletal, mixed, mesic Pachic Haploxerolls

APPENDIX II (continued)

3. Listing of soils correlated to this site:

Soil Taxon -----	SCS-SOILS-5 Number -----	SSA ---	Taxonomic Classification -----
Epvip gravelly sandy loam, 15 to 50% slopes	NV1926	774	loamy-skeletal, mixed, frigid, shallow Aridic Argixerolls
Glean very gravelly sandy loam, 30 to 50% slopes	CA1488	625	loamy-skeletal, mixed, frigid Pachic Haploxerolls
Hartig very gravelly sandy loam, 30 to 50% slopes	NV2497	625	loamy-skeletal, mixed, frigid Aridic Haploxerolls
Ister very stony sandy loam, 30 to 75% slopes	NV0711	772 625	loamy-skeletal, mixed, mesic, Aridic Argixerolls
Nire stony fine sandy loam, 4 to 15% slopes	NV2020	774	loamy-skeletal over clayey, mixed, Argic Pachic Cryoborolls
Nosrac extremely stony loam, 30 to 50% slopes	NV0471	772	loamy-skeletal, mixed, mesic Aridic Argixerolls
Nosrac stony fine sandy loam, 30 to 50% slopes	NV0042	772 773	loamy-skeletal, mixed, mesic Aridic Argixerolls
Uhaldi stony loam, 30 to 50% slopes	NV0722	773	fine-loamy, mixed, mesic Aridic Argixerolls
Welch loam, 4 to 15% slopes	NV2061	799	fine-loamy, mixed, frigid Cumulic Haplaquolls

APPENDIX III

SINGLELEAF PINYON AND UTAH JUNIPER IN THE NORTHERN PINE NUT MOUNTAINS OF NEVADA

In preparation for evaluations on several grazing allotments located in the northern Pine Nut Mountain Range of Nevada, it was necessary to review the current research relating to singleleaf pinyon pine (*Pinus monophylla*) and Utah juniper (*Juniperus osteosperma*). This report is the culmination of that research.

I. Prehistorical and Historical Overview

A. Prehistory

Single-leaf pinyon pine migrated into the Great Basin between 5,000 to 7,000 years ago, when temperatures reach their maximum during the Holocene [Tausch, Wigand, and Burkhardt (1993)]. Very little documentation could be located when pinyon actually reached the Pine Nut Mountains. Research of a pack rat midden site in western Nevada showed that Utah juniper was present in every sampled stratum of the 30,000 year of the record for this site.

Prior to the first settlers immigrating from the east, the native human population (Washoe Tribe) relied on pinyon nuts harvested in the Pine Nut Range as a major food source. Tribe members would camp in the mountains during the harvest season, removing cones from trees by flailing with long poles. More persistent cones were removed with a primitive 'hook' at the end of the flailing poles. Care was taken to avoid damaging trees during the harvest. Undergrowth was removed around the trees to aid in harvesting and to prevent the spreading of forest fires (Goodwin and Murchie, 1980). John C. Fremont contacted Washoe Tribe in 1844 near Topaz Lake in Antelope Valley, who harvested nuts from the southern Pine Nut Range. The entry in Fremont's Journal from January 25, 1844 contains the following:

"These (the pinyon nuts) seemed to be a staple of the country, and whenever we met an Indian, his friendly salutation consisted of offering a few nuts to eat and trade..."

Young (1983) asserted that ecosystems currently dominated by pinyon and juniper evolved under episodes of periodic burning. These fires occurred at frequencies between ten and thirty years apart, which probably restricted the trees to shallow, rocky soils in rough terrain. This idea is reflected in the climax plant community concept as it is used by the Soil Conservation Service to determine the differences in range sites and woodland suitability groups (Brackley, 1987). Wright et al (1979) maintained that droughts and competition with grass probably help slow the invasion of trees into grasslands, however the trees would easily be established during wet years. The 10 to 30 years fires as described above would restrict the trees to steep, rocky soils in rough terrain.

Although documentation exists to the importance of pine nut harvesting to the native population in the southern Pine Nut Range, very little information could be found of the importance of pinyon pine in the northern portion. Cultural Resource records at the Carson City District have very few prehistoric sites associated with the northern Pine Nuts.

B. Discovery of the Comstock Lode

With the discovery of the Comstock Lode, pinyon and juniper in the vicinity of Virginia City was harvested extensively for fuel, being almost depleted by the 1860s (Van Hooser and Casey, 1987). Once this occurred, wood was harvested from the Sierra Nevadas and probably, to a large degree, throughout the northern Pine Nut Range. The Pine Nuts also supported the needs of communities such as Carson City (1851 to present), Dayton (1853 to present), and Como (1879 to 1881)¹.

A map of the "Washoe" region from 1862 (Paher, 1970, page 42) described the lower and mid fans south of Dayton as "Sage Lands". The northern Pine Nut Mountains were described as "Sparsely Timbered with Scrubby Pine & Cedar". Cadastral Survey plats from between 1861 and 1881 generally described the habitat in the vicinity of Sunrise Pass as "Mountains with Pine and Cedar Timber". Based on the surveyors notes and "Timber Line" drawn on the plats, stands of "Heavy Nut Pine Timber" was frequently interrupted by openings. Due to their location next to roads, some of these openings were presumably from timber harvesting.

Photographs from 1902 in the vicinity of Como (Paher, 1970, page 72) showed very few old pinyon and juniper trees, although young trees were visible. This could be the results of the harvesting during the mining boom.

C. Post Mining Boom

A twenty year depression between 1880 to 1900 resulted in a decline in population and mining activities (Pendleton et al, 1982), which in turn probably resulted in a decline in wood harvesting in the northern Pine Nut Range. The heavy livestock grazing in the late 1800s and early twentieth century reduced grass competition and fuel for fires, resulting in an increase in pinyon and juniper. These effects were described by Wright, Neuenschwander and Britton (1979), who maintained that the role of fire cannot be separated from the effects of competition and drought, especially with Utah juniper. Droughts and competition with grass probably slowed the invasion of juniper into grasslands, the trees being easily established during wet years. Fires occurring from 10 to 30 years served to restrict the pinyon and juniper trees to shallow, rocky soils and rough topography.

II. Impacts of Pinyon - Juniper Overstory to Understory Plant Species

Effects on understory decline due to increasing single-leaved pinyon pine and Utah juniper cover was documented by Everett and Sharrow (1983). These effects include the following:

- A. The ability of pinyon to utilize soil moisture before many of the understory species breaks dormancy and the ability of the taproot to draw moisture at greater levels than most understory species gives an extreme competitive advantage.
- B. Duff accumulation inhibits the establishment of understory species.
- C. Shading and/or toxic influences reduces understory species.

¹ Dates of communities from Pendleton et al, 1982.

D. As pinyon - juniper cover increase, understory cover decreases as a whole.

Everett and Sharrow (1985) found in studies from west central Nevada that grass cover, yield and nutrient content increased substantially following single-leafed pinyon and Utah juniper harvesting on north and west facing aspects, but minimal response was observed on south aspects. Based on this, tree harvesting for the purpose of improving livestock forage should not be done on south aspects. They also concluded that nitrogen levels in grasses were adequate for livestock during the summer on tree-harvested sites, but nitrogen and phosphorus levels in grasses were inadequate for deer on both harvested and non-harvested sites. Of course, overstory removal would also result in an increase in forbs and shrubs. Transition zones near the edge of wooded areas produced the best quality and quantity of grass. Although this research was directed toward livestock production, the results should be directly applicable to habitat managed for wild horses and many species of wildlife.

Tausch, Nabi, and West (1977) monitored singleleaf pinyon and Utah juniper sites throughout the Great Basin. They noted that there appears to be four stages in the takeover of an understory. The first step is seedling establishment until trees are about the size of the largest shrubs. Trees may not be noticeable in this stage. The second stage is when the trees reach one to two meters (approx. 3 to 6 feet). At the end of this stage, about 1/3 or less of the understory productivity has been lost. The plant community is completely dominated by trees by the end of the third stage, and 2/3s to over 3/4s of the understory productivity has been lost. According to Tausch, Nabi and West, stage one was completed between 1860's and 1890's and stage two was completed on more productive sites between 1940's and 1950's. This seems to concur with information under Section I of this report. They also state:

Much of the remainder of the Great Basin woodlands where invasion is taking place are moving into stage three and are now undergoing a rapid decline in understory productivity. By the year 2000, all but the more marginal sites of pinyon-juniper-woodlands in the Great Basin will have lost most of their productive capability, if present trends continue. Tausch, Nabi and West (1977), page 29.

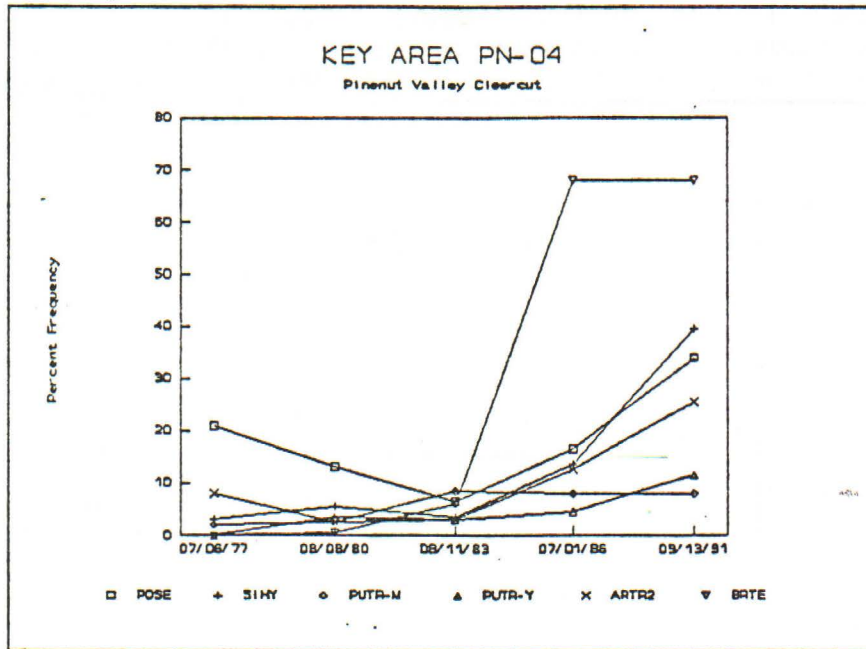
The effects of overstory removal in the Pine Nut Mountains was monitored on a 10 acre experimental pinyon - juniper clearcut done in 1977. Quadrat frequency study data was collected in accordance to procedures adapted from Tueller, etal (1972)². The results are shown in Table 1 and Figure 1. Note that the 1977 recording was done immediately prior to the cut.

Table 1--Major Plant Species at Key Area PN04 (Pinenut Valley Clearcut).

Plant Code	Common Name	Scientific Name
ARTR2	big sagebrush	<i>Artemisia tridentata</i>
BRTE	cheatgrass brome	<i>Bromus tectorum</i>
POSE	Sandberg bluegrass	<i>Poa secunda</i>
PUTR-M	antelope bitterbrush - mature	<i>Purshia tridentata</i>
PUTR-Y	antelope bitterbrush - young	<i>Purshia tridentata</i>
SIHY	bottlebrush squirreltail	<i>Sitanion hystrix</i>

² Procedures eventually included in BLM Technical Reference 4400-4 (Trend Studies) 1985, pages 29 - 35.

Figure 1.--Frequency study results for Key Area PN04 (Pinenut Valley Clearcut).



Note that the frequency initially declined or remained static on all species except mature bitterbrush. Based on Carson City and Yerington precipitation data, this coincides with a short drought between 1977 and 1979. After 1983 (a peak precipitation year), Sandberg bluegrass, bottlebrush squirrel, big sagebrush and cheatgrass showed dramatic increases. Although mature bitterbrush frequency leveled out, young bitterbrush plants increase.

The beneficial effects of reduced overstory competition could be easily be negated by improper management of wild horses and livestock. This is quite evident in quadrat frequency and key area utilization data from a chaining and seeding the Sunrise Allotment. Monitoring results showed that significant reductions in crested wheatgrass (*Agropyron cristata*, *A. desetorum*, or crosses) coincided with heavy and severe use levels due primarily to wild horses³.

III. Impacts of Fire on Pinyon - Juniper Community

Based of the state-of-the-art review by Wright, et al (1979), pinyon and juniper less than 4 feet in height were killed during spring fires when temperatures were 70 to 74° F. (21 to 23° C.), relative humidity of 20 to 40 percent and wind speeds were 10 to 20 miles/hour. June fires when temperatures were 97° F. resulted in 100 percent kill on trees less than 4 feet, but was no more effective in killing taller trees than the spring burn. Fine fuels in the understory (approximately 600 to 800 lbs/acre) are necessary to carry the fires, which means that the reduced understory from dense stands of pinyon and juniper (495 to 988 trees / acre) may result in reduced tree kill. In this situation, winds greater than 35 mi/h would be required. The "White Pine County Formula" was developed to determine whether pinyon - juniper stands will burn or not:

$$\text{Index} = \text{Maximum wind (mi/hr)} + \text{Shrub and tree cover (\%)} + \text{Air temperature (° F.)}$$

³ This is discussed in the Sunrise Allotment Evaluation completed by the Walker Resource Area on January 11, 1994.

An index higher than 110 will result in the fire being carried and large pinyon and juniper trees being killed. If the index is above 130, the conditions are too dangerous to burn. Pure stands of juniper are more difficult to kill than mixed stands of pinyon and juniper.

However, if fire prescriptions are developed for the northern Pine Nut Mountains, it is important to consider the impacts to other plant species. Tables 2 and 3 are summaries of fire effects on major plant species found in the Pine Nut Mountains. This data is based on information from Wright, et al (1979).

Publications Cited

- Brackely, Gary K. SCS inventory and classification procedures. In Proceedings: pinyon-juniper conference. USDA Forest Service General Technical Report INT-215. pp. 231 -235.
- Everett, Richard L. and Steven H. Sharrow. Response of understory species to tree harvesting and fire in pinyon-juniper woodlands. In Proceedings of Symposia: Managing Intermountain Rangelands - Improvement of Range and Wildlife Habitats. USDA Forest Service General Technical Report INT-157. 1983. pp. 62-66.
- Everett, Richard L. and Steven Sharrow. Response of grass species to tree harvesting in singleleaf pinyon - Utah juniper stands. USDA Forest Service Research Paper, INT-334.
- Goodwin, Victor and Archie Murchie. History of past use and management precepts and guidelines, pinyon-juniper forest type, Carson-Walker RC&D [Resource Conservation and Development] area, western Nevada. 1980. Report produced by the Nevada Division of Forestry.
- Lackenby, Donavin A., Dennis P. Sheehy, Carl H. Nellis, Richard J. Scherzinger, Ira D. Luman, Wayne Elmore, James C. Lemos, Larry Doughty, and Charles E. Trainer. Wildlife habitats in managed rangelands - the Great Basin of Southeastern Oregon. 1986. USDA Forest Service and USDI-BLM General Technical Report PNW-139.
- Paher, Stanley W. Nevada ghost towns and mining camps. 1970. Howell - North Books.
- Pendleton, Lorann S.A., Alvin R. McLane, and David Hurst Thomas. Cultural resource overview of Carson City District west central Nevada. BLM Nevada State Office Cultural Resource Series Monograph No. 5. 1982. 2 Volumes.
- Tausch, Robin J., Ageli Nabi, and Neil E. West. Successional changes in Great Basin pinyon-juniper woodlands. 1977. Report to Intermtn. For. and Range Exper. Sta., U.S. Forest Service. UAES Project #750
- Tausch, Robin J., Peter E. Wigand, and J. Wayne Burkhardt. Viewpoint: Plant community thresholds, multiple steady states, and multiple successional pathways: legacy of the Quaternary? 1993. Journal of Range Management, Vol. 46, No. 5.
- Tueller, Paul T., Garwin Lorain, Karl Kipping, and Charles Wilkie. Methods for measuring vegetation changes on Nevada rangelands. 1972. Agr. Exp. Sta., Univ. of Nevada, Reno.
- Van Hooser, Dwane D. and Osborne E. Casey. P-J--a commercial resource? In Proceedings: pinyon-juniper conference. USDA Forest Service General Technical Report INT-215. pp. 202-206.
- Wright, Henry A, Leon F. Neueschwander, and Carlton M. Britton. The role and use of fire in sagebrush-grass and pinyon juniper plant communities. A state-of-the-art review. 1979. USDA for. Serv. Gen. Tech Rep. INT-58.
- Young, Richard P. Fire as a vegetation management tool in rangelands of the intermountain region. In Proceedings of Symposia: Managing Intermountain Rangelands - Improvement of Range and Wildlife Habitats. USDA Forest Service General Technical Report INT-157. 1983. pp. 18-19.

Table 2.--Summary of fire effects on major plant species found in the Northern Pine Nut Mountains of Nevada. Information contained in this table is from Wright, et al (1979).

Species	Sprouting Ability	Response to fire	Recovery Time (Years)	Remarks
SHRUBS				
Antelope bitterbrush (<u>Purshia tridentata</u>)	Weak Sprouter	Severely Damaged by summer and fall burns	30 - 40	Effect determined by growth form; decumbent form sprouts vigorously, columnar form is a weak sprouter. If plants sprout, they will recover in 9 to 10 years. Spring burns enhance sprouting but fall burns are best for reproduction from seed. Burn when soil is wet.
Big sagebrush (<u>Artemisia tridentata</u>)	Non-sprouter	Severely harmed	30	Good seed crop before burning hastens recovery. Effective control requires burning before seed-set.
Low sagebrush (<u>Artemisia arbuscula</u>)	Non-sprouter	Rarely burned.		May be used as a fuel break.
Rubber rabbitbrush (<u>Chrysothamnus nauseosus</u>) & Douglas rabbitbrush (<u>C. viscidiflorus</u>)	Vigorous sprouter	Enhanced	20 - 25	May be killed if burned after heavy grazing or burned in early summer.
Horsebrush (<u>Tetradymia</u> sp)	Vigorous sprouter	Enhanced	30 - 35	Toxic, increases fivefold within 12 years.
Snowberry (<u>Symphoricarpos</u> sp)	Sprouter	Unharmed	10 - 15	Enhanced by cool fires but harmed by hot fires.
Curleaf mountain mahogany (<u>Cercocarpus ledifolius</u>)	Sprouter	Moderately harmed	Not available	More information is needed.
Serviceberry (<u>Amelanchier</u> sp)	Sprouter	Slightly harmed	30 - 50	Highly adaptable to fire; soil being moist at the time of the burn is important. Usually poor reproduction from seed.
Ocean-spray (<u>Holodiscus</u> sp)	Sprouter	Enhanced	20 - 30	
Rose (<u>Rosa</u> sp)	Sprouter	Enhanced	15 - 30	
GRASSES				
Nevada bluegrass (<u>Poa nevadensis</u>)	N/A	Slight damage	1 - 3	The bluegrasses are generally small plants and fire damage is minimal with late summer and fall burns.
Sandberg bluegrass (<u>Poa secunda</u>)		Undamaged	1 - 3	

Species	Response to Fire	Recovery Time (Years)	Remarks
GRASSES (Cont.)			
Cheatgrass (<u>Bromus tectorum</u>)	Undamaged	1	Any reduction to cheatgrass stands is usually short lived.
Indian ricegrass (<u>Oryzopsis hymenoides</u>)	Slight damage	2 - 4	Good resistance to burning but slow to increase in density.
Needle-and-thread (<u>Stipa comata</u>)	Severe damage	4 - 8	Needle grass are generally the least fire-resistant bunchgrasses. Large plants are damaged more than small plants. A 50 percent reduction in basal area should be anticipated among the various size plants in a given area.
Thurber needlegrass (<u>Stipa thurberana</u>)	Severe damage	4 - 8	
Bottlebrush squirreltail (<u>Sitanion hystrix</u>)	Slight damage	1 - 3	One of the most fire resistant bunchgrasses, although burning in a dry year can reduce basal area. Bottlebrush squirreltail can increase several years after burning.
Crested wheatgrass (<u>Agropyron cristata</u> , <u>A. desertorum</u> & crosses)	Undamaged	1 - 2	Wheatgrasses are difficult to burn in seeded monocultures.
Riparian wheatgrass (<u>Agropyron dasystachyum riparium</u>)	Undamaged	1 - 2	
Western wheatgrass (<u>Agropyron smithii</u>)	Undamaged	1 - 2	

Table 3.-- Response of forbs in Northern Pine Nut Mountain to fall burning. From Wright, et al (1979)

Severely Damaged	Slightly Damaged	Undamaged
None listed in Wright et al are found in Pine Nut Mountains	Milkvetches (<u>Astragalus</u> sp) Pinnate tansymustard (<u>Descurania pinnata</u>) Globemallows (<u>Sphaeralcea</u> sp) Tapertip hawksbeard (<u>Crepis acuminata</u>) Tumblemustard (<u>Sisymbrium altissimum</u>)	Arrowleaf balsamroot (<u>Balsamorhiza sagittata</u>) Common sunflower (<u>Helianthus annuus</u>) Coyote tobacco (<u>Nicotiana attenuata</u>) Foothill deathcamas (<u>Zigadenus paniculatus</u>) Longleaf phlox (<u>Phlox longifolia</u>) Russian thistle (<u>Salsola kali</u>) Common yarrow (<u>Achillea millifolium</u>) Wild onion (<u>Allium</u> sp)