

12/30/94



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.

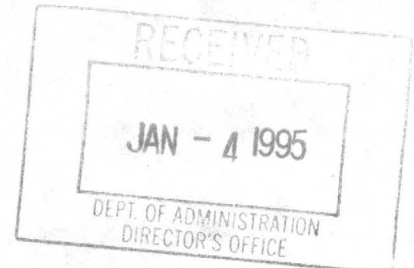
Sincerely yours,

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. *age? exchange? Amc?*

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

doesn't address re-structuring

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:

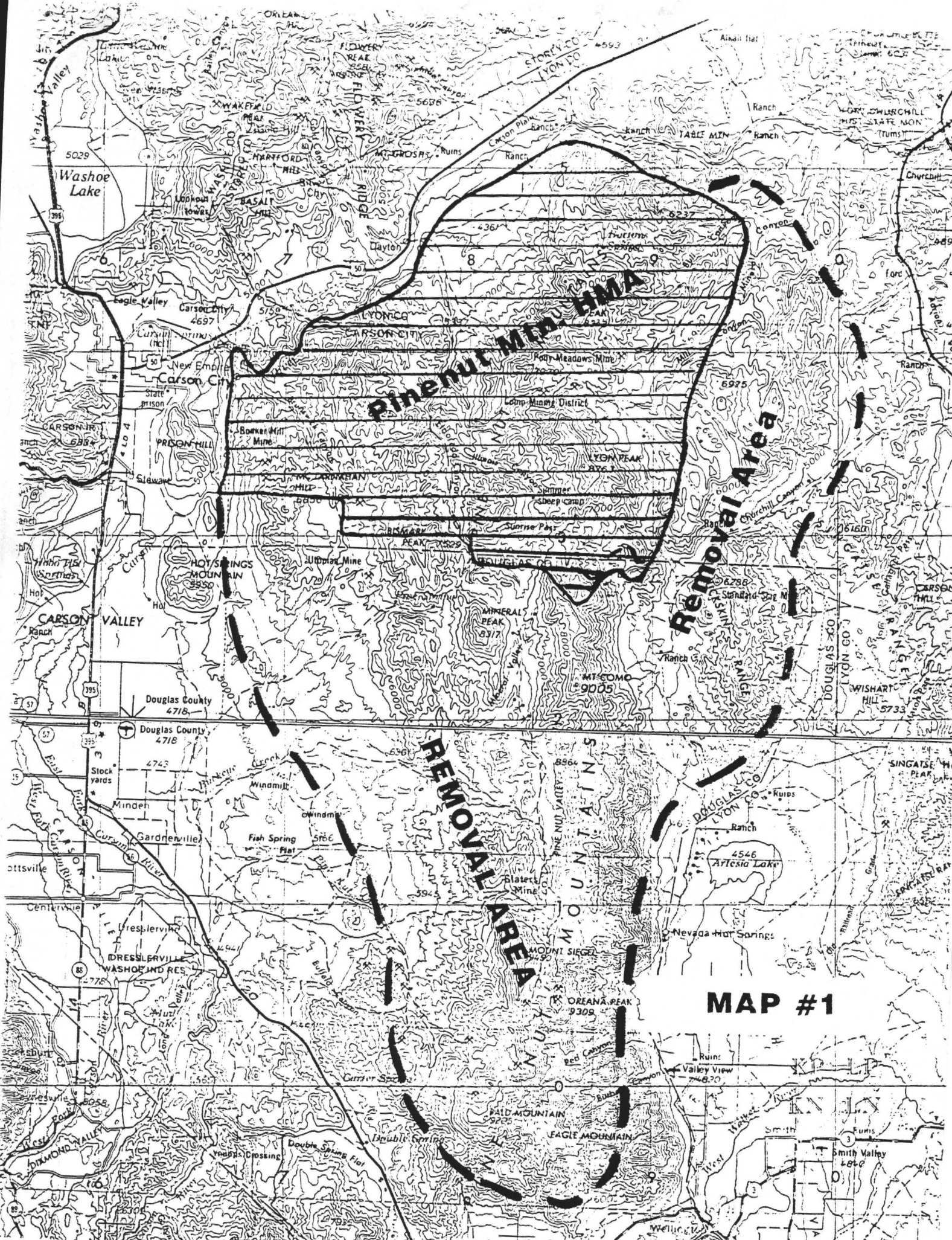
John Matthiessen
John Matthiessen
Area Manager
Walker Resource Area

DEC. 27 1994
Date

Approved:

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

12/27/94
Date



MAP #1

RESPONSES TO PROTESTS



NEVADA DIVISION OF WILDLIFE (NDOW)

The Nevada Division of Wildlife protested the Livestock Grazing Decision portion of the Proposed Multiple Use Decision for Clifton, Buckeye, Hackett Canyon, Churchill Canyon and Mill Canyon allotments.

Comment: The allotment carrying capacity computations are flawed and will not achieve allotment specific objectives. [In protest for all five allotments]

Response: As stated in NDOW's accompanying remarks, "[t]he use of 'Weight Averaging Utilization Data' (TR 4400-7) compromise the effects of those portions of the allotment that suffered 'heavy use' prohibited by allotment specific objectives." This comment is based on the supposition that allotment specific objectives had been developed prohibiting heavy use. Since timing and duration restrictions are much more effective than specific utilization restrictions, there are no allotment specific utilization objectives other than for bitterbrush in any of the allotments in the Pine Nut HMA.

More specifically, NDOW objects to the procedures used to determine the potential stocking level for wild horses. The potential stocking level, which was used to establish the Appropriate Management Level (AML) within the entire Pine Nut Herd Management Area (HMA), was determined using a formula found on page 55 of Technical Reference (TR) 4400-7 (*Rangeland Monitoring - Analysis, Interpretation and Evaluation*). Among the data needed to solve the equation is "Average / Weighted Average Utilization" (procedures found on page 52 of TR 4400-7).

In summary, the main purpose of the potential stocking level calculation was to determine the amount of forage available to the grazing animals by adjusting the current utilization to the "Desired Average Utilization". The desired average utilization level for wild horses was determined to be 27.5% (half of the desired utilization level for the combined use of both livestock and wild horses). This means that half the forage will be consumed by an animal managed under timing and duration restrictions (i.e., livestock), which in turn should compensate for the uneven distribution that may result from the year-round use by wild horses.

Comment: The Proposed Decision violates existing federal regulations. [In protests for all five allotments]

Response: By "existing federal regulations", NDOW is referring to the regulations published in the Federal Register on February 22, 1995. At the earliest, these regulations will become

effective August 21, 1995. Until such time, the pertinent regulations are those issued October, 1994 . All citations in the Decision are from the October, 1994 regulations.

Comment: The Proposed Decision does not comply with the National Environmental Protection Act. [In protests for Buckeye, Mill Canyon, and Rawe Peak Allotments].

Response: This comment is in response to the change in kind of livestock proposed for the three allotments. To comply with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) will have to be completed prior to the final agency action authorizing the change. In the case of these three allotments, it has been determined that further analysis is needed before a decision can be issued on these actions. Therefore these proposed changes in livestock management are addressed in the enclosed EA rather than in the Final Multiple Use Decision.

***** * *****

WILD HORSE ORGANIZED ASSISTANCE (WHOA) AND THE COMMISSION FOR THE PRESERVATION OF WILD HORSES

WHOA and the Commission protested the Wild Horse Management Decision portion of the Proposed Multiple Use Decision. Both protests are essentially identical and therefore are addressed together.

Comment: Procedures and data use did not establish an appropriate management level that will result in a thriving natural balance as required by the Wild Horse and Burro Act.

All allotment evaluations use one alternative of the Technical Manual 4400-7 that determined potential stocking rates for livestock and wild horses. Use of any alternative that allows for weight averaging use pattern mapping data assumes that even distribution of grazers will be accomplished throughout the allotment. Conclusions of these allotment evaluations found that even distribution cannot be achieved.

Response: Using just heavy or severe utilization levels, as implied in WHOA's and the Commission's earlier comments to the allotment evaluations, will result in a potential stocking level for all nine allotments of 1354 AUMs, which in turn would result in an AML for the entire Pine Nut HMA of 113 wild horses versus the 179 wild horses determined in the allotment evaluations. These protests would indicate that the numbers of wild horses proposed in the Decision are too high to "... result in a thriving natural balance as required by the Wild Horse and Burro Act."

The bureau range and wild horse specialists, however, are considering that the use of managed livestock grazing will cause the uneven use patterns of the wild horses to be considerably leveled out. By managing to achieve more even use patterns and so

preventing strong overuse/underuse patterns developing, the weighted average technique is the appropriate method for calculating forage for wild horses, and the higher number (179) is the better balanced management level.

Refer also to the response to NDOW's first point of protest for an explanation of weighted averaging.

Comment: Monitoring data failed to distinguish livestock, wildlife and wild horse use of forage species. Some allotment evaluations exhibited just domestic sheep and wild horse, others exhibited cattle and wild horse; while, others exhibited just wild horse use. The District selectively chose mixed data and arbitrarily applied this data to determine the appropriate management level. These specific data points should have been used to present the best and most available data for the proposed decision.

Response: The kind of animal that produced the resulting utilization was identified in the allotment evaluations. We are confused as to what is meant by "[t]he District selectively chose mixed data and arbitrarily applied this data to determine the appropriate management level." Under the "RELIEF" section, both protestors make the statement:

"As stated in our comments to the allotment evaluations and this protest, the appropriate management level for the Pine Nut Wild Horse Herd is flawed based upon unfounded assumptions regarding livestock. Cattle, domestic sheep and wild horses do not use the range in the same manner."

Based on this statement, they seem to be implying that we do not have enough data to adjust livestock. It must be remembered that cattle and wild horses have similar dietary preferences over most of the year. Therefore the stocking levels calculated for wild horses can be directly applicable to cattle. In the case of Hackett Canyon Allotment, the season of use recommended for sheep (spring) is during a time when both wild horses and sheep are competing for grass (refer to Hackett Canyon Allotment Evaluation, pages 15 to 16). In the case of Rawe Peak and Mill Canyon Allotments, it was recommended to change the sheep season of use to fall and winter to preclude direct competition with wild horses. Since Eldorado is not an adjudicated allotment and since data has indicated that there are resource problems, no active preference is recommended. Due to increased urbanization, the active livestock preference is being cancelled in Sand Canyon.

Comment: Federal regulations do not clearly define a wild horse animal unit month. A definition is available from another Nevada land use plan that defines one AUM is equal to an adult horse for one month. No data was presented to explain the survey month, survival rate or population estimates that included foals as wild horse use in computations.

Response: This was explained in response to the Commission's comments to the Eldorado Allotment Evaluation:

"[the number of wild horses used to calculate AUMs] are all wild horses counted during aerial census. At the time of aerial censuses, wild horses counted as "foals" are usually old enough, or soon will be old enough to be consuming substantial amounts of forage. Therefore, foals are counted as an animal unit. In calculating AUMs for use in analysis, a calf may also be counted as an animal unit if it develops to a stage where it will be consuming substantial amounts of forage."

This was based on the explanation accepted by the Interior Board of Land Appeals (IBLA 92-241).

Comment: Implementing the necessary adjustments to livestock and wild horses will not achieve the area's carrying capacity. Out dated federal regulations and policies allowing for five year adjustments and phased reductions of wild horses will continue to degrade wild horse habitat. How will the District meet carrying capacity as required by the Federal Regulation with the above.

Response: The five year implementation period is required by the current grazing regulations (refer to response to NDOW's comment on pages 1 and 2). Also, the phased-in reduction is required for livestock, not wild horses. However, it must also be realized that most of the permittees have applied for non-use in the past few years due to overuse of forage by wild horses.

***** * *****

CRAIG DOWNER

Mr. Downer protested the entire Proposed Multiple Use Decision. A summary of the major points is presented below.

Comment: There used to be over 2000 wild horses in the Pine Nut Range, which provided a perfect home for these animals, shelter in the Pinyon forests, springs and meadow areas, some high to graze in summer. ...But your level of 179, less than neotenes of this, is a level that is unhealthy for the herd and will subject it to chance of dieout, inbreeding, and to the possibility of succumbing to human harassment.

Response: Our records do not indicate that the numbers of wild horses in the Pine Nut Mountain Range and vicinity ever exceeded 700. Also, the Herd Management Area encompasses only the northern portion of the Pine Nut Mountains. The Carson City District wild horse

specialists, who are a part of the interdisciplinary team that developed the Decision, believe that 179 wild horses can be maintained as a healthy and viable herd.

Comment: It is worthy of note that being proximate to Nevada's more urban population your decision to so drastically cripple the wild horse population here represents a lowering of the quality of life and recreational opportunity for people living in this area of Nevada, as well as its many visitors.

Response: It is quite true that many people enjoy seeing wild horses on the range, just as there are people who view them as feral livestock that should be removed from public lands. However, the BLM is mandated to support a multiple-use concept while managing for a healthy ecosystem. It is therefore important to seek management goals that are fair to the majority of interests while maintaining or improving the health of the range.

Comment: I see that you will be planning to reintroduce pronghorn antelope... While I do not object to pronghorn since they are a native species which is fully compatible with what should be considered as native equivalent wild horses, I do object to your using this introduction program as a further reason for crippling the wild horse presence in the Pinenut Range.

Response: This is made in reference to the Churchill Canyon Allotment.. The proposed reduction in wild horses in this area is not intended to make room for pronghorn, but rather because the horse population has grown beyond the ability of the area to produce forage.

Comment: I especially object to the restriction of the wild horses from natural waterways like the Carson River.

Response: This objection was based on the following management action in the Sand Canyon Allotment:

"Wild horses should be allowed to graze in the allotment under the following constraints:...

2. No damage attributable to wild horses shall occur on riparian habitat along the Carson River."

The intent of this objective is not to prevent wild horses from drinking from the Carson River, but to provide for the proper management of riparian habitat while allowing access to water sources by wild horses. If significant damage is occurring from wild horses, the Bureau is mandated to take action to correct the problem.

Comment: By comparing the livestock AUM appropriations, I note that your provision for wild horses is only a token amount, several times less than livestock appropriations.

Response: Mr. Downer is comparing the total potential stocking levels of livestock in the Churchill Canyon and Buckeye Allotments with the potential stocking levels for wild horses calculated for these allotments. Only a small portion of the Pine Nut HMA overlaps into these allotments (20% in Churchill Canyon and 21% of the Buckeye Allotment). The AUMs were divided equally between wild horses and livestock in the portion of the allotments where the Pine Nut HMA overlaps.

***** * *****

ROBERTA ROYLE

The majority of Ms. Royle's comments were general criticisms of BLM management and did not relate to any of the allotment evaluations, the northern Pine Nut Mountains, nor the subsequent Proposed Multiple Use Decision. The only comment that might be pertinent is as follows:

"To deny horses water from the Walker River is unthinkable."

We assume that Ms. Royle meant the Carson River, as addressed in the comment by Craig Downer on Page 5.

***** * *****

ANIMAL PROTECTION INSTITUTE (API)

API sent comments relating to the entire Proposed Multiple Use Decision. As with NDOW, the Commission and WHOA, API questions the stocking rate formula (refer to the previous responses). Other comments are addressed below.

Comment: We've reviewed our records, including the 1984 Removal decision to implement the Reno Planning MFP-III decision that called for total removal of wild horses that had jumped the river into the Jumbo area and horses that had allegedly expanded into the Buckskin Range and Lincoln Flat areas after the 1971 law. What this apparent reversal of the original designations is based on is not explained. We question it? We want to see the URA maps.

Response: The rationale for changing the original designations and removing wild horses from the Jumbo area and the southern Pine Nut Mountains is explained on page 3-6 of the Draft

Reno EIS dated August 30, 1982. The decision to remove those wild horses is stated in the Reno Management Framework Plan as Decision #23 which was final on December 21, 1982. URA maps are available at this office for public review.

Comment: In addition, that MFP-II decision accommodated private land owners in Fish Springs, Johnson Lane, Mound House and Dayton as well as the Washoe Indian tribe all requesting that wild horses be removed from their private lands. Aside from the Indian lands, where these private lands are located and the amount of acreage involved are never depicted on a map. The MFP-III decision for the Reno Planning Area was to eliminate horses from the Buckskin Range to the east, Jumbo in the north, and the "southern portion" of the Pinenut HUA. No boundary decision was made that delineated exactly what was meant by the "southern portion" other than that in the Reno EIS. It does not include Spring gulch and Red-Burbank allotments which were NOT part of the Reno Planning Area decision. We question that the decision was ever made.

Response: The Spring Gulch and Red-Burbank allotments were analyzed in the Walker RMP/EIS (1986). The decisions relating to Walker RMP/EIS are found in the Walker Record of Decision (ROD). The Rangeland Management Decision #5 of the Walker ROD affirms the decision in the Reno MFP to remove all wild horses from the southern Pine Nut Mountains, including the Spring Gulch and Red-Burbank allotments.

Comment: The total number removed to accomplish the Reno Planning decision was 350. This was based on estimates that Jumbo contained 25-50 horses, Carson Plains 25-50, Southern PINENUTS 250-500, and the buckskin Lincoln Flat area 25-50 or a total of 325 to 650 horses. The November 1984 capture notice listed 425 removed and 575 to remain. The capture plan included a map depicting the capture area as including Spring gulch and Red-Burbank allotments which were beyond the jurisdiction of the Reno planning unit decision. Is this the boundary of the Pinenut Herd Area shown in the URAs?

Response: Yes, the Pine Nut Herd Management Area boundary is shown in the URA. District URA maps display the earliest delineation of where wild horses were found after 1971 which established the Herd Management Area boundaries.

Comment: Decision 7 in the Walker ROD refers to the development of plans for wild horses and burros in Wassuik, Garfield Flat, Marietta, Pilot Mt. There is no mention of who will manage the Pinenuts here either. But on Page 29-30 there are more decisions. Here it lists both the Pine Nut-north (387 horses) and Pine Nut south (0 horses). The map depicts both and calls them the Pinenut Herd Area (Northern and Southern). It does not refer to the area as a Herd Management Area. Evidently

THAT decision was not made. I do not have a copy of a PINE NUT HERD MANAGEMENT AREA PLAN. I have no record of a boundary change or land status change or why horses were removed from the Spring Gulch and Red-Burbank in that 1984 roundup. There is only the MFP-III decision from the Reno Planning to remove horses from the "southern portion" of those areas analyzed in the Reno EIS. Spring Gulch was not analyzed by the Reno Planning EIS. The 1989 Rangeland Program Summary is the first reference to the Pinenuts as a "Herd Management Area."

Response: The first part of this comment is answered in a previous response.

The Pine Nut Herd Management Area Plan will not be developed until after the Pine Nut Multiple Use Decision is final.

The confusion over herd area and herd management area definitions can be cleared up by referring to 43 CFR §4710.3-1 which states in part: "Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in §4710.4". In other words, herd management areas are delineated from herd areas. They can be the same size or smaller than the original herd area but not larger due to the constraints in §4710.4 which states in part: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas".

Comment: Why the Pinenuts were split up in the planning phase is confusing. It appears to us that the only reason was to accommodate livestock grazing and get rid of horses from the Pinenuts. And to do it by tricky maneuvering and manipulation of administrative procedures for the sole purpose of being so confusing the public, Congress, and the courts will never be able to figure out what is going on.

Response: In 1976, when the Reno MFP process was initiated, the logical land use planning boundary was determined to be along livestock grazing boundary lines, since the primary issue for the MFP was livestock grazing. In 1986, the boundary was eliminated by incorporating the relevant Reno MFP decisions into the Walker RMP. Regardless, the boundary had no effect on the determination of the appropriate management levels for wild horses.

DRAFT

PINE NUT MOUNTAIN WILD HORSE REMOVAL PLAN 1995

I. Purpose and Authority

The proposed action is to implement removal, population control and safety measures for wild horses in the Pine Nut Mountain Herd Management Area (HMA). The overriding goal of management is to maintain the range in a thriving ecological balance, maintain the horses in a healthy state and to be in compliance with existing laws and regulations. The proposed action would remove wild horses with established home ranges outside of the HMA and excess wild horses from within the HMA. The Wild Horse and Burro Act of 1971 (Public Law 92-195) and 43 CFR 4700-4740 provide the authority for the proposed action.

II. Area of Concern

The area of concern is in and around the Pine Nut Mountain HMA. The location of the area is shown on the attached Removal Area Map.

III. Wild Horse Numbers

The most recent aerial census, conducted in June of 1995, revealed there are 455 wild horses inside the HMA and 280 outside of the HMA for a total of 735 wild horses. The Appropriate Management Level (AML) for the HMA, as determined by the Pine Nut Multiple Use Decision, is 179 head. This will be a 100% removal with the unadoptable / older horses being returned to 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). Should conditions warrant the COR/PI have the authority to further modify the specifications.

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.

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.

The carrying compartments of 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

Initial capture attempts shall be accomplished by the utilization of a helicopter. Since all wild horses are to be removed, roping would be used if certain individual horses continue to elude helicopter herding operations. Under no circumstances shall animals be tied down for more than one hour. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping.

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

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. Proposed trap sites and holding facilities would be inventoried prior to construction in order to avoid those areas where cultural resources exist.

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. 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.

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.

Mares would be checked soon after capture to determine if they are nursing. If nursing mares are captured without foals, intensive monitoring would be conducted to identify the reason(s) foals are being abandoned and a solution would be developed and implemented. The health and well being of the captured animals are paramount and foals would not be left behind.

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.

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

Foals of older mares which are too young to wean would be released with their mare. In order to minimize stress to the foals, older mares and their foals would be released separately from other mares and studs. Also, mares with foals would be released in small groups to minimize the likelihood of the adult horses running off too quickly for the foals to keep up.

Unadoptable / older horses will be released from the trap site or transported to an area with adequate water, forage and space. Following the release of animals from corrals or trailers, the area surrounding the release site would be monitored to determine the success of the release prior to subsequent releases.

V. Disposition of Removed Animals

All of the adoptable wild horses will be sent to PVC to be processed for adoption. Unadoptable/older horses will be released back into the HMA at locations where there is adequate feed and water.

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 November 1995. Due to the dense concentration of pinyon and juniper trees, a complete removal of animals from areas outside of the HMA is unlikely. As populations continue to increase inside the HMA, combined with the continual movement and establishment of horses outside the HMA, additional removals will be necessary in the future. Therefore, this plan will remain in effect indefinitely or until resource conditions change substantially.

ENVIRONMENTAL ASSESSMENT
for
Pine Nut Mountain Wild Horse Removal Plan
1995

A. INTRODUCTION

Purpose

The purpose of the Pine Nut Wild Horse Removal Plan is to implement actions that would effectively manage the wild horse population to achieve a thriving natural ecological balance with other resources and users.

Relationship to Other Environmental Documents

This Environmental Assessment (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 on 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

The Wild Horse and Burro Act of 1971 states that the Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public land. 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 inside and 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. 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 at locations where there is

adequate feed and water. Following the release, the area surrounding the release site would be monitored to determine the success of the release prior to subsequent releases.

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 Analyzed

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.

Do. Environmental Impacts

1. Proposed Action

a. Impacts on Vegetation

The reduction of the wild horse population to a level that the vegetation within the HMA can support without adverse effects would place the area in a thriving natural ecological balance. This would benefit not only the vegetative resource but all the users. Riparian areas would improve in condition with the reduced 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.

Leaving the older horses, six years and older, in the population would preserve the genotypes that have proved most adapted to this HMA. Those wild horses returned to the HMA will have to adjust to disrupted band structure but new bands will be formed and normal social patterns will again be established.

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. Removing only younger horses will result in readily adoptable horses.

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 reduced numbers 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 Mustang and Burro Association, P.O. Box 788, Lincoln, CA 95648
- Animal Protection Institute, P.O. Box 22505, Sacramento, CA 95822
- Borda Brothers Co., 909 W. Musser St., Carson City, NV 89703
- Buckeye Ranch, P.O. Box 127, Minden, NV 89423
- Bureau of Indian Affairs, Western Nevada Agency, 1677 Hot Springs Road, Carson City, NV 89706
- Carson City District Grazing Advisory Board, 13333 Stillwater Road, Fallon, NV 89406
- Craig C. Downer, P.O. Box 456, Minden, NV 89423
- D. A. Anderson Estate, 4900 Carson River Road, Carson City, NV 89701
- Edie Wilson, 917A Village Drive East, North Brunswick, NJ 08902
- F.M. Fulstone, Inc., P.O. Box 34, Smith, NV 89703
- Joe Ricci Estate, P.O. Box 133, Dayton, NV 89403
- Kathy McCovey, 435 Alaska, Reno, NV 89506
- L.I.F.E. Foundation, 6455 N. Quail, Inyokern, CA 93527
- Lyon County Public Lands Commission, Dave Haight, Chairman, Box 744, Yerington, NV 89447
- Natural Resources Defense Council, 1350 New York Avenue, N. W., Washington, DC 20005
- 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
- Nevada State Clearinghouse Coordinator, Division of Administration, Capitol Complex, Carson City, NV 89710
- Nevada Wildlife Federation, 1122 Greenbrae Drive, Sparks, NV 89431
- Nevada Woolgrowers Association, 339 West Rockwood Dr., Elko, NV 89801
- Paul Clifford, Museum of Natural History, One Wade Oval, Univ. Circle, Cleveland, OH 44106
- 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
- Roberta Royle, 25 Lewers Creek Rd., Carson City, NV 89702
- Rolling "A" Ranch, Box 140, Dayton, NV 89403
- Rutgers University, S.I. Newhouse Center for Law and Justice, 15 Washington St., Newark, NJ 07102
- Sario Livestock Company, 1462 Douglas Avenue, Gardnerville, NV 89410
- Sierra Club, Toiyabe Chapter, P.O. Box 8096, Reno, NV 89507
- Steven Fulstone, 30 Rivers Road, Smith, NV 89403
- The Honorable Richard Bryan, United States Senate, 300 Booth St., Federal Bldg. Room 2014, Reno, NV 89509
- The Honorable Harry M. Reid, United States Senate, 244 E. Liberty St. #102, Reno, NV 89501
- The Honorable Barbara Vucanovich, U.S. House of Representatives, 300 Booth St., Federal Bldg. Room 3038, Reno, NV 89509
- The Wildlife Society, Nevada Chapter, 134 West Maple, Elko, NV 89801
- U.S. Fish and Wildlife Service, ATTN: Bob Hallock, 4600 Kietzke, Bldg. C., Reno, NV 89502
- Washoe Tribe, Brian Wallace, Chairman, 919 Hwy 395 S., 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

 Date

Reviewed by:

Jim Gianola
Wild Horse & Burro Specialist
District Resources Staff

Date

William R. Brigham
Wildlife Biologist
District Resources Staff

Date

David Loomis
Environmental Planner
District Resources Staff

Date

Recommend Approval:

John Matthiessen
Area Manager
Walker Resource Area

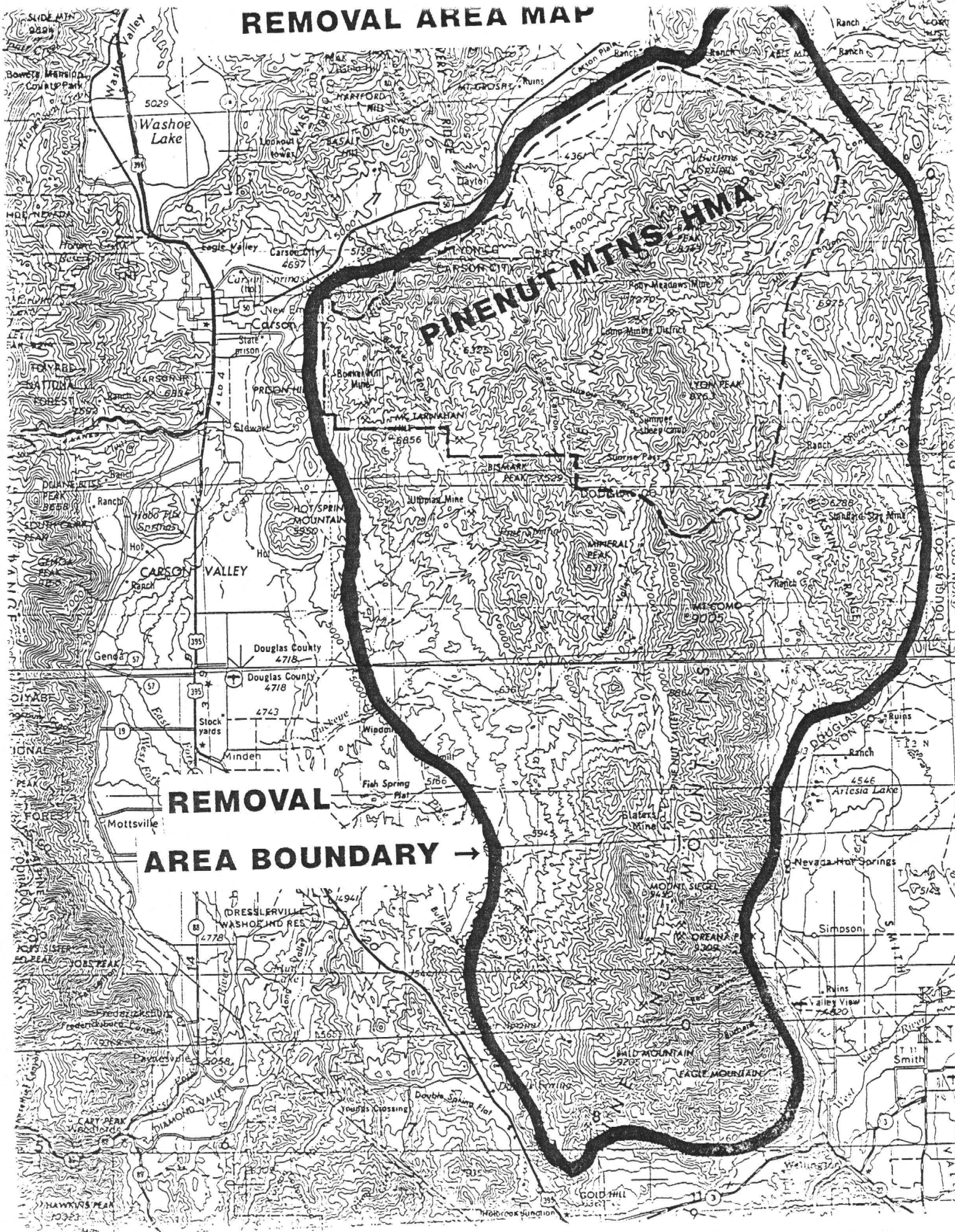
Date

Approved:

John O. Signlaub
District Manager
Carson City District

Date

REMOVAL AREA MAP



**REMOVAL
AREA BOUNDARY →**

BOB MILLER
Governor

STATE OF NEVADA

1/30/95
CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

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?

Post-It™ brand fax transmittal memo 7671

| | | | | | |
|-------|----------|---------|--|------------|--|
| To | ROYLSACH | From | | # of pages | |
| Co. | | Co. | | | |
| Dept. | | Phone # | | | |
| Fax # | | Fax # | | | |

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:

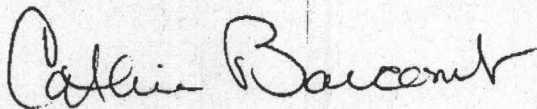
1) In the draft gather plan and EA you identify placing unadoptable/older animals back in the herd area and exchanging them for younger animals. The EA does not address this action as well as re-structuring of the herd.

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,



CATHERINE BARCOMB
Executive Director

cc: Steven Fulstone
Tom Pogacnik

W H O A

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



... a note from

Dawn Y. Lappin

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