

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

4770.3

OFFICIAL FILE COVER

TJ: Ely BLM

Subject Code

File Title: Appeal File Decision Record/ Finding Of No Significant Impact NV-04-95-10
Diamond Hills South Herd Management Area Removal Plan/Supplemental Environmental Assessment.

PERIOD COVERED

DISPOSAL AUTHORITY

From: 10/1/95

GENERAL RECORDS SCHEDULE CITATION OR BUREAU RECORDS SCHEDULE CITATION

To: 9/30/96

04/11a UNS

DISPOSITION DATA

Retain in Local Office _____ Years Transfer Date to Record Center _____ Retain in Records Center _____ Years

Offer Date to National Archives and Records Administration (NARA) _____ Destruction Date _____

Cross-References and Remarks: Appeal of DR/FOWSI for the Diamond Hills South Removal Plan /
Supplemental EA by the Commission for the Preservation of Wild Horses,

IMPORTANT

This file constitutes a part of the official records of the Bureau of Land Management and should not be separated or papers withdrawn without notifying the person in charge of the files.

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11/21/95 G

CHRONOLOGICAL INDEX OF EVENTS LEADING TO THE DISTRICT MANAGER'S
DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT OF NOVEMBER 9, 1995
FOR THE DIAMOND HILLS SOUTH HERD MANAGEMENT AREA REMOVAL PLAN
AND SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

- A. Notice of Appeal, November 21, 1995
- B. Decision Record/Finding of No Significant Impact for the Diamond Hills South Herd Management Area Removal Plan and Supplemental Environmental Assessment, November 9, 1995
- C. Cover letter to the Commission for the Preservation of Wild Horses for the Railroad Pass Final Multiple Use Decision (FMUD), dated November 9, 1995
- D. Notice of Final Multiple Use Decision for the Railroad Pass Allotment, dated November 9, 1995
- E. Protest letter from the Commission for the Preservation of Wild Horses for the Railroad Pass Allotment Proposed Multiple Use Decision (PMUD), dated received October 30, 1995
- F. Cover letter to the Commission for the Preservation of Wild Horses for the Railroad Pass Proposed Multiple Use Decision, dated October 13, 1995
- G. Notice of Proposed Multiple Use Decision for the Railroad Pass Allotment, dated October 13, 1995
- H. Groupwise message from Gene Drais, Manager, Egan Resource Area, documenting a phone conversation with Rose Strickland discussing the PMUD and field tour for the Railroad Pass Allotment held on October 4, 1995
- I. Groupwise message from Gene Drais, Manager, Egan Resource Area, documenting a phone conversation with Cathy Barcomb, Commission for the Preservation of Wild Horses, discussing the PMUD and field tour for the Railroad Pass Allotment held on October 4, 1995 with the permittees
- J. Groupwise message from Gene Drais, Manager, Egan Resource Area, documenting a phone conversation with Dawn Lappin of Wild Horse Organized Assistance discussing the PMUD and field tour for the Railroad Pass Allotment held October 4, 1995
- K. Conversation record from Wendy Fuell, Range Management Specialist, with Harold Rother, permittee, discussing the PMUD and field tour for the Railroad Pass Allotment held on October 4, 1995

- L. Memorandum from Wendy Fuell discussing the field tour of the Railroad Pass Allotment held on October 4, 1995
- M. Conversation record from Joe Stratton, Wild Horse Specialist, documenting leaving a message on the answering machine of Cathy Barcomb, Commission for the Preservation of Wild Horses, inviting her to attend a field tour of the Railroad Pass Allotment October 4, 1995, dated September 28, 1995
- N. Conversation record from Joe Stratton, Wild Horse Specialist, documenting leaving a message on the answering machine of Dawn Lappin, Wild Horse Organized Assistance, inviting her to attend a field tour of the Railroad Pass Allotment October 4, 1995, dated September 28, 1995
- O. Management Action Selection Report for the Railroad Pass Allotment, dated August 7, 1995
- P. Draft Diamond Hills South Herd Management Area Removal Plan and Preliminary Supplemental Environmental Assessment, dated March 31, 1995
- Q. Comment letter from the Commission for the Preservation of Wild Horses on the Railroad Pass Allotment Evaluation Summary received February 11, 1994
- R. Conversation Record from Bob Brown, District Wild Horse Specialist, documenting a phone conversation with Cathy Barcomb, Commission for the Preservation of Wild Horses concerning the Railroad Pass Allotment Evaluation Summary, dated 1/25/94
- S. Railroad Pass Allotment Evaluation Summary and cover letter, dated December 27, 1995

BOB MILLER
Governor

STATE OF NEVADA

NV-04-95-10
NV-02-02-90
CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A

Reno, Nevada 89509
(702) 688-2626

November 21, 1995

BUREAU OF LAND MGMT ELY, NEVADA RECEIVED			
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Comments:			

Mr. Gene Drais
Egan Resource Area
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Appeal - Diamond Hills South Herd Gather Plan/EA

Dear Mr. Drais:

STATEMENT OF REASONS

The Railroad Pass Allotment Multiple Use Decision established an appropriate management level of 22 horses for the entire Diamond Hills South Herd. This decision calls for over an 80 percent reduction of wild horses, but allows for approximately 100 percent increase in livestock "active use" that occurred from 1988 to 1992.

The Commission has appealed the Railroad Pass Allotment Wild Horse Decision. Based upon the merits of that appeal, the Commission further appeals the Decision for Diamond Hills South HMA Removal to prevent irreparable harm to the genetic integrity of this wild horse herd.

PETITION FOR A STAY

The Decision implements actions that can jeopardize the genetic viability of the Diamond Hills South Herd.

Bureau of Land Management has established that 50 wild horses constitutes minimum herd to sustain genetic viability. The Decision implements a removal plan that will reduce the herd to 19 head. The Decision also implements a general policy of the Strategic Plan for Management of Wild Horses and Burros on Public Lands. Plan objectives are to maintain adoptable horses in the program and does not apply to maintaining a genetic viability in herds on public lands as provided for in the Wild Horse and Burro Act.

Mr. Gene Drais
November 21, 1995
Page 2

The Environmental Assessment is inadequate.

No data have been provided to assure genetic exchange has or will occur with adjacent herd areas. No data have been provided to assure that 50 horses will be managed for between the herd management areas affected by this Decision.

Implementation of the Railroad Pass Allotment Multiple Use Decision and Diamond Hills South Removal Plan will not protect rangelands.

Based upon the merits of the Commission's appeal to the Railroad Pass Allotment Multiple Use Decision, wild horses removed from this allotment will be replaced with livestock. The allotment carrying capacity was inflated to allow livestock numbers that have not been permitted on the allotment during the years monitored by the Bureau of Land Management.

Sincerely,

Catherine Barcomb

CATHERINE BARCOMB
EXECUTIVE DIRECTOR

cc. Duane Erickson, Region II
Terri Roderfer, NSCH



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408

NV-04-95-10

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4700 (NV-047)

NOV 9 1995

Dear Reader:

Enclosed is a final approved copy of the Diamond Hills South Herd Management Area Removal Plan and Supplemental Environmental Assessment, along with the Decision Record/Finding of No Significant Impact (DR/FONSI) for these documents.

The enclosed DR/FONSI is my final decision for approval of the proposed action as analyzed in the Supplemental Environmental Assessment and to implement the Diamond Hills South Herd Management Area removal. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Diamond Hills South Herd Management Area to reach the established Appropriate Management Level. Immediate removal of wild horses in excess of Appropriate Management Level is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused partially by wild horses in the Herd Management Area. The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please provide this office with a copy of your Statement of Reasons. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The Appellant has the burden of showing that the decision appealed from is in error.

For other questions or comments, please contact Joe Stratton or Bob Brown at
(702) 289-4865.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene A. Kolkman". The signature is written in black ink and is positioned above the printed name and title.

Gene A. Kolkman
District Manager

4 Enclosures

1. Diamond Hills South Herd Management Area
2. Removal Plan, SEA
3. DR/FONSI
4. Form 1842-1

DR/FONSI
DIAMOND HILLS SOUTH HMA WILD HORSE REMOVAL
EA NO. NV-040-8-15
AND
S1-95-NV-040-8-15

DECISION: I have reviewed the 1988 Environmental Assessment (EA NV-040-8-15) and Supplemental EA (S1-95-NV-040-8-15) for the Diamond Hills South Herd Management Area (HMA) Wild Horse Removal and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. The Allotment Evaluation and Final Multiple Use Decision (FMUD) for the Railroad Pass Allotment also suggests the proposed removal take place. I concur with the recommendation to conduct a selective removal as described in the Diamond Hills South HMA Removal Plan.

The non-selected alternatives analyzed in EA NV-040-8-15 and S1-95-NV-040-8-15 consist of trapping wild horses by herding them on horseback and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Diamond Hills South HMA.

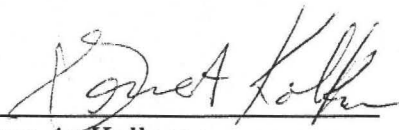
Rationale: The proposed action will result in wild horses being managed at Appropriate Management Levels (AML) within the allotment of the Diamond Hills South HMA and establishing a thriving natural ecological balance among all multiple users. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195), as amended. It also conforms with the Egan RMP and ROD. In addition, it complies with the provisions of 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."

Direct and indirect environmental benefits are anticipated for livestock and wildlife with the adoption of the proposed action. The removal will result in improvement of the rangeland resources through decreased utilization of the forage and water resources within the HMA, thus restoring the range to a thriving natural ecological balance.

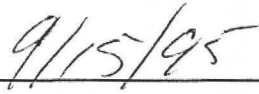
The immediate removal of excess wild horses from the HMA is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses and to restore the range to a thriving natural ecological balance. It is also necessary to comply with the provisions of 43 CFR 4710.4. Issuing this decision Full Force and Effect is in accordance with the regulations at 43 CFR 4770.3(c).

FONSI: There will not be a significant impact to the quality of the human environment resulting from the implementation of the proposed action. Therefore, an environmental impact statement is not required for this action.

Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened and endangered species. The standard operating procedures will minimize negative impacts and ensure humane treatment of the captured horses. The EA, as written in 1988, did not address Native American religious concerns or hazardous and solid wastes, but these were addressed in the Supplemental EA S1-95-NV-040-8-15. The action proposed will have no impacts to these areas of concern and no new analysis is necessary.



Gene A. Kolkman
Ely District Manager



Date

Environmental Assessment
Supplement
for the
Diamond Hills South
Removal Plan

S1-95-NV-040-8-15

prepared by
Joseph A. Stratton
Egan Resource Area
Wild Horse Specialist

Ely District
Bureau of Land Management
Ely, Nevada

BACKGROUND INFORMATION

Introduction

The Bureau of Land Management (BLM), Ely District, Egan Resource Area is proposing to implement a Capture/Removal Plan for the Diamond Hills South Herd Management Area (HMA) and adjacent Diamond Horse Free Area (HFA). This Environmental Assessment (EA) Supplement incorporates EA NV-040-8-15 by reference, which analyzed the impacts associated with the removal of wild horses from the HMA. The original EA did not consider the impacts on Native American Religious Concerns, Hazardous and Solid Waste, or the impacts of selective removals on the wild horse population.

This area is located approximately 60 air miles northwest of Ely, Nevada in northwestern White Pine County. The herd area is approximately 10,500 public acres. The Railroad Pass BLM grazing allotment makes up the entire Diamond Hills South HMA, as well as part of the Diamond HFA. A map depicting these areas can be found in Appendix 1 of the attached Capture/Removal Plan.

The Diamond Hills South HMA is also adjacent to the Diamond HFA, Buck and Bald HMA, Elko District's Diamond Hills North HMA, and Battle Mt. District's Diamond HMA. This HFA has traditionally been an area that wild horses move into. If horses are determined to be established in this HFA during a Diamond Hills South removal operation, wild horses will be removed from the HFA and older horses will be incorporated into the Diamond Hills South HMA.

Purpose and Need

The purpose and need of the proposed selective removal of wild horses is to achieve and maintain Appropriate Management Level (AML) as determined by the Railroad Pass allotment evaluation and Final Multiple Use Decisions (FMUD) and to remove horses from adjacent HFAs with the intention of restricting wild horse use to the HMA. The maintenance of AML will be carried out in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The achievement and maintenance of AML will restore the range to a thriving natural ecological balance.

Relationship to Planning

The Capture/Removal Plan is in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) and the Egan Resource Area Record of Decision (ROD). The ROD states that "Monitoring studies will be used to determine

The ROD states that "Monitoring studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives." The removal is also in conformance with EA NV-040-8-15 which analyzed the impacts of wild horse removals from five BLM HMAs and two USFS Wild Horse Territories, including the Diamond Hills South HMA and Diamond HFA. This proposed action is also in conformance with the Allotment Evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD have been completed for the Diamond Hills South HMA.

The Capture/Removal Plan is designed to effectively manage the Diamond Hills South wild horse population in accordance with Title 43 Code of Federal Regulations, Part 4700 and Nevada State Office Manual Supplement 4730.6. The Capture/Removal Plan adheres to the multiple-use policy specified in the Wild Free-roaming Horse and Burro Act of 1971 (P.L. 92-195) and the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

The proposal is also consistent with the White Pine County Policy Plan for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985. It does not conflict with any county or State land use or zoning decision or recommendation.

Major Issues

The major issue involved in the implementation of the Diamond Hills South Capture/Removal Plan is the development of a strategy for achieving and maintaining AML as determined by monitoring and evaluation of the allotment for the HMA and restricting wild horse use to the HMA. The Diamond Hills South Capture/Removal Plan describes the methods used to achieve AML and reduce herd growth in order to limit the need for future removals and limiting wild horse use to the HMA. Another issue involved is the effect that selective removal will have on the Diamond Hills South wild horse population.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove wild horses initially in the five and under age classes (or the current Nevada State Office approved ages for removal up to nine years old) within the Diamond Hills South HMA and adjacent Diamond HMA. The goal is to achieve AML in the shortest time possible in order to restore the range to a thriving natural ecological balance and limit wild horse use to the HMA. Range objectives are not being met as described in the Railroad Pass allotment evaluation in part due to overgrazing by wild horses. Subsequent removals, if different in procedure, will require an amendment to the Removal Plan describing the new procedures to be used. The AML of 22 is final

Diamond Hills South HMA, with a range of $\pm 15\%$ established around the AML. This action proposes to reduce the number of wild horses to the lower end of the range, that being 19, and allow the herd to increase to the upper range, that being 25, before conducting another removal.

It is also proposed to use water trapping of wild horses in areas where it is difficult to trap horses using the helicopter. This method would only be used on a short term basis and could be conducted by BLM personnel or removal contract depending on the number of horses to be removed. In EA NV-040-8-15, water trapping was not considered an option for trapping wild horses. That was due to the one-time nature of that removal plan. This plan considers water trapping as a potential option to be used only on a limited scale in problem areas.

Adjacent HFAs will also have removals conducted under the conditions and methods described in the associated removal plan.

Applicable Standard Operating Procedures

Standard operating procedures reduce or eliminate potential impacts for selective removals and they can be found in the associated removal plan beginning on page 7 under the section STIPULATIONS AND SPECIFICATIONS and the Egan Resource Area's RMP.

No Action

The no action alternative would mean that the removal of wild horses would not be conducted, and management objectives within the allotments of the Diamond Hills South HMA would not be met. Therefore, the no action alternative is not viable and will not be considered further. No other alternatives are necessary to address unresolved conflicts concerning alternative uses of available resources.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

The affected environment is within the Diamond Hills South HMA. The initial removal will occur within the Railroad Pass Grazing allotment. The allotment and the HMA are described in detail in the Egan Rangeland Program Summary (RPS) 1988, Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) 1984, and Egan Resource Area Record of Decision (ROD) 1987.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

In addition to those consequences outlined in the original EA, the proposed removal will not have an impact on Native American Religious Concerns or Hazardous and Solid Waste. All environmental analyses applies to both helicopter and water trapping methods. The following analysis is in addition to the impacts discussion in the original EA NV-040-8-15.

Wild Horses:

Wild horse numbers within the Diamond Hills South HMA will require a reduction in population of up to 70% or more in order to achieve AML. Removing a large segment of the five and under age classes would result in a herd dominated by animals six years and older. This situation may reduce the reproductive potential of the herd; however, the age classes of mares six through nine would still be in place and would not put the population in danger of not reproducing adequately to maintain the population. The same situation exists if the age class of mares to be removed is increased. A small number of every age class should remain within the HMA to provide for each age class being represented within the population and would not put the population in danger of not maintaining itself. In addition, the Diamond Hills South HMA is adjacent to the Diamond HMA in the Battle Mt. District and the Diamond Hills North HMA in the Elko District. This is an unfenced boundary and exchange of animals takes place between these HMAs ensuring a continuous exchange of new genes within the HMA. The impacts of incorporation of older horses within the population from associated HFAs would be minimal due to the small numbers of horses establishing themselves outside of the HMA.

The use of water trapping, although more time consuming, would result in less stress on the horses with the same impacts as described above on the wild horse population.

CUMULATIVE IMPACTS

There would be no cumulative impacts to the wild horse population. The population would continue to reproduce and grow with no restrictions on reproduction.

SUGGESTED MONITORING

Future monitoring will consist of continued wild horse aerial census, new allotment evaluations, and FMUDs. In addition, horses that do not meet the age criteria for removal would be monitored within 72 hours of release to ensure their return to normal behavior patterns.

CONSULTATION AND COORDINATION

Intensity of Public Interest

The issue of wild horses and their management has been one of high public interest for many years. Prior to the passage of the first protective regulations in the 1950's, local area residents captured horses on a regular basis, generally to be sold for slaughter. As laws were passed and more publicity generated about the issue, public concern became greater, both for and against protection of these animals. Public interest continues but now also includes groups and individuals interested in wildlife and game resources.

Interest in the issue of forage allocation among advocates for wildlife, wild horses, and livestock exists on the national level through organized wild horse interest groups, humane and animals rights organizations, environmental groups, and organized wildlife and livestock interests. On the local level, there is a high degree of interest from the affected livestock grazing permittees and from sportsman's clubs concerned with allocating a portion of the forage resource to wildlife. These concerns are first addressed in the issuance of Final Multiple Use Decisions resulting from allotment evaluations. These evaluations determine management levels of all species using the public land based on vegetation monitoring. All interested parties have an opportunity for participation in the review of these documents and actions (see Record of Persons, Groups, and Agencies Contacted).

A comment was received from Mr. George Jackson, Hydraulic Engineer II, Water Resources from the Nevada State Clearinghouse concerning the use of private waters within the HMA during the proposed removal. As stated on page 7 under STIPULATIONS AND SPECIFICATIONS A.1. Trap and Holding Facility Locations, "All traps and holding facilities not located on public land must have prior written approval of the landowner." This also applies to the use of the water on these private lands.

Record of Persons, Groups, and Agencies Contacted

- Ms. Deborah Allard
- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Association
- Ms. Joneille Anderson
- Animal Protection Institute of America
- Mr. Paul C. Clifford Jr.
- Commission for the Preservation of Wild Horses
- Craig C. Downer
- Anne Earle

- Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation
- Steven Fulstone
- Fund for Animals
- Claudia Jean Richards
- Humane Society of Southern Nevada
- International Society for the
Protection of Wild Horses and Burros
- Vanessa Kelling
- Mr. Donald Molde
- Tina Nappe
- National Mustang Association, Inc.
- Jan Nachlinger, Nevada Protection Planner,
The Nature Conservancy
- Nevada Cattlemen's Association
- Nevada Division of Wildlife
Region II
- Nevada Division of Wildlife
c/o Mike Podbourny
- Nevada Division of Wildlife
c/o Curtis Baughman
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Outdoor Recreation Association
- Nevada State Department of Agriculture
- Nevada Wildlife Federation
- Nevada Wool Growers Association
- Bobbi Royle
- Rutgers School of Law-Newark
- Ms. Amanda Rush
- Save the Mustangs
- Ms. Nan Sherwood
- Sierra Club
- U. S. Fish and Wildlife Service
- The Humane Society of the United States
- United States Wild Horse and Burro Foundation
- Mr. Ron Sparks, Nevada State Clearinghouse (15 copies)
- White Pine County Commissioners
- White Pine Sportsmen
- Wild Horse Organized Assistance
- Gloria Wilkins
- Edie Wilson
- Pete Goicoechea
- BLM Nevada State Office
- BLM Elko District Office
- BLM Battle Mt. District Office
- Paris Livestock, Pete Paris Jr.
- Harold Rother Inc.

Internal District Review

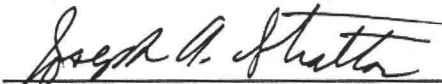
Mike Perkins
Dan Netcher
Harry Rhea
Wendy Fuell
Fred Fisher
Bob Brown
Jack Norman
Mark Barber
Chris Mayer
Mike McGinty
Dave Valentine
Martin Hudson

Wildlife
Minerals
Forest Resources
Range
Range
Wild Horses
Soils
Riparian/T&E Animals
Range/T&E Plants
Lands
Cultural
Wilderness/Recreation/
Environmental Coordination
and Planning
All Resources

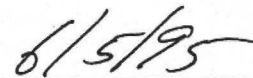
Gene Drais

SIGNATURES

Prepared by:



Joseph A. Stratton
Wild Horse and Burro Specialist
Egan Resource Area

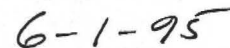


Date

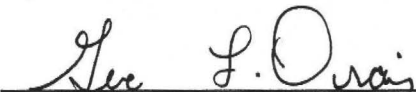
Reviewed by:



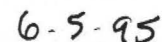
Martin Hudson
Environmental Coordinator
Egan Resource Area



Date



Gene L. Drais, Manager
Egan Resource Area
Ely District



Date

CAPTURE/REMOVAL PLAN
FOR THE
DIAMOND HILLS SOUTH
HERD MANAGEMENT AREA

PURPOSE

The proposed action is to initially capture and remove wild horses five years old and under (or current Nevada State Office approved age classes up to nine years old) within the Diamond Hills South Wild Horse Herd Management Area (HMA) and associated Diamond Horse Free Area (HFA). Future removals will occur within the Diamond Hills South HMA as proposed in this plan in order to achieve Appropriate Management Level (AML). The range condition as described in the Railroad Pass allotment evaluation shows that management objectives within the allotment are not being met due to overgrazing by wild horses and livestock. The proposed action will progress toward achieving and maintaining the AML of 22 wild horses within the Railroad Pass allotment and HMA as determined by the allotment evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD established a range of $\pm 15\%$ or 19 to 25 wild horses yearlong within the HMA. The intent of removals will be to remove wild horses down to the lower limit of 19 and allow the herd to grow to 25 before conducting another removal.

This document outlines the process and events involved with the capture and/or removal of wild horses within the Diamond Hills South HMA and associated HFA. Included are the approximate numbers to be removed in order to reach the (AML), the number to be gathered to, the time and method of capture, and the handling and disposition of captured wild horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representative (COR) and Project Inspectors (PIs), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to gathering operations.

Relationship to Planning

The proposed action is in conformance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Egan Resource Area Record of Decision (ROD), and the FMUD for the Railroad Pass Allotment. Removals will incorporate policies of the Strategic Plan for Management of Wild Horses and Burros on Public Lands in order to achieve and maintain AML.

AREA OF CONCERN

The Diamond Hills South HMA is located approximately 60 air miles northwest of Ely in northern White Pine County, Nevada, in the Bureau of Land Management's (BLM) Ely District, Egan Resource Area. Removals may also occur in the adjacent Diamond HFA if it is determined that wild horses are residing outside the HMA yearlong. A map of the Diamond Hills South HMA, the Diamond HFA, and the Railroad Pass Allotment is located in Appendix 1.

CAPTURE/REMOVAL/RELEASE PROCEDURES

The removals for the Diamond Hills South HMA will initially include wild horses five and under or the current Nevada State Office approved age classes up to nine years old. Future removals will occur under this plan to continually attempt to achieve and maintain AML. This criteria was selected to remove the most adoptable animals from the HMA while achieving AML in the shortest timeframe possible. The removal of wild horses five and under will not achieve AML within the Diamond Hills South HMA in one removal effort, requiring that future removals include wild horses up to nine years old or current Nevada policy. If achievement of AML is obtainable with younger age classes of wild horses, then that course of action will be pursued. The initial removal will remove approximately 100 animals, five years old and under. A strategy for gathering HMAs on a three year schedule began in FY94 in Nevada. This will reduce the number of removals necessary to maintain a thriving natural ecological balance and reduce the stress to the wild horses because of repeated removal operations.

With the proposed plan to remove animals five years old and under, the possibility exists that mares and dependent foals will be removed from the range. Steps will be taken to keep mares and foals together; but in the event mares and foals are separated, mares and foals will be put in a separate pen to allow mares and foals to pair up again. In the event a mare is not in the target age group and has a dependent foal, then both will be returned to the range. Mares of the target age group with dependent foals will be sent to Palomino Valley Corrals and dependent foals that do not pair up with a mare will be sent to Palomino Valley Corrals. Ground and aerial surveys as needed will be done to look for foals that have been abandoned during capture operations, and every attempt will be made to avoid this situation as well as finding the mare for the abandoned foal.

Wild horses that do not meet the age removal criteria will be released back onto the range. Wild horses that are captured in the HFA that do not meet the age criteria for removal will be incorporated into the Diamond Hills South HMA population. They will be released near water and monitored to ensure they adapt to the new surroundings. All wild horses will be marked with a grease pencil in order to identify them as to the location they were trapped. Wild horses to be released will be released in the area where they were trapped. Wild horses will be released in small groups to reduce the "stampede" reaction that has occurred on other releases of large numbers of wild horses.

Time and Method of Capture

The initial gather is expected to take place through issuance of a removal contract in late FY95, and last approximately 6 days. The start date for the removal contract will be dependent on the funding available in FY95 and Nevada removal priorities. Subsequent captures in future years will also occur through the issuance of a removal contract. Under no circumstances will helicopter gathering be allowed during the foaling season (March 1 to June 30). Water trapping will be allowed throughout the year but would be used only when helicopter gathering is not feasible. Water trapping operations would vary in length depending on the numbers of wild horses to be removed and the wariness of the wild horses coming into the trap.

The primary method for gathering wild horses and burros is the use of helicopter drive trapping. Roping will only be used as a supplemental gather technique when determined by the on-site COR that drive trapping will not be successful and it is in the best interest of the animals being gathered to capture them using roping techniques. Circumstances where roping may be necessary include, but are not limited to, where all wild horses and burros must be gathered and/or removed from areas specified in the gather plan as being complete removal or where it is necessary to capture an orphaned foal or a suspected wet mare. When it is determined by the COR that a significant proportion of animals must be roped, the roping will only proceed after consultation with the District Manager or their designated representative.

The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold wild horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so wild horses' legs won't get caught in the panels.

Trap wings will be constructed of portable panels, jute netting, or other materials determined to be non-harmful to the wild horses. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR.

Water trapping is an alternate method being considered to remove wild horses in limited areas where resource damage is occurring. If performed by BLM personnel, the BLM will be responsible for the transportation of wild horses to Palomino Valley Corrals. If water trapping is performed by contract, the contractor will have responsibility for the transportation of wild horses to Palomino Valley Corrals. Water trapping would be used in cases of chronic problems catching wild horses within a particular area and the continued occurrence of resource damage. Water trapping would also be used only in areas where it would be a feasible method, i.e. not trapping in areas with abundant water sources. Traps would be constructed with the same materials described in the paragraph above.

Trapping wild horses by herding them with riders on horseback is not feasible because it is too easy to lose the wild horses after starting them towards the trap; injuries to both people and wild horses are more likely and costs from previous roundups using this method are prohibitive.

It is estimated that two trap locations will be required to accomplish the work. Each site will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will be located to cause as little injury to wild horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other wild horses caused by certain conditions at the time of the gather (i.e., dust, snow, rocky terrain, temperatures, etc.).

Due to variables such as weather, time of year, location of wild horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the gather.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the wild horses could be located at all elevations during the time that the gather is scheduled. There are few physical barriers and fences in the area, and the contractor will be instructed to avoid them.

Monitoring

The numbers of wild horses that may be held in corrals during this gather operation increases the potential for band disruption and the possibility of wild horses contracting dust pneumonia. Additional monitoring of the HMA after the gather will be necessary in order to guard against detrimental affects to the wild horses. Wild horses that are captured at a specific trap site will be marked with a grease pencil to ensure that, if needed, they are released in the vicinity of the trap location where they were captured. Wild horses that are held throughout the length of the gather will be monitored in the holding facility to prevent spread of dust pneumonia or other conditions which may occur. Wet mares and dependent foals will have a separate pen to allow them to pair up if they are separated during the removal operations. Post-release monitoring will be conducted to insure wild horses return to normal patterns and do not get hung up on fences and can find water sources.

Water trapping should not create problems listed above as it will be on a more limited scale and wild horses will not be held for long periods.

Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 140 wild horses from the gather area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, snow conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a

conclusion as to whether the level of activity is likely to cause undue stress to the animals and whether a delay in the removal is warranted. If it is determined that the removal can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor, after award of the contract, will be briefed on duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations and the presence of fences and other dangerous barriers.

At least one authorized BLM employee will be present at the site of captures/removals. Either a Contracting Officer's Representative (COR) or a Project Inspector (PI) will be on site. The COR/PIs will be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation; i.e. an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The COR/PIs are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Ely District Manager and the Nevada State Office.

The Egan Resource Area Manager and the Ely District Manager are heavily involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals are the most important concerns and responsibilities of the District Manager, Area Manager, and COR/PIs.

All publicity, public contact, and inquiries will be handled through the Egan Resource Area Manager. The Area manager will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility. This is to assure that 1) there is space available in the corrals for the captured wild horses; 2) animals are handled humanely and efficiently; and 3) animals being transported from the capture site are arriving in good condition.

The COR/PIs will constantly evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be

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

To assist the COR/PIs in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize disturbance of wild horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR/PIs.

STIPULATIONS AND SPECIFICATIONS

A. TRAPPING AND CARE

Water trapping will be used only in specific circumstances and on a limited scale for chronic problem areas. Traps will be constructed in the same manner as helicopter traps and they will be monitored 24 hours a day during water trapping operations. All wild horse handling procedures will apply to water trapping and helicopter trapping equally.

All capture attempts shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of wild horses. General locations of traps will be selected by the COR/PI after determining the habits of the animals and

observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area.

Trap sites will be located to limit injury to wild horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of wild horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the capture.

Trap sites or holding corrals will not be placed in areas of any known threatened or endangered species or in areas of candidate species.

A cultural resources investigation by an archaeologist or an archaeological technician will be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site will be selected.

Trap sites for capturing wild horses with a helicopter will not be placed within $\frac{1}{4}$ mile of water sources such as streams, springs, reservoirs or troughs.

Temporary traps and corrals will be removed and sites will be left free of all debris within 30 days following the operation.

2. Rate and Distance of Movement. 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.

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

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences.

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

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

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

c. All runways shall be a minimum of 30 feet long and a minimum of six feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of one foot to six feet above ground level.

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

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

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

4. Fence Modifications. No fence modifications will be made without authorization from the COR/PI. The

contractor shall be responsible for restoration of any fence modification which he has made.

5. Dust. 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.

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR.

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

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

9. Sick or Injured Animals. The contractor shall restrain sick or injured animals if treatment by the Government is necessary.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The

COR/PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured wild horses.

The contractor may be required to dispose of the carcasses as directed by the COR/PI.

The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of wild horses which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday or Federal holidays. Animals shall not be allowed to

remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. Capture attempts 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. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one (1) hour.

Roping will be allowed only to capture an orphaned foal or a suspected wet mare. However, since all wild horses have to be removed from the area outside of the HMA, roping will be allowed if certain individual wild horses continue to elude helicopter herding operations.

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

3. Helicopter, Pilot and Communications

a. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

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

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the government will take steps as

necessary to protect the welfare of the animals. The frequency(ies) used for this contract will be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

d. The contractor shall obtain the necessary FCC licenses for the radio system.

e. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor shall provide the COR with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order shall be immediately reported to the COR.

C. MOTORIZED EQUIPMENT

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the COR/PI with a current safety inspection (less than one year old) of all tractor/stocktrailers used to transport animals to final destination.

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

3. Only stocktrailers with a covered top shall be

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

Each partition shall be a minimum of six feet high and shall have a minimum five foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of the trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held by the COR/PI.

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

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

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

8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
6 square feet per horse foal (.75 linear foot in a 8 foot wide trailer);
4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer).

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

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

D. CONTRACTOR FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the gather operation.

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor shall be responsible for the security of all government furnished property.

BRANDED AND CLAIMED ANIMALS

A notice of intent to impound and a 28-day notice to gather wild horses will be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories:

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, bobbed tails, photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with

offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner/claimant or BLM can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Egan Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or claimed horses where impoundment and trespass charges have not been offered or received.

SIGNATURES

Prepared by:

Joseph A. Stratton
Joseph A. Stratton
Wild Horse and Burro Specialist
Egan Resource Area

9/15/95
Date

Reviewed by:

Bob Brown
Bob Brown
Wild Horse Specialist
Ely District

9/19/95
Date

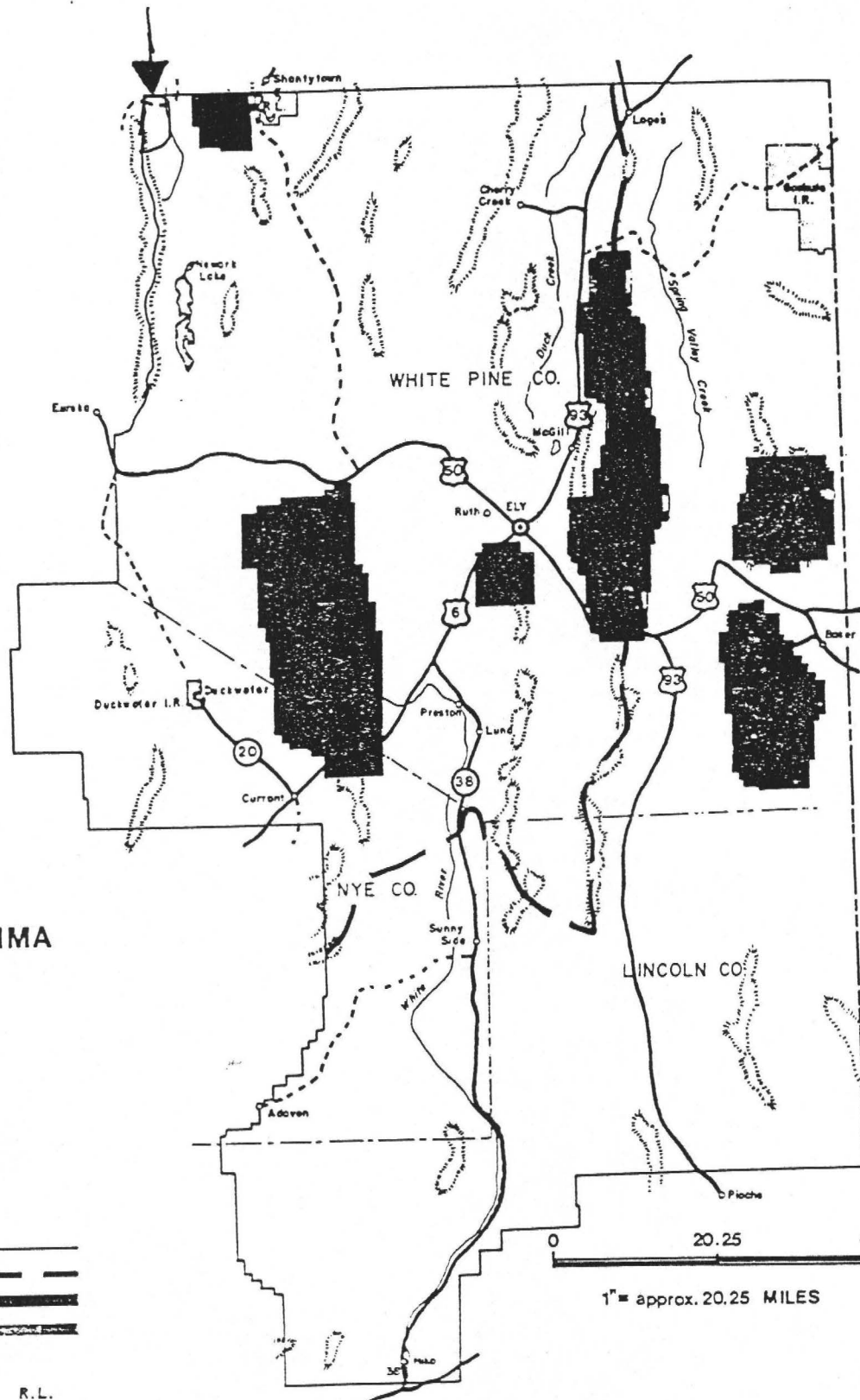
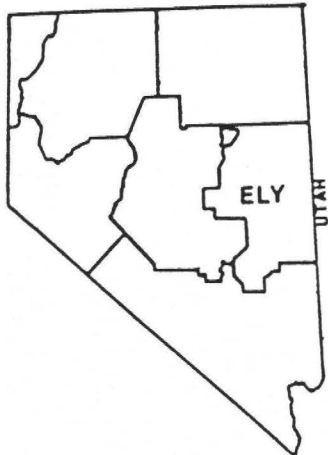
Gene L. Drais
Gene L. Drais, Manager
Egan Resource Area
Ely District

9.18.95
Date

Approved by:

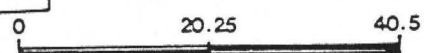
Gene A. Kolkman
Gene A. Kolkman
District Manager

9/19/95
Date



DIAMOND
HILLS SOUTH HMA

- District Boundary
 - Resource Area Boundary
 - Humboldt National Forest
 - Indian Reservation
 - Ruby Lake National Wildlife Refuge
- R.L.



1" = approx. 20.25 MILES

ELY DISTRICT

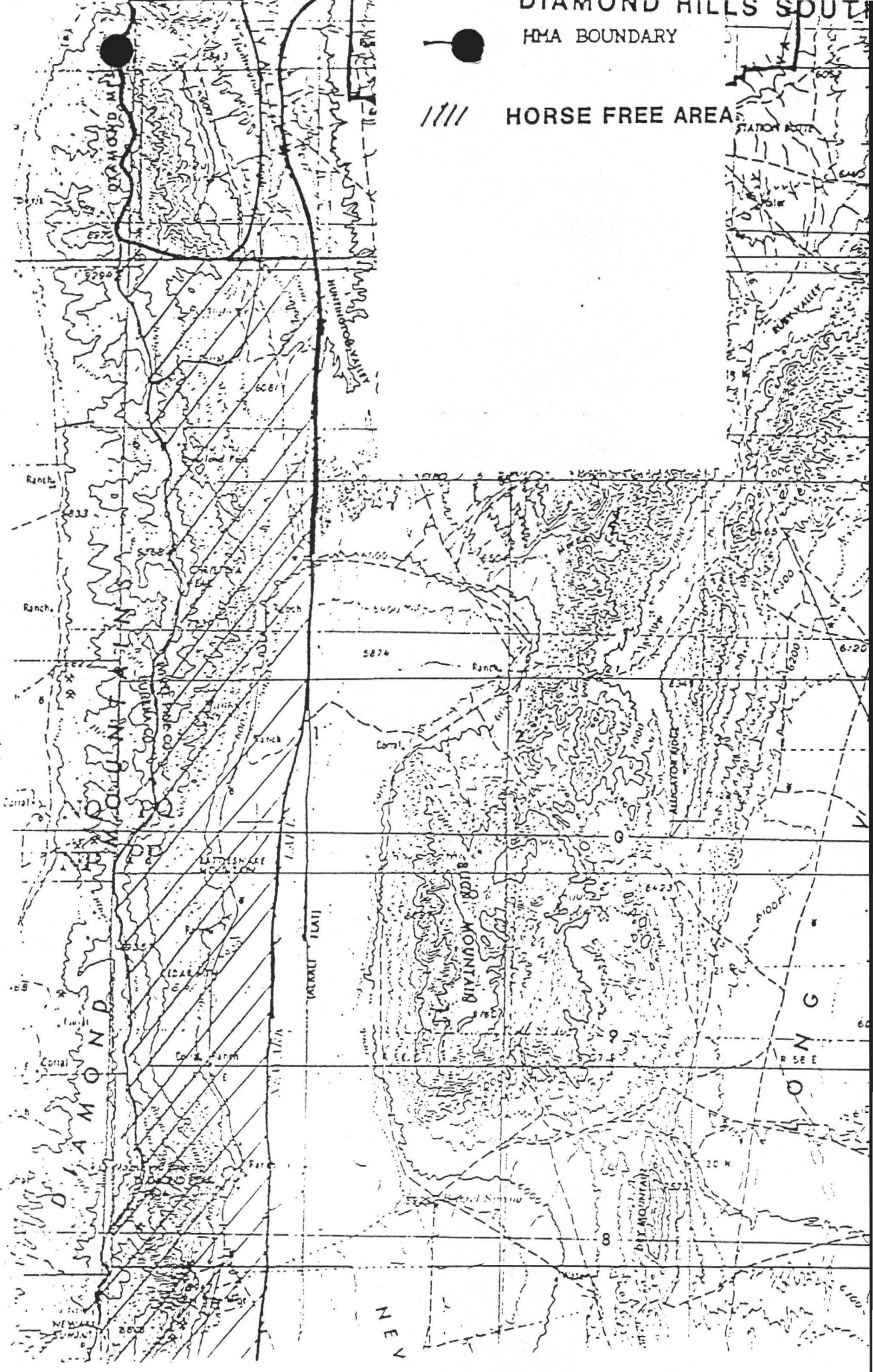
BUREAU OF LAND MANAGEMENT
U. S. DEPARTMENT OF THE INTERIOR

DIAMOND HILLS SOUTH

HMA BOUNDARY



HORSE FREE AREA



File Code (NV040-4700)

NOV 9 1995

Commission for the Preservation
of Wild Horses
Executive Director, Catherine Barcomb
255 W. Moana Lane, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

We appreciate your comments that you have submitted regarding the Railroad Pass Proposed Multiple Use Decision (PMUD). Enclosed you will find a copy of the Railroad Pass Final Multiple Use Decision (FMUD).

We considered your comments as to the determination of the allotments carrying capacity dealing with reductions from actual use and we must remind you that these issues have been discussed before and the following reasons explain why the FMUD is unchanged from the PMUD.

First the changes in permitted use on the Railroad Pass Allotment are in accordance with authority contained in Title 43 of the Code of Federal Regulations which include in pertinent part:

4110.2-2(a) "Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or grazing leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands, or annual rangelands where livestock use is occasionally authorized based upon forage availability. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under 4110.3-3...."

4110.3 "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b) "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

Second, as to the viability of the Diamond Hills South HMA, it is a long established fact that movement exists between the Diamond HMA and the Diamond Hills North HMA. Even though each HMA is managed individually, there exists sufficient genetic material to ensure genetic viability.

We appreciate your continued interest in the allotment evaluation process. If you have any further questions, please contact Joe Stratton of my staff at (702) 289-1889.

Sincerely,

Gene L. Drais, Manger
Egan Resource Area

Enclosure

1. Railroad Pass Final Multiple Use Decision

4400.5 (NV-047)

NOV 9 1985

Rother Farms, Inc.
Cheyenne Wells, CO 80810

CERTIFIED MAIL NO. P 313 269 776
RETURN RECEIPT REQUESTED

Pete Paris, Jr.
HCR 30 Box 320
Elko, NV 89316

CERTIFIED MAIL NO. P 313 269 777
RETURN RECEIPT REQUESTED

Peter and Julian Goicoechea
P.O. Box 97
Eureka, NV 89801

CERTIFIED MAIL NO. P 313 269 778
RETURN RECEIPT REQUESTED

NOTICE OF FINAL MULTIPLE USE DECISION FOR THE RAILROAD PASS
ALLOTMENT

BACKGROUND INFORMATION:

The Resource Management Plan/Environmental Impact Statement and Record of Decision for the Egan Resource Area were issued in September, 1984 and February, 1987, respectively. The Egan Rangeland Program Summary was issued in May of 1988. These documents guide the management of public lands within the Railroad Pass Allotment. The Egan Resource Area Record of Decision, dated February 1987, states in pertinent part:

"Monitoring studies will be used to determine if adjustments in livestock numbers are necessary... All vegetation will be managed for those successional stages which would best meet the objectives of this proposed plan..." (short term objectives) "Future adjustments in livestock use will be based on data provided through the rangeland monitoring program." (long term objective) "Implementation {of the range management program} will take place through coordination, consultation, and cooperation. Actions could include, but will not be limited to, change in seasons-of-use, change in livestock numbers, correction of livestock distribution problems, alteration of the number of wild horses, development of range improvements, and taking site-specific measures to achieve improvements in wildlife habitat."

Monitoring studies were initially established in 1977 and have been conducted periodically since that time. In accordance with Bureau policy and regulations, this data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Railroad Pass Allotment. Input was received from the Commission for the Preservation of Wild Horses, Nevada Division of Wildlife, and Pete Goicoechea. See Appendix 1 for the land use plan objectives covering livestock, wild horses, and wildlife. These objectives are in conformance with and formulated to accomplish the Egan Resource Management Plan multiple use objectives as they relate to all grazing use on the Railroad Pass Allotment.

BASED ON THE EVALUATION OF MONITORING DATA FOR THE RAILROAD PASS ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE FINAL DECISION IS AS FOLLOWS:

The analysis of the monitoring data has revealed that the multiple use objectives for the Railroad Pass Allotment are not being met due to the existing grazing use by cattle and wild horses. This analysis also shows that the existing use of wildlife does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in cattle and wild horse use and not to wildlife use. This decision also establishes the appropriate management level for wild horses for the Diamond Hills South Herd Management Area (HMA).

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), the permitted cattle use shall be changed to 1,364 AUMs.

From (Existing permits):*

Peter & Julian Goicoechea: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
102	Cattle	5/1 - 9/30	100	513	0

Harold Rother Farms Inc: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
300	Cattle	4/15 - 10/15	100	1815	0

* Permit schedules were not exact. Total active preference (existing permit) for Peter & Julian Goicoechea is 511 AUMs and for Harold Rother Farms, Inc., is 1800 AUMs.

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>	<u>Voluntary* Non-Use</u>
Peter & Julian Goicoechea	75	Cattle	6/1 - 9/30	100	300	211
Harold Rother Inc.	265	Cattle	6/1 - 9/30	100	1064	736

*Voluntary non-use will be for a period of five years beginning March 1, 1996. At the end of the fifth year the Railroad Pass Allotment will be reevaluated and a decision will be issued by the BLM in consultation with permittees and interested publics.

Paris Livestock

In accordance with 43 CFR 4110.3, 4110.3-2(b) and 4130.3-1(a) and (b), permitted use for sheep will be set at 691 AUMs on the native portion of the Railroad Pass Allotment with an additional 540 AUMs (sheep/cattle) adjudicated exclusively for the Corta Seeding.

From (Existing Permits):

Paris Livestock: Railroad Pass (00601)

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Active</u>
Paris Livestock	1645	Sheep	4/5 - 5/15	100	444
	2500	Sheep	11/1 - 11/15	100	247

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>
Paris Livestock	467	Sheep	4/5 - 11/15	100	691
	*365	Sheep	4/5 - 11/15	100	540

There will be no sheep use in the native area, including the burns (seeded) identified on Map 1 (attached) from June 1, through October 31.

* The 540 AUMs identified above to be used in the Corta Seeding exclusively may be either sheep or cattle AUMs.

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the respective grazing permits for the Railroad Pass Allotment:

1. A rest rotation system will be established for cattle grazing on the Railroad Pass Allotment as outlined below:

<u>Pasture</u>	<u>Year 1 Schedule</u>	<u>Year 2 Schedule</u>
North of Drift Fence	6/1 - 9/30	No Use
South of Drift Fence	No Use	6/1 - 9/30

2. Livestock grazing capacity for the Corta Seeding is established at 540 AUMs, to be used exclusively within the seeding.

3. There will be no sheep use from June 1 through October 31 in the native area, including the burns (seeded) , shown on Map 1.

4. There will be no fall sheep use in the burn areas. (Map 2)

5. Salt will be placed a minimum of 1/2 mile from water sources.

6. Voluntary non-use will be for five years beginning March 1, 1996.

RATIONALE:

The analysis and evaluation of available monitoring data indicates that current stocking rates and management practices must be modified to meet the multiple use management objectives for the Railroad Pass Allotment. The data for the allotment as a whole indicates that the livestock carrying capacity for the native portion of the allotment is 2,055 AUMs with 1,364 cattle AUMs and 691 sheep AUMs. An additional 540 AUMs will be permitted within the Corta Seeding.

AUTHORITY:

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent part:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock

grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer..."

4120.3-1(c): "The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under Sec. 4130.6-2 of this title."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

APPEAL:

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final livestock grazing portion of this decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, Gene L. Drais, Egan Resource Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408, within 30 days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant 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.

As noted above, the petition for stay must be filed in the office of the authorized officer.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse use at 260 AUMs or 22 wild horses yearlong \pm 15%. Therefore, in accordance with 43 CFR 4700.0-6(a), wild horse use on the Railroad Pass Allotment shall be managed at 22 animals yearlong \pm 15%, which establishes a wild horse management range of 19 to 25 wild horses yearlong.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 22 animals \pm 15% will be removed.

Adjustments in wild horse numbers will be made by future Diamond Hills South HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

RATIONALE: The analysis and evaluation of available monitoring data indicates that reduction in wild horse numbers in the Diamond Hills South HMA is necessary to establish and maintain a thriving natural ecological balance and to limit the animals' distribution to existing herd areas.

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

4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

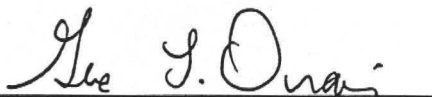
4710.4: Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in the approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

APPEAL:

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form. In addition, please provide this office with a copy of your Statement of Reasons. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

In addition, within 30 days of receipt of this decision, you have the right to file a petition for a stay (suspension) of the decision together with your appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the parties specified above. The appellant has the burden of proof to demonstrate that a stay should be granted.



Gene L. Drais, Manager
Egan Resource Area

CERTIFIED MAIL #

cc:	Rother Farms, Inc.	P 313 269 776
	Pete Paris, Jr.	P 313 269 777
	Peter and Julian Goicoechea	P 313 269 778
	John Mclain, Resource Concepts, Inc.	P 313 269 779
	Rose Strickland, Sierra Club	P 313 269 780
	The Wilderness Society	P 313 269 781
	Kurt Baughman, Nevada Division of Wildlife, Ely, NV	P 313 269 782
	Nevada Division of Wildlife, Region II, Elko, NV	P 313 269 783
	Commission for the Preserv. of Wild Horses & Burros	P 313 269 784
	International Society for the Preservation of Wild Horses & Burros	P 313 269 785
	N-4 Grazing Board, Region II	P 313 269 786
	U.S. Fish and Wildlife Service, Ruby Valley, NV	P 313 269 787
	U.S. Fish and Wildlife Service, Reno, NV	P 313 269 788
	Nevada Farm Bureau	P 313 269 789
	Animal Protection Institute	P 313 269 790
	Wild Horse Organized Assistance	P 026 274 935

WFuell:cl

APPENDIX: Land Use Plan/ Rangeland Program Summary Objectives

1. Land Use Plan Objectives

a. Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision (ROD) p. 3)

b. Wild Horses - Wild horses will be managed at a total of 36 animals within the Diamond Hills HMA. (Egan ROD, p. 6)*

- Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program. (Egan ROD, p. 6)*

* The 36 horses yearlong identified in the ROD is no longer a valid Appropriate Management Level (AML). The Interior Board of Land Appeals (IBLA) June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "an AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute. The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

c. Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife." (Egan ROD, p. 6)

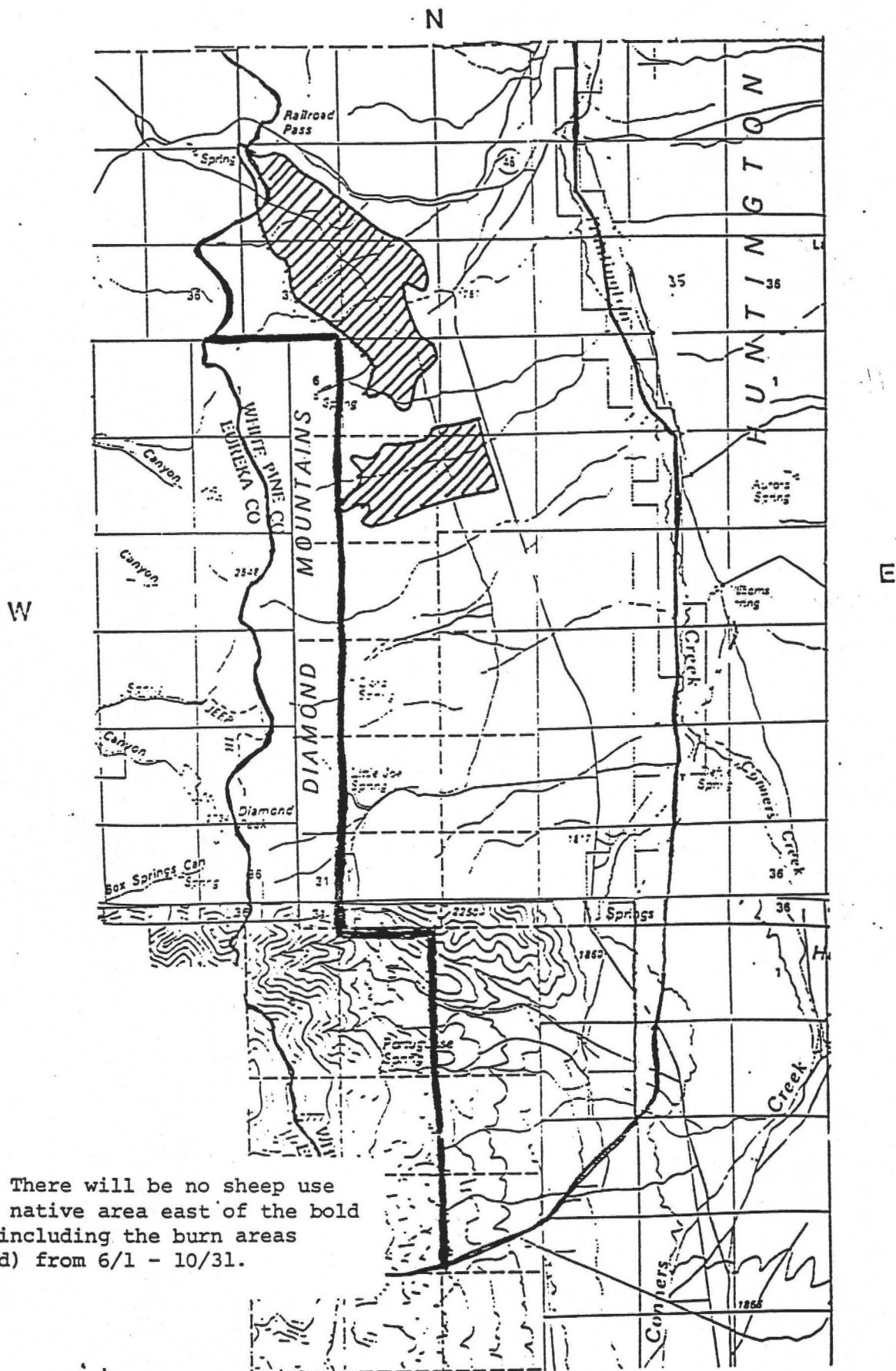
- "Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Department of Wildlife." (Egan ROD, p. 8)

d. Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing system and aesthetic values." (Egan ROD p. 44)

2. Rangeland Program Summary Objectives

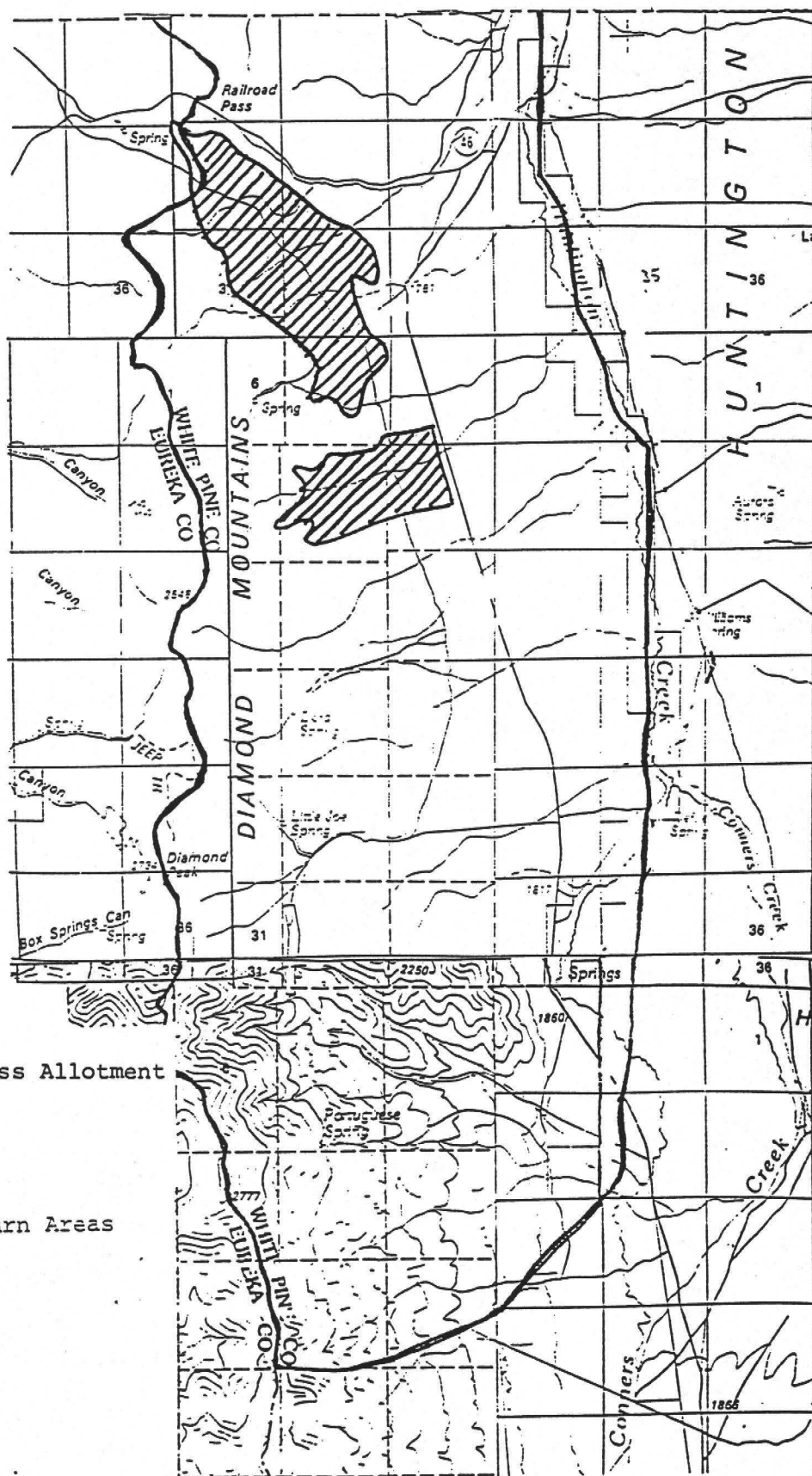
- a. "Provide for up to 943 AUMs of livestock use."
- b. "Maintain the Corta and Burn Seedings in good or better condition."
- c. "Improve ecological condition of low productivity/high potential big sagebrush dominated vegetation types on approximately 1/3 of the allotment."
- d. Maintain or improve current ecological condition on the remainder of the native range, with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels which for perennial grass species is 50%.
- e. "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: deer 682 AUMs."
- f. "Maintain habitat condition of meadows and riparian areas in good or better condition for mule deer and upland game."
- g. Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid-late seral stage with a minimum of 30% shrub component by weight.
- h. Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within two miles of nest sites.
- i. "Maintain .25 miles of stream riparian in good or better condition."
- j. "Provide habitat and forage for approximately 38 horses (453 AUMs) within the Diamond Hills South HMA. (See note on page 3, B.b(1))"

RAILROAD PASS BURN AREAS



Map 1. There will be no sheep use in the native area east of the bold line, including the burn areas (seeded) from 6/1 - 10/31.

RAILROAD PASS BURN AREAS



2. Railroad Pass Allotment
1 Areas

Rehabilitated Burn Areas

RAILROAD FMUD MAILING LIST

Rother Farms Inc.
Cheyenne Wells, CO 80810

Pete Paris Jr.
HCR 30 Box 320
Elko, NV 89316

Peter and Julian Goicoechea
P.O. Box 97
Eureka, NV 89316

Mr. John Mclain
Resource Concepts, Inc.
340 North Minnesota St.
Carson City, NV 89710

Rose Strickland
P. O. Box 8096
Reno, NV 89507

The Wilderness Society
116 New Montgomery, Suite 526
San Francisco, CA 94105

Kurt Baughman
Nevada Division of Wildlife
Ely Field Office
P. O. Box 1109
Ely, NV 89301

Nevada Division of Wildlife
Region II
1375 Mountain City Highway
Elko, NV 89801

Commission for the Preservation of
Wild Horses and Burros
255 Moana Lane
Suite 207A
Reno, NV 89509

International Society for the Preservation
of Wild Horses and Burros
6212 E. Sweetwater Ave.
Scottsdale, AZ 85254

N-4 Grazing Board
Region II
c/o Bill Davidson
P.O. Box 1077
McGill, NV 89318

U.S. Fish and Wildlife Service
HC 60 Box 860
Ruby Valley, NV 89833-9802

U.S. Fish and Wildlife Service
Reno Field Station
4600 Kietzke Lane, Bldg. C-125
Reno, NV 89502

Nevada Farm Bureau
1300 Marietta Way
Sparks, NV 89431

Animal Protection Institute
Nancy Whittaker, Program Assistant
P.O. Box 22505
Sacramento, CA 95822

Wild Horse Organized Assistance
c/o Dawn Lappin
P.O. Box 555
Reno, NV. 89504



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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

October 26, 1995

Mr. Gene L. Drais
Egan Resource Area
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Railroad Pass Allotment - PMUD - Protest

Dear Mr. Drais:

The Nevada Commission for the Preservation of Wild Horses protests the proposed multiple use decision for the Railroad Pass Allotment. Our previous comments to the draft allotment evaluation presented flaws in the determination of the allotment carrying capacity. The Management Action Selection Report did not adequately address the errors raised by the Commission. We request a final allotment evaluation and decision disclosing all the data, policies and regulations supporting it.

It is our assessment that the proposed livestock decision makes minor changes from the observed "actual use" by livestock during the period of the allotment evaluation. The proposed decision permits grazing use above levels the District has identified as known not to meet allotment specific objectives.

The wild horse appropriate management level for the Diamond Hills South Herd is uncertain. Establishing wild horse numbers per allotment is a difficult approach for the management of a wild horse herd. Studies indicate a need to sustain 50 head per herd to maintain genetic viability. Compliance with the Strategic Policy Plan will re-structure the herd to older age class animals with little regard to longevity or productivity. We request that the gather plan present a herd criteria for the animals released back to the herd management area. If the Diamond South Hills Herd is within a metapopulation comprised of the Diamond North Hills and Diamond herds, then the gather plan should include comprehensive data supporting your conclusion.

BUREAU OF LAND MGMT ELY, NEVADA RECEIVED		
OCT 30 1995		
RT	OFFICE	DATE
	D. M.	10/27
	RES	
	OPS	
	ADM	
	EGM <i>Wild Horses</i>	✓
	GCH <i>Joe</i>	
	C. F.	
Comments:		

Carrying Capacity
Railroad Pass Allotment Data

Year	AUMs Cattle	AUMs Horses	AUMs Total	Measure %	Desired %	Capacity
1988	967	1620	2587	.70	.50	1848
1989	432	2112	2544	.90	.50	1817
1990	584	2304	2888	.70	.50	2063
1992	311	1594	1905	.70	.50	1361
Average	574	1908	2481			1772
Percent	.23	.77				

Adjustment to Average Actual Use

Average Use = 2481 AUMs
 Capacity = 1772 AUMs
 Reduce = 709 AUMs

Proportion of Reduction to Offending User

Cattle 709 AUMs X .23 = 163 AUMs
 Horses 709 AUMs X .77 = 546 AUMs

Reduction to Average Actual Use

Cattle 574 AUMs - 163 AUMs = 411 AUMs
 Horses 1905 AUMs - 546 AUMs = 1359 AUMs

Appropriate Management Level = 113 Horses

Mr. Gene Drais
October 26, 1995
Page 2

Again, we would like to request better explanation or rationale for issues raised in the allotment evaluation for the Railroad Allotment. To avoid any further misunderstandings or administrative appeals the final allotment evaluation and gather plan can provide the Commission the needed assurances to sustain the Diamond Hills South Herd.

Sincerely,



Catherine Barcomb
Executive Director

enclosures



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Ely District Office

HC 33 Box 33500

Ely, Nevada 89301-9408

IN REPLY REFER TO:

IN REPLY REFER TO:

File Code (NV- 040-4700)

Commission for the Preservation of Wild Horses
 c/o Cathy Barcomb, Executive Director
 255 West Moana Suite 207A
 Reno, Nv 89043

OCT 13 1995

Dear Ms. Barcomb:

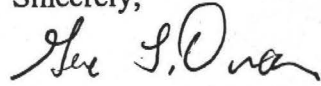
Enclosed is a copy of the Proposed Multiple Use Decision (PMUD) for the Railroad Pass Grazing Allotment. This allotment totally encompasses the 10,500 acre Diamond Hills South Herd Management Area.

The enclosed Proposed Decision contains some special provisions that will ensure quick improvements of the health of the land. On October 4, 1995, a field trip was conducted with the Egan Resource Area Manager, range staff, wild horse specialist, and permittees. The results of this field trip yielded an agreement by the permittees 1) to take voluntary non-use of livestock numbers at the levels called for in the evaluation for five years and 2) revise the season of use to eliminate livestock grazing in the early spring and late fall. In addition to this meeting, the Egan Area Manager called Dawn Lappin of Wild Horse Organized Assistance on October 11, 1995 and explained to her the results of this field trip. Ms. Lappin was supportive of the Proposed Decision.

The Egan Resource Area attempted to invite you to the field trip on October 4, 1995 by leaving a message on your answering machine on September 28, 1995. We regret that we were not able to reach you at that time. As per our phone call on October 12, 1995, there is significant exchange between the Diamond Hills Horse Free Area (ELY), Diamond Hills South HMA (Ely), Diamond Hills North HMA (Elko) and the Diamond HMA (Battle Mt.). This area has been historically recognized as an area where significant exchange takes place between the HMAs. Census operations have routinely shown wild horses on or near the boundaries of each HMA. There are no barriers restricting wild horse movements among these areas and field observations of "marker" horses indicate wild horse exchange is occurring.

Please provide any additional comments within fifteen days of receipt of this letter. If you have any questions or comments, please contact Joe Stratton, Egan Resource Area Wild Horse Specialist or Wendy Fuell, Egan Resource Area Rangeland Management Specialist, at (702)289-1800.

Sincerely,



Gene L. Drais, Manager
Egan Resource Area

1 Enclosure

1. Proposed Multiple Use Decision Railroad Pass Allotment



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Ely District Office

HC 33 Box 33500

Ely, Nevada 89301-9408

IN REPLY REFER TO:

4400.5 (NV-047)

OCT 13 1995

IN REPLY REFER TO:

Rother Farms Inc.
Cheyenne Wells, CO 80810

CERTIFIED MAIL NO. P 313 269 480
RETURN RECEIPT REQUESTED

Pete Paris Jr.
HCR 30 Box 320
Elko, NV 89316

CERTIFIED MAIL NO. P 313 269 481
RETURN RECEIPT REQUESTED

Peter and Julian Goicoechea
P.O. Box 97
Eureka, NV 89316

CERTIFIED MAIL NO. P 313 269 482
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE RAILROAD PASS ALLOTMENT

BACKGROUND INFORMATION:

The Resource Management Plan/Environmental Impact Statement and Record of Decision for the Egan Resource Area were issued in September, 1984 and February, 1987, respectively. The Egan Rangeland Program Summary was issued in May of 1988. These documents guide the management of public lands within the Railroad Pass Allotment. The Egan Resource Area Record of Decision, dated February 1987, states in pertinent part:

"Monitoring studies will be used to determine if adjustments in livestock numbers are necessary...All vegetation will be managed for those successional stages which would best meet the objectives of this proposed plan..." (short term objectives) "Future adjustments in livestock use will be based on data provided through the rangeland monitoring program." (long term objective)"Implementation {of the range management program} will take place through coordination, consultation, and cooperation. Actions could include, but will not be limited to, change in seasons-of-use, change in livestock numbers, correction of livestock distribution problems, alteration of the number of wild horses, development of range improvements, and taking site-specific measures to achieve improvements in wildlife habitat."

Monitoring studies were initially established in 1977 and have been conducted periodically since that time. In accordance with Bureau policy and regulations, this data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Railroad Pass Allotment. Input was received from the Commission for the Preservation of Wild Horses, Nevada Division of Wildlife, and Pete Goicoechea. See Appendix 1 for the

land use plan objectives covering livestock, wild horses, and wildlife. These objectives are in conformance with and formulated to accomplish the Egan Resource Management Plan multiple use objectives as they relate to all grazing use on the Railroad Pass Allotment.

BASED ON THE EVALUATION OF MONITORING DATA FOR THE RAILROAD PASS ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF , AND INPUT RECEIVED THROUGH CONSULTATION, COORDINATION, AND COOPERATION FROM THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE PROPOSED DECISION IS AS FOLLOWS:

The analysis of the monitoring data has revealed that the multiple use objectives for the Railroad Pass Allotment are not being met due to the existing grazing use by cattle and wild horses. This analysis also shows that the existing use of wildlife does not contribute to the failure in meeting these multiple use objectives. Therefore, this decision proposes changes in cattle and wild horse use and not to wildlife use. This decision also establishes the appropriate management level for wild horses for that portion of the Diamond Hills South Herd Management Area (HMA) .

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), the permitted cattle use shall be changed to 1,364 AUMs.

From (Existing permits):*

Peter & Julian Goicoechea: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
102	Cattle	5/1 - 9/30	100	513	0

Harold Rother Farms Inc: Railroad Pass (00601)

Number	Kind	Period of Use	AUMs		
			%PL	Active	Suspended
300	Cattle	4/15 - 10/15	100	1815	0

* Permit schedules were not exact. Total active preference (existing permit) for Peter & Julian Goicoechea is 511 AUMs and for Harold Rother Farms Inc. is 1800 AUMs.

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>	<u>Voluntary* Non-Use</u>
Peter & Julian Goicoechea	75	Cattle	6/1 - 9/30	100	300	211
Harold Rother Inc.	265	Cattle	6/1 - 9/30	100	1064	736

*Voluntary non-use would be for a period of five years pending a new evaluation.

Sheep Use

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a) and (b), permitted use for sheep will be set at 691 AUMs on the native portion of the Railroad Pass Allotment with an additional 540 AUMs adjudicated exclusively for the Corta Seeding.

From (Existing Permits):

Paris Livestock: Railroad Pass (00601)

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Active</u>
Paris Livestock	1645	Sheep	4/5 - 5/15	100	444
	2500	Sheep	11/1 - 11/15	100	247

To:

<u>Permittee</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>
Paris Livestock	1645	Sheep	4/5 - 5/15	100	444
	2500	Sheep	11/1 - 11/15	100	247
	365	Sheep	4/5 - 11/15	100	540

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the respective grazing permits for the Railroad Pass Allotment:

1. A rest rotation system will be established for cattle grazing on the Railroad Pass Allotment as outlined below:

<u>Pasture</u>	<u>Year 1 Schedule</u>	<u>Year 2</u>
North of Drift Fence	6/1 - 9/30	No Use
South of Drift Fence	No Use	6/1 - 9/30

2. Livestock grazing capacity for the Corta Seeding is established at 540 AUMs, to be used exclusively within the seeding.

3. There will be no fall sheep use in the burn areas. (Map 1)

4. Salt will be placed a minimum of 1/2 mile from water sources.

5. Voluntary non-use will be for five years pending a new evaluation.

RATIONALE:

The analysis and evaluation of available monitoring data indicates that current stocking rates and management practices must be modified to meet the multiple use management objectives for the Railroad Pass Allotment. The data for the allotment as a whole indicates that the livestock carrying capacity for the native portion of the allotment is 2,055 AUMs with 1,364 cattle AUMs and 691 sheep AUMs. An additional 540 sheep AUMs will be permitted within the Corta Seeding.

AUTHORITY:

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent part:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer..."

4120.3-1(c): "The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under Sec. 4130.6-2 of this title."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

PROTEST:

Any applicant, permittee, lessee or other affected interest may protest the livestock grazing portion of this proposed multiple-use decision under Sec. 43 CFR 4160.1, in person or in writing to Gene Dräis, Egan Resource Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408 within 15 days after receipt of such decision. The protest if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a final multiple-use decision will be issued specifying the appeal procedures.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse use at 260 AUMs or 22 wild horses yearlong \pm 15%. Therefore, in accordance with 43 CFR 4700.0-6(a), wild horse use on the Railroad Pass Allotment shall be managed at 22 animals yearlong \pm 15%, which establishes a wild horse management range of 19 to 25 wild horses yearlong.

In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 22 animals \pm 15% will be removed.

Adjustments in wild horse numbers will be made by future Diamond Hills South HMA gathers based on continued monitoring, in order to achieve and maintain the established AML.

RATIONALE: The analysis and evaluation of available monitoring data indicates that reduction in wild horse numbers in the Diamond Hills South HMA is necessary to establish and maintain a thriving natural ecological balance and to limit the animals' distribution to existing herd areas.

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

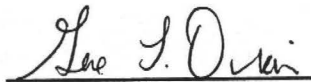
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: Management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in the approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

PROTEST:

Although the 4700 regulations allow for an appeal with no mention of a protest, for the purpose of consistency with the livestock management portion of this decision, the entire multiple use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with the Egan Resource Area Manager, HC 33 Box 33500, Ely, Nevada 89301-9408. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.



Gene L. Drais, Manager
Egan Resource Area

cc:

(Certified Mail #)

Mr. John Mclain Resource Concepts, Inc. 340 North Minnesota St. Carson City, NV. 89710	P 313 269 483
Rose Strickland Sierra Club, Toiyabe Chapter P.O. Box 456 Reno, NV 89507	P 313 269 484
The Wilderness Society 116 New Montgomery, Suite 526 San Francisco, CA. 94105	P 313 269 485
Kurt Baughman Nevada Department of Wildlife Ely Field Office Box 1109 Ely, NV 89801	P 313 269 486
Nevada Department of Wildlife Region II 1375 Mountain City Highway Elko, NV. 89801	P 313 269 487
Commission for the Preservation of Wild Horses and Burros 255 Moana Lane Suite 207A Reno, NV 89509	P 313 269 488
International Society for the Preservation of Wild Horses and Burros 6212 E. Sweetwater Ave. Scottsdale, AZ. 85254	P 313 269 489
N-4 Grazing Board Region II c/o Bill Davidson P.O. Box 1077 McGill, NV. 89318	P 313 269 490

U.S. Fish and Wildlife Service
HC 60 Box 860
Ruby Valley, NV. 89833-9802

P 313 269 491

U.S. Fish and Wildlife Service
Reno Field Station
4600 Kietzke Lane, Bldg. C-125
Reno, NV. 89502

P 313 269 492

Nevada Farm Bureau
1300 Marietta Way
Sparks, NV. 89431

P 313 269 493

Animal Protection Institute
Nancy Whittaker, Program Assistant
P.O. Box 22505
Sacramento, CA. 95822

P 313 269 494

Wild Horse Organized Assistance
c/o Dawn Lappin
P.O. Box 555
Reno, NV 89504

P 313 269 495

APPENDIX: Land Use Plan/ Rangeland Program Summary Objectives

1. Land Use Plan Objectives

a. Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision (ROD) p. 3)

b. Wild Horses - Wild horses will be managed at a total of 36 animals within the Diamond Hills HMA. (Egan ROD, p. 6)*

- Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program. (Egan ROD, p. 6)*

* The 36 horses yearlong identified in the ROD is no longer a valid Appropriate Management Level (AML). The Interior Board of Land Appeals (IBLA) June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "an AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute. The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

c. Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife." (Egan ROD, p. 6)

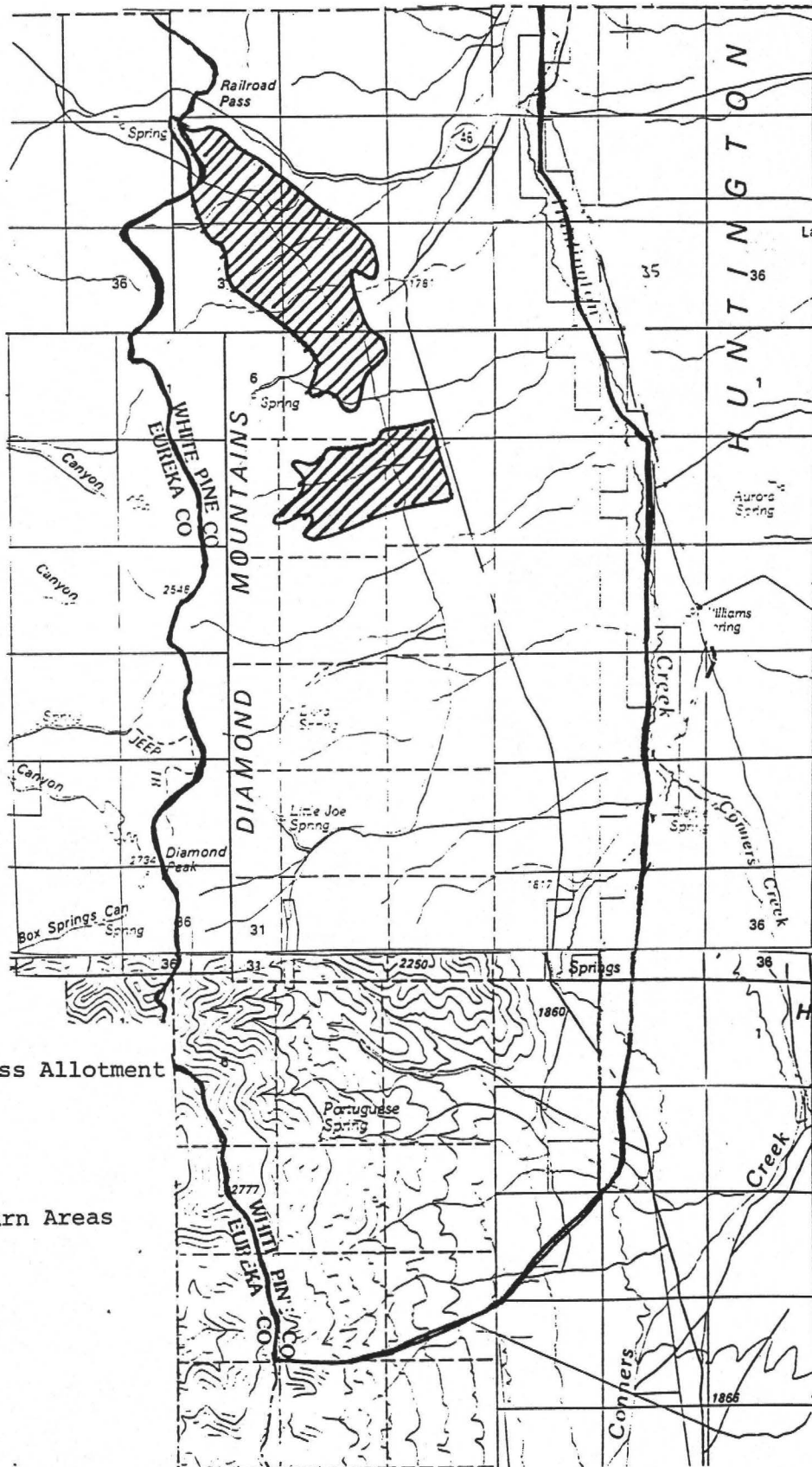
- "Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Department of Wildlife." (Egan ROD, p. 8)

d. Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing system and aesthetic values." (Egan ROD p.44)

2. Rangeland Program Summary Objectives

- a. "Provide for up to 943 AUMs of livestock use."
- b. "Maintain the Corta and Burn Seedings in good or better condition".
- c. "Improve ecological condition of low productivity/high potential big sagebrush dominated vegetation types on approximately 1/3 of the allotment."
- d. Maintain or improve current ecological condition on the remainder of the native range, with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels which for perennial grass species is 50%
- e. "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: deer 682 AUMs."
- f. "Maintain habitat condition of meadows and riparian areas in good or better condition for mule deer and upland game."
- g. Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid-late seral stage with a minimum of 30% shrub component by weight.
- h. Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within two miles of nest sites.
- i. "Maintain .25 miles of stream riparian in good or better condition."
- j. "Provide habitat and forage for approximately 38 horses (453 AUMs) within the Diamond Hills South HMA. (See note on page 3, B.b(1))

RAILROAD PASS BURN AREAS



Map 1. Railroad Pass Allotment Burn Areas

 Rehabilitated Burn Areas

From: GENE DRAIS
To: ffisher, kfuell, jstratto, rbrown, cmayer
Date: Tue, Oct 17, 1995 3:49 pm
Subject: Railroad Pass PMUD

I spoke with Rose Strickland (Sierra Club) on the phone October 17. She said she had received the PMUD today. She had not had time to look at it but she will. Since I was not able to talk with her about the PMUD before it was mailed, I merely asked her to phone and talk if she had any questions or concerns. She was very cordial and said she would if need be.

From: GENE DRAIS
To: gkolkman, treuwsaa, cmayer, rbrown, ffisher, kfuel...
Date: Thu, Oct 12, 1995 4:50 pm
Subject: Railroad Pass Allotment

On October 12, 1995 I spoke with Cathy Barcomb, Nevada Commission for the Preservation of Wild Horses, about the Railroad Pass Allotment. I explained to her that I have a tentative horse removal for the Diamond Hills South HMA set for January 1996 and I need to issue a decision that sets AML in the Railroad Pass Allotment.

I explained that when we visited the allotment in June the two burned and seed areas were in tremendous condition. When we visited the areas October 4 there was evidence of severe use. Since livestock had not used the areas since June, this use was from the approximate 134 wild horses counted in the HMA September 27.

I explained that the two livestock permittees have agreed to: 1) take voluntary non-use for five years to the AUM levels called for in the evaluation; 2) revise their season of use to eliminate livestock grazing during the early spring and late fall seasons; 3) set the AML for the HMA at 22 wild horses. I further explained that BLM would evaluate the allotment again after the five years. Another decision would be issued at that time. As it stands today, the AML could change along with livestock grazing AUMs. I also informed her that I had spoken with Dawn Lappin on October 11 and that she generally supported the PMUD.

We discussed the number of livestock AUMs used during the evaluation years and afterward. We also discussed the impact the 134+ wild horses are having on the allotment.

I asked her if she felt the Proposed Decision was reasonable. Cathy said she felt it was. She had concern, however, about whether 22 wild horses constituted a viable herd. She asked me so include in the cover letter information that we have that leads us to conclude that wild horses in this HMA move back and forth from surrounding HMAs so that the 22 animals would not be in jeopardy.

From: GENE DRAIS
To: gkolkman, treuwsaa, rbrown, ffisher, jstratto, kfu...
Date: Wed, Oct 11, 1995 10:40 am
Subject: Railroad Pass Allotment

On October 11, 1995 I spoke with Dawn Lappin, Wild Horse Organized Assistance, about the Railroad Pass Allotment. I refreshed her memory of where the allotment is, how big it is, and how big the Diamond Hills South HMA is. We talked honestly about the need for a reduction in both wild horses and cattle numbers, but that, frankly, most of my concern (from the evaluation) was with wild horses.

I explained to her that there is a tentative scheduled wild horse removal in January 1996 and I need to issue a PMUD and FMUD soon on this allotment. I told her that both livestock permittees have agreed to: 1) take voluntary non-use on the allotment at the level called for in the evaluation (about a 42% reduction from preference) for five years; and 2) revise their season of use to eliminate livestock grazing in the early spring and late fall. Then another evaluation would be done and adjustments made, if needed.

She said the agreement sounded reasonable and that she could support it. She urged me to "go ahead" with the PMUD.

CONVERSATION RECORD

Subject: Discussion with Harold Rother concerning Railroad Pass

Summary: On Oct. 11, 1995 I called Harold Rother to discuss the Proposed Decision for the Railroad Pass Allotment. I told him about the meeting we had with Pete Goicoechea and Pete Paris Jr. on the Railroad Pass Allotment and that Pete G. had agreed to take voluntary non-use up to 50% for five years in order to expedite the horse gathers. I asked Harold if he would be willing to also take voluntary non-use for five years up to 50% of his preference. He said he would be willing to, however, he would rather take the 42% reduction identified in the evaluation and the 50% reduction only if it was necessary to negotiate with the horse groups. I also told him that Pete G. had suggested a rest rotation system (6/- 9/30) rather than the deferred rotation system outlined in the evaluation. He said that it would be fine with him. he also mentioned the fact that he was planning on stocking up more numbers and that he was fencing private along Huntington Creek. I told him that Rob Willis (manager for Warm Springs and Cold Creek) had some concerns with that because they had several parcels along the creek. I gave him Robs' number to contact him.

Kathryn W. Fuell

Kathryn W. Fuell

Rangeland Management Specialist
Egan Resource Area

Memorandum

NV-04-95-10

NV-04-95-10

To: Monitoring Files, Railroad Pass Allotment

From: Wendy Fuell, Egan Resource Area, Rangeland Management Specialist

Subject: Horse Use on Railroad Pass Allotment

On Oct. 4, 1995 Gene Drais, Fred Fisher, Chris Mayer, Bob Brown and myself met with Pete Goicoechea and Pete Paris to look at horse use on the Railroad Pass Allotment and to discuss the upcoming Proposed Decision.

We met in the big burn in the northern portion of the allotment. Pete had kept his cows south of the drift fence all year so there had been virtually no cattle use in this area. I had monitored sheep use after they had been removed from this area on June 13, 1995 and use was slight. The burn had uniform heavy/severe use on perennial grasses, horse sign was prevalent throughout the area.

Our next stop was the small burn to the south. Conditions were similar with use being predominantly wild horse, with heavy/severe use throughout.

Pete Goicoechea discussed the fact that he would appeal a decision as it was stated in the Management Action Selection report; however, he agreed to take up to a 50% voluntary non-use cut from his original preference for a period of five years. This would be around 10% more AUMs than were targeted in the evaluation. Pete also had some concerns with the seasons of use outlined in the evaluation. He felt that the 11/15 off date was too late to work with his operation and that he would like to rest one use area completely with a season of use from around 5/20 - 6/1 until 9/30.

Gene discussed the fact that any alteration from the Management Action Selection report would have to be discussed with the other affected interests involved and agreed to follow up on Petes' proposal.

Kathryn W. Fuell

Kathryn W. Fuell

Rangeland Management Specialist

CONVERSATION RECORD

TIME
14:58

DATE
9/28/95

VISIT CONFERENCE TELEPHONE
 INCOMING
 OUTGOING

ROUTING	
NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Cathy Barcomb

702-688-2628

SUBJECT

Invite to the RR Pass field trip

SUMMARY

Left a message on her machine about field trip on RR Pass allotment concerning the proposed MUD for next Wednesday Oct. 4.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Joe Stratton

Joseph A. Stratton

9/28/95

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME
14.58

DATE
9/28/95

TITLE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO:

Dawn Lappin

702-851-4817

SUBJECT

Invite to Oct. 4 meeting on RR Pass Allotment

w/ Pete Goichea,

SUMMARY

Left a message on Dawn Lappin's machine to talk to Bob ^{Down} or Wendy Fuell about meeting on RR Pass Proposed Decision

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Joe Strath

Joseph A Strath

9/28/95

ACTION TAKEN

SIGNATURE

TITLE

DATE

AUG - 7 1995

MANAGEMENT ACTION SELECTION REPORT
RAILROAD PASS ALLOTMENT
EGAN RESOURCE AREA

NV-04-95-1
NV-04-95-10

Harold Rother, Pete Paris Jr., Pete and Julian Goicoechea (Permittees)

A. INTRODUCTION

The Railroad Pass Allotment Evaluation was conducted in accordance with the direction set forth in the Washington Office Instruction Memorandum No. 86-706 and is based on monitoring data collected in 1988, 1989, 1991, and 1992.

Comment letters were received from the Commission for the Preservation of Wild Horses, Pete Goicoechea (permittee) and the Nevada Division of Wildlife (NDOW). Copies of the comment letters that specifically address this allotment can be found in the Railroad Pass Allotment Evaluation file located in the Ely District Office. All three permittees came into the office to give personal comments as well. All allotment specific comments were considered for incorporation into the management action selection report. From the comments received from permittees and wild horse interest groups, it was evident that there was some concern about how wild horse numbers were calculated and used to set stocking rates in the evaluation. The Bureau of Land Management uses all available sightings, on the ground counts, and annual census to identify the wild horses that use an allotment. Population modeling is not used because it is intended to track population growth and age structure. This type of data would not show movement and actual use information.

There was some concern as to the validity of using initial stocking rates established in the Land Use Plan to proportion AUMs for livestock and wild horses. The numbers established in the Record of Decision (ROD) for livestock and wild horses were management levels that would meet management objectives. It was the Bureau's intention, as well as an ROD decision, from that point on, to make any changes in stocking rates based on monitoring. The Railroad Pass Allotment was unique in the fact that we are required to reduce from preference; however, if we attributed the use to the offending animal, in this case based on 74% actual use by wild horses and 26% actual use by cattle, it would have resulted in reducing the wild horse population below zero which is not an option. We then attempted the adjustment based on a needed 58% reduction overall. This resulted in the livestock operators being reduced 59%, while only making 26% of the actual use, and wild horses being reduced 41%, while making 74% of the actual use. This was not equitable. We then used our existing Land Use Plan proportion for AUMs of 84% for livestock and 16% for wild horses. This results in livestock receiving 84% of available AUMs and wild horses receive 16% of available AUMs. We felt this was the most justifiable since it is equitable to both users.

NDOW had some concern that the following springs were not included in the evaluation: Little Joe Spring, Portuguese Spring and an unnamed spring located in the southern portion of the allotment. Little Joe Spring was not included in the evaluation as a result of a field check on 4/6/93, which found no surface water and no mesic vegetation associated with the spring. Portuguese Spring was not included in the evaluation either because of a lack of mesic vegetation to evaluate in the area. The unnamed spring located at T23N R55E, Sec. 16 will be added to the evaluation. It was monitored on 11/9/94 and found to have a condition rating of good, with potential of excellent if protected.

Other concerns expressed by NDOW were that a reduction in the cattle preference was in reality an increase in AUMs from actual use and that the two pasture deferred grazing system would increase use in the riparian areas. It is established policy that livestock reductions are made from preference and wild horse reductions are made from the most recent census. The BLM maintains that the two pasture rotation system will provide rest to these riparian areas and allow opportunity for regrowth. During the evaluation period, use in the riparian areas was uniformly severe due to almost year round combined wild horse and cattle use.

Pete Goicoechea questioned if sheep would have to follow the two pasture deferred system and NDOW also commented that this would be beneficial due to the fact that early grazing by sheep might negatively impact sage grouse nesting and breeding success due to their impact on the forb component in the sagebrush community.

Early grazing by sheep can have a negative effect on sage grouse nesting and breeding success as a result of heavy use of the forb component; however, monitoring has shown that sheep use on the forb component in the Railroad Pass allotment has been slight/light for each of the evaluation years. Sheep spend approximately one month in the spring in areas where management objectives are not being met. They are appropriately distributed and removed from these areas early enough to allow regrowth. Overall, sheep use impacts are quite minimal in these areas. Also, no one particular forb is found in great enough abundance to be considered a key species. Based on the above, sheep will not be required to follow the two pasture deferred grazing system.

Pete Goicoechea also wanted to know what criteria was used to determine that 69 cows have more impact than 4,000 sheep and what portion of Paris Livestock demand was being satisfied by the Corta Seeding.

The Bureau of Land Management uses a combination of use pattern mapping, key area utilization transects (key forage plant method), quadrat frequency, and ecological status inventory (condition) to monitor existing range conditions on grazing allotments. Use pattern mapping gives an indication of whether utilization objectives are being met on the allotment and delineates actually how the allotment is being used by the various classes of grazing animals. Key area utilization transects are used at existing key areas within the allotment to determine what use class those areas fall within (slight, light, moderate, heavy or severe). Quadrat frequency is used to determine community structure at the key areas and how those

change over time. Ecological status inventory is used to determine what ecological condition the allotment is in. Utilization mapping, key forage plant method, and condition were all done on the Railroad Pass Allotment to determine impacts.

In regard to the 4,000 sheep mentioned above, they are on the allotment for a very short period of time (2 days in the spring and 3-4 days in the fall. There is one band of sheep (1,000 animals) which lamb on the allotment for 1.5 months to 2 months. Of those 1.5 to 2 months the sheep are well distributed, and only in areas where objectives are not being met, for approximately one month; then they are moved to higher elevations in the Diamond Mountains where there is no significant overlap of use with cattle and wild horses. The sheep also use an average of 350 AUMs in the Corta Seeding, located within the Railroad Pass Allotment, in which they have exclusive grazing privileges. Therefore, sheep use in the native areas within the allotment is well below the allocated 691 AUMs; in reality it would be around 341 AUMs of use.

Licensed cattle use on the allotment consists of 200 head for approximately two weeks in the spring (4/1 - 4/15) and 70 head from 6/1 to 9/30 (4.5 months) for Pete Goicoechea and 300 head from 4/15 to 10/15 (6 months) for Harold Rother. As for the sheep use during the "critical" spring months of April and May, utilization transects have been completed directly following sheep use; in all cases use was slight to light. Sheep were also off by May 22 which would allow opportunity for regrowth, where cattle and wild horse use is continuous during the growing period. Pete Paris' actual use in the Corta Seeding averaged 350 AUMs during the evaluation years. For the purposes of the evaluation, utilization was not calculated for the Corta Seeding because it was an exclusive sheep use area; however, those AUMs were calculated for total use within the Railroad Pass Allotment. Therefore, in reality, even though Pete Paris licensed full preference of 691, only 341 AUMs were used in the native areas where there is combined sheep, cattle and wild horse use. As a result of production information collected in the Corta Seeding in June 1994, the Corta Seeding will be adjudicated separately as follows:

$$\text{AUMs} = \frac{1,000 \text{ acres} \times \text{production/acre (800 lbs)} \times 90\% \text{ AGCR} \times 60\%}{800 \text{ lbs forage/AUM}} = 540 \text{ AUMs}$$

Another concern expressed by Pete Goicoechea was the amount of larkspur present in the spring on the south part of the allotment. He was concerned that because of the larkspur the two pasture deferred system would not be feasible.

The extent of the poison problem in the spring was not known at the time of the evaluation; however, because of the poor condition of the allotment and the fact that rest would be advantageous to restoring vigor and promote seedling establishment, the BLM maintains that the rotation system should be implemented. Options that could be used to alleviate the problem would be establishing later on dates or non-use for cattle in the south end in the spring in years when larkspur is a problem.

B. ANALYSIS OF MONITORING DATA

Based on the identified issues of the evaluation, seven of the thirteen land use plan objectives are not being met with current management practices. Therefore, additional management actions and/or adjustments in use are necessary. The current problem on the allotment is overutilization of native perennial grasses by wild horses and cattle.

C. SUMMARY OF MANAGEMENT OPTIONS

Several options can reasonably be considered based on BLM monitoring data and input from permittees.

OPTION 1

1. Reduce active preference for cattle to the following:

Harold Rother

From: 1,800 AUMs

To: 1,064 AUMs

Pete and Julian Goicoechea

From: 511 AUMs

To: 300 AUMs

2. Establish an Appropriate Management Level (AML) for wild horses within the Diamond Hills South Herd Management Area at 260 AUMs or 22 wild horses yearlong \pm 15%, which establishes a wild horse management range of 19 to 25 wild horses year round.

3. Establish a two pasture deferred rotation grazing system for cattle, following the original dates outlined in the evaluation. Late and early use will be rotated between the two pastures on a yearly basis. Monitor spring use to determine if larkspur is a problem based on moisture, etc. Cattle will not use the south unit early in those years.

4. Retain the Paris Livestock (Pete Paris) sheep preference of 691 AUMs and adjudicate the Corta Seeding for 540 additional sheep AUMs. The period of use for sheep grazing will be 4/15- 6/15 and 11/1 - 11/15. Sheep may use the native portion of the allotment or the Corta

Seeding during this period; however, the Corta Seeding will be licensed separately. There will be no sheep use on the burns in the fall.

OPTION 2

Option 2 is the same as Option 1, except for number 3.

3. Establish a two pasture deferred rotation grazing system for cattle, extending the date on the early unit outlined in the evaluation from 5/15 - 6/15 to 6/15 - 7/15. Use on the late unit will be extended from 8/15 - 10/15 to 9/15 - 11/15. Late and early use will be rotated between the two pastures on a yearly basis. The later on date should help alleviate problems with larkspur.

D. SELECTED MANAGEMENT OPTION

The selected management option, which is number 2, is outlined as follows:

1. Reduce active preference for cattle to the following:

Harold Rother

From: 1,800 AUMs

To: 1,064 AUMs

Pete and Julian Goicoechea

From: 511 AUMs

To: 300 AUMs

2. Establish an Appropriate Management Level (AML) for wild horses within the Diamond Hills South Herd Management Area at 260 AUMs or 22 wild horses yearlong $\pm 15\%$, establishing a wild horse management range of 19 to 25 wild horses year round.

3. Establish a two pasture deferred rotation grazing system for cattle, extending the date on the early unit outlined in the evaluation from 5/15 - 6/15 to 6/15 - 7/15. Use on the late unit will be extended from 8/15 - 10/15 to 9/15 - 11/15. Late and early use will be rotated

between the two pastures on a yearly basis. The later on date should help alleviate problems with larkspur.

4. Retain the Paris Livestock (Pete Paris) sheep preference of 691 AUMs and adjudicate the Corta Seeding for 540 additional sheep AUMs. The period of use for sheep grazing will be 4/15 - 6/15 and 11/1 - 11/15. Sheep may use the native portion of the allotment or the Corta Seeding during this period; however, the Corta Seeding will be licensed separately. There will be no sheep use in the burns in the fall.

E. GRAZING ADJUSTMENTS

Changes in cattle grazing will be phased in over five years, in roughly equal increments as follows, with AUMs removed from active use to be held in suspension:

1. Harold Rother

	<u>Total</u>	<u>Suspended</u>	<u>Preference</u>
From:	1,800	0	1,800
To :	1,800	736	1,064

	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
<u>Year One</u>	1,800	246	1,554
<u>Year Three</u>	1,800	491	1,309
<u>Year Five</u>	1,800	736	1,064

2. Pete and Julian Goicoechea

	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
From:	511	0	511
To:	511	211	300

	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
<u>Year One</u>	511	71	440
<u>Year Three</u>	511	141	370
<u>Year Five</u>	511	211	300

(Sheep Use) Pete Paris

	<u>Total</u>	<u>Suspended</u>	<u>Active Preference</u>
Native	691	0	691
Corta Seeding	540	0	540*

* The 540 AUMs identified above will be licensed exclusively within the seeding.

Rationale: the desired stocking level on the Corta seeding is based on production information, with 60% as the desired utilization for spring/summer sheep use. This data indicates that the Corta Seeding should be adjudicated for 540 AUMs. The desired stocking level on the native portion of the allotment is based on 50% desired utilization, with spring/summer/fall sheep and cattle use. This calculation results from actual use and measured utilization data and indicates that a reduction to 2,315 AUMs is necessary to meet the desired utilization level. Adjustments in stocking levels and grazing treatments are being made to establish proper carrying capacities, based on sustained yield and to improve the vigor and production of key forage plants for both the native range and the seeding.

F. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Egan Resource Area will continue to monitor all existing studies and establish additional studies as identified in Section VII of the Allotment Evaluation. This monitoring data will continue to be collected in the future to provide necessary information for subsequent reevaluations in the third and fifth years following the decision. These reevaluations are necessary to determine if the allotment objectives are being met under the new grazing management strategies. In addition, these subsequent evaluations will determine if continued or additional adjustments are needed to meet allotment objectives.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408

NV-04-95-10

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4700 (NV-047)

MAR 31 1995

Dear Reader:

Enclosed you will find copies of the Draft Diamond Hills South Herd Management Area Removal Plan and Preliminary Supplemental EA S1-95-NV-040-8-15, which incorporates EA NV-040-8-15 by reference. The EA and Preliminary Supplement analyze the removal of wild horses from the Herd Management Area. The original EA did not consider the impacts on Native American Religious Concerns, Solid Waste and Hazardous Materials, or the impacts of selective removals on the wild horse population. This letter should be considered the 28-day notice for this proposed action. The proposed action as discussed in the above mentioned documents will be conducted within the Diamond Hills South Herd Management Area (HMA) and associated Horse Free Area (HFA) to return the range to a thriving natural ecological balance within the Diamond Hills South HMA. This will require the capture of approximately 140 wild horses from the Diamond Hills South HMA. Wild horses within the HMA will be selectively removed in concurrence with current Nevada State Office approved age classes and those wild horses not meeting the age class restrictions will be returned to the Diamond Hills South HMA. Please provide your comments to the Ely District Manager no later than close of business April 30, 1995. Pertinent comments will be considered and incorporated, as appropriate, and a final decision will be issued and sent to all interested parties. It is the Ely District's intention to issue the Final Decision Full Force and Effect in order to restore the range to a thriving natural ecological balance.

Any questions you may have regarding these documents can be directed to Joe Stratton, Egan Resource Area Wild Horse Specialist, at (702) 289-4865.

Sincerely,

Timothy B. Reuwsaat
District Manager

2 Enclosures

1. Diamond Hills South HMA Removal Plan
2. Supplemental EA S1-95-NV-040-8-15

Preliminary
Environmental Assessment
Supplement
for the
Diamond Hills South
Removal Plan

S1-95-NV-040-8-15

prepared by
Joseph A. Stratton
Egan Resource Area
Wild Horse Specialist

Ely District
Bureau of Land Management
Ely, Nevada

BACKGROUND INFORMATION

Introduction

The Bureau of Land Management (BLM), Ely District, Egan Resource Area is proposing to implement a Capture/Removal Plan for the Diamond Hills South Herd Management Area (HMA) and adjacent Diamond Horse Free Area (HFA). This Environmental Assessment (EA) Supplement incorporates EA NV-040-8-15 by reference, which analyzed the impacts associated with the removal of wild horses from the HMA. The original EA did not consider the impacts on Native American Religious Concerns, Solid Waste and Hazardous Materials, or the impacts of selective removals on the wild horse population.

This area is located approximately 60 air miles northwest of Ely, Nevada in northwestern White Pine County. The herd area is approximately 10,500 public acres. The Railroad Pass BLM grazing allotment makes up the entire Diamond Hills South HMA, as well as part of the Diamond HFA. A map depicting these areas can be found in Appendix 1 of the attached Capture/Removal Plan.

The Diamond Hills South HMA is also adjacent to the Diamond HFA, Buck and Bald HMA, Elko District's Diamond Hills North HMA, and Battle Mt. District's Diamond HMA. This HFA has traditionally been an area that wild horses move into. If horses are determined to be established in this HFA during a Diamond Hills South removal operation, wild horses will be removed from the HFA and older horses will be incorporated into the Diamond Hills South HMA.

Purpose and Need

The purpose and need of the proposed selective removal of wild horses is to achieve and maintain Appropriate Management Level (AML) as determined by the Railroad Pass allotment evaluation and Final Multiple Use Decisions (FMUD) and to remove horses from adjacent HFAs with the intention of restricting wild horse use to the HMA. The maintenance of AML will be carried out in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The achievement and maintenance of AML will restore the range to a thriving natural ecological balance.

Relationship to Planning

The Capture/Removal Plan is in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) and the Egan Resource Area Record of Decision (ROD).

The ROD states that "Monitoring studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives." The removal is also in conformance with EA NV-040-8-15 which analyzed the impacts of wild horse removals from five BLM HMAs and two USFS Wild Horse Territories, including the Diamond Hills South HMA and Diamond HFA. This proposed action is also in conformance with the Allotment Evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD have been completed for the Diamond Hills South HMA.

The Capture/Removal Plan is designed to effectively manage the Diamond Hills South wild horse population in accordance with Title 43 Code of Federal Regulations, Part 4700 and Nevada State Office Manual Supplement 4730.6. The Capture/Removal Plan adheres to the multiple-use policy specified in the Wild Free-roaming Horse and Burro Act of 1971 (P.L. 92-195) and the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

The proposal is also consistent with the White Pine County Policy Plan for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985. It does not conflict with any county or State land use or zoning decision or recommendation.

Major Issues

The major issue involved in the implementation of the Diamond Hills South Capture/Removal Plan is the development of a strategy for achieving and maintaining AML as determined by monitoring and evaluation of the allotment for the HMA and restricting wild horse use to the HMA. The Diamond Hills South Capture/Removal Plan describes the methods used to achieve AML and reduce herd growth in order to limit the need for future removals and limiting wild horse use to the HMA. Another issue involved is the effect that selective removal will have on the Diamond Hills South wild horse population.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove wild horses initially in the five and under age classes (or the current Nevada State Office approved ages for removal up to nine years old) within the Diamond Hills South HMA and adjacent Diamond HMA. The goal is to achieve AML in the shortest time possible in order to restore the range to a thriving natural ecological balance and limit wild horse use to the HMA. Range objectives are not being met as described in the Railroad Pass allotment evaluation in part due to overgrazing by wild horses. Subsequent removals, if different in procedure, will require an amendment to the Removal Plan describing the new procedures to be used. The AML of 22 is final

within the Railroad Pass allotment, which encompasses the entire Diamond Hills South HMA, with a range of $\pm 15\%$ established around the AML. This action proposes to reduce the number of wild horses to the lower end of the range, that being 19, and allow the herd to increase to the upper range, that being 25, before conducting another removal.

It is also proposed to use water trapping of wild horses in areas where it is difficult to trap horses using the helicopter. This method would only be used on a short term basis and could be conducted by BLM personnel or removal contract depending on the number of horses to be removed. In EA NV-040-8-15, water trapping was not considered an option for trapping wild horses. That was due to the one-time nature of that removal plan. This plan considers water trapping as a potential option to be used only on a limited scale in problem areas.

Adjacent HFAs will also have removals conducted under the conditions and methods described in the associated removal plan.

Applicable Standard Operating Procedures

Standard operating procedures reduce or eliminate potential impacts for selective removals and they can be found in the associated removal plan beginning on page 7 under the section STIPULATIONS AND SPECIFICATIONS and the Egan Resource Area's RMP.

No Action

The no action alternative would mean that the removal of wild horses would not be conducted, and management objectives within the allotments of the Diamond Hills South HMA would not be met. Therefore, the no action alternative is not viable and will not be considered further. No other alternatives are necessary to address unresolved conflicts concerning alternative uses of available resources.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

The affected environment is within the Diamond Hills South HMA. The initial removal will occur within the Railroad Pass allotment. The allotment and the HMA are described in detail in the Egan Rangeland Program Summary (RPS) 1988, Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) 1984, and Egan Resource Area Record of Decision (ROD) 1987.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

In addition to those consequences outlined in the original EA, the proposed removal will not have an impact on Native American Religious Concerns or Solid Waste and Hazardous Materials. All environmental analyses applies to both helicopter and watertrapping methods. The following analysis is in addition to the impacts discussion in the original EA NV-040-8-15.

Wild Horses:

Wild horse numbers within the Diamond Hills South HMA will require a reduction in population of up to 70% or more in order to achieve AML. Removing a large segment of the five and under age classes will result in a herd dominated by animals six years and older. This situation may reduce the reproductive potential of the herd; however, the age classes of mares six through nine will still be in place and will not put the population in danger of not reproducing adequately to maintain the population. The same situation exists if the age class of mares to be removed is increased. A small number of every age class should remain within the HMA to provide for each age class being represented within the population and will not put the population in danger of not maintaining itself. In addition, the Diamond Hills South HMA is adjacent to the Diamond HMA in the Battle Mt. District and the Diamond Hills North HMA in the Elko District. This is an unfenced boundary and exchange of animals takes place between these HMAs ensuring a continuous exchange of new genes within the HMA. The impacts of incorporation of older horses within the population from associated HFAs will be minimal due to the small numbers of horses establishing themselves outside of the HMA.

The use of water trapping, although more time consuming, would result in less stress on the horses with the same impacts as described above on the wild horse population.

CUMULATIVE IMPACTS

There would be no cumulative impacts to the wild horse population. The population would continue to reproduce and grow with no restrictions on reproduction.

SUGGESTED MONITORING

Future monitoring will consist of continued wild horse aerial census, new allotment evaluations, and FMUDs. In addition, horses that do not meet the age criteria for removal will be monitored within 72 hours of release to ensure their return to normal behavior patterns.

CONSULTATION AND COORDINATION

Intensity of Public Interest

The issue of wild horses and their management has been one of high public interest for many years. Prior to the passage of the first protective regulations in the 1950's, local area residents captured horses on a regular basis, generally to be sold for slaughter. As laws were passed and more publicity generated about the issue, public concern became greater, both for and against protection of these animals. Public interest continues but now also includes groups and individuals interested in wildlife and game resources.

Interest in the issue of forage allocation among advocates for wildlife, wild horses, and livestock exists on the national level through organized wild horse interest groups, humane and animals rights organizations, environmental groups, and organized wildlife and livestock interests. On the local level, there is a high degree of interest from the affected livestock grazing permittees and from sportsman's clubs concerned with allocating a portion of the forage resource to wildlife. These concerns are first addressed in the issuance of Final Multiple Use Decisions resulting from allotment evaluations. These evaluations determine management levels of all species using the public land based on vegetation monitoring. All interested parties have an opportunity for participation in the review of these documents and actions (see Record of Persons, Groups, and Agencies Contacted). A comment period of 30 days is allowed for this preliminary supplemental EA.

Record of Persons, Groups, and Agencies Contacted

- Ms. Deborah Allard
- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Association
- Ms. Joneille Anderson
- Animal Protection Institute of America
- Mr. Paul C. Clifford Jr.
- Commission for the Preservation of Wild Horses
- Craig C. Downer
- Anne Earle
- Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation
- Steven Fulstone
- Fund for Animals
- Claudia Jean Richards
- Humane Society of Southern Nevada
- International Society for the
Protection of Wild Horses and Burros
- Vanessa Kelling

- Mr. Donald Molde
- Tina Nappe
- National Mustang Association, Inc.
- Jan Nachlinger, Nevada Protection Planner,
The Nature Conservancy
- Nevada Cattlemen's Association
- Nevada Division of Wildlife
Region II
- Nevada Division of Wildlife
c/o Mike Podbourny
- Nevada Division of Wildlife
c/o Curtis Baughman
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Outdoor Recreation Association
- Nevada State Department of Agriculture
- Nevada Wildlife Federation
- Nevada Wool Growers Association
- Bobbi Royle
- Rutgers School of Law-Newark
- Ms. Amanda Rush
- Save the Mustangs
- Ms. Nan Sherwood
- Sierra Club
- U. S. Fish and Wildlife Service
- The Humane Society of the United States
- United States Wild Horse and Burro Foundation
- Mr. Ron Sparks, Nevada State Clearinghouse (15 copies)
- White Pine County Commissioners
- White Pine Sportsmen
- Wild Horse Organized Assistance
- Gloria Wilkins
- Edie Wilson
- Pete Goicoechea
- BLM Nevada State Office
- BLM Elko District Office
- BLM Battle Mt. District Office
- Paris Livestock, Pete Paris Jr.
- Harold Rother Inc.

Internal District Review

Mike Perkins
 Dan Netcher
 Harry Rhea
 Wendy Fuell
 Fred Fisher
 Bob Brown
 Jack Norman
 Mark Barber
 Chris Mayer

Wildlife
 Minerals
 Forest Resources
 Range
 Range
 Wild Horses
 Soils
 Riparian/T&E Animals
 Range/T&E Plants

Mike McGinty
Dave Valentine
Martin Hudson

Lands
Cultural
Wilderness/Recreation/
Environmental Coordination
and Planning
All Resources

Gene Drais

SIGNATURES

Prepared by:

Joseph A. Stratton
Wild Horse and Burro Specialist
Egan Resource Area

Date

Reviewed by:

Martin Hudson
Environmental Coordinator
Egan Resource Area

Date

Gene L. Drais, Manager
Egan Resource Area
Ely District

Date

CAPTURE/REMOVAL PLAN
FOR THE
DIAMOND HILLS SOUTH
HERD MANAGEMENT AREA

PURPOSE

The proposed action is to initially capture and remove wild horses five years old and under (or current Nevada State Office approved age classes up to nine years old) within the Diamond Hills South Wild Horse Herd Management Area (HMA) and associated Diamond Horse Free Area (HFA). Future removals will occur within the Diamond Hills South HMA as proposed in this plan in order to achieve Appropriate Management Level (AML). The range condition as described in the Railroad Pass allotment evaluation shows that management objectives within the allotment are not being met due to overgrazing by wild horses and livestock. The proposed action will progress toward achieving and maintaining the AML of 22 wild horses within the Railroad Pass allotment and HMA as determined by the allotment evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD established a range of $\pm 15\%$ or 19 to 25 wild horses yearlong within the HMA. The intent of removals will be to remove wild horses down to the lower limit of 19 and allow the herd to grow to 25 before conducting another removal.

This document outlines the process and events involved with the capture and/or removal of wild horses within the Diamond Hills South HMA and associated HFA. Included are the approximate numbers to be removed in order to reach the (AML), the number to be gathered to, the time and method of capture, and the handling and disposition of captured wild horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representative (COR) and Project Inspectors (PIs), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to gathering operations.

Relationship to Planning

The proposed action is in conformance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Egan Resource Area Record of Decision (ROD), and the FMUD for the Railroad Pass Allotment. Removals will incorporate policies of the Strategic Plan for Management of Wild Horses and Burros on Public Lands in order to achieve and maintain AML.

AREA OF CONCERN

The Diamond Hills South HMA is located approximately 60 air miles northwest of Ely in northern White Pine County, Nevada, in the Bureau of Land Management's (BLM) Ely District, Egan Resource Area. Removals may also occur in the adjacent Diamond HFA if it is determined that wild horses are residing outside the HMA yearlong. A map of the Diamond Hills South HMA, the Diamond HFA, and the Railroad Pass Allotment is located in Appendix 1.

CAPTURE/REMOVAL/RELEASE PROCEDURES

The removals for the Diamond Hills South HMA will initially include wild horses five and under or the current Nevada State Office approved age classes up to nine years old. Future removals will occur under this plan to continually attempt to achieve and maintain AML. This criteria was selected to remove the most adoptable animals from the HMA while achieving AML in the shortest timeframe possible. The removal of wild horses five and under will not achieve AML within the Diamond Hills South HMA in one removal effort, requiring that future removals include wild horses up to nine years old or current Nevada policy. If achievement of AML is obtainable with younger age classes of wild horses, then that course of action will be pursued. The initial removal will remove approximately 100 animals, five years old and under. A strategy for gathering HMAs on a three year schedule began in FY94 in Nevada. This will reduce the number of removals necessary to maintain a thriving natural ecological balance and reduce the stress to the wild horses because of repeated removal operations.

With the proposed plan to remove animals five years old and under, the possibility exists that mares and dependent foals will be removed from the range. Steps will be taken to keep mares and foals together; but in the event mares and foals are separated, mares and foals will be put in a separate pen to allow mares and foals to pair up again. In the event a mare is not in the target age group and has a dependent foal, then both will be returned to the range. Mares of the target age group with dependent foals will be sent to Palomino Valley Corrals and dependent foals that do not pair up with a mare will be sent to Palomino Valley Corrals. Ground and aerial surveys as needed will be done to look for foals that have been abandoned during capture operations, and every attempt will be made to avoid this situation as well as finding the mare for the abandoned foal.

Wild horses that do not meet the age removal criteria will be released back onto the range. Wild horses that are captured in the HFA that do not meet the age criteria for removal will be incorporated into the Diamond Hills South HMA population. They will be released near water and monitored to ensure they adapt to the new surroundings. All wild horses will be marked with a grease pencil in order to identify them as to the location they were trapped. Wild horses to be released will be released in the area where they were trapped. Wild horses will be released in small groups to reduce the "stampede" reaction that has occurred on other releases of large numbers of wild horses.

Time and Method of Capture

The initial gather is expected to take place through issuance of a removal contract in late FY95, and last approximately 6 days. The start date for the removal contract will be dependent on the funding available in FY95 and Nevada removal priorities. Subsequent captures in future years will also occur through the issuance of a removal contract. Under no circumstances will helicopter gathering be allowed during the foaling season (March 1 to June 30). Water trapping will be allowed throughout the year but would be used only when helicopter gathering is not feasible. Water trapping operations would vary in length depending on the numbers of wild horses to be removed and the wariness of the wild horses coming into the trap.

The primary method of capture to be used will be a helicopter to bring the wild horses to trap sites and horseback riders at the wings of portable traps to rope wild horses that escape the wings. Roping wild horses from horseback may be used in combination with the helicopter to remove wild horses in areas outside of the HMA boundary. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold wild horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so wild horses' legs won't get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials determined to be non-harmful to the wild horses. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR.

Water trapping is an alternate method being considered to remove wild horses in limited areas where resource damage is occurring. If performed by BLM personnel, the BLM will be responsible for

the transportation of wild horses to Palomino Valley Corrals. If water trapping is performed by contract, the contractor will have responsibility for the transportation of wild horses to Palomino Valley Corrals. Water trapping would be used in cases of chronic problems catching wild horses within a particular area and the continued occurrence of resource damage. Water trapping would also be used only in areas where it would be a feasible method, i.e. not trapping in areas with abundant water sources. Traps would be constructed with the same materials described in the paragraph above.

Trapping wild horses by herding them with riders on horseback is not feasible because it is too easy to lose the wild horses after starting them towards the trap; injuries to both people and wild horses are more likely and costs from previous roundups using this method are prohibitive.

It is estimated that two trap locations will be required to accomplish the work. Each site will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will be located to cause as little injury to wild horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other wild horses caused by certain conditions at the time of the gather (i.e., dust, snow, rocky terrain, temperatures, etc.).

Due to variables such as weather, time of year, location of wild horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the gather.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the wild horses could be located at all elevations during the time that the gather is scheduled. There are few physical barriers and fences in the area, and the contractor will be instructed to avoid them.

Monitoring

The numbers of wild horses that may be held in corrals during this gather operation increases the potential for band disruption and the possibility of wild horses contracting dust pneumonia. Additional monitoring of the HMA after the gather will be necessary in order to guard against detrimental affects to the wild horses. Wild horses that are captured at a specific trap site will be marked with a grease pencil to ensure that, if needed, they are released in the vicinity of the trap location where they were captured. Wild horses that are held throughout the length of the gather will be monitored in the holding facility to prevent spread of dust pneumonia or other conditions which may occur. Wet mares and dependent foals will have a separate pen to allow them to pair up if they are separated during the removal operations. Post-release monitoring will be conducted to insure wild horses return to normal patterns and do not get hung up on fences and can find water sources.

Water trapping should not create problems listed above as it will be on a more limited scale and wild horses will not be held for long periods.

Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 140 wild horses from the gather area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, snow conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals and whether a delay in the removal is warranted. If it is determined that the removal can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor, after award of the contract, will be briefed on duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's

equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations and the presence of fences and other dangerous barriers.

At least one authorized BLM employee will be present at the site of captures/removals. Either a Contracting Officer's Representative (COR) or a Project Inspector (PI) will be on site. The COR/PIs will be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation; i.e. an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The COR/PIs are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Ely District Manager and the Nevada State Office.

The Egan Resource Area Manager and the Ely District Manager are heavily involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals are the most important concerns and responsibilities of the District Manager, Area Manager, and COR/PIs.

All publicity, public contact, and inquiries will be handled through the Egan Resource Area Manager. The Area manager will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility. This is to assure that 1) there is space available in the corrals for the captured wild horses; 2) animals are handled humanely and efficiently; and 3) animals being transported from the capture site are arriving in good condition.

The COR/PIs will constantly evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be ensured through issuance of written instructions to the contractor, and stop work orders and default procedures will be initiated should the contractor not perform work according to the stipulations.

To assist the COR/PIs in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize disturbance of wild horses that would make capture more

difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR/PIs.

STIPULATIONS AND SPECIFICATIONS

A. TRAPPING AND CARE

Water trapping will be used only in specific circumstances and on a limited scale for chronic problem areas. Traps will be constructed in the same manner as helicopter traps and they will be monitored 24 hours a day during water trapping operations. All wild horse handling procedures will apply to water trapping and helicopter trapping equally.

All capture attempts shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of wild horses. General locations of traps will be selected by the COR/PI after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area.

Trap sites will be located to limit injury to wild horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of wild horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the capture.

Trap sites or holding corrals will not be placed in areas of any known threatened or endangered species or in areas of candidate species.

A cultural resources investigation by an archaeologist or an archaeological technician will be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site will be selected.

Trap sites for capturing wild horses with a helicopter will not be placed within $\frac{1}{4}$ mile of water sources such as streams, springs, reservoirs or troughs.

Temporary traps and corrals will be removed and sites will be left free of all debris within 30 days following the operation.

2. Rate and Distance of Movement. 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.

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

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences.

3. Trap and Holding Facility Construction. All traps, wings and holding facilities shall be constructed, maintained and operated to handle animals in a safe and humane manner and be in accordance with

the following:

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

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

c. All runways shall be a minimum of 30 feet long and a minimum of six feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of one foot to six feet above ground level.

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

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

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

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

5. Dust. 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.

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR.

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

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

9. Sick or Injured Animals. The contractor shall restrain sick or injured animals if treatment by the Government is necessary.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or

sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured wild horses.

The contractor may be required to dispose of the carcasses as directed by the COR/PI.

The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of wild horses which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday or Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. Capture attempts 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. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one (1) hour.

Roping will be allowed only to capture an orphaned foal or a suspected wet mare. However, since all wild horses have to be removed from the area outside of the HMA, roping will be allowed if certain individual wild horses continue to elude helicopter herding operations.

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

3. Helicopter, Pilot and Communications

a. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

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

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the government will take steps as necessary to protect the welfare of the animals. The frequency(ies) used for this contract will be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

d. The contractor shall obtain the necessary FCC licenses for the radio system.

e. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor shall provide the COR with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order shall be immediately reported to the COR.

C. MOTORIZED EQUIPMENT

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the COR/PI with a current safety inspection (less than one year old) of all tractor/stocktrailers used to transport animals to final destination.

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

3. Only stocktrailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers or single deck trucks shall be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles shall be a minimum height of six feet six inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals.

The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent.

Each partition shall be a minimum of six feet high and shall have a minimum five foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of the trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held by the COR/PI.

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

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

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

8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);

6 square feet per horse foal (.75 linear foot in a 8 foot wide trailer);

4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer).

7. The COR/PI shall consider the condition of the animals, weather conditions, type of vehicles, distance

to be transported, or other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand and/or inspection services required for the captured animals.

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

D. CONTRACTOR FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the gather operation.

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor shall be responsible for the security of all government furnished property.

BRANDED AND CLAIMED ANIMALS

A notice of intent to impound and a 28-day notice to gather wild horses will be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories:

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, bobbed tails, photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner/claimant or BLM can pick them up.

The animals will remain in the custody of the BLM until

settlement in full is made for impoundment and trespass charges, as determined appropriate by the Egan Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or claimed horses where impoundment and trespass charges have not been offered or received.

SIGNATURES

Prepared by:

Joseph A. Stratton
Wild Horse and Burro Specialist
Egan Resource Area

Date

Reviewed by:

Bob Brown
Wild Horse Specialist
Ely District

Date

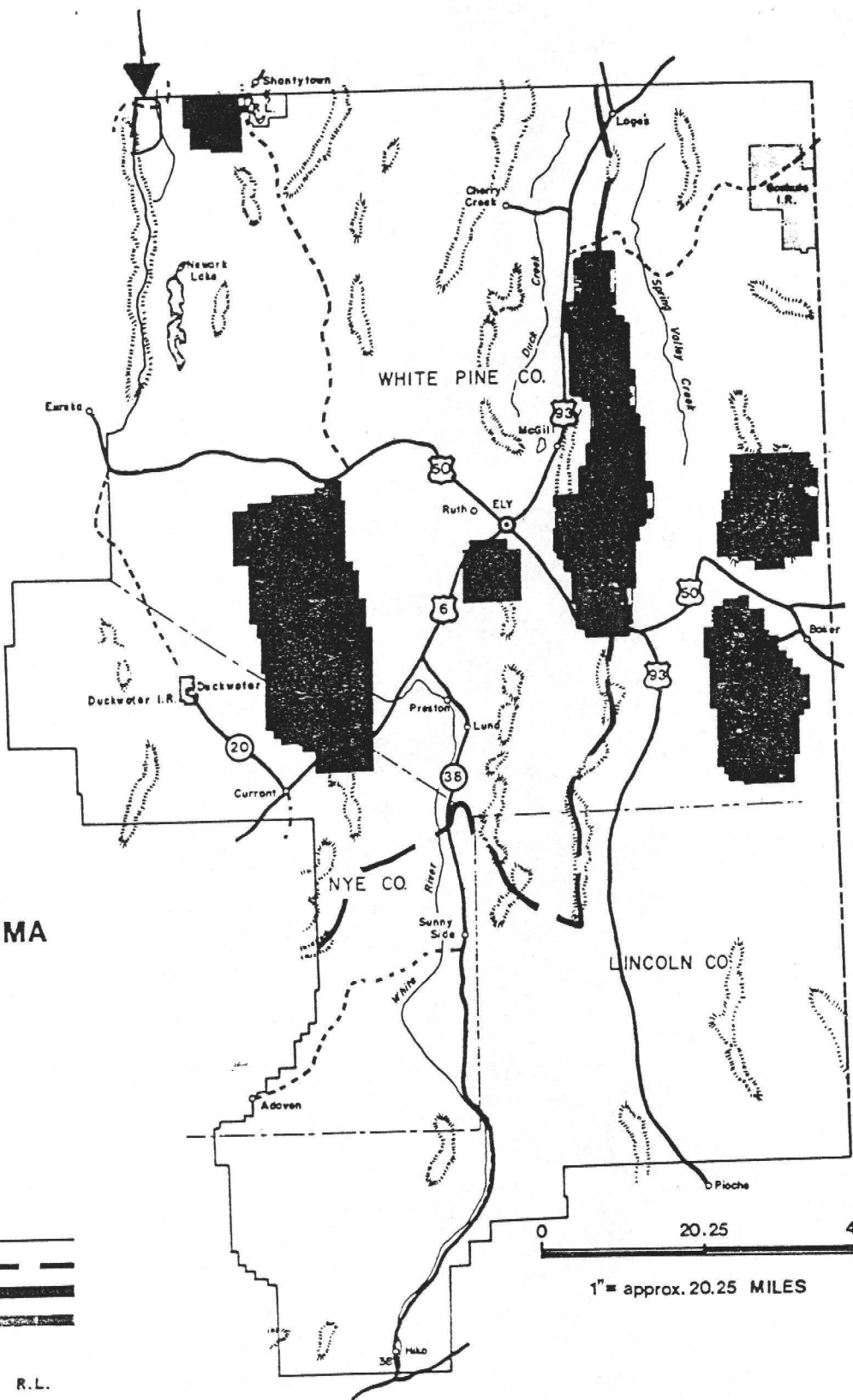
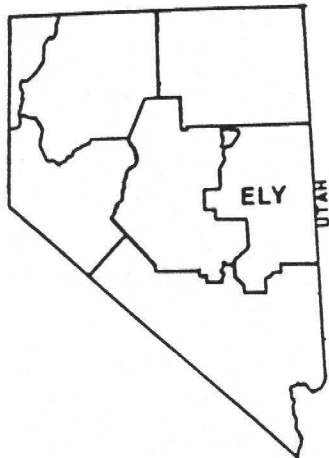
Gene L. Drais, Manager
Egan Resource Area
Ely District

Date

Approved by:

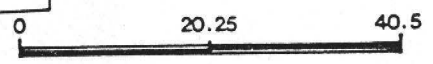
Timothy B. Reuwsaat
District Manager

Date



DIAMOND HILLS SOUTH HMA

- District Boundary
- Resource Area Boundary
- Humboldt National Forest
- Indian Reservation
- Ruby Lake National Wildlife Refuge
- R.L.



1" = approx. 20.25 MILES

ELY DISTRICT
 BUREAU OF LAND MANAGEMENT
 U.S. DEPARTMENT OF THE INTERIOR

MA BOUNDARY



////// HORSE FREE AREA



DIAMOND MTS

DIAMOND MTS

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DIAMOND MTS

HUNTING VALLEY

HUNTING VALLEY

BIYINNON MOUNTAIN

DIAMOUNTAIN

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Ranch

Ranch

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**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

50 Freesport Boulevard, No. 2
Sparks, Nevada 89431
(702) 359-8768

COMMISSIONERS

Paula S. Askew, Chairperson
Carson City, Nevada

Steven Fulstone, Vice Chairman
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Michael Jackson
Las Vegas, Nevada

Dan Kitzerman
Las Vegas, Nevada

Dawn Lappin
Reno, Nevada

February 10, 1994

RECEIVED

FEB 11 1994

Mr. Gene L. Drais
Egan Resource Area
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Bureau of Land Management
Ely, Nevada

RE: Railroad Pass Allotment Evaluation

Dear Mr. Drais:

The Commission for the Preservation of Wild Horses appreciates this opportunity to review and comment on the allotment evaluation that establishes the appropriate management level for the Diamond Hills South Herd Management Area. Based upon the data found in this allotment evaluation, we have the following concerns:

Page 1, Wild Horse Use

It is assumed that all horses observed on random surveys are year long residents on this allotment. We suggest that all data be used to estimate actual use. Population modeling would be appropriate to support stated estimates. Herd composition data should be expressed.

Page 3, Allotment Specific Objectives

It should be mentioned that existing numbers of horses and livestock in the Egan Resource Area Record of Decision were the initial stocking rates to be monitored. These numbers were not the carrying capacity for this allotment. Monitoring data must be used for any necessary adjustments.

Page 7, Carrying Capacity Computations

There are many errors in the assumptions and computations for the carrying capacity of this allotment. We have prepared a computation that assumes that your data are accurate and that allocates available forage fairly between users.

Gene L. Drais, Area Manager
February 9, 1994
Page 2

Please consider the following corrections in your computation:

1. Table 5. computes actual use of sheep. The proposed stocking rate discounts sheep use and awards full active preference. If sheep did not contribute to resource damage, then actual sheep use must be extracted from Table 5.


2. Table 6. uses a Yield Index to adjust actual utilization. The use of Yield Index computes stocking rates during drought years that are known to exceed the utilization limits of the allotment. We recommend that actual data be used.

3. Allocation of available forage is biased against wild horses. Monitoring data establishes the carrying capacity. Proportioning the available forage to the percentages of the land use plan is arbitrary. We recommend that reductions be proportional to the offending animal. This is supported by the 1989 IBLA decision for wild horses stating that monitoring data must be used to determine if horses are the offending animal and to what extent.

4. Livestock reductions were based upon preference and not active use.

Please review the attached computation based upon the corrections necessary for establishing an appropriate management level for this herd. We would appreciate specific responses to our concerns.

Sincerely,



CATHERINE BARCOMB
Executive Director

**Carrying Capacity
Railroad Pass Allotment Data**

Year	AUMs Cattle	AUMs Horses	AUMs Total	Measure ‡	Desired ‡	Capacity
1988	967	1620	2587	.70	.50	1848
1989	432	2112	2544	.90	.50	1817
1990	584	2304	2888	.70	.50	2063
1992	311	1594	1905	.70	.50	1361
Average	574	1908	2481			1772
Percent	.23	.77				

Adjustment to Average Actual Use

Average Use = 2481 AUMs
 Capacity = 1772 AUMs
 Reduce = 709 AUMs

Proportion of Reduction to Offending User

Cattle 709 AUMs X .23 = 163 AUMs
 Horses 709 AUMs X .77 = 546 AUMs

Reduction to Average Actual Use

Cattle 574 AUMs - 163 AUMs = 411 AUMs
 Horses 1908 AUMs - 546 AUMs = 1359 AUMs

Appropriate Management Level = 113 Horses

CONVERSATION RECORD

TIME 11:15am DATE 1/25/94

TYPE VISIT CONFERENCE TELEPHONE INCOMING OUTGOING

ROUTING	
NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU: Cathy Barcomb
 ORGANIZATION (Office, dept., bureau, etc.): Commission for the Preservation of WH+B
 TELEPHONE NO.: 359-8768

SUBJECT: Railroad Pass Allotment Evaluation Concerns

SUMMARY

Cathy wanted to discuss concerns she and Dawn Lappin have with the way forage is being allocated and how it affects herd viability with a new AML for the Diamond Hills South HMA of only 22 total wild horses. I explained that viability and genetic diversity were not a problem with the proximity to Elko District's Diamond Hills North herd and Battle Mountain District's Diamond herd, as well as constant migrations among the three herds. I explained that the forage allocation based on the Egan RMP livestock preference versus wild horse AML percentages was used as the most equitable method to both users, since basing allocation strictly from actual use set wild horse AML at less than zero and allocation based on preference for cattle versus latest wild horse census was not equitable as largest reduction went to livestock whereas monitoring

~~ACTION REQUIRED~~ showed wild horses contributed to the major part of the range deterioration. She said the concerns were resolved and to expect no comments.

NAME OF PERSON DOCUMENTING CONVERSATION: Robert E. Brown
 SIGNATURE: Robert E. Brown
 DATE: 1/25/94

ACTION TAKEN: None required.

SIGNATURE: _____ TITLE: _____ DATE: _____

J. Fuell 12-23
W. Fuell 12/6

NV-04-95-10

4400.5 (NV-047)

DEC 27 1993

Dear Participant:

We appreciate your interest in being involved in the allotment evaluation consultation process. Enclosed for your information and review is the Railroad Pass Allotment monitoring evaluation. This is your opportunity again to provide allotment specific information and also provide comments to the evaluation which will be incorporated into Section VIII, Management Action Selection Report. We are especially interested in your input on the technical recommendations, in particular, management options we may have overlooked that would also provide for meeting management objectives for the allotment. We would appreciate receiving your information and/or comments by January 22, 1994, to allow adequate time to review all input and to adhere to our deadlines. All of the information received will be evaluated and considered in the final portion of the evaluation which is the selection of a management action.

We appreciate your participation and solicit your continued involvement in the consultation process.

Sincerely,

Gene L. Drais

Gene L. Drais, Manager
Egan Resource Area

- 1 Enclosure
1. Railroad Pass Evaluation

WFuell:cl

RAILROAD PASS MAILING LIST

Harold Rother Farms
Rother Farms, Inc.
Arapahoe, CO 80802

Pete Paris, Jr.
Jiggs Waysack
Elko, NV 89801

Peter and Julian Goicoechea
P. O. Box 97
Eureka, NV 89316

Nevada Department of Wildlife
Kurt Baughman, Wildlife Biologist
P. O. Box 1109
Ely, NV 89301

Regional Supervisor
Nevada Department of Wildlife
Region II
1375 Mountain City Hwy.
Elko, NV 89801

N-4 Grazing Board
c/o Bill Davidson
P. O. Box 1077
McGill, NV 89318

Resource Concepts, Inc.
340 N. Minnesota St.
Carson City, NV 89102-1245

U.S.D.I., Fish and Wildlife Service
David Harlow, Field Supervisor
Reno Field Station
4600 Kietzke Lane, Bldg. C-125
Reno, NV 89503

Natural Resources Defense Council
c/o Johanna Wald
1350 New York Ave., NW
Washington, DC 20005

The Wilderness Society
116 New Montgomery, Suite 526
San Francisco, CA 94105

International Society for the Protection
of Mustangs and Burros
Ms. Karen A. Sussman, President
6212 E. Sweetwater Avenue
Scottsdale, AZ 85254

Nevada Farm Bureau Federation
1300 Marietta Way
Sparks, NV 89431

Commission for the Preservation of
Wild Horses and Burros
c/o Cathie Barcomb, Executive Director
Stewart Facility
Capitol Complex
Carson City, NV 89710

Animal Protection Institute of America
Nancy Whitaker, Program Assistant
P. O. Box 22505
Sacramento, CA 95822

Sierra Club
c/o Ms. Rose Strickland
Public Lands Committee of the
Toiyabe Chapter of the Sierra Club
619 Robinson Court
Reno, NV 89503

Wild Horse Organized Assistance
P. O. Box 555
Reno, NV 89504

RAILROAD PASS ALLOTMENT EVALUATION

I. INTRODUCTION

- A. Allotment Name and Number: Railroad Pass Allotment (0601)
- B. Permittees: Pete Paris Jr., Harold Rother Farms Inc, and Pete and Julian Goicoechea.
- C. Selective Management Category: Improve

II. INITIAL STOCKING LEVEL

A. Livestock Use

The Railroad Pass Allotment has a total grazing preference of 3002 Animal Unit Months. The preference is divided among three permittees, Pete Paris Jr. (691 AUMs), Harold Rother Farms Inc. (1800 AUMs) and Pete and Julian Goicoechea (511 AUMs). There is no formal grazing system on the Railroad Pass Allotment; the majority of the use is spring, summer and fall. Pete Paris traditionally uses the allotment for spring/fall sheep grazing. Harold Rother and Pete and Julian Goicoechea use the allotment for spring, summer and fall cattle grazing.

B. Wild Horse Use

The Diamond Hills South Wild Horse Herd Management Area (HMA) lies within the Railroad Pass Allotment (Map 3). Estimated wild horse numbers for the Diamond Hills South (HMA) are shown in Table 1.

Table 1. Diamond Hills South HMA wild horse census data, Railroad Pass Allotment.

<u>Year</u>	<u>Source</u>	<u>Number of Animals</u>	<u>AUMs yearlong</u>
1992	12/92 census	133	1596
1991	07/91 census	208	2496
1990	Estimate	192	2304
1989	08/89 census	176	2112
1988	Estimate	135	1620

C. Wildlife Use

The allotment is located in Nevada Department of Wildlife (NDOW) mule deer management area (MA) 14, unit 141. Since the publication of the RPS the mule deer population in this area of Nevada has been decreasing due to the persistent drought. The mule deer fawns that are born and survive to their first winter period

are generally entering the winter period in less than optimum condition, coupled with the drought and poor browse production, a higher than normal mortality in the fawn segment of the population is occurring.

The following is existing wildlife use as estimated by the Egan Resource Area Wildlife Biologist:

Mule Deer

The allotment provides spring/summer/early fall habitat for approximately 150-180 mule deer from April 1 through October 31 (231 AUMs). Mule deer use of the allotment is contingent on perennial water with the use generally within 2 miles of a water source. There are a number of perennial water sources as well as developed waters (i.e., wells, pipeline extensions, etc...) on the allotment.

Upland Game

There are two sage grouse leks (strutting grounds) having a two mile radius that extends onto the allotment. There are several principal brooding areas identified, but no winter habitat has been identified to date.

Chukar, as well as Hungarian partridge have been observed on the allotment.

T and E Species

The ferruginous hawk is a category 2 species listed by the U.S. Fish and Wildlife Service. This categorization means that the hawk could be listed as threatened or endangered in the future. There is one documented ferruginous hawk nest site on the allotment. The nest was found occupied in 1982; however, since that time, yearly nest checks have not documented any further occupancy. Other category 2 species that could be found on the allotment especially during migration periods, are the black tern, western least bittern and the white-faced ibis. The loggerhead shrike and pygmy rabbit can be found on the allotment year long.

III. ALLOTMENT PROFILE

A. Description

The Railroad Pass Allotment (0601) is a category "I" allotment located on the east side of the Diamond Mountains, involving approximately 28,840 acres of federal land and 160 acres of private land. The main ridge of the Diamond Mountains forms a natural boundary on the west side of the

allotment; the north, south and east sides are completely fenced. There are three seedings located on the allotment; two of the seedings consist of old burns which were rehabilitated and the third was disced and seeded. The third seeding referred to as the Corta Seeding is completely fenced; Pete Paris has exclusive grazing privileges within the seeding. Map 1 illustrates the general location of the allotment within the Egan Resource Area (RA) and Map 2 depicts approximate allotment boundaries.

B. Allotment Specific Objectives

1. Land Use Plan Objectives

a. Rangeland Management - All vegetation will be managed for those successional stages which would best meet the objective of this proposed plan. (Egan Resource Area Record of Decision (ROD) p. 3)

b. Wild Horses - Wild horses will be managed at a total of 36 animals within the Diamond Hills HMA. (Egan ROD, p. 6)*

- Future adjustments in wild horse numbers will be based on data provided through the rangeland monitoring program. (Egan ROD, p. 6)*

* The 36 horses yearlong identified in the ROD is no longer a valid Appropriate Management Level (AML). The Interior Board of Land Appeals (IBLA) June 7, 1989 decision (IBLA 88-591, 88-638, 88-648, 88-679) ruled in part: "an AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute. The IBLA further ruled that AML must be established through monitoring "in terms of the optimum number which results in a thriving natural ecological balance and avoids deterioration of the range."

c. Wildlife - "Habitat will be managed for "reasonable numbers" of wildlife species as determined by the Nevada Department of Wildlife." (Egan ROD, p. 6)

- "Forage will be provided for "reasonable numbers" of big game as determined by the Nevada Department of Wildlife." (Egan ROD, p. 8)

d. Watershed - "Establish utilization limits to maintain watershed cover, plant vigor and soil fertility in consideration of plant phenology, physiology, terrain, water availability, wildlife needs, grazing system and aesthetic values." (Egan ROD p.44)

2. Rangeland Program Summary Objectives

- a. "Provide for up to 943 AUMs of livestock use."
- b. "Maintain the Corta and Burn Seedings in good or better condition".
- c. "Improve ecological condition of low productivity/high potential big sagebrush dominated vegetation types on approximately 1/3 of the allotment."
- d. Maintain or improve current ecological condition on the remainder of the native range, with utilization levels not to exceed Nevada Rangeland Monitoring Handbook (NRMH) recommended allowable use levels which for perennial grass species is 50%
- e. "Manage rangeland habitat and forage condition to support reasonable numbers of wildlife, as follows: deer 682 AUMs."
- f. "Maintain habitat condition of meadows and riparian areas in good or better condition for mule deer and upland game."
- g. Protect sage grouse breeding complexes by maintaining the big sagebrush sites within two miles of active strutting grounds for mid-late seral stage with a minimum of 30% shrub component by weight.
- h. Protect ferruginous hawk nest sites by limiting utilization to 50% on winterfat flats within two miles of nest sites.
- i. "Maintain .25 miles of stream riparian in good or better condition."
- j. "Provide habitat and forage for approximately 38 horses (453 AUMs) within the Diamond Hills South HMA. (See note on page 3, B.b(1))

IV. KEY SPECIES IDENTIFICATION

Seedings - Crested wheatgrass (Agropyron cristatum) - AGCR
Russian wildrye (Elymus juncus) - ELJU
Thickspike wheatgrass (Agropyron dasystachum) - AGDA

Native - Indian ricegrass (Oryzopsis hymenoides) - ORHY
Bottlebrush squirreltail (Sitanion hystrix) - SIHY
Bluebunch wheatgrass (Agropyron spicatum) - AGSP
Basin wildrye (Elymus cinereus) - ELCI

Sheep, cattle and wild horses will graze all of the above. The key plant species utilized by deer are antelope bitterbrush (Purshia tridentata), wyoming big sagebrush (Artemisia tridentata wyomingensis), mountain big sagebrush (Artemisia tridentata vaseyana), and other assorted mountain shrub species. Forbs are important for spring/early summer deer and sagegrouse use but no particular species is found in sufficient quantities to be considered a key species.

V. MANAGEMENT EVALUATION

A. Purpose

The purpose of this evaluation is to assess whether current management practices are meeting the multiple use objectives for the allotment and to determine the appropriate stocking level for livestock, wildlife and wild horses.

B. Summary of Studies Data

Monitoring studies were conducted for the majority of the allotment in 1988, 1989, 1991, and 1992. The following tables summarize precipitation data, use pattern mapping, actual use, estimated carrying capacity, recalculated livestock preference and wild horse AUMs.

Incidental cursory inspections of mule deer habitat conducted by the Egan RA wildlife biologist have determined that mule deer key forage species are not being overutilized by any grazer.

Sage grouse brooding areas are in acceptable condition for the birds.

The integrity of the ferruginous hawk nesting territory has not declined. There has been a constant decline of nesting pairs of ferruginous hawks within the resource area since 1984.

1. Precipitation

Data from the National Oceanic and Atmospheric Administration weather station located at Ely is being used for this evaluation due to its proximity to the Railroad Pass Allotment. The normal crop yield precipitation for Ely for the period 1951-1980 was 7.75". Crop yield is the effective precipitation for plant growth. It is the "crop year" precipitation that is measured to compute yield indices. The crop year precipitation is measured from September of the previous year through June of the growth year in the Intermountain Big Sagebrush Region (Sneva et. al. 1983). Table 2 illustrates the yield index from 1988 through 1992.

Table 2. - Yield Index For Ely

<u>Year</u>	<u>Crop Yield</u>	<u>Precipitation Index</u>	<u>Yield Index</u>
1988	8.17	105%	106%
1989	6.44	83%	79%
1990	7.12	92%	90%
1991	7.75	100%	100%
1992	7.10	92%	90%

2. Riparian Data

There is a 1/4 mile section of stream riparian complex and several smaller perennial complexes on public lands within the Railroad Pass Allotment.

Huntington Creek - Huntington Creek is a significant stream riparian complex that originates from springs located at T. 25 N, R. 55 E, sec. 34. It extends approximately 9.25 miles within the Railroad Pass Allotment; only a small portion (approx. 1/4 miles) is located on public lands. Two offbank riparian condition surveys have been conducted on the public portion of Huntington Creek; the first in 1989 rated this section in excellent condition, and the second conducted in 1993 rated this section in fair condition.

Dora Spring - Dora Spring is a perennial spring located at T. 25 N, R. 55 E, sec. 20 SWNW. The springhead has been developed; however, it is not functioning correctly. There is significant run off and a well developed channel below the spring with very little actually going into the trough. An offbank riparian condition survey conducted in 1993 rated this riparian complex in good condition.

Jurista Spring - Jurista Spring is a perennial spring located at T. 26 N, R. 55 E, sec. 30. The springhead has been developed with a trough and overflow which diverts water into a small pond. An offbank riparian condition survey conducted in 1993 rated this riparian complex in fair condition.

Table 3. Use pattern mapping summary - acres and (percent of mapped acres) by use class for Railroad Pass Allotment.

Year	Light (21 - 40%)	Moderate (41 - 60%)	Heavy (61 - 80%)	Severe (>81%)
1992	3241 (21)	7801 (52)	2885 (19)	1218 (08)
1990	4788 (37)	5333 (41)	1723 (13)	1250 (09)
1989	5800 (45)	4513 (35)	913 (07)	1636 (13)
1988	3531 (26)	7122 (51)	2338 (17)	853 (06)

Utilization was checked immediately after spring sheep use in 1993, 1991, 1990, and 1989. For all years sheep use was slight/light.

Table 4. Ecological Status - Ecological status (condition) was read on the native key area (Map 4) in August, 1993 with the following result:

Key Area	Range Site	Ecological Status
RR-4	28BYO82NV	Mid Seral

Table 5. Estimated Actual Use Summary (AUMs)

Year	Cattle	Sheep	Wild Horses*	Total
1988	967	592	1559	3179
1989	432	696	1128	3240
1990	584	692	1278	3580
1992	311	596	907	2503

* AUMs for wild horses were based on yearlong use.

Table 6. Estimated Carrying Capacity for Wild Horses, Cattle and Sheep.

Year	Actual Use AUMs	Raw * Util.	Yield Index	Adjusted Util. (%)	Proper** Stocking
1988	3179	70%	106%	74%	2148
1989	3240	90%	79%	71%	2282
1990	3580	70%	90%	63%	2841
1992	2503	70%	90%	63%	1987

Calculated using 50% as desired utilization.

* Raw utilization figures used were the mid-point of the highest significant use zone.

** The average proper stocking level is 2315 AUMs. This figure was calculated using Actual Use of cattle, sheep and horses. As a result of utilization monitoring which showed that sheep were not contributors to areas of overuse, the full sheep preference of 691 AUMs will be retained. This results in a proper stocking level of 1624 AUMs to be allocated between wild horses and cattle.

Proper Stocking Level is calculated using the following formula:

$$\frac{\text{Actual Use (AUMs)}}{\text{Adjusted Util. (\%)}} = \frac{\text{Desired Use (AUMs)}}{\text{Desired Util. (\%)}}$$

As a result of allocation from Actual Use the horse AML would be a negative number, therefore, allocation was based on proportions from the Land Use Plan as follows:

+ 453 (16%) AUMs (wild horse management objective from RPS)
 2311 (84%) AUMs (cattle preference)
 2764

.16 x 1624 = 260 AUMs allocated for wild horse use (22 horses yearlong)

.84 x 1624 = 1364 AUMs allocated for cattle use

The new livestock preference will be divided among Harold Rother Inc. and Pete and Julian Goicoechea based on the percent of the original preference AUMs that each were allocated.

Harold Rother Inc.1800 AUMs (78%)

Pete and Julian Goicoechea511 AUMs (22%)

Original Preference = 2311 AUMs
 New Preference = 1364 AUMs

.78 x 1364 = 1064 AUMs for Harold Rother Inc.

.22 x 1364 = 300 AUMs for Pete and Julian Goicoechea

VI. Conclusions

A. Land Use Plan Objectives

III. B. 1. (a) - Met

Rationale: The native range portion of the allotment is in an acceptable successional stage; however, long term objectives

would not be met if short term use continued to exceed allowable use levels.

III. B. 1. (b) - Not Met

Rationale: Allowable use levels have been exceeded on portions of the allotment grazed by wild horses and cattle.

III. B. 1. (c) - Met.

Rationale: Although mule deer numbers have fluctuated with drought and severe winter conditions, there is no indication from monitoring data that indicate livestock or wild horse use has contributed to the apparent downward trend in wildlife numbers which has led to a below reasonable number objective estimate of 682 AUMs allocated for mule deer use in the allotment.

III. B. 1. (d) - Not Met.

Rationale: Allowable use levels have been exceeded on portions of the allotment.

B. Rangeland Program Summary Objectives

III. B. 2. (b) - Not Met

Rationale: Utilization levels have been heavy or severe on the burn every year of the four years that utilization data has been collected.

III. B. 2. (c) - Not Met

Rationale: Large areas of big sagebrush dominated vegetation have little or no forage associated with their understory in the allotment. Relieving grazing pressure alone would not improve ecological condition within these areas, treatment options need to be explored in order to meet this objective.

III. B. 2. (d) - Not Met

Rationale: Utilization levels have exceeded NRMH allowable use levels on portions of the allotment.

III. B. 2. (e) - Met

Rationale: Although mule deer numbers have fluctuated with drought and severe winter conditions, there is no indication from our monitoring data that indicates livestock or wild horse use has contributed to the apparent downward trend in mule deer numbers which has led to a below reasonable number objective estimate of 682 AUMs allocated for mule deer use in the allotment.

III. B. 2. (f) - Not Met

Rationale: Off bank riparian condition studies were conducted on two springs and one section of Huntington Creek within the Railroad Pass Allotment. Dora Spring rated "good", Jurista Spring rated "fair" and the section along Huntington Creek rated

"fair".

III. B. 2. (g) - Met

Rationale: Big sagebrush sites within two miles of strutting grounds are being maintained in mid to late seral stages with a minimum of 30% shrub composition

III. B. 2. (h) - Not applicable

Rationale: This objective cannot be met due to the lack of winterfat areas within the Railroad Pass Allotment.

III. B. 2. (i) - Not Met

Rationale: Off bank stream riparian condition was completed for that portion of the Huntington Creek on public lands (approx. 1/4 mile) in 1993. The survey resulted in a "fair" condition rating; this is down significantly from an 1989 survey which resulted in an "excellent" rating.

III. B. 2. (j) - Met

Rationale: The RPS objective is to provide 453 AUMs for wild horse use on the allotment. The latest census shows wild horse use at approximately 1596 AUMs on the Allotment.

VII. Technical Recommendations

A. Problem

The major resource problem on the Railroad Pass Allotment is the overutilization of key species by cattle and wild horses. The cause can be attributed to excessive numbers of cattle and wild horses and poor distribution by cattle.

B. Solution

1. Short Term

(a) Retain full sheep preference on the Railroad Pass Allotment with a period of use from 4/5 to 6/15 and 11/1 to 11/15. Continue to monitor to determine any changes that need to be made.

(b) Reduce adjudicated preference for cattle from 2311 AUMs to 1364 AUMs as indicated by monitoring studies.

(c) Establish a two pasture deferred grazing system to provide yearly rest. (See fig. 1)

(d) Establish wild horse use at 260 AUMs as indicated by monitoring studies.

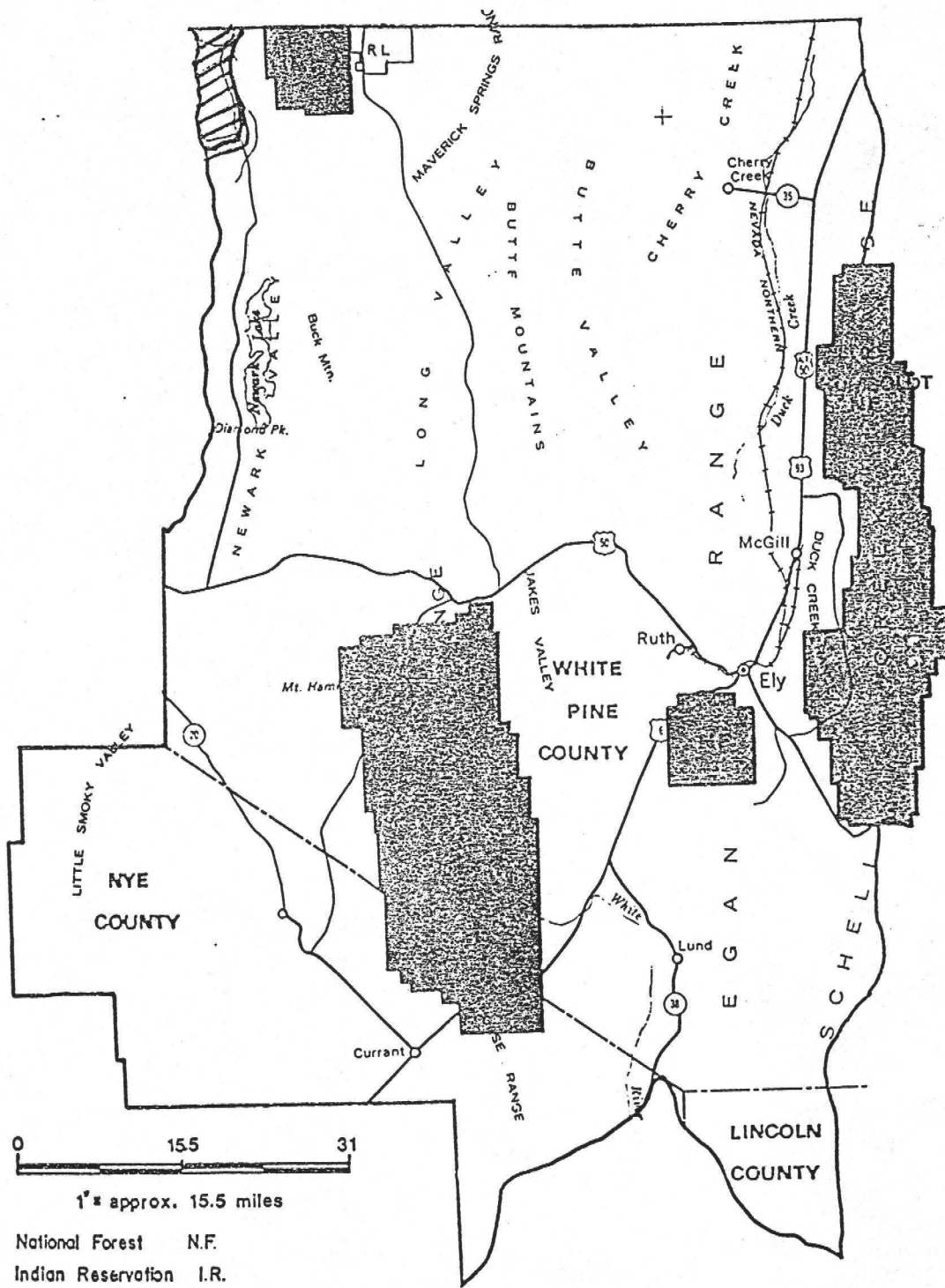
(e) No salt blocks are to be located within 3/4 mile from water.

(f) Ensure maintenance of existing pipelines to encourage uniform distribution.

2. Long Term

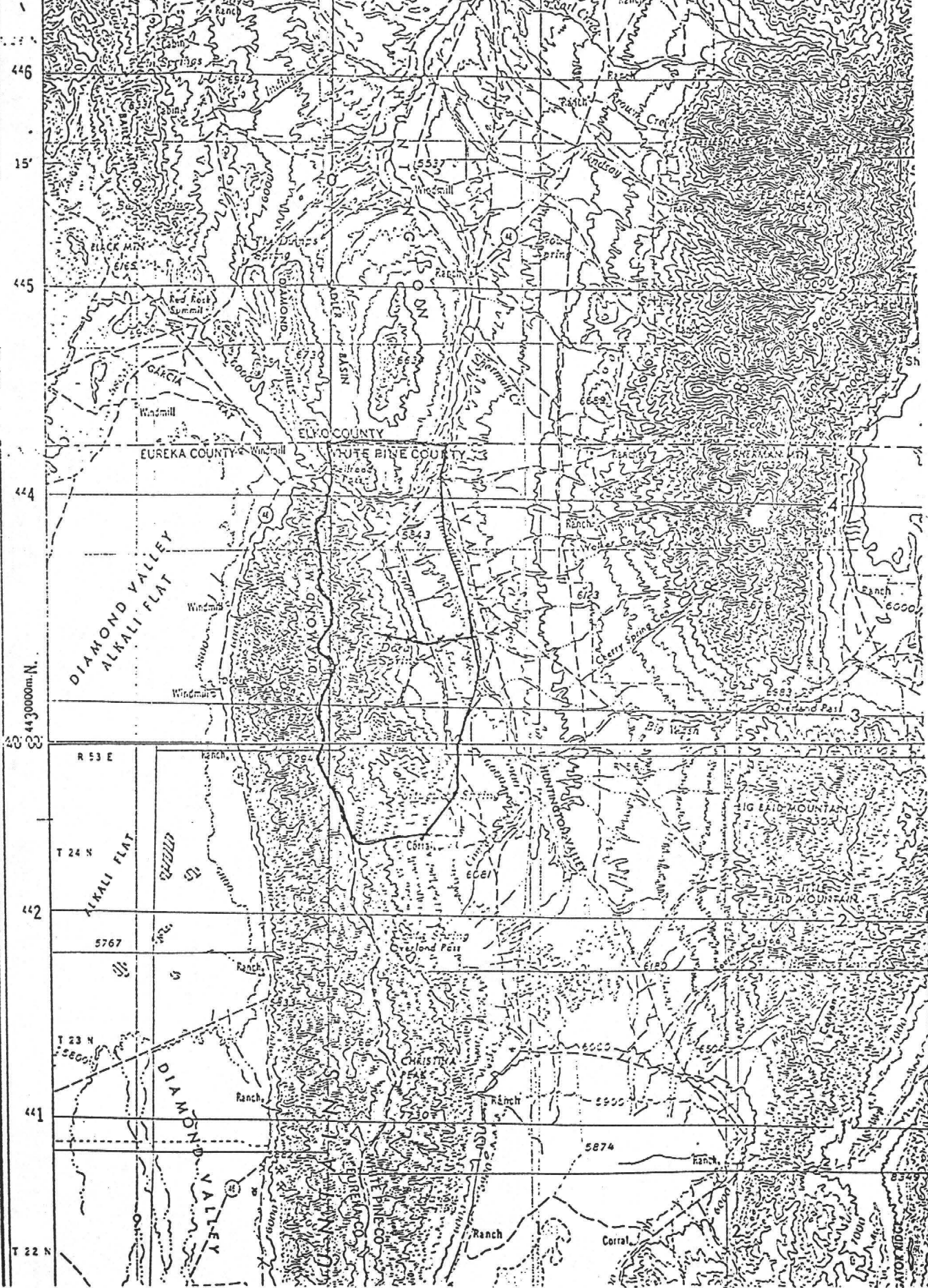
(a) Fence approximately 1/4 acre of meadow above the headbox at Jurista Spring.

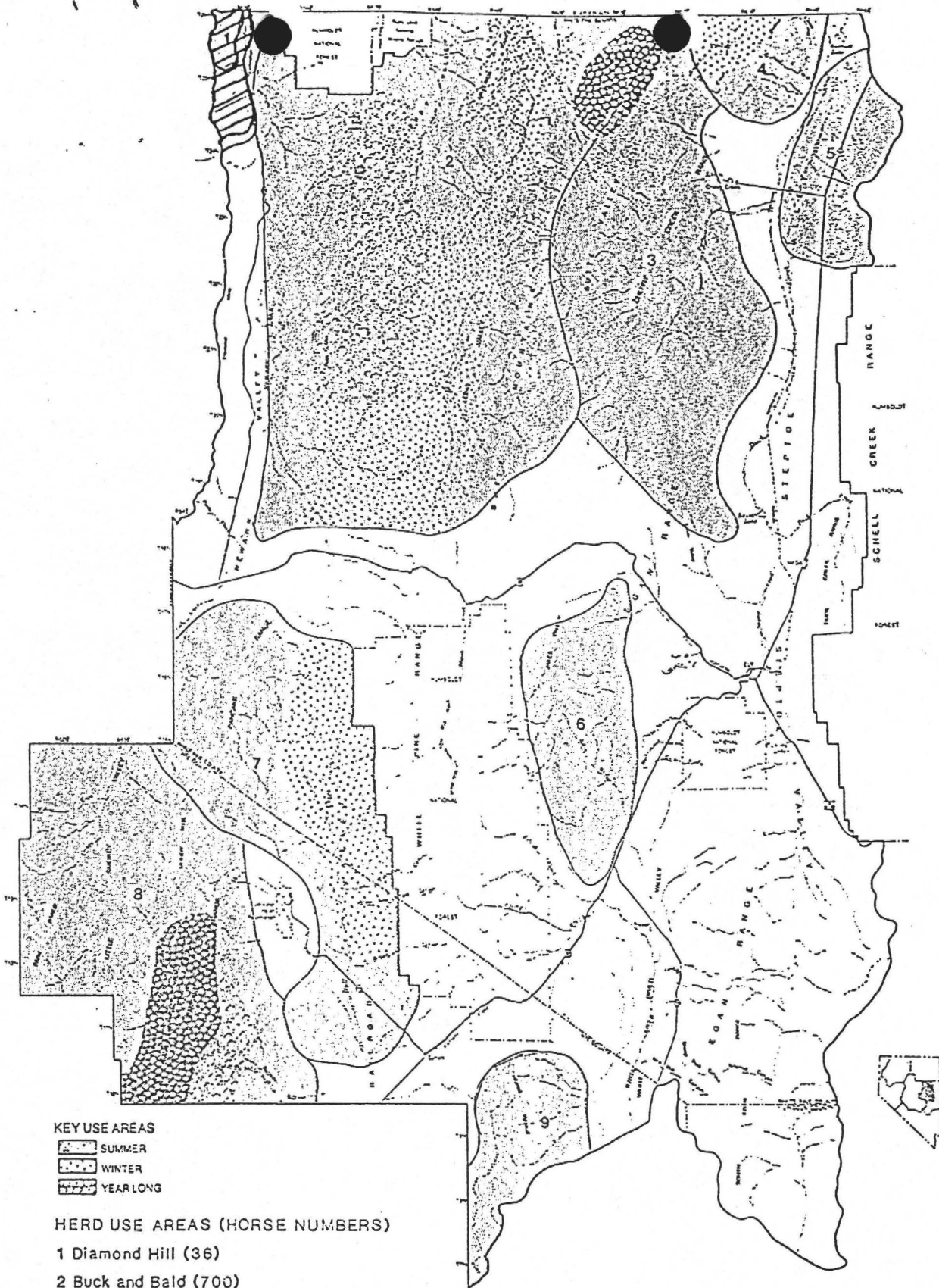
MAP 1. General Allotment Location



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Map 2. Railroad Pass Allotment Boundary.





KEY USE AREAS

-  SUMMER
-  WINTER
-  YEARLONG

HERD USE AREAS (HORSE NUMBERS)

- 1 Diamond Hill (36)
- 2 Buck and Bald (700)
- 3 Butte (60)
- 4 Cherry Creek (11)
- 5 Antelope (14)
- 6 Jakes Wash (20)
- 7 Monte Cristo (96)
- 8 Sand Springs (494)
- 9 White River (20).



MAP 3. Railroad Pass Allotment
In Relation To Diamond Hill HMA
Boundaries.

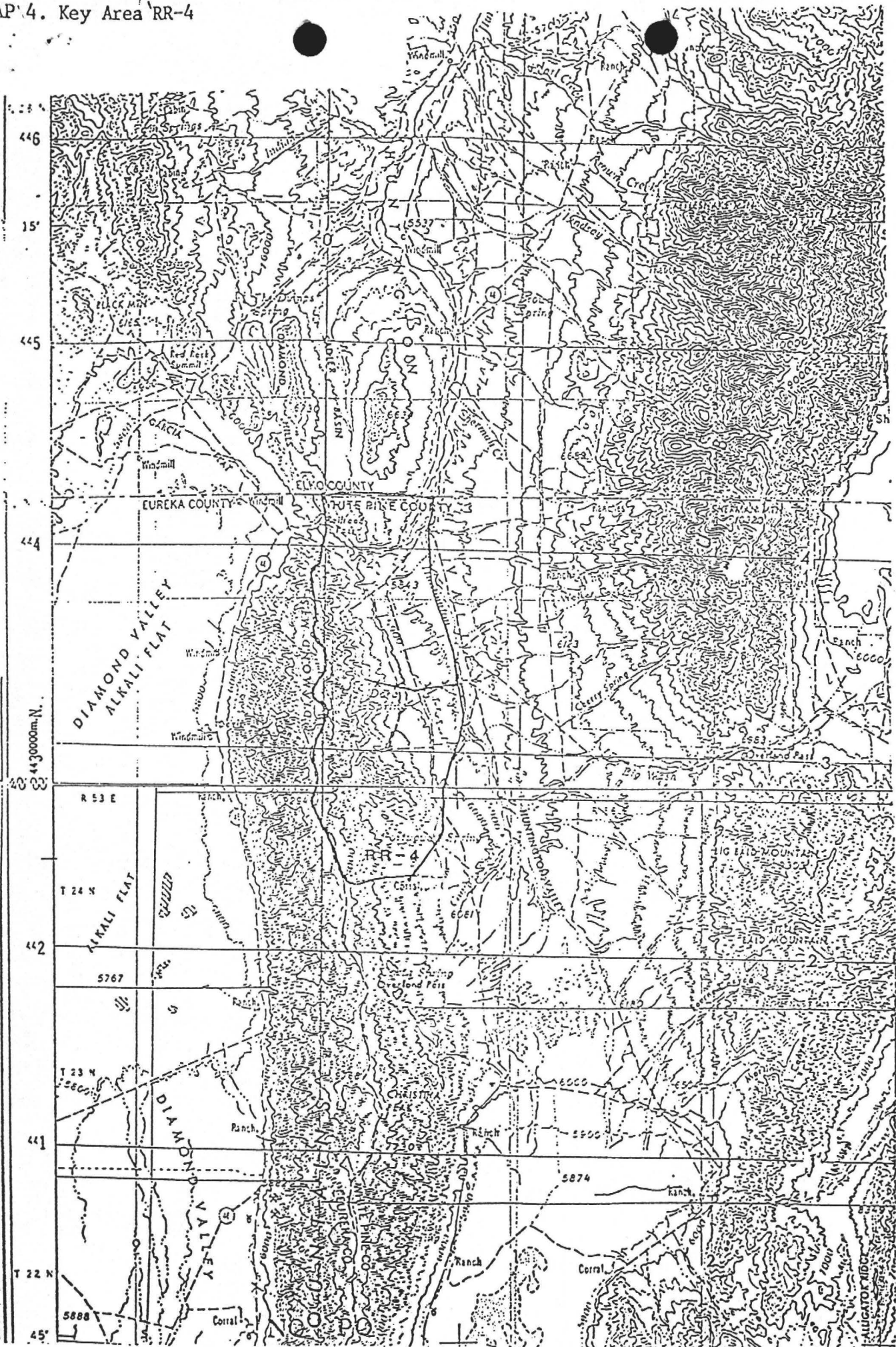
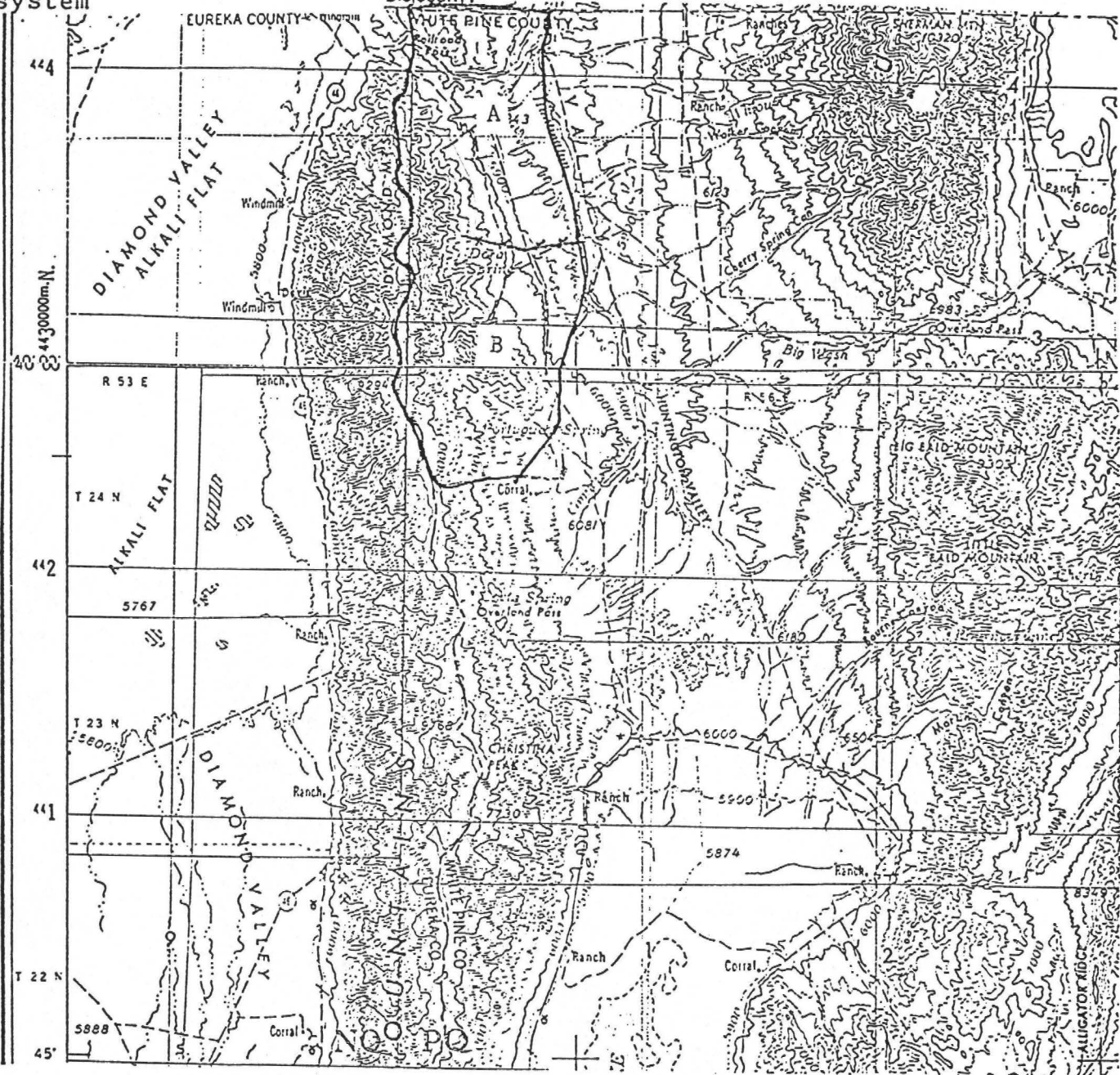


Fig. 1 - Two pasture deferred rotation system



SEASON OF USE

6/15 - 7/15 8/15 - 10/15

YEAR	5/15 - 6/15	8/15 - 10/15
1994	A	B
1995	B	A

Pasture A = Area North of drift fence
 Pasture B = Area South of drift fence

At the end of the second year the cycle will be repeated.