

6-27-97



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:

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4700/4130 (NV-042)

JUN 27 1997

CERTIFIED MAIL NO. P 216 080 354
RETURN RECEIPT REQUESTED

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

Dear Ms. Lappin:

The comment period is over for the draft Diamond Mountain Complex capture/removal plan and the Diamond Mountain Complex Evaluation sent out on June 15, 1997. The evaluation is enclosed for those interested publics that requested a copy. To reduce mailing costs, the appendices and maps are not included with the evaluation. This evaluation is enclosed for informational purposes only. Please refer to the draft evaluation sent out on May 15, 1997. Enclosed with the final capture/removal plan you will find an administrative determination that existing National Environmental Policy Act (NEPA) documents are sufficient for the proposed action to remove wild horses, and further NEPA analysis is not necessary.

The Diamond Mountain Complex Evaluation was the result of a coordinated effort between three BLM districts and the Diamond Mountain Complex working group. The working group included Eureka, White Pine, and Elko County Commissions, Eureka Department of Natural Resources, Nevada Division of Wildlife, the livestock permittees, wild horse interest groups, general interested publics and the Elko, Battle Mountain and Ely BLM Field Offices.

In accordance with Bureau policy and regulations, monitoring data has been analyzed through the Diamond Mountain Complex Evaluation. Short term management actions will be implemented through livestock use agreements in order to make progress towards meeting the multiple use objectives established for the Diamond Mountain Complex. Final evaluations and multiple use decisions will be issued in the future on all allotments.

All text errors have been corrected in the final documents and copies of the comment letters and responses pertaining to Diamond Mountain Complex Evaluation and Capture/Removal Plan can be found in the Diamond Mountain Complex Evaluation file. All Diamond Mountain Complex comments were carefully considered for incorporation into the evaluation. Several comments or suggestions were received from the following interested publics. The following information is a brief summary of comments and responses pertaining to the evaluation and draft capture/removal plan. The comment letters and responses to all other

comments are located in the Diamond Mountain Complex Evaluation File for future reference:

The Nevada Commission for the Preservation of Wild Horses (Commission) sent their comments directly and through the Nevada State Clearinghouse in a letter dated June 12, 1997 and received June 16, 1997.

The Commission's concerns were expressed as: combining management with an ecosystem management planning process, distinguishing wild horse use data for the determination of an appropriate management level, implementing detailed monitoring plans, assuring a viable wild horse herd will survive necessary gathers, and assuring that proper adjustments are made to protect natural resources supporting wild horses, livestock and wildlife values within the ecosystem.

A primary concern identified in the letter was the methodology for determining stocking rates and appropriate management levels. The Bureau considered the Commission's methodology. In summary, the Commission took the 1996 actual use data for both livestock and wild horses and applied it to the desired stocking rate formula to determine the desired actual use. Next they used the 1996 actual use data to proportion the rate among the current users for an appropriate management level. This was done on an allotment specific basis. The number of wild horses identified through this formula was then divided by the HMA acres within the allotment for a density number. The Commission identified two appropriate management levels they wanted the Bureau to consider, a total of 588 wild horses when adding their horse number for all allotments or 275 wild horses for the Diamond Mountain Complex. The Bureau prefers to use all available data in determining a desired stocking rate to meet the multiple use objectives, not one year of data. Once the average stocking rate for the various users has been determined, the land use plan proportions were used to allocate forage between livestock and wild horses. The appropriate management level was determined to be 230 wild horses. The data indicates that 275 - 588 wild horses grazing yearlong in the Diamond Mountain Complex area would cause further degradation to the rangeland resources.

The Commission expressed concern on the reevaluation of Railroad Pass Allotment. Data were collected in 1995 after the Final Multiple Use Decision (FMUD) was issued. These data along with other data were reevaluated towards the accomplishment of the Diamond Mountain Complex objectives. Based on this reevaluation, the permitted use for livestock and the appropriate management level for wild horses will make progress towards meeting the Diamond Mountain Complex Objectives; therefore, we did not modify the 1995 decision.

Concern was expressed by the Commission on the lack of current use pattern mapping data. For clarification, Shannon Station, Three Mile and Diamond Springs Allotments were all use pattern mapped in 1996 by the Eureka County Department of Natural Resources.

The Nevada Division of Wildlife (NDOW) sent comments through the Nevada State Clearinghouse in a letter dated June 12, 1997 and received June 16, 1997. NDOW comments focused on addressing future management of mule deer habitat and riparian areas before the final evaluation and multiple use decisions are issued. We agree that this needs to be done and the BLM will work with NDOW and the livestock operators to address future management of mule deer and riparian habitats.

The Eureka County Department of Natural Resources sent two letters dated June 13 and 15, 1997 and one by fax received one June 16, 1997. The Eureka County Department of Natural Resources submitted several comments on various sections of the evaluation. They requested that some sections of the evaluation focus more on wild horse issues and several of their comments pertained to clarification of Land Use Plan Objectives. The remainder of their comments will be considered when the final evaluation and multiple use decisions are developed.

Andrew Anderson sent a comment letter dated June 3, 1997 and received June 6, 1997. In addition, George Parman sent a comment letter dated June 6, 1997, which was received on June 10, 1997. He also provided comments and questions during a telephone conversation May 22, 1997. They requested clarification between the initial management level and the appropriate management level of wild horses and the initial levels of livestock use versus actual use. Both felt the 1996 use pattern map for Three Mile allotment was in error between sections 8 & 16. Eureka County Dept. of Natural Resources made a slight adjustment in their use zones and resubmitted the 1996 use pattern map on June 15, 1997.

Craig Downer sent a letter dated June 7, 1997, which was received on June 12, 1997. Mr. Downer expressed concerns on herd viability and felt the appropriate management level for wild horses should set at 1000 horses yearlong. A thousand wild horses grazing yearlong in the Diamond Mountain Complex area would cause further degradation to the rangeland resources.

The Nevada Commission for the Preservation of Wild Horses, Nevada Division of Wildlife and Eureka County Department of Natural Resources had questions on actual use. The appendices have been updated to show a five year comparison in actual use data using the attached charts. Monitoring data will continue to be collected and used to measure the attainment of multiple use objectives and update the long term objectives identified in Appendices I, II and III. Detailed Monitoring Plans for individual allotments were not included in this document; they are located in District Office files.

FINAL DECISION

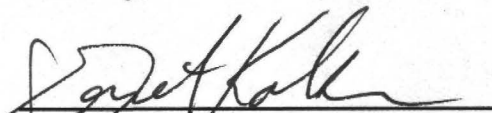
The final decision is to approve the proposed action to implement the final capture/removal plan based on the administrative determination for all three HMAs within the Diamond Mountain Complex. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Diamond Mountain Complex to reach the established appropriate management level. Immediate removal of excess wild horses is necessary to restore the Diamond Mountain Complex area to a thriving natural ecological balance and to avert the imminent overgrazing caused in part by wild horses. It is also necessary to comply 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." The Full Force and Effect determination is in accordance with the Code of Federal Regulations (CFR) 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.

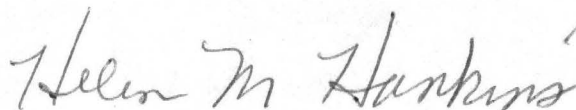
In addition, within 30 days of receipt of this decision, you have the right to file a petition for a stay (suspension) of the decision together with your appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the parties specified above. The appellant has the burden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

For other questions or comments, please contact Bob Brown at (702) 289-1843.

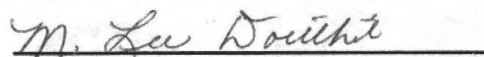
Sincerely,



Gene A. Kolkman
Ely District Manager



Helen M. Hankins
Elko District Manager

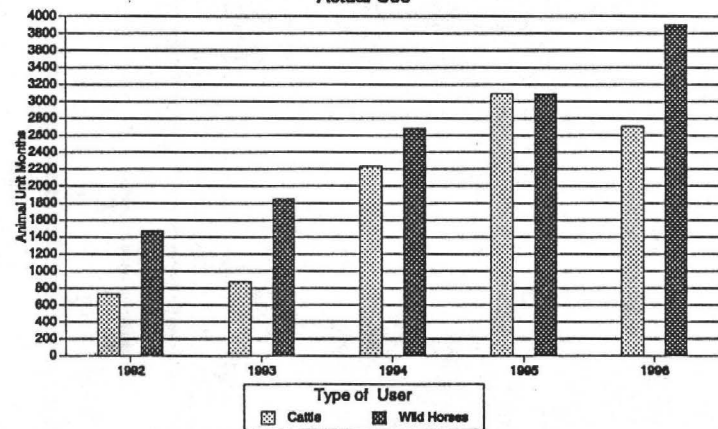
for 
Gerald M. Smith
Battle Mountain District Manager

5 Enclosures

1. Diamond Mountain Complex Evaluation
2. Capture/Removal Plan
3. Administrative Determination
4. Form 1842-1
5. Copies of Livestock Use Agreements

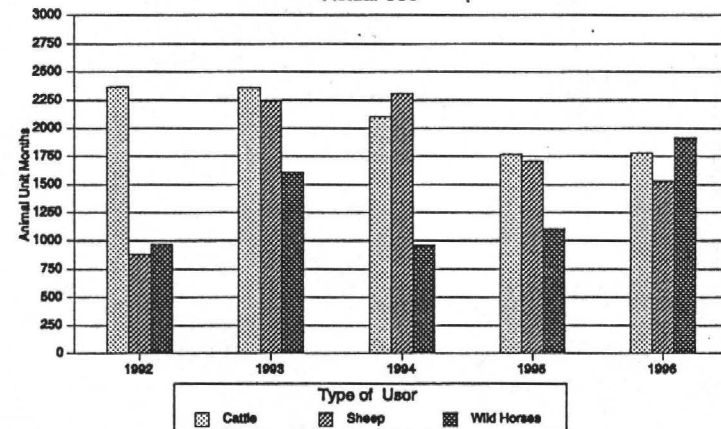
Diamond Springs

Actual Use



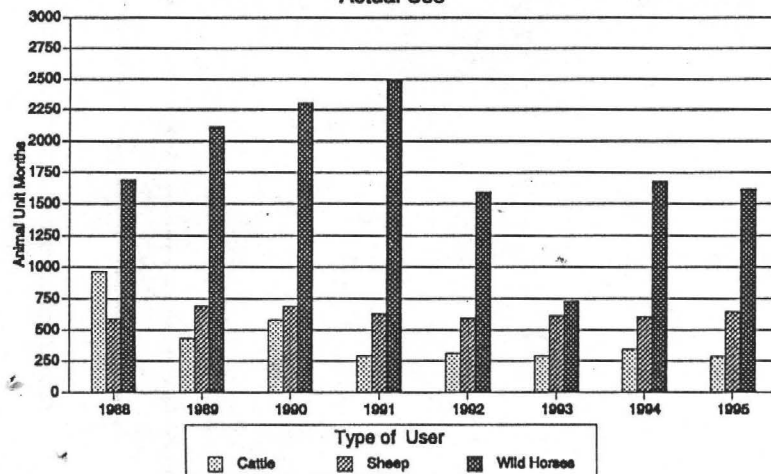
Black Point Allotment

Actual Use



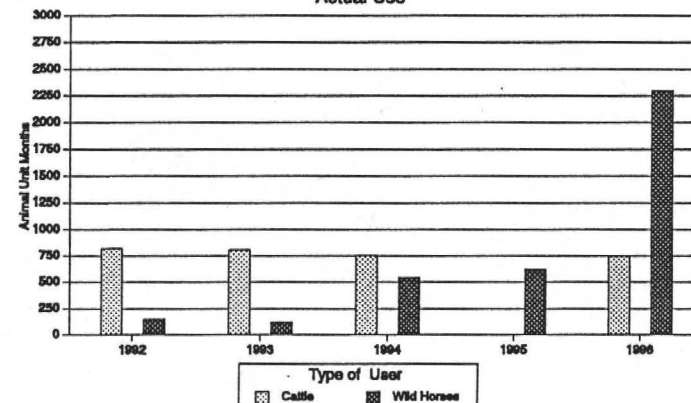
Railroad Pass Allotment

Actual Use



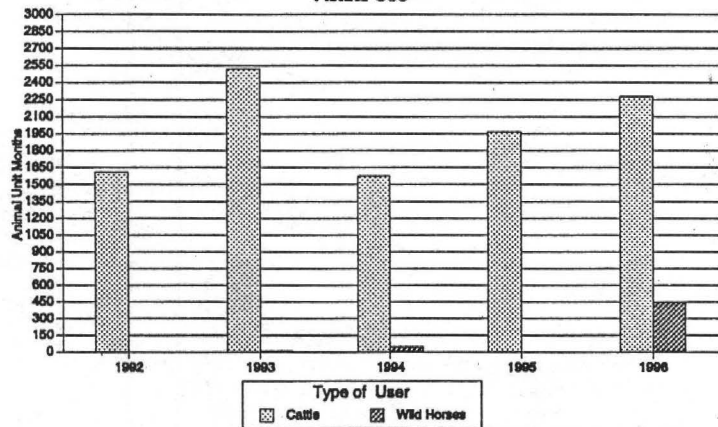
Three Mile Allotment

Actual Use



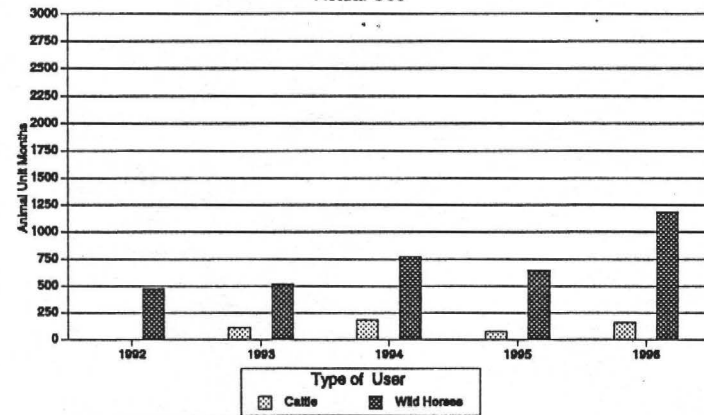
Shannon Station Allotment

Actual Use



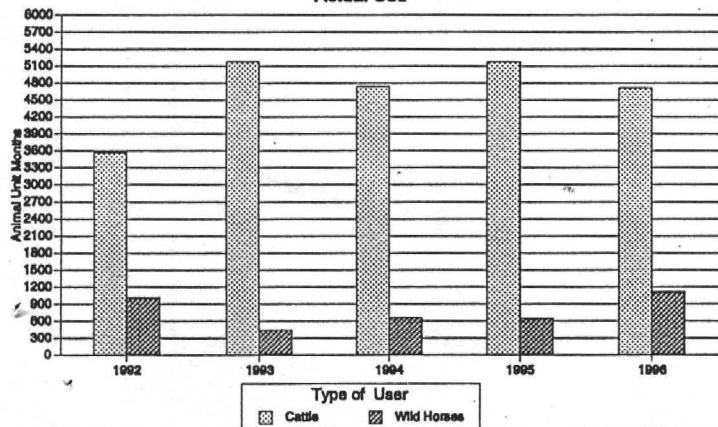
Browne Allotment

Actual Use



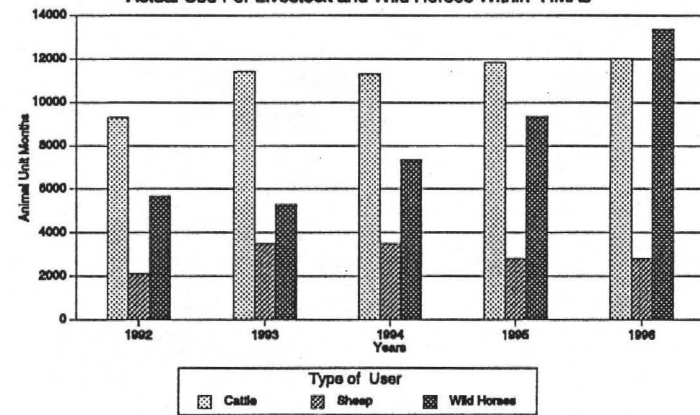
Red Rock Allotment/Native

Actual Use



Diamond Mountain Complex

Actual Use For Livestock and Wild Horses Within HMAs



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL BUREAU OF LAND MANAGEMENT
ELY DISTRICT OFFICE
HC 33 BOX 33500
ELY NV 89301-9408

SOLICITOR
ALSO COPY TO OFFICE OF THE FEDERAL SOLICITOR,
SUITE 6201, FEDERAL BUILDING,
125 SOUTH STATE STREET,
SALT LAKE CITY, UTAH 84138

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO OFFICE OF THE FEDERAL SOLICITOR,
SUITE 6201, FEDERAL BUILDING,
125 SOUTH STATE STREET,
SALT LAKE CITY, UTAH 84138

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

JUN 27 1997

WILD HORSE
CAPTURE/REMOVAL PLAN FOR
DIAMOND COMPLEX HMAS
(Diamond, Diamond Hills North, Diamond Hills South)

Prepared by Bob Brown
Ely District Wild Horse Specialist

Bureau of Land Management
Battle Mountain, Elko, and Ely Districts

CAPTURE/REMOVAL PLAN FOR THE DIAMOND COMPLEX HMAS

I. Purpose and Rationale

The purpose of this capture/removal plan is to outline the methods and procedures to be used in the reduction of the wild horse population within the Diamond Mountain Range, including the Diamond, Diamond Hills North and Diamond Hills South Herd Management Areas (HMAS). The removal is based on the analysis of monitoring data presented in the Diamond Complex Evaluation, which establishes the wild horse appropriate management level (AML) for the three HMAS in the Diamond Mountain Range. The Diamond Complex Evaluation includes a re-evaluation of the Final Multiple Use Decision for the Railroad Pass Allotment in the Ely District and the evaluation of monitoring data within the Browne and Red Rock Allotments in the Elko District. It also includes the evaluation of monitoring data within the Corta, Diamond Springs, Three Mile, Black Point and Shannon Station/Spanish Gulch Allotments in the Battle Mountain District. Those wild horses that are found outside the boundaries of the Herd Management Areas within the vicinity of the Diamond Mountain Range will also be removed in conjunction with this gather, in accordance with 43 CFR 4710.4. This plan will also address the current selective removal policy of only removing those animals from the HMA that are under 10 years old.

Monitoring data collected during a period from 1988 through 1996 show available forage for wild horse use to be 2,753 animal unit months (AUMs) within the three herd management areas, which is 230 wild horses yearlong. Removal of excess animals within the allotments making up the herd management areas is needed in order to establish and maintain a thriving natural ecological balance within the allotments and to prevent deterioration of rangeland resources.

The wild horse gather will be conducted by the Bureau of Land Management (BLM) Battle Mountain, Elko, and Ely Districts. The removal operation will begin after issuance of the final gather plan.

The proposed action is to capture approximately 1,500 animals and remove approximately 1,250 excess wild horses from the Diamond Complex Herd Management Areas (HMAS) and adjacent horse free areas. Horses up to the age of nine years old will be removed in compliance with National and Nevada policy, in order to reach the established AML during the initial removal. If AML cannot be reached by removing only animals under 10 years old, a sufficient number of wild horses aged 10 and older will also be removed to achieve the AML. Conformation and other characteristics necessary for an adoptable animal will be considered in selecting older horses for removal. Future removals will follow policy in effect at the time of removal. The initial removal is scheduled to commence August 1, 1997, and will last approximately one month. Subsequent removals may occur to maintain AMLs for the three HMAS.

The proposed action(s) will: (1) restore the range to a thriving natural ecological balance, (2) prevent further deterioration of the range threatened by an overpopulation of wild horses, and (3) bring the populations of wild horses to a level in balance with available forage within the Diamond Complex HMAs.

This document outlines the process and events involved with the capture and/or removal of wild horses from the Diamond Complex HMAs. The methodology will remain the same for future removals if they become necessary. Included are the initial numbers of horses to be captured, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representatives (COR), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to capture operations.

II. Relationship to Planning

This document is in conformance with the Shoshone Eureka Resource Management Plan and Record of Decision signed on March 10, 1986, The Elko Resource Management Plan and Record of Decision signed March 11, 1987, and the Egan Resource Management Plan and Record of Decision signed February 3, 1987.

A Programmatic Environmental Assessment (EA No. N66-EA8-42), analyzing the environmental consequences and mitigating measures of the proposed action, was prepared and distributed for public comment by the Battle Mountain District in May 1988. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on June 30, 1988. A tier EA (No. N64-EA94-37) to the Programmatic EA was issued on April 7, 1994, which addresses the releasing of older horses back into the HMAs. These documents are available for review at the Battle Mountain District Office. The Ely District also has three EAs on file pertinent to the Diamond Complex HMAs capture/removal. The parent EA No. NV-040-8-15 and two supplemental EAs No. S1-93-NV-040-8-15 and S1-95-NV-040-8-15 analyze the environmental consequences, with approved mitigation, for the capture, removal, and release of older horses from the Diamond Hills South HMA and the Diamond horse free areas. These documents are on file at the Ely District Office. An Administrative Determination (AD) has been made that these EAs adequately address the impacts of this proposed action for this area. This action is an implementation of the Diamond Complex Evaluation, which addresses the analysis of monitoring data and establishment of proper stocking levels for wild horses, livestock, and wildlife within the herd areas.

The capture area is not covered by a herd management area plan (HMAP). IBLA has ruled "...that it is not necessary that BLM prepare an HMAP as a basis for ordering the removal of wild horses, so long as the record otherwise substantiates compliance with the statute. Indeed, 43 CFR 4710.3-1 does not require preparation of an HMAP as a prerequisite for a removal action. Thus, we are not persuaded that preparation of an HMAP must in all cases

precede the removal of wild horses from an HMA/WHT, and decline to order preparation of HMAP's." (IBLA 88-591, 88-638, 88-648, 88 679, at 127).

The removal also implements the Strategic Plan for Management of Wild Horses and Burros on Public Lands (SP), issued on 6/92; U.S. Department of the Interior, Bureau of Land Management. The SP states that only animals between the ages of 1 and 3 years should be removed. However, current National and Nevada policy is to remove animals up to nine years of age from HMAs and from horse free areas.

III. Area of Concern

The gather area is located along the Diamond Mountain Range approximately 3 miles east of Eureka, Nevada and extends approximately 48 miles to the north. The Herd Management Areas consist of a relatively narrow band of allotments extending along the mountain range. The terrain within the area varies from level valleys to high mountains, with elevations ranging from 5,700 feet to over 10,000 feet, respectively. Climate is characterized by warm, dry summers and cool, wet winters. Precipitation ranges from 8 inches in the valleys to 16 inches in the mountains. The major vegetation type of the lowlands is big sagebrush with an understory of Sandberg's bluegrass, bottlebrush squirreltail, and Indian ricegrass. At mid-elevation, the vegetation type is primarily pinyon-juniper, big sagebrush, low sage, and an understory of bottlebrush squirreltail, Thurber's needlegrass, and Nevada bluegrass. The higher elevations support pinyon-juniper, mountain mahogany, big sagebrush, and low sage communities with understories similar to those found at mid-elevations.

The Diamond HMA is entirely within the Shoshone Eureka Land Use Plan (LUP) area of the Battle Mountain District BLM in Eureka County, Nevada. The Diamond Hills North HMA is just north of the Diamond HMA in Elko County, Nevada within the Elko LUP area of the Elko District BLM. The Diamond Hills South HMA, within the Egan LUP area of the Ely District BLM, lies in White Pine County, Nevada, adjacent to the other two HMAs. Maps of the proposed removal areas are attached.

IV. Number of Horses to be Captured/Removed

The overall Diamond Complex AML of 230 wild horses yearlong was established through the evaluation of monitoring data which was analyzed during the allotment evaluation process. It is the sum of the individual AMLs established for the three HMAs included in the Diamond Complex Evaluation, which are 22 wild horses for the Diamond Hills South HMA, 37 wild horses for the Diamond Hills North HMA, and 171 wild horses for the Diamond HMA. The latest helicopter census, conducted in October 1996, recorded a total of 1,258 wild horses within and outside the boundaries of the three HMAs. Using the BLM Nevada average of 18% as an annual rate of increase, it is estimated that there are currently approximately 1,500 wild horses, including the 1997 foaling season increase.

The overall AML established in the Diamond Complex Evaluation will only change when new monitoring data indicate that a change is needed. This capture/removal plan addresses the methodology and procedures to be used to capture and remove the animals to attain and maintain the established AML during the initial and subsequent removals.

Wild horses are managed on an HMA basis, and in this case the Diamond Complex basis, so that numbers within each allotment may vary. Only when the total AML for the Diamond Complex is exceeded will horses be removed. This capture/removal plan will cover all future removals for the three herd areas in the Diamond Complex.

The initial removal will be selective by age and only healthy animals between the ages of zero to nine will be removed from the HMAs for shipping to Palomino Valley Corrals (PVC) for processing into the adoption program, in conformance with Nevada State Policy, unless during the initial removal AML cannot be achieved by removing only those wild horses within that age structure. All animals outside the HMAs will be removed and horses nine years old and younger will be shipped to PVC. Horses older than nine years will be released back into the adjacent herd areas from which they were captured. If AML cannot be reached by removing only animals under 10 years old, a sufficient number of wild horses aged 10 and older will also be removed to achieve the AML. Conformation and other characteristics necessary for an adoptable animal will be considered in selecting older horses for removal.

Horses that have reached 10 years of age, and older horses, will be released back to the area of capture after the operations are complete in that area. Every effort will be made to release wild horses back to the HMAs that are representative of each age class at the time of removal. Based on the number of animals to be removed and the total population present in the HMAs, not all of the animals to be released will be over age 10. Some of the animals will be in the younger age classes, including obviously near term pregnant mares and mares with foals too young to be shipped. Some animals possessing unusual characteristics such as color, conformation or breed, as in curly horses, will not be removed from the breeding population within the HMAs, but will be released back into the HMA from which they were gathered. Released animals will be monitored within 72 hours to ensure that they are not caught behind fences and that they have found water and forage.

In the event that a captured mare, foal, or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until either sufficiently healthy to survive on the range or until the gather is completed. If at the completion of the gather it still appears that the animals' survival is questionable, the animals will be sent to PVC.

To remove approximately 1,250 animals in the proper ages classes, approximately 1,500 animals will need to be captured, based on an estimate that 15-20% of the population is over 9 years of age. The AML of 230 wild horses will remain in the Diamond Complex HMAs at the completion of the removal.

V. Time and Method of Capture

The initial removal is scheduled to commence on August 1, 1997. Future removals will be conducted when the need arises and when funding becomes available. Timing of the removals is also dependent on the statewide priority schedule. Horses will not be captured or removed during the foaling season (March 1 to July 1).

The method of capture will be to use a helicopter to herd the animals to portable wing traps. It is the intention of the BLM to conduct the removal through a private contractor under the current requirements contract. If a contract is not currently in place for the initial or subsequent removals, BLM may conduct the removal using BLM employees. At least one qualified Bureau employee will be supervising the capture operation at all times. It is estimated that 6 to 8 trap locations will be required to accomplish the work.

Other methods of capture are not being considered in the Diamond Complex HMAs. Water trapping wild horses, though easier on the animal, is not feasible due to the large area and the number of water sources available to horses in the proposed capture area. Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap, injuries to both people and horses are more likely, and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

The terrain in the removal area varies from flat valley bottoms to extremely mountainous, and the horses could be located at all elevations depending on the time of year the removal is conducted. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

VI. Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 1,500 wild horses from the capture area for the initial removal. BLM is also responsible to oversee the transportation of approximately 1,250 wild horses to the adoption preparation facility as specified in the removal contract, which is expected to be Palomino Valley Corrals (PVC).

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the capture area. The evaluation will include animal condition, prevailing temperatures, snow conditions (for subsequent removals), 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 capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor 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, motorized equipment limitations, and the presence of fences and other dangerous barriers. The contractor will be provided with a topographic map of the capture area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operation. The contractor will also be apprised of the existing conditions in the capture area and will be given direction regarding the capture and handling of animals to assure their health and welfare is protected.

At least one authorized BLM employee, a Contracting Officer's Representative (COR) or Project Inspector (PI), will be present at the site of captures/removals. The COR/PI 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 CORs/Pis are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Battle Mountain, Elko, and Ely District Managers and to the Nevada State Office.

The Battle Mountain, Elko, and Ely Associate District Managers (ADM) for Renewable Resources and District Managers are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the most important concern and responsibility of the District Managers, ADMs for Renewable Resources, and CORs/Pis.

All publicity, public contact, and inquiries will be handled through the ADMs for Renewable Resources. The managers will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

The COR/PI 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, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR/PI in administering the contract, the BLM will have a helicopter available, if needed, at the roundup site. This helicopter will be used with discretion to minimize disturbance of 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. In the event an additional helicopter is not available to observe the project helicopter, other methods will be utilized to observe the removal operations, such as using observers on horseback or in vehicles, or by placing stationary observers in strategic locations.

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/PI.

VII. Stipulations and Specifications

The following stipulations, specifications and procedures will be followed during the capture operation to ensure the welfare, safety and humane treatment of the wild horses.

A. Trapping and Care

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 also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR 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 cause as little injury to 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 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 horses with a helicopter will not be placed within ¼ 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 horses to be herded more than 10 miles 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 (steep and/or rocky). 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 6 feet high.
- c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 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 2 feet to 6

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/PI.

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, seriously sick, or animal with genetic defects such as club feet 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 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.

11. Release of Animals onto Range. Animals which are to be released back to the range will be released in small groups to avoid a herd stampede mentality. Mare/foal pairs will be released together. Stud horses will not be released at the same time as mares or mares with foals to avoid fighting over mares and injury to foals. If a foal becomes separated from a mare, the foal will be recaptured and sent to PVC.

12. Handling procedures for mares and foals

- a. Mares older than the target age group (over 9 years old in the HMAs and over 9 years old from the horse-free area) will be paired with their foals and both will be returned to the range.
- b. When mares older than the target group will not pair with their foals, the foals will be sent to the National Wild Horse and Burro Center at Palomino Valley (PVC) for adoption and the mares will be returned to the range.
- c. When mares older than the target group will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until healthy. If at the termination of the capture operation, it still appears that the animal's survival is questionable, they will be sent to PVC.
- d. When mares within the target age group will accept their foals, the pair will be sent to PVC.
- e. When mares within the target group will not accept their foals, both the mare and foal will be sent to PVC.

B. Capture Methods for Helicopter Drive Trapping

1. The primary method for gathering wild horses 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 must be gathered and/or removed from areas specified in the gather plan as being complete removal and those individual animals continue to elude helicopter herding operations and where it is necessary to capture an orphaned foal or a suspected wet mare. In all cases, 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 Managers or their designated representative.
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 or more 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 capture 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/PI 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/PI.

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 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent.

Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

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 an 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. In general, roads in the capture area are in fair to good condition. If a problem develops, speed restrictions shall be set or alternate routes used. The maximum distance over which animals may have to be transported over dirt road is 20 miles. Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

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 capture 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.

VIII. Branded and Claimed Animals

A notice of intent to impound will be issued by the BLM prior to any capture operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of this notice, 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 capture 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 ADM Renewable Resources 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, for shipment to public auction or another holding facility.

Prepared by:

Bob Brown

Bob Brown
Wild Horse and Burro Specialist
Ely District

June 20, 1997
Date

Reviewed by:

Kathy McKinstry

Kathy McKinstry
Wild Horse and Burro Specialist
Elko District

June 26, 1997
Date

John Winnipenninkx

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Wild Horse and Burro Specialist
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Fred Fisher
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Jeffrey A. Weeks

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ADM Renewable Resources
Battle Mountain District

6-26-97

Date

Clinton R. Oke, for

Clinton R. Oke
ADM Renewable Resources
Elko District

6/26/97

Date

Approved by:

Gene A. Kolkman
Gene A. Kolkman
District Manager
Ely District

6/24/97
Date

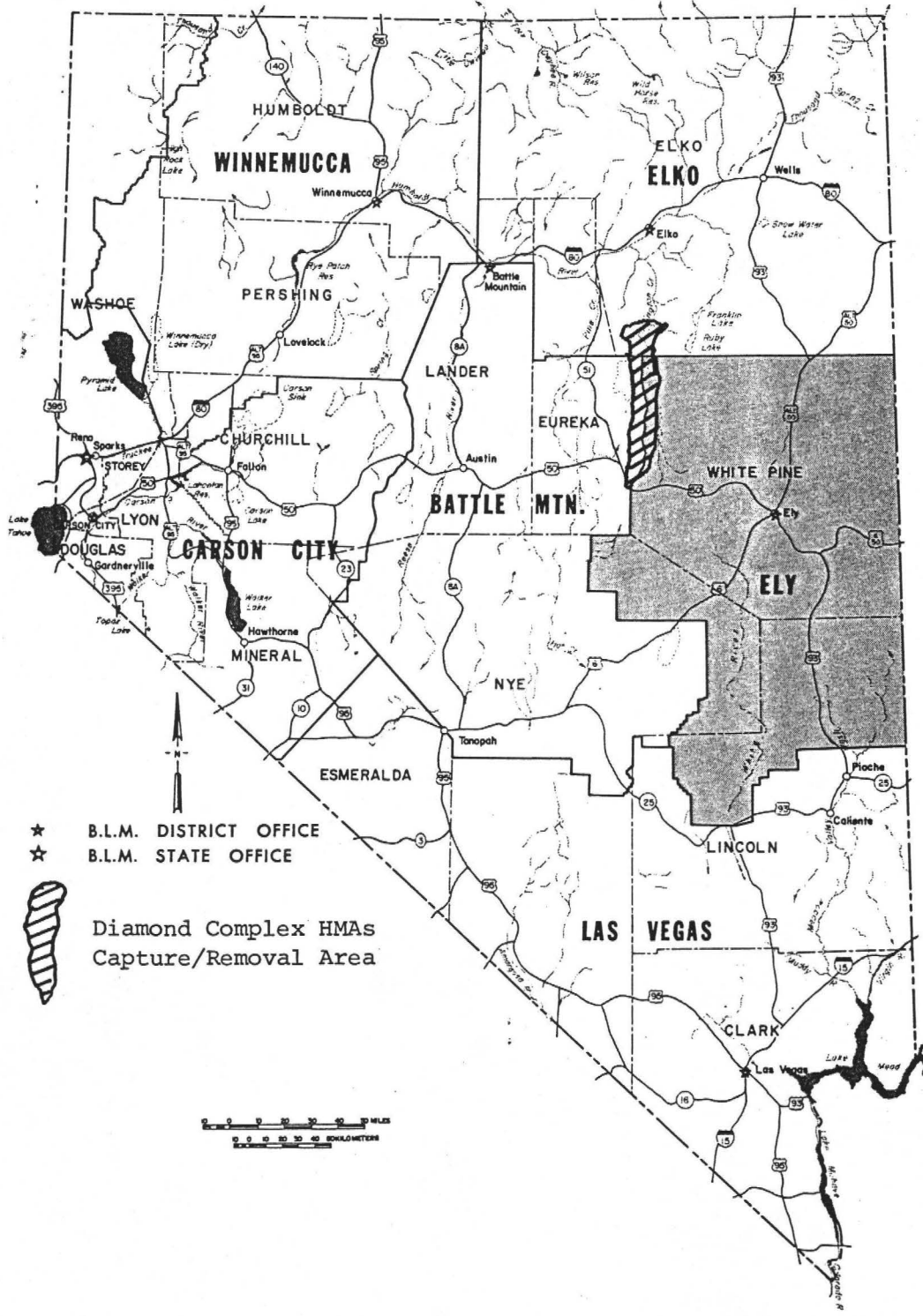
for M. Lee Doucette
Gerald M. Smith
District Manager
Battle Mountain District

6/24/97
Date

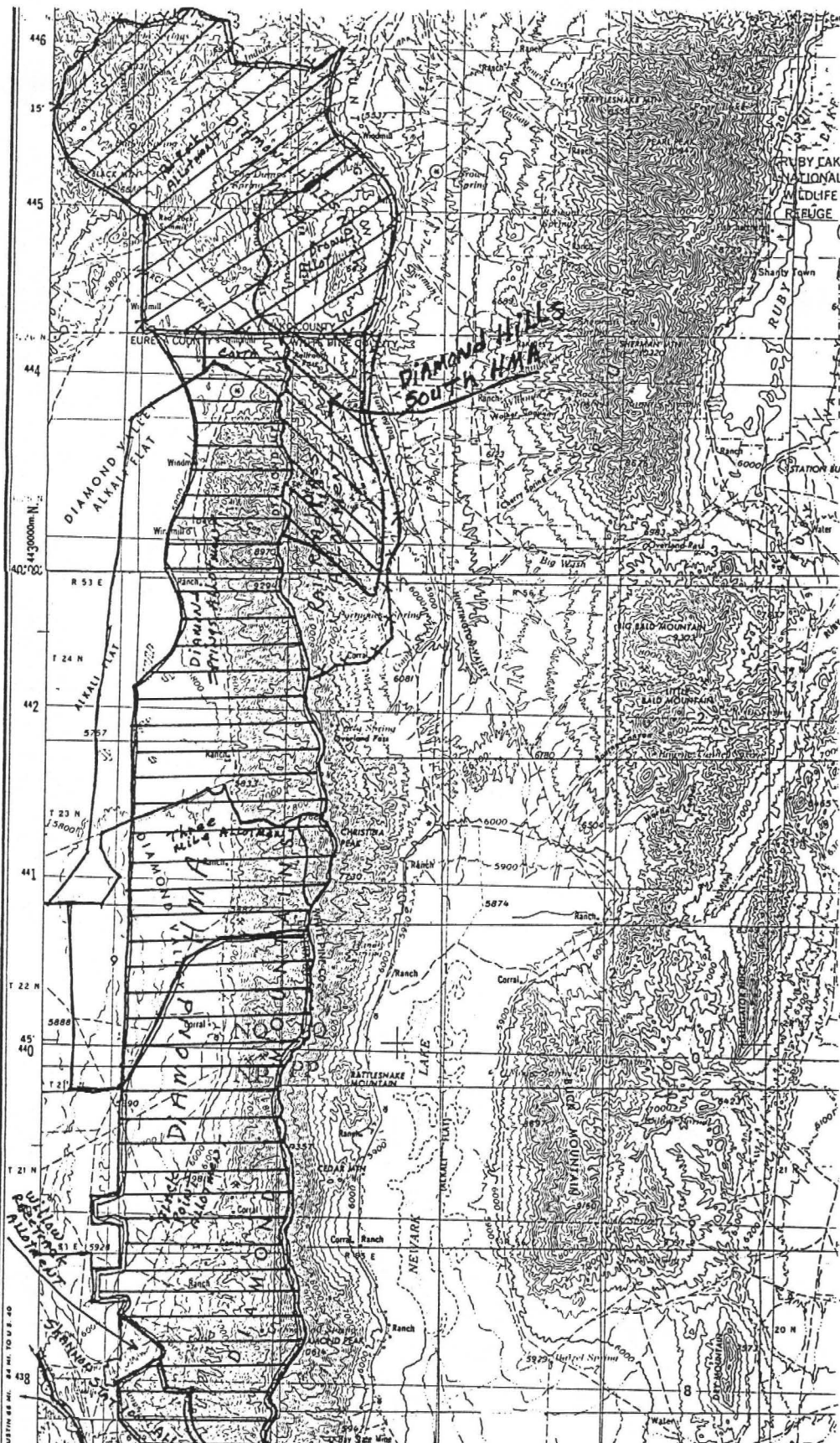
Helen M. Hankins
Helen M. Hankins
District Manager
Elko District

6/26/97
Date

GENERAL LOCATION



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



DIAMOND COMPLEX HMAs

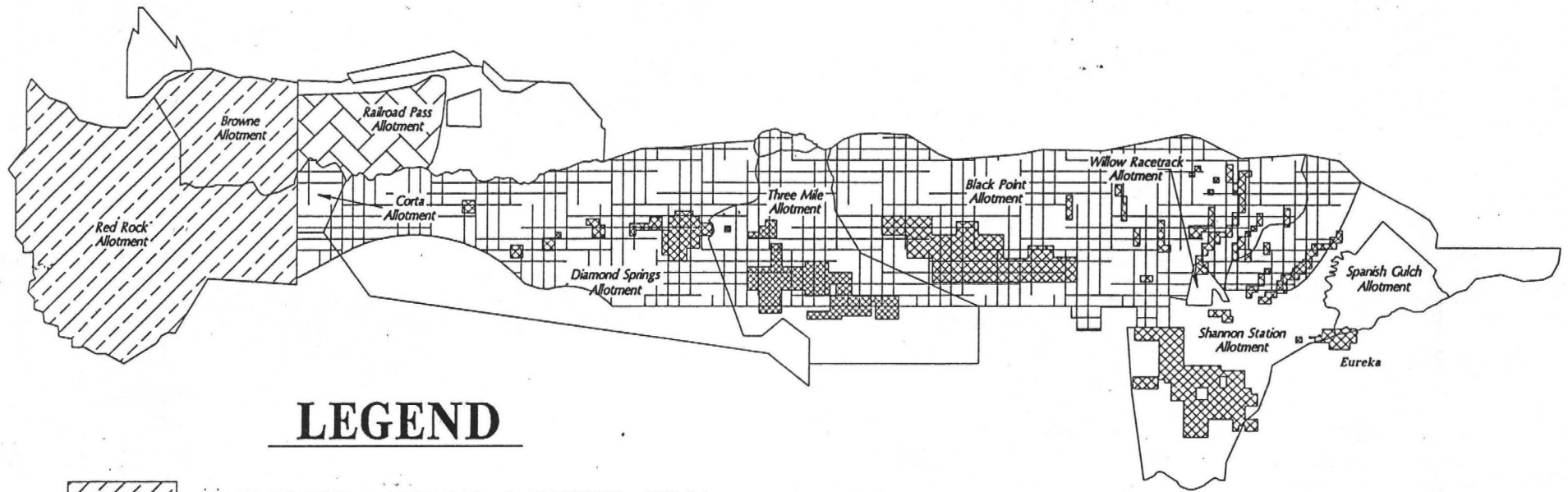


Diamond HMA



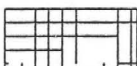

Diamond Hills North HMA

Diamond Hills South HMA

DIAMOND MOUNTAIN COMPLEX WILD HORSE MANAGEMENT AREAS



LEGEND

-  DIAMOND HILLS NORTH HMA
-  DIAMOND HILLS SOUTH HMA
-  DIAMOND HMA
-  PRIVATE PROPERTY



Administrative Determination Review

National Environmental Policy Act No. NV-040-8-15 (AD97-1)

BLM Office: Ely District (NV-040) Lease/Serial/Case File No. 4700

Title of Proposed Action: Diamond Mountain Complex Wild Horse Capture/Removal

Location of Proposed Action: Diamond Mountain Range and surrounding areas within Eureka, Elko, and White Pine Counties, Nevada.

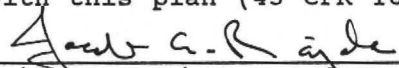
Description of Proposed Action: The proposed action is to reduce the Diamond Mountain Complex HMAs (Diamond, Diamond Hills North, and Diamond Hills South) to the appropriate management level (AML) of 230 wild horses, with the capture of approximately 1,500 wild horses and the removal of approximately 1,250 wild horses. The proposal is to remove animals 9 years old and younger and transport them to Palomino Valley Corrals (PVC) for processing into the adoption program and to release those animals 10 years and older back into the HMA from where they were captured. Some animals over 10 may also need to be transported to PVC for adoption if AML cannot be achieved with the removal of only 9 years old and younger animals. The removal will occur through the helicopter/drive-trapping method. The initial removal is scheduled to commence on August 1, 1997.

Applicant (if any): None.

PART I: PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan:

Name of Plan: <u>Shoshone Eureka RMP and ROD</u>	Date Approved: <u>March 10, 1986</u>
<u>Elko RMP and ROD</u>	<u>March 11, 1987</u>
<u>Egan RMP and ROD</u>	<u>Feb. 3, 1987</u>

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual Section 1617.3).



Reviewer (Environmental Coordinator)

Remarks: The proposal is being conducted as part of the Diamond Mountain Complex Evaluation to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused partially by wild horses within the three HMAs and surrounding horse free areas in and near the Diamond Mountain Range. The capture/removal will be conducted as described in the Wild Horse Capture/Removal Plan for Diamond Complex HMAs.

PART II: NEPA REVIEW.

Existing EA/EIS review. This proposed action is addressed in the following existing BLM EA/EIS: Name and number of document: Listed in Remarks below.

Date Approved: Listed in Remarks below. This EA/EIS has been reviewed against the following criteria to determine that it covers the proposed action:

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
3. There has been no significant change in circumstances or significant new information germane to the proposed action.
4. The methodology/analytical approach previously used is appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.
6. The proposed action would not change the previous analysis of cumulative impacts.
7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.



Reviewer (Environmental Coordinator)

Remarks: Programmatic EA No. N66-EA8-42 dated June 30, 1988; EA No. N64-EA94-37 dated April 7, 1994; EA No. NV-040-8-15 dated September 22, 1989; EA no. S1-93-NV-040-8-15 dated April 22, 1994; and EA No. S1-95-NV-040-8-15 dated September 15, 1995.

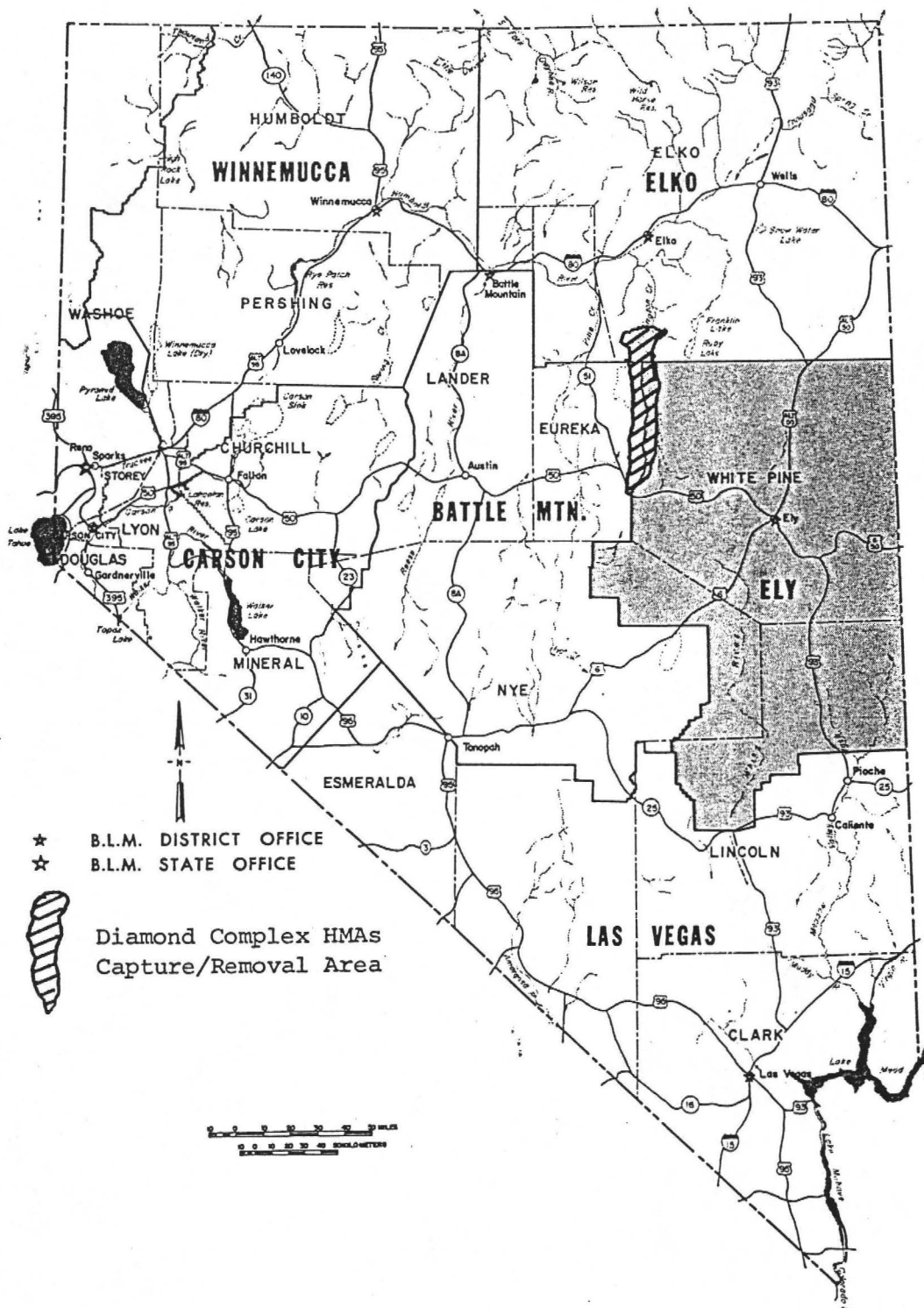
PART III: DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: Mitigation measures are described in the above listed EAs and in the Stipulations and Specifications section of the Wild Horse Capture/Removal Plan for Diamond Complex HMAs.

Authorized Official: Joe Akalb

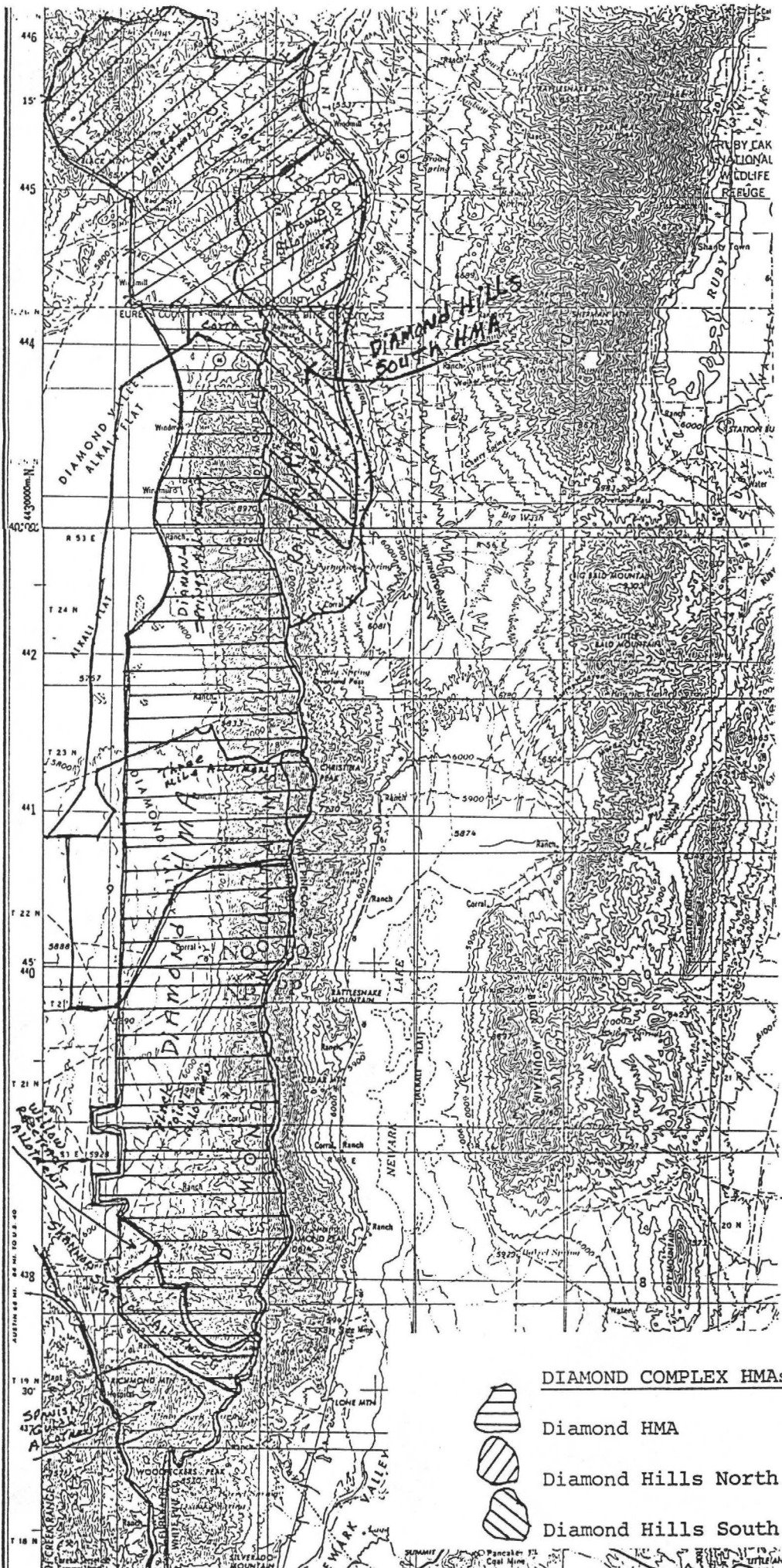
Date: 6/25/97

GENERAL LOCATION

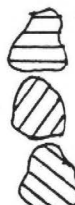


NEVADA DISTRICTS

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 U. S. DEPARTMENT OF THE INTERIOR



DIAMOND COMPLEX HMAs



Diamond HMA

Diamond Hills North HMA

Diamond Hills South HMA

DIAMOND MOUNTAIN COMPLEX EVALUATION

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DIAMOND MOUNTAIN COMPLEX EVALUATION

I. INTRODUCTION

Background Information

The Battle Mountain, Elko and Ely Districts are jointly conducting an evaluation of the Diamond Mountain Range to determine if the current grazing practices are consistent with the objectives of the Land Use Plans (LUP) for the three districts and the Standards for the Northeastern Great Basin Resource Advisory Council area. This Diamond Mountain Complex evaluation is a comprehensive assessment of existing monitoring data to determine the appropriate management levels (AML) for the three wild horse herd management areas and short term changes needed in livestock management. Additional monitoring data will be collected as identified in Section D of the Technical Recommendations Section. This data will be incorporated into the final evaluation that will result in multiple use decisions that will set appropriate management levels for the herd management areas (HMAs) and establish terms and conditions for the livestock grazing permits.

The Diamond Mountain Complex wild horse herd population is comprised of wild horses from three herd management areas (HMAs): the Diamond Hills North (Elko District), Diamond Hills South (Ely District), and the Diamond (Battle Mountain District). In accordance with the Wild Free-Roaming Horse and Burro Act (Public Law 92-195), each district determined that wild horses ranged within their respective portion of the Diamond Mountain Complex area and three herd management areas were thus established. When viewed from an ecosystem perspective, there is only one wild horse herd, although fences separate portions of the herd management areas. Wild horses are able to move among herd management areas.

The Diamond Mountain Complex evaluation area includes all or a portion of nine allotments. All nine allotments and three herd management areas will be evaluated through an ecosystem approach to improve rangeland health. This draft evaluation will establish an appropriate management level for wild horses. However, this appropriate management level will be analyzed and may be modified based on the results of the Final Evaluation and issuance of the Multiple Use Decisions. This is necessary in order to achieve a thriving natural ecological balance. Railroad Pass Allotment has already undergone an allotment evaluation and a Final Multiple Use Decision (FMUD) was issued November 9, 1995. This evaluation, in part, established an appropriate management level (AML) for the Diamond Hills South Herd Management Area. The Railroad Pass Allotment/Diamond Hills South Herd Management Area will be re-evaluated during the Diamond Mountain Complex

evaluation process. The following background information is a chronology of events that have taken place since the project began:

On August 27 and 28, 1996 a range tour of the Diamond Mountain Complex was conducted in preparation for the planned allotment evaluations and decisions. The goal of the tour was to identify vegetative, wildlife, livestock and wild horse issues. A letter was sent to several affected parties and interested publics encouraging their participation in the tour. At the completion of the tour an interim plan for the evaluation of the range condition and needed wild horse data was established. The agreement was to complete a comprehensive census of the three herd management areas and to gather additional monitoring data to establish an initial number of wild horses within the area based on the data. A working group was also established after the first field tour. This working group included the Nevada Division of Wildlife, Eureka County Commission, the livestock permittees, wild horse interest groups, public land interest groups, general interested publics and the three affected Bureau of Land Management Districts.

On October 2nd through the 4th, 1996 a census of the entire Diamond Mountain Complex was conducted. This census flight was done through a cooperative effort by Eureka County and the various BLM district specialists. This census identified over 1,250 wild horses within the Diamond Mountain Complex.

The first meeting of the Diamond Mountain Working Group was held on October 10, 1996. The objectives of the meeting were to look at existing monitoring data, including the census data from the October 2-4 flight, set an appropriate management level for wild horses within the three herd management areas and develop interim agreements with the various livestock permittees. This interim management plan would be implemented to mitigate wild horse impacts until the Diamond Mountain Complex evaluation is completed and final multiple use decisions to reach stated objectives are issued.

The second meeting of the Diamond Mountain Working group was held on November 19, 1996. The focus of this meeting was to finalize the initial wild horse and livestock stocking levels based on census and monitoring data. Time frames for implementating livestock use agreements, completing this evaluation and subsequent decisions were also determined at this meeting. A Monitoring Plan Committee was formed with representatives from the Working Group.

A meeting of the Monitoring Plan Committee was held in Eureka on December 4, 1996. The objectives were to identify what monitoring was needed to measure the effectiveness of the horse gather and livestock use agreements, and to identify what long term monitoring should be initiated to evaluate the need for future management adjustments.

On December 10, 1996, a draft gather plan was prepared for the removal of wild horses in excess of the identified initial level. Based on concerns with the adequacy of the gather plan, the gather was not conducted.

On January 9, 1997, a core team from the participants of the working group was formed to pull together all of the available monitoring data and prepare a new document that evaluates all existing data, identifies an initial level for the three herd management areas, includes interim livestock management agreements, and includes a wild horse gather plan that covers the three herd management areas.

The North Diamond Allotment will not be evaluated in the Diamond Mountain Complex Evaluation. This is a "C" category allotment, with approximately 3% of the allotment within the Diamond Herd Management Area (2,829 acres out of 81,952 acres). The portion of the allotment within the herd management area lies entirely on a dry lake bed. Wild horses from the three herd management areas can also be found on allotments outside of the three herd management areas. These allotments are not being evaluated at this time since they are considered horse free areas.

The evaluation covers the period from 1980 to 1996. Map 3 shows the three herd management areas and grazing allotments. General information for each allotment is shown in Table 1.

Table 1. General Information for Allotments within the Diamond Mountain Complex Evaluation Area.

Allotment Name and Number	Selective Management Category	Acres of Public Land	
		Total Acres	Acres within HMA[1]
Black Point (10032)	Improve (I)	53,352	53,352
Browne (05450)	Improve (I)	19,113	17,213
Corta (10033)	Custodial (C) [3]	1,130	1,130
Diamond Springs (10035)	Improve (I)	69,679	45,943
Red Rock (05452)	Improve (I)	65,230	53,722
Shannon Station [2] (10051)	Improve (I)	32,888	10,104
Spanish Gulch [2] (10054)	Improve (I)	5,985	0
Three Mile (10056)	Improve (I)	26,635	20,210
Railroad Pass (00601)	Improve (I)	28,840	10,500
Total		302,852	212,174

[1] Approximate acres within herd management areas.

[2] Acres and animal unit months (AUMs) within the Shannon Station and Spanish Gulch Allotments are combined in the land use plan documents.

[3] Recategorization of allotments as of November 1986, Draft Shoshone-Eureka Resource Management Plan Amendment.

II. INITIAL STOCKING LEVEL

A. Livestock Use

Table 2 shows the initial levels of livestock use by allotment as identified by its respective Land Use Plan. The total authorized use by livestock kind, identified in Table 2, for the Diamond Mountain Complex is 17,608 AUMs for cattle, 4,685 animal unit months (AUMs) for sheep and 540 AUMs for dual use for a total of 22,833. Period of use, kind of livestock, and percent federal range are also shown.

Table 2. Authorized Use, Historical Suspended Use (HSU), Voluntary Non Use (VNU), Periods of Use, Kind of Livestock, and Percent Federal Range.

Allotment and Permittee	Authorized Use (AUMs)[1]	HSU	VNU	Period of Use	Kind of Livestock	% Fed Range
RAILROAD PASS;			[2]			
Paris Livestock	691	0		04/05-11/15	Sheep	100
Paris Livestock	540	0		04/05-11/15	Sheep/ Cattle	100
Harold Rother Farms Inc.	1,064	0	736	06/01-09/30	Cattle	100
Pete Goicoechea	300	0	211	06/01-09/30	Cattle	100
BLACK POINT;						
Consolidated Land & Livestock	1,769	1,481	0	05/01-10/31	Cattle	91
Larralde Sheep Company	1,834	1,535	0	05/01-10/31	Sheep	91
BROWNE;						
Rother Farms	1,307	673	0	05/16-09/15	Cattle	100
CORTA;						
Paris Livestock	128	72	0	05/01-05/30	Sheep	100
DIAMOND SPRINGS;						
William & Reese Marshall	3,680	1,607	0	03/01-12/31	Cattle	100
RED ROCK;						
Paris Livestock	1,385	405	0	04/25-11/15	Sheep	100
Merkley Ranches	4,618	943	0	04/18-11/17	Cattle	100
Wilfred Bailey	1,500	0	0	04/15-11/01	Cattle	100
SHANNON STATION;						
James Baumann	2,520	691	0	04/01-02/28	Cattle	97
SPANISH GULCH;						
Larralde Sheep Company	647	0	0	05/01-09/30	Sheep	100
THREE MILE;						
Andrew Anderson	850	1,237	0	03/01-02/28	Cattle	100
TOTAL	22,833	8,644	947	N/A		

[1] Authorized use refers to "the total number of animal unit months of specified livestock grazing", under a permit or lease (IM No. 96-138).

[2] Under the Final Multiple Use Decision for the Railroad Pass Allotment the permittees agreed to place a portion of their permits in non-use for a period of five years, beginning March 1, 1996, in order to improve rangeland health.

There was no reduction identified for Paris Livestock in Final Multiple Use Decision.

The 540 sheep/cattle AUMs identified in the above table for Paris Livestock are a result of the adjudication of the Corta Seeding located in the Railroad Pass Allotment, in which Paris Livestock has exclusive grazing privileges.

B. Wild Horse Use

1. Appropriate Management Level

Under the preferred alternative of the Elko Resource Management Plan (RMP) and Record of Decision (ROD), wild horses are to be managed at existing numbers (March 11, 1981) as a starting point for monitoring purposes (50 wild horses in the Diamond Hills North Herd Management Area). The Shoshone/Eureka Resource Area Resource Management Plan and Record of Decision objective is to initially manage wild horse populations at existing numbers based on 1982 aerial counts and determine if this level of use can be maintained (205 wild horses in the Diamond Herd Management Area). The Egan Resource Area Resource Management Plan and Record of Decision set the initial stocking level for wild horses at the 1982-83 levels (36 wild horses in the Diamond Hills South Herd Management Area). The Rangeland Program Summaries (RPS) for the three resource areas recognized the initial stocking levels identified by herd management areas in the Resource Management Plans and further divided them into appropriate management levels (AMLs) for each allotment as shown in Table 3, with the exception of the Railroad Pass Allotment. The appropriate management level identified in Table 3 for the Railroad Pass Allotment is based on reliable monitoring data and an allotment evaluation completed since the Egan Rangeland Program Summary was developed. The November 9, 1995 Final Multiple Use Decision for Railroad Pass established the appropriate management level of 260 AUMs or 22 wild horses yearlong. The resource areas combined appropriate management level of 3,272 AUMs or 273 wild horses yearlong, as depicted in Table 3, is the initial stocking level used in the Diamond Mountain Complex Evaluation. However, this evaluation will adjust this figure based upon current baseline inventory, reliable vegetative monitoring studies, consultation and coordination. In accordance with the Wild Free-Roaming Horse and Burro Act (Public Law 92-195), BLM "shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands" in implementing the land use plans.

Table 3. Wild Horse Initial Management Level (AUMs) for each Allotment as Specified in the Rangeland Program Summary. [1]

Allotment	Initial Management Level
Black Point	972
Browne	156
Corta	48
Diamond Springs	840
Red Rock	444
Shannon Station	180
Spanish Gulch	0 [2]
Three Mile	372
SUBTOTAL	3,012
Railroad Pass	260 [3]
TOTAL	3,272

[1] The Shoshone-Eureka Rangeland Program Summary specified 48 AUMs (4 wild horses) for the North Diamond Allotment which is not part of this evaluation.

[2] Spanish Gulch is located outside of the Diamond Herd Management Area.

[3] November 9, 1995 Final Multiple Use Decision for the Railroad Pass Allotment identified 22 wild horses yearlong.

2. Herd Management Areas

Refer to Maps 2 and 3 for the location of each allotment in relation to the Diamond Mountain Complex Evaluation Area, which includes Diamond Herd Management Area, Diamond Hills South Herd Management Area, and Diamond Hills North Herd Management Area.

C. Wildlife Use (Map 4 A-C)

1. Mule Deer

a. Reasonable Numbers: 5,926 AUMs.

Table 4. Reasonable Numbers of Mule Deer (AUMs) for each Allotment as Specified in the Rangeland Program Summary.

Allotment	Reasonable Number
Black Point	1,979 [1]
Browne	83
Corta	0 [1]
Diamond Springs	1,158 [1]
Red Rock	488
Shannon Station	1,135 [1]
Spanish Gulch	
Three Mile	401 [1]
Railroad Pass	682
TOTAL	5,926

[1] The Shoshone-Eureka Rangeland Program Summary identifies reasonable numbers of big game by the amount of forage available in AUMs. Mule deer are the only big game species utilizing the Diamond Mountain Complex area at this time. Big horn sheep and antelope have used the area in the past.

b. Diamond Mountain Complex Key/Crucial Areas:

There is crucial spring, summer and winter mule deer habitat on the Diamond Mountain Complex. In addition, yearlong mule deer habitat occurs on the Diamond Mountain Complex evaluation area (see Maps 4 A-C).

The Diamond Mountain Complex is located within two Nevada Division of Wildlife mule deer management units, management areas 14 and 6. The majority of the complex is located in the Diamond Mountains in management area 14, unit 144.

Mule deer populations in this area of Nevada have experienced recent population declines due to the drought in this area of Nevada. Persistent drought effects browse species condition as well as availability of grasses and forbs for lactating females.

No other big game species are known to inhabit the area. An occasional pioneering elk has been observed in the Diamond Mountain Complex.

2. Sage grouse

Scattered sage grouse populations inhabit the Diamond Mountain Complex area. Populations of sage grouse throughout Nevada and several other Western States have steadily declined during the past 20 years. The BLM listed the sage grouse as a Sensitive Species in April of 1997. BLM's policy is to provide those species, listed as sensitive, with the same level of protection as is provided for Federally listed candidate species.

Brooding sage grouse habitat can be found adjacent to perennial waters within the Diamond Mountain Complex.

3. Other Wildlife

For a complete list of other wildlife species which may be found in the Diamond Mountain Complex Evaluation Area see Appendix VI.

4. Threatened and Endangered Species

Bald eagles, a threatened species, occur during the fall\winter\spring migration periods in the complex area. The peregrine falcon, endangered, can be observed any month of the year passing through the Diamond Mountain Complex area.

No other threatened, endangered or candidate species of plants or animals are known to exist in the Diamond Mountain Complex; however, a number of State of Nevada BLM sensitive species may be present. It is BLM policy to ensure its management actions conserve and enhance sensitive species and their habitats. For a complete list of species refer to the Diamond Mountain Complex Evaluation Folder located at the District BLM offices.

III. DIAMOND MOUNTAIN COMPLEX PROFILE

A. Description

The Diamond Mountain Complex Evaluation area encompasses approximately 302,852 acres of public land

in three counties; Eureka, Elko and White Pine. The northern end of the area is approximately .40 miles south of Elko, Nevada. The southern end of the area is adjacent to the town of Eureka, Nevada. The core of the herd management areas is the Diamond Mountain Range where most of the wild horses spend the summer. The herd management areas extend out from the mountains north and east into the Diamond Hills and Huntington Valley, and west into Diamond Valley. Elevation extends from approximately 5,800 feet in the valley bottoms to approximately 10,600 feet on Diamond Peak.

Most of the allotments within or adjacent to the herd management areas are unfenced. There are only a few developed waters in the area, and some of these water sources are seasonal.

An allotment management plan was developed for Diamond Springs Allotment in 1982. This plan was not signed by the permittee and was not implemented by the Bureau of Land Management. No allotment management plans have been developed to date for any of the other allotments.

For a detailed description of individual allotments see Appendix VII.

B. Acreage

Table 5. Allotment acreage by public land, private land and total acres.			
Allotment	Public Acres	Private Acres	Total Acres
Black Point	53,352	11,008	64,360
Browne	19,113	461	19,574
Corta	1,130	0	1,130
Diamond Springs	69,679	2,760	72,439
Red Rock	65,230	966	66,196
Shannon Station	32,888	8,015	40,903
Spanish Gulch	5,985	110	6,095
Three Mile	26,635	5,960	32,595
Railroad Pass	28,840	160	29,000
TOTAL	302,852	29,440	332,292

C. Diamond Mountain Complex Objectives

The Egan, Elko and Shoshone/Eureka Resource Management Plans are Land Use Plans (LUPs) that provide BLM direction to manage resources on a planning area basis. These Land Use Plans provide guidance for making sound decisions for the variety of land uses within the planning area. The Diamond Mountain Complex objectives are a quantification of Land Use Plans, Northeastern Great Basin Area Standards (as developed with input from the Northeastern Great Basin Resource Advisory Council), Rangeland Program Summary's, down to site specific objectives (see appendices I, II and III). The Diamond Mountain Complex quantified objectives are clearly consistent and in conformance with the Land Use Plans and Northeastern Great Basin Area Standards (See flow chart page 17 and appendix VIII). (Note: The Diamond Mountain Complex objectives are a quantification of the Standards, Land Use Plan Objectives, Rangeland Program Summary Objectives, etc. therefore, if you are not meeting the allotment specific objectives you are not meeting the Standards, Land Use Plan Objectives, Rangeland Program Summary Objectives etc.)

1. Livestock (Appendix I)

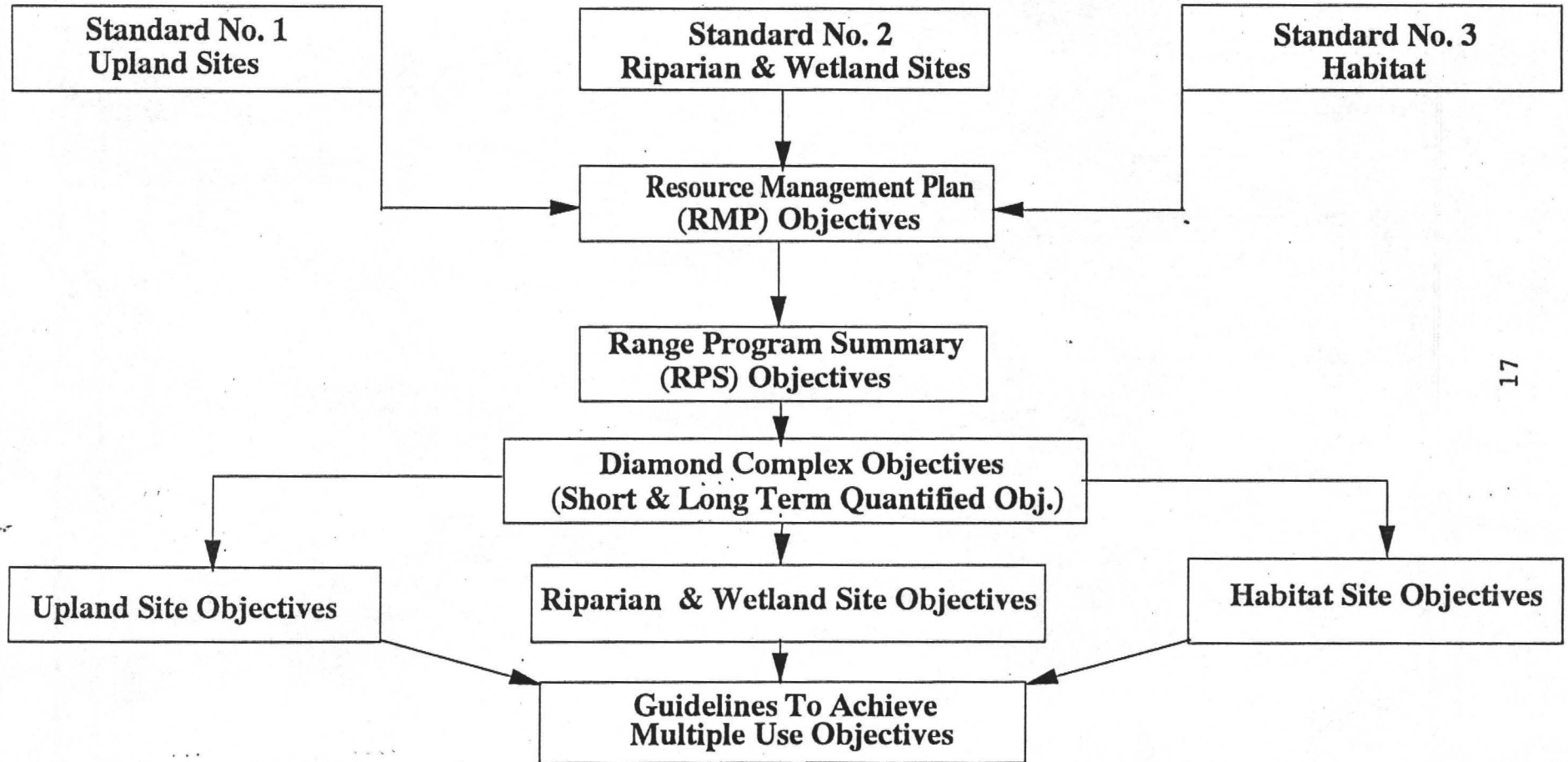
- a. The short-term objective will be accomplished through managing the allowable use levels by season of use and/or stocking levels to improve or maintain the desired vegetation community throughout the Diamond Mountain Complex.
- b. The long-term objective is to manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements for livestock forage production.

2. Wild Horses (Appendix I)

- a. The short-term objective will be accomplished through managing the allowable use level to improve or maintain the desired vegetative community.
- b. The long-term objective is to manage for the most appropriate seral stage to provide desired quantity, quality and variety of forage in order to meet the requirements of the wild horses.

3. Mule Deer (See Appendix II)
 - a. The short-term objective is to limit use on key browse species listed for mule deer to 50 percent or less yearlong.
 - b. The long-term objective is to maintain mule deer range in at least good habitat condition by providing diversity of forage species.
4. Sage grouse
 - a. The short term objective is to manage the allowable use level by season of use to improve or maintain the desired vegetative community.
 - b. The long term objective is to provide perennial herbaceous nesting cover for sage grouse and 15 percent or less shrub canopy cover in the Wyoming big sagebrush vegetation type, 20 percent or less shrub canopy cover in the basin or mountain big sagebrush vegetation types and 30 percent or less shrub canopy cover in the big sagebrush-bitterbrush vegetation type.
5. Riparian Areas (See Appendix III)
 - a. The short-term objective is to limit use on lotic and lentic riparian areas and waterfowl habitat to 30 - 50 percent of current years growth for grass and grass-like species, herbaceous and woody species.
 - b. The long-term objective is to manage all lotic, lentic areas and waterfowl habitat for proper functioning condition.

DIAMOND COMPLEX OBJECTIVE FLOW CHART



Standards: Northeastern Great Basin

RMP: Resource Management Plans for Elko Resource Area (RA) (Elko District)
Egan RA (Ely District), Shoshone/Eureka RA (Battle Mtn. District).

RPS: Rangeland Program Summaries for all three Resource Areas.

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D. Key Species Identification for the Diamond Mountain Complex (See Appendices I,II,III for site specific key species)

1. Livestock and Wild Horses (Appendix I)

bluebunch wheatgrass, *Agropyron spicatum*
(AGSP)
bottlebrush squirreltail, *Sitanion hystrix*
(SIHY)
basin wildrye, *Elymus cinereus* (ELCI)
crested wheatgrass, *Agropyron cristatum*
(AGCR)
Indian ricegrass, *Oryzopsis hymenoides* (ORHY)
Idaho fescue, *Festuca idahoensis* (FEID)
Sandberg bluegrass, *Poa secunda* (POSE)
needleandthread, *Stipa comata* (STCO4)
Nevada bluegrass, *Poa nevadensis* (PONE3)
mountain brome, *Bromus carinatus* (BRCA5)
Thurber needlegrass, *Stipa thurberiana*
(STTH2)
Webber needlegrass, *Stipa webberi* (STWE)

2. Wildlife (Appendix II)

antelope bitterbrush, *Purshia tridentata*
(PUTR2)
Wyoming big sagebrush, *Artemisia tridentata*
wyomingensis (ARTRW)
mountain big sagebrush, *Artemisia tridentata*
vaseyana (ARVA2)
black sagebrush, *Artemesia nova* (ARARN)
serviceberry, *Amelanchier alnifolia* (AMAL)
snowberry, *Symphoricarpos albus* (SYAL)
curlleaf mountain mahogany, *Cercocarpus*
ledifolius(CELE3)
chokecherry, *Prunus virginiana* (PRVI)
Douglas rabbitbrush, *Chrysothamnus*
viscidiflorus (CHVI8)
shadscale, *Atriplex confertifolia* (ATCO)
Perennial/annual grasses and forbs

3. Stream Bank/Riparian Areas (Appendix III)

wild rose, *Rosa woodsii* (ROWO)
cottonwood, *Populus spp.* (POPUL)
willow, *Salix spp.* (SALIX)

quaking aspen, *Populus tremula tremuloides*
(POTTR)
sedge *Carex spp.* (CAREX)
other riparian herbaceous species

IV. MANAGEMENT EVALUATION

A. Purpose

This evaluation will address nine allotments within the Diamond, Diamond Hills North and Diamond Hills South Herd Management Areas. The purpose of this document is to evaluate the nature of all types of grazing that has occurred on the Diamond Mountain Complex area, and to measure effectiveness in meeting specific management objectives. Included will be recommendations to make specific changes in current management where Diamond Mountain Complex objectives are not being met.

B. Summary of Studies Data

1. Key Management Area Evaluation Summary

Key areas and various study sites or multiple use studies for wildlife, livestock and wild horses have been established in the Diamond Mountain Complex allotments over the last two decades. Utilization and actual use data have been collected on all allotments through out the complex. Trend and ecological status data at the have been collected at key areas on several allotments allotments through out the complex. See Appendix I, II and III.

Photo Trend Plots, Utilization Plots and Frequency Trend Plots have been established on various allotments. Key Areas were established several years ago in Diamond Springs, Three Mile, Black Point and Shannon Station Allotments. Those sites will be visited by an interdisciplinary team to determine if they meet the minimum Nevada Rangeland Monitoring Handbook criteria for key areas.

2. Actual Use (see appendix IV, V and X)

a. Livestock

Livestock use was determined from past actual use reports or licensed use and has varied from year to year. Permittees have taken

nonuse at different times because of the annual fluctuation of their operations, increase in wild horses, or for conservation and protection of the public lands. Use in the Diamond Mountain Complex has varied from a low of 58 percent of active grazing privileges in 1992 to a high of 80 percent of active grazing privileges in 1991. Amount of use by allotment and permittee is displayed in Appendix IV, V and X.

b. Wild Horses

Management of the wild horses in the Diamond Mountain Complex Evaluation Area is based on all three herd areas, and each allotment within the herd management areas. It is recognized that wild horses roam freely throughout the whole area. As stated on page 9, the wild horse initial stocking level for the Diamond Mountain Complex was set at 273 wild horses through the three districts Land Use Planning Documents. A coordinated census for all three herd management areas was completed in 1991 and 1996 (Table 6). Since 1983, aerial censuses have been conducted which show the number of wild horses counted by allotment. These census counts were not coordinated among the three districts for a complete census. Wild horse numbers have increased significantly since the initial management levels were established between 1981 and 1983. A major die off of wild horses in the Diamond Mountain Complex occurred in the winter of 1993 due to extremely deep snows. Table 7 shows the number of wild horses counted by allotment for the independent censuses.

Table 6. Coordinated Wild Horse Census		
Allotment	Date of Aerial Census	
	7/91	10/96
Black Point	70	160
Browne	28	99
Corta	0	0
Diamond Springs	107	325
Red Rock	66	93
Shannon Station	5	37
Spanish Gulch	0	0
Railroad Pass [1]	208	233
Three Mile	11	129
Elko (outside of HMA) [3]	[2]	40
Ely (outside of HMA) [3]	206	142
TOTAL	701	1,258
<p>[1] This allotment has already been evaluated, and is included for re-evaluation purposes only.</p> <p>[2] Area outside of herd management areas was not censused.</p> <p>[3] The census outside of the herd management areas is provided for informational purposes only.</p>		

Table 7. Number of Wild Horses Counted during Aerial Censuses by Allotment [1]

Allotment	Date of Aerial Census																		
	6/85	8/86	6/87	6/88	8/89	9/89	2/92	5/92	8/92	9/92	1/93	5/93	8/93	1/94	3/94	7/94	8/94	3/95	9/95
Black Point				80									134		80				
Browne	0	0		0		21	37	7		74	61	45	24	71			58	52	56
Corta				8															
Diamond Springs				146									154		224				
Red Rock	0	21		22		27	69	95		91	20	42	49	54			57	0	54
Shannon Station				8									1		4				
Spanish Gulch				2									0		0				
Railroad Pass [2]			95		176				133			58				140			135
Three Mile				19									10		45				
Elko (outside of HMA) [4]	0	10		7		[3]	32	61		9	29	44	22	35			58	2	66
Ely (outside of HMA) [4]			65		109				140			87				178			12

[1] Census data was not coordinated among districts.

[2] This allotment has already been evaluated, and is included for re-evaluation purposes only.

[3] Area outside of herd management areas was not censused.

[4] The census outside of the herd management areas is provided for informational purposes only.

c. Wildlife

Use was extrapolated from the Nevada Division of Wildlife's estimates of mule deer herd numbers. The estimated use is based on the amount of deer and the season the animals are on the Diamond Mountain Complex.

3. Precipitation (see appendix IX)

Data for this evaluation was obtained from the National Oceanic and Atmospheric Administration weather stations located at Elko Airport, Ely Yelland Field and Diamond Valley. These weather stations have complete data and best represent the climatic conditions of the area.

The average annual precipitation from 1966 to 1996 (30 years, one year had missing data) is 9.59 inches for Elko Airport Reporting Station. The yearly precipitation for the past 30 years ranged from 4.77 inches in 1974 to 18.34 inches in 1983.

The average annual precipitation from 1966 to 1996 (30 years, three years had missing data) is 9.96 inches for Ely Yelland Field Reporting Station. The yearly precipitation for this period ranged from 4.22 inches in 1974 to 18.84 inches in 1983 and 1984.

The average annual precipitation from 1980 to 1996 (sixteen years, nine years had missing data) is 12.08 inches for Diamond Valley USDA Reporting Station. The yearly precipitation for this period ranged from 6.82 inches in 1992 to 16.93 inches in 1983.

4. Utilization

a. Key Area (see appendicies I, II, III, X and maps 13-19)

Key areas to monitor utilization levels have been established in the Diamond Mountain Complex. Utilization transects have been read at the various key areas on Railroad Pass, Red Rock and Browne Allotments.

Utilization study sites have also been read at Three Mile, Black Point, Spanish Gulch and Shannon Station Allotments.

- b. Use Pattern Mapping (See maps 5 A-F, 6, 7 A-C, 8 A-E, 9 A-G, 10 A-E, 11 A-H and 12 A-H)

A review of use pattern mapping data for the Diamond Mountain Complex allotments appear to have similar patterns of livestock and wild horse use, especially when considering the terrain traversed and grazed by livestock and wild horses. The use patterns appear to conform to the Diamond Mountain Complex topography when considering livestock and wild horses spend more time along the valley bottoms, lower slopes, ridge tops and canyons nearest water while the steeper slopes and areas farthest from water receive slight to no use. Use pattern maps also appear to reflect and/or detect fluctuations in precipitation, forage production, livestock use authorizations, wild horse use and water availability.

Use pattern mapping (UPM) has been completed on the following allotments within the Diamond Mountain Complex Evaluation Area: (See maps 5 A-F, 6, 7 A-C, 8 A-E, 9 A-G, 10 A-E, 11 A-H and 12 A-H)

Railroad Pass; 1988 - 1990, 1992, 1996.
Corta; 1996.

Red Rock; 1987.

Browne; 1987, 1990, 1996.

Diamond Springs; 1989 - 1993, 1996.

Black Point; 1988 - 1992, 1995.

Three Mile; 1989, 1990 - 1993 (spring & fall).

Shannon Station; 1989 - 1995.

Spanish Gulch; 1989 - 1995.

Eureka County Department of Natural Resources collected utilization data and completed use pattern maps for Shannon Station, Spanish Gulch and Diamond Springs Allotments in 1996 (see Maps 8E, 9G and 11H).

5. Trend

a. Summaries of Frequency Data

Red Rock and Browne Allotments established frequency trend studies in 1985. Studies were reread in 1990 and 1995 on Browne and 1991 and 1995 on Red Rock Allotments.

Frequency trend studies were established on the Diamond Springs Allotment in 1982 and on the Three Mile Allotment in 1981. Diamond Springs was reread in 1996 by Eureka County Department of Natural Resources.

Photo plots are established on Diamond Springs, Three Mile, Black Point and Shannon Station Allotments.

6. Ecological Status (Appendix I)

An ecological site inventory was completed for the Red Rock and Browne Allotments in 1984. The allotments were stratified and mapped by range site. Since range site guides do not rate seedings, percent composition by weight of seeded species were used in determining forage value rating [i.e. poor (0% - 25%), fair (26% - 50%), good (51% - 75%) and excellent (76% - 100%)].

Ecological status was completed on the key areas in 1988, 1991, and 1995 using the double sampling method for the Red Rock Allotment (1988, 1991 and 1995) and Browne Allotment (1985 and 1995). Ecological Status was also determined at the key areas for Railroad Pass Allotment. The most recent data was used to establish long term objectives at the various key areas (see appendix I and maps 13 - 19).

7. Wildlife Habitat (see appendix II, maps 4 A-C)

Key Areas to monitor mule deer habitat have been established throughout the Diamond Mountain Complex and have been read over the last several years. Mule deer habitat condition and trend studies (BLM Manual 1630-Big Game Studies) were completed at thirteen key areas in the Diamond Mountain Range on the following allotments. Refer to monitoring files and appendix II for the habitat condition summaries. Vegetative and overall habitat condition and trend ratings are as follows: excellent 81 - 100; good 61 - 80; fair 51 - 60; and poor 10 - 50.

Mule deer crucial summer range was rated good (77%) in 1991 and excellent (90%) in 1995 on the Red Rock Allotment. Deer yearlong range was rated poor (49%) in 1991 and fair (56%) in 1995.

On the Browne Allotment, deer yearlong was rated fair (51%) at key area 90-03 in 1990 and good (77%) in 1995. At key area 90-04, yearlong habitat was rated at fair (52%) in 1990 and good (70%) in 1995.

A key area was established in 1991 on Spanish Gulch Allotment.

One key area was established on Shannon Station Allotment for condition and trend in 1987.

Three key areas were established for condition and trend on the Black Point Allotment. Two were established in 1987 and one in 1989. The Bold Bluff study was read in 1987 and 1993. The Cottonwood Creek study was read in 1987 and 1993. The Minoletti Creek study was read in 1989 and 1991.

One key area was established for condition and trend on Three Mile Allotment in 1987 and reread in 1993.

Three key areas were established on Diamond Springs Allotment for condition and trend on the allotment. The upper Judd canyon was read in 1983 only. The site could not be located in 1989 so a new site was established in 1989 and reread in 1991. The Four Mile study was read in 1983 and 1991.

8. Stream/Riparian Habitat

Stream

Indian Creek occurs in the Red Rock Allotment.

Hildebrand Creek and Cottonwood Creek occur in the Black Point Allotment.

Huntington Creek

A small portion of Huntington Creek occurs in Railroad Pass, Browne and Red Rock Allotments. Huntington Creek supports a limited population of brown trout (*Salmo trutta*) and rainbow trout (*Oncorhynchus mykiss*) based on electroshocking studies conducted by the Nevada Division of Wildlife (NDOW) in 1980. Although historically Huntington Creek was probably an important

Lahontan Cutthroat trout (*Oncorhynchus clarkie henshawi*) fisheries, introduction of nonnative salmonids and deteriorated habitat conditions have led to the loss of native trout. Huntington Creek is almost exclusively privately owned.

A stream survey was established on Huntington Creek in 1980 by BLM in conjunction with Nevada Division of Wildlife (NDOW). At the time of the survey, habitat conditions were found to be poor. Problems included unstable streambanks, a lack of quality pools, minimal development of the riparian zone, a high suspended sediment load, excessive sedimentation of the streambottom, and warm summer water temperatures. Impacts from livestock and wild horses in the form of bank trampling and heavy utilization of riparian vegetation were documented over much of the stream's length.

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.

Other Riparian Habitats

Browne and Red Rock Allotments support wet and dry meadow habitat in association with seeps and springs. Riparian habitat is more limited in the Browne Allotment and occurs primarily as a large meadow complex in the eastern portion of the allotment, in addition to several scattered springs. Significant numbers of seeps and springs, as well as aspen stands, are present in the vicinity of Bailey Mountain in the Red Rock Allotment.

The large wet meadow complex located in the southeastern corner of the Browne Allotment was rated as functioning at risk, downward trend by BLM in 1996. Although the meadow is well watered, fairly stable, and supports a dense community of sedges and rushes (*Juncus* spp.), indicators of downward trend, including trampling and subsequent alteration of flow patterns, invasion of plant species associated with disturbance and "hummocking" (abnormal hydrologic heaving), are

present. Use of the meadow by both wild horses and cattle was observed by BLM to be heavy in 1995 and 1996.

Although few other riparian habitats are present in the Browne Allotment, the Browne Spring located in the Sader Field of the Browne Allotment was judged to be in good condition in 1982 based on Elko District water inventory photographs. The spring source was well vegetated with no evidence of erosion. No information is available on current habitat conditions at this site.

Functioning condition assessments were completed by BLM on 5 stream and spring habitats within the Red Rock Allotment in 1996. All sites evaluated were found to be nonfunctional or in poor condition with downward trend (Refer to monitoring files). Impacts in the form of trampling, heavy use of riparian vegetation and accelerated erosion were felt to be primarily the result of cattle and wild horse grazing occurring between mid to late summer and fall. Several sites evaluated had salt blocks within close proximity to spring sources.

Information on habitat conditions at remaining springs or stream channels within the Red Rock Allotment is available through an Elko District water inventory completed for the area in 1982. Although the primary purpose of the inventory was to evaluate flow rates, associated notes and photographs provide insight into habitat conditions at seeps, springs and aspen stands located on public lands within the allotment. A total of 94 seeps and springs located on public land were inventoried in 1982 in the Red Rock Allotment.

In general, the majority of inventoried seeps and springs on the allotment were characterized by limited flows and narrow riparian zones comprised of wet and dry meadow vegetation. Some large aspen stands were also evaluated; however, flows tended to be limited for these habitats as well. Condition of nonstream riparian habitats was found to be mostly poor in areas accessible to livestock and wild horses. Problems included trampling, abnormal frost heaving (hummocking), lowered water tables, soil erosion, presence of plant species associated with disturbance and heavy use of riparian vegetation. Regeneration of aspen was found to be limited for those stands occurring at the lower elevations. However, Wilkinson (1997) observed that aspen stands at higher elevations (particularly the north side of Bailey Mountain) are

generally in good condition and support adequate regeneration.

9. Wild Horse Habitat

In general, there appears to be adequate cover for wild horses. Water availability is limited resulting in concentration of wild horses around the few existing waters. Living space and forage are inadequate for the large population presently occupying the Diamond Mountains. Due to the lack of removals in the past and expanding herd numbers wild horses have moved outside of the existing herd management areas for forage and water.

V. CONCLUSIONS

Refer to by number from III. C., Allotment Specific Objectives and Appendices I, II and III for objectives analysis.

A. Livestock

1. Short and Long Term Objective Attainment Determination:

Not Met

2. Rationale:

Allowable use levels were exceeded; use pattern mapping data indicated poor distribution of livestock and wild horses; long term studies data show a downward trend on some allotments within the Diamond Mountain Complex.

This objective was not met because allowable use levels have been exceeded on Red Rock, Browne, Railroad Pass, Diamond Springs, Black Point, Shannon Station, Three Miles and Spanish Gulch Allotments.

Red Rock ecological status has decreased, forage value ratings have decreased on the seedings, and frequency trend has remained static. Ecological status at Key Area #3 in the Native Pasture went from 50 (mid/late seral) in 1988 to 37 (mid seral) in 1995. Red Rock Seeding Pasture forage value rating went from 79 (excellent) in 1987 to 50 (fair) in 1995. For the Huntington Spray Pasture

the forage value rating went from 97 (excellent) in 1987 to 70 (good) in 1995. The desired vegetative communities have not been maintained.

Browne ecological status has remained static and frequency trend has shown a significant decline. Ecological status at the key area in the Main Field went from 39 (mid seral) in 1985 to 38 (mid seral) in 1995. The desired vegetative communities have not been maintained.

Frequency Trend studies on the Diamond Springs Allotment indicated a downward trend on four of seven key areas, static trend on two key areas and upward trend on one key area.

Studies need to be reread on Three Mile Allotment.

Allowable use levels have not been exceeded on the Corta Allotment.

B. Wild Horses

1. Short and Long Term Objective Attainment Determination:

Not Met

2. Rationale:

This objective was not met because the allowable use levels of key forage species were exceeded on the Diamond Mountain Complex. Seven of eight allotments did not meet this objective. Spanish Gulch Allotment is not within a herd management area.

Wild horses are not contributing to the non attainment of this objective on Shannon Station. A small number of wild horses use the allotment.

Allowable use levels have been exceeded on Diamond Springs, Black Point and Three Mile Allotments.

Allowable use levels were exceeded on Red Rock Allotment four of nine years in the Native Pasture, two of ten years in the Huntington Spray Pasture and five of ten years in the Red Rock Seeding Pasture. Data indicates a static trend at key area #3 on the Red Rock Allotment. Ecological status at Key Area #3 in the Native Pasture went from 50 (mid/late seral) in 1988 to 37 (mid seral)

in 1995.

Browne Allotment's allowable use levels were exceeded in the Main Field four of twelve years at the key area. Data indicated a downward trend at the key area. Browne ecological status has remained static and frequency trend has shown a significant decline. Ecological status at the key area in the Main Field went from 39 (mid seral) in 1985 to 38 (mid seral) in 1995. The desired vegetative communities have not been maintained.

Frequency Trend studies on the Diamond Springs Allotment indicated a downward trend on four of seven key areas, static trend on two key areas and upward trend on one key area.

Railroad Pass allowable use levels were exceeded by wild horses and livestock as identified in the Railroad Pass Allotment Evaluation and Final Multiple Use Decision issued November 9, 1995. No adjustments to wild horse numbers has taken place since the decision was issued. The 1996 adjustments to livestock and the proposed adjustments to wild horses should improve the allowable use levels.

C. Mule Deer

1. Short and Long Term Objective Attainment Determination:

Not Met

2. Rationale

Three of nine allotments did not meet this objective on the Diamond Mountain Complex.

Allowable use levels of key browse species were exceeded on Shannon Station and Spanish Gulch Allotments; in Simpson Creek, Newark Canyon, Four-Eyed Nicks, and Spanish Gulch habitat areas.

Red Rock yearlong habitat was in fair condition as indicated by poor form class of key browse species, poor cover and poor condition of associated habitat. Utilization levels on bitterbrush exceeded allowable use levels on Indian Creek (DI-RR-02-91). The objective was met in crucial summer habitat; data indicated good habitat condition in 1991 and excellent habitat

condition in 1995.

The objective was met for Browne Allotment. The allotment rated as good habitat condition for mule deer.

The objective was met on Diamond Springs, Black Point and Three Miles Allotments. Allowable use levels for key browse species in these allotments were not exceeded. Use pattern mapping data indicated allowable use levels were not exceeded in higher elevations.

Condition and Trend data shows that most of the upland habitat sites are in "Good" to "Excellent" Condition on all allotments on the west side of the Diamond Mountain Complex Area. The only real variable is the vegetative condition measured by age class and amount of hedging or utilization. The key browse species represented by bitterbrush and serviceberry are abundant in the Spanish Gulch, Shannon Station, and Black Point Allotments, and to a lesser degree in the Three Mile and Diamond Springs Allotments.

E. Sage grouse

1. Short and Long Term Objective Attainment Determination:

Not Met

2. Rationale:

Data obtained from big game habitat and livestock monitoring studies indicate that big sagebrush shrub cover and height objectives for sage grouse nesting habitat have essentially been met in both Red Rock and Browne Allotments.

Not met where use pattern mapping showed heavy utilization.

E. Riparian

1. Short and Long Term Objective Attainment Determination:

Not Met

2. Rationale

Information collected in 1995 and 1996 show Indian Creek and at least some of the aspen stands and spring habitats in the Red Rock Allotment are in poor condition as a result of heavy use by livestock and wild horses. Information collected over the same time period on the large wet meadow complex located in the southeastern corner of the Browne Allotment showed apparent trend is downward as a result of trampling and heavy use of riparian vegetation by wild horses and cattle.

Utilization data and use pattern mapping indicates that allowable use levels are being exceeded on most lotic and lentic systems.

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

Cottonwood and Hildebrand Creeks stream survey data shows that bank cover has improved and is approaching, 60%. Bank stability has improved and exceeds 60% of optimum on both creeks. Overall riparian condition class has exceeded 67% of optimum on Cottonwood and is approaching 60% of optimum on Hildebrand Creek. Both streams are located in the Black Point Allotment. Other streams and spring/meadow complexes on the west side allotments have received heavy utilization by both cattle and wild horses. Water is being lost in the lentic sites due to excessive trampling which results in erosion channels that will eventually drain the site. Aspen stands in all allotments are in poor condition. The stands are mature, over mature and in some cases decadent, with very little regrowth evident.

VI. TECHNICAL RECOMMENDATIONS

A. Issues

1. There is insufficient forage to meet the demand of all users (cattle, sheep, wildlife, and wild horses).

2. Conflicts exist between present grazing use and sage grouse nesting.
3. Lack of maintenance on some range improvement projects.
4. Allowable use levels are being exceeded on some upland and most riparian areas of the Diamond Mountain Complex.
5. Continuous spring grazing by wild horses and livestock.
6. Livestock distribution.
7. Some riparian areas and upland habitats are non-functional or functioning-at-risk.
8. Wild horse numbers have continued to increase during the evaluation period.

B. Short-Term Recommendations (See attached Livestock Use Agreements)

1. Adjust livestock and wild horse use.

Adjust the level of livestock use for the Diamond Mountain Complex from 17,608 to 16,480 AUMs for cattle and from 4,685 to 4,527 AUMs for sheep.

Adjust the level of wild horse use for the Diamond Mountain Complex from 15,096 to 2,753 AUMs or 230 animals yearlong.

To improve livestock distribution, placement of salt should be a minimum of 1/4 a mile from any riparian area or water source.

2. Draft Livestock Use Agreements/Railroad Pass Multiple Use Decision

Implement grazing practices as indicated by Draft Livestock Use Agreements on Red Rock, Browne, Diamond Springs, Shannon Station and Spanish Gulch Allotments (See Livestock Use Agreements). These changes in livestock management practices address riparian, wildlife, and over utilization concerns identified in the Draft Diamond Mountain Complex Evaluation.

A reevaluation of Railroad Pass Allotment

monitoring data and technical recommendations that were incorporated into the final multiple use decision for livestock should meet the Diamond Mountain Complex Objectives. Therefore, continue with the implementation of the Railroad Pass Final Multiple Use Decision as it pertains to livestock and wild horses.

3. Permit Transfer Adjustments

Analysis and evaluation of available monitoring data at the time of the permit transfers resulted in livestock adjustments to meet the Land Use Plan objectives for the Black Point and Three Mile Allotments. The continued implementation of the livestock use adjustments and future adjustments of wild horses should make progress towards meeting the Diamond Mountain Complex objectives.

The following adjustments and stipulations implemented following approval of the permit transfers will continue as follows during the short term:

Black Point Allotment permit transfer approved February 1995.

Authorized grazing use was adjusted; 594 cattle AUMs and 616 sheep AUMs were placed into nonuse for conservation and protection from 05/01 to 10/31. These AUMs were included in the suspense column of the allotment summary within the permit.

No grazing on the Black Point Allotment south of Pedrioli Creek prior to June 1 in order to protect native forage species during the critical growth period and sage grouse brood rearing areas.

Place mineral or salt blocks a quarter of mile from any riparian area, wet meadow or water source.

Three Mile Allotment permit transfer approved January 1995.

Authorized grazing use was adjusted; 450 cattle AUMs were placed into nonuse for conservation and protection from 03/01 to 02/28. These AUMs were included in the suspense column of the allotment summary

within the permit.

4. Corta Allotment contains a small portion of the herd management area and is a low priority "C" allotment and census data indicates very little to no use has occurred by wild horses. The allotment will be monitored and adjustments will be implemented as needed in the future.

C. Long-Term Recommendations

1. Implement range improvements to control livestock drift.
2. Implement range improvements to provide additional water for livestock, wild horses, and wildlife.
3. Specific long term recommendations will be identified in the Final Diamond Mountain Complex Evaluation.

D. Monitoring Studies

Monitoring studies will continue to be read, evaluated, and new studies established as necessary to measure the effectiveness of management actions in meeting objectives to resolve resource issues. The following studies are recommended depending on resource conflicts:

1. Utilization (Use Pattern Mapping or Key Area Utilization).
2. Actual Use (Wild Horse Census Flights, Wild Horse Distribution Reports, Livestock Actual Use Reports, etc.)
3. Precipitation Data.
4. Ecological Condition (Ecological Status at Key Areas or Ecological Site Inventories if funding permits).
5. Trend (Frequency, Apparent Trend, etc.) All other data as necessary to evaluate trend.
6. Any other necessary studies (Riparian Area Proper Function Condition, Stream Surveys, Sagegrouse Studies, Browse Utilization, etc.)

LIVESTOCK USE AGREEMENT
Red Rock Allotment

The undersigned, representing **Wilfred R. Bailey, Paris Livestock Company** and **Merkley Ranches** grazing permits, do hereby agree to the changes in livestock management for the Red Rock Allotment outlined below.

The changes in livestock management are due to the identification of issues brought forth by the Diamond Mountains Working Group that was created to address and resolve the resource management problems associated with the Wild Horse Herd Management Areas in the Ely (White Pine County), Battle Mountain (Eureka County) and Elko (Elko County) Districts of the Bureau of Land Management.

The agreed upon livestock use, as documented below is consistent with the achievement of the Diamond Mountain Complex objectives for the public lands administered by the Bureau of Land Management in the Red Rock Allotment.

The Bureau will monitor the attainment of the Diamond Mountain Complex objectives as identified in the draft Diamond Complex evaluation.

The changes in livestock management in the Red Rock Allotment will be as follows:

FROM:

Permittee	Active Grazing Privilege AUMs	Historical Suspended AUMs	Season of Use
Wilfred R. Bailey	1,500	0	4/15 to 11/1
Paris Livestock Co.	1,385	405	4/25 to 11/15
Merkley Ranches	4,618	943	4/18 to 11/17

TO:

Permittee	Active Grazing Privilege AUMs	Historical Suspended AUMs	AUMs of Non-Use for Conservation Purposes	Season of Use
Wilfred R. Bailey	1,332	0	168	4/15 to 11/1
Paris Livestock Co.	1,227	405	158	4/25 to 11/15
Merkley Ranches	4,308	943	310	4/18 to 11/17

Rationale:

The Elko Resource Management Plan (RMP)/Rangeland Program Summary (RPS) specified the initial stocking level of wild horses for the portion of the Red Rock Allotment that falls within the Diamond Hills North Herd Area, which consists of the Native Pasture, to be 444 AUMs (37 horses for 12 months).

The Elko RMP/RPS further specified the initial stocking level of livestock for the entire Red Rock Allotment to be 7,503 AUMs. The three livestock operators in the Red Rock Allotment are Wilfred R. Bailey, Paris Livestock Company and Merkley Ranches. Wilfred R. Bailey has 1,500 active grazing privilege AUMs in the Native Pasture only. Paris Livestock Company has 1,385 active grazing privilege AUMs in the Native Pasture only. Merkley Ranches has 4,618 active grazing privilege AUMs in the Native Pasture, the Red Rock Seeding Pasture and the Huntington Spray Pasture.

In an effort to determine the proportion of the RMP/RPS AUMs that were to be given to wild horses and livestock in the Native pasture of the Red Rock Allotment, the fraction of the Merkley Ranches active grazing privileges existing within the Native Pasture had to be determined. Merkley Ranches is the only operator with active grazing privileges in the two other pastures (Red Rock Seeding and Huntington Spray) of the Red Rock Allotment. Because calculated carrying capacity for the Native Pasture (from the Diamond Mountain Complex Evaluation-1997) represents use by all three operators, it cannot be determined what part would be applied to Merkley Ranches. Therefore, the part of the Merkley Ranches active grazing privileges that are in the Native Pasture (2,740 AUMs) was determined by subtracting the combined calculated carrying capacities (from the Diamond Mountain Complex Evaluation-1997) of the Red Rock Seeding and the Huntington Spray (1,878 AUMs combined) from the overall active grazing privileges of Merkley Ranches for the Red Rock Allotment (4,618 AUMs):

Operator	Current Active Grazing Privilege AUMs for Red Rock Allotment	Portion of Active Grazing Privilege AUMs in the Native Pasture
Wilfred R. Bailey	1,500	1,500
Paris Livestock Company	1,385	1,385
Merkley Ranches	4,618	2,740
Totals	7,503	5,625

With the total Native Pasture active grazing privilege AUMs for livestock (5,625 AUMs), it can be determined what proportion of the RMP/RPS AUMs that were to be given to wild horses and livestock in the part of the Red Rock Allotment that falls within the Diamond Hills North Herd Area (the Native Pasture):

Animal Class	RMP/RPS AUMs	Percentage of Total
Wild Horses	444	7%
Livestock	5,625	93%
Totals	6,069	100%

Carrying capacity calculations (from the Diamond Mountain Complex Evaluation-1997) based on actual use and utilization for the Native Pasture of the Red Rock Allotment for the period 1988-1996, resulted in a desired stocking level for the Native Pasture of 5,365 AUMs. The allocation of these AUMs to wild horses and livestock were determined as follows:

When the desired stocking level for the Native Pasture (5,365 AUMs) is multiplied by the proportions of RMP/RPS AUMs given to wild horses (7%) and livestock (93%), the results are the Wild Horse Appropriate Management Level (AML) and the interim livestock stocking level for the Native Pasture.

Wild Horse AML - 376 AUMs or 31 wild horses for 12 months.
 $[5,365 \text{ AUMs} \times 7\% = 376 \text{ AUMs}]$

Interim Livestock Stocking Level - 4,989 AUMs
 $[5,365 \text{ AUMs} \times 93\% = 4,989 \text{ AUMs}]$

In order to allocate the interim livestock stocking level AUMs to each operator, the percentage of each operator's active grazing privileges of the total current active grazing privileges for the Native Pasture must be determined:

Operator	Current Active Grazing Privilege AUMs	Percentage of Total Current Active Grazing Privilege AUMs
Wilfred R. Bailey	1,500	26.7%
Paris Livestock Company	1,385	24.6%
Merkley Ranches	2,740	48.7%
Totals	5,625	100%

The interim livestock stocking level by operator was determined by multiplying the total interim livestock stocking level by the percentage of current active grazing privilege AUMs for each operator:

Permittee	Total Native Pasture Interim Livestock Stocking Level AUMs	Percentage of Current Active Grazing Privilege AUMs	Revised Native Pasture Active Grazing Privilege AUMs	Interim Reduction (AUMs)
Wilfred R. Bailey	4,989	26.7%	1,332	168
Paris Livestock Company	4,989	24.6%	1,227	158
Merkley Ranches	4,989	48.7%	2,430	310
Totals		100%	4,989	636

Reductions will be placed into non-use for conservation purposes until the Final Multiple Use Decision (FMUD) for the Diamond Mountains Complex is issued, which will in part be a result of previous and additional monitoring and if necessary, will warrant further adjustments in stocking levels.

Wild horse numbers for the allotment will be set at the AML and adjustments will be made if necessary, through the FMUD.

The term of this agreement will be from the time a wild horse gather is conducted and the AML of wild horses in the Red Rock Allotment is reached (as specified in the Diamond Mountains Wild Horse Removal Plan) until the FMUD is issued for the Red Rock Allotment, in conjunction with the Diamond Mountains Complex.

LIVESTOCK USE AGREEMENT
Browne Allotment

The undersigned, representing the **Rother Farms** grazing permit, does hereby agree to the changes in livestock management for the Browne Allotment outlined below.

The changes in livestock management are due to the identification of issues brought forth by the Diamond Mountains Working Group that was created to address and resolve the resource management problems associated with the Wild Horse Herd Management Areas in the Ely (White Pine County), Battle Mountain (Eureka County) and Elko (Elko County) Districts of the Bureau of Land Management.

The agreed upon livestock use, as documented below is consistent with the achievement of the Diamond Mountain Complex objectives for the public lands administered by the Bureau of Land Management in the Red Rock Allotment.

The Bureau will monitor the attainment of the Diamond Mountain Complex objectives as identified in the draft Diamond Complex evaluation.

The change in livestock management for the Rother Farms Grazing Permit in the Browne Allotment will be as follows:

FROM:

Active Grazing Privilege AUMs	Historical Suspended AUMs	Season of Use
1,307	673	5/16 to 9/15

TO:

Active Grazing Privilege AUMs	Historical Suspended AUMs	AUMs of Non-Use for Conservation Purposes	Season of Use
657	673	650	5/16 to 9/15

Rationale:

The Elko Resource Management Plan (RMP)/Rangeland Program Summary (RPS) specified the initial stocking level of wild horses for the portion Browne Allotment that falls within the Diamond Hills North Herd Area (Main Field) to be 156 AUMs (13 horses for 12 months).

The Elko RMP/RPS further specified the initial stocking level of livestock for the entire Browne Allotment to be 1,307 AUMs. The two pastures in the allotment are the Main Field (1,206 AUMs) and the Sadler Field (101 AUMs). The allocation of AUMs to each pasture was determined by adjusting the adjudicated AUMs for each pasture to the active grazing privileges for the allotment (1,307). The portion of the Diamond Hills North Herd Area that falls within the Browne Allotment is in the Main Field. Rother Farms is the only livestock operator in the Browne Allotment.

Operator	Current Active Grazing Privilege AUMs for the Browne Allotment	Portion of Active Grazing Privilege AUMs in the Main Pasture
Rother Farms	1,307	1,206

With the Total Main Field Active Grazing Privilege AUMs for livestock (1,206 AUMs), it can be determined what proportion of the RMP/RPS AUMs that were to be given to wild horses and livestock in the part of the Browne Allotment that falls within the Diamond Hills North Herd Area (the Main Field):

Animal Class	RMP/RPS AUMs	Percentage of Total
Wild Horses	156	11%
Livestock	1,206	89%
Totals	1,362	100%

Carrying capacity calculations (from the Diamond Mountain Complex Evaluation-1997) based on actual use and utilization for the Main Field of the Browne Allotment for the period 1985-1996, resulted in a desired stocking level for the Main Field of 625 AUMs. The allocation of these AUMs to wild horses and livestock were determined as follows:

When the desired stocking level for the Main Field (625 AUMs) is multiplied by the proportions of RMP/RPS AUMs given to wild horses (11%) and livestock (89%), the results are the wild horse Appropriate Management Level (AML) and the interim livestock stocking level for the Main Field.

Wild Horse AML - 69 AUMs or 6 wild horses for 12 months.
 [625 AUMs X 11% = 69 AUMs]

Interim Livestock Stocking Level for the Main Field - 556 AUMs
 [625 AUMs X 89% = 556 AUMs]

The Interim Livestock active grazing privileges by pasture are presented below:

Pasture	Interim Livestock Active Grazing Privilege AUMs	Interim Reduction
Main Field	556	650
Sadler Field	101	0
Totals	657	650

Reductions will be placed into non-use for conservation purposes until the Final Multiple Use Decision (FMUD) for the Diamond Mountains Complex is issued, which will in part be a result of previous and additional monitoring and if necessary, will warrant further adjustments in stocking levels.

Wild horse numbers for the allotment will be set at the AML and adjustments will be made if necessary, through the FMUD.

The term of this agreement will be from the time a wild horse gather is conducted and the AML of wild horses in the Browne Allotment is reached (as specified in the Diamond Mountains Wild Horse Removal Plan) until the FMUD is issued for the Browne Allotment, in conjunction with the Diamond Mountains Complex.

Rother Farms by Leo Mousel
Rother Farms

6-18-97
Date

Clinton R. Oke
Clinton R. Oke
Assistant District Manager
Renewable Resources

6/24/97
Date

6/16/97

Wilfred R. Bailey
Wilfred R. Bailey

6/23/97
Date

Pete Paris Jr.
Paris Livestock Company

6-25-97
Date

Kenny Merkley
Merkley Ranches

6/18/97
Date

Clinton R. Oke
Clinton R. Oke
Assistant District Manager
Renewable Resources

6/25/97
Date

6/16/97

LIVESTOCK USE AGREEMENT
FOR THE
SHANNON STATION/SPANISH GULCH ALLOTMENTS

I. INTRODUCTION

This agreement is based on the Diamond Complex Evaluation dated May 15, 1997.

The agreed upon livestock use, as documented below is consistent with the achievement of the short term management objectives for the public lands administered by the Bureau of Land Management in the Shannon Station/Spanish Gulch Allotments.

II. DIAMOND COMPLEX OBJECTIVES

The Bureau will monitor the attainment of the short term multiple use management objectives as identified in the draft Diamond Complex Evaluation.

III. AGREED UPON CHANGES IN LIVESTOCK USE

A. From (Description of existing use)

1. Authorized Grazing Use

- a. Total Preference: 3,211
- b. Active Preference: 2,520
- c. Suspended: 691

2. Season(s) of Use: 04/01 - 02/28

3. Grazing System or Practice

- a. The permittee grazes on the allotments 11 months each year. There is no formal grazing system.

B. To (Description of Agreed Upon Changes)

1. Authorized Grazing Use

- a. Active Use: 2,520
- b. Non-Use: 0
- c. Suspended: 691

2. Season(s) of Use: 04/01 - 02/28

3. Grazing Practice

- a. A seven pasture rotational grazing system will be established as follows:

Whistler Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
April 01 - April 15	50 cows	24
April 16 - April 30	100 cows	48
May 01 - May 31	300 cows	297

- * Salt will be placed west of highway 278

Angelo Belli Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
June 01 - June 30	300 pairs	287
July 01 - Sept. 15	100 pairs	246

- * Turn on water at Summit Springs development.
* Place salt on ridges in Pinto Canyon and Angelo Belli Canyon.

Newark Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
July 01 - Aug. 15	200 pairs	293

- * Place salt on ridges away from Newark Canyon.

Williams Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
Aug. 16 - Sept. 30	200 pairs	293

- * Place salt in uplands near Four Eyed Nicks Springs (deeded).
* Insure against livestock drift into Newark Canyon by riding.

Rocky Knoll Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
Sept. 15 - Oct. 31	100 cows	150
Dec. 01 - Jan. 01	125 cows	128

- * Turn on water at fair grounds during use.
* Restrict cattle use in the southern portion of pasture during September.
* Restrict cattle use in the northern portion of pasture near seeding during November/December.

Simpson Seeding

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
Oct. 01 - Oct. 15	200 cows	96
Oct. 16 - Nov. 30	300 cows	440

* Flexibility to extend grazing use in the event additional forage is available.

Sixth Street Pasture

<u>Season of Use</u>	<u>Animal Units</u>	<u>AUM's</u>
Jan. 01 - Feb. 28	115 cows	219

* Supplement on denuded range and broadcast native seed mixture to improve range condition.

IV. MONITORING PROGRAM

1. Collect monitoring data as identified in the Diamond Complex Evaluation as funding and workloads permit. This data includes the following studies:
 - a. Actual Use
 - b. Key Area Utilization/Ecological Status
 - c. Frequency
 - d. Use Pattern Mapping

Additional types of monitoring data may be collected if the need arises.

As time and funding permits future monitoring will entail the establishment of additional key areas. This will be done in consultation, coordination and cooperation with the livestock operator and interested publics.

V. FUTURE ADJUSTMENTS

This agreement documents and establishes the short term grazing practices to be used in the Shannon Station/Spanish Gulch Allotments. This agreement will remain in place until such time as long term recommendations are established through the evaluation/multiple use decision process.

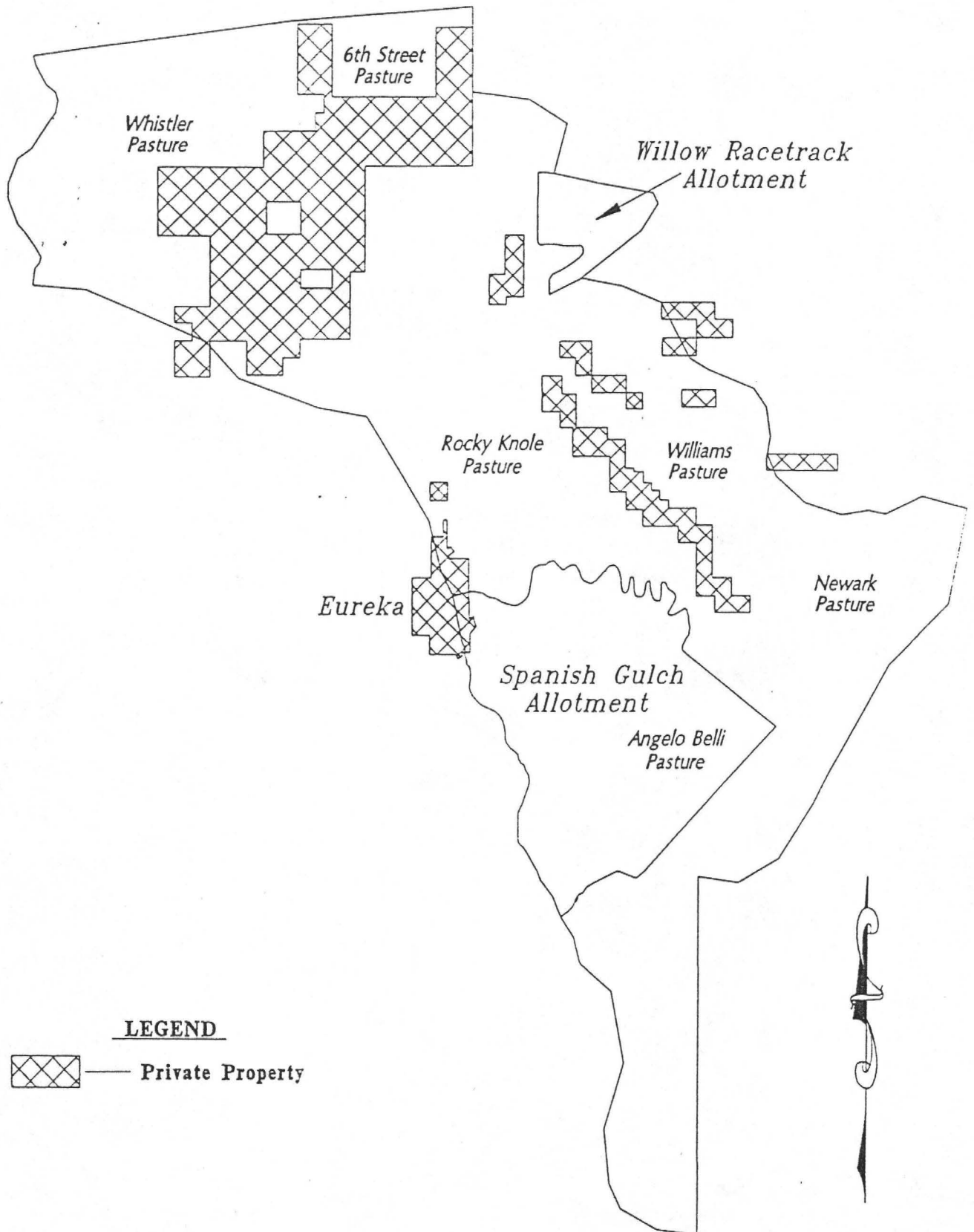
Any future adjustments will be based on the results of monitoring data collected and evaluated towards the achievement of the Diamond Complex Objectives. This process will be done in coordination, consultation and cooperation with the livestock operator and interested publics.

VI. The changes in livestock use, identified above, is agreed to by the undersigned. This agreement goes into affect immediately following the August 1997 Diamond Complex Wild Horse Gather.

James E. Bauer 6-23-97
Permittee date

Jeffrey A. Weeks 6-26-97
ADM Renewable Resources date

SHANNON STATION ALLOTMENT PASTURES



DIAMOND SPRINGS LIVESTOCK USE AGREEMENT

The livestock use agreement for the Diamond Springs Allotment was drafted in consultation and coordination with the base property owner, the Eureka Department of Natural Resources and the Bureau of Land Management. The draft Diamond Mountain Complex Evaluation and all corresponding agreements were sent out for a 30 day public comment period on May 15, 1997.

On June 23, 1997, the base property owner mailed the agreement to the Battle Mountain office signed; however, he included an attached letter with the signed agreement. The letter serves as an addendum to the agreement.

The Bureau does not agree to the addendum. The enclosed livestock use agreement will be renegotiated with the permittee prior to the Wild Horse Gather. If an agreement can not be reached by the base property owner and the Bureau of Land Management a decision will be issued to ensure progress is being made towards the fundamentals of rangeland health.

LIVESTOCK USE AGREEMENT
FOR THE
DIAMOND SPRINGS ALLOTMENT

I. INTRODUCTION

This agreement is based on the Diamond Complex Evaluation dated May 15, 1997.

The agreed upon livestock use, as documented below is consistent with the achievement of the short term management objectives for the public lands administered by the Bureau of Land Management in the Diamond Springs Allotment.

II. Diamond Complex Objectives

The Bureau will monitor the attainment of the short term multiple use management objectives as identified in the draft Diamond Complex Evaluation.

III. AGREED UPON CHANGES IN LIVESTOCK USE

A. From (Description of Existing Use)

1. Authorized Grazing Use

- a. Total Preference: 5287 AUMs
- b. Active Preference: 3680 AUMs
- c. Suspended: 1607 AUMs

2. Season(s) of Use: March 1 to December 31

3. Grazing System or Practice

- a. The permittee grazes the allotment spring, summer, fall, and early winter. There is no formal grazing system.

B. To (Description of Agreed Upon Changes)

1. Authorized Grazing Use

No changes in grazing use are proposed for the short term.

2. Season(s) of Use: No changes in season of use are proposed for the short term.

3. Grazing Practice

- a. Immediately following the proposed horse gather in August of 1997, all cattle will be moved to the mountain pastures and will remain there until December 31, 1997. The operator must ensure minimal drift, proper

livestock distribution, and proper utilization levels ($\leq 60\%$ on key forage species, $\leq 50\%$ on key browse species, and $\leq 50\%$ on riparian habitat). This will be accomplished by repairing and/or maintaining existing fences (especially near Fourmile Canyon), riding as often as necessary, and salting (at least 1/4 mile from all sources of water).

- b. Cattle will then be grazed from March 1, 1998 to December 31, 1998 on the mountain pastures. Cattle will make use of lower slopes dominated by cheatgrass during the beginning of the season and be moved to higher elevations as the year progresses. Again, the operator must ensure minimal drift, proper livestock distribution, and proper utilization levels ($\leq 60\%$ on key forage species, $\leq 50\%$ on key browse species, and $\leq 50\%$ on riparian habitat). This will be accomplished by repairing and/or maintaining existing fences, riding as often as necessary, and salting (at least 1/4 mile from all sources of water).

Therefore, the valley bottom (Dibble and Home Pastures) will be rested from August of 1997 to the fall of 1999.

- c. Beginning March 1, 1999, the Diamond Springs Allotment will be grazed as follows:

<u>Season of Use</u>	<u>Pasture</u>	<u>AUMs</u>
03/01/99 to 09/01/99	Mountain	2208
09/02/99 to 12/28/99	Dibble & Home	<u>1472</u>
	TOTAL	3680

Cattle will make use of lower slopes dominated by cheatgrass during the beginning of the season and be moved to higher elevations as the year progresses. Again, the operator must ensure minimal drift, proper livestock distribution, and proper utilization levels ($\leq 60\%$ on key forage species, $\leq 50\%$ on key browse species, and $\leq 50\%$ on riparian habitat) for all pastures. This will be accomplished by repairing and/or maintaining existing fences, riding as often as necessary, and salting (at least 1/4 mile from all sources of water).

IV. MONITORING PROGRAM

1. Collect monitoring data as identified in the Diamond Complex Evaluation as funding and workloads permit. This data includes the following studies:

- a. Actual Use
- b. Key Area Utilization/Ecological Status
- c. Frequency
- b. Use Pattern Mapping

Additional types of monitoring data may be collected if the need arises.

As time and funding permits, future monitoring will entail the establishment and/or replacement of additional key areas. This will be done in consultation, coordination and cooperation with the livestock operator and interested publics.

V. FUTURE ADJUSTMENTS

This agreement documents and establishes the short term grazing practices to be used on the Diamond Springs Allotment. This agreement will remain in place until such time as long term recommendations are established through the evaluation/multiple use decision process.

Any future adjustments will be based on the results of additional monitoring data collected and evaluated towards the achievement of the Diamond Complex Objectives. This process will be done in coordination, consultation and cooperation with the livestock operator and interested publics.

VI. The changes in livestock use, identified above, is agreed to by the undersigned. This agreement goes into affect immediately following the August 1997 Diamond Complex Wild Horse Gather.

Permittee

Date

ADM - Renewable Resources

Date



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way

Suite 209

Reno, Nevada 89502

(702) 688-2626

July 17, 1997

Ms. Julie Butler
Clearinghouse Advocate
Nevada State Clearinghouse
Blasdel Bldg., Rm. 200
Carson City, Nevada

ELY

Subject: Final Decision - Diamonds Complex SAI# 1997-136

Dear Ms. Butler:

The Commission for the Preservation of Wild Horses has reviewed the Final Diamond Mountain Complex Evaluation and Diamond Mountain Complex Capture Plan. We provided specific comments to the draft documents and have no record of formal responses to our concerns. Several issues were not addressed nor understood by the District.

If the District had adhered to its procedures, a Selective Management Report would have provided the Commission's alternative public review. Our determination of an appropriate management level was based upon a desired density within the complex. We proposed 275 horses for the complex, not 588 horses. As a result of our participation in the Eureka Working Group, Monitoring Committee and formal input, we feel that our alternative should have been incorporated into the document to allow all affected parties access to our findings and the District's rebuttal. As stipulated to Ely District, by a special committee to review allotment evaluation processes, this procedure would allow all parties to assess all management alternatives.

In accordance to the Standards and Guidelines, each management action should be assessed in reference to "making significant progress" in meeting objectives.

Our comments pointed out that not all available data were used by the District to determine carrying capacity. The example we used was use pattern mapping data collected on the Railroad Pass Allotment since the Final Multiple Use Decision. These data were not used.

Ms. Julie Butler
July 17, 1997
Page 2


The Diamond Springs Livestock Agreement is not signed.

Detailed Monitoring Plans were not completed or reviewed by the Eureka Working Group. These documents are essential, if the District chooses to follow through with their commitment to complete multiple use decisions in two years. We request copies from District files.

Concerns for the viability of the surviving herd were not addressed. Herd composition data collected in the Railroad Pass Gather could provide new data to amend the 1988 programmatic environmental assessments in the Battle Mountain District files. No data were provided to assess wild horse movements throughout the complex.

In summary, the Commission can support a gather to an appropriate management level of 230 wild horses. Our assessment of the data found the Decision numbers within the range needed to protect natural resources. While we may agree that this reduction should achieve a thriving natural ecological balance, it will require intensive livestock management to be successful. In light that the Decision increases actual use of livestock, detailed monitoring plans are needed, commitments to evaluate allotments are necessary and multiple use decisions should be issued in two years to meet the verbal obligations made by Ely, Battle Mountain and Elko Districts. We seek any kind of assurance from the Bureau to uphold its obligations that initiated the Eureka Working Group and will result in this major reduction in wild horses throughout the Diamond Complex.

Sincerely,



CATHERINE BARCOMB
Executive Director

RR/Predict ^{WFOA} How many & GL 4-28-97
enough data to Composition on MW

I received your message, via my answering machine, of Aug 28, 1997 in response to my facsimile of the same date regarding the aged Diamond Horses. Ordinarily I would accept your generous offer to meet on such short notice. I appreciate your offer to meet on such short notice but ~~until~~ and perhaps that will still occur, but for the time being it is important for WFOA to document the issues so there will be no misunderstanding. Thus it portends a lengthy document for which I apologize.

We are a nation of rules, regulations and laws, some more important than others, but all designed for some purpose. Ignorance or inconvenience is no excuse. If a District disregards policies accepted as safety nets for the horses then the result is the distrust of everything else the District proposes. I appreciate ~~your~~ ^{your support} your prompt and assurances "that nothing will occur outside policy;" but appears to conflict with what I have been told by Bem personnel.

On Aug 27, 1997 I went to Palomino Valley to ~~see~~ observe for myself reports from my members that animals appeared in extremely good flesh. ~~It~~ Their concern plight was the excellent condition of the animals did not correspond w/ newspaper articles stating they were being captured to keep them from starving. I fielded a dozen or more local calls inquiring whether WFOA

*No mud on Diamonds
Fernal ~~proposed~~ gather
WFOA did not concern with "how" the AMK was
set, which should come as no surprise to you,
but we did nothing to interfere with the group &
the Commission and the eventual capture.

While at PVC I inquired if the aged animals
were being held in Battle Mountain and the
response was "no, PVC." Further inquiry
elicited the animals were being held in pen #
and awaited an EA to allow their release in
New Pass or elsewhere." I checked the pen
with the aged Diamond Horses & returned to
Reno. I observed no grease markings on these
Reflection Horses that would indicate which
herd area in the Diamonds they had been
captured.

Once in Reno I called the NSO and spoke with
Mr. Woosley wherein he assured me "that Jerry
Smith was selecting a team to write an EA
and address the issue of what would become
of the aged horses and that the public would
be involved. I stated then, and believe now
that the appearance of aged horses at PVC was
evidence the decision had already been made.
I sent the facsimile to your office, Battle
Mountain, and Washington D.C. I would
not get the facsimile to go thru to Ely.

Early on Aug. 28, 1997 I received a call from Mr. Kalkman. We had a rather quarrelsome discussion regarding the Beaumonts and the "release/adoption" of the aged animals. He stated most emphatically that the animals were going into the adoption program. I questioned him again on ~~the point that~~ whether he or anyone in the state could ignore state & national policies. His response was, "Myself, Jerry Smith & Helen Hankins had met in Reno several weeks ago and decided the animals would be put in the adoption program. Mr. Kalkman told me that he, Helen Hankins & Jerry Smith had met in Reno several weeks ago and decided the animals, ~~of which there turned out to be less than~~ expected, would go into the adoption program. When I questioned whether he or the other ~~two~~ So I again said "3 DMBs got together & decided to subvert policies," his response was "no, Jean Rivers Council ~~agreed~~ was at the meeting and agreed." He insisted there never was a plan to release them on any range, anywhere. I sarcastically responded "that I hoped someday when he was 90, someone over would ship him to hell and back." He then proceeded to tell me he would fax me proof, of what I don't know.

I told him that I believed the local ranchers would have concurred with the release of 17-30 aged animals if they had been approached. I also believe the BLM should have performed a cost/benefit of 17-30 on 400,000 acres of range

vs

costs of trucking to numerous sites

vs

sanctuary

Aug 29 I received a call from Mr. Woosley & when I couldn't reach him by phone I stopped by NSO while in Reno. I told them what I had found to-date. After much discussion about policies he stated that he "believed the EA that we thought applied to Diamonds was for future aged horses." And that yes, the Diamond horses were slated for adoption.

Much to your dismay I've alleged similar examples in the past where BLM personnel make rules as they go or ignore others. The Districts have obviously defended their actions to your satisfaction and my allegations were "half truths." You told me more than once that my allegations fell under someone else's watch.

* It is your watch now. Would it surprise you to know that we still wait Nellis paper work, with 3 captures having taken place; or that the Grass Valley portion

no 1

of the Callahan captured was based on 1988 programmatic EA that it predates current ~~policy~~ (so much so ~~that~~ it gives a ^{large} ~~limit~~ ^{old} ~~age~~ ^{limit} for adaption), or that we have no capture plan for this "non emergency."

Now we have the Diamond capture tied to the same outdated 1988 programmatic EA which did not analyze aged horses, fertility, or any of the current relevant issues of today. ^{Restruct may herd} But to add insult to injury we are told 3DM's & the Associate Director agreed to violate state & national policy. ^{who gave the authority?}

THE VERY FACT THAT AGED HORSES WERE SHIPPED TO PVC SUPPORTS OUR CONTENTION THAT POLICIES WERE IGNORED!

Now whether Ben planned to dump aged horses ~~at New Pass~~ (as witnessed previously ~~at~~ New Pass) or send aged animals on a never-ending journey or death, which ever occurred first; he speaks of calculating the risks vs benefit, and a cold-hearted decision and a violation of policy the moment they were loaded for PVC.

In summary the aged Diamond Horses must be branded, held on water, and released ~~back into the Diamonds~~; where they are more likely to survive. ~~into~~ their own

herd area... and a confirmation of ^{all} the above. Should that not occur WHOA will have no choice but to go PUBLIC, not BLM, not IG, not Task Forces, And while this one incident may or may not be the ~~straw~~ last straw so to speak, the accumulation of actions in Nevada is starting to get the attention from those who hold the purse strings.

I appreciate your time and consideration of our above requests and your devotion to instilling the necessity of complying with the rules for those who continue to flaunt them.