

m 10/1/96

October 1, 1996

ELY DISTRICT

DROUGHT PACKAGE

livestock closures:

Turn out to vauge.

Horses: ~~are~~ are
gone — Damage not
assessed. Long term
for Meadow Valley is
zero — MAY BE
ignored.

Not fair

Criticism!

10/1/96

Prepared for: Hal Bybee, ADM-Renewable Resources, Ely District

SUBJECT: Ely District Drought Briefing Paper - October 1996

A. Introduction

The Ely District drought effort was initiated in June 1996. Field tours were initiated for the purposes of assessing drought conditions. Areas which were visited first were those areas which included both wild horse herd management areas and allotments where livestock grazing was authorized. Based upon the findings of the field observations which focused on forage condition and availability, water availability and animal condition, a determination was then made regarding the necessity to close allotments or portions of allotments to livestock, and to remove wild horses under drought emergency. The criteria used to determine the necessity to close allotments and remove wild horses was based on direction provided in Ely District Instruction Memorandum NV-040-96-04.

The procedures for closing allotments was not the same for all allotments. Where drought conditions did exist in areas which included both a portion of a herd management area (HMA) and an allotment, the areas were closed to livestock grazing where grazing use was authorized at the time. To date, Notice of Closure Agreements have been issued for the Oak Springs Allotment located within the Delamar HMA, the Sheep Flat Allotment located within the Clover Mtns. HMA and Dry Lake Use Area located within the Dry Lake HMA. A Notice of Closure for allotments located within the White River and Seaman HMA's was not issued since a gather was previously scheduled. However, the permittees agreed to remove livestock from drought areas within HMA's and to not turnout until it is determined that the drought closure can be lifted. Where drought conditions did not exist particularly by pastures within allotments, these areas were not closed to livestock grazing use nor were wild horses removed from these areas. Where livestock were not authorized in a pasture or allotment where wild horses were to be removed, notice of closures were not issued. Grazing use will not be authorized this fall within allotments or portions of allotments in those areas where drought conditions persist until it has been determined that the criteria to lift the closure has been met. Field inspections will occur prior to spring turnout. (Refer to the attached Ely District 1996 Drought Status Table and Drought Chronology for further information).

The criteria applied to determine the number of wild horses to remove and the number to gather was not the same for all herd management areas. For those herd management areas administered by the Caliente Field Station, the method applied to establish numbers remaining in the HMA was based on gathering wild horses within specific areas or allotment pastures within an HMA where drought existed. In those areas where drought did not exist, wild horses were not gathered. Therefore the wild horses that remain are those in the drought free portions of the HMA's. For those herd management areas administered by the Ely District Office the procedure was that wild horses were removed from the affected drought areas within the HMA. Wild horses were removed down to the appropriate management level (AML) established for the HMA through the multiple use decision process. In the case of the White River and Seaman HMA's, these HMA's had a previously scheduled gather planned for October 1996 and were gathered during the emergency gathers based on this plan. Gathers in these HMA's was initiated in September 1996. Even though wild horses were to be removed based on a scheduled gather, a field inspection was completed which indicated that drought conditions existed. Livestock were therefore removed from the areas to be gathered. However, a Notice of Closure was not issued, rather portions of the allotment will be closed through grazing authorization. (For further explanation, see the Specific Procedures Applied by HMA section below).

B. Specific Procedures Applied by Herd Management Area

Delamar HMA

The Notice of Closure Agreement was signed by the permittees for the Oak Springs Allotment on August 15, 1996. Grazing use was previously authorized in the allotment and allotment inspection indicated that severe

drought conditions exist. Therefore closure to livestock was required. For the protection of the vegetation and watershed the western 1/3 of pasture 4 of Oak Springs Allotment is temporarily closed to livestock grazing. Wild horses were gathered from pasture 1. The gather for this HMA began August 23, 1996. A Notice of Final Decision Full Force and Effect and Emergency Gather Plan were signed 8/16/96 and is still in progress. An AML has not been established for this HMA.

Clover Mountains HMA

The Notice of Closure Agreement was signed by the permittees for the Sheep Flat Allotment on August 13, 1996. Grazing use was previously authorized in the allotment and allotment inspection indicated that severe drought conditions exist. Therefore closure to livestock was required. Pastures 1,2 and 3 of the Sheep Flat Allotment are temporarily closed to livestock grazing. Grazing use will take place in pastures 4, 5 and 6. A Notice of Final Decision Full Force and Effect and Emergency Gather Plan were signed 8/16/96. An AML has not been established for this HMA. The gather for this HMA began August 12, 1996 and is still in progress. The Crossroads Allotment which is outside the Clover Mountains HMA will also be gathered. This was gathered since the allotment is a non-HMA and a documented emergency exists.

Meadow Valley Mountains HMA

A Notice of Closure was not issued for the Henrie Complex Allotment. Closure is still in effect from a previously issued closure decision due to fire. A Notice of Final Decision Full Force and Effect and Emergency Gather Plan was signed 8/16/96. The gather for this HMA began August 28, 1996. An AML has not been established for this HMA. The Breedlove Allotment which is outside the Meadow Valley Mountains HMA was also gathered. This was gathered since the allotment is a non-HMA and a documented emergency exists.

Dry Lake HMA

The Notice of Closure Agreement was signed by the permittees for the Dry Lake/Thorely Use Area of the Wilson Creek Allotment on August 13, 1996. Fall/Winter grazing use was previously authorized in the allotment and inspection of the Dry Lake/Thorely Use Area indicated that severe drought conditions exist. This portion of the Dry Lake HMA was gathered based on emergency conditions but it is under the Standard Gather Plan, EA and DR/FONSI issued 5/28/93. The gather for this HMA began in late September. The Final Multiple Use Decision (FMUD) established a wild horse AML for this portion of the HMA of 94 wild horses plus or minus 15 percent. The AML remained after the removal.

White River HMA

This HMA had a Scheduled Gather planned for this October 1996. The standard gather plan, EA and DR/FONSI were signed 8/26/96. The gather for this HMA began in mid September. Wild horses were gathered from the Hardy Springs Allotment. A Notice of Closure was not issued for either allotment since a gather was previously scheduled. However, based on documented drought conditions and field inspections, the permittee has agreed to remove cattle from portions of the Hardy Springs allotment which was previously authorized for grazing use to October 1, 1996. Beginning October 1, 1996, the portion of the allotment within the HMA will not be authorized for grazing use. Allotment drought assessments indicated that severe grazing on winterfat sites within the HMA was occurring by wild horses causing vegetative resource damage. Due to drought emergency the gather will begin in September rather than October as scheduled. The FMUD's for the Hardy Springs, Duckwater and North Cove Allotments set the AML for a large portion of the HMA. The allotment evaluations for the Wells Station Allotment and the Cove Allotment recommend the AML's be set at 14 horses yearlong, and 42 horses yearlong respectively for both allotments. This figure has been added to the AML established previously through the evaluation/decision process for the three other allotments. Therefore, the AML for the entire White River HMA would be 90 wild horses plus or minus 15 percent. The AML remained after the removal. Wild horses were removed to the lower AML range number.

Seaman HMA

This HMA had a Scheduled Gather planned for this October 1996. The standard gather plan, EA and DR/FONSI were signed 8/26/96. The gather for this HMA began early September. Wild horses were gathered from the Sunnyside, Forest Moon, Timber Mountain, Needles and Fox Mtn. Allotments. A Notice of Closure was not issued for the various allotments since a gather was previously scheduled. However, all permittees agreed that no livestock would be turned out within the HMA. Based on documented drought conditions and field inspections, the permittees have agreed to reduce their numbers of livestock, haul water and not graze drought impacted areas within the Seaman Herd Management Area and utilize areas outside the HMA. One permittee has agreed to remove cattle from portions of the Sunnyside Allotment which was previously authorized for grazing use to October 1, 1996. Beginning October 1, 1996, portions of the allotment will be closed through grazing authorizations. Bi-weekly or monthly inspections will be conducted in those areas open for livestock grazing. John Gurley has taken total nonuse for the Forest Moon Allotment, therefore a Notice of Closure is not needed. Allotment inspections indicated that severe drought conditions exist on portions of the allotments within the HMA. Due to documented drought conditions an emergency gather will begin in September rather than October as scheduled. Assessment of the area indicated that forage vigor in general was below average in Coal Valley but there was sufficient carry over dry forage in some areas that have been rested. The Forest Moon Allotment and a portion of the Sunnyside Allotment are located within this Seaman HMA. The FMUD for both allotments established an AML for those portions of the HMA within the boundaries of both allotments. The Seaman Allotment PMUD was issued August 30, 1996 for Oreana Springs, Timber Mountain, North Hiko Six Mile, Middle Coal Valley, Bird Springs, Coal Valley, Needles, Seaman Springs, W. Timber Mtn., East Water Gap, and Fox Mountain Allotments which set the total AML for the Seaman HMA at 159 wild horses yearlong plus or minus 15 percent. The AML remained after the removal. Wild horses were removed to the lower AML range number.

Highland Peak HMA

The Highland Peak, Bennett Spring, Klondike, Black Canyon and Ely Spring-Sheep Allotments are located within this HMA. Only winter sheep use is authorized on these allotments. Therefore, a Notice of Closure was not issued. Forage condition and availability will be checked prior to authorizing grazing use for winter turnout. Wild horses were also removed from the Ely Springs-Cattle Allotment which is a non-HMA area. Cattle are authorized during the period (10/15 - 5/15) but not in the area wild horses will be gathered. A Notice of Final Decision Full Force and Effect and Emergency Gather Plan were signed 8/26/96. An AML has not been established for this HMA.

Miller Flat HMA

Allotment inspection indicates that severe drought conditions exist on the Sheep Springs and Rabbit Springs Allotments located within this HMA. Both allotments are in nonuse status therefore allotment closure is not needed. Field inspection did not indicate drought conditions on the Oak Wells Allotment portion of the HMA. No cattle are authorized on the Oak Wells allotment during the wild horse gather period. A Notice of Final Decision Full Force and Effect and Emergency Gather Plan were signed 8/26/96. An AML has not been established for this HMA.

Wilson Creek HMA

Wild horses were removed from the Fortification Range portion of the HMA. Water supply at the two springs which normally supply water was extremely limited for the number of wild horses in the area. Water availability for wild horses was dependent upon water well pumping by the permittee. The Patterson Seeding of the Wilson Creek was also gathered since this is a non-HMA. The gather for this HMA began September 27, 1996 and was completed September 29, 1996. An AML of 150 wild horses plus or minus 15 percent was established as per the Wilson Creek Allotment FMUD. The AML remained after the removal and were only removed from a small portion of the HMA and a wild horse free area.

C. Criteria to be Applied to Lift Livestock Closures.

Criteria used to determine opening the areas will be based on that criteria identified in The Notice of Closure Agreements in addition to IM-NV-040-04. This criteria will also apply to all areas where wild horses were removed and those areas where livestock use is authorized outside HMAs. Prior to authorizing further grazing use, allotment and HMA inspections will be conducted to assess range suitability, forage suitability and condition and range readiness. Those interested publics who participated in the drought assessment tours will be consulted prior to issuance of a grazing authorization.

D. Procedures for Establishing Future AML.

This will continue to be accomplished through the allotment evaluation and multiple use decision process. HMAs will continue to be the top priorities for the Ely District.

E. Further Actions

Based on forage and water availability and field conditions observed to date as a result of drought monitoring and documentation, if drought continues, the probability is very good that the Ely District will continue to close allotments or portions of allotments to livestock grazing. In addition based on forage and water availability and the poor nutritional value of the forage particularly where last years forage is the only forage available, emergency wild horse gathers will also continue. We will continue to field check allotments and herd management areas throughout the remainder of the 1996 grazing year. As of August 23, 1996, approximately 30 allotments and 14 herd management areas have been visited and monitored for drought conditions. Field inspections of herd management areas and allotments will be conducted for the purposes of continually monitoring the condition of wild horses for signs of stress related to drought conditions, in addition to forage and water availability.

The emphasis for field inspections for the remainder of the grazing year will include the following:

1. Herd Management Areas
2. Fall turnout areas
3. Areas previously checked where it is anticipated that forage and water availability will dictate the need for further closures and/or emergency wild horse gathers.
4. Grazing year 1997 turnout.

Following are the Ely District additional herd management areas potentially needing to be gathered under the Drought Emergency Removal effort:

Mormon Mountains	Wilson Creek
Blue Nose Peak	Sand Springs East
Clover Creek	Monte Cristo
Applewhite	Jakes Wash
Little Mountain	
Deer Lodge Canyon	
Rattlesnake	

This is not necessarily a priority listing . Priorities for gathers may be dictated by the extent of drought conditions. Priorities and schedules may or may not change based on the extent of drought conditions.

**ELY DISTRICT
1996 DROUGHT STATUS TABLE**

10/1/96

Herd Management Area	Gather Plan and Final Decision Issued	Gather Started Gather Complete	Notice of Closure Agreement	Allotment	Number Removed
Clover Mountains	Signed 8/16/96 <u>3/</u>	8/21/96	Signed 8/12/96	Sheep Flat (HMA) Crossroads (Non-HMA)	27 23
Delamar	Signed 8/16/96 <u>3/</u>	8/23/96	Signed 8/15/96	Oak Springs (HMA)	61
Meadow Valley Mtns.	Signed 8/16/96 <u>3/</u>	8/28/96 9/2/96	Closed by 1993 Fire Closure Decision	Henrie Complex (HMA) Breedlove (Non-HMA)	40 24
White River	Signed 8/26/96 (Standard Gather Plan, EA and DR/FONSI)	9/5/96 9/7/96	Scheduled Gather Closed through grazing authorization	Hardy Springs Sunnyside	277
Seaman	Signed 8/26/96 (Standard Gather Plan, EA and DR/FONSI)	9/8/96 9/14/96	Scheduled Gather Closed through grazing authorization	Forest Moon Sunnyside	266
Dry Lake	Signed 5/28/93 (Standard Gather Plan, EA and DR/FONSI)	9/15/96 9/20/96	Signed 8/13/96	Sunnyside Wilson Creek	220
Highland Peak	Signed 8/26/96 <u>3/</u>	9/21/96	Winter Sheep Use <u>1/</u>	Highland Peak, Bennet Sp., Klondike, Black Canyon, Ely Spring-Sheep Ely Spring-Cattle (Non-HMA)	12
Miller Flat	Signed 8/26/96 <u>3/</u>	9/23/96	Nonuse Status	Sheep Spring Rabbit Spring	99
Wilson Creek	Signed 9/27/96	9/27/96 9/29/96	Nonuse Status <u>2/</u>	Wilson Creek (Non-HMA) Geyser Ranch (Fortifications)	50 45
Little Mountain	Signed 9/27/96 <u>3/</u>	10/1/96			

1/ An allotment inspection will be conducted prior to authorizing winter sheep use.

2/ Water was pumped by the permittee during a period when Pasture 3 of the Geyser Ranch Allotment was rested. Water supply at the two springs which normally supply water was extremely limited for the number of wild horses in the area.

3/ Still in progress

October 1, 1996
(Updated)

ELY DISTRICT
Chronology of Events Associated With the 1996 Drought

1. June 20, 1996 Drought letter sent to Ely District Permittees and interested public mailing list.
2. June 1996 Ely District held a meeting with the White Pine County Emergency Board to coordinate an interagency cooperative effort to mitigate any impacts on livestock operators that depend on public lands due to potential drought conditions. BLM begins to coordinate with emergency boards and N-4 Board on "Receiving End" relief.
3. June 20, 1996 Lincoln County Emergency Board sends drought letter to livestock producers informing them of the cooperative effort to lessen the financial impact of potential drought induced reductions..
4. June 24, 1996 White Pine County Emergency Board sends drought letter to livestock producer informing them of the cooperative effort to lessen the financial impact of potential drought induced reductions.
5. July 8, 1996 Instruction Memorandum NV-040-96-04, Ely District Drought Policy and Guidance became effective. Includes Drought Indicator Checklist for evaluating drought conditions.
6. July 8, 1996 During the week of July 8, Ely District contacts Public Outreach List for drought notification. (List attached) Drought monitoring table established for Caliente Field Station. Monitoring was prioritized based on herd management areas, forage availability and water availability. (See attached Table)
7. July 22, 1996 Drought monitoring tours begin on allotments and herd management areas administered by the Caliente Field Station. Herd Management areas include the Meadow Valley, Clover Mtns., and Delamar Mtns.
8. August 7, 1996 Drought tours begin for the White River, Dry Lake and Seaman Herd Management Areas.
9. August 12, 1996 Notice of Closure for Sheep Flat and Oak Springs Allotments and Notice of Intent to Impound signed.
10. August 13, 1996 Notice of Closure Agreement signed for Sheep Flat Allotment and Dry Lake Use Area of the Wilson Creek Allotment.
11. August 15, 1996 Notice of Closure Agreement for Oak Springs Allotment signed.
12. August 15, 1996 Notice of Closure for Sheep Flat and Oak Springs Allotments and Notice of Intent to Impound sent to the Lincoln County Record and Ely Daily Times for publishing, also posted at Ely, Caliente and Pioche Post Offices, mailed to Hiko, Alamo for posting at the U.S. Post Office and mailed to the Tonopah Field Office for posting at the U.S. Post Office, Tonopah, NV..
13. August 9, 1996 Task Order for Clover Mtns., Delamar Mtns., and Meadow Valley Mtns. HMA's and surrounding wild-horse free areas signed.

14. August 16, 1996 Capture Plans and FF&E Final Decisions for Clover Mtns., Meadow Valley Mtns., Delamar HMA's and surrounding wild horse free areas signed.
15. August 21, 1996 Gather started for Clover Mountains HMA.
16. August 22, 1996 Task Order for White River, Seaman, Dry Lake, Highland Peak and Miller Flat HMA's signed.
17. August 23, 1996 Gather Started for Delamar HMA.
18. August 26, 1996 Capture Plan and FF&E Final Decision for the White River, Seaman, Highland Peak and Miller Flat HMA's signed. The White River, Seaman and Dry Lake HMA gathers are standard scheduled gathers which included issuance of the Gather Plan, EA and DR/FONSI. The Dry Lake HMA package was signed (5/28/93).
19. August 28, 1996 Gather started for the Meadow Valley Mountains HMA.
20. September 2, 1996 Gather completed for Meadow Valley Mtns. HMA.
21. September 5, 1996 Gather started for White River HMA.
22. September 7, 1996 Gather completed for White River HMA..
23. September 8, 1996 Gather started for Seaman HMA.
24. September 14, 1996 Gather completed for Seaman HMA.
25. September 15, 1996 Gather started for Dry Lake HMA
26. September 20, 1996 Gather completed for Dry Lake HMA.
27. September 21, 1996 Gather started for Highland Peak HMA.
28. September 23, 1996 Gather started for Miller Flat HMA.
29. September 27, 1996 Capture Plan and FF&E Final Decision for the Lincoln County Emergency Removal signed. This included the Little Mountain, Delamar Mountains, Clover Mountains and Wilson Creek HMA's.
30. September 30, 1996 The gather started September 27, 1996 for the Wilson Creek HMA which included the Fortification Range on the Geyser Ranch Allotment and the Patterson Seedings in a non- HMA area of the Wilson Creek Allotment. The gather was completed September 29, 1996.

DROUGHT EMERGENCY REMOVALS

Estimates in parenthesis.

Start Date (Priority)	Finish Date	HMA	Contract	Coar	Number Captured	Number Perm. Removed	Number left	Comments
7/6	7/12	Johnnie	Cook	McFadden	226	194		
7/1	7/6	Red Rock	Cook	McFadden	162	121		
		Muddy Mtn	Cook	McFadden	18	11		
7/17		Nellis	Catoor	McFadden	1586	494		
		Goldfield	Cook	Kleinheitz		246		
8/12		Stonewall	Catoor	McFadden		(20)		
		Nellis 2	Catoor	McFadden	(70)	(3)		
		Goldfield E.	Catoor	McFadden		(20)		
8/13	8-14	Goldfield W.	Cook	Winne		(9)		
8/15	8-17	Silver Peak	Cook	Winne		(50)		
8/18	8/21	Gold Mtn	Cook	Winne		(19)		
8/22	8/30	Bullfrog	Cook	Winne		(300)		
8/28	9/1	Meadow Valley Mtns.	Cattoor	Shepherd	(90)	(90)	(0)	includes 40 outside HMA
9/2	9/10	White River	Cattoor	Brown	(350)	(275)	(77)	includes 250-300 outside HMA-reduce to AML
9/11	9/19	Seaman	Cattoor	Brown	(350)	(250)	(136)	reduce to AML
8/22	8/24	Clover Mtns.	Cattoor	Shepherd	(65)	(65)	(50)	includes 15 outside HMA
9/20	9/26	Dry Lake	Cattoor	Brown	(250)	(200)	(80)	reduce to AML
8/25	8/27	Delamar Mtns.	Cattoor	Shepherd	(85)	(85)	(180)	includes 10 outside HMA
9/27	10/1	Highland Peak	Cattoor	Shepherd	(200)	(150)	(70)	includes 10 outside HMA
10/2	10/6	Miller Flat	Cattoor	Shepherd	(155)	(100)	(60)	



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4100 (NV-040)

JUN 20 1996

Dear Interested Party:

As many of you are already aware, the southern portion of White Pine County, all of Lincoln County and Nye County within the Ely District have experienced a dry winter followed by an early hot summer. This has vegetation in a stressed condition and water sources already in limited supply in many areas. Due to these early drought conditions, I wanted to ask livestock operators to assess the affect of these conditions on your livestock operation as well as the possible short and long term affects on the range. We could be facing possible allotment closure(s) if the hot and dry weather conditions persist as they have this early in the grazing season.

We are working in an interagency effort to try to do what is possible to mitigate any impacts on the livestock operators that depend on public lands to meet their forage needs. In order to prevent long term damage to the range, which could result in future reductions, we suggest livestock operators consider such voluntary measures as water hauling, water control management, herding within pastures, early removals and reductions in herd size where needed. Winter weather conditions were more favorable in northern Nevada and these measures may not apply in areas with above normal winter snows.

We need to work together to take needed actions as early as possible to help maintain the health of the rangeland over the long term. If you, as a livestock operator, have concerns about possible problems in the allotment(s) you graze livestock on, please contact the range conservationist you deal with as soon as possible. It is in everyones best interest to take a proactive approach. We want to do all we can to mitigate economic hardships to assure the survival of livestock operators while still protecting the long term productivity of the rangelands you depend upon.

We have already experienced extreme wildfire conditions, with nearly 25,000 acres burned in just two fires north of Pioche and one south of Caliente, which could result in additional closures in livestock grazing. You are advised to take all possible precautions when in the field to prevent the accidental ignition of any fires. Please report any fire activity to the Ely Fire Dispatch office at 289-2064 or the Caliente Fire Dispatch office at 726-8146. The State of Nevada has closed burning on private lands and federal closures may follow. Due to the heavy carry over of understory vegetative growth from a wet 1995 spring, in some areas, the wildfire danger is already in the extreme range.

Sincerely,

Acting Gene A. Kolkman
District Manager

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
White Pine and Lincoln Counties
744 E. North Industrial Way
HC 33 Box 33453
Ely, Nevada 89301
(702) 289-4990

June 24, 1996

Dear Producer,

As you may well know, conditions are very dry in Lincoln County.

As the White Pine County Emergency Board, we are attempting to coordinate a cooperative effort to lessen the financial impact of these drought induced reductions. Some producers have already been informed that their BLM allotments do not have sufficient forage available. Normal precipitation will arrive at some point in the future, however with historic lows in cattle prices, many may not survive until then. The District Manager of the Ely BLM has suggested that there may be additional AUM's available on public lands in the northern region of the state. This is a commendable approach to working together and will be looked at as another option to herd liquidation, purchasing feed or renting pasture.

The allotments where the cattle could be moved, would be issued TNR (Temporary Non-Renewable) AUM's at the normal rate of \$1.35. Extra services or expenses should be negotiated between the individual parties. All participation is strictly voluntary and would be on the "good neighbor" policy.

The grazing board, conservation, farm and extension services, have been asked to identify producers who may be willing to accept livestock on their allotments. We are asking for your assistance in identifying both available forage and willing local participants. A list will be available at the Ag Service Center in Ely and Caliente. Time is of the essence, please contact one of us as soon as possible.

Sincerely,

Joel Twitchell *Robert Wilson*

Joel Twitchell
FSA
702-289-4990

Robert Wilson
CES
702-289-4459

Wayne

Wayne Imgard
NRCS
702-289-4065

Bill Davidson
N-4
702-235-7466

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

360 Lincoln Street
P. O. Box 8
Caliente, NV 89008-0008
Phone: (702) 726-3101

"Commitment to Quality"

Date: 6/20/96

Dear Producer:

As you may have already been informed, there is an ongoing drought situation in Lincoln County.

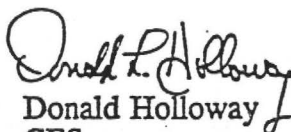
As the Lincoln County Emergency Board, we are attempting to coordinate a cooperative effort to alleviate some of the financial impact of reduced grazing permits. The native range administered by the Ely District of the BLM is in need of relief. This may come in the form of more normal precipitation, however with historic lows in cattle prices, many producers may not be able to survive until then. The grazing boards, conservation, farm and extension services, in each county have been asked to identify producers who would be willing or able to move cattle from the effected southern areas to allotments in the north. The District Manager has suggested that additional AUM's may be available in the northern region of the district. This is a commendable approach to working together and should be looked at as another option to herd liquidation, purchasing feed or renting pasture.

Any AUM's licensed or used in this situation would be considered TNR (Temporary Non-Renewable) and available at the normal rate of \$1.35. Other factors to consider are water availability, freight and labor expenses. Additional costs should be worked out between the individuals in each area. We are compiling a list of areas where forage may be available, but we also need an idea of the numbers of producers and livestock who may participate. This information should be provided to the Ag Service Center in Caliente or Ely. Producers who feel they may want to participate should contact either office as soon as possible.

Sincerely,



Richard A. Orr
NRCS
702-726-3101



Donald Holloway
CES
702-726-3109



Joel Twitchell
FSA
702-289-4990

The NRCS in Nevada will be the recognized leader in the conservation of natural resources by conforming to customer expectations through quality service, improved communication, and teamwork.

The Natural Resources Conservation Service, formerly the Soil Conservation Service, works hand-in-hand with the American people to conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

Public Outreach List For Drought Notification

1. Commission For The Preservation of Wild Horses.

Cathy Barcomb - 688-2626
Roy Leach

2. Nevada Division of Wildlife (Region II & III).

3. Public Lands Commission (Chairman)

Lincoln Co.

Ray Flake - 726-3729

White Pine Co.

Jerry Miller -

4. Emergency Boards

Lincoln Co.

Richard A. Orr (NRCS) - 726-3101

Donald Holloway (CES) - 726-3109

White Pine Co.

Joel Twitchell (FSA) - 289-4990

Bob Wilson (CES) - 289-4459

Wayne Imgard (NRCS) - 289-4065

Bill Davidson (N-4) - 235-7466

5. Nevada Cattlemen's Association

Betsy Mcfarland

6. Lincoln County Commissioners

Ed Wright (Chairman) -962-5205

7. Permittees

8. Lincoln County Game Board

Mark Holt

9. Lincoln County Record

Connie Simkins

July 11, 1996

Points of Discussion to Include in Contacts With Interested Publics Regarding Ely District Drought Strategy.

1. Due to the extremely dry conditions we suspect an Emergency Drought situation in Lincoln County.
2. We have established a Drought Monitoring Priority List for the purpose of conducting allotment inspections and drought documentation. (Attached)
3. The priority list was based on factors to include:
 - a.) Known field conditions observed while conducting other field work.
 - b.) Wild horse Herd Management Areas.
 - c.) Riparian Areas.
 - d.) Allotments with livestock turned out.
4. We will begin conducting allotment inspections for the purpose of determining the extent of the drought conditions on July 15, 1996. During the period July 15 thru August 2, 1996 we will be conducting allotment inspections based on the Drought Monitoring Priority List. Inspections will need to be completed quickly due to the potential emergency nature of the situation.
5. Drought conditions will be evaluated based on the criteria in the Drought Indicator Checklist (Attached).
6. We are contacting interested publics to notify them of:
 - a.) The drought situation.
 - b.) Our strategy in dealing with the situation.
 - c.) To provide them an opportunity for participation in the process.
 - d.) BLM participation will be from an interdisciplinary team approach where public interest or permittees are involved in allotment inspection.
7. Due to the Emergency nature of the Drought situation, we need to know by Friday July 12th C.O.B. if any interested publics or permittees will be attending a specific tour. Fax a copy of the Drought Monitoring Priority list to those interested!!
8. Based on the findings from the Drought Indicator Checklist several possible actions could be taken. Examples could include:
 - a.) Developing alternative management practices
 - b.) Contacting County Emergency Boards
 - c.) Emergency removal of wild horses.
 - d.) Livestock Closures

**DROUGHT MONITORING TOUR DATES AND INTERESTED PUBLICS &
GROUPS/AGENCIES ATTENDING AS OF 7-19-96**

MONITORING PRIORITY	ALLOTMENT NAME	PERSONNEL ATTENDING	Tour Date
1	HENRIE COMPLEX	ROBERT LEWIS (PERMITTEE) MIKE WADSWORTH (PERMITTEE REP.) REY FLAKE (LCPLC) STEVE CULVERWELL (LCPLC) HAL BYBEE (BLM) TIM REUWSAAT (BLM) SHAWN SMITH (BLM) SHIRLEY CHRISTMAN (BLM) KYLE TEEL (BLM)	8-5
2	SHEEP FLAT	FRANCIS & CORY LYTLE (PERMITTEE) REY FLAKE (LCPLC) TIM REUWSAAT (BLM) SHIRLEY CHRISTMAN (BLM) SHAWN SMITH (BLM) KYLE TEEL (BLM) BOB BROWN (BLM)	7-25
3	OAK SPRING & CLIFF SPRING	REY FLAKE (PERMITTEE & LCPLC) HAL BYBEE (BLM) SHIRLEY CHRISTMAN (BLM) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM) BOB BROWN (BLM)	7-22
4	DELAMAR	MERLIN FLAKE (PERMITTEE) REY FLAKE (LCPLC) FISH & WILDLIFE SERVICE HAL BYBEE (BLM) SHIRLEY CHRISTMAN (BLM) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM) BOB BROWN (BLM)	7-22
5	GRAPEVINE	ROBERT LEWIS (PERMITTEE) REY FLAKE (LCPLC) FISH & WILDLIFE SERVICE SHIRLEY CHRISTMAN (BLM) KYLE TEEL (BLM)	8-1
6	BREEDLOVE	ROBERT LEWIS (PERMITTEE) REY FLAKE (LCPLC) FISH & WILDLIFE SERVICE SHIRLEY CHRISTMAN (BLM) KYLE TEEL (BLM)	8-2
7	COTTONWOOD	ROBERT LEWIS (PERMITTEE) MIKE WADSWORTH (PERMITTEE REP.) STEVE CULVERWELL (LCPLC) REY FLAKE (LCPLC) FISH & WILDLIFE SERVICE TIM REUWSAAT (BLM) HAL BYBEE (BLM) SHAWN SMITH (BLM) SHIRLEY CHRISTMAN (BLM) KYLE TEEL (BLM)	8-5
8	BALD MOUNTAIN	STEVE MEDLIN (PERMITTEE) HAL BYBEE (BLM) SHAWN SMITH (BLM) SHIRLEY CHRISTMAN (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM) BOB BROWN (BLM)	7-23
9	ELY SPRING CATTLE	LAIRD WHIPPLE (PERMITTEE) REY FLAKE (LCPLC) SHAWN SMITH (BLM) KYLE TEEL (BLM)	7-26

10	HAYPRESS	SHAWN SMITH (BLM) KYLE TEEL (BLM) BOB BROWN (BLM)	7-29
11	BARCLAY	KELTON HAFEN (PERMITTEE) FENTON BOWLER (PERMITTEE) REY FLAKE (LCPLC) HAL BYBEE (BLM) SHAWN SMITH (BLM) SHIRLEY CHRISTMAN (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM)	7-25
12	ENTERPRISE	GARY FARNSWORTH (PERMITTEE) BILL MULL (PERMITTEE) SHAWN SMITH (BLM) KYLE TEEL (BLM)	7-29
13	OAK WELLS	GEORGE ANDRUS (PERMITTEE) STEVE CULVERWELL (LCPLC) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM)	7-30
14	DEER LODGE	JOHN MATHES KYLE TEEL (BLM) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM)	7-31
15	UVADA	KENNETH LEE KYLE TEEL (BLM) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM)	7-31
16	APPLEWHITE	STEVE CULVERWELL (LCPLC) REY FLAKE (LCPLC) KYLE TEEL (BLM) SHIRLEY CHRISTMAN (BLM)	8-1
17	MUSTANG	EDWIN HIGBEE (PERMITTEE) REY FLAKE (LCPLC) VARLIN HIGBEE (LCPLC) KYLE TEEL (BLM) SHAWN SMITH (BLM)	7-26
18	ELY SPRING SHEEP	LAIRD WHIPPLE (PERMITTEE) SHAWN SMITH (BLM) REY FLAKE (LCPLC) KYLE TEEL (BLM)	7-26
19	MCCUTCHEON SPRING	KENNY RHOADES (PERMITTEE REP.) HAL BYBEE (BLM) SHAWN SMITH (BLM) SHIRLEY CHRISTMAN (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM)	7-23
20	MAHOGANY PEAK	BRAD BOWLER (PERMITTEE) SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM)	7-31
21	CROSSROADS	ELDON HAFEN (PERMITTEE) KELTON HAFEN (PERMITTEE) GEORGE ANDRUS SHAWN SMITH (BLM) DOMENIC BOLOGNANI (BLM) KYLE TEEL (BLM)	7-30

LCPLC = LINCOLN COUNTY PUBLIC LAND COMMISSION

DROUGHT MONITORING PRIORITY FOR THE CALIENTE FIELD STATION AS OF
7-19-96

MONITORING PRIORITY	ALLOTMENT NAME	LIVESTOCK ON ALLOTMENT AT PRESENT	HERD MANAGEMENT AREA	Tour Date	RIPARIAN
1	HENRIE COMPLEX	YES	MEADOW VALLEY, MORMAN MOUNTAINS, AND BLUENOSE PEAK	8-5	YES
2	SHEEP FLAT	YES	CLOVER MOUNTAINS AND MILLER FLAT	7-25	YES
3	OAK SPRING & CLIFF SPRING	YES	DELAMAR MOUNTAINS AND RATTLESNAKE	7-22	NO
4	DELAMAR	NO	DELAMAR	7-22	NO
5	GRAPEVINE	YES	NO	8-1	NO
6	BREEDLOVE	YES	WILD HORSES OUTSIDE OF HMA PRESENT ON ALLOTMENT	8-2	NO
7	COTTONWOOD	YES	CLOVER MOUNTAINS	8-5	YES
8	BALD MOUNTAIN	YES	NO	7-23	NO
9	ELY SPRING CATTLE	YES	NO	7-26	NO
10	HAYPRESS	YES	NO	7-29	NO
11	BARCLAY	YES	WILD HORSES OUTSIDE OF HMA PRESENT ON ALLOTMENT	7-25	NO
12	ENTERPRISE	YES	NO	7-29	NO
13	OAK WELLS	YES	MILLER FLAT	7-30	NO
14	DEER LODGE	YES	DEER LODGE CANYON	7-31	NO
15	UVADA	YES	MILLER FLAT	7-31	NO
16	APPLEWHITE	YES	APPLEWHITE	8-1	NO
17	MUSTANG	YES	NO	7-26	NO
18	ELY SPRING SHEEP	NO	HIGHLAND PEAK	7-26	NO
19	MCCUTCHEON SPRING	YES	NO	7-23	NO
20	MAHOGANY PEAK	YES	DEER LODGE CANYON	7-31	NO
21	CROSSROADS	NO	WILD HORSES OUTSIDE OF HMA PRESENT ON ALLOTMENT	7-30	NO

8/30/96

**DROUGHT MONITORING PRIORITY LIST
FOR SCHELL LAND USE PLANNING AREA**

Tour Date	Allotment Name	Wild Horse HMA
Aug. 07, 1996	Wilson Creek Dry Lake Use Area	Dry Lake
Aug. 09, 1996	Pine Creek/West Water Gap	No
Aug. 09, 1996	Coal Valley Lake	Seaman
Aug. 09, 1996	Dry Farm	Seaman
Aug. 14, 1996	Hardy Springs	White River
Aug. 14, 1996	Sunnyside	Dry Lake and Seaman
Aug. 16, 1996	South Coal Valley	Seaman
Aug. 16, 1996	Black Bluff	Seaman
	West Timber Mtn.	Seaman
	Batterman Wash	Seaman
	Timber Mountain	Seaman
	Fox Mountain	Seaman
Aug. 27, 1996	Wilson Creek Hamblin Valley Use Area	Wilson Creek

1020.03
(NV055.01)

Dear Interested Public:

The Bureau of Land Management Range staff is conducting drought tours on the following allotments and dates. Some of the items we will be looking at are water availability, utilization (especially on key areas), condition of animals and available forage. Departure time refers to departure from the Caliente Field Station Office.

Monitoring Priority	Allotment Name	Tour Date	Departure Time
1	Rabbit Springs Sheep Springs	8-13	10:00 am
2	Klondike Bennett Spring Black Canyon	8-14	8:00 am
3	Highland Peak	8-15	8:00 am
4	Condor Canyon	8-16	8:00 am

If you would like to attend any or all of the above days please contact Domenic Bolognani at (702) 726-8100.

Sincerely,

Domenic Bolognani

Domenic Bolognani
Range Management Specialist



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

Notice of Closure Agreement

Severe drought conditions exist within the Oak Springs Allotment. The allotment was recently visited to evaluate drought conditions. Field observations indicate that available forage and are extremely limited and that severe drought conditions exist. Precipitation for the current year is 50% of normal. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal, while some locations have no current year's growth. As a result, utilization of the previous year's growth averages heavy to severe over portions of the allotment.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions, western 1/3 of Pasture 4 of the Oak Springs Allotment is hereby temporarily closed to livestock grazing. This Notice of Closure is effective immediately.

Authorized grazing use for the Oak Springs Allotment for the remainder of the 1996 grazing year (8/15/96 to 2/28/97) will be in accordance with the Allotment Management Plan and as follows;

<u>Permittee</u>	<u>Active Use</u>	<u>Temporary Suspension</u>
H&H Land and Livestock Co.	6,723 AUMs	209 AUMs

The closure will be in effect until the following criteria have been met:

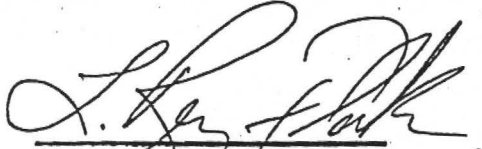
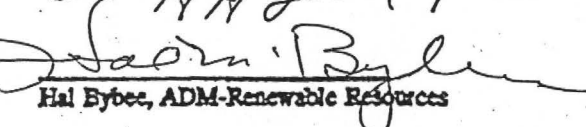
1. Vegetative growth begins and can sufficiently support livestock grazing; and
2. The key forage species all show good vigor.

Upon determination that the perennial vegetation has been reestablished, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions and water availability associated with lifting this closure. If drought conditions continue into the 1997 grazing year, forage conditions and water availability will be evaluated prior to authorizing grazing use for the 1997 grazing year. A map of the closure area is attached. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the western 1/3 pasture 4 of the Oak Springs Allotment (T. 5 & 6 S., R. 64 & 65 E.) under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

8-15-96
Date

8-15-96
Date


Permittee
H&H Land & Cattle Co.

Hal Bybee, ADM-Renewable Resources

OAK SPRING ALLOTMENT

PASTURE 4

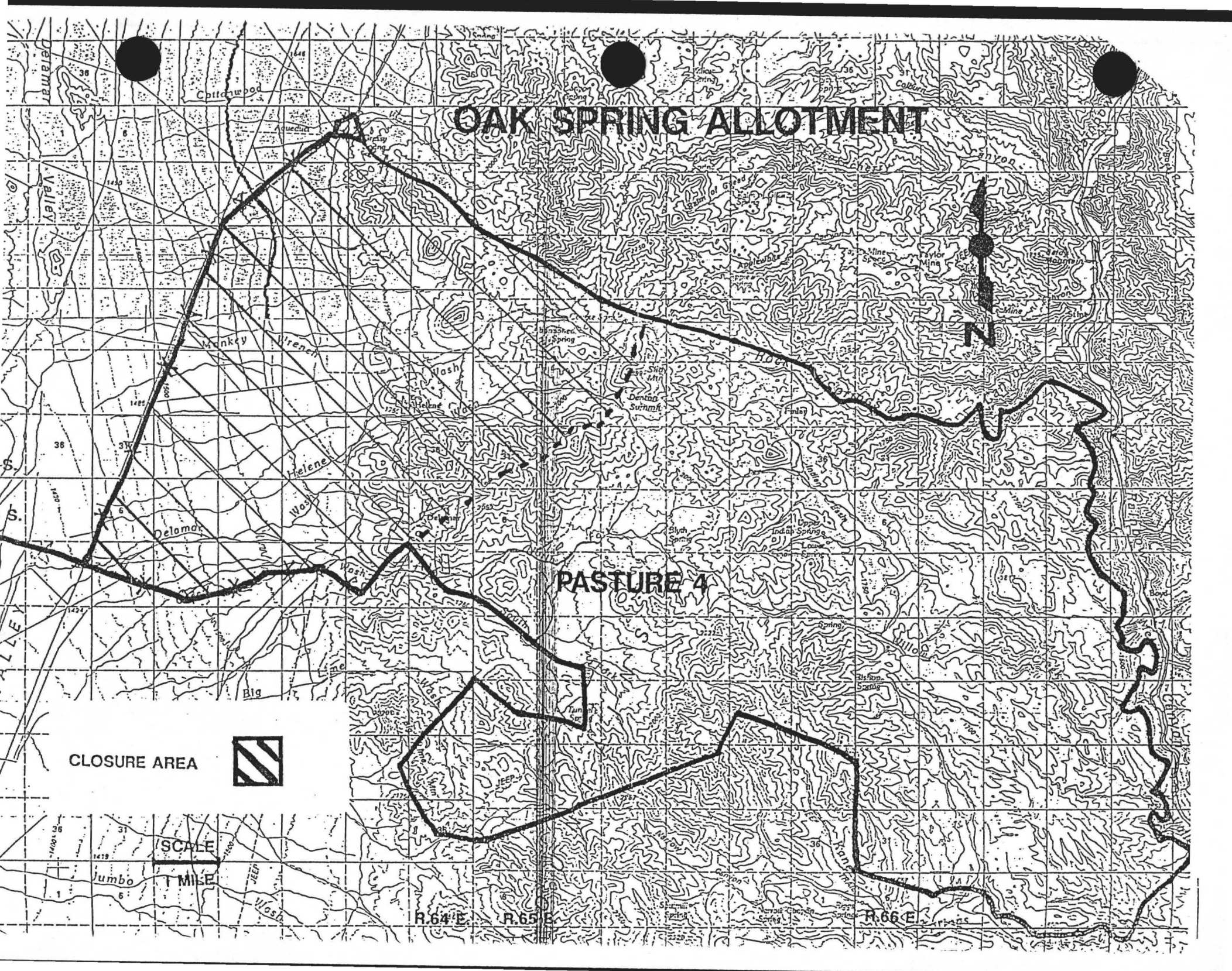


CLOSURE AREA



SCALE

1 MILE





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

Notice of Closure Agreement

Severe drought conditions exist within the Sheep Flat Allotment. The allotment was recently visited to evaluate drought conditions. Field observations indicate that available forage and water availability are extremely limited and that severe drought conditions exist. Precipitation for the current year is 50% of normal. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal, while some locations have no current year's growth. As a result, utilization of the previous year's growth averages heavy to severe over portions of the allotment. Water availability is extremely limited. Fire Flat Reservoir in pasture 1 is dry, while Sheep Flat Reservoir in pasture 2 may provide water for another one to two weeks.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions, Pastures 1, 2, and 3 of the Sheep Flat Allotment are hereby temporarily closed to livestock grazing. This Notice of Closure is effective immediately.

Authorized grazing use for the Sheep Flat Allotment for the remainder of the grazing year (8/15/96 - 9/30/96) will be as follows:

<u>Permitted</u>	<u>Active Use *</u>	<u>Temporary Suspension</u>
Lavar Wade and Francis Lyle	86 AUMs	164 AUMs
Ken Nowby	150 AUMs	709 AUMs

* Active use will occur on pastures 4, 5 and 6.

~~This closure will be in effect until the following criteria have been met:~~

1. Vegetative growth begins and can sufficiently support livestock grazing; and
2. The key forage species all show good vigor.

Upon determination that the perennial vegetation has been reestablished, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions and water availability associated with lifting this closure. If drought conditions continue into the 1997 grazing year, forage conditions and water availability will be evaluated prior to authorizing grazing use for the 1997 grazing year. A map of the closure area is attached. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within pastures 1,2,3 of the Sheep Flat Allotment (T. 4, S, 6 & 7 S., R. 68 & 69E.) under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

8-13-96
 Date
 8-13-96
 Date
 8-13-96
 Date

Kenneth A. Nowby
 Permitted
Lavar Wade
 Permitted
Hal Bybee
 Hal Bybee, ADM-Renewable Resources



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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<u>Permittee</u>	<u>Active Use *</u>	<u>Temporary Suspension</u>
Lavar Wade and Francis Lytle	86 AUMs	164 AUMs
Ken Newby	150 AUMs	709 AUMs

~~* Active use will occur on pastures 4, 5, and 6.~~

The closure will be in effect until the following criteria have been met:

1. Vegetative growth begins and can sufficiently support livestock grazing; *and*
2. The key forage species all show good vigor.

Upon determination that the perennial vegetation has been reestablished, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions and water availability associated with lifting this closure. If drought conditions continue into the 1997 grazing year, forage conditions and water availability will be evaluated prior to authorizing grazing use for the 1997 grazing year. A map of the closure area is attached. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

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Date

Permittee

Date

Permittee

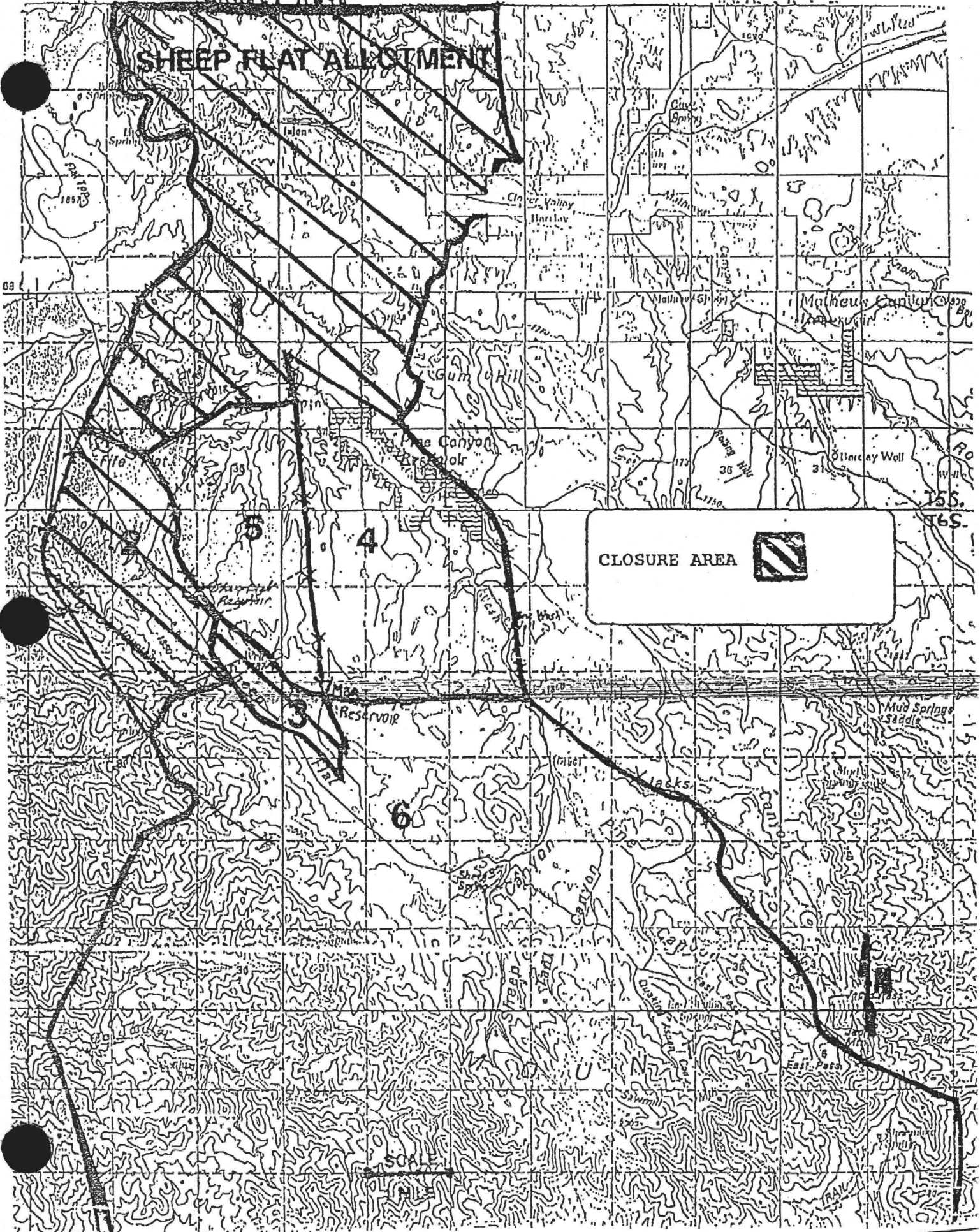
8-13-96

Date

Hal M. Bybee

Hal Bybee, ADM-Renewable Resources

SHEEP FLAT ALLOTMENT



AUG 13 1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

Notice of Closure Agreement

In accordance with the Notice of Closure for the Dry Lake/Thorely use area of the Wilson Creek Allotment, signed by the Ely District Manager on August 13, 1996, this area is closed to livestock grazing due to severe drought conditions. The area of closure is a parcel of land lying within the Wilson Creek Allotment, Ely District, Nevada BLM, more particularly described as follows:

Commencing at the intersection of the divide of the Pahroc Mountains with the south section line of section 16, T1S, R63E, which is the southwest corner of the use area, and true point of beginning; thence east along the section line to the SE corner of section 14, T1S, R64E; thence north along the section line to the NE corner of section 2, T1S, R64E; thence west along the section line to the SE corner of section 34, T1N, R64E; thence north along the section line to the SE corner of section 10, T1N, R64E; thence east along the section line to the divide of the Bristol Range; thence northerly along the divide to the boundary of the Bristol-Jackrabbit group of patented mining claims in section 32, T3N, of R66E; thence northerly along the east and north boundary of the Bristol-Jackrabbit group of patented mining claims to the point where the claim line intersects the divide of the Bristol Range on the north side of the block; thence northerly along the divide to the section line between sections 12 and 13, T3N, R65E; thence southwesterly along the Sunnyside-Bristol Well Road to the divide of the Pahroc Mountains between sections 21 and 28, T3N, R63E; thence southerly along the divide to the true point of beginning.

All sectionalized subdivisions refer to the Mt. Diablo baseline and meridian.

The use areas were recently inspected to evaluate drought conditions. Field observations indicate that available forage is extremely limited and that severe drought conditions exist. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal and some areas have almost no production.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions the Dry Lake/Thorely Use Area of the Wilson Creek Allotment is hereby temporarily closed to livestock grazing.

This Notice of Closure is effective immediately. The closure will be in effect until the following criteria have been met:

1. Vegetative growth begins and can sufficiently support livestock grazing
2. The key forage species exhibit good vigor.

Upon determination that the perennial vegetation production is sufficient, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions associated with lifting this closure. A map of the closure area is attached.

The temporary withholding of active use until the drought closure is lifted will be as follows:

Matt Bulloch 779 Aums (Dry Lake)
1271 Aums (Dry Lake Thorely)

Ken Lytle 1060 Aums

Gordon Lytle 1060 Aums

Frank Delmue 2081 Aums

EL Tejon 5169 Aums

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Dry Lake /Thorely Use area of the Wilson Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

Would like reasons of time to remove them

8/13/96
Date

Frank Delmue
Frank Delmue

9-4-96
Date

Hal Bybee
Hal Bybee
ADM-Renewable Resources

AUG 13 1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

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The use areas were recently inspected to evaluate drought conditions. Field observations indicate that available forage is extremely limited and that severe drought conditions exist. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal and some areas have almost no production.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions the Dry Lake/Thorely Use Area of the Wilson Creek Allotment is hereby temporarily closed to livestock grazing.

This Notice of Closure is effective immediately. The closure will be in effect until the following criteria have been met:

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1271 Aums (Dry Lake Thorely)

Ken Lytle 1060 Aums

Gordon Lytle 1060 Aums

Frank Delmue 2081 Aums

EL Tejon 5169 Aums

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

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there is a possibility that cattle may get loose and drift over onto the Lake - we would like at least time to gather them

8/13-96
Date

Gordon Lytle
Gordon Lytle

9-4-96
Date

Hal M. Bybee
Hal Bybee
ADM-Renewable Resources



AUG 13 1996

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

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Therefore, for the protection of the vegetation and watershed due to severe drought conditions the Dry Lake/Thorely Use Area of the Wilson Creek Allotment is hereby temporarily closed to livestock grazing.

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Frank Delmue 2081 Aums

EL Tejon 5169 Aums

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Dry Lake /Thorely Use area of the Wilson Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

We would like time to gather any cattle that drift over to Dry Lake without being impounded.

8/13/96
Date

9-4-96
Date

Matt Bulloch
Matt Bulloch
By Linda Bulloch

Hal M. Bybee
Hal Bybee
ADM-Renewable Resources



AUG 13 1996

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

Notice of Closure Agreement

In accordance with the Notice of Closure for the Dry Lake/Thorely use area of the Wilson Creek Allotment, signed by the Ely District Manager on August 13, 1996, this area is closed to livestock grazing due to severe drought conditions. The area of closure is a parcel of land lying within the Wilson Creek Allotment, Ely District, Nevada BLM, more particularly described as follows:

Commencing at the intersection of the divide of the Pahroc Mountains with the south section line of section 16, T1S, R63E, which is the southwest corner of the use area, and true point of beginning; thence east along the section line to the SE corner of section 14, T1S, R64E; thence north along the section line to the NE corner of section 2, T1S, R64E; thence west along the section line to the SE corner of section 34, T1N, R64E; thence north along the section line to the SE corner of section 10, T1N, R64E; thence east along the section line to the divide of the Bristol Range; thence northerly along the divide to the boundary of the Bristol-Jackrabbit group of patented mining claims in section 32, T3N, of R66E; thence northerly along the east and north boundary of the Bristol-Jackrabbit group of patented mining claims to the point where the claim line intersects the divide of the Bristol Range on the north side of the block; thence northerly along the divide to the section line between sections 12 and 13, T3N, R65E; thence southwesterly along the Sunnyside-Bristol Well Road to the divide of the Pahroc Mountains between sections 21 and 28, T3N, R63E; thence southerly along the divide to the true point of beginning.

All sectionalized subdivisions refer to the Mt. Diablo baseline and meridian.

The use areas were recently inspected to evaluate drought conditions. Field observations indicate that available forage is extremely limited and that severe drought conditions exist. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal and some areas have almost no production.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions the Dry Lake/Thorely Use Area of the Wilson Creek Allotment is hereby temporarily closed to livestock grazing.

This Notice of Closure is effective immediately. The closure will be in effect until the following criteria have been met:

1. Vegetative growth begins and can sufficiently support livestock grazing
2. The key forage species exhibit good vigor.

Upon determination that the perennial vegetation production is sufficient, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions associated with lifting this closure. A map of the closure area is attached.

The temporary withholding of active use until the drought closure is lifted will be as follows:

Matt Bulloch 779 Aums (Dry Lake)
1271 Aums (Dry Lake Thorely)

Ken Lytle 1060 Aums

Gordon Lytle 1060 Aums

Frank Delmue 2081 Aums

EL Tejon 5169 Aums

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Dry Lake /Thorely Use area of the Wilson Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2:

*IF COWS DRIFT ON DRY LAKE, WE WOULD WANT
TIME TO REMOVE THEM*

8/13/96
Date

Ken Lytle
Ken Lytle

9-4-96
Date

Hal Bybee
Hal Bybee
ADM-Renewable Resources



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4110.3 (NV-043)

Notice of Closure

To Whom It May Concern:

Severe drought conditions exist within the Sheep Flat and Oak Springs Allotments. These allotments are administered out of the Caliente Field Station, Ely District located in Caliente, Nevada. These allotments were recently visited to evaluate drought conditions. Field observations indicate that available forage and/or water availability are extremely limited and that severe drought conditions exist. Precipitation for the current year is 50% of normal. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal, while some locations have no current year's growth. As a result, utilization of the previous year's growth averages heavy to severe over portions of both allotments. Water availability is extremely limited in Sheep Flat Allotment pastures 1,2 and 3. Fife Flat Reservoir in pasture 1 is dry, while Sheep Flat Reservoir in pasture 2 may provide water for another one to two weeks.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions, Pastures 1, 2, and 3 of the Sheep Flat allotment and the western 1/3 of Pasture 4 of the Oak Springs allotment are hereby temporarily closed to livestock grazing. The affected permittees have agreed to remove livestock from these areas and to not allow livestock to return to the area until forage has been reestablished.

~~Authorized grazing use for the Sheep Flat Allotment for the remainder of the grazing year (8/15/96 - 9/30/96)~~
will be as follows;

<u>Permittee</u>	<u>Active Use *</u>	<u>Temporary Suspension</u>
Lavar Wade and Francis Lytle	86 AUMs	164 AUMs
Ken Newby	150 AUMs	709 AUMs

* Active use will occur in pastures 4, 5 and 6.

Authorized grazing use for the Oak Springs Allotment for the remainder of the 1996 grazing year (8/15/96 to 2/28/97) will be in accordance with the Allotment Management Plan as follows;

<u>Permittee</u>	<u>Active Use *</u>	<u>Temporary Suspension</u>
H&H Land & Livestock Co.	6,723 AUMs	209 AUMs

This Notice of Closure is effective immediately. The closure will be in effect until the following criteria have been met:

1. Vegetative growth begins and can support livestock grazing; *and*
2. The key forage species all show good vigor.

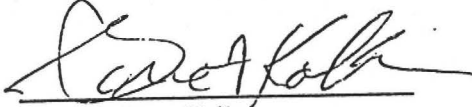
Upon determination that the perennial vegetation has been reestablished, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions and water availability associated with lifting this

closure. If drought conditions continue into the 1997 grazing year, forage conditions and water availability will be evaluated prior to authorizing grazing use for the 1997 grazing year.

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b). Detailed maps of the closure areas are available at the Caliente Field Station, Ely District, Caliente, Nevada.

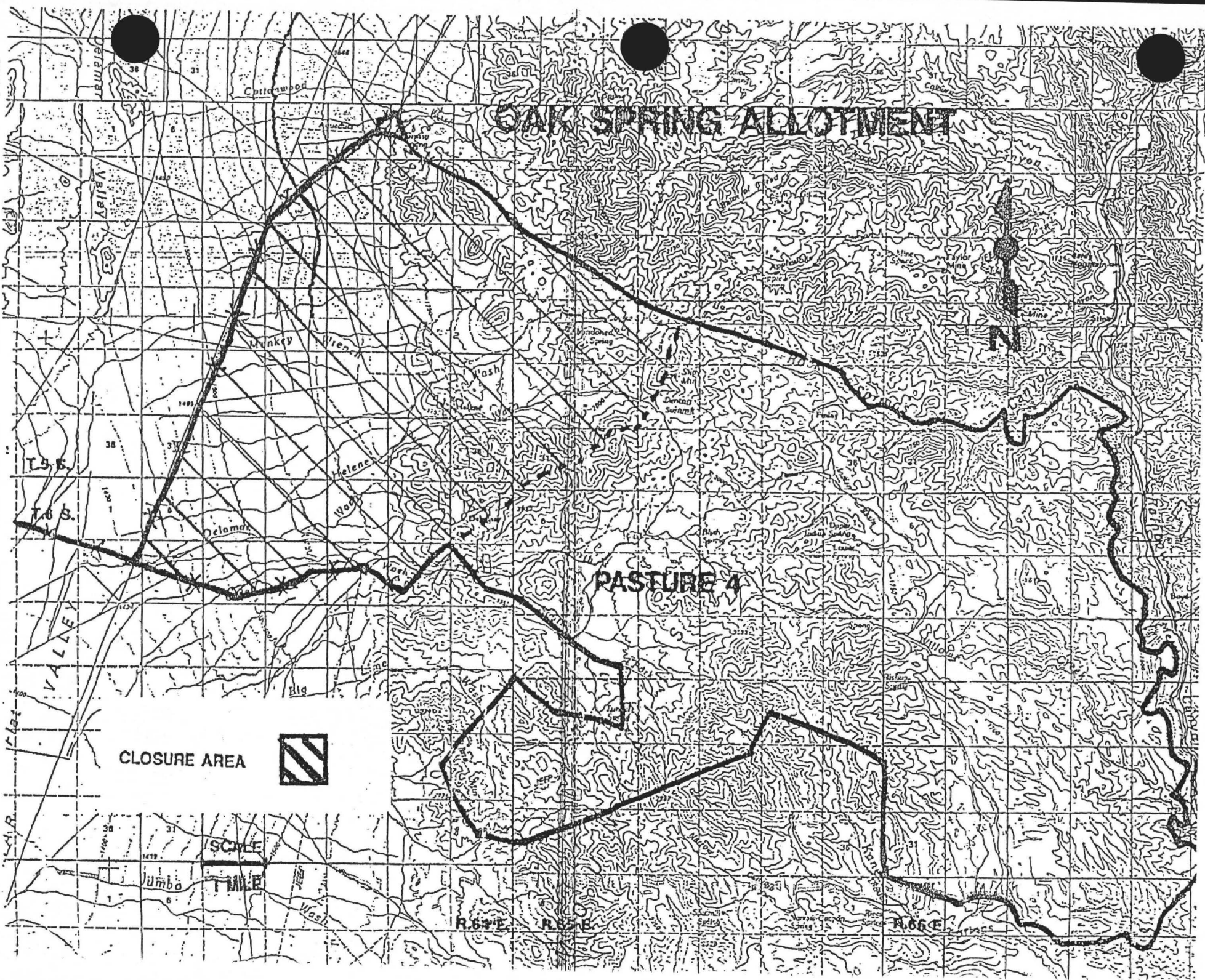
This Notice is to inform you that any unauthorized livestock grazing upon public lands within pastures 1, 2 and 3 of the Sheep Flat (T. 4, 5, 6 & 7 S., R. 68 & 69 E.) and the western 1/3 of pasture 4 of the Oak Springs Allotment (T. 5 & 6 S., R. 64 & 65 E.) under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

8/12/96
Date


Gene Kolkman
Ely District Manager



Aug 12, 1996 03:48PM FROM Caliente Field Station



GAIL SPRING ALLOTMENT

PASTURE 4

CLOSURE AREA



SCALE
1 MILE

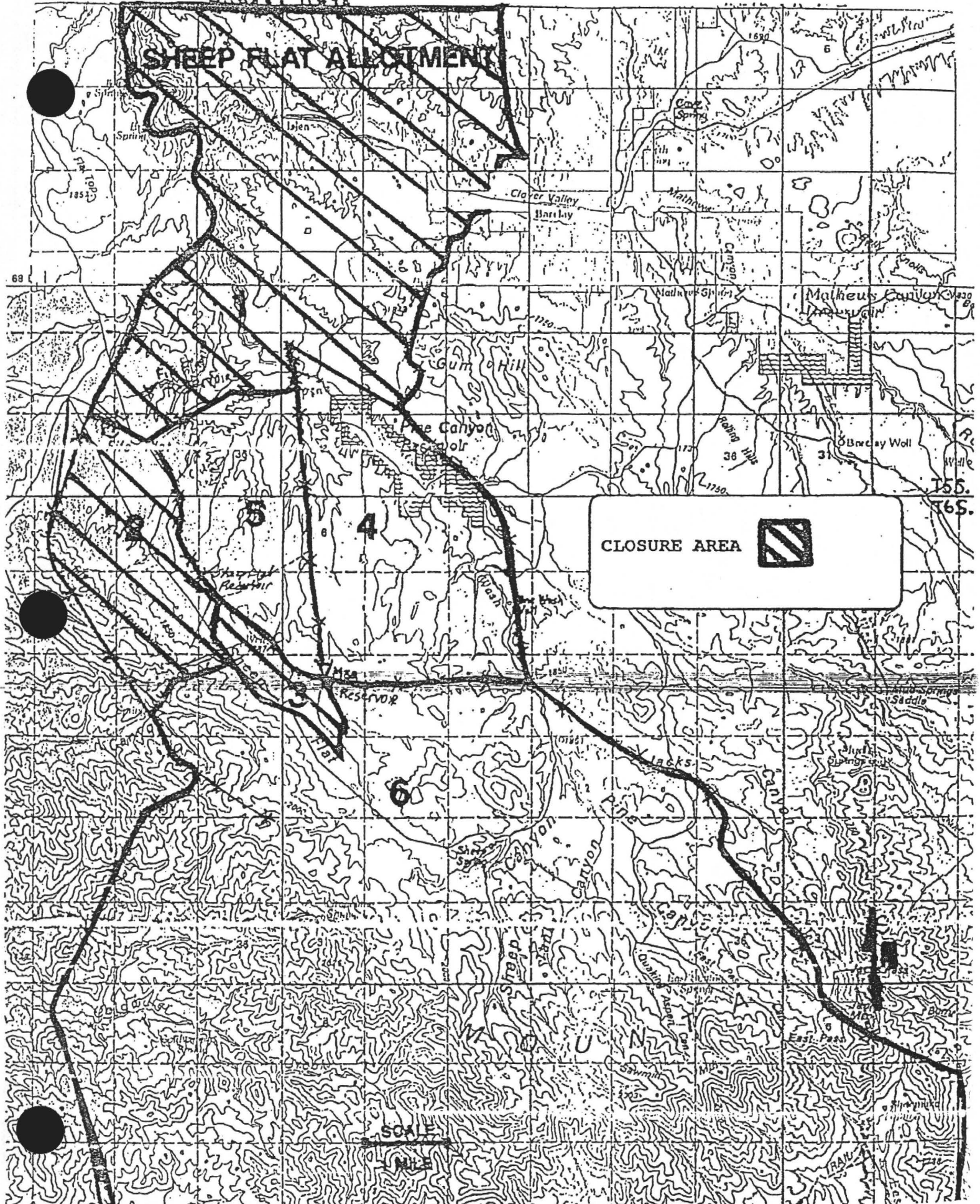
Jumbo

R.67E

R.67E

R.66E

SHEEP FLAT ALLOTMENT



CLOSURE AREA 

SCALE
1 MILE



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4110.3 (NV046)

Notice of Closure

TO WHOM IT MAY CONCERN:

For protection of the soil and vegetation, due to drought, I hereby close to all livestock grazing use the public lands located within the Dry Lake/Thorely use area of the Wilson Creek Allotment. The area of closure is a parcel of land in Lincoln County lying within the Wilson Creek Allotment, Ely District, Nevada BLM, more particularly described as follows:

Commencing at the intersection of the divide of the Pahroc Mountains with the south section line of section 16, T1S, R63E, which is the southwest corner of the use area, and true point of beginning; thence east along the section line to the SE corner of section 14, T1S, R64E; thence north along the section line to the NE corner of section 2, T1S, R64E; thence west along the section line to the SE corner of section 34, T1N, R64E; thence north along the section line to the SE corner of section 10, T1N, R64E; thence east along the section line to the divide of the Bristol Range; thence northerly along the divide to the boundary of the Bristol-Jackrabbit group of patented mining claims in section 32, T3N, of R66E; thence northerly along the east and north boundary of the Bristol-Jackrabbit group of patented mining claims to the point where the claim line intersects the divide of the Bristol Range on the north side of the block; thence northerly along the divide to the section line between sections 12 and 13, T3N, R65E; thence southwesterly along the Sunnyside-Bristol Well Road to the divide of the Pahroc Mountains between sections 21 and 28, T3N, R63E; thence southerly along the divide to the true point of beginning.

All sectionalized subdivisions refer to the Mt. Diablo baseline and meridian.

The use areas were recently inspected to evaluate drought conditions. Field observations indicate that available forage is extremely limited and that severe drought conditions exist. The below normal precipitation has resulted in forage vigor and current year's growth being far below normal and some areas have almost no production.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions the Dry Lake/Thorely Use Area of the Wilson Creek Allotment is hereby temporarily closed to livestock grazing.

This Notice of Closure is effective immediately for the 1996 grazing season and will remain in effect until the following criteria have been met:

1. Vegetative growth begins and can sufficiently support livestock grazing
2. The key forage species exhibit good vigor.

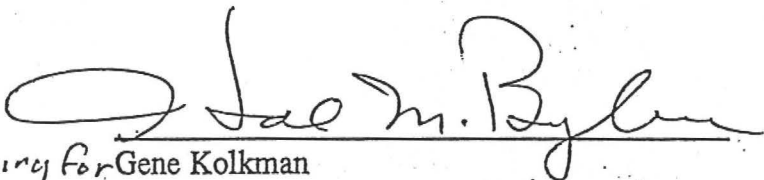
Upon determination that the perennial vegetation production is sufficient, authorized grazing use will resume. We will ask for your participation when evaluating forage conditions associated with lifting this closure. A map of the closure area is attached.

This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Dry Lake /Thorely Use area of the Wilson Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

Detailed maps of the closed area are available at the Ely District Office, Ely, Nevada.

13 Aug 96
Date


acting for Gene Kolkman
Ely District Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Caliente Resource Area
P.O. Box 237
Caliente, Nevada 89008



IN REPLY REFER TO:

In Reply Refer To:
4700
(NV-055.07)

CERTIFIED MAIL # _____
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

CLOVER MOUNTAINS HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Clover Mountains HMA and forage production is extremely limited. Forage utilization in the primary use area (Pastures #1-3) within the Sheep Flat Allotment is currently in a severe use category. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 50 wild horses must be gathered from the HMA as well as approximately 15 horses from the Crossroads Allotment (non-HMA area). All wild horses gathered will be placed into the adoption program. No other portions of the Clover Mountains HMA will be gathered in conjunction with this emergency gather operation. The gather operation will be conducted by helicopter trapping and/or roping.

Under current drought management measures, domestic livestock are being removed from Pastures #1-3 of the Sheep Flat Allotment, per signed livestock management agreements with the individual permittees. A notice of closure agreement for ~~livestock grazing is being issued in conjunction with this decision for those areas affected by the emergency gather operation.~~

Due to the emergency nature of these conditions, it is necessary to implement this immediately, through a Full Force and Effect Decision. This decision will be implemented on or about August 17, 1996 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. The Sheep Flat Allotment portion of the Clover Mountains HMA is receiving heavy to severe use, has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses' consumption is limited to that water supplied by the livestock permittees and will no longer be available following the removal of the permittees' livestock.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that the decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a

thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

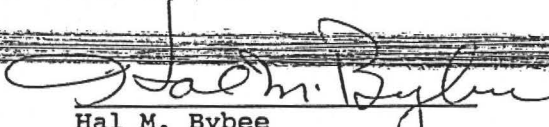
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (702) 726-8100 or write at the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resources
Ely District

08-16-96
Date

Approval:


Gene A. Kolkman
District Manager
Ely District

8/16/96
Date

Enclosure:

1. Capture Plan

CLOVER MOUNTAINS HERD MANAGEMENT AREA
EMERGENCY GATHER PLAN

PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist

Caliente Field Station
Ely District
August 1996

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Area (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Clover Mountains HMA and adjacent areas:

Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.

Forage Utilization: Severe utilization on herbaceous forage documented throughout the emergency gather area.

Precipitation: Precipitation for the past 12 months has averaged 50% of normal.

Water Availability: Water is limited to troughs being filled by the livestock permittee. All reservoirs within the emergency gather area are dry. Following removal of the permittee's livestock, water will no longer be supplied to the troughs in the emergency area.

Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 4

Capture Method: Helicopter trapping and/or roping

Number of Animals: Horses: capture 50, remove 50 within the HMA
capture 15, remove 15 outside the HMA

Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada. The areas of concern are Pastures #1-3 of the Sheep Flat Allotment within the Clover Mountains HMA and the Crossroads Allotment (non-HMA), approximately 20 miles east of Caliente, Nevada (refer to Map 1 & 2). No other portions of the Clover Mountains HMA will be gathered in conjunction with this emergency gather.

III. Time Frame

The animals will be removed from the HMA beginning approximately August 20, 1996 and continuing until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound to gather wild horses will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

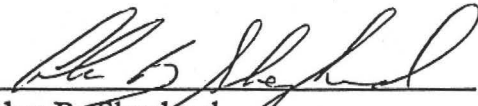
VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

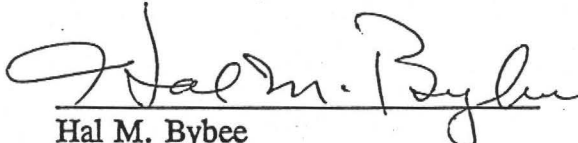
The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

Prepared By:


Alan B. Shepherd
Wild Horse and Burro Specialist
Caliente Field Station
Ely District

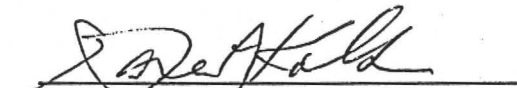
8/15/96
Date

Concurrence By:


Hal M. Bybee
ADM - Renewable Resources
Ely District

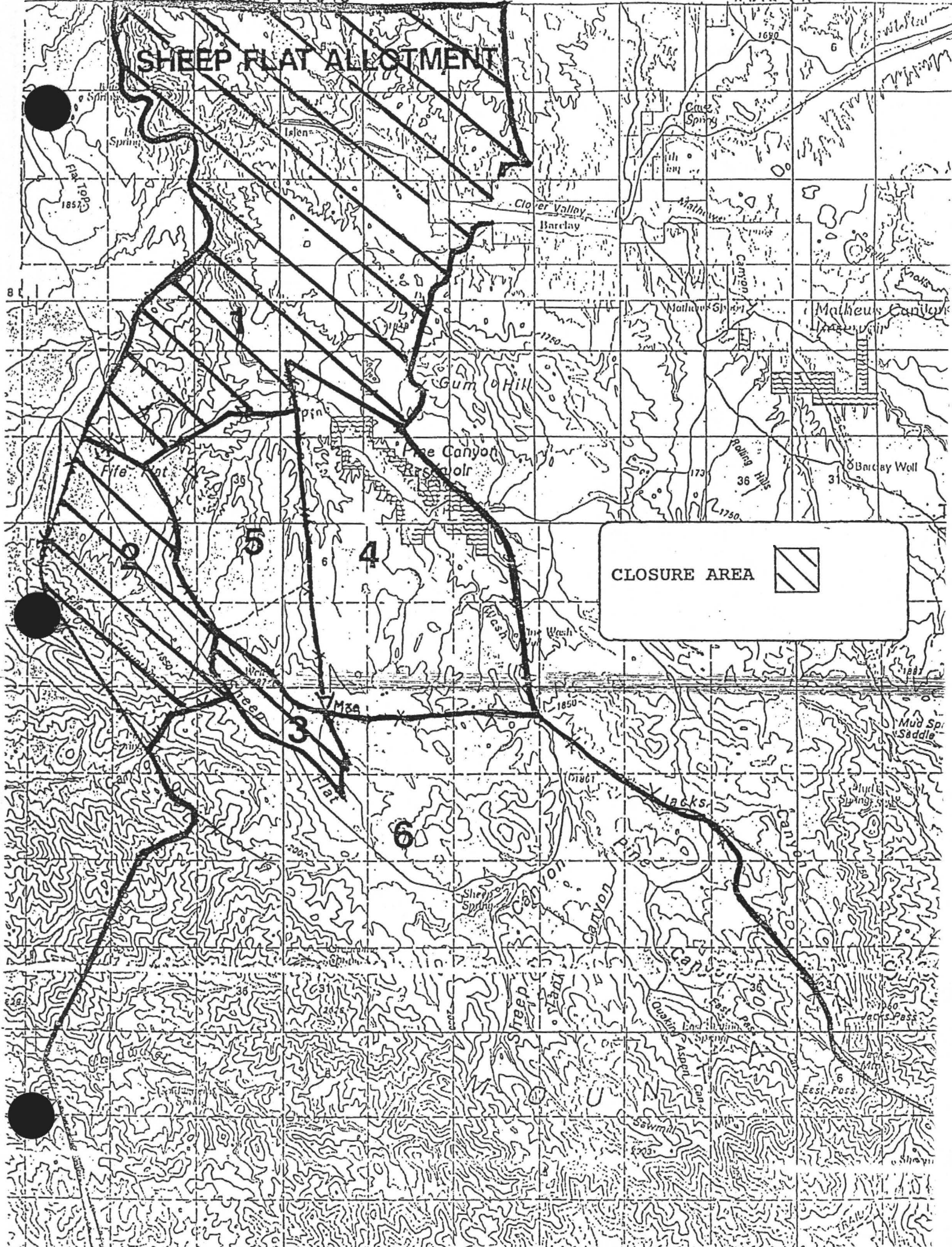
08/16/96
Date


Approved By:

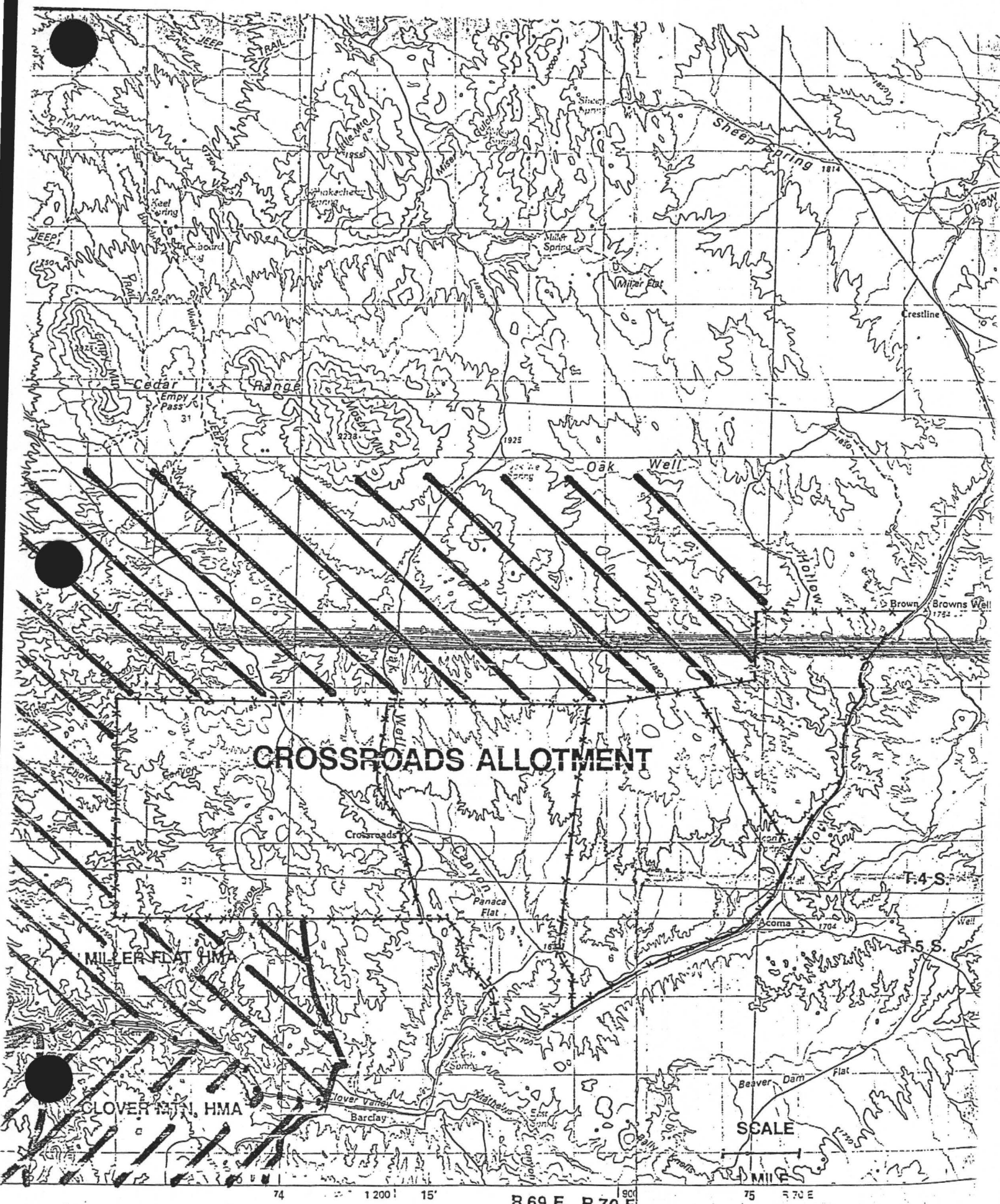

Gene A. Kolkman
District Manager
Ely District

8/16/96
Date

SHEEP FLAT ALLOTMENT



CLOSURE AREA 



CROSSROADS ALLOTMENT

MILNER FLAT HMA

CLOVER VALLEY HMA

SCALE

R.69 E. R.70 E.

MILES



United States Department of the Interior

TAKE
PRIDE IN
AMERICA

BUREAU OF LAND MANAGEMENT
Caliente Resource Area
P.O. Box 237
Caliente, Nevada 89008

IN REPLY REFER TO:

In Reply Refer To:
4700
(NV-055.07)

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

DELAMAR MOUNTAINS HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Delamar Mountains HMA and forage production is extremely limited. Forage utilization in the western one-third of Pasture #4 of the Oak Springs Allotment is currently in a severe use category. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 75 wild horses must be gathered from within the HMA and approximately 10 horses residing outside the HMA within Pasture #2 of the Oak Springs Allotment. All wild horses gathered will be placed into the adoption program. No other portions of the Delamar Mountains HMA will be gathered in conjunction with this emergency gather operation. The gather operation will be conducted by helicopter trapping and/or roping.

Under current drought management measures, domestic livestock are being removed from the western one-third of the Oak Springs Allotment, per signed livestock management agreement with the allotment permittee. A notice of closure agreement for livestock grazing is being issued in conjunction with this decision for those areas affected by the emergency gather operation.

Due to the emergency nature of these conditions, it is necessary to implement this immediately, through a Full Force and Effect Decision. This decision will be implemented on or about August 17, 1996 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. Pasture #4 of the Oak Springs Allotment portion of the Delamar Mountains HMA is receiving severe use, has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses' consumption is limited to that water supplied by the livestock permittees and will no longer be available following the removal of the permittees' livestock.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"(c) Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild

horses or burros from public or private lands in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

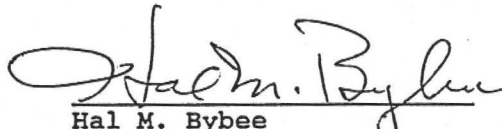
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

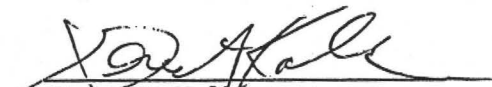
ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (702) 726-8100 or write at the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resources
Ely District

08/16/96
Date

Approval:


Gene A. Kolkman
District Manager
Ely District

8/16/96
Date

Enclosure:

1. Capture Plan

DELAMAR MOUNTAINS HERD MANAGEMENT AREA
EMERGENCY GATHER PLAN

PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist

Caliente Field Station
Ely District
August 1996

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Area (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Delamar Mountains HMA:

Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.

Forage Utilization: Severe utilization on herbaceous forage documented throughout the emergency gather area.

Precipitation: Precipitation for the past 12 months has averaged 50% of normal.

Water Availability: Water is limited to troughs being filled by the livestock permittee. All reservoirs within the emergency gather area are dry. Following removal of the permittee's livestock, water will no longer be supplied to the troughs in the emergency area.

Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 4

Capture Method: Helicopter trapping and/or roping

Number of Animals: Horses: capture 75, remove 75 within the HMA
capture 10, remove 10 outside the HMA

Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada. The area of concern is Pasture #4 of the Oak Springs Allotment within the Delamar HMA and Pasture #2 of the Oak Springs Allotment (non-HMA), approximately 20 miles southwest of Caliente, Nevada (refer to Map 1). No other portions of the Delamar Mountains HMA will be gathered in conjunction with this emergency gather.

III. Time Frame

The animals will be removed from the HMA beginning approximately August 20, 1996 and continuing until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound to gather wild horses will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

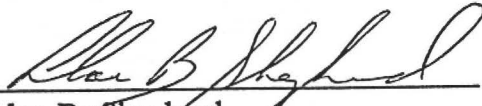
VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

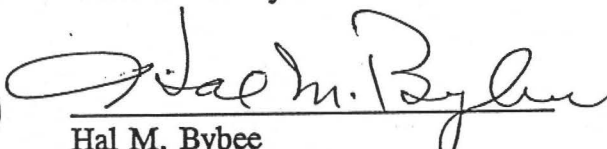
The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

Prepared By:


Alan B. Shepherd
Wild Horse and Burro Specialist
Caliente Field Station
Ely District

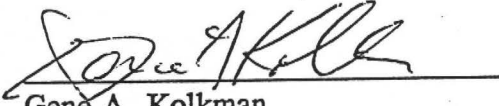
8/15/96
Date

Concurrence By:


Hal M. Bybee
ADM - Renewable Resources
Ely District

08-16-96
Date

Approved By:


Gene A. Kolkman
District Manager
Ely District

8/16/96
Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Resource Area

P.O. Box 237

Caliente, Nevada 89008

IN REPLY REFER TO:

In Reply Refer To:

4700

(NV-055.07)

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

MEADOW VALLEY MOUNTAINS HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Meadow Valley Mountains HMA and adjacent areas. Forage production is extremely limited. Forage utilization in the primary use area (southern half of the HMA) is currently in a severe use category. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 50 wild horses must be gathered from the Meadow Valley Mountains HMA as well as approximately 40 wild horses and burros within the Breedlove Allotment (non-HMA area). All wild horses gathered will be placed into the adoption program. The gather operation will be conducted by helicopter trapping and/or roping. No wild horses will be retained within the Meadow Valley Mountains HMA following this gather operation.

The west half of the Henrie Complex Allotment is currently closed to domestic livestock grazing (per Full Force and Effect Decision issued 11/24/93).

Due to the emergency nature of these conditions, it is necessary to implement this immediately through a Full Force and Effect Decision. This decision will be implemented on or about August 17, 1996 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. The Meadow Valley Mountains HMA is receiving severe use, has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses' consumption is limited to two water sources located within Hackberry Canyon on the southern boundary of the HMA. All reservoirs within the HMA are dry.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

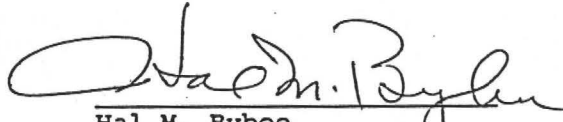
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

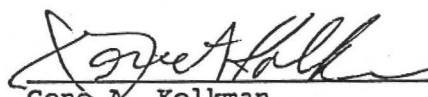
ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (702) 726-8100 or write at the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resource
Ely District

08/16/96
Date

Approval:


Gene A. Kolkman
District Manager
Ely District

8/16/96
Date

Enclosure:

1. Capture Plan

MEADOW VALLEY MOUNTAINS HERD MANAGEMENT AREA
EMERGENCY GATHER PLAN

PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist

Caliente Field Station
Ely District
August 1996

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Area (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist within the Meadow Valley Mountains HMA and adjacent areas:

- Forage Condition:** Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.
- Forage Utilization:** Severe utilization on herbaceous forage documented throughout the emergency gather area.
- Precipitation:** Precipitation for the past 12 months has averaged 50% of normal.
- Water Availability:** Water is limited to two water sources located within Hackberry Canyon along the southern boundary of the HMA. All reservoirs within the emergency gather area are dry.
- Animal Condition:** Lact./mares = condition classes 2-4
Studs = condition class 4
- Capture Method:** Helicopter trapping and/or roping
- Number of Animals:** Meadow Valley Mountains HMA Horses: capture 50, remove 50
Non-HMA area (Breedlove Allotment): capture 40, remove 40 (horses and burros)
- Age Criterion:** All horses and burros

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada. The areas of concern are the Meadow Valley Mountains HMA (western one-half of the Henrie Complex Allotment) and the Breedlove Allotment (non-HMA area), approximately 30 miles south of Caliente, Nevada (refer to Map 1&2).

III. Numbers of Horses

Based on census data obtained in November 1994 and past gathers, approximately 50 wild horses exist within the Meadow Valley Mountains HMA and approximately 40 horses and burros within the Breedlove Allotment. No wild horses will be retained within the Meadow Valley Mountains HMA following the gather operation.

IV. Time Frame

The animals will be removed from the HMA beginning approximately August 20, 1996 and continuing until the emergency gather is completed.

V. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

VI. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VII. Desert Tortoise

1. The contractor and all employees will be informed about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, protocols for dealing with tortoises if and when they are encountered, and the definition of "take" via informational handout provided by the BLM. Each shall be advised of the potential impacts to desert tortoises and potential penalties (up to \$50,000 in fines and one year in prison) for taking a Federally protected species.

The contractor shall ensure that all personnel associated with the gather shall acknowledge receipt of the tortoise information through the signing of the acknowledgement for which shall be returned to the BLM upon completion of circulation to all employees.

2. Trap sites and holding corral locations and helicopter staging areas will be selected with the input of a BLM biologist to ensure that impacts to tortoise habitat are avoided.

3. Trap sites, holding corral, and staging areas will be surveyed for desert tortoise and tortoise burrows before use by a BLM biologist. If an active tortoise burrow is located on the proposed site, a new site will be selected.
4. To the extent possible, all traps, holding corrals, and staging areas will be located in previously disturbed areas, which are devoid of perennial vegetation and will be located adjacent to existing roads and trails.
5. To the extent possible, vehicular travel will be restricted to existing roads, trails, and washes. If off-road vehicular travel is necessary, the route will be surveyed for the presence of desert tortoise before use.
6. Garbage and similar items will be placed in appropriate containers and not allowed to accumulate in order to discourage the attraction of ravens to the area.
7. If a desert tortoise should wander onto the trap, holding corral or staging area, all activities with the potential to harm the desert tortoise will cease until the tortoise moves out of harms way under its own volition.
8. The discharge of firearms will be prohibited at all trap and holding sites except in the case of euthanasia of a captured animal (wild horse, mule, or burro) by a authorized BLM employee.

VIII. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

IX. Branded and Claimed Animals

A notice of intent to impound to gather wild horses and burros will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

X. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

XI. Responsibility

The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

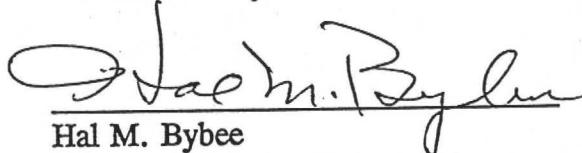
Prepared By:



Alan B. Shepherd
Wild Horse and Burro Specialist
Caliente Field Station
Ely District

8/15/96
Date

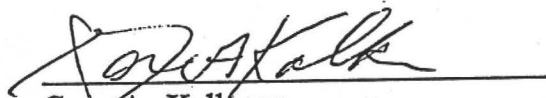
Concurrence By:



Hal M. Bybee
ADM - Renewable Resources
Ely District

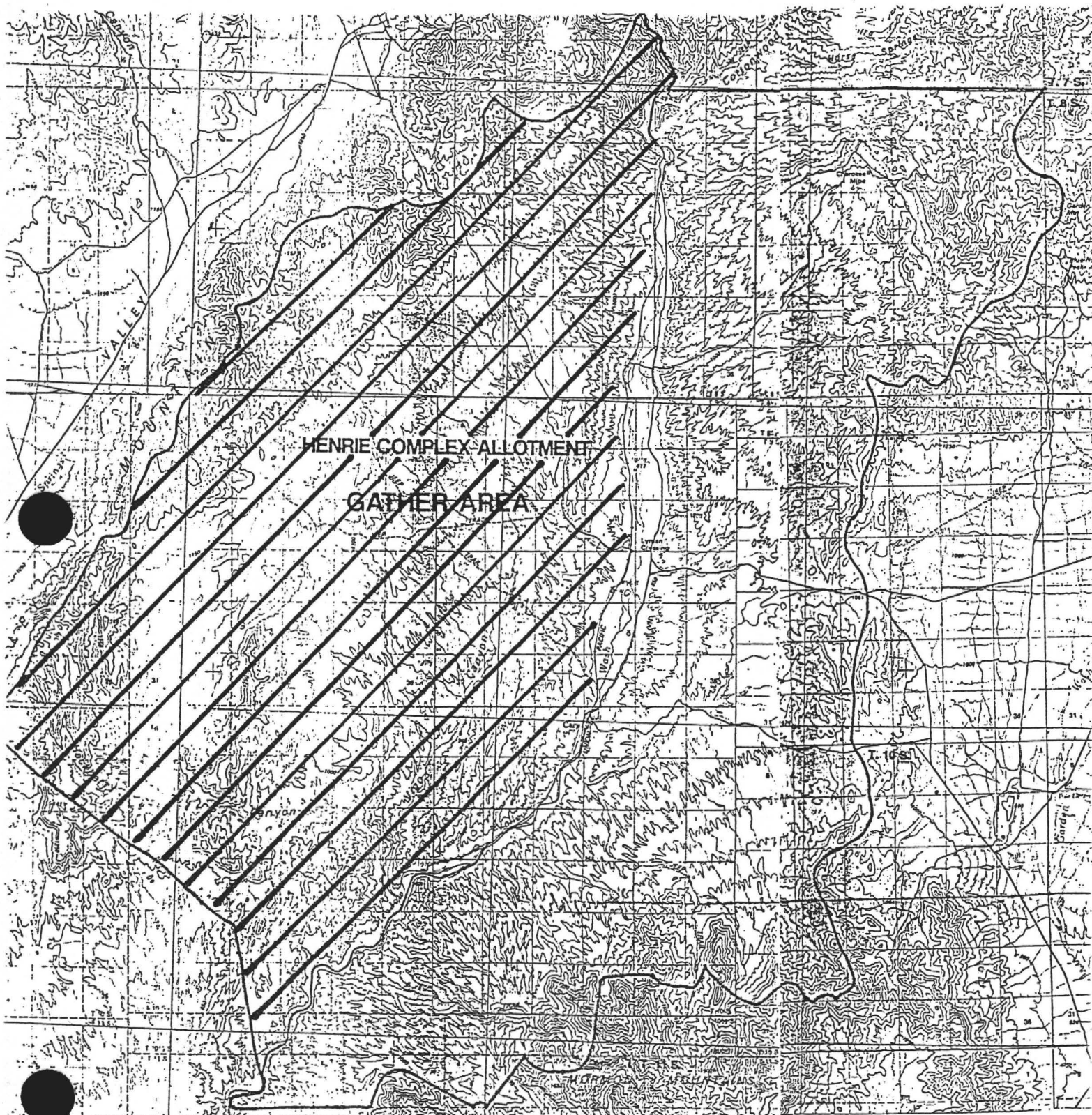
08/16/96
Date

Approved By:



Gene A. Kolkman
District Manager
Ely District

8/16/96
Date



HENRIE COMPLEX ALLOTMENT

GATHER AREA

HENRIE COMPLEX ALLOTMENT

MEADOW VALLEY HMA

MORMON MTN HMA

BREEDLOVE ALLOTMENT

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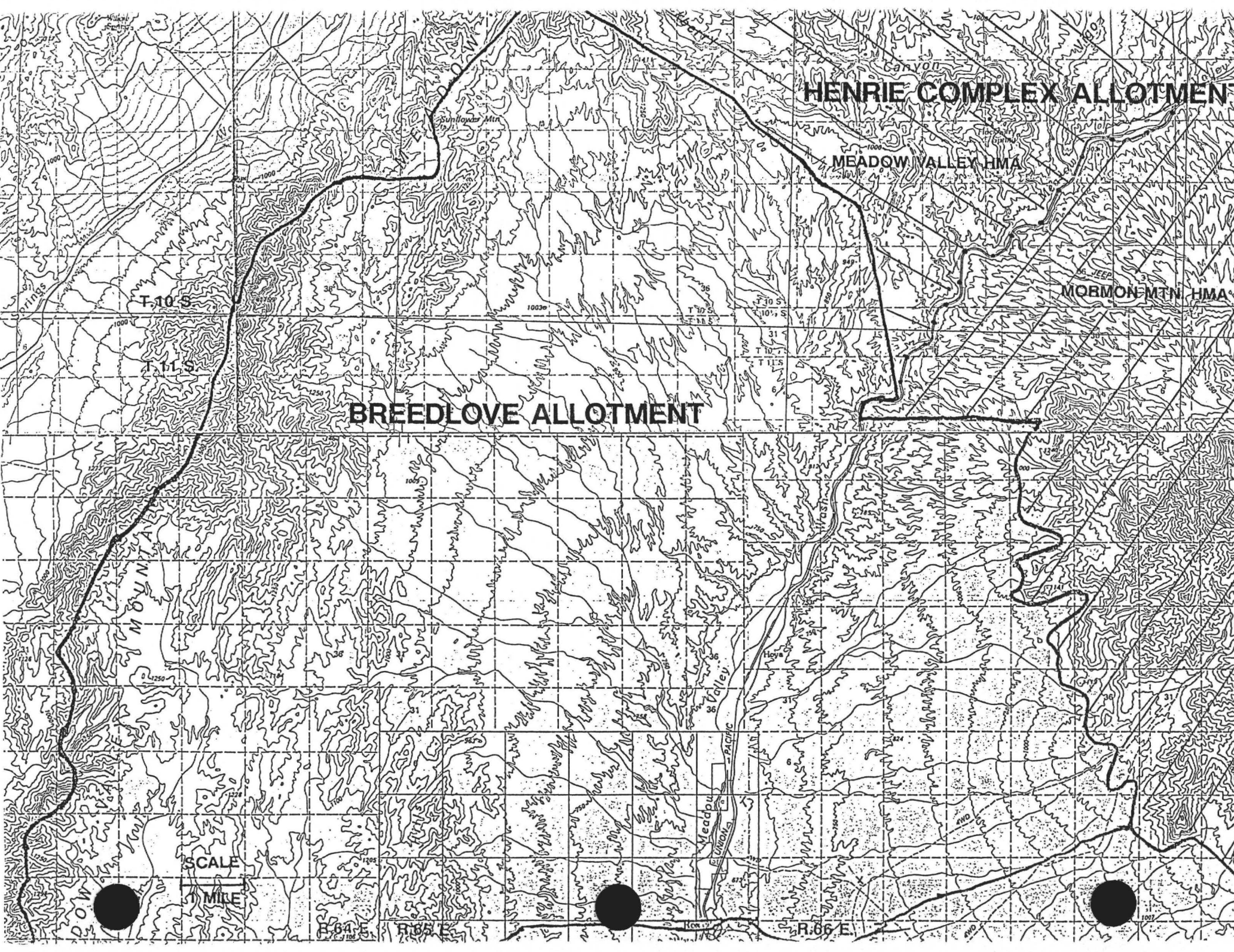
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Caliente Resource Area
P.O. Box 237
Caliente, Nevada 89008



IN REPLY REFER TO:

In Reply Refer To:
4700
(NV-055.07)

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

MILLER FLAT HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Miller Flat HMA and forage production is extremely limited. Forage utilization in the western two-thirds of the Sheep Springs Allotment and over 75% of the Rabbit Springs Allotment is currently in a severe use category. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 100 wild horses must be gathered from within the HMA. All wild horses gathered will be placed into the adoption program. No other portions of the Miller Flat HMA will be gathered in conjunction with this emergency gather operation. The gather operation will be conducted by helicopter trapping and/or roping.

The Rabbit Springs and Sheep Springs allotments have not been grazed by domestic livestock (cattle and/or sheep) for approximately twenty (20) years due to large numbers of wild horses and limited forage.

Due to the emergency nature of these conditions, it is necessary to implement this immediately, through a Full Force and Effect Decision. This decision will be implemented on or about October 2, 1996 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. The western two-thirds of the Sheep Springs allotment and over 75% of the Rabbit Springs allotment is receiving severe use, has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses' consumption is limited to a water source (Rabbit Spring) which is located on private property. The remaining spring sources supply only marginal amounts of water for the horses.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"(c) Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

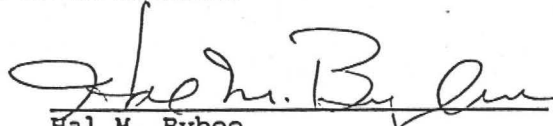
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

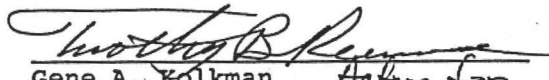
ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (702) 726-8100 or write at the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resources
Ely District

8-26-96
Date

Approval:


Gene A. Kolkman Acting for
District Manager
Ely District

8/26/96
Date

Enclosure:

1. Capture Plan

**MILLER FLAT HERD MANAGEMENT AREA
EMERGENCY GATHER PLAN**

**PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist**

**Caliente Field Station
Ely District
August 1996**

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Area (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Miller Flat HMA:

- Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.
- Forage Utilization: Severe utilization on herbaceous forage documented throughout the emergency gather area.
- Precipitation: Precipitation for the past 12 months has averaged 50% of normal.
- Water Availability: Water is limited to Rabbit Spring, which is located on private property. All other spring sources supply marginal water to the wild horses. All reservoirs within the emergency gather area are dry.
- Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 4
- Capture Method: Helicopter trapping and/or roping
- Number of Animals: Horses: capture 150, remove 100
- Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada. The areas of concern are the western two-thirds of the Sheep Springs Allotment and all of the Rabbit Springs Allotment within the Miller Flat HMA, approximately 20 miles northeast of Caliente, Nevada (refer to Map 1). No other portions of the Miller Flat HMA will be gathered in conjunction with this emergency gather.

III. Time Frame

The animals will be removed from the HMA beginning approximately October 2, 1996 and continuing until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound to gather wild horses will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

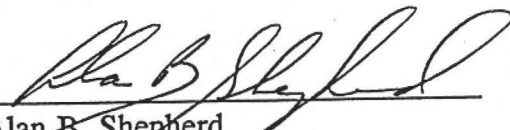
VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

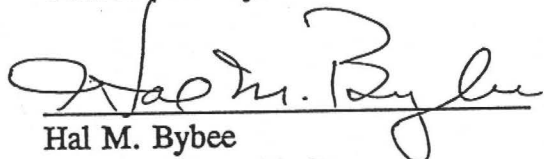
The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

Prepared By:


Alan B. Shepherd
Wild Horse and Burro Specialist
Caliente Field Station
Ely District

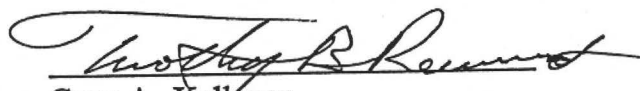
8/20/96
Date

Concurrence By:


Hal M. Bybee
ADM - Renewable Resources
Ely District

8-26-96
Date

Approved By:


Gene A. Kolkman
District Manager
Ely District

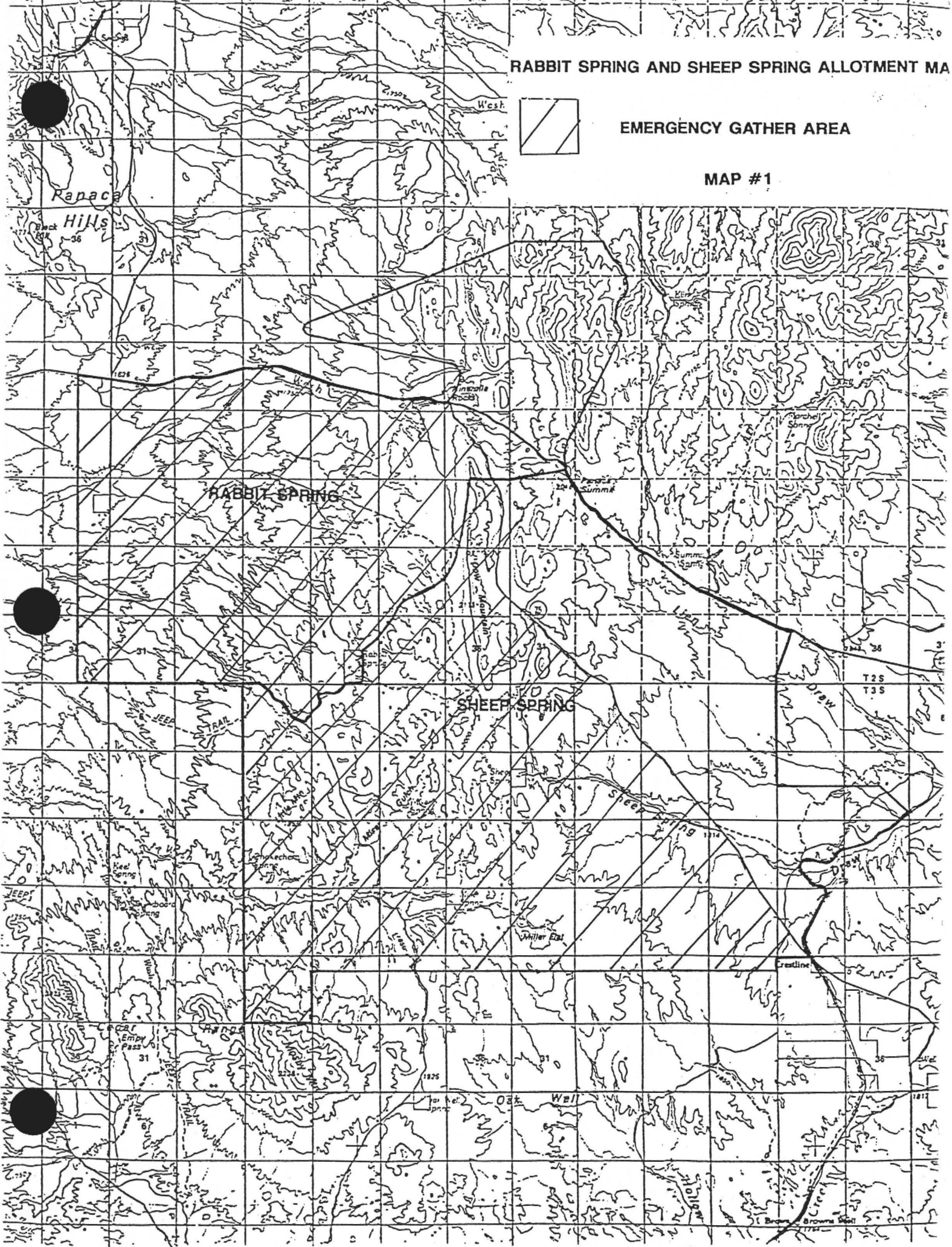
8/26/96
Date

RABBIT SPRING AND SHEEP SPRING ALLOTMENT MA



EMERGENCY GATHER AREA

MAP #1





IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4700 (NV-043)

AUG 30 1996

Dear Reader:

This letter is to inform you that the Ely District plans to remove wild horses from five herd management areas (HMAs) that are being severely impacted by drought conditions in Lincoln and Nye Counties. From field observations of available forage and water, as well as a review of monitoring data, it has been determined that the wild horses and their habitat are already being adversely impacted in these five HMAs. Forage production is extremely limited, as is available water, annual precipitation is less than 50% of normal, and forage utilization is already moderate to severe. Winter feed is already overutilized. Livestock closures are occurring in conjunction with the wild horse removals. The removals are scheduled to commence immediately and will continue through September until completed.

The five HMAs scheduled for emergency removals are Highland Peak, Miller Flat, White River, Seaman, and Dry Lake. It is proposed to remove approximately 175 wild horses from within and adjacent to the Highland Peak HMA. Approximately 70 wild horses will remain in the HMA upon completion of the removal. The Highland Peak HMA Emergency Gather Plan and Notice of Final Full Force and Effect Decision are enclosed (Enclosure 1).

There are approximately 100 wild horses proposed for the scheduled removal from the Miller Flat HMA, and approximately 60 wild horses will remain in the HMA after the removal is completed. The Miller Flat HMA Emergency Gather Plan and Notice of Final Full Force and Effect Decision are enclosed (Enclosure 2).

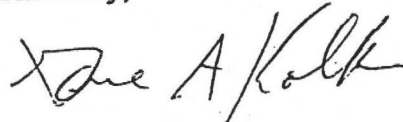
There are approximately 275 wild horses scheduled to be removed from the White River HMA during the emergency removal, and approximately 250 wild horses are proposed for removal from the Seaman HMA. Upon completion, the number of wild horses remaining in these two HMAs will be at the lower limits of their respective appropriate management levels (AMLs) as established through the allotment monitoring/evaluation process. The White River HMA will have 77 wild horses remaining and 136 will remain in the Seaman HMA. Enclosed you will find the DR/FONSI, Environmental Assessment (EA No. NV-040-96-05), and the Wild Horse Capture/Removal Plan for the Seaman and White River HMAs (Enclosure 3).

Approximately 200 wild horses are proposed for removal from the Dry Lake HMA, to reach the lower limits of the AML established for the HMA. There will be 80 horses remaining in the HMA after the removal. This removal is a continuation of the action addressed in the Wild Horse Removal Plan for Dry Lake/Wilson Creek HMA and the Patterson Seedings and

the associated EA No. NV-040-02-22, which were approved on May 28, 1993. This removal does not constitute a new decision, since current monitoring data show the established AML is still valid and the capture methods remain the same as stated in the Removal Plan/EA, even though the removal is driven by emergency drought conditions. Therefore, as stated in the Removal Plan and EA, a new DR/FONSI is not required to achieve or maintain the established AML through removal of excess animals.

If you have any questions regarding these emergency drought removals, contact Bob Brown, Ely District Wild Horse Specialist, at the above address or phone him at (702) 289-1843.

Sincerely,



Gene A. Kolkman
District Manager

4 Enclosures

1. Highland Peak HMA Emergency Gather Plan and Notice of Decision (8pp)
2. Miller Flat HMA Emergency Gather Plan and Notice of Decision (7pp)
3. Wild Horse Capture/Removal Plan for the Seaman and White River HMAs, EA No. NV-040-96-05 and DR/FONSI (47pp)
4. Dry Lake maps (2pp)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Caliente Resource Area
P.O. Box 237
Caliente, Nevada 89008



IN REPLY REFER TO:

In Reply Refer To:
4700
(NV-055.07)

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

HIGHLAND PEAK HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Highland Peak HMA and adjacent areas. Forage production is extremely limited. Forage utilization in the Klondike, Black Canyon, Bennett Springs (western one-half), and Highland Peak (eastern one-half) allotments of the Highland Peak HMA is currently in a severe use category. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 150 wild horses must be gathered from within the HMA as well as approximately 25 horses from outside the HMA within the Ely Springs Cattle Allotment (10 horses) and from private property around Castleton, NV (15 horses). All wild horses gathered will be placed into the adoption program. The gather operation will be conducted by helicopter trapping and/or roping.

The allotments contained within the Highland Peak HMA are grazed annually during the winter months (Dec-Mar) by domestic sheep.

Due to the emergency nature of these conditions, it is necessary to implement this immediately, through a Full Force and Effect Decision. This decision will be implemented on or about September 27, 1996 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. The western one-half of the Bennett Springs allotment, eastern one-half of the Highland Peak allotment, and all of the Klondike and Black Canyon allotments is receiving severe use, has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses' consumption is limited to a water source (Bennett Springs) which is located on private property. The remaining spring sources supply only marginal amounts of water for the horses.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"(c) Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

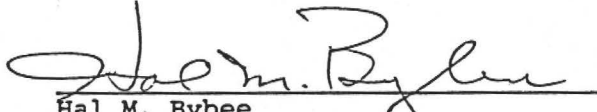
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

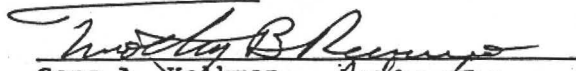
ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (702) 726-8100 or write at the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resources
Ely District

8-26-96
Date

Approval:


Gene A. Kolkman *Acting for*
District Manager
Ely District

8/26/96
Date

Enclosure:

1. Capture Plan

HIGHLAND PEAK HERD MANAGEMENT AREA
EMERGENCY GATHER PLAN

PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist

Caliente Field Station
Ely District
August 1996

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Area (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Highland Peak HMA and adjacent areas:

Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.

Forage Utilization: Severe utilization on herbaceous forage documented throughout the emergency gather area.

Precipitation: Precipitation for the past 12 months has averaged 50% of normal.

Water Availability: Water is limited to Bennett Springs, which is located on private property. All other spring sources within the emergency area supply only marginal water for the horses. All reservoirs within the emergency gather area are dry.

Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 4

Capture Method: Helicopter trapping and/or roping

Number of Animals: Horses: capture 200, remove 150 within the HMA
capture 25, remove 25 outside the HMA

Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada. The areas of concern are the western one-half of the Bennett Springs allotment, eastern one-half of the Highland Peak allotment, Klondike allotment, and Black Canyon allotment within the Highland Peak HMA, Pasture #1 of the Ely Springs Allotment (non-HMA), and private property around Castleton, NV approximately 25 miles north of Caliente, Nevada (refer to Map 1 & 2).

III. Time Frame

The animals will be removed from the HMA beginning approximately September 27, 1996 and continuing until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound to gather wild horses will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

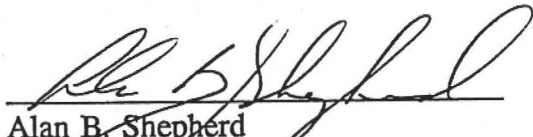
VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

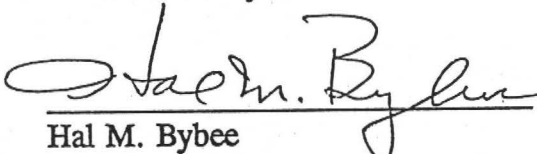
The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

Prepared By:


Alan B. Shepherd
Wild Horse and Burro Specialist
Caliente Field Station
Ely District

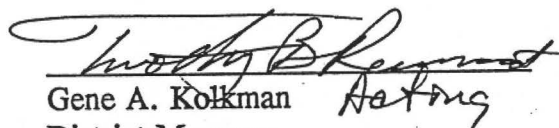
8/20/96
Date

Concurrence By:

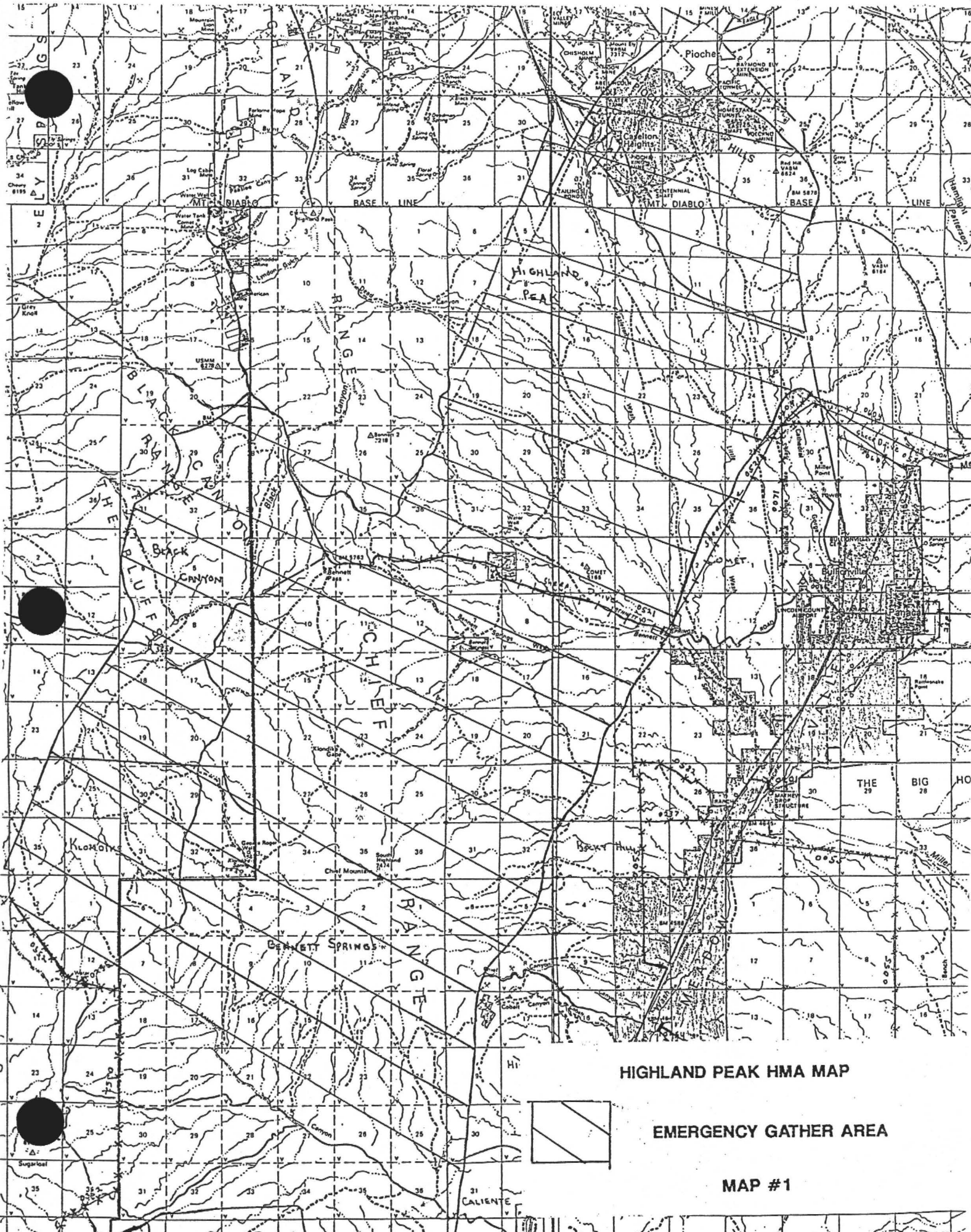

Hal M. Bybee
ADM - Renewable Resources
Ely District

8-26-96
Date

Approved By:


Gene A. Kolkman *Acting*
District Manager
Ely District

8/26/96
Date



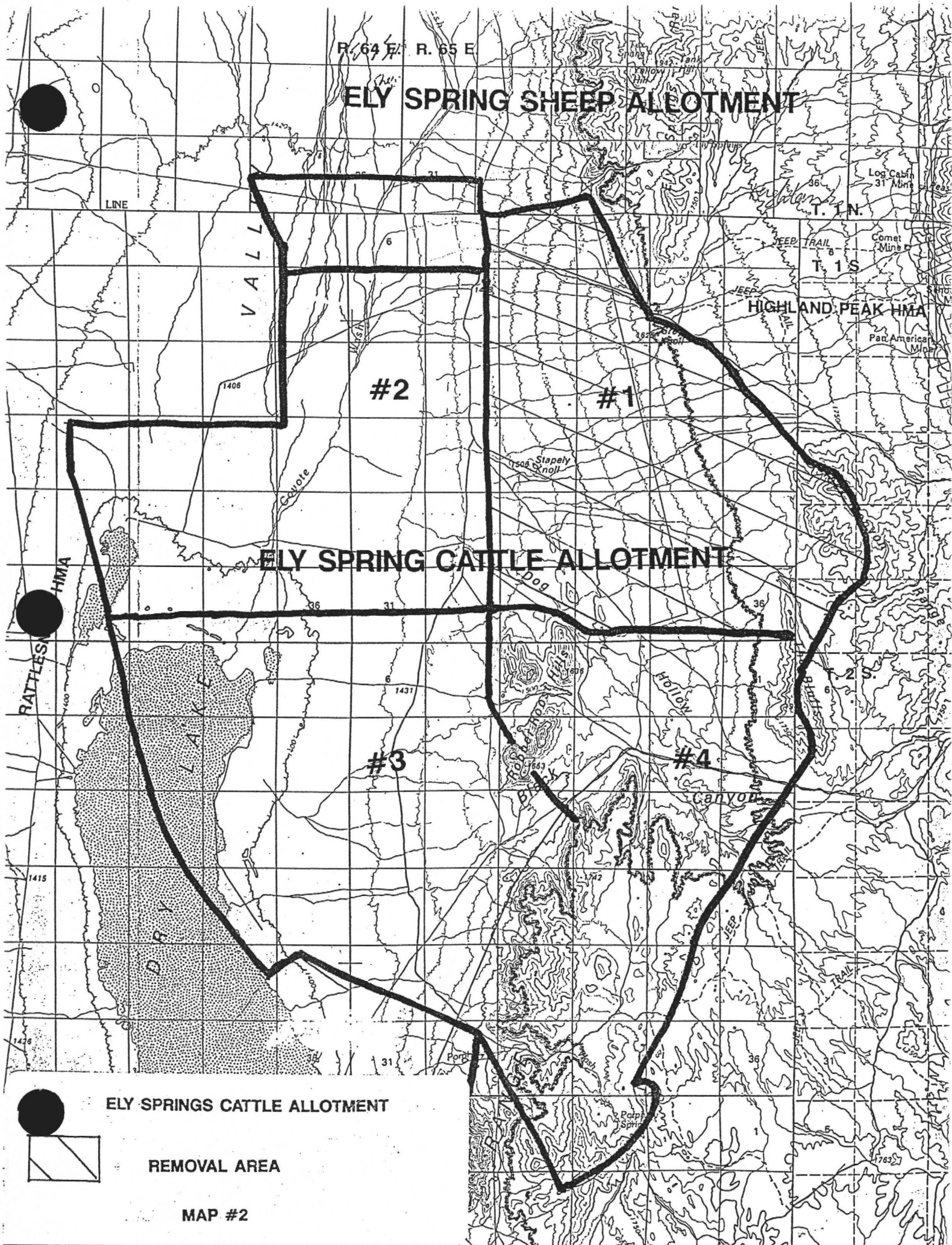
HIGHLAND PEAK HMA MAP

EMERGENCY GATHER AREA

MAP #1

R. 64 E. R. 65 E

ELY SPRING SHEEP ALLOTMENT



ELY SPRINGS CATTLE ALLOTMENT



REMOVAL AREA

MAP #2



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4700 (NV-043)

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

DR/FONSI
SEAMAN AND WHITE RIVER HMAs WILD HORSE REMOVAL PLAN
EA NO. NV-040-96-05

DECISION: I have reviewed the 1996 environmental assessment (EA # NV-040-96-05) for the Seaman and White River Herd Management Areas (HMAs) Wild Horse Removal and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. The allotment evaluations and final multiple use decisions (FMUDs) for the allotments within both HMAs also suggest the proposed removal takes place. I concur with the recommendation to conduct a selective removal as described in the Wild Horse Capture/Removal Plan for Seaman HMA and White River HMA.

The non-selected alternatives analyzed in EA # NV-040-96-05 consist of water trapping wild horses, trapping wild horses by herding them on horseback, and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Seaman and White River HMAs.

Severe drought conditions currently exist within and adjacent to the White River and Seaman HMAs. Forage production is extremely limited. Forage utilization is currently in moderate to severe use categories. From field observations of available forage and water, as well as a review of monitoring data, it has been determined that the wild horses (which are in poor to fair body condition) and their habitats are being adversely impacted.

Approximately 275 excess wild horses must be removed from the White River HMA and approximately 250 excess wild horses must be removed from the Seaman HMA. All wild horses that are removed will be placed into the adoption program regardless of age, during this initial drought related removal. The gather operation will be conducted by helicopter trapping and/or roping. The removal will reduce both HMAs to the lower limits of their respective AMLs, due to extreme drought conditions, which are 77 wild horses remaining in the White River HMA and 136 animals in the Seaman HMA.

Livestock closures will occur on those areas within both HMAs, in conjunction with the removal of wild horses, that are severely impacted by the drought.

Due to the emergency nature of these conditions, it is necessary to implement this action immediately, through a Full Force and Effect Decision. This decision will be implemented on or about September 2, 1996 and will continue until the action is completed.

Rationale: The proposed action will result in wild horses being managed at appropriate management levels (AMLs) within the allotments of the Seaman and White River HMAs, establishing a thriving natural ecological balance among all multiple users. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended. It also conforms with the Schell MFP and ROD, as well as the Egan RMP and ROD. In addition, it complies with the provisions of 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

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

The immediate removal of excess wild horses from the HMAs is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses and to restore the range to a thriving natural ecological balance. It is also necessary to comply with the provisions of 43 CFR 4710.4.

The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. Portions of both HMAs have already been severely overutilized, precipitation is less than 50% of normal, and current forage production is not enough to sustain the animals currently occupying the area.
2. Water availability for the wild horses' consumption is limited throughout both HMAs. Reservoirs are dry and spring flows are below normal, supplying only marginal amounts of water for the wild horses.
3. The animals are already below normal in body condition and will become more stressed as the drought continues, possibly to the point of death from lack of forage and water.

The authority for this decision is contained in Sec. 3 (a) and (b) and Sec. 4 of the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended, and Title 43 of the

Code of Federal Regulations. The authority for the Full Force and Effect Decision is contained in the regulations at 43 CFR 4770.3 (c), which states:

"Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

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

Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened or endangered species. The standard operating procedures will minimize negative impacts and ensure humane treatment of the captured wild horses.

APPEALS: 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 and 43 CFR 4770.3 (a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) the Ely District Office, HC33 Box 33500, Ely, NV 89301-9408. The original files should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

ADDITIONAL INFORMATION: Contact Robert E. Brown of my staff at (702) 289-1843, or write him at the above address.

Concurrence: Hal M. Bybee
Hal M. Bybee
ADM, Renewable Resources
Ely District

8/26/96
Date

Approval: Gene A. Kolkman Acting for
Gene A. Kolkman
District Manager
Ely District

8/26/96
Date

- 2 Enclosures
1. EA # NV-040-96-05 (18 pp)
 2. Capture/Removal Plan (17 pp)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4700 NV-046

SEP 27 1996

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

Ely District Lincoln County EMERGENCY REMOVAL

Severe drought conditions exist within the Delamar Mountains, Clover Mountains, Little Mountain and Wilson Creek Herd Management Areas HMA(s). Forage production and water availability is extremely limited. Livestock have been removed from the drought impacted areas. The principle wild horse use areas within the HMAs are receiving heavy to severe grazing use. Based on field observations of available forage, water sources and monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

The approximate number of horses to be removed by HMA are as follows:

Herd Management Area	Approximate Number of Horses to be removed.
Little Mountain	125
Delamar Mountains	40
Clover Mountains	40
Wilson Creek	100

All wild horses gathered will be placed into the adoption program. The gather operation will be conducted by helicopter trapping and/or roping.

Due to the emergency nature of these conditions, it is necessary to implement this action immediately, through a Full Force and Effect Decision to ensure the survival of the remaining horses through the winter.

The rationale for placing this decision in Full Force and Effect are as follows:

Drought conditions have critically limited forage production for wild horses. Most of Lincoln County has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area. In addition water sources are limited endangering the survival of horses in certain portions of HMA's.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

"(c) Notwithstanding the provisions of paragraph (a) of 4.21 of this title,

the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

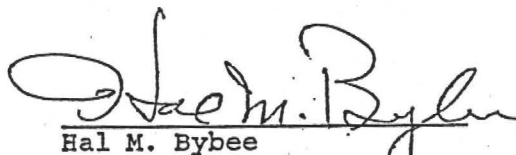
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Ely District Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

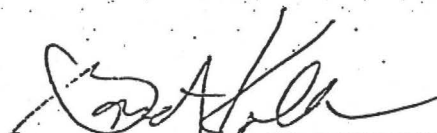
ADDITIONAL INFORMATION: Contact Bob Brown, Ely District Office at (702) 289-1800, or Alan B. Shepherd, Caliente Field Station at (702) 726-8100, or write to the above address.

Concurrence:


Hal M. Bybee
ADM - Renewable Resources
Ely District

9-27-96
Date

Approval:


Gene A. Koikman
District Manager
Ely District

9/27/96
Date

Enclosure:

1. Capture Plan 6pp

DELAMAR MOUNTAINS, LITTLE MOUNTAIN, CLOVER
MOUNTAINS, AND WILSON CREEK HERD MANAGEMENT AREA(s)
EMERGENCY GATHER PLAN

PREPARED BY
Robert E. Brown
Wild Horse and Burro Specialist

Ely District
September 1996

I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in Lincoln County, Nevada. The drought conditions prevent the Herd Management Areas (HMA) from producing adequate forage to sustain those animals currently occupying the area. To prevent resource degradation and animal stress, an emergency gather will be initiated.

The Ely District Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Delamar Mountains, Clover Mountains, Little Mountain and Wilson Creek HMAs:

- Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 3 inches.
- Forage Utilization: Heavy to severe utilization on herbaceous forage is documented throughout the emergency gather area.
- Precipitation: Precipitation for the past 12 months has averaged 50% of normal.
- Water Availability: Water is limited at springs sources located through out various portions of HMAs.
- Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 4
- Horse Free Areas: Horses are impacting areas outside their HMA.
- Capture Method: Helicopter trapping and/or roping.
- Number of Animals: Capture 305 horses in the following HMAs:
 - Little Mountain (125)
 - Delamar Mountains (40)
 - Clover Mountains (40)
 - Wilson Creek (100)
- Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the

Bureau of Land Management's (BLM) Ely District, in Lincoln County, Nevada (see attached maps).

III. Time Frame

The animals will be removed from the HMA beginning approximately September 27, 1996 and continuing until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter trapping and/or roping. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialists from the Ely District Office or the Caliente Field Station, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound to gather wild horses will be issued concurrently by BLM, prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times if brand inspections are needed. Impounded privately owned animals will be handled in accordance with BLM, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity or the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

The Ely District Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely District will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the District Manager, Field Station Manager, COR and PI.

Prepared By:

Alfred W. Couloudon, Acting for
Robert E. Brown
Wild Horse and Burro Specialist
Ely District

9/27/96
Date

Concurrence By:

Hal M. Bybee
Hal M. Bybee
ADM - Renewable Resources
Ely District

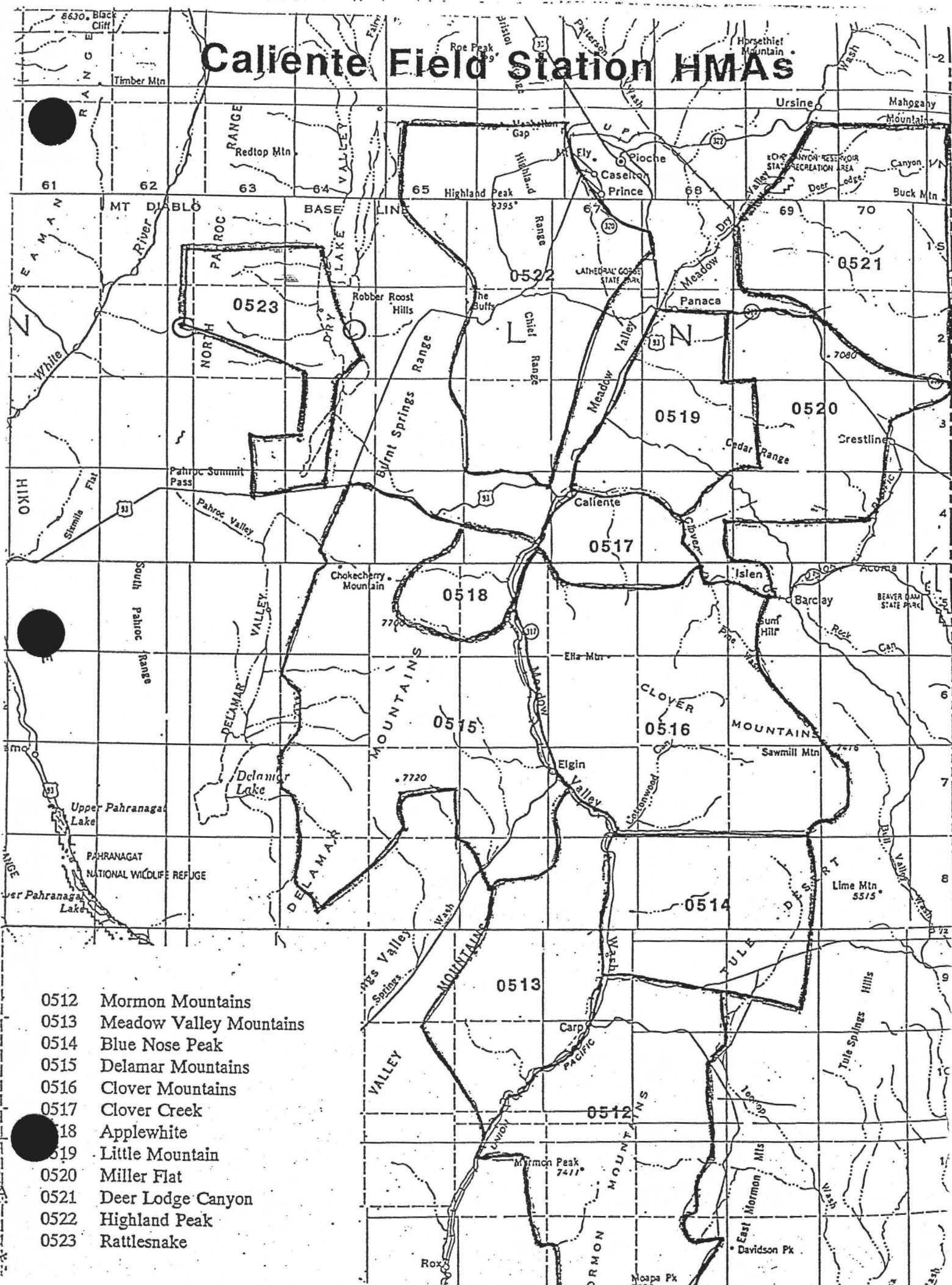
9-27-96
Date

Approved By:

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

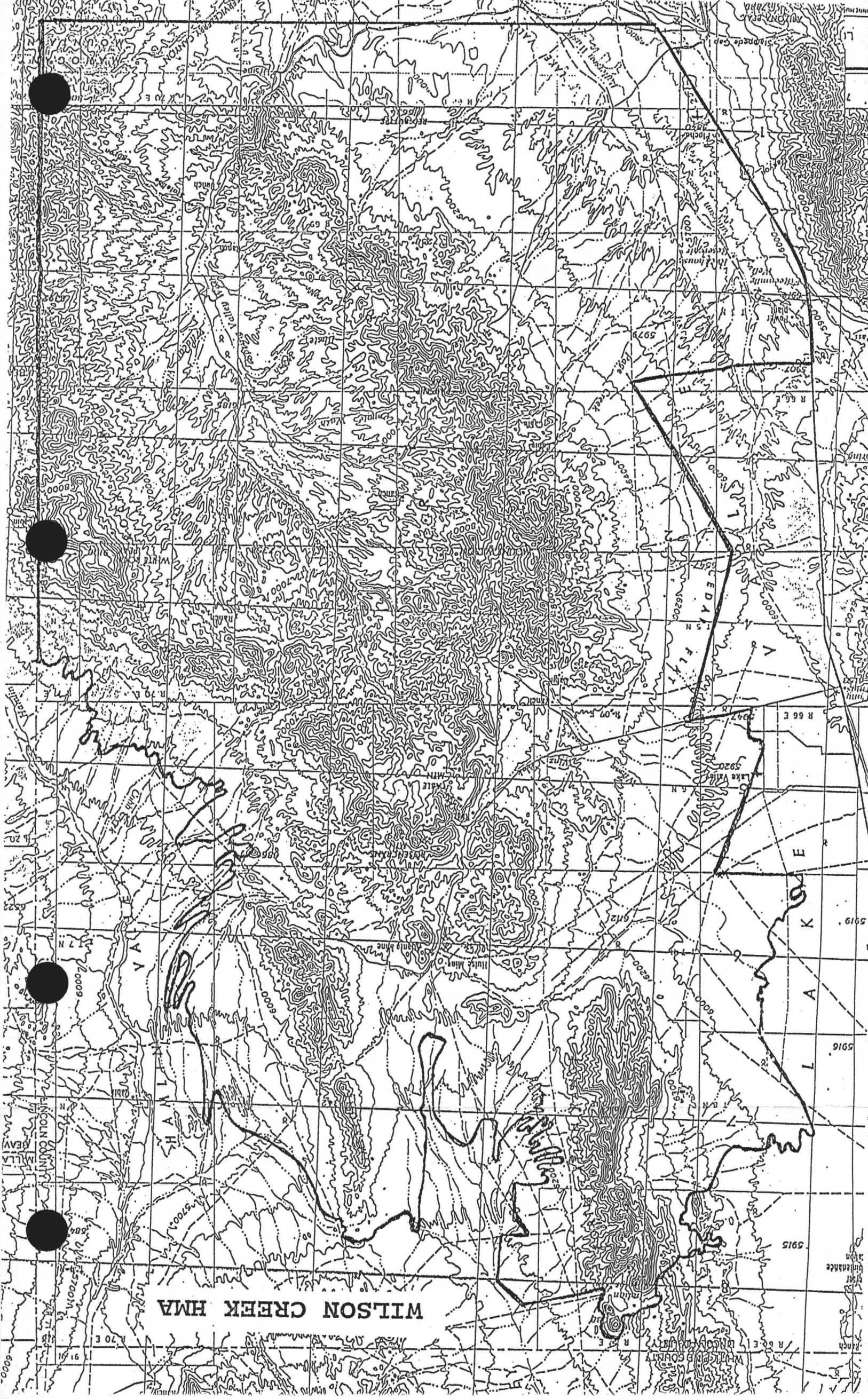
9/27/96
Date

Caliente Field Station HMAS



- 0512 Mormon Mountains
- 0513 Meadow Valley Mountains
- 0514 Blue Nose Peak
- 0515 Delamar Mountains
- 0516 Clover Mountains
- 0517 Clover Creek
- 0518 Applewhite
- 0519 Little Mountain
- 0520 Miller Flat
- 0521 Deer Lodge Canyon
- 0522 Highland Peak
- 0523 Rattlesnake

WILSON CREEK HMA





IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:
4700/9233
(NV-043)

NOTICE OF INTENT TO IMPOUND

This notice is to inform owners of unauthorized domestic horses on lands administered by the Bureau of Land Management of our intent to impound said animals in conjunction with the Seaman/White River HMAs Wild Horse Removal and the Lincoln County emergency wild horse removals due to extreme drought conditions. Specifically, these areas may include the following herd management areas (HMAs) and adjacent horse free areas within the Ely District in Lincoln and Nye Counties, Nevada:

<u>HMA Name (No.)</u>	<u>HMA Name (No.)</u>
White River (409)	Seaman (411)
Dry Lake (410)	Wilson Creek (404)
Mormon Mountains (512)	Meadow Valley Mountains (513)
Blue Nose Peak (514)	Delamar Mountains (515)
Clover Mountains (516)	Clover Creek (517)
Applewhite (518)	Little Mountain (519)
Miller Flat (520)	Deer Lodge Canyon (521)
Highland Peak (522)	Rattlesnake (523)

~~The HMAs and adjacent horse free areas are located within the BLM~~
Ely District in Lincoln and Nye Counties, Nevada. Maps of the area may be obtained at the BLM Ely District Office, Ely, Nevada and the BLM Caliente Field Station Office, Caliente, Nevada.

Unauthorized domestic horses may be impounded any time after five (5) days from publication and posting of this notice, and may be impounded without further notice within a 12 month period.

Since the impoundment area is located within an area occupied by wild free-roaming horses, as defined in 43 CFR 4700.0-5, persons who own branded or unbranded horses within the area should file a claim of ownership containing the following information with the Ely District Manager in accordance with 43 CFR 4710.6:

1. A complete description of the animals claimed including age, sex, brands, coloration, and other identifying characteristics.
2. A description of circumstances under which the animals entered onto public lands including dates, specific reasons why the animals were allowed to enter public lands, and what attempts, if any, have been made to remove the animals from public lands.

3. A complete listing of the notification you have provided to the BLM concerning the circumstances identified in #2 above.

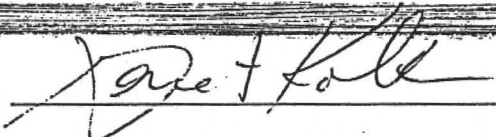
4. A complete record of your sightings of the animals including dates, numbers, and locations beginning from the date the animals entered public lands to the present.

5. A specific gathering proposal detailing the methods of capture, capture locations, and the dates you would propose to recapture the horses.

6. Based on the above supplied information, a specific written agreement as to the settlement of any unauthorized grazing fees incurred will be signed between yourself and the BLM prior to authorizing a roundup of the animals.

In accordance with 43 CFR 4710.6, no horses may be removed from lands within the impoundment area without written authorization from the Ely District Manager.

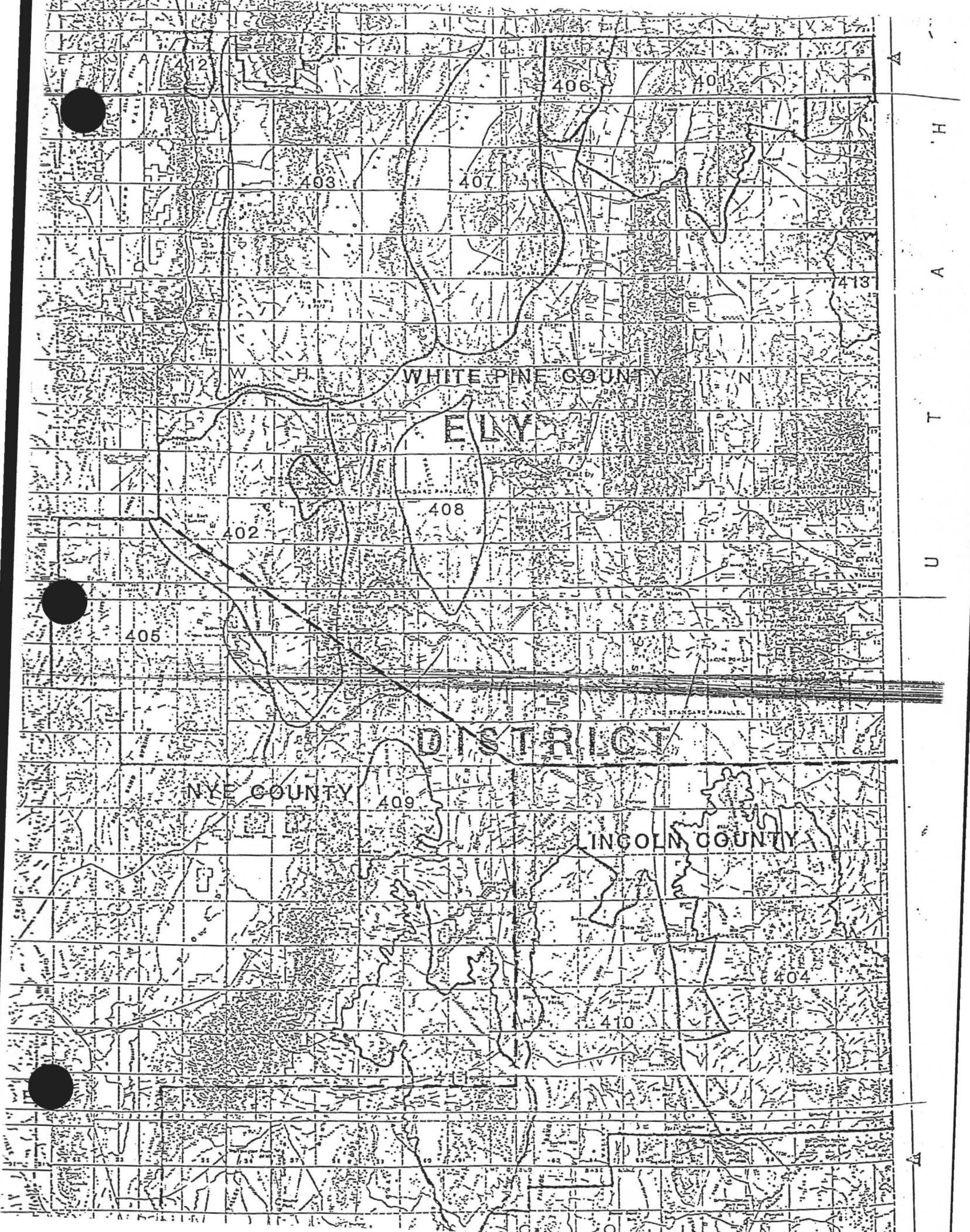
This notice is issued in accordance with 43 CFR 4150.4. Any impounded unauthorized domestic horses will be deemed to be in trespass. Fees/proportionate share of the impoundment costs and the disposal of the unauthorized animals will be in accordance with 43 CFR 4710.6 and 4150.



Gene A. Kolkman
Ely District Manager

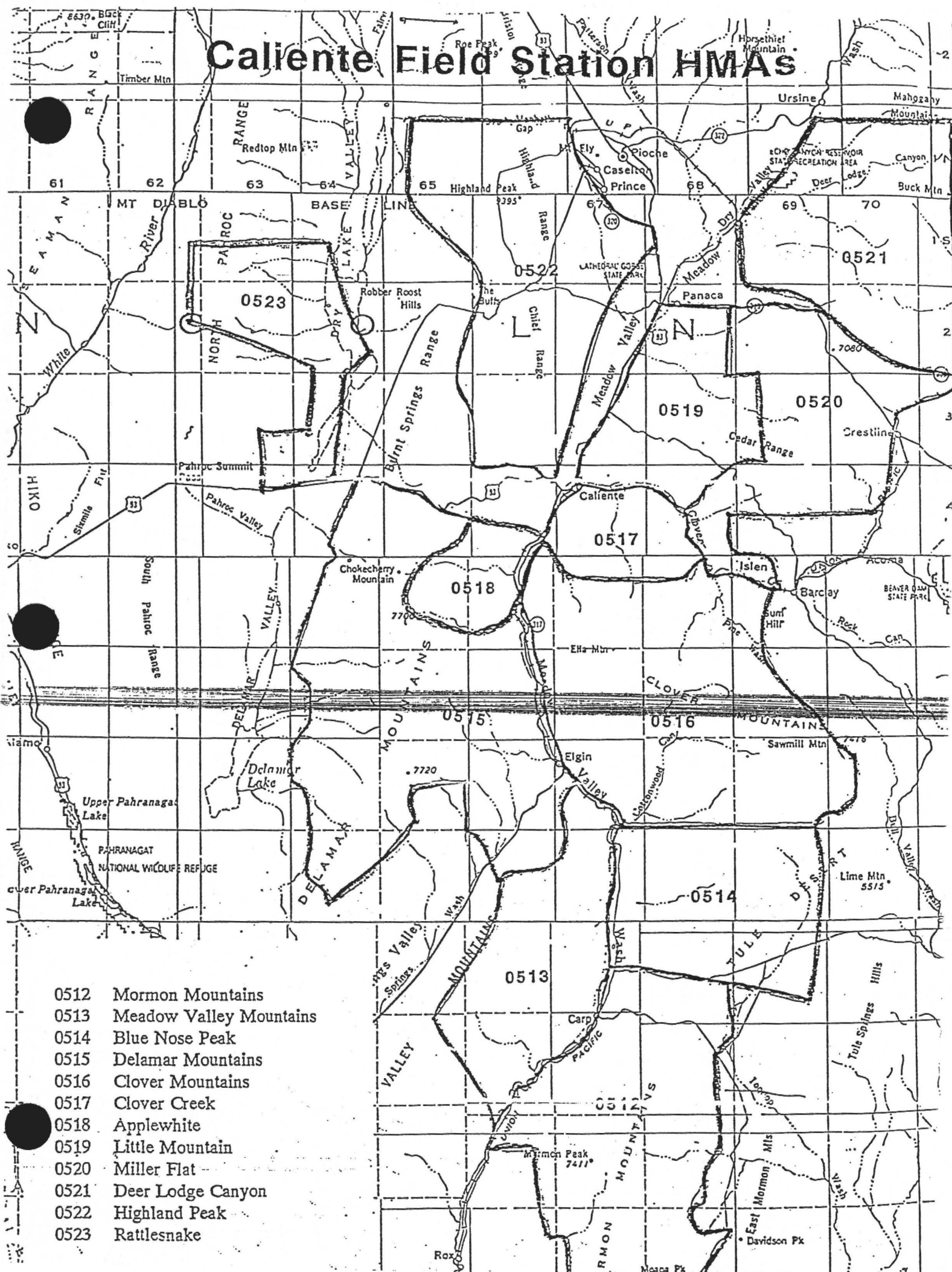
8/12/94

Date



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Caliente Field Station HMAs



- 0512 Mormon Mountains
- 0513 Meadow Valley Mountains
- 0514 Blue Nose Peak
- 0515 Delamar Mountains
- 0516 Clover Mountains
- 0517 Clover Creek
- 0518 Applewhite
- 0519 Little Mountain
- 0520 Miller Flat
- 0521 Deer Lodge Canyon
- 0522 Highland Peak
- 0523 Rattlesnake

August 23, 1996

Wild horse and Burro Emergency Review Team Request For Information
Ely District Response:

A. What is your best estimate of the probability of additional closures to livestock grazing and potential for emergency wild horses gathers ?

Based on forage and water availability and field conditions observed to date as a result of drought monitoring and documentation, if drought continues, the probability is very good that the Ely District will continue to close allotments or portions of allotments to livestock grazing. In addition based on forage and water availability and the poor nutritional value of the forage particularly where last years forage is the only forage available, emergency wild horse gathers will also continue. We will continue to field check allotments and herd management areas throughout the remainder of the 1996 grazing year. As of August 23, 1996, approximately 30 allotments and 14 herd management areas have been visited and monitored for drought conditions. Field inspections of herd management areas and allotments will be conducted for the purposes of continually monitoring the condition of wild horses for signs of stress related to drought conditions, in addition to forage and water availability.

The emphasis for field inspections for the remainder of the grazing year will include the following:

1. Herd Management Areas
2. Fall turnout areas
3. Areas previously checked where it is anticipated that forage and water availability will dictate the need for further closures and/or emergency wild horse gathers.
4. Grazing year 1997 turnout.

Following are the Ely District additional herd management areas potentially needing to be gathered under the Drought Emergency Removal effort:

Mormon Mountains
Blue Nose Peak
Clover Creek
Applewhite
Litte Mountain
Deer Lodge Canyon
Rattlesnake

Wilson Creek
Sand Springs East
Monte Cristo
Jakes Wash

This is not necessarily a priority listing . Priorities for gathers may be dictated by the extent of drought conditions. Priorities and schedules may or may not change based on the extent of drought conditions.

Ely District
Wild Horse Herd Management Areas

<u>Herd Area Number</u>	<u>Herd Area Name</u>	<u>Appropriate Management Level*</u>	<u>Censused Population Numbers</u>	<u>Date</u>	<u>Total Acres</u>	<u>1996 Current Estimate Populat</u>
401	Antelope (HMAP)	233 (78)	250	12/94	400,335	348
402	Monte Cristo (HMAP)	236 (0)	197***	8/95	228,940	232
403	Buck and Bald	346 (80)	676	9/95	627,030	798
404	Wilson Creek	150 (21)	123	7/94	689,185	171
405	Sand Springs East	257	262***	8/95	386,776	309
406	Cherry Creek	0 (11)	0	9/94	44,269	0
407	Butte (HMAP)	76 (40)	91**	9/94	436,500	127
408	Jakes Wash	6 (29)	42	9/94	67,045	58
409	White River	90 90	300	9/95	98,534	356
410	Dry Lake	94 (0)	241	5/95	494,335	284
411	Seaman	159	327	9/95	361,318	386
412	Diamond Hills South	22	93***	2/96	10,500	110
413	Moriah	0 (61)	109	8/94	83,673	152
District Total		1,442 (474)	2,711		3,928,440	3,329

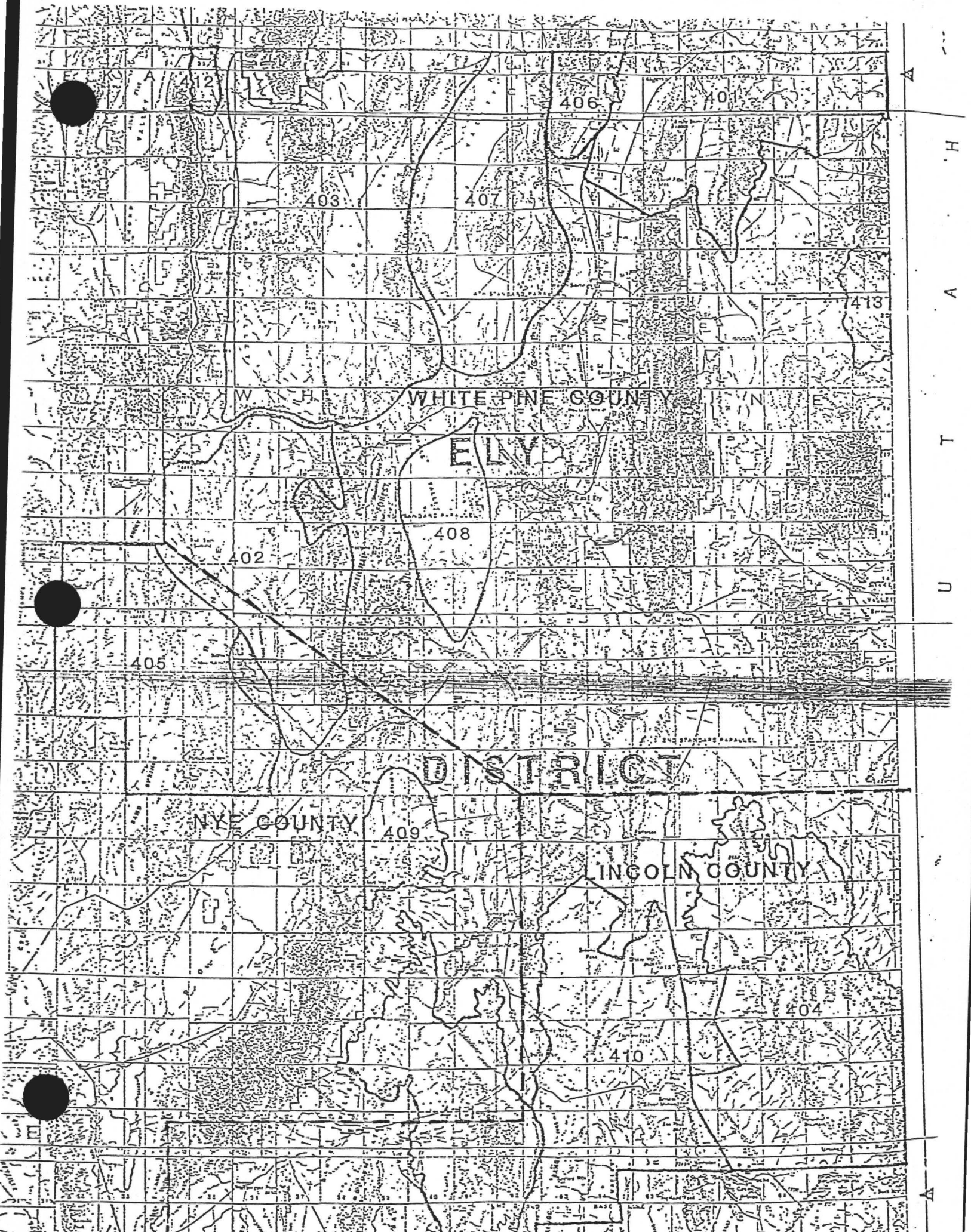
*AMLs that are not in parentheses are actual AMLs established in FMUDs as issued for allotments within the HMA. If no number follows in parentheses, the AML is fully established for that HMA. If a number follows in parentheses, it is an additional estimate to the established AML for those allotments that do not yet have an FMUD issued. All established AMLs have a $\pm 15\%$ range for management of the herd.

**These population numbers are based on actual census data, reduced by the number of animals removed during a subsequent removal.

***These population numbers are not based on census, but are the actual number of animals released back into the HMA after the 1995/1996 capture/removal. These population numbers assume all animals were captured during the removal operation. HMA No. 412 population numbers include 12 animals outside the HMA that were not captured.

Updated April 29, 1996

Current estimated population is based on 18% increase per year since latest actual census.



412

406

405

403

407

413

WHITE PINE COUNTY

ELY

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402

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DISTRICT

NYE COUNTY

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LINCOLN COUNTY

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ELY DISTRICT WILD HORSE REMOVAL SUMMARY

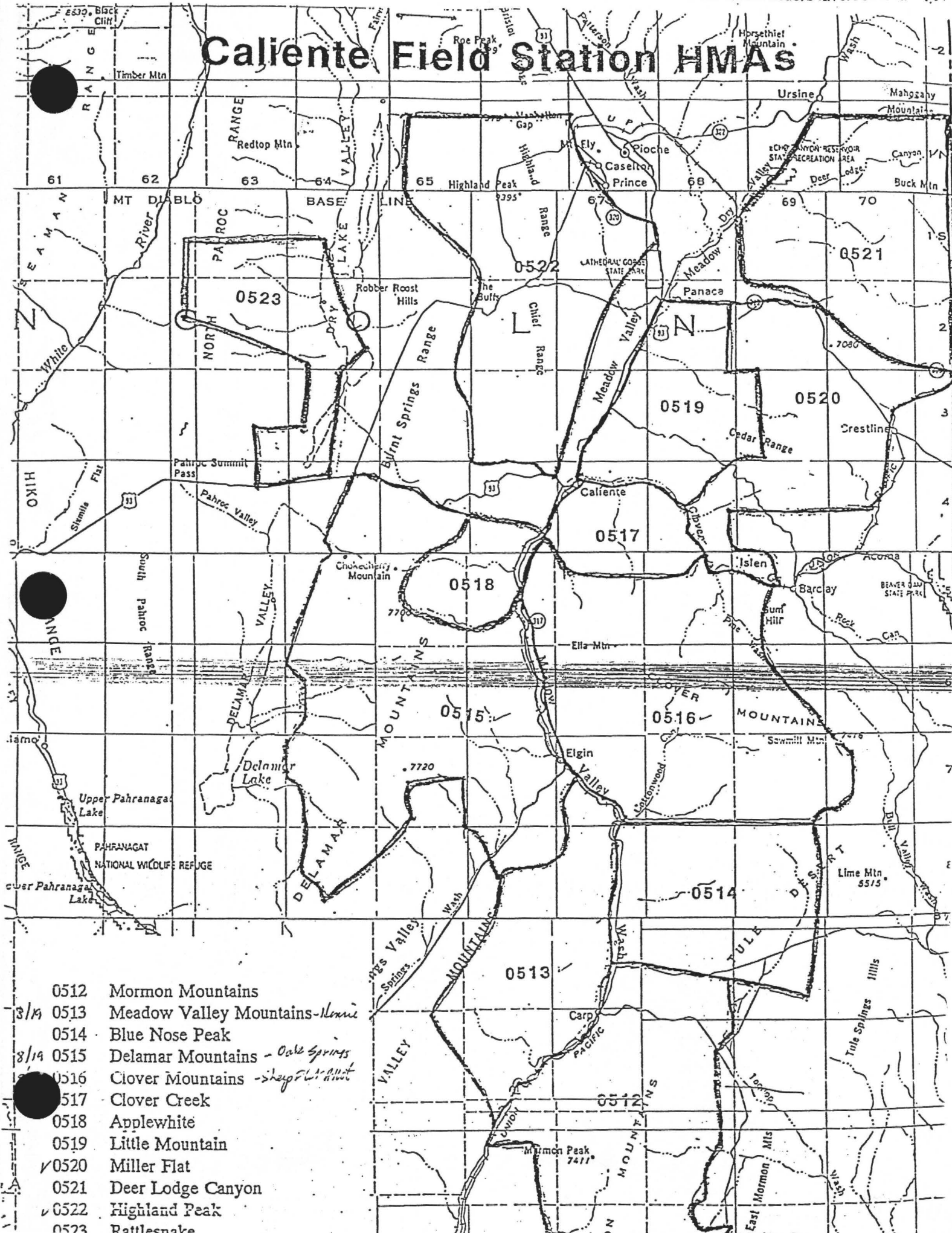
Pre-FMUD Removals Since 1985

<u>Date</u>	<u>HMA</u>	<u>Animals Removed</u>
7/85	Monte Cristo	185
2/86	Buck and Bald	347
9/86	Antelope	107
2/87	Antelope	58
7/87	Sand Springs East	408
2/88	Antelope	526
7/88	Jakes Wash (emergency)	60 (includes 19 dead)
8/89	Buck and Bald	338
11/89	Diamond Horse Free Area	66

Post-FMUD Removals

<u>Date</u>	<u>HMA</u>	<u>Animals Removed</u>
9/90	Antelope	412
2/91	Antelope	225
12/92	Antelope (fertility mgmt. project)	270
7/93	Butte	195
8/93	Dry Lake	232
8/93	Wilson Creek	16
8/93	Patterson Horse Free Area	70
8/94	Buck and Bald	562
8/94	Diamond Horse Free Area	248
9/94	Monte Cristo	118
11/94	Butte	70
11/94	Antelope	85
7/95	Sand Springs East	701
8/95	Monte Cristo	749
2/96	Diamond Hills South	89

Caliente Field Station HMA's



- 0512 Mormon Mountains
- 3/19 0513 Meadow Valley Mountains - Monie
- 0514 Blue Nose Peak
- 8/19 0515 Delamar Mountains - Oak Springs
- 0516 Clover Mountains - Shepherd Mountain
- 0517 Clover Creek
- 0518 Applewhite
- 0519 Little Mountain
- ✓ 0520 Miller Flat
- 0521 Deer Lodge Canyon
- ✓ 0522 Highland Peak
- 0523 Rattlesnake

HMA Name (HMA #)	Last Census Count (year)	Reprod Rate,	Pop. Est for 1995,
Applewhite (0518)	21 (94)	0.0%	30
Blue Nose Peak (0514)	11 (94)	10%	15
Clover Creek (0517)	27 (94)	12.5%	41
Clover Mountains (0516)	49 (94)	9%	74
Deer Lodge Canyon (0521)	85 (94)	5%	125
Delamar Mountains (0515)	147 (94)	6.6%	217
Highland Peak (0522)	124 (94)	27.8%	183
Little Mountain (0519)	124 (94)	26.5%	183
Meadow Valley Mountains (0513)	25 (94)	19%	41
Miller Flat (0520)	72 (94)	28.6%	106
Mormon Mountains (0512)	0** (94)		15
NWHR-Nellis	5219 (91)		1500,
Rattlesnake (0523)	8 (89)		15

NOTES:
 * Rattlesnake & NWHR were not censused in 1994 due to time limits
 ** Entire Mormon Mtn HMA was not censused due to time limits.
 1 NWHR population estimate based on winter horse gather results.
 2 Based on actual census count multiplied by yearly estimated increase of 18%.
 3 Based on number of foals divided by total number of adult horses.

1996₂
 35
 18
 59
 87
 148
 256
 216
 216
 48
 125
 18
 18
 1,244

Form 1510-5
(July 1987)

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PROCUREMENT REQUEST**

Solicitation number 1422-N660-C96-3004
State/County NV Lincoln
District Ely NVO40

TO: LaVonna L. Hughes, SC651B	Solicitation title and location Lincoln Co Emergency Gatherers, Lincoln Co. NV
Recommended COR and PI Alan B Shepherd, Robert Brown	Award basis <input type="checkbox"/> Schedule <input type="checkbox"/> All or none <input type="checkbox"/> Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
Sheep Flat - Clover Mtns HMA						
A1	50 head X \$303	\$15,150	NV960/1060-04	8/15/96	3 days	
A3	250 days X 7	1,750				
A4	35 head X 2	70				
		<u>16,970</u>				
Oak Springs - Delamar Mtns HMA						
A1	75 head X \$303	22,725	NV960/1060-04	8/18/96	3 days	
A3	400 days X 7	2,800				
A4	55 head X 2	110				
		<u>25,635</u>				
Meadow Valley Mtns HMA						
A1	50 head X \$303	15,150	NV960/1060-04	8/21/96	5 days	
A3	400 days X 7	2,800				
A4	25 head X 2	50				
		<u>18,000</u>				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour	Number of solicitations for local distribution
	Number of days after "Notice to Proceed" to start work
	same day

Attachments
 Maps of emergency gather areas
 List of pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)
**Aian B. Shepherd, WH&B Specialist
 Caliente Field Station, Caliente, NV
 (702) 725-8100**

District Office Approval (include title)	Date	State Office Approval (include title)	Date

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make only one entry showing completion time and liquidated damages for the entire job.

Form 1510-5
(July 1987)

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PROCUREMENT REQUEST**

Solicitation number

1422-N660-C96-3004

State/County

NV/Lincoln

District

Ely NV-040

TO: _____ Solicitation title and location
Lincoln Co. Emergency Gathers, Lincoln Co. NV

Recommended COR and PI _____ Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CIC/ PROJECT NO.			
	<u>Non-HMA Areas - Lincoln Co. NV</u>					
A1	80 head X \$303	\$24,240	NV960/1060-04	8/15/96	10 days	
A3	400 days X 7	2,800				
A4	55 head X 2	110				
		<u>27,150</u>				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour _____ Number of solicitations for local distribution _____
Number of days after "Notice to Proceed" to start work _____

Attachments _____

Remarks _____

Name of contact for technical purposes during solicitation phase (include office, phone, and title) _____

District Office Approval (include title)	Date	State Office Approval (include title)	Date

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make only one entry showing completion time and liquidated damages for the entire job.

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Solicitation number
1422-N660-C96-3004

State/County Nevada/Nye & Lincoln

District Ely (NV-040)

PROCUREMENT REQUEST

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A)

Solicitation title and location
Nye/Lincoln Co. Emergency Gathers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd

Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
A.1	White River HMA 350 head X \$189	\$66,150	NV-960-1060-04-2519	9/2/96	9 days	
A.3	1050 days X 7	7,350				
A.4	275 head X 2	550				
A.5	5 hour X 350	1,750				
		\$75,800				
A.1	Seaman HMA 350 head X \$189	\$66,150	NV-960-1060-04-2519	9/11/96	9 days	
A.3	1050 days X 7	7,350				
A.4	250 head X 2	500				
A.5	5 hour X 350	1,750				
		\$75,750				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour

Number of solicitations for local distribution

Number of days after "Notice to Proceed" to start work

Same day

Attachments

Maps of gather areas to be supplied to the contractor
Pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)

Robert E. Brown, Wild Horse Specialist
Ely District Office, Ely, Nevada 89301
Phone: (702) 289-1843

District Office Approval (include title) <i>Robert E. Brown</i> Ely District Manager	Date 8/22/96	State Office Approval (include title)	Date
--	-----------------	---------------------------------------	------

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make only

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROCUREMENT REQUEST

Solicitation number
1422-N660-C96-3004
State/County Nevada/Nye & Lincoln
District **Ely (NV-040)**

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A) Solicitation title and location
Nye/Lincoln Co. Emergency Gathers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
A.1	<u>Dry Lake HMA</u> 250 head X \$197	\$49,250	NV-960-1060-	9/20/96	7 days	
A.3	750 days X 7	5,250	04-2519			
A.4	200 head X 202	400				
A.5	5 hour X 350	1,750				
		<u>\$56,650</u>				
A.1	<u>Highland Peak HMA</u> 200 head X \$202	\$40,400	NV-960-1060-	9/27/96	5. days	
A.3	1000 days X 7	7,000	04-2519			
A.4	150 head X 2	300				
A.5	2 hour X 350	700				
		<u>\$48,400</u>				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour Number of solicitations for local distribution
Number of days after "Notice to Proceed" to start work
Same day

Attachments
Maps of gather areas to be supplied to the contractor
Pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)
Robert E. Brown, Wild Horse Specialist
Ely District Office, Ely, Nevada 89301
Phone: (702) 289-1843

District Office Approval (include title) <i>Robert E. Brown</i> Ely District Manager	Date 8/22/96	State Office Approval (include title)	Date
--	-----------------	---------------------------------------	------

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make one

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROCUREMENT REQUEST

Solicitation number
1422-N660-C96-3004

State/County Nevada/Nye & Lincoln

District Ely (NV-040)

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A)

Solicitation title and location
Nye/Lincoln Co. Emergency Gathers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd

Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
A.1	Miller Flat HMA 155 head X \$202	\$31,310	NV-960-1060-04-2519	10/2/96	5 days	
A.3	1000 days X 7	7,000				
A.4	100 head X 2	200				
A.5	2 hour X 350	700				
		\$39,210				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour

Number of solicitations for local distribution

Number of days after "Notice to Proceed" to start work

Same day

Attachments

Maps of gather areas to be supplied to the contractor
Pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)
Robert E. Brown, Wild Horse Specialist
Ely District Office, Ely, Nevada 89301
Phone: (702) 289-1843

District Office Approval (include title)	Date	State Office Approval (include title)	Date
<i>Robert E. Brown</i> Acting District Manager	8/22/96		

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make only one entry.

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROCUREMENT REQUEST

Solicitation number
1422-N660-C96-3004

State/County Nevada/Nye & Lincoln

District Ely (NV-040)

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A)

Solicitation title and location
Nye/Lincoln Co. Emergency Gatherers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd

Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
	<u>White River HMA</u>					
A.1	350 head X \$189	\$66,150	NV-960-1060-	9/2/96	9 days	
A.3	1050 days X 7	7,350	04-2519			
A.4	275 head X 2	550				
A.5	5 hour X 350	1,750				
		<u>\$75,800</u>				
	<u>Seaman HMA</u>					
A.1	350 head X \$189	\$66,150	NV-960-1060-	9/11/96	9 days	
A.3	1050 days X 7	7,350	04-2519			
A.4	250 head X 2	500				
A.5	5 hour X 350	1,750				
		<u>\$75,750</u>				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour

Number of solicitations for local distribution

Number of days after "Notice to Proceed" to start work

Same day

Attachments

Maps of gather areas to be supplied to the contractor

Pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)

Robert E. Brown, Wild Horse Specialist
Ely District Office, Ely, Nevada 89301
Phone: (702) 289-1843

District Office Approval (include title) <i>Robert E. Brown</i> Ely District Manager	Date 8/22/96	State Office Approval (include title)	Date
--	-----------------	---------------------------------------	------

*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make only

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROCUREMENT REQUEST

Solicitation number
1422-N660-C96-3004
State/County Nevada/Nye & Lincoln
District Ely (NV-040)

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A)

Solicitation title and location
Nye/Lincoln Co. Emergency Gatherers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd

Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
A.1	<u>Dry Lake HMA</u> 250 head X \$197	\$49,250	NV-960-1060-04-2519	9/20/96	7 days	
A.3	750 days X 7	5,250				
A.4	200 head X 202	400				
A.5	5 hour X 350	1,750				
		<u>\$56,650</u>				
A.1	<u>Highland Peak HMA</u> 200 head X \$202	\$40,400	NV-960-1060-04-2519	9/27/96	5 days	
A.3	1000 days X 7	7,000				
A.4	150 head X 2	300				
A.5	2 hour X 350	700				
		<u>\$48,400</u>				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour

Number of solicitations for local distribution

Number of days after "Notice to Proceed" to start work

Same day

Attachments

Maps of gather areas to be supplied to the contractor

Pertinent gather information to be supplied to the contractor

Remarks

Name of contact for technical purposes during solicitation phase (include office, phone, and title)

Robert E. Brown, Wild Horse Specialist
Ely District Office, Ely, Nevada 89301
Phone: (702) 289-1843

District Office Approval (include title) <i>Robert E. Brown</i> Ely District Manager	Date 8/22/96	State Office Approval (include title)	Date
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*If multiple awards are to be allowed, show completion time for each project or group which may be awarded separately. If only one award is contemplated, make one

Form 1510-5
(July 1987)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PROCUREMENT REQUEST

Solicitation number
1422-N660-C96-3004

State/County Nevada/Nye & Lincoln

District Ely (NV-040)

TO: State Director, Nevada (NPO-960/NV-951)
LaVonna Hughes (BC-660A)

Solicitation title and location
Nye/Lincoln Co. Emergency Gathers

Recommended COR and PI
Robert E. Brown, Alan B. Shepherd

Award basis Schedule All or none Item

PROCUREMENT PLAN NUMBER	PROJECT NAME	FUNDING		REQUESTED START DATE	PERFORMANCE TIME*	DAMAGES
		ESTIMATED COST	ACTIVITY/CJC/PROJECT NO.			
A.1	Miller Flat HMA 155 head X \$202	\$31,310	NV-960-1060-04-2519	10/2/96	5 days	
A.3	1000 days X 7	7,000				
A.4	100 head X 2	200				
A.5	2 hour X 350	700				
		\$39,210				

If contributed funds (collected and deposited) are involved, complete the following

NAME OF CONTRIBUTOR	AMOUNT	FORM 1370-41 NUMBER	DATE OF CONTRIBUTION

Hour and meeting place for inspection tour	Number of solicitations for local distribution
	Number of days after "Notice to Proceed" to start work
	Sama day

Attachments

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Pertinent gather information to be supplied to the contractor

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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Ely District Office
HC 33 Box 33500
Ely, NV 89301

In reply refer to:
4100 (NV-043)

July 8, 1996

Instruction Memorandum No. NV-040-96- 04
Expires: 09/30/97

To: Renewable Resources Staff
From: District Manager, Ely
Subject: Ely District Drought Policy and Guidance

This Instruction Memorandum is a supplement to the direction provided in Instruction Memorandum No. NV-91-116, Nevada Drought Policy and Guidance, which still applies.

The purpose of this policy is to provide further guidance and procedures for evaluating and ~~documenting drought conditions and for modifying and authorizing grazing use associated with~~ drought. When range conditions and precipitation amounts indicate drought conditions or it is suspected that drought conditions exist, allotment inspections should be conducted to assess range conditions and suitability. This should be conducted preferably prior to authorizing livestock to graze or enter an allotment or use area. When drought conditions surpass vegetation tolerance thresholds such as soil moisture availability and forage production, livestock grazing may have to be modified or allotments closed to grazing use. Allotment inspections and thorough documentation must be completed before modifying authorized grazing use or closing allotments or portions of allotments to grazing use.

A. Drought Event Record Documentation

The following indicators allow for a rapid assessment of drought conditions. These indicators must be evaluated and the attached Drought Indicator Checklist completed prior to modifying authorized grazing use or closing allotments or portions of allotments to grazing use.

1. Forage Availability and Condition

Determine growing season conditions and forage conditions. Determination criteria should include;

a.) Amount of Current Years Growth

Estimate and document current year's growth and forage availability for grasses and

shrubs based on appearance of the rangeland in the use area or allotment. Estimate plant height supported by actual measurements. Conduct actual plant height measurements (in inches) for calibration purposes and to obtain accurate estimations.

Determine production of grasses and shrubs based on the SCS ecological condition double sampling method. Conduct ocular estimates of current year's forage production and document the results. Support ocular estimates by clipping plots for calibration purposes and to establish accurate estimations. Where Range Site Descriptions are available, compare production to the Vegetation Factors Section for the purposes of determining a favorable, normal or unfavorable production year. This method is optional and should be conducted if needed to support the closure recommendation.

b.) Plant Phenology

Determine the phenological stage of plant development of the key forage species (grasses and shrubs) in the plant community. Are grasses in the "cured or dried" stage? Are the leaves of deciduous shrubs lost, dry or dead?

c.) Plant Stress and Vigor

Are plants productive and alive? Determine by visual observation, the general appearance of the rangeland and plant community. For example, desirable grasses, forbs and shrubs have low vigor if they appear unhealthy with small size and poor color. Portions or clumps of entire plants may be dead or are dying. Seed stalks and seedheads are almost nonexistent.

d.) Utilization of Current and Previous Year's Growth

Determine utilization of previous year's growth if possible. Visually estimate utilization of previous year and current year for grasses and shrubs based on using the Key Forage Plant Method and the use class criteria. Use utilization cages where available to judge current and previous year's growth and to calibrate ocular estimates.

2. Annual Precipitation

- a.) Determine soil moisture availability. Measure and record soil moisture depth. Determine depth with a tape measure or ruler. Obtain a representative sample of soil moisture depth data.
- b.) Describe the precipitation for the current growth year; ie, below average, last date of significant precipitation. Reference the Nevada Climate Summary publication and any other NOAA or rain can information to cite and support precipitation conditions.
- c.) Water availability and access. Determine water availability for livestock, wild horses and wildlife in the area; ie, (flow rate, gallons/minute). Identify type and number of water sources. What is forage availability in relation to distance from water? Describe conflicts occurring, if any.

3. Animal condition.

- a.) What is the physical condition of wild horses, wildlife and livestock in the area? Is physical stress evident and is it caused or influenced by drought conditions? What is the number of animals in the area?

4. Other

- a.) Photographs - Color photographs should be taken to demonstrate drought conditions such as forage production and availability and plant vigor, animal stress and water availability.
- b.) Complete the Drought Indicator Checklist.
- c.) Upon completing the Drought Indicator Checklist, if it is determined that drought conditions exist and adjustment(s) in use are necessary, interested publics should be provided an opportunity to attend an allotment tour for the purposes of observing and discussing drought conditions in the field.

B. Criteria Used to Lift Closures

1. The closure will be lifted based on meeting all of the following criteria;

- a.) The key perennial species all show good vigor.
- b.) Growth starts and can support grazing use; ie, a sufficient amount of precipitation ~~and growing season remains to allow for forage production that can support grazing use.~~
- c.) Ground cover is present to protect the watershed. Identify the kind of cover, Basal, Canopy, etc. What is the percent cover in relation to any documented cover data and/or Range Site cover where applicable?
- d.) A minimum average of 25% of the perennial vegetation demonstrates new growth.

C. Closure Goals

1. In the event it is determined that allotment closures are needed, the primary goals to be accomplished through closure are:
- a.) Provide sufficient rest for surviving perennial grass species, seeded species and deciduous shrubs to regain vigor and recover and to be able to take advantage of precipitation when it continues.
- b.) Provide sustained grazable forage for livestock, wild horses and wildlife.
- c.) Provide watershed protection and stabilization.

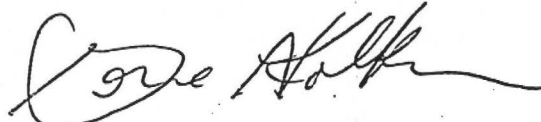
D. Procedures for Modifying and Authorizing Grazing Use Associated With Drought

The following actions or criteria will apply when determining if grazing use should be authorized or modified when associated with drought:

1. Coordinate with livestock permittees to develop alternative management practices. Consider alternatives such as:
 - a.) Use of rested or deferred pastures. Consider areas which would benefit from grazing use such as areas of wolf plants in seedings, etc.
 - b.) Opportunities to use areas not affected by drought.
 - c.) Temporary adjustments in period of use or season of use.
 - d.) Reductions in herd size and/or early removal of livestock to prevent longterm damage to the vegetative resource.
 - e.) Water hauling to areas that receive no use or receive slight to light use.
 - f.) Work with the County Emergency Boards.
2. Conduct allotment inspections to:
 - a.) Assess range suitability and forage availability.
 - ~~b.) Evaluate range readiness.~~
 - c.) Consider grazing impacts in relation to wild horse herd management areas, wildlife use, riparian areas, water availability and location of waters, etc.
3. Consult with interested publics prior to issuance of a grazing authorization.
4. Interested publics should be provided an opportunity to attend a task force where appropriate. A task force should be assembled based on issues or where interested publics have indicated an interest in being involved in an allotment inspection. Topics of discussion should include the alternative management practices identified above, the allotment inspection criteria identified in (2.) above, in addition to actual use which has occurred in the area.
5. Stocking levels may have to be determined. Methods could include:
 - a.) Stocking level calculations as done for allotment evaluations.
 - b.) The SCS double sampling method for determining production based calculations could be used as with seedings where stocking levels have not been determined.
 - c.) Range survey information may also be useful in determining a stocking rate particularly in areas that may require water hauling or in areas that are not grazed due to distance from water.

- d.) An evaluation of actual use and use patterns.
6. The following criteria will apply when authorizing grazing use associated with drought:
- a.) Grazing use should be in accordance with the terms and conditions of the term permit.
 - b.) Grazing use should be consistent with multiple-use objectives or land use plan objectives and other decisions.
 - c.) Grazing use should not interfere with the existing livestock operation(s).
 - d.) Grazing use will be considered a part of the total permitted use for the allotment on which the use occurred. Grazing use will also be considered a part of the total permitted use for the grazing year in which the use occurred.
 - e.) Grazing use will be authorized as Temporary Non-Renewable (TNR) at the normal rate of \$1.35/AUM.
 - f.) The grazing authorization should include any appropriate terms and conditions on a case by case basis.
7. Where permit holders would allow grazing use to be made by a permittee who holds a term permit in another allotment, stocking levels and grazing use should be agreed to between the livestock operators and must be consistent with (6.) above.

~~Should you have any questions please refer them to Chris Mayer, District Rangeland Management Specialist.~~



Gene A. Kolkman
District Manager

2 Attachments

- 1. Drought Indicator Checklist
- 2. Plant Phenology Stages Table

Distribution	
Director (WO330)	-1 204LS
BC (BC-600)	-1
NSO (NV-931.1)	-1
DM's (NV)	-1 ea.

DROUGHT INDICATOR CHECKLIST

Name of Allotment _____

Use Area/Pasture _____

Name of Observer _____

Date _____

INDICATOR

OBSERVATION

Forage Vigor _____
 (Does plant height, leaf length and color indicate strong vigor?)
 below avg. _____ average _____ above avg. _____

Does leader growth of shrubs indicate strong vigor? _____
 below avg. _____ average _____ above avg. _____

What is the average height of current year's growth? _____ inches

Are leaves of deciduous shrubs lost or dead? _____
 below avg. _____ average _____ above avg. _____

Phenological stage of key species in plant community?
 (Refer to attached Plant Phenology Stages Table) _____

Utilization of previous year's growth (if possible) _____

Soil Moisture Depth _____ inches

Rainfall for Current Year _____
 below normal _____ normal _____

Last Date of Measurable Precipitation _____

Physical Condition of Wild horses, Wildlife, Livestock _____
 normal _____ stressed _____

Water Source Availability _____
 below normal _____ normal _____

Recommendation for Allotment Closure or Alternative Management Practices

Other Comments:

PLANT PHENOLOGY STAGES

Trees & Shrubs	Grasses	Forbs
Dormant	Dormant	Dormant
Leaf Growth Starts	Growth Starts	Growth Starts
Twig Growth	1/2 Vegetative Growth	Flower Stalks Appear
Flower Buds First Visible	Flower Stalks Appear	First Bloom
Leaves Full Grown	Heads Out Fully	Full Bloom (3/4 Blossom)
First Bloom	Anthesis	Bloom Over (3/4 Blossoms Dry)
Full Bloom (3/4 Bloom)	Dough Seed Set	Seeds Ripe (3/4 Dry)
Bloom Over	Hard Seeds	Dissemination
Seed Ripe	Dissemination	Plants Begin to Dry
Dissemination	Plants Begin to Dry	Plants Dry, Summer, Fall
Leaves Turn Yellow or Brown	Plants Dry, Summer, Fall	
Leaves Dry & Begin to Drop		

DROUGHT INDICATOR CHECKLIST

Name of Allotment Sheep Flat
 Use Area/Pasture Key Area 4
 Name of Observer J. Hal Bybee, Smith, S. Christman, B. Brown, J. Hight, C. Lytle, F. Lytle, R. Flake, K. Newby
 Date 7/25/96
ACCR-

INDICATOR	OBSERVATION
Forage Vigor (Does plant height, leaf length and color indicate strong vigor?)	below avg. <u>X</u> average _____ above avg. _____ <u>very little growth or ACCR.</u>
Does leader growth of shrubs indicate strong vigor?	below avg. <u>X</u> average _____ above avg. _____
What is the average height of current year's growth?	<u>2' - 1/2</u> inches
Are leaves of deciduous shrubs lost or dead?	below avg. _____ average <u>N/A</u> above avg. _____
Phenological stage of key species in plant community? (Refer to attached Plant Phenology Stages Table)	<u>Dying</u>
Utilization of previous year's growth (if possible)	<u>Severe dry 95% soil redistribution</u>
Soil Moisture Depth	<u>10"</u> inches <u>slight moisture.</u>
Rainfall for Current Year	below normal <u>X</u> normal _____ <u>7</u>
Last Date of Measurable Precipitation	normal <u>X</u> stressed <u>Horses seen by perimeter this A. tied to the water.</u>
Water Source Availability	below normal <u>X</u> normal _____ <u>The Sheep flat remain dry will be dry in 4-5 days unless it rains.</u>
Recommendation for Allotment Closure or Alternative Management Practices	<u>Horses need to be managed in this pasture - there are too many for the forage</u>
Other Comments:	<u>CAGE placed nearby has been moved. Stake still in ground - ineffective to show this year's growth. Need to create stake.</u>