



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

Sierra club response

11/15/85

IN REPLY REFER TO:

4700
(NV-043)

NOV 15 1985

Dear Reader:

Enclosed is a copy of the Draft Capture Plan for Buck/Bald-Maverick/Medicine Wild Horse Gather and the associated Environmental Assessment No. NV-040-6-5.

We request your review and comments on the proposed action to remove approximately 768 to 922 wild horses from the Buck and Bald herd area in the Ely District and the Maverick-Medicine herd area in the Elko District. This action will leave a minimum of 700 horses on Buck and Bald and 195 horses on Maverick-Medicine.

Your comments should be received by our office within 21 days from the date of this letter for consideration in this proposed action. If you have any questions or require additional information, please contact:

Bob Brown, Wild Horse Specialist
Bureau of Land Management
Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

or call (702) 289-4865.

Sincerely yours,

Merrill L. DeSpain
Merrill L. DeSpain
District Manager

Enclosure

DRAFT

Capture Plan for Buck/Bald - Maverick/Medicine
Wild Horse Gather

Introduction

- 1 The proposed gather area is located in the northwest portion of White Pine County, Nevada and the south central portion of Elko County, Nevada. The plan is titled Buck/Bald-Maverick/Medicine Wild Horse Gather and includes the Buck and Bald herd area in the BLM Ely District and the Maverick-Medicine herd area in the Elko District. Maps are enclosed to help locate the proposed gather area.
- 2 This document outlines the process and the events involved with the Buck and Bald and Maverick-Medicine horse gathers. Included are the numbers of horses to be gathered, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the round-up, the Contracting Officer's Representative (COR) and Project Inspector (PI), the delegation of authority, the briefing of the contractor(s), and the public meetings held prior to gathering operations.
- 3 Neither of the herd use areas are covered by a Herd Management Area Plan. However, an RMP-EIS has been developed for the Egan (Ely District) and Wells (Elko District) Resource Areas. The EISs have established management levels for the horse herds, and this proposed gather is to reduce horse numbers to conform to the level established in the Wells RMP-EIS and is considered a part of long term management. The Egan RMP-EIS, however, has been protested and until those protest are resolved, no management actions can occur to implement the RMP-EIS.
- 4 Two protestors of the Egan RMP-EIS, Dawn Lappin of Wild Horse Organized Assistance (WHOA) and Dan Russell of Russell Ranches recognize that the white sage in Long Valley is critical winter range for both livestock and wild horses in the area. They also recognize that recent drought conditions may be affecting this important plant species. They have agreed that some actions must be taken immediately to benefit the white sage flats in Long Valley. Both Dawn Lappin of WHOA and Dan Russell of Russell Ranches support this gathering of wild horses and Dan Russell has further agreed to reduce livestock use by 7,000 AUMs annually. Both measures are aimed at benefitting white sage in Long Valley. The Buck and Bald gather is considered to be a temporary management action based on the Lappin, Russell, BLM agreement.

DRAFT

Number of Horses to be Gathered

1 The proposed number of horses to be gathered is shown by herd area as follows:

<u>Herd Area</u>	<u>Nos. to be Managed</u>	<u>Current Population</u>	<u>Nos. to be Gathered</u>
Buck and Bald (Ely)	700 to 900	1,372	672
Maverick-Medicine (Elko)	195 to 244	291	96
Total	895 to 1,144	1,663	768

2 The number of horses to be gathered is the difference between the latest census (1985) and the minimum management number for the Maverick-Medicine herd. It is felt that the 1985 Buck and Bald census gave an incomplete count (910 horses) due to warm weather, dense pinyon-juniper cover, drought conditions, and dried up waters. Since this count is 275 horses less than the 1982 census of 1,185 horses, the 1982 census plus a 5 percent annual rate of increase is used to establish Buck and Bald gather numbers to prepare a contract.

3 A new census will be completed prior to the gathering operation and numbers of horses to be gathered may be increased depending on the difference between the census and the minimum management numbers. It is estimated that this could increase the numbers to be gathered by an additional 20%.

Time and Method of Capture

4 The gather is expected to take place between January 1, 1986 and February 28, 1986, and last approximately three weeks. However, a number of horses may be removed over an 18 month period and require more than one roundup in order to achieve the appropriate management levels of the two herds. No gathering will take place during the foaling season, which is from March 1 to July 1.

5 The method of capture to be used will be a helicopter to bring the horses to trap sites and horseback rides at the wings of portable traps. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses legs won't get caught in the panels.

- 1 Other methods of capture are not being considered because of the increased cost per horse. Water trapping, though easier on horses, is not feasible due to the numerous water sources available to horses in the proposed gathering area. Water traps take time to construct and require time for horses to accept as part of their environment; the time allotted to this roundup is limited. Also, water traps after being used a few times are not successful in capturing horses. Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap; injuries to both people and horses are more likely and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.
- 2 A minimum of two traps sites will be needed to gather from the Buck and Bald herd, and at least one trap will be needed in the Maverick-Medicine herd area. Each site will be selected by the contractor and approved by the COR/PI after determining the habits of the animals and observing the topography of the area. Trap sites will be located to cause as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction.
- 3 Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific locations at this time.
- 4 The Buck and Bald gather will be concentrated mainly in the Long Valley area, and the Maverick-Medicine gather will concentrate on the High Bald Peaks area.

Branded and Claimed Animals

- 5 A notice of intent to impound and a 28 day notice to gather wild horses will be issued concurrently by the BLM prior to any gathering operations in this area.
- 6 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.
- 7 The COR/PI will contact the District Brand Inspector and make arrangements for dates and time when brand inspections will be needed.
- 8 When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories.

DRAFT

4

- a. Branded animals with offspring, including yearlings.
 - b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
 - c. Unbranded animals and offspring without obvious evidence of former private ownership.
- 2 The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and if possible the ownership of unbranded animals determined not to be wild and free-roaming horses.
 - 3 Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.
 - 4 A separate holding corral will be set up near the temporary holding corral to house these horses until the owner or claimant can pick them up.
 - 5 The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Egan Area Manager or Wells Area Manager in accordance with 43 CFR Subpart 4720.3 and provisions in 43 CFR Subpart 4150. In the event settlement is not made the horses will be sold at public auction by the BLM.
 - 6 Branded horses with offspring whose owners cannot be determined and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.
 - 7 The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno) and for the branded or claimed horses where impoundment and trespass charges have not been offered or received for shipment to public auction or another holding facility.

Destruction of Injured or Sick Animals

- 8 Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4740.3-1. The COR/PI will have the primary responsibility for determining when an animal

DRAFT

5

will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI are not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available.

- 1 The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious or parasitic disease will be disposed of by burial of at least three feet.
- 2 The carcasses of wild horses which must be destroyed as a result of age, injury, lameness or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in as inconspicuous location as possible to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

Administration of the Contract

- 3 It is recommended that the COR be Bruce Portwood, Elko District Wild Horse Specialist. The recommended project inspector is Bob Brown, Ely District Wild Horse Specialist. The COR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary.
- 4 Other BLM personnel that may be needed to help are an archaeologist or a district archaeological technician to survey sites for cultural resources, Egan Resource Area or Wells Resource Area personnel as the need arises, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.
- 5 The COR is directly responsible for the conduct of the gathering operation and for reporting the roundup proceedings to the Ely District Manager, Elko District Manager, Nevada State Office, and District Public Affairs Officers.

Contractor's Briefing

- 6 The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued to him. A tour of the area, if necessary, will also be conducted to help familiarize the contractor with the area.

DRAFT

6

Public Meeting

One public meeting will be held in Elko at a place and time to be determined before the roundup is started to get public input on the gathering process using a helicopter.

A public meeting was held in Ely at 1:00 p.m. on July 9, 1985. A public hearing is required by law to get public input on the use of helicopters in the gathering process.

A federal register notice dated June 6, 1985, announced the Ely District public hearing. A federal register notice announcing the Elko hearing will be issued in ample time to allow the public time to attend the hearing.

Wild Horse groups will be notified and asked for input into the environmental assessment and will be given the opportunity to review the assessment.

Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facility and accept all liability for use of such facilities.

The contractor shall provide all feed, water, labor and equipment to care for captured horses at holding facility. The contractor shall also provide transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada, and transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work will be done according to the following specifications and attached work location map. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment including, but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

DRAFT

7

Stipulations and Specificatons

1. Under the provision of 43 CFR 4740.2(a), the use of the helicopter shall be regulated to the extent that:
 - a. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
 - b. The rate of movement shall not exceed limitations set by the COR and/or Project Inspector who shall consider terrain, weather, distance to be traveled and condition of animals.
2. All motorized equipment employed in the transportation of captured horses shall, under the provisions of 43 CFR 4740.2(b), be subject to the following reservations and/or restrictions:
 - a. All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses and burros.
 - b. Vehicles shall be in good repair, of adequate rated capacity and carefully operated so as to insure that captured animals are transported without undue risk or injury.
 - c. Vehicles shall be inspected and approved by the COR/Project Inspector prior to award of the contract or at the prework conference.
 - d. Where required by the COR and/or Project Inspector, animals shall be sorted as to age, size, temperament, sex and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.
 - e. Trailers, (including gooseneck or bumper pull) or other suitable equipment as approved by the COR/Project Inspector may be used to transport horses from the traps to the temporary holding facility. Bobtail trucks or tractor pulled single deck trailers will be permitted for transportation of captured horses to the Nevada Distribution Center, Palomino Valley (Reno). Trailers 30 feet in length will be required to have two sections (one partition) and trailers 40 feet or longer will have three sections (2 partitions). Only straight single deck trailers (no pots) will be allowed.

DRAFT

8

- f. The COR and/or Project Inspector shall consider the condition of the animals, weather conditions, type of vehicles and distance to be transported when planning for the shipment of captured animals.
 - g. The COR shall provide for brand inspection and/or health services required for the captured animals.
3. All trapping of horses shall be subject to the following reservations/restrictions:
- a. All trapping attempted under this contract shall be accomplished utilizing a helicopter to herd the wild horses into the traps. Wing riders may be used as necessary. Roping will be done only when necessary as determined by the COR and/or Project Inspector. Under no circumstances will horses be tied down for more than one hour.
 - b. All materials and labor to build, repair and remove the traps and holding corrals will be provided by the contractor. This includes a separate holding corral needed for branded and claimed unbranded horses with off spring to be located in the gather area from which the owners can pick them up.
 - c. All traps and holding corrals will be located on BLM land unless the contractor makes an agreement with the private land owners to use their facilities. The locations will be approved by the COR and/or PI prior to construction. When private land is used, the contractor must guarantee the BLM access to the facility and accept all liability for use of such facilities.
 - d. The central holding corrals will be located at a location agreed upon by COR and contractor. Panels and other necessary equipment will be furnished by the contractor. The holding corral will require a minimum of 400 linear feet of portable panels; however, additional panels may be required by the COR, depending on rate of capture during any given period of time in order to prevent overcrowding of animals and to separate animals as to age, size, temperament, sex, condition, and to separate stray animals from the other horses.
 - e. All trap wings and holding corrals will be constructed to handle wild horses safely and humanely. Trap wings

and holding corrals will be constructed with portable panels, unless otherwise approved by COR/PI; the top rail of the trap will not be less than 72 inches high and the bottom rail will not be more than 12 inches from the ground level. Holding corrals will not be less than 84 inches high and the bottom rail will not be more than 12 inches from the ground level. Traps and holding corrals will be round or oval in design and will not be less than 40 feet in diameter. Holding corrals may be required to be larger as determined by the COR/PI. Loading chutes will be equipped with plywood sides or similar material to keep the horse's legs from getting caught in the panels.

- f. All trap and camp sites will be cleaned of all litter and debris when abandoned, to the satisfaction of the COR.
 - g. Traps will be constructed with a minimum of 600 feet of portable panels.
4. Captured horses shall generally not be held more than 48 hours prior to transporting to Palomino Valley (Reno), Nevada. Exceptions to the 48 hours maximum may only be granted by the COR/PI.
 5. Horses held for 10 hours or more in the traps or holding facility will be provided good quality hay at the rate of not less than (2) two pounds of hay per 100 pounds of body weight per day, or as directed by the COR and/or PI. Horses held for 24 hours or more shall be fed all the hay they will eat, or as directed by the COR and/or PI.
 6. Horses held for 10 hours or more in the traps and/or the holding facility will be provided, by the contractor, fresh clean water in an amount sufficient to satisfy the demand as directed by the COR and/or PI. Water troughs will be a minimum of 300 gallon capacity.
 7. Where required by the COR and/or PI, animals will be sorted by age, size, sex, temperament and condition while at the trap and holding corrals so as to minimize, to the extent possible, injury due to fighting and trampling.
 8. The COR and/or PI shall be responsible for determining the need and provide for the treatment of sick or injured animals. The COR and/or PI shall also determine if an injured animal must be destroyed and provide for destruction of the animals. The contractor shall dispose of carcasses as directed by the COR and/or PI.

- 9. The contractor will be required to furnish locks and chains to lock outside gates of the holding corrals if deemed necessary by the COR.
- 10. The COR and/or PI will make available a Nevada State Brand Inspector for the purpose of inspecting the animals for brands.
- 11. Roundup Procedures within Contract Area:

The COR/PI will determine specific roundup areas and number of horses within general contract area as animal concentration and weather conditions dictate. The trap will be move a minimum of two times (two traps minimum for Buck and Bald and one trap minimum for Maverick-Medicine). Number of horses to be gathered by herd area is as follows:

Buck and Bald Herd Area	672
Maverick-Medicine Herd Area	96
Total	<u>768</u>

- 12. Contractor Furnished Property:

All feed, water, vehicles, helicopters, fuel and maintenance for vehicles, traps, holding facilities, loading chutes (no open sided chutes; open sided chutes must be lined with plywood or other suitable material), troughs and any other necessary equipment.

The contractor will be required to provide the temporary holding corrals, squeeze chutes and manpower to assist the Brand Inspector in his duties.

Contractor shall provide sufficient experienced personnel and saddle horses with appropriate tack to complete the required work.

DRAFT

Prepared by:

Robert E. Brown
Ely District Wild Horse Specialist

Date

Reviewed by:

Bruce Portwood
Elko District Wild Horse Specialist

Date

Howard F. Hedrick
Egan Resource Area Manager

Date

John A. Phillips
Wells Resource Area Manager

Date

Concured by:

Merril L. DeSpain
Ely District Manager

Date

Rodney Harris
Elko District Manager

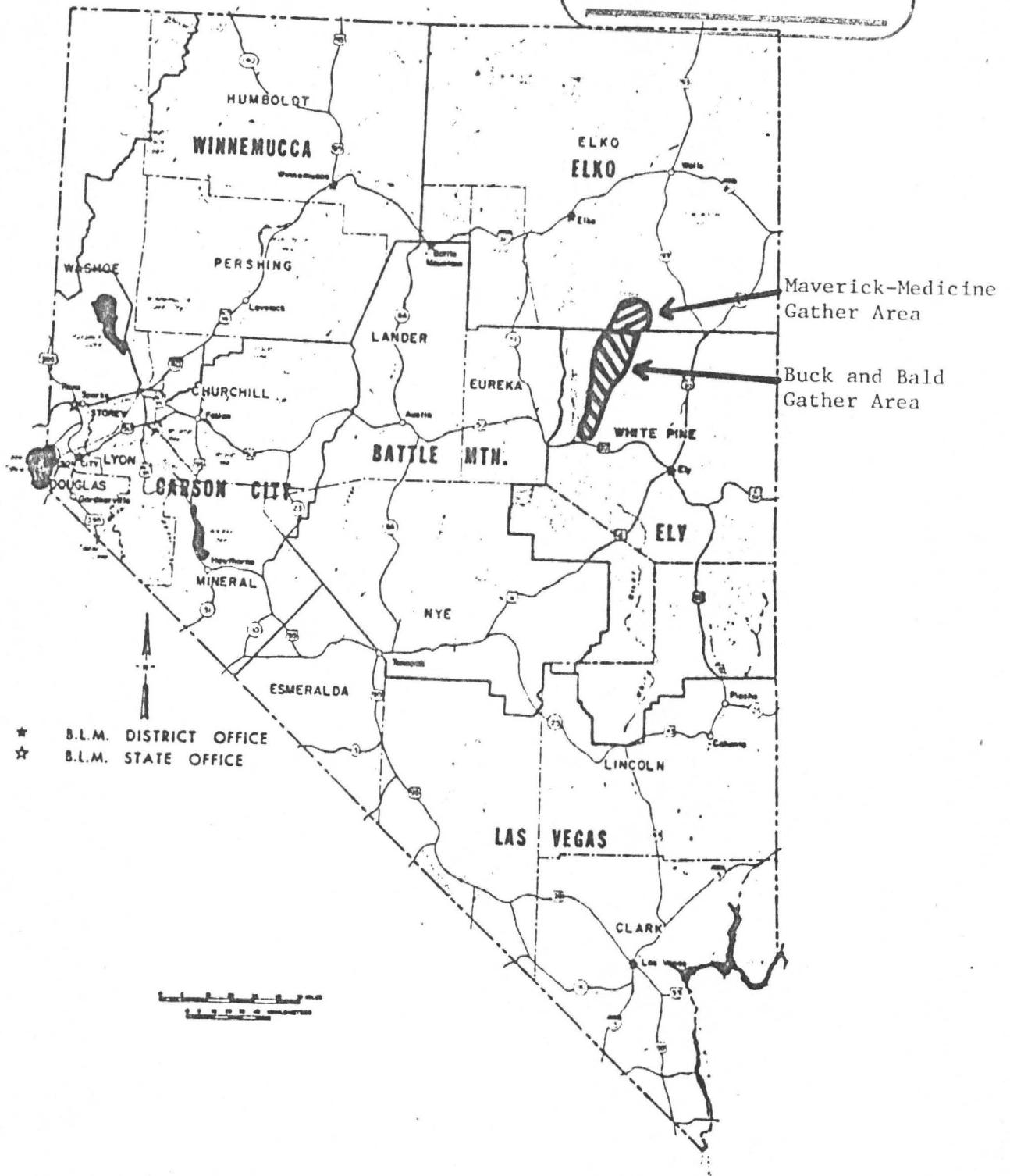
Date

Approved by:

Edward F. Spang
Nevada State Director

Date

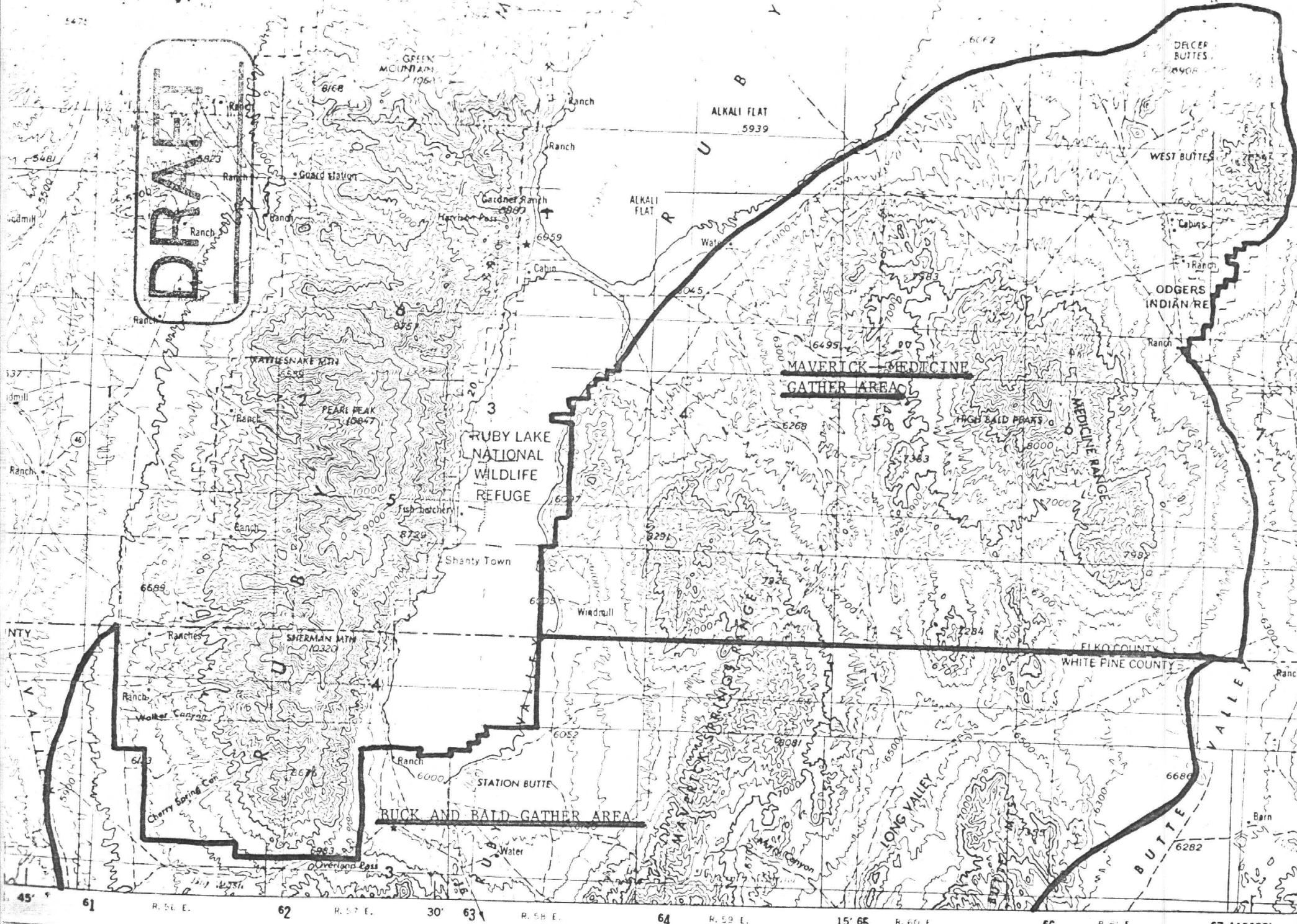
DRAFT

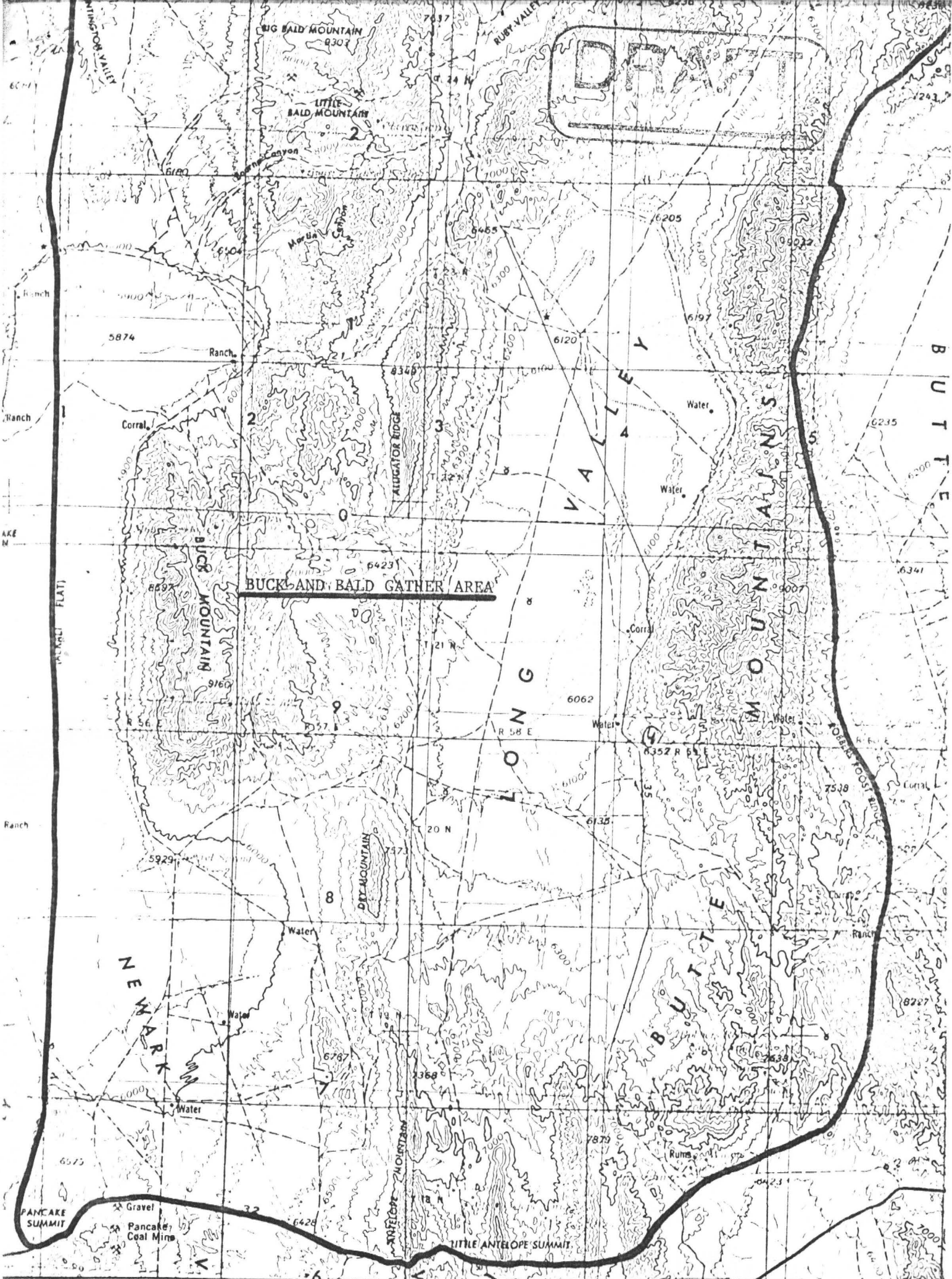


NEVADA DISTRICTS

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

DRAVE





DRAFT

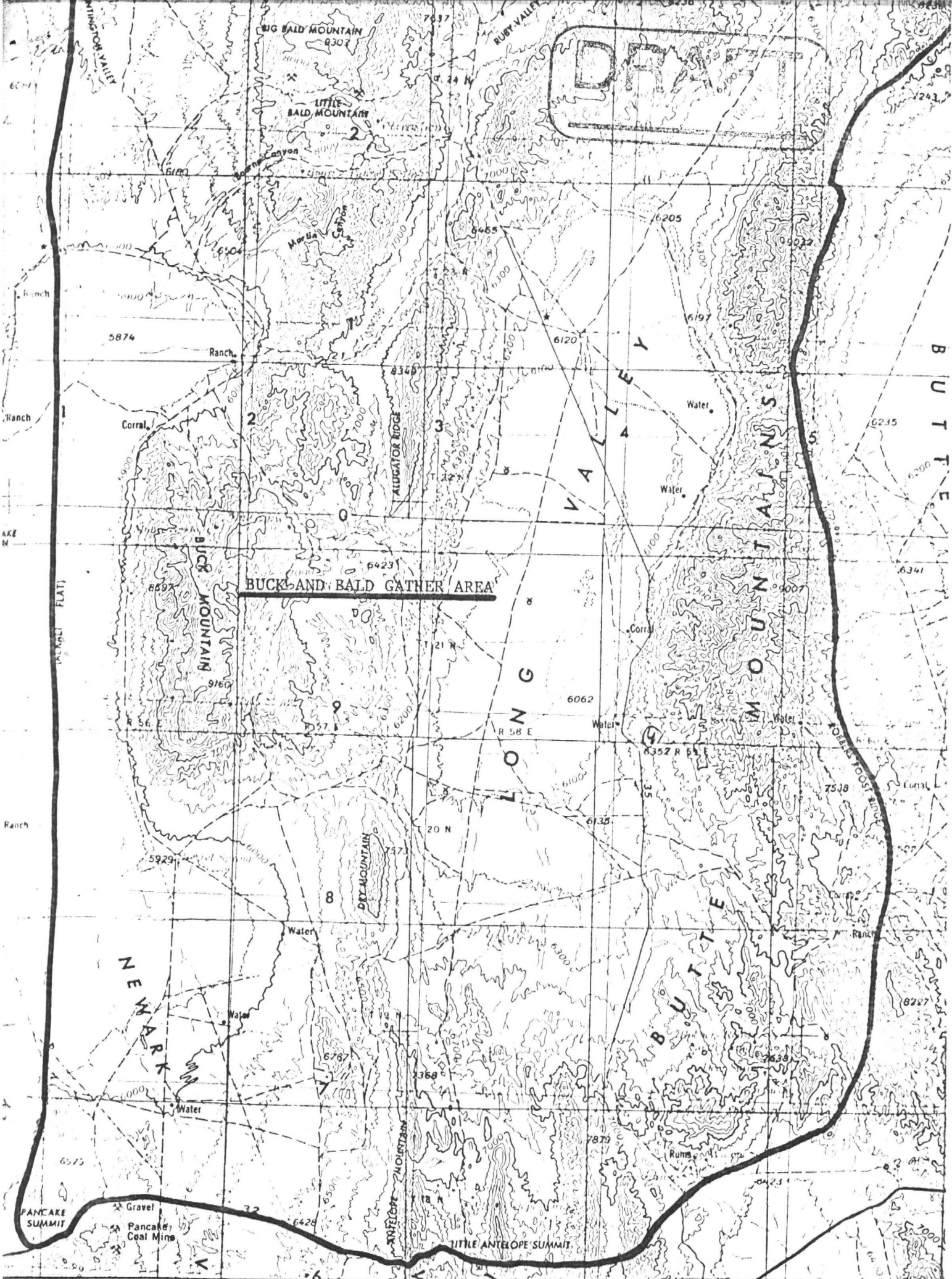
BUCK AND BALD GATHER AREA

RUBY VALLEY
LONG VALLEY
BUTTE MOUNTAINS

NEWMARK

PANCAKE SUMMIT
Gravel
Pancake Coal Mine

LITTLE ANTELOPE SUMMIT



ENVIRONMENTAL ASSESSMENT No. NV-040-6-5
Buck and Bald - Maverick/Medicine
Wild Horse Gather

DRAFT

I. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

The Egan Resource Area, Ely District, and the Wells Resource Area, Elko District, are proposing to remove excess wild horses from two wild horse herds (Buck and Bald, and Maverick-Medicine) located in the northwest portion of White Pine County, Nevada and the south central portion of Elko County, Nevada (see attached maps).

Introduction

The 1971 Wild Horse and Burro Act (Public Law 92-195) directed the Bureau of Land Management to protect and manage wild horses in established ranges as components of public lands in a manner that is designed to achieve and maintain a "thriving natural ecological balance."

In 1978 Congress passed the Public Range Lands Improvement Act (PRIA) (Public Law 95-514), amending the 1971 Act. PRIA requires BLM to maintain a current inventory of wild horses on given areas of the public lands so that determinations can be made as to whether overpopulation exists and whether action should be taken to remove excess animals. PRIA defines "excess" horses as those that have been removed or "must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple use relationship in that area."

In planning for management of the wild horses, including determination of desirable numbers, BLM is directed by Section 202 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) to utilize a multiple-use planning system to determine appropriate actions needed to achieve proper population levels. Such planning actions which significantly affect the human environment are required by the National Environmental Policy Act of 1969 to have the environmental consequences analyzed and documented in an Environmental Impact Statement (EIS).

The Egan Resource Area completed a Management Situation Analysis in August 1982. This document provided the information base for preparation of alternatives in the EIS portion of the proposed Resource Management Plan (RMP). The Egan Draft RMP was issued in October 1983, along with an EIS analyzing the proposed action of the RMP. A proposed RMP and final EIS were issued in September 1984. The Proposed Egan RMP and Final EIS are currently under protest.

DRAFT

A Record of Decision summarizing the major management decisions adopted will be issued when the protests are resolved. A Rangeland Program Summary (RPS) will be issued following the Record of Decision. This RPS will summarize the range program decision to be adopted. The Egan Resource Area proposes to initiate a Coordinated Management Plan on the Buck and Bald area in 1986 also.

The Wells Resource Area completed a Management Situation Analysis in May 1982. This document provided the information base for preparation of alternatives in the EIS portion of the proposed Resource Management Plan (RMP). The Wells Draft RMP was issued in May 1983, along with an EIS analyzing the proposed action of the RMP. A proposed RMP and final EIS were issued in November 1983. A Record of Decision summarizing the major management decisions adopted was issued in 1985. A Rangeland Program Summary (RPS) will be issued in 1986. This RPS will summarize the range program decision to be adopted.

Both the Egan RMP and the Wells RMP are designed to provide a framework for future management of the public lands and resources consistent with existing legislation, regulations, and policy. Implementation of these management plans requires the development of activity plans to identify site-specific management actions. In the case of wild horses, a Wild Horse Herd Management Plan would be developed for each herd area to determine appropriate actions needed to achieve the populations established in the management plans. The Proposed Wells RMP/Final EIS proposes horse populations in the Elko District to be managed at 80-100 percent of the 1981 census levels. This is 195 to 244 horses for the Maverick-Medicine herd.

The Proposed Egan RMP/Final EIS proposes that the Buck and Bald Herd Management Area be managed at approximately 700 horses, which is an interim level established through a gathering plan and environmental assessment written in 1981. The Egan RMP-EIS, however, has been protested and until those protests are resolved, no management actions can occur to implement the RMP-EIS. However, the RMP-EIS is being used to provide management guidance.

Two of the protestors of the Egan RMP-EIS, Dawn Lappin of Wild Horse Organized Assistance (WHOA) and Dan Russell of Russell Ranches recognize that the white sage in Long Valley is critical winter range for both livestock and wild horses in the area. In the past five years the white sage dominant vegetative communities of Long Valley have been receiving more and more pressure from grazing animals. Excessive use during the winter followed by extended spring-early summer use has been gradually reducing the white sage density and allowing an increase in "increaser type" grasses. Long Valley's usability as a valuable

DRAFT

NV-040-6-5

winter forage resource has been steadily declining and will continue without a reduction in grazing pressure. Both protestors also recognize that recent drought conditions may be affecting this important plant species. They have agreed that some actions must be taken immediately to benefit the white sage flats in Long Valley. Both Dawn Lappin of WHOA and Dan Russell of Russell Ranches support this gathering of wild horses and Dan Russell has further agreed to reduce livestock use by 7,000 AUM's annually. Both measures are aimed at benefiting white sage in Long Valley. The Buck and Bald gather is considered to be a temporary management action based on the Lappin, Russell, BLM agreement. This agreement allows the herd to be gathered down to 700 horses, allowed to grow to 900 head and gathered to 700 again.

The combined Buck/Bald, Maverick-Medicine herd use areas had an inventoried population of 1,301 head in 1980. Buck and Bald was counted in February 1980 and 1,086 horses were seen. The adjacent Maverick-Medicine herd had a population of 215 horses based on a March 1980 inventory. Based on that information, the Ely and Elko Districts, Bureau of Land Management conducted a round-up during the same year. A total of 489 wild and trespass horses were removed which left a population of approximately 800.

In March 1981, the Elko District conducted an aerial census of the present Maverick-Medicine herd and counted 244 horses. There were 163 horses counted in the Medicine Range, 38 in the Maverick Springs Range, and 43 others in the Butte Valley-West Buttes area.

The Ely District conducted an aerial census in May 1981 and counted 687 horses in the Buck and Bald herd use area. There were also 123 horses seen in the Maverick Springs Range south of the Elko County line. The total 1981 inventory for both herd use areas was 1,054 horses. However this was probably an incomplete count because the majority of the animals were in the mountains which made observations more difficult due to the cover and rough terrain.

The Ely District conducted a helicopter census in September 1982 of the Buck and Bald herd use area and a portion of the Maverick-Medicine use area. A total of 1,246 horses were counted with approximately 50 percent in the Warm Springs grazing allotment. There were 1,185 horses counted in the Buck and Bald herd area and 61 counted on the Maverick-Medicine area. Weather conditions were ideal on the 23rd of September but snow and rain reduced visibility on the afternoon of the 24th and the helicopter was grounded due to weather on the 25th. Thus Huntington Valley and the Medicine Range were not inventoried. But in the 1982 count, a larger number of horses were in the valleys which made observations considerably easier.

DRAFT

NV-040-6-5

The Elko District censused the Maverick-Medicine herd again in April 1983. Only 158 horses were counted. The poor results of the census can be attributed to bad weather and the use of a fixed wing Piper Cub instead of a helicopter. Elko censused Maverick-Medicine again in August 1984 using a Jet Ranger helicopter. This census resulted in 198 horses being counted.

The latest census was conducted as a combined effort by both Districts in September 1985. There were 910 horses counted on the Buck and Bald herd use area and 291 counted on the Maverick-Medicine area for a total of 1,201 horses counted. It is felt that a considerable number of horses were missed on this helicopter census, since the count is below those censused in 1982 for both herds. Warm weather, drought conditions, the dense pinyon-juniper cover, and dried up water sources most likely contributed to the incomplete count.

The different location of the horses and time of year of the various counts probably accounts for the difference in inventory results. Even though the inventory results are not exact there is no doubt that the horse population has increased and that there are as many wild horses at the present time as there were before the 1980 gathering.

Fund restrictions and wide-spread controversy regarding wild horse roundups have generally complicated this aspect of wild horse habitat management. The proposed project area has regularly been focused on by Nevada State agencies and area news media who echo the Bureau of Land Management's concern that vegetation and short supplies of surface water (needed by horses, wildlife, and livestock) are being stressed beyond acceptable management limits.

Current inventory data shows that wild horse numbers have again reached a level very near that which existed prior to the removal of horses in 1980. The range condition and ecological balance of the area are once again being threatened. In addition to population increases, herds also appear to be expanding their habitat into areas not formerly occupied. The proposed action is considered long term management consistent with the proposed Wells RMP/Final EIS and the proposed Egan RMP/Final EIS. It is also consistent with the temporary management proposal outlined in the BLM, Lappin, and Russell Agreement for the Buck and Bald herd use area. The proposal is consistent with the Draft Elko and White Pine County Plans for Public Lands (1985).

DRAFT

NV-040-6-5

Proposed Action

Approximately 768-922 excess wild horses are proposed to be removed from the Buck and Bald, and Maverick-Medicine Wild Horse Herd Areas (see attached maps). The proposed gathering operation would remove the following numbers of horses in each herd area:

<u>Herd Area</u>	<u>Nos. to be Managed</u> ^{/1}	<u>Current Estimated Population</u> ^{/2}	<u>Nos. to be Gathered</u> ^{/3}
Buck and Bald (Ely District)	700 to 900	1,372	672
Maverick- Medicine (Elko District)	195 to 244	291	96
Total	<u>895 to 1,144</u>	<u>1,663</u>	<u>768</u>

^{/1} Those numbers to be managed in the Buck and Bald (Ely) herd area are consistent with the Proposed Egan RMP/Final EIS and also the Ely District BLM/Lappin/Russell temporary management agreement for the Buck and Bald herd. Those numbers to be managed in the Maverick-Medicine herd area are 80-100 percent of the 1981 population as per the Proposed Wells RMP/Final EIS.

^{/2} Both herd areas were inventoried in September 1985. It is felt that the Buck and Bald count (910) was low due to warm weather, dense pinyon-juniper cover, drought conditions, and dried up water sources. Therefore, the prior census (1982) of 1,185 horses plus a 5 percent annual rate of increase has been used to establish Buck and Bald gather numbers. The 1985 census was used to establish Maverick-Medicine gather numbers.

^{/3} Based on the most current and accurate data available (1982 and 1985 census information), 768 excess horses will be removed to meet the proposed management levels. A new winter census will be completed prior to the gathering operation and numbers of horses to be gathered may be increased depending on the difference between the census and the minimum management numbers. It is estimated that the updated census information could show as much as a 20 percent increase in total population, requiring the removal of 922 horses.

DRAFT

NV-040-6-5

The horses will be gathered using a helicopter and portable wing traps. The proposed gather is expected to occur between January 1, 1986, and February 28, 1986, and last approximately three weeks. However, a number of horses may be removed over an 18 month period and require more than one roundup to achieve the management levels of the two herds. No gathering will take place during the foaling season, which is from March 1 to July 1.

Several temporary traps with deflector wings encompassing less than one acre would be constructed on public lands in each herd area. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved from place to place during the gathering operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct horses to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be scouted in advance and avoided. Existing roads and trails would be used whenever possible. Horses would be truck hauled to temporary holding facilities in Palomino Valley, Nevada, for processing, then shipped to distribution centers for adoption. Horses that might be held at the trap site in excess of 10 hours would have food and water provided.

Branded trespass horses or other claimed horses and their current year's foal would be impounded and held until trespass fees, gathering fees, and other associated costs as determined by the Egan or Wells Area Manager are paid to the Bureau, and then these animals would be turned over to the owner. Branded horses not claimed would be treated under the Nevada State estray laws.

These standard operating procedures are also part of the proposed action:

- (1) Horse handling will be kept to a minimum. Capture and transporting operations can be traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
- (2) No gathering will be allowed during the foaling season, between March 1 and July 1, because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. Gathering may be resumed after the foaling period and after foals are grown enough to withstand the stress of gathering operations.

- (3) Horses will not be run more than 10 miles during gathering operations and gathering will be done in the early morning and early evening to avoid overheating horses during the hot weather.
- (4) A veterinarian will be on call during gathering operations.
- (5) Helicopters will be used with caution. A qualified district BLM representative (COAR or PI) will be present during gathering attempts to insure strict compliance with the above mileage limitations and CFR 4700 regulations. He/she will make a careful determination of a boundary line to serve as an outer limit within which attempts will be made to herd horses to a given trap. Topography, distance, weather, and current conditions of the horses will be considered in setting the mileage limits so as to avoid undue stress on the horses while they are being herded.
- (6) Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.
- (7) Every effort will be made to keep mares and their young foals together. Mares with foals (on the ground) will be separated from stallions and barren mares before shipping to central BLM facilities at Palomino Valley (Reno, Nevada).
- (8) Horses will not be held at the trap site or holding corrals for more than 10 hours without food or water.
- (9) A BLM law enforcement agent will be present during the gathering operation to provide protection for personnel working on the roundup, as well as the gathered horses.
- (10) All corral panels will be from 72" to 84" high in order to prevent horses from jumping out of traps.

Alternatives

Different methods of capturing wild horses are discussed in the capture plan and will not be discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

DRAFT

NV-040-6-5

The Proposed Wells and Egan RMP's and Final EIS's are designed to be comprehensive, long range plans which set the framework and guidelines for future site specific activity plans. These documents have established the population levels identified in the proposed action as the objectives for future management. The Ely District BLM/Lappin/Russell temporary management agreement concurs with the proposed Buck and Bald management level also.

Alternative I - Remove more horses than the proposed action

Under this alternative, wild horse numbers would be reduced to less than the levels established in both the Egan and Wells Proposed RMP's and Final EIS's, and the Ely District BLM/Lappin/Russell temporary management agreement. This alternative was identified in the Draft Wells RMP/EIS as the "Resource Production Alternative" and proposed a 50 percent reduction of the 1981 population level. The analysis of the environmental consequences for this alternative can be found in the Draft Wells RMP/EIS. This alternative was also identified in the Draft Egan RMP/EIS as Alternative D which proposes 50 animals per herd area. The analysis of the environmental consequences for this alternative can be found in the Draft Egan RMP/EIS. Since this alternative is not consistent with the Proposed Wells RMP, Proposed Egan RMP, or Buck and Bald temporary management agreement it will not be considered further.

Alternative II - Remove fewer horses than the proposed action

Under this alternative, current wild horse numbers would be reduced only slightly, resulting in a population level greater than that established in both the Egan and Wells Proposed RMP's and Final EIS's, and the Buck and Bald temporary management agreement. This alternative was identified in the Draft Egan RMP/EIS under Alternatives A, B, C and E which proposed leaving the Buck and Bald herd at the 1982 census level of 1,185 horses. The analysis of the environmental consequences for these alternatives can be found in the Draft Egan RMP/EIS. A similar alternative was identified in the Draft Wells RMP/EIS as the "Resource Protection Alternative" and proposed a 100 percent increase in the 1981 population level. An analysis of the environmental consequences for this alternative can be found in the Draft Wells RMP/EIS. Herd reductions of less than the proposed action would not significantly reduce habitat competition. Therefore, this alternative will not be considered further.

DRAFT

NV-040-6-5

Alternative II - No Action

Under the No Action alternative no gathering operations would be conducted in the Herd Use Areas.

II. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The subject area is rural in character. Topography consists of valley floors, alluvial fans, canyons, mountains, steep ridges, and basins. Annual average precipitation varies from 20 inches in higher elevations to 8 inches or less at the lower elevations. The bulk of the precipitation occurs through early spring rains and winter snows. Temperatures range from summer maximums in excess of 90 degrees F. to winter lows falling well below zero.

The climate of the gather area is arid to semiarid. There is a high order of variability in time and space. In general the valleys and playas are arid with substantially less than 10 inches annual precipitation. The 16 years of record at Fish Creek Ranch between 1945 and 1960 averaged less than 8 inches per annum. BLM rain gauges in Long Valley and Newark Valley ranged from 4.98 to 6.65 inches in the 1984 water year. The highlands are semiarid. The 1984 water year values ranged from 10.88 inches on the south at Little Antelope Summit to 17.78 inches on the north recorded at Ruby Lake weather station.

The general absence of springs recorded on the water survey is as expected in this arid and semiarid area. Wells are the principal water sources in the arid valleys.

The numerous springs on the north and west faces of Buck Mountain are exceptional. The 14.80 inches annual precipitation calculation from the Nevada ungauged equation seems reasonable for the area yet does not explain the phenomena. The springs appear to be surface expressions of water concentration along the faults denoted in the Riepe Spring and Ely Limestone which form Buck Mountain (Nevada Bureau of Mine and Geology Bulletin 85).

Springs, reservoirs, wells, and intermittent streams provide a water supply of generally fair to good quality. Competition by large animals (wildlife, horses, livestock) for use of the water is a threat to future maintenance of water quality as evidenced by excessive trampling of undeveloped springs, seeps, and wet meadows.

Air quality is good, although short-term increases in fugitive dust levels occur as the result of climatic variations and vehicular traffic.

Soils within the gather area vary with the extremes of landscape, topography, and geology. They range from generally low producing Entisols and Aridisols on valley floors and alluvial fans to moderate and high producing Mollisols and Aridisols in mountainous areas. (Third Order Soil Survey information can be referenced for detailed soil and ecological site data.)

Soil textures are generally loams, clay loams, and silt loams, most of which are capable of supporting desirable species of vegetation. The following table depicts soil characteristics:

<u>Distribution</u>	<u>Principal Soil Orders</u>	<u>Soil Productivity</u>	<u>Erosion Susceptibility</u>
Mountains	Mollisols	Moderate-High	Moderate
Benches and Alluvial Fans	Aridisols	Moderate	Moderate
Valley Floors	Aridisols and Entisols	Low	Slight

Major plant associations may be generally characterized as big sagebrush-grass, mid-sagebrush-grass, pinyon pine-juniper, winterfat-saltbrush flats.

The dominant shrub in the big sagebrush-grass community is big sagebrush (Artemisia tridentata). Other shrubs of this type occurring are greasewood, (Sarcobatus vermiculatus); gray rabbitbrush, (Chrysothamnus nauseosus); at higher elevations Utah serviceberry, (Amelanchier utahensis), and bitterbrush (Purshia tridentata). Common forbs include buckwheat, (Eriogonum spp.), princess plume, (Stanleya pinnata); mustards, (Brassica spp.), and lupine, (Lupinus spp.). Common grasses include Great Basin wildrye, (Elymus cinereus); western wheatgrass, (Agropyron smithii); Sandberg bluegrass, (Poa secunda); bluebunch wheatgrass, (Agropyron spicatum); Indian ricegrass, (Oryzopsis hymenoides); Squirreltail, (Sitanion hystrix); and where perennial grasses have been over utilized or removed by fires, cheatgrass, (Bromus tectorum) has become the dominant understory.

The dominant shrubs in the mid-sagebrush-grass are low sagebrush, (Artemisia arbuscula) and black sagebrush, (Artemisia arbuscula nova). Black sagebrush occurs more frequently than low sagebrush in this area. Other common shrubs occurring in this type are little rabbitbrush, (Chrysothamnus viscidiflorus); shadscale, (Atriplex confertifolia); winterfat, (Ceratoides lanata); and Mormon tea (Ephedra viridis). Common forbs in this type are mustards, (Brassica spp.); buckwheats, (Erigonum spp.); locoweeds, (Oxytropis spp. and Astragalus spp.); pepperweeds, (Lepidium spp.) and penstemon, (Penstemon spp.). Common grasses include western wheatgrass, (Agropyron smithii); Sandberg bluegrass, (Poa secunda); Indian ricegrass, (Oryzopsis hymenoides), and squirreltail, (Sitanion hystrix).

Pinyon pine-juniper type occurs on valley benches and extends into the higher elevations. The pinyon pine, (Pinus monophylla) and Utah juniper, (Juniperus osteosperma), are the dominant overstory. Understory plants include segments from the big-sagebrush-grass and mid-sagebrush-grass communities. Other shrubs occurring in the pinyon pine-juniper type already listed are curleaf mountain mahogany, (Cercocarpus ledifolius); green Mormon tea, (Ephredra viridis), and snowberry (Symphoricarpos spp.). At higher elevations and where water is at or near the ground surface there are scattered patches of aspen, (Populus tremuloides) in the area.

The fourth major plant association is the winterfat-saltbush flats. This plant association occurs on the valley bottoms and lower valley benches. The dominant shrubs in this type are shadscale, (Atriplex confertifolia), and winterfat, (Ceratoides lanata). Other common shrubs in this type are spiny hopsage, (Grayia spinosa); greasewood, (Sarcobatus vermiculatus); budsage, (Artemisia spinescens); kochia (Kochia spp.); little rabbitbrush, (Chrysothamnus viscidiflorus); and big sagebrush, (Artemisia tridentata). The most common forbs are buckwheats, (Eriogonum spp.), and mustards, (Brassica spp.). The most common grasses are Indian ricegrass, (Oryzopsis hymenoides); squirreltail, (Sitanion hystrix), and sand dropseed, (Sporobolus spp.).

Invasions of halogeton, (Halogeton glomeratus); Russian thistle, (Salsola kali), and cheatgrass, (Bromus tectorum) are common where areas have been disturbed by man and/or overgrazed by horses or livestock. Little rabbitbrush has replaced the dominant desirable shrubs in this type where overgrazing has occurred.

There are no threatened, endangered, or candidate plant species known to occur within the area of the proposed gather. Further, the area has low potential for occurrence of sensitive species.

DRAFT

NV-040-6-5

The vegetation in the area has been receiving heavy to severe use as a result of the number of horses, livestock and deer. The ongoing utilization and trend studies in the area show that the vegetative resource is being damaged due to overuse and the forage is not adequate for the large number of animals. This is particularly noticeable on the winterfat flats in Long Valley.

The herd area supports a variety of wildlife. This region provides wintering habitat for the Ruby mule deer herd, the largest herd within the confines of the state. Spring 1985 surveys by Nevada Department of Wildlife estimate this herd population at 18,400 deer. An estimated 40-50 percent of these deer move into the herd area during a normal winter. Sage grouse are common in the herd area. Approximately 18 leks or strutting grounds are known, with Butte and Newark Valleys being the most important areas. Waterfowl are found in wetlands in Butte and Newark Valleys and at the Ruby Lake National Wildlife Refuge which borders the gathering area to the northwest. Riparian areas are scattered through the area. Perennial streams at Deadman and Old Deadman Creeks do not support fish. Exclosure fences were constructed in Orchard Canyon to protect important wet meadow habitats. Amphibians, reptiles, mammals, rodents and passerine bird species common to the Great Basin can be found in the area.

Federally endangered Bald Eagles winter in the area between November and April annually. A night roost site for Bald Eagles occurs on the northeast border of the herd area. Endangered peregrine falcons could occur in the area. But there are no recent sightings. Other species under consideration for threatened or endangered status and listed as candidate, "category 2" species by the U.S. Fish and Wildlife Service are: Ferruginous Hawk (30+ nesting sites in the area); Newark Valley Tui Chub (2 springs on the west boundary); and Relict Dace (springs on the northeast boundary).

Wild horses have started to enlarge their use area. Since 1982 the horses have migrated from their summer range, Buck/Bald Mountains, to their winter range, Newark/Long Valleys, in August, two to three months earlier than normal. This may indicate that the forage was depleted at the higher elevations.

Horses have inhabited this area for many years. They are all descendants of ranch horses that were released or escaped into the area and continued to propagate.

DRAFT

NV-040-6-5

Horses prefer grasses and grass-like species but they will utilize shrubs and forbs when necessary. In the Buck/Bald-Long Valley area heavy use by horses and other grazing animals has reduced desirable grasses to the point that only shrubs and less desirable or available grasses remain. Pressure is extremely heavy on Long Valley's winterfat flats.

It appears from observations and studies that the horses competing with livestock consume the available grasses, thus forcing cattle to browse less desirable bitterbrush and snowberry, leaving little forage for wintering deer.

The two gather areas encompass all or portions of 22 grazing allotments, and one sheep trail. Seventeen allottees graze cattle and/or sheep on these allotments. Two of the allottees also have a permit to graze horses. Six of the allotments are grazed throughout the entire year, and seven more are grazed during the winter. The other allotments are grazed during the spring, summer or fall. The following table shows the livestock use in the area of the proposed action:

Livestock Use in the Buck and Bald Gather Area and the Maverick and Medicine Gather Area

Allotment	Allottee	AUM's Active Preference	Class of Livestock	Season of Use
<u>Buck and Bald Gather Area</u>				
Fort Ruby	Alfred Anderson	90	Cattle	03/01 - 02/28
Ruby Valley	Art Cook	599	Cattle	11/01 - 03/31
	Ruby Valley Ranch, LTD	51	Cattle	11/01 - 04/03
Horse Haven	Art Cook	18	Cattle	05/01 - 07/31
	Ruby Valley Ranch, LTD	1,038	Cattle	05/01 - 09/30
Maverick Spring	Art Cook	1,500	Cattle	03/01 - 02/28
Dry Mountain	Dan Russell	966	Cattle	11/01 - 04/05
Sabala Spring	Dan Russell	2,466	Cattle	11/01 - 04/15
North Pancake	Paris Livestock	648	Sheep	04/09 - 04/15 and 11/18 - 12/17

DRAFT

NV-040-6-5

Allotment	Allottee	AUM's Active Preference	Class of Livestock	Season of Use
<u>Buck and Bald Gather Area</u>				
Mitchell Creek* (White Pine Seeding)	Peter and Julian Goicoechea	285	Cattle	04/15 - 10/15
Cold Creek*	Dan Russell	9,129	Cattle Horses	04/15 - 12/30 06/01 - 10/30
	Paris Livestock	242	Sheep	04/20 - 05/25 and 11/09 - 11/16
Warm Spring*	Dan Russell	23,995	Cattle	03/01 - 02/28
Newark*	United Dressed Beef, Inc.	12,404	Cattle	03/01 - 02/28
			Sheep	03/28 - 04/15 and 10/15 - 12/30
Warm Springs Trail*	Dan Russell	1,866	Sheep	03/16 - 03/21 and 11/16 - 11/21
	Paris Livestock	615	Sheep	04/15 - 04/20 and 11/15 - 11/20
	United Dressed Beef, Inc.	151	Sheep	03/27 & 12/31
Moorman Ranch*	Robert Dickenson	10,099	Cattle	03/01 - 02/28
Thirty Mile Spring*	Gracian Uhalde	8,405	Cattle	05/01 - 11/30
			Sheep	05/01 - 11/30
North Butte*	Warren Robison	698	Cattle	10/20 - 04/15
Medicine Butte*	Bert Paris and Sons	17,835	Cattle	04/16 - 12/31
			Sheep	04/16 - 11/15
			Horses	03/01 - 02/28

DRAFT

NV-040-6-5

Allotment	Allottee	AUM's Active Preference	Class of Livestock	Season of Use
<u>Maverick and Medicine Gather Area</u>				
Ruby #9	Ruby Valley Ranch, LTD	834	Cattle	03/01 - 04/30 and 11/01 - 12/31
Maverick	Ruby Valley Ranch, LTD	1,864	Cattle	05/01 - 08/15 and 11/01 - 12/31
Bald Mountain	Te-Moak Livestock Association	736	Cattle	06/01 - 09/15
	Lear Ranches	437	Cattle	06/01 - 09/15
Odgers	Te-Moak Livestock Association	1,596	Cattle	04/16 - 10/15
North Butte Valley*	William and Elizabeth Dickenson	1,645	Cattle	05/01 - 11/30
Spruce*	Loyd Sorensen	14,976	Cattle Sheep	11/20 - 05/31 11/20 - 04/30
	Kenneth Jones	13,437	Cattle	11/20 - 05/31
	Von and Marian Sorensen	7,154	Cattle	03/01 - 02/28
West Cherry Creek*	Bert Paris and Sons	2,661	Cattle Sheep	05/01 - 10/31 05/01 - 10/20

* The gather areas encompass only a portion of these allotments.

This area has traditionally been grazed by domestic livestock since the existing ranches were established in the late 1800's. Historically, both cattle and sheep have grazed the area, but primary use was by large nomadic bands of sheep.

With the passage of the Taylor Grazing Act of 1934, the number of livestock was greatly reduced, and only the established ranches were allowed to graze livestock. During the 1950's most of the livestock operators converted from sheep to cattle due to economic conditions which have prevailed to the present time.

Even though use by livestock has traditionally been heavy, the livestock operations over the past several years have been using less than their allocated preference.

DRAFT

NV-040-6-5

Trespass by livestock and branded horses has been a problem but the majority of the livestock operators are cooperative and are working to solve problems in the area.

During the past several years fourteen springs have been improved, redeveloped and maintained providing additional water for livestock, wildlife and wild horses.

Warm Springs Ranch, whose grazing allotment is being severely impacted has acquired additional grazing privileges outside the herd use area and is willing to reduce some of the grazing pressure voluntarily if horse use is also reduced. Cattle will also be removed from the White Sage (winterfat) Flats in Long Valley during the critical growing season, providing increased winter forage.

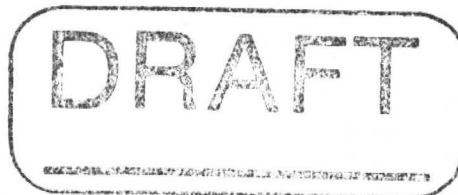
The area within the proposed Buck and Bald horse gather is also an area of high interest for minerals, both hard rock and leasable. There are presently 3 major mining operations going within the area. They are all disseminated gold open pit mines. The oldest and largest of these operations is Amselco's Alligator Ridge Mine. The second largest mining operation is Placer U.S.'s, disseminated gold mining operations on the west flank of Bald Mountain. The third and smallest operation is New Dynasty's mining operation on Little Bald Mountain. There are also extensive prospecting operations throughout most of the area of the proposed horse gather.

The area is also currently undergoing intense seismic exploration for oil and gas.

All of these mineral activities have impacted and will continue to impact not only the wildlife, but the wild horses as well. Habitat has been and will be taken out of production, thus forcing all large herbivores to compete for a decreasing forage base.

The loss of habitat isn't the only impact caused by these intensive mineral activities. Such things as disruption of migration routes, disruption of major trail systems to water and actual physical harassment are occurring and are expected to increase as the search for precious metals, oil and gas intensifies.

The area of the gather is sparsely settled. It is rural in character and the primary source of income is from ranching and mining operations. There are no towns within the gather area. Some ranchers have strong historical and family ties to the



NV-040-6-5

area. The current mining activities are fairly recent development and have provided jobs and economic stimulation to Elko and White Pine Counties. Other uses are primarily for recreational purposes.

Contrasting and varied topography make the gathering area visually pleasing to many people. Major population centers are far removed, the nearest community being Ely, Nevada, which is located 30 miles to the southeast, or Eureka, Nevada, approximately 30 miles to the west.

Wild free-roaming horses were declared to be "living symbols of the historic and pioneer spirit of the West" by Public Law 92-195, the Wild Horse and Burro Act. As such, they have educational, scientific, and cultural values to the people of the region and nation. Local attitudes are varied regarding the presence of wild horses, both generally and in the subject area. The greatest potential interest in preserving and viewing wild horses arises from large urban areas both on a state and national basis. It is believed that some recreation use of horses, either by viewing or photography, is made by visitors in the area. Long Valley presents one of the best wild horse viewing opportunities within the Ely District.

Other recreation values are numerous within the proposed gather areas. Deer and upland game hunting occur throughout the proposed gather areas. Hunting seasons for deer normally occur from early October through mid-November. Upland game seasons extend from September through late January. Trapping activities are moderate in these areas with peak trapping activity from October through mid-February.

There are no wilderness study areas located within the gather areas.

The gather area encompasses numerous significant cultural resource areas including the 35,000+ acre Sunshine Locality National Register District (Federal Register, March 7, 1978). Cultural occupation of the gather area ranges from the Paleoindian Period (12,000 B.P.) to the Historic Mining Period (to 1920 A.D.).

Typical prehistoric sites are open lithic tool and debitage scatters, though more unusual sites such as rock shelters with preserved perishable artifacts, rock art sites, and hunting blinds or traps composed of piled rock or vegetation also occur.

DRAFT

NV-040-6-5

The historic Bald Mountain Mining District falls within the gather area and numerous sites associated with the mining of silver, copper, and even placer gold (rare for eastern Nevada) have been recorded. These sites consist of tailings piles, ore processing dumps, household debris, machinery, millsites, and other structures.

A more detailed description of the affected environment can be found in the Draft Wells RMP/EIS and Draft Egan RMP/EIS.

III. ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION - REMOVE
768 - 922 WILD HORSES

The spring rich areas are attractive in an arid environment. The primary site of impact from changes in number of wildlife and wild horses is the spring rich area in Buck Mountain and to a lesser degree are the contact spring area in Little Bald Mountain and the Hot Spring area on the northwest corner of the Maverick Range. Reduced competition between livestock, wildlife, and wild horses for limited water supplies would be a high positive impact.

The horse gathering operation and handling of horses would be conducted at least 1/4 mile away from water; therefore no direct impact on water quality would result. Reduced wild horse numbers would lessen grazing and trampling at waterholes and riparian areas, contributing to a more favorable habitat and associated water quality for all animals.

Negligible impacts to air quality would occur during gathering operations and handling of horses, resulting from helicopter and vehicle exhaust emissions. Short-term increases in transient dust levels caused by operation of ground vehicles and running horses would occur.

Sites which presently exhibit active soil erosion would be positively impacted as would the water quality of sources presently exhibiting severe trampling and resultant contamination through sediment increase and/or fecal deposits in water.

Vegetative cover has a direct influence on the availability and erosion potential of soil. The proposed reduction in horse numbers and resulting reduction in vegetative utilization (especially in heavy use areas) will have both short and long term beneficial impacts to the soil resource. These beneficial responses - less soil compaction and improved vegetative cover - will be most significant in heavy horse use areas.

There will be a short term negative impact to the vegetation at the trap sites and holding corrals. The vegetation will be severely trampled by all the horses that will be concentrated at those locations. This will be a minor impact, though, because the areas impacted will be small in relation to the gather areas. Vegetative regeneration would be expected within two to three years depending on climatic conditions.

The proposed action will have a very positive long-term impact on the vegetation in the area. The ecological condition of the different plant communities will improve after the gather. The more desirable grasses and shrubs will not be utilized as heavily. Production of these species will increase, as will their percentage of composition within the community.

The invasion of undesirable grasses and forbs will not be as great under the proposed action. Decreased grazing pressure would slow downward trends in overall range condition.

There should be no impact to threatened or endangered plant species from the proposed action.

A negligible impact to wildlife during the gathering is expected. Some wildlife could be temporarily frightened or displaced by the increased activity in the area. Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact for the mule deer herd. Reduced competition for the short supply of mountain brush by all ungulates should help the deer through hard winters and reduce winter losses.

Reduced use and trampling at riparian areas should benefit a large number of wildlife species.

Limited chance of displacement and/or possible collision with bald eagles is possible during mid-winter gathering. Ferruginous hawks do not winter in the area. No other impacts are expected with T & E or potential T & E species. Because activities would be conducted away from water, no adverse impacts would be anticipated on Newark Valley Tui Chub or Relict Dace as a result of the gathering operation.

A negative impact on wild horses would be expected during gathering and handling. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. Enough horses would remain to maintain a viable herd and provide for interaction between bands. Reduced competition between wildlife, livestock, and horses for limited water, forage and space would result in higher survival and reproduction rates for each.

DRAFT

NV-040-6-5

There will be a slight negative impact to livestock grazing as a result of the proposed action. Livestock will be disturbed by all the activities associated with the gather. This impact will be a short term impact, and will occur only on the 13 allotments that are being grazed at the time of the gather. There will be no impact to the other allotments.

The proposed action will have a long term positive impact on livestock grazing on all the allotments. Competition for forage will be reduced after the gather.

Dan Russell, allottee on the Warm Springs Allotment, has agreed to license no more than 17,054 AUM's if the gather takes place. This is the three-year average licensed use for the 1982-84 grazing seasons, and is almost 7,000 AUM's below his active preference. This will reduce competition for forage even more. The intensity of livestock grazing is expected to remain at approximately the present level on the remaining allotments. The objective of the Proposed Wells RMP/EIS is to provide for livestock grazing consistent with other resource uses resulting in an increase in livestock use of 1.7 percent over the entire resource area. This would be 23 percent below Active Grazing Preference. The Egan Resource Area proposes to develop a Coordinated Management Plan on the Buck and Bald area to be initiated in fiscal year 1986. Both resource areas would make adjustments in livestock use after sufficient monitoring data is available.

There will be a beneficial impact if the horse gather is allowed to proceed, as this will relieve some of the displaced grazing pressure created as a result of mining and allow a more expeditious recovery once land treatment is completed.

Positive management, and maintenance of wild horse numbers at a viable herd level could bring vicarious pleasure to wild horse advocates. The removal of excess wild horses from the gather area would please local sportsmen and livestock operators. Proceeding with the gather would help public relations for the Ely and Elko Districts, BLM.

A contractor will be paid to conduct the gather, but it will provide negligible economic stimulation to the local area. Lifestyles, and quality of life of residents would not be impacted. If reduction of horses in this key deer winter range results in higher mule deer populations leading to more deer tags for deer management area 10, the Ely and Elko vicinity would be economically benefited from the increased tourism.

DRAFT

NV-040-6-5

Since there are no wilderness study areas within the gather areas there will be no conflicts with wilderness.

Removal of wild horses in Long Valley, could affect viewing opportunities. The gather will concentrate in the Long Valley area, but the number of horses removed will probably not substantially impact viewing opportunities. Other recreational opportunities will not be affected because of the short term nature of the gather.

Because all necessary facilities would be temporary, the gathering operation would not affect the visual quality of the subject area.

Considerable negative impacts could occur to cultural resources which may coincide with the one acre trap sites. The expected impacts could include the destruction of or mixing of artifacts at or near the ground surface and the reduction or elimination of fragile intrasite artifact relationships. Similar impacts are anticipated at camp sites, holding corrals, and staging areas.

Much biological information can be obtained from the gathered animals (e.g. sex and age ratios, parasites, diseases, etc.). All of this information would be useful in management of the horses in the future.

There would be no impacts from the proposed action to areas of critical environmental concern, wild and scenic rivers, flood plains and wetlands, prime or unique farmlands, or paleontological resources.

Mitigating Measures for the Proposed Action

- (1) Gathering efforts should avoid roost areas and other areas commonly used by bald eagles to minimize possible dispersion and/or collisions.
- (2) When possible, gathering should be done to avoid high concentrations of mule deer to avoid stressing animals during severe weather periods.
- (3) Trap sites will not be placed within 1/4 mile of water sources, such as streams, springs, reservoirs, or troughs, or other riparian areas to avoid trampling of these important wildlife habitats.

DRAFT

NV-040-6-5

- (4) No off-road vehicle operation, trap construction, camping, staging, or holding activities will occur in the Sunshine Locality National Register District or any other known archaeological (including historic) site locales.
- (5) A cultural resources investigation by an archaeologist or district archaeological technician will be conducted prior to any trap construction. If cultural values are discovered, an alternate trapsite will be selected. A cultural resource report will be completed after the survey.
- (6) If any threatened, endangered, or candidate plant species are found to exist in the vicinity of trap or holding corral locations, the trap or corral will be moved to a new location.
- (7) Temporary traps and corrals will be removed within 30 days following the gathering operation.

Unavoidable Adverse Impacts from the Proposed Action

Short term increases in transient dust levels caused by operation of ground vehicles and running horses could occur if conditions are dry (lack of snow).

The vegetation and soil at trap sites and holding corrals will be severely trampled by the large horse concentration there. The impact will be minor though due to the small area (less than 1 acre) involved at each site. Also, the reduced competition for water and vegetation after the gather should result in improved plant vigor, condition, and reproductive potential over the entire herd area.

Although the standard operating procedures will lessen stress to horses during capture and handling, a negative impact can still be expected during the gather. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. Livestock may also be disturbed to a lesser degree by the gather activities. Injuries and/or deaths to some wild horses may also occur.

Irreversible and Irretrievable Commitments of Resources

None.

IV. ENVIRONMENTAL CONSEQUENCES OF NO ACTION ALTERNATIVE

Uncontrolled horse populations combined with wildlife and livestock use will continue to have a negative impact on soils susceptible to erosion.

DRAFT

NV-040-6-5

Vegetative cover would continue to decline in heavy use areas.

Gullies and soil compaction will increase, causing not only loss of soil but increased water sedimentation and decreased water flow in unprotected springs.

Competition for water would continue to increase, resulting in continued overgrazing and trampling of the existing waterholes and riparian areas. The impact would be the most negative during the dry years (most years in this arid environment).

Under the no action alternative, the ecological condition of the different plant communities will continue to decline. This will be a very negative impact. The more palatable plant species will continue to be overutilized. Less desirable grasses and forbs will increase. Continued heavy grazing of preferred forage plants would cause continued loss of plant vigor and reproductive capacity, and an increase in undesirable forage species. Vegetative succession would regress to a lower seral stage with undesirable forage species making up a greater portion of the total vegetative cover. This would ultimately result in lower productivity and population decline for all animals.

The no action alternative will have a long term negative impact on livestock grazing on all allotments. Competition for forage will remain high. If no gather takes place, Dan Russell will be allowed to license up to his active preference of 23,995 AUM's on the Warm Springs Allotment.

Without the gathering, competition between mule deer and other ungulates will continue to increase with a long term negative impact on deer population numbers especially during severe winters.

Without the gather any chance of dislocation and/or collision with bald eagles would be eliminated.

Uncontrolled horse numbers would increase to the point that most available forage would be used, to the increasing detriment of livestock, wildlife, and horses themselves. Some animals may die of thirst due to limited water supplies. Horses concentrate in preferred forage areas yearlong and tend to overuse them, moving only when climatic conditions or an absolute lack of forage force them to move to other areas. Available remaining forage would be adversely affected until a reasonable relationship between numbers of horses, wildlife and livestock is attained. The herds would expand into areas not currently occupied by wild horses.

DRAFT

NV-040-6-5

There would be greater opportunity to view horses, particularly in Long Valley, through steadily increasing populations. However, increased mortality of wild horses would offend many people's values. In addition, the poor quality of horses resulting from poor nutrition would detract from the viewers pleasure in being able to see large horse herds.

Should there be no horse gather there will be no effects on the mining activity. There will however be detrimental effects to grazing. At the present time it is proposed to establish a team to study the various opportunities available for land treatment to offset the cumulative loss of grazing within the Buck and Bald area. The no action alternative will maintain a much higher grazing pressure on the area and will require a much longer time for the area to recover from the grazing losses experienced as a result of mining.

The primary socio-economic impact at the local level would be poor public relations with ranchers and sportsmen. Wild horse advocates may be pleased with a higher number of wild horses within these wild horse herds. Lifestyles and quality of life of residents would not be impacted.

The no action alternative would not impact cultural resources, threatened and endangered plants, wilderness values, areas of critical environmental concern, wild and scenic rivers, flood plains and wetlands, prime or unique farmlands, or paleontological resources.

Mitigating Measures for the No Action Alternative

None.

Unavoidable Adverse Impacts for the No Action Alternative

Refer to the Environmental Consequences of No Action Alternative.

Irreversible and Irretrievable Commitments of Resources

Continued overgrazing of forage resources would result in wind and water erosion of unprotected soils, and the eventual loss of the forage base itself. This in turn would result in a higher mortality of all grazing animals (horses, livestock and wild-life) due to starvation and loss of waters.

DRAFT

NV-040-6-5

V. INTENSITY OF PUBLIC INTEREST

Local newspapers in both Ely and Elko have long been critical of the Bureau of Land Management wild horse management program. A series of articles and one editorial in the Ely Daily Times in October of 1978 focused on horse management problems in another area. A recent article in September 1984 expressed concern over the increasing horse population in Nevada. Letters are received periodically at the local Bureau of Land Management level that are highly critical of Bureau of Land Management horse roundups and the general treatment given wild horses. These letters highlight the sympathy and intense feeling one segment of the public has for wild horses.

Nationally, the issue of wild horses on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Horse and Burro Act in 1971. Wild horse preservationists are generally concerned with maintaining adequate habitat on public lands for optimum population levels of wild horses.

Ranchers who graze livestock on public lands view wild horses as competitive with livestock for forage and water and thus a threat to their interests. However, some ranchers and others support a maintenance of reasonable numbers of wild horses.

Sportsmen and other wildlife interests also see horses as a competitive threat to wildlife populations and cite competition for food, water, cover, and space as being detrimental.

Nevada, the state with the highest wild horse population, was also home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild horses are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse related court litigation. Litigations have been brought mainly by protectionist groups seeking to stop what they view as unwarranted horse gathering. However, recent litigations have been brought by private landowners, many of whom have requested removal of wild horses from their lands.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the project will be given and public comments will be solicited (see Record of Persons, Groups and Agencies Contacted).

DRAFT

NV-040-6-5

VI. RECORD OF PERSONS, GROUPS, AND AGENCIES CONTACTED

Participating Staff

Robert E. Brown - Wild Horses and Burros, Ely District BLM
Bruce Portwood - Wild Horses and Burros, Elko District BLM
Paul Podborny - Vegetation/Livestock Grazing, Ely District BLM
Ray Lister - Livestock Grazing, Ely District BLM
Mark Barber - Wildlife/Threatened and Endangered Animals, Ely District BLM
Kathy Lindsey - Threatened and Endangered Plants, Ely District BLM
Jake Rajala - Socio-Economics/Environmental Coordination, Ely District BLM
Desi Zamudio - Air and Water Resources, Ely District BLM
Cris Ann Bybee - Soils, Ely District BLM
Shaaron Netherton - Recreation/Wilderness/Visual Resources Management, Ely District BLM
Sarah Johnston - Cultural Resources, Ely District BLM
Bill Robison - Minerals, Ely District BLM
Nancy Phelps - Environmental Coordination, Elko District BLM

Review

American Bashkir Curly Register
c/o Mrs. Sunny Martin
P.O. Box 453
Ely, Nevada 89301

American Horse Protection Association
1904-A "T" Street, NW
P.O. Box 53399
Washington, DC 20009

American Humane Association
9725 E. Hampden
Denver, Colorado 80231

Animal Protection Institute
P.O. Box 22505
Sacramento, California 95822

Funds for Animals
140 West 57th St.
New York, New York 10019

DRAFT

NV-040-6-5

Humane Society of Southern Nevada
P.O. Box 85118
Las Vegas, Nevada 89185-0118

International Society for the Protection
of Wild Horses and Burros
11790 Deodar Way
Reno, Nevada 89506

Mr. Donald Molde
755 Forest St.
Reno, Nevada 89509

National Mustang Association, Inc.
c/o Mrs. June Sewing
1st and Main Street
Newcastle, Utah 84756

National Wild Horse Association
c/o Mr. Lloyd Smith
7715 Robindale Circle
Las Vegas, Nevada 89123

Nevada State Department of Agriculture
P.O. Box 11, 100
Reno, Nevada 89510

Deborah Allard
R.F.D. #2, Box 2646
Brunswick, Maine 04011

Nevada Humane Society
c/o Mr. Mark McGuire
P.O. Box KIND
Sparks, Nevada 89431

Save the Mustangs
669 Somerset Avenue
Rockwood, Pennsylvania 15557

Mr. John Walker
Clearinghouse Coordinator
Office of Community Services
Capitol Complex
Carson City, Nevada 89701

U.S. Fish and Wildlife Service
Attn: Mr. Bob Hallock
4600 Kietzke
Building C
Reno, Nevada 89502

DRAFT

NV-040-6-5

U.S. Humane Society
2100 L. St., NW
Washington, D.C. 20037

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

The Center for Wild Horse and
Burro Research
2715 W. 86th Avenue #21
Westminster, Colorado 80030

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

Sierra Club
c/o Rose Strickland
Public Lands Committee of the
Toiyabe Chapter of the Sierra Club
1685 Kings Row
Reno, Nevada 89503

Dan Russell
P.O. Box 343
Eureka, Nevada 89316

Mr. John Polish, Chairman
Ely District Advisory Council
675 Murry
Ely, Nevada 89301

Mr. Van C. Gardner, Chairman
Ely District Grazing Advisory Board
Lund, Nevada 89317

White Pine County Advisory Board
to Manage Wildlife
c/o Dr. Bruce Wilkin
Box 286
East Ely, Nevada 89315

Mr. Fred Pullman, Chairman
Elko District Advisory Council
Lamoille, Nevada 89828

DRAFT

NV-040-6-5

Mr. Harvey Barnes, Chairman
Elko District Grazing Advisory Board
Barnes Ranches
Jiggs, Nevada 89827

Elko County Advisory Board
to Manage Wildlife
c/o Mr. Wes Bowlen
P.O. Box 276
Wells, Nevada 89835

Letters of Information

American Mustang and Burro Registry
P.O. Box 216
Liberty Hill, Texas 78642

Tina Nappe
3340 Berthond
Reno, Nevada 89503

Nevada Cattlemen's Association
419 Railroad Street
Elko, Nevada 89801

Nevada Department of Wildlife
c/o Mr. Dale Elliott
P.O. Box 178
Eureka, Nevada 89316

Nevada Farm Bureau Federation
1300 Marietta Way
Sparks, Nevada 89431

Nevada Outdoor Recreation Association
P.O. Box 1245
Carson City, Nevada 89701

Nevada Wildlife Federation
Dr. John A. Leitch, President
2976 Sorrell Street
Las Vegas, Nevada 89102

Sierra Club, Great Basin Group
P.O. Box 8096
University Station
Reno, Nevada 89507

DRAFT

NV-040-6-5

White Pine County Commissioners
White Pine County Court House
Court House Plaza
Ely, Nevada 89301

White Pine Sportsmen
P.O. Box 1187
Ely, Nevada 89301

Wild Horse and Burro Committee for
National Academy of Science
Chairman Fred Wagner
College of Natural Resources
Utah State University
Logan, Utah 84322

Alfred Anderson
Ft. Ruby Ranch
Ruby Valley, Nevada 89833

Art Cook
Ruby Valley, Nevada 89833

Ruby Valley Ranch, LTD
Ruby Valley, Nevada 89833

Paris Livestock
Jiggs Waysack
Elko, Nevada 80801

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

United Dressed Beef, Inc.
P.O. Box 253
Eureka, Nevada 89316

Robert Dickenson
c/o Moorman Ranch
Star Route 7
Ely, Nevada 89301

Gracian Uhalde
P.O. Box 88
Ely, Nevada 89301

Warren Robison
P.O. Box 494
Ruth, Nevada 89319

DRAFT

NV-040-6-5

Bert Paris and Sons
Star Route 1, Box 26
Ely, Nevada 89301

Te-Moak Livestock Association
Lee, Nevada 89829

Lear Ranches
Currie Route, Box 30
Ely, Nevada 89301

William and Elizabeth Dickinson
Star Route 1, Box 29-A
Ely, Nevada 89315

Loyd Sorensen
591 13th Street
Elko, Nevada 89801

Kenneth Jones
Lamoille, Nevada 89828

Von and Marian Sorensen
Clover Valley
Wells, Nevada 89835

Bristlecone Bowman
c/o Mr. Fred Smith
McGill, Nevada 89318

Elko County Commissioners
Elko, Nevada 89801

DRAFT

NV-040-6-5

VII. SUGGESTED MONITORING

The COR/PI will monitor the gather operation to ensure that all conditions and stipulations in this EA are complied with. The project area will be cleaned up (trash and debris) prior to release of the contractor. The temporary traps and corrals will be removed by the contractor within 30 days following the gathering operation.

The Ely and Elko District Wild Horse Specialists will conduct an aerial census, using a helicopter, covering both the Buck/Bald and Maverick-Medicine herd areas every two years following this gather. When the census numbers exceed the established upper limits of the herd (900 for Buck and Bald; 244 for Maverick-Medicine), a followup gather will be proposed to again reduce the herds to their lower limits (700 for Buck and Bald; 195 for Maverick-Medicine).

Utilization studies will be conducted annually by the range conservationists in charge of individual allotments, with help from the wild horse specialists and wildlife biologists as needed. If funding and manpower permits, utilization will be completed prior to livestock entering the allotment and again as they leave on an annual basis.

Frequency trend plots will be read by the range conservationists in charge of individual allotments every three to five years to determine changes in range condition.

Actual use information will be supplied to the BLM by the livestock operators on an annual basis.

The above monitoring studies will be conducted in areas where they are presently established, and as they are established in the future through the Ely and Elko District Monitoring Plans.

VIII. SIGNATURES

Prepared by:

Robert E. Brown
Ely District
Wild Horse Specialist

Date

DRAFT

NV-040-6-5

Reviewed by:

Bruce Portwood
Elko District
Wild Horse Specialist

Date

Jake A. Rajala
Ely District
Environmental Coordinator

Date

Nancy Phelps
Elko District
Environmental Coordinator

Date

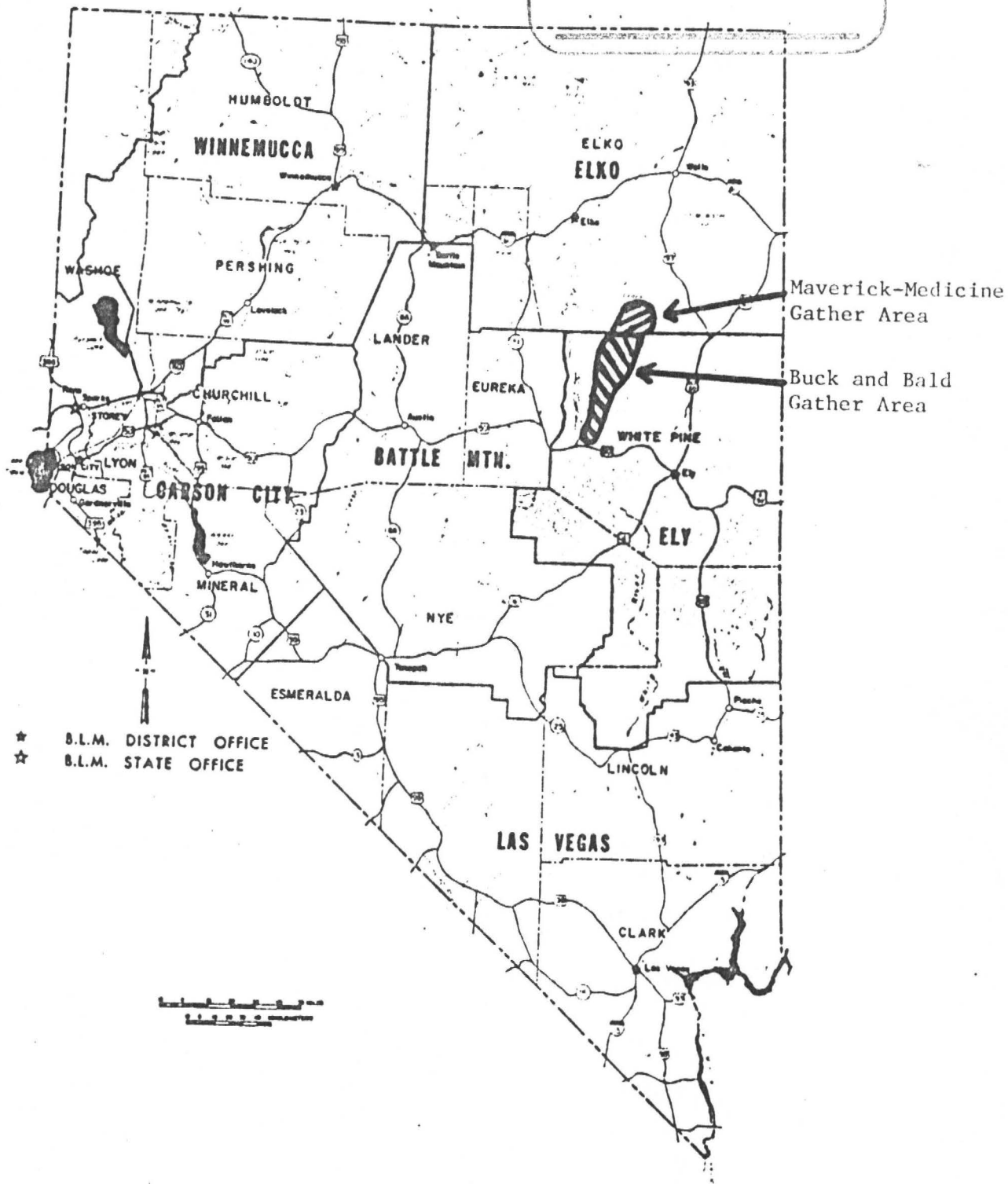
Howard F. Hedrick, Manager
Egan Resource Area

Date

John A. Phillips, Manager
Wells Resource Area

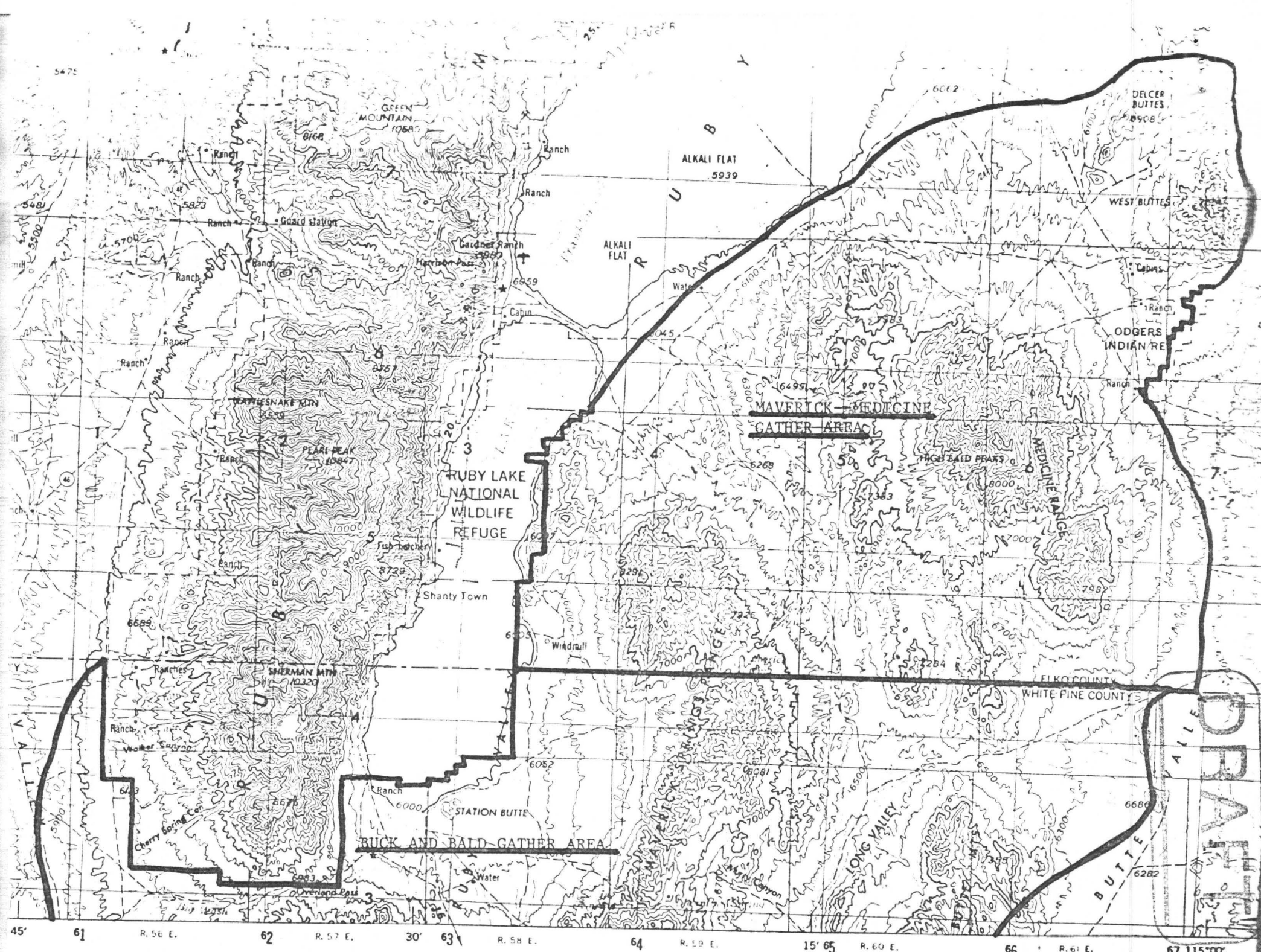
Date

DRAFT



NEVADA DISTRICTS

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



5475

GREEN MOUNTAIN
1068

ALKALI FLAT
5939

DELCEY BUTTES
8908

WATERSNAKE MTN
8629

PEARL PEAK
1084

RUBY LAKE
NATIONAL
WILDLIFE
REFUGE

MAVERICK-MEDICINE
GATHER AREA

THREE SAID PEAKS

8000

SHERMAN MTN
10320

Shanty Town

Widraull

ELKO COUNTY
WHITE PINE COUNTY

STATION BUTTE

BUCK AND BALD GATHER AREA

LONG VALLEY

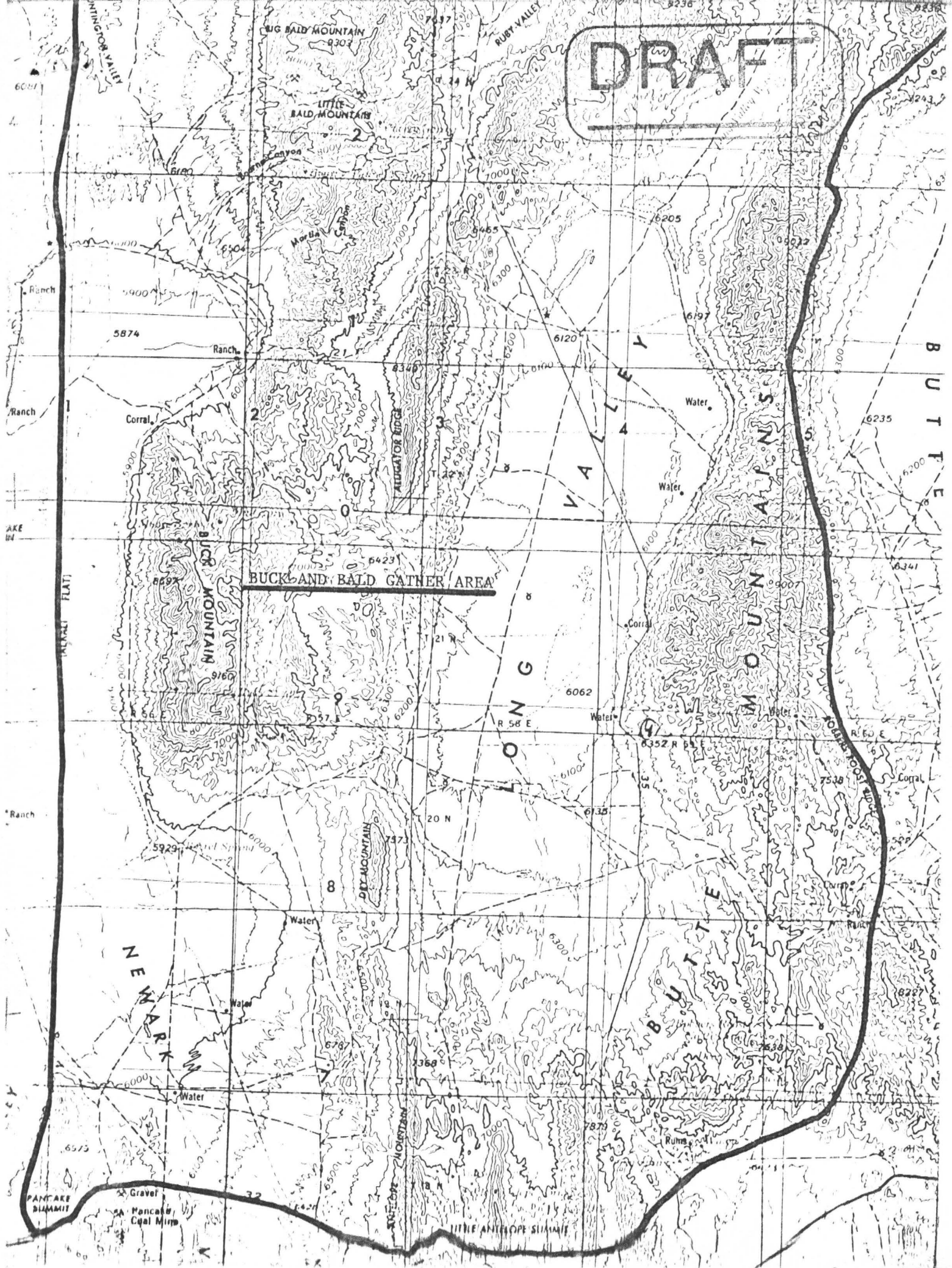
BUTTE

45' 61 R. 56 E. 62 R. 57 E. 30' 63 R. 58 E. 64 R. 59 E. 15' 65 R. 60 E. 66 R. 61 E. 67 115'00

46 MI. TO U. S. 50

DRAWN BY

DRAFT



BUCK AND BALD GATHER AREA

NEAR

VALLEY

LONG

MOUNTAINS

BUTTE

LITTLE ANTELOPE SLIANT

PANCAKE BLUFFS
Gravel
Pancake
Coal Mine

12/4/85 Dawn



SIERRA CLUB

Toiyabe Chapter - Nevada and Eastern California

PLEASE REPLY TO: _____

GREAT BASIN GROUP
P.O. Box 8096
University Station
Reno, Nevada 89507

LAS VEGAS GROUP
P.O. Box 19777
Las Vegas, Nevada 89119

December 4, 1985

Ed Spang, Director
BLM/Nevada State Office
PO Box 12000
Reno, NV 89520

Dear Director Spang,

I have received a copy of the Draft Capture Plan for Buck/Bald-Maverick/Medicine Wild Horse Gather and the associated Environmental Assessment No. NV-040-6-5 from the Ely District.

The Draft Capture Plan states that the wild horse roundup is scheduled to take place between January 1, 1986 and February 28, 1986.

The Environmental Assessment acknowledges that the Egan Resource Management Plan is under protest. The Sierra Club protest is over one year old. It is my understanding that BLM regulations prohibit the implementation of the RMP before the record of decision is issued. And the record of decision is not issued until protests are resolved. On checking with your office this week, I learned that responses to the protests are currently being finalized, but have not yet been transmitted, and that no record of decision, in whole or in part, has been issued for the Egan RMP.

Since my response to the proposed roundup would be based in part on the resolution of the protests, it is premature for the Sierra Club to comment on the documents.

Would you please advise me under what authority the Ely District plans to capture wild horses before the protests are resolved and the record of decision is issued for the Egan Resource Management Plan?

Thank you for your attention to this matter.

Sincerely,

Rose Strickland, Chair
Public Lands Committee

cc: Ely BLM District

12/9/85

WHOA!

✓

BOARD OF TRUSTEES
 DAVID R. BELDING
 JACK C. McELWEE
 GORDON W. HARRIS
 BELTON P. MOURAS
 GERTRUDE BRONN, Honorary
 In Memoriam
 LOUISE C. HARRISON
 VELMA B. JOHNSTON, "Wild Horse Annie"

WILD HORSE ORGANIZED ASSISTANCE
 INC.
 A Foundation for the Welfare of
 Wild Free-Roaming Horses and Burros

P. O. Box 555
 Reno, Nevada 89504
 Telephone 323-5908
 Area Code 702

Draft

December 9, 1985

Mr. Merrill DeSpain, District Manager
 Ely District Office
 Bureau of Land Management
 Star Route 5, Box 1
 Ely, Nevada 89301

Re: Buck and Bald/Maverick-Medicine Environmental
 Assessment and Capture Plan

Dear Mr. DeSpain:

Thank you very much for the opportunity to comment on the Capture Plan and Environmental Assessment No. NV-040-6-5 for the Buck-Bald/Maverick-Medicine wild horse gather.

WHOA objects strongly to the shortened comment period from 30 days to the 21 days requested. The above assessment and capture plan are a great disappointment to WHOA, for it appears the Ely District is still playing games, with language, policies, and guidance.

Page 1, (para 3)

Should read: Neither of the herd use areas are covered by a Herd Management Area Plan. However, an RMP has been developed for the Wells (Elko District) Resource Area. The RMP has established management levels for the Maverick/Medicine horse herd, and this proposed gathering is to reduce horse numbers to conform to the level established in the Wells RMP, and is considered a part of long term management. The Egan RMP/EIS has been protested by numerous people and until those protests are resolved, no management actions can occur to implement the proposed herd numbers in the Egan RMP/EIS. The current EA and capture plan must eliminate reference to the Egan RMP/EIS establishment of horse management levels for the Buck and Bald herds, until the protest of 1/7/85 has been resolved. It is interesting to note in my files, the same questions regarding the Buck and Bald previous to 1983. To date the BLM has yet to answer any of those questions.



Buck and Bald, page two

Page 1, para 4)

This paragraph should include the total agreement, i.e., Russell/Lappin/BLM.

Page 2, Numbers of horses to be gathered

A large portion of WHOA's difficulties with the Ely District has been the "loose" language applied to horses in general. I refer you back to Buck and Bald Horse Gathering Document (NV-040-0-10), page two, paragraph 1, wherein it states "...The Buck and Bald Mountain-Long Valley areas of White Pine and Elko counties in Nevada have a large population of wild horses and trespass branded horses which is recognized by resource specialists to be in excess of present grazing capacities. First, you have no data to substantiate the above claim, second, how can the BLM know whether you are over capacity, when BLM states the capacity is an unknown and that is the purpose for current numbers and monitoring. The issue of trespass horses is an administrative problem and has no relationship whatsoever with the wild horse numbers.

The original agreement between BLM and WHOA previous to 1983 was to remove all trespass horses first, then develop data to substantiate overgrazing by remaining wild horses. BLM took advantage of language, desiring of "quick-fix" solutions to all overgrazing, to pursue the removal of wild horses without data to substantiate the need. One little sentence in the Buck and Bald EA and Capture Plan of 1983, attempted to tie a wild horse gathering into our agreement to have trespass horses removed.

The current capture plan does not clarify what animals will be removed, and since the Russell/Lappin agreement states that 700 horses will remain on public rangelands, I would like to see that clarification in writing. As an example of my concern, I will not agree to the removal of horses down to 700 and find out that BLM located 50 branded horses, from which you will then go back in and remove another 50, leaving less than the 700.

Page 2, (para 3)

Please explain why BLM attempted a census, a waste of taxpayer dollars, to get a count on wild horses in winter habitat in September? .11a2 and .11a2b of Nevada Manual Supplement 4730 requires the establishment of a standard time of year which the District will conduct census. Please notify WHOA what season you have selected for the Buck/Bald herd and if the September census is not within that time period, an explanation as to why a September census was conducted.

Buck and Bald, page three

Page 2, Times and Method of Capture (para4)

Nowhere in Russell/Lappin agreement did WHOA agree to an 18 month capture period. The agreement states the capture was an "emergency action" agreed to by both parties. You can hardly call it an "emergency action" if it is conducted over 18 months. I spoke with Howard Hedrick on Monday, December 2, 1985, and was told "all contracts going out of Nevada had to have an 18 month time period on them." On December 6, 1985, I contacted Bonnie Johnson in planning in the Nevada State Office and asked about the 18 month time period. She did not know what I was talking about and as far as she was concerned the 18 month had no significance at all. The very inclusion of the 18 month time period in the assessment or capture plan could result in BLM voiding the agreement under the emergency action. There is no reasonable explanation why BLM could not remove the proposed animals in three weeks.

Page 2, (para 5)

There must be some maximum mileage wild horses may be run under certain conditions, i.e., deep snow, temperature, etc. The animals will be under extreme stress from winter and heavy with foals and if additional trap sites are required because of that stress then state that additional traps may be required.

Page 3, (para 1)

Line 6..".the time allotted for this roundup is limited." This statement conflicts with Page 2, paragraph 4 that gives an 18 month time factor.

Page 3, (para 2)

If you have to use more trap sites to be humane do so.

The trap site priorities are a little out of line. They should read 1) to cause as little injury to horses, 2) as little damage to natural resources as possible.

Page 3, (para 4)

As soon as specifics are known, please advise WHOA.

Page 3, (para 4)

The COAR/PI and pilot must remove excess animals within the range identified in the agreement, with the largest portion of the animals removed from the sensitive area (Long Valley) and within all boundaries as noted for the public.

Buck and Bald, page four

Page 3, (para 5)

The minimum of 700 horses, regardless of their status must remain on the public lands, unless BLM intends to replace branded or trespass animals with horses already captured. WHOA requests a list of branded, or trespass animals, animals turned over to the State of Nevada, and fees assessed.

Page 4, (para 1)

Same comments as Page 3, paragraph 5.

Page 4, (para 2)

If they are unbranded, how can the Brand Inspector determine if they are privately owned, what is the criteria?

Page 4, (para 3)

Claimed unbranded would result in a percentage of the capture costs plus trespass charges, unless it is an occasional domestic runaway. WHOA requests a listing of all claimed, unbranded, and branded horses and the fees assessed.

Page 4, Para 5)

No unbranded, unclaimed wild horse will be sold at auction, unless they show distinct domestication, of which WHOA would request a list of the criteria, number of animals.

Page 4, (para 6)

What evidence or criteria will you use to determine whether previously owned? WHOA requests records be made available on the number, description, and disposition of these animals. If branded colts are following unbranded mares, the owner of the brand must pay a percentage of the capture costs and trespass.

Page 4, (para 7)

WHOA requests a copy of Brand Inspection slips for all animals going to public auction.

Page 4, (para 8)

What is the BLM method for humane destruction. The EA and Capture plan should state.

Page 5

Please state how contractor will be paid, i.e., for each adult, or each horse? The contractor or subcontractor (for transporting should not be paid for delivery of dead animals.

Page 9, (para 6)

Please explain why horses will not be provided water upon separation. Remember, this is an "emergency action" based somewhat on drought, so some of the animals may have been without water for long periods.

Buck and Bald, page five

Environmental Assessment

This paragraph compromises WHOA's protest of the Egan EIS/RMP, at the very least it should only state "The Egan EIS/RMP has been protested and until those protests are resolved, no management action can occur to implement the EIS/RMP recommendations.

Page 2, (para 5)

Should contain complete agreement.

Page 3, (para 4)

As WHOA read the dates of inventories, i.e., time of year, type of aircraft, etc., it is obvious that Ely has not learned anything through your own BLM policies, and program guidance, let alone any in-put that WHOA has sent. Letters dating back to 1983 challenge the Districts use of data. There isn't even any consistency in the areas flown. What is the basis for the 5% increase, show me the calculations as described in the NSO Manual Supplement 4730. Other than counting animals, it appears that Ely has no intention of collecting meaningful data as your program guidance dictates. Why BLM would census an area, it knew was dried up of water, and attempt to base a roundup on that information escapes us.

Page 4, (para 4)

The wide-spread controversy can be laid at the door of the Ely District, and some of the verbage in these documents explains why the controversy exists today. WHOA believes it is prudent and honest to collect data for future use, to determine whether reductions can be substantiated. Primarily BLM has based all horse reductions on census counts and politics; it is WHOA's challenge to force the BLM to collect that data necessary to make those decisions in the future. If BLM continues to promise the collection of data, then attempts to reduce horses without it, WHOA and BLM will be spending a great deal of time in court.

Page 4, (para 5)

What data has BLM collected since I was in Ely a little over six weeks ago. Even at the time of the Russell/Lappin agreement, BLM could not tell me where the animals were spending the majority of their time, where they went to or came from! How can you possibly state they are expanding their range, when BLM doesn't know where their range actually is. How do you know this wasn't their historical range to begin with? How do you know other factors are not involved in pressing horses into utilizing other areas.

Buck and Bald, page six

The sentence "The proposed action is considered long term management consistent with the proposed Egan RMP/EIS, must be eliminated. The Russell/Lappin agreement is an "emergency action" and has no connection whatsoever with any long term management, the Egan RMP/or EIS.

Page 5, (para 1)

Refer back to Page 2 Numbers to be Gathered comments.
Strike "...are consistent with the Proposed Egan RMP/EIS."

Page 6, (para 1)

Strike "...However, a number of horses may be removed over an 18 month period and require more than one roundup to achieve management levels of the two herds." The Lappin/Russeel agreement does not establish management levels!! The 700-900 is an interim "emergency action" agreement. Future numbers will be based on monitoring of the resource from this point on. Which leads me to another point. The Russell/Lappin agreement was not based on monitoring establishing whether this proposed action was correct, but, rather, that future actions would be based on monitoring. For the Russell Ranches and WHOA it does not serve any purpose to determine whether BLM was justified in an action already taken, since it is already done; but rather to be able to determine through monitoring whether you will be able to do it to us again without sufficient data. A portion of WHOA's protest of the Egan was based on the proposed establishment of the management level, now you are trying to LEGITIMIZE the protested RMP/EIS through an EA for an emergency action.

Page 6, para 2)

Remove "...Gathering may be resumed after the foaling period." If BLM attempts to use this emergency agreement to capture animals not covered in the original agreement, it will be in violation of the agreement and WHOA will seek administrative or civil relief. The numbers will be left to reach 900, those numbers will remain until monitoring states otherwise.

Page 8

All alternatives would violate the Russell/Lappin agreement.

Page 12, (para 4)

What data does BLM have to assume the change in migration is due to numbers.

Page 12, (para 5)

This paragraph is unnecessary, the law protects the horses regardless of where they can from and further feeds the controversy and ill will towards the District.

Buck and Bald, page seven

Page 13, (para 1-4)

The District has no data that establishes that wild horses are the cause for range deterioration. What studies in Buck and Bald, or anywhere else for that matter, that indicate that cattle eat bitterbrush because wild horses eat grasses. If you don't have the data to back up your assumptions, they are better left unsaid. Inclusions of statements as these in this document are arbitrary and capricious.

Doesn't BLM have a policy about not allowing domestic horse permits in a herd use area?

Page 15, (para 3)

Please refer back to my comments of October 17, 1984, Egan Protest, Page two (Rangleland Management, Para 2.).

Deletion of comments on pages 15 through 33, should not be a presumption of concurrence on WHOA's part, but rather due to a shortened comment period and a weariness from repetition to all other comments provided over the years that have largely been ignored.

In conclusion:

o The Capture Plan and Environmental Assessment compromises WHOA's protest of the Egan EIS/RMP.

o The BLM insists on using assumptions that are not based on fact, and their inclusion in this document are a breach of trust and professionalism.

- 1) That horse numbers are the reason for range deterioration.
- 2) That wild horses are expanding their range.
- 3) That horses eating grass force cattle to eat bitterbrush.
- 4) That previous census data, in itself, is adequate to show over use by wild horses.
- 5) That the action plan is consistent with long-term management of the Egan RMP/EIS. There is no land use plan.
- 6) That somehow the controversy has been because of horse protection representatives, but that livestock permittees have been cooperative because they are below preference.

Buck and Bald, page eight

- 7) That BLM's census data is sufficient to use a 5% rate of increase as an estimate.
- 8) That the Ely BLM District has complied with BLM policies and program guidance.

This capture plan and environmental assessment are an almost duplicate of the failed previous Buck and Bald EA and Capture Plan, still Ely cannot seem to grasp the reasons for the failure.

Finally, WHOA considers each of these documents an attempt to compromise our legal, administrative relief from the protested Egan RMP/EIS, a breach of trust of the Russell/Lappin agreement. Our protest stands and we will not allow the District to legitimize the Egan RMP/EIS through an emergency agreement. If the language in the EA and Capture Plan are not changed to reflect the Russell/Lappin agreement, WHOA will withdraw support of the agreement and 1) seek an agreement without the Ely District, or 2) pursue litigation through administrative relief and civil courts.

I have contacted Mrs. Russell, and the Russell Ranches will receive a copy of these comments. I have explained how the language in the Russell/Lappin agreement (in addition to the EA and the Capture Plan) (Paragraph 6, third sentence..."Data gathered in the next three to five years from monitoring studies will be used to determine if adjustments in livestock or wild horse numbers were necessary;" reads differently than what we agreed. WHOA's portion of that agreement understood that monitoring would determine if adjustments in the future are necessary. It is obvious that neither Mr. Russell nor myself could recapture losses if the data showed they were unnecessary, therefore it was my impression that both of us were worried that BLM would continue to reduce animals without data.

Sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: E. F. Spang, State Director
D. Rathbun, Deputy Associate Director
D. Russell/Russell Ranches
D. Hornbeck, Attorney at Law

December 4, 1985

Mr. Merrill DeSpain, District Manager
Ely District Office
Bureau of Land Management
Star Route 5, Box 1
Ely, Nevada 89301

Re: Buck and Bald/Maverick-Medicine Environmental Assessment and Capture Plan

Dear Mr. DeSpain:

Thank you for the opportunity to comment on the Capture Plan and Environmental Assessment No. NV-040-6-5 for the Buck-Bald/Maverick-Medicine wild horse gather.

The above assessment and capture plan are a great disappointment to WHOA, for it appears the Ely District is still playing games with words. (I consider these documents and their contents to be just one more breach of trust, similar to those in the past. I can promise you, in behalf of WHOA, that we will not allow your District to legitimize the protested EIS/RMP through this document. Our protest stands, and if BLM does not correct the assessment and capture plans to reflect the purpose and intent behind the Russell/Lappin agreement, WHOA will withdraw its' support of any "emergency action" and pursue litigation through administrative relief and civil courts.)

LAST PAGE

*illegal agree.
com. funds not
approp.*

Page 1 (para 3)

Should read: Neither of the herd use areas are covered by a Herd Management Area Plan. However, an RMP has been developed for the Wells (Elko District) Resource Area. The RMP has established management levels for the Maverick/Medicine horse herds, and this proposed gathering is to reduce horse numbers to conform to the level established in the Wells RMP, and is considered a part of long term management. The Egan RMP/EIS has been protested by numerous people and until those protests are resolved, no management actions can occur to implement the proposed herd numbers in the Egan RMP/EIS. The current EA and

para 6 Russell Lappin agree.

"now I understand the use of " were in the last sentence. Monitoring was supposed to deter future reductions, not past.

Stated in EIS
that gray cap is not
known - assumption
for monitoring

Bonnie Johnson
cont. off. 5494

no
Worse case analysis in Reno EIS
this judge ruled on

"worse case herbicides in Oregon"

Buck Bald
direct replacement
last herd of horses
be place with cows

Don't go part
if simply because
at weekend take me, no
no can't take no comments
no can't take no comments

Don't want work
Herd that

Page two

capture plan must eliminate reference to the Egan RMP/EIS establishment of horse management levels for the Buck and Bald herds until the protest of 1/7/85 has been resolved. It is interesting to note, that my files contain the same questions regarding the Buck and Bald previous to 1983. To date the BLM has not supplied WHOA any answers to those questions.

Page 1 (para 4)

This paragraph should include the total agreement i.e. Russell/Lappin.

Page 2 Numbers of horses to be gathered

A large portion of WHOA's difficulties with the Ely District has been the "loose" language applied to horses in general. I refer you back to Buck and Bald Horse Gathering Document (NV-040-0-20), page two...paragraph one..."The Buck and Bald Mountain-Long Valley areas of White Pine and Elko counties in Nevada have a large population of wild horses and trespass branded horses which is recognized by resource specialists to be in excess of present grazing capacities." First, you have no data to substantiate that claim, second the issue of trespass horses is an administrative issue long ignored by the Ely District. The original agreement with WHOA was to remove all trespass horses first, then develop data to substantiate overgrazing by the remaining horses. BLM took advantage of our good nature in desiring solutions to overgrazing by using that agreement to pursue the removal of wild horses without that data. One little sentence with the wording "wild and trespass" attempted to tie a wild horse gathering into my agreement to have trespass horses removed. The current capture plan and assessment does not clarify what animals will be removed, and since the Russell/Lappin agreement states that 700 horses would remain, I would like to see some clarification in the plans. Simply put, I will not agree to the removal down to seven hundred and find that BLM located 50 trespass horses amongst those removed and go back in and remove another 50 animals, *leaving the number on the range below 700.*

Page 2 (para 3)

Please explain why BLM attempted a census, a waste of tax dollars, to get a count on wild horses in winter habitat in September? .11a2, and .11a2b of *Nevada Manual Supplement 4330* requires ~~you will use the most current data available.~~ WHOA ought to force you to comply with your own policies. Why does the BLM always assume that there are more horses, when illegal removal, death, could also provide the opposite assumption. Please notify WHOA of time and whom will conduct the census, a map of the census area that corresponds to exactly the same capture area. Please supply WHOA with the detailed count on grid. What will BLM do if the new census confirms the last census?

Establishment of a standard time of year during which to conduct inventor censuses. Please notify WHOA what season you have selected for the Buck/Bald Herd censuses and if the Sept. Census is not within that time period, an explanation as to why a Sept. census was conducted

Page three

Page 2 Time and Method of Capture (para 4)

~~No~~ Nowhere in Russell/Lappin agreement did WHOA agree to an 18 month capture period. The agreement states the capture was an emergency action agreed to by both parties, and you can hardly call it an "emergency" if it is conducted over 18 months. I believe that the drought emergency no longer applies, so it ought to be dropped. I spoke with Howard Hedrick on Monday, December 2, 1985, and was told that "all contracts going out of Nevada required an 18 month time period." I contacted ~~the~~ ^{State} Office only to find that the contracts do not have an 18 month requirement. The very inclusion of the 18 month time frame could result in termination of the agreement as an emergency action. It would appear that BLM's lack of commitment to the agreement could void the agreement. There is no reasonable explanation why BLM cannot remove the necessary animals in three weeks.

Contracting officer in NSO

Page 2 (para 5)

There ~~should~~ ^{must} be some minimum/maxinum mileage horses may be run under certain conditions, i.e., deep snow, etc, that would create more stress on animals already under stress from winter and pregnant. If you have to have more trap sights then ~~do so~~ ^{state that} additional traps may be required

Page 3 (para 1)

line 6..."...the time allotted for this roundup is limited." This conflicts with Page 2, paragraph 4 that gives an 18 month time factor.

Page 3 (para 2)

If you have to use more trap sites to be humane then do so.

The trap site priorities are a little out of line, they should read 1) to cause as little injury to horses...2) as little damage to the natural resources as possible.

Page 3 (para 3)

As soon as specifics are known, please advise WHOA.

Page 3 (para 4)

The COAR/PI and pilot must remove excess animals within the range identified in the agreement, with the largest portion of the animals removed from the sensitive area (Long Valley) and within all boundaries as noted for the public.

Page 3 (para 5)

The minimum of 700 horses, regardless of their status (wild or branded) must remain on public lands, unless the BLM intends to put wild horses already captured back out on the range after branded horses have been identified. WHOA will request a list of numbers of branded horses and fees charged. *700 horses will*

remain in the

Page four

Page 4 (para 1)
Same comments as above.

Page 4 (para 2)
If they are unbranded how can a Brand Inspector determine if they are privately owned. If they are unbranded, they fall under PL92-195. The claiming period is over, with the exception of an occasional domestic runaway.

Page 4 (para 3)
Claimed unbranded (photograph or bill of sale) horses would result in a percentage of capture fee plus trespass, unless it was an occasional domestic runaway. WHOA desires to be notified of all claimed, unbranded horses, and the fees assessed.

Page 4 (para 5)
No unbranded horse will be sold at auction under any conditions, they fall under the protection of PL 92-195.

Page 4 (para 6)
What evidence will you use to determine whether previously owned? WHOA requests records be made available on the number, description, and disposition of these animals.

Page 4 (para 7)
WHOA requests copy of brand inspection slips for all animals going to public auction.

Page 4 (para 8)
What is BLM method for humane destruction. It should state.

Page 5
Please state how contractor will be paid, i.e., for each horse, adult, etc.? The contractor or sub-contractors should not be paid for the delivery of dead horses.

Page 9 (para 6)
Please explain why horses will not be provided water upon separation. Remember this is supposedly a "drought" emergency, and many of those horses could have been without water for a long period. Or does this condition actually exist now?

Environmental Assessment

Page 2 (para 4)
This paragraph compromises WHOA's protect of the Egan EIS/RMP, at the very least it should only state "The Egan EIS/RMP has been protested and until these protests are resolved, no management actions can occur to implement the EIS/RMP recommendations."

Page five

Page 2 (para 5)

Should contain complete agreement of Russell/Lappin.

Page 3 (para 4)

As WHOA read the dates of inventories, i.e., time of year, type of aircraft,; it is obvious that Ely has not learned anything through your own BLM policies, and program guidance. Letters dating back to 183 challenge the Districts use of data that is NOT COMPARABLE. Inventories must be collected at the same time, same method to compare results that are meaningful. Why BLM would conduct flights into an area, that BLM knew water had dried up, escapes the imagination. There isn't even any consistency in the areas flown. Census is not synonymous with data, its only a portion of the data.

What is basis of 5% increase. Show you calculation as described in N50 Manual / SUPP 4730

Page 4 (para 4)

The "wide-spread" controversy can be laid at the door of the District, and some of the verbage in this document explains the reasons for that controversy. Yes, there is another State Agency that wants to introduce Antelope into an area which is already stressed. However, WHOA believes it prudent that the BLM collect the data necessary to substantiate capture of wild horses since it has been based primarily on politics; also the data base then could base the number of livestock, wild horses, deer, and antelope on availability of forage.

Clarify add that BLM should collect data for future

Page 4 (para 5)

What data base has changed wince WHOA visited the area less than six weeks ago? Even at the time of the Russell/Lappin agreement BLM could not tell us where the horses were, or what their migration route was; so how can you possibly state their range is increasing and how do you know that wasn't their historical range to begin with? If this document is a reflection of the BLM's knowledge of wild horses, we are not too impressed.

The sentence "The proposed action is considered long term management consistent with the proposed Egan RMP/EIS. The Capture Plan and EA is not consistent with the Russell/Lappin agreement, for it was an "emergency agreement" not long term.

Page 5 (para 1)

Refer back to Page 2 Numbers to be Gathered comments. Strike "...are consistent with the Proposed Egan RMP/EIS."

Page 6 (para 1)

Strike "...However, a number of horses may be removed over an 18 month period and require more than one roundup to achieve management levels of the two herds." The 700-900 is an interim agreement based on an emergency condition, and according to the Russell/Lappin agreement future numbers will be based on monitoring of the resource from this point on. A portion of WHOA's protest of the Egan EIS/RMP was based on the ~~EIS~~ establishment of the management level, now you are trying to

proposed

Page six

protested

legitimize the RMP/EIS through an EA for an emergency action .

Page 6 (para 2)

Remove "...Gathering may be resumed after the foaling period.." If BLM attempts to use this document to capture horses after the initial capture it will be in violation of the Russell/Lappin emergency agreement. The numbers will be left to reach 900. The 700-900 level is the level established by the agreement until monitoring states otherwise.

Page 8

All alternatives would violate the Russell/Lappin agreement.

Page 12 (para 4)

What data does BLM have to assume the change in migration is due to numbers.

Page 12 (para 5)

This paragraph is unnecessary, the law protects them regardless of where they come from and further feeds the controversy.

Page 13 (para 1-4)

The District has no data that establishes that wild horses are the cause for range deterioration. What studies in Buck and Bald indicate the cattle eat bitterbrush because horses eat grass. If you don't have the data to substantiate these claims their inclusion in this document is arbitrary and capricious.

or anywhere else for that matter

Doesn't BLM have a policy about not allowing domestic horse permits in wild horse herd use areas?

Page 15 (para 3)

Please refer back to my comments of October 17, 1984, Egan Protest, Page two (Rangeland Management, para 2.)

In conclusion

- o The Capture Plan and Environmental Assessment compromises WHOA's protest of the Egan EIS/RMP.
- o The BLM insists on using assumptions that are not based on fact, and their inclusion in these documents are a breach trust and professionalism.
 - 1) That horses numbers are the reason for range deterioration.
 - 7 2) That ^{wild} horses numbers are ~~contributing to range expansion.~~ *expanding their range*
 - 3) That horses eating grass force cattle to eat bitterbrush.

Page seven

- 4) That previous census data ^{in itself. ~~adequate~~} is ~~consistent~~ to show over use by wild horses
- 5) That the action plan is consistent with long term management in the Egan RMP/EIS. ^{There is no land use plan.}
- 6) That somehow the controversy has been because of horse protection representatives, but ~~that~~ livestock permittees have been cooperative because they are below preference.
- 7) That BLM's census data is sufficient to use a 5% rate of increase as an estimate.

This capture plan and environmental assessment are an almost duplicate of the previous assessment and capture plan of which WHOA violently opposed. This plan reflects the inconsistencies ^{inaccuracies} in the EIS/RMP for the Egan and one of the reasons for our protest.

If this capture plan and assessment is not revised to reflect the purposes of the Russell/Lappin agreement ONLY, then WHOA will withdraw its' support of the action. I have spoken to Mrs. Russell and explained my reasoning. A copy of this document will be sent to Mr. and Mrs. Dan Russell.

replace with page 1

Buck and Bald, page eight

- 7) That BLM's census data is sufficient to use a 5% rate of increase as an estimate.
- 8) That the Ely BLM District has complied with BLM policies and program guidance.

This capture plan and environmental assessment are an almost duplicate of the failed previous Buck and Bald EA and Capture Plan, still Ely cannot seem to grasp the reasons for the failure.

Finally, WHOA considers each of these documents an attempt to compromise our legal, administrative relief from the protested Egan RMP/EIS, a breach of trust of the Russell/Lappin agreement. Our protest stands and we will not allow the District to legitimize the Egan RMP/EIS through an emergency agreement. If the language in the EA and Capture Plan are not changed to reflect the Russell/Lappin agreement, WHOA will withdraw support of the agreement and 1) seek an agreement without the Ely District, or 2) pursue litigation through administrative relief and civil courts.

I have contacted Mrs. Russell, and the Russell Ranches will receive a copy of these comments. I have explained how the language in the Russell/Lappin agreement (in addition to the EA and the Capture Plan) (Paragraph 6, third sentence..."Data gathered in the next three to five years from monitoring studies will be used to determine if adjustments in livestock or wild horse numbers were necessary;" reads differently than what we agreed. WHOA's portion of that agreement understood that monitoring would determine if adjustments in the future are necessary. It is obvious that neither Mr. Russell nor myself could recapture losses if the data showed they were unnecessary, therefore it was my impression that both of us were worried that BLM would continue to reduce animals without data.

Sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: E. F. Spang, State Director
D. Rathbun, Deputy Associate Director
D. Russell/Russell Ranches
D. Hornbeck, Attorney at Law

1. Study data w/ H POP est.
2. Monit info. used to adjust
lives + w/ H over past 3-5 yrs.
3. Monit data attrib w/ H as to
Houses (as in Hispain ltr)
4. livestock licenses
5. Hocking level agree. Goshute +
Deep Creek
6. AMP Goshute + Deep Creek
7. any other plans

AVAILABLE
SINGLE-WIDE

Hispain ltr indicated this was available
raw data or summary of data

analysis from the data

	452 -	$\frac{83}{552}$	27%
	$\frac{164}{288}$		
(MEP) ^{Trinity} _{WH}		$\frac{303}{183}$	⁸³
TRESPASS	ESTRAY		

\$79,000

$$\begin{array}{r} 23,995 \\ 17,054 \\ \hline 6,941 \end{array}$$

(1. 21 day comment period)

2. illegal agreement. app commits funds not appropriated yet.

(3. Don't believe either Russell or Leppin agreed to monitor past actions, but monitor range data to support future #s.

4. How do you monitor past actions.