



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office

HC 33 Box 33500 (702 No. Industrial Way)

Ely, Nevada 89301-9408

<http://www.nv.blm.gov>

G 9/5/00
Meadow Valley Mtn HMA

In Reply Refer To:

4700

Meadow Valley Mtn HMA File

Blue Nose Peak HMA File

Mormon Mtn HMA File

(NV-045.07)

CERTIFIED MAIL # P 216 081 315

RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

MEADOW VALLEY MOUNTAINS, BLUE NOSE PEAK, AND MORMON MOUNTAINS HERD MANAGEMENT AREAS (HMAs) EMERGENCY REMOVAL

Drought conditions exist within the Meadow Valley Mountains, Blue Nose Peak, and Mormon Mountains HMAs and adjacent non-HMA areas. Forage production is extremely limited. Forage utilization in the primary use area (southern half of the HMA) for the Meadow Valley Mountains HMA is currently in a moderate to severe use category. Water availability is limited to two small spring sources in the extreme southern end of the HMA. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Forage production within the Mormon Mountains HMA is very limited due to drought conditions. There is currently no water available to wild horses within this HMA. Due to fact of no available water, the reside outside of the HMA on the Breedlove Allotment. Forage utilization in the areas occupied by the horses is generally moderate to heavy use category.

Forage production and water availability within the Blue Nose Peak HMA is very limited. Water availability is limited to two spring sources (Box and Sam's Camp Springs), which are showing reduced flow rates and are being impacted by the horses.

Approximately 80 wild horses must be gathered from the Meadow Valley Mountains HMA, 30 wild horses from Blue Nose Peak as well as approximately 10 wild horses within the Breedlove Allotment (non-HMA area). All wild horses gathered will be placed into the adoption program. The gather operation will be conducted by helicopter trapping and/or roping. No wild horses will be retained within the Meadow Valley Mountains HMA following this gather operation.

There are currently no livestock being grazed within the identified gather areas due to season of use restrictions. Under current drought management measures, the west half of the Henrie Complex Allotment will be closed to domestic livestock, per signed livestock management agreements with the individual permittees. A reduced number of livestock (less than 30% of active preference) and/or delaying the turn out date will be implemented within Garden Springs and White Rock Allotments' portions of the Blue Nose Peak HMA, per signed livestock management agreements with the individual permittees.

Due to the emergency nature of these conditions, it is necessary to implement this immediately through a Full Force and Effect Decision. This decision will be implemented on or about September 7, 2000 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. The Meadow Valley Mountains, Mormon Mountains, and Blue Nose Peak HMAs have received 50% of its normal precipitation, and are not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability within the Meadow Valley Mountains HMA is limited to two water sources located within Hackberry Canyon on the southern boundary of the HMA. Within the Blue Nose Peak HMA, water is limited to two sources in the northern portion of the HMA. There is no water available to wild horses within the Mormon Mountains HMA.

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

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

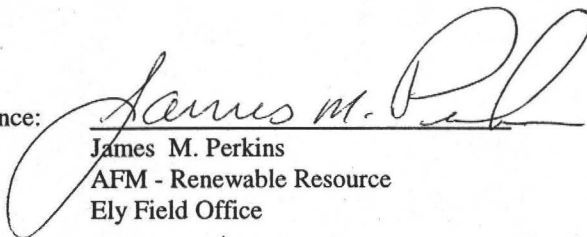
APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide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

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

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

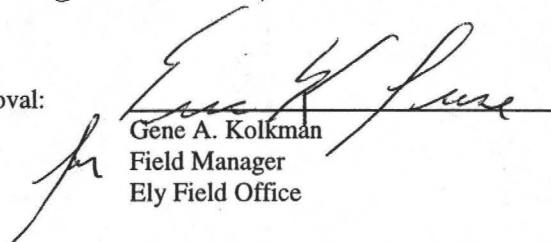
ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (775) 726-8100 or write at the above address.

Concurrence:


James M. Perkins
AFM - Renewable Resource
Ely Field Office

9-5-00
Date

Approval:


Gene A. Kolkman
Field Manager
Ely Field Office

9/5/00
Date

Enclosure:

1. Capture Plan

MEADOW VALLEY MOUNTAINS AND BLUE NOSE PEAK
HERD MANAGEMENT AREAS EMERGENCY GATHER PLAN

PREPARED BY
Alan B. Shepherd
Wild Horse and Burro Specialist

Caliente Field Station
Ely Field Office
September 2000

I. Purpose and Need

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

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

- Forage Condition: Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, small galleta) averaged less than 4 inches.
- Forage Utilization: Moderate to severe utilization on herbaceous forage has been documented throughout the emergency gather area due to yearlong use by wild horses and seasonal use by livestock.
- Precipitation: Precipitation for the year has averaged 40-50% of normal, with the majority of this precipitation coming in the month of February.
- Water Availability: Water is limited to several small spring sources and a small portion of Meadow Valley Wash. The portion of the Wash is dry at this time. The spring sources are being impacted by the wild horses.
- Animal Condition: Lact./mares = condition classes 2-4
Studs = condition class 3-4
- Capture Method: Helicopter trapping and/or roping will be the primary method of capture. Water and/or bait trapping will be used where feasible.
- Number of Animals: Horses: capture 100-110, remove 100-110 within the HMAs
Horses: capture 10-15, remove 10-15 outside the HMAs
- Age Criterion: All horses

II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management's (BLM) Ely Field Office, in Lincoln County, Nevada. The areas of concern are within the Henrie Complex (West half) Allotment within the Meadow Valley Mountains HMA and the Garden Springs and White Rock Allotments within the Blue Nose Peak HMA as well as the Breedlove Allotment (non-HMA), approximately 30 miles south of Caliente, Nevada (refer to Map 1, 2, & 3).

III. Time Frame

The animals will be removed from the HMAs beginning approximately September 10, 2000 and continuing until the emergency gather is completed.

IV. Gather Methods

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

V. Administration of the Contract

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

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Ridgecrest Adoption Facility at Ridgecrest, California to be prepared for adoption.

VII. Branded and Claimed Animals

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

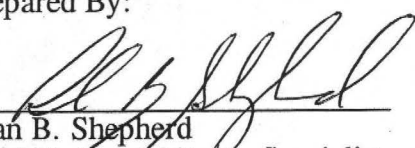
VIII. Destruction of Injured or Sick Animals

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

IX. Responsibility

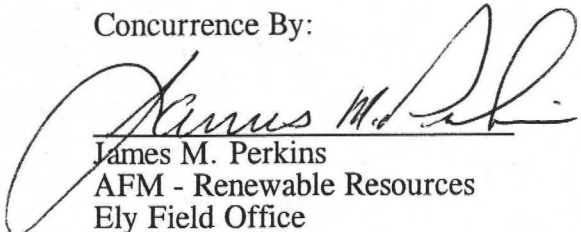
The Ely Field Office Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely Field Office will be on site at all times during the emergency gather. The health and welfare of the animals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

Prepared By:


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

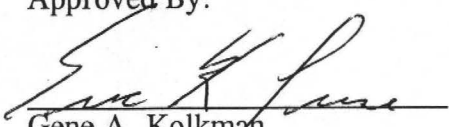
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Concurrence By:


James M. Perkins
AFM - Renewable Resources
Ely Field Office

9-1-00
Date

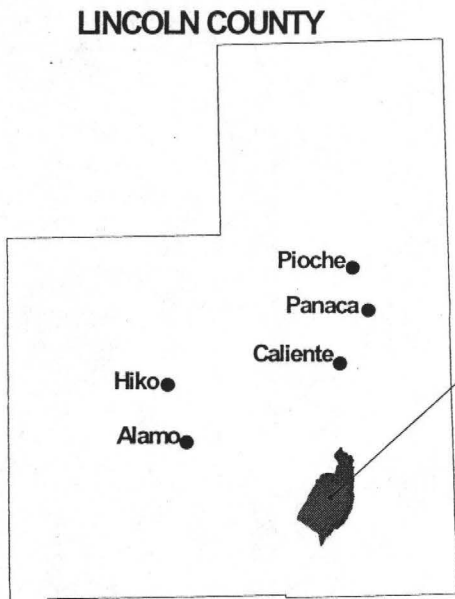
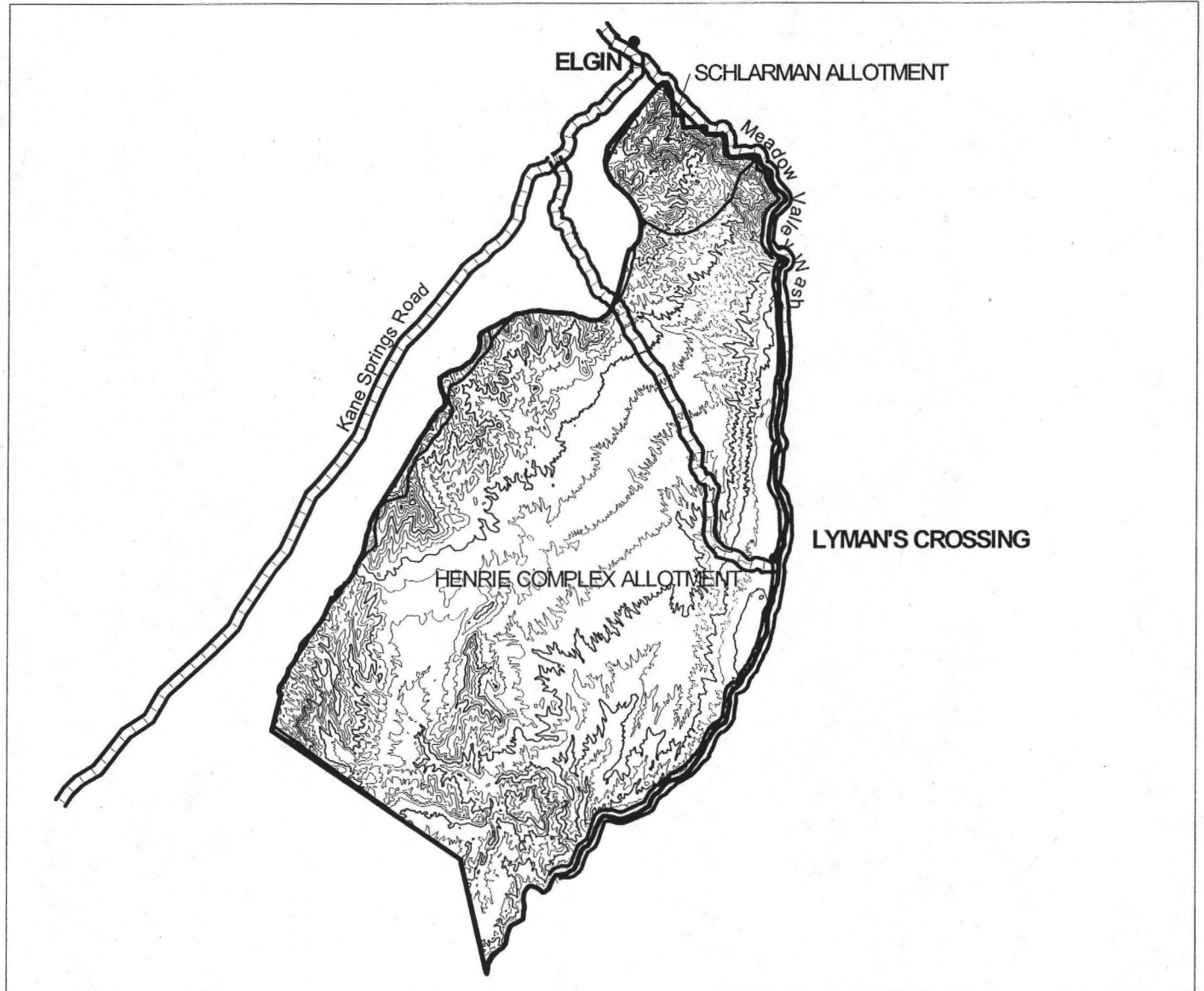
Approved By:


Gene A. Kolkman
District Manager
Ely Field Office

9/5/00
Date

for

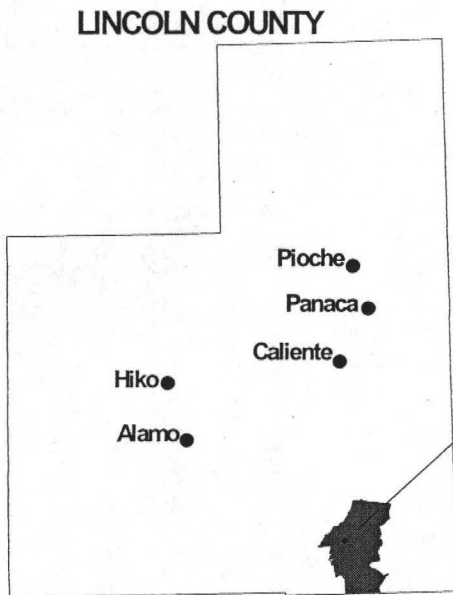
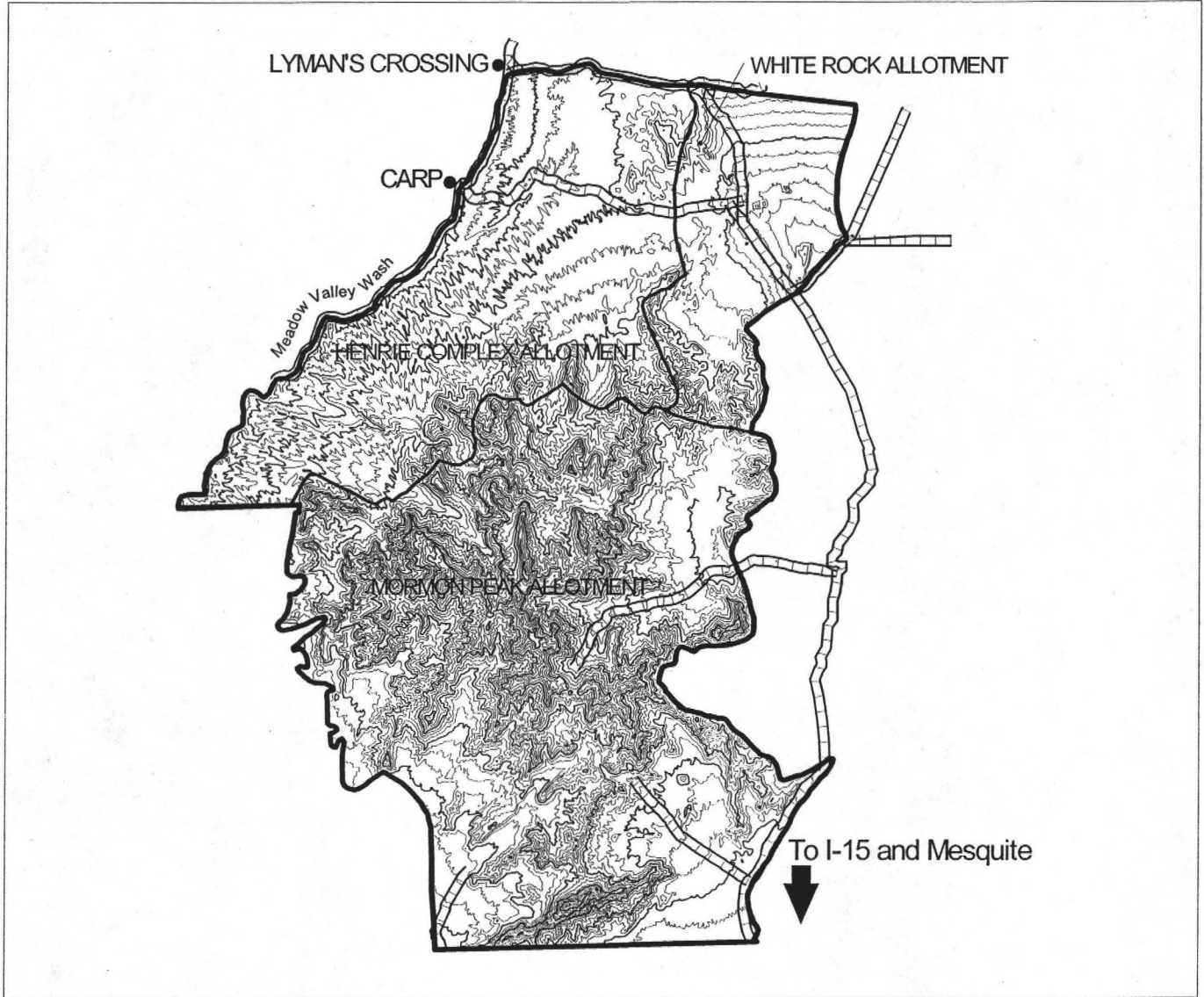
MEADOW VALLEY MOUNTAINS HMA



-  Roads
-  Allotment Boundaries
-  HMA Boundary



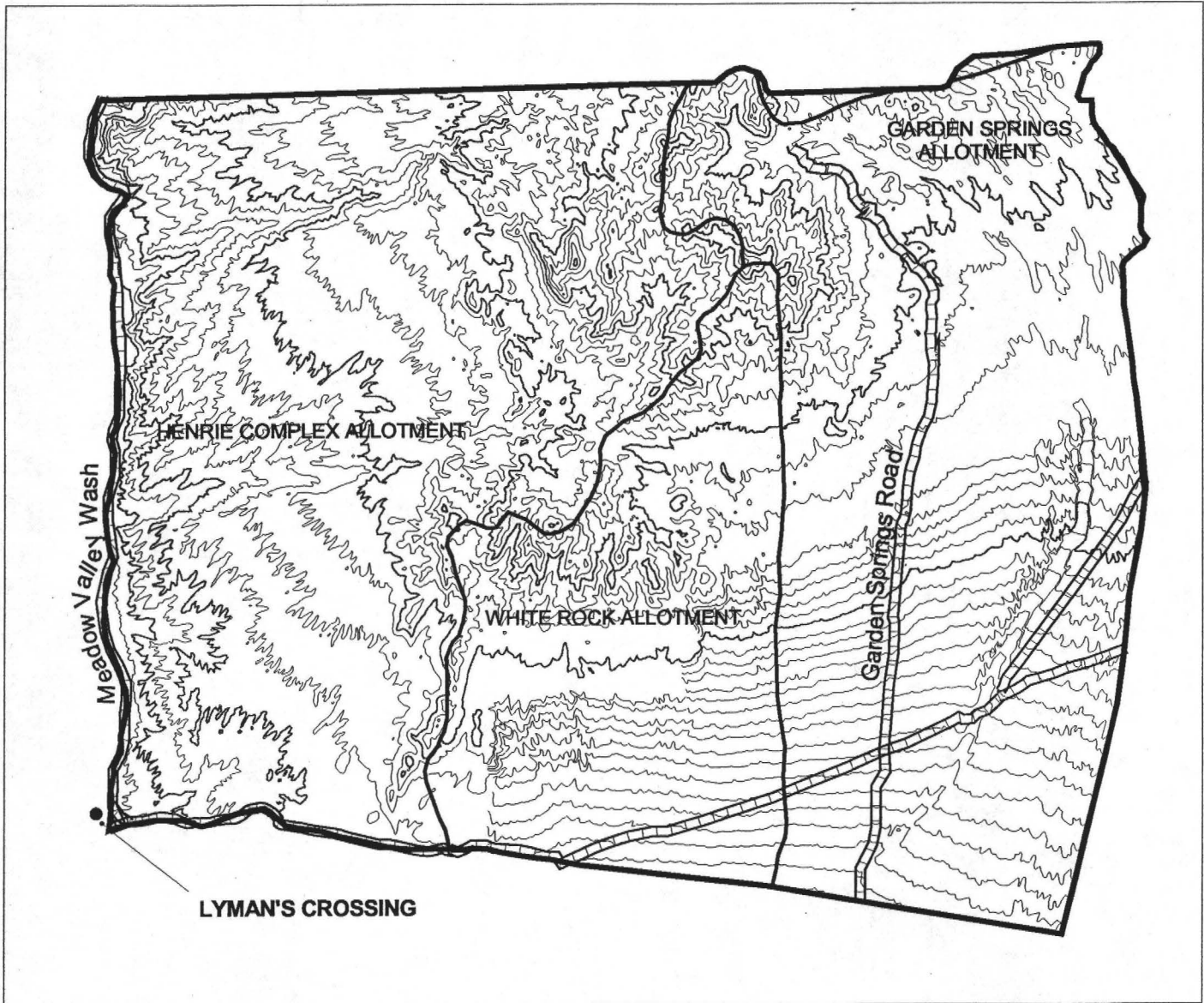
MORMON MOUNTAINS HMA



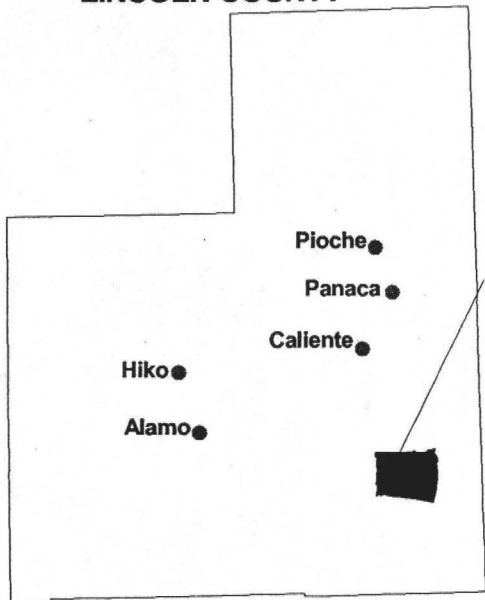
-  Roads
-  Allotment Boundaries
-  HMA Boundary



BLUE NOSE PEAKS HMA



LINCOLN COUNTY



-  Roads
-  Allotment Boundaries
-  HMA Boundary





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Delamar Mtn HMA File

(NV-045.07)

CERTIFIED MAIL # P 216 081 315
RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

DELAMAR MOUNTAINS HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Delamar Mountains HMA and forage production is extremely limited. Forage utilization within Pastures #4 (east half) and #5 of the Oak Springs Allotment is currently in the moderate to heavy use category on the existing forage. Water in this area is limited to small spring sources and these being severely impacted by wild horses. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

The Rainbow and Lower Riggs Allotments are currently in the moderate to heavy use category on existing forage. Water is limited to two water troughs on a pipeline being operated by the grazing permittees and to several small springs along the allotment boundary. The sources are being impacted by the wild horses. From field observations of available forage and water as well as a review of monitoring data, it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 80 wild horses must be gathered from within the HMA. All wild horses gathered will be placed into the adoption program. No other portions of the Delamar Mountains HMA will be gathered in conjunction with this emergency gather operation. The gather operation will be conducted by helicopter trapping and/or roping.

Under current drought management measures, a notice of closure agreement for livestock grazing is being issued in conjunction with this decision for those areas affected by the emergency gather operation. Currently all domestic livestock have been removed from the Lower Riggs and Rainbow Allotments by the permittees' management decision. Domestic livestock are generally not grazed within Pastures #4 (east half) and #5 of the Oak Springs Allotment due to concentrated wild horse use.

Due to the emergency nature of these conditions, it is necessary to implement this immediately, through a Full Force and Effect Decision. This decision will be implemented on or about September 7, 2000 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. Pastures #4 (east half) and #5 of the Oak Springs Allotment is receiving use in the moderate to heavy category, the Lower Riggs and Rainbow Allotments are receiving use in moderate to heavy category, the area has received 50% of its normal precipitation, and is not expected to produce enough forage to sustain the animals currently occupying the area.
2. Water availability for the horses in the Lower Riggs and Rainbow Allotments is primarily limited to that water supplied by the livestock permittees and will no longer be available following the removal of the permittees' livestock. Water availability within the Oak Springs Allotment is based upon several small springs and these are being severely impacted by the wild horses.

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

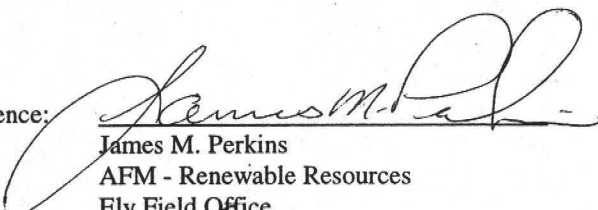
"(c) Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological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

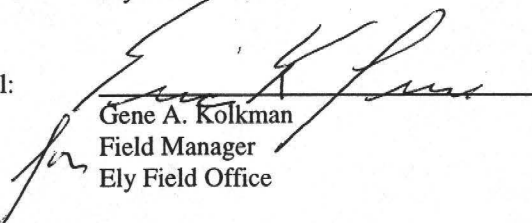
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ADDITIONAL INFORMATION: Contact Alan B. Shepherd of my staff, at (775) 726-8100 or write at the above address.

Concurrence:  9-5-00
James M. Perkins
AFM - Renewable Resources
Ely Field Office
Date

Approval:  9/5/00
Gene A. Kolkman
Field Manager
Ely Field Office
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1. Capture Plan