



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
ELY DISTRICT OFFICE  
Star Route 5, Box 1  
Ely, Nevada, 89301



IN REPLY REFER TO:  
4700  
(NV-043)

OCT 26 1989

Terri Jay, Executive Director  
Commission for the Preservation  
of Wild Horses and Burros  
Stewart Facility  
5500 Snider Ave., Bldg. 6, Rm. 137  
Carson City, Nevada 89710

Dear Ms. Jay:

I am writing in response to your letter, dated October 11, 1989, regarding our proposed removal of wild horses from the Diamond Horse Free Area. You requested monitoring data which demonstrates that horses have established a permanent home range outside of existing herd areas. I have enclosed our aerial census memos for 1987 and 1989 which clearly demonstrate this. In addition, field personnel from our office have observed horses in the same area on numerous occasions during the past several years.

We have not established population studies in this area to determine whether the same individual horses are being observed (ie, color, markings, and sex of animals). Our observations have shown a large proportion of buckskins, palominos and pintos using the area during our counts though. Since BLM does not manage for wild horses outside of herd areas, we have not seen the need and we have not had the funding to establish intensive studies of this nature outside of HMA's. Under current funding levels, our monitoring priorities are within existing herd areas and not in horse free areas.

This removal is being conducted to comply with 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas." This, in conjunction with the recent IBLA decision affirming removal of horses from this horse free area, justifies our proposed action.

You also expressed concern that BLM has neglected to provide an alternative for pushing, driving, or herding horses from the horse free areas back into the herd area, or relocating horses back into adjacent herd areas. Before implementing this alternative, we feel that it is imperative to have as much habitat monitoring data for relocating animals as is necessary for removing animals from HMA's.

Both actions, removal or relocation, must meet the criteria of maintaining or restoring the thriving natural ecological balance of the range.

In addition, before relocation of animals occurs, it is necessary to determine a need which would benefit the existing population. Simply relocating animals into a population may not be beneficial and could cause an ecological imbalance not only to the habitat, but to the population as well.

In answer to your questions regarding fences, the east side of the Diamond Horse Free Area is fenced from the Buck and Bald HMA. Buck and Bald wild horses are not emigrating into the horse free area. The Diamond Hills South HMA, located north of the horse free area, is also fenced and is not losing horses into the Diamond Horse Free Area. There is a problem with the fence between the Diamond HMA and the horse free area. This fence runs along the crest of the Diamond Mountains separating the Ely and Battle Mountain Districts. Heavy winter snows damage the fence yearly and create a maintenance problem. The country is extremely steep and inaccessible and the fence has not been properly maintained. Horses have the opportunity to emigrate from the Diamond HMA to the east, because of this problem, into the horse free area.

We realize that a potential emigration situation exists along the Ely/Battle Mountain District line. We are working with the Battle Mountain District to resolve this problem. Studies need to be established to determine whether wild horses are migrating from the Diamond HMA into the horse free area. If this is in fact occurring, either the fence problems need to be resolved or the Diamond HMA boundary will need to be adjusted if the studies data indicates the original delineation of the Diamond Herd Area did not consider the yearlong habitat of the wild horses when the Wild Free Roaming Horse and Burro Act was passed.

As you are aware from your telephone conversation with Bob Brown of my staff, there has been an historical problem with trespass ranch horses in the horse free area also. So, until all of the remaining horses are removed from the area, we won't know if the remaining horses are descendants of this ranch stock or if they are in fact horses from the Diamond HMA. Once the remaining horses are removed we will be able to initiate migration studies as needed.

We hope that this response has eliminated your concerns addressed in your letter. If you have further questions, please feel free to contact Bob Brown, Ely District Wild Horse Specialist, at (702) 289-4865.

Sincerely,

*Kenneth G. Walker*

Kenneth G. Walker  
District Manager

2 Enclosures

1. Memorandum dated July 17, 1987 (3 pp)
2. Memorandum dated August 28, 1989 (2 pp)

BOB MILLER  
Acting Governor

STATE OF NEVADA

TERRI JAY  
Executive Director



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

Stewart Facility  
Capitol Complex  
Carson City, Nevada 89710  
(702) 885-5589

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P.O. Box 5896  
Reno, Nevada 89513

October 11, 1989

Bob Brown  
Wild Horse and Burro Specialist  
Ely District - BLM  
Star Route 5, Box 1  
Ely, Nevada 89301

Dear Bob,

This letter is in response to your document number 4700, (NV-043), regarding a proposed removal from the Diamond Horse Free Area.

Please provide your monitoring data which demonstrates that horses have definitely established permanent home ranges outside of the existing herd areas. How often were they sighted? Where? By whom? Were colors, markings and sex noted to be sure that it is the same horses outside of the HMA?

In your original EA (NV-040-8-15), you neglected to provide an "Alternative" for pushing, driving, or herding horses from the Horse Free Area back into the herd area.

This should be the Preferred Alternative.

Please provide me with the following information:

- 1) Since the Horse Free Area lies between two HMA's, how are you attempting to prevent horses from "bleeding off" into the Horse Free Area? Are the HMA's fenced where they are adjacent to the Horse Free Area?
- 2) If not, will you be fencing in the future?
- 3) If the areas are fenced, how did horses manage to get into the Horse Free Area? Are gates being left open? Is fence maintenance not being done?

Nothing in the Act precludes you from relocating horses back into adjacent herd areas. It has been done before.

Bob Brown  
October 11, 1989  
Page 2

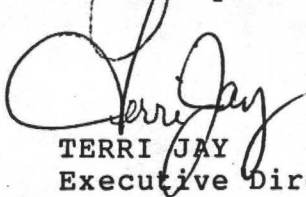
If you choose not to relocate horses into the HMA's, please provide the monitoring data which shows that the HMA's cannot support additional horses.

Since relocating horses is the Preferred Alternative to removals, and neither of your original documents (EA No. NV-040-8-15 or the "Removal Plan for Ely/Elko District Wild Horse Gather") provides for a method of relocation, nor the environmental impact of the action, I hereby request that you delay action until the proper documents can be prepared.

In conclusion, I do not support removal of the horses. I will, however, support a relocation of the horses to adjacent herd areas.

Thank you for the opportunity to comment on you proposed action.

Sincerely,



TERRI JAY  
Executive Director

TJ/cb



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

NEVADA STATE OFFICE  
850 Harvard Way  
P.O. Box 12000  
Reno, Nevada 89520-0006



IN REPLY REFER TO:

4700  
(NV-931.3)

OCT 16 1989

Commission for the Preservation  
of Wild Horses and Burros  
c/o Ms. Terri Jay, Executive Director  
Stewart Facility  
5500 Snider Avenue, Bldg. 6, Room 137  
Carson City, NV 89710

Dear Ms. Jay:

The Bureau of Land Management proposes to gather excess wild horses and burros from public lands in the State of Nevada no sooner than 28 days from the date of this letter.

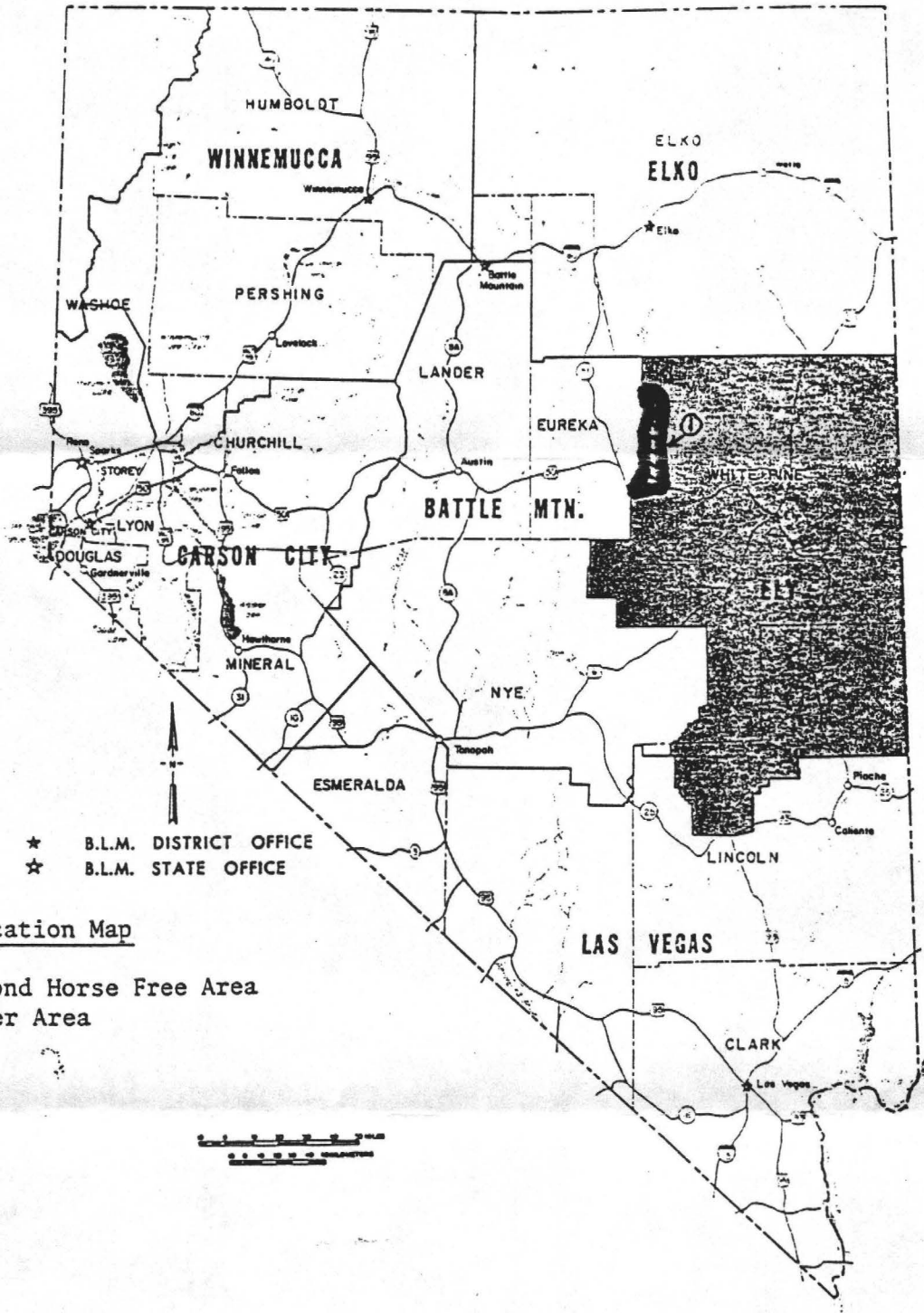
The proposed gathering will be conducted in the Ely District in the areas shown on the enclosed maps and as described below.

<u>Herd Management Area/Herd Area Name</u>	<u>Environmental Analysis Record Number</u>	<u>Reason for Gathering</u>	<u>Approximate Number to Be Removed</u>	<u>Approximate Number to Remain</u>
Diamond Horse Free Area	NV-040-8-15	Comply with 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."	65	0

Sincerely,

Edward F. Spang  
State Director, Nevada

1 Enclosure  
1 - Proposed Gathering Maps (2 pp)



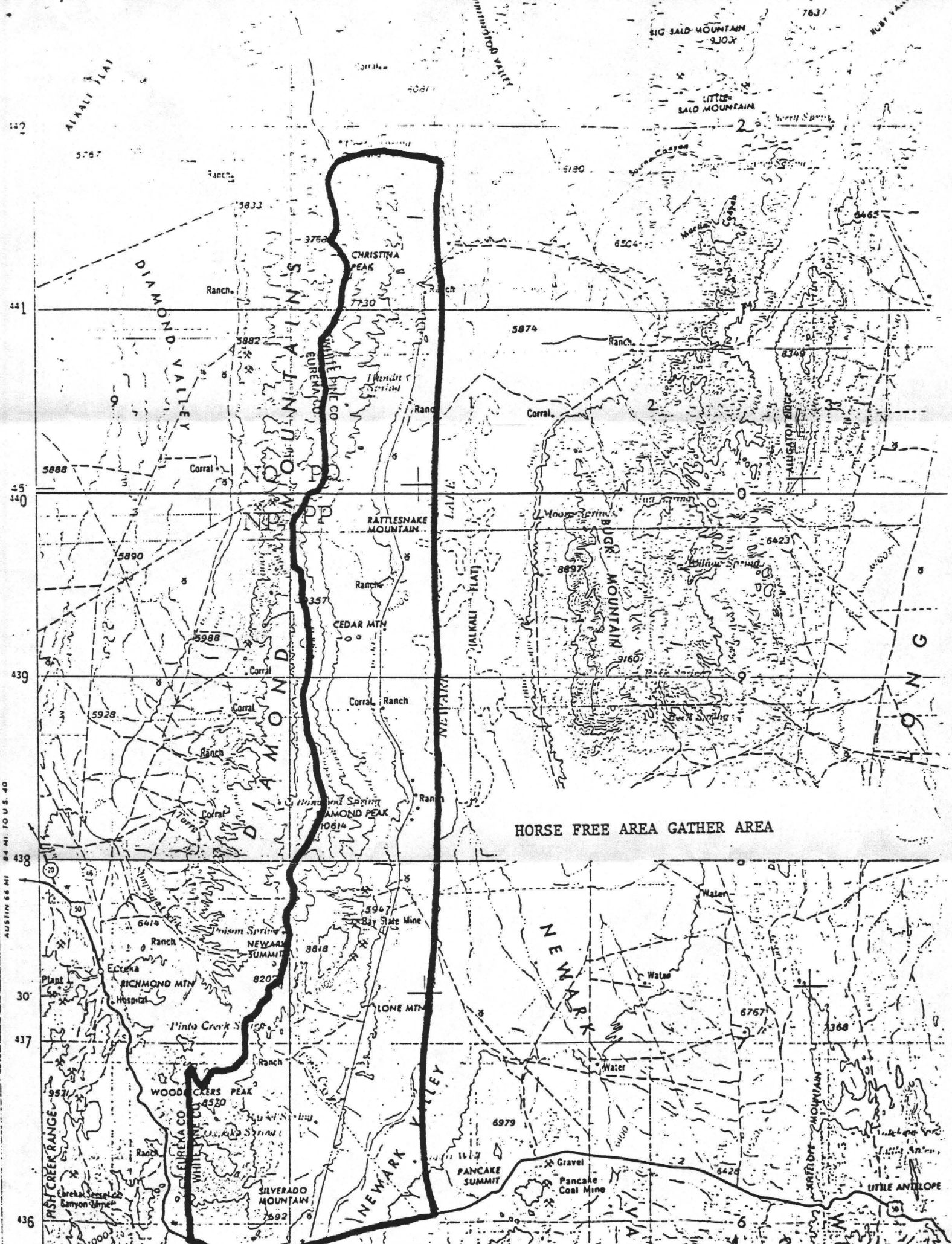
Work Location Map

1. Diamond Horse Free Area  
Gather Area

# NEVADA DISTRICTS

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

Enclosure 1-1



HORSE FREE AREA GATHER AREA

AUSTIN 66 MI 84 MI TO U.S. 40

42  
41  
40  
39  
38  
30  
37  
36

SIG BALD MOUNTAIN 9307

LITTLE BALD MOUNTAIN

DIAMOND VALLEY

DIAMOND MOUNTAINS

NEWARK VALLEY

NEWARK MOUNTAINS

NEWARK MOUNTAINS

NEWARK MOUNTAINS

FISH CREEK RANGE

WOODCHUCKERS PEAK

SILVERADO MOUNTAIN

PANCAKE SUMMIT

LITTLE ANTELOPE