



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Winnemucca District Office  
705 East 4th Street  
Winnemucca, Nevada 89445



IN REPLY REFER TO:

4700  
(NV-248)

JUN 25 1992

Commission for the Preservation of  
Wild Horses and Burros  
Ms. Cathy Barcomb  
Stewart Facility  
5500 Snider Avenue  
Carson City, NV 89710

Dear Ms. Barcomb:

The Bureau of Land Management proposes to gather wild horses 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 Winnemucca District in the area shown on the enclosed map 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>
Little Owyhee		Emergency Gather	575	525
Little Owyhee		Outside of HMA	25	0

ARITHMETIC  
DOESN'T  
MATCH

GARY  
BINGACHIA

Sincerely,

*Scott Billing*  
District Manager

78 range survey  
has no relevancy

Enclosure  
Map of Little Owyhee Gathering Area (1 p)

cc: NV-930  
Palomino Valley Corral Manager

forethought

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

Paradise-Denio Resource Area

WILD HORSE MANAGEMENT

LITTLE OWYHEE DESERT

WILD HORSE REMOVAL (GATHERING) PLAN

## I. Introduction

The purpose of this proposed action is to remove a segment of the wild horse population in the Little Owyhee Desert Herd Management Area (HMA) to prevent potential death loss due to starvation and/or dehydration. The wild horses are currently in good condition. However, it is our prediction that animal condition will deteriorate significantly as summer progresses. This is particularly true in the Rodear Flat area in the southeastern portion of the HMA. See Map #1 for specific locations.

The proposed action would remove approximately 575 wild horses out of an estimated population of 1100, from the Little Owyhee Desert HMA. Horses removed will be aged 9 and under. This would necessitate the capture of approximately 725 horses. These removals would occur in two areas: Rodear Flat, and North Twin Valley. In addition, approximately 40 wild horses aged 10 and older would be relocated from North Twin Valley to the South Fairbanks area.

If funding permits, 40 horses will be removed from the South Fairbanks area to make room for those to be transported from North Twin Valley. In addition, should funding be available an additional 25 horses (estimated) will be removed from areas outside the HMA. (see attached map.)

These proposed gathers are designed to solve the immediate problems within the HMA, and are not an attempt to arrive at an appropriate management level (AML). The Little Owyhee Allotment Evaluation is in draft form and upon its finalization an AML will be established.

The proposed removal from the HMA is in conformance with the Emergency Capture provisions of Nevada State Office Instruction Memorandum NV-88-224 (3/22/88). Washington Office Instruction Memorandum No. 91-216 provides direction for returning healthy animals 10 years of age and older to the range. The proposed removal of wild horses from areas outside the HMA is in conformance with the Wild, Free Roaming Horse and Burro Regulations (43 CFR 4710.4).

The enclosed map depicts concentration areas of wild horses and identifies those areas from which horses will be removed. Capture facilities may be placed at any location within the HMA.

The proposed removal operation is scheduled to begin August 1, 1992, and be completed by August 22, 1992.

## II. General Area Description

### A. Location and Land Status

The geographical center of the Little Owyhee Desert HMA is located about 40 air miles northeast of Winnemucca, Nevada. The HMA is bounded on the north by the states of Oregon and Idaho, on the south by the South Fork of the Little Humboldt River, on the east by the Elko BLM District, and on the west by the Santa Rosa Mountains.

Refer to attached map. The HMA is administered by the Paradise-Denio Resource Area (RA). The Little Owyhee Desert HMA is situated entirely within the Little Owyhee grazing allotment. The proposed removal of horses from outside the HMA would also be from areas of the Little Owyhee allotment.

The HMA is in the Columbia Plateau and Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. Most of the soils have formed in mixed alluvium with some influence of loess and volcanic ash, and as a result have developed weak, strong or indurated silica and lime cementation. They are primarily moderately fine to moderately coarse textured. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. In the foothills in the eastern and southern portions of the area, the soils are primarily fine textured and underlain by bedrock.

The climate is continental and semi-arid with cool, moist winters and warm, dry summers. Normal precipitation ranges from 6 to 14 inches, occurring primarily in the winter and spring. Average annual temperature is 43 to 47 degrees F. Frost free season is 80 to 120 days. Air quality is considered good to excellent.

The HMA provides habitat for wild horses, domestic livestock, chukar, sage grouse, deer, antelope, coyotes, and various species of birds, rodents and reptiles. Antelope and wild horses inhabit the HMA year-round. Domestic livestock use the area from November 1 to June 1. The HMA is used as an intermediate range for deer and provides valuable forage during migration periods.

The elevation in the Little Owyhee HMA ranges from 6,100 feet in the Whiskey Springs area to approximately 4,500 feet in the Little Humboldt River area. The majority of the HMA lies within 5000-5500 feet elevation.

The Little Owyhee Desert HMA is comprised of approximately 414,720 acres; 398,160 acres (96%) of BLM land and 16,560 acres (4%) of private land. It consists of the three spring pastures in the Little Owyhee allotment: Fairbanks, Twin Valley Springs and Lake Creek.

One Wilderness Study Area (WSA) (NV-020-827, North Fork of the Little Humboldt River) is located within the Little Owyhee HMA. (see map). A WSA designation restricts the choices for suitable trap sites and may place constraints on removal operations.

#### B. Vegetation

The area's vegetative composition is almost entirely the sagebrush-grass types typical of the cold desert and Great Basin. Low sagebrush (*Artemisia arbuscula*) and big sagebrush (*A. tridentata*) predominate throughout the greatest portion of the areas. Other plant species include cheatgrass (*Bromus tectorum*), Idaho fescue (*Festuca idahoensis*), needlegrass (*Stipa* spp.), Indian ricegrass (*Oryzopsis*

hymenoides), bluebunch wheatgrass (Agropyron spicatum), squirreltail (Sitanion hystrix), bluegrass (Poa spp.), shadscale (Atriplex confertifolia), spiny hopsage (Grayia spinosa), green rabbitbrush (Chrysothamnus viscidiflorus), grey rabbitbrush (C. nauseosus), bud sagebrush (A. spinescens) and winterfat (Eurotia lanata).

Halogeton, larkspur, death camas, and lupine occur in the area, but the extent to which any of these poisonous plants affects wild horses is unknown.

### III. Proposed Action and Justification

The limiting factor which determines distribution of wild horses is water. In the Rodear Flat area the vegetative resource is not adequate to support the wild horse population located there throughout the summer.

This year, 1992, is the sixth consecutive year of drought in northern Nevada. There are over ninety stock reservoirs and water troughs in the Little Owyhee HMA. All but two are now dry, and many of them contained no water even during the winter months of 1991-92. Many of the seeps and perennial springs have also dried up. The northern 80% of the HMA is totally dry with the exception of a permittee-operated pipeline and a small, nearly dry reservoir in northwestern Lake Creek pasture which is not being used by wild horses.

For example, Twin Valley Spring in central Twin Valley pasture has been a dependable source of water for the Twin Valley herd. In 1983 this spring was flowing at 2.5 gallons per minute (gpm), so was producing 3600 gallons of water a day. At a consumption rate of 10 gallons/day/horse, this source would have watered 360 adult wild horses. The spring is currently not producing enough water for one wild horse. Due to lack of water all the wild horses have pulled out of this area.

As another example, Lake Creek Reservoir in northern Lake Creek field had also been a dependable perennial water source. As recently as 1990 the reservoir was full. It has been dry since September 1991. Again, all wild horses have left the area.

Minimal winter and spring precipitation has resulted in a critical situation where wild horses are concentrated around the few remaining water sources. Eighty-two percent (82%) of the population is concentrated along the southern boundary, with the remaining 18% located near a waterhole on the Maiden Springs pipeline. These horse areas are termed:

- (1) North Twin Valley
- (2) Rodear Flat
- (3) Milligan Creek
- (4) South Fairbanks

See attached map.

The concentration of horses around the few available water sources has the potential to severely tax the vegetative resource. The horses, despite their numbers, are presently in good condition. However, it is highly probable that as the summer progresses (it is now mid-June), animal condition will deteriorate and there could be some death loss before fall, particularly in the younger age classes. If the drought continues there is even more likelihood of damage to both the vegetation and the horses. It may take up to 2 years or more of above average precipitation to recharge the aquifer enough to start the springs flowing again. It is to prevent such a situation from occurring that we propose to remove animals now.

A. North Twin Valley

Approximately 210 wild horses are located in the north Twin Valley area. Historically, these animals have been dependent on reservoirs and Twin Valley Springs for water. As Twin Valley Springs and the reservoirs in the area are now dry, the horses are dependent on the Maiden Springs pipeline for water.

Maiden Springs pipeline originates on private land in an area of the Little Owyhee grazing allotment outside the HMA. The water rights are controlled by Circle A Ranches. This pipeline was originally installed in 1962, as a cooperative agreement between the BLM and permittee. It is currently in very poor repair. Wild horses have become dependent on leaks in the pipeline and have essentially received water at the convenience of domestic livestock, as the permittee only runs the pipeline when his livestock are in the area.

Bureau of Land Management personnel repaired portions of the pipeline during the week of June 8-12, 1992. Therefore an adequate supply of water is now available for wild horses. The manager of Circle A Ranches intends to charge BLM for water being used by wild horses.

Although the permittee is currently allowing wild horses to drink privately owned water, this is not a dependable situation for the horses as this policy could change at any time. A recent court case established permittees' rights to prevent wild horses from utilizing private water. Therefore, the following management actions are recommended for this herd:

Recommended Management Action

1. Remove all the horses that are 9 years of age and under and transport them to Palomino Valley for adoption. (estimated 170 animals)
2. Transport those animals that are 10+ years old to the South Fairbanks area. (estimated 40 animals)
3. Obtain cost figures on drilling and maintaining a well in the area south of Twin Valley Springs. Initiate paperwork necessary to obtain funding.

*whose job  
to maintain  
pipeline*

*agreement says  
what?  
for horses?*

4. Once the well is producing water, haze horses from the Milligan Creek area into North Twin Valley.

#### B. Rodear Flat

Rodear Flat is located along the southeast boundary of the HMA, and is the most severely overgrazed area within the HMA. A water gap on the South Fork of the Little Humboldt River provides access to water. Soil and vegetation at this water gap have been severely abused by both wild horses and domestic livestock, and erosion along the streambank is significant. The water gap is one-half mile wide and abuts the Snowstorm Mountains HMA. Livestock and horses from the Snowstorm HMA also use the area.

Approximately 500 horses are using the area adjacent to the water gap. Although water supplies are adequate, forage supplies will be severely depleted by late summer. Forage availability was calculated from the results of the 1978 Range Survey. This indicates that 747 AUMs of forage are available within a 5+ mile radius of Rodear Flat. From aerial and ground observations it appears that this is the area that the horses are using. The available forage will support 62 adult wild horses on a year round basis. Furthermore, varying numbers of cattle were authorized in the area between December 1, 1991 and May 15, 1992.

Animal condition is good at this time. However, as forage supplies are further depleted animal condition will deteriorate. It is probable that wild horses will die from lack of forage before the end of the summer, if action is not taken.

#### Recommended Management Action

1. Remove all horses that are 9 years old and younger and ship them to Palomino Valley. This will entail the removal of approximately 405 wild horses.
2. Obtain cost data on drilling and maintaining a well in north Lake Creek field. Initiate paperwork to obtain funding.
3. After completion of the well and water production has been obtained, haze horses north and establish them on water.
4. Do not license domestic livestock in the Rodear Flat area for 3 years to allow the resource a chance to recover. This area is bordered by the allotment boundary on the east and south, by the Twin Valley division fence on the west, and by the top of sections 13-16 of T. 42 N., R. 45 E. and sections 14-18 of T. 42 N., R. 46 E. on the north.

### C. Milligan Creek

Approximately 175 wild horses are currently utilizing Milligan Creek as a water source. This water is located on public land at the mouth of Milligan Creek and is accessible from the western plateaus. Milligan Creek is not a perennial stream and available water is from an underground seep which has collected in a depression that has been created from erosion.

If this seep dries up, the nearest available water, without crossing fences, is at the Maiden Springs pipeline some 30 miles to the north. It is possible that the seep will dry up this summer.

Forage availability within 5+ miles of Milligan Creek, in Twin Valley and east Fairbanks fields, is 1122 AUMs. This will support 94 adult horses yearlong. We recognize that utilization levels are excessive within this area. However, the situation is not critical and will be addressed through the allotment evaluation process.

#### Recommended Management Action

1. Wild horses will not be removed from the Milligan Creek area until an Appropriate Management Level is established through the allotment evaluation process.
2. Carefully monitor the water situation at Milligan Creek throughout the summer. Should this water source dry up, a segment of the Twin Valley/Fairbanks division fence will be let down and the horses would be hazed to water on the North Fork of the Little Humboldt River.

### D. South Fairbanks

Approximately 225 wild horses are in the south Fairbanks area, west of the gorge of the North Fork Little Humboldt River. This area is currently the best watered on the Little Owyhee. There are two developed springs which are producing water, Chukar and Little Mud, as well as an undeveloped spring (Whiskey Spring) which is also producing water. A reservoir near Chukar Spring also contains water. Little Mud spring currently produces 10 gallons per hour or 0.17 gpm. The rate of production of Chukar and Whiskey springs is unknown. Also unknown is how long these springs will continue to produce water.

The North Fork of the Little Humboldt River, a perennial stream, is available to wild horses. Most of this water is on private land. A short portion of the stream (< 1/4 mile) where it comes out of its gorge is on public land and accessible to horses. This area is located about 3-4 miles southeast of Whiskey Spring. Rugged topography precludes horses from entering the river along the remaining segments of the gorge.



Forage availability within 5+ miles of the public portion of the North Fork Little Humboldt is 602 AUMs (538 public 65 private), supporting 50 horses. If the 5 mile plus range is expanded to include Whiskey, Little Mud and Chukar springs, forage availability increases to 1122 AUMs which would support 94 horses. Varying numbers of cattle, with a maximum approaching 500 head, utilized the area between December 1, 1991 and June 1, 1992. Heavy utilization of the forage resource can be expected to occur as summer progresses. However, as at Milligan Creek, the situation is not critical and will be addressed through the allotment evaluation process.

#### Recommended Management Action

1. If funds are available, remove approximately 40 wild horses aged 9 and under, to be replaced by animals from other areas (see #2). Otherwise, wild horses will not be removed from the South Fairbanks area until an appropriate management level is established through the allotment evaluation process.
2. Add approximately 40 horses aged 10 years and older from the North Twin Valley area, and 5 from outside the HMA (see below, E).
3. Continue to monitor Chukar, Little Mud and Whiskey springs and the North Fork Little Humboldt throughout the summer to determine water availability and forage use.
4. Should monitoring indicate that horses are using private waters, obtain a cooperative agreement with the landowner for use of these waters or adjust the AML to that number of horses which can be sustained on public water.
5. Obtain cost figures on developing Whiskey Spring. Initiate paperwork to obtain funding.
6. Domestic livestock will not be licensed in the south Fairbanks area until the allotment evaluation process has been completed.

#### E. Other Areas

There are approximately 25 wild horses on areas of the Little Owyhee Allotment outside the HMA, in Calico and Rock Springs pastures. These horses are watering at Maiden Springs and (probably) at Wild Bill Spring, both on private land. As these are designated horse-free areas by management decision, for convenience the removal of these animals will take place at the same time as the emergency gather operation.

The proposed management action is to remove approximately 20 horses aged 9 years and younger and transport them to Palomino Valley. Remaining horses will be moved to the South Fairbanks area.

This action is dependent on availability of funds. It is currently estimated that funds available may not allow this action. Should money be available after gathering all other areas, these horses may then be gathered.

#### IV. Removal Techniques and Methods

The wild horses will be removed (gathered) by the use of a helicopter.

Water trapping is technically a feasible alternative at Rodear Flat and North Twin Valley. However, extensive road improvement would be required in order to transport the animals from the trap site to a centralized holding facility. Due to the costs this alternative is rejected.

Prior to the pre-work conference, BLM personnel will inspect the condition of the animals; locate and record the major concentrations of animals; note the condition of all roads; presence of fences and other hazardous barriers; location of water sources; record prevailing temperature and soil conditions; drought conditions; and make note of the parent material. An evaluation of these conditions will then determine whether to proceed with the removal, delay the removal, or to proceed with the removal but with modifications (such as relocating trap sites, upgrading road conditions, etc.)

If a decision is made to proceed with the removal, a veterinarian will be available should the expertise be needed. Past removals from this HMA have resulted in less than 0.1 percent loss, and it is anticipated that the removal would not cause significant stress to the animals. To the extent possible, trap sites will be located near concentrations of animals. There is no steep terrain, no trees, and the main roads for hauling purposes are generally in good condition.

After the decision is made to proceed with the removal, a pre-work conference will be conducted at the Winnemucca District Office. During the pre-work conference, BLM personnel will give the contractor a topographic map of the removal area that shows desirable trap locations, and existing fences. The contractor will also be apprised to all of the above conditions, and how these conditions could affect the health and welfare of the animals.

Other agenda items of the pre-work conference will be contract specifications, responsibilities of BLM/contractor, helicopter operations, lines of authority, communications, contract procedures, and most of all, the health and welfare of the animals will be the main topic of discussion.

Before the Notice-to-Proceed is issued to the contractor, an assessment of the contractor's ability to perform will be made, and all equipment will be inspected.

A. Trapping and Care of Animals

1. The excess animals will be directed toward temporary capture corrals by means of a helicopter. Wings (from 1/8 to 1/4 mile) will be constructed leading into the corral. When the horses have been driven to within 1/4 to 1/2 mile of the trap, riders on horseback may then flank the animals and guide them into the trap. Once the horses are in the trap the gate will be closed by hand. Should a horse break back at the trap, it may be roped, if possible, by the riders. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Roping will be done only when necessary, with prior approval of the Contracting Officer's Representative (COR). Under no circumstances shall animals be tied down more than one hour.

It is expected that the number of animals that are driven into the traps will vary from one to 85 horses at one time.

2. It is estimated that a minimum of three temporary trap and corral sites will be required to remove the excess wild horses. Additional temporary trap sites may be necessary if the animals disperse from their home ranges once removal operations start. All temporary trap locations will be selected by the COR in consultation with the contractor.
3. A centralized holding facility will be utilized for processing of horses. The proposed location for this facility is the corral presently located on the Little Owyhee Road near the junction with Twin Valley Springs road. This corral will be modified as necessary to conform to the requirements for temporary capture corrals as outlined below (A,5). Cost of any necessary modification and any damage which occurs to the corral will be the responsibility of BLM. An agreement to utilize this facility or any other private facility needed will be executed with Circle A Ranches prior to gather.
4. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have the prior written approval of the landowner.
5. All traps, wings and holding facilities shall be constructed, maintained, and operated to handle the animals in a safe and humane manner. Traps and holding facilities shall be constructed of portable panels, the top of which shall be not less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of six feet high. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood

or like material a minimum of one foot to five feet above ground level. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap etc.) and shall be covered a minimum of one foot to 5 feet above ground level.

Floors of vehicles used for transporting the animals and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent injuries.

6. The contract helicopter shall be used in such a manner that bands or herds will remain together as much as possible. Foals shall not be left behind.
7. The project helicopter actions may occasionally be observed by a Government-controlled helicopter. All actions of the Government helicopter will be coordinated with the contractor to prevent interference with the project helicopter and contract operations.

In the event an additional helicopter is not available to observe the project helicopter, other methods will be used to observe the removal operations such as using observers on horseback, in vehicles and placing stationary observers in strategic locations.

8. The rate of movement and distance the animals will travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals, and other factors.
9. No fence modification shall be made without authorization from the BLM. The Contractor shall be responsible for restoration of any fence modification which he has made.

If the route the Contractor wishes to herd animals passes through a fence, the Contractor will be required to roll up the fencing material and pull up the posts to provide at least a 50 yard gap. The standing fence on each side of the gap will be well flagged or covered with jute or like material for a distance of 50 yards from the gap on each side.

10. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
11. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, stray animals, and animals to be returned

to the HMA from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition, when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

12. To prevent or minimize outbreaks of viral pneumonia among animals held in temporary traps or central holding facility, a minimum of 5000 cc's of combiotic will be available. The majority of the combiotic will be stored at the District Office where refrigeration is available.
13. At least 600 feet of portable panels, a loading chute and assorted gates will be available at the District Office should it become necessary to further isolate selected animals.
14. Animals 10 years of age and older will be returned to the HMA. The entire population of animals at Rodear Flat and North Twin Valley will have to be gathered and restrained in a portable chute to determine age.
15. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR.
16. Animals held for 10 hours or more in the traps and/or holding facilities shall be provided fresh clean water by the contractor, in an amount of a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than 2 pounds of hay per 100 pounds of estimated body weight per day.
17. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
18. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured or sick animals must be destroyed and provide for destruction of such animals. If the COR cannot determine the severity of the injury or illness, a veterinarian will be consulted before the animal is destroyed. The contractor shall dispose of the carcasses as directed by the COR.
19. Branded or privately-owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for processing under Nevada estray laws.

20. All temporary trap sites located within WSA boundaries will be placed on existing roads and ways, not to exceed 50 feet either side of the access route. Cross-country travel would be allowed as long as it does not cause impacts inconsistent with the requirements of the non-impairment criteria outlined in the Interim Management Policy for wilderness study areas. Refer to map labeled for a delineation of the WSA boundary.
21. The on-site Project Inspector (PI) and Contracting Officer's Representative (COR) will have clear lines of authority and responsibilities, and will have the ability to communicate on a moment's notice with management and the Contracting Officer. This provision is intended to assure that any contractual problems which may affect the animals or their habitat can be resolved with minimal delay.

The District Manager will be responsible for establishing communication procedures which provide a clear course of action to prevent contracting problems when situations which are beyond the PI's or COR's authority occur, particularly when such problems involve the safety and welfare of the wild horses.

B. Helicopter, Pilot and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State of Nevada, and shall follow what are recognized as safe flying practices.
2. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than the fuel truck), and personnel not involved in refueling.
3. The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times.
4. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR, violate contract rules, are unsafe, or otherwise unsatisfactory. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk, injury, or delay.
3. Only stock trailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of six feet six inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to final destination shall be equipped with doors at the rear end of the vehicle. At least one of these doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a non-skid surface such as sand, mineral soil, or wood shavings to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament, and animal condition.
7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported over dirt road is approximately 60 miles per load.

V. Signatures

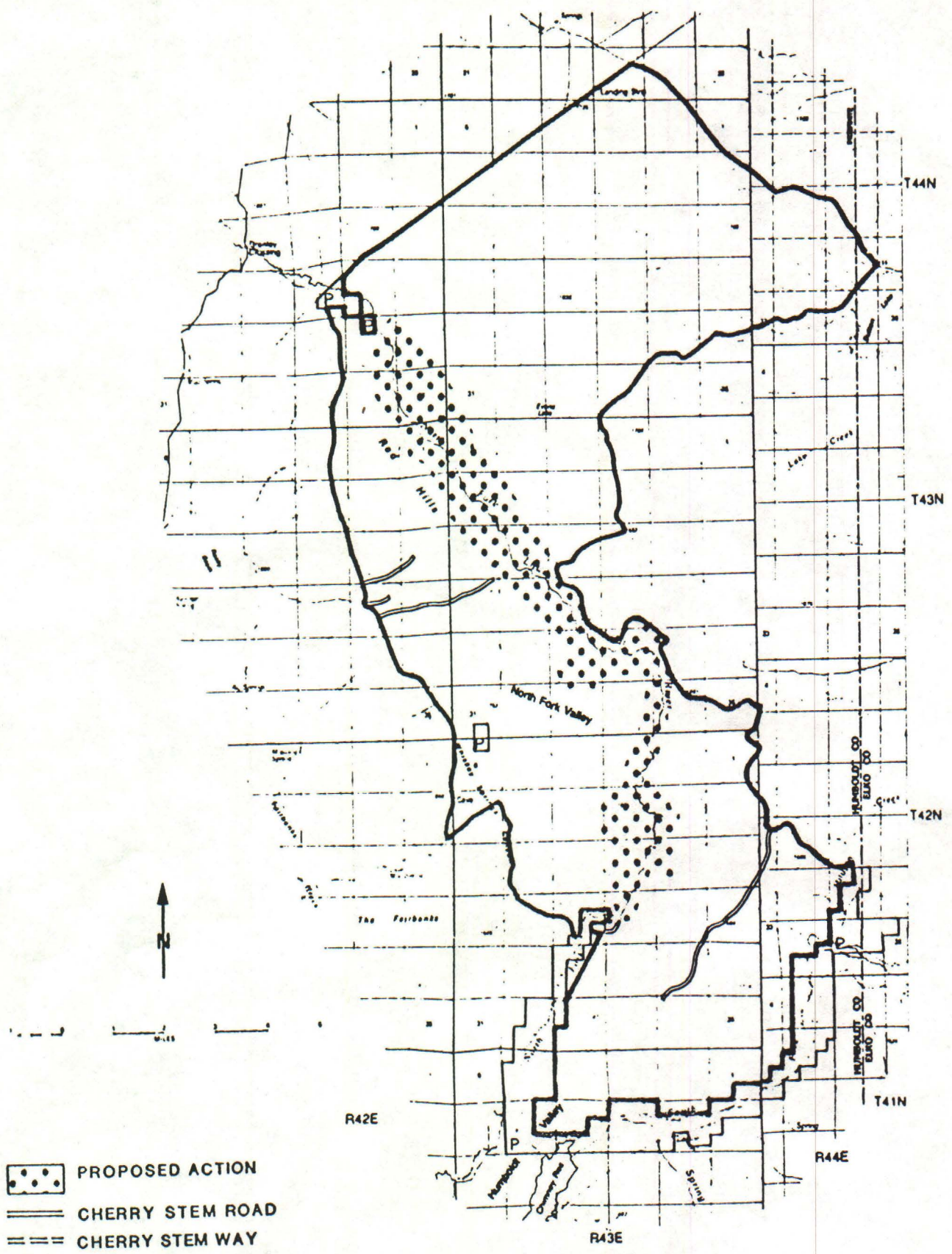
Prepared by: David R Atchdale 6/23/92  
Wild Horse and Burro Specialist Date  
Paradise-Denio Resource Area

Reviewed by: Ron Hall 6/23/92  
Wild Horse and Burro Specialist Date  
Winnemucca District Office

Concurred by: Scott Bellin 6/23/92  
Paradise-Denio Area Manager Date

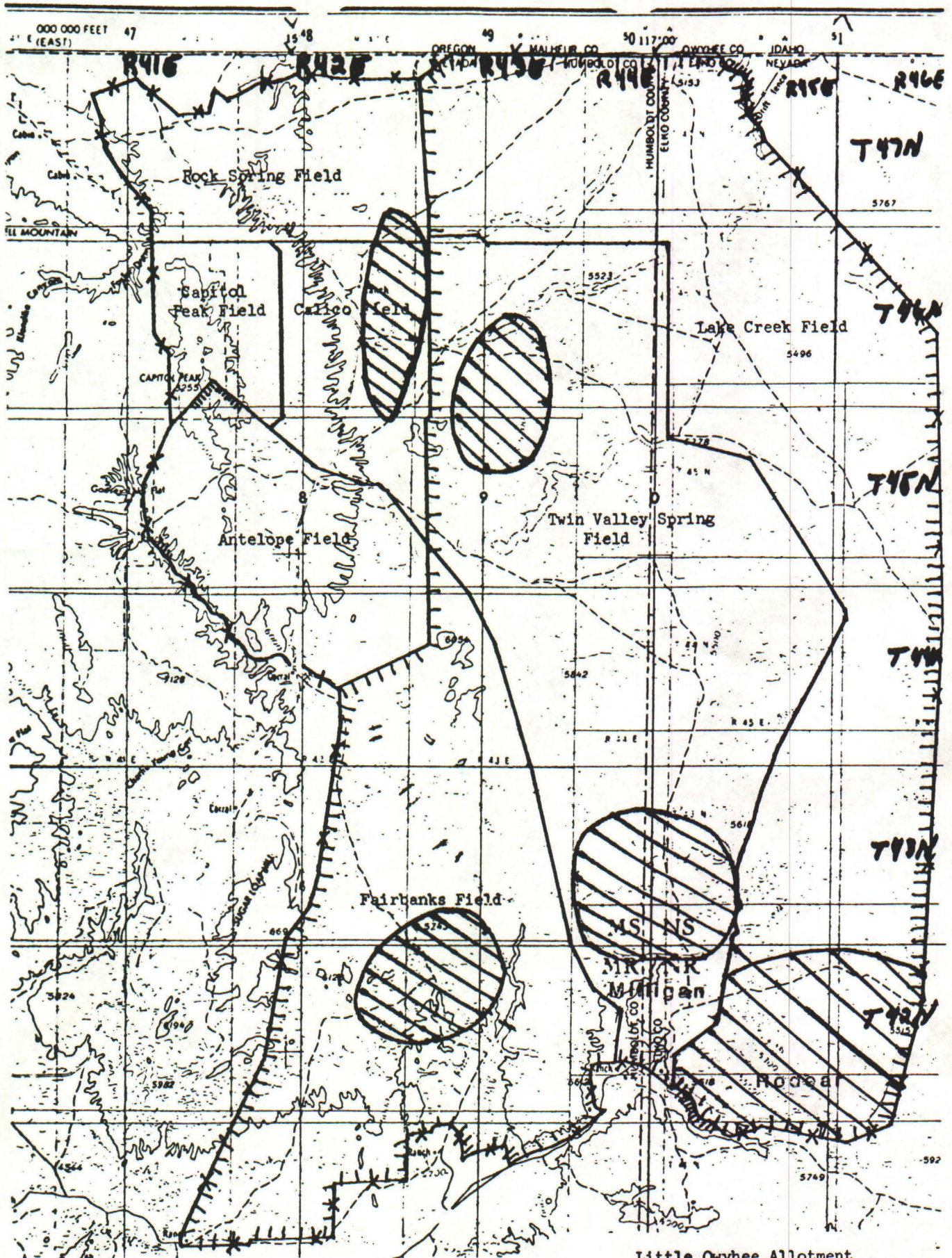
Approved by: Scott Bellin 6/23/92  
Winnemucca District Manager Date  
*actn*





ALTERNATIVES  
 NV-020-827 NORTH FORK OF THE LITTLE HUMBERT RIVER  
 WILDERNESS STUDY AREA

# MC MITT



Concentration area



HMA Boundary

Little Owyhee Allotment  
Existing Fences

7/3/92



# ANIMAL PROTECTION INSTITUTE OF AMERICA

2831 Fruitridge Road, P.O. Box 22505, Sacramento, CA 95822 (916) 731-5521 FAX (916) 731-4467

July 3, 1992

INTERIOR BOARD OF LAND APPEALS  
Office of Hearings and Appeals  
4015 Wilson Blvd  
Arlington VA 22203

MOTION TO STAY

APPEAL  
OF  
"EMERGENCY" REMOVAL

Little Owyhee HMA  
Winnemucca BLM Nevada

Dear Sir:

API was informed by BLM that they will remove 575 wild horses from the Little Owyhee Desert HMA to prevent "potential death loss" from starvation and/or dehydration.

The removal decision is a major action affecting a public land resource and requires alternatives be environmentally assessed. There is no EA/FONSI. The action violates NEPA. There is no supporting data to show the impact of wild horses on their habitat area to determine how many are excess, how many to leave. Their capture plan calls for leaving 525. But BLM's own 1991 census count shows a total of 823 horses in the Little Owyhee. Attachment A is their 1991 census.

They refer to "Emergency Capture provisions in an Instructional Memo NV 88-224" as the authorization of their emergency removal. ATTACHMENT B refers to that "provision. In the informal agreement, API agreed to a definition of an emergency as an EVENT which causes death and is a "no-fix-it" situation not an ongoing condition. However, at the time of our discussions with BLM there was an air of good faith at the Nevada State Office. We trusted them. That trust no longer exists.

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There is no statutory authority for an emergency removal. The "sole and exclusive authority for a removal is in the law (IBLA, 1989)."

The capture plan does not give the whole picture of the Little Owyhee. The monitoring data for the area was evaluated in 1988. That midterm adjustment on the permit allowed a three year grazing system agreement. This was to be monitored along with wild horse usage. The monitoring data was to be evaluated in 1992. The 1992 decision was to become the basis of the forage allocation on the new ten-year livestock permit.

From our point of view, looking at the timing of grazing decisions (midterm adjustments, full term re-allocation of forage to bring the permit into line with carrying capacity) throughout the Bureau, we see the agency driven by the overriding goal to save the previous allocation on the new ten-year permits. To do this, we see, an effort being made to carry the language of the mid-term adjustment decision over as the language of the full term decision. The midterm adjustment expresses the forage allocation on the permit as active/inactive use. Regulations refer to this as "status of preference." In some cases licensing and adjusting to conditions occurs every year. But when the permit expires at the end of ten years so do these adjustments. The new permit is to be issued in line with current carrying capacity at authorized use levels. Carrying capacity must consider availability of the forage to livestock as well as the other functions of the plant community. Vegetation provides habitat, watershed protection, soil erosion prevention and composition in addition to forage.

The ecological perspective, required of the National Environmental Policy Act [NEPA], reiterated under the sustainable usage principles of the Federal Land Policy Management Act [FLPMA] and the Public Rangeland Improvement Act [PRIA], directs BLM to manage for these four components of the plant community plus the biological diversity of the plant community. Before these laws, vegetation was seen as forage. All of the vegetation in the allotment was granted to the livestock permit as forage. That allocation has never been corrected. It was suppose to have been corrected after the 1979 range inventories. At that time BLM claimed 50 to 70 percent reductions were needed to correct that over-obligation of forage to livestock. But Secretary Watt delayed reducing permits until the trend studies of the 1989 range survey.

We see the Little Owyhee as an example of what is occurring everywhere as the time approaches for the expiration of the ten-year livestock permit and the issuance of the new permits. When we review the several changes in Regulations that occurred in the interim created by Secretary Watt's delay, between 1982 and today, all appear to us to be geared toward establishing a decision making procedure that will allow a handshake agreement between the permittee and the BLM to govern grazing decisions. Decision by agreement allows the previous allocation to be carried over on the new permit as agreed upon terms and conditions.

Those rulemaking changes eliminated monitoring from planning considerations. The definition for "status of preference" was added to the grazing regulations [§4100s]. This addition described the allocation of forage to the permit as unchangeable. While it would be in keeping with the midterm adjustment allowed in FLPMA; in actuality, BLM refers to the 1964 allocation as "adjudicated" and the public is led to believe that the allocation is an unchangeable grant of forage. When "preference" is expressed as "active/inactive AUMs" and is carried over decade after decade on the permit as terms and conditions, it becomes an unchangeable grant of forage. We believe it becomes an irretrievable commitment.

The next rulemaking change during the "interim period" was the December 1984 changes to the wild horse Regulations [§4700s]. Here, monitoring requirements and habitat protections were eliminated from Regulations. The public was told that the purpose of the rulemaking was to reorganize the numbering and eliminate duplications. They claimed there were no major changes. In fact, it re-wrote the law. Having successfully eliminated monitoring directives from both planning and wild horse regulations, provisions were added to allow arbitrary AMLs be set in the land use planning process.

These rulemakings created a new management model for the wild horse program based on head count rather than monitoring the impact of a population on its habitat as prescribed by law (PRIA, Sec. 2 (3-c)). If this had not been successfully challenged, it would have taken the wild horse program out of today's multiple use grazing decisions. The new management model would manage horses as a special activity guided by an activity plan--the HMAP. The law requires they be managed "as integral components of the natural system," which is to say as a resource value of the public lands.

But controlling the public land grazing decisions was and is the goal of the western livestock industry. The rancher's goal and his perspective drove the Reagan Administration to secure the series of rulemaking changes that affect the forage allocation and decision making process. The Bush Administration has the same goals and objectives as its predecessor.

From their perspective, the management constraints and directives of the wild horse LAW are the major obstacle in a decision-by-agreement handshake process. The wild horse law requires grazing decisions be technical, based on monitoring impact and inventorying range condition. It requires the decisions be a corrective action. A removal of horses must restore the ecological balance [measured by the 55:45 percent ratio in the utilization studies]. The wild horse law precludes the handshake, decision-by-agreement. Congress put those constraints and restrictions into law at the same time they allowed the experimental Stewardship program to be tried on a limited number of allotments. This was the 1978 Public Rangelands Improvement Act (PRIA).

At the time of that 1978 law, which amended the Wild, Free-roaming Horse and Burro Protection Act, Congress heard the arguments and listened to the sentiments, viewpoints, and opinions of the different interested and affected parties--including API's. It was not mere coincidence that those constraints were put in the wild horse law or that they loom as the fly in the ointment to any who might seek to control the vegetation, claim property rights or split estate in the lands, or underhandedly manipulate the system to control the forage allocation decision making process. We believe that every word in the law is there explicitly.

The Reno Planning federal court case, brought by NRDC against the Secretary, addressed "grazing decisions by agreement." These were called Coordinated Management Agreements. The Reagan Administration had attempted to implement that limited Stewardship Experiment as a bureauwide policy. Grazing decisions by a handshake agreement was the cornerstone of that policy. ATTACHMENT C is a copy of the Reno Planning ruling. It says essentially that grazing decisions by agreement are not authorized by statute. The Secretary cannot abdicate the authority vested in him to regulate and control the use of the land. We would add "or to provide for the biotic needs and habitat requirements of optimum numbers of wild horses and burros as protected species."

ATTACHMENT D is a copy of the flow chart of BLM's multiple use grazing decision process. This was explained to the public at a Reno Public Forum meeting in 1991. The Honorable Judge Harris of the IBLA attended this same meeting. The right hand column is prescribed by law. The left hand, decision-by-agreement, column is created by Regulations.

It is API's contention that every removal--today--that is not part of a multiple use grazing decision in keeping with the timeframes prescribed in FLPMA and outlined as the calendar for evaluating the short term, long term objectives in land use plans are for the express purpose of taking the grazing decision out of the right hand column and putting it in that left hand column on that flow chart.

We believe this is the case of this emergency removal in the Little Owyhee.

BLM claims this is the sixth year of drought in the west. Both §4710.5 of the wild horse Regulations and §4110.3-2 of the grazing Regulations require closure to livestock to meet drought conditions. BLM did not impose it. They have consistently refused to consider it. Instead they have allowed full use of the land year after year by livestock. This emergency removal plan for the Little Owyhee fails to disclose the history of events on the Little Owyhee. It fails to mention the allotment evaluation or the three year grazing system due to be reviewed in 1992. ATTACHMENT E contains that 1988 grazing evaluation,

the 1987 HMAP, and the 1988 grazing decision. The attachment also includes the Use Pattern Maps that show the impact of the 27,000 AUMs of livestock usage on the riparian areas and water sources of the Little Owyhee. They are severely overgrazed. ATTACHMENT F is a schematic interpretation of wild horse grazing patterns as described by both the National Academy of Sciences, Phase I report and the Nevada State wild horse specialist, Milt Frei.

The Capture Plan refers to several water reservoirs and troughs having run dry and horses congregated on a leaking pipeline. The HMAP lists the condition of these range improvements and the CRMP agreement for improvements and dredging additional catchment basin reservoirs. None of this was done. The status of these repairs and improvements is not mentioned in the capture plan. When I toured the area in 1989 with the wild horse specialist and range con they were attempting to convince the District to scoop out a couple of catchment basins to prolong the use of ephemeral waters. Nothing more was done about it.

The capture plan doesn't say whether or not the water development is turned on and off by the permittee when livestock are on or off the land. Section 4120.3 addresses the multiple use requirement of range improvements.

This multiple use requirement on range improvement projects was put to the test in the case of "Deep Well." The Deep Well case was first reviewed by IBLA before being carried into federal court by the rancher, Fallini. The Sierra Club Legal Defense has pursued this case for the Animal Protection Institute through the appeals court. A ruling was made on June 24, 1992 related to a bankruptcy claim [90-15124; CT/AG #: CV-86-0645-RDF, 9th Circuit]. We don't know the status of the Deep Well issue, at this time. In the Little Owyhee we do not know the status of the water systems or whether pipelines to reservoirs and troughs were turned off when livestock were taken off the land 6/30 in Spring Pastures or 2/28 in winter use areas--in accordance with the grazing system.

We don't know if fences have been taken down to enable wild, free-roaming horses to move freely between available waters or to take advantage of localized rains. The fact that wild horses are keenly attuned to moisture particles on the air coupled with their high mobility allows them to move to areas where isolated thunderstorms occur to take full advantage of ephemeral waters. Fences seriously impede this adaptive response to the environment. There is an 1872 Fence Law that prohibits building fences on the open range. It is seriously violated by grazing systems.

Pages 10-13 of the HMAP, list the studies that were to be initiated in 1987 and evaluated "in accordance with Appendix E" [there is no Appendix E]. But the coordinated management schedule is described on page 13. None of these studies are included with the emergency removal plan. Of special need at this time would be the weather station

readings in Paradise Valley in view of the fact current reports in Northern Nevada refer to thundershowers and snowstorms (June 20).

We ask IBLA to reject this "emergency" removal plan. There is no statutory authority for it and every indication it is being used to avoid the decision process that requires the new permit be brought into line with authorized use and current carrying capacity. There is no statutory authority for waiving NEPA requirements for the EA/FONSI. It is being side-stepped to avoid assessing \$4710.5 and \$4110 as the required response to drought. It is waived to avoid having to produce the monitoring data of the past three years and assessing the impact of livestock grazing on wild horses and their habitat.

However, if waters are needed to carry wild horses through this drought while the water projects are completed, BLM should be ordered to haul waters and order all pipes turned on. The multiple use grazing decision based on the data collected in accordance with their own monitoring schedule toward the multiple use grazing decision, needs to be the basis of any wild horse reduction at this time. The livestock permit needs to be brought into line with actual livestock carrying capacity based on that evaluation at this time.

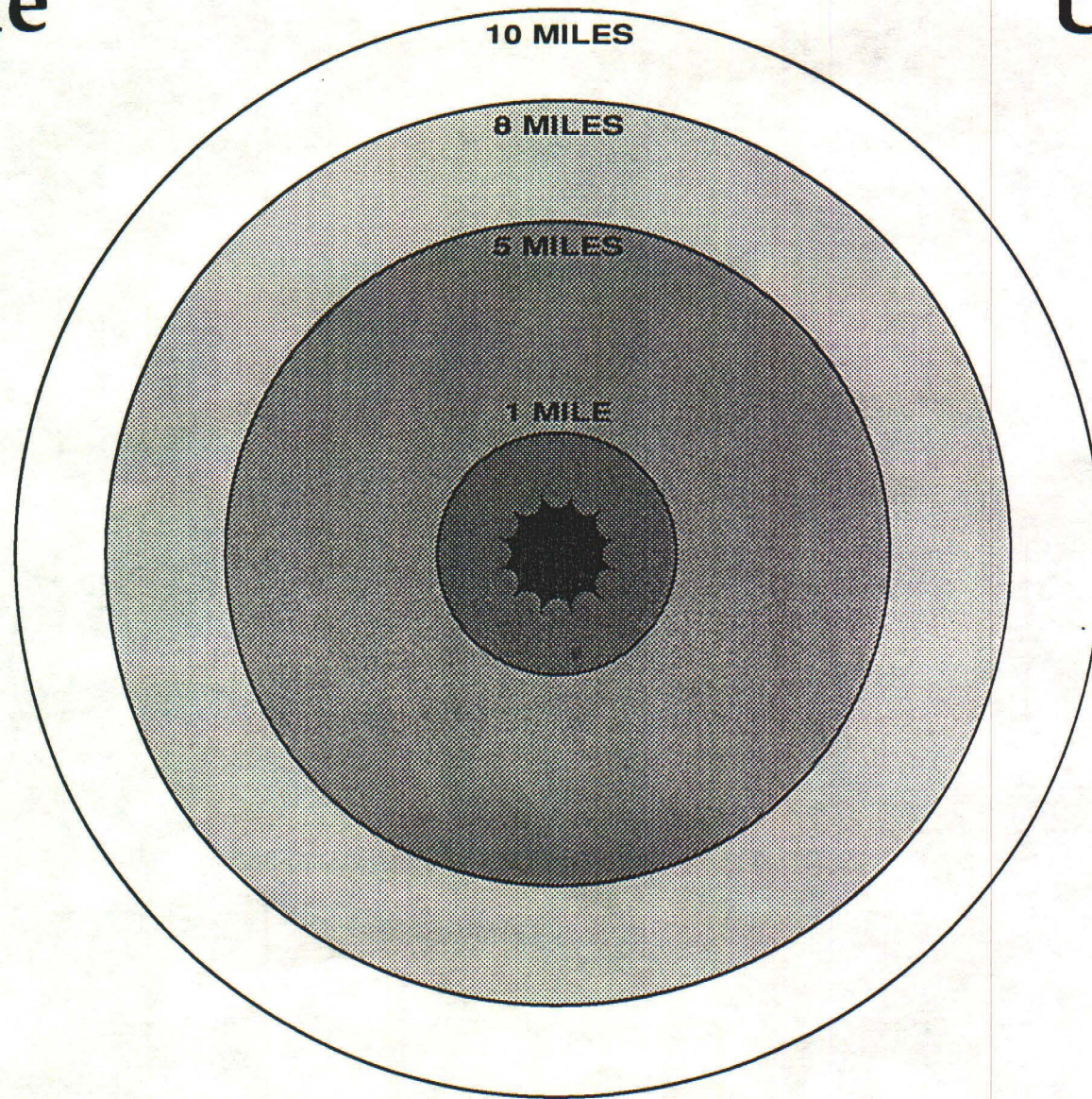
FOR THE ANIMAL PROTECTION INSTITUTE

*Nancy Whitaker*  
Nancy Whitaker, Director  
Public Land/Wild Horse Issues



**Cows Graze Up To  
One Mile  
From  
Water**

**Wild Horses Graze  
Up To Ten  
Miles  
From  
Water**



July 14, 1992

FYI from N. Whitaker

Enclosed is a copy of API's appeal of the Little Owyhee emergency removal. I'm not able to reproduce all the supporting documents but also included are three other timely items: Nevada BLM's 1991 census count (thanks to Dart Anthony of the US Wild Horse & Burro Foundation); a schematic interpretation of grazing patterns; and a copy of an BLM-Oregon press release.

#### SCHEMATIC GRAPHIC

I created this from information in the NAS, Phase I, Field Report and descriptions by Milt Frei, former wild horse specialist at the Nevada State Office, and others. It is to show visually where the AUMs available to horses and those available to livestock actually occur. It also demonstrates that there is not and cannot be a one-for-one trade off between wild horse and livestock AUMs except within the one mile radius. Hopefully it explains why "combining use" [e.g., totalling AUMs of both horses and cows in a given area into a forage pie, then meting out a AUMs based on the same proportion of numbers in the area] does not correct overgrazing or remedy damage and has nothing to do with range condition. The schematic depicts why SPATIAL overlap, movement, and distribution data are so critical for a sound wild horse and range protection program. Also why it is critical when BLM responds to a drought stricken area.

#### OREGON PRESS RELEASE

The press release lists two options for the rancher: either reduce numbers and hope to make it through the grazing season or turn out the full number until reaching utilization limits.

The production per acre ranges from 10 to 24 acres per AUM. The ideal stocking level is one cow or horse every 10 to 24 acres. The schematic depicts the fact the high mobility of horses plus the natural spacing of bands in a given area meets criteria of a proper acres per animal stocking level. The utilization measures how much of the annual growth is taken off as forage. BLM has a yield index that can be factored into the production per acre calculation when determining how many AUMs are available. Drought would lower the yield, acres per AUMs would increase and the number of AUMs available would decrease. Utilization levels would always be 55 percent (unless otherwise specified) of the annual yield regardless of size of the yield or the range condition. When Districts attempted to apply the yield index to the utilization measurement, Nevada State BLM found it to be an improper application of the index. It goes on the production per acre calculation as AUMs available.

Unless Oregon BLM adjusts AUMs available before turnout and relies solely on utilization levels to determine takeoff, they

propose a blueprint for destroying the entire hydrologic system. In Carson City they have determined that leaving a six inch stubble fulfills sage grouse requirements for nesting areas and use it as a take-off signal. This is bare minimum protection. It is not restoration, enhancement or improvement as required by law and land use objectives. It is squeezing every AUM from the land to maintain the permittee.

The Oregon press release refers to the Vale District as hauling waters for wild horses and removing one herd. Nothing is said about regulations requiring closure to livestock as the proper response to this situation.

It doesn't take a degree in range management to see where the concentration of impact from cows occurs year after year or to conclude that six to nine years of drought along with this concentrated impact is geared to destroying the water systems on which all else depends. Cows are the cause. Closure to cows is the solution.

The abject refusal of this Administration to impose regulations promulgated by a wiser and more rational Administration based on sound management principles and an understanding of the spiral-down effect of desertification, is reckless and negligent to the point of gross and flagrant dereliction of duty. BLM is mandated to not just protect the resources but to "manage, maintain, and improve the condition of the rangelands so that they become as productive as feasible for ALL rangeland values ..." [Livestock are not a value but a user!]

Six GAO reports to Congress describe the failure of the Administration over and over yet Congress refuses to act.

1, 4, 5, 7, 8, 11, 13, 14, 15, 20, 38

NOTE TO EDITORS: a list of regional contacts is included at the end of page 2

June 15, 1992

## DROUGHT THREATENS MANY RESOURCES

**MEDFORD** — As southern and eastern Oregon endure what is for some areas more than the sixth consecutive year of drought, the U.S. Bureau of Land Management is focusing efforts on protection of wildlife habitat, riparian areas, wild horses, and grazing lands that face some of the driest conditions and highest wildfire potential on record.

"Look up 'ugly' in the dictionary and that describes our situation," said Lakeview District natural resource specialist Clint Oke. "The situation this year is even more severe than it was last year."

How dry is it? According to the National Weather Service, reservoirs contain only 1,343,900 acre feet of stored water, 49 percent of average and only 41 percent of capacity.

Streamflow provides no salvation. Forecasts in the Rogue/Umpqua basins range from 32 to 70 percent of average. East of the Cascades, forecasts range from 6 percent of average to 59 percent, except for the Willows where forecasts range from 63 to 72 percent.

The only areas not facing extreme drought are the Willamette Valley and the Coast Range, which received spring precipitation far above normal. But even so, Willamette Valley streamflow levels are forecast at only 70 to 79 percent of normal levels.

"The Owyhee River was running at 50 cubic feet per second on May 15; usually 200 cubic feet per second is what we might experience at its lowest point in August and September," explained Malheur Resource Area Manager Ralph Heft.

April rains helped, but the state's moisture deficiency continues. The Medford area is in its ninth calendar year of below-normal precipitation with a total precipitation deficiency since 1984 of 46.31 inches. That translates into a loss of two and one-half years worth of normal precipitation.

"There are those who believe southern Oregon is just beginning a drought cycle — a 30-year cycle," said Medford District fire and aviation management specialist Lynn Levitt.

The drought creates a complex set of challenges for resource management: increased fire danger on rangelands and in forests, low streamflow in fish habitat, and a lack of water and summer forage for wildlife, wild horses, and cattle.

In BLM's Burns District, recent inspections of tree and shrub plantation in the Pine Springs Basin fire rehabilitation areas show the drought is already beginning to stress the new seedlings and has caused some mortality on drier sites.

"In the Vale District, the fire crews are as busy now as they normally are in late July," said fire management officer Lynn Findley. "We had 12 fires Thursday night, and five the night before. This is early for us."

Prone to a history of fire, the Medford District has managed to escape disastrous fire in all but one of the last nine years — 1987. Entering the 1992 fire season, conditions are the worst they've been in those nine years.

"Given the right combination of dry conditions, lightning, and wind, anything could happen," explained Levitt. "To prepare for these extreme conditions, BLM is stepping up initial attack fire fighting forces by adding engine crews and small air tankers."

Rangeland in eastern Oregon is drying out fast. In Malheur County, range conservationists are concerned that bluebunch wheatgrass has dried out before seedripeness. Some ranchers are hauling water now, and other have already removed their cattle from the range. BLM is giving special attention to the situation in riparian habitats, such as the Trout Creek Mountains.

Ranchers throughout southern and eastern Oregon are doing their part to protect fragile riparian areas and other wildlife habitat by working closely with BLM to limit grazing on public lands in some areas.

"Ranchers have two options: to reduce the number of cattle on grazing allotments with the possibility they'll make it to the end of the season, or to turn out a full allotment for a shorter period of time, and have BLM notify them when utilization levels have been reached," explained Medford District range conservationist Tom Jacobs. "We were impressed by the high level of cooperation from grazing permittees last summer. I have every reason to believe it will continue this year."

— M O R E —

**DROUGHT THREATENS MANY RESOURCES**  
**PAGE 2 OF 2**

According to Oke, BLM's Lakeview District has had between 40 percent and 50 percent of normal turnout of livestock because less than half the District's reservoirs and water holes contain water. Those with water in them contain only 30 percent capacity or less.

Like Oke and Jacobs, Heft has been talking with permittees about the situation, which he describes as "about a month ahead of schedule with the present drying trend."

One wild horse herd, he said, is just about out of water, necessitating supplemental water hauling and gathering of one herd in Vale.

Oke said the Lakeview District will focus on protecting riparian areas, encouraging voluntary non-use by grazing permittees, and hauling water to some big game guzzlers in cooperation with the Oregon Department of Fish and Wildlife.

"The continuing drought will have a negative impact on eastern and southern Oregon in many ways," Oke explained. "All rangeland values, including fish and wildlife habitat, watershed stability, recreation, and vegetation will be impacted."

— B L M —

**FOR MORE INFORMATION, CONTACT:**

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Geoff Middaugh	Vale District	(503) 473-3144
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Renee Snyder	Lakeview District	(503) 947-2177
Leslie Robinette	State Office	(503) 280-7031

NEVADA WILD HORSE AND BURRO HERO AREAS ADMINISTERED BY BLM

TE	HERD AREA NAME	H.A. CODE	BLM AC	NON-BLM AC	HERD AREA AC	HERD AREA STATUS	FY HMAP SIGNED	HORSE A.M.L.	LAST HORSE COUNT	ESTIMATED HORSE POP.	BURRO A.M.L.	LAST BURRO COUNT	ESTIMATED BURRO POP.	FY LAST CENSUS
ADA	AMARGOSA VALLEY	NV511	10,000	13,000	23,000	HERD MGT AREA		19	0	0	1	0	0	91
	ANTELOPE	NV401	390,363	9,782	400,145	HERD MGT AREA	87	303	331	391	0	1	1	91
	ANTELOPE VALLEY	NV107	400,000	1,500	401,500	HERD MGT AREA		164	366	432	0	0	0	91
	APPLEWHITE	NV518	27,814	0	27,814	HERD MGT AREA		12	16	23	0	0	0	89
	AUGUSTA MTNS	NV311	210,000	6,000	216,000	HERD MGT AREA		684	468	532	0	0	0	91
	BALD MTN	NV603	120,000	0	120,000	HERD MGT AREA		362	387	387	0	0	0	91
	BLACK ROCK RANGE EAST	NV209	91,300	3,804	95,104	HERD MGT AREA		59	508	660	0	0	0	90
	BLACK ROCK RANGE WEST	NV227	92,543	8,047	100,590	HERD MGT AREA		424	431	478	0	0	0	90
	BLUE NOSE PEAK	NV514	86,695	0	86,695	HERD MGT AREA		1	14	24	0	0	0	88
	BLUE WING MTNS	NV217	17,913	0	17,913	HERD MGT AREA	87	50	30	37	39	24	30	89
	BUCK-BALD	NV403	613,950	13,080	627,030	HERD MGT AREA		700	1,228	1,228	0	0	0	91
	BUFFALO HILLS	NV220	123,141	9,269	132,410	HERD MGT AREA		272	776	368	0	0	0	90
	BULLFROG	NV629	126,900	700	127,600	HERD MGT AREA		12	0	0	218	218	251	90
	BUTTE	NV407	143,065	0	143,065	HERD MGT AREA		60	505	505	0	3	3	91
	CALICO MTN	NV222	155,594	1,572	157,166	HERD MGT AREA		514	887	1,093	0	0	0	89
	CALLAGHAN	NV604	153,000	0	153,000	HERD MGT AREA		577	916	916	0	0	0	91
	CHERRY CREEK	NV406	44,269	0	44,269	HERD MGT AREA		11	0	0	0	0	0	91
	CHERRY CREEK NORTH	NV106	138,000	3,000	141,000	HERD MGT AREA		64	188	188	0	0	0	91
	CLAN ALPINES	NV310	320,000	2,800	322,800	HERD MGT AREA		1,575	1,267	1,764	0	0	0	89
	CLOVER CREEK	NV517	33,653	0	33,653	HERD MGT AREA		9	26	45	0	0	0	88
	CLOVER MTNS	NV516	175,717	0	175,717	HERD MGT AREA		55	84	145	0	0	0	88
	DEER LODGE CANYON	NV521	106,607	0	106,607	HERD MGT AREA		10	6	9	0	0	0	89
	DELAMAR	NV515	190,234	1,336	191,570	HERD MGT AREA	82	95	83	120	0	0	0	89
	DESATOYAS	NV606	124,000	0	124,000	HERD MGT AREA		217	258	258	0	0	0	91
	DIAMOND	NV609	122,000	0	122,000	HERD MGT AREA		205	193	193	0	0	0	91
	DIAMOND HILLS NORTH	NV104	70,000	0	70,000	HERD MGT AREA		50	101	101	0	0	0	91
	DIAMOND HILLS SOUTH	NV412	10,500	0	10,500	HERD MGT AREA		36	414	414	0	0	0	91
	DOGSKIN MTN	NV302	7,600	0	7,600	HERD MGT AREA		19	46	46	0	0	0	92
	DRY LAKE	NV410	496,500	0	496,500	HERD MGT AREA		82	276	326	0	0	0	91
	ELDORADO MTNS	NV501	22,734	81,210	103,944	HERD MGT AREA		0	0	0	0	68	100	88
	FISH CREEK	NV612	275,000	0	275,000	HERD MGT AREA		446	310	310	0	1	1	91
	FISH LAKE VALLEY	NV622	10,000	10	10,010	HERD MGT AREA		62	7	7	12	0	0	89
	FLANIGAN	NV301	16,260	1,000	17,260	HERD MGT AREA	91	104	122	122	0	0	0	92
	FOX-LAKE RANGE	NV228	171,956	5,307	177,263	HERD MGT AREA		434	565	627	1	1	1	90
	GARFIELD FLAT	NV313	146,800	3,200	150,000	HERD MGT AREA		364	81	86	0	0	0	90
	GOLD BUTTE	NV502	176,878	96,890	273,768	HERD MGT AREA		0	0	0	498	254	254	91
	GOLD MTN	NV628	92,000	50	92,050	HERD MGT AREA		19	8	8	0	0	0	90
	GOLDFIELD	NV626	62,000	0	62,000	HERD MGT AREA		227	225	225	71	98	98	90
	GOSHUTE	NV108	266,800	16,600	283,400	HERD MGT AREA		120	229	277	0	0	0	90
	GRANITE PEAK	NV303	4,800	0	4,800	HERD MGT AREA		17	48	48	0	0	0	92
	GRANITE RANGE	NV221	88,436	13,214	101,650	HERD MGT AREA		176	776	956	0	0	0	89
	HIGHLAND PEAK	NV522	137,776	1,849	139,625	HERD MGT AREA	87	50	35	50	0	54	54	89
	HORSE MTN	NV307	53,000	160	53,160	HERD MGT AREA		63	153	153	0	0	0	91
	HOT CREEK	NV616	40,476	35,584	76,060	HERD MGT AREA		89	129	129	0	0	0	91
	JACKSON MTNS	NV208	274,510	8,490	283,000	HERD MGT AREA		215	335	435	0	0	0	89
	JAKES WASH	NV408	67,045	0	67,045	HERD MGT AREA		20	33	46	0	0	0	90
	KAMMA MTNS	NV214	54,573	2,872	57,445	HERD MGT AREA	87	50	8	10	0	0	0	89
	LAHONTAN	NV306	10,500	1,000	11,500	HERD MGT AREA		42	95	95	0	0	0	92
	LAST CHANCE	NV510	78,895	3,342	82,237	HERD MGT AREA		0	0	35	12	55	70	88

NEVADA WILD HORSE AND BURRO HERD AREAS ADMINISTERED BY BLM

STATE	HERD AREA NAME	H.A. CODE	BLM AC	NON-BLM AC	HERD AREA AC	HERD AREA STATUS	FY HMAP SIGNED	HORSE A.M.L.	LAST HORSE COUNT	ESTIMATED HORSE POP.	BURRO A.M.L.	LAST BURRO COUNT	ESTIMATED BURRO POP.	FY LAST CENSUS
NEVADA	LAVA BEDS	NV215	231,744	0	231,744	HERD MGT AREA	87	375	287	354	40	55	68	89
	LITTLE FISH LAKE	NV614	26,420	83,488	109,908	HERD MGT AREA		33	29	29	0	0	0	91
	LITTLE HUMBOLDT	NV102	64,075	8,406	72,481	HERD MGT AREA		107	174	174	0	0	0	91
	LITTLE MTN	NV519	54,148	410	54,558	HERD MGT AREA	84	29	39	56	0	0	0	89
	LITTLE ONYHEE	NV200	398,160	16,560	414,720	HERD MGT AREA	87	200	856	856	0	0	0	91
	MARIETTA	NV316	66,500	1,550	68,050	HERD MGT AREA		0	0	0	85	60	70	90
	MAVERICK-MEDICINE	NV105	207,000	500	207,500	HERD MGT AREA		244	507	507	0	0	0	91
	MCGEE MTN	NV210	50,000	0	50,000	HERD MGT AREA		0	0	0	41	5	5	91
	MEADOW VALLEY MTNS	NV513	94,966	0	94,966	HERD MGT AREA		33	26	37	0	0	0	89
	MILLER FLAT	NV520	90,901	280	91,181	HERD MGT AREA	82	50	71	123	0	0	0	88
	MONTE CRISTO	NV402	155,330	73,610	228,940	HERD MGT AREA	77	96	725	725	0	0	0	91
	MONTEZUMA PEAK	NV625	57,000	30	57,030	HERD MGT AREA		161	189	189	0	1	1	90
	MORIAH	NV413	83,673	0	83,673	HERD MGT AREA		0	30	42	0	0	0	90
	MORMON MTNS	NV512	175,423	0	175,423	HERD MGT AREA		27	27	139	0	0	0	89
	MT STIRLING	NV508	30,855	27,634	58,489	HERD MGT AREA		54	35	55	77	50	90	89
	MUDDY MTNS	NV503	61,226	79,590	140,816	HERD MGT AREA		0	23	26	122	13	28	88
	NEVADA WILD HORSE RANGE	NV524	394,500	0	394,500	HERD MGT AREA	85	2,000	5,219	5,219	0	91	182	91
	NEW PASS-RAVENSWOOD	NV602	225,000	0	225,000	HERD MGT AREA		476	415	415	0	3	3	91
	NIGHTENGALE MTNS	NV219	72,218	3,801	76,019	HERD MGT AREA	87	87	306	377	0	0	0	89
	NORTH STILLWATER	NV229	131,104	1,325	132,429	HERD MGT AREA		82	152	152	0	0	0	91
	ONYHEE	NV101	371,000	3,234	374,234	HERD MGT AREA		57	78	86	0	0	0	90
	PALMETTO	NV624	71,000	200	71,200	HERD MGT AREA		184	66	66	0	0	0	89
	PAYMASTER-LONE MTN	NV621	85,000	0	85,000	HERD MGT AREA		48	355	355	0	0	0	90
	PILOT MTN	NV314	495,000	800	495,800	HERD MGT AREA		466	531	627	0	0	0	90
	PINE NUT	NV305	216,000	72,000	288,000	HERD MGT AREA		387	351	414	0	0	0	90
	RATTLESNAKE	NV523	75,461	0	75,461	HERD MGT AREA		25	8	11	0	0	0	89
	REVELLE	NV619	125,400	920	126,320	HERD MGT AREA		165	145	145	0	0	0	92
	ROBERTS MTN	NV607	132,000	0	132,000	HERD MGT AREA		127	213	213	0	0	0	91
	ROCK CREEK	NV103	115,500	38,500	154,000	HERD MGT AREA		119	392	392	0	0	0	91
	ROCKY HILLS	NV605	124,000	0	124,000	HERD MGT AREA		135	205	205	0	0	0	91
	SAND SPRINGS EAST	NV405	386,776	0	386,776	HERD MGT AREA		494	936	936	0	0	0	91
	SAND SPRINGS WEST	NV630	203,868	35	203,903	HERD MGT AREA		129	193	193	0	0	0	91
	SEAMAN	NV411	340,100	0	340,100	HERD MGT AREA		84	244	288	0	0	0	91
	SEVEN MILE	NV613	80,936	7,492	88,428	HERD MGT AREA		105	100	100	0	0	0	90
	SEVEN TROUGHS	NV216	130,161	17,749	147,910	HERD MGT AREA	87	215	201	248	64	91	112	89
	SHAWAVE MTNS	NV218	88,927	18,214	107,141	HERD MGT AREA	87	100	308	380	0	17	21	89
	SILVER PEAK	NV623	186,000	12,000	198,000	HERD MGT AREA		307	182	182	0	0	0	91
	SNOWSTORM MTNS	NV201	133,138	12,400	145,538	HERD MGT AREA	87	50	108	140	0	0	0	89
	SOUTH SHOSHONE	NV601	180,000	0	180,000	HERD MGT AREA		85	203	203	0	0	0	91
	SOUTH STILLWATER	NV309	7,600	0	7,600	HERD MGT AREA		25	16	22	0	0	0	89
	SPRING MTN	NV504	297,653	278,232	575,885	HERD MGT AREA			243	293		174	254	91
	SPRUCE-PEQUOP	NV109	172,000	34,500	206,500	HERD MGT AREA		80	193	193	0	0	0	91
	STONE CABIN	NV618	392,176	12,205	404,381	HERD MGT AREA	82	364	268	268	0	0	0	91
	STONEWALL	NV627	21,800	0	21,800	HERD MGT AREA		13	94	94	34	11	11	90
	TOANO	NV110	57,500	57,500	115,000	HERD MGT AREA		20	28	30	0	0	0	89
	TOBIN RANGE	NV231	185,322	9,754	195,076	HERD MGT AREA		19	33	33	0	0	0	91
	WARM SPRINGS CANYON	NV226	82,305	831	83,136	HERD MGT AREA		294	526	648	10	20	24	89
	WASSUK	NV312	60,000	20,000	80,000	HERD MGT AREA		151	174	205	0	0	0	89
	WHISTLER MTN	NV608	60,000	0	60,000	HERD MGT AREA		28	75	75	0	0	0	90

NEVADA WILD HORSE AND BURRO HERD AREAS ADMINISTERED BY BLM  
 =====

STATE	HERD AREA NAME	H.A. CODE	BLM AC	NON-BLM AC	HERD AREA AC	HERD AREA STATUS	FY HMAP SIGNED	HORSE A.M.L.	LAST HORSE COUNT	ESTIMATED HORSE POP.	BURRO A.M.L.	LAST BURRO COUNT	ESTIMATED BURRO POP.	FY LAST CENSUS	
NEVADA	WHITE RIVER	NV409	98,534	0	98,534	HERD MGT AREA		20	133	157	0	0	0	91	
	WILSON CREEK	NV404	689,246	0	689,246	HERD MGT AREA		181	291	343	0	1	1	91	
ACREAGE TOTAL:			14,986,443	1,238,418	16,224,861			ANIMAL TOTAL: 17,670	28,967	31,322	1,325	1,369	1,733		
						SIGNED HMAP's:	17	STATE WH&B POPULATION:		33,055	STATE WH&B A.M.L.:		18,995	EXCESS WH&B'S:	13,413



BOB MILLER  
Governor

STATE OF NEVADA

6/23/92  
CATHERINE BARCOMB  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

Stewart Facility  
Capitol Complex  
Carson City, Nevada 89710  
(702) 687-5589

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Steven Fulstone  
Smith Valley, Nevada

Dawn Lappin  
Reno, Nevada

July 23, 1992

Scott Billing, Acting District Manager  
BLM-Winnemucca District Office  
705 East 4th Street  
Winnemucca, Nevada 89445

RE: Little Owyhee Gather Plan

Dear Mr. Billing,

Thank you for the opportunity to review and comment on the gather plan for the Little Owyhee HMA.

Under no circumstance do we propose to stop the gather of these horses. We feel that every effort should be taken to protect the lives of the horses in an impending emergency and not wait until bodies are found to declare an area unsuitable to sustain the numbers of horses residing there. However, we do have some concerns about the management of the area and the many discrepancies in this gather plan.

Quite blatantly there is a discrepancy with the numbers to be gathered. On the 28 day notice you quote 600 horses to be removed but within the document the total equates to 640 horses. Which is correct?

The mention of the fact that there are over ninety stock reservoirs and water troughs in the HMA with all but two of them dry raises many concerns. They didn't dry up overnight and what could have been done over the years to develop those water sources not to set up the HMA for this type of emergency. It seems that through neglect of the needs of the HMA the herds have come to rely on not only limited water for their numbers but private waters to survive.

North Twin Valley: There are 210 horses located in the area. A pipeline was installed under a cooperative agreement between the BLM and the permittee in 1962. Since that time wild horses have come to be dependant on the breaks in the pipeline as part of their limited supply for water. The permittee only runs water in the pipeline when livestock are in the area. The BLM over the years has known that horses have become dependant on those breaks in the

Scott Billing  
July 24, 1992  
Page 2

pipeline to survive, why then was there never any account made for the needs of the horses. Why was the pipeline never upgraded to include other resource values? Why did the BLM staff just recently repair the pipeline when the permittee is the one that should have been maintaining the line? Has the permittee been billed for the expense of repairs? The BLM has borne the cost of those repairs knowing full well that the repairs would cut off what little water those horses were using. Why was the pipeline repaired at the cost of the BLM with the promise of the permittee to "charge BLM for water being used by wild horses?" Also, how does your referral to the Fallini decision of a deep well apply to a pipeline across public land? Where is that even relevant, please explain. BLM has known for many years that waters have been a limiting factor especially since ten years ago this same scenario has been played out. Ten years ago, after that emergency for wild horses, the BLM identified that they would look into doing the paperwork on developing water. Now here we are ten years later no better off than ten years ago. What reason do we have to believe that the BLM will carry through this time and not just "forget" to do the identified projects once this "emergency" is over and 600 horses have lost their place on the public lands.

You also mention developing water at Twin Valley Spring and then hazing the horses from Milligan Creek into North Twin Valley. By developing water and herding the horses to Milligan you are determining to limit the horses for use of only part of their herd area.

Rodear Flat: You mention that horses from Little Owyhee and the Snowstorms use the waters. According to the 1978 range survey 747 AUMS are available for use by 62 wild horses. You indicate that there are 500 wild horses using this area. You further quote "barying numbers of cattle were authorized in the area between December 1, 1991, and May 15, 1992. What do you mean by "varying numbers" using the area? Why is it that you know how many horses are using an area and you don't know exactly how many cattle are authorized to use that area? How can you determine what forage livestock are using when the numbers of livestock are uncertain.

One of my Commissioners, Dawn Lappin, was there ten years ago when they pulled foals out of mudholes during the first drought that at the time paperwork was supposed to be initiated to address the water problems then. Why have those projects not been slated for any of the annual work plans in all of the last ten years?

You have recommended in the Management Action (4) to "not license domestic livestock in the Rodear Flat area for 3 years to allow the resource a chance to recover." We would request to be notified of any permitting of livestock in Rodear flat after the three year period or before is that should happen.

Milligan Creek: Approximately 175 horses use the water source at

Scott Billing  
July 24, 1992  
Page 3

Milligan Creek on public lands as their source of water. Water is from a seep which has collected in a depression that has been created from erosion. The nearest water without crossing fences is 30 miles to the north. You state that forage availability within a 5 mile radius will support 94 horses and utilization is serious. Why are you basing the removal of horses in this area for the future on forage and not on the calculation of water as in your other areas included in this gather plan. Why are you not planning on immediately letting the fences down to alleviate this potential emergency? Also, why isn't work being initiated immediately to tank the water from the seep to avert an impending shortage?

South Fairbanks: You identify two developed springs producing water, Chuckar and Little Mud, an undeveloped spring, Whiskey Spring, and also a reservoir near Chukar Spring which also contains water. You have failed to mention if these waters are private or public. Why have you not addressed anything being done about the water seeping into ground or placing holding tanks in these critical areas where there is such a limited water supply and not knowing when it will stop supplying. What is being done right now to preserve what little water is being supplied?

In conclusion, Commissioner Lappin has related to us the previous meetings she attended to discuss potential emergencies in Little Owyhee and felt strongly that previous emergencies on the Little Owyhee should have precluded a proposal based on another emergency. The water situation should be further along that is in this plan. The livestock fencing that has been put in to manage livestock and the no action on the previous emergencies has in fact led to another potential emergency in the Little Owyhee HMA and once again wild horses are the species threatened. We are requesting that the Bureau provide timetables and cost-projections on all proposed water development projects in the Little Owyhee HMA.

The calculation of forage from an 1978 Range Survey seem quite inadequate to say the least. How can data from a 14 year old survey with six years of a drought included be even close to relevant.

Again, we are not intending to stop this gather to avert the threat of death to these horses but this situation could very well have been averted by the BLM and once again as was ten years ago horses must be removed to avert an emergency that well could have been avoided had the Bureau done its job.

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Sincerely,

*Catherine Barcomb*

CATHERINE BARCOMB  
Executive Director

# W H O A

WILD HORSE ORGANIZED ASSISTANCE

P.O. BOX 555

RENO, NEVADA 89504

(702) 851-4817

## BOARD OF TRUSTEES

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LOUISE C. HARRISON

VELMA B. JOHNSTON, "Wild Horse Annie"

GERTRUDE BRONN

July 23, 1992

Scott Billing, Acting District Manager  
BLM-Winnemucca District Office  
705 East 4th Street  
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Two years ago the leaders of four national groups, WHOA, The Commission for the Preservation of Wild Horses, API, and ISPMB met with the BLM in Reno to define and support a concept of when a certain number of conditions arose it would constitute and "emergency." All of the groups signing off on that "definition" assumed the language had been put into an Instruction Memorandum to be sent to the Districts. Apparently, this was not completed by NSO. However, WHOA believes the agreement is still valid and applies to the Little Owyhee.

It is clear now, that IBLA has ruled, and was supported by BLM vs Dahl, et al, that the old AML of the CRMP agreement is invalid, and that monitoring is incomplete at this time to determine an appropriate AML. Until the Allotment evaluation is complete, this emergency must be addressed in advance of the Allotment Evaluation. We will then waive, temporarily the arguments on grazing, grazing systems, herd management plans, and stocking levels until the appropriate time in the evaluation process. Our only purpose in bringing up the old AML at all is to agree with the Bureau that this emergency removal is not for the purpose of removing wild horses to a new AML.

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WHOA finds it appalling that after two droughts and forage depletion cycles, in which significant numbers of wild horses were removed and lost to death, that the District is just now proposing to "do the paperwork" on issues that have threatened wild horses for years. The BLM's re-hire of wild horse specialist Ron Hall, probably the West's best of specialists, and myself pulled wild foals from mud holes only to see them dive right back into the mud holes for the moisture. It certainly must be a terrible disappointment for him to return and see nothing has changed in ten years and no lessons learned.

There is a discrepancy with the numbers to be gathered. On the 28 day notice you quote 600 horses to be removed but within the document the total equates to 640 horses. Which is correct?

The mention of the fact that there are over ninety stock reservoirs and water troughs in the HMA with all but two of them dry raises many concerns. They didn't dry up overnight and what could have been done over the years to develop those water sources not to set up the HMA for this type of emergency. It seems that through neglect of the needs of the HMA the herds have come to rely on not only limited water for their numbers but private waters to survive.

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Scott Billing  
July 24, 1992  
Page 3

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July 24, 1992  
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In conclusion, I attended previous meetings to discuss potential emergencies in Little Owyhee and felt strongly that previous emergencies on the Little Owyhee should have precluded a proposal based on another emergency. The water situation should be further along that is in this plan. The livestock fencing that has been put in to manage livestock and the no action on the previous emergencies has in fact led to another potential emergency in the Little Owyhee HMA and once again wild horses are the species threatened. We are requesting that the Bureau provide timetables and cost-projections on all proposed water development projects in the Little Owyhee HMA.

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Sincerely,

DAWN Y. LAPPIN  
Director



7/29/92

BUREAU OF LAND MANAGEMENT -- NEVADA

LITTLE OWYHEE ALLOTMENT GATHER

July 29, 1992

Q. Why are you gathering in the Little Owyhee Allotment?

A. Drought has resulted in the loss of several water sources in the Little Owyhee, forcing about 1,400 (1,250 adults; 150 foals) horses into an area served by only four water sources. As the animals concentrate, forage supplies and water supplies are increasingly depleted. Without some action, a substantial death loss can be expected.

Q. Did you consider buying and hauling water?

A. Yes, this option was considered but discarded because of cost and logistical considerations. The roads in the area are undeveloped posing a major obstacle. Buying water for two months would also be quite costly; almost double the cost of a gather. And, there is no guarantee how long hauling would need to be continued before nature replenishes the natural water supply. BLM's preference is to place the animals in good homes where they will be cared for and appreciated.

Q. Why don't you drill a well?

The drilling of wells in the area is being considered. Wells in the this geographic area are very deep (400-700'). There have been a number of dry holes drilled by private land owners, so we need to plan carefully where we will drill. Also, a determination needs to be made as to the type of system to power a well. Local ranchers use gas pumps which require servicing every few days...a significant commitment of manpower.

When wells are proposed, all applications must be filed with and approved by the State Water Engineer, Nevada. It can take a number of months to research the availability of water in the area and to prove "beneficial use."

Q. This allotment was the site of another water shortage in the 1970s. Has any water development work been done since then?

Yes. Several reservoirs have been built. The problem is the continued drought. .

Q. If there is an emergency, why didn't gather immediately?

A. Our specialists have been monitoring this and other herd management areas for several years now. We identified a potential problem with water and distribution in this area earlier this

spring. Monitoring data indicated the water supply would last until late July or early August. Since there was time to give the public an opportunity to comment, we followed our regular procedures and issued a draft gather plan and environmental assessment. During that time, we also arranged the operational aspect of the gather -- arranging for the contractor and his equipment to be in place when and where needed.

Q. There are 1,400 horses in the herd management area. Will removal of 500-600 horses be enough?

A. We will be monitoring the area in future months to see if the few available springs are still producing water. If we need to remove additional animals, that can be determined in the fall. At this time, Rodear Flat appears to be where horses are most in distress. It appears Fairbanks Field and Milligan Creek will have sufficient water and vegetation for the reduced number of animals.

Q. There have been thunderstorms pass through the area. Can they restore the water?

A. Thunderstorms result in puddles of rain which the animals can use for a few days, and that does allow animals to disperse over a wider area for a short period of time. However, as soon as the puddles are dry, the horses are back to depending on the four primary water sources. After six years of drought, our hydrologists feel it will take a heavy snowpack to restore the springs, streams and reservoirs. Right now the ground is like a dry sponge. Incidentally, snowfall also helps distribute the horses over a wider area as wild horses eat on snow for moisture.

Q. Is there good vegetation in the allotment?

A. Some areas do have good vegetation, but the horses can't use it because it is too far to go to and from water each day. Presently, some animals are traveling 12-15 miles a day roundtrip from water to vegetation. That distance is extreme. The ground around the waterhole at Rodear Flat is denuded of vegetation.

Q. Are there cattle in the area?

A. Within the Little Owyhee Allotment there is winter and summer pasture for cattle. In Fairbanks field, the permittee moved the cattle out early this year because it was so dry; he, too, had distribution problems.

Q. What will you do with the protests you received?

All protests and letters have been or will be read. The final environmental assessment and the final gather plan already reflect changes. For example, the number of horses to be gathered was reduced as a result of public comment. Letters received after the close of the comment period will be answered.