

2/9/93



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-026.8)

FEB 0 9 1993

Dear Interested Party:

Enclosed is the final removal plan for the Buffalo Hills and Granite Range Wild Horse Removal. The Buffalo Hills Allotment re-evaluation and Multiple Use Decision dated February 9, 1993 establishes the Appropriate Management Level for wild horses in the Buffalo Hills and Granite Range HMA's, and the number of wild horses to be managed in the area of the Calico Mountains HMA contained within the Buffalo Hills Allotment. The allotment re-evaluation and multiple use decision identified that the following impacts will occur if wild horses are not removed immediately:

- Unacceptable degradation of crucial habitat for bighorn sheep and mule deer will continue.
- Unacceptable degradation of riparian areas will continue.
- Progression toward the attainment of a Thriving Natural Ecological Balance and Multiple Use Relationship within the allotment will be delayed for another year.
- There is potential for loss or substantial damage to the health of the wild horse population at the existing AUM demand and current weather conditions.

To promote progression toward the attainment of a Thriving Natural Ecological Balance and Multiple Use Relationship within the allotment the removal plan is to be immediately implemented in Full Force and Effect. Authority for this action is the Wild Free-Roaming Horse and Burro Regulation 43 CFR 4770.3(c) which states:

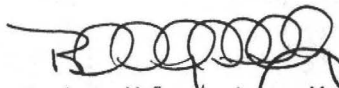
The authorized officer may place in full force and effect decisions to remove wild horses or burros from public or private lands if removal is required by applicable law or to preserve or maintain a thriving natural ecological balance and multiple use relationship. Full force and effect decisions shall take place on the date specified, regardless of appeal. Appeals and petitions for stay of decisions shall be filed with the Interior Board of Land Appeals as specified in this part.

You have the right to appeal to the Board of Land Appeals, Office of the Secretary in accordance with the regulations of 43 CFR Part 4.400. If an appeal is taken, the notice of appeal must be filed in the Winnemucca District Office of BLM (not the Office of the Board) within thirty (30) days of receipt of the decision appealed from, so that the case file can be transmitted to the

Board. The notice may contain a statement of reasons for the appeal but if not, such a statement must be filed with the Board (Address: Board of Land Appeals, Office of the Secretary, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203) within thirty (30) days after the notice is filed. Additionally, the appellant must serve a copy of the notice of appeal and of any reasons, written arguments, or briefs on the Regional Solicitor, Pacific Southwest Region (Address: U.S. Dept. of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825) and each adverse party named in the decision appealed from, in the manner prescribed in Sec. 4.401(c), not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations. The appellant has the burden of proof by positive and substantial evidence wherein the decision appealed from is in error.

If you have any questions regarding the removal plan, please contact me at (702) 623-1500.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Bud Cribley', with a stylized, looping flourish at the end.

Bud Cribley, Area Manager
Sonoma-Gerlach Resource Area

Enclosure: Form 1842-1



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:
4160
(NV-026.1)

FEB 09 1993

CERTIFIED MAIL NO. P103694873
RETURN RECEIPT REQUESTED

NOTICE OF FINAL FULL FORCE AND EFFECT MULTIPLE USE DECISION BUFFALO HILLS ALLOTMENT

Mr. Andrew F. Jackson
Box 69
Gerlach, NV 89412

Dear Mr. Jackson:

The Record of Decision for the Sonoma/Gerlach Grazing Environmental Impact Statement and the Management Framework Plan (Land Use Plan) was issued on September 9, 1982. These documents established the multiple use goals and objectives which guide management of the public lands in the Buffalo Hills Allotment.

In 1988 the Buffalo Hills allotment was evaluated using monitoring data to determine whether or not the Land Use Plan's (LUP) objectives were being met. As a result of that evaluation an Agreement was negotiated with the permittees which specified a grazing system, established a livestock grazing preference, and established site specific objectives.

Monitoring has been conducted to determine if livestock grazing, wild horse use, and wildlife are within the objective parameters established in the LUP. These objectives were carried forward in the Buffalo Hills Allotment Management Plan, Allotment Agreement, and the Fox Mountain Habitat Management Plan. Since the 1988 evaluation additional monitoring data has been collected and analyzed to determine whether or not progress in meeting the multiple use objectives for the Buffalo Hills Allotment is being made, and if changes are required in management actions to meet these objectives.

Through the allotment re-evaluation process the Bureau of Land Management determined that changes in existing management are required to achieve the multiple use objectives for the allotment. Analysis of the monitoring data indicates that the existing numbers of wild horses and management of livestock is significantly contributing to the failure in meeting the LUP and the 1988 Allotment Agreement multiple use objectives. Analysis of wildlife monitoring data does not indicate a need for change in the existing wildlife management. Therefore, this decision changes livestock management, the grazing system, establishes new or modified objectives; and establishes an Appropriate Management Level (AML) for wild horses which will result in a thriving natural ecological balance.

The draft re-evaluation was sent to interested parties for consultation, coordination, and cooperation purposes. Five individuals or groups submitted comments that were incorporated into the document.

As a result of this process my final decisions are as follows:

ALLOTMENT WIDE MULTIPLE USE OBJECTIVES

Objectives 1, 2, and 3 listed below will be used to guide management on the allotment in the interim between completion of this allotment re-evaluation and the completion of the ecological site inventory. Upon completion of the ecological site inventory, desired plant community objectives will be developed for each pasture. The utilization levels shown in objectives #1-3 will be incorporated as management actions to be used to meet the desired plant community objectives.

- 1) The objective for wild horse utilization is 20% in livestock rest pastures by July 15 (seed dissemination).
- 2) The objective for combined utilization on grass species, upland browse species, and meadows by wild horses and livestock is 50% at the end of the livestock use period and 60% by February 28 or start of the new growing season.
- 3) The objective for utilization of current year's growth on key stream bank riparian plant species^{1/} is 30% at the end of the livestock use period and 40% by February 28 or the start of the new growing season for the following streams:

Red Mountain Creek
Cottonwood Creek
Wagon Tire Creek
Granite Creek
Rock Creek
Donnelly Creek
Cane Springs Creek

^{1/} Key riparian plant species will be: Aspen (Populus tremuloides), Willow (Salix spp.), Nevada Bluegrass (Poa nevadensis), Sedges (Carex spp.), Rushes (Juncus spp.), and Tufted Hairgrass (Deschampsia cespitosa).

Objectives 4 through 9 listed below will be requantified upon completion of ESI (1993), to Desired Plant Community objectives (1994) on wetland riparian and upland areas for wildlife, wild horses, and livestock. Specific management actions will be developed to attain the desired plant community resource objectives.

4. Maintain or improve 565 acres of aspen woodland and 349 acres of mountain mahogany thicket to good or equivalent. This includes acres burned in the Fox Mountain and Middle Fork Fires during 1985. (WL-1.9)
5. Manage, maintain, or improve public rangeland habitat condition to provide forage on a sustained yield basis with a forage demand for big game of 6,340 AUMs for mule deer, 1,060 AUMs for pronghorn and 1,228 AUMs for bighorn sheep by:
 - a) Improving 7,680 acres of priority mule deer habitat to excellent.
 - b) Improving overall mule deer habitat as follows:
 - (1) From good to excellent 61,945 acres: Granite Range DS-1; Poodle Mtn. DS-2; Granite Range DS-

6; Crutcher Canyon DW-4; Donnelly Peak DS-5.

(2) From fair to good 4,713 acres: Buffalo Hills DW-2.

c) Maintaining mule deer habitat as follows:

(1) Good condition 93,402 acres: Buffalo Hills DS-2; Horse Canyon DS-2; Sawmill Canyon DS-2; Granite Basin DS-5; Granite Range DW-6.

(2) Excellent condition 5,249 acres: Granite Range DW-7; Rock Creek DW-8; Granite Creek DW-9.

d) Improving pronghorn habitat as follows:

(1) From fair to good 140,068 acres: Buffalo Hills AS-3; Granite Range AS-8; Middle Fork AS-8; Granite Basin AS-9; Crutcher Canyon AW-1; South Buffalo Hills AW-2; Middle Fork AW-8; Rock Creek AW-9; Donnelly Peak AS-1; Division Peak AS-6.

(2) From poor to fair 3,845 acres: Clear Creek AW-5; Granite Point AW-10.

e) Maintain pronghorn habitat as follows:

Good condition 57,298 acres: Buffalo Hills AW-3.

f) Improving 26,376 acres of priority bighorn sheep habitat (Granite Range BY-1) and Division Peak BY-5 from 70% to 90% of optimum.

6. Improve range/ecological 1/ condition from:
Poor to Fair on 267,748 acres.
Fair to Good on 74,138 acres.
Good to Excellent on 37,764 acres.

1/ The range/ecological conditions in this document are forage conditions that will be replaced with ecological status condition as information becomes available. The objective will be redefined or quantified to obtain a particular ecological status when site potential and identified uses are combined to meet vegetative objectives.

7. Manage, maintain or improve ecological status to provide forage on a sustained yield basis with a stocking level of 4114 AUMs for livestock on public lands.
8. Manage, maintain and improve public rangeland conditions to provide 8,568 AUMs of forage on a sustained yield basis for 714 (AMLs) wild horses in the following Herd Use Areas :

	<u>AML</u>	<u>AUMs</u>
Buffalo Hills	314	3768
Granite Range	258	3096
(Granite pasture)	(76)	(912)
(Dolly Varden past.)	(182)	(2184)
Calico Mountains*	<u>142</u>	<u>1704</u>
Total	714	8568

* Only 36% of the Calico Mountains HMA is contained within the Buffalo Hills Allotment. The number of horses shown is for that part of the HMA within the allotment.

9. Fisheries/Riparian: This objective represents a requantification and combination of the long term objections #1 and #3 from the 1988 evaluation and agreement.

Stream/Riparian Habitat Condition Classification
(% of Habitat Optimum)

70-100% = Excellent
60-69% = Good
50-59% = Fair
0-49% = Poor

The stream condition rating (expressed as percent habitat optimum) is based on the evaluation of factors considered limiting to trout. These include pool-riffle ratio, pool-quality, percent gravel and rubble on the stream bottom, bank cover and bank stability.

(A) Red Mountain Creek

- (1) In the short term maintain/improve stream and riparian habitat conditions on 9 miles of Red Mountain Creek at 60% or higher.
- (2) In the long term improve stream and riparian habitat conditions on 9 miles of Red Mountain Creek to a rating of excellent.

Short and long-term objectives for improvement of stream and riparian habitat conditions on Red Mountain Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1989	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	65	>65	>70

Based on data collected in 1989 from stations 2, 3 and 4 located on public land.

(B) Cottonwood Creek

- (1) In the short-term improve stream and riparian habitat conditions on 3 miles of Cottonwood Creek by 11% (or to a rating of good as defined previously).
- (2) In the long-term maintain stream and riparian habitat conditions on 3 miles of Cottonwood Creek at a rating of 60% or better.

Short and long-term objectives for improvement of stream and riparian habitat conditions on Cottonwood Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1987	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	49	>60	>60

Based on data collected in 1987 by BLM from survey stations located on public land.

(C) Wagon Tire Creek

- (1) In the short-term improve stream and riparian habitat conditions on 3 miles of Wagon Tire Creek by 15%
- (2) In the long-term improve stream and riparian habitat conditions on 3 miles of Wagon Tire Creek to a rating of 60% or better.

Short and long term objectives for improvement of stream and riparian habitat conditions on Wagon Tire Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1989	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	30	>45	>60

Based on data collected in 1989 by BLM from survey stations located on public land.

(D) Granite Creek

- (1) In the short-term improve stream and riparian habitat conditions on the lower reaches Granite Creek from 25% to 40% and maintain an overall rating of 60% or better.
- (2) In the long-term maintain and improve stream and riparian habitat conditions on Granite Creek at 60% or better.

Short and long-term objectives for improvement of stream and riparian habitat conditions on Granite Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1992	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	74	>60	>60

Based on data collected in 1992 by BLM from survey stations located on public land.

(E) Rock Creek

- (1) In the short-term improve stream and riparian habitat conditions on 3 miles of Rock Creek by 6% (or to a rating of good as defined previously).

- (2) In the long-term maintain stream and riparian habitat conditions on 3 miles of Rock Creek to a rating of 60% or better.

Short and long-term objectives for improvement of stream and riparian conditions on Rock Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1992	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	54	>60	>60

Based on data collected in 1992 by BLM from survey stations located on public land.

(F) Donnelly Creek

- (1) In the short-term improve stream and riparian habitat conditions on 2 miles of Upper Donnelly Creek by 10% (or to a rating of good as defined previously).
- (2) In the long-term maintain stream and riparian habitat conditions on 2 miles of Upper Donnelly Creek at a rating of 60% or better.

Short and long-term objectives for improvement of stream and riparian habitat conditions on Upper Donnelly Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1988	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	50	>60	>60

Based on data collected in 1988 by BLM from survey stations located on public land.

(G) Cane Springs Creek

- (1) In the short-term improve stream and riparian habitat conditions on 2 miles of Cane Springs Creek by 7% (or to a rating of good as defined previously).
- (2) In the long-term improve stream and riparian habitat conditions on 2 miles of Cane Springs Creek to a rating of 60% or better.

Short and long-term objectives for improvement of stream and riparian habitat conditions on Cane Springs Creek within the Buffalo Hills Allotment are shown below.

STREAM CONDITION (% HABITAT OPTIMUM)	1992	OBJECTIVE LEVEL	
		SHORT TERM (1999)	LONG TERM (2017)
	53	>60	>60

Based on data collected in 1992 by BLM from survey stations located on public land.

- 10) Improve or maintain the water quality of the following streams to State criteria set for livestock drinking water, cold water aquatic life, water contact recreation (wading), and wildlife propagation:

Red Mountain Creek
Cottonwood Creek
Wagon Tire Creek
Granite Creek
Rock Creek
Negro Creek
Donnelly Creek

- 11) Maintain the water quality of Negro Creek from its origin to the first irrigation diversion to the State Class A water quality standards.

CARRYING CAPACITY

The combined carrying capacity for livestock and wild horses on public lands is determined to be 12,682 AUMs. The allocation is as follows:

Livestock 4,114 aums
Wild Horses 8,568 aums

LIVESTOCK MANAGEMENT DECISION

ALLOCATION

The livestock allocation will remain the same as established in the 1988 evaluation and agreement.

A. A. F. Jackson

1. Grazing Preference (AUMs)
 - a. Total Preference 3984
 - b. Suspended Preference 0
 - c. Active Preference 3984
 - d. Not Scheduled 0
 - e. Exchange of Use 19
 - f. Scheduled Use 4003
2. Season of Use 4/1 to 10/15
3. Number and Class of Livestock 615, cow/calf

B. G. Selmi

1. Grazing Preference (AUMs)
 - a. Total Preference 130
 - b. Suspended Preference 0
 - c. Active Preference 130
 - d. Not Scheduled 0
 - e. Exchange of Use 26
 - f. Scheduled Use 156
2. Season of Use 4/1 to 10/15
3. Number and Class of Livestock 24, cow/calf

GRAZING SYSTEM (LONG-TERM)

Change the existing livestock grazing strategy.

From:

Year	Calico Pasture 4/1 to 7/31	Dolly Varden Pasture 8/1 to 10/15	Buffalo Hills Pasture 4/1 to 7/31	Granite Pasture 8/1 to 10/15
1989	2563 AUMs	1596 AUMs	Rest	Rest
1990	2563 AUMs	1596 AUMs	Rest	Rest
1991	Rest	Rest	2563 AUMs	1596 AUMs
1992	Rest	Rest	2563 AUMs	1596 AUMs

To:

	Calico Pasture 4/1 to 7/15	Dolly Varden Pasture 7/16 to 10/15	Buffalo Hills Pasture 4/1 to 7/31	Granite Pasture 8/1 to 10/15
YR 1	2226 AUMs	1933 AUMs	Rest	Rest
YR 2	2226 AUMs	1933 AUMs	Rest	Rest
YR 3	Rest	Rest	2563 AUMs	1596 AUMs
YR 4	Rest	Rest	2563 AUMs	1596 AUMs

INTERIM GRAZING SYSTEM (SHORT-TERM)

Due to wild horse numbers and the inability to reduce to AML, an interim management plan has been developed. This plan will be followed until wild horse numbers can be reduced to AML and the proposed grazing strategy can be implemented. It will consist of maintaining the present livestock numbers, changing on/off dates, and moving livestock to pastures with available AUMs. The scheduled rest pastures will also be grazed if there are available AUMs, and some of the pastures scheduled for livestock use will not be used until wild horses are brought to AML. The ensuing table summarizes the grazing strategy to be followed during the interim.

	Calico	Dolly Varden	Buffalo Hills	Granite
1993	No Use	7/16 to 10/15	4/1 to 7/15	No Use
1994	No Use	8/1 to 10/15	4/1 to 7/31	No Use

This plan consists of grazing the Buffalo Hills pasture in 1993 and 1994 during the first half of the grazing season. Livestock will then be moved to the Dolly Varden pasture and grazed during the second half of the grazing season. The Calico pasture will be rested from livestock use in 1993 to accommodate the excess wild horses. The Granite Pasture will also be rested from livestock use as scheduled, but will still be over allocated due to wild horse numbers. The situation will be examined on a yearly basis to determine if it is feasible to progress with the proposed grazing system or continue with an amended version.

LIVESTOCK DECISION ACTIONS

1) Improve Livestock Distribution

Require permittees to herd livestock so the short term utilization objectives for stream bank riparian, wetland riparian and upland habitats are achieved. Also identify and develop any water projects that are needed to facilitate proper use of each pasture.

2) Limit utilization on important streams (Listed under Short Term Objective #3 pp. 2) to:

- (a) 30% use on key species at any time during the livestock use period or livestock will be moved within the pasture or removed from the pasture. This will be implemented with the start of the 1993 grazing season and will be followed even if wild horse AMLs are not attained.

- (b) 15% on key species by wild horses at any time during livestock rest years. If this level of use and the 20% level on uplands (Management Action #4) cannot be met then the AML will be adjusted.
 - (c) If monitoring indicates that utilization levels cannot be kept below 30% during combined livestock and wild horse use periods (after the grazing strategy is implemented and wild horse numbers are at AML) then the streams will be fenced.
- 3) Conduct a re-evaluation in 1999 analyzing Resource Objectives developed from the ecological site inventory to determine if desired plant community objectives are being met. If resource problems are identified a re-evaluation will be conducted sooner.
 - 4) Conduct a re-evaluation in 2017 to determine if long term desired plant community objectives have been achieved.

TERMS AND CONDITIONS

The below mentioned terms and conditions will be incorporated into the respective permittees term permit and their annual authorization via the grazing bill:

Grazing use will be in accordance with this grazing decision.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian zones, or aspen stands.

The permittees are required to perform normal maintenance on the range projects which they have been assigned maintenance responsibility.

Permittees shall be required to perform necessary riding (herding) to insure compliance with the decision actions described on page 6.

Actual Use will be submitted by November 15 each year.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations; pertinent citations are below:

4100.0-8	Land use plans	4110.3	Changes in grazing preference status
4120.3-1(a)	Conditions for range improvements	4120.3-2	Cooperative agreements
4120.3-7	Contributions for range improvements	4130.6	Terms and conditions
4130.6-1(a)	Mandatory terms & conditions	4130.6-2	Other terms & conditions
4130.6-3	Modifications (CCC process)		

WILD HORSE MANAGEMENT DECISION

WILD HORSE OBJECTIVES

Allotment specific objective for Wild Horses on the Buffalo Hills Allotment are:

Maintain and improve the free-roaming behavior of wild horses by:

- (a) protecting their home ranges.
- (b) assuring free access to water.

WILD HORSE DECISION ACTIONS

- 1) To realize the benefit of the rest treatment it is necessary that wild horse use not exceed 20% utilization on key species by July 15 in the rest pastures. If use exceeds 20%, the AML for wild horses will be adjusted so that this management criteria can be met.

The 20% utilization limit on key species by July 15 will limit use sufficiently so that the key species will be able to reach seed ripe and receive the benefits of a rest treatment. This allows the plants to gain vigor through building of carbohydrate reserves and allows seed production and dispersal for reproduction. If wild horse use is not limited in the rest pastures then benefits of a rest rotation grazing system will not be realized and the plant communities will not maintain or improve in condition.

- 2) Prevent the wild horse population from exceeding AML in order to keep utilization levels within established limits to achieve a Thriving Natural Ecological Balance and to provide for a healthy and thriving wild horse population. The stocking rate for livestock and establishment of an AML for wild horses is based on calculations from monitoring studies. If numbers of either animal were to exceed the calculated carrying capacity it would not be possible to meet utilization goals and to maintain or improve the condition of plant communities thereby not providing for a Thriving Natural Ecological Balance.

To accomplish this goal it is necessary to calculate the number of wild horses to be removed based on the cycle of gathers. Presently, BLM is planning to gather HMAs every three years as set by the Wild Horse and Burro Strategic Plan. Based on this gather cycle and using existing information on herd recruitment from reproduction, the number to gather would be calculated so that the horses would be at AML when the next gather occurred three years later.

If the cycle of horse gathers is changed from three years, then the numbers of wild horses would be adjusted to fit the gather cycle so that numbers do not exceed AML before a scheduled gather date.

**WILD HORSE APPROPRIATE MANAGEMENT LEVELS
(ALLOCATION)**

The following wild horse AMLs are based on monitoring, and should result in a thriving natural ecological balance for the three herd management areas.

<u>HMA</u>	<u>AML</u>	<u>AUMs</u>
Buffalo Hills	314	3768
Granite Range	258	3096
(Granite pasture)	(76)	(912)
(Dolly Varden past.)	(182)	(2184)
Calico Mountains*	<u>142</u>	<u>1704</u>
Total	714	8568

* Only 36% of the Calico Mountains HMA is contained within the Buffalo Hills Allotment. The number of horses shown is for that part of the HMA within the allotment.

Once AML is reached the wild horse population will be maintained within the following ranges in order to ensure that the carrying capacity is not exceeded. These ranges are based on gathering horses every three years. If gathering schedules change, these ranges may also change.

<u>HMA</u>	<u>75% of AML to AML</u>	<u>AUM's</u>
Buffalo Hills	235 to 314	2820 to 3768
Granite Range	193 to 258	2316 to 3096
(Granite pasture)	(57) to (76)	(684) to (912)
(Dolly Varden past.)	(136) to (182)	(1632) to (2184)
Calico Mountains	<u>106 to 142</u>	<u>1272 to 1704</u>
Total	534 to 714	6408 to 8568

RATIONALE: During the evaluation period wild horse numbers have exceeded the recommended evaluation and LUP level of 7164 AUMs (in 1991 by almost 15,000 AUMs). Wild horses have made disproportionate use of the forage resource during the evaluation period due to the high population levels found in each pasture.

All of the riparian, uplands, and meadows objectives were not met at one time or another due to poor livestock distribution, unauthorized livestock use by non permittees, and wild horse use as a result of excessive numbers. The poor livestock distribution could be attributed to a lack of herding or alternative water sources and to competition for forage, space, and water with wild horses.

AUTHORITY

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

- 4700.0-6(a) Policy
- 4710.4 Constraints on Management
- 4720.1 Removal of Excess Animals from Public Lands

WILDLIFE MANAGEMENT DECISION

WILDLIFE OBJECTIVES

The allotment specific objectives for wildlife habitat on the Buffalo Hills Allotment are:

Protect sage grouse strutting grounds and brooding habitat and improve nesting and wintering habitat by:
(WL-1.11)

- a) Following NDOW's guidelines for Vegetal Control Programs in Sage Grouse Habitat in Nevada.
- b) Maintain sagebrush canopy at 30% in sage grouse nesting areas where sagebrush does not exceed three (3) feet in height.

Fox Mountain Habitat Management Plan objectives and actions that have not been modified in the re-evaluation are carried forward.

REASONABLE WILDLIFE NUMBERS

Reasonable numbers for wildlife will remain the same as the 1988 evaluation. They are:

	<u>Number</u>	<u>AUMs</u>
Bighorn Sheep	512	1228
Mule Deer	2113	6340
Pronghorn	479	1060

RATIONALE: Analysis of the existing management and monitoring of wildlife and wildlife habitat indicates that wildlife populations are not significantly contributing to the failure in meeting the 1988 allotment agreement objectives.

CONSULTATION

The following groups or individuals have protested the Proposed Full Force and Effect Decision:

Animal Protection Institute

Ann Selmi

A.F Jackson

Sierra Club

Nevada Department of Wildlife

Their points of protest and our responses are attached.

DECISION STATEMENT

This Final Full Force and Effect Decision shall take effect February 8, 1993 and is issued in accordance with:

43 CFR 4160.3(c) - "...The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal (emphasis added)"

43 CFR 4770.3(c) - "The authorized officer may place in full force and effect decisions to remove wild horses or burros from public or private lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. (emphasis added) Full force and effect decisions shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decisions shall be filed with the Interior Board of Land Appeals as specified in this part."

The rationale to implement the decision Full Force and Effect is the immediate need for the removal of wild horses. The combined current forage demand by livestock and wild horses of 26,155 AUMs exceeds the calculated carrying capacity of 12,727 AUMs. If horses are not removed immediately the following will occur:

- Unacceptable degradation of crucial habitat for bighorn sheep and mule deer will continue.
- Unacceptable degradation of riparian areas will continue.
- Progression toward the attainment of a Thriving Natural Ecological Balance and Multiple Use Relationship within this allotment will be delayed for another year.
- There is potential for loss or substantial damage to the health of the wild horse population at the existing AUM demand and current winter conditions.

If horses are not removed immediately it would not be possible to conduct a removal until the following winter. Wild horse removals are not conducted from March 1 to June 30 to minimize the risk of injury to pregnant mares and young foals. Past gathering experience in these HMAs found that summer and fall removals resulted in substantial injuries to foals.

Livestock Appeal Rights

If you wish to appeal this livestock management decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with:

Area Manager
Sonoma-Gerlach Resource Area
Bureau of Land Management, Winnemucca District
705 E. 4th Street
Winnemucca, NV 89445

The appeal shall state the reasons, clearly and concisely, as to why you think the Full Force and Effect Decision is in error.

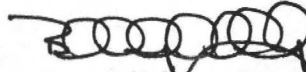
Wild Horse and Wildlife Appeal Rights

Within thirty (30) days of receipt of this decision for wild horse and/or wildlife management, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations of 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed form, 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within thirty (30) days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on the form.

In addition, a copy of the Statement of Reasons shall be provided to:

Area Manager
Sonoma-Gerlach Resource Area
Bureau of Land Management, Winnemucca District
705 E. 4th Street
Winnemucca, NV 89445

Sincerely yours,



Bud Cribley, Area Manager
Sonoma-Gerlach Resource Area

Enclosures

cc:

State of Nevada
Division of State Lands P103694874
Nevada Cattlemen's Association P103694875
Natural Resources Defense Council P103694876
Wild Horse Organ. Assist. P103694877
Humane Society of U.S. P103694878
International Society for the Protection
of Mustangs and Burros P103694879
Nevada Land Action Assoc. P103694880
Sierra Club-Toiyabe Chapter P103694881
DeMar Dahl P103694882
Craig C. Downer P103694883
BLM, Susanville District P103694884
Commission for the Preservation
of Wild Horses and Burros P103694885
Wild Horse and Burro Comm.
College of Natural Res. P103694886
Department of Wildlife
State of Nevada P103694887
Executive Director
Department of Agriculture P103694888
State of Nevada
Richard Heap
NDOW P103694889
U.S. Dept of the Interior
Fish and Wildlife Service P103694890
Chairman Nevada Conservation District
Big Meadow Conservation District P103694891
Animal Protection Institute of America P103694945
National Public Lands Task Force P103694946
Nevada Wildlife Federation P103694947
U.S. Wild Horse & Burro Foundation P103694948
Deborah Allard P103694949
Fund for Animals P103694950
Audubon Society, Lahontan Chapter P103694951
Ann Selmi P103694829
Andrew F. Jackson P103694873
John J. Casey P103694952

ATTACHMENT

Buffalo Hills Decision Comments

Comments received from Nevada Department of Wildlife

Comment 1: In addition to limiting livestock use of key vegetation on key fish and wildlife habitats, the Fox Mountain Habitat Management Plan scheduled livestock exclusion fences for fishery streams to be completed by 1993. The Livestock Agreement scheduled allotment evaluations/decisions for 1991 and 1993 to make further adjustment, if necessary, in livestock management to meet allotment specific objectives. Livestock exclusion fences were not constructed, allotment evaluations/decisions were not completed as scheduled and use pattern mapping data indicates resource damage has been allowed to continue.

Response: In accordance with the Fox Mountain Habitat Management Plan the Red Mountain Creek enclosure was completed in 1990. We are in the process of reconstructing the Dolly Varden enclosure fence as proposed in the HMP. Due to funding and staffing limits we have not been able to initiate the remainder of the projects proposed in the HMP. It is our commitment, as we have communicated to NDOW at earlier meetings to continue with the implementation of the projects in the HMP (especially the riparian fencing). In addition to the Fox Mountain HMP, priorities for the riparian fencing will be dependant on selection of Lahontan Cutthroat Trout recovery streams. We recognize that this re-evaluation was scheduled to be completed in 1991 but have not been able to complete before now due to staffing limitations. Resource damage has not been resolved to date because it was necessary for us to complete this re-evaluation and issue a decision to implement the actions necessary to correct the identified problems.

Comment 2: Livestock use that was established in 1988 has been shown to cause damage to wetland and stream bank riparian vegetation. Monitoring data collected in 1989 and 1990, on Dolly Varden and Calico Pastures, clearly show that riparian objectives were not met during years grazed by livestock, and were met during years of livestock rest. These data clearly define ungulate use and damage. Livestock has had greater adverse impact to riparian habitats than wild horses. The livestock decision (long-term and interim) reauthorizes stocking rates known to cause damage to riparian systems.

Response: Due to consistently high horse numbers (Eval. pp. 10-13), areas associated with upland springs and seeps within the pasture lack forage when the cows are turned out. Evaluation pages 69-78 identify unacceptable levels of use by wild horses (>20% by July 15) before livestock are turned out and during rest years. This factor has limited the success of the permittee in distributing cattle throughout the pasture. Along with reducing wild horses to a AML, BLM proposals to limit combined utilization levels during livestock use periods to 30% and 15% in rest years (Decision pp.9) will not allow damage to riparian systems to persist. This grazing system does have the potential to improve riparian conditions as shown in monitoring data collected on Granite and Rock Creeks. Although not collected under optimal conditions (November 1992) the Habitat Condition Index (HCI) appears to show an upward trend.

Granite Creek 1977 - 45% HCI 1992 - 74% HCI

Comment 3: Terms and conditions of future permits do not include allowable use levels or proper utilization limits to ensure the protection and restoration of degraded riparian habitats. These actions are contrary to signed agreements between the affected interests.

Response: The Terms and Conditions of future permits on Decision page 9 state: "Grazing use will be in accordance with this grazing decision." Utilization levels on riparian systems are outlined in the Decision Actions which will insure that riparian habitats are protected and restored.

Comment 4: The alteration of specific allotment objectives are adjustments that appear to be designed to maintain status quo management and which could perpetuate resource damage. Extending short and long-term objectives to 2017 and prolonging future allotment evaluations to 1999 is contrary to existing agreements, land use plan objectives and Bureau of Land Management policy and are unacceptable to our agency.

Response: When the Ecological Site Inventory is completed (1993), allotment objectives will be requantified to Desired Plant Community objectives (1994). These objectives will be measurable and more specific than previous objectives. The allotment evaluation schedule was based on completion of at least one complete grazing cycle. Monitoring data will be reviewed annually to document the success of the management actions and the grazing system toward meeting the objectives. The review will include climate, actual use, utilization, upland/riparian trend, and any other pertinent data. If the available information documents management actions are not achieving or meeting resource needs, BLM, through consultation, coordination, and cooperation with all affected parties, will devise a strategy to deal with the shortcomings. If resource problems are identified, a re-evaluation will be completed at an earlier date.

Comment 5: Prescribed season-of-use in the Dolly Varden Pasture is contrary to the phenology of bitterbrush (key species).

Response: In developing the management prescription for the Dolly Varden Pasture the potential conflict with bitterbrush was recognized. In or analysis it was felt that if wild horse numbers were brought into line with the calculated carrying capacity and the continuation of a very conservative stocking rate (approximately 37 acres/AUM) the potential for adverse impacts to bitterbrush by cattle to be minimal. These conclusions were further supported by the following factors.

1. Studies on the Sheldon Wildlife Refuge (Hansen, 1982) show browse species (including bitterbrush) as only making up one percent of a cow's diet.
2. Scholten (1982), McConnell and Smith (1977), and Mueggler and Stewart (1980) did not find that light to moderate use by cattle during late summer and fall adversely affected bitterbrush.
3. Livestock use in the Dolly Varden Pasture, with this season-of-use during this evaluation period, has not had a

detrimental impact on bitterbrush. This is based on qualitative field observations, personal comments from Dobel, Tanner, and Leach on a tour through the Fox Mountain area in the fall of 1992, and monitoring studies at the Mahogany Troughs key area (Eval. pp. 69).

Comment 6: Despite the lack of monitoring, MFP III Decision WL 1.4a sets livestock use of critical areas as a "secondary use"; this decision makes livestock the primary use of this area.

Response: The Buffalo Hills Allotment Evaluation identifies 5074 AUMs available in the Dolly Varden Pasture (Eval. pp. 39). BLM has allocated only 1933 AUMs to livestock (Dec. pp.47), which certainly does not make livestock a primary use. Since bitterbrush is the main concern of this point, see response to NDOW comment #5.

Comment 7: Livestock carrying capacity calculations in Appendix 8 did not take into account use pattern mapping data collected on key riparian management areas.

Response: Carrying capacity calculations (livestock grazing preference and wild horse AMLs) did take use pattern mapping data collected on key riparian management areas into account. Appendix 6 of the Allotment Evaluation contains pasture by pasture use level acreage figures and narratives explaining where the use has occurred (ie: riparian stream bank, springs, seeps, or uplands). Carrying capacity calculations are based on severe, heavy, and moderate use areas. The 1988 Allotment Evaluation identified 2,493 acres of wetland riparian habitat which generally fell into one of these categories and were used in the calculations.

Comment 8: Forage allocations for the desired stocking rates provide no forage for wildlife.

Response: Sufficient forage has been reserved for wildlife based on reasonable numbers provided by NDOW and established in the Sonoma-Gerlach MFP III Decision.

Comment 9: The Bureau must reduce active use which is "causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring" 43 CFR 4110.3-2. The department finds that the District has more than adequate information to require downward adjustment in livestock grazing, yet arbitrarily and capriciously continues grazing at a level which it knows will cause resource damage.

Response: The major conclusions of this re-evaluation and actions implemented by this decision are:

Establish a carrying capacity for livestock and wild horses. The allocation between the two users was based on a land use plan proportions and showed a need to reduce the wild horse population significantly while livestock remained at existing levels. The excessive number of wild horses was shown to be a major contributor to the over use on the allotment.

Livestock are not being managed or herded enough to prevent over use of key areas. It was realized that reducing livestock would not solve this problem and that only management of the livestock and fencing of key riparian areas would solve it. Carrying capacity calculations clearly show that livestock stocking levels are

extremely conservative. Only 4159 AUMs are allocated to livestock annually out of 18,481 AUMs available for livestock and wild horses (Eval. pp. 39-40). This is why we have committed to implement the riparian fencing projects proposed in the Fox Mountain HMP and have made it a requirement that livestock be moved from identified riparian areas when the use levels reach 30%.

With the implementation of these two actions we should be able to met the objectives set for this area. We will continue to monitor this allotment and if problems persist or new problems occur the action will be taken to correct them.

Comment 10: The decision is not timely. The land use plan set three and five year evaluation/decision schedules. National and state instructional memorandums further endorsed your land use plan schedule. These decisions were to begin no later than 1987. The first evaluation/agreement was not to be completed until 1988, to initiate the implementation of the land use plan. Contrary to the livestock agreement schedule, the re-evaluation is two years late. The Proposed Final Decision delays the next evaluation/decision until 1999.

Response: As stated in BLM Manual 4400, schedules for analysis, interpretation, and evaluation are based on land use decisions, grazing cycle length, allotment priorities developed through categorization, and funding levels. This re-evaluation was scheduled to be completed in 1991 but was delayed due to staffing limits. If problems are identified future re-evaluations will be conducted at an earlier date.

Comment 11: Riparian habitat was not considered. The Bureau Riparian Area Management Policy of January 22, 1987, requires the District to give special attention to monitoring and evaluation of riparian systems.

Response: The Technical Recommendations of this document establish utilization limits for livestock and wild horses on riparian systems and defines what actions will be taken if these use limits are exceeded (Decision pp.9). An extensive riparian monitoring plan is also outlined.

Comment 12: The proposed Final Decision prolongs evaluations, cancels scheduled riparian protective fences, maintains livestock management practices known to cause damage of important riparian habitat, and disregards current Bureau policies.

Response: The Buffalo Hills Multiple Use Decision sets a schedule for monitoring, management actions and future evaluations. It also integrates wildlife objectives from the Fox Mountain Habitat Management Plan that. Control of the wild horse population, establishment, and implementation of a herding strategy will prevent further damage to riparian systems and allow achievement of a Thriving Natural Ecological Balance. The Decision Actions are in conformance with all Bureau policies.

Comment 13: Appropriate Management Levels were not established by carrying capacity calculations that considered wetland and stream bank riparian.

Response: See response to NDOW comment #7.

Comment 14: Fish and wildlife habitat did not receive adequate monitoring or analysis in the Buffalo Hills Re-evaluation and Proposed Final

Decision. Clearly defined, attainable and measurable objectives are found in the Fox Mountain Habitat Management Plan. Failure to recognize these essential elements in land use planning has resulted in the decision errors. Use of reasonable numbers cannot assess or evaluate the condition of critical wildlife habitat.

Response: Sufficient data was collected in the form of key area monitoring, use pattern mapping, and stream surveys to support implementation of the Decision Actions. Many of the objectives outlined in the Fox Mountain Habitat Management Plan are the same as those outlined in the 1988 Buffalo Hills evaluation and were addressed in the re-evaluation. Fox Mountain Habitat Management Plan objectives not requantified in this document are carried forward (Eval. pp. 59). Reasonable numbers were not used to assess the condition of critical wildlife habitat. Numerous studies have been identified in this document (ESI, stream surveys, sage grouse habitat monitoring, key area establishment, and monitoring of mahogany and aspen sites) to intensively survey and assess the condition of the entire allotment, including critical wildlife habitat.

Comment 15: The Proposed Final Decision misuses Full Force and Effect. We can agree with the rationale to implement Full Force and Effect to stop unacceptable degradation of riparian areas; however, significant actions must be applied to stop resource damage. As pointed out in the Livestock and Wild horse Decisions, riparian objectives and data must be considered and actions taken to stop resource damage. All adjustments in livestock management and wild horse numbers of the Proposed Final Decision will duplicate similar conditions observed since 1982 that degraded riparian habitat. As in the previous decision, the Bureau will monitor and address problems as they occur. This approach to multiple use repeatedly failed since the inception of multiple use and sustained yield management mandates of FLPMA.

Response: Wild horses have never been at acceptable levels, which has contributed to unacceptable resource conditions. With this Multiple Use Decision and subsequent gathers, wild horses will be reduced and strict management actions will be enacted to prevent degradation of riparian areas. Control of wild horses and movement of livestock in accordance with this plan (Decision pp.9), will prevent conditions observed since 1982.

Comments received from the Animal Protection Institute

Comment 1: Casey originally held two permits--one for cows, one for sheep. The sheep permit (11,156 AUMs) was canceled February 12, 1975. An IBLA decision four years later (February 15, 1979) imposed a 40 percent reduction as a penalty for willful trespass on the cow permit. That left 11,112 active cow AUMs which were revoked on November 15, 1982. BUT, the 1987 AMP allowed Donna Casey to run 200 cows on the Granite Range as an exchange-of-use on the original sheep permit (11,156 AUMs) which had been canceled February 12, 1975. Of these, only 45 AUMs show up in the today's (1993) monitoring evaluation and adjustment decision.

Response: Donna Casey has not held an exchange-of-use permit in the Buffalo Hills during this evaluation period. She did not run on the original sheep permit which had been canceled. Exchange-of-use is not tied to BLM preference. Exchange-of-use permits give credit only for the AUM equivalent to what is available on unfenced private lands.

Comment 2: Page 15, paragraph 2, of the re-evaluation, interjects a confusion between the terms "use" and "utilization."

Response: The terms "use" and "utilization" in this document refer to the amount of forage eaten, which is measured by Use Pattern Mapping documented with Key Forage Utilization transects in accordance with BLM Technical Reference 4400-3.

Comment 3: "High levels of use in "rest years" or before livestock turnout indicate UNCONTROLLED WILD HORSE NUMBERS ARE A MAJOR CONTRIBUTOR TO HEAVY USE AREAS." The question we ask is whether or not the data support this claim?

Response: Data collected during this evaluation period (wild horse distribution and census flights, key area utilization, and use pattern mapping data) indicate that wild horses are exceeding our utilization limits. The actual use summaries on evaluation pages 12-13 show that wild horse use alone has equalled or exceeded the established allotment carrying capacity for the entire evaluation period. The key area utilization data and use pattern mapping data on pages 69-78 of the evaluation show that wild horses are making unacceptable use of forage (>20% by July 15) in rest pastures and before livestock are being turned out.

Comment 4: By re-setting the AUL (Allowable Use Levels) to leave 80 percent of the annual growth on the vegetation will assure that monitoring in the future will pinpoint wild horses as "over-utilizing" the range.

Response: To realize the benefit of a rest treatment it is necessary that use levels not exceed 20% utilization on key species by July 15 in rest pastures. This level (20%) was used because it is the upper limit of the slight use category and will limit use sufficiently so that key species will be able to reach seed ripe and receive the benefits of a rest treatment. This allows the plants to gain vigor through building of carbohydrate reserves and allows seed production and dispersal for reproduction. If wild horse use is not limited in livestock rest pastures then the benefits of a rest rotation grazing system will not be realized and the plant communities will not maintain or improve in condition.

Comment 5: Your decision refers to now looking forward to quantifying desired plant community objectives (e.g., seral stage) in the 1992 and developing actions to attain them. Page 10 of the Monitoring Plan that accompanied the 1987 AMP ALREADY lists the key species of the desirable plant community (seral stage) plus the quantified frequency/trends and the ecological status objectives in quantifiable terms for each site.

Response: The Ecological Site Inventory was not completed for the entire allotment when key areas and desired plant communities were developed for the 1987 AMP. With completion of the Ecological Site Inventory, key areas representative of the major Ecological Sites will be established and Desired Plant Community objectives developed for these sites. If objectives from the 1987 AMP are appropriate they will be carried forward into the Desired Plant Community descriptions and objectives.

Comment 6: While we do not disagree that a grazing adjustment might be needed that requires reducing the current wild horse population, you have failed to show the extent to which wild horses contribute to

overgrazing to say how much of a reduction there should be.

Response: See response to API comment #3.

Comments from the Permittees

Comment 1: We are protesting Page 9, paragraph 2)(a). This section says that livestock will be moved within the pasture or removed from the pasture "even if wild horse AML's are not attained."

Response: This management action is required to prevent utilization levels in riparian areas of important streams from exceeding the 30% limit and resulting in stream bank degradation.

Comment 2: BLM will be impacting our operation and livelihood if they are not successful in reducing wild horse numbers.

Response: This Multiple Use Decision sets an Appropriate Management Level for wild horses and proposes gathering wild horses in accordance with the Wild Horse and Burro Strategic Plan. If this is not successful livestock use will have to be adjusted so that the carrying capacity will not be exceeded.

Comments from the Sierra Club

Comment 1: We protest the proposed livestock and wildlife management decisions because they will continue to permit livestock use to exceed carrying capacity, to damage riparian areas and fish and wildlife habitat in violation of federal laws, BLM regulations and policies, especially on riparian area protection, and land use plan and allotment specific requirements.

Response: The Multiple Use Decision sets livestock and wild horse stocking levels based on monitoring data. Permitted livestock use in conjunction with wild horse use will not exceed carrying capacity in any pasture of the Buffalo Hills Allotment, although existing wild horse use alone will exceed the established carrying capacity in the Granite and Calico pastures, until gathers can be completed and AML attained. When AML is reached, unacceptable damage to riparian areas and fish and wildlife habitat will cease, or numbers will be adjusted accordingly and/or riparian fences constructed. See response to NDOW comment #2.

Comment 2: We totally reject your proposal to base stocking rates on utilization rates of 60% for uplands and 40% for riparians.

Response: This Multiple Use Decision still limits combined utilization to 30% on riparian systems at any time during the livestock period and 50% utilization on uplands by the end of the livestock use period. The 60% utilization limit on uplands and 40% limit on riparian systems by February 28 impose a restriction on other users to make them accountable for forage eaten after livestock are removed. Utilization on grass species up to 60% will occur during the dormant season and will not have a detrimental impact on plant health and vigor.

Comment 3: Monitoring Commitments: The list of monitoring promised on pp. 53 and 54 is quite impressive, however, it does not include all of the monitoring commitments in the HMP. Given continuing limited BLM

resources and the past track record, we question whether the Bureau will be able to carry out these actions.

RECOMMENDATIONS:

1. Add HMP monitoring commitments to the re-evaluation.
2. Prioritize which monitoring actions will definitely occur and which ones will occur if the BLM gets around to it.

Response: Monitoring commitments from the Fox Mountain Habitat Management Plan have been incorporated into the 1993 Buffalo Hills Re-evaluation. A monitoring schedule for the Sonoma-Gerlach Resource Area will be drawn up this spring which will prioritize monitoring actions. See response to NDOW comments #12 and 14.

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office.....

Sonoma-Gerlach Resource Area

Buffalo Hills and Granite Range HMAS

Wild Horse Removal Plan

Buffalo Hills and Granite Range HMAs
Wild Horse Removal Plan

I. INTRODUCTION

The intent of this removal plan is to outline the methods and procedures to be used in removing approximately 1244 wild horses from the Buffalo Hills and Granite Range Herd Management Areas (HMAs) and 123 wild horses from the Coyote Allotment. The proposed action would take the horse population in the Buffalo Hills HMA down below Appropriate Management Level (AML), down to the AML in the Granite Range HMA, and remove all wild horses from the Coyote Allotment. The proposed removal operation is scheduled to begin on February 2, 1993 and to be completed by February 28, 1993.

II. GENERAL AREA DESCRIPTION - BACKGROUND DATA

A. Location

1. Buffalo Hills HMA (NV-220)

The geographical center of the Buffalo Hills HMA is located approximately 13 miles west of Gerlach, Nevada, and 55 miles northwest of Fernley, Nevada. The HMA is situated entirely within the Buffalo Hills grazing allotment and the Poodle Mountain Wilderness Study Area (WSA), in the Buffalo Hills Planning Unit.

The Buffalo Hills HMA is roughly 23 miles long in a north-south direction and 12 miles wide in an east-west direction. The elevation ranges from 6,958 feet at Poodle Mountain to 3,823 feet. *The low country is dominated by shadscale-greasewood vegetative types. As elevation increases and soils change, these types give way to sagebrush - grass and juniper types.

The area is comprised of approximately 132,410 acres; 123,498 acres (93%) of public lands and 8,912 acres (7%) of private lands.

The Buffalo Hills HMA is contained within the Poodle Mountain Wilderness Study Area.

2. Granite Range HMA (NV-221)

The Granite Range is located in the approximate center of the Buffalo Hills Planning Unit, bordered on the west by Squaw Valley, the Smoke Creek Desert and the Susanville District Line, on the north by the Leadville Allotment, on the east by Hualapai Valley, and on the south by the Black Rock Desert.

It is approximately 12 miles wide in an east-west direction and 24 miles long in a north-south direction.

The elevation ranges from 9056 feet at Granite Peak to 3920 feet. There are six major vegetative types found within the HMA boundaries; big sagebrush, low sagebrush, Utah juniper, mountain shrub, black greasewood, and shadscale.

The area is comprised of approximately 101,650 acres; 88,506 acres (87%) public lands and 13,144 acres (13%) private lands.

3. Coyote Allotment

The Coyote Allotment lies due north of the Buffalo Hills HMA and west of the Granite Range HMA, approximately 30 miles northwest of Gerlach, Nevada and is situated in the Buffalo Hills Planning Unit. The allotment is approximately six miles long in a north-south direction and 10 miles wide in an east-west direction.

Topography of the allotment ranges from the valley floors of Duck Flat to gentle rolling terrain and rim rock bluffs. Vegetation ranges from greasewood, shadscale, big sagebrush on the lower elevations (4800') to juniper, sagebrush, bluegrass, and needlegrass communities of the higher elevations (5300').

The area is comprised of approximately 37,345 acres; 34,270 acres (92%) public lands and 3,075 acres (8%) private lands.

B. Justification

1. Buffalo Hills and Granite Range HMAs

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) as amended, Section 3(b)(1), "states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)." Section 3(b)(2) states, "that if an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation."

The 1992 Buffalo Hills Allotment Re-evaluation established the

AML for the Buffalo Hills HMA as 314 horses and 258 horses for the Granite Range HMA in order to maintain a thriving natural ecological balance.

2. Coyote Allotment

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195), Section 1, states, "It is the policy of Congress that wild-free roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands."

Wild horses were not found in the Coyote Allotment in 1971, and there is no present management for wild horses or burros in the allotment.

* C. Reference to Environmental Assessment (EA)

Environmental Assessment (No. NV-020-03-15) was prepared on November 24, 1992 analyzing age structure adjustment and the release of older animals from the Coyote Allotment and Checkerboard Gather into the Buffalo Hills HMA. A Programmatic EA (No. NV-020-7-24) analyzing the environmental consequences and mitigating measures of the proposed action was prepared and distributed for public comment in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987. These documents are available for review at the Winnemucca District Office.

D. Population and Removal Data

The following table shows the most current wild horse population estimates, for the capture areas, based on an October 1992 census.

<u>Capture Area</u>	<u>AML</u>	<u>Population Estimate</u>	<u># to Remain</u>
Buffalo Hills HMA*	314	586	234**
Granite Range HMA*	258	1150	258
Coyote Allot.	<u>0</u>	<u>123</u>	<u>0</u>
TOTAL	572	1859	492

* AML established by the Buffalo Hills Allotment Multiple Use Decision dated.

** The Buffalo Hills HMA will be taken below AML to accommodate the older horses (ten +) removed from the Coyote Allotment and the Checkerboard Lands (Checkerboard Wild Horse and Burro Removal Plan 4/15/92).

To obtain a thriving natural ecological balance, horses nine years of age and younger, may be removed. However, the primary emphasis will be on removing animals that are five years old and younger.

All captured animals, five and younger, in the Buffalo Hills and Granite Range HMAs will be shipped to the Palomino Valley Corrals. Wild Horses that are six years of age or older will be released back into their respective herd management areas, if not selected for removal. Based on current policy, wild horses up to nine years of age may be removed.

Captured animals, nine and younger, on the Coyote Allotment will be shipped to the Palomino Valley Corrals and all animals ten and older will be released into the Buffalo Hills HMA.

Prior to release of older animals in the Granite Range HMA, each horse will be branded with a four-inch numerical brand, unique to each animal to assist with data collection on longevity, fertility, and movement patterns. Older animals captured in the Buffalo Hills HMA and Coyote Allotment may be branded prior to release. Blood sampling may be conducted on approximately 10% of the captured animals.

III. Methods For Removal And Safety

The methods employed during this capture operation will be herding animals with a helicopter to a trap built with portable panels, or herding animals with a helicopter to ropers. The Bureau of Land Management will contract with a private party for this operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of the wild horses and burros.

A. Trapping and Care of Animals

1. All capture attempts will be accomplished by the utilization of a helicopter. 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 and only with prior approval by a BLM authorized officer. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter shall be used in such a manner that bands will remain together. Foals shall not be left behind. 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 utilized to observe the removal operations such as using observers on horseback, in vehicles and/or placing stationary observers in strategic locations.

3. The rate of movement and distance that animals travel shall not exceed limitations set by a BLM employee who will consider terrain, physical barriers, weather, condition of the animals and other factors.

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR may decrease the rate or distance traveled, should the route to the trap site pose a danger or cause undue stress.

Temperature limitations are 0°F as a minimum and 95°F as a maximum.

The terrain in the removal areas varies from flat valley bottoms to mountainous, and the animals may be located at all elevations (ranging from 3900 feet to 10000 feet) during the time the gathering is scheduled.

Experience gained from past removals in these areas indicates the proposed action may cause undue stress to the animals. It will be difficult to remove animals from these areas without some concern for the welfare of the animals due to the following reasons.

- a. The parent material in the capture areas ranges from granitic to basalt parent material. The volcanic material is very sharp, and as a result, there is concern that some animals hoofs and fetlocks may become injured, especially the younger animals.
- b. Water is a limiting factor in the capture areas. As a consequence, the animals may have to travel long distances between forage and water as a part of their normal daily activities. This may result in the animals hoofs being tender and sore before the gathering operation takes place.
- c. There are steep and extensive escarpments in the capture areas which limit the areas where animals can be brought into the trap or ropers.

Prior to any gathering operation, BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road conditions, location

of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals, and whether such stress would be acceptable to the animals if veterinarian expertise were present, or whether a delay in the capture activity is warranted. If it is determined that the capture efforts necessitate the services of a veterinarian, one will be obtained before the capture will proceed.

The Contractor will be provided with a topographic map of the removal area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operations.

The Contractor will also be appraised of the above conditions and will be given direction regarding the capture and handling of animals to ensure their health and welfare is protected.

4. It is estimated that a minimum of one trap site will be required in each capture area to accomplish the work. All trap locations and holding facilities must be approved by a BLM employee prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.

Each general site will be selected by a BLM employee after determining the habits of the animals and observing the topography of the area. Site specific locations may be selected by the Contractor with the BLM's approval within this general preselected area. Trap sites will be located to cause as little injury and stress to the animals and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural, and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, deep snow, etc.).

Due to the many variables affecting the distribution of animals such as weather, health and condition, and time of year, it is not possible to identify specific locations at this time. They will be determined at the time of the removal operation.

5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

- a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from the ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood without holes or separation of plies, or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet for burros, and shall be covered with plywood without holes or separation of plies, or like material a minimum of 1 foot to 5 feet above ground for burros and 1 foot to 6 feet for horses.
 - d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by a BLM employee.
 - e. All crowding pens, including the gates leading to the runways, shall be covered with a material which prevents the animals from seeing out (plywood without holes or separation of plies, burlap, jute, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - f. All pens and runways used for the movement and handling of shall be connected with hinged self-locking gates.
6. No fence modifications will be made without authorization from the BLM. The Contractor shall be responsible for restoration of any fence modifications which he has made.

If the route the Contractor proposes to herd animals, passes through a fence, the Contractor shall be required to roll up the fence 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.

7. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water to ensure that dust does not pose a problem to personnel or to the animals.

8. Alternate pens within the holding facility shall be furnished by the Contractor to separate animals with small foals, sick and injured animals, and estray animals from the other animals. 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.
9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the BLM 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 BLM. The Contractor shall schedule to arrive at the final destination between 6:00 a.m. and 4:00 p.m.. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays. Animals shall not be allowed to remain standing in trucks while not in transport for a combined period of greater than 3 hours.
10. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate 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 two pounds of hay per 100 pounds of estimated body weight per day.

Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The Contractor shall restrain sick or injured animals if treatment by the Government is necessary. The BLM will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to dispose of the carcasses as directed by the BLM.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. A BLM employee will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. When a BLM employee is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a diagnosis and final determination. Destruction shall be done in the most humane

the vehicle, which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides.

The Contractor will not be allowed to begin work on the contract until all vehicles and equipment are in compliance with these stipulations.

5. Floors of vehicles and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.

The adequacy of this material will be confirmed prior to every load by a BLM employee.

6. Animals to be loaded and transported in any vehicle shall be as directed by a BLM employee and may include limitations on numbers according to age, size, temperament and animal condition. The following minimum linear feet per animal shall be allowed per standard 8 foot wide stock trailer/truck:

1.40 linear foot per adult horse (11 square feet per adult horse)

1.00 linear foot per adult burro (8 square feet per adult burro)

.75 linear foot per horse foal (6 square feet per horse foal)

.50 linear foot per burro foal (4 square feet per burro foal)

The BLM employee supervising the loading of the animals to be transported from the trap to the temporary holding corral will require separation of small foals and/or weak animals from the rest should he/she feel that they may be injured during the trip. He/she will consider the distance and condition of the road in making this determination. Animals shipped from the temporary holding corral to the BLM facility will be separated by sex and age class (including small yearlings). Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise his/her authority to off load horses should he/she feel there are too many animals on the vehicle.

7. The BLM shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or

method available. A veterinarian can be called, if necessary, to care for any injured animal.

The carcasses of the animals which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of the animals which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

13. 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.

B. 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 ensure that captured animals are transported without undue risk or injury.
3. Only stock trailers with a covered top 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 stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates providing three compartments within the trailer to separate animals. Trailers less than 40 feet shall have at least one partition gate providing two compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to the final destination shall be equipped with at least one door at the rear end of

other factors when planning for the movement of captured animals. The BLM shall provide for any brand and/or inspection services required for the captured animals. It is currently planned to ship all animals to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the animals, to receive feedback on how the animals arrive. Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

8. If a BLM employee determines that dust conditions are such that 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 on dirt roads is approximately 60 miles per load.

In general, roads in the capture areas are in fair to good condition. If a problem develops, speed restrictions shall be set or alternate routes used.

Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

C. 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 BLM shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals.
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 BLM violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance

of operation by the BLM.

IV. Responsibility and Lines of Communication

The Contracting Officers Representative, Ron Hall and Project Inspectors (Tom Seley, Nadine Jackson and Vala Livingston) from the Winnemucca District, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. However, the Sonoma-Gerlach Area Manager and the Winnemucca District Manager will take an active role to ensure the appropriate lines of communication are established between the field, District, State, and Palomino offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquires will be handled through the Sonoma-Gerlach Area Manager. This individual will be the primary contact and will coordinate the contract with the Palomino Valley Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be enforced vigorously.

Should the Contractor show negligence and not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

V. Full Force and Effect

To prevent continuing resource degradation, and to promote progression toward the attainment of a Thriving Natural Ecological Balance and Multiple Use Relationship, this action is placed in full force and effect (43 CFR 4770.3(c)).

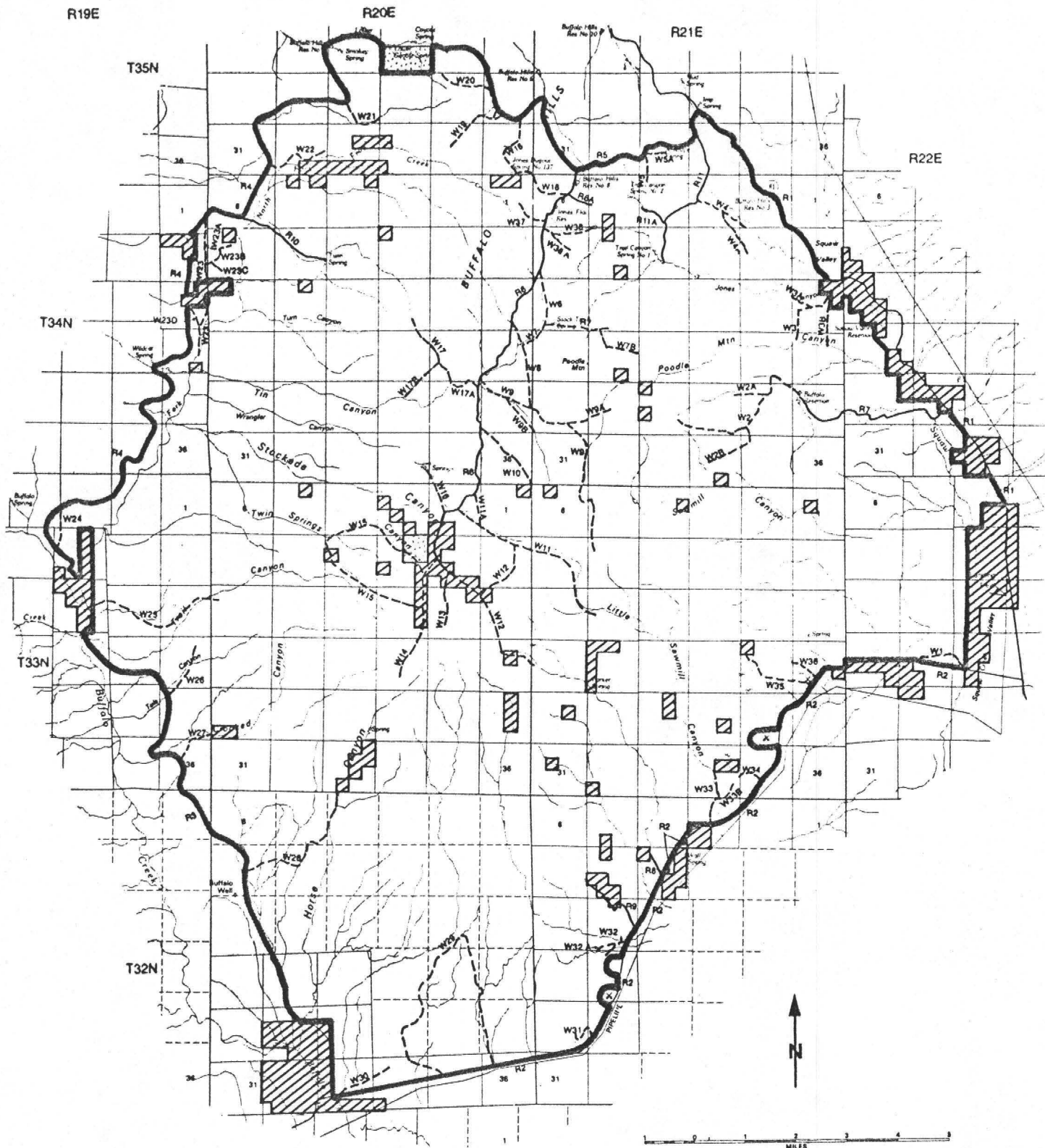
VI. Signatures:







Prepared by: Amanda L. McCutcheon Date 1/21/93
Wild Horse and Burro Specialist
Sonoma-Gerlach Resource Area

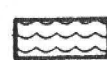
Reviewed by: James R. Hall Date 1/21/93
Wild Horse and Burro Program Leader

Recommended by: [Signature] Date Jan 22, 1993
Area Manager
Sonoma-Gerlach Resource Area

Approved by: Ron Wenker Date 2/9/93
District Manager



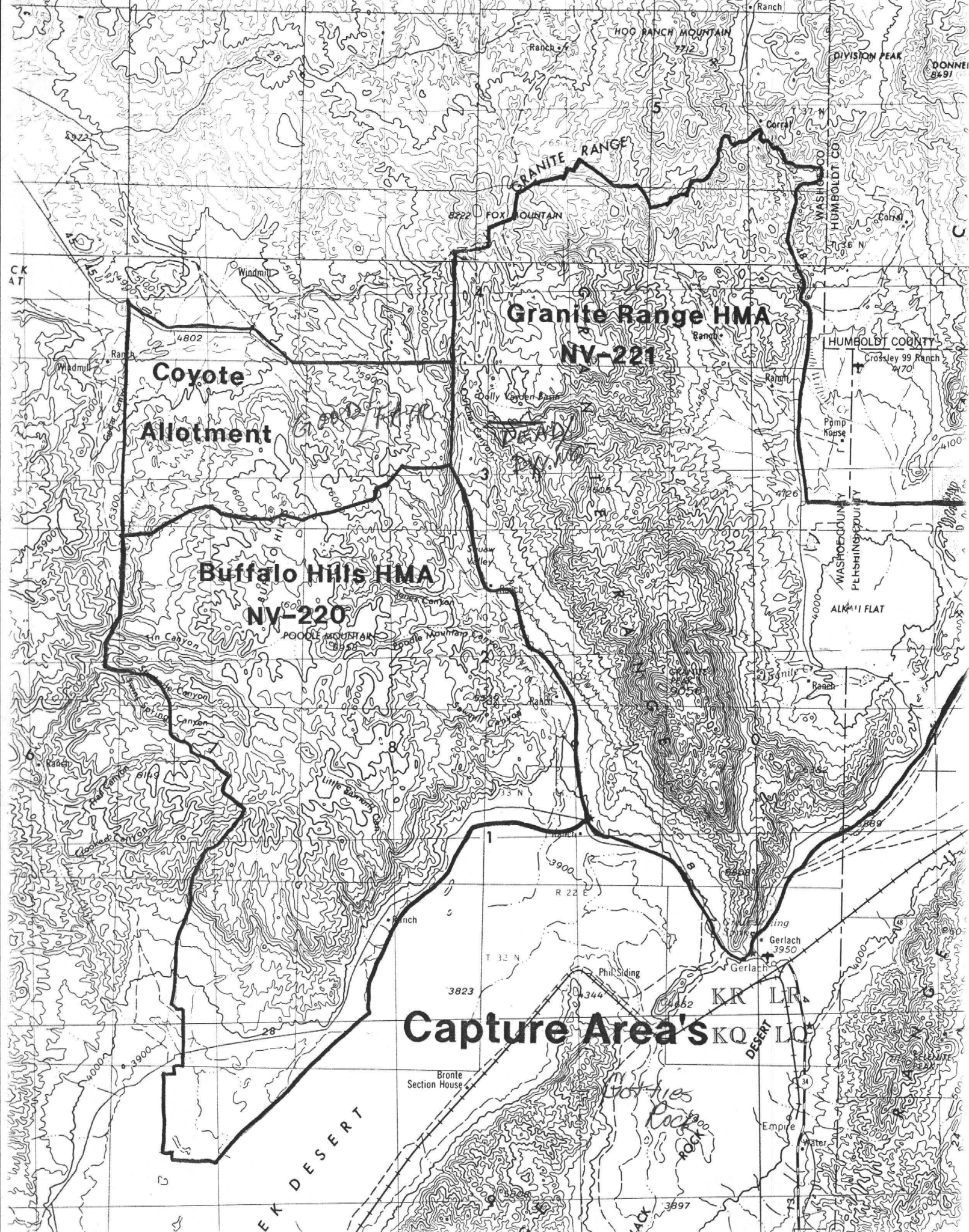
-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE (PUBLIC MINERALS)
-  W. S. A. BOUNDARY
-  ROAD
-  WAY
-  GRAVEL PIT

 PRELIMINARILY RECOMMENDED SUITABLE (None)

 RECOMMENDED NONSUITABLE



NV-020-012, CA-020-618 & 621 POODLE MOUNTAIN RECOMMENDATIONS



Granite Range HMA
NV-221

Coyote
Allotment

Buffalo Hills HMA
NV-220

Capture Area's

HOG RANCH MOUNTAIN
7712

FOX MOUNTAIN
8222

DIVISION PEAK

DONNEI
8491

WASHOE CO
HUMBOLDT CO

HUMBOLDT COUNTY

WASHOE COUNTY
PERSHING COUNTY

ALKALI FLAT

KR LR
SKQ LO

BLACK DESERT

EMPIRE

BLACK ROCK

Bronte Section House

Empire

Water

Water

Water

Water

Water

CK
AT

4802

Windmill

4802

DEAD
RIVER

POODLE MOUNTAIN
8958

Little Barney Creek

3823

Phil Siding

Gerlach

Gerlach

Gerlach

Gerlach

Gerlach

Gerlach

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Gerlach

Gerlach

Rock
Rock
Rock

3697

Crossley 99 Ranch

Pump House

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2-21-92

Dear Tom;

A real short note to let you know I read the EAs from Garrett Spring in the Blue King and the Coyote Gap Fence.

Is there some reason (i.e. water) for the horses to go into the Coyote Allotment? Should you please flag the fence initially to eliminate the visual problem for horses?

Appreciate you letting me know about the fencing and piping out of water at Garrett Spring. Should help all concerned.

No need for written answers, whenever you get a chance to call.

Thanks,

David Y Lappin

ACTIVITY: 4370

UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EA FACE SHEET

OFFICE: Winnemucca (NV-020)

FY & REPORT #: FY 91 NV-020-1-20

ACTION: Coyote Gap Fence

NO. OF PAGES: 3

LOCATION: Coyote Gap Fence
T35N R21E sec 23

SERIAL NO. NV-020-1-

TEAM SIGNATURES	TITLE	RESOURCE VALUES ASSIGNED	HOURS
<i>T Sely</i>	Range Conservationist	Author/WH&B	3
<i>Randall Kelly</i>	Suprv. Range Conservationist	Range	
<i>Ed Ryan</i>	Range Conservationist	Operations	
<i>Barbara White</i>	Archaeologist	Cultural	
<i>Laurence G. Galt</i>	Wildlife Biologist	Wildlife	
<i>Michael J. Jelinek</i>	District Soil Scientist	Soil/Water/Air	

ENVIRONMENTAL COORDINATOR: *Gerald Mord* (Signature) 14 August 91 (Date)

COMPLIANCE OFFICER: Tom Sely (Title or Name)

DISTRICT/AREA MANAGER *[Signature]* (Signature)
8/14/91 (Date)

Coyote Gap Fence

I. Introduction

A. Purpose and Need

The proposed project is to construct approximately one mile of fence to span the gap between the Crutcher Canyon Fence (#4074) and the Coyote Allotment Fence (#4566) shown on attachment 1. The purpose of the project is to stop the movement of wild horses from the Granite Range Herd Management Area (HMA) to the Lone Juniper pasture of the Coyote Allotment. The Coyote Allotment is outside of the HMA and is not managed for wild horses.

B. Proposed Action

The proposed action is to construct approximately one mile of four wire fence (see attachment 1) with a wire spacing from the ground of 16 inches, 22 inches, 30 inches and 42 inches. The bottom wire would be smooth and the remaining three strands would be barbed wire.

There is no road access to the proposed project. There would be some damage to vegetation from crushing, trampling and breaking as vehicles access the project site and traverse the proposed fence line.

If the fence were constructed prior to removal of horses from the Lone Juniper pasture there would be an impact to their free movement, however if constructed after removal there will be no impact to wild horses.

C. Alternatives

The no action alternative would continue the existing situation. Periodic removal of wild horses from the allotment would be required in order to maintain the area as horse free.

II. Environmental Impacts

A. Vegetation

The majority of the project would be constructed in an area made up of low sagebrush, bluebunch wheatgrass, Sandberg bluegrass and bottlebrush squirreltail. The proposed fence would go through small areas composed of mountain big sagebrush and basin wildrye.

B. Water Resources

There would be no impact on water resources.

C. Wildlife

Several species of wildlife occur in the area surrounding the proposed project. Game species that may be affected by the project include mule deer, pronghorn antelope, sagehen and chukar. The fence could impede the movement of mule deer and pronghorn antelope however the wire spacing has been selected to mitigate this impact. There are no threatened or endangered animal species in the project area.

D. Wild Horses

Approximately 30 wild horses presently are found east of the proposed project and as many as 60 wild horses have been seen in the Lone Juniper pasture.

E. Cultural Resources

A class III cultural resources survey of the project area [CR2-2410(P)] was conducted February 28, 1991. One small lithic scatter was located [CRNV22-5362] but there were no tools or diagnostics found. The lithic scatter is not eligible for the National Register under our Programmatic Agreement. No National Register properties will be impacted by the proposed project.

F. Sensitive Plants

No on the ground search for sensitive plants was conducted, but the Nevada Threatened and Endangered Plant Map Book (Nevada State Museum, 1988) located in the Winnemucca Office shows that no sensitive plants are known to occur in the area.

E. Visual Resource Management

This project would be located in a Class IV visual resource management area. In accordance with VRM policy, a contrast rating was not prepared.

F. Other

Implementation of the proposed project would not have any impact on wilderness, floodplains or wetlands, air quality, areas of critical environmental concern or paleontological resources.

For a more detailed description of the environment refer to the Sonoma-Gerlach Grazing EIS.

III. Mitigation

The project would be constructed with the wire spacing described in the Proposed Action to minimize any impact to the movement of pronghorn antelope and mule deer.

If cultural resources are found during construction, construction will cease and the District Manager will be notified.

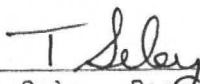
If possible the project should be constructed after wild horses have been removed from the area.

IV. Specialist Coordination/Concurrence/Comment

The specialist who have signed the face sheet of this document have been involved with the development and review of the proposed project and concluded that it would not significantly impact their resource.

V. Recommendation

I recommend that this project be constructed as proposed.



Tom Seley, Range Conservationist

Decision Record/Finding of No Significant Impacts (FONSI)


Decision Record

Based on the Environmental Assessment (EA), the proposed action is adopted in its entirety.

The mitigating measures identified in the Ea will be adopted as stipulations.

FONSI

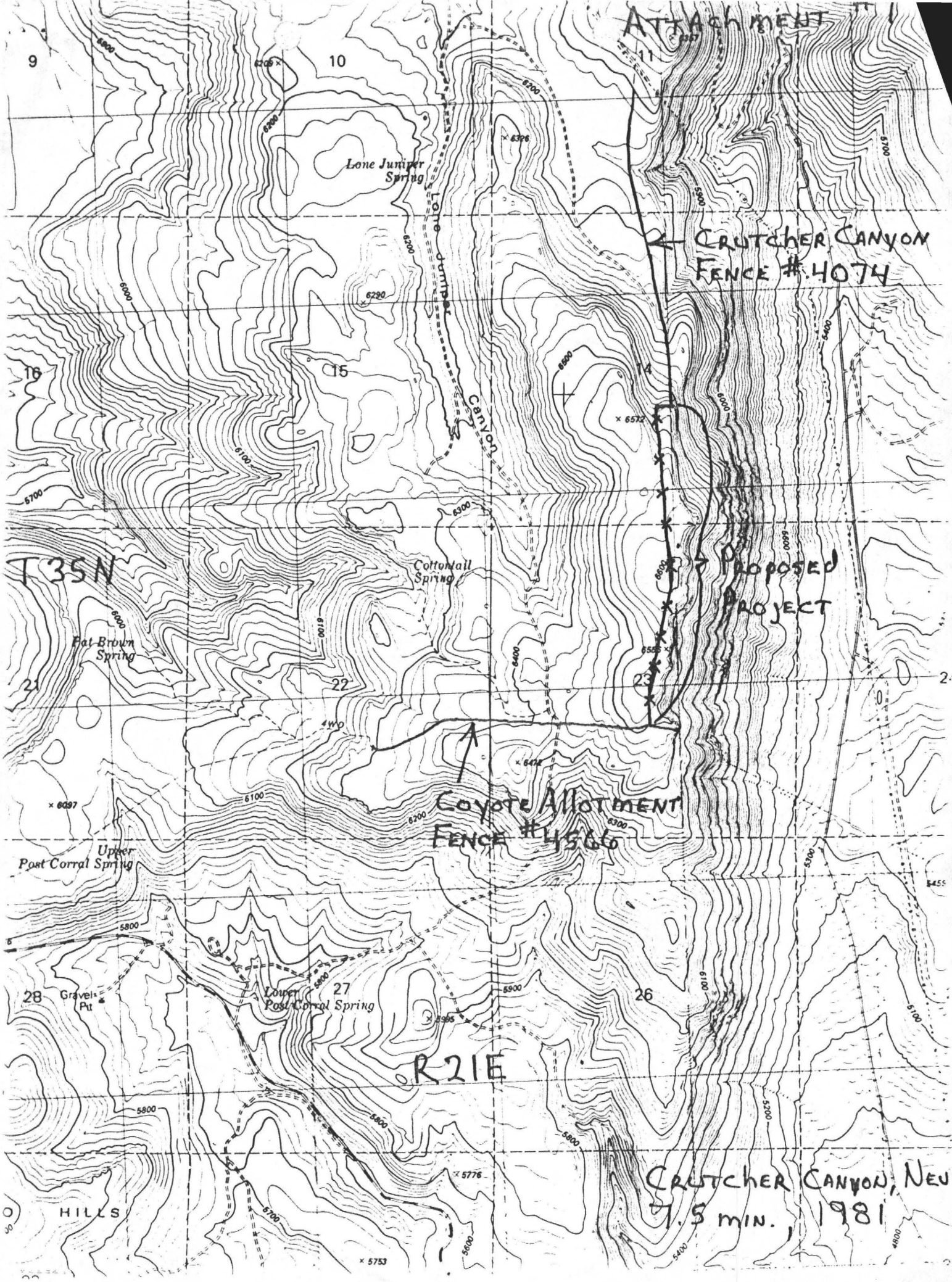
The EA adequately analyzes the environmental impacts of the proposed action. Since no significant impacts are expected as a result of implementing the decision, an EIS is not required.



Bud Cribley, Area Manager
Sonoma-Gerlach/Resource Area

2/21/92
Date

ATTACHMENT



Lone Juniper Spring

Lone Juniper Canyon

Cottonball Spring

Fat Brown Spring

Upper Post Corral Spring

Lower Post Corral Spring

Gravel Pit

CRUTCHER CANYON FENCE #4074

PROPOSED PROJECT

COYOTE ALLOTMENT FENCE #4566

R21E

CRUTCHER CANYON, NEW MEXICO
7.5 min., 1981

HILLS

9

10

15

16

21

22

27

28

26

30

6209

6376

6220

6572

6087

6402

6395

5776

5753

5700

6400

6700

6000

6100

6015

6400

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6555

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6000

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6300

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6200

6400

6455

6100

6200

4800

2-21-92

Dear Tom,

A real short note to let you know I read the EAs from Garrett Spring in the Blue King and the Coyote Gap Fence.

Is there some reason (i.e. water) for the horses to go into the Coyote Allotment? Should you please flag the fence initially to eliminate the visual problem for horses?

Appreciate you letting me know about the fencing and piping out of water at Garrett Spring. Should help all concerned.

No need for written answers, whenever you get a chance to call.

Thanks,

Kevin G Lappin

ACTIVITY: 4370

UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EA FACE SHEET

OFFICE: Winnemucca (NV-020) FY & REPORT #: FY 91 NV-020-1-
ACTION: Garrett Spring NO. OF PAGES: 3
LOCATION: Blue Wing Allotment SERIAL NO. NV-020-1-17
T33N R26E sec 16

TEAM SIGNATURES	TITLE	RESOURCE VALUES ASSIGNED	HOURS
<i>J. Selig</i>	Range Conservationist	Author/WH&B	3
<i>Ronald McKay</i>	Suprv. Range Conservationist	Range	
<i>Ed Ryan</i>	Range Conservationist	Operations	
<i>Barton White</i>	Archaeologist	Cultural	
<i>Clarence</i>	Wildlife Biologist	Wildlife	
<i>Michael J. Jirik</i>	District Soil Scientist	Soil/Water/Air	

ENVIRONMENTAL COORDINATOR: *Gerald* *25 June 91*
(Signature) (Date)

COMPLIANCE OFFICER: *Tom Selig*
(Title or Name)

DISTRICT/AREA MANAGER *[Signature]* AM.
(Signature)

6/25/91
(Date)

Garrett Spring

I. Introduction

A. Purpose and Need

Since Garrett Spring is the only water source that has year around flow on Dry Mountain the proposal is to develop and fence the spring and pipe water to outlying troughs. The purpose of the project is to protect the spring at its source to improve water quality and to reduce or eliminate erosion and soil movement caused by animals trailing in and out of the spring area. In addition, the proposed project would also provide a limited but stable water supply for wild horses, wildlife and livestock.

B. Proposed Action

The proposed action is to develop Garrett Spring (T. 33 N., R. 26 E., sec. 16) and pipe the water approximately 300 feet to two troughs. A small exclosure fence approximately 12 feet by 12 feet would be constructed around the spring source. See attached map. The troughs would be placed on a naturally flat area so no surface disturbance is necessary.

To access Garrett Spring, vehicles and equipment would have to travel cross country, crushing and breaking some vegetation (see attached map). It may be necessary to level high spots for approximately 150 feet by 12 feet in a steep area with granitic soils that is barren of vegetation in order to get a backhoe to the spring source. Some vegetation would be removed (approximately 20 feet by 40 feet) in the area where the troughs are to be placed.

C. Alternatives

The no action alternative would allow deterioration to continue at the spring source. It is possible that the spring could dry up in the future if soil movement and erosion continue.

II. Environmental Impacts

A. Vegetation

The majority of the project would be constructed in an area disturbed by heavy wild horse trailing which supports a low density of cheatgrass and filaree. The troughs and over flow would be placed on a flat area that is predominately made up of Wyoming big sagebrush with low densities of bottlebrush squirreltail and Sandberg bluegrass.

B. Water Resources

It is anticipated that there would be no adverse impacts to water resources. Development of the spring would have the potential to improve water quality and quantity by protecting the spring source and piping the water into troughs.

C. Wildlife

Several species of wildlife occur in the area surrounding the proposed project. Game species that may be affected by the project include mule deer, pronghorn antelope and chukar. There would not be any significant impact to mule deer or pronghorn antelope. However, if water is not left at the source there may be an adverse impact to chukar. The overflow from the troughs would be piped into the dry streambed below the troughs which could provide additional wildlife habitat opportunities. There are no threatened or endangered animal species in the project area.

D. Wild Horses

Approximately 15 wild horses are found in the vicinity of the spring.

E. Cultural Resources

A class III cultural resources survey of the project area [CR2-2409(P)] was conducted February 28, 1991. Two prehistoric isolates were located [CRNV22-5360/5361]. Isolates are not eligible for the National Register. No National Register properties will be impacted by the proposed project.

F. Sensitive Plants

No on the ground search for sensitive plants was conducted, but the Nevada Threatened and Endangered Plant Map Book (Nevada State Museum, 1988) located in the Winnemucca Office shows that no sensitive plants are known to occur in the area.

E. Visual Resource Management

This project would be located in a Class IV visual resource management area. In accordance with VRM policy, a contrast rating was not prepared.

F. Other

Implementation of the proposed project would not have any impact on wilderness, floodplains or wetlands, air quality, areas of critical environmental concern or paleontological resources.

For a more detailed description of the environment refer to the Sonoma-Gerlach Grazing EIS.

III. Mitigation

Every effort shall be made to construct the project so some water would be left at the source for wildlife. Escape ramps will be installed in the troughs.

If cultural resources are found during construction, construction will cease and the District Manager will be notified.

Any surface disturbance that would occur as a result of the project would be seeded.

IV. Specialist Coordination/Concurrence/Comment

The specialist who have signed the face sheet of this document have been involved with the development and review of the proposed project and concluded that it would not significantly impact their resource.

V. Recommendation

I recommend that this project be constructed as proposed.



Tom Seley, Range Conservationist

Decision Record/Finding of No Significant Impacts (FONSI)

Decision Record

Based on the Environmental Assessment (EA), the proposed action is adopted in its entirety.

The mitigating measures identified in the Ea will be adopted as stipulations.

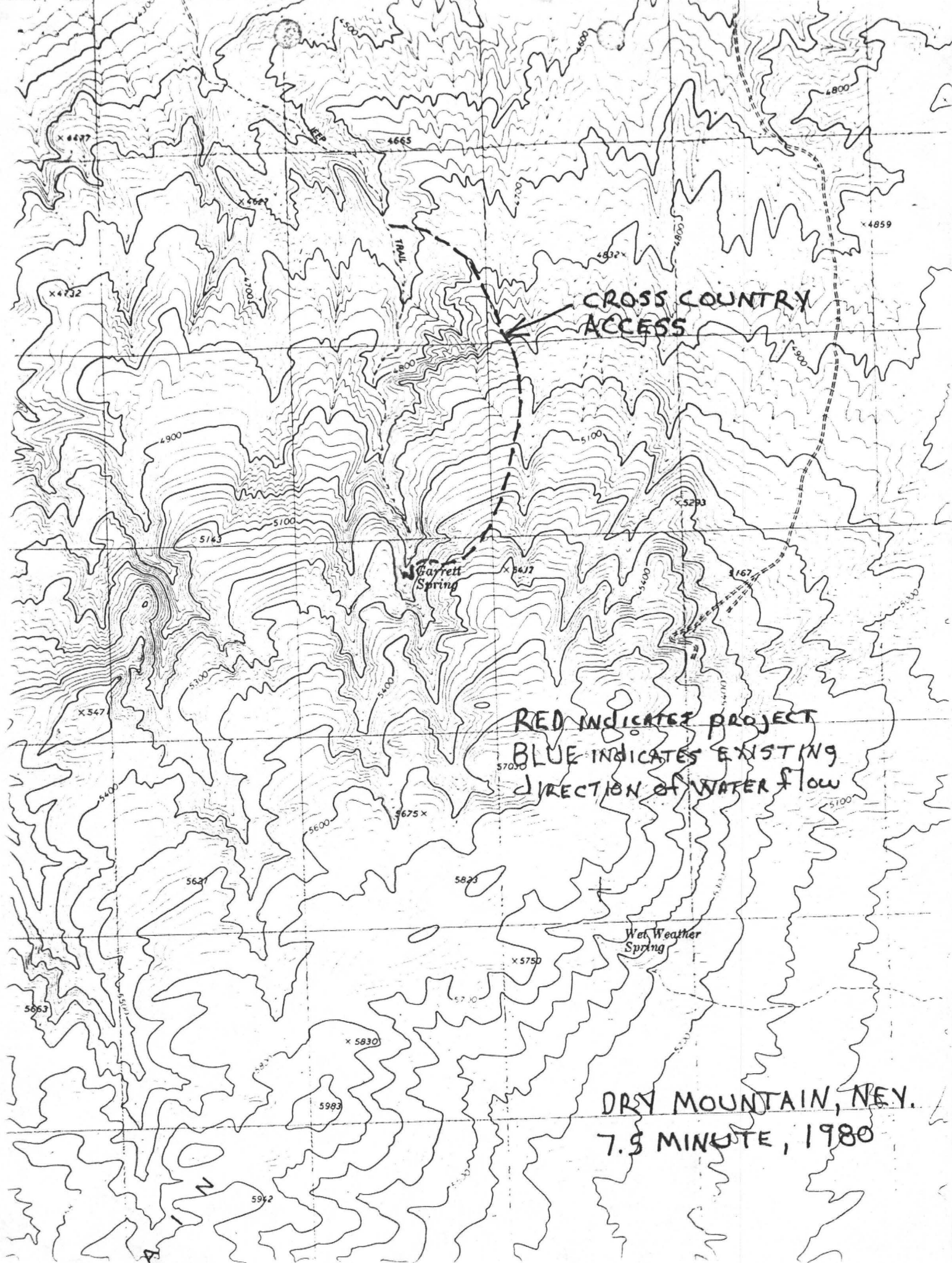
FONSI

The EA adequately analyzes the environmental impacts of the proposed action. Since no significant impacts are expected as a result of implementing the decision, an EIS is not required.



Bud Cribley, Area Manager
Sonoma-Gerlach Resource Area

6/25/91
Date



CROSS COUNTRY ACCESS

RED INDICATES PROJECT
BLUE INDICATES EXISTING
DIRECTION OF WATER FLOW

DRY MOUNTAIN, N.E.Y.
7.5 MINUTE, 1980



Relg 107 2-22-93

MAR 1 1993

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 688-1500
Fax (702) 688-1595

BOB MILLER
Governor

WILLIAM A. MOLINI
Director

February 22, 1993

Mr. Bud Cribley
Sonoma-Gerlach Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

RE: Appeal - Notice of Final Full Force and Effect Multiple Use
Decision - Buffalo Hills Allotment

Dear Bud:

The Nevada Department of Wildlife formally appeals the Notice of Final Full Force and Effect Multiple Use Decision - Buffalo Hills Allotment - February 9, 1993. Our agency has a long term investment in the land use planning activities for this high priority allotment in the Sonoma-Gerlach Resource Area. As an affected interest by definition in 43 CFR 4100.0-5, the Nevada Department of Wildlife, pursuant to 43 CFR Section 4.470 (a), makes the following information stating why this decision is in error:

LIVESTOCK MANAGEMENT DECISION

The Final Decision is contrary to the land use plan.

The Sonoma-Gerlach Management Framework Plan III Decisions, the Fox Mountain Habitat Management Plan and Livestock Agreement all include stated provisions governing livestock management on the Buffalo Hill Allotment. These decisions and activity plans are to implement the land use plan within its scheduled time frames.

Management Framework Plan III Decisions:

WLA 1.3 states: Priority for HMP development should be on streams that have potential for habitat improvement as listed below: 3. Red Mountain Creek, 6. Clear Creek, 7. Granite Creek, 19. Cottonwood Creek, 21. Rock Creek

WLA 1.4 states: "ensure that fish habitat factors are included as objectives of AMPs that contain fishable streams."

Mr. Bud Cribley
February 22, 1993
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WL.4a states: "The primary management objective for the following area is to provide crucial wildlife habitat for mule deer. Any domestic livestock use will be considered secondary and must be complementary to this primary use."

WL 1.10 states: "Management objectives of activity plans will include specific objectives pertaining to improving and maintaining desired riparian and meadow habitat. In development of activity plans, meadows and riparian areas will be considered as critical areas."

Livestock Agreement (1988):

Short Term Objectives states: "Utilization of key stream bank riparian plant species will not exceed 30% (WLA - 1.3). Total utilization of key plant species in 2,493 acres of wetland riparian habitat shall not exceed 50% (WL-1.10). Utilization of key plant species in upland habitats shall not exceed 50% (WL 1.7, WL 1.9, RM 1)."

Planned Actions included: "It is agreed that any increase or decrease in forage available will be proportionally divided among the range, wild horses and wildlife resources within these allotments". Key species and allowable use levels were to be monitored by the Bureau. "Monitoring will indicate if grazing use is following the grazing plan and provide the decision basis for any adjustments in annual operations. Monitoring data will be evaluated at the end of the initial three year period and again after the fifth."

Fox Mountain Habitat Management Plan (1989):

Planned Actions include: "Cottonwood/Wagon Tire and Donnelly Creeks riparian fencing projects will be completed by 1992. Continue to not allow grazing in Fox Mountain and Middle Fork Fires until 1990. This will allow the shrub species recovering from wild fires to reach a height of four feet. Dolly Varden Basin Exclosure reconstruction will be completed by 1990. The grazing system established in the Buffalo Hill AMP will be monitored to insure proper utilization levels of wildlife key forage species are met. Fence the meadow/spring complex at the head of Donnelly Creek by 1992. Include the Skull and Clear Creek meadow complexes as key areas."

The Final Decision is not timely within the land use plan.

At the completion of the Sonoma-Gerlach Final Grazing Environmental Impact Statement and Management Framework III Decisions in 1982, the Bureau's activity plans and monitoring studies were to provide for the Buffalo Hills Allotment Evaluation in 1985. The first allotment evaluation was not completed until 1988. The Livestock Agreement scheduled re-evaluations for 1991 and 1993; however, an allotment re-evaluation was not done in 1991. The Final Decision adjusts the land use plans achievement of short term objectives from 10 years (1992) to 17 years (1999). The Final Decision extends the land use plan allotment evaluation/decision schedule from the three year time frame to a six year time frame.

Prolonging the achievement of Short Term Objectives, allotment evaluations and manager decisions regarding livestock practices is causing serious resource damage and is contrary to the land use plan.

The Final Decision does not provide proper mitigation as found in planned actions of the land use plan.

Riparian fencing to protect Donnelly Creek, Cottonwood/Wagon Tire Creek and Dolly Varden Meadows was not completed as agreed to with the Department. Monitoring studies were not established as agreed to by the Department. Monitoring data were not used for compliance to allowable use levels or Short Term Objectives found in the Livestock Agreement. Wildlife habitat was allowed to degrade under the terms and conditions of the Livestock Agreement. The Final Decision allows livestock stocking levels and seasons of use identical to those set in the Livestock Agreement in 1988. Without structural protection, essential monitoring studies and increases in man time, the Final Decision does not provide any of the guarantees or mitigation for protecting key wildlife habitats previously agreed to in 1988 and 1989.

The Final Decision allows livestock use of key mule deer habitat contrary to the phenology of bitterbrush.

Bitterbrush is mountain browse vegetation essential to the survival of mule deer and antelope. Mountain browse species are key species of the land use plan, allotment management plan, allotment evaluation, habitat management plan and livestock agreement. According to land use plan decisions, mountain browse is to be the management priority for this allotment, all other uses are secondary.

Bitterbrush was severely used within the Dolly Varden Pasture during 1990. Crucial mule deer habitat is found in several pastures. The Middle Fork Fire adversely impacted crucial mule deer habitat in the Dolly Varden Pasture. MFP III Decisions and planned actions required mule deer habitat protection and restoration to be the management priorities.

The Final Decision prescribes livestock use contrary to data presented in the Draft Sonoma-Gerlach Grazing Environmental Impact Statement. Phenology data of the land use plan corresponds to data found in "Improvement of Great Basin Deer Winter Range With Livestock Grazing" by Donald L. Neal, April 20, 1981. According to this study, cattle preferred bitterbrush to grasses during seed ripe of bitterbrush. Seedripe of bitterbrush of Neal's study corresponds to the District's phenology data that indicates seedripe occurs from July 1 to July 15. Cattle usage of bitterbrush remains high from mid-June to August. The Final Decision prescribes livestock use on the Dolly Varden Pasture from July 16 to October 15 for two consecutive years. Bitterbrush establishment and growth height objectives, found in the HMP planned actions, for the Middle Creek Fire were ignored by the Final Decision.

The Final Decision did not consider riparian Short Term Objectives in carrying capacity calculations.

Appendix 8, Stocking Level Calculations and Procedures, do not present actual data and equations to support estimated carrying capacities for livestock and wild horses. Appendix 8 states the assumption that desired utilization is 60% for upland grasses. If riparian Short Term Objectives are to be achieved by adjustments in livestock and wild horses, then the Short Term Objectives for stream bank and wetland meadows must be applied as 30% and 50%, respectively.

Appendix 8 states that weight average utilization is applied to carrying capacity estimates. Rangeland Monitoring Analysis, Interpretation and Evaluation, TR 4400-7, does not allow Desired Stocking Levels to be determined by weight averaging utilization data. In order for weight averaging to be accurate, there must be uniform production and uniform utilization by ungulates. Monitoring data found in the Buffalo Hills Allotment Re-evaluation indicate both the forage and its use by ungulates is not uniform. Therefore, the heavy and severe utilization of riparian habitats is masked in the calculations due to misuse of utilization rates and averaging of data. The Final Decision's livestock carrying capacities rates are at levels known to cause damage to riparian habitats.

The Final Decision will exceed the livestock carrying capacity for the Buffalo Hills Allotment.

Federal Regulation 43 CFR Parts 4100.0.5 defines livestock carrying capacity: "... the maximum stocking rate possible without inducing damage to vegetation or related resources.." Use pattern mapping data and conclusions found in the Final Buffalo Hills Allotment Re-Evaluation state that past livestock stocking rates and seasons of use have exceed allowable use levels and short term objectives for wetland and stream-bank riparian areas. The Final Decision makes insignificant adjustments seasons of use of livestock on pastures where monitoring data shows damage to riparian habitat by livestock.

The Final Decision makes errors in data use, objectives and procedures in determining carrying capacities.

Use pattern mapping data collected on the Granite Pasture indicates that livestock have significant impact on stream bank riparian habitat. Furthermore, data shows that wild horses have a significant impact to wetland meadows during those years the pasture was rested from livestock. Therefore, it is reasonable to say that carrying capacities can be determined to meet the allowable use levels or Short Term Objectives for this pasture.

Livestock carrying capacity for the Granite Pasture should be as follows:

$$\frac{1,596 \text{ Actual AUMs}}{* 65\% \text{ Actual Util.}} = \frac{\text{Desired Stocking Rate}}{30\% \text{ Desired Util.}}$$

* Actual utilization data was after livestock in 1992. Use pattern mapping data in Appendix 6 indicated wild horse use of stream bank riparian was slight to moderate.

The livestock carrying capacity for meeting riparian objectives would be 736 AUMs. The Final Decision authorizes 1,596 AUMs of late summer use, which will exceed the carrying capacity by an amount over 100 percent.

The Final Decision does not allocate forage for wildlife.

Allocation of available forage must be proportional to meet the needs wild horses, cattle and wildlife. The Final Decision is in error in estimating the carrying capacities for the Buffalo Hills Allotment. The Bureau has adequate data and the methodology to determine carrying capacities that will not cause damage to vegetation and related resources. The Final Decision makes errors in allocation of the available forage. Active preference is granted to the livestock permittee despite rangeland monitoring data, non-compliance to the Livestock Agreement, inadequate man time to monitor, and carrying capacity errors in the allotment evaluation. Remaining available forage is allocated to wild horses, with no forage allocated to wildlife. Objectives, goals and reasonable numbers can, and should, provide food and shelter for Nevada's wildlife.

The Bureau must reduce active use which is "causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring," 43 CFR 4110.3-2. The Department finds that the District has more than adequate information to require downward adjustment in livestock grazing, yet arbitrarily and capriciously continues grazing at a level which it knows will cause resource damage.

The Proposed Decision is contrary to Bureau of Land Management Policy.

The Decision is not timely. National and state instructional memorandums endorsed your land use plan schedule. These decisions were to begin no later than 1987. Decisions with monitoring data were to resolve conflicts and restore fish and wildlife habitat. The Final Decision is years delinquent and schedules future decisions beyond the short-term time frame of the land use plan.

Riparian habitat was not considered. The Bureau Riparian Area Management Policy, January 22, 1987, requires the District to give special attention to monitoring and evaluation of riparian systems. Management practices must be revised where site-specific objectives are not being met. BLM Riparian-Wetland Initiative for the 1990's require the Bureau to restore and maintain 75 percent of its riparian systems by 1997. The State Director's Instruction Memorandum No. NV 91 251 instructs Districts to implement new grazing strategies that are compatible with obtainment of riparian and fishery objectives.

The Final Decision prolongs evaluations, cancels scheduled riparian protective fences, changes allotment objectives and delays future decisions while maintaining livestock management practices known to cause damage of important riparian habitat. The Final Decision disregards current Bureau policies.

WILD HORSE MANAGEMENT DECISION

Wild horse appropriate management levels were not established in the land use plan.

Livestock active preference, wild horse/burro numbers and wildlife reasonable numbers were initial levels to be monitored and adjusted, if necessary, to meet carrying capacities or thriving natural ecological balance. The Final Decision states that appropriate management levels were set in the land use plan. Data and analysis of the Draft Sonoma-Gerlach Grazing Environmental Impact Statement left little doubt that resources were being damaged with existing livestock and wild horse numbers.

The Final Decision set carrying capacities without use of riparian data and objectives.

Appendix 8, Stocking Level Calculations and Procedures, do not present actual data and specific allotment objectives to estimate a carrying capacity to protect stream bank and wetland riparian habitats. Technical Reference 4400-7 does not allow for the Desired Stocking Levels to be computed with weighted averages. The Final Decision errs by following misuse of Bureau data and procedures:

- * Weight Averaging utilization data masks the heavy and severe use of riparian that occurred during this evaluation period.
- * Use of 60% utilization as the Desired Utilization of the calculation does not consider the 30% and 50% limitation for stream bank and wetland riparian habitats, respectively.

The Final Decision will exceed the livestock carrying capacity of the Buffalo Hills Allotment.

Due to misuse of data and procedures, the Final Decision does not agree with the following carrying capacity estimate:

1990 Buffalo Hills Data

$$\frac{4,476 \text{ AUMs Actual Use}}{80\% \text{ Actual Utilization}} = \frac{\text{Desired Use}}{20\% \text{ Desired Utilization}}$$

Without weight averaging, and by use of the 20% allocation of riparian vegetation to wild horses, the carrying capacity is 1,119 AUMs or 93 wild horses for the Buffalo Hills Pasture. The Final Decision sets the AML at 3,768 AUMs or 314 wild horses. The Final Decision for wild horses will exceed the carrying capacity by over 300 percent.

WILDLIFE MANAGEMENT DECISION

The Final Decision's failure to recognize the land use plan's provisions for protection, maintenance and restoration of wildlife habitat resulted in errors in authorization of livestock and wild horses on the Buffalo Hills Allotment.

Fish and wildlife habitat did not receive adequate monitoring or analysis in the Buffalo Hills Allotment Re-evaluation and Final Decision. Clearly defined, attainable and measurable objectives are found in the Fox Mountain Habitat Management Plan. Failure to recognize these essential elements in land use planning has resulted in the above decision errors. Use of reasonable numbers cannot assess or evaluate the condition of critical wildlife habitat.

The Final Decisions errors will not reverse the downward trend in wildlife populations and habitat.

During the duration of this allotment re-evaluation from 1988 to 1992, mule deer have declined. This decline is a result of six years of serious drought, increasing wild horse and maintenance of livestock numbers. Mule deer populations are intensively monitored by the Department, and population models are based upon recruitment of fawns to the herd. Nevada finds that 35 fawns per 100 adults in the spring will maintain the herd. Any number of fawns less than 35/100 will result in a population decline. Data collected through the duration of the re-evaluation are as follows:

Herd Composition Unit 014

Year	Fall Ratio	Spring Ratio	Percent Loss
1988	14/100	0/100	100
1989	28/100	11/100	61
1990	35/100	35/100	0
1991	36/100	27/100	25
1992	15/100	-	-

Mr. Bud Cribley
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It is important to note that in 1988 fawn production on the summer range and fawn survival on the winter range resulted in total loss of the herd's fawns. In addition, the poor summer conditions in 1992 have resulted in an alarming low fawn ratio observed this fall; and, with extreme winter conditions in 1993, we expect a total loss of fawns by this spring. The declining trend in mule deer correspond to use pattern mapping data collected on mountain browse species by the Bureau. Range studies and literature do not support the Final Decision's conclusion that wild horses are directly accountable for over use of mountain browse species.

The Final Decision misuses Full Force and Effect.

We can agree with the rationale to implement Full Force and Effect to stop unacceptable degradation of riparian areas; however, significant actions must be applied to stop resource damage. As pointed out in the Livestock and Wild Horse Decisions, riparian objectives and data must be considered and actions taken to stop resource damage. All adjustments in livestock management and wild horse numbers of the Final Decision will put forth conditions similar to those observed since 1982 which degraded riparian habitat. The Final Decision provides to no further guarantees than were in the 1988 Livestock Agreement, no further mitigation than were found in the 1989 Fox Mountain Habitat Management Plan and will not reduce wild horses enough to protect critical wildlife habitat. Significant actions must be performed to meet the intention of Full Force and Effect.

As stated in this appeal, wildlife habitat was not the primary criteria or priority for the Final Decision.

Sincerely,



William A. Molini
Director

cc. Regional Solicitor, Burt Stanley
BLM Director, Billie Templeton
Attorney General, Frankie Sue DelPapa

3-9-93



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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March 9, 1993

United States Department of the Interior
Office of the Secretary
Board of Land Appeals
4015 Wilson Blvd.
Arlington, Virginia 22203

RE: Appeal-Notice of Final Full Force and Effect Multiple Use
Decision - Buffalo Hills Allotment

Dear Sirs,

The Commission for the Preservation of Wild Horses for the State of Nevada formally appeals the Final Full Force and Effect Multiple Use Decision for the Buffalo Hills Allotment. As an affected interest by definition in 43 CFR 4100.0-5, the Commission is stating our reasons why this decision is in error.

1. Under the Planned Actions Included in the Livestock Use agreement of 1988, "it is agreed that any increase or decrease in forage available will be proportionately divided among the range, wild horses and wildlife resources in this allotment." Monitoring data will be evaluated at the end of the initial three year period and again after the fifth.

2. The Final Decision adjust the land use plans of when short term objectives will be achieved and extends the allotment evaluation and decision period.

3. The Final Decision prescribes livestock use in the Dolly Varden pasture up to October 15th for two consecutive years.

4. Appendix 8, Stocking Level Calculations and Procedures, do not present actual use data and equations to support estimated carrying capacities for wild horses. Appendix 8 shows the use of weighted averaging is applied to carrying capacity estimates.

5. Final Decision does not allocate forage for wildlife.

manual calls for exclosure of non-use areas
is in manual
DISTRICT SAYS ONLY
MOD, HONY, + SWIRE

Bud Cribley, Area Manager
March 9, 1993
Page 2

6. Livestock active preference, wild horses and burro levels, and wildlife initial levels were to be monitored and adjusted if necessary to meet carrying capacities and the thriving ecological balance for wild horses.

Narrative:

The loss of nearly 500 wild horses in the Buffalo Hills Allotment in the winter of 1977 has had no significant impact on the method in which the Bureau of Land Management protects and manages wild horse populations. Again, in the winter of 1992, with no current census to ascertain the number remaining in Buffalo Hills, we had significant die off of wild horses. The fence at Frog Creek, which both the Susanville District in California, and the Winnemucca District in Nevada has refused to address has severely limited wild horses access out of the mountain range during severe winters. In addition high stocking levels without the required knowledge or understanding of their habitat requirements will continue to threaten the wild horse herd in the Buffalo Hills.

It is clear that even without the fence there is insufficient winter habitat. During mild winters the horses remain high on the range, compounding the impact to the range; during severe or even "normal" winters the horses are forced off the mountain into canyons and up against fences. An allotment evaluation takes into consideration all grazers and their impacts on the forage and riparian habitats. The allotment evaluation did not address summer/winter use for wild horses nor did it provide any mitigation for what is a crucial necessity. The allotment evaluation considered the key areas crucial for livestock and wildlife and their seasonal use, but did not address the wild horse needs on a year long basis.

Dead horses were observed and dying horses were removed from the Crutcher Canyon area, however, healthier animals were released into the same area. This area not only has a large wild horse population but has livestock permitted use up to October 15th. By your own observation during inventories the rate of increase shown to be 5%, the normal being between 10-20%, shows a wild horse population in trouble. The Allotment Evaluation, by using the weighted average utilization, assumes even animal and even forage production, when this is not the case. By using this method it arbitrarily expands the carrying capacity and over stocks the range.

In summary, after five weeks of observation of capture operations where 90% of one herd was wiped out totally (Fox/Lake), where what few mares survived were in extremely poor condition and had absorbed their fetus's, and few in the younger age class

Bud Cribley, Area Manager
March 9, 1993
Page 3

survived, and the sex ratio of the herd skewed; it is incomprehensible how the BLM could or would produce a document attesting to the evaluation of this allotment, when in fact it is seriously flawed. Twice during our time, hundreds of wild horses have died, many more stunted; all which was entirely preventable, and NOTHING in this document intends to address this issue so it will not occur again.

1) We strongly recommend a complete re-analysis of conditions to ascertain whether sufficient winter habitat is available for wild horses, if not, whether suitable range can be available and if not, then adjustments to the population that will provide sufficient forage and habitat yearlong.

2) We insist that the fence be removed, relocated, or adjusted to eliminate the obstruction to the seasonal movement of these animals.

3) We recommend addressing the utilization to the levels established in the Land Use Plan and the return to the short term objectives.

4) We insist that the Multiple Use Decision include allocations of forage to wildlife.

If for any reason you cannot reach the Appropriate Management Level as scheduled for in the Nevada Strategic Plan for the Management of Wild Horses, how will you provide for those additional AUM's and still stay within the carrying capacity for animals that are turned out above the AML?

If you have any questions or would care to discuss this further, please feel free to contact us.

Most Sincerely,



CATHERINE BARCOMB
Executive Director

↳ carrying capacity
1) livestock use will cause damage to riparian

BLM - says have set use levels that
will not cause damage =
not to exceed 30% w + 10%
on streambank riparian

Roy says BLM is on all riparian - wetland meadows
↳ upland
↳ streambank
Roy says ↓
BLM 60% on upland meadow to
account for wh use

★ riparian is usually only 1-2% of total
why was weighted averaging inappropriate

Roy 93 wh's

get manual

DOGSKINS - CARSON

letter requesting attendance on that flight
MIKE HESS - MODELING

3-16-93



SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California
P.O. Box 8096, Reno, Nevada 89507

March 16, 1993

Bud Cribley, Manager
BLM/Sonoma-Gerlach RA
705 E. 4th St.
Winnemucca, NV 89445

VIA FAX 623-1503

Dear Manager Cribley,

On behalf of the Toiyabe Chapter of the Sierra Club and the Natural Resources Defense Council, I formally appeal the Final Full Force and Effect Multiple Use Decision - **Buffalo Hills Allotment**, dated 2/9/93 and received by us on Feb. 16, 1993.

Briefly, we are appealing this decision for the following reasons:

1. The final decision permits continuing environmental damage to streams, mountain browse critical to deer habitat and riparian and meadow habitat by livestock grazing, thus violating the Sonoma-Gerlach MFP (LUP).
2. The final decision permits continued livestock overgrazing by violating BLM laws, regulations, and policies on setting carrying capacity. Specifically, it violates utilization requirements for key streambank riparian plants which were set not to exceed 30% utilization, 50% utilization of key wetland riparian plants on 2,493 acres, and 50% of key upland plants. The document does not present actual data and equations to support estimated carrying capacities for livestock and wild horses, nor does it consider short term riparian objectives of 30% utilization. The decision wrongly uses "weight averaged utilization" to estimate carrying capacity. It is in error because there is no evidence that the requirement for uniform production and uniform utilization by ungulates could be met in this mountainous allotment (UPM data does not support "uniform" use). And lastly, the decision fails to allocate any forage to wildlife.

3. The final decision violates the Fox Mountain Habitat Mgt. Plan by failing to provide for construction of riparian fencing projects for Cottonwood/Wagon Tire and Donnelly Creeks riparian fencing (due in 1992), failing to provide for fencing the meadow/spring complex at the head of Donnelly Creek by 1992 and failing to include the Skull and Clear Creek meadow complexes as key areas.

4. The final decision violates land use plan requirements by arbitrarily re-defining 1992 as "short-term" to 1999 as short-term, which would be 17 years after the completion of the land use plan. By continuing to "adjust" time-frames, the BLM will never be accountable for complying with the LUP requirements.

5. The final decision violates LUP requirements for monitoring. Either studies were not established or were not completed, or monitoring data were ignored in the setting of livestock stocking levels and seasons of use (essentially the same as in the 1988 Livestock Agreement), despite the failure to meet short-term management objectives.

6. The final decision intentionally permits continuing degradation by livestock of critical riparian areas.

In short, the final decision is flawed because it arbitrarily prolongs the evaluation process, cancels scheduled protective riparian fences, changes allotment objectives and delays future decisions while maintaining livestock management practices known and documented in causing damage to critical riparian habitat.

We request the following remedies (not intended to be inclusive):

1. Set livestock carrying capacities based on protection for critical riparian areas and necessary forage requirements of wildlife and wild horses, using the appropriate BLM manual formulas.

2. Protect critical riparian areas before permitting any livestock use this year. Remove livestock from other riparian and meadow areas when total use reaches 30%.

3. Protect critical mountain browse areas for deer before permitting any livestock use - by fencing, by changing seasons of use, by excluding livestock from critical areas, etc.
4. Construct riparian fencing projects for Cottonwood/Wagon Tire and Donnelly Creeks riparian areas and the meadow/spring complex at the head of Donnelly Creek in the next fiscal year.
5. Reevaluate grazing use after the 1993, 1994, and 1995 grazing seasons and thereafter and make necessary adjustments in livestock numbers and practices each year until management objectives are being met.
6. Do not issue a grazing permit if required monitoring has not been completed every year.

The Sierra Club and NRDC are extremely disappointed in the final decision on the Buffalo Hills allotment. We have been working with the BLM on this allotment since the early 1980's. Management appears increasingly worse as time goes on. When is the BLM going to be able or willing to make the necessary changes in livestock numbers and grazing practices to protect public lands and resources on the Buffalo Hills Allotment?

Sincerely,



Rose Strickland, Chair
Public Lands Committee