



United States Department of the Interior

BUREAU OF LAND MANAGEMENT WINNEMUCCA DISTRICT OFFICE

705 East 4th Street
Winnemucca, Nevada 89445



IN REPLY REFER TO:

4700/1791
(NV-023.5)

July 2, 1987

Commission for the Preservation of
Wild Horses
ATTN: Ms. Terri Jay
58 Hardy Drive
Sparks, NV 89431

Dear Ms. Jay:

This letter is in response to your letter of June 8 regarding the draft Lava Beds/Seven Troughs Removal Plan and Environmental Assessment.

Your comments and questions will be addressed in the same sequence as you presented them in your letter.

The estimated July 1987 population numbers for the Lava Beds-Seven Troughs Subunit was calculated using the procedures outlined in the BLM 4730 manual and program guidance regarding wild horse and burro census, population and analysis. The technique used to correct the results from the census data to yield a more defined estimate of the total herd size is the Index-Removal Method. This procedure involves censusing an area prior to a planned removal operation, carrying out the removal operation and conducting a post-removal census. The relationship between the results of these inventories will give an estimate of the pre-removal population size.

This methodology was used on the entire Blue Wing/Seven Troughs Herd Management Area (HMA) which includes six HMAs and 3 Herd Areas (HA). The results made it possible to estimate the proportion of the herd that was actually counted during the census. This figure was .8312 for horses and 1.259 for burros.

The rate of increase for the planning area was established in the Land Use Plan (LUP). This rate of increase was determined to be 11% per year.

The actual data gathered during the 1985 census is as follows:

Herd Management Areas	June 1985 Census			7/15-26/85 Removal			Est. 1986 Level using adjustment factor and 11% rate of increase	
	Horses	Burros	Mules	Horses	Burros	Mules	Horses	Burros
Lava Beds/Seven Troughs Subunit	1,422	189	2	254	64	1	1,559	110

Funding has been set aside to conduct a pre and post-removal census. In addition, we will have a helicopter monitoring the entire gathering operation which will allow us to periodically census the area to ensure we are not removing animals below the AML.

There are 16 monitoring sites on the Blue Wing/Seven Troughs Allotments. Thirteen sites have Ecological Status, Frequency and Utilization studies. The remaining sites are utilization studies. Use patterns have been mapped for one grazing cycle.

Frequency data indicates a static trend on 12 sites and an increase on one site. Ecological Status has remained constant throughout the allotments at this time. Utilization readings taken at monitoring sites in the summer use areas are slightly below or at the desired use level except for the Lava Beds monitoring sites which are above the desired use level. Utilization readings in the winter use areas are below the desired use levels.

Summer use pattern mapping completed during October 1986 indicate a distribution problem in all use areas due to a lack of available water sources. In the Lava Beds/Dry Mountain area a utilization reading taken on June 11, 1986 showed 48% use on *Stipa thurberiana* (Stth2) made primarily by horses. On October 20, 1986 a follow up reading utilization reading at this site showed 62% use on Stth2 made by horses and cattle. Use pattern mapping conducted during the week of October 20, 1986 shows areas of heavy use surrounded by an extensive area of moderate use (41 to 60%) in the Lava Beds. This large moderate use zone had utilization levels which approached heavy use (61 to 100%).

Winter use pattern mapping completed during April 1987 indicates large areas of moderate use with some areas of heavy use. Generally utilization level were below the desired use level except for winter fat (Eula 5) which had use levels over 50%.

There have been no increases, proposed increases or decreases in livestock grazing use. There will be no consideration to adjusting the grazing use levels for either livestock, or wild horses and burros until the Blue Wing/Seven Troughs monitoring studies have been completed, evaluated and analyzed. The monitoring program for the Blue Wing/Seven Troughs CRMP area is scheduled to be evaluated in 1989.

The Winnemucca District's Land Use Planning (LUP) documents provide for adjustments in grazing use levels of livestock, wild horses and burros. Based upon monitoring studies, the grazing use levels of livestock, wild horses and burros can be either increased or decreased from existing use levels. The grazing use adjustments would be made on a proportional basis. There would be no final decision made to adjust the grazing use levels without first receiving public input from organizations such as yours.

To answer your question regarding CFR 4110.2-2, the Winnemucca District's LUP decision documents did not allocate forage to livestock, wild horses and burros. The decision was made to monitor existing grazing use levels and then based upon monitoring studies and public participation, to make necessary adjustments on a proportional basis.

The last removal in the Blue Wing/Seven Troughs area occurred in 1985. A total of 2,676 excess wild horses, 12 mules and 310 burros were removed from four HAs and six HMAs. After the removal, there were 2,386 wild horses and 141 burros remaining in the area. This is the first removal that has occurred in this area since the establishment of the AML.

At the time the Draft Removal Plan was distributed for public review, there wasn't sufficient funds to remove the excess 438 wild horses you mentioned. Since then, there has been a shift in state-wide funding priorities. You should have received a copy of the draft amendment to the proposed Lava Beds/Seven Troughs Removal Plan for your review and comment. This draft amendment will propose removing additional excess wild horses and burros from 6 HMAs and 4 HAs located in the Sonoma-Gerlach Resource Area.

For planning and administrative purposes, the Blue Wing/Seven Troughs Herd Management Area Plan (HMAP) divided the CRMP area into two subunits. The HMAP combined the Lava Beds, Seven Troughs and Kamma Mountains HMAs into one management subunit. This HMA is now called the Lava Beds/Seven Troughs HMA Subunit, and the estimated population of this HMA is 1,731 wild horses and 122 burros. The estimated population for the other HAs and HMAs in the planning area is 1,213 wild horses and 53 burros.

Regarding your question of which of the five alternatives analyzed in the Environmental Impact Statement (EIS) was chosen for the Winnemucca LUP, I have enclosed copies of the Record of Decision (ROD) for the Sonoma-Gerlach and Paradise-Denio Resource Areas. These RODs describe which of the EIS alternatives were selected for implementation through the LUP process. The process is described in "The Plan and Implementation" section of each ROD.

Your recommendation concerning the loading chute is a good one and will be added to the final Removal Plan, and as a stipulation to the contract.

A contractor is not directly and specifically held financially responsible for accidents and injuries to the horses due to negligence. Three special contract requirements for all our wild horse and burro removal contracts are the following:

1. The contractor shall not be entitled to payment for capturing any animals which are lost, killed or destroyed during capture due to the fault or negligence on the part of the contractor or his employees.
2. The contractor shall not be entitled to payment for feeding and caring of any animals which are killed or destroyed due to the fault or negligence on the part of the contractor or his employees while the animals are at the temporary holding facility.
3. The contractor shall not be entitled to payment for transportation due to the fault or negligence on the part of the contractor or his employees.

The contract can also be terminated due to excessive negligence by the contractor.

In the event of a flagrant case of inhumane treatment, our office would certainly assist State of Nevada officials in the prosecution of such an offense.

The procedure for processing branded or privately owned animals is defined by CFR 4150.4-5 which states, in part, "If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be offered at public sale to the highest bidder by the authorized officer under these regulations or if a suitable agreement is in effect, by the State."

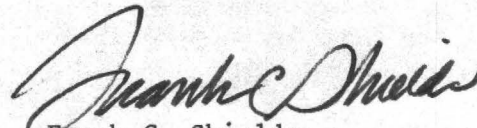
In addition, if the owner of the branded animal(s) is a permittee or lessee we may take further action in accordance with CFR 4150.4(e) which states, in part, "Violators shall not be authorized to make grazing use on the public lands administered by the Bureau of Land Management until any amount found to be due the United States under this section has been paid. The authorized officer may take action under § 4160.1-2 of this title to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid."

If an animal is sold at a public sale, the monies that are collected are used to cover the cost of the impoundment and removal of the animal, the value of the forage consumed, and the damage to the Federal range caused by the trespassing animal.

The word "delay" will be added to the final removal plan.

Thank you for your comments and suggestions. If your concerns have not been answered to your satisfaction, please contact our office.

Sincerely yours,



Frank C. Shields
District Manager

Enclosure: Record of Decision

cc: State Director (NV-910)

Paradise-Denio Environmental Impact Statement

Record of Decision

On September 18, 1981, notice appeared in the Federal Register announcing the Bureau of Land Management (BLM) filed a Final Environmental Impact Statement (EIS) for livestock grazing within the Winnemucca District's Paradise-Denio Resource Area. The BLM has decided to adopt an integrated plan using components of both the Proposed Action and Livestock Reduction/Maximizing Wild Horses and Burros Alternative. It is to guide the range management program within the framework of the Land Use Plan.

Alternatives including the Proposed Action as analyzed in the Paradise-Denio Grazing EIS

1. Proposed Action

Allotment Management Plans (AMPs) would be implemented on existing AMPs and would be reviewed and revised if necessary on 57 allotments. This action would initially allocate 101,689 animal unit months (AUMs) to livestock, 16,237 AUMs to big game and 4,630 AUMs to wild horses. Proposed livestock support facilities include land treatments and seedings on 254,749 acres, 247.5 miles of fence, 10 cattleguards, 18 wells, 2 springs, 5.5 miles of pipelines, 1 earthen reservoir and 24 troughs.

2. No Livestock Grazing Alternative

Under this alternative all vegetation would be allocated to reasonable numbers of big game and maximum number of wild horses and burros. This alternative would allocate 16,237 AUMs of available vegetation to big game and 8,462 AUMs to wild horses and burros initially. Approximately 190 miles of fence would be removed to insure proper management of wild horses and burros.

3. No Action Alternative

Under this alternative the range management program would continue as it exists at the time the EIS was prepared. The current level of utilization by livestock would continue at 192,073 AUMs (based upon average licened use from March 1, 1977, to February 29, 1980). Existing big game use of approximately 16,867 AUMs would be maintained. Wild horse and burro use would remained at 29,936 AUMs. AMPs would remain on 42 allotments. Existing livestock support facilities would be maintained, but no new facilities would be constructed.

4. Maximizing Livestock Alternative

AMPS would be implemented on existing AMPs and would be reviewed and revised if necessary, on 64 allotments. This alternative would initially allocate 101,888 AUMs to livestock, 4,630 AUMs to wild horses and 16,237 AUMs to big game. Proposed livestock support facilities include land treatments and seedings on 445,061 acres, 277.5 miles of fence, 10 cattleguards, 18 wells, 2 springs, 5.5 miles of pipeline, 1 earthen reservoir and 24 troughs.

5. Livestock Reduction/Maximizing Wild Horse and Burro Alternative

AMPs would be implemented on existing AMPs and would be reviewed and revised, if necessary, on 54 allotments. This alternative would initially allocate 87,595 AUMs to livestock, 8,462 AUMs to wild horses and burros and 16,237 AUMs to big game. Proposed livestock support facilities include land treatments and seedings on 200,219 acres, 195 miles of fence, 9 cattleguards, 18 wells, 2 springs, 5.5 miles of pipeline, 1 earthen reservoir and 24 troughs.

The Plan and Implementation

The Plan consists of the intergration of the Proposed Actions and the Livestock Reduction/Maximizing Wild Horses and Burros Alternative with the following modifications:

1. Implementation of the range management program will take place through monitoring and Coordinated Resource Management and Planning (CRMP).

The 1978 range survey was the source of the production data analyzed in the EIS and was the best information available at the time; however, it is the intent of the Bureau to gather additional rangeland data via monitoring prior to initiating adjustments. Grazing adjustments, if required, will be based upon reliable vegetation monitoring studies and/or CRMP group recommendations, and/or baseline inventory, or a combination of these. These studies will be obtained from an intensive, coordinated monitoring effort involving all affected interest groups (Coordinated Resource Management and Planning).

Pending this data collection, livestock and wild horse use may continue at approximately current levels, except where agreements are reached with livestock users and/or wild horse and burro interests.

Coordinated Resource Management and Planning (CRMP) is a process that brings together all interests concerned with the management of resources in a given local area: landowners, land management agencies, users, wildlife groups, wild horse groups, conservation organization, etc.

The CRMP process would not necessarily require participation by the formal CRMP committee. The process may be accomplished in a more informal manner, initiated by either the BLM or the range user. Regardless of the approach, all affected interests will be afforded the opportunity to actively participate in the process.

Prior to initiating grazing adjustments, the Bureau, within the framework of the Management Framework Plan and CRMP, will consider the specific management objectives for the allotment and other resource values (e.g., riparian zones, water quality, wildlife, recreation, wild horses and burros, livestock) to be evaluated to determine progress in meeting those objectives. Changes in the resource values may warrant a modification of the scheduled adjustments. Other information necessary to set forth actions required to achieve the resource management objectives for the allotment may also be considered. These objectives will indicate the intensity and types of monitoring that will be required in each allotment.

2. Prioritization for intensive management by allotment, will be accomplished through the selective management policy which classifies allotments into three categories: "M" (Maintain), "I" (Intensive), "C" (Custodial). These priorities will be listed in the rangeland program summary due to be issued by October 15.
3. Livestock support facilities will be identified and developed through the CRMP process. The potential for land treatment has been identified on approximately 269,000 acres. Land treatment is defined as vegetation manipulation (i.e., plowing, burning, spraying, etc., and/or seeding).
4. Wild horse and burro herds will be maintained in the areas described in the Livestock Reduction/Maximizing Wild Horse and Burro Alternative. However, numbers will be determined by the following criteria: Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exist:
 - a. Numbers are established by adequate and supportable resource data.
 - b. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District manager.
 - c. Numbers are established by formal signed agreement between affected interests.
 - d. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EA's (EAR's) were prepared and are still valid.
 - e. Numbers are established by court order.

Rationale for the Decision

The plan represents a balanced resource alternative. It strives to maintain existing livestock, wildlife and wild horse and burro use while improving range condition through intensive grazing management. In addition by using CRMP as the vehicle of implementation all resource values (e.g., riparian zones, water quality, wildlife, recreation, wild horses and burros, livestock) will be considered in all range management programs.

Frank C. Shields
District Manager
Winnemucca District

Sonoma-Gerlach Environmental Impact Statement

Record of Decision

On September 18, 1981, notice appeared in the Federal Register announcing the Bureau of Land Management (BLM) filed a Final Environmental Impact Statement (EIS) for livestock grazing within the Winnemucca District's Sonoma-Gerlach Resource Area. The BLM has decided to adopt an integrated plan using components of both the Proposed Action and Livestock Reduction/Maximizing Wild Horses and Burros Alternative. It is to guide the range management program within the framework of the Land Use Plan.

Alternatives including the Proposed Action as analyzed in the Sonoma-Gerlach Grazing EIS

1. Proposed Action

Allotment Management Plans (AMPs) would be implemented on existing AMPs and would be reviewed and revised if necessary on 34 allotments. This action would initially allocate 113,705 animal unit months (AUMs) to livestock, 16,869 AUMs to big game and 13,415 AUMs to wild horses. Proposed livestock support facilities include land treatments and seedings on 244,864 acres, 399 miles of fence, 18 cattleguards, 42 wells, 8 springs, 15.5 miles of pipelines, and 102 troughs.

2. No Livestock Grazing Alternative

Under this alternative all vegetation would be allocated to reasonable numbers of big game and maximum number of wild horses and burros. This alternative would allocate 16,869 AUMs of available vegetation to big game and 14,795 AUMs to wild horses and burros initially. Approximately 275.1 miles of fence would be removed to insure proper management of wild horses and burros.

3. No Action Alternative

Under this alternative the range management program would continue as it exists at the time the EIS was prepared. The current level of utilization by livestock would continue at 116,551 AUMs (based upon average licensed use from March 1, 1977 to February 29, 1980). Existing big game use of approximately 12,962 AUMs would be maintained. Wild horse and burro use would remain at 66,012 AUMs. AMPs would remain on 8 allotments. Existing livestock support facilities would be maintained, but no new facilities would be constructed.

4. Maximizing Livestock Use Alternative

AMPs would be implemented on existing AMPs, and would be reviewed and revised if necessary, on 38 allotments. This alternative would initially allocate 130,196 AUMs to livestock, 0 AUMs to wild horses and 13,036 AUMs to big game. Proposed livestock support facilities include land treatments and seedings on 281,246 acres, 411 miles of fence, 19 cattleguards, 44 wells, 8 springs, 15.5 miles of pipeline, and 106 troughs.

5. Maximizing Wild Horse and Burro Alternative

AMPs would be implemented on existing AMPs and would be reviewed and revised, if necessary, on 32 allotments. This alternative would initially allocate 95,007 AUMs to livestock, 24,539 AUMs to wild horses and burros and 16,869 AUMs to big game. Proposed livestock support facilities include land treatments and seedings on 244,864 acres, 692 miles of fence, 18 cattleguards, 42 wells, 8 springs, 15 miles of pipeline, and 102 troughs.

The Plan and Implementation

The Plan consists of the intergration of the Proposed Actions and the Livestock Reduction/Maximizing Wild Horses and Burros Alternative with the following modifications:

1. Implementation of the range management program will take place through monitoring and Coordinated Resource Management and Planning (CRMP).

The mid 1960's range survey was the source of the production data analyzed in the EIS and was the best information available at the time; however, it is the intent of the Bureau to gather additional rangeland data via monitoring prior to initiating adjustments. Grazing adjustments, if required, will be based upon reliable vegetation monitoring studies and/or CRMP group recommendations, and/or baseline inventory, or a combination of these. Pending this data collection, livestock and wild horse use may continue at approximately current levels, except where agreements are reached with livestock users and/or wild horse and burro interests.

Coordinated Resource Management and Planning (CRMP) is a process that brings together all interests concerned with the management of resources in a given local area: landowners, land management agencies, users, wildlife groups, wild horse groups, conservation organization, etc.

The CRMP process would not necessarily require participation by the formal CRMP committee. The process may be accomplished in a more informal manner, initiated by either the BLM or the range user. Regardless of the approach, all affected interests will be afforded the opportunity to actively participate in the process.

Prior to initiating grazing adjustments the Bureau, within the framework of the Management Framework Plan and CRMP, will consider specific management objectives for the allotment and other resource values (e.g., riparian zones, water quality, wildlife, recreation, wild horses and burros, livestock) to be evaluated to determine progress in meeting those objectives. Changes in the resource values may warrant a modification of the scheduled adjustments. Other information necessary to set forth actions required to achieve the resource management objectives for the allotment may also be considered. These objectives will indicate the intensity and types of monitoring that will be required in each allotment.

2. Prioritization for intensive management by allotment, will be accomplished through the selective management policy which classifies allotments into three categories: "M" (Maintain), "I" (Intensive), "C" (Custodial). These priorities will be listed in the rangeland program summary due to be issued by October 15.
3. Livestock support facilities will be identified and developed through the CRMP process. The potential for land treatment has been identified on approximately 245,000 acres. Land treatment is defined as vegetation manipulation (i.e., plowing, burning, spraying, etc., and/or seeding).
4. Wild horse and burro herds will be maintained in the areas described in the Livestock Reduction/Maximizing Wild Horse and Burro Alternative. However, numbers will be determined by the following criteria: Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exist:
 - a. Numbers are established by adequate and supportable resource data.
 - b. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District manager.
 - c. Numbers are established by formal signed agreement between affected interests.
 - d. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EA's (EAR's) were prepared and are still valid.
 - e. Numbers are established by court order.

Rationale for the Decision

The plan represents a balanced resource alternative. It strives to maintain existing livestock, wildlife and wild horse and burro use while improving range condition through intensive grazing management. In addition by using CRMP as the vehicle of implementation all resource values (e.g., riparian zones, water quality, wildlife, recreation, wild horses and burros, livestock) will be considered in all range management programs.

Frank C. Shields
District Manager
Winnemucca District