



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4120  
(NV-026.1)

DEC 06 1994

Dear Interested Reader:

Enclosed is the Final Multiple Use Decision for the Blue Wing and Seven Troughs Allotment which implements the recommendations identified in the Final Re-evaluation and protest points of the Proposed Multiple Use Decision.

We received four protest letters on the Proposed Multiple Use Decision. Based on the protest points and input from the District and Resource Area staff's who worked on the document, I have made the following changes:

1. Removed the sheep portion of the carrying capacity calculations and recomputed the carrying capacity for C-Punch and wild horses and burros. This slightly increased the overall livestock, wild horses and burros numbers for the allotment.

2. Instead of requiring C-Punch to move cattle in March, I changed the move date to November 1. C-Punch will have a month to move cattle from one use area to the next starting October 15 and have them all moved by November 15.

3. By June 1, 1995, all C-Punch cattle will have new ear tags and be in the north use area. Then all cattle will be moved south starting October 15, 1995.

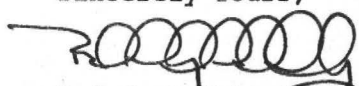
4. An AML was established for the Kamma Mountains HMA. It was felt that the Ecological Site Inventory data was sufficient to establish the AML.

In addition, we have received authorization to remove horses 9 years and younger from the Shawave-Nightingale Mountains HMA. The rationale is to prevent potential above average winter death loss before the next removal, to allow for a faster progression toward a thriving natural ecological balance, and to remove horses from checkerboard lands per request of the owners. If the removal was conducted in accordance with current policy of removing horse 5 years and younger, the estimated remaining horses would be approximately 300% over AML. It is estimated that the Shawave-Nightingale Mountains would be 102% above AML after the 1995 gather by removing 9 years and younger.

Thank you for your input provided during this re-evaluation process.

If you have any further questions, please contact Ron Pearson, Tom Seley, or Rich Adams at (702) 623-1500.

Sincerely Yours,

  
Bud C. Cribley, Area Manager  
Sonoma-Gerlach Resource Area

Enclosure



# 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-026.11)

CERTIFIED MAIL NO. Z773768192  
RETURN RECEIPT REQUESTED

DEC 06 1994

### NOTICE OF FINAL FULL FORCE AND EFFECT MULTIPLE USE DECISION FOR THE BLUE WING/SEVEN TROUGHS ALLOTMENTS

C-Punch Ranch, Inc.  
900 Industrial Way  
Sparks, NV 89431

Dear Mr. Irvin:

On September 23, 1994, the Blue Wing/Seven Troughs Allotment Final Re-evaluation and Proposed Full Force and Effect Multiple Use Decision was mailed to all affected interests. We received protests from the Nevada Division of Wildlife, the Commission for the Preservation of Wild Horses, John Espil Sheep Co., Inc., and C-Punch Ranch, Inc., Protest points are summarized below along with responses to each point.

#### Nevada Division of Wildlife

1. As we discussed, Alternative 8 of the selective management actions has the greatest potential to resolve resource conflicts. We suggest that the winter range use pattern mapping data be applied to a carrying capacity computation that presents the potential forage available to the permittee.

Response:

The carrying capacity is based on actual use and the acres of moderate, heavy, and severe utilization levels mapped. The calculations would not change regardless of the season of use for livestock. With the present set of data we do not feel we could determine a different carrying capacity for Alternative 8. We do recognize that stocking rates would probably be higher under this alternative and would be willing to work with the permittee to determine this, but it would have to be established through monitoring of this grazing strategy.

2. During our discussions on June 28, 1994, your staff agreed to exclude domestic sheep actual use data in the carrying capacity computations in Appendix 12. These data were not omitted in the allotment evaluation.

Response:

Thank you for pointing out this oversight. The carrying capacities calculations have been changed and the livestock and wild horse and burro numbers were adjusted accordingly.



Commission for the Preservation of Wild Horses

1. **Weight Averaging of actual utilization data discredits the heavy and severe utilization damage of riparian habitats.**

Response:

The carrying capacity calculations include all acreage mapped as moderate, heavy, and/or severe utilization levels. All of the riparian areas fell within one of these utilization categories. By using just these categories, we felt the calculations would emphasize the problems of poor distribution and over stocking. These calculations documented the need for an adjustment in both livestock and wild horse/burro numbers.

We also recognize that stocking calculations alone will not "fix" the riparian problems. That is why we are initiating a rotation system that builds in growing season rest from livestock and will follow through with fencing of springs and seeps.

2. **The addition of domestic sheep actual use data is not consistent with the proposed multiple use decision. These additional AUM's in the computations inflate the allotment carrying capacity. The proposed decision showed no correlation with domestic sheep actual use to the overuse or heavy utilization on the allotment.**

Response:

See NDOW #2.

3. **Actual use for wild horses was determined assuming foals as adults. Recruitment was determined by the July foal crop. The HMAP identified recruitment rates to be determined by the January survey which would measure survivability of six month and older foals. AUM's would be synonymous to livestock.**

Response:

There are no BLM Policies that mandates foals can not be used to determine population levels. We know that we do not count 100% of the animals when we do census flights. By including the foals, we have documented this represents a more accurate number of animals within the habitat. Using this technique year after year we are consistent in documenting the population dynamics.

4. **Livestock Alternative 8, converts the allotment to a strictly winter range. Monitoring data can be used to calculate a stocking level for winter use.**

Response:

See NDOW #1.

John Espil Sheep Co., Inc.

1. **The decision should not be placed in "full force and effect" in regards to livestock management. Such a placement will be a violation of regulations pertinent to grazing administration of livestock. The**

applicable regulations pertinent to wild horse management require that the Bureau immediately remove wild horses and burros it determines to be in excess of the thriving ecologically balanced number of horses in balance with other resource uses, and we request the immediate removal of such numbers as are identified. We believe the identified number of wild horses and burros to remain on the allotment to be excessive, and request modification of the decision to reflect the proper balance of horses to livestock. This proportion will be discussed below in more detail.

Response:

The Final Re-evaluation identified resource damage, over utilization of riparian and upland vegetation, caused by excessive number of cattle and wild horses and burros. It is my determination from the results of the re-evaluation that it is necessary to place this Multiple Use Decision in Full Force and Effect so that actions prescribed are implemented immediately. Concurrent with this decision, we are issuing the capture plan to remove excess wild horses and burros full force and effect which will also result in immediate actions.

The wild horse and burro numbers derived were based on monitoring data collected during the re-evaluation period. No additional data has been provided that we could use to show that the carrying capacity we have determined is in error. Future monitoring will document if this number, and the livestock numbers, should be adjusted up or down.

2. The utilization restrictions listed are without scientific validity and are unnecessary for the health of the plant species listed. The utilization made by our wintering sheep has no effect whatsoever on the dormant plant species, and utilization made by other livestock during the summer is important only as it effects the CONDITION of the identified habitats. In the case of meadow and riparian vegetation, the overly restrictive utilization levels will only result in the premature removal of livestock from the allotment, without necessary benefit to the identified habitats. These areas receive the most nutrients and water of anywhere on the rangeland and the plant species there are adapted to heavy and severe utilization levels. They do not reproduce solely by seeds, but are primarily reproductive through vegetative means. This physical setting, combined with their reproductive methods and adaptability to heavy grazing results in their ability to withstand much higher utilization levels than are listed in the decision. The levels are therefore arbitrary and capricious.

Response:

I agree that the "Condition" of habitats and riparian areas is important to monitor and document. There are more to these systems than the degree to which vegetation is used. The 30% utilization levels identified in the decision were based on personal observations of BLM professionals and research that has shown that if this level is not exceeded, other habitat parameters will start to respond to management. For example, stream bank damage will stay within acceptable levels if riparian vegetation, especially the grass-likes, are utilized at the 30% level or lower. I agree utilization levels could probably be higher for riparian systems that are fully functional and the management goal is to maintain this condition, but the riparian systems in the Blue Wing/Seven Trough Allotment are in need of improving. By limiting utilization, this has shown to be the quickest way to improve riparian vegetation and condition. I also realize there will be areas, regardless of the wild



horse and burro numbers and livestock management, that will never improve. These are the areas we need to concentrate on fencing and piping water away from the site (see Response #3).

3. The BLM agreed with the permittees in 1988 to fence public lands riparian areas it and the permittees identified as necessary to accomplish lessened use. This management alternative is feasible, has been previously identified and agreed upon, and has only to be acted upon by the BLM to accomplish the objective.

Response:

Due to other commitments we were unable to follow through with fencing and developing water off site. The Re-evaluation recognized this is still a very viable alternative and we, working with the permittees and any interested parties, have every intention to follow through in the upcoming years.

4. The sage grouse "protection" guidelines developed by NDOW are outdated and have been proven by scientific research to be invalid in regard to sage grouse nesting and the proximity to leks. The guidelines should be abandoned by BLM as restrictive criteria, because they are invalid. Recent research in Idaho in similar habitat to that in the Blue Wing and Seven Troughs Allotment has shown that sage grouse are as likely to nest outside the two mile radius as they are to nest inside the two mile radius from a strutting ground, and therefore the identification of strutting ground locations is inconsequential to management for the species and the identification of areas "crucial" to their nesting. Nesting is in fact widespread and ubiquitous, not concentrated around the strutting grounds.

Response:

Yes, research has documented that sage grouse can or will nest more than two miles from leks. But, if quality habitat (such as adequate sagebrush cover and abundant grass understory) conditions are available within two miles of the lek, approximately 85 to 90% of the sage grouse will nest within that radius. If future monitoring documents satisfactory nesting conditions do not exist around the leks, then it might be necessary to expand the distance that we will manage for sage grouse habitat.

5. The "specific objectives" listed for sage grouse are not objectives but are rather a description of "optimum" values which have no bearing on the sites POTENTIAL to produce those optimum values.

Response:

I have added additional rationale to further clarify this objective (pg 9 of decision). Work done within the District has shown that these sites do have the potential to attain these vegetation parameters. The vegetation parameters might be further refined once baseline data is collected.

6. The decision erroneously, arbitrarily, and capriciously increases the proportion of horse demand over that of the cattle operators, specifically C-Punch Corporation. We have not had the opportunity to assess the validity of the claims that insufficient forage is available for the full use by C-Punch, but regardless of that, the decision increases horse use in proportion to livestock use, which is contrary to the concept of keeping horse use both in balance with the ecology of the

area, but also in balance with the other resource uses. If the claims of insufficient forage are validly supported by the data and the science, then any reductions in C-Punch's cattle and the wild horse populations should be in proportion to C-Punch's active preference and the numbers of wild horses and burros that were sanctioned by the 1988 agreement. The horses and burros were NEVER kept at their promised levels, but were allowed by the BLM to expand to more than 200% of their appropriate management level, and now the BLM proposes to reduce from this number. In the same time, in an attempt to alleviate damage to the range and act as good stewards, C-Punch has voluntarily reduced livestock use, both because of dry weather conditions and because of excessive horse and burro numbers. They are rewarded for their stewardship efforts with a reduction of authorized use of approximately 85%, from 30,000 AUMs down to 5000 AUMs. The horses are reduced from their AML agreed upon level approximately 50%, from 12,000 AUMs down to 5000 AUMs. IF the reductions are necessary, then the reductions should be in proportion to the 30,000+ livestock AUMs (plus the other permittees' authorized use), and the 12,000+ wild horse and burro AUMs.

Response:

The monitoring data documented only 20,500 AUMs are available for livestock and wild horses and burros. Monitoring did not detect problems with the other seasonal operations. Therefore, to start a reduction from C-Punch's grazing preference would be just a paper cut and not address the resource issues. That is why I opted to start the reduction from the average number of livestock that were grazing and contributing to the non-attainment of objectives during the re-evaluation period.

Once the total carrying capacity was calculated, the AUMs were divided based on LUP ratios.

7. The decision, and the evaluation upon which it based, do not account for the dry climatic conditions affecting utilization levels and do not adjust the carrying capacity figures for such drier-than-normal conditions. The decision essentially reduces livestock use forever on account of dry conditions during the short term period of the evaluation. We believe this is wrong.

Response:

Regardless of the short and long term climatic conditions for the allotment, it has been substantiated, through this re-evaluation and the 1988 evaluation, that resource objectives were not being met - such as exceeding utilization levels for uplands and riparian sites. It has been our policy in this process not to use climatic use adjustments to establish a carrying capacity. I feel the year round use made by wild horses and burros would only magnify the over utilization of key areas if such an adjustment was used.

8. Not mentioned in the decision is the fact that we have had authorization during the evaluation period to graze sheep in the Blue Wing/Seven Troughs area through mid-May of several of the years. This use is recognized in the decision to have inconsequential impact to the resource, but the decision at page 15 limits our use to ending on March 15. This restriction is without logic or necessity, and is arbitrary and capricious. We request that the off-date be recognized as May 15. With the rotational grazing and nomadic movement of the sheep, this must be

recognized as still appropriate to accomplish the management objectives of the allotment.

Response:

The off dates were based on your normal operation. In the past you have been authorized to graze fewer numbers for varied time frames after the March 15 date. This decision does not alter the normal flexibility of making minor annual adjustments.

C-PUNCH RANCH, INC. (Lawyer's)

Due to the length of comments, only the main headings are shown to identify the protest point. If you would like a copy of the letter please contact this office.

1. **BLM has failed to comply with the Court Order and BLM's stated management objectives.**

Response:

This point is currently in litigation and it is not appropriate to comment on at this time.

2. **BLM has improperly given wild horses a higher priority than cattle.**

Response:

See the response to Espil Sheep Company #6.

3. **The proposed reduction of wild horses and burros is unrealistic.**

Response:

We have recognized that wild horses and burros, when left to their own devices, are very good at perpetuating their numbers. That is why we are identifying a range in which to manage numbers; 75% of AML to AML (see page 25 of this decision). This range is based on the expected gathering cycle of three years. If the length of time between gathers increases, then this range will be expanded so that by the time the next gather occurs, wild horse and burro numbers should just be at AML. Since 1988, the resource area has been collecting monitoring data so that we can support our allotment carrying capacities, and also document the need to remove wild horses and burros.

4. **BLM lacks accountability.**

Response:

Analysis of monitoring data documented the total allotment carrying capacity is 20,500 AUMs. Monitoring also documented the two primary reasons why resource objectives were not being met are the high wild horse and burro numbers and the numbers of livestock C-Punch ran during the re-evaluation period.



5. The measures in the proposed decision are too drastic and unfairly single out C-Punch.

Response:

The analysis of the monitoring data collected during the evaluation period indicates that resource objectives were not being met based on the actual use that took place during the evaluation period. This was contributed by the total numbers of wild horses and burros along with numbers of C-Punch cattle, especially during hot season grazing (late spring through mid-fall). The other operators graze during the winter period and generally use browse species as opposed to grasses that wild horses/burros and cattle generally utilize. The sheep operators herd the sheep so no one area is used excessively. Future monitoring will document if carrying capacity adjustments, up or down, should be made. This has been documented on pages 12 and 25 of the decision.

6. The management plan is not feasible.

Response:

The existing grazing strategy has C-Punch moving livestock twice a year (in March and October) between 8 use areas that are not fenced. Based on falls like this year and the winter of 92-93, I can empathize about moving cattle in adverse conditions, so I have modified the decision so livestock will be moved from mid-October through mid-November. Based on the change in move dates and only moving the cows once a year, the new system seems more feasible than does the existing AMP system.

C-Punch Ranch, Inc. (Irvin's)

All of Mr. Irvin's protest points are addressed in my responses to the other protest points except for the following two protest points.

1. C-Punch Alternative (page 5 of letter)

Response:

My staff and I discussed this alternative and felt it would not provide the resource benefits compared to the grazing system outlined in the Proposed MUD. Your proposal does not provide for critical growing season or year long rest for the Seven Troughs area. We also felt it wouldn't be as effective in meeting the other needs as outlined on page 16 of this document.

Considered in another light is the fact that your alternative has about 50 miles of unfenced boundary to manage. Yes, some of it is along mountain tops, but still a large part of the area livestock could easily travel east and west. BLM's alternative has about 30 miles of unfenced boundary in which waters can be used to minimize livestock drift north and south. If it would work out for you to make just summer use in the Seven Troughs area during the respective use year, there could be an opportunity to work something out.

2. Statement #7, page 6, "The BLM alleges (p4, Item 14F of the {Final Re-evaluation}) the 1987 numbers to be 877 horses and 143 burros. This number is not supported by the 1985 figure of about 2,200 after an aerial survey or the 1992 survey of 2,259 plus a 20% error factor or about 2,700 in 1992.

We believe the error in the 1987 assumption to be critical to the credibility of this evaluation.

Response:

These numbers were not to be considered as the actual numbers to be found within the allotment during that year, but were the numbers identified in the HMAP (which were from the Land Use Plan) and brought forward to the Re-evaluation. These numbers were never used to determine actual use prior to or during the re-evaluation period.

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As a result of this process and comments received from the proposed decision, my final decisions are:

ALLOTMENT WIDE MULTIPLE USE OBJECTIVES

UTILIZATION OBJECTIVES (SHORT TERM)

Riparian/Wet Meadows

1. Utilization on key riparian plant species (such as willow, aspen, rushes, sedge, and Nevada bluegrass) shall not exceed thirty percent (30%). Maintain a satisfactory age class, form class, and be self perpetuating in the following areas: [except where adjusted by an approved activity plan]

Blue Wing

Jenny Creek.

Unnamed Canyon at T. 29 N., R. 24 E., Sections 2 and 3.

Unnamed Canyon at T. 32 N., R. 26 E., Sections 25 and 36

Unnamed Canyon at T. 32 N., R. 27 E., Section 31.

Seven Troughs

Cow Creek.

Egbert Canyon.

Stonehouse Canyon.

2. Total utilization of plant species such as willow, aspen, sedge, bulrush, cattails, and Nevada bluegrass in approximately 358 acres of riparian, wetland, and meadow habitat (addition to the above sites) shall not exceed 50% utilization. These sites are adjacent to wetlands and pools like Sulphur wetlands and meadows such as Rabbithole and Last Chance Springs.

Upland Browse/Grasses/Dry Meadows

1. Total utilization shall not exceed the allowable use on the following wildlife key species: (F 1.1, F 1.3, RM 1, WL 1.1, WL 1.7, and WL 1.9).

Antelope bitterbrush (PUTR2)	50%
Serviceberry (AMAL)	40%
Snowberry (SYMPH)	40%
Winterfat (EULA5)	50%
Cinquefoil (POTEN)	20%
Sandberg bluegrass	30%
Buffaloberry (SHEPH)	50%
Ephedra (EPHED)	50%

2. Utilization of key plant species on upland rangeland habitat shall not exceed 50% during the growing season and 60% yearlong - the key plants are specified at the specific key areas. (WL 1.7, WL 1.9, and RM 1).

VEGETATION OBJECTIVES

THE 1988 ALLOTMENT OBJECTIVES SHORT TERM (4) AND LONG TERM (1,2,4,5,6,7,8,&9), WILL BE REQUANTIFIED UPON CULMINATION OF THE ECOLOGICAL SITE INVENTORY (ESI) DATA COMPILATION. THE ESI DATA WILL BE USED TO DEVELOP DESIRED PLANT COMMUNITY OBJECTIVES (DPC) ON RIPARIANS AND UPLAND SITES USED BY LIVESTOCK, WILD HORSES AND BURROS, AND WILDLIFE.

THE FOLLOWING OBJECTIVES WILL BE USED TO GUIDE MANAGEMENT ON THE ALLOTMENTS IN THE INTERIM BETWEEN COMPLETION OF THIS EVALUATION AND DEVELOPMENT OF THE DPC OBJECTIVES.

1. Improve or maintain the condition on 358 acres of wetland, riparian, and meadow habitats to good condition or higher. (WL 1.10, RM-1) - Change to DPC Objective based on a cover measurement and not ESI
2. Improve or maintain 24 acres of streambank riparian habitat to good condition from poor condition. (WLA 1.3, WL 1.9, RM-1) - Change to DPC Objective based on a cover measurement and not ESI
3. Protect sage grouse strutting grounds and brooding habitat and improve nesting and wintering habitat by (refer to Appendix 1 of the Final Re-evaluation for the lek locations): (WL - 1.11)
  - a. Following NDOW guidelines for Vegetal Control Programs in Sage Grouse Habitat in Nevada.



- b. Use the following criteria to identify and maintain sites that would sustain the highest level of use and success by sage grouse (The optimal sagebrush canopy coverage of 30% does not appear to be obtainable on any of these sites; based on professional observations. Similar range sites sampled within the Winnemucca District were not capable of obtaining the 30% sagebrush canopy coverage. This is why I opted to measure the physical structure and establish DPC objectives for the vegetation diversity based on the below criteria):

Strutting Habitat

1. Low sagebrush or brush free areas for strutting, and nearby areas of sagebrush having 20-50% canopy cover for loafing.

Nesting Habitat

1. Areas within 2 miles of strutting grounds.
2. Sagebrush between 7 and 31 inches in height (optimum = 16 inches).
3. Sagebrush canopy coverage 15-30% (optimum = 27%).

Brood Rearing Habitat

1. Sagebrush canopy cover 10-21% (optimum = 14%).
2. High composition of forb species.
3. Vigorous-available meadow vegetation in late summer and fall.

Winter Habitat

1. Greater than 20% Sagebrush canopy cover.
  2. Areas do not maintain high winter snow depth as a function of elevation or topography.
4. Improve and/or maintain 40 acres of aspen woodland, located in the Jenny Creek watershed, to an acceptable woodland suitability index that would maintain self perpetuating uneven aged stands of seedlings, saplings, pole and mature sized trees. (RM 1, WLA 1.13, WL 1, WL 1.9, WL 1.10, and WL 1.12) - Change to DPC Objective
5. Maintain the Sulphur Wetlands to provide migratory waterfowl habitat in the following locations:
- T. 35 N., R. 29 E.            Section 26 SW $\frac{1}{4}$   
   Section 27 SE $\frac{1}{4}$   
   Section 34 NE $\frac{1}{4}$   
   Section 35 NW $\frac{1}{4}$
- (R 1.4, W 1, W 1.1, W 2.1, WHB 1.7, WLA 1, WLA 1.6, WLA 1.9, WLA 1.13, WL 1, WL 1.7, WL 1.10, WL 1.13, WL 1.26, and Wl 1.27) - Change to DPC Objective
6. Manage, maintain or improve public rangeland habitat condition to provide forage on a sustained yield basis with an initial forage demand for big game of 1,196 AUMs for mule deer, 75 AUMs for pronghorn and 106 AUMs for bighorn sheep by: - Change to DPC Objectives

- a. Improving overall mule deer habitat as follows:
    - 1) From fair to good 113,719 acres: Lava Beds DY-4; Selenite Range DY-1; Seven Troughs DS-2; Seven Troughs DY-5.
    - 2) From poor to fair 22,107 acres: Nightingale Mtns. DY-2 and Shawave Mtns. DY-3.
  - b. Improving potential pronghorn habitat 308,900 acres from fair to good condition.
  - c. Improving 9,485 acres of potential bighorn sheep habitat (Selenite Range BY-1) to 90% of optimum.
- 7. Manage, maintain and improve rangeland conditions on a sustained yield basis. - Change to DPC Objective
  - 8. Manage domestic livestock grazing to increase 136,318 acres from poor and fair to good, and 3,505 acres from good to excellent ecological condition; improve range condition and forage availability. - Change to DPC Objective

WATER QUALITY OBJECTIVE

- 1. Improve or maintain the water quality of Jenny Creek to the state criteria for livestock drinking and wildlife propagation.

State Water Quality Criteria

Constituent/use	Livestock drinking	Wildlife Propagation
<sup>1</sup> TDS	< 3000 mg/l	-
NO <sub>3</sub> (N)	< 100 mg/l	<100 mg/l
Fecal coliform	<1000/100 ml.	<1000/100 ml.
pH	5.0-9.0	5.0-9.2
<sup>2</sup> D.O.	aerobic	aerobic
Alkalinity	-	30-130 mg/l

- <sup>1</sup> = Total Dissolved Solids
- <sup>2</sup> = Dissolved oxygen



COMBINED LIVESTOCK AND WILD HORSE/BURRO CARRYING CAPACITY

The combined carrying capacity for all permittee's livestock and wild horses/burros to achieve these objectives are:

Livestock	14,248 AUMs
Wild Horses and Burros	<u>6,252 AUMs</u>
	20,500 AUMs

The carrying capacity between livestock and wild horse/burros is based on the LUP ratios in accordance with MFP Decision - Range 1.1 and Wild Horse and Burro 1.1.

The re-evaluation data indicated a need to make adjustments in the numbers of wild horses/burros and the C-Punch livestock operation, the effects of the other livestock operations were so minimal they could not be detected, therefore, the other livestock operations are not included in the reduction schedule. The Final Re-evaluation identified three carrying capacity alternatives. We selected the carrying capacity based on monitoring to establish the total numbers for the allotment. I implemented the reduction starting from the average actual use over the re-evaluation period, since these are the numbers that are contributing to the non-attainment of resource objectives. The livestock (C-Punch) suspension of preference and reduction of wild horses/burros will be implemented concurrently over a six year period with reductions scheduled for FY 1995, 1997, and 2000. The recommended combined carrying capacity (BLM AUMs) and implementation schedule for livestock and wild horses/burros to achieve these objectives are listed below:

INITIAL REDUCTIONS June 1, 1995

Livestock (C-Punch)	10,191 AUMs
Wild Horse and Burros	<u>9,168 AUMs</u>
Total	19,359 AUMs

INTERMEDIATE REDUCTIONS November 1, 1997

Livestock (C-Punch)	8,226 AUMs
Wild Horse and Burros	<u>7,716 AUMs</u>
Total	15,942 AUMs

FINAL REDUCTIONS November 1, 2000

Livestock (C-Punch)	6,260 AUMs
Wild Horse and Burros	<u>6,252 AUMs</u>
Total	12,512 AUMs

We realize that it is possible that the allotment objectives could be obtained prior to reaching 6,260 AUMs for livestock (C-Punch) and 6,252 AUMs for wild horses/burros identified in the Carrying Capacity Calculations. Monitoring will be conducted to determine the appropriate stocking level that will achieve the allotment objectives, and no further reductions will be implemented.



INTERMEDIATE REDUCTIONS November 1, 1997

1. Grazing Preference (AUMs)
  - a. Total Preference 25,864
  - b. Suspended Preference 17,888
  - c. Active Preference 8,226
  - d. Exchange of Use 1,828
2. Season of Use 11/01 - 10/31
3. Number, Class of Livestock 836 cow/calf
4. Percent Federal Range 82%

FINAL REDUCTIONS November 1, 2000

1. Grazing Preference (AUMs)
  - a. Total Preference 25,864
  - b. Suspended Preference 19,978
  - c. Active Preference 6,260
  - d. Exchange of Use 1,380
2. Season of Use 11/01 - 10/31
3. Number, Class of Livestock 636 cow/calf
4. Percent Federal Range 82%

GRAZING SYSTEM

FROM:

Existing Grazing System - C-Punch

Graze 150-200 head of livestock in the Slough House area above Nixon during the winter season-of-use (11/1-3/31). At the beginning of plant growth of the key species, cattle will be moved north and held on the west side of the Selenite Range from 4/1-10/31.

Livestock management techniques will be the principal tool for resource management. Water control and riding will be the method of controlling livestock distribution and drift, season-of-use, and intensity of grazing.

Waters that will be shut down in the Slough House area after livestock have been moved are:

Existing: Little Valley Well  
Proposed: Nixon Flat Well

Mineral supplements may also be used to control livestock distribution and prevent drift out of units. In the Selenite unit, the Highway 34 fence and the Selenite Range provide control to the east and west. In the Slough House area, the Desert Queen fence and Highway 34 fence provide control to the south. Livestock will be trailed between management units. Water will be hauled to a point along the reservation fence approximately half way down the west side of Winnemucca Lake where cattle will be held overnight. In the Slough House unit Nixon Flat and



Little Valley Wells will be shut down upon movement north. Trailing of cattle between units will take about three days.

Graze 550-600 head of livestock in the Granite Springs Valley during the winter season-of-use (11/1-3/31) during the start of growth of the key species, the livestock will be moved to the Nightingale and Shawave Mountains from 4/1-10/31.

Water control and riding will be the methods of controlling livestock distribution and drift, season-of-use, and intensity of grazing. At the end of each season-of-use, waters will be shutdown and cattle will then drift into the other adjacent unit. West Ragged Top Well #1 and Telephone Well are the major watering sources in the Granite Springs Valley and they will be shut down after the livestock leave. Once Hard to Find Well and Lowry Well are constructed, they will also be shut off. The depth of the snow in the Nightingales and Shawaves is sufficient to force the livestock into Granite Springs Valley.

Mineral supplements may also be used to control livestock distribution and to prevent drift into other units. Control of livestock will also be accomplished by riding.

Graze 250-300 head of livestock on the flats between the Selenites and the Lava Beds during the winter season-of-use (11/1-3/31). When growth of the key species begins, cattle will be moved west and held on the east side of the Selenite Range from 4/1-10/31.

Water control, riding, and salting will be the methods of controlling livestock distribution and drift, season-of-use, and intensity of grazing. Livestock will be rotated and distributed by shutting down waters for distribution both within and out of each grazing unit.

Waters in the area which may be shutdown are:

- Limbo Well
- Lower end of Betty Creek
- C-Punch Pipelines
- Desert Well
- Twin Buttes Well

Graze 350-400 head of livestock in the Kamma Mountains and Antelope Range during the winter season-of-use (11/1-3/31). At the start of growth cattle will be moved into the Seven Troughs Range and held from 4/1-10/31.

Water control, riding, and salting will be the methods of controlling livestock distribution and drift, season-of-use, and intensity of grazing. Livestock will be rotated and distributed primarily by shutting down waters for distribution both within grazing units and controlled drift out of grazing units.

Waters (once constructed) to be controlled are:

- Antelope Siding Well
- Toll Rock Canyon Well
- Rocky Canyon Well
- Long Walk Well (existing)

Graze 350-400 head of livestock in the Lava Beds, Blue Wing Mountains, and western slopes of the Seven Troughs Range on a rotating basis throughout the year depending on weather and forage conditions.

Water control, riding, and salting will be the methods of controlling livestock distribution and drift, season-of-use, and intensity of grazing.

Waters (once constructed) in the area are:

Trail Canyon Well  
Twin Butte Well (existing)

\*\*\*\*\*

TO:

Amend the existing year round grazing system within the Blue Wing/Seven Troughs Allotments as follows:

- \* Combine the Blue Wing/Seven Troughs Allotments. Divide the Blue Wing/Seven Troughs Allotment into two use areas; a northern and southern portion, without a fence.
- \* Graze livestock within each use area yearlong 11/1 - 10/31 for one year then rotate into the next area, resulting in one year of use and one year of cattle rest.
- \* Implement the grazing system June 1, 1995, by grazing the north use area and resting the south use area for a growing season. Livestock are to be moved to the south use area starting October 15, 1995. All livestock are to be in the south area by November 15, 1995. If utilization levels are being exceeded then adjustments would be made at that time.

RATIONALE

1. Provides one complete year of rest from cattle grazing for the allotments during a two year cycle.
2. Providing one complete year of rest from cattle grazing will allow the long term vegetative objectives to be more quickly obtained.
3. Allows early season rest and eliminates hot season use on vegetation by livestock one out of two years resulting in increased plant vigor. Depending on the fall conditions, allows for fall regrowth to occur along springs, seeps, and in the uplands.
4. Reduces the combined yearlong competition by wild horse and burros, and cattle for limited forage and water.
5. Lessens the competition by livestock in wildlife use areas and reduces the chance of displacing sage grouse and chukar during nesting and brooding periods.
6. Reduces the potential conflicts with casual recreational uses such as camping, hunting and hiking as well as organized events such as off road racing.
7. Divides the allotments into two management units, which should require less labor and expenses.



Compliance checks will be conducted to determine if the north/south rotational grazing system is being followed or working. In the event that livestock are not being moved or 5% or more of the livestock are allowed to drift between the use areas the grazing system will be changed to winter use as identified in Alternative 8; described below. Any action to change to winter use would be implemented prior to the third year reduction of preference in 1997.

**Alternative 8:**

C-Punch (Cows): Amend the existing year round grazing system within the Blue Wing/Seven Troughs Allotment as follows:

- \* Convert the existing yearlong grazing system to winter use throughout the allotment.
- \* Change the existing yearlong 11/1 - 10/31 season of use to a 10/1 - 3/31 season of use throughout the allotment.

TIM DELONG FAMILY TRUST

FROM:

1. Grazing Preference (AUMs)
  - a. Total Preference 746
  - b. Suspended Preference 0
  - c. Active Preference 746
  - d. Exchange of Use 1,494
2. Season of Use 11/1 - 6/30
3. Number, Class of Livestock 284 cow/calf
4. Percent Federal Range 33%

Livestock grazing use will occur in the former Tharalson and Duncan area for exchange-of-use within the Seven Troughs Allotment. Southern Pacific Grazing Lease SPL-6431 is offered for exchange-of-use. Grazing use will continue each year for the period (11/1 - 6/30).

Benefits: Cattle will be moved out of the allotment after seed dissemination of the majority of the plants. This will allow for trampling and covering of the seed, and also provide fall growth prior to late fall grazing.

TO:

There will be no change in the authorized use for Tim DeLong Family Trust.

The evaluation identified the need to realign the boundary between the Seven Troughs and the Majuba Allotments. My decision is to carry forward with this realignment. The exact location will be determined based on ease of fencing. As soon as the necessary fencing is completed, all of Tim DeLong's privileges and exchange of use will be moved to the Majuba allotment.

Management will continue as presently authorized until the construction of the new allotment boundary fence.

Rationale: This will allow for rest during most of the critical growing period for winter grazing species, improved vigor, production and storage of nutrients, and seed production. This should provide for the best utilization of the perennial vegetation and should improve the overall ecological condition in the allotment.

DUFURRENA SHEEP CO.

There will be no adjustment of livestock numbers or management.

1. Grazing Preference (AUMs)
  - a. Total Preference 746
  - b. Suspended Preference 0
  - c. Active Preference 746
  - d. Exchange of Use 373
2. Season of Use 11/01 - 3/31
3. Number, Class of Livestock 1,125 sheep
4. Percent Federal Range 67%

The sheep operation will be managed as in the past in accordance with the adjudicated area and season-of-use. Sheep grazing will continue during the winter season (11/1-3/31) in the northern portion of the Seven Troughs Allotment occurring in the Kamma Mountains, Seven Troughs, and Antelope Range. Once the Majuba Boundary fence discussed on page 13 is in place, Dufurrena will use his exchange of use in the area east of this fence. During the start of growth of the key species sheep will be trailed out of the allotment.

Rationale: This will allow for rest during the critical growing period for winter grazing species, improved vigor, production and storage of nutrients, and seed production. This should provide for the best utilization of the perennial vegetation and should improve the overall ecological condition in the allotment.

JOHN ESPIL

There will be no adjustment of livestock numbers or management.

1. Grazing Preference (AUMs)
  - a. Total Preference 3,627
  - b. Suspended Preference 0
  - c. Active Preference 3,627
  - d. Exchange of Use 0
2. Season of Use 12/1 - 3/15
3. Number, Class of Livestock 5,255 sheep
4. Percent Federal Range 100%

The grazing management system will not change from past use, continuing as winter season-of-use and an active preference of 3,627 AUMs. The area-of-use shall continue as adjudicated in the south half of the Seven Troughs area. The permittee grazes 2,000 head of sheep. This treatment allows for grazing during the dormancy period when plants are least susceptible to the impacts of grazing; sheep will be removed prior to the critical growth period.

Sheep are trailed from Lovelock in the fall, to the Seven Troughs area, and in the spring are trailed to the CalNeva unit of the Susanville District. Refer to the grazing license for a detailed trailing description.

Rationale: This allows for rest during the critical growth period providing plant growth, improved vigor, production and storage of nutrients, and seed production. This grazing system should provide for the best utilization of the perennial vegetation and should improve the overall ecological condition in the allotment.

WESLEY COOK

There will be no adjustment of livestock numbers or management.

1. Grazing Preference (AUMs)
  - a. Total Preference 2,975
  - b. Suspended Preference 106
  - c. Active Preference 2,869
  - d. Exchange of Use 0
2. Season of Use 12/7 - 3/17
3. Number, Class of Livestock 4,320 sheep
4. Percent Federal Range 100%

The permittee grazes 4,000 head of sheep in the two areas-of-use. This allows for grazing during the dormancy period when plants are least susceptible to the impacts of grazing. During the start of growth of the key species the livestock will be trailed out of the area. This will allow for rest during the critical growing period.

Sheep will be trailed from the Susanville District to the area-of-use during December and trailed from the area-of-use back to the Susanville District during March. Refer to each grazing license for a detailed description of designated trail area.

Rationale: This treatment provides growing season rest for forage plants allowing plant growth, improved vigor, production and storage of carbohydrates for next year's growth, and seed production. This action will also provide the permittee an opportunity to be more flexible in his operation by allowing him to follow the localized snowstorms thus reducing the dependence of hauling water.



### LIVESTOCK DECISION ACTIONS

- 1) Require C-Punch to move cattle between use areas starting approximately two weeks prior to the 11/1 move date and complete the movement of cattle by no later than two weeks after the 11/1 date. (This should allow adequate time to move and redistribute the cattle into a use area, providing a complete growing season of rest from cattle grazing every other year. This system will also allow cattle to move into a use area and utilize the residual forage after a year of rest from livestock grazing. Aerial and ground compliance checks will be conducted to insure cattle are maintained in the appropriate use area.) To be included in Terms and Conditions of C-Punch's Grazing Authorization.
- 2) Do not exceed 30% utilization of current years growth on key riparian species (such as willow, aspen, rushes, sedge and Nevada bluegrass) when the cattle leave the use area. This pertains to all operators.
- 3) Combined wild horse/burro and livestock utilization on upland grass and grass-like species is not to exceed 50% during the growing season and 60% by March 1. This pertains to all operators.  
  
(If monitoring indicates that utilization cannot be kept at the recommended levels additional reductions of livestock and wild horses/burros will be initiated as indicated in the third and sixth year of the schedule).
- 4) New ear tags will be issued by April 1, 1995, for 1,036 cows and shall be replaced no later than June 1, 1995. The old tags shall be delivered to the Winnemucca Office by June 15, 1995. To be included in Terms and Conditions of C-Punch's Grazing Authorization.

### TERMS AND CONDITIONS

The below mentioned terms and conditions will be incorporated into the term permits and the annual authorization via the grazing bills of all the permittees:

Grazing use will be in accordance with the Final Multiple Use 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.

Livestock in the wrong use area may be considered in trespass and actions taken accordingly.

### AUTHORITY

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

- 4100.0-8 Land use plans - The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resources uses (either singly or in combination), related levels of production or use to

be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).

- 4110.3 **Changes in grazing preference status** - The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity.
- 4120.3-1(a) **Conditions for range improvements** - Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.
- 4130.6-1(a) **Mandatory terms and conditions** - The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary.
- 4130.6-2 **Other terms and conditions** - The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands ....
- 4130.6-3 **Modification** - Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the lease or permit if monitoring data show that present grazing use is not meeting the land use plan or management objectives.
- 4160.3(c) **Final decisions** - .... 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.

WILD HORSE/BURRO MANAGEMENT DECISION

Based on the evaluation of the monitoring data for the Blue Wing/Seven Troughs Allotments, consultations with the permittees, and affected interests my decision for wild horses and burros is:

WILD HORSE/BURRO APPROPRIATE MANAGEMENT LEVELS

The following is the Wild Horse/Burro reduction implementation schedule that will establish the AMLs. The initial reduction will be to approximately the Herd Management Area Plan (HMAP) level of 12,240 AUMs with the balance to be taken in the third and sixth years. These reduction are scheduled to coincide with proportional reductions of livestock.

<u>YEAR</u>	<u>NUMBERS WH&amp;B</u>	<u>AUMS</u>
1995	764	9,168
1997	643*	7,716
2000	521	6,252

\* This number (643) is the halfway between 764 and 521.

The following wild horse and burro AMLs are based on monitoring and should result in a thriving natural ecological balance for the Herd Management Areas (HMAs):

<u>HERD MANAGEMENT AREAS</u>	<u>WILD HORSES/BURROS</u>	<u>AUMs</u>
Lava Beds	119/13	1428/156
Seven Troughs	124/37	1488/444
Kamma Mountains*	64/ 0	768/ 0
Shawave-Nightingale	112/ 0	1344/ 0
Blue Wing	29/23	348/276
<b>TOTALS</b>	<b>448/73</b>	<b>5376/876</b>

\* I decided that AMLs should be established for all of the HMAs in this decision. Based on analysis of ecological site inventory data, the majority of the HMA is in high mid-seral to late seral condition, which I consider to be satisfactory ecological condition. 64 horses were counted during the latest HMA census, which approximate the numbers of horses during the re-evaluation period. I felt the HMA could support this number of horses and maintain the existing ecological conditions. In addition, based of field observations, it was felt the HMA could not support any more horses because of the activities associated with the Rosebud and Hycroft mining operations which is starting to limit the habitat wild horses can use.

Once AML is reached the wild horse and burro populations 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 change.



**WILD HORSE/BURRO NUMBERS**

<u>HERD MANAGEMENT AREAS</u>	<u>75% OF AML TO AML</u>	<u>AUMS</u>
Lava Beds		
Wild Horses	89 to 119	1071 to 1428
Burros	10 to 13	119 to 156
Seven Troughs		
Wild Horses	93 to 124	1120 to 1488
Burros	28 to 37	335 to 444
Kamma Mountains		
Wild Horses	48 to 64	576 to 768
Shawave-Nightingale		
Wild Horses	84 to 112	1008 to 1344
Burros	0	0
Blue Wing		
Wild Horses	22 to 29	264 to 348
Burros	<u>17 to 23</u>	<u>204 to 276</u>
<b>Totals</b>		
Wild Horses	<b>336 to 448</b>	<b>4032 to 5376</b>
Burros	<b>55 to 73</b>	<b>660 to 876</b>

Wild horses and burros will not be managed in the Selenite Mountain Range. Any animals found in this range will be removed when other HMAs are being captured.

We realize that it is possible the allotment objectives could be obtained prior to reaching 6,252 AUMs for wild horses and burros identified in the Carrying Capacity Calculations. Monitoring will be conducted to determine the AMLs that will achieve the allotment objectives and then no further reductions are required.

**WILD HORSE AND BURRO OBJECTIVES**

Re-evaluation Objective

1. Maintain and improve the free-roaming behavior of wild horses by:
  - (a) protecting their home range
  - (b) assuring free access to water

HMAP Objectives Brought Forward

1. Maintain or improve the rangeland ecological status within the HA utilizing the criteria and time frames established in the Blue Wing-Seven Troughs Monitoring Plan, 1985. - Change to DPC Objective
2. Maintain a healthy herd of animals within the established AML.



3. Establish forage use levels for the wild horse/burro population (i.e. refine the AML) through monitoring of habitat in the Kamma Mountains.
4. Preserve and perpetuate the unique spotted and pinto burro population.
5. Acquire data on the demographic characteristics of the wild horse/burro populations to include information on sex ratio, age structure, young/adult ratio, and actual use. These parameters will be analyzed to determine natality, mortality, and rate of increase.
6. Determine the dietary preferences of wild horses/burros within the HMAs.

#### WILD HORSE DECISION ACTIONS

- 1) The utilization level on upland vegetation key species by wild horses and burros, once AML is reached, is limited to 20% by July 15 on cattle rest years. If utilization levels are not being met, then the AML may be adjusted or other management actions implemented.
- 2) Maintain the wild horse and burro population within the recommended range to prevent numbers from exceeding AML. This should keep utilization levels on key species at acceptable levels, thereby, achieve a Thriving Natural Ecological Balance and provide for a healthy and thriving wild horse/burro population.

Rationale: During the evaluation period wild horse and burro numbers have exceeded the initial stocking levels. Wild horses and burros have made disproportionate use of the forage resource during the evaluation period as identified in the monitoring data and have adversely impacted the riparian areas such as springs and dry meadows by overgrazing and trampling the vegetation.

#### AUTHORITY

The authority for this decision is contained in Sec. 3(a), 3(b)(1), and 3(b)(2) 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:

- 4700.0-6(a) **Policy** - Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.
- 4710.3-1 **Herd Management Areas** - ...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.
- 4710.4 **Constraints on Management** - Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum

level necessary to attain the objectives identified in approved land use plans and herd management areas plans.

- 4720.1      **Removal of Excess Animals from Public Lands** - Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...

#### WILDLIFE MANAGEMENT

Based on the interpretation and analysis of the monitoring data, consultation with affected interests, and staff technical recommendations, no adjustment in wildlife use or numbers is necessary. Wildlife habitat will be managed as outlined in the Land Use Plan.

#### FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Sonoma-Gerlach Resource Area will continue to monitor the Blue Wing/Seven Troughs Allotment. This data will provide the necessary information to determine if the allotment specific objectives are being met after implementing the new grazing management strategy and establishing the AML. Subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

### LIVESTOCK DECISION STATEMENT

This Final Full Force and Effect Decision shall take effect December 6, 1994 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)"

The rationale to implement the decision Full Force and Effect are:

Livestock carrying capacity is less than 25% of active preference and less than 50% of average actual use. Existing combined livestock and wild horse and burros numbers exceed the calculated carrying capacity by almost 30,000 AUMs.

Use of full preference or even a continuation of the average actual use constitutes a serious threat to the wild horse and burro herds should we experience a severe winter.

Heavy use has been occurring on the allotment since 1988. Riparian areas throughout the allotment are receiving heavy use.

### 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 4160.4, 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 East 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 BURRO APPEAL RIGHTS

If you wish to appeal this wild horse and burro management decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR, Part 4. If you appeal, your appeal must be filed with the Bureau of Land Management,

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

within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the wild horse and burro decision during the time that your appeal is being reviewed by the Board, the petition

for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

and to the appropriate Office of the Solicitor:

Office of the Regional Solicitor  
Department of the Interior  
2800 Cottage Way, Room 2753  
Sacramento, CA 95825

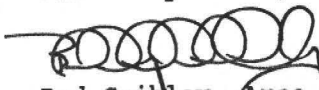
at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the following standards:

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

If you have any questions, please contact Ron Pearson, Tom Seley, or Rich Adams, at (702) 623-1500.

Sincerely Yours,



Bud Cribley, Area Manager  
Sonoma-Gerlach Resource Area

certified cc:

C-Punch Ranch, Inc.	Z773768192
Tim DeLong Family Trust	Z773768193
Dufurrena Sheep Co.	Z773768194
Mr. John Espil	Z773768195
Mr. Wesley Cook	Z773768196
NV Commission for the Preservation of Wild Horses	Z773768197
Wild Horse Organ. Assist.	Z773768198
President, Pershing County Concerned Citizens	Z773768199
Division of Wildlife - Fallon	Z773768200
Sierra Club-Toiyabe Chapter	Z773768201
Natural Resources Defense Council	Z773768202
The Wilderness Society	Z773768203
Humane Society of U.S.	Z773768204



certified cc continued:

International Society for the Protection  
of Mustangs and Burros Z773768205  
Pershing County Sportsmen's Assoc. Z773768206  
Catellus Corp Z773768207  
Myron J. Goldsworthy Z773768208  
NDOW - Lovelock Z773768209  
Mr. Joe Dahl Z773768210  
Mr. Keith Guenther Z773768211  
Federal Land Bank of Sacramento Z773768212  
Lassen Production Credit Association Z773768213  
Bob Irvin Z773768214

cc:

SCS - Winnemucca  
Honorable Harry Reid  
Mayor Hugh Montrose  
Chairman Pershing County Commissioners  
SCS - Lovelock  
NDOW - Reno



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4720.1  
(NV026.81)

DEC 06 1994

Dear Interested Party:

Enclosed is a copy of the final approved Winter 1995 Wild Horse and Burro Removal Plan and Environmental Assessment for the Blue Wing Mountains, Kamma Mountains, Lava Beds, Seven Troughs, and Shawave/Nightingale Mountains Herd Management Areas (HMA's), and the Selenite Range Herd Area (HA), along with the Decision Record/Finding of No Significant Impact for these documents.

This action constitutes my final decision for approval of the proposed action as analyzed in the environmental assessment and to implement the Winter 1995 Wild Horse and Burro Removal Plan. The action is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (P.L. 92-195) section 1 and section 3(b)(1) and (2), as amended, and the Sonoma-Gerlach Land Use Plan dated July 8, 1982.

This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses and burros from the Blue Wing Mountains, Kamma Mountains, Lava Beds, Seven Troughs, Shawave/Nightingale Mountains HMA's, and the Selenite Range HA to reach or approximate the established appropriate management level (AML) in each of these areas. Immediate removal of wild horses and burros in excess of the established AML is necessary to restore the range to a thriving natural ecological balance, to avert further damage to the range and riparian areas within the HMA's due to overpopulation, and to prevent a potentially significant death loss due to winter weather conditions. The full force and effect determination is in accordance with the code of federal regulations 43 CFR 4770.3(c).

The Nevada State Office has approved the removal of horses 9 and under from the Shawave/Nightingale HMA. The rationale for removing horses 9 and under is to prevent potential above average winter death loss before the next removal, to allow for a faster progression toward a thriving natural ecological balance, and to remove horses from checkerboard lands per request of the owners.

Within 30 days from receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, in accordance with code of federal regulations 43 CFR, part 4, subpart E. You are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890. Please provide this office with a copy of your appeal and Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

If you have any questions concerning this final decision, please contact Nadine Jackson or Tom Seley at (702) 623-1500, or write to the address listed above.

Sincerely yours,

*Robert J. Neary*  
Acting District Manager

Enclosure

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

Winnemucca District Office

Sonoma-Gerlach Resource Area

Winter 1995

Blue Wing/Seven Troughs

Wild Horse and Burro Removal Plan

## I. INTRODUCTION

The intent of this removal plan is to outline the methods and procedures to be used in the capture of approximately 2,693 wild horses and burros, including removal of approximately 1473 wild horses and 238 burros from the Blue Wing Mountains, Kamma Mountains, Lava Beds, Shawave/Nightingale Mountains, and Seven Troughs Herd Management Areas (HMA's) and approximately 183 wild horses and 59 burros from the Selenite Range Herd Area (HA). The removal will reduce the wild horse populations in Blue Wing Mountains, Kamma Mountains, Seven Troughs HMA's and Selenite Range HA to near the Appropriate Management Level (AML), while the Lava Beds and the Shawave/Nightingale Mountains HMA's will remain substantially above AML. The removal is proposed to begin on January 9, 1995 and to be completed by February 28, 1995.

## II. GENERAL AREA DESCRIPTION - BACKGROUND DATA

### A. Location

The capture areas are located in western Pershing County, southern Humboldt County, southeastern Washoe County, and northwestern Churchill County. Refer to the attached maps for the specific locations.

#### 1. Blue Wing Mountains (NV-217) HMA

The Blue Wing Mountains HMA is located in the west-central portion of the Sonoma-Gerlach Resource Area. It is located in the Blue Wing Allotment, bordered on the west by a large dry lake, on the north by the Lava Beds HMA, on the east by the Seven Troughs HMA, and on the south by the Shawave Mountains HMA. The elevation ranges from 4,000 feet at the valley floor to 6592 feet.

The HMA is relatively small, comprised of approximately 17,713 acres, one hundred percent of which is public land.

Vegetative types range from juniper-sage types in the higher elevation, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

#### 2. Kamma Mountains HMA (NV-214)

The Kamma Mountains HMA is located in the northern end of the Seven Troughs Allotment, bordered on the west and south by Rabbithole Creek, on the north by Highway 49, and on the east by the Antelope Range HA. The elevation ranges from 4300 feet at Rosebud Peak to 6514 feet.

The area is comprised of approximately 57,445 acres; 54,803 acres (95%) public lands and 2,642 acres (5%) private lands.

The vegetation in the HMA is characterized by big sagebrush, saltbrush, bud sage, low sage, Utah juniper, rabbitbrush, horsebrush, Sandberg Bluegrass, cheatgrass, squirreltail, needlegrass, buchwheat, filaree, halogeton, Russian thistle, tumbledustard and tansymustard.

#### 3. Lava Beds HMA (NV-215)

The Lava Beds HMA is located in the west-central portion of the Sonoma-Gerlach Resource Area in both the Blue Wing



Allotment and the Seven Troughs Allotment. The HMA is bordered on the west by the Selenite Range HA, on the north by the Western Pacific railroad tracks, on the east by the Kamma Mountains and Seven Troughs HMA's and on the south by the Blue Wing Mountains HMA. The elevation ranges from 4,500 feet to 6,979 feet.

The area is comprised of approximately 231,744 acres of public land. There are only 5 acres of private land in the Herd Management Area.

The vegetation in the HMA is characterized by big sagebrush, saltbush, bud sage, low sage, greasewood, rabbitbrush, horsebrush, Sandberg bluegrass, cheatgrass, squirreltail, needlegrass, buckwheat, filaree, halogeton, Russian thistle, tumbled mustard, and tansy mustard.

4. Nightingale Mountains HMA (NV-219)

The Nightingale Mountains HMA is located in the southwest portion of the Sonoma-Gerlach Resource Area in the Blue Wing Allotment. It is bordered on the west by Winnemucca Lake, on the north by the Selenite Range HA, shares a border on the east with the Shawave Mountains HMA, and is bordered on the south by the Truckee Range HA. The elevation ranges from 4,800 feet to 6,584 feet.

The area is comprised of approximately 76,019 acres; 3,559 acres (5%) private lands and 72,460 acres (95%) public lands.

Vegetative types range from low and big sage types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

5. Seven Troughs HMA (NV-216)

The Seven Troughs HMA is located in the west-central part of the Sonoma-Gerlach Resource Area. The HMA is located within both the Blue Wing Allotment and the Seven Troughs Allotment. It is bordered on the west and north by the Lava Beds HMA, on the east by the Trinity Range HA, and on the south by Granite Springs Valley. The elevation ranges from 4,100 feet to 7,782 feet.

The area is comprised of approximately 147,910 acres; 17,635 (12%) private lands and 130,275 acres (88%) public lands.

Vegetative types range from juniper-sage type with mountain browse types in the higher elevations, to shadscale-shrub and greasewood (Sarcobatus spp.) types in the valley bottoms.

6. Shawave Mountains HMA (NV-218)

The Shawave Mountains HMA is located in the southwest portion of the Sonoma-Gerlach Resource Area. It is located in the Blue Wing Allotment, shares a border on the west with the Nightingale Mountains HMA, and is bordered on the north by the

Blue Wing Mountains HMA, on the east by Granite Spring Valley, and on the south by the Truckee Range HA. The elevation ranges from 4,000 feet to 7,471 feet.

The area is comprised of approximately 107,141 acres; 18,719 acres (17%) private lands and 88,422 acres (83%) public lands.

Vegetative types range from juniper-sage types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

7. Selenite Range HA (NV-212)

The Selenite Range HA is located in the western portion of the Sonoma-Gerlach Resource Area in the northwestern area of the Blue Wing Allotment. It is bordered on the west by Highway 34, on the north by Highway 48, on the east by the Lava Beds HMA, and on the south by the Nightingale Mountains HMA. Elevations range from 4,000 feet to 8,237 feet at Kumiva Peak.

The area consists of approximately 130,089 acres; 3,563 acres (3%) private lands, and 126,526 acres (97%) public lands.

Vegetation types range from juniper-sage and mountain browse types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

Two Wilderness Study Areas (WSA's) are located in the capture area; the Selenite Mountains WSA, NV-020-200, in the northern portion of the range and Mt. Limbo WSA, NV-020-201, in the southern portion of the range. Refer to the attached maps for the specific location of the WSA's.

The Selenite Range is a herd area and therefore not managed for wild horses or burros.

B. Justification

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 the 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 Blue Wing/Seven Troughs Allotment Re-evaluation and Multiple Use Decision set the AML's to maintain a thriving natural ecological balance for the HMA/HA's as indicated in the table below:

<u>HMA/HA</u>	<u>AML Horses/Burros</u>
Blue Wing Mtns	29/23
Kamma Mtns	64/0
Lava Beds	119/13
Seven Troughs	124/37

Shawave/ Nightingale Mtns	112/0
<u>Selenite Range</u>	<u>0/0</u>
TOTAL	448/73

The removal plan will not be implemented until a Final Multiple Use Decision has been issued and is in effect for the Blue Wing/Seven Troughs Allotments.

C. Reference to Environmental Assessment (EA)

An environmental assessment was prepared analyzing the environmental impacts of adjusting the numbers and age structure of wild horses in the Blue Wing Mountains, Lava Beds, Seven Troughs, and Shawave/Nightingale Mountains HMA's. A Programmatic EA (No. NV-020-7-24) analyzing the environmental consequences and mitigating measures of different gathering methods 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. This document is available for review at the Winnemucca District Office.

D. Population and Removal Data

The following table shows the AML and current population estimates in the HMA's and HA.

The population estimates are the results of a helicopter census conducted in August 1994.

<u>HMA/HA</u>	<u>AML Horses/Burros</u>	<u>Population Estimate Horses/Burros</u>
Blue Wing Mtns	29/23	56/57
Kamma Mtns	64/0	64/0
Lava Beds	119/13	573/36
Seven Troughs	124/37	317/215
Shawave/ Nightingale Mtns	112/0*	1130/3
<u>Selenite Range</u>	<u>0/0</u>	<u>183/59</u>
TOTAL	448/73	2323/370

\* There were no Burros found in the HMAs when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 60% of the horse population is five years of age or younger, and 90% is nine and younger. If the age structure of the current population is similar, approximately 1,620 horses will be removed from the HMA's. Based on current policy, wild horses removed from HMA's cannot exceed five years of age, while horses removed from outside HMA's, private land or emergency gather areas (i.e. drought) cannot exceed nine years of age. However, horses which do not meet these criteria may be removed with the approval of the State Office.

All captured animals, five and younger (9 and younger from the Selenite Range) will be shipped to the Palomino Valley Corrals. Wild Horses that are six years of age or older (10 and older from the Selenites) will be released back into their respective HMA's, or, as with Selenite wild horses, into an HMA at or near AML, if not selected for removal. Mares with foals will be released separately

(i.e. drought) cannot exceed nine years of age. However, horses which do not meet these criteria may be removed with the approval of the State Office.

All captured animals, five and younger (9 and younger from the Selenite Range) will be shipped to the Palomino Valley Corrals. Wild Horses that are six years of age or older (10 and older from the Selenites) will be released back into their respective HMA's, or, as with Selenite wild horses, into an HMA at or near AML, if not selected for removal. Mares with foals will be released separately from the other release animals to ensure that the foals do not become separated from the mare.

Prior to release of older animals, each horse will be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

Because there is no age criteria to be met in removing burros, 297 burros will be removed, and AML for burros will be met.

### 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 in accordance with the provisions of 43 CFR Part 4700.

#### 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.

The terrain in the removal areas varies from flat valley



bottoms to mountainous, and the animals may be located at all elevations (ranging from 4,000 feet to 8,237 feet) depending upon weather conditions and precipitation.

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 their welfare 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. 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 two trap sites 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.). Trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way.

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, or like material, without holes or separation of plies. 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, or like material, without holes or separation of plies a minimum of 1 foot to 5 feet above ground for burros and 1 foot to 6 feet for horses. The location of a government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with a BLM employee.
  - d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by a BLM employee. Wings may be constructed along existing fence lines, at the discretion of a BLM employee, only if the barbed wire or other wire fencing material is removed from the fence posts and laid on the ground for the length of the wing, or if portable panels are placed along the inside of the fence to protect the animals from injury from fence wire.
  - 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 animals 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 stray 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 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays unless prior approval has been obtained by the BLM. 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 method available. A veterinarian can be called, if necessary, to care for any injured animal.

The carcasses of the animals that 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 that 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. Special Handling of Animals

The Contractor will be required to assist in the special handling of some animals before their release or transport. Such special handling includes, but is not limited to, inoculations, sterilization, freeze branding.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to 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 will 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 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. Loading and transport of animals 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 animals to be transported from the trap site to the temporary holding corral will require separation of small foals and/or weak animals from the rest should it appear that the animals may be injured during the trip. The distance and condition of the road will be considered 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 it.

The BLM employee supervising the loading may require the contractor to off load horses should it appear that 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 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 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 80 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.
5. The contractor shall provide the COR/PI with the total flight hours flown at the completion of the delivery order. The COR must submit a completed SERVICE CONTRACT FLIGHT HOURS REPORT to the local aviation manager and to the Contracting Officer.

#### IV. RESPONSIBILITY AND LINES OF COMMUNICATION

The Contracting Officers Representative, Tom Seley, and Project Inspectors (Ron Hall and Nadine Jackson) 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 Valley Corral 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/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

V. Signatures:

Prepared by: *Nadine Jackson* Date 11-29-94  
Wild Horse and Burro Specialist  
Sonoma-Gerlach Resource Area

Reviewed by: *T. Selby* Date 11-29-94  
Wild Horse and Burro Program Leader

Recommended by: *[Signature]* Date 12-6-94  
Area Manager  
Sonoma-Gerlach Resource Area

Approved by: *Robert J. Neary* Date 12-6-94  
District Manager  
*Acting*



Environmental Assessment  
Winter 1995  
Wild Horse & Burro Removal

I. Description of Alternatives

A. Background Information

This document has been prepared to assess the environmental impacts of adjusting the numbers and age structure of wild horses and burros in the Blue Wing Mountain, Kamma Mountains, Lava Beds, Seven Troughs, and Shawave/Nightingale Mountains Herd Management Areas (HMA's). This EA does not assess the impacts of different methods of gathering horses. These impacts were analyzed and mitigating measures stipulated in a programmatic EA (No. NV-020-7-24) prepared 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 and the assessment remains valid today. That EA is on file and available for review in the Winnemucca District Office.

B. Purpose and Need

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) Section 3(b)(1), as amended, states, "the Secretaries of Interior and Agriculture shall determine appropriate management levels (AML) 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) as amended 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 from the range so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with over population."

The purpose of the proposed action is to remove all wild horses 5 years and younger from the Blue Wing Mountain, Kamma Mountains, Lava Beds, Seven Troughs, Shawave/Nightingale Mountains HMA's, to remove all wild horses, exclusive of age, from the Selenite Range Herd Area (the Coordinated Resource Management Plan agreement of July 24, 1984, established the Selenite Range as a Herd Area (HA) with an AML of 0), and to remove all burros, exclusive of age down to appropriate management levels (AML's) in all capture areas in conformance with the Strategic Plan For Management Of Wild Horses And Burros On Public Lands (June 1992). The Strategic Plan and Washington Office Instruction Memorandum 93-30, dated October 23, 1992, state only horses 5 years of age and younger would be removed from Herd Management Areas. All horses would be removed from public lands outside the HMA's (this includes HA's), but only horses 9 years of age and younger would be shipped for adoption. Older horses from these areas must be returned to an HMA. Horses which do not meet the above criteria may be removed with approval of the State Office. The Blue Wing/Seven Troughs Allotment re-evaluation and multiple use decision established the AML's for the proposed capture areas.

C. Proposed Action

The proposed action is to remove all animals (5 years and younger) in excess of AML from the Blue Wing Mountain, Kamma Mountains, and Seven Troughs HMA's. Due to the Bureau's selective removal policy, all animals 5 years of age and younger would be removed from the Lava Beds and Shawave/Nightingale Mountains HMA's, however the areas would remain above AML. Horses 5 years of age and under along with burros removed from the capture areas would be shipped for adoption to the National Wild Horse and Burro Center at Palomino Valley, Nevada, the Litchfield Wild Horse and Burro Processing Center in California, and the Burns District Wild Horse and Burro Corrals in Hines, Oregon. All animals would be removed from the Selenite Range HA; horses 10 and over would be released into HMA's with populations near AML. There is no Bureau selective removal policy for burros; they would be removed down to established AML's in all HMA's where they occurred on December 15, 1971.

The Blue Wing/Seven Troughs Allotment Re-evaluation and Final Full Force and Effect Multiple Use Decision established the appropriate management levels for the HMA's as noted below in order to maintain a thriving natural ecological balance.

The following table shows the AML's and current population estimates of wild horses and burros in the capture areas. The population estimates are the results of a helicopter census conducted in August 1994.

<u>HMA/HA</u>	AML	Population
	<u>Horses/Burros</u>	<u>Horses/Burros</u>
Blue Wing Mtns	29/23	56/57
Kamma Mtns	64/0	64/0
Lava Beds	119/13	573/36
Seven Troughs	124/37	317/215
Shawave-		
Nightingales Mtns	112/0*	1130/3
<u>Selenite Range</u>	<u>0/0</u>	<u>183/59</u>
TOTAL	448/73	2323/370

\* There were no burros found in the HMA when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 60% of the population is 5 years of age or younger and approximately 90% is 9 years of age or younger. If the age structure of the current population is similar, approximately 1,620 horses would be removed from the HMA's. There is no Bureau selective removal policy for burros. Two-hundred-ninety-seven burros would be removed, bringing the HMA's to AML for burros.

Prior to release of older animals, each horse would be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

The proposed removal operation is projected to begin January 3, 1995, and to be completed by February 28, 1995.

D. Alternatives to the Proposed Action

NO ACTION - Excess wild horses and burros would not be gathered from

the Blue Wing Mountains, Kamma Mountains, Lava Beds, Seven Troughs, Shawave/Nightingale Mountains HMA's and the Selenite Range HA which would result in continued degradation of the upland and riparian habitat. The overall health and condition of the herds could be adversely affected by a continued overpopulation of wild horses and burros within these HMA's.

## II. Affected Environment

### A. Blue Wing Mountains (NV-217) HMA

The Blue Wing Mountains HMA is located in the west-central portion of the Sonoma-Gerlach Resource Area. It is located in the Blue Wing Allotment, bordered on the west by a large dry lake, on the north by the Lava Beds HMA, on the east by the Seven Troughs HMA, and on the south by the Shawave Mountains HMA. The elevation ranges from 4,000 feet at the valley floor to 6592 feet.

The HMA is relatively small, comprised of approximately 17,713 acres, one hundred percent of which is public land.

Vegetative types range from juniper-sage types in the higher elevation, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

### B. Kamma Mountains HMA (NV-214)

The Kamma Mountains HMA is located in the northern end of the Seven Troughs Allotment, bordered on the west and south by Rabbithole Creek, on the north by Highway 49, and on the east by the Antelope Range HA. The elevation ranges from 6514 feet at Rosebud Peak to 4300 feet.

The area is comprised of approximately 57,445 acres; 54,803 acres (95%) public lands and 2,642 acres (5%) private lands.

The vegetation in the HMA is characterized by big sagebrush, saltbrush, bud sage, low sage, Utah juniper, rabbitbrush, horsebrush, Sandberg Bluegrass, cheatgrass, squirreltail, needlegrass, buckwheat, filaree, halogeton, Russian thistle, tumbledustard and tansymustard.

### C. Lava Beds HMA (NV-215)

The Lava Beds HMA is located in the west-central portion of the Sonoma-Gerlach Resource Area in both the Blue Wing Allotment and the Seven Troughs Allotment. The HMA is bordered on the west by the Selenite Range HA, on the north by the Western Pacific railroad tracks, on the east by the Kamma Mountains and Seven Troughs HMA's and on the south by the Blue Wing Mountains HMA. The elevation ranges from 4,500 feet to 6,979 feet.

The area is comprised of approximately 231,744 acres of public land. There are only 5 acres of private land in the Herd Management Area.

The vegetation in the HMA is characterized by big sagebrush, saltbush, bud sage, low sage, greasewood, rabbitbrush, horsebrush, Sandberg bluegrass, cheatgrass, squirreltail, needlegrass, buckwheat, filaree, halogeton, Russian thistle, tumbledustard, and tansy mustard.

### D. Nightingale Mountains HMA (NV-219)

The Nightingale Mountains HMA is located in the southwest portion of the Sonoma-Gerlach Resource Area in the Blue Wing Allotment. It is bordered on the west by Winnemucca Lake, on the north by the Selenite Range HA, on the east by the Shawave Mountains HMA, and on the south by the Truckee Range HA. The elevation ranges from 4,800 feet to 6,584 feet.

The area is comprised of approximately 76,019 acres; 3,559 acres (5%) private lands and 72,460 acres (95%) public lands.

Vegetative types range from low and big sage types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

E. Seven Troughs HMA (NV-216)

The Seven Troughs HMA is located in the west-central part of the Sonoma-Gerlach Resource Area. The HMA is located within both the Blue Wing Allotment and the Seven Troughs Allotment. It is bordered on the west and north by the Lava Beds HMA, on the east by the Antelope and Trinity Range HA's, and on the south by Granite Springs Valley. The elevation ranges from 4,100 feet to 7,782 feet.

The area is comprised of approximately 147,910 acres; 17,635 (12%) private lands and 130,275 acres (88%) public lands.

Vegetative types range from juniper-sage type with mountain browse types in the higher elevations, to shadscale-shrub and greasewood (Sarcobatus spp.) types in the valley bottoms.

F. Shawave Mountains HMA (NV-218)

The Shawave Mountains HMA is located in the southwest portion of the Sonoma-Gerlach Resource Area. It is located in the Blue Wing Allotment, bordered on the west by the Nightingale Mountains HMA, on the north by the Blue Wing Mountains HMA, on the east by Granite Spring Valley, and on the south by the Truckee Range HA. The elevation ranges from 4,000 feet to 7,471 feet.

The area is comprised of approximately 107,141 acres; 18,719 acres (17%) private lands and 88,422 acres (83%) public lands.

Vegetative types range from juniper-sage types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

G. Selenite Range HA (NV-212)

The Selenite Range HA is located in the western portion of the Sonoma-Gerlach Resource Area in the northwestern area of the Blue Wing Allotment. It is bordered on the west by Highway 34, on the north by Highway 48, on the east by the Lava Beds HMA, and on the south by the Nightingale Mountains HMA. Elevations range from 4,000 feet to 8,237 feet at Kumiva Peak.

The area consists of approximately 130,089 acres; 3,563 acres (3%) private lands, and 126,526 acres (97%) public lands.

Vegetation types range from juniper-sage and mountain browse types in the higher elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.



There are two Wilderness Study Areas (WSA's) within the Selenite Range HA capture area; Selenite Mountains WSA, NV-020-200 in the northern portion of the range and Mt. Limbo WSA, NV-020-201 in the southern portion (see the attached maps).

H. Critical Elements

The following critical elements are not affected: Air Quality, ACEC, Farmlands, Floodplains, Native American Religious Concerns, Solid or Hazardous Wastes, Wild and Scenic Rivers, and Paleontological Resources. A check of the Nevada Threatened and Endangered Plant Map Book (Nevada State Museum, 1988) located in the Winnemucca District Office, shows that no sensitive plants are known to occur in the immediate vicinity of the proposed actions. No threatened or endangered wildlife species would be impacted either.

III. Environmental Consequences

A. Impacts of Proposed Action

1. Vegetation, soil, and water

Implementation of the proposed action would reduce the wild horse and burro populations to near AML in the Blue Wing Mountains, Kamma Mountains, and Seven Troughs HMA's, and the Selenite Range HA, thereby helping to promote a thriving natural ecological balance. Reduction to AML and implementation of livestock management numbers and actions identified in the final multiple use decision would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability due to reduced competition.

The Lava Beds and Shawave/Nightingale Mountains HMA's would remain substantially above AML. Though there would be an increase in vegetation density, vigor, reproduction, productivity, and forage availability, it would be less than would occur in the other HMA's and HA.

The proposed action would lessen the impact of hoof action on the soil around unimproved springs and stream bank riparian areas which should lead to an improvement in stream bank stability, reduced sedimentation, and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitat area and reduced competition for available water sources.

2. Wildlife and Livestock

The proposed action would result in reduced competition which would increase the quantity and quality of forage available to livestock and wildlife. There would be less disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat.

3. Wild Horses

Social structure may be affected since the selective removal process would result in turning back more studs than mares, increasing the number of bachelor bands within the HMA's and/or decreasing the average band size. Increasing the number of studs could result in increased injuries to horses

as studs compete for breeding partners. Data collected within the proposed capture areas from "gate cut" gathers (where all captured animals are removed from the range) from 1981 through 1987 show whole populations were made up of 46% studs and 54% mares, while the percentages for horse populations age 6 and over were 47% studs and 53% mares (Appendix A). However, this data was collected from "gate cut" gathers, where only the first horses into the trap are taken and does not provide an accurate overall sex ratio. Data collected from "total" gathers followed by selective removal, where all horses are gathered off the range before releasing over-age horses back onto the range, indicate the sex ratio of animals 6 and over ranges from 52% males and 48% females to 62% males and 38% females. The sex ratio of older horses seems to become more closely aligned, 52% studs to 48% mares, after the second "total" selective removal gather (Appendix B).

Selective removal may lead to a large decrease in foaling and recruitment rate the first year following removal as bands reorganize, especially if the winter is severe, or it may lead to an immediate increase. Prior to the winter 1993 selective removal, the reproductive rate in the Buffalo Hills, the Granite Range and the Fox and Lake HMA's averaged 23% according to an October 1992 census. Following the winter 1993 removal, a July 1993 census showed a decreased reproductive rate: Granite Range, 13.4%; Buffalo Hills, 4.3%; Fox and Lake Range, 4.2% (Spring rate). Due to the severity of the 1993 winter, mares probably sloughed foals or reabsorbed fetuses, contributing to the low reproductive rate of the following foaling season. The following year's (1994) summer distribution flight indicates the reproductive rate in the same HMA's increased to an average of 16.1%. The Black Rock Range East and West, Calico Range and Warm Springs Canyon HMA's however, showed a dramatic increase in reproduction immediately following the selective removal of winter 1994. A summer 1994 census showed the Black Rock Range East and West, previously averaging a 20.1% reproductive rate, rose to a 26.6% rate; The Calico Range averaged 21.1% prior to the gather, but showed a 31.3% reproductive rate in 1994; Warm Springs Canyon rose from a 22.8% average rate to a 31.1% rate (Appendix C).

The average reproductive rate between fall 1974 and summer 1992 in the Blue Wing/Seven Troughs HMA's proposed for gather in January, as collected from both summer and fall census data, was 23.2% (Appendix D). This year's average reproductive rate was ascertained as 22.9%. Considering the severity of this year's continuing drought and the effect it may have had on the health of pregnant mares, along with the stress of the proposed gather and the reorganization of bands after the gather, next year's reproductive rate could be expected to decrease. The second year following removal may find the reproductive and recruitment rates recovering due to improved body condition of pregnant and lactating mares and increased foal survival as a result of reduced competition for forage and water, stabilization of herd social structures, and the removal of younger, less productive mares from the range. Peak foaling years are ages 6 through 8 (Ann T. Bowling, Wild Horse Parentage And Population Genetics, 1988, p.24). Older mares, due to improved nutrition, may cycle and produce foals. However, as mares age past their peak foaling years, the reproductive rate may decrease.

Implementation of the proposed action would shift the age structure within the HMA's from a normal age distribution to a population comprised primarily of horses 6 and older. The number of wild horses in each HMA may stabilize as older age animals are lost from the population due to general effects of the aging process. Data from past gathers indicate approximately 40% of the total population is 6 and over with about 11% age 9 and over. Data from the 1987 removal indicated that 2.8% of that year's total population was 20 years of age or more. By releasing horses 6 and older, the base line genetic makeup of the herds should remain intact and older horses may experience somewhat greater longevity due to decreased competition for forage and water within the HMA's. Data listed in Appendices C and D indicate that herd viability should remain intact or perhaps increase. When the population model, currently under development, becomes available, longevity and herd viability should be predictable. The outcome of this action is not fully known. As with other selective gathers, the populations would be monitored through data collected from subsequent gathers to determine the outcome of selective removal in these areas.

4. Wild Burros

Removal of burros down to AML may affect the percentage of the spotted and pinto burro populations in the 3 HMA's where they occur. Data from past gathers in the proposed capture areas, indicate 12.2% of the burro population were spotted and pinto burros. In order to "preserve and perpetuate the unique spotted and pinto burro population", as outlined in the Blue Wing/Seven Troughs Herd Management Area Plan (HMAP) objectives, HMAP management methods for removal will be followed. However, to turn back all marked burros might result in a disproportionate number of spotted and pinto burros, whereas a "controlled selection during gathering should insure a substantial representation of the marked animals" in the HMA's.

5. Wilderness

Wilderness values would be positively affected by implementation of the proposed action. It would result in an improved ecological condition, with associated watersheds, soil and plant communities benefitting. The result would be a more aesthetically appealing element for the public to enjoy than is the existing situation.

6. Cultural

To prevent impact to cultural resources, each capture site would receive cultural clearance prior to trap construction.

B. Alternative-No Action

Wild horse and burro populations would continue to increase, and the forage resource would continue to be degraded. Preferred forage species would continue to be over utilized resulting in decreases in vegetation densities, vigor, reproduction, productivity, and forage availability. If normal to above normal winter precipitation is received, there is a strong potential for a significant loss of wild horses from these areas. Below normal precipitation may result in

decreased forage production which could lead to decreased body conditions (from good to fair to poor) of horses within the HMA's. Pregnant mares and mares with foals would be affected more than studs or mares without foals.

Under the no action alternative it may be necessary to suspend part or all livestock use to protect the habitat from undue degradation. If monitoring data indicates a reduction is necessary a grazing decision may be issued to all operators (CFR 4110.3-3(c) & 4710.5(a)(c)).

C. Mitigating Measures

All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.

Mares with foals would be released separately from other release animals to ensure that foals do not become separated from the mares.

To the extent possible, concentrations of antelope and mule deer that are 50 head or larger would be avoided while herding horses from the range to the capture site.

As identified in programmatic EA NV-020-7-24, trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way. Vehicular cross country travel would not be allowed in the WSA's.

As identified in programmatic EA NV-020-7-24, a cultural resources inventory would be conducted prior to construction of trap sites. If a cultural site is located, there would be no work conducted at that site unless, the site has been determined to be non-diagnostic or, if a no effect/no adverse effect determination has been made in consultation with the Nevada State Historic Preservation Office.

IV. Consultation

The following individuals were contacted during the preparation of this document.

Dawn Lappin	Wild Horse Organized Assistance
Cathy Barcomb	Commission for the Preservation of Wild Horses
Roy Leach	Nevada Division of Wildlife
Vern Schultz	Bureau of Land Management, NSO



## Decision Record/Finding of No Significant Impacts (FONSI)

### Decision Record

Based on the Environmental Assessment (EA), the proposed action to adjust the numbers of wild horses and burros on the Blue Wing Mountain, Kamma Mountains, Lava Beds, Seven Troughs, Shawave/Nightingale Mountains HMA's and the Selenite Range HA is adopted in its entirety.

### Stipulations

This decision is contingent on the following stipulations:

All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.

To the extent possible, avoid concentrations of antelope and mule deer that are 50 head or larger while herding horses from the range to the capture site.

As identified in programmatic EA NV-020-7-24, trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way.

As identified in programmatic EA NV-020-7-24, a cultural resources inventory would be conducted prior to construction of trap sites. If a cultural site is located, there would be no work conducted at that site unless, the site has been determined to be non-diagnostic or, if a no effect/no adverse effect determination has been made in consultation with the Nevada State Historic Preservation Office.

Mares with foals would be released separately from other release animals to ensure that foals do not become separated from the mare.

### Rationale for Recommendation

Impacts to the environment and natural resources would be minor.

The proposed action would promote the attainment of a thriving natural ecological balance within the HMA's.

The proposal is consistent with land use planning.

FONSI

Based on the analysis in the environmental assessment, the adjustment of wild horse and burro numbers within the Blue Wing Mountains, Kamma Mountains, Lava Beds, Seven Troughs, and Shawave/Nightingale Mountains HMA's, and the Selenite Range HA would have no significant environmental impacts, therefore, an Environmental Impact Statement is not necessary according to section 102(2)(c) of NEPA.

The proposed action is in conformance with the Sonoma-Gerlach MFP. The proposed action would not cause any undue or unnecessary environmental degradation.

  
\_\_\_\_\_  
Bud C. Cribley, Area Manager  
Sonoma-Gerlach Resource Area

12/6/94  
Date

Appendix A  
Blue Wing/Seven Troughs  
Sex Ratios

<u>Whole Herd Ratios</u>				<u>Age 6 and Over Ratios</u>			
<u>Date</u>	<u>Studs:Mares</u>	<u>Ratio</u>	<u>%S:M</u>	<u>Date</u>	<u>Studs:Mares</u>	<u>Ratio</u>	<u>%S:M</u>
1981	470:675	1:1.4	41%:59%	1981	83:207	1:2.5	29%:71%
1985*				1985*			
Winter	1029:1151	1:1.1	47%:53%	Winter	359:344	1:1	51%:49%
Summer	231:239	1:1	49%:51%	Summer	79:61	1.3:1	56%:44%
1987	692:771	1:1.1	47%:53%	1987	221:211	1:1	51%:49%

\* The gather was done in two segments as a consequence of the winter gather going into foaling season

DATA SOURCE: Blue Wing/Seven Troughs gather information from 1981 through 1987

Appendix B  
Six and Over Sex Ratios  
First & Second Selective Removals

<u>HMA</u>	<u>Year</u>	<u>Selective Removal</u>	<u>Ratio of Studs:Mares</u>
Black Rock East	1992	First	1:1
	1994	Second	1.1:1
Little Owyhee	1992	First	1.6:1
	1994	Second	1.1:1

DATA SOURCE: First and second selective removal data from Black Rock East HMA and Little Owyhee HMA following total gathers



Appendix C  
 Reproductive Rates  
 Pre/Post Selective Removal  
 Severe/Mild Winter

SELECTIVE REMOVAL WITH SEVERE WINTER

<u>HMA</u>	<u>Year/Season</u>	<u>Pre/Post Removal</u>	<u>Rate</u>
Buffalo Hills	1992/Fall	Pre-Removal	23.4%
Granite Range	1992/Fall	Pre-Removal	24.7%
Fox & Lake	1992/Fall	Pre-Removal	19.9%
Buffalo Hills	1993/Summer	Post-Removal	4.3%
Granite Range	1993/Summer	Post-Removal	13.4%
Fox & Lake	1993/Spring	Post-Removal	4.2%*
Buffalo Hills	1994/Summer	Post-Removal	14.9%**
Granite Range	1994/Summer	Post-Removal	16.5%**
Fox & Lake	1994/Summer	Post-Removal	16.8%**

SELECTIVE REMOVAL WITH MILD WINTER

<u>HMA</u>	<u>Year/Season</u>	<u>Pre/Post Removal</u>	<u>Rate</u>
Black Rock West	1992/Fall	Pre-Removal	17.6%
Calico's	1992/Fall	Pre-Removal	23.2%
Warm Springs Cyn	1992/Fall	Pre-Removal	22.0%
Black Rock West	1994/Summer	Post-Removal	26.1%
Calico's	1994/Summer	Post-Removal	31.3%
Warm Springs Cyn	1994/Summer	Post-Removal	31.1%

AVERAGE REPRODUCTIVE RATES

<u>HMA</u>	<u>Year</u>	<u>Pre/Post Removal</u>	<u>Rate</u>
Black Rock E & W	1986 to 1992	Pre-Removal	20.1%
Calico's	1983 to 1992	Pre-Removal	21.1%
Warm Springs Cyn	1986 to 1992	Pre-Removal	22.8%
Black Rock E & W	1994/Summer	Post-Removal	26.6%
Calico's	1994/Summer	Post-Removal	31.3%
Warm Springs Cyn	1994/Summer	Post-Removal	31.1%

\* Not an accurate overall reproductive rate: determined on Spring data before capture horses released

\*\* Distribution data

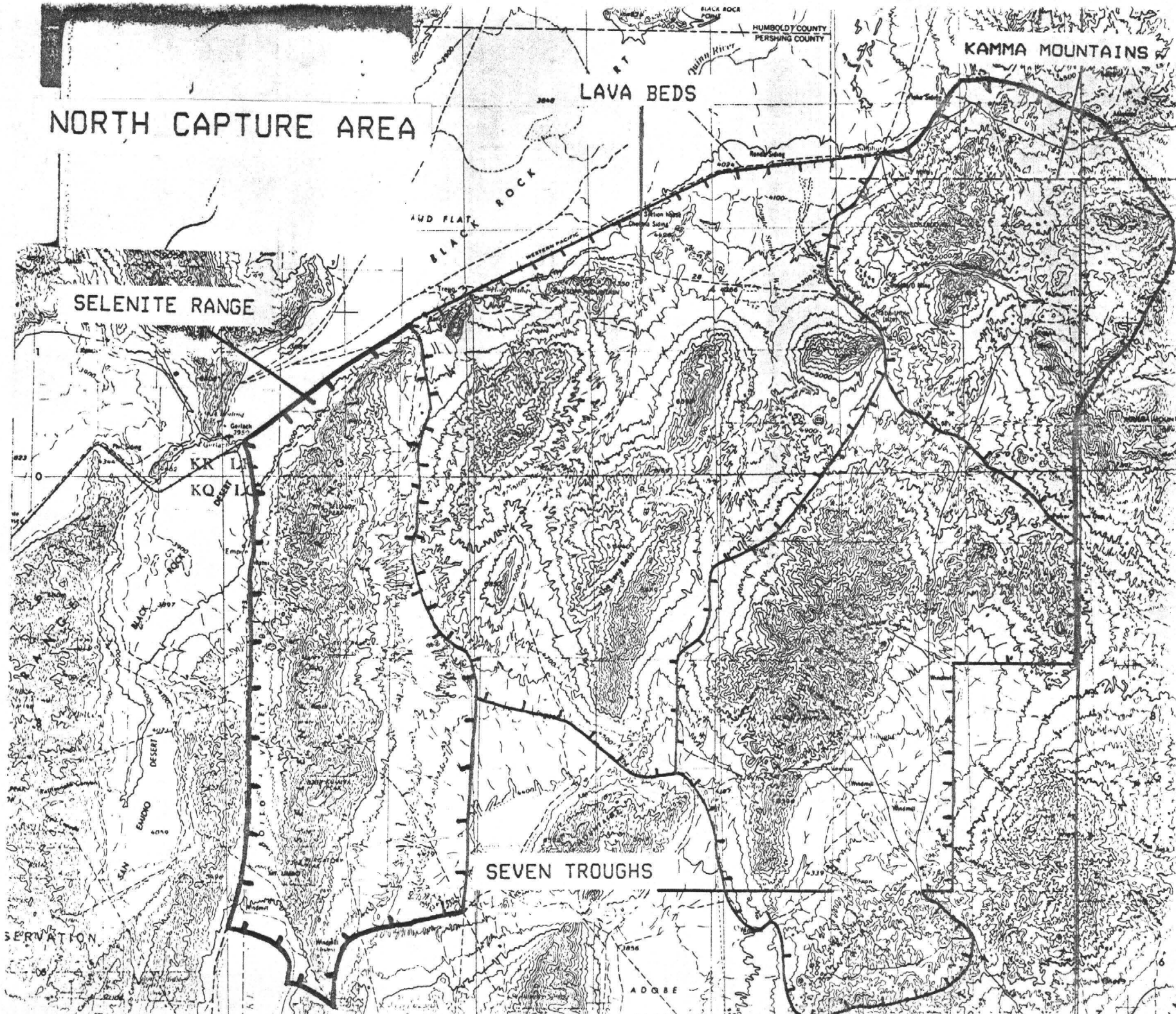
DATA SOURCE: Census and distribution data

Appendix D  
Blue Wing/Seven Troughs  
Reproductive Rates

<u>Year/Season</u>	<u>Reproductive Rate*</u>
1974/Fall	31%
1980/Summer	19%
1982/Summer	14.5%
1984/Fall	30%
1985/Summer	21%
1987/Summer	24%
1992/Summer	22.7%
<u>1994/Summer</u>	<u>23%</u>
Average	23.15%

\* Foals/100 adults

DATA SOURCE: Census data from 1974 through 1994 (Only summer and fall reproductive rates were used - spring rates would not accurately represent the foal crop for the whole year.)



NORTH CAPTURE AREA

LAVA BEDS

KAMMA MOUNTAINS

SELENITE RANGE

BLACK ROCK  
BLACK FLAT

KR L  
KQ IL

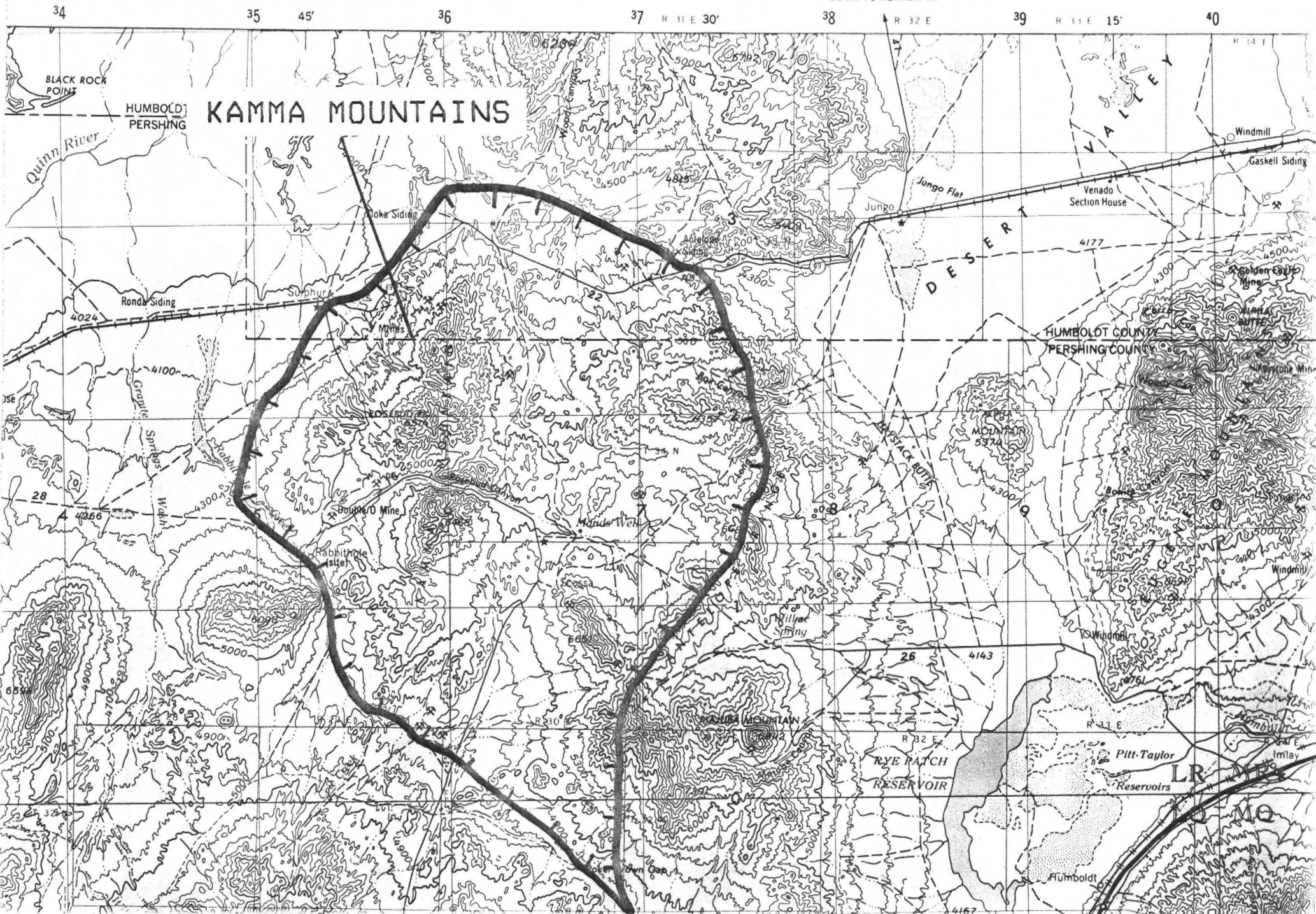
SEVEN TROUGHS

SERVATION

ADGBE



35 MI. TO NEVADA BA



# KAMMA MOUNTAINS

HUMBOLDT  
PERSHING

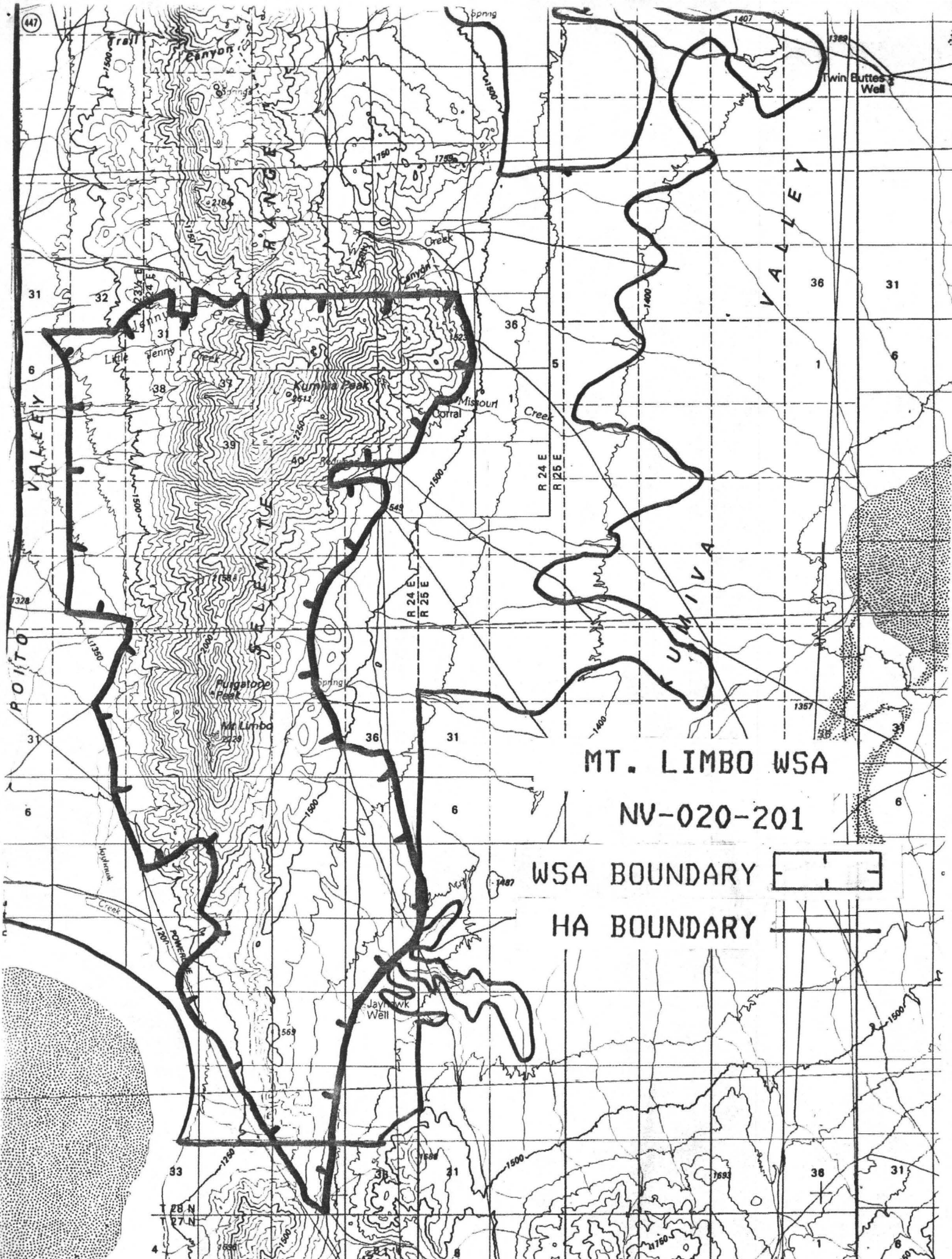
HUMBOLDT COUNTY  
PERSHING COUNTY

RYE PATCH  
RESERVOIR

Pitt-Taylor  
Reservoirs

LR  
MO




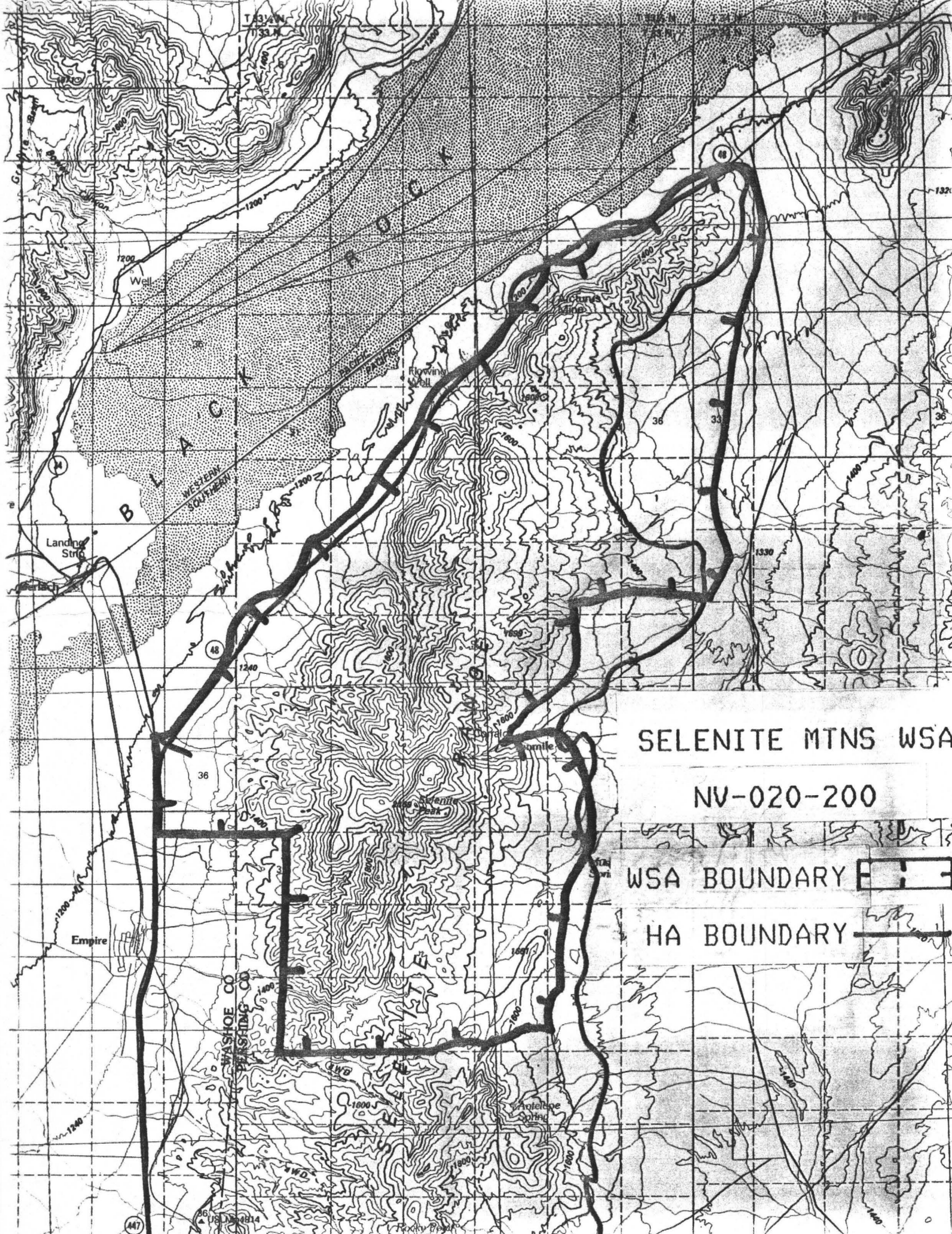


MT. LIMBO WSA

NV-020-201

WSA BOUNDARY 


HA BOUNDARY 



SELENITE MTNS WSA

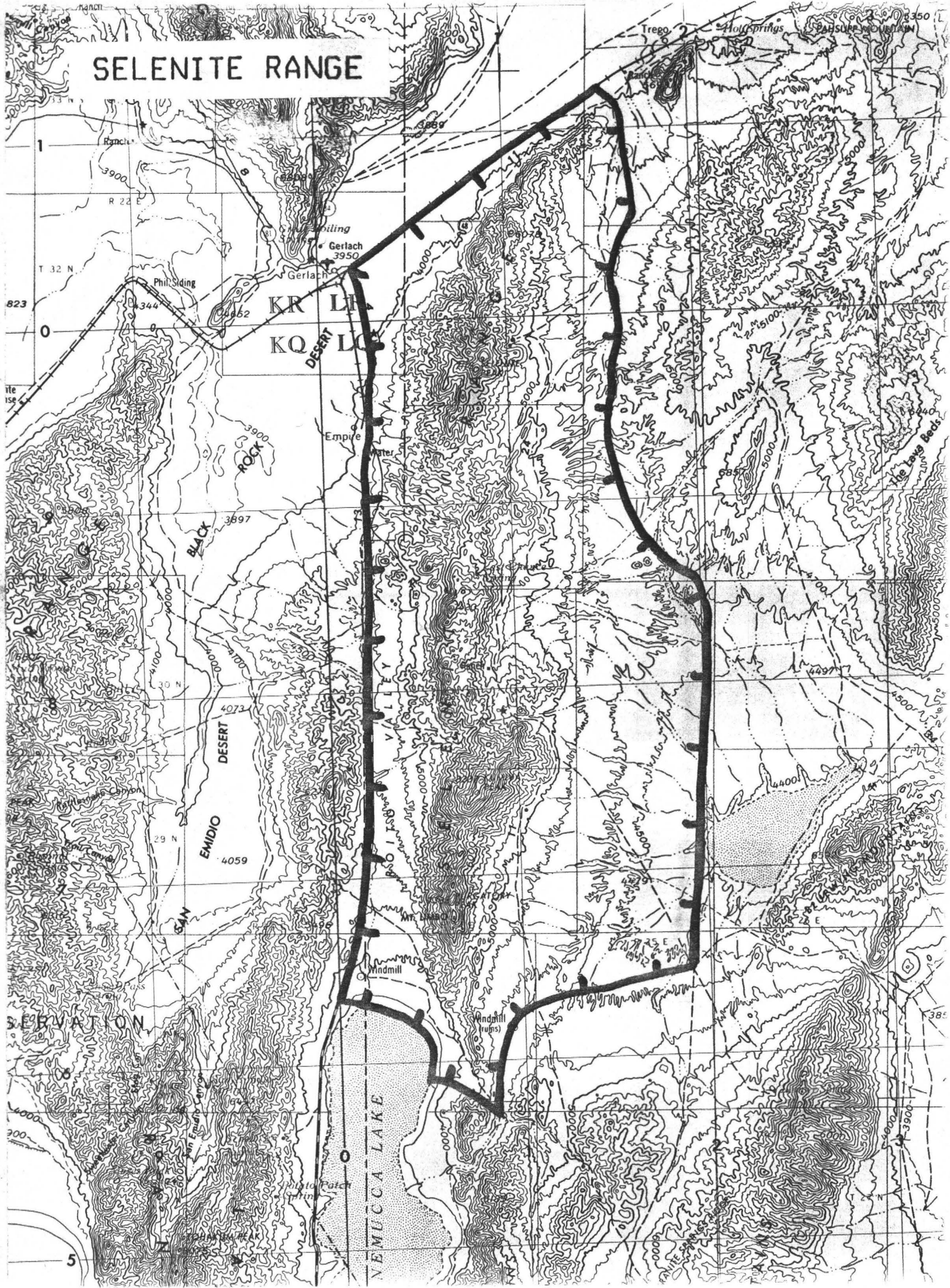
NV-020-200

WSA BOUNDARY 

HA BOUNDARY 



# SELENITE RANGE





T 36 N

BLACK ROCK RANGE  
BLACK ROCK POINT

HUMBOLDT COUNTY  
PERSHING COUNTY

Quinn River

LAVA BEDS

HMA

3848

Floka Siding

Ronda Siding

Sulphur

Station house  
Cherona Siding

4024

4100

BLACK ROCK  
FLAT

WESTERN PACIFIC

PAHSURP MOUNTAIN

28

4266

Double O Mine

Rabbit Hole (site)

Trego

Holly Springs

3350

4900

4700

4900

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SEVEN TROUGHS

ADOBE

FLAT

3856

4339

TRINITY PEAK

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

Windmill

